

**PROCEEDINGS
OF THE
COUNCIL
OF THE
CITY OF ROCHESTER
2019**

ROCHESTER, NEW YORK

OFFICIALS 2019

Lovely A. Warren Mayor

James Smith (1)
Deputy Mayor

Rosiland Brooks-Harris
Director of Finance

Alex R. Yudelson
Chief of Staff

Baye Muhammad (6)
Commissioner of Neighborhood
& Business Dev.

Timothy Weir
Director of Office Public Integrity

Gary Kirkmire (7)
Commissioner of Neighborhood &
Business Dev.

Josanne Reaves
Executive Staff Assistant IV

Norman Jones
Commissioner of Environmental
Services

Tracey Miller
Assistant to the Mayor

Michael Cerretto
Emergency Communication Center
Director

Christopher Wagner
Director of Management & Budget

Mark Simmons (8)
Police Chief

Tassie Demps
Director of Human Resource Management

La'Ron Singletary (9)
Police Chief

Justin Roj (2)
Director of Communications

John Schreiber (10)
Fire Chief

Timothy Curtin
Corporation Counsel

Willie Jackson (11)
Fire Chief

Lisa M. Bobo (3)
Chief Information Officer

Patricia Uttaro
Library Director V

Mark Buckley (4)
Chief Information Officer

Daniele Lyman-Torres
Commissioner of Recreation &
Youth Services

Albert Gauthier (5)
Chief Technology Officer

- (1) Promotion 01/01/2019
- (2) As of 01/01/2019
- (3) Position Ended 02/01/2019
- (4) Promotion 02/04/19 Position Ended 11/29/19
- (5) As of 11/30/2019
- (6) Position Ended 08/04/2019
- (7) Promotion 08/05/2019
- (8) Position Ended 04/16/2019
- (9) Promotion 04/17/2019

- (10) Position Ended 01/04/2019
- (11) Promotion 01/05/2019

**Members of Council
2019**

Members	Residence
Loretta C. Scott	171 Berwick Road, 14609
President, Councilmember-at-Large	
Adam C. McFadden (1).....	351 Inglewood Drive, 14619
Vice President, South District	
Molly Clifford.....	41 Lakeview Park, 14613
Councilmember, Northwest District	
Malik D. Evans	115 Nunda Blvd, 14610
Councilmember-at-Large	
Mitchell D. Gruber.....	951 Park Avenue, 14610
Councilmember-at-Large	
LaShay D. Harris (2).....	323 Aldine Street 14619
Councilmember, South District	
Willie J. Lightfoot (3).....	147 Trafalgar Street, 14619
Councilmember, at-Large	
Jacklyn Ortiz	45 Ontario Street, 14605
Councilmember-at-Large	
Michael A. Patterson.....	1547 North Goodman Street, 14609
Councilmember, Northeast District	
Elaine M. Spaul, Esq.....	42 Westminster Road, 14607
Councilmember, East District	

(1) Resigned 04/01/19
(2) Took office on 04/30/19
(3) Named Vice President of Council 04/02/19

CITY CLERK'S OFFICE
2019

Hazel L. Washington.....City Clerk
Condenessa G. Brown.....Deputy City Clerk
Birth A. Manigault Chief Legislative Assistant
Victoria Best Senior Legislative Assistant
Joe L. Thomas Legislative Assistant
Wendy Velez (1) Receptionist to City Council
Barbara L. Campbell (2) Receptionist to City Council
Lisa M. Alexander..... Senior Legislative Clerk
Curtis Joiner Legislative Clerk
Maria Del Lacagnina..... Legislative Clerk

(1) Position ended 06/28/2019 - Promoted to Secretary to City Council

(2) Promoted 06/29/2019

CITY COUNCIL OFFICE

2019

Andrea M. GuzzettaChief of Staff
Robert J. Scanlon II ⁽¹⁾.....Associate Legislative Analyst
Carmen L. Aponte-Merced ⁽²⁾Secretary to City Council
Wendy Velez ⁽³⁾ Secretary to City Council

- (1) Promotion 07/01/2019
- (2) Retired 06/28/2019
- (3) Promotion 06/29/2019

**Standing Committees
Of the
City Council
2019**

Art and Culture
Spaull, Patterson, Clifford

Finance
McFadden ⁽¹⁾, Evans ⁽²⁾, Clifford, Patterson

Neighborhood and Business Development
Patterson, Lightfoot, Ortiz,

Parks and Public Works
Gruber, Evans, Spaull

Public Safety, Youth and Recreation
Lightfoot, Gruber, Harris ⁽³⁾, Ortiz

The first Councilmember named after
the designation of the Committee is
Chair thereof.

Regular meetings of the Council shall be held at 7:30 p.m. in the Council Chamber, Room 302-A, City Hall.

Special Meetings may be called at any time by the Mayor or President of Council or any three Councilmembers.

- (1) Position ended 4/1/19
- (2) Became Chairperson 4/1/19
- (3) Effective date May 2019

ROCHESTER CITY COUNCIL

REGULAR MEETING

January 15, 2019

Present – President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul – 9.

The Council President requested the Council to rise for a Moment of Silence.

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

Retirement:

DES:

- *Charles A. Crudele
- *Damian J. Vaudo
- *Harold E. Wilson

FIN:

- *Bethzaida Rodriguez-Colon

NBD:

- Armanda Vazquez

RFD:

- *James A. Bauch
- *John P. De Lorenzo
- *John Schreiber

RPD:

- *Sam Genovese
- *Murray Hooper
- *Albert Joseph

RPL:

- *Carolyn T. Block

*Did not attend

APPROVAL OF THE MINUTES

By Councilmember Gruber

RESOLVED, that the minutes of the Regular Meeting of December 18, 2018 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The Mayor submits the following:

- Quarterly Reports – Professional services agreements – December 31, 2018. -4298-19
- Quarterly Reports – Delinquent Receivables – December 31, 2018. -4299-19

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

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

PUBLIC HEARING

Pursuant to law, public hearing was held on January 10, 2019 on the following matter:

Approving geometric changes related to the Atlantic Avenue/Merriman Street Safety Improvements Project Int. No. 10

No Comments

REPORTS OF STANDING COMMITTEES
AND ACTION THEREON

By Vice President McFadden
January 15, 2019

To the Council:

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

- | | |
|------------|--|
| Int. No. 1 | Appropriating Firefighters' Insurance Funds |
| Int. No. 2 | Authorizing an amendatory agreement with Legal Med, LLC for expert witness services for the Law Department |
| Int. No. 3 | Authorizing an agreement with Bruckner, Tillet & Rossi, Inc. for appraisal and real estate services for the Law Department |

Respectfully submitted,
Adam C. McFadden
Molly Clifford
Malik Evans
Michael A. Patterson
Loretta C. Scott
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-1
Firefighters' Insurance Fund

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing expenditures from the Firefighters' Insurance Fund ("Two Percent Fund") as per the Settlement Agreement between the Rochester Firefighters, Inc., Local 1071, IAFF, AFL-CIO and the City of Rochester dated August 7, 2012. The legislation will:

1. Appropriate a total of \$441,675 from the Firefighters Insurance Fund at the request of the Rochester Firefighters Two Percent Committee ("TPC") to benefit City firefighters.
2. Appropriate a total of \$175,406.19 from the Firefighters' Insurance Fund for uses nominated by the City to benefit City firefighters.

The firefighters' Insurance Fund is the City Fund established to collect and distribute monies received from the State pursuant to Sections 9104 and 9105 of the Insurance Law, and is under the custody of the City Treasurer.

Ordinance No. 2012-313 authorized the settlement agreement resulting from litigation brought by Rochester Firefighters Local 1071. These funds must be used in a manner that is consistent with the Court Order and with the provisions of Insurance Law Sections 9104 and 9105. Fund expenditures must be for the benefit of firefighters as provided in statutory law, case law, administrative rules and regulations, and the New York State Comptroller's Opinions.

TUESDAY JANUARY 15, 2019

In accordance with the Settlement Agreement the firefighters have formed a not-for-profit corporation named the Rochester Firefighters Two Percent Committee (“TPC”) to be the firefighters’ representative for purposes of the Fund. Items to be paid from the Fund may be nominated by the firefighters or by the City.

The following are firefighter nominated items submitted by the TPC to be appropriated from the Firefighters’ Insurance Fund:

- 1) Fire house items set forth in Section 1G of the original agreement (\$99,000).
- 2) Construction of Pavilion / Parking Lot Top Coat (\$140,000).
- 3) Legal and Accounting expenses (\$47,000).
- 4) Fire house cable and internet expenses (\$38,400).
- 5) RFBA Firefighters Ball (\$15,000).
- 6) Building Expenses for 2019 (\$100,000).
- 7) Audit of the Two Percent Fund held by the City of Rochester and the Two Percent Committee (\$2,275).

The following are City nominated items submitted by the TPC to be appropriated from the Firefighters’ Insurance fund:

- 1) Snow plow services for apparatus bay driveways at firehouses (\$50,310).
- 2) Linen and laundry expense (\$80,000).
- 3) Small equipment and minor firehouse renovations (\$44,121.19).
- 4) Audit of the Two Percent Fund held by the City of Rochester and the Two Percent Committee (\$975).

The City of Rochester has engaged Freed Maxick to conduct an audit of the Two Percent Fund held by the City of Rochester and the Two Percent Committee (“TPC”). The cost of the audit is estimated at \$3,250, of which the City will pay 30% and the Two Percent Committee (“TPC”) will pay 70% of the auditing fee, as per Section 1J of the agreement. The cost of the audit will be funded from the respective Two Percent Fund accounts controlled by the City of Rochester.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-1
(Int. No. 1)

Appropriating Firefighters’ Insurance Funds

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

Section 1. The following funds are hereby appropriated from the Firefighters’ Insurance Fund (“Two Percent Fund”) for the following purposes to benefit the firefighters of the City in accordance with the terms of the settlement agreement with Rochester Firefighters Local 1071 dated August 7, 2012 (“Agreement”) that was authorized in Ordinance No. 2012-313:

- A. Firefighter Nominated Items. A total of \$441,675 at the request of the Rochester Firefighters Two Percent Committee as follows:
 - 1) Firehouse items set forth in Section 1G of the Agreement (\$99,000);
 - 2) Construction of Pavilion/Parking Lot Top Coat (\$140,000);
 - 3) Legal and accounting expenses (\$47,000);
 - 4) Firehouse cable and internet expenses (\$38,400);
 - 5) Rochester Firefighters’ Benevolent Association Firefighters Ball (\$15,000);
 - 6) Building Expenses for 2019 (\$100,000); and

- 7) Audit of the Two Percent Fund held by the City of Rochester and the Two Percent Committee (\$2,275).

B. City Nominated Items. A total of \$175,406.19 for uses nominated by the City of Rochester as follows:

- 1) Snow plow services for apparatus bay driveways at firehouses (\$50,310);
- 2) Linen and laundry expense (\$80,000);
- 3) Small equipment and minor firehouse renovations (\$44,121.19); and
- 4) Audit of the Two Percent Fund held by the City of Rochester and the Two Percent Committee (\$975).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-2
Re: Amendatory Agreement – Expert Witness Services

Transmitted herewith for your approval is legislation authorizing an amendatory professional services agreement with Legal Med, LLC (General Manager, Christine Wintringer) to continue to provide expert witness services necessary to defend the City in lawsuits involving personal injury claims. The original agreement was authorized in April 2018 (Ordinance No. 2018-82). This amendment will increase the maximum compensation by \$30,000 to a new total of \$70,000. Said amount shall be funded from the 2018-19 Budget of the Law Department.

This amendatory agreement will allow the Law Department to obtain the services of expert physicians to review treatment and therapy records and examine and report on the physical and psychological condition of personal injury plaintiffs. The City lawyers have more than 12 years of experience with the professionals provided by Legal Med, including under a previous professional services agreement in the amount of \$40,000 authorized in Ordinance No. 2016-264, as amended by Ordinance No. 2016-255. Legal Med has provided highly credentialed, practicing physicians in the relevant medical disciplines, including an orthopedic surgery, neurology and psychology, who also excel at explaining the facts on the witness stand.

This amendment is necessary because Law Department anticipates that it may require up to \$70,000 for the experts’ services for scheduled trials and pending lawsuits if they proceed through to trials and verdicts. The term of the agreement may extend until completion of those lawsuits.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-2
(Int. No. 2)

Authorizing an amendatory agreement with Legal Med, LLC for expert witness services for the Law Department

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 Legal Med, LLC to provide additional expert witness services for the Law Department. The amendment shall increase the maximum compensation of the original agreement, which was authorized by Ordinance No. 2018-82, by \$30,000 to a total amount of \$70,000. The amendatory compensation amount shall be funded from the 2018-19 Budget of the Law Department.

Section 2. The amendatory 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.

TUESDAY JANUARY 15, 2019

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-3
Agreement – Bruckner, Tillet & Rossi, Inc. Appraisal and Real Estate Services

Transmitted herewith for your approval is legislation establishing a maximum compensation of \$20,000 for an agreement with Bruckner, Tillet & Rossi, Inc. for appraisal and real estate services as needed by the Law Department. The agreement shall be funded from the 2018-19 Budget of the Law Department and have a term of one year or until completion of the cases for which the services are contracted.

The Law Department requires appraisals and real estate services for litigation cases such as those involving challenges to property tax assessments, as well as certain other transactions. The chosen firm was recently one of two selected by the Department of Neighborhood and Business Development (NBD) through a request for qualifications (RFQ) process issued May 5, 2018 which was led by NBD with participation by the Law Department.

The services of Bruckner, Tillet & Rossi, Inc. have been selected by the Law Department based on the firms' experience with the type of matters that the Law Department anticipates handling for this term. Similar agreements were approved by Council in July 2015 via Ordinance No. 2015-218 and July 2016 via Ordinance No. 2016-220. A justification for not issuing an RFP is attached.

Respectfully submitted,
Lovely Warren
Mayor

Attachment No. AS-1

Ordinance No. 2019-3
(Int. No. 3)

Authorizing an agreement with Bruckner, Tillet & Rossi, Inc. for appraisal and real estate services for the Law Department

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 Bruckner, Tillet & Rossi, Inc. in the maximum amount of \$20,000 for appraisal and other real estate services as needed by the Law Department. The agreement shall have a term of one year and said amount shall be funded from the 2018-19 Budget of the Law Department.

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.

By Councilmember Patterson
January 15, 2019

To the Council:

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

- Int. No. 4 Authorizing the sale of real estate
- Int. No. 6 Authorizing the acquisition by negotiation or ~~condemnation~~ of properties for a new Goodman Section office for the Rochester Police Department and a new Southeast Quadrant Neighborhood Service Center, **as amended**
- Int. No. 7 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$500,000 Bonds of said City to finance costs of the acquisition of properties and demolition of structures to establish a site for a Goodman Section office for the Rochester Police Department and Southeast Quadrant Neighborhood Service Center

The following entitled legislation is being **HELD** in committee:

TUESDAY JANUARY 15, 2019

Int. No. 5 Determinations and findings relating to the acquisition of properties to establish a new Goodman Section office for the Rochester Police Department and a new Neighborhood Service Center for the City’s Southeast Quadrant

Respectfully submitted,
Michael A. Patterson
Willie J. Lightfoot
Jacklyn Ortiz
Adam C. McFadden
Loretta C. Scott
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-4
Re: Sale of Real Estate

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation approving the sale of two properties. City records have been checked to ensure that 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 property was sold to the respective highest bidder at a surplus auction. The purchaser will be required to demolish the structure and combine this property with her adjoining property within 12 months of City Council approval.

The next property is an unbuildable vacant lot, being sold for \$1.00 (as per City policy) to the adjacent owner who will combine the lot with his existing property.

The first year projected tax revenue for these two properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$456.

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-2

Ordinance No. 2019-4
(Int. No. 4)

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 parcel of improved property by regular auction:

Address	SBL#	Lot Size	Use	Price	Purchaser
1485 North Street	091.65-3-16	33x77	Single	\$10,500	Chickenhead, LLC

Section 2. The Council hereby approves the negotiated sale of the following parcel of unbuildable vacant land for the sum of \$1.00:

Address	SBL#	Lot Size	Sq. Ft.	Purchaser
12 Arnett Blvd	120.67-1-59	34x104	3658	Fatina Houston

TUESDAY JANUARY 15, 2019

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:

Introductory No. 5
Ordinance No. 2019-5
Ordinance No. 2019-6

Re: Real Estate Acquisitions

Council Priority: Rebuilding and Strengthening Neighborhoods

Transmitted herewith for your approval is legislation approving the acquisition of real property by negotiation or condemnation of ten (10) properties on East Main Street and Laura Street and the issuance of bonds in the amount of \$500,000 related to these property acquisitions. The properties being acquired will be used for the site assembly and construction of the Goodman Section RPD office and the SE-NSC Office.

The ten property addresses are noted below with the appraised values, property use and zoning. The appraised values were determined by Stephen Ferrara of Midland Appraisal Associates as of April 2018. The prices do not include any consideration of environmental or geo-tech conditions and assume environmentally clean sites.

<u>Address</u>	<u>Appraised Value</u>	<u>Property Use</u>	<u>Zoning</u>
10 Laura Street	\$35,000	Single Family	R-1
1-5 Laura Street	\$50,000	2-Family	R-1
7-9 Laura Street	\$60,000	2-Family	R-1
8-8.5 Laura Street	\$65,000	2-Family	R-1
11-15 Laura Street	\$65,000	2-Family	R-1
1228-1230 E. Main Street	\$40,000	2-Family	C-2
4-6 Laura Street	\$85,000	4-Family	R-1
1252 E. Main Street	\$7,000	Vacant Lot	R-2
1222 E. Main Street	\$8,000	Vacant Lot	C-2
1214-1216 E. Main Street	\$8,000	Vacant Lot	C-2

Occupants of each unit will be provided with a \$1,000 allowance to cover moving expenses if the units are occupied at the time of acquisition. At the time of this submission, all units are occupied. No monies are provided to owners of vacant lots. City staff will assist the occupants with the identification of suitable replacement housing, if needed.

Site preparation is anticipated to begin following the demolition of the existing structures, likely in the Spring of 2019. The new RPD facility will be situated on approx. 2.42 acres and will include the City owned parcels at 1200 East Main St, 1240 East Main Street and 2 Laura Street as well as a partial abandonment of the Laura Street ROW. A property project map is attached.

The new facility will be approximately 18,000 SF and will house the Goodman Section of the RPD as well as the SE-NSC Office. The total acquisition costs are estimated at an amount not to exceed \$500,000 which includes acquisition, legal costs and title work funded via city debt. The demolition costs are estimated at an amount not to exceed \$300,000 and relocation expenses are a fixed amount of \$1,000 per unit, or \$15,000. The acquisitions will be funded through the issuance of bonds and the demolition costs and moving expense monies will be funded through 2018-19 Cash Capital.

Pursuant to the requirements of the New York State Environmental Quality Review Act (SEQRA), a determination regarding the environmental significance of this project will be made prior to City Council approval.

All City taxes and other current-year charges against each 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 a parcel, shall also be canceled.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-3

Ordinance No. 2019-5
 (Int. No. 6, as amended)

Authorizing the acquisition by negotiation or condemnation of properties for a new Goodman Section office for the Rochester Police Department and a new Southeast Quadrant Neighborhood Service Center

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

Section 1. The Council hereby approves the acquisition of the following parcels (the "Acquisition Parcels") for the maximum acquisition amounts indicated for use as part of the site for a new Goodman Section office for the Rochester Police Department ("RPD") and a new Neighborhood Service Center ("NSC") for the City's Southeast Quadrant (collectively, the "Project"):

Address	Reputed Owner	SBL#	Type	Maximum Acquisition Amount
1-5 Laura St.	Michael/Ellen Johnson	106.76-1-40	2 Family	\$50,000
4-6 Laura St.	John M. Fleming	107.69-1-93	4 Family	\$85,000
7-9 Laura St.	John M. Fleming	106.76-1-39	2 Family	\$60,000
8-8½ Laura St.	Garth LLC	107.69-1-94	2 Family	\$65,000
10 Laura St.	John M. Fleming	107.69-1-95	1 Family	\$35,000
11-15 Laura St.	Eyal/Sharon Ronder	106.76-1-38	2 Family	\$65,000
1214-1216 E. Main St. Street LLC	1214-1216 East Main	106.76-1-43	vacant land	\$ 8,000
1222 E. Main St. Street LLC	1214-1216 East Main	106.76-1-42	vacant land	\$ 8,000
1228-1230 E. Main St.	John M. Fleming	106.76-1-41	2 Family	\$40,000
1252 E. Main St.	ROC Group Capital LLC	107.69-1-89	vacant land	\$ 7,000

The acquisition amounts set forth herein plus associated costs for legal fees and title review, up to a total maximum sum of \$500,000, shall be funded from the proceeds of bonds to be authorized for the purpose.

Section 2. City taxes and other current-year charges against each said parcel 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 a parcel, shall also be canceled.

~~Section 3. In the event that any of said Properties cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings to acquire said parcel. In the event of condemnation, the amount set forth herein for the acquisition shall be the amount of the offer. Nothing in this ordinance shall be deemed to limit in any way the liability of the City for further claims arising from the acquisition of said parcel pursuant to the Eminent Domain Procedure Law.~~

Section 4 3. In accordance with the City's rules and regulations for relocation benefits approved in Resolution No. 2002-25, the Council hereby authorizes City staff to provide the present occupants of the Acquisition Parcels with fair notice and provide a \$1,000 moving allowance for each dwelling unit. In addition, for those occupants who request it, City staff shall assist them to find comparable replacement housing before they are required to vacate. The amount of \$15,000, or so much thereof as may be necessary for moving allowances, shall be funded from 2018-19 Cash Capital.

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Section-~~5~~4. The Council hereby authorizes the expenditure of \$300,000, or so much thereof as may be necessary, from 2018-19 Cash Capital to demolish structures located on the Acquisition Parcels.

Section-~~6~~5. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

Ordinance No. 2019-6
(Int. No. 7)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$500,000 Bonds of said City to finance costs of the acquisition of properties and demolition of structures to establish a site for a Goodman Section office for the Rochester Police Department and Southeast Quadrant Neighborhood Service Center

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 10 properties at the locations shown in Exhibit A and the demolition of the existing structures thereon, to establish a site for a new Goodman Section office for the Rochester Police Department and Southeast Quadrant Neighborhood Service Center (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 \$815,000. The plan of financing includes the issuance of \$500,000 bonds of the City which are hereby appropriated to said Project; \$315,000 in 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 \$500,000 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

TUESDAY, JANUARY 15, 2019

Ordinance, in the amount of \$500,000. 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.

Exhibit A

Property Addresses
1-5 Laura Street
4-6 Laura Street
7-9 Laura Street
8-8½ Laura Street
10 Laura Street
11-15 Laura Street
1214-1216 East Main Street
1222 East Main Street
1228-1230 East Main Street
1252 East Main Street

Passed unanimously.

TUESDAY JANUARY 15, 2019

DETERMINATIONS AND FINDINGS RELATING TO THE ACQUISITION OF PROPERTIES TO ESTABLISH A NEW GOODMAN SECTION OFFICE FOR THE ROCHESTER POLICE DEPARTMENT AND A NEW NEIGHBORHOOD SERVICE CENTER FOR THE CITY’S SOUTHEAST QUADRANT

WHEREAS, the Rochester Police Department (RPD) has reorganized its patrol functions from a Two-Division structure to a Five-Section model in order to maintain and exceed the previous levels of service, increase community policing initiatives, connect officers to smaller, neighborhood-based patrol beats, and decentralize police services to neighborhoods;

WHEREAS, the RPD requires a permanent headquarters for its operations in one of the five newly delineated patrol areas, the Goodman Section, and the City wishes to collocate that facility with the Neighborhood Service Center (NSC) for the Southeast Quadrant, because the two operations encompass nearly the same territory and a collocated facility, hereinafter referred to as the “Project,” will allow RPD and NSC to better coordinate their neighborhood-based services;

WHEREAS, the City has identified a suitable site for the Project, consisting of approximately 2.42 acres of land located in the Beechwood neighborhood on the north side of East Main Street, adjacent to and including a portion of Laura Street (the “Project Site”);

WHEREAS, the search for a suitable Project site was guided by goals of finding a central location within the Goodman Section that is large enough and best situated to satisfy the needs of RPD and NSC customers and personnel and, after reviewing over 20 different sites, the Project Site was deemed to be the optimal one because it is a conspicuous location, readily accessible by vehicles, located on an RGRTA bus line, and because it will promote a more vibrant neighborhood by redeveloping a number of underutilized vacant parcels, including a Brownfield Cleanup site that is owned by the City;

WHEREAS, the Project Site is comprised of three parcels of land owned by the City located at 2 Laura Street and at 1200 and 1240 East Main Street, the southern end of the Laura Street right-of-way that extends approximately 125 feet northward from East Main Street, and the 10 privately-owned Acquisition Parcels listed below;

WHEREAS, the City of Rochester proposes to assemble the Project Site by acquiring the 10 Acquisition Parcels, abandoning a portion of Laura Street as a public street, using 3 City-owned parcels, and removing the existing dwellings in order to construct an approximately 18,000 square foot building to house the RPD Goodman Section and Southwest Quadrant NSC, and a parking lot for customers, personnel and official vehicles; and

WHEREAS, the Council of the City of Rochester held a public hearing on January 10, 2019 pursuant to Article 2 of the Eminent Domain Procedure Law to consider the Project and no speakers appeared at the hearing.

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

Section 1. The Council hereby makes the following determinations and findings concerning the Project:

- A. Project description – acquire the following 10 parcels of real estate (the “Acquisition Parcels”) and join them with three adjacent City-owned parcels located at 2 Laura Street and at 1200 and 1240 East Main Street and the southern end of the Laura Street right-of-way to assemble a site for an approximately 18,000 square foot building to house the RPD Goodman Section and the Southwest Quadrant NSC, and a parking lot for customers, personnel and official vehicles (collectively, the “Project”):

1-5 Laura Street	11-15 Laura Street
4-6 Laura Street	1214-1216 E. Main Street
7-9 Laura Street	1222 E. Main Street
8-8½ Laura Street	1228-1230 E. Main Street
10 Laura Street	1252 E. Main Street
- B. Project purpose – To develop and operate collocated offices for the RPD Goodman Section and Southeast NSC to better coordinate their neighborhood-based services at a site that is best situated for that purpose while promoting a more vibrant neighborhood by redeveloping a number of vacant parcels of land.
- C. Relocation assistance and compensation – In accordance with the City’s rules and regulations for relocation benefits approved in Resolution No. 2002-25, City staff will give occupants of the Acquisition Parcels fair notice and provide a \$1,000 moving allowance for each dwelling unit. In addition, for those occupants who request it, City staff will assist them to find comparable replacement housing before they are required to vacate.
- D. Project effect – The purchase of the Acquisition Parcels and the overall Project have been evaluated for potential significant adverse environmental effects on the environment pursuant to the State Environmental Quality Review Act (“SEQR”) and Chapter 48 of the Municipal Code.

Section 2. This ordinance shall take effect immediately.

HELD IN COMMITTEE

TUESDAY JANUARY 15, 2019

By Councilmember Evans
January 15, 2019

To the Council:

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

Int. No. 8	Appropriating funds for the 2017 Preventive Maintenance Group #4 Project
Int. No. 9	Authorizing an amendatory agreement for the 2016 Preventive Maintenance Group #2 project
Int. No. 11	Authorizing a reimbursement agreement with Rochester District Heating Cooperative, Inc. for the Rundel Library Structural Terrace Improvements Phase IV Project
Int. No. 12	Authorizing an agreement for the Blue Cross Arena at the War Memorial Roof Restoration
Int. No. 13	Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$573,000 Bonds of said City to finance the Blue Cross Arena at the War Memorial's roof restoration Project
Int. No. 14	Authorizing an agreement for Geographic Information System capability upgrades
Int. No. 15	Authorizing agreements and funding for a ROC the Riverway Management Entity Study
Int. No. 16	Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,050,000 Bonds of said City to finance a portion of the City's 2019 Water Main Cleaning and Cement Lining Project of the Distribution System Water Main Renewal Program, as amended
Int. No. 17	Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$607,000 Bonds of said City to finance a portion of the City's 2019 Cured in Place Pipe Project of the Distribution System Water Main Renewal Program
Int. No. 18	Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,250,000 Bonds of said City to finance water main extensions for the City's 2019 Water Main Extensions and Improvements Project of the Distribution System Water Main Renewal Program

The following entitled legislation is being **HELD** in committee:

Int. No. 10	Approving geometric changes related to the Atlantic Avenue/Merriman Street Safety Improvements Project
Int. No. 20	Amending the Municipal Code with regard to the telecommunications facilities in the right-of-way

Respectfully submitted,
Malik Evans
Mitch Gruber
Elaine M. Spaul (Absent)
Adam C. McFadden
Loretta C. Scott
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-7
Re: Appropriate Additional Federal and State Aid – 2017 Preventive Maintenance Group #4 Project
Transmitted herewith for your approval is legislation related to the 2017 Preventive Maintenance Group #4 Project. This legislation will:

1. Appropriate \$101,220 in FHWA to fund a portion of the construction services for the 2017 Preventive Maintenance Group 4 Project; and to

TUESDAY JANUARY 15, 2019

2. Appropriate \$18,979 in New York State (NYS) Marchiselli Aid to fund a portion of the construction phase for the 2017 Preventive Maintenance Group 4 Project;

This federal aid project, administered by the City under agreement with the NYS Department of Transportation (DOT) includes five locations:

- Browncroft Boulevard (Merchants Road- East City Line)
- Merchants Road (Browncroft Boulevard - Culver Road)
- Central Park (Portland Avenue- North Goodman Street)
- Cleveland Street (Hudson Avenue- North Street)
- Draper Street (North Street- Portland Avenue)

The project began construction in summer 2017 and is substantially complete.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-7
(Int. No. 8)

Appropriating funds for the 2017 Preventive Maintenance Group #4 Project

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

Section 1. The sum of \$101,220 in anticipated reimbursements from the Federal Highway Administration (FHWA) is hereby appropriated to fund construction services for the 2017 Preventive Maintenance Group #4 Project (Project).

Section 2. The sum of \$18,979 in anticipated reimbursements from the Marchiselli Aid Program is hereby appropriated to fund Project construction.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-8
Re: Amendatory Agreement – Hunt Engineers, 2016 Preventive Maintenance Ames/Buffalo/West Project

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation related to the project. This legislation will:

1. Establish \$42,000 in funding for an amendatory agreement with Hunt Engineers, Architects & Land Surveyors, PC (Daniel C. Bower, President & Chief Executive Officer) Rochester, NY for additional construction phase design and resident project representation services (RPR) required for the 2016 Preventive Maintenance Ames/Buffalo/West Project.
2. Appropriate \$3,600 in New York State (NYS) Marchiselli Aid to fund a portion of the design services for the 2016 Preventive Maintenance Ames/Buffalo/West Project; and to
3. Appropriate \$22,390 in New York State (NYS) Marchiselli Aid to fund a portion of the construction phase for the 2016 Preventive Maintenance Ames/Buffalo/West Project.

This amendment will increase total compensation to \$304,000 and will be funded from bond authorized for this project (Ordinance 2016-197).

Below is a summary of related legislative actions for the agreement:

<u>Ord. No.</u>	<u>Purpose</u>
2014-392	authorize agreements/appropriate funds
2015-333	appropriate Marchiselli Aid
2016-196	authorize RPR agreement
2016-197	authorize project bonds
2017-174	amend ordinance/appropriate funds

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The proposed amendatory agreement with Hunt Engineers is to compensate for work completed for RPR and construction phase design services on the Asphalt M&R 2016 TIP Ames/Buffalo/West project. Work that was added to the original contract included installation of compliant ADA ramps at intersections within the project limits and additional roadway repairs for Ames Street. The additional work required RPR staffing for the extended construction duration.

- o Original estimated construction cost for the project was \$1,038,527.40
- o Actual construction cost to date for the project was \$1,313,913.66.

This amendment results in the creation and/or retention of the equivalent of .5 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-4

Ordinance No. 2019-8
(Int. No. 9)

Authorizing an amendatory agreement for the 2016 Preventive Maintenance Group #2 project

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 Hunt Engineers, Architects & Land Surveyors, P.C. for additional construction phase design and resident project representation services for the 2016 Preventive Maintenance Group #2 project (the Project). The amendment shall increase the maximum compensation of the original agreement, which was authorized by Ordinance No. 2016-196, by \$42,000 to a total amount of \$304,000. The amendatory compensation amount shall be funded from bonds appropriated for the Project in Ordinance No. 2016-197.

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

Section 3. The sum of \$3,600 in anticipated reimbursements from the Marchiselli Aid Program is hereby appropriated to fund a portion of the design services for the Project.

Section 4. The sum of \$22,390 in anticipated reimbursements from the Marchiselli Aid Program is hereby appropriated to fund a portion of the construction phase of the Project.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-9
Re: Reimbursement Agreement – Rochester District Heating Cooperative, Inc.

Transmitted herewith for your approval is legislation establishing \$35,000 as maximum compensation for a reimbursement agreement with Rochester District Heating Cooperative, Inc. (Dan DiLoreto, President), located at 150 State Street, Suite 110, Rochester, NY, for a portion of the costs of the relocation of existing steam pipe in preparation for the Rundel Library Structural Terrace Improvements Phase IV Project. The work includes the installation/relocation of new steam pipe. The cost of the agreement will be financed from bonds authorized by Ordinance No. 2016-344 and the term will be one year.

The Rundel Library Structural Terrace Improvements Phase IV Project will reconstruct the closed north riverfront terrace and elevated east sidewalk and create a more vibrant public space that celebrates the Library and the history of the aqueduct and Erie Canal. The estimated overall cost of the project is \$7.8 million. \$1.5 million of this project will be funded by ROC the Riverway awarded by the Honorable Governor Andrew Cuomo. Construction is anticipated to begin in spring 2019 with completion in fall 2020.

Respectfully submitted,
Lovely A. Warren
Mayor

TUESDAY JANUARY 15, 2019

Ordinance No. 2019-9
(Int. No. 11)

Authorizing a reimbursement agreement with Rochester District Heating Cooperative, Inc. for the Rundel Library Structural Terrace Improvements Phase IV 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 reimbursement agreement with Rochester District Heating Cooperative, Inc. for a portion of the costs of the relocation of an existing steam pipe in preparation for the Rundel Library Structural Terrace Improvements Phase IV Project (the Project). The agreement shall have a term of one year and a maximum compensation of \$35,000, which amount shall be funded from bonds appropriated for the Project in Ordinance No. 2016-344.

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. 2019-10
Ordinance No. 2019-11

Re: Agreement – Passero Associates, Engineering, Architecture & Surveying, D.P.C. Blue Cross Arena Roof Restoration

Council Priority: Jobs and Economic Development and Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to Blue Cross Arena Roof Restoration. This legislation will:

1. Establish \$88,000 as maximum compensation for a professional services agreement with Passero Associates, Engineering, Architecture & Surveying, D.P.C. (John Caruso, PE, President), 242 West Main Street Suite 100, Rochester, NY for resident project representation (RPR) services. The cost of the agreement will be financed from bonds to be issued herein, and
2. Authorize the issuance of bonds totaling \$573,000 and the appropriation of the proceeds thereof to finance the Project.

The project includes the restoration of Blue Cross Arena’s existing roofing system. A new two ply modified bitumen roofing membrane system will be installed over the existing system to provide a thirty year warranty. The estimated total cost of the project including construction, contingency and RPR services is \$2,291,546 and will be funded as follows:

Estimate:	RPR services:	Construction:	Contingency:	Total:
2017-18 Bond issued herein	\$88,000.00	\$370,830.96	\$114,169.04	\$573,000.00
2010-11 War Memorial Cash Capital	\$0	\$36,291.43	\$0	\$36,291.43
2011-12 War Memorial Cash Capital	\$0	\$121,476.63	\$0	\$121,476.63
2012-13 War Memorial Cash Capital	\$0	\$170,000.00	\$0	\$170,000.00
2013-14 War Memorial Cash Capital	\$0	\$130,000.00	\$0	\$130,000.00
2014-15 War Memorial Cash Capital	\$0	\$130,777.48	\$0	\$130,777.48
2015-16 War Memorial Cash Capital	\$0	\$130,000.00	\$0	\$130,000.00
2016-17 War Memorial Cash Capital	\$0	\$750,000.50	\$0	\$750,000.50
2017-18 War Memorial Cash Capital	\$0	\$250,000.00	\$0	\$250,000.00
Total:	\$88,000.00	\$2,089,377.00	\$114,169.04	\$2,291,546.04

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Passero Associates, Engineering, Architecture & Surveying, D.P.C. was selected for resident project representation services through a request for proposal process, which is described in the attached summary. The agreement shall extend until three (3) months after completion of a two (2) year guarantee inspection of the project.

Construction and consultant RPR phase services will begin in spring 2019 with scheduled completion in fall 2019. The project will result in the creation and/or retention of the equivalent of 24.9 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-5

Ordinance No. 2019-10
(Int. No. 12)

Authorizing an agreement for the Blue Cross Arena at the War Memorial Roof Restoration

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 Passero Associates, Engineering, Architecture & Surveying, D.P.C. in the maximum amount of \$88,000 for resident project representation services for the Blue Cross Arena at the War Memorial Roof Restoration (the Project). Said amount shall be funded from bonds to be appropriated for this purpose. The term of the agreement shall be 3 months after completion and acceptance 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.

Ordinance No. 2019-11
(Int. No. 13)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$573,000 Bonds of said City to finance the Blue Cross Arena at the War Memorial's roof restoration 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 the cost of restoring the Blue Cross Arena at the War Memorial's existing roofing system (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 \$2,291,546, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$573,000 bonds of the City to finance a portion of said appropriation, \$36,291.43 in 2010-11 Cash Capital, \$121,476.63 in 2011-12 Cash Capital, \$170,000 in 2012-13 Cash Capital, \$130,000 in 2013-14 Cash Capital, \$130,777.48 in 2014-15 Cash Capital, \$130,000 in 2015-16 Cash Capital, \$750,000.50 in 2016-17 Cash Capital, and \$250,000 in 2017-18 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 \$573,000 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 \$573,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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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. 11 (b) 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.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-12
Re: Agreement – Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, DPC GIS Capability Upgrades

Council Priority: Jobs and Economic Development and Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the GIS Capability Upgrades project. This legislation will establish \$150,000 as maximum compensation for a professional services agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, DPC (Pietro Giovenco, P.E., President and CEO) Rochester, NY for GIS web application development services. The cost of the agreement will be financed from Cash Capital.

The GIS Capability Upgrades project’s objective is to consolidate data from both City and external sources, and create GIS web applications for the management of construction within the Right-of-Way. The project includes development of GIS web applications for street construction projects, inspection/maintenance of utility appurtenances, and the City’s Right-of-Way permit management system.

The cost of the agreement will be financed as follows:

<u>Source</u>	<u>Amount</u>
2011-12 Cash Capital	\$ 21,992.31
2013-14 Cash Capital	3,927.56
2015-16 Cash Capital	74,080.13
2015-16 Cash Capital	<u>50,000.00</u>
 Total	 \$150,000.00

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Bergmann Associates was selected professional services through a request for proposal process, which is described in the attached summary. The agreement shall extend until three (3) months after completion of contracted professional services.

The project will begin spring of 2019 and will be complete summer 2019. The project will result in the creation and/or retention of the equivalent of 1.6 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-6

Ordinance No. 2019-12
(Int. No. 14)

Authorizing an agreement for Geographic Information System capability upgrades

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 Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. in the maximum amount of \$150,000 for Geographic Information System web application development services. Said amount shall be funded from 2011-12 Cash Capital (\$21,992.31), 2013-14 Cash Capital (\$3,927.56), and 2015-16 Cash Capital (\$124,080.13). The term of the agreement shall be 3 months after completion and acceptance 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. 2019-13
Re: Agreement – James A. Cloar, Roc the Riverway Management Entity Study

Council Priority: Jobs and Economic Development and Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Roc the Riverway Management Entity Study. This legislation will:

1. Authorize the Mayor to enter into agreements with Empire State Development necessary to participate in and administer the project; and,
2. Amend the 2018-19 Budget of Undistributed for the receipt and use of \$20,000 in anticipated reimbursements from Empire State Development to finance a portion of the Project, and;
3. Establish \$40,000 as maximum compensation for a professional services agreement with James A. Cloar (371 Channelside Walk Way, #904, Tampa, FL 33602) for urban management advisory services related to the project.

The Roc the Riverway Management Entity Study will consist of two phases. The first phase will evaluate and recommend a preferred organizational structure for a management entity that will, at a minimum, oversee maintenance and programming of the new or enhanced public spaces along the Genesee riverfront that are included in the Roc the Riverway initiative. The second phase will assist the City and project partners with the establishment and activation of the Management Entity.

The Roc the Riverway initiative is a bold and progressive plan to revitalize the City's Genesee Riverfront. It represents years of planning and community engagement involving many riverfront projects, culminating in a cohesive vision for improving our City's most important natural asset. In February 2018, Governor Cuomo announced an initial commitment of \$50,000,000 to implement the first phase of this vision. The Management Entity Study is one of the first projects funded through the first phase.

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James A. Cloar was selected to provide the necessary urban management advisory services through a sole source procurement, justification for which is described in the attached summary. The term of the agreement shall terminate six (6) months after successful completion of the project scope.

The cost of the agreement will be financed from the 2018-19 Undistributed Budget as amended herein. The project will begin in late January 2019, with completion in May 2019.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-7

Ordinance No. 2019-13
(Int. No. 15)

Authorizing agreements and funding for a ROC the Riverway Management Entity Study

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 Urban Development Corporation, doing business as Empire State Development (“ESD”), for the receipt and use of a grant of \$20,000, which is hereby appropriated to conduct a Management Entity Study to evaluate and recommend a preferred organizational structure for managing the maintenance and programming of the new or enhanced public spaces to be included in the ROC the Riverway initiative (the “Study”). The term of the agreement shall continue until 6 months after the completion of the Study scope.

Section 2. 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 for Undistributed Expense by \$20,000 to reflect the receipt of the ESD Study grant appropriated in Section 1 herein.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement in the amount of \$40,000 with James A. Cloar of Tampa, Florida to provide urban management advisory services for the Study. The agreement shall be funded from the 2018-19 Undistributed Expense Budget, as amended in Section 2 herein. The term of the agreement shall continue until 6 months after the completion of the Study scope.

Section 4. The agreements authorized herein shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes: President Scott, Councilmembers Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul -8.

Nays: Councilmember Clifford -1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-14
Re: Bond Authorization - 2019 Water Main Cleaning and Cement Lining Project of the Distribution System Water Main Renewal Program

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$1,050,000 and appropriating the proceeds thereof to fund a portion of the 2019 Water Main Cleaning and Cement Lining Project.

The project will rehabilitate approximately 4.5 miles of City water mains. This rehabilitation method consists of mechanically cleaning the interior of the existing water mains and installing a corrosion-resistant cement lining to restore hydraulic capacity, improve available fire flows and water quality and to extend the useful life of the mains. The cost to rehabilitate a water main by cement lining is approximately 20% of the cost required to replace a water main.

The total cost of the project is estimated to be \$2,000,000. The balance of funding will be \$450,000 from 2017-18 Cash Capital and \$500,000 from 2018-19 Cash Capital.

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A list of the affected streets and a map of the area are attached. Construction is scheduled to begin this spring and be completed by the fall. Project inspection will be performed by Water Bureau personnel.

This project results in the creation and/or retention of the equivalent of 21 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-14
(Int. No. 16, as amended)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,050,000 Bonds of said City to finance a portion of the City's 2019 Water Main Cleaning and Cement Lining Project of the Distribution System Water Main Renewal Program

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 cost of rehabilitating, mechanically cleaning and installing an anti-corrosion lining for approximately 4.5 miles of water mains through the City's 2019 Water Main Cleaning and Cement Lining Project of the Distribution System Water Main Renewal Program, including the mains beneath portions of those streets designated on the attached Schedule A (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 \$2,000,000. The plan of financing includes the issuance of \$1,050,000 bonds of the City, which amount is hereby appropriated for the Project, \$450,000 in 2017-18 Cash Capital, \$500,000 in 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 \$1,050,000 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 \$1,050,000. 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. 1. of the Law, is forty (40) 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.

Schedule A

2019 Proposed Cleaning and Tining Streets					
Water Main	From	To	Size (IN)	Length (LF)	Year
Alameda St.	Lake Av.	Raines Pk.	6	1482	1896
Alameda St.	Raines Pk.	Dewey Av.	8	633	1910
Aster St.	Ridgeway Av.	Flower City Pk.	6	318	1902
Birr St.	Lake Av.	Raines Pk.	6	790	1889
Birr St.	Raines Pk.	Dewey Av.	6	970	1891
Bryan St.	Pierpont St.	Dewey Av.	6	400	1882
Burke Ter.	Augustine St.	Birr St.	6	250	1889
Daisy St.	Flower City Pk.	North	6	318	1908
Eldorado Pl.	Pierpont St.	Lake View Ter.	8	310	1811
Electric Av.	Dewey Av.	Lily St.	8	2553	1910
Electric Av.	Raines Pk.	Dewey Av.	6	1270	1898
Fairview Hgts	Lake View Pk.	Birr St.	6	876	1899
Flower City Park	Primrose St.	Lily St.	8	1080	1899
Kislingbury St.	Pierpont St.	Dewey Av.	6	485	1896
Lake View Pk. (North main)	Lake Av.	Pierpont St.	6	1333	1887
Lake View Pk. (South main)	Lake Av.	Pierpont St.	6	1362	1886
Lake View Pk. (South main)	Pierpont St.	Dewey Av.	8	490	1886
Lakeview Ter.	Lake View Pk.	Eldorado Pl.	6	688	1907
Magee Av.	Lake Av.	Dewey Av.	6	2390	1899
Marigold St.	Ridgeway Av.	Flower City Pk.	8	339	1910
Pierpont St.	Driving Park Av.	Augustine St.	6	1877	1887
Raines Pk.	Flower City Pk.	Cloy Av.	8	384	1911
Selye Ter.	Lake Av.	Pierpont St.	6	4370	1887
TOTAL FOOTAGE				25050	

Totals (LF)	
6"	16261
8"	8789
	25050

2019 Proposed Cleaning and Lining Streets					
<u>Water Main</u>	<u>From</u>	<u>To</u>	<u>Size (IN)</u>	<u>Length (LF)</u>	<u>Year</u>
<u>Alameda St.</u>	<u>Lake Av.</u>	<u>Raines Pk.</u>	<u>6</u>	<u>1482</u>	<u>1896</u>
<u>Alameda St.</u>	<u>Raines Pk.</u>	<u>Dewey Av.</u>	<u>8</u>	<u>633</u>	<u>1910</u>
<u>Aster St.</u>	<u>Ridgeway Av.</u>	<u>Flower City Pk.</u>	<u>6</u>	<u>318</u>	<u>1902</u>
<u>Birr St.</u>	<u>Lake Av.</u>	<u>Raines Pk.</u>	<u>6</u>	<u>790</u>	<u>1889</u>
<u>Birr St.</u>	<u>Raines Pk.</u>	<u>Dewey Av.</u>	<u>6</u>	<u>970</u>	<u>1891</u>
<u>Bryan St.</u>	<u>Pierpont St.</u>	<u>Dewey Av.</u>	<u>6</u>	<u>490</u>	<u>1883</u>
<u>Burke Ter.</u>	<u>Augustine St.</u>	<u>Birr St.</u>	<u>6</u>	<u>250</u>	<u>1889</u>
<u>Daisy St.</u>	<u>Flower City Pk.</u>	<u>Ridgeway Av.</u>	<u>6</u>	<u>318</u>	<u>1908</u>
<u>Eldorado Pl.</u>	<u>Pierpont St.</u>	<u>Lakeview Ter.</u>	<u>8</u>	<u>310</u>	<u>1811</u>
<u>Electric Av.</u>	<u>Dewey Av.</u>	<u>Lily St.</u>	<u>8</u>	<u>2553</u>	<u>1910</u>
<u>Electric Av.</u>	<u>Raines Pk.</u>	<u>Dewey Av.</u>	<u>6</u>	<u>1270</u>	<u>1898</u>
<u>Fairview Hgts</u>	<u>Lake View Pk.</u>	<u>Birr St.</u>	<u>6</u>	<u>876</u>	<u>1899</u>
<u>Flower City Park</u>	<u>Primrose St.</u>	<u>Lily St.</u>	<u>8</u>	<u>4080</u>	<u>1899</u>
<u>Kislingbury St.</u>	<u>Pierpont St.</u>	<u>Dewey Av.</u>	<u>6</u>	<u>485</u>	<u>1896</u>
<u>Lake View Pk. (North main)</u>	<u>Lake Av.</u>	<u>Pierpont St.</u>	<u>6</u>	<u>1333</u>	<u>1887</u>
<u>Lake View Pk. (South main)</u>	<u>Lake Av.</u>	<u>Pierpont St.</u>	<u>6</u>	<u>1362</u>	<u>1886</u>
<u>Lake View Pk. (South main)</u>	<u>Pierpont St.</u>	<u>Dewey Av.</u>	<u>8</u>	<u>490</u>	<u>1886</u>
<u>Lakeview Ter.</u>	<u>Lake View Pk.</u>	<u>Eldorado Pl</u>	<u>6</u>	<u>680</u>	<u>1907</u>
<u>Magee Av.</u>	<u>Lake Av.</u>	<u>Dewey Av.</u>	<u>6</u>	<u>2390</u>	<u>1899</u>
<u>Marigold St.</u>	<u>Ridgeway Av.</u>	<u>Flower City Pk.</u>	<u>8</u>	<u>339</u>	<u>1910</u>
<u>Pierpont St.</u>	<u>Driving Park Av.</u>	<u>Augustine St.</u>	<u>6</u>	<u>1877</u>	<u>1887</u>
<u>Raines Pk.</u>	<u>Flower City Pk.</u>	<u>Clay Av.</u>	<u>8</u>	<u>384</u>	<u>1911</u>
<u>Selye Ter.</u>	<u>Lake Av.</u>	<u>Pierpont St.</u>	<u>6</u>	<u>1805</u>	<u>1887</u>
TOTAL FOOTAGE	-	-	-	25485	-

Totals (LF)	
<u>6"</u>	<u>16696</u>
<u>8"</u>	<u>8789</u>

25485

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-15

Re: Bond Authorization - 2019 Water Main Cured In Place Pipe Project of the Distribution System Water Main Renewal Program

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$607,000 and appropriating the proceeds thereof to fund a portion of the 2019 Cured In Place Pipe (CIPP) Project.

The CIPP project will structurally rehabilitate 0.9 miles of deteriorated water mains on the following streets:

Street Name	Limits	Rehabilitation Reason
Lexington Ave	Mt Read Blvd to 1500' E/ Mt Read Blvd	7 Water Main Breaks Years: 1983 - 2018
Mt Read Blvd - East Outer Drive	Lexington Ave to Dead End South	5 Water Main Breaks Years: 1989 - 2014
Perinton Street	Ridgeway Ave to Wheatland St	5 Water Main Breaks Years: 2000 - 2017
Chestnut Street (H)	Court St to James St	6 Water Main Breaks Years: 2004 - 2018
Aqueduct Street (H)	E. Main St to Broad St	3 Water Main Breaks Years: 2008 - 2009

This is a trenchless rehabilitation process where a certified installer inserts a felt tube impregnated with a polymer resin into the existing water main. After the material has cured it forms a fully structural close fitting liner pipe within the existing water main, thus extending its useful life.

The total cost of this project is estimated to be \$1,200,000. The balance of funding will be \$300,000 from 2017-18 Cash Capital and \$293,000 from 2018-19 Cash Capital.

Construction is scheduled to begin this spring and be completed by the fall.

This project results in the creation and/or retention of the equivalent of 13 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-8

Ordinance No. 2019-15
(Int. No. 17)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$607,000 Bonds of said City to finance a portion of the City's 2019 Cured in Place Pipe Project of the Distribution System Water Main Renewal Program

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 cost of structural rehabilitation of approximately 0.9 miles of deteriorated water mains through the City's 2019 Cured in Place Pipe Project of the Distribution System Water Main Renewal Program, including mains beneath the portions of those streets designated on the attached Schedule A (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 \$1,200,000. The plan of financing includes the issuance of \$607,000 bonds of the City, which amount is hereby appropriated for the Project, \$300,000 in 2017-18 Cash Capital, \$293,000 in 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 \$607,000 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 \$607,000. 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. 1. of the Law, is forty (40) 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

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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.

Schedule A

Street Name	Limits
Lexington Ave	Mt Read Blvd to 1500' E/ Mt Read Blvd
Mt Read Blvd - East Outer Drive	Lexington Ave to Dead End South
Perinton Street	Ridgeway Ave to Wheatland St
Chestnut Street (H)	Court St to James St
Aqueduct Street (H)	E. Main St to Broad St

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-16
Re: Bond Authorization – 2019 Water Main Extensions and Improvements Project of the Distribution System Water Main Renewal Program

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$1,250,000 and appropriating the proceeds thereof to fund a portion of the 2019 Water Main Extensions and Improvements Project.

This project will replace 6,400 feet of deteriorated and deficient water mains on the following streets:

Street Name	Limits	Replacement Reason
Castlebar Road	S. Winton Rd – Hillside Ave.	5 Water Main Breaks Years: 1999 - 2017
Westchester Avenue	Longview Terr. – Culver Road	4 Water Main Breaks Years: 1994 - 2015

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Grand Avenue	Webster Ave. – Baldwin St.	4 Water Main Breaks Years: 1989 - 2010
Packard Street	E. Main St. – Maxson St.	3 Water Main Breaks Years: 1992 - 2015
Gorsline Street	Lake Ave. – Maplewood Dr.	3 Water Main Breaks Years: 1983 - 2012
Longview Terrace	Bay St. – Rocket St.	4 Water Main Breaks Years: 1982 - 2016

The total cost of the project is estimated to be \$2,400,000. The balance of funding will be \$550,000 from 2017-18 Cash Capital and \$600,000 from 2018-19 Cash Capital.

Construction is scheduled to begin this spring and be completed by the fall. Project inspection will be performed by Water Bureau personnel.

This project results in the creation and/or retention of the equivalent of 26 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-9

Ordinance No. 2019-16
(Int. No. 18)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,250,000 Bonds of said City to finance water main extensions for the City's 2019 Water Main Extensions and Improvements Project of the Distribution System Water Main Renewal Program

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 cost of replacing approximately 6,400 feet of City water main and lines, including mains and lines beneath the portions of those streets designated on the attached Schedule A (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 \$2,400,000. The plan of financing includes the issuance of \$1,250,000 bonds of the City, which amount is hereby appropriated for the Project, \$550,000 from 2017-18 Cash Capital, \$600,000 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 \$1,250,000 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 \$1,250,000. 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. 1 of the Law, is forty (40) 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.

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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.

Schedule A

Street Name	Limits
Castlebar Road	S. Winton Rd – Hillside Ave.
Westchester Avenue	Longview Terr. – Culver Road
Grand Avenue	Webster Ave. – Baldwin St.
Packard Street	E. Main St. – Maxson St.
Gorsline Street	Lake Ave. – Maplewood Dr.
Longview Terrace	Bay St. – Rocket St.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

INTRODUCTORY NO. 10

Re: Pavement Width Changes- Atlantic Avenue at Merriman Street - Safety Improvements Project

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to changes in pavement width required for the Atlantic Avenue at Merriman Street Safety Improvements Project. This legislation will:

1. Authorize a reduction in pavement width of six feet along the north side of Atlantic Avenue, beginning approximately 50 feet west of Merriman Street and extending to the intersection of Merriman Street; and
2. Authorize a reduction in pavement width of four feet along the north side of Atlantic Avenue, beginning at the intersection of Merriman Street and tapering east for approximately 90 feet to the existing curb line.

Residents of the neighborhood requested this change to improve pedestrian access to the playground located on the corner of Atlantic Avenue and Merriman Street. In addition to pavement width changes, this project includes new pavement markings, cross walks, drainage improvements, ADA accessible curb ramps, sidewalk improvements and lawn restoration. The project is being designed by the City’s Department of Environmental Services, Bureau of Architecture and Engineering.

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

A public meeting was held on March 29, 2017; the meeting minutes are attached. The pavement width changes were endorsed at the May 16, 2017 Traffic Control Board meeting.

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It is anticipated the construction will be completed in summer 2019.

A public hearing on the pavement width changes is required.

Respectfully submitted,
Lovely A. Warren
Mayor

INTRODUCTORY NO. 10

APPROVING GEOMETRIC CHANGES RELATED TO THE ATLANTIC AVENUE/MERRIMAN STREET SAFETY IMPROVEMENTS PROJECT

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

Section 1. The Council hereby approves the following changes in the pavement width related to the Atlantic Avenue/Merriman Street Safety Improvements Project:

- a. reducing the width on the north side of Atlantic Avenue beginning at a point approximately 50 feet west of Merriman Street with the existing 36-foot width and extending easterly to a proposed width of 30 feet (a narrowing of 6 feet) at the pavement edge on the west side of Merriman Street; and
- b. reducing the width on the north side of Atlantic Avenue beginning with the existing 32-foot width at a point approximately 90 feet east of Merriman Street and extending westerly with a gradual taper to a proposed width of 28 feet (a narrowing of 4 feet) at the pavement edge on the east side of Merriman Street.

Section 2. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

HELD IN COMMITTEE.

TO THE COUNCIL
Ladies and Gentlemen:

INTRODUCTORY NO. 20

Re: Adoption of the City Telecommunications Code and Amendments to Chapter 104 of the City Code

Transmitted herewith for your approval is legislation enacting the Telecommunications Code and amendments to Chapter 104 of the City Code. This Code will establish procedures and requirements for telecommunications facilities installation to ensure compliance with federal telecommunications laws and regulations, ensure the safety of the right-of-way (ROW), encourage the deployment of innovative telecommunications infrastructure, protect against negative aesthetic impacts, and establish reasonable compensation rates for use of the right-of-way.

The provisions of this Telecommunications Code specifically:

- Establishes a clear, expedited procedure for approval of telecommunications facilities in the ROW
- Creates a registration requirement for all right-of-way participants which will provide valuable information about telecommunication facilities in the ROW
- Creates a Master Licensing Agreement (MLA) process for all telecommunications providers
- Establishes a uniform pricing regimen for telecommunications installations in the right-of-way
- Establishes the option of alternative or in-kind form of payments
- Establishes standard protections for the City in the form of required insurance, license and permit revocation provisions, security deposits, indemnification, penalties, and reimbursement of City costs

The Amendments to Chapter 104, of the City Code, Streets and Street Encroachments, Rules and Regulations for Work in the Right of Way (Ordinance # 82-56):

- Modernizes definitions and references
- Clarifies Legal Authority,
- Updates Policy Goals,
- Codifies applicability of Permit Requirements and Construction Guidelines.
- Establishes appropriate permit fees and levels of Financial Security.

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Respectfully submitted,
Lovely A. Warren
Mayor

INTRODUCTORY NO. 20

AMENDING THE MUNICIPAL CODE WITH REGARD TO THE TELECOMMUNICATIONS FACILITIES IN THE RIGHT-OF-WAY

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

Section 1. The Municipal Code of the City of Rochester is hereby amended to add a new Chapter 106 to read as follows:

Chapter 106

Telecommunications in the Right-of-Way

Article I. General.

§106-1. Title.

This chapter shall be referred to as the Telecommunications Code of the City of Rochester, New York.

§106 - 2. Applicability.

This chapter shall apply to any Telecommunications Facilities and Accessory Equipment installed or otherwise placed in the Right-of-Way on or after the effective date of this chapter. Telecommunications Facilities constructed with a permit prior to the effective date of this chapter shall be brought into compliance with this chapter when that Facility is reconstructed, modified, repaired, or replaced. When any existing agreement authorizing such Facility requires compliance with this chapter or when any existing agreement governing Telecommunications Facilities expires, Facilities shall be brought into compliance with this chapter and this chapter shall apply to all related activities and Work in the Right-of-Way. This chapter shall also apply to any Facility previously located, installed, or otherwise placed in the Right-of-Way without undergoing review and approval by the City Engineer, unless otherwise authorized by a valid agreement. Any such unauthorized Telecommunications Facility shall be brought into compliance with this chapter and all applicable Laws.

In addition to new Applicants, this chapter shall apply to existing Telecommunications Providers currently occupying the Right-of-Way under a current Right-of-Way Permit and any Addendum Agreement, Pole Attachment Agreement, or Right-of-Way Agreement, pursuant to Chapter 104 of the Code of the City of Rochester. All such Persons shall comply with and be subject to all relevant requirements of this chapter, except that existing Permit fees and other requirements of Chapter 104 shall be determined by any existing, valid Permit agreements until their expiration date, or if no expiration date, the date this chapter is adopted. As set forth in the terms of existing agreements with the City, including Addendum Agreements and other Right-of-Way agreements, such agreements shall be terminated and new Master License Agreements executed in compliance with this chapter. Such new Master License Agreements shall confirm that no changes shall be required with respect to Work performed under existing Permits issued prior to the adoption of this chapter and shall only require compliance with this chapter with respect to new, replaced, modified or relocated Facilities requiring new Permits, except that all Licensees shall be required to comply with §106-5, Registration Requirements, and §106-15, Fees and Compensation, which shall apply to existing and new Facilities.

All Right-of-Way occupants defined as Telecommunications Providers, whether new or existing, party to a current agreement or not, shall be subject to this chapter, including all fees and requirements herein.

All Persons or entities subject to this chapter shall have six months from the date that this chapter is adopted to achieve compliance, including Registration and associated requirements, completion of a Master License Agreement, completed Permit applications as necessary, and payment of all fees and compensation due to the City that accrued as of the date this chapter was adopted.

§106 - 3. Purpose.

The purpose of this chapter shall be to meet the following objectives:

A. To promote the development of a state-of-the-art telecommunications infrastructure that will serve as an incentive to attract and retain businesses and will serve current and future needs of individual citizens as well as educational, governmental, cultural and community organizations;

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- B. To ensure maximum access to the telecommunications infrastructure;
- C. To fully utilize the telecommunications infrastructure, including wherever possible through the use of Smart Poles, as a tool in the effective and efficient delivery of City services;
- D. To minimize unnecessary disruption in the Right-of-Way from the installation and operation of Telecommunications Facilities by coordinating installations, promoting Co-Location and encouraging innovative methods and technologies that minimize disturbances to pedestrians, residents, businesses, traffic, and parking;
- E. To comply with the federal Telecommunications Act of 1996 (“Telecommunications Act”), and any amendment thereto, by enacting policies and procedures that remove barriers to competition among existing and prospective Telecommunications Providers, and which treat providers in a competitively neutral and non-discriminatory manner;
- F. To ensure a fair assessment and assignment of the full cost of installation, maintenance, and repair of Telecommunications Facilities, and the value and use by Telecommunications Providers of the Right-of-Way, a valuable and limited municipal asset;
- G. To require that Telecommunications Facilities and Accessory Equipment are installed in such a way as to mitigate visual, environmental, and neighborhood impacts, to minimize unsightly encumbrances in the Right-of-Way and to promote the least intrusive Facilities possible, with particular attention to Facilities located in historic districts and areas or adjacent to or near historic structures where Facilities shall be installed in a manner that is aesthetically appropriate for the location;
- H. To ensure that all installations of Telecommunications Facilities, Accessory Equipment, and related Work pursuant to this chapter are done safely and completed in a manner consistent with all applicable Laws;
- I. To preserve the City’s right to manage the Right-of-Way and, in light of the ever-increasing number of uses of the Right-of-Way by Telecommunications Providers as well as Utilities and other users, to ensure that the City retains the ability to effectively manage and coordinate these uses in the limited space available; and
- J. To protect the public health, safety, and welfare with respect to the use of the Right-of-Way by Telecommunications Providers and owners or lessees of Telecommunications Facilities.

§106 - 4. Definitions.

For the purpose of this chapter, the following terms shall have the meanings stated below:

ADMINISTRATOR — The Commissioner of the Department of Environmental Services, or the Commissioner’s designee, or an administrator as designated by the Mayor responsible for administering this chapter and other related duties.

ABANDON — When an owner of a Telecommunications Facility permanently or substantially ceases all business activity associated with its Facilities or Accessory Equipment, or fails to comply with ongoing Permit or lease terms, or lets Facilities and Accessory Equipment fall into disrepair without timely cure.

ACCESSORY EQUIPMENT (“EQUIPMENT”) — Any equipment serving or being used in conjunction with a Telecommunications Facility. This Equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets, storage sheds, shelters, vaults, or other structures. This definition excludes equipment owned by a Utility installed for the sole purpose of providing electricity.

AFFILIATE — A Person that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with another Person.

ANTENNA — A device used to transmit and/or receive radio or electromagnetic waves for the provision of services including, but not limited to cellular, paging, personal communications services (PCS) and microwave communications. Such devices include, but are not limited to, directional antennas such as panel antennas, microwave dishes, and satellite dishes; omnidirectional antennas; wireless access points (WiFi); and strand-mounted wireless access points. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

APPLICANT — Any Telecommunications Provider, Utility, owner of Telecommunications Facilities or other entity requesting permission to install or excavate for placement of Telecommunications Facilities in the Right-of-Way.

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BASE STATION — A structure built for a purpose other than the installation of Telecommunications Facilities, upon which Telecommunications Facilities are subsequently installed.

CAMOUFLAGE — The means and methods by which Telecommunications Facilities and Accessory Equipment are designed to conceal the Equipment and blend the installation with the surrounding environment accomplished by requiring the use of one or more of the following concealment elements:

1. Radio frequency equipment screening;
2. Approved, specific colors;
3. Minimizing the size of the Facilities or Site;
4. Integrating the installation into existing infrastructure;
5. Installing new infrastructure that matches existing infrastructure in the area surrounding the proposed Site and dedicating the new infrastructure to the City;
6. Modifying the installation location;
7. Using alternative structures such as man-made trees, clock towers, bell steeples, or other alternative design mounting structures that conceal the presence of the Telecommunications Facilities in a manner that is appropriate to the location;
8. Embedded or underground Facilities, including but not limited to use of Smart Poles;
9. Landscaping; or
10. Mirroring existing structural elements or design.

CARRIER ON WHEELS or CELL ON WHEELS ("COW") — A portable self-contained Telecommunications Facility that can be moved to a location and set up to provide wireless services on a temporary or Emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the Antenna support structure. COW does not include equipment for broadcasting live television coverage.

CITY — The City of Rochester, New York.

CITY COUNCIL — The Common Council of the City of Rochester, New York.

CITY PROPERTY — Includes all real property owned by the City, other than the Right-of-Way and Utility Easements as those terms are defined herein, and all property held in a proprietary capacity by the City, that is not subject to Right-of-Way licensing as provided in this chapter.

CO-LOCATION — With respect to underground Facilities, Co-location shall mean the existence or placement of Telecommunications Facilities or Accessory Equipment by two or more Telecommunications Providers within the same conduit, duct, or similar facility, which avoids the Excavation or substantial disturbance of the Right-of-Way. With respect to Overhead Facilities, Co-location shall mean the mounting, installation or placement of Telecommunications Facilities and Accessory Equipment on a pole or structure shared with one or more Telecommunications Providers.

COMMISSIONER — The Commissioner of Environmental Services of the City of Rochester.

DAY — One calendar day.

DISTRIBUTED ANTENNA SYSTEM ("DAS") — A network of one or more Antenna and fiber optic nodes connecting to a common base station or "hub."

EMERGENCY — A condition that poses an imminent threat to life or property, including a disruption in service.

EMF — Electro-magnetic frequency.

EXCAVATION — Any movement or removal of earth, rock, pavement, Right-of-Way fixtures, or other materials in or on the ground.

EXISTING HEIGHT — The height of a Base Station as originally approved for Telecommunications Facilities or as of the most recent modification that received regulatory approval prior to the passage of the Spectrum Act. Height shall be measured from natural grade to the top of all appurtenances.

FACILITY or FACILITIES — See TELECOMMUNICATIONS FACILITY.

LAWS — Any and all applicable federal laws, state laws, local ordinances, resolutions, regulations, administrative orders, or other legal requirements.

LICENSE — Any right and privilege or the renewal thereof awarded or granted by the City Council pursuant to §5-23 of the City Charter and this chapter to any Person who occupies the Right-of Ways of the City for the purpose of providing Telecommunications Services or for the purpose of installing Telecommunications Facilities. For purposes of this chapter, the term License shall include the term "franchise" as used in existing addendums to Right-of-Way Permits, Pole Attachment Agreements, and other Right-of-Way agreements between the City and Telecommunications Providers.

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LICENSEE — Any Person that holds a License to occupy the Right-of-Way.

MACROCELL SITE — A radio coverage cell that provides the largest area of coverage within a mobile network. The Antennas for macrocells are generally mounted on ground-based masts, rooftops or other existing structures, at a height that is not obstructed by terrain or buildings. They provide radio coverage over varying distances depending on the frequency used, the number of calls made and the physical terrain. Macrocells have a typical power output in hundreds or thousands of watts.

MASTER LICENSE AGREEMENT (“LICENSE AGREEMENT” or “MLA”) — An agreement entered into between any Person requiring Registration and the City that authorizes and governs the installation of Telecommunications Facilities and Accessory Equipment in the Right-of-Way and related requirements and responsibilities.

MODIFICATION — Any change to an existing Telecommunications Facility or Accessory Equipment not authorized by the Permit.

MUNICIPAL FACILITIES – City-owned light poles, poles installed by the City specifically for the placement of Telecommunications Facilities, lighting fixtures, electroliers, handholes, manholes, fiber optic strands, conduit and other City-owned structures or Equipment located within the Right-of-Way.

OTHER WAYS — The highways, streets, alleys, Utility Easements or other rights-of-ways within the City, but under the jurisdiction and control of a governmental entity other than the City.

OVERHEAD FACILITIES — Includes utility poles, utility facilities and Telecommunications Facilities located above the surface of the ground within the Right-of-Way, including the surface or underground supports or foundations for such Facilities.

PERMIT — Authorization granted by the City Engineer under Chapter 104 of the Code of the City of Rochester to perform specified alteration, Excavation, installation, construction, repair or any other Work whatsoever in the Right-of-Way. The term Permit includes any additional terms and conditions added to the Permit.

PERMITTEE — Any Person, Utility or Telecommunications Provider that has obtained permission through the issuance of a Permit from the Department of Environmental Services to make any Excavation or otherwise locate, install or place Facilities in the Right-of-Way.

PERSON — Any individual, association, firm, partnership, corporation, joint-stock company, limited liability company or other legal entity.

REGISTRATION — The requirement that, except as otherwise provided herein, any Person engaged in the business of transmitting, supplying or furnishing of Telecommunications Services originating or terminating in the City and/or occupying the Right-of-Way for the purpose of supplying or installing Facilities to provide Telecommunications Services in or outside the City shall register with the City pursuant to Article II of this chapter.

RIGHT-OF-WAY — The area on, below, or above a City-owned or controlled street, roadway, alley, bridge, tunnel, waterway or sidewalk, including the curbs, gutters, catch basins and related facilities adjacent thereto and any utility easements owned or controlled by the City.

RULES AND REGULATIONS — The Rules and Regulations for Work in the Right-of-Way, and any amendments thereto, as adopted by the City Engineer.

SECURITY — A financial instrument, including a letter of credit, certified check, cash, bond or other formal assurance used to guarantee that Permit work will be properly performed and completed, that any Right-of-Way restoration work will be completed and maintained as required by this chapter, and that all fees and compensation owed to the City are paid in full. Such Security shall be in a form approved by the Director of Finance or the Corporation Counsel.

SITE — The specific area occupied by Telecommunications Facilities, Accessory Equipment, and any structure supporting the Telecommunications Facilities.

SMALL CELL — An umbrella term for low-powered radio access nodes, including those that operate in licensed spectrum and unlicensed carrier-grade WiFi. Small Cell technology includes, but is not limited to, femtocells, picocells, microcells, metrocells and Distributed Antenna Systems, which provide a network densification solution that offloads traffic from the macro network to add capacity.

SMART POLE—A modular, multi-functional pole, as approved by the City Engineer, which enables small cell deployment as well as other wireless applications and services, designed to accept embedded wireless equipment within the pole structure, with no external or attached equipment. Smart Poles are deemed to comply with and satisfy any Camouflage requirements of this chapter or the Rules and Regulations.

SPECTRUM ACT — The Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96.

SUBSTANTIAL CHANGE — Changes to Telecommunications Facilities or Accessory Equipment that increase the number of Antennas, increase the size of the Antennas, increase the EMF output of the Telecommunications Facilities, or modify any existing Telecommunications Facilities or structures that include the following:

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1. Increase in the structure's Existing Height by more than 10% or ten 10 feet, whichever is greater;
2. Installation of new Facilities or Accessory Equipment that protrude from the edge of any pole or the structure;
3. Installation of any new equipment cabinets;
4. Any Excavation or deployment outside the current Site as permitted;
5. Changes that defeat the existing Camouflage elements of the Telecommunications Facility; or
6. Other changes that do not comply with conditions of the prior approval of the Telecommunications Facility unless the changes do not exceed the above thresholds.

TELECOMMUNICATIONS FACILITY (“FACILITY” or “FACILITIES”) — The plant, equipment and property, including but not limited to cables, wires, fiber optic strands, conduits, pipes, ducts, dishes, pedestals, poles, Antennae, radio equipment, electronics and other appurtenances, including both underground and overhead Facilities, used or to be used to transmit, receive, distribute, support, provide or offer FCC licensed or FCC authorized Telecommunications Services.

TELECOMMUNICATIONS PROVIDER (“PROVIDER”) — Any Person who provides Telecommunications Service over Telecommunications Facilities. This definition shall not include the City or the County of Monroe or other government agencies, with respect to Telecommunications Facilities used for the provision of Telecommunications Services for governmental or public benefit purposes.

TELECOMMUNICATIONS SERVICE — The providing or offering for rent, sale or lease, or in exchange for other value received, of any service or Telecommunications Facilities that includes the transmission and/or distribution of voice, data, image, graphic or video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar Facilities, with or without benefit of any closed transmission medium.

UTILITY — Solely for the purpose of this chapter, a utility is an entity that is certified by the New York State Public Service Commission to provide or install any Facilities for the delivery of electricity, oil, gas, internet, programming, or other similar data transfer service, including any Utility owned or operated by another city, county, or other governmental agency to the extent allowed by law. For the purpose of this chapter, utilities shall also include companies providing cable television services. City-owned utilities and Facilities installed in the Right-of-Way are exempt from the provisions of this chapter.

UTILITY EASEMENT — Any easement acquired, established, dedicated or devoted for public utility purposes.

WORK — Includes all labor, materials, equipment, services, and all other things necessary to install within, excavate, or restore the Right-of-Way, all of which is subject to the determination and requirements of the City Engineer.

Article II. Registration

§106 - 5. Registration Application Requirements

A. **APPLICATIONS** – To ensure that the City is able to protect and manage the Right-of-Way, the City requires information about Providers and their agents and information and documents about Facilities and Equipment existing or proposed to be installed in the Right-of-Way. The owner, installer, or anticipated installer of Telecommunications Facilities in the Right-of-Way, including those installing on non-City owned property in the Right-of-Way, shall file a Registration application form with the City Engineer and pay the registration fee as specified in §106 – 15. Applications that do not include all of the required application information, as determined by the City Engineer to be necessary for the proper management of the Right-of-Way, shall be deemed incomplete and the City shall not be required to take any action, including the issuance of any Permits for Work in the Right-of-Way. It shall be the Applicant’s responsibility to ensure that all required information is submitted and to confirm with the City Engineer that the application is complete. The City Engineer will review the Registration application within 10 business days and notify the Applicant of any deficiencies in the application within 5 business days thereafter. The Applicant may resubmit a revised application within 30 Days without additional charge.

B. **REGISTRATION REQUIREMENTS** – All mandatory Registration applications shall include the following information:

1. The identity and legal status of the Applicant, including any Affiliates.
2. The name, address, telephone number, and email address of the officer(s), agent(s) and employee(s) responsible for the accuracy of the application information and who will have responsibility and/or authority for the Applicant’s Facilities located within the City. The name and address provided by Applicant shall be used by the City for any notifications or demands to an Applicant, and mailing any notification or demand set forth in this chapter to such name and address shall be deemed receipt by the Applicant.
3. The name, address, telephone number and email address of an officer, agent or employee who shall be available to City staff twenty-four hours a day, seven days a week, regarding problems or complaints resulting from the Facilities installed by Applicant in the Right-of-Way. Applicant shall immediately notify the City of any changes to such information.

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4. The name, address, phone number and email address of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application.
5. The name, address, phone number and email address of all lessees, tenants or occupants using or intending to use Applicant's existing or proposed Telecommunications Facilities and Equipment.
6. A description of the Applicant's existing and proposed Telecommunications Facilities and Equipment within the City, including a complete map as required by the Rules and Regulations illustrating the existing locations and the type and location of new Facilities proposed for installation within the Right-of-Way, with an anticipated construction schedule for the next two years, to be updated January 1 of each year. These maps, plans, and schedule are necessary for Right-of-Way Work coordination and proper Right-of-Way management. The format and other requirements for the map will be determined by the City Engineer in the Rules and Regulations.
7. Proof of required approvals from the New York State Public Service Commission relating to the provision of Telecommunication Services or location of Facilities within the City.
8. A description of the excess capacity in or on the Applicant's proposed Telecommunications Facilities, including any excess capacity in underground conduits or other Facilities available for expansion by the Applicant or for Co-location by other Telecommunications Providers, and the availability of space for additional Antennas, Facilities, or Accessory Equipment on Overhead Facilities owned or controlled by the Applicant.
9. Such other information as the City Engineer or the Director of Finance may reasonably require to properly manage the Right-of-Way, including annual updates of the information required per this section and insurance and/or bonding documentation.
10. Documentation that Applicant has registered and complied with Dig Safely New York requirements.

C. APPLICATION CLOSED – A Registration application will be deemed closed if, after it has been processed by the City, the City has sent the Applicant notice that the application is deficient or incomplete and more than 30 Days lapses without a good faith response from the Applicant that resolves the issue raised. Once an application has been closed it may not be reopened and a new application must be made and a fee paid. No refunds will be provided for closed applications.

D. APPLICATION INFORMATION UPDATE – Applicants shall be required to provide updated information about all of the above requirements as soon as reasonably possible after a change of circumstances, or no later than one year from the date on which the Registration was completed, whichever is sooner.

E. POST-REGISTRATION REQUIREMENTS – Upon completion of the Registration application, Applicant shall obtain all required Permits and enter into a Master License Agreement as set forth in Article III of this chapter, prior to commencement of any Work in the Right-of-Way.

F. RE-REGISTRATION REQUIREMENTS - After the final renewal term of the Master License Agreement expires, the Applicant must file a new Registration application form as set forth above; however, in the City Engineer's sole discretion, when all or a substantial portion of the information on the original Registration is up to date and unchanged, the existing Registration may be accepted with a reduced fee sufficient to cover City administrative costs as determined by the City Engineer.

§106 - 6. Exemption from Registration.

This chapter shall not apply to cable services provided under a cable franchise pursuant to Chapter 4A of the Municipal Code of the City of Rochester. All of the requirements of this chapter shall apply to any Telecommunications Services provided by a cable service franchisee or an Affiliate, including internet and telephone services.

Article III. Master License Agreement and Permits

§106 - 7. General

A. A Master License Agreement shall be required of any Telecommunications Provider who, prior to the adoption of this chapter, installed and owns or intends to install any Facilities or Accessory Equipment in the Right-of-Way for the purpose of providing Telecommunications Services by that Provider or another Provider. A Master License Agreement shall be executed between the Telecommunications Provider and the City, and such Agreement shall be a condition of the Permit and authorization to commence Work. Applicants are encouraged to commence the Permit application process concurrently with any negotiations and prior to execution of the Agreement. The Master License Agreement shall set forth the terms and conditions of this chapter as well as such additional terms as agreed to between the parties, so long as such terms are competitively neutral in relation to similar agreements with other Providers. A Master License Agreement may be executed prior to the issuance of permits, however no work shall be authorized in the Right-of-Way until the site specific permit is issued.

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B. Telecommunications Providers shall obtain individual Permits from the City Engineer, pursuant to Chapter 104 of the Municipal Code, for all Sites of construction or installation of Facilities within the Right-of-Way. Permit Applicants shall comply with all applicable requirements and procedures as set forth in the Rules and Regulations and any terms and conditions contained in the Permit.

C. The City Engineer may determine that installers of Telecommunication Facilities on private property, which require a *de minimus* use of the Right-of-Way, are not subject to the Master License Agreement requirements of this chapter, however, the City Engineer in his/her sole discretion, may require such Registration information or other requirements of this chapter, as is necessary to enable the City to manage and protect the Right-of-Way.

§106 - 8. Permitted Locations and Facilities.

A. Authorization to use the Right-of-Way granted hereunder shall be limited to the approval to use specific locations, install specific Facilities and Equipment, and to use specific Municipal Facilities as described in the Master License Agreement and the Permits. Any Substantial Change, Modification, extension, addition or relocation of a Telecommunication Provider's Facilities or Accessory Equipment in or to locations in the Right-of-Way not included in the Permits or to new or different Municipal Facilities shall require an amendment of the Permit or an additional Permit to include those new locations or Facilities. The Master License Agreement shall also be amended whenever fees or other requirements for new Facilities or Accessory Equipment were not addressed in the existing agreement.

B. Any Modifications made to an existing Telecommunications Facility or any Accessory Equipment in the Right-of-Way shall require that all aspects of that Facility be brought into compliance with this chapter and the Rules and Regulations and shall require a new Permit.

§106 - 9. Nonexclusive Grant.

No License or Permit granted hereunder shall confer any exclusive right, privilege or license to occupy or use the Right-of-Way for delivery of Telecommunications Services or any other purposes. All Permits and Licenses to construct or place Facilities and Equipment in the Right-of-Way shall be nonexclusive and shall not prohibit Co-location or City use.

§106 - 10. Rights Granted.

A. No License granted hereunder shall convey any right, title or interest in the Right-of-Way, but shall be deemed a license only to use and occupy the Right-of-Way for the limited purposes and term stated under this chapter or as defined by the Master License Agreement and Permit.

B. No License granted hereunder shall authorize or excuse a Licensee from securing such further leases or other approvals as may be required to lawfully occupy and use the Right-of-Way, including any locations in the Right-of-Way not specifically authorized by the Master License Agreement or Permit.

C. No License granted hereunder shall be construed as any warranty of title.

D. With the exception as stated in §106-7(C), no Permit granted hereunder shall be effective until the Applicant and the City have executed a written Master License Agreement setting forth the particular terms and conditions under which the Licensee is to occupy and use the Right-of-Way.

§106 - 11. Permit Determination by City.

A. The City shall issue a written determination granting or denying a Permit application, in whole or in part, and may impose additional conditions related to the management and protection of the Right-of-Way on the Permit at its discretion. After receipt of a complete application, the City will issue such determination consistent with the requirements of applicable Laws.

The City has determined that to protect the public safety and ensure proper management of the Right-of-Way, the review and approval of Permit applications for Facilities and Equipment in the Right-of-Way requires a comprehensive review of all submitted documents and site inspections as needed.

B. With respect to Small Cell installation, such Permit review includes but is not limited to inspection visits to each proposed site to verify field conditions such as existence of overhead lines, areaways and other aboveground facilities, inspection of electrical circuits for the pole, coordination with electrical utilities, evaluation of adjacent road and sidewalk conditions, identification of other competing right-of-way projects in the area, and addressing complaints or issues with adjacent residential and business neighbors. When applications for multiple sites are submitted at the same time, sufficient additional time shall be required for the review and inspection of each individual site. Accordingly, such Permit determination shall be issued within 30 Days of receipt of a completed single-Site application, extended by 2 business days for each additional Site requested on the Permit application. Failure of the City to act within the prescribed timeframe shall not be deemed an approval of the application.

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A Small Cell Permit application shall be deemed incomplete, and the above time frames shall not commence, if the Applicant is so notified in writing within 10 Days from receipt of the application, stating the manner in which the application is incomplete, including but not limited to the failure of the Applicant to complete the Registration requirements or the determination, as set forth below, that the services of an expert consultant are required. If the Applicant submits a revised application which does not include the documents or information identified in the prior notification, the City shall within 10 days provide written notice that the application is incomplete and that no further action will be taken by the City to review the application until all deficiencies in the application have been corrected.

C. If the City determines that it does not have the expertise needed to evaluate the equipment, location, or technology associated with an application with respect to the factors in subsection D, below, or other material issues in the application, it may secure the services of an expert consultant to review the application at the Applicant's cost. The Applicant shall cooperate with the expert and ensure that all necessary information is supplied to both the City and the expert. A deficient application under this subsection, shall be deemed complete when the City receives the report or determination of the expert.

D. If the Permit application is denied, the determination shall state in writing the reason for such denial. Among the factors to be used in making a determination to approve or deny a Permit application, including a renewal application, the City may consider:

1. Failure to comply with Registration applications requirements as set forth in §106-5;
2. The legal authority of the Applicant to occupy the Right-of-Way as evidenced by proof of required state and federal approvals;
3. The capacity of the Right-of-Way and Municipal Facilities to accommodate the Applicant's proposed Facilities;
4. Damage or disruption to public or private Facilities, improvements, service or travel in the Right-of-Way, including violation of the Dig Once, or other policies as set forth in the Rules and Regulations, if the approval is granted;
5. The effect on public health, safety and welfare;
6. The availability of practicable alternative routes, excess capacity and/or Co-Location options which would avoid damage or disruption to the Right-of-Way;
7. Applicable Laws;
8. Material errors or omissions in required data or materials submitted;
9. Failure to use reasonable Camouflage methods to mitigate the impacts of the proposed Telecommunications Facilities and Accessory Equipment;
10. Compliance with Federal EMF emissions standards;
11. Failure to reasonably mitigate the impact of its proposed Facilities or Equipment by the least intrusive means possible in its design, placement, location, size, and number of Facilities and Equipment; and
12. Applicant's history of non-compliance with this chapter, Chapter 104, the Rules and Regulations, the Permits or a Master License Agreement.

E. Appeals. Any Person may appeal the City Engineer's decision in writing to the Commissioner of Environmental Services within 10 Days after the determination is served on the Applicant. Applicant shall have the right to submit any relevant evidence as an attachment to such appeal. The Commissioner may conduct a hearing on the appeal to collect and review pertinent information and will notify the Applicant of his or her determination within 20 Days. Judicial review of the determination may be sought pursuant to Article 78 of the New York State Civil Practice Law and Rules.

Section 332(c)(7)(b)(iv) of the Telecommunications Act preempts local decisions premised directly or indirectly on the environmental effects of radio frequency (RF) emissions. Accordingly, appeals based on the environmental effects of radio frequency emissions will not be considered.

§106 - 12. Term of the Master License Agreement.

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A Master License Agreement granted hereunder shall be approved by City Council and may remain in effect for a term of 5 years with the option for 3 renewals of 5 years each upon agreement of the parties. Such renewals, so long as provided for in the ordinance approved by City Council, may be processed by the Administrator.

§106 – 13. Renewal Applications.

A. Any Licensee that desires to exercise the renewal term in its Master License Agreement shall, not more than 180 Days nor less than 90 Days before expiration of the current Master License Agreement, file an application with the Administrator for renewal. The application shall provide any information required by §106-5 which differs from the original application. The City and Licensee shall execute a Master License Agreement extension or the City shall issue a written determination denying the renewal application in whole or in part within 30 business days from receipt of the completed renewal request. Failure of the City to respond within 30 business days does not constitute an automatic approval of the renewal. If the renewal is denied, the determination shall state the reason for such denial. Denial of a License renewal may be appealed in the same manner as an appeal of the denial of a Permit application detailed in §106-11(D).

B. After the final renewal term of the Master License Agreement expires, the Applicant must re-register as required by §106-5 and negotiate a new Master License Agreement. Such efforts should be started at least 180 Days prior to expiration of the Master License Agreement to allow sufficient time for negotiations and City Council approval.

§106 - 14. Obligation to Cure as a Condition of Renewal.

No Master License Agreement shall be renewed until any ongoing violations or defaults in the Licensee's performance of the requirements of this chapter, and violations of all applicable Laws and Permit conditions have been cured, or a plan detailing the corrective action to be taken by the Licensee within a defined schedule has been approved by the City Engineer or designee.

Article IV. Fees and Compensation.

§106 - 15. General.

A. REGISTRATION FEE. All Applicants shall pay a non-refundable Registration fee in the amount of \$1,000 to reimburse the City for the administrative costs of processing Registration information and materials, including all subsequent information updates required during the term of a Master License Agreement. Upon expiration of any Master License Agreement, including extension requests, the Applicant shall re-register with the City and pay a renewal fee in the amount of \$500.

B. RIGHT-OF-WAY COMPENSATION. All Licensees shall pay annually to the City, as compensation for use of the City's Right-of-Way and/or for the use of Municipal Facilities, the reasonably approximate costs for the maintenance, operation and management of the Right-of-Way related to such use, including but not limited to site inspection costs, repair and maintenance costs of Municipal Facilities and the Right-of-Way, administrative costs for retaining and managing documents and records, legal services costs for Master License Agreements and other related documents and issues, costs for managing, coordinating and responding to public concerns and complaints, the costs of the City's self-insurance and the value of the Right-of-Way and the Municipal Facilities, in the following annual amounts:

1. UNDERGROUND INSTALLATIONS

a. OPEN TRENCHING. In the first year, \$10,000 for up to 2,500 linear feet of Telecommunications Facilities per contiguous Site, per conduit or multiple conduits up to 5 inches total in diameter in the Right-of-Way \$1.50 per linear foot for 2,500 through 12,500 linear feet of Telecommunications Facilities and \$0.75 per linear foot thereafter. Annually after the first year of installation, \$5,000 for up to 2,500 linear feet of Telecommunications Facilities and \$1.00 per linear foot for 2,500 through 12,500 linear feet of Telecommunications Facilities and \$0.50 per linear foot thereafter;

b. INSTALLATION IN EXISTING FACILITIES. Five thousand dollars (\$5,000) for up to 2,500 linear feet of Telecommunications Facilities, including wire, fiber optic strands, innerduct or other Facilities which do not require the installation of new conduit and are installed in existing Facilities and \$1.00 per linear foot for 2,500 through 12,500 linear feet of Telecommunications Facilities and \$0.50 per linear foot thereafter;

c. DIRECTIONAL BORING. In the first year, \$500 for each site of Excavation required to facilitate directional boring for placement of conduit or multiple conduits up to 5 inches total in diameter in the Right-of-Way and \$1.50 per linear foot of installed facilities resulting from such directional boring for 2,500 through 12,500 linear feet of Telecommunications Facilities and \$0.75) per linear foot thereafter. Annually after the first year, \$5,000 for up to 2,500 linear feet of installed Telecommunications Facilities and \$1.00 per linear foot for 2,500 through 12,500 linear feet of Telecommunications Facilities and \$0.50 per linear foot thereafter;

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2. AERIAL INSTALLATIONS. Aerial installation of fiber or other Telecommunications Facilities and Accessory Equipment strung between poles, buildings, or other Facilities is strongly discouraged due to area weather, safety concerns, limited capacity, and aesthetic disturbances. Upon demonstrating that there is no reasonable alternative to such installation, and if such installation is approved, then \$10,000 for up to 2,500 linear feet of Telecommunications Facilities, \$1.50 per linear foot for 2,500 through 12,500 linear feet of Telecommunications Facilities and Equipment and \$0.75 per linear foot thereafter. Annually after the first year of installation, \$5,000 for up to 2,500 linear feet of Telecommunications Facilities and \$1.00 per linear foot for 2,500 through 12,500 linear feet of Telecommunications Facilities and \$0.50 per linear foot thereafter.

3. STRAND-MOUNTED FACILITIES. Installations of aerial fiber optic strand-mounted wireless Wi-Fi equipment as described in § 106-30 shall be subject to an annual fee of \$250 per unit when installed in the Right-of-Way between two City-owned poles and \$150 per unit when installed between any other poles. Such fees are not inclusive of any additional compensation required herein.

4. POLE ATTACHMENTS. One thousand five hundred dollars (\$1,500) per standard City-owned pole or standard pole purchased and replaced by the Licensee and dedicated to the City, and \$1000 per Smart Pole installed by the Licensee and dedicated to the City. Any Smart Poles installed by the City shall be such amount as set forth in a Master License Agreement.

5. RELOCATED AERIAL INSTALLATIONS. Existing aerial installations which are relocated to approved underground locations shall pay 50% of the underground installation compensation amounts set forth above.

C. Additional Telecommunications Facilities, including Facilities not addressed or anticipated by this section, shall be subject to such compensation requirements as determined by the City Engineer, as is reasonably consistent with the forms of compensation required herein.

D. A prorated payment to the end of the calendar year shall be made within 30 Days from the issuance of the Permit. Thereafter, the annual payment shall be due and payable on January 1 of each year. Payments not received on or before the due date shall be assessed compound interest of 1% per month. Upon renewal of each 5-year term of the Master License Agreement, all fees set forth in subsection B above shall increase by a percentage amount equal to the percentage change in the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index for the Northeast Urban Region.

F. Licensees shall pay the actual costs, including but not limited to legal and engineering fees, of any expert consultant the City may reasonably require for review of applications submitted pursuant to this chapter.

G. The compensation set forth in this section shall be exclusive of, and in addition to, any other applicable fees, including but not limited to Permit fees, Registration costs, or other costs established by this chapter or by Chapter 104, any rental amounts for lease of City Municipal Facilities and all special assessments and taxes of whatever nature.

H. Except as otherwise required by Law, neither the fees pursuant to this section nor any portion thereof shall be billed or otherwise separately charged, identified or designated on any bills or invoices to any customers or users of services or commodities furnished by Licensee.

I. Acceptance by the City of any payment due under this section shall not be deemed to be a waiver by the City of any breach of a Master License Agreement or Permit condition, nor shall acceptance of any partial payments preclude the City from later establishing that a larger amount was due or from collecting any balance due the City.

J. At the discretion of the Administrator, the City may require in-kind or alternative payments as described in §106 - 16, such as the installation of conduit and fiber dedicated to the City, Rochester Public Library, or the City School District, in lieu of the payments described above, provided that such payments result in an annual value substantially similar to the payments required by this section and that any such in-kind payments are described in the Master License Agreement or any amendment thereto.

§106 - 16. Alternative payment.

A. Notwithstanding the foregoing, Licensees may, in the City's sole discretion, provide alternative services for all or a portion of the compensation owed to the City by providing in-kind telecommunications-related services or Facilities to the City, the Rochester Public Library (Library), or to the Rochester City School District (District). These in-kind services or Facilities may include fiber, dedicated conduit space, telecommunications services or equipment, drilling or Excavation for the purpose of Telecommunications Facilities installation, technical support and training or other services determined by the City to be consistent with the telecommunication requirements of the City, Library, or the District and in compliance with the law. These services or Facilities shall be provided to the City at Licensee's cost and shall be of equal value, as much as reasonably possible, as the monetary amount of the compensation required herein.

B. If a Licensee desires to take advantage of the alternative payment option, it must provide the City with a detailed description of the Telecommunications Services or Facilities it proposes in lieu of monetary payment.

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C. Licensee shall provide to the City, at its own expense, an analysis prepared by an independent entity that demonstrates that the value of in-kind services or Facilities, which shall be based on Licensee's costs, is equal to or greater than the amount of compensation to be offset. The ultimate value of any in-kind services shall be determined by the Administrator after reviewing such analysis. The Administrator may develop rules and procedures for the implementation of this section.

D. Licensee may contact the City and request a conference regarding in-kind payment opportunities, if any, that the City may be willing to accept. The City will endeavor to schedule such conference within 30 Days of the request.

§106 - 17. Co-Location.

A. As set forth in the Purpose statement of this chapter, in order to minimize community disruption from the installation and operation of Telecommunications Facilities, the City encourages Co-location. Whenever a Licensee permits another Telecommunications Provider to Co-locate its Facilities, to the extent that no Excavation of the Right-of-Way is required, the Licensee shall be entitled to an annual 10% reduction in the compensation payment due and owing to the City as described in §106 - 15 for the length of time that the Facilities are Co-located. The reduction will be pro-rated for partial years to reflect the reduction only during periods of Co-location.

B. Interference with existing Facilities or Equipment caused by the Co-locating party shall be the sole responsibility and liability of the Co-locating party.

Article V. Additional Requirements applicable to Licensees.

§106 - 18. Revocation of License Agreement or Permit.

A. A Master License Agreement or Permit granted by the City may be revoked for a violation of the provisions of this chapter or violation of any terms or conditions of such License or Permit, including but not limited to the following:

1. Construction or operation at an unauthorized location;
2. Material misrepresentation or fraud by the Licensee or Permittee;
3. Abandonment of Facilities or Accessory Equipment in the Right-of-Way without proper notice or removal;
4. Failure to relocate or remove Facilities or Accessory Equipment as required by the City Engineer;
5. Failure to timely pay compensation, fees or other costs due the City;
6. Failure to maintain required insurance and Securities;
7. Failure to provide or maintain required records, maps, and studies;
8. Failure to obtain Permits pursuant to Chapter 104 or to comply with any Permit conditions or requirements;
9. Failure to adhere to the specifications authorized by the Permit or Master License Agreement, including but not limited to altered uses, expanded dimensions, or changes in character;
10. Selling or leasing an interest in Telecommunications Facilities in the Right-of-Way without proper notice, documentation and authorization as required by this chapter;
11. The use approved has ceased, never begun, or has been suspended for six months or more;
12. Failure to comply with any applicable Laws, including this chapter;
13. A substantive change in Law affecting the Licensee or Permittee's authority to occupy or use the Right-of-Way or the City's authority to impose regulations relating to such occupation or use;
14. Facilities or Accessory Equipment interfere with a City project;

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15. Facilities or Accessory Equipment interfere with vehicular or pedestrian use of the Right-of-Way; or

16. Failure to make timely and safe restoration of the Right-of-Way.

B. In determining whether the any of the foregoing violations have occurred and whether to revoke the License or Permit, the City Engineer may consider the nature, circumstances, extent and gravity of the violation, including but not limited to one or more of the following considerations:

1. Whether the violation was egregious;
2. Whether substantial harm resulted;
3. Whether the violation was intentional;
4. Whether there is a history of prior violations;
5. Whether there is a history of overall compliance; and
6. Whether the violation was voluntarily disclosed.

C. In the event that the City finds that grounds exist for revocation of a License and/or Permit, written notice of the violation shall be sent to the Licensee or Permittee. Such notice will provide 10 Days from issuance of the notice of violation, to correct the violation or rebut the violation in writing to the City Engineer and request a hearing.

If Licensee or Permittee does not request a hearing or does not respond within 10 Days to the City's notice, the License or Permit will be immediately revoked. Upon notice of revocation, Licensee and/or Permittee must immediately cease Work, remove all equipment and property from the Right-of-Way, and restore the Right-of-Way to a condition acceptable to the City Engineer. Revocation may be appealed as set forth in §106 - 19 below.

If the Licensee or Permittee submits a written statement rebutting the violations and requesting a hearing, the City Engineer shall either:

1. Issue a written decision withdrawing the notice of violation;
 2. Settle with the Licensee and/or Permittee by agreeing to a conditional Permit, Permit addendum, or other written agreement; or
 3. Schedule a revocation hearing.
- D. Nothing herein shall preclude the City from pursuing any available legal remedies.

§106 - 19. Revocation Hearing.

A. The Commissioner shall grant a hearing to be scheduled no later than 30 Days from the receipt of a request for a hearing.

B. The appellant shall be permitted representation by counsel, the ability to submit evidence and summon witnesses on his or her behalf, and to inspect appropriate documents and cross-examine opposing witnesses. Compliance with the technical rules of evidence shall not be required. The Commissioner shall make the final determination in writing, based upon evidence produced at the hearing and the standards and considerations set forth in this chapter. The Commissioner may impose reasonable costs incurred by the City as a result of the specified violations. The determination of the Commissioner shall be a final decision and shall be subject to review pursuant to Article 78 of the Civil Practice Law and Rules.

§106 - 20. Assignment.

A License or Permit granted pursuant to this chapter shall not be assignable to any other entity including a parent, Affiliate or subsidiary, without the prior written approval of the City so that the City may properly manage its Right-of-Way and obtain all necessary information to do so. Licensee and/or Permittee must notify the City at least 60 Days in advance of any proposed assignment. The City's approval shall not be unreasonably withheld so long as the proposed assignee of the License or Permit meets the requirements of this chapter.

§106 - 21. Abandonment of Telecommunications Facilities and Accessory Equipment.

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A. If a Permittee intends to Abandon any portion of its Facilities or Accessory Equipment it shall notify the City Engineer in writing at least thirty (30) Days in advance and shall either promptly vacate and remove the Facilities and obtain all necessary Permits, at its own expense, or upon written City Engineer approval, Abandon some or all of the Facilities in place, in which case ownership of the Abandoned Facilities shall be deemed to transfer to the City.

B. After the removal or relocation of its Facilities and Accessory Equipment, Permittee, at its own cost, shall repair and restore the Right-of-Way to a safe and satisfactory condition in accordance with generally applicable construction standards and specifications established by this chapter, Chapter 104, and the Rules and Regulations. Should Permittee remove or relocate its Facilities in the Right-of-Way, it shall give the City not less than 30 Days prior written notice of its intent to do so. Before proceeding with removal or relocation work, Permittee shall obtain such additional Permits as may be required.

C. In the event that the City has received notice of intent to Abandon as set forth in subsection A above and Permittee fails to remove its Facilities or Accessory Equipment within 30 Days from such Abandonment notice (except for any Facilities which the City Engineer has approved to remain in place), the City may remove or cause to be removed some or all of the Abandoned Facilities or Accessory Equipment without further notice and may charge Permittee for all costs incurred for such removal and storage, including all costs to restore the Right-of-Way and any penalties authorized by Chapter 104. Failure of Permittee to pay all such costs within 10 Days from receipt of the City's demand for payment shall constitute grounds for the City to draw on the Security established pursuant to §106-24.

D. If the City has not received a notice of intent to abandon from Permittee but otherwise determines that Permittee has Abandoned its Facilities or Accessory Equipment, the City shall notify Permittee of its determination that Permittee's facilities or Accessory equipment have been Abandoned and demand a plan for removal of the Abandoned Facilities or Accessory Equipment. If Permittee fails to respond or to provide an acceptable plan, within 30 days from the date of the notice, the City may remove or cause to be removed some or all of the Abandoned Facilities or Accessory Equipment without further notice and may charge Permittee for all costs incurred for such removal and storage, including all costs to restore the Right-of-Way and any penalties authorized by Chapter 104. Failure of Licensee or Permittee to pay all such costs within 10 Days from receipt of the City's demand for payment shall constitute grounds for the City to draw on the Security established pursuant to §106-24.

E. If the City removes the Abandoned Telecommunications Facilities and Accessory Equipment, City shall notify Permittee of the removal. If the Permittee does not remove the Facilities and Accessory Equipment from the storage location and pay all removal costs, Right-of-Way restoration costs, and reasonable storage costs within 30 Days of notification of removal, the Facilities and Accessory Equipment shall become City property. The City Engineer may declare the Facilities and Accessory Equipment as surplus property and the City Purchasing Agent may dispose of the property pursuant to Code Chapter 8A-17.

§106 -22. Relocation of Facilities and Accessory Equipment.

If ordered by the City Engineer to move or relocate its Telecommunications Facilities or Accessory Equipment in the Right-of-Way, the Licensee or Permittee shall relocate such Facilities at its own expense, subject to the requirements of Chapter 104 and the Rules and Regulations.

§106 - 23. Insurance.

A. At all times during the term of any Permit, License, Master License Agreement or other Right-of-Way agreement ("ROW Approvals") hereunder, all Licensees and/or Permittees shall maintain insurance in the amounts set forth below. Said insurance shall be issued by a reputable insurance company authorized to do business in the State of New York. Said insurance shall also name the City as an additional insured and copies of the policy endorsements reflecting the same must be provided to the Director of Finance. Licensee and/or Permittee shall provide the City with a certificate of insurance from an authorized representative of a financially responsible insurance company evidencing that such an insurance policy is in force, including policy information and amounts and a listing of any and all exclusions under said policy. The insurance shall stipulate that, in the event of cancellation or modification the insurer shall provide the City with at least 30 Days written notice of such cancellation or modification. In no event shall such liability insurance exclude from coverage any municipal operations or municipal property related to any License, Permit or other Right-of-Way agreement.

B. Licensees and/or Permittees shall maintain a comprehensive general liability insurance policy with bodily injury limits of at least \$5,000,000 per person, \$5,000,000 per occurrence, and property damage limits of at least \$5,000,000 per occurrence. The policy must insure with regard to liability for bodily injury, death and property damage, as well as other claims and damages, and provide the following coverage: comprehensive form, premises/operations, explosion and collapse hazard, underground hazard, products/completed operations hazard, contractual insurance, broad form property damage, independent contractors and personal injury.

C. Licensees and/or Permittees shall maintain comprehensive automobile liability insurance covering all motor vehicles owned or used by the Licensee or Permittee for any Right-of-Way Work, including but not limited to maintenance, installation, repair, and restoration, with bodily injury limits of at least \$3,000,000 per person, \$3,000,000 per occurrence, and property damage limits of at least \$3,000,000 per occurrence.

D. Licensees and/or Permittees shall require all of its subcontractors to keep insured, during the life of any Right-of-Way Approval, all employees of said subcontractors as are required to be insured under the provisions of the Workers' Compensation Law of the State of New York. In the event the Licensee and/or Permittee hires its own employees to do any Work authorized by the License, Permit, or Right-of-Way agreement, it shall

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insure its own employees. Licensee and/or Permittee shall provide proof to the City, duly subscribed by an insurance carrier, that such Workers' Compensation and Disability Benefits coverage has been secured. In the alternative, Consultant shall provide proof of self-insurance or shall establish that Workers' Compensation and/or Disability Benefits coverage is not required by submitting a completed New York State Workers' Compensation Board's form WC/DB-100.

Licensee and/or Permittee shall also provide and maintain insurance to protect it from all claims under Worker's Compensation Law as required by the State on a scheduled basis. Proof that such Workers' Compensation Insurance has been secured and duly subscribed by an insurance carrier shall be provided to the City in advance of all Work performed in the Right-of-Way or otherwise relevant to this Section.

E. The insurance hereby required shall include the City as an additional insured, shall not exclude municipal employees, property or operations and shall be maintained in full force and effect throughout the term of the Right-of-Way Approval. Modifications to the requirements of this section may be authorized by the Director of Finance for good cause demonstrated, so long as the welfare and interests of the City are equally protected.

§106 - 24. Security.

At all times during the term of any Permit, License, Master License Agreement or other Right-of-Way agreement ("ROW Approvals"), all Licensees and/or Permittees shall provide to the City, in a form acceptable to the City Director of Finance or the Corporation Counsel, Security in the amount of \$100,000 or such greater amount as determined by the City Director of Finance to be necessary to protect the interests of City in the event of Licensee or Permittee's failure to comply with the requirements of this chapter, Chapter 104, the Rules and Regulations or ROW Approvals, or based on the nature and extent of the Telecommunications Facilities being installed in the Right-of-Way. The City may draw upon the Security as a result of any breaches or violations of this chapter, Chapter 104, the Rules and Regulations, Permit conditions or the Master License Agreement, including in the event that Licensee and/or Permittee fails to pay any fees, costs or compensation due and payable under the Permit or Master License Agreement within 10 Days of a demand for payment served by the City.

§106 - 25. Indemnification.

Licensees and Permittees shall defend, indemnify and hold harmless the City, its officers, employees, agents, boards and commissions against any claims, lawsuits or proceedings, damages, penalties, or costs whatsoever brought by a third party arising out of a Permit or Master License Agreement and any activities engaged in by Licensee or Permittee. This provision shall not require a Licensee or Permittee to defend or indemnify the City from claims to the extent that they are attributable to the gross negligence or intentional acts or omissions of the City, its officers, employees, agents, boards and commissions.

§106 - 26. No Recourse Against the City.

A Licensee or Permittee shall have no recourse whatsoever against the City or its officers, employees, agents, boards or commissions for any loss, costs, expenses or damages arising out of any provision or requirement of this chapter, or due to the good faith enforcement of this chapter, the Permit or Master License Agreement. This provision shall not prevent a Licensee or Permittee from asserting any legal right or pursuing any legal remedy it believes it possesses with regard to this chapter.

§106 - 27. Right of City to Inspect Facilities and Records.

A. Each Licensee and Permittee shall maintain records, including as-built drawings as described in more detail in the Rules and Regulations and maps of the location of its own Facilities and any Facilities it installs for the City's benefit in the Right-of-Way, and such other records as the City Engineer may reasonably require to enable the proper and efficient enforcement of the provisions of this chapter and management of the Right-of-Way. Such records and maps shall be filed with the City within 10 Days of the completed Work.

B. The City's designated representatives shall have the right to inspect, examine, or audit during normal business hours and upon reasonable notice to the Licensee and/or Permittee, all documents, records or other information which pertain to the Facilities in the Right-of-Way pursuant to this chapter and Chapter 104.

C. Each Licensee or Permittee, its agents, and outside contractors shall make available for examination by the City or its authorized representative or agent, within 30 Days from such request, during normal business hours, all documentation (i.e. books, records & accounts or other documentation of the Licensee or Permittee hereinafter collectively referred to as the "Documents") in the format requested by the City that, in the City's discretion, is necessary to determine the accuracy of information concerning installed Facilities and Accessory Equipment. Licensee or Permittee shall allow the City, or its authorized representatives or agents to make copies of the Documents as necessary. The City or its designated representative shall have the right during the life of each License, Permit, or Master License Agreement and for a period of three years from the expiration or termination of any such agreement, to examine the Documents. The City agrees to keep any Documents and reports confidential to the extent allowed by Law.

§106-28. Protection of Property and Service Disruption.

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A. No Licensee, Permittee, or any Person acting on its behalf shall take any action or permit any action which may impair or damage any Municipal Facilities, the Right-of-Way, real or personal City property, or other property located in, on or adjacent thereto except in accordance with provisions of Chapter 104. Each Licensee or Permittee shall be responsible for the cost of service disruption and repairs of any such property as determined by the City.

B. Unless directly and proximately caused by the willful, intentional or malicious acts of the City, the City shall not be liable for any damage to or loss of any Telecommunications Facility or Accessory Equipment within the Right-of-Way as a result of or in connection with any public works, public improvements, construction, Excavation, grading, filling, or Work of any kind in the Right-of-Way by or on behalf of the City.

§ 106-29. Small Cell Sites in the Right-of-Way.

The preferred location for Small Cell Sites shall be on existing Municipal Facilities, other existing poles or structures (“Existing Infrastructure”) or on replacement poles located in the same location as Existing Infrastructure. If the Facility is not able to be placed on Existing Infrastructure, the Applicant shall provide a map of all Existing Infrastructure in the service area and describe why each such Site is not feasible.

For the protection and management of the Right-of-Way, it is the City’s policy that no new poles or structures shall be installed in the Right-of-Way unless approved by the City Engineer. The City Engineer shall, in his/her sole discretion, approve new poles or structures in the Right-of-Way only if the Applicant establishes that:

- A. There is no Existing Infrastructure that will enable the Applicant to provide its Telecommunications Services; and
- B. It is not possible to reconfigure or relocate its existing Facilities, or a combination of relocated existing Facilities with Existing Infrastructure that will enable Applicant to provide its Telecommunications Services; and
- C. It is not possible for Applicant to secure required Facilities through Co-location or purchasing or leasing of Facilities from other Providers; and
- D. It is not possible to use alternative technologies, facilities or equipment, including underground facilities, which do not require the installation of new poles or structures in the Right-of-Way.

§ 106-30. Aerial Fiber Optic Strand-Mounted Wireless and Wi-Fi Equipment.

A. All aerial fiber optic strand-mounted wireless and Wi-Fi equipment installations shall comply with the requirements of this chapter.

B. Equipment mounted on aerial fiber optic strands shall be of the smallest possible volume.

C. The Applicant shall provide proof of authorization for the installation from any non-City owners of the adjacent poles on each side of the Equipment.

D. Only one installation shall be allowed between any two poles.

§ 106-31. Carrier/Cell on Wheels (COW) and Cellular on Light Truck (COLT).

A. Carrier on Wheels (COW) or cellular on light truck (COLT) may be placed in the Right-of-Way or on City-owned property upon issuance of a Permit.

1. The setup location requested for the COW or COLT will be reviewed, and at the discretion of the City Engineer or designee, may be modified to ensure public health and safety.

2. The duration of a Permit for a COW or COLT will be no longer than is necessary to establish the network and provide the temporary coverage required by the event or Emergency.

3. At the discretion of the City Engineer or designee, the Permit may be revoked or modified when in the best interests of the City.

4. A Permit will not be required for a COW or COLT when the installation is for the primary purpose of disseminating news, recent events, and other current, public affairs during a declared state of emergency. Notification of such installation must be provided to the City Engineer within a reasonable amount of time under the circumstances. Whether installation of a COW or COLT meets the requirements of this subsection is at the sole discretion of the City Engineer.

§ 106-32. Compliance with Applicable Laws and Regulations.

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This chapter is not intended to be the exclusive means of regulating the installation and operation of Facilities in the Right-of-Way and nothing herein is intended to waive any other applicable City requirements, including but not limited to building permit requirements, storm water runoff requirements, business license requirements, and undergrounding regulations. The Applicant or Permittee must obtain all permits, licenses, and similar authorizations that are required by other governmental entities for the installation of its Facilities. The Licensee or Permittee must also achieve and remain in compliance with all applicable statutes, ordinances, rules, regulations, orders, and decisions issued by any Federal, State or local governmental body or agency, including without limitation those issued by the New York Public Service Commission and the Federal Communications Commission.

§ 106-33. Right-of-Way Coordination.

To the maximum extent possible and as Permitted by Law, an Applicant shall design and schedule its Work so as to coordinate with other Persons installing, constructing, or maintaining Facilities in the Right-of-Way and with the City as set forth in the Rules and Regulations.

§ 106-34. Reservation of Rights.

A. By granting a Permit under the terms of this chapter, the City does not waive any rights reserved to the City under any applicable Law, including but not limited to the City's right to regulate the time, place, and manner of access to the City's Right-of-Way.

B. Nothing in this chapter shall be construed as granting any right, whether express or implied, to any Licensee or Permittee to place a Facility on City-owned property.

§ 106-35. Non-enforcement by City.

No Licensee or Permittee shall be excused from complying with any of the provisions of this chapter, Permit, or Master License Agreement by any failure of the City to enforce compliance with any requirements or provisions. Regardless of the City's failure to seek compliance on any occasions, such action shall not be considered a waiver of any kind.

§ 106-36. Severability.

If any provision of this chapter is declared invalid or unconstitutional for any reason, the remaining provisions shall be severable and continue in full force and effect.

§ 106-37. Operation of Law.

If any application is deemed approved by operation of law, such approval shall only be valid if the Applicant has registered as required by this chapter, submitted a completed application, and has complied with this chapter in all other respects.

§ 106-38. Existing Agreements.

Any Permit, License, Addendum Agreement, Master License Agreement or other Right-of-Way agreement (collectively "ROW Approvals") pre-dating this chapter that reference a future telecommunications ordinance or the requirement to enter into a franchise agreement are subject to this chapter. A Master License Agreement under this chapter shall be deemed as the equivalent of a franchise agreement solely with regard to agreements in effect prior to the date this chapter was adopted.

§ 106-39. Penalties.

Any installation, modification, or other Work performed in the Right-of-Way without complying with this chapter shall be subject to removal and penalties as follows:

- A. For each offense, a penalty equivalent to twice the Permit fee that the City Engineer determines would have been required for the installation;
- B. For each Day any equipment is not removed after being given notice to do so, \$100;
- C. For each Day that a Site remains in disrepair or is not returned to its preexisting condition as directed by the City, \$100;

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Any evidence of multiple, severe, repeated, or intentional violations will result in denial of all pending applications and may result in a revocation of the Licensee's Master License Agreement and Permits. Should there be a revocation, the Licensee can appeal consistent with this chapter. The former Licensee shall not be eligible to apply for a new Master License Agreement with the City of Rochester for one calendar year.

§ 106-40. Notice to Neighbors and Neighborhood.

Where deemed necessary by the City Engineer, Permittee shall send written notice mailed or hand-delivered to all properties within 500 feet of the installation at least 20 Days in advance of the installation detailing the location of the installation, the time frame for construction, and a photo simulation of the Facility and Equipment drawn to scale. Contact information for an available agent of the Licensee and/or Permittee must be included on the notice and such agent must be reachable during normal business hours. Any complaints, questions, and comments shall be summarized by the agent and delivered to the City Engineer within 24 hours of the contact.

Permittees are strongly encouraged, especially for visible residential Right-of-Way installations, to voluntarily schedule public meetings to inform the neighborhood about the project. Public meetings shall be a Permit condition where the City Engineer determines such meetings necessary.

§ 106-41. Replacement and Dedication.

Whenever City Property in the Right-of-Way requires replacement to facilitate the installation of Telecommunications Facilities or Accessory Equipment, the Permittee shall replace such property with property that meets or exceeds the quality, appearance and life span of the existing property at no cost to the City, and the Permittee shall dedicate such property to the City upon replacement.

§ 106-42. Reimbursement or Pre-Payment of Costs.

Where the City incurs costs, including but not limited to legal fees, engineering costs, inspection expenses, and expert and consultant fees, such costs shall be the full responsibility of the Applicant, Licensee or Permittee. The City shall submit an invoice for such costs to the Applicant, Licensee, or Permittee within 150 Days of the Work performed. The City shall also have the right to receive pre-payment from the Applicant or Licensee for any services deemed essential by the City Engineer.

Section 2. Chapter 104 of the Municipal Code, Streets and Street Encroachments, as amended, is hereby further amended so that Sections 104-1, 104-16, 104-17, 104-18, 104-19, 104-50, 104-51, 104-52, 104-53, and 104-55, 104-56, and 104-57 shall read in their entirety as follows:

§ 104-1 Title; definitions.

A. This article which comprises Chapter 104 of the Municipal Code shall be known and cited as the "Right-of-Way Code."

B. The following definitions shall apply to words used in this chapter:

ABOVE SURFACE

Above ground level.

BARRICADE

Device or structure used to prevent access to a specific area.

CENTER CITY DISTRICT

Center City District as established pursuant to Chapter 120, Article IX of the Zoning Code of the City of Rochester.

CENTRAL BUSINESS DISTRICT

~~The area bounded by the Inner Loop, but excluding the Inner Loop and its frontage.~~

COMMISSIONER

Commissioner of Environmental Services.

CURBLINE

The boundary line on either side of a roadway or paved portion of a street.

ENCROACH

To intrude upon, above or beneath the right-of-way.

]

ENCROACHMENT

A building or object which intrudes upon, above or beneath the right-of-way.

EXCAVATION

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Any movement or removal of earth, rock, pavement, Right-of-Way fixtures, or other materials in or on the ground.

PERMITTEE

One who receives a permit under this chapter.

PERSON

Any individual, association, firm, partnership, corporation, joint-stock company, limited liability company or other legal entity.

RIGHT-OF-WAY

The area on, below, or above a City-owned or -controlled street, roadway, alley or sidewalk, including the curbs, gutters, catch basins and related facilities adjacent thereto.

RIGHT-OF-WAY LINE

The boundary line on either side of the right-of-way.

ROADWAY

That portion of the right-of-way improved, designed or ordinarily used for vehicular traffic.

RULES AND REGULATIONS

The Rules and Regulations for Work in the Right-of-Way, and any amendments thereto, as adopted by the City Engineer.

SECURITY

A financial instrument, including a letter of credit, certified check, cash, bond or other formal assurance used to guarantee that permit work will be properly performed and completed, that any right-of-way restoration work will be maintained as required by this chapter and that all fees and compensation owed to the City are paid in full. Such security shall be in a form approved by the Director of Finance or the Corporation Counsel.

SIDEWALK

That paved portion of the right-of-way between the curblines or the lateral lines of a roadway, and the adjacent property lines intended for pedestrian use.

SUBSURFACE

Below ground level.

TELECOMMUNICATION FACILITIES

The plant, equipment and property, including but not limited to cables, wires, fiber optic strands, conduits, pipes, ducts, dishes, pedestals, poles, antennas, radio equipment, electronics and other appurtenances, including both underground and overhead facilities, used or to be used to transmit, receive, distribute, support, provide or offer FCC licensed or authorized telecommunication service.

TELECOMMUNICATION PROVIDER

Any person who provides telecommunication service over telecommunication facilities. This definition excludes the City of Rochester.

TELECOMMUNICATION SERVICE

The providing or offering for rent, sale or lease, or in exchange for other value received, of any service or telecommunications facilities that includes the transmission and/or distribution of voice, data, image, graphic or video programming information between or among locations by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.

§ 104-16 Restoration of rights-of-way.

A. All persons working, obstructing or making excavations in the right-of-way ~~must shall~~ restore the right-of-way to its condition prior to the work, obstruction or excavation in a manner approved by the City Engineer in accordance with the Rules and Regulations or as otherwise directed by the City Engineer. The City Engineer shall have the authority to order the proper restoration of right-of-way or any public place where work was done without a permit or in violation of any conditions of such a permit or of this chapter. If proper restoration is not made, the person shall be liable for any damages sustained as a result of the failure to properly restore the area.

B. The City Engineer may perform or cause to be performed such restoration at the expense of the Permittee, with an additional 15% for administrative costs and 10% for inspection costs, on five days' written notice served by ordinary mail, or the Commissioner or his or her representative may, without notice if an emergency situation exists, effect such restoration at the expense of the person doing such work in the right of way, with an additional 15% for administrative costs . The City may draw upon the security to pay the costs of such restoration and/or an An invoice for the total cost shall be mailed to the responsible person for payment within 30 days of the invoice date. Within this thirty-day period, the responsible person may appeal the invoice or any portion thereof to the Commissioner. The Corporation Counsel may institute an appropriate action or proceeding at law against such person for recovery of the costs and administrative expenses of such restoration by the City Engineer, plus any penalties prescribed by this chapter and the costs of such action or proceeding. No further permits shall be granted to such person until he or she has properly restored the right-of-way or has reimbursed the City Engineer for restoration effected by the City.

§ 104-17 Restoration guarantee.

A. All persons working and making excavations in the right-of-way ~~must guarantee~~ provide security as set forth in § 104-56 to ensure that

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their permanent restoration work survives for a period of at least two years from the date of acceptance of the permanent restoration by the City Engineer. The ~~permit holder~~ permittee may be required to completely re-excavate, refill and repave any permanent restoration that fails within the two-year guarantee period. At the City Engineer's discretion, a longer guarantee may be required based on the existing useful life of the right-of-way affected.

- B. If, at any time, whether during or after the required guarantee period, it is discovered that the permanent restoration was not made in accordance with City specifications, the ~~permit holder~~ permittee shall be responsible for making a proper restoration and failure to comply shall be a basis for the City to draw upon the security and to perform or cause to be performed all necessary restoration work.

§ 104-18 Tests on right-of-way restorations.

The City has the right to order a test on any right-of-way restoration in order to determine if the work has been completed in accordance with City specifications. If the test shows the restoration to be acceptable, the testing costs will be borne by the City. If the first test shows the restoration to be unacceptable, the ~~permit holder~~ permittee must pay the amount of \$1,000,640, and for additional tests the amount of \$1,200,850, in addition to making the proper restoration. No further permits will be issued to said ~~permit holder~~ permittee until the invoice for the testing and penalty has been paid.

§ 104-19 Restoration by City; costs.

- A. Permanent restoration of a cut or excavation in the right-of-way may be made by the City, through its Street Maintenance Division, if the ~~permit holder~~ permittee so desires and if approved by the Commissioner. The Commissioner shall establish rules and regulations regarding restoration by the City and the requirements for ~~permit holders~~ permittees requesting the City to perform such restoration.
- B. The ~~permit holder~~ permittee shall pay to the City the total cost estimate of the work based upon the current unit prices prepared by the Street Maintenance Division. The Street Maintenance Division may revise unit prices twice a year. The initial payment by the ~~permit holder~~ permittee shall be calculated from his or her estimate of the size of the excavation including a six-inch cutback on all sides of the excavation to be performed by the City. If the actual dimensions exceed the original estimate, the ~~permit holder~~ permittee shall be responsible for the additional amount due.
- C. If any charge so made by the City remains unpaid after 30 days of the invoice date, no further permits for any excavation shall be issued to said ~~permit holder~~ permittee until the payment is made.

§ 104-50 Requirements for ~~bonds or~~ insurance.

~~Whenever~~ Wherever ~~bonds or~~ insurance is required pursuant to this article or by a ~~franchise or a~~ master license agreement, ~~such bonds or certificates a~~ certificate evincing such insurance shall be filed with the City Engineer and approved by the Director of Finance ~~or the Corporation Counsel~~. The ~~bonds or~~ insurance ~~must~~ shall be kept continuously in force pending completion of the ~~contractual undertaking to the written satisfaction of the City Engineer~~ permit work or for such longer period as required by a master license agreement, or in the case of a permanent encroachment, in the City Engineer's sole discretion, so long as the encroachment remains in place. Required insurance shall indemnify the City of Rochester against all loss, cost, damage or expense incurred or sustained by or recovered against the City by reason of the permitted activity. ~~Bonds shall assure appropriate payment or performance of the contractual undertaking in accordance with the requirements of the Director of Finance. Such bonds and~~ Certificates of insurance shall each contain a provision that they shall not expire, nor shall they be canceled, altered or amended, except on 30 days' prior written notice to the City Engineer, served personally or by certified mail. Municipal operations and property shall not be excluded from coverage. Such ~~bonds or~~ insurance shall not limit the liability of the ~~contract party~~ Permittee. The City shall be the named ~~beneficiary under~~ under any bonds, and the ~~certificate of insurance shall name the City as an additional insured party and copies of policy endorsements reflecting same shall be provided to the Director of Finance. Liability insurance shall be issued by entities authorized to do business in the State of New York and rated "B+" or better by A.M. Best. Failure to obtain and maintain required insurance may result in permit revocation and removal or discontinuance of the permit activity.~~

§ 104-51 Requirements for security.

~~Whenever~~ Whenever security is required pursuant to this article or by a ~~master license agreement, such security shall be filed with the City Engineer and approved by the Director of Finance or the Corporation Counsel. The security shall be kept continuously in force pending completion and acceptance of the permit work or for such longer period as required by a master license agreement or for such period as the City Engineer determines to be necessary to protect the right-of-way, specifically but not limited to the need for continuous security for restoration work or permanent encroachments. Security shall contain a provision that it shall not expire, nor shall it be canceled, altered or amended, except on 30 days' prior written notice to the City Engineer, served personally or by certified mail. Municipal operations and property shall not be excluded from coverage. Failure to obtain and maintain required security may result in permit revocation and removal or discontinuance of the permit activity.~~

§104-52-104-51 Bonds and Security and insurance for projecting signs.

- A. ~~Either~~ General liability insurance ~~or bonds, issued by entities authorized to do business in the State of New York and rated "B+" or better by A.M. Best, security shall be required for the construction of signs projecting over the right-of-way. For two signs or fewer, there shall be not less than a \$50,000 performance-bond security and not less than \$1,000,000 single limit general liability insurance covering both bodily injury and property damage. For more than two signs, there shall be not less than a \$100,000 performance-bond security and not less than \$2,000,000~~

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single limit general liability insurance covering both bodily injury and property damage. Performance ~~bond security~~ may be released upon successful completion of installation or construction of all such signs. Liability insurance shall be maintained as required by this section so long as the signs remain in place.

~~B. Insurance policy certificates heretofore filed for the maintenance of existing signs may continue in full force and effect until the renewal date thereof, at which time a liability insurance policy certificate in the amount hereinabove specified shall be filed.~~

§ 104-53 (Reserved)

§ 104-53-104-52 Bonds Security and insurance for other types of construction.

In cases in which applications are made to the City Engineer for a permit to construct and maintain areaways in the right-of-way, or for a permit to place any permanent structure or construction of any kind in the right-of-way, liability insurance and performance ~~bonds security~~ shall be required. With the exception of applications involving telecommunication facilities, the performance ~~bonds security~~ shall be in an amount not less than \$250,000, and there shall be not less than ~~\$1,000,000~~ \$2,000,000 single limit general liability insurance covering both bodily injury and property damage. The ~~bond security~~ and insurance requirements for all telecommunications facilities shall be as set forth in the master license or franchise agreement.

§ 104-55 Annual ~~bonds security~~ or insurance for plumbers and other contractors.

- A. Licensed plumbers, contractors and other persons engaged in any business the nature of which requires or results in frequent applications for permits to make obstructions or excavations in the right-of-way shall not be required to furnish a separate ~~bond security~~ or insurance certificate for each permit, but a general ~~bond security~~ or insurance certificate may be given annually, indemnifying the City from any and all loss, cost or damage resulting or arising from any act done or permitted in pursuance of such permits, which ~~bonds security~~ or certificates shall be renewed from year to year so long as the person shall continue business within the City.
- B. Annual insurance shall be in an amount required by the City Engineer, but not less than \$1,000,000 for bodily injury and property damage, or an annual ~~bond security~~ not less than \$100,000.

§ 104-56 ~~Irrevocable letter of credit~~ Security required for excavations or obstructions.

- A. With the exception of Telecommunication Providers subject to Chapter 106, the The City Engineer is hereby directed, in all cases in which applications are made to him or her for consent or permission to make any excavation in the right-of-way or for permission to place any materials, equipment or obstruction in the right-of-way, to require ~~an irrevocable unconditional letter of credit security,~~ approved by Director of Finance or the Corporation Counsel as to form and substance, ~~in a minimum an amount of \$25,000,~~ determined in the sole discretion of the City Engineer, sufficient to be filed with the City protect the right-of-way and the City's interests.
- B. The City Engineer is authorized ~~to require a letter of credit for a higher amount for reasons such as previous failures to comply with City codes, specifications or permit requirements and for large-scale projects.~~
- C. ~~The City Engineer is authorized to waive the requirement of an irrevocable letter of credit security in all cases where the work to be done under permit will not cause damage to pavement, sidewalks, curbing or any other portion of the City right-of-way.~~
- ~~D.~~ C. The City Engineer is authorized to draw upon the ~~letter of credit security~~ as may be necessary to cover the costs to the City including administrative costs to perform work which a permit applicant failed to perform after receiving a written request from the City to perform said work. The City Engineer may draw upon the ~~letter of credit security~~ only after the permit applicant has failed to perform said work, failed to pay the invoice for the cost of the work performed by the City and failed to win an appeal to the Commissioner of Environmental Services of the invoice or failed to make such an appeal in a timely fashion.
- ~~E.~~ D. ~~No~~ If the City has drawn upon the security, no new permits shall be issued to the permit applicant until the full amount of the ~~letter of credit security~~ is restored.

§ 104-57 Permit fees.

- A. Applications for permits required by this chapter shall be made in writing to the City Engineer, shall contain such information as the City Engineer may require and shall be accompanied by the fee detailed in the permit fee schedule maintained by the City Engineer. The permit fee schedule shall be amended from time to time to time by the City Council. Any fee not specified in the fee schedule shall be determined by the City Engineer based on a reasonable estimate of actual costs and expenses associated with the permit review process.
- B. Utility companies and other companies performing work in the City may pay an annual maintenance fee, which shall include the fees for all work other than work requiring excavation in the City rights-of-way.
- C. There shall be an additional fee for performing work for which a permit is required and for which no permit has been obtained or for which a permit was obtained but the work has been stopped by the City Engineer. The additional fee shall be equal to the applicable permit fee. The applicable permit fee shall also be paid.
- D. The City Engineer shall have the power to waive the permit fee for work done by a contractor performing or accommodating a City project or a project of another government agency.
- E. Where multiple openings are made, the permit fee shall be the lesser of the fee based upon the total square footage of the multiple

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- openings or the sum of the fees for the individual openings.
- F. (Reserved)
- G. The annual fee for vaults and areaways, bridges and tunnels shall be a lien upon the adjoining parcel or parcels of real property which they benefit. At the option of the Director of Finance, such fees may be added to the annual real property tax bill for such parcels.
- H. Fees for excavation in the right-of-way. No fee shall be required for excavation in the right-of-way, provided that the work does not disturb the roadway or public sidewalk and is for the renewal of residential water service only.

Section 3. This ordinance shall take effect March 1, 2019.

Strikeout indicates deleted text, new text is underlined.

HELD IN COMMITTEE

By President Scott
January 15, 2019

To the Council:

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

Int. No. 21 Resolution confirming the appointment of the Fire Chief

The following entitled legislation is being **HELD** in committee:

Int. No. 19 Amending the City Charter with respect to the creation of a Police Accountability Board

Respectfully submitted,

Molly Clifford
 Malik Evans
 Mitch Gruber
 Willie J. Lightfoot
 Jacklyn Ortiz
 Michael A. Patterson
 Elaine M. Spaul (Absent)
 Adam C. McFadden
 Loretta C. Scott
 COMMITTEE OF THE WHOLE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2019-1
Re: Confirmation of the Chief, Rochester Fire Department

Transmitted herewith for your approval is legislation confirming, as required by the City Charter, the appointment of Willie A. Jackson as Chief, Rochester Fire Department.

Willie A. Jackson’s resume is on file in the City Clerk’s Office.

Respectfully submitted,
Lovely A. Warren
Mayor

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Resolution No. 2019-1
(Int. No. 21)

Resolution confirming the appointment of the Fire Chief

WHEREAS, the Mayor has appointed Willie A. Jackson 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 Willie A. Jackson as Fire Chief.

This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

INTRODUCTORY NO. 19
Re: Local Law to Create a Police Accountability Board

Transmitted herewith for your approval is legislation to amend the Charter of the City of Rochester with respect to creation of a Police Accountability Board "PAB".

The PAB is intended as a civilian-controlled process to review complaints of excessive force involving sworn members of the Rochester Police Department (RPD) while maintaining procedural due process safeguards to protect the rights of all parties involved. To accomplish this goal, the PAB shall have the power to investigate and review complaints of excessive force against RPD. The PAB may conduct a supplemental investigation and issue a recommendation of charges and discipline to the Chief of Police of RPD according to a disciplinary matrix established by the PAB.

The new PAB is structured to ensure a fair process through the following:

The legislation abolishes the Civilian Review Board, which was established by Council Resolution 92-40 and expanded by Resolution 95-08.

The legislation establishes that the PAB shall consist of nine members who shall be residents of the City of Rochester, appointed as follows: Three of the members will be recommended to the Mayor by the Police Accountability Board Alliance, three of the members will be recommended to the Mayor by City Council, and three of the members will be appointed directly by the Mayor. Except for the first nine members appointed, members shall serve staggered three year terms and may be appointed for another three year term, for a total of six years, after which they shall not be reappointed for at least three years. The initial board shall also convene a search committee for an executive director who shall be a City employee upon appointment, who is appointed by the PAB and whose appointment shall be subject to confirmation by City Council.

Complaints of excessive force against RPD can be received directly by the PAB or Professional Standards Section (PSS) who shall each timely provide complaints to the other.

Following completion of a PSS investigation into allegations of the use of excessive force, PSS will provide the PAB with a complete copy of its investigative file and findings report. The PAB shall have thirty days upon receipt of the PSS investigative file to conduct a supplemental investigation regarding matters not addressed in the PSS investigative case file or in the PSS findings report, if any. The PAB shall have the power to issue subpoenas to compel testimony and the production of evidence. The PAB shall have the power to recommend charges and discipline to the Chief. Unless, with regard to a specific complaint, the statute of limitations as set forth in Civil Service Law § 75 is set to expire, the Chief shall take no action on a complaint, whether received directly by RPD or by the Board, until receipt of the Board findings and recommendations, or notice that the Board has recommended that no charges or disciplinary action is appropriate.

The PAB's recommendation of discipline shall be based upon a disciplinary matrix created by the PAB with clearly delineated penalty levels with ranges of sanctions. The PAB will consult with the Chief and the President of the Rochester Police Locust Club with respect to the disciplinary matrix, but will ultimately decide on the final version itself.

In addition, the PAB shall review and assess RPD policies and procedures related to the use of force and recommend changes to City Council and RPD. The PAB shall publish monthly reports on the City's website that contain statistical information related to complaints, supplemental investigations, and recommendations made. The PAB shall also publish annual reports on the City's website that contain information

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summarizing the PAB's policy recommendations and their implementation, and a summary of complainant and public survey data with an assessment of how the PAB's own policies could change to accommodate concerns.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-10

INTRODUCTORY NO. 19

AMENDING THE CITY CHARTER WITH RESPECT TO THE CREATION OF A POLICE ACCOUNTABILITY BOARD

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by adding to the end of Article XII, Part C, the following new section:

§ 12-43. Police Accountability Board.

A. General Provisions.

(1) Purpose

Rochester City Council hereby intends to establish a civilian-controlled process to fairly review complaints of excessive force involving sworn members of the Rochester Police Department while maintaining procedural due process safeguards to protect the rights of sworn members of the Rochester Police Department and the individuals who come in contact with them. The Police Accountability Board shall be a mechanism to investigate and recommend charges and discipline for excessive force complaints and to review and assess Rochester Police Department patterns, practices, policies, and procedures. The Police Accountability Board shall ensure public accountability of the Rochester Police Department while preserving the integrity of the agency.

(2) Definitions.

The following terms are defined, for purposes of this law, as follows:

Alliance

The Police Accountability Board Alliance, a group of community organizations that recommends community members to be appointed to the Board. The list of members of the Alliance is attached hereto and made a part hereof as Appendix A.

Board

The Police Accountability Board; such Board is a public agency within the meaning of New York State Civil Rights Law § 50-a.

Chief

The Chief of Police of RPD.

City

The City of Rochester, New York.

Complaint

A written or oral report alleging RPD excessive force made by any individual or group of individuals.

Council

The Rochester City Council.

Day(s)

Sequential day(s) according to the calendar unless otherwise specified as "business day(s)."

Disciplinary Matrix

A written, consistent, progressive, and transparent tool or rubric to recommend discipline for excessive force.

Executive Director

The highest-ranking staff hired by the Board, with ultimate responsibility for making managerial decisions.

Immediate Family

A spouse, sibling, parent, child, stepchild, grandparent, grandchild, aunt, uncle, niece, nephew, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, half-brother, half-sister, first cousin, domestic partner, and partner to a civil union, whether by blood, marriage, or adoption.

PSS

Professional Standards Section, which is the internal affairs department of RPD.

RPD

Rochester Police Department of the City of Rochester, New York.

Sanction

Disciplinary action for RPD sworn member excessive force.

Use of They, Their, Them

A plural term or pronoun that shall be construed to mean the singular and vice versa where appropriate.

(3) Establishment and Jurisdiction.

- (a) The Civilian Review Board, established by Council Resolution 92-40 and expanded by Resolution 95-08, is hereby abolished.
- (b) There is hereby established an independent office of municipal government to be known as the Police Accountability Board. It shall be an autonomous office of the City separate from RPD and other local, state, and federal law enforcement agencies.
- (c) The Board shall be independent of RPD and shall review Complaints of excessive force against RPD or any of its officers.
- (d) As a condition of appointment and/or employment with the Police Accountability Board, all potential Board members and employees shall be subject to a complete background investigation analogous to that required of RPD sworn members assigned to PSS.
- (e) PSS shall provide to the Board a complete copy of the investigative file and findings report for each investigation of an excessive force allegation that is completed by PSS. The Board shall have the power to conduct a supplemental investigation and investigate matters not addressed in the PSS investigative case file or in the PSS findings report. During its investigation, the Board shall have the power to issue subpoenas to compel testimony and the production of evidence, and the power to recommend to the Chief charges and discipline for an RPD sworn member(s).
- (f) PSS shall provide to the Board a complete copy of the investigative file and findings report for each investigation of an excessive force allegation that is completed by PSS. The Board shall have the power to conduct a supplemental investigation and investigate matters not addressed in the PSS investigative case file or in the PSS findings report. During its investigation, the Board shall have the power to issue subpoenas to compel testimony and the production of evidence, and the power to recommend to the Chief charges and discipline for an RPD sworn member(s).
- (g) The Board shall establish a Disciplinary Matrix.
- (h) The Board shall review and assess RPD policies, procedures, patterns, practices and training pertaining to the use of force, and recommend changes to Council and RPD.
- (i) The Board shall maintain the confidentiality of any RPD personnel files, other records and information that are subject to New York State Civil Rights Law § 50-a.

(4) Board Composition, Appointment, Vacancy, and Removal.

- (a) The Police Accountability Board shall consist of nine members.
- (b) Members of the Board shall serve terms of three years except for the initial Board, which shall serve staggered terms, pursuant to Subsection A(4)(i)(iii) herein.
- (c) Members of the Board shall be residents of the City of Rochester and must be able to show proof of residency in the City for at least twelve months prior to being appointed to the Board.
- (d) Members of the Board shall reflect the City's diverse community, including, but not limited to: age,

race, creed, color, national origin, gender, gender identity or expression, sexual orientation, disability, marital status and source of income.

- (e) Members of the Board and their Immediate Family shall not be currently or former (within the immediately preceding three year period) employed by RPD or any other local, state, or federal law enforcement agency.
- (f) Board members shall not be current or former (within the immediately preceding three year period) City elected officials, elected officials of Monroe County and of any town or village located within Monroe County, candidates for elected office within Monroe County, including any town or village located within Monroe County, or Immediate Family of any incumbent elected official.
- (g) No practicing attorney or their Immediate Family who represents or has represented a plaintiff or defendant in a police misconduct lawsuit against RPD, the Chief or the Rochester Police Locust Club within the immediately preceding three year period, shall be a member of the Board.
- (h) Appointments to the Board shall be made by the Mayor, subject to Council confirmation, as follows:
 - i. Three of the members shall be recommended to the Mayor by the Alliance. If the Mayor does not appoint or Council does not confirm any one or more of the Alliance-recommended members, the Alliance shall recommend additional members until three Alliance-recommended members are appointed and confirmed.
 - ii. Three of the members shall be recommended to the Mayor by Council. If the Mayor does not appoint any of the Council-recommended members, the Council shall recommend additional members until three Council-recommended members are appointed.
 - iii. Three of the members shall be appointed directly by the Mayor and confirmed by Council.
- (i) Terms.
 - i. The first term of the initial Board commences when all nine Board members are appointed and its first year ends on the following June 30th.
 - ii. Members shall serve staggered three year terms and may be reappointed for another three year term, for a total of six years, after which, the member shall not be reappointed for at least three years.
 - iii. Except for the initial year, each term shall commence on July 1st and end on June 30th. If a person is appointed to complete the unexpired term of a former Board member, they shall complete the term. The members shall be appointed for terms of three years, except the first nine members appointed. Of the first nine members appointed:
 - 1. One Alliance designee, one Council designee and one Mayoral designee shall be appointed for terms of one year;
 - 2. One Alliance designee, one Council designee and one Mayoral designee shall be appointed for terms of two years; and
 - 3. One Alliance designee, one Council designee and one Mayoral designee shall be appointed for terms of three years.

(j) Vacancies.

After the initial nine-member Board has been established, when any member vacates the Board, the Board shall notify the Mayor, Council, and the Alliance. The vacant position shall be designated, appointed and confirmed by the same parties and in the same manner by which it was initially filled.

(k) Removal.

- i. A Board member seeking public office shall resign their seat at the time they announce their intent to seek public office.
- ii. A Board member who no longer resides in the City shall resign immediately.
- iii. The Mayor may remove any board member in accordance with Subsection 3-3(G) of the City Charter.

(5) Powers and Duties.

- (a) Following completion of a PSS investigation into allegations of the use of excessive force, the Board shall have the power to investigate matters not addressed in the PSS investigative case file or in the PSS findings report, if any. In exercising this supplemental investigative authority, the Board shall have the power to issue subpoenas to compel testimony and the production of evidence, and the power to recommend charges and discipline to the Chief for RPD sworn members.
- (b) The Board shall establish its Disciplinary Matrix for the purpose of making recommendations to the Chief. The Board shall request input from the Chief and the President of the Rochester Police Locust Club with respect to the Disciplinary Matrix. The Disciplinary Matrix shall include clearly delineated penalty levels with ranges of Sanctions which progressively increase based on the gravity of the excessive force and the number of prior sustained excessive force allegations. The Board, in consultation with the Chief and the President of the Rochester Police Locust Club, shall review the Disciplinary Matrix annually, and consider any recommended changes. The Board shall decide the final version of the Disciplinary Matrix to be used.
- (c) The Board shall review and assess RPD policies, procedures, patterns, practices and training pertaining to the use of force, and recommend changes to Council and RPD.
- (d) The Board and the Chief shall establish a cooperative relationship to ensure the orderly and efficient flow of information.
- (e) The Board shall accommodate limited English proficiency persons and persons with disabilities.
- (f) Initiation of Complaints.
 - i. Complaints may be accepted directly by both PSS and the Board. Notice of any Complaint received by either entity shall timely be provided to the other entity.
 - ii. The Board shall accept Complaints by telephone, in person, by mail, email or webform, whether signed or anonymous.
 - iii. Professional standards of confidentiality with regard to the written release of information and informed consent shall apply to all Complaints filed. With respect to the confidentiality of all interested parties, the Board shall comply with all local, state, and federal law, including Civil Rights Law § 50-a.
 - iv. The Board may advise a complainant of organizations that advocate for people who have experienced police misconduct and can explain the process of the Board and other options that exist beyond the jurisdiction of the Board.
 - v. Complainants shall be apprised by the Board of the procedure for filing a Notice of Claim with the Corporation Counsel.
- (g) The Board shall have the limited power to investigate any and all conduct, acts or omissions by any RPD sworn member related to an excessive use of force Complaint after the conclusion of an investigation conducted by PSS, as follows.
 - i. Within five business days following completion of its investigation, PSS shall provide to the Board its entire investigative case file related to the Complaint. Thereafter, PSS shall send any newly acquired evidence to the Board within five business days of the acquisition of the evidence. If PSS makes any findings with respect to the Complaint, it shall send all such findings to the Board within five (5) business days.
 - ii. Following the receipt of the investigative case file and/or findings from PSS, the Board shall review the Complaint, the PSS investigative case file and, to the extent PSS made any findings, a PSS findings report.
 - iii. The Board's investigative power is supplemental and limited to those matters that the Board determines are not addressed in the PSS investigative case file or in the PSS findings report.
 - iv. The Board may issue subpoenas pertaining to a specific Complaint, as limited by Subsection A(5)(g)(iii) herein, at any time during its investigation of that Complaint. Such subpoenas may compel the attendance of witnesses, RPD officials and employees, and/or other persons, and require the production of records and other materials, including records of RPD, other persons or other

agencies. A copy of any subpoena served upon an RPD employee shall also be delivered to the Chief. Board subpoenas shall be enforced in accordance with Article 23 of the New York State Civil Practice Law and Rules. RPD sworn members shall be notified of their rights in accordance with the U.S. Supreme Court decision in *Garrity v. New Jersey* (1967) before any testimony is taken from them.

- v. A complainant may, at any time, decline to have their Complaint investigated and reviewed by the Board. Such declination must be made in writing by the complainant, and shall be forwarded to the Chief by the Board.
- vi. All sworn members of RPD shall retain their rights as set forth in that section of the collective bargaining agreement between the City and the Rochester Police Locust Club concerning Department Investigations.
- vii. Within thirty days of the receipt of the PSS investigative file, the Board shall complete its review of all materials, conduct its supplemental investigation, if any, and issue its findings and recommendations to the Chief.
- viii. Within thirty days of the receipt of the PSS investigative file, the Board shall complete its review of all materials, conduct its supplemental investigation, if any, and issue its findings and recommendations to the Chief.
- ix. Unless, with regard to a specific Complaint, the statute of limitations as set forth in Civil Service Law § 75 is set to expire, the Chief shall take no action on a Complaint, whether received directly by RPD or by the Board, until receipt of the Board findings and recommendations, or notice that the Board has recommended that no charges or disciplinary action is appropriate. Nevertheless, the Chief shall retain the authority to suspend an RPD sworn member during the investigation and adjudication of a Complaint against RPD sworn member.

(h) Board Recommendations.

- i. Upon completion of the Board's review and supplementary investigation, if any, the Board shall make recommendations to the Chief as to charges and discipline, if any.
- ii. The Chief shall review the Board's recommendation of charges and discipline, and notify the Board, in writing, within ten business days as to whether or not the Chief is accepting and adopting the Board's recommendation. A copy of this written notice shall be provided to the Mayor and to Council. In the event the Chief does not accept the Board's recommendations, this notice shall set forth the rationale for rejecting the recommendation.

(i) Policy Assessment.

- i. At least annually, the Board shall review and assess RPD's policies, procedures, patterns and practices regarding use of force and recommend changes with input from the community.
- ii. The Board shall send its policy recommendations to the Chief, Council, and the Mayor and the Board shall publish them on the Board website.

(6) Officers and Staff.

- (a) At the initial Board's first meeting, the Board shall elect a Chairperson, by majority vote. Subsequently, the Board shall elect a Chairperson by majority vote, at the first meeting after July 1 of each year. No Board member shall serve as Chairperson for more than three consecutive years. The Chairperson shall be responsible to:
 - i. facilitate meetings of the Board; and
 - ii. establish committees of Board members as needed.
- (b) A quorum of seven Board members must be present to conduct Board business.
- (c) Board action shall be decided by a simple majority of all Board members.
- (d) The initial Board shall convene a search committee for an Executive Director and a committee to establish rules of procedure not provided for herein. The search for a new Executive Director shall take place in the first year and whenever there is a vacancy.
- (e) Executive Director.
 - i. The Executive Director shall be a City employee upon appointment, who is appointed by the Board and whose appointment shall be subject to confirmation by Council.

- ii. The Executive Director shall not be currently or formerly employed by RPD or any other local, state, or federal law enforcement agency, nor shall any of their Immediate Family be employed by RPD. Neither shall the Executive Director be a member of the Immediate Family of any incumbent elected official of the City, or have litigation pending against the City involving a claim of police misconduct, or be a member of the Immediate Family of a person with such pending litigation, or be an attorney representing a person with such pending litigation.
- iii. The Council, through the annual budgetary process as set forth in Article VI of the City Charter, as amended, shall provide for the compensation and benefits of the Executive Director.
- iv. The Board shall conduct an annual review of the performance of the Executive Director and may remove the Executive Director for good cause.
- v. The Board shall be responsible, through the Executive Director and staff, for the daily administrative work of the Board.
- vi. The Executive Director shall be responsible for hiring and supervising staff such as Investigators, Policy Analyst, Community Liaison, Administrative Assistant, and Transcriptionist. All such persons and their Immediate Family shall be free of any conflict of interest, including but not limited to current or former employment with RPD or any other local, state, or federal law enforcement agency.

(7) Training and Outreach.

(a) Board and Executive Director Training.

The Board and staff shall seek and participate in a broad range of training annually. Training resources will be selected by the Board and may include individuals and organizations such as law enforcement entities, attorneys, and any national, state, or local resources with expertise and experience in civilian complaints, investigation, police policies, auditing/monitoring, and other appropriate skills and knowledge. The Board and staff orientation and ongoing training shall include but not be limited to, the following:

- i. All relevant local, state, and federal laws;
- ii. implicit bias and anti-racism;
- iii. gender identity and sexuality;
- iv. disability rights, both physical and mental disabilities or illnesses;
- v. classism, poverty and homelessness;
- vi. trauma-informed policing and crisis intervention, including RPD employee well-being;
- vii. patterns, practices, policies, and procedures of RPD;
- viii. Police Accountability Board Law;
- ix. civilian oversight history, models, trends, theories, standards and best practices;
- x. how to conduct independent and objective civilian complaint investigations, e.g. interviewing, collection and preservation of evidence;
- xi. community outreach and public reporting;
- xii. discipline and remediation, education-based discipline, early warning systems, processes of arbitration/grievance.

(b) Community Outreach.

- i. The Board shall conduct outreach to community members, groups, and nonprofit organizations. The Board shall accommodate limited English proficiency persons and persons with disabilities.
- ii. Complaint forms and instructions shall be made available by RPD employees and at the Board office, at Board meetings, libraries, recreation centers, PSS office, police stations, public safety building,

courts, and other government buildings, and on the City, RPD, and Board websites.

- iii. In addition to regular monthly business meetings that include review of Complaints, the Board shall hold public meetings in each City district a minimum of at least once annually, to invite public input or comment, and to provide information about the Board process and its work.
- iv. The Board shall, through a standing Board committee, be dedicated to youth and community engagement, establish and pursue ways to interact with and solicit input from youth, present educational programs designed to promote public awareness of the Board process, give the public information about their rights and responsibilities regarding encounters with law enforcement sworn members, and publicize the procedure for filing a Complaint with the Board.
- v. The City shall provide the Board with a website on which the Board shall post information, including but not limited to: educational materials, links, videos, reports, and forms related to the operation of the Board and its mission.
- vi. The Board shall survey complainants and the public to assess satisfaction and identify concerns with the Board's investigative and adjudicative processes.

(8) Retaliation Prohibited.

Retaliation against complainants, witnesses, the Board and its staff, and RPD employees, shall be prohibited. Retaliation includes but is not limited to: harassment, intimidation, stalking, threats and assaults.

(9) Conflict of Interest.

- (a) No Board member or Board employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of their duties in the public interest. A conflict of interest shall include, but is not limited to: if they have reason to believe or expect that they will derive a direct monetary gain or suffer a direct monetary loss, by reason of their official activity; or if any benefit or detriment accrues to them as a member of a business, profession, occupation, or group to a greater extent than any other member of the business, profession, occupation, or group. Board members may not represent a complainant or an RPD sworn member before PSS or the Board.
- (b) If a Board member has a personal, business or other relationship or association with a party to or a witness in a matter before the Board, the member shall disclose this situation to the Chairperson, and shall recuse themselves from deliberations or action in connection with that case.
- (c) Board members and employees shall be subject to the City of Rochester's Code of Ethics.

(10) Legal Representation.

The Corporation Counsel shall advise and represent the Board as it would other public boards in accordance with the Law Department's duties under Article IX of the City Charter. Provided, however, that upon the determination by the Corporation Counsel that a conflict of interest exists, depending on the facts and circumstances of a particular matter, Corporation Counsel will advise the Board to obtain outside counsel if such counsel is deemed necessary by the Board. The Board may then seek and retain independent legal counsel, provided, however, that compensation for such legal services shall be established through the City's annual budgetary process as set forth in Article VI of the Rochester City Charter, as amended.

(11) Police Accountability Board Reports.

- (a) Findings of the Police Accountability Board shall be made available to the public on a monthly basis in statistical form related to three categories: Complaints, supplemental investigations, and recommendations made.
- (b) The Police Accountability Board shall not include in reports or otherwise release the names or other identifying information about complainants, victims, witnesses, RPD sworn members, or any other information that is subject to New York State Civil Rights Law § 50-a.
- (c) The Police Accountability Board shall publish an annual report that shall contain:
 - i. The recommendations related to changes in RPD patterns, practices, policies, and procedures;
 - ii. Whether the prior year's recommended changes have been implemented; and
 - iii. A summary of complainant and public survey data with an assessment of if and how Board policies

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should change to accommodate concerns.

- (d) The monthly and annual reports shall be publicly available on the City's website.

(12) Audit and Evaluation.

- (a) The Board may, by majority vote, perform an audit, or direct that an audit be performed, to assess its investigation and adjudication of Complaints.
- (b) Every three years, an independent organization of Council's choosing shall conduct a formal evaluation of the functions, processes, and outcomes of the Police Accountability Board. The evaluator will make specific recommendations to the Council regarding changes to the Board's functions, processes and outcomes.

(13) Budget.

- (a) The annual proposed budget of the Police Accountability Board shall provide for sufficient funding to carry out its powers and duties. The Board shall be funded through the budgetary process of the City, pursuant to Article VI of the Rochester City Charter, as amended. The Board budget shall be separate from, and independent of, the RPD budget.
- (b) The Board shall submit the proposed budget, along with appropriate financial documentation, to the Mayor and Council, during the City's annual budgetary process.
- (c) The Board's first year budget shall include appropriate start-up costs.

(14) Severability.

The invalidity of any provision or provisions of this chapter shall not affect the validity of the remaining provisions thereof, but such remaining provisions shall continue in full force and effect.

- (15) The Mayor or Council may promulgate by-laws, rules, regulations, policies and procedures to carry out and give full effect to the provisions of this local law. Any such rules, regulations, policies and procedures shall be filed with the City Clerk.

Section 2. This local law shall take effect upon its filing in the Office of the Secretary of State as provided by Section 27 of the NYS Municipal Home Rule Law.

APPENDIX A

Police Accountability Board Alliance Members

19th Ward Neighborhood Association
 Action for a Better Community
 Action Together Rochester
 African American Health Coalition
 American Baptist Churches of Rochester
 Antioch Missionary Baptist Church
 Baber AME Church
 Beechwood Neighborhood Association
 Black Student Leadership
 Catholic Family Center
 Changing of the Scenes Neighborhood Assn.
 Christians Witnessing for Palestine
 Church of the Assumption
 Church of the Epiphany
 Church Women United
 Citizen Action of New York
 Coalition for Police Reform
 Colgate Rochester Crozier Divinity School
 Dimitri House
 Downtown United Presbyterian Church
 DUPC Justice Team
 Empire Justice
 Enough Is Enough
 Facing Race, Embracing Equity
 First Unitarian Church
 First Universalist Church
 Flower City Parents Network
 Flying Squirrel Community Space
 Greater Rochester Community of Churches

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Hillside Children's Center
 Ibero American Action League
 Incarnate Word Lutheran Church
 Inner Faith Gospel Tabernacle
 International Socialists Organization
 Judicial Process Commission
 Latino Health Coalition
 Light the Way
 M.K. Gandhi Institute
 Metro Justice
 Mt. Hope Family Center
 Mt. Hope Neighborhood Association
 National Coalition Building Institute
 National Lawyers Guild of NJ/DE
 National Organization for Women, Rochester, NY
 North East Area Development
 Partners in Restorative Initiatives
 Peace of Christ Parish
 Rochester ACTS
 Rochester Committee on Latin America
 Rochester Democratic Socialists of America
 Rochester Zen Center
 ROCitizen
 Rowe Photo
 Shades of Sisterhood
 Showing Up for Racial Justice
 Sisters of St. Joseph
 Sisters of Mercy
 Social Welfare Action Alliance
 South West Common Council
 Spiritus Christi Church
 St. Frances Xavier Cabrini Parish
 St. Joseph's House of Hospitality
 St. Monica's Church
 Sufi Order of Rochester
 Table 23
 Take Back the Land Teen Empowerment
 The Children's Agenda
 The Interfaith Alliance of Rochester
 Turning Points
 United Christian Leadership Ministry
 UR Students for a Democratic Society
 Urban League of Rochester
 Women's Initiative Supporting Healing

Any additional organization approved to join the Alliance by a duly adopted City Council Resolution; a list of such additional organizations shall be kept on file in the Office of the City Clerk

HELD IN COMMITTEE

The meeting was adjourned at 8:00 p.m.

HAZEL L. WASHINGTON
 City Clerk

TUESDAY, FEBRUARY 19, 2019

ROCHESTER CITY COUNCIL

REGULAR MEETING

February 19, 2019

Present – President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul – 9.

The Council President requested the Council to rise for a Moment of Silence.

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

Special Recognition:

Pop Warner Rochester Rams

Retirement:

DES:

*Richard C. Boyd
*Vernice V. Crues
*Thomas D’Agostino
*Roy Thomas

ECD:

*David L. Smith

FIN:

*Susan A. Caufield
*Bruce P. Natalie

LT.:

*Lisa M. Bobo
*Anthony P. Sutera

RFD:

*David Dunwoody
*Frank R. Vallone
*Richard Yackel

RPD:

*Brett J. Scheur

*Did not attend

APPROVAL OF THE MINUTES

By Councilmember Lightfoot

RESOLVED, that the minutes of the Regular Meeting of January 15, 2019 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The Mayor submits the following:

Quarterly Reports – Schedule of Revenues and Expenditures –December 31, 2018. – 4300-19.
Administrative Cancellation or Refund of Erroneous Taxes – January 2019. 4301-19.

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The Council submits Disclosure of Interest Forms from President Scott on Int. No. 26, Vice President McFadden on Int. No. 42 and Councilmember Gruber on Int. No. 26

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

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

PUBLIC HEARING

Pursuant to law, public hearings were held on February 7, 2019 on the following matters:

Determinations and findings relating to the acquisition of properties to establish a new Goodman Section office for the Rochester Police Department and a new Neighborhood Service Center for the City's Southeast Quadrant Int. No. 5

Eight Speakers

Approving geometric changes related to the Atlantic Avenue/Merriman Street Safety Improvements Project Int. No. 10

No Comments

Amending the Official Map Int. No. 30

No Comments

Authorizing the acceptance of right of way from the New York State Department of Transportation and amending the Official Map by dedicating for street purposes land to be named Karges Place Int. No. 31

No Comments

REPORTS OF STANDING COMMITTEES
AND ACTION THEREON

By Vice President McFadden
February 19, 2019

To the Council:

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

- | | |
|-------------|---|
| Int. No. 22 | Authorizing the cancellation or refund of erroneous taxes and charges |
| Int. No. 23 | Authorizing an amendatory agreement for support and enhancement of the Ektron Web Content Management System |
| Int. No. 24 | Authorizing an amendatory agreement with Tyler Technologies, Inc. |

The following entitled legislation is being **HELD** in committee:

- | | |
|-------------|---|
| Int. No. 46 | Establishing a pilot program for advertising on City-owned assets |
|-------------|---|

Respectfully submitted,
Adam C. McFadden
Molly Clifford
Malik Evans
Michael A. Patterson
Loretta C. Scott
FINANCE COMMITTEE

Received, filed and published.

TUESDAY, FEBRUARY 19, 2019

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-17
Re: Cancellation or Refund of Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$2,819.20.

A work order for 1104 S. Plymouth Avenue was requested on 12/13/2016 for trash and debris. At the time the work order was initiated, the property was vacant. The property was sold on 4/4/2017. The prior owner should have been billed and the charges should not have been added to the tax bill.

If these cancellations are approved, total cancellations thus far for 2018-19 will be as follows:

	<u>Accounts</u>	
City Council	3	\$11,796.31
Administrative	<u>51</u>	<u>\$18,509.52</u>
Total	54	\$30,305.83

These cancellations represent 0.0117% of the tax receivables as of July 1, 2018.

Respectfully submitted,
Lovely A. Warren
Mayor.

Attachment AS-11

Ordinance No. 2019-17
(Int. No. 22)

Authorizing the cancellation or refund of erroneous taxes and charges

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

Section 1. The City Treasurer is hereby authorized to cancel \$2,819.20 in taxes and charges for the property located at 1104 S. Plymouth Avenue. A work order for 1104 S. Plymouth Avenue was requested on December 13, 2016 for trash and debris. At the time the work order was initiated, the property was vacant. The property was sold on April 4, 2017. The prior owner should have been billed and the charges should not have been added to the current owner's tax bill.

S.B.L. #:	135.28-1-14
Class:	H
Address:	1104 S. Plymouth Ave.
Tax year:	2019
Amount cancelled:	\$2,819.20

Section 2. If full or partial payment of the afore-said taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-18
Re: Amendatory Agreement-
FuselIdeas, LLC, Ektron Web Content Management System Support

TUESDAY, FEBRUARY 19, 2019

Transmitted herewith for your approval is legislation establishing \$35,000 as maximum compensation for an amendatory agreement with FuseIdeas, LLC (Dennis Franczak, Principal), Winchester, MA to provide continued technical support and enhancement services for the City's website platform. The original agreement for website redesign, technical support, and enhancement services was executed in March 2015. An amendatory agreement was authorized in January 2017 (Ordinance 2017-1) for services to upgrade the Ektron Web Content Management System and provide an additional two years of support and enhancements to the City's website platform.

This amendment will extend the services provided by FuseIdeas, LLC for a total compensation of \$235,000. The term of the agreement will be extended for two years, to March 5, 2021. Costs will be funded as follows: \$20,000 from the 2019-20 Information Technology budget, and \$15,000 from the 2020-21 Information Technology budget, contingent upon adoption.

This extension is requested to provide continuity of support and stability of the website platform until a new web content management system is selected and implemented.

FuseIdeas, LLC was selected via a RFP process in 2014 and has expertise with supporting our current environment. A justification for not issuing another RFP is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment AS-12

Ordinance No. 2019-18
(Int. No. 23)

Authorizing an amendatory agreement for support and enhancement of the Ektron Web Content Management System

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 FuseIdeas, LLC for continued technical support and enhancement services for the City's Ektron Web Content Management System. The amendatory agreement shall increase the maximum compensation for the agreement, which was previously authorized in Ordinance No. 2014-364 and amended in Ordinance No. 2017-1, by \$35,000 to a new total of \$235,000 and shall extend the agreement's term by two years to March 5, 2021.

Section 2. The increase in compensation shall be funded in the amounts of \$20,000 from the 2019-20 Budget for Information Technology (IT) and \$15,000 from the 2020-21 Budget for IT, contingent upon the adoption of said budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-19
Amendatory Agreement – Tyler Technologies, Inc. Tyler Cashiering Implementation/MUNIS Enhancements

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Tyler Technologies, Inc., Plano, TX for professional services to replace legacy cashiering systems and implement additional MUNIS enhancements. The original agreement, authorized in December 2015 (Ordinance 2015-285) established maximum compensation of \$180,000 for a term of three years. This amendment will extend the term one additional year to February 25, 2020. There will be no change in the maximum compensation.

Tyler is providing services to replace legacy cashiering systems and implement an enterprise cashiering solution at multiple City payment handling sites. These projects will continue beyond the current contract end date.

Respectfully submitted,
Lovely Warren
Mayor

TUESDAY, FEBRUARY 19, 2019

Ordinance No. 2019-19
(Int. No. 24)

Authorizing an amendatory agreement with Tyler Technologies, Inc.

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 Tyler Technologies, Inc. to replace legacy cashing systems and implement additional MUNIS enhancements. The amendment shall extend the term of the original agreement, authorized by Ordinance No. 2015-285 for one additional year.

Section 2. The amendatory 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.

Vice President McFadden moved to discharge Int. No. 46 from committee.

The motion was seconded by Councilmember Evans.

The motion was adopted unanimously.

Vice President McFadden moved to amend Int. No. 46.

The motion was seconded by Councilmember Patterson

The motion was adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Re: Ordinance No. 2019-20
City Asset Advertising Pilot Program

Council Priority: Deficit Reduction and Long Term Financial Stability

Transmitted herewith for your approval is legislation adopting a City Asset Advertising Pilot Program. The City wishes to establish a temporary pilot program to test and evaluate how to authorize and regulate advertising on City-owned assets in order to ascertain how to make the best utilization of those assets to generate revenue while protecting the public interest.

The Program authorizes the City to either directly engage companies to place advertising on City assets; or to engage a broker to solicit and promote the advertising use of City assets by other parties. Advertising will comply with all applicable federal, state and local laws, appear as incidental to the public purpose or function of the City asset upon which it is placed, and be deemed suitable for placement on City assets by using a baseline criteria as outlined in the proposed legislation.

To implement the Program, the Mayor will establish a six member Advertising Committee consisting of one representative from each of the Mayor's Office, Law Department, Bureau of Communications, Department of Environmental Services, Police Department, and an appointee of the President of City Council. The role of the Committee will be to review and advise the Mayor on the suitability of proposed Advertising Agreements and to assist the Mayor to review and report to Council regarding the efficacy of the Program and regarding recommendations for future Advertising activities.

The pilot program will end on September 30, 2021. Based upon the experience from the Pilot, the City will then decide if it will formalize a permanent program through subsequent legislation.

Respectfully submitted,
Lovely A. Warren
Mayor

TUESDAY, FEBRUARY 19, 2019

Attachment No. AS-13

Ordinance No. 2019-20
(Int. No. 46, as amended)

Establishing a pilot program for advertising on City-owned assets

WHEREAS, the City wishes to establish a temporary pilot program to test and evaluate how to authorize and regulate advertising on City-owned assets in order to ascertain how to make the best utilization of those assets to generate revenue while protecting the public interest.

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

Section 1. The Council does hereby adopt the City Asset Advertising Pilot Program (the "Program"). The Program shall be authorized for a limited time and shall be defined and limited in accordance with the following sections of this Ordinance.

Section 2. General authorization and definitions. Under the Program, an advertising sign or display ("Advertising") may be placed on a City Asset pursuant to an agreement ("Advertising Agreement") between the City of Rochester ("City") and another party. Program Advertising may be placed on a "City Asset," which shall consist of any real or personal property, or appurtenance thereto, that is owned, leased or otherwise controlled by the City, including but not limited to land, buildings, recreational facilities, sidewalks, curbs, light poles, benches, planters, parking facilities, roads, vehicles and equipment.

Section 3. An Advertising Agreement may take one of the following forms:

- A. engaging a media company to solicit, promote and broker the Advertising use of City Assets by one or more other parties ("Broker Advertising Agreement"); or
- B. engaging one party directly to place its own Advertising on City Assets ("Direct Advertising Agreement").

Section 4. The Advertising authorized under the Program shall be limited to:

- A. advertising signs or displays that propose a commercial transaction, product or service for which a nongovernmental individual or entity pays a fee for placement on a City Asset;
- B. temporary signs or displays intended to promote a special event that is sponsored by the City or granted a permit by the City (collectively, a "Special Event"); or
- C. signs or displays that acknowledge a private party's sponsorship of a Special Event or of a City Asset, in the form of a monetary payment or of in-kind assistance, without endorsing the sponsor's product or service.

The City shall not accept Advertising for political, religious or issue-oriented messages because the City's screening of such Advertising might convey the false impression that the City either endorses or opposes such messages. This restriction is also intended to avoid creating the impression that the City intends to open up all City Assets that display Advertising to use as a public forum for the open exchange of ideas.

Each Advertising proposal shall be reviewed for its suitability by the Mayor in consultation with an Advertising Committee as described below.

Section 5. The Mayor shall establish an Advertising Committee consisting of one representative ~~from~~ of each of the following: Mayor's Office, Law Department, Bureau of Communications and Special Events, Police Department, Department of Environmental Services, the Neighborhood Service Centers Director, the Manager of Zoning and one additional member to be appointed by the President of City Council. The role of the Committee will be to review and advise the Mayor on the suitability of proposed Advertising Agreements and to assist the Mayor to review and report to Council regarding the efficacy of the Program and regarding recommendations for future Advertising activities.

Section 6. Advertising shall only be placed on City Assets where the City has the legal authority to allow advertising. Advertising shall comply with all applicable Federal, State and Local laws, ordinances, codes, regulations, policies, legal opinions and procedures, including this Ordinance (collectively, "Applicable Law and Policies"). All Advertising Agreements will be reviewed for compliance with Applicable Law and Policies. Every Advertising Agreement shall reserve for the City the right to terminate and require the immediate removal of Advertising in the event that it is determined that such Advertising violates this Ordinance or any other Applicable Law or Policy and shall indemnify and hold the City harmless from any claims or losses arising from the early termination of an Advertising use in this manner.

Section 7. Advertising shall not interfere with, the public purpose and function of the City Asset upon which it is placed or otherwise interfere with the public interest ("Suitable" or "Suitability"). The Mayor shall consult with the Advertising Committee to assure that only Suitable Advertising is placed on City Assets by considering the nature of the Advertising medium, the function and location of City Asset upon which the Advertising is to be placed, and compliance with this and other Applicable Laws and Policies. Factors relevant to the evaluation of the Suitability of Advertising may include but are not limited to:

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- identifying functions and locations of City Assets where Advertising is contrary to Applicable Laws and Policies;
- the size, location, condition and municipal uses of the City Asset where the Advertising would be placed;
- the size and prominence of the Advertising relative to the City Asset where it would be placed;
- the potential for the Advertising to cause distractions that interfere with traffic or pedestrian safety;
- the Advertising’s potential to interfere with or “crowd out” City signs or other communications important to the City Asset’s public purpose;
- the potential for the Advertising to cause an unacceptable implication of City endorsement of the Advertising’s content;
- the potential for the Advertising to detract from desirable aesthetic, historical, architectural or cultural attributes of a City Asset or nearby areas; and
- mechanical or other physical elements (e.g., type of sign structure, posts or brackets attaching the sign to the City Asset; the condition of the part of the City Asset to be attached to the Advertising sign, etc.) bearing on whether and how the Advertising can be installed and thereafter quickly removed without harming the City Asset.

Any Advertising Agreement that is approved shall require the Broker and/or private advertiser to abide by and maintain those specified conditions that are necessary to maintain the Suitability of the Advertising arrangement.

Section 8. The standards and arrangements for administrative management and review of Advertising set forth in this Policy are subject to and will not supersede the oversight and authority that the Mayor and City Council exercise over City Assets, including, but not limited to, the requirement of City Council approval for any professional services agreement that will exceed \$10,000 in value or one year in duration.

Section 9. All Advertising and all Advertising Agreements that are authorized under the Program shall terminate no later than September 30, 2021 (“Program Expiration”), except to the extent that any such Advertising or Advertising Agreement is permissible under Applicable Law and Policies other than this Ordinance. After the Program Expiration, the Mayor shall consult with the Advertising Committee to prepare a report to Council that describes the extent of Advertising and the amounts of revenues and in-kind contributions generated by the Program, addresses the efficacy of the Program and offers any recommendations for future Advertising activities.

Section 10. Chapter 35 of the Municipal Code, Bill posting and advertising, as amended, is hereby further amended at Section 35-1, Handbills and signs prohibited in or on public places or objects, to read as follows:

- A. No person shall paint, mark or write on or post or otherwise affix any handbill or sign to or upon any sidewalk, crosswalk, curb, street lamppost, hydrant, tree, shrub, tree stake or guard, electric light or power or telephone pole or wire, fire alarm box, bridge, street sign, traffic sign or other traffic control device, parking meter or any other street appurtenance.
- B. Any handbill or sign found posted or otherwise affixed contrary to the provisions of this section may be removed or obliterated by the City. The person responsible for any such illegal posting shall be liable for the cost incurred in the removal thereof, in addition to any penalty which may be imposed.
- C. This section shall not apply to the placement of advertisements by the Rochester-Genesee Regional Transportation Authority on bus shelters within the right-of-way.
- D. This section shall not apply to the placement of advertisements approved by the City in accordance with the City Asset Pilot Advertising Program adopted in Ordinance 2019-20, provided that this exception shall not extend to any such advertisements that are placed or that remain on or after October 1, 2021.

Section 11. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

By Councilmember Patterson
February 19, 2019

To the Council:

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

- | | |
|-------------|---|
| Int. No. 25 | Authorizing the sale of real estate |
| Int. No. 26 | Authorizing an agreement and amending Ordinance No. 2018-263 relating to the 2018–2019 Street Liaison Program |

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- | | |
|-------------|--|
| Int. No. 27 | Authorizing the sale of a land parcel at 125 Howell Street |
| Int. No. 28 | Authorizing an intermunicipal agreement with the County of Monroe to fund enforcement of the Lead-Based Paint Poisoning Prevention ordinance |

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

- | | |
|------------|---|
| Int. No. 5 | Determinations and findings relating to the acquisition of properties to establish a new Goodman Section office for the Rochester Police Department and a new Neighborhood Service Center for the City's Southeast Quadrant |
|------------|---|

Respectfully submitted,
 Michael A. Patterson
 Willie J. Lightfoot
 Jacklyn Ortiz
 Adam C. McFadden
 Loretta C. Scott
 NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

Introductory 5 was introduced on January 15, 2019 and appears in its original transmittal letter on page 10 of the 2019 Council Proceedings.

Attachment No. AS-14

Ordinance No. 2019-21
 (Int. No. 5)

Determinations and findings relating to the acquisition of properties to establish a new Goodman Section office for the Rochester Police Department and a new Neighborhood Service Center for the City's Southeast Quadrant

WHEREAS, the Rochester Police Department (RPD) has reorganized its patrol functions from a Two-Division structure to a Five-Section model in order to maintain and exceed the previous levels of service, increase community policing initiatives, connect officers to smaller, neighborhood-based patrol beats, and decentralize police services to neighborhoods;

WHEREAS, the RPD requires a permanent headquarters for its operations in one of the five newly delineated patrol areas, the Goodman Section, and the City wishes to collocate that facility with the Neighborhood Service Center (NSC) for the Southeast Quadrant, because the two operations encompass nearly the same territory and a collocated facility, hereinafter referred to as the "Project," will allow RPD and NSC to better coordinate their neighborhood-based services;

WHEREAS, the City has identified a suitable site for the Project, consisting of approximately 2.42 acres of land located in the Beechwood neighborhood on the north side of East Main Street, adjacent to and including a portion of Laura Street (the "Project Site");

WHEREAS, the search for a suitable Project site was guided by goals of finding a central location within the Goodman Section that is large enough and best situated to satisfy the needs of RPD and NSC customers and personnel and, after reviewing over 20 different sites, the Project Site was deemed to be the optimal one because it is a conspicuous location, readily accessible by vehicles, located on an RGRTA bus line, and because it will promote a more vibrant neighborhood by redeveloping a number of underutilized vacant parcels, including a Brownfield Cleanup site that is owned by the City;

WHEREAS, the Project Site is comprised of three parcels of land owned by the City located at 2 Laura Street and at 1200 and 1240 East Main Street, the southern end of the Laura Street right-of-way that extends approximately 125 feet northward from East Main Street, and the 10 privately-owned Acquisition Parcels listed below;

WHEREAS, the City of Rochester proposes to assemble the Project Site by acquiring the 10 Acquisition Parcels, abandoning a portion of Laura Street as a public street, using 3 City-owned parcels, and removing the existing dwellings in order to construct an approximately 18,000 square foot building to house the RPD Goodman Section and Southwest Quadrant NSC, and a parking lot for customers, personnel and official vehicles; and

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WHEREAS, the Council of the City of Rochester held a public hearing on January 10, 2019 pursuant to Article 2 of the Eminent Domain Procedure Law to consider the Project and 8 speakers appeared at the hearing.

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

Section 1. The Council hereby makes the following determinations and findings concerning the Project:

- A. Project description – acquire the following 10 parcels of real estate (the “Acquisition Parcels”) and join them with three adjacent City-owned parcels located at 2 Laura Street and at 1200 and 1240 East Main Street and the southern end of the Laura Street right-of-way to assemble a site for an approximately 18,000 square foot building to house the RPD Goodman Section and the Southwest Quadrant NSC, and a parking lot for customers, personnel and official vehicles (collectively, the “Project”):

1-5 Laura Street	11-15 Laura Street
4-6 Laura Street	1214-1216 E. Main Street
7-9 Laura Street	1222 E. Main Street
8-8½ Laura Street	1228-1230 E. Main Street
10 Laura Street	1252 E. Main Street

- B. Project purpose – To develop and operate collocated offices for the RPD Goodman Section and Southeast NSC to better coordinate their neighborhood-based services at a site that is best situated for that purpose while promoting a more vibrant neighborhood by redeveloping a number of vacant parcels of land.
- C. Relocation assistance and compensation – In accordance with the City’s rules and regulations for relocation benefits approved in Resolution No. 2002-25, City staff will give occupants of the Acquisition Parcels fair notice and provide a \$1,000 moving allowance for each dwelling unit. In addition, for those occupants who request it, City staff will assist them to find comparable replacement housing before they are required to vacate.
- D. Project effect – The purchase of the Acquisition Parcels and the overall Project have been evaluated for potential significant adverse environmental effects on the environment pursuant to the State Environmental Quality Review Act (“SEQR”) and Chapter 48 of the Municipal Code.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-22
Re: Sale of Real Estate

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation approving the sale of one property. City records have been checked to ensure that 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 property was sold to the adjoining owner who will utilize the parcel for expansion of his recently acquired storage facilities. The Planning Commission approved his plans to include outside storage of metal poles and trailers at their November meeting.

The first year projected tax revenue for the property, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$131.

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-15

TUESDAY, FEBRUARY 19, 2019

Ordinance No. 2019-22
(Int. No. 25)

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 negotiated sale of the following parcel of vacant land with proposal:

Address	SBL#	Lot Size	Price	Purchaser
120 Joseph Ave	106.64-1-57	16 x 169	\$1,400	425 Ormond LLC

Section 2. City taxes and other City charges, except water charges, against said property is 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 property free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-23
Re: 2018-2019 Street Liaison Agreements

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Street Liaison Program. This legislation will amend Ordinance No. 2018-263 to:

- 1) Add \$5,000 to the existing Street Liaison Agreement with Action for a Better Community, Incorporated (Steve Turner, Program Director - 550 East Main Street, Rochester, 14604) increasing the total amount to \$20,000 for the Northeast Quadrant, Public Market Business District which includes the Public Market footprint and the immediate surrounding streets of Railroad Street, North Goodman Street, East Main Street, and North Union Street. This additional amount will be funded from the 2018-2019 Operating Budget of Neighborhood and Business Development.
- 2) Award \$5,000 as maximum compensation to ISLA Housing & Development Corporation (Sonia Nunez, Executive Director - 1164 North Clinton Avenue, Rochester, 14621) for a Street Liaison Agreement for the Northeast Quadrant, North Clinton Commercial Corridor which includes N. Clinton Avenue between Upper Falls Boulevard and Norton Street. The original award went to Group 14621, but they were unable to meet the requirements of the agreement. Therefore, these funds are now being awarded to ISLA because they scored second on the Request for Qualifications (RFQ). This amount will be funded from the Street Liaison allocation of the 2018-2019 Annual Action Plan from the Community Development Block Grant for the City's use to operate the program.

The mission of the Street Liaison is to provide outreach and assistance to businesses within the targeted commercial corridors found in their respective quadrants of the city of Rochester. This assistance is expected to result in increased business and community investment, retention of existing jobs, and the creation of new jobs. The Street Liaison may also contribute to additional business and community development efforts.

A Request for Qualifications (RFQ) was completed to locate vendors for each quadrant as described on the attached Vendor Selection Form.

The agreements will be in effect from January 1, 2019 through June 30, 2019.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-16

Ordinance No. 2019-23
(Int. No. 26)

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Authorizing an agreement and amending Ordinance No. 2018-263 relating to the 2018-2019 Street Liaison 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 Action for a Better Community, Incorporated in the maximum amount of \$5,000 for business development street liaison services within the Public Market Business District, which includes the Public Market footprint and the immediate surrounding streets of Railroad Street, N. Goodman Street, E. Main Street, and North Union Street. Said amount shall be funded from the 2018-19 Budget of the Department of Neighborhood and Business Development. The term of the agreement shall be from January 1, 2019 through June 30, 2019 with the option to extend if some of the funds provided for herein remain.

Section 2. Ordinance No. 2018-263, authorizing agreements for the 2018-2019 Street Liaison Program, is hereby amended in Section 3 to read as follows:

Section 3. The Mayor is hereby authorized to enter into an agreements to obtain business development street liaison services for each of the city's four quadrants for the maximum compensation amounts as follows:

- a) for the Northeast Quadrant, with Action for a Better Community, Incorporated, for \$15,000, and with ~~Group 14621 Community Association, Inc.~~ ISLA Housing & Development Corporation for \$5,000, both funded from the appropriation in Section 1;
- b) for the Northwest Quadrant, with Highland Planning LLC for \$20,000 funded from the appropriation in Section 1;
- c) for the Southeast Quadrant, with Highland Planning LLC for \$25,000 funded in the amount of \$20,000 from the appropriation in Section 1 and in the amount of \$5,000 from the appropriation in Section 2; and
- d) for the Southwest Quadrant, with 19th Ward Community Association of Rochester, New York, Inc. for \$20,000 funded from the appropriation in Section 1.

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

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

Ayes: President Scott, Councilmembers Clifford, Evans, Lightfoot, McFadden, Ortiz, Patterson, Spaul -8.

Nays: None -0.

Councilmember Gruber abstained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-24
Re: Sale of Land: 125 Howell Street to Capstone Real Estate Development LLC

Council Priorities: Creating and Sustaining a Culture of Vibrancy; Rebuilding and Strengthening Neighborhood Housing.

Transmitted herewith for your approval is legislation related to the sale of one City-owned property at 125 Howell Street, Rochester, NY (the "Property") to Capstone Real Estate Development LLC with principal Don Lasher (the "Developer"), or an entity to be formed by Capstone Real Estate Development LLC. The Property's SBL number is 121.41-2-31. This legislation will:

- 1) Authorize the sale of the Property to the Developer for the appraised value of \$65,000.

The sale price of the Property was determined by an independent appraisal completed by Kevin L. Bruckner, MAI, CCIM, of Bruckner, Tillett, Rossi, Cahill & Associates, in October 2016.

The Property is a new parcel resulting from the assembly of land due to the Inner Loop East Transformation Project. As part of the City's efforts to reintegrate the neighborhoods previously separated by the eight-lane highway on the eastern portion of the Inner Loop, a request for proposals for the purchase and redevelopment of this parcel was issued on June 6, 2018. The City received one proposal, which was evaluated by staff from

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the Department of Neighborhood and Business Development and the Department of Environmental Services. The Developer's proposal was recommended for selection based on the proposed development program.

The selected proposal includes one building consisting of five four-story rental townhomes. Each will have a garage on the first floor. The Developer currently owns the adjacent site and has located their offices there. The Property is small (0.132 acres) and irregularly shaped, and ownership of the adjacent site makes development of the Property most feasible. The Developer proposes commencing construction in late Spring 2019 and completion in Spring 2020.

The estimated sources and uses of funds for the Property are as follows:

Sources	Uses		
Canandaigua Nat'l Bank Loan	\$1,120,625	Land Acquisition	\$65,000
Developer Equity	<u>299,470</u>	Construction Costs	1,224,269
Total	\$1,420,095	Site Work	56,900
		Soft	
Costs	<u>73,926</u>	Total	\$1,420,095

The Developer will abide by the City's policy on Minority and Women-Owned Business Enterprise (MWBE) and workforce participation. The City's MWBE goal is 30%, the workforce minority goal is 20%, the workforce female goal is 6.9%, and the City of Rochester resident workforce goal is 25%.

The State Environmental Quality Review for the Inner Loop East Transformation Project included future development parameters. This project falls within those parameters, and is therefore covered by the Negative Declaration issued on December 23, 2013.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-17

Ordinance No. 2019-24
(Int. No. 27)

Authorizing the sale of a land parcel at 125 Howell Street

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

Section 1. The Council hereby approves the negotiated sale with proposal of 125 Howell Street (SBL# 121.41-2-31), comprising approximately 0.13 acres of vacant land that has been assembled from the Inner Loop East Transformation Project, to Capstone Real Estate Development LLC to construct multifamily dwellings. The sale price shall be \$65,000.

Section 2. The Mayor is hereby authorized to grant and accept any easements or licenses for utilities, ancillary development, or public access that the Mayor determines to be necessary or appropriate to effectuate the terms and purposes of the sale.

Section 3. The Mayor is hereby authorized to enter into such agreements and to execute such other instruments as may be necessary to implement the actions authorized herein. The agreements and other instruments shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-25
Re: Inter-municipal Agreement with Monroe County for Lead Paint Poisoning Prevention Inspection Services

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation authorizing an Inter-municipal Agreement with Monroe County for the receipt and use of \$310,000 for lead paint poisoning prevention inspection services. The term of said agreement is April 1, 2019 through March 31, 2020.

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The funds associated with this agreement provide a reimbursement of expenses related to the enforcement of the City's Lead-Based Paint Poisoning Prevention Ordinance. These funds are part of the State's Lead Primary Prevention Grant dollars provided to Monroe County. The \$310,000 covers visual inspections for lead hazards, Lead Dust Wipe Sampling tests and Clerical and IT support provided by the City of Rochester. This agreement has been in place since October 1, 2007. A chart showing the history of the past eight years of the grant is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-18

Ordinance No. 2019-25
(Int. No. 28)

Authorizing an intermunicipal agreement with the County of Monroe to fund enforcement of the Lead-Based Paint Poisoning Prevention ordinance

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 County of Monroe for the receipt and use of New York State funding in the amount of \$310,000 for enforcement of the City's Lead-Based Paint Poisoning Prevention ordinance. The term of agreement shall be April 1, 2019 through March 31, 2020.

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.

By Councilmember Evans
February 19, 2019

To the Council:

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

Int. No. 29	Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,510,000 Bonds of said City to finance the costs of the South Avenue Parking Garage Lighting and Electrical System Replacement Project
Int. No. 32	Amending Ordinance No. 2018-67 relating to a resident project representation services for the Hazardous Sidewalk Replacement Program
Int. No. 33	Authorizing an agreement with the New York State Department of Environmental Conservation for the disposition of electronic waste material
Int. No. 34	Authorizing an intermunicipal lease agreement for radio transmitting equipment
Int. No. 35	Authorizing an agreement for the supply of electricity to City facilities

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

Int. No. 10	Approving geometric changes related to the Atlantic Avenue/Merriman Street Safety Improvements Project
Int. No. 30	Amending the Official Map
Int. No. 31	Authorizing the acceptance of right of way from the New York State Department of Transportation and amending the Official Map by dedicating for street purposes land to be named Karges Place

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Respectfully submitted,
 Malik Evans (Absent)
 Mitch Gruber
 Elaine M. Spaul
 Adam C. McFadden
 Loretta C. Scott
 PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

Introductory 10 was introduced on January 15, 2019 and appears in its original transmittal letter on page 14 of the 2019 Council Proceedings

Attachment No. AS-19

Ordinance No. 2019-26
 (Int. No. 10)

Approving geometric changes related to the Atlantic Avenue/Merriman Street Safety Improvements Project

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

Section 1. The Council hereby approves the following changes in the pavement width related to the Atlantic Avenue/Merriman Street Safety Improvements Project:

- a. reducing the width on the north side of Atlantic Avenue beginning at a point approximately 50 feet west of Merriman Street with the existing 36-foot width and extending easterly to a proposed width of 30 feet (a narrowing of 6 feet) at the pavement edge on the west side of Merriman Street; and
- b. reducing the width on the north side of Atlantic Avenue beginning with the existing 32-foot width at a point approximately 90 feet east of Merriman Street and extending westerly with a gradual taper to a proposed width of 28 feet (a narrowing of 4 feet) at the pavement edge on the east side of Merriman Street.

Section 2. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2019-27
 Re: South Avenue Parking Garage Lighting and Electrical System Replacement Project

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$1,510,000, and the appropriation of the proceeds thereof, to finance the cost of the South Avenue Parking Garage Lighting and Electrical System Replacement Project.

The project will remove the existing deteriorated lighting and electrical systems throughout the garage and provide new electrical infrastructure with LED fixtures, circuits and controls. The project will improve lighting in the garage to meet code-compliant lighting. The design and installation will be completed by the New York Power Authority under the current Energy Efficiency Services Program Agreement authorized by City Council under Ordinance No. 2015-398.

The project is anticipated to start design in early 2019, bidding and award in fall 2019, and completion by fall 2020. It is estimated that the project will create and/or retain 16.4 full-time jobs.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Ordinance No. 2019-27
 (Int. No. 29)

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Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,510,000 Bonds of said City to finance the costs of the South Avenue Parking Garage Lighting and Electrical System Replacement 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 the costs of the South Avenue Parking Garage Lighting and Electrical System Replacement Project. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,510,000. The plan of financing includes the issuance of \$1,510,000 bonds of the City to finance this 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 \$1,510,000 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 \$1,510,000. 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. 13. of the Law, is ten (10) 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. 2019-28
Re: Official Map Amendment – Abandonment and Dedication of Additional Rights of way

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation amending the Official Map by:

1. Authorizing the proposed abandonment of 697 square feet, more or less, portion East Broad Street right-of-way adjacent to 66 Broadway, and
2. Dedicating the following 9 City owned parcels as public rights-of-way for street purposes.

<u>Address</u>	<u>SBL#</u>
407 E. Broad Street	SBL# 121.33-1-1
55 Manhattan Sq. Drive	SBL# 121.33-1-3.0021
121 Chestnut Street	SBL# 121.32-2-2.002
90 Chestnut Street	SBL# 121.24-2-25.002
141 Chestnut Street	SBL# 121.32-2-2.003
110 Chestnut Street	SBL# 121.24-2-25.003
Part of 64 Broadway	SBL# 121.25-2-39.002
Part of 68 Broadway	SBL# 121.25-2-37.002
Part of 74 Broadway	SBL# 121.25-2-38.002

The City Planning Commission held an informational meeting on January 14, 2019, by a vote of 6 to 0 the Commission recommended approval. Minutes and recommendations are attached.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Rochester City Code, the project was determined to be a Type II action requiring no further environmental review.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-20

Ordinance No. 2019-28
(Int. No. 30)

Amending the Official Map

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

Section 1. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by changing and deleting therefrom the following parcel heretofore dedicated to street purposes:

**PROPOSED REVERSE APPROPRIATION OF A SECTION
OF EAST BROAD STREET TO THE INN ON BROADWAY**

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Rochester, County of Monroe and State of New York being known and described as part of lots 35 & 36 of the Triangular Tract, also being an existing piece of land of the Right of Way of East Broad Street and more particularly bounded and described as follows:

Beginning at the point of intersection of the northerly bounds of East Broad Street (right of way varies) and the westerly bounds of Ajax Alley (right of way 15' wide), Said point also being the southeast corner of Tax Parcel No. 121.25-02-36; thence

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1. S21°22'35"W , a distance of 11.16 feet to a point of curvature; thence
2. Continuing along a curve to the right having a radius of 5.00 feet, a arc length of 5.67 feet and delta angle of 65°00'50" to a point of tangency; thence
3. S 86°23'27"W, a distance of 38.94 feet to a point of curvature; thence
4. Continuing along a curve to the right having a radius of 11.60 feet, an arc length of 11.41 feet and delta angle of 56°20'20" to a point of reverse curvature; thence
 5. Continuing along a curve to the left having a radius of 382.74 feet, an arc length of 8.85 feet and delta angle of 01°19'27" to a point on the said existing northerly bounds of East Broad Street; thence
5. N85°32'00"E, along the said existing northerly bounds of East Broad Street a distance of 60.52 feet to the point and place of beginning, representing a parcel which contains 0.016 acres more or less.

Section 2. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by dedicating the following 9 City-owned parcels as public right-of-way, as more particularly described below and as depicted in maps on file with the City Clerk.

LEGAL DESCRIPTION OF PROPOSED LANDS TO BE DEDICATED
407 EAST BROAD STREET
T.A. #121.33-1-1
(Map 6 Parcel 12)

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows: Beginning at a point in the southerly ROW line of East Broad Street (ROW Varies) with the easterly ROW line of Manhattan Square Drive (45' ROW); said intersection being the Point or Place of Beginning thence

- 1) North 21°52'44" East, along the southerly ROW line of East Broad Street, a distance of 19.34 feet to a point; thence
- 2) North 77°43'41" East, continuing along the southerly ROW line of East Broad Street, a distance of 53.70 feet to a point; thence
- 3) North 86°06'59" East, continuing along the southerly ROW line of East Broad Street, a distance of 109.69 feet to a point on the division line between the property of now or form The City of Rochester (T.A. #121.33-1-1) on the north and the property of now or formerly Southeast Loop Area Three B Part 1A Houses, Inc. (T.A. #121.33-1-3) on the south; thence
- 4) South 77°43'41" West, along the last mentioned division line a distance of 173.07 feet to the Point or Place of Beginning

Hereby intending to describe a parcel of land containing 1814 square feet more or less, all as shown as parcel P12 on a map entitled "Map of Fee Acquisition" - East Broad Street – Manhattan Square Drive Intersection", prepared by Fisher Associates and dated July 08, 2010.

LEGAL DESCRIPTION OF PROPOSED LAND TO BE DEDICATED
55 MANHATTAN SQUARE DRIVE
T.A.#121.33-1-3.002
(Map 6 Parcel 13)

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York and being more particular bounded and described as follows: Beginning at a point in the southerly ROW line of East Broad Street (ROW Varies) with the easterly ROW line of Manhattan-Square Drive (45' Wide) said point also being the division line between the property of now or formerly The City of Rochester (T.A. #121.33-1-1) on the north and the property of now or formerly South Loop Area Three B Part 1A Houses, Inc. on the south; said intersection being the Point or Place of Beginning; thence

- 1) North 77°43'41" East, along the last mentioned division line, a distance of 57.80 feet to a point; thence
- 2) South 65°42'36" West, through lands at No. 463 East Broad Street a distance of 11.89 feet to a point at the corner of an existing face of a building; thence
- 3) South 21°18'39" West, through lands at No. 463 East Broad Street and along the existing face of building a distance of 135.70 feet to a point; thence

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- 4) North 68°41'21" West, through lands at No. 463 East Broad Street a distance of 2.57 feet to the easterly ROW line of Manhattan Square Drive; thence
- 5) North 21°19'31" East, along the easterly ROW line of Manhattan Square Drive a distance of 17.58 feet to a point of curvature; thence
- 6) Northerly along the easterly ROW line of Manhattan Square Drive, on a curve to left having a radius of 127.50 feet through a central angle of 33°35'50", a distance of 74.76 feet to a point of tangency; thence
- 7) North 20°16'19" West, along the easterly ROW line of Manhattan Square Drive a distance of 28.91 feet to the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 2015 square feet more or less, all as shown as parcel P13 on a map entitled "Map of Fee Acquisition - East Broad Street-Manhattan Square Drive Intersection", prepared by Fisher Associates and dated July 08, 2010.

LEGAL DESCRIPTION OF PROPOSED LANDS TO BE DEDICATED
121 CHESTNUT STREET
T.A. #121.32-2-2.002
(Map 3 Parcel 6)

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, and being more particularly bounded and described as follows: Beginning at a point in the southerly ROW line of East Broad Street (80' ROW) with the westerly ROW line of Chestnut Street (66' ROW); said intersection being the Point or Place of Beginning; thence

- 1) South 02°35'35" East, along the westerly ROW line of Chestnut Street, a distance of 124.52 feet to a point; thence
- 2) North 15°43'47" West, through lands at No. 131 Chestnut Street, a distance of 22.00 feet to a point; thence
- 3) North 02°35'35" West, through lands at No. 131 Chestnut Street and parallel with Chestnut Street, a distance of 90.00 feet to a point; thence
- 4) North 35°50'49" West, through lands at No. 131 Chestnut Street, a distance of 15.50 feet to the south ROW line of East Broad Street; thence
- 5) North 86°51'31" East, along the south ROW line of East Broad Street, a distance of 13.50 feet to the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 624 square feet more or less, all as shown as parcel P6 on a map entitled "Map of Fee Acquisition/Temporary Easement to be Acquired" -East Broad Street – Chestnut Street Intersection", prepared by Fisher Associates and dated July 08, 2010

LEGAL DESCRIPTION OF PROPOSED LANDS TO BE DEDICATED
90 CHESTNUT STREET
T.A. #121.24-2-25.002
(Map 3 Parcel 7)

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, and being more particularly bounded and described as follows: Beginning at a point in the southerly ROW line of East Broad Street (80' ROW) with the easterly ROW line of Chestnut Street (66' ROW); said intersection being the Point or Place of Beginning; thence

- 1) North 86°51'31" East, along the southerly ROW line of East Broad Street a distance of 11.50 feet to a point; thence
- 2) South 42°07'15" West, through lands at No. 100 Chestnut Street, a distance of 16.34 feet to the easterly ROW line of Chestnut Street; thence
- 3) North 02°35'35" West, along the easterly ROW line of Chestnut Street, a distance of 11.50 feet to the Point or Place of Beginning

Hereby intending to describe a parcel of land containing 66 square feet more or less, all as shown as parcel P7 on a map entitled "Map of Fee Acquisition/Temporary Easement to be Acquired" - East Broad Street - Chestnut Street Intersection", prepared by Fisher Associates and dated July 08, 2010.

LEGAL DESCRIPTION OF PROPOSED LANDS TO BE DEDICATED
141 CHESTNUT STREET
T.A.#121.32-2-2.003
(Map 4 Parcel 9)

All that track or parcel of land situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows: Beginning at a point in the northerly ROW line of Court Street (ROW Varies) with the westerly ROW line of Chestnut Street (66' ROW); said intersection being the Point or Place of Beginning; thence

- 1) South 76°54'25" West, along the northerly ROW line of Court Street, a distance of 9.00 feet to a point; thence
- 2) North 43°05'32" East, through lands at No. 131 Chestnut Street, a distance of 12.37 feet to a point on the westerly ROW line of Chestnut Street; thence
- 3) South 02°35'35" East, along the westerly ROW of Chestnut Street, a distance of 7.00 feet to the Point or Place of Beginning

Hereby intending to describe a parcel of land containing 31 square feet more or less, all as shown as parcel P9 on a map entitled "Map of Fee Acquisition-Court Street Chestnut Street Intersection", prepared by Fisher Associates and dated July 07, 2010.

LEGAL DESCRIPTION OF PROPOSED LAND TO BE DEDICATED
110 CHESTNUT STREET
T.A.#121.24-2-25.003
(Map 4 Parcel 10)

All that track or parcel of land situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows: Beginning at a point in the northerly ROW line of Court Street (66' Wide) with the easterly ROW line of Chestnut Street (66' ROW); said intersection being the Point or Place of Beginning; thence

- 1) North 02°35'35" West, along the easterly ROW line of Chestnut Street, a distance of 41.76 feet to a point; thence
- 2) South 09°24'58" East, through lands at No. 100 Chestnut Street a distance of 33.00 feet to a point of curvature; thence
- 3) Southeasterly on a curve to the left having a radius of 8.50 feet through a central angle of 69°16'11", a distance of 10.28 feet to a point on the northerly ROW line of Court Street; thence
- 4) South 77°43'41" West, along the northerly ROW line of Court Street, a distance of 10.47 feet to the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 115 square feet more or less, all as shown as parcel P10 on a map entitled "Map of Fee Acquisition- Court Street - Chestnut Street Intersection prepared by Fisher Associates and dated July 07, 2010.

LEGAL DESCRIPTION OF PROPOSED
LANDS TO BE DEDICATED
PART OF 64 BROADWAY STREET
T.A. #121.25-2-39.2

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Rochester, County of Monroe and State of New York being known and described as part of lots 35 & 36 of the Triangular Tract, also now or formerly consisting of existing Tax Parcels No. 121.25-02-39.2 and more particularly bounded and described as follows:

Beginning at a point in the easterly ROW line of Broadway Street (55' ROW) at its intersection with division line between the property of now or formerly The City of Rochester (T.A. #121.25-2-38.2) on the southeast and the property of now or

formerly The City of Rochester (T.A. #121.25-2-39.2) on the northwest; said intersection being the Point or Place of Beginning; thence

- 1) North 18° 09' 45" East, along the easterly ROW line of Broadway Street, a distance of 83.83 feet to a point; thence
- 2) South 04° 07' 28" East, through lands at No. 50 Broadway Street, a distance of 2.89 feet thence
- 3) Southerly along a curve to the left having a radius of 107.82 feet, a delta angle of 08° 52' 08", a curve length of 16.69 feet, a chord of North 09° 34' 23" East, and a chord length of 16.67 feet to a point on the division line between the property of now or formerly The City of Rochester (T.A. #121.25-2-38.2) on the southeast and the property of now or formerly The City of Rochester (T.A. #121.25-2-39.2) on the northwest; thence
- 4) South 21° 19' 58" West, along the last mentioned division line a distance of 73.96 feet to the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 152.43 square feet, more or less, all as shown as parcel P3 on a map entitled "Map of Fee Acquisition- East Broad Street - Broadway Street Intersection", prepared by Fisher Associates and dated July 07, 2010.

**LEGAL DESCRIPTION OF PROPOSED
LANDS TO BE DEDICATED
PART OF 68 BROADWAY STREET
T.A. #121.25-2-37.2**

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Rochester, County of Monroe and State of New York being known and described as part of lots 35 & 36 of the Triangular Tract, also now or formerly consisting of existing Tax Parcels No. 121.25-02-37.2 and more particularly bounded and described as follows:

Beginning at a point in the northerly ROW line of East Broad Street (ROW Varies) at its intersection with division line between the property of now or formerly The City of Rochester (T.A. #121.25-2-38.2) on the southwest and the property of now or formerly The City of Rochester (T.A. #121.25-2-37.2) on the northeast; said intersection being the Point or Place of Beginning; thence

- 1) North 68° 42' 17" West, along the last mentioned division line a distance of 37.86 feet to a point; thence
- 2) North 21° 20' 12" East, continuing along the last mentioned division line a distance of 26.42 feet to a point of curvature; thence
- 3) Southerly along a curve to the right having a radius of 382.74 feet, a delta angle of 08°44'04", a curve length of 58.35 feet, a chord of N 40° 01' 43" W, and a chord length of 49.47 feet; thence
- 4) South 85°31'49" West, along the northerly ROW line of East Broad Street, a distance of 6.17 feet to the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 650.6 square feet, more or less.

**LEGAL DESCRIPTION OF PROPOSED
LANDS TO BE DEDICATED
PART OF 74 BROADWAY STREET
T.A. #121.25-2-38.2**

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Rochester, County of Monroe and State of New York being known and described as part of lots 35 & 36 of the Triangular Tract, also now or formerly consisting of existing Tax Parcels No. 121.25-02-38.2 and more particularly bounded and described as follows:

Beginning at a point in the northerly ROW line of East Broad Street (ROW Varies) at its intersection with division line between the property of now or formerly The City of Rochester (T.A. #121.25-2-38.2) on the southwest and the property of now or formerly The City of Rochester (T.A. #121.25-2-37.2) on the northeast; said intersection being the Point or Place of Beginning; thence

- 1) South 85°30'35" West, along the northerly ROW line of East Broad Street, a distance of 64.47 feet to a point of curvature of said parcel of land formerly dedicated for highway purposes in City Ordinance 1976-193; thence

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- 2) Northerly on a curve to the right, having a radius of 19.00 feet through a central angle of 112° 39' 42", a distance of 37.36 feet to a point of tangency; thence,
- 3) North 18° 09' 45" East, along the easterly ROW line of Broadway Street, a distance of 37.17 feet to a point on the division line between the property of now or formerly The City of Rochester (T.A. #121.25-2-38.2) on the southeast and the property of now or formerly The City of Rochester (T.A.#121.25-2-39.2) on the northwest; thence
- 4) North 21° 19' 58" East along the last mentioned division line a distance of 64.77 feet to a point of curvature; thence
- 5) Southerly along a curve to the left having a radius of 107.82 feet, a delta angle of 27°23' 37", a curve length of 51.55 feet, a chord of N08°33' 29"E, and a chord length of 51.06 feet to a point of compound curvature; thence
- 6) Southerly along a curve to the left having a radius of 93.74 feet, a delta angle of 18°52'32", a curve length of 30.88 feet, a chord of N30°03'53"W, and a chord length of 30.74 feet to a point; thence
- 7) South 21° 20' 12" West, along the last mentioned division line a distance of 26.42 feet to a point; thence
- 8) South 68° 42' 17" East, continuing along the last mentioned division line a distance of 37.86 feet to the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 3993.06 square feet more or less.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-29
Land Transfer- New York State Department of Transportation, Right-of-Way Dedication, and Naming Right-of-Way

Council Priority: Creating and Sustaining a Culture of Vibrancy and Strengthening Neighborhoods

Transmitted herewith for your approval is legislation related to improvements at 625 South Goodman Street. This legislation will:

1. Request the disposal of parcels M369/P374 and M369/P373 from the New York State Department of Transportation (NYSDOT) as surplus lands,
2. Approve the acceptance of M369/P374 and M369/P373 for street purposes,
3. Amend the Official Map by dedicating M369/P374 and M369/P373 as right-of-way, and;
4. Amend the Official Map by naming the rights-of-way Karges Place.

In 1970 the tract of land located at the South Goodman Street and the former Uhlen Place/Karges Place intersection was acquired by the NYSDOT from the City for highway purposes. The NYSDOT disposed of the parcels on either side of the existing roadbed in 2016 to Mark IV Construction Co. Inc and in 2017 to South Clinton Village LLC. The remaining parcels containing the roadbed were not transferred and continue to be utilized for city street purposes.

The City Engineer has been in discussion with the New York State Department of Transportation with regard to the transfer of surplus State property in the City of Rochester designated on Map 369 as Parcel Numbers 373 and 374, formerly designated as Karges Place and Uhlen Place respectively.

The City Planning Commission held an informational meeting on January 14, 2019, by a vote of 6 to 0 the Commission recommended approval. Minutes and recommendations are attached.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Rochester City Code, a negative declaration for this Unlisted Action was issued on November 21, 2017.

Respectfully submitted,
Lovely A. Warren
Mayor

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Attachment No. AS-21

Ordinance No. 2019-29
(Int. No. 31)

Authorizing the acceptance of right of way from the New York State Department of Transportation and amending the Official Map by dedicating for street purposes land to be named Karges Place

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

Section 1. The Council hereby requests the transfer of surplus lands from the New York State Department of Transportation, parcel numbers 373 and 374 in the map entitled "New York State Department of Transportation Conveyance Map No. 369" and legally described in Section 3 herein.

Section 2. The Mayor is hereby authorized to enter into any agreement necessary to acquire said parcels, and such agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by dedicating the following parcels to street purposes and naming said parcels Karges Place:

LEGAL DESCRIPTION OF PROPOSED LANDS TO BE TRANSFERRED FROM NEW YORK STATE TO THE CITY OF ROCHESTER

Parcel No. 373

Beginning at a point on the existing southwesterly street line of Uhlen Place at its intersection with the existing southeasterly street line of Karges Place, said point being southeasterly, 3.78 feet, measured at right angles, from station 0+02.54 of the hereinafter described Karges survey base line for the construction of Rochester City: Genesee Expressway (Rochester Inner Loop to Rochester City Line); thence S 58°-06'-54" W, 114.22 feet along the last mentioned street line to a point being southeasterly, 3.93 feet, measured at right angles, from station 1+16.76 of said base line; thence across Karges Place the following two courses and distances: N 47°-50'-54" W, 31.92 feet to a point being northwesterly, 26.75 feet, measured at right angles, from station 1+25.58 of said base line; thence northwesterly, on a curve to the left having a radius of 2849.79 feet, 5.52 feet to a point on the existing northwesterly street line of Karges Place, the last mentioned point being northwesterly, 32.06 feet, measured at right angles, from station 1+27.11 of said base line; thence N 58°-06'-54" E, 99.58 feet along the last mentioned street line to its intersection with the above mentioned southwesterly street line of Uhlen Place, the last mentioned point being northwesterly, 32.19 feet, measured at right angles, from station 0+27.53 of said base line; thence S 66°-36'-12" E, 43.80 feet along the last mentioned street line to the point of beginning; being 3,848 square feet more or less.

Parcel No. 374

Beginning at a point on the existing northwesterly street line of Goodman Street South at its intersection with the existing southwesterly street line of Uhlen Place, said point being southwesterly, 4.08 feet, measured at right angles, from station 0+03.98 of the hereinafter described Uhlen survey base line for the construction of Rochester City: Genesee Expressway (Rochester Inner Loop to Rochester City Line); thence N 66°-36'-12" W, 136.39 feet along the last mentioned street line to its intersection with the existing northwesterly street line of Uhlen Place, the last mentioned point being northwesterly, 32.19 feet, measured at right angles, from station 0+27.53 of the hereinafter described Karges survey base line for the construction of Rochester City : Genesee Expressway (Rochester Inner Loop to Rochester City Line); thence N 58°-06'-54" E, 46.23 feet along the last mentioned street line to its intersection with the existing northeasterly street line of Uhlen Place, the last mentioned point being northwesterly, 32.25 feet, measured at right angles, from station 0+18.70 of the ahead tangent produced back of said base line; thence S 66°-36'-12" E, 110.06 feet along the last mentioned street line to its intersection with the above mentioned northwesterly street line of Goodman Street South, the last mentioned point being northeasterly, 33.92 feet, measured at right angles, from station 0+04.05 of the above mentioned Uhlen base line; thence S 23°-23'-48" W, 38.00 feet along the last mentioned street line to the point of beginning; being 4,682 square feet more or less.

The above mentioned survey base line for the construction of Rochester City: Genesee Expressway (Rochester Inner Loop to Rochester City Line), as shown on a map and plan on file in the office of the department of transportation and described as follows:

Beginning at P.I. Station 0+00.00 Uhlen = P.I. Station 3+52.12 Eisenberg; thence N 66°-30'-23" W, 98.23 feet to P.I. Station 0+98.23 Uhlen = P.I. Station 0+00.00 Karges; thence S 58°-11'-19" W, 378.93 feet to P.I. Station 3+78.93 Karges = P.O.L. Station 39+75.29 Clinton.

All bearings referred to true north at the 78°-35' Meridian of West Longitude.

Section 4. This ordinance shall take effect immediately.

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Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-30
Re: Amending Ordinance No. 2018-67
Resident Project Representation Services for Hazardous Sidewalk Replacement Program

Transmitted herewith for your approval is legislation Amending Ordinance No. 2018-67 which authorized resident project representation (RPR) services for the Hazardous Sidewalk Program in the Southwest Quadrant 2018 Phase 1 Project. This amendment will change the designation from Hazardous Sidewalk Program in the Southwest Quadrant 2018 Phase 1 Project to Hazardous Sidewalk Program. The term of the agreement shall be for three years and may extend until 3 months after completion and acceptance of a 2-year guarantee inspection of the work covered by the agreement.

This amendment will allow continued work by Vanguard Engineering PC for our hazardous sidewalk program as it was written in the Request for Proposal for these services.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-30
(Int. No. 32)

Amending Ordinance No. 2018-67 relating to a resident project representation services for the Hazardous Sidewalk Replacement Program

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

Section 1. The title and Section 1 of Ordinance No. 2018-67 authorizing a professional services agreement for resident project representation services for the hazardous sidewalk replacement program is hereby amended to read as follows:

Authorizing an agreement for resident project representation services for the Hazardous Sidewalk Replacement Program ~~Southwest Quadrant 2018 Phase 1 Project~~

...

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Vanguard Engineering, PC to provide resident project representation services for the Hazardous Sidewalk Replacement Program ~~Southwest Quadrant 2018 Phase 1 Project~~ (the Project). The maximum annual compensation for the agreement shall be \$540,000 and said amount, or so much thereof as may be necessary, shall be funded from 2014-15 Cash Capital. The term of the agreement shall be for three years and may extend until 3 months after completion and acceptance of a 2-year guarantee inspection of the work covered by the agreement.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-31
Re: Agreement – New York State Electronic Waste Assistance Grant for Calendar Year 2018

Transmitted herewith for your approval is legislation authorizing a grant agreement with the New York State Department of Environmental Conservation (NYSDEC). The grant will reimburse the City for up to 50% of direct costs paid to an e-waste recycler in the disposition of electronic waste material as outlined in the NYS Electronic Equipment Recycling and Reuse Act.

This grant opportunity is the latest offer of e-waste assistance that NYSDEC has made available. The eligible period for cost reimbursement was January 1, 2018 through December 31, 2018. The City has projected eligible e-waste recycling disposal costs of \$25,212.41, of which up to \$12,606.21 will be reimbursed through the grant, pending approval by NYSDEC. The proceeds of the grant reimbursement will help to offset the cost of sponsoring a City of Rochester E-Waste Day special one-day collection event that will be held at the Rochester Sports Stadium, 460

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Oak Street. The City no longer picks up curbside e-waste recyclables, so this event provides city residents a venue to easily and safely dispose of e-waste without contaminating the environment.

The City applied for and was approved by NYSDEC to receive previous such grants from the same assistance program, which covered the periods of eligibility from January 1, 2016 through March 31, 2017, and April 1, 2017 through December 31, 2017. Those agreements were authorized by Council Ordinance 2017-190 and Council Ordinance 2017-397, respectively. The amount of reimbursement from the first period of the assistance program was \$25,140.24, and the amount of reimbursement from the second period was \$9,187.05.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-31
(Int. No. 33)

Authorizing an agreement with the New York State Department of Environmental Conservation for the disposition of electronic waste material

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 Environmental Conservation for the receipt and use of funds to reimburse up to 50% of the City's direct costs paid to an electronic waste recycler for the disposition of electronic waste material as outlined in the New York State Electronic Equipment Recycling and Reuse Act. The agreement shall cover a reimbursement period from January 1, 2018 through December 31, 2018.

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. 2019-32
Re: Inter-Municipal Agreement – Leasing Space on Tower for Radio Transmitting Equipment

Transmitted herewith for your approval is legislation authorizing an agreement with Livingston County for leasing space on their communications tower located on Jackman Hill Road in the Town of Livonia. The term of the lease is for one year and will provide for four additional one year renewals. This agreement was initially authorized by Ordinance No. 2009-244 under similar terms and reauthorized by Ordinance No. 2014-14.

Renewing this lease will allow the City to continue to maintain and operate the spread-spectrum Ethernet radio communications equipment, antennas and appurtenances necessary for transmission of data between the Hemlock Filtration Plant and various locations within the City's water distribution network.

A nominal annual lease fee is in part used to pay the City share of electrical expenses for equipment at the site. A fee of \$173.89 is due for the first year and increased by 3% for each additional year the lease is renewed. This fee will be paid from the annual operating budget of the Department of Environmental Services.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-32
(Int. No. 34)

Authorizing an intermunicipal lease agreement for radio transmitting equipment

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

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Section 1. The Mayor is hereby authorized to enter into an agreement with Livingston County for the lease of space on said County's communications tower located on Jackman Hill Road in the Town of Livonia for the placement of radio transmitting equipment of the Water Bureau. The agreement shall extend for a term of one year, with four additional optional one-year renewal periods.

Section 2. The agreement shall obligate the City to pay \$173.89 for the first year, which amount shall increase by 3% for each renewal year, if any. The funding for the first year of the lease shall be from the 2018-19 Budget of the Department of Environmental Services (DES) and funding for each subsequent year shall be from a subsequent annual Budget of DES, contingent upon its approval.

Section 3. The agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-33

Re: Agreements – Electricity Provider for the City of Rochester

Transmitted herewith for your approval is legislation authorizing an agreement with Constellation NewEnergy, Inc., (CEO, Joseph Nigro) 10 South Dearborn Street, 49th Floor, Chicago, Illinois, 60603, to supply electricity, as a commodity, to all city facilities as well as street lighting.

The agreement will be financed from the annual budgets of the Department of Environmental Services. Constellation NewEnergy was selected through a request for proposal process, which is described in the attached summary. The RFP was issued to Public Service Commission ("PSC") certified energy service providers ("ESCO's") in November of 2018.

The evaluation team selected Constellation NewEnergy based on the price package offered, and Constellations experience with the City of Rochester. Constellation has provided electricity to the City of Rochester since 2005 (Ordinance No. 2005-295). Additionally, the City will be able to purchase renewable energy as part of its energy portfolio in further development of the City's green initiatives.

The agreement will be for three years and with an additional three year option to renew.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-22

Ordinance No. 2019-33
(Int. No. 35)

Authorizing an agreement for the supply of electricity to City facilities

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 Constellation NewEnergy, Inc. for the supply of electricity to all City facilities, including street lighting accounts, public libraries, the Blue Cross Arena at the War Memorial and the Rochester Riverside Convention Center, for a term of three years with one three-year renewal option.

Section 2. The Mayor is hereby authorized to exercise a fixed or variable rate pricing option under the agreement. Funding shall be provided from the 2018-19 Budget of the Department of Environmental Services (the "Department") and from subsequent budgets of the Department, contingent upon their approval.

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

Section 4. This agreement shall take effect immediately.

Passed unanimously.

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Councilmember Evans moved to discharge Int. No. 20 from Committee.

The motion was seconded by Councilmember Lightfoot.

The motion was adopted unanimously.

Councilmember Evans moved to amend Int. No. 20.

The motion was seconded by Vice President McFadden.

The motion was adopted unanimously.

Introductory No. 20 was introduced on January 15, 2019 and appears in its original transmittal letter on page 27 of the 2019 Council Proceedings.

Ordinance No. 2019-34
(Int. No. 20, as amended)

Amending the Municipal Code with regard to the telecommunications facilities in the right-of-way

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

Section 1. The Municipal Code of the City of Rochester is hereby amended to add a new Chapter 106 to read as follows:

Chapter 106

Telecommunications in the Right-of-Way

Article I. General.

§106-1. Title.

This chapter shall be referred to as the Telecommunications Code of the City of Rochester, New York.

§106 - 2. Applicability.

This chapter shall apply to any Telecommunications Facilities and Accessory Equipment installed or otherwise placed in the Right-of-Way on or after the effective date of this chapter. Telecommunications Facilities constructed with a permit prior to the effective date of this chapter shall be brought into compliance with this chapter when that Facility is reconstructed, modified, repaired, or replaced. When any existing agreement authorizing such Facility requires compliance with this chapter or when any existing agreement governing Telecommunications Facilities expires, Facilities shall be brought into compliance with this chapter and this chapter shall apply to all related activities and Work in the Right-of-Way. This chapter shall also apply to any Facility previously located, installed, or otherwise placed in the Right-of-Way without undergoing review and approval by the City Engineer, unless otherwise authorized by a valid agreement. Any such unauthorized Telecommunications Facility shall be brought into compliance with this chapter and all applicable Laws.

In addition to new Applicants, this chapter shall apply to existing Telecommunications Providers currently occupying the Right-of-Way under a current Right-of-Way Permit and any Addendum Agreement, Pole Attachment Agreement, or Right-of-Way Agreement, pursuant to Chapter 104 of the Code of the City of Rochester. All such Persons shall comply with and be subject to all relevant requirements of this chapter, except that existing Permit fees and other requirements of Chapter 104 shall be determined by any existing, valid Permit agreements until their expiration date, or if no expiration date, the effective date this chapter ~~is adopted~~. As set forth in the terms of existing agreements with the City, including Addendum Agreements and other Right-of-Way agreements, such agreements shall be terminated and new Master License Agreements executed in compliance with this chapter. Such new Master License Agreements shall confirm that no changes shall be required with respect to Work performed under existing Permits issued prior to the ~~adoption~~ effective date of this chapter and shall only require compliance with this chapter with respect to new, replaced, modified or relocated Facilities requiring new Permits, except that all Licensees shall be required to comply with §106-5, Registration Requirements, and §106-15, Fees and Compensation, which shall apply to existing and new Facilities.

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All Right-of-Way occupants defined as Telecommunications Providers, whether new or existing, party to a current agreement or not, shall be subject to this chapter, including all fees and requirements herein.

All Persons or entities subject to this chapter shall have six months from the effective date ~~that of this chapter is adopted~~ to achieve compliance, including Registration and associated requirements, completion of a Master License Agreement, completed Permit applications as necessary, and payment of all fees and compensation due to the City that accrued as of the effective date ~~of this chapter was adopted~~.

§106 - 3. Purpose.

The purpose of this chapter shall be to meet the following objectives:

- A. To promote the development of a state-of-the-art telecommunications infrastructure that will serve as an incentive to attract and retain businesses and will serve current and future needs of individual citizens as well as educational, governmental, cultural and community organizations;
- B. To ensure maximum access to the telecommunications infrastructure;
- C. To fully utilize the telecommunications infrastructure, including wherever possible through the use of Smart Poles, as a tool in the effective and efficient delivery of City services;
- D. To minimize unnecessary disruption in the Right-of-Way from the installation and operation of Telecommunications Facilities by coordinating installations, promoting Co-Location and encouraging innovative methods and technologies that minimize disturbances to pedestrians, residents, businesses, traffic, and parking;
- E. To comply with the federal Telecommunications Act of 1996 (“Telecommunications Act”), and any amendment thereto, by enacting policies and procedures that remove barriers to competition among existing and prospective Telecommunications Providers, and which treat providers in a competitively neutral and non-discriminatory manner;
- F. To ensure a fair assessment and assignment of the full cost of installation, maintenance, and repair of Telecommunications Facilities, and the value and use by Telecommunications Providers of the Right-of-Way, a valuable and limited municipal asset;
- G. To require that Telecommunications Facilities and Accessory Equipment are installed in such a way as to mitigate visual, environmental, and neighborhood impacts, to minimize unsightly encumbrances in the Right-of-Way and to promote the least intrusive Facilities possible, with particular attention to Facilities located in historic districts and areas or adjacent to or near historic structures where Facilities shall be installed in a manner that is aesthetically appropriate for the location;
- H. To ensure that all installations of Telecommunications Facilities, Accessory Equipment, and related Work pursuant to this chapter are done safely and completed in a manner consistent with all applicable Laws;
- I. To preserve the City’s right to manage the Right-of-Way and, in light of the ever-increasing number of uses of the Right-of-Way by Telecommunications Providers as well as Utilities and other users, to ensure that the City retains the ability to effectively manage and coordinate these uses in the limited space available; and
- J. To protect the public health, safety, and welfare with respect to the use of the Right-of-Way by Telecommunications Providers and owners or lessees of Telecommunications Facilities.

§106 - 4. Definitions.

For the purpose of this chapter, the following terms shall have the meanings stated below:

ADMINISTRATOR — The Commissioner of the Department of Environmental Services, or the Commissioner’s designee, or an administrator as designated by the Mayor responsible for administering this chapter and other related duties.

ABANDON — When an owner of a Telecommunications Facility permanently or substantially ceases all business activity associated with its Facilities or Accessory Equipment, or fails to comply with ongoing Permit or lease terms, or lets Facilities and Accessory Equipment fall into disrepair without timely cure.

ACCESSORY EQUIPMENT (“EQUIPMENT”) — Any equipment serving or being used in conjunction with a Telecommunications Facility. This Equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets, storage sheds, shelters, vaults, or other structures. This definition excludes equipment owned by a Utility installed for the sole purpose of providing electricity.

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AFFILIATE — A Person that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with another Person.

ANTENNA — A device used to transmit and/or receive radio or electromagnetic waves for the provision of services including, but not limited to cellular, paging, personal communications services (PCS) and microwave communications. Such devices include, but are not limited to, directional antennas such as panel antennas, microwave dishes, and satellite dishes; omnidirectional antennas; wireless access points (WiFi); and strand-mounted wireless access points. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

APPLICANT — Any Telecommunications Provider, Utility, owner of Telecommunications Facilities or other entity requesting permission to install or excavate for placement of Telecommunications Facilities in the Right-of-Way.

BASE STATION — A structure built for a purpose other than the installation of Telecommunications Facilities, upon which Telecommunications Facilities are subsequently installed.

CAMOUFLAGE — The means and methods by which Telecommunications Facilities and Accessory Equipment are designed to conceal the Equipment and blend the installation with the surrounding environment accomplished by requiring the use of one or more of the following concealment elements as set forth in more detail in the Rules and Regulations:

1. Radio frequency equipment screening;
2. Approved, specific colors;
3. Minimizing the size of the Facilities or Site;
4. Integrating the installation into existing infrastructure;
5. Installing new infrastructure that matches existing infrastructure in the area surrounding the proposed Site and dedicating the new infrastructure to the City;
6. Modifying the installation location;
7. Using alternative structures such as man-made trees, clock towers, bell steeples, or other alternative design mounting structures that conceal the presence of the Telecommunications Facilities in a manner that is appropriate to the location;
8. Embedded or underground Facilities, including but not limited to use of Smart Poles;
9. Landscaping; or
10. Mirroring existing structural elements or design.

CARRIER ON WHEELS or CELL ON WHEELS ("COW") — A portable self-contained Telecommunications Facility that can be moved to a location and set up to provide wireless services on a temporary or Emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the Antenna support structure. COW does not include equipment for broadcasting live television coverage.

CITY — The City of Rochester, New York.

CITY COUNCIL — The Common Council of the City of Rochester, New York.

CITY PROPERTY — Includes all real property owned by the City, other than the Right-of-Way and Utility Easements as those terms are defined herein, and all property held in a proprietary capacity by the City, that is not subject to Right-of-Way licensing as provided in this chapter.

CO-LOCATION — With respect to underground Facilities, Co-location shall mean the existence or placement of Telecommunications Facilities or Accessory Equipment by two or more Telecommunications Providers within the same conduit, duct, or similar facility, which avoids the Excavation or substantial disturbance of the Right-of-Way. With respect to Overhead Facilities, Co-location shall mean the mounting, installation or placement of Telecommunications Facilities and Accessory Equipment on a pole or structure shared with one or more Telecommunications Providers.

COMMISSIONER — The Commissioner of Environmental Services of the City of Rochester.

DAY — One calendar day.

DISTRIBUTED ANTENNA SYSTEM ("DAS") — A network of one or more Antenna and fiber optic nodes connecting to a common base station or "hub."

EMERGENCY — A condition that poses an imminent threat to life or property, including a disruption in service.

EMF — Electro-magnetic frequency.

EXCAVATION — Any movement or removal of earth, rock, pavement, Right-of-Way fixtures, or other materials in or on the ground.

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EXISTING HEIGHT — The height of a Base Station as originally approved for Telecommunications Facilities or as of the most recent modification that received regulatory approval prior to the passage of the Spectrum Act. Height shall be measured from natural grade to the top of all appurtenances.

FACILITY or FACILITIES — See TELECOMMUNICATIONS FACILITY.

LAWS — Any and all applicable federal laws, state laws, local ordinances, resolutions, regulations, administrative orders, or other legal requirements.

LICENSE — Any right and privilege or the renewal thereof awarded or granted by the City Council pursuant to §5-23 of the City Charter and this chapter to any Person who occupies the Right-of Ways of the City for the purpose of providing Telecommunications Services or for the purpose of installing Telecommunications Facilities. For purposes of this chapter, the term License shall include the term “franchise” as used in existing addendums to Right-of-Way Permits, Pole Attachment Agreements, and other Right-of-Way agreements between the City and Telecommunications Providers.

LICENSEE — Any Person that holds a License to occupy the Right-of-Way.

MACROCELL SITE — A radio coverage cell that provides the largest area of coverage within a mobile network. The Antennas for macrocells are generally mounted on ground-based masts, rooftops or other existing structures, at a height that is not obstructed by terrain or buildings. They provide radio coverage over varying distances depending on the frequency used, the number of calls made and the physical terrain. Macrocells have a typical power output in hundreds or thousands of watts.

MASTER LICENSE AGREEMENT (“LICENSE AGREEMENT” or “MLA”) — An agreement entered into between any Person requiring Registration and the City that authorizes and governs the installation of Telecommunications Facilities and Accessory Equipment in the Right-of-Way and related requirements and responsibilities.

MODIFICATION — Any change to an existing Telecommunications Facility or Accessory Equipment not authorized by the Permit.

MUNICIPAL FACILITIES – City-owned light poles, poles installed by the City specifically for the placement of Telecommunications Facilities, lighting fixtures, electroliers, handholes, manholes, fiber optic strands, conduit and other City-owned structures or Equipment located within the Right-of-Way.

OTHER WAYS — The highways, streets, alleys, Utility Easements or other rights-of-ways within the City, but under the jurisdiction and control of a governmental entity other than the City.

OVERHEAD FACILITIES — Includes utility poles, utility facilities and Telecommunications Facilities located above the surface of the ground within the Right-of-Way, including the surface or underground supports or foundations for such Facilities.

PERMIT — Authorization granted by the City Engineer under Chapter 104 of the Code of the City of Rochester to perform specified alteration, Excavation, installation, construction, repair or any other Work whatsoever in the Right-of-Way. The term Permit includes any additional terms and conditions added to the Permit.

PERMITTEE — Any Person, Utility or Telecommunications Provider that has obtained permission through the issuance of a Permit from the Department of Environmental Services to make any Excavation or otherwise locate, install or place Facilities in the Right-of-Way.

PERSON — Any individual, association, firm, partnership, corporation, joint-stock company, limited liability company or other legal entity.

REGISTRATION — The requirement that, except as otherwise provided herein, any Person engaged in the business of transmitting, supplying or furnishing of Telecommunications Services originating or terminating in the City and/or occupying the Right-of-Way for the purpose of supplying or installing Facilities to provide Telecommunications Services in or outside the City shall register with the City pursuant to Article II of this chapter.

RIGHT-OF-WAY — The area on, below, or above a City-owned or controlled street, roadway, alley, bridge, tunnel, waterway or sidewalk, including the curbs, gutters, catch basins and related facilities adjacent thereto and any utility easements owned or controlled by the City.

RULES AND REGULATIONS — The Rules and Regulations for Work in the Right-of-Way, and any amendments thereto, as adopted by the City Engineer.

SECURITY — A financial instrument, including a letter of credit, certified check, cash, bond or other formal assurance used to guarantee that Permit work will be properly performed and completed, that any Right-of-Way restoration work will be completed and maintained as required by this chapter, and that all fees and compensation owed to the City are paid in full. Such Security shall be in a form approved by the Director of Finance or the Corporation Counsel.

SITE — The specific area occupied by Telecommunications Facilities, Accessory Equipment, and any structure supporting the Telecommunications Facilities.

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SMALL CELL — An umbrella term for low-powered radio access nodes, including those that operate in licensed spectrum and unlicensed carrier-grade WiFi. Small Cell technology includes, but is not limited to, femtocells, picocells, microcells, metrocells and Distributed Antenna Systems, which provide a network densification solution that offloads traffic from the macro network to add capacity.

SMART POLE—A modular, multi-functional pole, as approved by the City Engineer, which enables small cell deployment as well as other wireless applications and services, designed to accept embedded wireless equipment within the pole structure, with no external or attached equipment. Smart Poles are deemed to comply with and satisfy any Camouflage requirements of this chapter or the Rules and Regulations.

SPECTRUM ACT — The Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96.

SUBSTANTIAL CHANGE — Changes to Telecommunications Facilities or Accessory Equipment that increase the number of Antennas, increase the size of the Antennas, increase the EMF output of the Telecommunications Facilities, or modify any existing Telecommunications Facilities or structures that include the following:

1. Increase in the structure's Existing Height by more than 10% or ten 10 feet, whichever is greater;
2. Installation of new Facilities or Accessory Equipment that protrude from the edge of any pole or the structure;
3. Installation of any new equipment cabinets;
4. Any Excavation or deployment outside the current Site as permitted;
5. Changes that defeat the existing Camouflage elements of the Telecommunications Facility; or
6. Other changes that do not comply with conditions of the prior approval of the Telecommunications Facility unless the changes do not exceed the above thresholds.

TELECOMMUNICATIONS FACILITY (“FACILITY” or “FACILITIES”) — The plant, equipment and property, including but not limited to cables, wires, fiber optic strands, conduits, pipes, ducts, dishes, pedestals, poles, Antennae, radio equipment, electronics and other appurtenances, including both underground and overhead Facilities, used or to be used to transmit, receive, distribute, support, provide or offer FCC licensed or FCC authorized Telecommunications Services.

TELECOMMUNICATIONS PROVIDER (“PROVIDER”) — Any Person who provides Telecommunications Service over Telecommunications Facilities. This definition shall not include the City or the County of Monroe or other government agencies, with respect to Telecommunications Facilities used for the provision of Telecommunications Services for governmental or public benefit purposes.

TELECOMMUNICATIONS SERVICE — The providing or offering for rent, sale or lease, or in exchange for other value received, of any service or Telecommunications Facilities that includes the transmission and/or distribution of voice, data, image, graphic or video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar Facilities, with or without benefit of any closed transmission medium.

UTILITY — Solely for the purpose of this chapter, a utility is an entity that is certified by the New York State Public Service Commission to provide or install any Facilities for the delivery of electricity, oil, gas, internet, programming, or other similar data transfer service, including any Utility owned or operated by another city, county, or other governmental agency to the extent allowed by law. For the purpose of this chapter, utilities shall also include companies providing cable television services. City-owned utilities and Facilities installed in the Right-of-Way are exempt from the provisions of this chapter.

UTILITY EASEMENT — Any easement acquired, established, dedicated or devoted for public utility purposes.

WORK — Includes all labor, materials, equipment, services, and all other things necessary to install within, excavate, or restore the Right-of-Way, all of which is subject to the determination and requirements of the City Engineer.

Article II. Registration

§106 - 5. Registration Application Requirements

A. **APPLICATIONS** – To ensure that the City is able to protect and manage the Right-of-Way, the City requires information about Providers and their agents and information and documents about Facilities and Equipment existing or proposed to be installed in the Right-of-Way. The owner, installer, or anticipated installer of Telecommunications Facilities in the Right-of-Way, including those installing on non-City owned property in the Right-of-Way, shall file a Registration application form with the City Engineer and pay the registration fee as specified in §106 – 15. Applications that do not include all of the required application information, as determined by the City Engineer to be necessary for the proper management of the Right-of-Way, shall be deemed incomplete and the City shall not be required to take any action, including the issuance of any Permits for Work in the Right-of-Way. It shall be the Applicant’s responsibility to ensure that all required information is submitted and to confirm with the City Engineer that the application is complete. If Applicant is required to provide the City with any information or documents it deems proprietary and confidential, such information or documents shall be clearly identified and marked as confidential. The City shall reasonably protect such information from public disclosure, subject to the requirements of the New York Freedom of Information Law (“FOIL”) or other federal or state laws or requirements. The City Engineer will review the Registration application within 10 business days and notify the Applicant of any

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deficiencies in the application within 5 business days thereafter. The Applicant may resubmit a revised application within 30 Days without additional charge.

B. REGISTRATION REQUIREMENTS – All mandatory Registration applications shall include the following information:

1. The identity and legal status of the Applicant, including any Affiliates.
2. The name, address, telephone number, and email address of the officer(s), agent(s) and employee(s) responsible for the accuracy of the application information and who will have responsibility and/or authority for the Applicant's Facilities located within the City. The name and address provided by Applicant shall be used by the City for any notifications or demands to an Applicant, and mailing any notification or demand set forth in this chapter to such name and address shall be deemed receipt by the Applicant.
3. The name, address, telephone number and email address of an officer, agent or employee who shall be available to City staff twenty-four hours a day, seven days a week, regarding problems or complaints resulting from the Facilities installed by Applicant in the Right-of-Way. Applicant shall immediately notify the City of any changes to such information.
4. The name, address, phone number and email address of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application.
5. The name, address, phone number and email address of all lessees, tenants or occupants using or intending to use Applicant's existing or proposed Telecommunications Facilities and Equipment.
6. A description of the Applicant's existing and proposed Telecommunications Facilities and Equipment within the City, including a complete map as required by the Rules and Regulations illustrating the existing locations and the type and location of new Facilities proposed for installation within the Right-of-Way, with an anticipated construction schedule for the next two years, to be updated January 1 of each year. These maps, plans, and schedule are necessary for Right-of-Way Work coordination and proper Right-of-Way management. The format and other requirements for the map will be determined by the City Engineer in the Rules and Regulations.
7. Proof of required approvals from the New York State Public Service Commission relating to the provision of Telecommunication Services or location of Facilities within the City.
8. A description of the excess capacity in or on the Applicant's proposed Telecommunications Facilities, including any excess capacity in underground conduits or other Facilities available for expansion by the Applicant or for Co-location by other Telecommunications Providers, and the availability of space for additional Antennas, Facilities, or Accessory Equipment on Overhead Facilities owned or controlled by the Applicant.
9. Such other information as the City Engineer or the Director of Finance may reasonably require to properly manage the Right-of-Way, including annual updates of the information required per this section and insurance and/or bonding documentation.
10. Documentation that Applicant has registered and complied with Dig Safely New York requirements.

C. APPLICATION CLOSED – A Registration application will be deemed closed if, after it has been processed by the City, the City has sent the Applicant notice that the application is deficient or incomplete and more than 30 Days lapses without a good faith response from the Applicant that resolves the issue raised. Once an application has been closed it may not be reopened and a new application must be made and a fee paid. No refunds will be provided for closed applications.

D. APPLICATION INFORMATION UPDATE – Applicants shall be required to provide updated information about all of the above requirements as soon as reasonably possible after a change of circumstances, or no later than one year from the date on which the Registration was completed, whichever is sooner.

E. POST-REGISTRATION REQUIREMENTS – Upon completion of the Registration application, Applicant shall obtain all required Permits and enter into a Master License Agreement as set forth in Article III of this chapter, prior to commencement of any Work in the Right-of-Way.

F. RE-REGISTRATION REQUIREMENTS - After the final renewal term of the Master License Agreement expires, the Applicant must file a new Registration application form as set forth above; however, in the City Engineer's sole discretion, when all or a substantial portion of the information on the original Registration is up to date and unchanged, the existing Registration may be accepted with a reduced fee sufficient to cover City administrative costs as determined by the City Engineer.

§106 - 6. Exemption from Registration.

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This chapter shall not apply to cable services provided under a cable franchise pursuant to Chapter 4A of the Municipal Code of the City of Rochester. All of the requirements of this chapter shall apply to any Telecommunications Services provided by a cable service franchisee or an Affiliate, including internet and telephone services.

Article III. Master License Agreement and Permits

§106 - 7. General

A. A Master License Agreement shall be required of any Telecommunications Provider who, prior to the ~~adoption~~ effective date of this chapter, installed and owns or intends to install any Facilities or Accessory Equipment in the Right-of-Way for the purpose of providing Telecommunications Services by that Provider or another Provider. A Master License Agreement shall be executed between the Telecommunications Provider and the City, and such Agreement shall be a condition of the Permit and authorization to commence Work. Applicants are encouraged to commence the Permit application process concurrently with any negotiations and prior to execution of the Agreement. The Master License Agreement shall set forth the terms and conditions of this chapter as well as such additional terms as agreed to between the parties, so long as such terms are competitively neutral in relation to similar agreements with other Providers. A Master License Agreement may be executed prior to the issuance of permits, however no work shall be authorized in the Right-of-Way until the site specific permit is issued.

B. Telecommunications Providers shall obtain individual Permits from the City Engineer, pursuant to Chapter 104 of the Municipal Code, for all Sites of construction or installation of Facilities within the Right-of-Way. Permit Applicants shall comply with all applicable requirements and procedures as set forth in the Rules and Regulations and any terms and conditions contained in the Permit.

C. The City Engineer may determine that installers of Telecommunication Facilities on private property, which require a *de minimus* use of the Right-of-Way, are not subject to the Master License Agreement requirements of this chapter, however, the City Engineer in his/her sole discretion, may require such Registration information or other requirements of this chapter, as is necessary to enable the City to manage and protect the Right-of-Way.

§106 - 8. Permitted Locations and Facilities.

A. Authorization to use the Right-of-Way granted hereunder shall be limited to the approval to use specific locations, install specific Facilities and Equipment, and to use specific Municipal Facilities as described in the Master License Agreement and the Permits. Any Substantial Change, Modification, extension, addition or relocation of a Telecommunication Provider's Facilities or Accessory Equipment in or to locations in the Right-of-Way not included in the Permits or to new or different Municipal Facilities shall require an amendment of the Permit or an additional Permit to include those new locations or Facilities. The Master License Agreement shall also be amended whenever fees or other requirements for new Facilities or Accessory Equipment were not addressed in the existing agreement.

B. Any Modifications made to an existing Telecommunications Facility or any Accessory Equipment in the Right-of-Way shall require that all aspects of that Facility be brought into compliance with this chapter and the Rules and Regulations and shall require a new Permit.

§106 - 9. Nonexclusive Grant.

No License or Permit granted hereunder shall confer any exclusive right, privilege or license to occupy or use the Right-of-Way for delivery of Telecommunications Services or any other purposes. All Permits and Licenses to construct or place Facilities and Equipment in the Right-of-Way shall be nonexclusive and shall not prohibit Co-location or City use.

§106 - 10. Rights Granted.

A. No License granted hereunder shall convey any right, title or interest in the Right-of-Way, but shall be deemed a license only to use and occupy the Right-of-Way for the limited purposes and term stated under this chapter or as defined by the Master License Agreement and Permit.

B. No License granted hereunder shall authorize or excuse a Licensee from securing such further leases or other approvals as may be required to lawfully occupy and use the Right-of-Way, including any locations in the Right-of-Way not specifically authorized by the Master License Agreement or Permit.

C. No License granted hereunder shall be construed as any warranty of title.

D. With the exception as stated in §106-7(C), no Permit granted hereunder shall be effective until the Applicant and the City have executed a written Master License Agreement setting forth the particular terms and conditions under which the Licensee is to occupy and use the Right-of-Way.

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§106 - 11. Permit Determination by City.

A. The City shall issue a written determination granting or denying a Permit application, in whole or in part, and may impose additional conditions related to the management and protection of the Right-of-Way on the Permit at its discretion. After receipt of a complete application, the City will issue such determination consistent with the requirements of applicable Laws.

The City has determined that to protect the public safety and ensure proper management of the Right-of-Way, the review and approval of Permit applications for Facilities and Equipment in the Right-of-Way requires a comprehensive review of all submitted documents and site inspections as needed.

B. With respect to Small Cell installation, such Permit review includes but is not limited to inspection visits to each proposed site to verify field conditions such as existence of overhead lines, areaways and other aboveground facilities, inspection of electrical circuits for the pole, coordination with electrical utilities, evaluation of adjacent road and sidewalk conditions, identification of other competing right-of-way projects in the area, and addressing complaints or issues with adjacent residential and business neighbors. When applications for multiple sites are submitted at the same time, sufficient additional time shall be required for the review and inspection of each individual site. Accordingly, such Permit determination shall be issued within 30 Days of receipt of a completed single-Site application, extended by 2 business days for each additional Site requested on the Permit application. Failure of the City to act within the prescribed timeframe shall not be deemed an approval of the application.

A Small Cell Permit application shall be deemed incomplete, and the above time frames shall not commence, if the Applicant is so notified in writing within 10 Days from receipt of the application, stating the manner in which the application is incomplete, including but not limited to the failure of the Applicant to complete the Registration requirements or the determination, as set forth below, that the services of an expert consultant are required. If the Applicant submits a revised application which does not include the documents or information identified in the prior notification, the City shall within 10 days provide written notice that the application is incomplete and that no further action will be taken by the City to review the application until all deficiencies in the application have been corrected.

C. If the City determines that it does not have the expertise needed to evaluate the equipment, location, or technology associated with an application with respect to the factors in subsection D, below, or other material issues in the application, it may secure the services of an expert consultant to review the application at the Applicant's cost. The Applicant shall cooperate with the expert and ensure that all necessary information is supplied to both the City and the expert in a timely manner. ~~A deficient application under this subsection, shall be deemed complete when the City receives the report or determination of the expert.~~

D. If the Permit application is denied, the determination shall state in writing the reason for such denial. Among the factors to be used in making a determination to approve or deny a Permit application, including a renewal application, the City may consider:

1. Failure to comply with Registration applications requirements as set forth in §106-5;
2. The legal authority of the Applicant to occupy the Right-of-Way as evidenced by proof of required state and federal approvals;
3. The capacity of the Right-of-Way and Municipal Facilities to accommodate the Applicant's proposed Facilities;
4. Damage or disruption to public or private Facilities, improvements, service or travel in the Right-of-Way, including violation of the Dig Once, or other policies as set forth in the Rules and Regulations, if the approval is granted;
5. The effect on public health, safety and welfare;
6. The availability of practicable alternative routes, excess capacity and/or Co-Location options which would avoid damage or disruption to the Right-of-Way;
7. Applicable Laws;
8. Material errors or omissions in required data or materials submitted;
9. Failure to use reasonable Camouflage methods to mitigate the impacts of the proposed Telecommunications Facilities and Accessory Equipment, as set forth in more detail in the Rules and Regulations;
10. Compliance with Federal EMF emissions standards;

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~~11. Failure to reasonably mitigate the impact of its proposed Facilities or Equipment by the least intrusive means possible in its design, placement, location, size, and number of Facilities and Equipment; and~~

~~12.~~ Applicant's history of non-compliance with this chapter, Chapter 104, the Rules and Regulations, the Permits or a Master License Agreement.

E. Appeals. Any Person may appeal the City Engineer's decision in writing to the Commissioner of Environmental Services within 10 Days after the determination is served on the Applicant. Applicant shall have the right to submit any relevant evidence as an attachment to such appeal. The Commissioner may conduct a hearing on the appeal to collect and review pertinent information and will notify the Applicant of his or her determination within 20 Days. Judicial review of the determination may be sought pursuant to Article 78 of the New York State Civil Practice Law and Rules.

Section 332(c)(7)(b)(iv) of the Telecommunications Act preempts local decisions premised directly or indirectly on the environmental effects of radio frequency (RF) emissions. Accordingly, appeals based on the environmental effects of radio frequency emissions will not be considered.

§106 - 12. Term of the Master License Agreement.

A Master License Agreement granted hereunder shall be approved by City Council and may remain in effect for a term of ~~5~~ 10 years with the option for ~~3~~ 2 renewals of 5 years each upon agreement of the parties. Such renewals, so long as provided for in the ordinance approved by City Council, may be processed by the Administrator.

§106 – 13. Renewal Applications.

A. Any Licensee that desires to exercise the renewal term in its Master License Agreement shall, not more than 180 Days nor less than 90 Days before expiration of the current Master License Agreement, file an application with the Administrator for renewal. The application shall provide any information required by §106-5 which differs from the original application. The City and Licensee shall execute a Master License Agreement extension or the City shall issue a written determination denying the renewal application in whole or in part within 30 business days from receipt of the completed renewal request. Failure of the City to respond within 30 business days does not constitute an automatic approval of the renewal. If the renewal is denied, the determination shall state the reason for such denial. Denial of a License renewal may be appealed in the same manner as an appeal of the denial of a Permit application detailed in §106-11(D).

B. After the final renewal term of the Master License Agreement expires, the Applicant must re-register as required by §106-5 and negotiate a new Master License Agreement. Such efforts should be started at least 180 Days prior to expiration of the Master License Agreement to allow sufficient time for negotiations and City Council approval.

§106 - 14. Obligation to Cure as a Condition of Renewal.

No Master License Agreement shall be renewed until any ongoing violations or defaults in the Licensee's performance of the requirements of this chapter, and violations of all applicable Laws and Permit conditions have been cured, or a plan detailing the corrective action to be taken by the Licensee within a defined schedule has been approved by the City Engineer or designee.

Article IV. Fees and Compensation.

§106 - 15. General.

A. REGISTRATION FEE. All Applicants shall pay a non-refundable Registration fee in the amount of \$1,000 to reimburse the City for the administrative costs of processing Registration information and materials, including all subsequent information updates required during the term of a Master License Agreement. Upon expiration of any Master License Agreement, including extension requests, the Applicant shall re-register with the City and pay a renewal fee in the amount of \$500.

B. RIGHT-OF-WAY COMPENSATION. All Licensees shall pay annually to the City, as compensation for use of the City's Right-of-Way and/or for the use of Municipal Facilities, the reasonably approximate costs for the maintenance, operation and management of the Right-of-Way related to such use, including but not limited to site inspection costs, repair and maintenance costs of Municipal Facilities and the Right-of-Way, administrative costs for retaining and managing documents and records, legal services costs for Master License Agreements and other related documents and issues, costs for managing, coordinating and responding to public concerns and complaints, the costs of the City's self-insurance and the value of the Right-of-Way and the Municipal Facilities, in the following annual amounts:

1. UNDERGROUND INSTALLATIONS

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a. OPEN TRENCHING. In the first year, \$10,000 for up to 2,500 linear feet of Telecommunications Facilities per contiguous Site, per conduit or multiple conduits up to 5 inches total in diameter in the Right-of-Way \$1.50 per linear foot for 2,500 through 12,500 linear feet of Telecommunications Facilities and \$0.75 per linear foot thereafter. Annually after the first year of installation, \$5,000 for up to 2,500 linear feet of Telecommunications Facilities and \$1.00 per linear foot for 2,500 through 12,500 linear feet of Telecommunications Facilities and \$0.50 per linear foot thereafter;

b. INSTALLATION IN EXISTING FACILITIES. Five thousand dollars (\$5,000) for up to 2,500 linear feet of Telecommunications Facilities, including wire, fiber optic strands, innerduct or other Facilities which do not require the installation of new conduit and are installed in existing Facilities and \$1.00 per linear foot for 2,500 through 12,500 linear feet of Telecommunications Facilities and \$0.50 per linear foot thereafter;

c. DIRECTIONAL BORING. In the first year, \$500 for each site of Excavation required to facilitate directional boring for placement of conduit or multiple conduits up to 5 inches total in diameter in the Right-of-Way and \$1.50 per linear foot of installed facilities resulting from such directional boring for 2,500 through 12,500 linear feet of Telecommunications Facilities and \$0.75 per linear foot thereafter. Annually after the first year, \$5,000 for up to 2,500 linear feet of installed Telecommunications Facilities and \$1.00 per linear foot for 2,500 through 12,500 linear feet of Telecommunications Facilities and \$0.50 per linear foot thereafter;

2. AERIAL INSTALLATIONS. Aerial installation of fiber or other Telecommunications Facilities and Accessory Equipment strung between poles, buildings, or other Facilities is strongly discouraged due to area weather, safety concerns, limited capacity, and aesthetic disturbances. Upon demonstrating that there is no reasonable alternative to such installation, and if such installation is approved, then \$10,000 for up to 2,500 linear feet of Telecommunications Facilities, \$1.50 per linear foot for 2,500 through 12,500 linear feet of Telecommunications Facilities and Equipment and \$0.75 per linear foot thereafter. Annually after the first year of installation, \$5,000 for up to 2,500 linear feet of Telecommunications Facilities and \$1.00 per linear foot for 2,500 through 12,500 linear feet of Telecommunications Facilities and \$0.50 per linear foot thereafter.

3. STRAND-MOUNTED FACILITIES. Installations of aerial fiber optic strand-mounted wireless Wi-Fi equipment as described in § 106-30 shall be subject to an annual fee of \$250 per unit when installed in the Right-of-Way between two City-owned poles and \$150 per unit when installed between any other poles. Such fees are not inclusive of any additional compensation required herein.

4. POLE ATTACHMENTS. One thousand five hundred dollars (\$1,500) per standard City-owned pole or standard pole purchased and replaced by the Licensee and dedicated to the City, and \$1000 per Smart Pole installed by the Licensee and dedicated to the City. Any Smart Poles installed by the City shall be such amount as set forth in a Master License Agreement.

5. RELOCATED AERIAL INSTALLATIONS. Existing aerial installations which are relocated to approved underground locations shall pay 50% of the underground installation compensation amounts set forth above.

C. Additional Telecommunications Facilities, including Facilities not addressed or anticipated by this section, shall be subject to such compensation requirements as determined by the City Engineer, as is reasonably consistent with the forms of compensation required herein.

D. A prorated payment to the end of the calendar year shall be made within 30 Days from the issuance of the Permit. Thereafter, the annual payment shall be due and payable on January 1 of each year. Payments not received on or before the due date shall be assessed compound interest of 1% per month. Upon renewal of each 5-year term of the Master License Agreement, all fees set forth in subsection B above shall increase by a percentage amount equal to the percentage change in the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index for the Northeast Urban Region.

F. Licensees shall pay the actual costs, including but not limited to legal and engineering fees, of any expert consultant the City may reasonably require for review of applications submitted pursuant to this chapter.

G. The compensation set forth in this section shall be exclusive of, and in addition to, any other applicable fees, including but not limited to Permit fees, Registration costs, or other costs established by this chapter or by Chapter 104, any rental amounts for lease of City Municipal Facilities and all special assessments and taxes of whatever nature.

H. Except as otherwise required by Law, neither the fees pursuant to this section nor any portion thereof shall be billed or otherwise separately charged, identified or designated on any bills or invoices to any customers or users of services or commodities furnished by Licensee.

I. Acceptance by the City of any payment due under this section shall not be deemed to be a waiver by the City of any breach of a Master License Agreement or Permit condition, nor shall acceptance of any partial payments preclude the City from later establishing that a larger amount was due or from collecting any balance due the City.

J. At the discretion of the Administrator, the City may require in-kind or alternative payments as described in §106 - 16, such as the installation of conduit and fiber dedicated to the City, Rochester Public Library, or the City School District, in lieu of the compensation payments described above,

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provided that such in-kind or alternative payments result in an annual ~~value~~ amount substantially similar to the payments required by this section and that any such in-kind or alternative payments are described in the Master License Agreement or any amendment thereto.

§106 - 16. Alternative payment.

A. Notwithstanding the foregoing, Licensees may, in the City's sole discretion, provide alternative services for all or a portion of the compensation owed to the City by providing in-kind telecommunications-related services or Facilities to the City, the Rochester Public Library (Library), or to the Rochester City School District (District). These in-kind services or Facilities may include fiber, dedicated conduit space, telecommunications services or equipment, drilling or Excavation for the purpose of Telecommunications Facilities installation, technical support and training or other services determined by the City to be consistent with the telecommunication requirements of the City, Library, or the District and in compliance with the law. These services or Facilities shall be provided to the City at Licensee's cost and shall be of equal value, as much as reasonably possible, as the monetary amount of the compensation required herein.

B. If a Licensee desires to take advantage of the alternative payment option, it must provide the City with a detailed description of the Telecommunications Services or Facilities it proposes in lieu of monetary payment.

C. Licensee shall provide to the City, at its own expense, an analysis prepared by an independent entity that demonstrates that the value of in-kind services or Facilities, which shall be based on Licensee's costs, is equal to or greater than the amount of compensation to be offset. The ultimate value of any in-kind services shall be determined by the Administrator after reviewing such analysis. The Administrator may develop rules and procedures for the implementation of this section.

D. Licensee may contact the City and request a conference regarding in-kind payment opportunities, if any, that the City may be willing to accept. The City will endeavor to schedule such conference within 30 Days of the request.

§106 - 17. Co-Location.

A. As set forth in the Purpose statement of this chapter, in order to minimize community disruption from the installation and operation of Telecommunications Facilities, the City encourages Co-location. Whenever a Licensee permits another Telecommunications Provider to Co-locate its Facilities, to the extent that no Excavation of the Right-of-Way is required, the Licensee shall be entitled to an annual 10% reduction in the compensation payment due and owing to the City as described in §106 - 15 for the length of time that the Facilities are Co-located. The reduction will be pro-rated for partial years to reflect the reduction only during periods of Co-location.

B. Interference with existing Facilities or Equipment caused by the Co-locating party shall be the sole responsibility and liability of the Co-locating party.

Article V. Additional Requirements applicable to Licensees.

§106 - 18. Revocation of License Agreement or Permit.

A. A Master License Agreement or Permit granted by the City may be revoked for a violation of the provisions of this chapter or violation of any terms or conditions of such License or Permit, including but not limited to the following:

1. Construction or operation at an unauthorized location;
2. Material misrepresentation or fraud by the Licensee or Permittee;
3. Abandonment of Facilities or Accessory Equipment in the Right-of-Way without proper notice or removal;
4. Failure to relocate or remove Facilities or Accessory Equipment as required by the City Engineer;
5. Failure to timely pay compensation, fees or other costs due the City;
6. Failure to maintain required insurance and Securities;
7. Failure to provide or maintain required records, maps, and studies;
8. Failure to obtain Permits pursuant to Chapter 104 or to comply with any Permit conditions or requirements;

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9. Failure to adhere to the specifications authorized by the Permit or Master License Agreement, including but not limited to altered uses, expanded dimensions, or changes in character;

10. Selling or leasing an interest in Telecommunications Facilities in the Right-of-Way without proper notice, documentation and authorization as required by this chapter;

11. The use approved has ceased, never begun, or has been suspended for six months or more;

12. Failure to comply with any applicable Laws, including this chapter;

13. A substantive change in Law affecting the Licensee or Permittee's authority to occupy or use the Right-of-Way or the City's authority to impose regulations relating to such occupation or use;

14. Facilities or Accessory Equipment interfere with a City project;

15. Facilities or Accessory Equipment interfere with vehicular or pedestrian use of the Right-of-Way; or

16. Failure to make timely and safe restoration of the Right-of-Way.

B. In determining whether the any of the foregoing violations have occurred and whether to revoke the License or Permit, the City Engineer may consider the nature, circumstances, extent and gravity of the violation, including but not limited to one or more of the following considerations:

1. Whether the violation was egregious;
2. Whether substantial harm resulted;
3. Whether the violation was intentional;
4. Whether there is a history of prior violations;
5. Whether there is a history of overall compliance; and
6. Whether the violation was voluntarily disclosed.

C. In the event that the City finds that grounds exist for revocation of a License and/or Permit, written notice of the violation shall be sent to the Licensee or Permittee. Such notice will provide ~~40~~ 30 Days from issuance of the notice of violation for the Licensee or Permittee, to correct the violation or rebut the violation in writing to the City Engineer and request a hearing; provided however, that the City reserves the right to take any action authorized in this chapter to correct the violation.

If Licensee or Permittee does not request a hearing or does not respond within 10 Days to the City's notice, the License or Permit will be immediately revoked. Upon notice of revocation, Licensee and/or Permittee must immediately cease Work, remove all equipment and property from the Right-of-Way, and restore the Right-of-Way to a condition acceptable to the City Engineer. Revocation may be appealed as set forth in §106 - 19 below.

If the Licensee or Permittee submits a written statement rebutting the violations and requesting a hearing, the City Engineer shall either:

1. Issue a written decision withdrawing the notice of violation;
2. Settle with the Licensee and/or Permittee by agreeing to a conditional Permit, Permit addendum, or other written agreement; or
3. Schedule a revocation hearing.

D. Nothing herein shall preclude the City from pursuing any available legal remedies.

§106 - 19. Revocation Hearing.

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A. The Commissioner shall grant a hearing to be scheduled no later than 30 Days from the receipt of a request for a hearing.

B. The appellant shall be permitted representation by counsel, the ability to submit evidence and summon witnesses on his or her behalf, and to inspect appropriate documents and cross-examine opposing witnesses. Compliance with the technical rules of evidence shall not be required. The Commissioner shall make the final determination in writing, based upon evidence produced at the hearing and the standards and considerations set forth in this chapter. The Commissioner may impose reasonable costs incurred by the City as a result of the specified violations. The determination of the Commissioner shall be a final decision and shall be subject to review pursuant to Article 78 of the Civil Practice Law and Rules.

§106 - 20. Assignment.

~~A License or Permit granted pursuant to this chapter shall not be assignable to any other entity including a parent, Affiliate or subsidiary, without the prior written approval of the City so that the City may properly manage its Right-of-Way and obtain all necessary information to do so. Licensee and/or Permittee must notify the City at least 60 Days in advance of any proposed assignment. The City's approval shall not be unreasonably withheld so long as the proposed assignee of the License or Permit meets the requirements of this chapter. A License or Permit granted pursuant to this chapter, may be assigned by Provider to a parent, affiliate, or subsidiary acquiring fifty-one percent (51%) or more of Provider's stock or assets, without the prior written approval of City, by reason of a merger, acquisition or other business reorganization, however in such case the City shall be so notified within ten (10) days of the transaction and shall be provided with any changes in contact information and revisions or amendments to securities and insurances. Provider shall provide written confirmation, acceptable to the Director of Finance, that all securities and insurances required under this Agreement, remain in effect. As to other parties, this Agreement and any Permit under it may not be sold, assigned or transferred without the written consent of the City, which approval shall not be unreasonably withheld, conditioned, or delayed. The City's consent to the assignment of this Agreement shall be conditioned upon the new owners, assignees, partners or other necessary parties confirming to the City's satisfaction, their ability and obligation to comply with all of the requirements of this Agreement and absent such confirmation, this Agreement may be terminated and any Permits voided.~~

§106 - 21. Abandonment of Telecommunications Facilities and Accessory Equipment.

A. If a Permittee intends to Abandon any portion of its Facilities or Accessory Equipment it shall notify the City Engineer in writing at least thirty (30) Days in advance and shall either promptly vacate and remove the Facilities and obtain all necessary Permits, at its own expense, or upon written City Engineer approval, Abandon some or all of the Facilities in place, in which case ownership of the Abandoned Facilities shall be deemed to transfer to the City.

B. After the removal or relocation of its Facilities and Accessory Equipment, Permittee, at its own cost, shall repair and restore the Right-of-Way to a safe and satisfactory condition in accordance with generally applicable construction standards and specifications established by this chapter, Chapter 104, and the Rules and Regulations. Should Permittee remove or relocate its Facilities in the Right-of-Way, it shall give the City not less than 30 Days prior written notice of its intent to do so. Before proceeding with removal or relocation work, Permittee shall obtain such additional Permits as may be required.

C. In the event that the City has received notice of intent to Abandon as set forth in subsection A above and Permittee fails to remove its Facilities or Accessory Equipment within 30 Days from such Abandonment notice (except for any Facilities which the City Engineer has approved to remain in place), the City may remove or cause to be removed some or all of the Abandoned Facilities or Accessory Equipment without further notice and may charge Permittee for all costs incurred for such removal and storage, including all costs to restore the Right-of-Way and any penalties authorized by Chapter 104. Failure of Permittee to pay all such costs within 10 Days from receipt of the City's demand for payment shall constitute grounds for the City to draw on the Security established pursuant to §106-24.

D. If the City has not received a notice of intent to abandon from Permittee but otherwise determines that Permittee has Abandoned its Facilities or Accessory Equipment, the City shall notify Permittee of its determination that Permittee's facilities or Accessory equipment have been Abandoned and demand a plan for removal of the Abandoned Facilities or Accessory Equipment. If Permittee fails to respond or to provide an acceptable plan, within 30 days from the date of the notice, the City may remove or cause to be removed some or all of the Abandoned Facilities or Accessory Equipment without further notice and may charge Permittee for all costs incurred for such removal and storage, including all costs to restore the Right-of-Way and any penalties authorized by Chapter 104. Failure of Licensee or Permittee to pay all such costs within 10 Days from receipt of the City's demand for payment shall constitute grounds for the City to draw on the Security established pursuant to §106-24.

E. If the City removes the Abandoned Telecommunications Facilities and Accessory Equipment, City shall notify Permittee of the removal. If the Permittee does not remove the Facilities and Accessory Equipment from the storage location and pay all removal costs, Right-of-Way restoration costs, and reasonable storage costs within 30 Days of notification of removal, the Facilities and Accessory Equipment shall become City property. The City Engineer may declare the Facilities and Accessory Equipment as surplus property and the City Purchasing Agent may dispose of the property pursuant to Code Chapter 8A-17.

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§106 -22. Relocation of Facilities and Accessory Equipment.

If ordered by the City Engineer to move or relocate its Telecommunications Facilities or Accessory Equipment in the Right-of-Way, the Licensee or Permittee shall relocate such Facilities at its own expense, subject to the requirements of Chapter 104 and the Rules and Regulations.

§106 - 23. Insurance.

A. At all times during the term of any Permit, License, Master License Agreement or other Right-of-Way agreement (“ROW Approvals”) hereunder, all Licensees and/or Permittees shall maintain insurance in the amounts set forth below. Said insurance shall be issued by a reputable insurance company authorized to do business in the State of New York. Said insurance shall also name the City as an additional insured and copies of the policy endorsements reflecting the same must be provided to the Director of Finance. Licensee and/or Permittee shall provide the City with a certificate of insurance from an authorized representative of a financially responsible insurance company evidencing that such an insurance policy is in force, including policy information and amounts and a listing of any and all exclusions under said policy. The insurance shall stipulate that, in the event of cancellation or modification the insurer shall provide the City with at least 30 Days written notice of such cancellation or modification. In no event shall such liability insurance exclude from coverage any municipal operations or municipal property related to any License, Permit or other Right-of-Way agreement.

B. Licensees and/or Permittees shall maintain a comprehensive general liability insurance policy with bodily injury limits of at least \$5,000,000 per person, \$5,000,000 per occurrence, and property damage limits of at least \$5,000,000 per occurrence. The policy must insure with regard to liability for bodily injury, death and property damage, as well as other claims and damages, and provide the following coverage: comprehensive form, premises/operations, explosion and collapse hazard, underground hazard, products/completed operations hazard, contractual insurance, broad form property damage, independent contractors and personal injury.

C. Licensees and/or Permittees shall maintain comprehensive automobile liability insurance covering all motor vehicles owned or used by the Licensee or Permittee for any Right-of-Way Work, including but not limited to maintenance, installation, repair, and restoration, with bodily injury limits of at least \$3,000,000 per person, \$3,000,000 per occurrence, and property damage limits of at least \$3,000,000 per occurrence.

D. Licensees and/or Permittees shall require all of its subcontractors to keep insured, during the life of any Right-of-Way Approval, all employees of said subcontractors as are required to be insured under the provisions of the Workers' Compensation Law of the State of New York. In the event the Licensee and/or Permittee hires its own employees to do any Work authorized by the License, Permit, or Right-of-Way agreement, it shall insure its own employees. Licensee and/or Permittee shall provide proof to the City, duly subscribed by an insurance carrier, that such Workers' Compensation and Disability Benefits coverage has been secured. In the alternative, Consultant shall provide proof of self-insurance or shall establish that Workers' Compensation and/or Disability Benefits coverage is not required by submitting a completed New York State Workers' Compensation Board's form WC/DB-100.

Licensee and/or Permittee shall also provide and maintain insurance to protect it from all claims under Worker's Compensation Law as required by the State on a scheduled basis. Proof that such Workers' Compensation Insurance has been secured and duly subscribed by an insurance carrier shall be provided to the City in advance of all Work performed in the Right-of-Way or otherwise relevant to this Section.

E. The insurance hereby required shall include the City as an additional insured, shall not exclude municipal employees, property or operations and shall be maintained in full force and effect throughout the term of the Right-of-Way Approval. Modifications to the requirements of this section may be authorized by the Director of Finance for good cause demonstrated, so long as the welfare and interests of the City are equally protected.

§106 - 24. Security.

At all times during the term of any Permit, License, Master License Agreement or other Right-of-Way agreement (“ROW Approvals”), all Licensees and/or Permittees shall provide to the City, in a form acceptable to the City Director of Finance or the Corporation Counsel, Security in the amount of \$100,000 or such greater amount as determined by the City Director of Finance to be necessary to protect the interests of City in the event of Licensee or Permittee's failure to comply with the requirements of this chapter, Chapter 104, the Rules and Regulations or ROW Approvals, or based on the nature and extent of the Telecommunications Facilities being installed in the Right-of-Way. The City may draw upon the Security as a result of any breaches or violations of this chapter, Chapter 104, the Rules and Regulations, Permit conditions or the Master License Agreement, including in the event that Licensee and/or Permittee fails to pay any fees, costs or compensation due and payable under the Permit or Master License Agreement within 10 Days of a demand for payment served by the City.

§106 - 25. Indemnification.

Licensees and Permittees shall defend, indemnify and hold harmless the City, its officers, employees, agents, boards and commissions against any claims, lawsuits or proceedings, damages, penalties, or costs whatsoever brought by a third party arising out of a Permit or Master License Agreement and any activities engaged in by Licensee or Permittee. This provision shall not require a Licensee or Permittee to defend or indemnify the City from

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claims to the extent that they are attributable to the gross negligence or intentional acts or omissions of the City, its officers, employees, agents, boards and commissions.

§106 – 26. No Recourse Against the City.

A Licensee or Permittee shall have no recourse whatsoever against the City or its officers, employees, agents, boards or commissions for any loss, costs, expenses or damages arising out of any provision or requirement of this chapter, or due to the good faith enforcement of this chapter, the Permit or Master License Agreement. This provision shall not prevent a Licensee or Permittee from asserting any legal right or pursuing any legal remedy it believes it possesses with regard to this chapter.

§106 - 27. Right of City to Inspect Facilities and Records.

A. Each Licensee and Permittee shall maintain records, including as-built drawings as described in more detail in the Rules and Regulations and maps of the location of its own Facilities and any Facilities it installs for the City's benefit in the Right-of-Way, and such other records as the City Engineer may reasonably require to enable the proper and efficient enforcement of the provisions of this chapter and management of the Right-of-Way. Such records and maps shall be filed with the City within 10 Days of the completed Work.

B. The City's designated representatives shall have the right to inspect, examine, or audit during normal business hours and upon reasonable notice to the Licensee and/or Permittee, all documents, records or other information which pertain to the Facilities in the Right-of-Way pursuant to this chapter and Chapter 104.

C. Each Licensee or Permittee, its agents, and outside contractors shall make available for examination by the City or its authorized representative or agent, within 30 Days from such request, during normal business hours, all documentation (i.e. books, records & accounts or other documentation of the Licensee or Permittee hereinafter collectively referred to as the "Documents") in the format requested by the City that, in the City's discretion, is necessary to determine the accuracy of information concerning installed Facilities and Accessory Equipment. Licensee or Permittee shall allow the City, or its authorized representatives or agents to make copies of the Documents as necessary. The City or its designated representative shall have the right during the life of each License, Permit, or Master License Agreement and for a period of three years from the expiration or termination of any such agreement, to examine the Documents. The City agrees to keep any Documents and reports confidential to the extent allowed by Law.

§106-28. Protection of Property and Service Disruption.

A. No Licensee, Permittee, or any Person acting on its behalf shall take any action or permit any action which may impair or damage any Municipal Facilities, the Right-of-Way, real or personal City property, or other property located in, on or adjacent thereto except in accordance with provisions of Chapter 104. Each Licensee or Permittee shall be responsible for the cost of service disruption and repairs of any such property as determined by the City.

B. Unless directly and proximately caused by the willful, intentional or malicious acts of the City, the City shall not be liable for any damage to or loss of any Telecommunications Facility or Accessory Equipment within the Right-of-Way as a result of or in connection with any public works, public improvements, construction, Excavation, grading, filling, or Work of any kind in the Right-of-Way by or on behalf of the City.

§ 106-29. Small Cell Sites in the Right-of-Way.

The preferred location for Small Cell Sites shall be on existing Municipal Facilities, other existing poles or structures ("Existing Infrastructure") or on replacement poles located in the same location as Existing Infrastructure. If the Facility is not able to be placed on Existing Infrastructure, the Applicant shall provide a map of all Existing Infrastructure in the service area and describe why each such Site is not feasible.

For the protection and management of the Right-of-Way, it is the City's policy that no new poles or structures shall be installed in the Right-of-Way unless approved by the City Engineer. The City Engineer shall, in his/her sole discretion, approve new poles or structures in the Right-of-Way only if the Applicant establishes that:

- E. There is no Existing Infrastructure that will enable the Applicant to provide its Telecommunications Services; and
- F. It is not possible to reconfigure or relocate its existing Facilities, or a combination of relocated existing Facilities with Existing Infrastructure that will enable Applicant to provide its Telecommunications Services; and
- G. It is not possible for Applicant to secure required Facilities through Co-location or purchasing or leasing of Facilities from other Providers; and
- H. It is not possible to use alternative technologies, facilities or equipment, including underground facilities, which do not require the installation of new poles or structures in the Right-of-Way.

§ 106-30. Aerial Fiber Optic Strand-Mounted Wireless and Wi-Fi Equipment.

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- A. All aerial fiber optic strand-mounted wireless and Wi-Fi equipment installations shall comply with the requirements of this chapter.
- B. Equipment mounted on aerial fiber optic strands shall be of the smallest possible volume.
- C. The Applicant shall provide proof of authorization for the installation from any non-City owners of the adjacent poles on each side of the Equipment.
- D. Only one installation shall be allowed between any two poles.

§ 106-31. Carrier/Cell on Wheels (COW) and Cellular on Light Truck (COLT).

A. Carrier on Wheels (COW) or cellular on light truck (COLT) may be placed in the Right-of-Way or on City-owned property upon issuance of a Permit.

1. The setup location requested for the COW or COLT will be reviewed, and at the discretion of the City Engineer or designee, may be modified to ensure public health and safety.
2. The duration of a Permit for a COW or COLT will be no longer than is necessary to establish the network and provide the temporary coverage required by the event or Emergency.
3. At the discretion of the City Engineer or designee, the Permit may be revoked or modified when in the best interests of the City.
4. A Permit will not be required for a COW or COLT when the installation is for the primary purpose of disseminating news, recent events, and other current, public affairs during a declared state of emergency. Notification of such installation must be provided to the City Engineer within a reasonable amount of time under the circumstances. Whether installation of a COW or COLT meets the requirements of this subsection is at the sole discretion of the City Engineer.

§ 106-32. Compliance with Applicable Laws and Regulations.

This chapter is not intended to be the exclusive means of regulating the installation and operation of Facilities in the Right-of-Way and nothing herein is intended to waive any other applicable City requirements, including but not limited to building permit requirements, storm water runoff requirements, business license requirements, and undergrounding regulations. The Applicant or Permittee must obtain all permits, licenses, and similar authorizations that are required by other governmental entities for the installation of its Facilities. The Licensee or Permittee must also achieve and remain in compliance with all applicable statutes, ordinances, rules, regulations, orders, and decisions issued by any Federal, State or local governmental body or agency, including without limitation those issued by the New York Public Service Commission and the Federal Communications Commission.

§ 106-33. Right-of-Way Coordination.

To the maximum extent possible and as Permitted by Law, an Applicant shall design and schedule its Work so as to coordinate with other Persons installing, constructing, or maintaining Facilities in the Right-of-Way and with the City as set forth in the Rules and Regulations.

§ 106-34. Reservation of Rights.

- A. By granting a Permit under the terms of this chapter, the City does not waive any rights reserved to the City under any applicable Law, including but not limited to the City's right to regulate the time, place, and manner of access to the City's Right-of-Way.
- B. Nothing in this chapter shall be construed as granting any right, whether express or implied, to any Licensee or Permittee to place a Facility on City-owned property.

§ 106-35. Non-enforcement by City.

No Licensee or Permittee shall be excused from complying with any of the provisions of this chapter, Permit, or Master License Agreement by any failure of the City to enforce compliance with any requirements or provisions. Regardless of the City's failure to seek compliance on any occasions, such action shall not be considered a waiver of any kind.

§ 106-36. Severability.

TUESDAY, FEBRUARY 19, 2019

If any provision of this chapter is declared invalid or unconstitutional for any reason, the remaining provisions shall be severable and continue in full force and effect.

§ 106-37. Operation of Law.

If any application is deemed approved by operation of law, such approval shall only be valid if the Applicant has registered as required by this chapter, submitted a completed application, and has complied with this chapter in all other respects.

§ 106-38. Existing Agreements.

Any Permit, License, Addendum Agreement, Master License Agreement or other Right-of-Way agreement (collectively "ROW Approvals") pre-dating this chapter that reference a future telecommunications ordinance or the requirement to enter into a franchise agreement are subject to this chapter. A Master License Agreement under this chapter shall be deemed as the equivalent of a franchise agreement solely with regard to agreements in effect prior to the effective date this chapter ~~was adopted~~.

§ 106-39. Penalties.

Any installation, modification, or other Work performed in the Right-of-Way without complying with this chapter shall be subject to removal and penalties as follows:

- A. For each offense, a penalty equivalent to twice the Permit fee that the City Engineer determines would have been required for the installation;
- B. For each Day any equipment is not removed after being given notice to do so, \$100;
- C. For each Day that a Site remains in disrepair or is not returned to its preexisting condition as directed by the City, \$100;

Any evidence of multiple, severe, repeated, or intentional violations will result in denial of all pending applications and may result in a revocation of the Licensee's Master License Agreement and Permits. Should there be a revocation, the Licensee can appeal consistent with this chapter. The former Licensee shall not be eligible to apply for a new Master License Agreement with the City of Rochester for one calendar year.

§ 106-40. Notice to Neighbors and Neighborhood.

Where deemed necessary by the City Engineer, Permittee shall send written notice mailed or hand-delivered to all properties within 500 feet of the installation at least 20 Days in advance of the installation detailing the location of the installation, the time frame for construction, and a photo simulation of the Facility and Equipment drawn to scale. Contact information for an available agent of the Licensee and/or Permittee must be included on the notice and such agent must be reachable during normal business hours. Any complaints, questions, and comments shall be summarized by the agent and delivered to the City Engineer within 24 hours of the contact.

Permittees are strongly encouraged, especially for visible residential Right-of-Way installations, to voluntarily schedule public meetings to inform the neighborhood about the project. Public meetings shall be a Permit condition where the City Engineer determines such meetings necessary.

§ 106-41. Replacement and Dedication.

Whenever City Property in the Right-of-Way requires replacement to facilitate the installation of Telecommunications Facilities or Accessory Equipment, the Permittee shall replace such property with property that meets or exceeds the quality, appearance and life span of the existing property at no cost to the City, and the Permittee shall dedicate such property to the City upon replacement.

§ 106-42. Reimbursement or Pre-Payment of Costs.

Where the City incurs costs, including but not limited to legal fees, engineering costs, inspection expenses, and expert and consultant fees, such costs shall be the full responsibility of the Applicant, Licensee or Permittee. The City shall submit an invoice for such costs to the Applicant, Licensee, or Permittee within 150 Days of the Work performed. The City shall also have the right to receive pre-payment from the Applicant or Licensee for any services deemed essential by the City Engineer.

Section 2. Chapter 104 of the Municipal Code, Streets and Street Encroachments, as amended, is hereby further amended so that Sections 104-1, 104-16, 104-17, 104-18, 104-19, 104-50, 104-51, 104-52, 104-53, and 104-55, 104-56, and 104-57 shall read in their entirety as follows:

§ 104-1 Title; definitions.

A. This article which comprises Chapter 104 of the Municipal Code shall be known and cited as the "Right-of-Way Code."

B. The following definitions shall apply to words used in this chapter:

ABOVE SURFACE
Above ground level.

BARRICADE
Device or structure used to prevent access to a specific area.

CENTER CITY DISTRICT
Center City District as established pursuant to Chapter 120, Article IX of the Zoning Code of the City of Rochester.

CENTRAL BUSINESS DISTRICT
~~The area bounded by the Inner Loop, but excluding the Inner Loop and its frontage.~~

COMMISSIONER
Commissioner of Environmental Services.

CURBLINE
The boundary line on either side of a roadway or paved portion of a street.

ENCROACH
To intrude upon, above or beneath the right-of-way.

ENCROACHMENT
A building or object which intrudes upon, above or beneath the right-of-way.

EXCAVATION
Any movement or removal of earth, rock, pavement, Right-of-Way fixtures, or other materials in or on the ground.

PERMITTEE
One who receives a permit under this chapter.

PERSON
Any individual, association, firm, partnership, corporation, joint-stock company, limited liability company or other legal entity.

RIGHT-OF-WAY
The area on, below, or above a City-owned or -controlled street, roadway, alley or sidewalk, including the curbs, gutters, catch basins and related facilities adjacent thereto.

RIGHT-OF-WAY LINE
The boundary line on either side of the right-of-way.

ROADWAY
That portion of the right-of-way improved, designed or ordinarily used for vehicular traffic.

RULES AND REGULATIONS
The Rules and Regulations for Work in the Right-of-Way, and any amendments thereto, as adopted by the City Engineer.

SECURITY
A financial instrument, including a letter of credit, certified check, cash, bond or other formal assurance used to guarantee that permit work will be properly performed and completed, that any right-of-way restoration work will be maintained as required by this chapter and that all fees and compensation owed to the City are paid in full. Such security shall be in a form approved by the Director of Finance or the Corporation Counsel.

SIDEWALK
That paved portion of the right-of-way between the curblines or the lateral lines of a roadway, and the adjacent property lines intended for pedestrian use.

SUBSURFACE
Below ground level.

TELECOMMUNICATION FACILITIES

The plant, equipment and property, including but not limited to cables, wires, fiber optic strands, conduits, pipes, ducts, dishes, pedestals, poles, antennas, radio equipment, electronics and other appurtenances, including both underground and overhead facilities, used or to be used to transmit, receive, distribute, support, provide or offer FCC licensed or authorized telecommunication service.

TELECOMMUNICATION PROVIDER

Any person who provides telecommunication service over telecommunication facilities. This definition excludes the City of Rochester.

TELECOMMUNICATION SERVICE

The providing or offering for rent, sale or lease, or in exchange for other value received, of any service or telecommunications facilities that includes the transmission and/or distribution of voice, data, image, graphic or video programming information between or among locations by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.

§ 104-16 Restoration of rights-of-way.

A. All persons working, obstructing or making excavations in the right-of-way ~~must shall~~ restore the right-of-way ~~to its condition prior to the work, obstruction or excavation in a manner approved by the City Engineer in accordance with the Rules and Regulations or as otherwise directed by the City Engineer.~~ The City Engineer shall have the authority to order the proper restoration of right-of-way or any public place where work was done without a permit or in violation of any conditions of such a permit or of this chapter. If proper restoration is not made, the person shall be liable for any damages sustained as a result of the failure to properly restore the area.

B. The City Engineer may ~~perform or cause to be performed such restoration at the expense of the Permittee, with an additional 15% for administrative costs and 10% for inspection costs,~~ on five days' written notice served by ordinary mail, or ~~the Commissioner or his or her representative may,~~ without notice if an emergency situation exists, ~~effect such restoration at the expense of the person doing such work in the right of way, with an additional 15% for administrative costs .~~ The City may draw upon the security to pay the costs of such restoration and/or an invoice for the total cost shall be mailed to the responsible person for payment within 30 days of the invoice date. Within this thirty-day period, the responsible person may appeal the invoice or any portion thereof to the Commissioner. The Corporation Counsel may institute an appropriate action or proceeding at law against such person for recovery of the costs and administrative expenses of such restoration by the City Engineer, plus any penalties prescribed by this chapter and the costs of such action or proceeding. No further permits shall be granted to such person until he or she has properly restored the right-of-way or has reimbursed the City Engineer for restoration effected by the City.

§ 104-17 Restoration guarantee.

- A. All persons working and making excavations in the right-of-way ~~must guarantee~~ provide security as set forth in § 104-56 to ensure that their permanent restoration work survives for a period of at least two years from the date of acceptance of the permanent restoration by the City Engineer. The ~~permit holder permittee~~ may be required to completely re-excavate, refill and repave any permanent restoration that fails within the two-year guarantee period. At the City Engineer's discretion, a longer guarantee may be required based on the existing useful life of the right-of-way affected.
- B. If, at any time, whether during or after the required guarantee period, it is discovered that the permanent restoration was not made in accordance with City specifications, the ~~permit holder permittee~~ shall be responsible for making a proper restoration and failure to comply shall be a basis for the City to draw upon the security and to perform or cause to be performed all necessary restoration work.

§ 104-18 Tests on right-of-way restorations.

The City has the right to order a test on any right-of-way restoration in order to determine if the work has been completed in accordance with City specifications. If the test shows the restoration to be acceptable, the testing costs will be borne by the City. If the first test shows the restoration to be unacceptable, the ~~permit holder permittee~~ must pay the amount of \$1,000~~640~~, and for additional tests the amount of \$1,200~~850~~, in addition to making the proper restoration. No further permits will be issued to said ~~permit holder permittee~~ until the invoice for the testing and penalty has been paid.

§ 104-19 Restoration by City; costs.

- A. Permanent restoration of a cut or excavation in the right-of-way may be made by the City, through its Street Maintenance Division, if the ~~permit holder permittee~~ so desires and if approved by the Commissioner. The Commissioner shall establish rules and regulations regarding restoration by the City and the requirements for ~~permit holders permittees~~ requesting the City to perform such restoration.
- B. The ~~permit holder permittee~~ shall pay to the City the total cost estimate of the work based upon the current unit prices prepared by the Street Maintenance Division. The Street Maintenance Division may revise unit prices twice a year. The initial payment by the ~~permit holder permittee~~ shall be calculated from his or her estimate of the size of the excavation including a six-inch cutback on all sides of the excavation to be performed by the City. If the actual dimensions exceed the original estimate, the ~~permit holder permittee~~ shall be responsible for the additional amount due.
- C. If any charge so made by the City remains unpaid after 30 days of the invoice date, no further permits for any excavation shall be issued to said ~~permit holder permittee~~ until the payment is made.

§ 104-50 Requirements for ~~bonds or~~ insurance.

~~Whenever~~ Whenever ~~bonds or~~ insurance is required pursuant to this article or by a ~~franchise or a master license agreement, such bonds or~~ certificates ~~a~~ certificate evincing such insurance shall be filed with the City Engineer and approved by the Director of Finance or the Corporation Counsel. ~~The bonds or insurance must~~ shall be kept continuously in force pending completion of the ~~contractual undertaking to the written~~ satisfaction of the City Engineer permit work or for such longer period as required by a master license agreement, or in the case of a permanent encroachment, in the City Engineer's sole discretion, so long as the encroachment remains in place. Required insurance shall indemnify the City of Rochester against all loss, cost, damage or expense incurred or sustained by or recovered against the City by reason of the permitted activity. ~~Bonds shall assure appropriate payment or performance of the contractual undertaking in accordance with the requirements of the Director of Finance. Such bonds and e~~ Certificates of insurance shall each contain a provision that they shall not expire, nor shall they be canceled, altered or amended, except on 30 days' prior written notice to the City Engineer, served personally or by certified mail. Municipal operations and property shall not be excluded from coverage. Such bonds or insurance shall not limit the liability of the contract party Permittee. The City shall be the named beneficiary under any bonds, and the certificate of insurance shall name the City as an additional insured party and copies of policy endorsements reflecting same shall be provided to the Director of Finance. Liability insurance shall be issued by entities authorized to do business in the State of New York and rated "B+" or better by A.M. Best. Failure to obtain and maintain required insurance may result in permit revocation and removal or discontinuance of the permit activity.

§ 104-51 Requirements for security.

Whenever security is required pursuant to this article or by a master license agreement, such security shall be filed with the City Engineer and approved by the Director of Finance or the Corporation Counsel. The security shall be kept continuously in force pending completion and acceptance of the permit work or for such longer period as required by a master license agreement or for such period as the City Engineer determines to be necessary to protect the right-of-way, specifically but not limited to the need for continuous security for restoration work or permanent encroachments. Security shall contain a provision that it shall not expire, nor shall it be canceled, altered or amended, except on 30 days' prior written notice to the City Engineer, served personally or by certified mail. Municipal operations and property shall not be excluded from coverage. Failure to obtain and maintain required security may result in permit revocation and removal or discontinuance of the permit activity.

§ ~~104-52~~ 104-51 ~~Bonds and Security~~ and insurance for projecting signs.

A. ~~Either General~~ liability insurance or bonds, issued by entities authorized to do business in the State of New York and rated "B+" or better by A.M. Best, security shall be required for the construction of signs projecting over the right-of-way. For two signs or fewer, there shall be not less than a \$50,000 performance bond security and not less than \$1,000,000 single limit general liability insurance covering both bodily injury and property damage. For more than two signs, there shall be not less than a \$100,000 performance bond security and not less than \$2,000,000 single limit general liability insurance covering both bodily injury and property damage. Performance bond security may be released upon successful completion of installation or construction of all such signs. Liability insurance shall be maintained as required by this section so long as the signs remain in place.

B. ~~Insurance policy certificates heretofore filed for the maintenance of existing signs may continue in full force and effect until the renewal date thereof, at which time a liability insurance policy certificate in the amount hereinabove specified shall be filed.~~

§ 104-53 (Reserved)**§ ~~104-53~~ 104-52 ~~Bonds Security~~ and insurance for other types of construction.**

In cases in which applications are made to the City Engineer for a permit to construct and maintain areaways in the right-of-way, or for a permit to place any permanent structure or construction of any kind in the right-of-way, liability insurance and performance bonds security shall be required. With the exception of applications involving telecommunication facilities, the performance bonds security shall be in an amount not less than \$250,000, and there shall be not less than \$1,000,000 2,000,000 single limit general liability insurance covering both bodily injury and property damage. The bond security and insurance requirements for all telecommunications facilities shall be as set forth in the master license or franchise agreement.

§ 104-55 Annual ~~bonds security~~ or insurance for plumbers and other contractors.

- A. Licensed plumbers, contractors and other persons engaged in any business the nature of which requires or results in frequent applications for permits to make obstructions or excavations in the right-of-way shall not be required to furnish a separate ~~bond security or insurance certificate~~ for each permit, but a general bond security or insurance certificate may be given annually, indemnifying the City from any and all loss, cost or damage resulting or arising from any act done or permitted in pursuance of such permits, which bonds security or certificates shall be renewed from year to year so long as the person shall continue business within the City.
- B. Annual insurance shall be in an amount required by the City Engineer, but not less than \$1,000,000 for bodily injury and property damage, or an annual ~~bond security~~ not less than \$100,000.

§ 104-56 Irrevocable letter of credit Security required for excavations or obstructions.

- A. ~~With the exception of Telecommunication Providers subject to Chapter 106, the~~ The City Engineer is hereby directed, in all cases in which applications are made to him or her for consent or permission to make any excavation in the right-of-way or for permission to place any materials, equipment or obstruction in the right-of-way, to require ~~an irrevocable unconditional letter of credit security, approved by Director of Finance or the Corporation Counsel as to form and substance, in a minimum an amount of \$25,000, determined in the sole discretion of the City Engineer, sufficient to be filed with the City protect the right-of-way and the City's interests.~~
- B. The City Engineer is authorized to require a letter of credit for a higher amount for reasons such as previous failures to comply with City codes, specifications or permit requirements and for large-scale projects.
- C. ~~The City Engineer is authorized to waive the requirement of an irrevocable letter of credit security in all cases where the work to be done under permit will not cause damage to pavement, sidewalks, curbing or any other portion of the City right-of-way.~~
- DC. The City Engineer is authorized to draw upon the letter of credit security as may be necessary to cover the costs to the City including administrative costs to perform work which a permit applicant failed to perform after receiving a written request from the City to perform said work. The City Engineer may draw upon the letter of credit security only after the permit applicant has failed to perform said work, failed to pay the invoice for the cost of the work performed by the City and failed to win an appeal to the Commissioner of Environmental Services of the invoice or failed to make such an appeal in a timely fashion.
- ED. ~~No~~ If the City has drawn upon the security, no new permits shall be issued to the permit applicant until the full amount of the ~~letter of credit security~~ security is restored.

§ 104-57 Permit fees.

- A. Applications for permits required by this chapter shall be made in writing to the City Engineer, shall contain such information as the City Engineer may require and shall be accompanied by the fee detailed in the permit fee schedule maintained by the City Engineer. The permit fee schedule shall be amended from time to time to time by the City Council. Any fee not specified in the fee schedule shall be determined by the City Engineer based on a reasonable estimate of actual costs and expenses associated with the permit review process.
- B. Utility companies and other companies performing work in the City may pay an annual maintenance fee, which shall include the fees for all work other than work requiring excavation in the City rights-of-way.
- C. There shall be an additional fee for performing work for which a permit is required and for which no permit has been obtained or for which a permit was obtained but the work has been stopped by the City Engineer. The additional fee shall be equal to the applicable permit fee. The applicable permit fee shall also be paid.
- D. The City Engineer shall have the power to waive the permit fee for work done by a contractor performing or accommodating a City project or a project of another government agency.
- E. Where multiple openings are made, the permit fee shall be the lesser of the fee based upon the total square footage of the multiple openings or the sum of the fees for the individual openings.
- F. (Reserved)
- G. The annual fee for vaults and areaways, bridges and tunnels shall be a lien upon the adjoining parcel or parcels of real property which they benefit. At the option of the Director of Finance, such fees may be added to the annual real property tax bill for such parcels.
- H. Fees for excavation in the right-of-way. No fee shall be required for excavation in the right-of-way, provided that the work does not disturb the roadway or public sidewalk and is for the renewal of residential water service only.

Section 3. This ordinance shall take effect ~~March~~ April 1, 2019.

Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

Ayes: President Scott, Councilmembers Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson-7.

Nays: Councilmembers Clifford, Spaul -2.

By Councilmember Lightfoot
February 19, 2019

To the Council:

The **PUBLIC SAFETY YOUTH & RECREATION** recommends for **ADOPTION** the following entitled legislation:

TUESDAY, FEBRUARY 19, 2019

- Int. No. 36 Authorizing agreements for the body worn camera program
- Int. No. 37 Authorizing amendatory agreements relating to the PetSmart Charities 2018 Spay/Neuter Grant
- Int. No. 38 Authorizing an agreement to conduct a tour of historically black colleges and universities for City youth
- Int. No. 39 Authorizing an agreement with Eskay Concerts, Inc. for concert series management services
- Int. No. 40 Authorizing a license agreement for the use of a water sports facility at Genesee Valley Park
- Int. No. 41 Authorizing an intermunicipal agreement with the County of Monroe for water testing services at Durand Eastman Beach
- Int. No. 42 Authorizing a grant agreement with the Rochester Area Community Foundation and funding for the Youth Voice, One Vision Program
- Int. No. 43 Authorizing an intermunicipal agreement and funding for the STOP DWI Program
- Int. No. 44 Authorizing agreements and funding for an animal population control program

Respectfully submitted,

Willie J. Lightfoot
 Mitch Gruber
 Jacklyn Ortiz
 Adam C. McFadden
 Loretta C. Scott
 PUBLIC SAFETY YOUTH & RECREATION COMMITTEE

Received filed and published

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-35
 Re: New York State Attorney General's Office, Capture an Account of a Material Situation Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation related to a New York State Attorney General's Office (NYSAGO) grant. This legislation will

1. Authorize an agreement with NYSAGO for the receipt and use of a Capture an Account of a Material Situation (CAMS) grant in the amount of \$104,600. The term of the agreement is through June 30, 2019;
2. Authorize \$139,500 as maximum compensation for an amendatory agreement with Municipal Emergency Services, Inc. (Principal: Mark Windover) for the Body Worn Camera Program, bringing the total compensation for the agreement to \$995,800. The term of the agreement will remain the same, through January 31, 2021, and the cost will be funded from the NYSAGO grant referenced in number one above and a match of \$34,900 from 2018-19 Cash Capital funds.

The CAMS program makes available asset forfeiture funds to assist local law enforcement agencies with introducing new, or expanding existing, body-worn camera programs. The Police Department will use these funds to purchase and deploy 70 body-worn camera units and 25 vehicle bases. Matching funds of \$34,900 will be used to purchase docking stations with extended warranties, computer monitors and accessories, and to pay for installation costs.

This is the first time we have received this award from NYSAGO.

Respectfully submitted,
 Lovely A. Warren
 Mayor

TUESDAY, FEBRUARY 19, 2019

Ordinance No. 2019-35
(Int. No. 36)

Authorizing agreements for the body worn camera 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 Attorney General's Office for the receipt and use of a Capture an Account of a Material Situation grant in the amount of \$104,600. The term of the agreement shall be through June 30, 2019.

Section 2. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Municipal Emergency Services, Inc. to provide additional services for the Body Worn Camera Program. The amendment shall increase the maximum compensation of the original agreement, which was authorized by Ordinance No. 2016-35, by \$139,500 to a total amount of \$995,800. The amendatory compensation amount shall be funded from the grant authorized in Section 1 herein and by \$34,900 in 2018-19 Cash Capital.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-36
Re: Amendment – Ordinance No. 2018-48

Council Priority: Public Safety

Transmitted herewith for your approval is legislation amending Ordinance No. 2018-48 relating to the PetSmart Charities 2018 Spay/Neuter Grant.

This grant is supporting the no-cost spay/neuter initiative for Animal Services. Animal Services provides vouchers to pet owners in underserved neighborhoods throughout the City. The vouchers can be redeemed for pet sterilization surgeries at Animal Hospital of Pittsford, P.C. The grant funds are being used to pay for the redeemed vouchers, and medical supplies and surgical expenses for additional spay/neuter surgeries at Rochester Animal Services.

RPD requested an extension from the grantor in order to fully expend the funds. Therefore, Ordinance No. 2018-48 Sections 1 and 3 are amended from "The term of the agreement shall be through December 31, 2018" to "The term of the agreement shall be through June 1, 2019."

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-36
(Int. No. 37)

Authorizing amendatory agreements relating to the PetSmart Charities 2018 Spay/Neuter 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 amendatory grant agreement with PetSmart Charities, Inc. for receipt and use of a 2018 Spay/Neuter Grant. The amendment shall revise the term of the agreement that was authorized in Ordinance No. 2018-48 to extend through June 1, 2019.

Section 2. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Animal Hospital of Pittsford, P.C. to provide spay and neuter services for the pets of those who have received spay/neuter program vouchers funded by the PetSmart

TUESDAY, FEBRUARY 19, 2019

Charities 2018 Spay/Neuter Grant. The amendment shall revise the term of the agreement that was authorized in Ordinance No. 2018-48 to extend through June 1, 2019.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-37
Re: Agreement – Town & Country Travel, Inc., Tour of Historically Black Colleges and Universities

Council Priority: Support the Creation of Effective Educational Systems

Transmitted herewith for your approval is legislation establishing \$38,000 as maximum compensation for an agreement with Town & Country Travel, Inc. (owned and operated by Teresa Johnson, Pittsford, New York) to conduct a tour of Historically Black Colleges and Universities for city youth. The cost of this agreement, which includes all transportation, hotel, food and fees, will be funded from the 2018-19 Budget of the Department of Recreation and Youth Services (DRYS). The term of the agreement will not exceed one year.

The tour will expose city youth to the college experience and reinforce the importance of school attendance, good grades and planning for the future. It will also reinforce the connection between education and careers. Approximately 40 youth ages 14-18 who participate in DRYS programs will go on the tour, planned for April 15 – April 18, 2019. They will visit three or four colleges/universities in Washington, D.C. and Maryland and also nearby historical sites.

The funding is from the remaining 2018 Summer of Opportunity grant from the New York State Department of Labor (NYSDOL) (Ord. No. 2018-146). The NYSDOL requires that the City expend 30% of the grant funds with certified M/WBE businesses.

Town and Country Travel was selected to provide the student tour service based on being the only local certified M/WBE travel agency. A full justification for not issuing a request for proposals is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-23

Ordinance No. 2019-37
(Int. No. 38)

Authorizing an agreement to conduct a tour of historically black colleges and universities for City youth

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 Town & Country Travel, Inc. in the maximum amount of \$38,000 to conduct a tour of historically black college and universities for City youth. The term of the agreement shall not exceed one year and said amount shall be funded from the 2018-19 Budget of the Department of Recreation and Youth Services.

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.

TUESDAY, FEBRUARY 19, 2019

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-38

Re: Agreement – Eskay Concerts Inc., Public Market Bands on the Bricks Concert Series

Council Priority: Creating and Sustaining a Culture of Vibrancy; Public Safety

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum annual compensation for an agreement with Eskay Concerts, Inc. d/b/a Up All Night, (Gerard Fisher, Rochester, NY) for event management and beverage concession services for the 2019 Bands on the Bricks Concert series. The cost of this agreement will be funded from the 2018-19 Budget of the Department of Recreation and Youth Services (DRYS). The term of this agreement will be for one year, with the option of two additional one-year renewals that will be funded from the 2019-20 and 2020-21 Budgets of DRYS, contingent upon approval.

Eskay Concerts will provide talent, production, sound, and beverage services for the Bands on the Bricks Concert series to be held at the Rochester Public Market on Friday evenings during July and August 2019. Eskay Concerts was selected through a request for qualifications process described in the attached summary. They have provided these services since 1999 and were involved with the establishment of the popular summer series.

This agreement was last authorized by City Council Ordinance No. 2018-78 adopted on March 21, 2018.

Respectfully submitted,

Lovely A. Warren

Mayor

Attachment No. AS-24

Ordinance No. 2019-38

(Int. No. 39)

Authorizing an agreement with Eskay Concerts, Inc. for concert series management services

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 in the maximum annual amount of \$30,000 with Eskay Concerts, Inc. (d/b/a Up All Night) to provide event management and beverage concession services for the Bands on the Bricks Concert Series. The agreement shall have a term of one year, with two optional one-year renewals. The cost of the agreement shall be funded from the 2018-19 Budget of the Department of Recreation and Youth Services (DRYS) for the first year and, for the renewal periods if exercised, from the 2019-20 and 2020-21 Budgets of DRYS, 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. 2019-39

Re: Agreement – Genesee Waterways Center, Inc.

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation authorizing a license agreement with Genesee Waterways Center Inc. (GWC, John Courain, Director of Operations), a not-for-profit organization, for continued use of a City owned structure and adjoining parcel of land in Genesee Valley Park as a water sports facility. The term of the new license agreement is for one year with the option to extend for two additional one-year terms.

GWC's mission is to facilitate public opportunities for recreational and competitive rowing and paddling. In 1989, the City entered into a 10-year agreement with the GWC for them to develop, promote and operate a water sports facility in this location, including a canoe and kayak livery. GWC has invested over \$125,000 in improvements to the facility over the course of the agreement in addition to its operation of the facility. The City has continued to license the space to the GWC, with the most recent license agreement expiring in April 2019.

TUESDAY, FEBRUARY 19, 2019

The City has completed a master plan for the west side of Genesee Valley Park. The study includes concepts for an expanded community facility with additional meeting and rental space and other amenities. At this time there is no funding identified for these improvements, but grants and other sources will be explored in the near future. For this reason, the term of the new license agreement is for one year with an option to extend for an additional two years. This will allow time for input from the rowing community and the public about the concepts and programming at the facility in the future.

The GWC will pay an annual fee of \$1.00 for the license and will continue to be responsible for all utilities, maintenance and necessary repairs of the property, including docks, ramps, fencing, buildings and structures on the site.

This license agreement was last authorized by City Council Ordinance No. 2009-82 adopted on March 18, 2009.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-39
(Int. No. 40)

Authorizing a license agreement for the use of a water sports facility at Genesee Valley Park

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

Section 1. The Mayor is hereby authorized to enter into a license agreement with Genesee Waterways Center, Inc. for the use of a portion of the premises in Genesee Valley Park West, consisting of a maintenance building, an adjacent boat house, and the adjoining area, for the development, promotion and provision of water sports activities. The term of the agreement shall be one year with the option to extend up to two additional periods of 1 year each. Genesee Waterways Center, Inc. shall be obligated to pay an annual fee of \$1.00 for said license, and shall assume responsibility for all utilities, maintenance and necessary repairs of the licensed property, including docks, ramps, fencing, buildings, structures, and storage areas.

Section 2. The license 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. 2019-40
Re: Inter-municipal Agreement – Monroe County, Durand Eastman Beach Water Testing

Council Priority: Creating and Sustaining a Culture of Vibrancy; Public Safety

Transmitted herewith for your approval is legislation establishing \$10,000 as maximum annual compensation for an inter-municipal agreement with Monroe County for water testing services at Durand Eastman Beach. The cost of this agreement will be funded from the 2018-19 (\$5,000) and 2019-20 (\$5,000) Budgets of the Department of Recreation and Youth Services (DRYS), contingent upon approval of the latter budget. The term of this agreement will be for one year, with the option of three one-year renewals. The optional renewals would be funded from subsequent budgets of DRYS, contingent upon their approval.

Under the agreement, the County Health Department will collect water samples daily at locations determined by the Health Department along the beach to determine water quality and clarity. This data, and historical data, will be utilized to determine if the beach will be open for swimming. In addition, the County will continue to operate a telephone hot-line that provides information on swimming conditions at both Durand Eastman Beach and Ontario Beach Park.

These services were last authorized by City Council Ordinance No. 2015-140 adopted on May 19, 2015.

Respectfully submitted,
Lovely A. Warren
Mayor

TUESDAY, FEBRUARY 19, 2019

Ordinance No. 2019-40
(Int. No. 41)

Authorizing an intermunicipal agreement with the County of Monroe for water testing services at Durand Eastman Beach

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 County of Monroe for water testing services at Durand Eastman Beach in the maximum annual amount of \$10,000. The agreement shall have a term of 1 year with an option to extend for up to 3 additional periods of 1 year each. The cost of the agreement shall be funded in the amounts of \$5,000 from the 2018-19 Budget of the Department of Recreation and Youth Services (DRYS) and \$5,000 from the 2019-20 Budget of DRYS contingent upon the adoption of the latter budget. Any optional extension of the term shall be funded from future Budgets of DRYS contingent upon the adoption thereof.

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.

Councilmember Lightfoot moved to amend Int. No. 42

The motion was seconded by Vice President McFadden

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-41
Re: Agreement – Rochester Area Community Foundation, Youth Voice, One Vision

Council Priority: Support the Creation of Effective Educational Systems

Transmitted herewith for your approval is legislation

1. Authorizing an agreement with the Rochester Area Community Foundation for the receipt and use of a 2019 calendar year grant of \$25,000 for the Youth Voice, One Vision (YVOV) youth leadership program; and
2. Amending the 2018-19 Budget of the Department of Recreation and Youth Services by \$5,000 for the program. The remaining \$20,000 will be anticipated and included in the 2019-20 Budget of the Department of Recreation and Youth Services, contingent upon approval.

Youth Voice, One Vision, the Mayor's Youth Advisory Council, is a youth leadership and youth development program administered by the City of Rochester Bureau of Recreation since 1996. YVOV is led by a team of thirty youth who serve on the Executive, Event Planning, or Service Learning Committees and engages an additional 50 youth at council meetings and 75 - 150 youth at city-wide special events and service learning projects. The participants range in age from 8 to 18, with the majority between the ages of 10 and 15.

YVOV participants develop their own goals and strategies, conduct meetings, nominate officers, meet with community leaders and carry out service learning projects. The members also plan, host and facilitate regular service learning projects, workshops, conferences, special events and a radio/television show. YVOV members act as presenters and "youth experts" at local forums and events. The grant will be used to support YVOV activities, including technical assistance and training for youth members and adult advisors, college tours, transportation, and program and event supplies.

The Community Foundation has offered grant funds to support a variety of Youth Voice, One Vision projects since 2007, with receipt and use of grant funds most recently authorized by Ordinance No. 2018-20.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-41
(Int. No. 42, as amended)

TUESDAY, FEBRUARY 19, 2019

Authorizing a grant agreement with the Rochester Area Community Foundation and funding for the Youth Voice, One Vision 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 grant agreement with the Rochester Area Community Foundation for the receipt and use of \$25,000 for the Youth Voice, One Vision youth leadership program (Program). The anticipated reimbursements under this agreement are hereby appropriated to implement the Program. The term of the agreement shall be one year.

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

Section 3. Ordinance No. 2018-157, the 2018-19 Budget of the City of Rochester, is hereby amended by increasing the revenue estimates and appropriations to the Budget of the Department of Recreation and Youth Services by ~~\$15,000~~\$5,000 to reflect the receipt of a portion of the grant funds authorized herein.

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance 2019-42

Re: Agreement – Monroe County, DWI Crackdown Weekend Enforcement Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the receipt and use of \$3,700 for the 2018-19 STOP DWI Foundation, Inc. Crackdown Weekend Enforcement Grant, and amending the 2018-19 Budget of the Police Department by \$2,000 to reflect a portion of this grant. The remaining funds will be included in the 2019-20 Budget of the Police Department.

The grant funds will be used to pay for overtime for police officers and, as necessary for police experts to detect drug abuse in drivers during Memorial Day, Fourth of July and possibly Labor Day holiday crackdowns. This grant does not allow fringe expenses, estimated at \$1,145.

The term of this grant is October 1, 2018 through September 30, 2019. This is the sixth time the City has received this grant.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-42
(Int. No. 43)

Authorizing an intermunicipal agreement and funding for the STOP DWI 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 intermunicipal agreement with the County of Monroe for the receipt and use of the 2018-19 STOP DWI Foundation, Inc. Crackdown Weekend Enforcement grant in the amount of \$3,700. The term of the agreement shall be October 1, 2018 through September 30, 2019.

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 Police Department by the sum of \$2,000 received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

TUESDAY, FEBRUARY 19, 2019

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Re: Agreement - 2019 The American
Society for the Prevention of Cruelty to Animals, Low Cost Spay/Neuter Voucher Program

Council Priority: Public Safety

Transmitted herewith for your approval is legislation related to The American Society for the Prevention of Cruelty to Animals (ASPCA) Low Cost Spay/Neuter Voucher Program. This legislation will:

1. Authorize an agreement with ASPCA for the receipt and use of a Low Cost Spay/Neuter Voucher Program grant in the amount of \$51,600 for the term of December 27, 2018 through December 27, 2019, with the option to extend funding if not fully expended and with approval from grantor;
2. Amend the 2018-19 Budget of the Police Department by \$51,600 to reflect the addition of this grant;
3. Establish \$51,600 as maximum compensation for an agreement with Animal Hospital of Pittsford, P.C. (Principal: Todd Wihlen), 2816 Monroe Avenue, Rochester, 14618, to provide spay/neuter services for Rochester Animal Services. The term of the agreement will be December 27, 2018 through December 27, 2019, with the option to extend if funding is not fully expended and with approval from grantor.

ASPCA is providing this grant to assist low income residents in paying for spay/neuter services for their pets for the purpose of reducing the number of animals born and surrendered to the shelter. These funds are for Spay/Neuter Vouchers which will be provided to qualifying residents for redemption at Animal Hospital of Pittsford, P.C./Rochester Community Animal Clinic where their pets can be spayed or neutered. Funds will pay for approximately 550 spay/neuter services with residents providing a co-pay of \$1 per service.

A justification for not issuing an RFP is attached.

This is the third time Rochester Animal Services has received a grant from ASPCA.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-25

Ordinance No. 2019-43
(Int. No. 44)

Authorizing agreements and funding for an animal population control 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 grant agreement with The American Society for the Prevention of Cruelty to Animals for the receipt and use of \$51,600 to fund no-cost spay/neuter vouchers pets of qualifying residents (the Program). The agreement shall have a term of one year, with an option to extend for up to one additional year if funds remain in the original grant and contingent upon the grantor's approval.

Section 2. 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 Police Department by \$51,600 to reflect the receipt of the grant funds authorized herein, which funds are hereby appropriated to implement the Program.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement with Animal Hospital of Pittsford, P.C. to provide spay and neuter services for pets of those who have received Program vouchers. The agreement shall have a term of one year, with an option to extend for up to one additional year if funds remain in the original grant authorized herein and contingent upon the grantor's approval. The sum of \$51,600, or so much thereof as may be necessary, is hereby established as the maximum compensation for the agreement. Said amount shall be funded from the 2018-19 Budget of the Police Department.

Section 4. The amendatory agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

TUESDAY, FEBRUARY 19, 2019

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By President Scott
February 19, 2019

To the Council:

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

Int. No. 45 Amending the City Charter with respect to establishing the Rochester Police Accountability Board

Respectfully submitted,

Molly Clifford
Malik Evans (*Absent*)
Mitch Gruber
Willie J. Lightfoot
Jacklyn Ortiz
Michael A. Patterson
Elaine M. Spaul
Adam C. McFadden
Loretta C. Scott
COMMITTEE OF THE WHOLE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

INTRODUCTORY NO. 45
Re: Local Law to Create a Police Accountability Board

Transmitted herewith for your approval is a local law establishing a Police Accountability Board (PAB) in the City of Rochester. The newly created authority will ultimately replace the Civilian Review Board (CRB) that was established in Rochester in 1992, Resolution 1992-4 and all subsequent legislation amending that resolution.

The PAB will be an independent civilian-controlled process, and will be housed and staffed outside of the Rochester Police Department (RPD). The Board shall consist of 9 community members serving 3 years terms, of which 1 will be nominated by the Mayor, 4 will be nominated by the Council, and 4 will be nominated by the Police Accountability Board Alliance.

The PAB will impartially investigate and adjudicate complaints of misconduct involving employees of the RPD. The PAB will be empowered to conduct investigations as they deem necessary and will be provided any information gathered from RPD's internal investigations. The PAB will be granted the power of subpoena for records and testimony relevant to its investigation and deliberations.

The PAB will work with the City of Rochester, the RPD, and the Locust Club to establish a disciplinary matrix that will provide a range of disciplinary actions for RPD employees who are found to be in violation of RPD policies with regard to force, procedure, courtesy, or conduct. The Chief of Police will be compelled to discipline any RPD employee for whom a complaint was sustained by the PAB, through the guidelines outlined in the disciplinary matrix.

The PAB will be responsible for reviewing and assessing RPD patterns, practices, policies, and procedures, and make recommendations for changes they deem necessary. In addition to these functions, the PAB shall publish monthly dispositions of complaints and quarterly and annual reports accessible on the City's website.

Respectfully Submitted,


Loretta C. Scott
President
At-Large Member

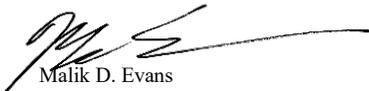

Adam C. McFadden
Vice-President
South District


Elaine M. Spaul
East District


Jacklyn Ortiz
At-Large Member


Michael A. Patterson
Northeast District


Molly Clifford
Northwest District


Malik D. Evans
At-Large Member


Mitch Gruber
At-Large Member


Willie J. Lightfoot
At-Large Member

INTRODUCTORY NO. 45

AMENDING THE CITY CHARTER WITH RESPECT TO ESTABLISHING THE ROCHESTER POLICE ACCOUNTABILITY BOARD

Be IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by adding the following new Article XVIII Police Accountability Board:

Article XVIII Police Accountability Board

§ 18-1. Purpose.

The Rochester City Council hereby intends to establish a civilian-controlled process to fairly investigate and make determinations respecting complaints of misconduct involving employees of the Rochester Police Department. The Police Accountability Board shall be the mechanism to investigate such complaints of police misconduct and to review and assess Rochester Police Department patterns, practices, policies, and procedures. The Police Accountability Board shall ensure public accountability and transparency over the powers exercised by employees of the Rochester Police Department. The Police Accountability Board shall provide a non-exclusive alternative to civil litigation.

§ 18-2. Definitions.

The following terms are defined, for purposes of this Article, as follows:

Alliance

The Police Accountability Board Alliance, a group of community organizations that nominate community members to be appointed by City Council to the Police Accountability Board.

Chief

The Chief of Police of the Rochester Police Department.

City

The City of Rochester, New York.

Complaint

A written or oral report regarding police misconduct made by any individual or group of individuals.

Council

The Rochester City Council.

Day(s)

Sequential days according to the calendar unless otherwise specified as "business days."

Disciplinary Matrix

A written, consistent, progressive, and transparent tool or rubric to determine discipline for misconduct.

Executive Director

The highest-ranking staff hired by the Police Accountability Board, with ultimate responsibility for making managerial decisions.

Immediate Family

A parent, sibling, spouse or child of a person or any members of a person's immediate household.

Misconduct

Any acts or omissions by an employee of the Rochester Police Department that are unlawful, contrary to Rochester Police Department policy, or otherwise inappropriate.

PSS

Professional Standards Section, which is the internal affairs department of the Rochester Police Department.

RPD

Rochester Police Department of the City of Rochester, New York.

Sanction

Disciplinary action for RPD employee misconduct.

The Board

The Police Accountability Board; such Board is a public agency within the meaning of New York Civil Rights Law Section 50-a.

Use of They, Their, Them

A plural term or pronoun that shall be construed to mean the singular and vice versa where appropriate.

§ 18-3. Establishment and Jurisdiction.

- A. The Civilian Review Board, established by Rochester City Council Resolution 92-40 and expanded by Resolution 95-08, will be abolished after and only after the PAB is established and fully functional for sixty (60) days.
- B. There is hereby established an independent office of municipal government to be known as the Police Accountability Board. It shall be an autonomous office of the City separate from the Rochester Police Department and other local, state, and federal law enforcement agencies. The members of the Board, regardless of the original appointee of each member, shall be appointed through legislation approved by the City Council.
- C. The Board shall be independent of the RPD and shall investigate and adjudicate complaints of misconduct against the RPD or any of its officers, staff, administrative and executive professionals, including but not limited to the Chief, deputies, captains, lieutenants, commanders, and all other law enforcement professionals.
- D. As a condition of employment with the RPD, all employees and personnel, including but not limited to the Chief, shall fully cooperate with the Board and this Article. In cases where employees do not cooperate, the Board shall send a recommendation to City Council to invoke its power under City Charter § 2-19 to remove the RPD employee. This shall not in any way limit the Board's right to invoke other remedies including judicial of the Article.
- E. The Board shall have the power to conduct independent investigations as further outlined in Section 1-5(G) below, the power to use subpoenas to compel testimony and the production of evidence, and the power to discipline RPD employee(s) if a complaint of misconduct is sustained.
- F. Based on information and belief that an investigation is warranted the Board shall have the power to conduct an investigation, even in the absence of a civilian complaint.
- G. The Board in conjunction with the Chief of the Rochester Police Department and Locust Club President shall establish a disciplinary matrix. The Board shall request input from the Chief, the Community Justice Advisory Board, the Police Accountability Board Alliance, and the President of the Rochester Police Locust Club when developing the matrix.
- H. The RPD and the City shall provide to the Board, as requested: access to all documents and evidence, including but not limited to RPD personnel files, IA Pro database, all other RPD databases, PSS investigative files, criminal and civil case files, disciplinary hearing records, video and audio recordings from body cameras or other sources, all RPD policies, procedures, and practices, the General Manual, and any other documents that pertain to policies, tactics, complaints, or charges against RPD employees and their subsequent investigation and adjudication, or other sources of information deemed appropriate by the Board.
- I. The Board shall have the power to investigate any and all conduct, acts, or omissions by any RPD employee.
- J. The Board shall have the power to review and recommend changes to RPD regarding RPD policies, procedures, patterns, practices and training.

§ 18-4. Board Composition, Appointment, Vacancy, and Removal.

- A. The Police Accountability Board shall consist of nine (9) members.
- B. Members of the Board shall serve terms of three (3) years except for the initial Board, which shall serve staggered terms, pursuant to Section 1-4 (J).
- C. Members of the Board shall be residents of the City of Rochester for a minimum of 12 months at the time of appointment to the Board.
- D. Members of the Board shall reflect the City's diverse community, including, but not limited to: age, race, creed, color, national origin, gender, gender identity or expression, sexual orientation, disability, marital status and source of income.
- E. Members of the Board and their immediate family shall not be currently or formerly employed by the RPD or any other local, state, or federal law enforcement agencies.
- F. Board members shall not be current (or within the immediately preceding three (3) year period) City elected officials or immediate family of any incumbent elected official representing/serving any district or municipality in the State of New York.

No practicing attorney or their immediate family who represents or has represented a plaintiff or defendant in a police misconduct lawsuit initiated against the RPD, the Chief or the Rochester Police Locust Club shall be a member of the Board. Board members may not represent a complainant or an RPD employee at Board hearings.

The provisions of Article 23-a of New York State Correction Law shall apply to any appointment to the Board.

- G. The provisions of Article 2, Section 5 and Article 3, Section 30 of the Public Officers Law of the State of New York, regarding vacancies, shall apply to all members of the Board.
- H. Appointments to the initial Board shall be made within sixty (60) days from the effective date of this Local Law as follows:
 - 1) The Mayor shall appoint one (1) members.
 - 2) Council shall appoint four (4) members; one (1) appointee from each of the four Council Districts: East District,

Northeast District, Northwest District, and South District.

- 3) The Alliance shall nominate twelve (12) individuals, three (3) for each of its four (4) board members, within thirty (30) days from the effective date of this local law, from which Council shall confirm and appoint one (1) such individual for each of the four (4) member-seats at Council's discretion. If all three (3) nominees for any one member-seat are rejected by Council, then the Alliance will nominate replacement(s) within fifteen (15) days until all four (4) members are confirmed. If necessary this process will repeat until Council has deemed a candidate qualified and capable of serving the Board.

All appointments will be approved through legislation passed by a majority of Council.

I. Police Accountability Board Alliance Nomination Process

The initial Alliance shall include no more than two (2) representatives from each organization listed in Appendix A. The process used by the Alliance to make initial Board appointments shall be as follows:

- 1) The first Alliance Executive Committee shall consist of five (5) individuals selected by the Alliance.
- 2) The Executive Committee will call for applications for nominees to fill four (4) positions on the Board;
- 3) Each organization represented in the Alliance as well as City residents may submit applications to nominate individuals;
- 4) The Executive Committee shall screen nominee submissions and narrow the field to finalists, then call a meeting of the Alliance to seek input regarding the qualifications of the finalists;
- 5) The Executive Committee shall determine the final twelve (12) names for the four (4) nominees and submit them to Council for confirmation and appointment;
- 6) Should Council reject a nominee, a written rejection will be submitted to the Alliance and the Alliance will resume the nominating process to select a replacement;
- 7) The final list of community appointments shall not be published until all four (4) nominees are confirmed by Council for the initial Board;
- 8) Future Board appointments to fill term-ended and mid-term vacancies shall follow a process determined by Alliance by-laws based on the initial selection process.

J. Terms

- 1) The first term of the initial Board commences when all nine (9) Board members are appointed and ends on the following June 30th.
- 2) Except for the initial Board, members shall serve staggered three (3) year terms and may be reappointed for another three (3) year term, for a total of six (6) years, after which, the member shall not be reappointed for at least three (3) years.
- 3) Except for the initial Board, each term shall commence on July 1st and end on June 30th. If a person is appointed to complete the unexpired term of a former Board member, they shall complete the term. The members shall be appointed for terms of three (3) years, except the first nine (9) members appointed. Of the first nine (9) members appointed:
 - a) three (3) members shall be appointed for terms of one (1) year, of whom one (1) shall have been designated by Council, and two (2) shall have been designated by the Alliance;
 - b) three (3) members shall be appointed for terms of two (2) years, of whom two (2) shall have been designated by the Council, and one (1) shall have been designated by the Alliance;
 - c) three (3) members shall be appointed for terms of three (3) years, of whom one (1) shall have been designated by the Mayor one (1) shall have been designated by the Alliance, and one (1) shall have been designated by Council.

K. Vacancies

After the initial nine (9) member Board has been established, when any member vacates the Board, the Board shall notify the Mayor, Council, and the Alliance. The vacant position shall be filled in the same manner by which it was initially filled, within sixty (60) days of the vacancy.

L. Removal

- 1) A Board member seeking public office shall resign their seat at the time they announce their candidacy or file their petitions, whichever happens first.
- 2) A Board member who no longer resides in the City shall resign immediately.
- 3) By a majority vote, the Board may request that Council remove a Board member for good cause.

§ 18-5. Powers and Duties.

- A. The Board shall have the power to conduct independent investigations as further outlined in Section 1-5(G) below, the power to use subpoenas to compel testimony and the production of evidence, and the power to discipline RPD employees if a complaint of misconduct is sustained.
- B. The Board shall establish a disciplinary matrix in conjunction with the Chief of the Rochester Police Department and Locust Club President. The Board shall request input from the Chief and the President of the Rochester Police Locust Club with respect to the disciplinary matrix. The disciplinary matrix shall include clearly delineated penalty levels with ranges of sanctions which progressively increase based on the gravity of the misconduct and the number of prior sustained complaints. The Board, in consultation with the Chief and the President of the Rochester Police Locust Club, shall review the disciplinary matrix annually, and consider any recommended changes. The Board shall decide the final version of the disciplinary matrix to be used.
- C. The Board shall review and assess RPD policies, procedures, patterns, practices and training and recommend changes to the

RPD. Written acknowledgment of receipt of recommendations will be sent to the Executive Director from the Chief of Police within sixty (60) days with a detail listing of what items are and are not being implemented.

- D. The Board and the Chief shall establish a cooperative relationship to ensure the orderly and efficient flow of information.
- E. Accessibility
 - 1) The Board shall provide language access for limited or non-English proficient complainants and witnesses at all stages of the investigative and adjudicative process. Language access shall be available during all operating hours of the Board.
 - 2) The Board shall provide reasonable accommodations in accordance with the federal, state and local law to individuals with disabilities at all stages of the investigative and adjudicative process. Such accommodations shall be available during all operating hours of the Board and shall include but not be limited to: accessible means of egress, accessible means of communication via auxiliary aids or services giving primary consideration to preferences of the individual deserving such services, and access to ASL interpreters.
- F. Initiation of Complaints
 - 1) Complaints may be received directly by the Board, or upon referral from PSS, the Mayor, the Council, any Councilmember, or the Chief. Any complaint received and accepted by the Board shall be transmitted to PSS, and any complaint received and accepted by PSS shall be transmitted to the Board.
 - 2) The Board shall receive complaints by telephone, in person, by mail, email or web form. Complaints shall be received and considered whether submitted under signature or anonymous. Efforts to simplify the procedure shall be made to encourage filing. Professional standards of confidentiality with regard to the written release of information and informed consent will apply to all complaints filed. With respect to the confidentiality of all interested parties, the Board shall comply with all local, state, and federal law, including Civil Rights Law Section 50-a.
 - 3) Before proceeding with the complaint process, the complainant shall be made aware of and referred to organizations that advocate for people who have experienced police misconduct and can explain the process of the Board and other options that exist beyond the jurisdiction of the Board.
 - 4) Complainants shall be apprised by the Board of legal assistance options and the procedure for filing a Notice of Claim with the Corporation Counsel against the City, pursuant to Article IX of the City Charter.
- G. Board Investigation of Complaints
 - 1) A City employee assigned to the Police Accountability Board shall interview complainants, witnesses and RPD employees, and gather relevant evidence. PSS shall provide the Board with written notice of the commencement of any investigation and likewise, the Board shall provide PSS with written notice of the commencement of any investigation.
 - 2) The Board shall have the power to investigate any and all conduct, acts or omissions by any RPD employee independent of any investigation conducted by PSS.
 - 3) Subpoenas may be issued at any time during the review and adjudication processes. Such subpoenas may compel the attendance of witnesses, RPD employees, and/or persons, and require the production of records and other materials, including records of the RPD, other persons or other agencies. A copy of any subpoena served upon an RPD employee shall also be delivered to the Chief. Board subpoenas are enforceable pursuant to relevant provisions of Article 23 of the New York Civil Practice Law and Rules. The Chief will use the authority granted by Article VIII A, Section 8A-1 of the City Charter, to promulgate new rules or utilize existing rules regarding discipline and administration of RPD employees to ensure compliance with Board procedure and applicable law. RPD employees shall be notified of their rights against self-incrimination under *Garrity v. New Jersey*, 385 U.S. 493 (1967), before any testimony is taken from them.
 - 4) Upon receipt of a complaint, within the timeframe allotted in accordance with the police bargaining agreement, PSS shall provide to the Board its entire investigative case file related to the complaint. Thereafter, PSS shall send any newly acquired evidence to the Board within five (5) business days of the acquisition of the evidence. If PSS makes any findings with respect to the complaint, they shall send all such findings to the Board within five (5) business days.
 - 5) A complainant may, at any time, decline to have their complaint investigated and reviewed by the Board. Such declination must be made in writing by the complainant, and shall be forwarded to the Chief by the Board.
 - 6) Statements made by complainants, RPD employees, or witnesses are subject to the panel's determinations of weight and credibility. Participation or lack of participation in the hearing process may be considered by the Board as one factor in their determination of credibility.
 - 7) The Chief shall take no action on a complaint, whether received directly by the RPD or by the Board, until receipt of the Board findings and decision, or notice that the Board has determined no disciplinary action is appropriate. Nonetheless, the Chief shall retain the authority to suspend an RPD employee during the investigation and adjudication of a complaint against the RPD employee.
- H. Reasonable Cause Determination
 - 1) Upon completion of the review of the material from the PSS investigation and/or the Board investigation, the Executive Director shall present a report and recommendation to Board members as to whether there is reasonable cause to proceed to a Board hearing on the allegations of misconduct in a complaint.
 - 2) Upon review of the report and recommendations from the Executive Director, the Board members may either affirm or reverse the recommendation as to whether or not there is reasonable cause to proceed to a hearing. If there is reasonable cause to proceed, the Board shall direct the Executive Director to schedule a hearing and notify the

complainant and the Chief. If there is not reasonable cause, the Executive Director shall notify the complainant and the Chief of this determination.

I. Hearing Process

- 1) As described in Section 1-6 (A)(3), the Board Chairperson shall establish a rotation of Board members to serve on hearing panels composed of three (3) members. Each panel shall include one (1) Alliance-appointed member, but shall not include more than two (2) Alliance-appointed members. Each panel shall select its own Chairperson on a case-by-case basis.
- 2) As described in Section 1-5 (G) (3), subpoenas may be issued during the hearing process.
- 3) Upon a majority vote of the Board membership in a duly published open meeting, the Board may determine to go into Executive Session so that the panel may conduct its hearing.
- 4) Panel hearings shall be recorded and transcribed by the Board. No other recordings or transcriptions are permitted.
- 5) Decisions made by the hearing panel will be documented in a Notice of Panel Decision delineating the findings of fact, and reasoning of the panel. If a panel member dissents from the majority's decision, the dissenter shall provide a written delineation of their findings of fact and reasoning.
- 6) Notice of Panel Decisions shall be provided to all parties with any confidential information redacted, pursuant to all local, state, and federal law.
- 7) Both complainant(s) and RPD employee(s) subject to a hearing shall have the right to obtain counsel or other representation and call witnesses on their own behalf. All due process rights delineated in NYS Civil Service Law Section 75 shall apply.
- 8) Complainants and RPD employees subject to hearings may be questioned by the panel at the panel's discretion; relevant evidence pertaining to the case before the panel may also be entered into the hearing.
- 9) Statements made by complainants, RPD employees, or witnesses are subject to the panel's determination of weight and credibility. Participation or lack of participation in the hearing process may be considered by the Board as one factor in their determination of credibility.
- 10) Decisions of the panel shall be made by a majority vote pursuant to the substantial evidence standard of proof. Deliberations of the panel shall be confidential and confined to the panel members assigned to that particular hearing, and their legal advisor(s). The decision shall include: (i) findings of fact, (ii) a determination as to whether there is substantial evidence of misconduct, and (iii) the disciplinary action in reference to the RPD employee(s) pursuant to the disciplinary matrix described in Section 1-5 (B).
 - a) If the panel finds that the RPD employee(s) may have engaged in criminal conduct, it shall refer the matter to the Monroe County District Attorney's Office or the New York State Attorney General's Office and request that their office initiate an investigation.
 - b) The Board shall notify the complainant, the RPD employee(s) who were the subject(s) of the complaint, and the Chief, in writing within five (5) business days of the panel's findings and decision.
 - c) If a Notice of Panel Decision contains a dissenting opinion, the complainant may appeal to the Board for review of the panel's findings. The complainant's appeal requesting Board review must be in writing and received by the Board no more than 30 days after the Notice of Panel Decision was sent to the complainant. To adjudicate the appeal, all Board members shall review all evidence in the record, including the hearing transcript, and shall determine, by majority vote, whether the majority opinion in the Notice of Panel Decision shall be:
 - (i) Reversed, if the Board decides that the Decision of the panel was wrong, the Board vacates (cancels) the Decision of the panel; or
 - (ii) Modified, if the Board changes part of the panel's Decisions, e.g., the Board decides that the appropriate sanction shall be termination rather than suspension; or
 - (iii) Affirmed, if the Board decides that the panel made the right Decision; the panel Decision remains in effect.
 - d) If there is an appeal by the complainant, the Board shall provide a written Notice of Board Decision to the complainant, RPD employee(s) who were the subject(s) of the complaint, and the Chief. The Notice of Board Decision shall include: (i) findings of fact, (ii) a determination as to whether there is substantial evidence of misconduct, and (iii) the disciplinary action in reference to the RPD employee(s) pursuant to the disciplinary matrix described in Section 1-5 (B).
 - e) RPD employees shall have the right to appeal pursuant to Section 76 of NYS Civil Service Law.
 - f) Panel Decisions may include disciplinary sanctions including but not limited to counseling, reprimand, retraining, suspension, demotion, or dismissal.
- 11) The panel shall report its findings and decisions to the Board at its next scheduled meeting.
- 12) The actions of the Board shall not preclude action by the criminal or civil justice system.
- 13) Responses from the Chief of Police

Within thirty (30) days of the receipt of a Notice of Panel Decision or Notice of Board Decision, the Chief shall provide the Board with a written explanation of the exact discipline imposed in accordance with the matrix.

J. Discipline

- 1) Before conducting any hearings, the Board shall establish a disciplinary matrix per Section 1-5 (B).

- 2) This Article shall not limit the Chief's ability to impose any additional discipline for an RPD employee above and beyond that recommended by the Board.
- 3) After the Board receives a written response from the Chief, or after thirty (30) days, whichever comes first, the Board shall make a final decision of discipline per the disciplinary matrix described in Section 1-5 (B).
- 4) The Board shall notify the complainant, the RPD employee(s) who were the subject(s) of the complaint, and the Chief, in writing within five (5) business days of the Board's final decision of discipline.
- 5) The Board's final determination of discipline shall be binding on the Chief, who shall be compelled to impose the discipline determined by the Board within five (5) days of receipt of the Board's final determination of discipline. The Chief will provide with a written explanation of the exact discipline imposed in accordance with the matrix within thirty (30) days.
- 6) The disciplinary matrix shall determine a range of sanctions within which the Board shall determine the specific sanction to impose on the RPD employee(s). The Board may consider mitigating and aggravating circumstances when making a final determination of discipline.

K) Policy Assessment

- 1) At least annually, the Board shall review and assess RPD policies, procedures, patterns and practices and recommend changes with input from the community.
- 2) The Board shall send its policy recommendations to the Chief, the Mayor, and City Council. The Board shall publish its policy recommendations on the Board website.
- 3) The Board's recommendations may address, but are not limited to: conduct and policies exhibiting bias against individuals based on race, gender, sexual orientation, perceived sexual orientation, gender identity, disability and perceived disability; use of force both lethal and non-lethal; de-escalation policies; vehicle and foot pursuits; use of canines; failure to acknowledge and/or accommodate the needs of people with disabilities including but not limited to physical disabilities, intellectual and developmental disabilities, psychiatric disabilities, traumatic brain injuries; and human rights issues.
- 4) Within thirty (30) days of receiving the recommendations, the Chief shall provide the Board, the Mayor, and Council with a written explanation of why the Chief agrees or disagrees with the policy recommendations.
- 5) If the Chief agrees with the policy recommendation(s), then the Chief shall provide a timeline to the Board indicating implementation of each recommendation.
- 6) The Board shall publish on its website whether or not the policy recommendation(s) have been implemented.

§ 18-6. Officers and Staff.

- A. At the initial Board's first meeting, the Board shall elect a Chairperson and Vice-Chairperson, by majority vote. Subsequently, the Board shall elect a Chairperson and Vice-Chairperson by majority vote, at the first meeting after July 1 of each year. Each Chairperson and Vice-Chairperson shall serve until the June 30 following their election. No Board member shall serve as Chairperson or Vice-Chairperson for more than three (3) consecutive years. The initial Board shall convene a search committee for an Executive Director and a committee to establish rules of procedure not provided for herein. The search for a new Executive Director shall take place in the first year and whenever there is a vacancy. The Chairperson will also be responsible to:
 - 1) facilitate and preside over meetings of the Board;
 - 2) establish committees of Board members as needed; and
 - 3) establish a regular rotation of Board members to serve on hearing panels.
- B. A quorum of five (5) Board members must be present to conduct Board business, regardless of vacancies. No business shall be transacted by the Board without a quorum being present. Board action shall be decided by a simple majority of Board members present.
- C. Police Accountability Board Executive Director
 - 1) The PAB shall conduct a search process to hire a full-time Police Accountability Board Executive Director in accordance with the City of Rochester hiring practices. The Executive Director is subject to a Council Confirmation. The Executive Director will report to the Board and shall serve at the discretion of the Board.
 - 2) The Executive Director shall be a resident of the City within twelve (12) months of hiring and shall remain a City resident for the duration of their tenure.
 - 3) The Executive Director shall not be currently or formerly employed by the RPD or any other local, state, or federal law enforcement agency, nor shall any of their immediate family be employed by the RPD. Neither shall the Executive Director be a member of the immediate family of any incumbent elected official of the City, or have litigation pending against the City involving a claim of police misconduct, or be a member of the immediate family of a person, or be an attorney representing a person with such pending litigation.
 - 4) The Council, through the annual budgetary process as set forth in Article VI of the City Charter, as amended, shall provide for the compensation and benefits of the Executive Director.
 - 5) The Board shall conduct an annual review of the performance of the Executive Director and may remove the Executive Director for good cause.
 - 6) The Board shall be responsible, through the Executive Director and staff, for the daily administrative work of the Board.
 - 7) The Executive Director shall be responsible for hiring and supervising staff in accordance with the City Charter and the Municipal Code. All such persons and their immediate family shall be free of any conflict of interest,

including but not limited to current or former employment with the RPD or any other local, state, or federal law enforcement agency.

§ 18-7. Training and Outreach.

A. Board and Executive Director Training

The Board and staff shall seek and participate in a broad range of training annually. Training resources will be selected by the Board and may include individuals and organizations such as law enforcement entities, attorneys, and any national, state, or local resources with expertise and experience in civilian complaints, investigation, police policies, auditing/monitoring, and other appropriate skills and knowledge. The Board and staff orientation and ongoing training shall include but not be limited to, the following:

- 1) All relevant local, state, and federal law
- 2) implicit bias and anti-racism;
- 3) gender identity and sexuality;
- 4) disability rights, including but not limited to physical disabilities, intellectual and developmental disabilities, psychiatric disabilities and traumatic brain injuries;
- 5) classism, poverty and homelessness;
- 6) trauma-informed policing and crisis intervention, including RPD employee well-being;
- 7) patterns, practices, policies, and procedures of the RPD;
- 8) Police Accountability Board Local Law;
- 9) civilian oversight history, models, trends, theories, standards and best practices;
- 10) how to conduct independent and objective civilian complaint investigations, e.g. interviewing, collection and preservation of evidence;
- 11) community outreach to inform how the Police Accountability Board functions and serves the community and public reporting;
- 12) discipline and remediation, education-based discipline, early warning systems, processes of arbitration/grievance

B) Community Outreach

- 1) The Board shall conduct outreach to community members, groups, and nonprofit organizations. The Board shall provide language access for limited and non-English proficient individuals. The Board shall provide reasonable accommodations in accordance with the federal, state and local law to individuals with disabilities.
- 2) Complaint forms and instructions shall be made available by RPD employees and at the Board office, at Board meetings, libraries, recreation centers, PSS office, police stations, public safety building, courts, and all other government buildings, and on the City, RPD, and Board websites.
- 3) In addition to regular monthly business meetings that include review of complaints, the Board shall hold public meetings in each City district a minimum of at least once annually, to invite public input or comment, and to provide information education about the Board process and its work.
- 4) The Board shall, through a standing Board committee, be dedicated to youth and community engagement, establish and pursue ways to interact with and solicit input from youth, present educational programs designed to promote public awareness of the Board process, give the public information about their rights and responsibilities regarding encounters with law enforcement employees, and publicize the procedure for filing a complaint with the Board.
- 5) The City shall provide the Board with a website on which the Board shall post information, including but not limited to: educational materials, links, videos, reports, and forms related to the operation of the Board and its mission.
- 6) The Board shall survey complainants and the public to assess satisfaction and identify concerns with the Board's investigative and adjudicative processes.

§ 18-8. Retaliation Prohibited.

Retaliation by RPD employees against complainants, witnesses, the Board and its staff, and other RPD employees, shall be prohibited. Retaliation includes but is not limited to: harassment, intimidation, stalking, threats and assaults. If a complaint of retaliation is sustained by the Board, action will be taken based upon the disciplinary matrix. A formal complaint does not need to be filed with the Board for an investigation of retaliation to occur. The chief will also be notified of the misconduct.

§ 18-9. Conflict of Interest.

- A. No Board member or Board employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of their duties in the public interest. Any conflict of interest prohibited by Article 18 of the General Municipal Law or by the Code shall disqualify a member. A conflict of interest shall include, but is not limited to: if they have reason to believe or expect that they will derive a direct monetary gain or suffer a direct monetary loss, by reason of their official activity; or if any benefit or detriment accrues to them as a member of a business, profession, occupation, or group to a greater extent than any other member of the business, profession, occupation, or group. Board members may not represent a complainant or an RPD sworn member before PSS or the Board.
- B. If a Board member has a personal, business or other relationship or association with a party to or a witness in a matter before the Board, the member shall disclose the situation to the Chairperson, and shall recuse themselves from deliberations or action in connection with that case.
- C. Board members and employees shall be subject to the City of Rochester's Code of Ethics.

§ 18-10. Legal Representation.

- A. The Corporation Counsel shall advise and represent the Board as it would other public boards in accordance with the Law

Department's duties under Article IX of the City Charter. Provided, however, that upon the determination by the Corporation Counsel that a conflict of interest exists, depending on the facts and circumstances of a particular matter, Corporation Counsel will advise the Board to obtain outside counsel if such counsel is deemed necessary by the Board. The Board may then seek and retain independent legal counsel, provided, however, that compensation for such legal services shall be established through the City's annual budgetary process as set forth in Article VI of the Rochester City Charter.

- B. All contracts for outside services (legal or other) shall be procured in accordance with the City of Rochester purchasing requirements and are subject to City Council approval when over \$10,000 or the Police Accountability Board does not have adequate funds in their annual budget to cover the cost of an agreement less than \$10,000.

§ 18-11. Police Accountability Board Reports.

- A. The Board shall publish on its website monthly data on the receipt and dispositions of complaints.
- B. All complaints shall be issued a public tracking number, which shall be included in the quarterly and annual reports.
- C. The Board shall publish on its website for the public and deliver hard copy to the Office of the City Council and Office of the Mayor public quarterly and annual reports that shall document:
- 1) The total number and type of complaints and the City districts in which they happened;
 - 2) The categories of each complaint as defined in Section Three of the local law;
 - 3) The public tracking number of each complaint;
 - 4) Detailing information that legally available to the Board, including but not limited to: the date, time, and location of each incident, whether there is video of the incident or not, age, race, and gender of adult complainant(s), rank(s), gender(s), section(s), and race(s) of the RPD employee(s) and if there were witnesses, how many, and whether they are employed by any local, state, or federal law enforcement agency and which agency; the Board shall comply with local, state, and federal law and redact any information that may not be disclosed publicly. The number of previous complaints against the RPD employee(s) within ten (10) years of the incident and whether or not those complaints were sustained.
 - 5) The number of times and the types of use of force used per complaint and the total number of times and types of use of force used;
 - 6) The number of times pepper spray was deployed per complaint and the total number of times pepper spray was deployed;
 - 7) The number of times and types of pain compliance tactics used per complaint and the totals for each use of pain compliance tactic;
 - 8) The number of times and types of use where a Taser was deployed;
 - 9) Complaint and sustain rates for each RPD section;
 - 10) in the event where an RPD employee uses their firearm:
 - a) the type of weapon used (firearm, brand, type);
 - b) number of shots fired;
 - c) the range from which the firearm was fired;
 - d) injuries sustained by the complainant, animal(s), RPD employee(s), and/or any bystanders;
 - e) any medical care provided and what type; whether the person or animal was killed.
 - f) the number of cases where the panel's disciplinary decision was enforced by the chief
 - g) the number of cases where the Chief disputed the disciplinary decision of the panel;
 - h) the type of sanctions imposed;
 - i) the type of sanctions decided upon;
 - j) the number of cases reviewed by the Board;
 - k) the number of complaints found not to have reasonable cause to be heard;
 - l) the number of complainants contacting the Board but not following through with a formal signed complaint;
 - m) the length of time each case was pending before the Board;
 - n) the number of complainants who filed a notice of claim against the City while their complaint was being considered by the Board.
- D. The annual report published on the Board's website for the public and deliver hard copy to the Office of the City Council and Office of the Mayor and shall contain:
- 1) The recommendations related to changes in RPD patterns, practices, policies, and procedures;
 - 2) Whether the prior year's recommended changes have been implemented;
 - 3) A summary of complainant and public survey data with an assessment of if and how Board policies should change to accommodate concerns.
- E. Quarterly and annual reports shall be publicly available on the Board's website.
- F. Any video associated with the Complaint that can be made public, shall be made publicly available.
- G. The Board shall comply with all local, state, and federal law, including Civil Rights Law Section 50-a concerning the release of personnel information.

§ 18-12. Audit and Evaluation.

- A. The Board may, by majority vote, perform an audit, or direct that an audit be performed, to assess the investigation and adjudication of civilian complaints.

- B. An independent organization of Council's choosing shall conduct a formal annual evaluation of the functions, processes, and outcomes of the Police Accountability Board. The evaluator will make specific recommendations to the Council regarding changes to the Board's functions, processes and outcomes.

§ 18-13. Budget.

- A. The annual proposed budget of the Police Accountability Board shall provide for sufficient funding to carry out the powers and duties set forth in the Police Accountability Board Article, including the funding of staff and all necessary operating expenses for the purpose of resolving all complaints within ninety (90) days. The Board shall be funded through the budgetary process of the City, pursuant to Article VI of the City Charter. The Board budget shall be separate from, and independent of, the RPD budget.
- B. The Board shall annually prepare a budget in accordance with the Budget Allocation Level that it deemed appropriate from the Office of Management and Budget. The Board shall submit the proposed budget, along with appropriate financial documentation, to the Mayor and Council, during the City's annual budgetary process.
- C. The Board's first year budget shall include appropriate start-up costs, such as office furnishings, equipment, training for all Board and staff, and a national search for the Executive Director.

§ 18-14. Severability.

The invalidity of any provision or provisions of this chapter shall not affect the validity of the remaining provisions thereof, but such remaining provisions shall continue in full force and effect.

Section 2. This local law shall take effect upon its filing in the Office of the Secretary of State as provided by Section 27 of the NYS Municipal Home Rule Law.

TUESDAY, FEBRUARY 19, 2019

Police Accountability Board Supporting Organization **

19th Ward Community Association	MK Gandhi Institute
Action for a Better Community	National Lawyers Guild of Rochester
Action Together Rochester	Native American Cultural Center
African American Health Association & Latino Health Coalition	North East Area Development
American Baptist Churches of the Rochester/Genesee Region	Omega Psi Phi Fraternity Inc.
Antioch Missionary Baptist Church	Open Arms Christian Fellowship
Baber AME Church	Out Alliance
Beechwood Neighborhood Association	Ministry
Center for Disability Rights	PLEX Neighborhood Association
Citizen Action of Western New York	Re-entry & Community Development Center
Colgate Rochester Crozer Divinity School	Roc/ACTS
Compeer	Rochester Black Authors
Delta Sigma Theta Sorority Alumna	Rochester Democratic Socialists of America
Dimitri House	ROCitizen
Empire Justice	Safer Monroe Area Reentry Team (SMART)
Enough Is Enough	Shades of Sisterhood
Facing Race, Embracing Equity (FR=EE)	Showing Up for Racial Justice (SURJ)
First Unitarian Church	Sisters of Mercy
First Universalist Church	Social Welfare Action Alliance
Flower City Noir	South West Area Neighborhood Assoc.
Flying Squirrel Community Space	Spiritus Christi Anti-Racism Coalition
Greater Rochester Community of Churches	St. Joseph's House of Hospitality
Green Party of Monroe County	Table 23
Ibero American Action League	Teen Empowerment
Inner Faith Gospel Tabernacle	Trinity Emmanuel Presbyterian Church
Justice For All	Turning Points
	Urban League of Rochester
	Rochester Chapter of VOCAL-NY

HELD IN COMMITTEE

**** Organization list is subject to change**

The meeting was adjourned at 8:14 p.m.

HAZEL L. WASHINGTON

City Clerk

ROCHESTER CITY COUNCIL

REGULAR MEETING

March 19, 2019

Present – President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul – 9.

The Council President requested the Council to rise for a Moment of Silence.

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

Retirement:

DES:

- *Thomas Graves
- *Thomas C. Hack
- *Donald Marchaesi
- *Joseph M. Thompson
- *Daniel Torres

ECD:

- *Lynda M. Zampatori

RFD:

- *Thomas May
- John Schreiber

RPD:

- * Joseph Gangi
- * Tammy Lepki
- * Anthony McMullen
- * Joan Reger

RPL:

- *Gene Siembor

**Not attending meeting*

APPROVAL OF THE MINUTES

By Vice President McFadden

RESOLVED, that the minutes of the Regular Meeting of February 19, 2019 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The Mayor submits the following:

- Quarterly Reports – Loans and Grants –December 31, 2018. 4302-19
- Administrative Cancellation or Refund of Erroneous Taxes – February 2019. 4303-19

The Council submits Disclosure of Interest Forms from Councilmember Ortiz on Int. No. 52 and Councilmember Spaul on Int. No. 64 and Int. No. 67.

TUESDAY, MARCH 19, 2019

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

President Scott presented a letter with 54 signatures for the Defend Urban Neighborhoods initiative, regarding Highland Hospital legislation. Petition No. 1758

PUBLIC HEARINGS.

Pursuant to law, public hearings were held on March 14, 2019 on the following matters:

Amending Ordinance No. 2018-289 for the 52 Broadway Development Project Int. No. 56
No Speakers

Amending Resolution No. URA-6 of 2018 regarding the 52 Broadway Development Project Int. No. URA-2
No Speakers

Amending the Zoning Code by adding the Planned Development District No. 17- Highland Hospital Int. No. 58
30 Speakers

Amending the Zoning Map by changing the zoning classification of 990-1000 South Avenue to Planned Development District No. 17 – Highland Hospital Int. No. 59
No Speakers

Amending the Official Map by abandoning a portion of Pitkin Street. Int. No. 68
No Speakers

Amending the Official Map and authorizing the sale of real estate. Int. No. 69
No Speakers

Authorizing pavement width changes related to the Strong Neighborhood of Play development project. Int. No. 72
No Speakers

**REPORTS OF STANDING COMMITTEES
AND ACTION THEREON**

By Vice President McFadden
March 19, 2019

To the Council:

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

- | | |
|-------------|--|
| Int. No. 47 | Authorizing receipt of a grant to fund repairs to components of the Rundel Memorial Library cooling system |
| Int. No. 49 | Authorizing litigation and a retainer agreement for litigation against opioid manufacturers and distributors |
| Int. No. 50 | Authorizing an agreement with CypherWorx, Inc. for online employee training |
| Int. No. 51 | Amending the City Budget to purchase new on-street parking meters |
| Int. No. 80 | Resolution approving reappointment Rochester Public Library Board of Trustees |

The following entitled legislation is being **HELD** in committee:

TUESDAY, MARCH 19, 2019

Int. No. 48 Authorizing the bulk sale of delinquent tax liens

Respectfully submitted,
 Adam C. McFadden
 Molly Clifford
 Malik Evans
 Michael A. Patterson
 Loretta C. Scott
 FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2019-44
 Re: Grant Acceptance – New York State Education Department, Rochester Public Library

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation authorizing the receipt and use of New York State Education Department, Division of Library Development construction grant funds in the amount of \$269,064 for silt removal at the Central Library of Rochester and Monroe County.

Each year the Monroe County Library System is allocated state funds for library construction projects, awarded on a competitive basis within the system. The awarded project at the Rundel Memorial Library building will address repairs to its river water reservoir, used to dissipate heat from the building from via a chiller system. A valve historically used to clear river sediments has failed; as a result, the reservoir depth is two feet or less, reducing chiller capacity and efficiency.

The project will include removal of several feet (about 2,800 cubic yards) of sediments when the Johnson and Seymour mill race is closed during fall/winter 2019. Excavation of the sediment is labor intensive due to limited access areas. The failed valve will be replaced in-kind; in addition, the gangways over the raceway for access to the reservoir will be replaced.

A grant of \$269,064 represents approximate 50% state funding as part of a \$530,000 project budget. Matching funding was allocated as library cash capital in the 2018-19 Capital Improvement Program.

All projects are managed by the Department of Environmental Services, Bureau of Architecture and Engineering. Design of the project will begin in March 2019; construction is anticipated to commence during the cooling shoulder season (November 2019) when the mill race will be closed.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Ordinance No. 2019-44
 (Int. No. 47)

Authorizing receipt of a grant to fund repairs to components of the Rundel Memorial Library cooling system

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

Section 1. The Council hereby authorizes the receipt and use of \$269,064 from the New York State Education Department, Division of Library Development as a construction grant for the purpose of funding a portion of the cost of the silt removal and repairing a river water reservoir located beneath the Rundel Memorial Library that is used in conjunction with a chiller system to dissipate heat from the library building (the "Project").

Section 2. The Mayor is hereby authorized to enter into a grant agreement with the funding agency or its designee if necessary to effectuate the City's receipt of the grant. If there is an agreement, it shall contain such additional terms and conditions as the Mayor deems to be appropriate.

TUESDAY, MARCH 19, 2019

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Vice President McFadden moved to discharge Int. No. 48 from committee.

The motion was seconded by Councilmember Patterson.

The motion was adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-45
Re: Bulk Sale of Delinquent Tax Liens

Council Priority: Deficit Reduction and Long Term Financial Stability

Transmitted herewith for your approval is legislation authorizing the sale of 2017-2018 and prior delinquent tax liens, in bulk to American Tax Funding, LLC (ATF).

Local Law No. 8 of 2008 amended the City Charter to allow the City to conduct bulk sales of delinquent tax liens. Council Ordinance No. 2008-379 authorized three lien sales with the option for two subsequent sales. The table below summarizes the results of the sales relating to the original contract term:

Sale Date	# of liens	# of parcels	Original value (principal + interest)	Sale price	% of original value
Feb 2009	5,675	3,327	\$13,976,777	\$6,036,829	43.19
Sept 2009	5,444	4,864	\$11,443,795	\$4,981,986	43.53
Dec 2010	5,249	4,780	\$10,999,275	\$5,342,778	48.57
Feb 2012	4,580	4,274	\$10,336,100	\$4,578,407	44.30
Feb 2013	4,616	4,405	\$9,966,089	\$4,524,150	45.40

Council Ordinance No. 2013-398 authorized a one year agreement with ATF. The result of the sale is summarized below:

Sale Date	# of liens	# of parcels	Original value (principal + interest)	Sale price	% of original value
Mar 2014	2,033	1,977	\$4,396,376	\$2,531,023	57.57

Council Ordinance No. 2015-3 authorized a one year agreement with ATF. The result of the sale is summarized below:

Sale Date	# of liens	# of parcels	Original value (principal + interest)	Sale price	% of original value
Mar 2015	2,041	1,837	\$3,659,724	\$2,172,334	59.36

Council Ordinance No. 2016-62 authorized a one year agreement with ATF. The result of the sale is summarized below:

Sale Date	# of liens	# of parcels	Original value (principal + interest)	Sale price	% of original value
May 2016	1,372	1,272	\$2,682,810	\$1,863,732	69.47

Council Ordinance No. 2017-77 authorized a one year agreement with ATF. The result of the sale is summarized below:

Sale Date	# of liens	# of parcels	Original value (principal + interest)	Sale price	% of original value
Jun 2017	1,886	1,645	\$3,467,862	\$2,514,348	72.50%

Council Ordinance No. 2018-25 authorized a one year agreement with ATF. The result of the sale is summarized below:

Sale Date	# of liens	# of parcels	Original value (principal + interest)	Sale price	% of original value
Mar 2018	2,449	1,997	\$4,766,377	\$3,240,485	67.99%

The City classifies liens into one of three categories, as follows:

- New Liens - Liens on properties for which ATF has not previously purchased any liens.
- Unsettled Liens- Liens on properties for which ATF had previously purchased liens that are unpaid
- Settled Liens- New liens on properties for which any previous liens sold to ATF have been paid

Under the previous agreements, ATF was granted a right of first refusal through the 2017 delinquent tax year, on New and Unsettled Liens; ATF does not have a right of first refusal on Settled Liens.

In 2013 ATFS began assigning some of its liens purchased from the City to Cheswold LLC. On January 26, 2016 Cheswold LLC was purchased by Alterna Tax Asset Group. Cheswold is now a wholly owned subsidiary of Alterna. The liens owned by Cheswold LLC. are serviced by MTAG, and ATF services the liens it retains. Further, in 2017 ATF consummated the assignment of additional liens to Ebury Street Capital LLC., located in Rye New, York.

In order to increase delinquent tax collection revenue; enhance re-development efforts; reduce the presence of blighted property; and offer flexibility to homeowners, the City is proposing to remove certain properties from the lien sale based on review by the Department of Neighborhood and Business Development. The City will sell high value liens and liens on owner-occupied property to ATF. Properties removed are subject to foreclosure and collection efforts with potential future ownership by the Rochester Land Bank Corporation.

For this year, based on a bulk lien sale list having an aggregate lien amount of \$3,575,632 ATF has proposed to purchase a pool of high value Unsettled Liens having a value of \$1,254,333 at a price of \$1,093,426 representing 87.17% of the original lien amount. ATF has also proposed to purchase a pool of high value New Liens having a value of \$819,674, at a price of \$718,545 representing 87.66% of the original lien amount. ATF has proposed to purchase a pool of high value Settled Liens having a value of \$386,004, at a price of \$301,241, representing 78.04% of the original lien amount.

Lastly, ATF has proposed to purchase a pool of low value liens (owner occupied etc....) having a value of \$1,115,621, at a price of \$408,881, presenting 36.65% of the original lien amount.

In the aggregate ATF is offering \$2,522,093 or 70.54% of the original lien amount of \$3,575,632 for these lien pools.

The City would retain approximately \$1.5 million of low valued liens for which ATF does not wish to purchase. The City would also retain liens requested by the City's Neighborhood & Business Development Department on approximately 2,600 properties valued at \$8.4 million. Both categories of retained liens will be included in the City's 2019 foreclosure auction. The foreclosure action is scheduled to commence in the spring of 2019 and culminate with a fall 2019 foreclosure auction.

As required by Ordinance No. 2008-379, the Administration will file a list of the properties with liens to be sold to ATF and the properties with liens removed from the sale and a map showing both categories.

This legislation approves the sale of this year's delinquent tax liens to ATF based upon this initial estimated dollar value and percentage amounts. The final sale dollar amount and percentage will reflect changes to the delinquent tax liens finally sold.

This agreement will have a term of one year. Subsequent tax lien sales are subject to City Council approval.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-45
(Int. No. 48)

Authorizing the bulk sale of delinquent tax liens

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 American Tax Funding, LLC (ATF) for the bulk sale of delinquent tax liens. The Council hereby approves the bulk sale of 2017-2018 and prior years' delinquent tax liens to ATF.

TUESDAY, MARCH 19, 2019

Section 2. The agreement shall have a term of one year and shall obligate ATF to pay to the City an amount based upon the ATF offer of:

High Value Unsettled Liens	\$1,093,426
High Value New Liens	\$718,545
High Value Settled Liens	\$301,241
Low Value Owner-Occupied Liens	\$408,881

Section 3. The agreement 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. 2019-46
Re: Retainer Agreement - Litigation against Opioid Manufacturers and Distributors

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing the Corporation Counsel to commence civil litigation against opioid manufacturers, distributors and others who have promoted the abuse of opioids. This legislation will authorize the Corporation Counsel to retain counsel, Napoli Shkolnik PLLC (New York, NY, Salvatore Badala, lead attorney) at no out-of-pocket cost to the City, to represent the City in such litigation.

Many municipalities have retained Napoli Shkolnik PLLC to pursue legal action against manufacturers, distributors and others that have promoted and contributed to the abuse of opioids. The municipalities seek to recover damages in the form of increased expenses to the municipality and its taxpayers, in the City’s case, in the form of increased demands of the Rochester Police and Fire Departments and other expenditures necessary to responding to the impacts of the ongoing opioid epidemic.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-26

Ordinance No. 2019-46
(Int. No. 49)

Authorizing litigation and a retainer agreement for litigation against opioid manufacturers and distributors

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

Section 1. The Corporation Counsel is hereby authorized to commence civil litigation against opioid manufacturers, distributors and others who have promoted the abuse of opioids and to enter into an agreement retaining counsel, Napoli Shkolnik PLLC, to represent the City in such litigation at no out-of-pocket cost. Compensation shall be contingent on the outcome and shall not exceed 25% of all net amounts recovered on the claim.

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. 2019-47
Re: Agreement – CypherWorx, Inc. Online Employee Training

TUESDAY, MARCH 19, 2019

Council Priority: Support the Creation of Effective Educational Systems

Transmitted herewith for your approval is legislation establishing \$83,891 as maximum compensation for an agreement with CypherWorx, Inc. (Paul Cypher, Chief Executive Officer) headquartered at 130 Andrews Street, Rochester, NY to provide an online training platform for all City employees. The term of this agreement will be for three years and will be funded from the 2018-19 (\$31,200), 2019-20 (\$25,956) and 2020-21 (\$26,735) Budgets for Undistributed Expenses, contingent upon approval.

CypherWorx, Inc. will provide a hands-on interactive training platform, in English and Spanish, for City employee training programs to include the topics of Diversity/Inclusion, Sexual Harassment, Workplace Harassment, and Workplace Violence. This platform will track, record, and document the trainings, and provide progress and verification reports to supervisors regarding their employees' completion of the trainings. This training platform is completely supported and managed by CypherWorx, Inc. and as a result will require no internal IT resources. In addition, this interactive training platform will ensure the City's compliance with several Federal and State mandated employee trainings.

CypherWorx, Inc. was selected for these services because of their ability to provide employee trainings on a cloud-based software-as-a-service (SAAS) platform that makes them available over the internet and their extensive catalog of training programs which will allow for future growth of online learning opportunities for City employees.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-27

Ordinance No. 2019-47
(Int. No. 50)

Authorizing an agreement with CypherWorx, Inc. for online employee training

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 CypherWorx, Inc. in the maximum amount of \$83,891 to provide an online training platform for all City employees. Said amount shall be funded from the 2018-19 (\$31,200), 2019-20 (\$25,956), and 2020-21 (\$26,735) Budgets of Undistributed Expenses, contingent upon approval of the latter budgets. The term of the agreement shall be for three years.

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. 2019-48
Re: Amend Parking Cash Capital for Purchase of New On-Street Parking Meters

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation amending the 2018-19 Cash Capital Budget by \$600,000 to accelerate the purchase and installation of new on-street parking meters. This additional cash capital will be funded by recognizing a portion of the revenue expected from the sale of the Mortimer Street Garage authorized by Ordinance No. 2018-295.

New on-street meters will allow parkers to pay by cash or credit card with an option for pay by phone. We expect purchase and installation of new meters to be complete by mid-summer.

The purchase price for the Mortimer Street Garage will be \$3,105,000. The sale closing is planned for March 2019.

Respectfully submitted,
Lovely A. Warren
Mayor

TUESDAY, MARCH 19, 2019

Ordinance No. 2019-48
(Int. No. 51)

Amending the City Budget to purchase new on-street parking meters

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

Section 1. 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 of the Cash Capital allocation by \$600,000 to fund the purchase and installation of new on-street parking meters, which amount is hereby appropriated from a portion of the proceeds of the sale of the Mortimer Street Garage authorized by Ordinance No. 2018-295.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2019-2
Re: Re-appointment – Rochester Public Library Board of Trustees

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation confirming the following re-appointment to the Rochester Public Library (RPL) Board of Trustees for a five-year term:

Donna P. Benjamin
770 Thurston Road
Rochester, New York 14619

The current term of the above Trustee expired on December 31, 2018; Ms. Benjamin's new term would expire on December 31, 2023. During her time on the board, Ms. Benjamin has served as Vice-President and President. She is a vocal advocate and supporter of libraries, often representing the library at community events. It is also notable that Ms. Benjamin had perfect attendance at board meetings in 2017 and 2018.

Ms. Benjamin's resume and attendance record have been submitted to the City Clerk.

Respectfully submitted,
Lovely A. Warren
Mayor

Resolution No. 2019-2
(Int. No. 80)

Resolution approving reappointment Rochester Public Library Board of Trustees

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

Section 1. The Council hereby approves the reappointment of Donna P. Benjamin, 770 Thurston Road, Rochester, New York 14619 to the Rochester Public Library Board of Trustees for a term which shall expire on December 31, 2023.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TUESDAY, MARCH 19, 2019

By Councilmember Patterson
March 19, 2019

To the Council:

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

Int. No. 52	Authorizing the acceptance of real estate by donation
Int. No. 53	Amending Ordinance Nos. 2019-5 and 2019-21 as it relates to land acquisitions to construct new offices for the Rochester Police Department Goodman Section and the Southeast Neighborhood Service Center
Int. No. 54	Authorizing a Lease Agreement with Chase Farm Partnership
Int. No. 55	Authorizing a license agreement for a portion of 101 Hollywood Street
Int. No. 57	Appropriating funds for quadrant support
Int. No. 60	Authorizing payments in lieu of taxes agreement for the Thurston Chili Affordable Housing Project
Int. No. 61	Authorizing the sale of real estate and a payments in lieu of taxes agreement for the Union Square Project
Int. No. 62	Resolution approving appointments to the Board of Examiners of Stationary Engineers and Refrigeration Operators
Int. No. 63	Resolution approving appointments to the Electrical Examining Board

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

Int. No. 56	Amending Ordinance No. 2018-289 for the 52 Broadway Development Project
Int. No. 58	Amending the Zoning Code by adding the Planned Development District No. 17 – Highland Hospital
Int. No. 59	Amending the Zoning Map by changing the zoning classification of 990-1000 South Avenue to Planned Development District No. 17 – Highland Hospital

The following entitled legislation is being **HELD** in committee:

Int. No. 58	Amending the Zoning Code by adding the Planned Development District No. 17 – Highland Hospital
Int. No. 59	Amending the Zoning Map by changing the zoning classification of 990-1000 South Avenue to Planned Development District No. 17 – Highland Hospital

Respectfully submitted,
Michael A. Patterson
Willie J. Lightfoot
Jacklyn Ortiz (Abstained on Int. No. 52)
Adam C. McFadden
Loretta C. Scott
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TUESDAY, MARCH 19, 2019

TO THE COUNCIL

Ladies and Gentlemen:

Re: Ordinance No. 2019-49
Real Estate Donation

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the acceptance by donation of certain real property from the owner, Rochester Land Bank Corporation (RLBC). The RLBC acquired the properties by purchase at the City Tax Foreclosure Auction in November 2018. Council authorization is needed to accept the parcels:

<u>Address</u>	<u>Purpose</u>
847 Clifford Avenue	Demolition
59 Kohlman Street	Demolition
51 Lill Street	Demolition
717-719 N Plymouth Avenue	Demolition
605-607 Portland Avenue	Demolition

Accepting the donations of these properties will allow the City to remove blight in neighborhoods where redevelopment plans are in place and/or other investment of public dollars have been made through prior demolition and/or rehabilitations. The Rochester Land Bank Board approved the transfer of the properties to the City at its January 24, 2019 Board Meeting.

Upon acquisition by the City, any taxes or charges levied after the date of closing shall be canceled. The properties are to be conveyed with no other outstanding liens or encumbrances.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-28

Ordinance No. 2019-49
(Int. No. 52)

Authorizing the acceptance of real estate by donation

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 real estate parcels from the Rochester Land Bank Corporation as follows:

Address	SBL No.	Purpose
847 Clifford Av	106.33-1-51.2	Demolition
59 Kohlman St	091.79-1-17	Demolition
51 Lill St	106.30-4-8	Demolition
717-719 N. Plymouth Av	105.68-1-70	Demolition
605-607 Portland Av	106.26-2-18	Demolition

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 by the following vote:

Ayes: President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Patterson, Spaul -8.

Nays: None -0.

Councilmember Ortiz abstained due to a professional relationship.

TUESDAY, MARCH 19, 2019

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-50
Re: Technical Amendment – Ordinance Nos. 2019-5 and 2019-21 Goodman RPD and SE-NSC Project

Council Priority: Rebuilding and Strengthening Neighborhoods

Transmitted herewith for your approval is legislation amending Ordinance Nos. 2019-5 and 2019-21 to revise the values of the acquisitions associated with the Goodman RPD and SE-NSC Project. The changes are detailed below:

<u>Property Address</u>	<u>Owner</u>	<u>Ordinance Number</u>	<u>Original Value</u>	<u>Revised Value</u>
8-8.5 Laura Street	Garth LLC (Carmen Dimora, Member)	2019-5 2019-21	\$65,000	\$70,500
11-15 Laura Street	Ronder, Eyal/Sharon	2019-5 2019-21	\$65,000	\$70,000

The just compensation for each property has been augmented by an administrative adjustment permitted under the Eminent Domain Procedure Law in consideration of the legal costs of attempting to acquire the properties through condemnation.

The owner of the property at 8-8.5 Laura Street has appeared and contested the indicated just compensation amount and believes his property has greater value than the City’s appraisal, but is willing to convey the property with the indicated administrative adjustment.

The owner of 11-15 Laura Street has appeared and contested the indicated just compensation amount and believes his property has greater value than the City’s appraisal, but is willing to convey the property with the indicated administrative adjustment.

The increased just compensation amounts will result in a timely conveyance without additional litigation costs. The properties’ compensation amount increased from \$65,000 to \$70,500, and \$65,000 to \$70,000 respectively. The total additional cost of \$10,500 will be funded from 2018-19 Cash Capital.

All City taxes and other current-year charges against each 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 a parcel, shall also be canceled.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-50
(Int. No. 53)

Amending Ordinance Nos. 2019-5 and 2019-21 as it relates to land acquisitions to construct new offices for the Rochester Police Department Goodman Section and the Southeast Neighborhood Service Center

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

Section 1. Section 1 of Ordinance No. 2019-5 and Section 2 of Ordinance No. 2019-21 are hereby amended by increasing the maximum acquisition amount of 8-8.5 Laura Street owned by Garth LLC from \$65,000 to \$70,500.

Section 2. Section 1 of Ordinance No. 2019-5 and Section 2 of Ordinance No. 2019-21 are hereby amended by increasing the maximum acquisition amount of 11-15 Laura Street owned by Eyal and Sharon Ronder from \$65,000 to \$70,000.

Section 3. If and to the extent that the proceeds of the bonds that were appropriated for the acquisitions by Ordinance Nos. 2019-5 and 2019-6 are insufficient, the additional acquisition amount of \$10,500 authorized herein shall be funded from 2018-19 Cash Capital.

Section 4. The agreements shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TUESDAY, MARCH 19, 2019

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-51

Re: Lease – Chase Farm Partnership East Henrietta Road, Rush Reservoir

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation approving the lease of a portion of a City-owned parcel in the Town of Rush. The 14 acre parcel is part of an acquisition from 1990 by the City in conjunction with the Rush Reservoir Rehabilitation Project. The acquisition was required to allow construction of a sediment depository during the project which was completed in 1992.

City Council has authorized lease agreements for 7.7 acres of the parcel to the Chase Farm Partnership (originally under Selden P. Chase) for agricultural purposes since 2003. The current agreement authorized by City Council, Ord No. 2013-277, was approved on August 13, 2013 for a five year term. Under the proposed legislation, a new five-year agreement will be authorized with Chase Farm Partnership (William Chase - Partner, 5874 E Henrietta Rd, Rush, NY), commencing January 1, 2019 and expiring December 31, 2023. One five (5) year extension will be available with a rent increase based on the CPI-U index.

The parcel totals approximately 14 acres of which 7.7 acres will be leased. The proposed annual rental rate is \$54.55 per acre, or \$420 per year, which was the rate of the prior agreement. The rate was established through a bidding process, which was advertised on the City's website, in two local publications and through a direct mailing.

The entity of "Chase Farm Partnership" will continue to use the parcel for agricultural purposes. The partnership will also assist the City in obtaining agricultural assessment status under Section 1224 of the NYS Real Property Tax Law.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-29

Ordinance No. 2019-51
(Int. No. 54)

Authorizing a Lease Agreement with Chase Farm Partnership

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

WHEREAS, the City of Rochester has received a proposal for the lease of 7.7 acres of farmland located on a 21.4-acre parcel of real estate (SBL # 202.02-1-41.2) owned by the City on East Henrietta Road in the Town of Rush;

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is required to follow additional procedures due to the length of the proposed lease; and

WHEREAS, the Council affirmatively finds that the term of such proposed lease, which is 5 years with one optional five-year renewal term, is reasonable and necessary in light of the lease's intended purpose and that the public will benefit throughout that term.

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

Section 1. The Mayor is hereby authorized to enter into a lease agreement with Chase Farm Partnership for the lease of approximately 7.7 acres of farmland owned by the City in the Town of Rush. The agreement shall have a term of 5 years with one optional five-year renewal term with rent of \$54.55 per acre per year. Rent will be increased based on the CPI-U index for the renewal term, if exercised.

Section 2. Chase Farm Partnership shall use the parcel for agricultural purposes and assist the City in obtaining agricultural assessment status for this property.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TUESDAY, MARCH 19, 2019

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-52
Re: License Agreement – A Portion of 101 Hollywood Street

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation authorizing a license agreement between the City and Isaac Heating & Air Conditioning, Inc., (Principal, Raymond Isaac, 50 Holleder Parkway, Rochester, NY 14615).

The term of the license agreement is five (5) years commencing March 1, 2019, with two available one (1) year extensions. The rental rate will be \$500 annually which was supported through an independent appraisal performed by Jay Loson of Midland Appraisal Associates, Inc. as of January 2019.

The licensee encroached onto the northern portion of the City owned property at 101 Hollywood Street while repaving the parking lot they own at 50 Holleder Parkway. This license agreement will allow Isaac Heating & Air Conditioning, Inc. to use this small portion of City owned land for parking and lot maintenance for an annual fee and requires them to carry an insurance policy which will protect the City's interests. They will not have control over the entire site at 101 Hollywood St, just the northern portion where the encroachment exists. The lower portion of the lot will not be impacted by the agreement.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-30

Ordinance No. 2019-52
(Int. No. 55)

Authorizing a license agreement for a portion of 101 Hollywood Street

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

Section 1. The Mayor is hereby authorized to enter into a license agreement with Isaac Heating & Air Conditioning, Inc. (the "Licensee") for the use and maintenance for parking of a portion of the property located at 101 Hollywood Street (SBL # 090.47-1-31) not currently needed for municipal purposes. The licensed area consists of a paved area located on the northern portion of the property that has been paved as an extension of the Licensee's parking lot located on the adjacent property at 50 Holleder Parkway (SBL # 090.47-1-35.4). The Licensee shall pay an annual license fee of \$500. The license agreement shall have a term of five years with two additional one-year options to renew upon the mutual consent of the parties.

Section 2. The license 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. 2019-53
Re: Amending Ordinance No. 2018-289 – 52 Broadway Development Project

Council Priority: Creating and Sustaining a Culture of Vibrancy, and Jobs and Economic Development

Transmitted herewith for your approval is legislation amending Ordinance No. 2018-289. This amendment will update and add parcel information for the sale. Ordinance No. 2018-289 authorized the sale of seven (7) Rochester Urban Renewal Agency (RURA)-owned parcels to Fallon Properties, Ltd. (principal Robert Fallon Sr.) for the 52 Broadway Development Project. More specifically, this legislation will amend Ordinance No. 2018-289 by:

- Updating the section, block, lot (SBL) numbers and sizes for the three (3) parcels below.

Address	SBL Number	Size (acre)	Owner
66 Broadway	121.25-2-37.004	0.048	RURA
70 Broadway	121.25-2-38.001	0.164	RURA
50 Broadway	121.25-2-39.001	0.015	RURA

- Including the three (3) City of Rochester (City)-owned parcels below in with the sale of RURA land.

Address	SBL Number	Size (acre)	Owner
68 Broadway	121.25-2-37.003	0.002	City
74 Broadway	121.25-2-38.003	0.006	City
64 Broadway	121.25-2-39.003	0.004	City

The change in SBL numbers is due to a recent amendment to the official map which dedicated several parcels as public rights-of-way. The inclusion of the three (3) City-owned parcels is at the request of the project architect/engineer in consideration of the building design.

A companion RURA item is submitted with this transmittal. A public hearing is required.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-31

Ordinance No. 2019-53
 (Int. No. 56)

Amending Ordinance No. 2018-289 for the 52 Broadway Development Project

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

Section 1. Ordinance No. 2018-289, is hereby amended to read in its entirety as follows:

Affirming and approving the sale of properties for the 52 Broadway Development Project

WHEREAS, this Ordinance pertains to the redevelopment of seven adjoining parcels owned by the Rochester Urban Renewal Agency (“Agency”) and three parcels owned by the City known collectively as 52 Broadway (the “Site”);

WHEREAS, the City issued a request for proposals to redevelop the Site and received from Fallone Properties, Ltd. a proposal for that company or an entity to be formed by its managing member Robert Fallone (collectively, the “Developer”) to expand upon the Inn on Broadway located adjacent to the Site at 26 Broadway by reconfiguring the Inn’s existing four-story building and adding an adjacent building on the Site in order to add approximately 66 guest rooms, approximately 18 residential apartments, enclosed parking, a new banquet facility, and a new spa (collectively, the “Project”);

WHEREAS, the Developer is proposing to purchase the Site from the Agency in order to develop the Project for a purchase price of \$330,000 that is based on an independent fair market value appraisal;

WHEREAS, the City desires that the Developer’s proposed purchase proceed in accordance with Sections 507 and 556 of the Urban Renewal Law in Articles 15 and 15-A of the General Municipal Law and subject to terms and conditions that require the development of the Project in accordance with the purposes and objectives of the City’s continuing efforts to revitalize the Center City, the Agency and the Urban Renewal Law;

WHEREAS, a legal notice has been issued giving public notice as to the availability for public examination of the proposed terms for the disposition and redevelopment of the Site as well as the Developer’s’ Statement for Public Disclosure;

WHEREAS, the Agency has found the Developer to be a qualified and eligible sponsor to carry on the Project; and

WHEREAS, the City Council, pursuant to Article 15 of the General Municipal Law and after due notice, has held a public hearing on September 13, 2018 to consider the proposed disposition and redevelopment of the Site.

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

Section 1. The Council hereby approves and affirms the City and Agency's sale to the Developer of the following parcels comprising the 52 Broadway Development Project Site for an appraised value of \$330,000:

City Parcels:

<u>Address</u>	<u>SBL#</u>	<u>Size (acre)</u>
68 Broadway	<u>121.25-2-37.003</u>	<u>0.002</u>
74 Broadway	<u>121.25-2-38.003</u>	<u>0.006</u>
64 Broadway	<u>121.25-2-39.003</u>	<u>0.004</u>

Agency Parcels:

<u>Address</u>	<u>SBL#</u>	<u>Size (acre)</u>
40 Broadway	121.25-2-33	0.09
46-48 Broadway	121.25-2-34	0.09
52 Broadway	121.25-2-35	0.07
54-60 Broadway	121.25-2-36	0.14
66 Broadway	121.25-2-37 <u>121.25-2-37.004</u>	0.03 <u>0.048</u>
70 Broadway	121.25-2-38 <u>121.25-2-38.001</u>	0.18 <u>0.164</u>
50 Broadway	121.25-2-39 <u>121.25-2-39.001</u>	0.02 <u>0.015</u>

Section 2. The Council hereby finds that disposition by request for proposal and negotiation is the appropriate method for making the Site properties available for redevelopment. The purchase agreement shall be subject to terms and conditions that require the development of the Project in accordance with the purposes and objectives of the City's program to revitalize the Center City, the Agency and the Urban Renewal Law.

Section 3. The Mayor is hereby authorized to enter into such agreements and to execute such other instruments as may be necessary to implement the actions authorized herein. The agreements and other instruments shall contain such other terms and conditions as the Mayor deems appropriate.

Section 4. This ordinance shall take effect immediately.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

TUESDAY, MARCH 19, 2019

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-54
Re: CDBG Appropriation - Quadrant Planning Support Program

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Quadrant Planning Support Program. This legislation will appropriate \$17,000 from the Quadrant Support allocation of the Consolidated Community Development Plan/2018-19 Annual Action Plan for planning and beautification improvements.

Of the \$17,000, \$8,500 will be used to complete a northwest neighborhood planning study for the Lyell Avenue area, and \$8,500 will be used to complete beautification and right-of-way improvements in the median on Upper Falls Boulevard between St. Paul Street and North Clinton Avenue. These improvements include gateway signage, benches and flower pots.

Projects included are in the respective quadrant plans, and are reviewed, prioritized and chosen by the Quadrant teams. The Quadrant teams are made up of:

- NSC Administrator
- Neighborhood residents
- Neighborhood property owners
- Neighborhood associations
- Assistant Administrator
- RPD Lieutenant
- Business Development
- Zoning Staff
- Planning
- Library
- Real Estate
- DRYS

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-54
(Int. No. 57)

Appropriating funds for quadrant support

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

Section 1. The sum of \$17,000 is hereby appropriated from the Quadrant Support allocation of the Consolidated Community Development Plan/2018-19 Annual Action Plan for planning and beautification improvements for the Quadrant Planning Support Program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Patterson moved to discharge Int. No. 58 from committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted unanimously.

Councilmember Patterson moved to amend Int. No. 58.

The motion was seconded by Councilmember Spaul.

The motion was adopted unanimously.

TUESDAY, MARCH 19, 2019

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-55

Ordinance No. 2019-56

Re: Highland Hospital - Planned Development District #17

Transmitted herewith for your approval is legislation amending the City Zoning Text and Map by establishing a 9.27 acre Planned Development District by rezoning the above property from Institutional Planned Development (IPD) #8 Highland Hospital to Planned Development District (PD) #17 Highland Hospital; by adopting the proposed development concept plan associated with this PD, and by adding the PD #17 District Regulations to the Zoning Code. This legislation will:

- 1) Amend the Zoning Text by adding PD #17 Highland Hospital Planned Development District regulations to Chapter 120, the Zoning Code, and approving the Development Concept Plan/Site Plan; and
- 2) Amend the Zoning Map by rezoning 1000 South Avenue from IPD #8 – Highland Hospital to PD #17 Highland Hospital.

Founded in 1889 as Hahnemann Hospital, Highland Hospital has delivered on its mission to provide the highest quality, patient and family-centered care to the greater Rochester community throughout its history. The current campus at 1000 South Avenue has consisted of approximately 9.27 acres for most of those years.

Highland Hospital was rezoned to an IPD in 1978. In 2003, the City of Rochester enacted a comprehensive and wholesale revision of its zoning code. Under the 2003 Zoning Code, IPDs no longer exist as a zoning classification.

Accordingly, Highland Hospital is proposing to rezone the Hospital Campus from IPD to PD. Highland Hospital will also seek approval at a later date for Incremental Development of a patient building addition. This will require major site plan review.

Pursuant to the requirements of the New York State Environmental Quality Review Act (SEQRA), a determination regarding the environmental significance of this project will be made prior to City Council approval.

The Planning Commission held one informational meeting on February 11, 2019. Only the applicants spoke in support of the PD, and six people spoke in opposition. By a vote of 7-0-0, the Planning Commission recommended approval. The minutes of that meeting, the Planning Commission's recommendation and all written public comments are attached.

A public hearing is required for the Zoning Text and Map Amendment. The regulations would take effect immediately upon Council approval.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-32

Ordinance No. 2019-55
(Int. No. 58, as amended)

Amending the Zoning Code by adding the Planned Development District No. 17 —Highland Hospital

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 adding the Planned Development District No. 17 — Highland Hospital and approving the text and concept plan for said district to read in its entirety as follows:
§ PDD-17. Planned Development District No. 17 — Highland Hospital.

A. **Purpose.** The purpose of the Planned Development District No. 17 (the “Highland Hospital PD” or “PD #17”) is to provide a flexible framework for the orderly future development and redevelopment of the Highland Hospital Campus (the “Campus”). The intent of the Highland Hospital PD is to guide future development of the Campus, which allows Highland Hospital to maintain its important presence and fulfill its commitment to excellence and service to its patients, staff, visitors, and the community. Development within the Highland Hospital PD will reflect the spirit of a state-of-the-art community hospital, known for its comprehensive care, guided by the following goals and objectives:

- (1) Highland Hospital strives to provide the best possible patient care that meets contemporary healthcare standards, and which acknowledges and responds to the changing nature of healthcare delivery into the future. Advances in technology, equipment, and evidence-based medicine require continuous and thoughtful upgrades to the facility to support and ensure

continuity of care. Key services are located near the diagnostic and treatment areas to promote convenient patient access, minimize travel distances, and establish important adjacencies to realize efficiencies in providing care.

- (2) Highland Hospital will make the best use of available space within the existing physical constraints on the Campus, such as: the historic development of the Campus over 125 years resulting in the construction of dozens of buildings and add-ons that need to be harmonized and continually re-adapted; the limitations of a 9.3 acre site that cannot be expanded, and which necessitates the emphasis on vertical construction; the sheer number of natural slopes and grade changes which challenge development; and, its proximity to a residential neighborhood and Highland Park. With a collection of buildings that have been developed over 125 years, many of the structures and aging infrastructure require repair, modification, replacement, or modernization to provide an environment that supports the highest level of patient care.
 - (3) As an integral part of the Highland Park neighborhood for over 125 years, development in the Highland Hospital PD will be sensitive to the character of the neighborhood through the use of quality exterior materials, and thoughtful landscaping and hardscaping features to screen views, especially of the utility plant on the Campus from adjacent or nearby properties. To promote an appropriate spatial balance between the Campus and adjacent or nearby properties, appropriate setbacks will be respected.
- B. Planned Development District Limits.** The Highland Hospital PD is approximately 9.3 acres, generally bounded by South Avenue, Rockingham Street, Mt. Vernon Avenue, and Bellevue Drive as shown on the Planned Development District Map (the “Highland Hospital PD Map”).
- C. Permitted Uses.** Permitted uses in the Highland Hospital PD include the following, and any additional uses that promote and support Highland Hospital as a healthcare provider:
- (1) Hospital, including medical, administrative, office, educational (except K-12), research and laboratory, clinical, hospice, nursing home, residential care facilities, and any other uses or facilities which support and promote the mission of the hospital in providing comprehensive patient care.
 - (2) Day-care center.
 - (3) Accessory support uses or structures, including parking garages and facilities, bookstores, gift shops, small-scale retail facilities and services, restaurant and cafeteria services, and loading and refuse areas, warehousing, storage, and maintenance facilities.
- D. Yard and Bulk Requirements.**
- (1) Yard requirements:
 - a. Minimum front yard setback along Mt. Vernon Avenue: 0 feet.
 - b. Minimum front yard setback along Rockingham Street: 20 feet.
 - c. Minimum front yard setback along South Avenue: 20 feet.
 - d. Minimum front yard setback along Bellevue Drive: 0 feet.
 - e. Minimum side yard setback along the southern property line east of Bellevue Drive: 30 feet.
 - (2) Maximum building height. Required building heights are based on design parameters that taller first and second floors (up to 18 feet) are required to accommodate equipment for diagnostic procedures, operating rooms, imaging centers, and emergency care; interstitial mechanical floors (up to 18 feet) to serve the floors below and above; and, upper level inpatient units (average 14 feet).
 - a. ~~Mt. Vernon Avenue and Bellevue Drive (Figure 1):~~
 - (i) ~~0’ – 30’ Setback: 5 stories up to 94 feet maximum building height; except that any stair tower, elevator tower, or elevator lobby may be 7 stories up to 120 feet maximum building height.~~
 - (ii) ~~30’ – 120’ Setback: 7 stories up to 120 feet maximum building height.~~
 - (iii) ~~120’ Setback: 11 stories up to 178 feet maximum building height.~~
 - b. ~~Rockingham Street (Figure 2):~~

- (i) ~~0' – 20' Setback: No building.~~
 - (ii) ~~20' – 50' Setback: 5 stories up to 94 feet maximum building height.~~
 - (iii) ~~50' – 120' Setback: 7 stories up to 120 feet maximum building height.~~
 - (iv) ~~120' Setback: 11 stories up to 178 feet maximum building height.~~
- e. ~~South Avenue (Figure 3):~~
- (i) ~~0' – 20' Setback: No building.~~
 - (ii) ~~20' – 30' Setback: 5 stories up to 94 feet maximum building height.~~
 - (iii) ~~30' – 120' Setback: 7 stories up to 120 feet maximum building height.~~
 - (iv) ~~120' Setback: 11 stories up to 178 feet maximum building height.~~
- d. ~~South property line east of Bellevue Drive (Figure 4):~~
- (i) ~~0' – 30' Setback: No building.~~
 - (ii) ~~30' – 120' Setback: 7 stories up to 120 feet maximum building height.~~
 - (iii) ~~120' Setback: 11 stories up to 178 feet maximum building height.~~
- a. Mt. Vernon Avenue (North). From a point 20 feet south of the south street line of Rockingham Street extending south 300 feet. (Figure 1):
- (i) 0' – 30' Setback: 60 feet maximum building height.
 - (ii) 30' – 120' Setback: 7 stories up to 120 feet maximum building height.
 - (iii) 120' Setback: 9 stories up to 155 feet maximum building height.
- b. Mt. Vernon Avenue (South). From a point 320 feet south of the south street line of Rockingham Street extending to 30 feet north of the south property line. (Figure 2):
- (i) 0' – 30' Setback: 5 stories up to 94 feet maximum building height; except that any stair or elevator tower may be up to 120 feet maximum building height.
 - (ii) 30' – 120' Setback: 7 stories up to 120 feet maximum building height.
 - (iii) 120' Setback: 9 stories up to 155 feet maximum building height.
- c. South Property Line east of Bellevue Drive (Figure 3):
- (i) 0' – 30' Setback: No building.
 - (ii) 30' – 120' Setback: 7 stories up to 120 feet maximum building height.
 - (iii) 120' Setback: 9 stories up to 155 feet maximum building height.
- d. Bellevue Drive (Figure 2):
- (i) 0' – 30' Setback: 5 stories up to 94 feet maximum building height.
 - (ii) 30' – 120' Setback: 7 stories up to 120 feet maximum building height.
 - (iii) 120' Setback: 9 stories up to 155 feet maximum building height.
- e. South Avenue (Figure 4):

- (i) 0' – 20' Setback: No building.
- (ii) 20' – 30' Setback: 5 stories up to 94 feet maximum building height.
- (iii) 30' – 120' Setback: 7 stories up to 120 feet maximum building height.
- (iv) 120' Setback: 9 stories up to 155 feet maximum building height.

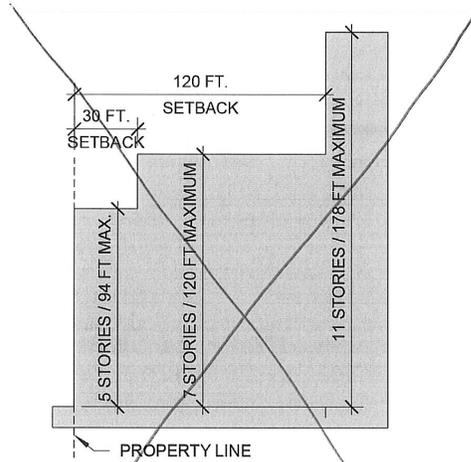
f. Rockingham Street (West). From a point 20 feet east of the east street line of South Avenue extending east 395 feet. (Figure 5):

- (i) 0' – 20' Setback: No building.
- (ii) 20' – 50' Setback: 5 stories up to 94 feet maximum building height.
- (iii) 50' – 120' Setback: 7 stories up to 120 feet maximum building height.
- (iv) 120' Setback: 9 stories up to 155 feet maximum building height.

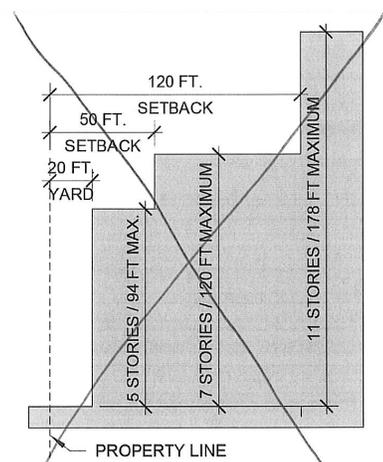
g. Rockingham Street (East). From a point 395 feet east of the east street line of South Avenue extending east to the Mt. Vernon Avenue street line. (Figure 6):

- (i) 0' – 20' Setback: No building.
- (ii) 20' – 50' Setback: 60 feet maximum building height.
- (iii) 50' – 120' Setback: 7 stories up to 120 feet maximum building height.
- (iv) 120' Setback: 9 stories up to 155 feet maximum building height.

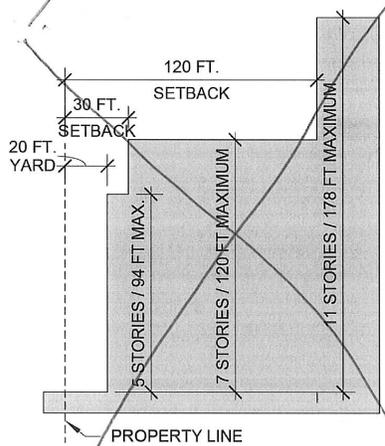
~~Figures 1-4 delete~~



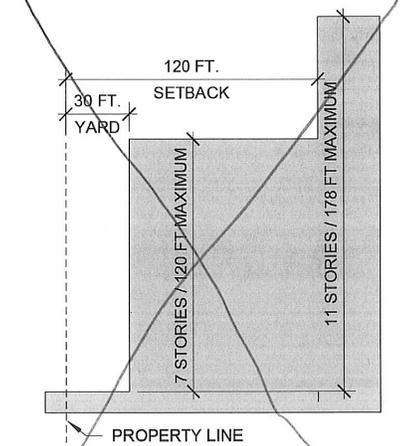
~~FIGURE 1
SECTION AT MT. VERNON AVENUE
AND BELLEVUE DRIVE~~



~~FIGURE 2
SECTION AT ROCKINGHAM STREET~~



~~FIGURE 3
SECTION AT SOUTH AVENUE~~



~~FIGURE 4
SECTION AT SOUTHERN PROPERTY
LINE EAST OF BELLEVUE DRIVE~~

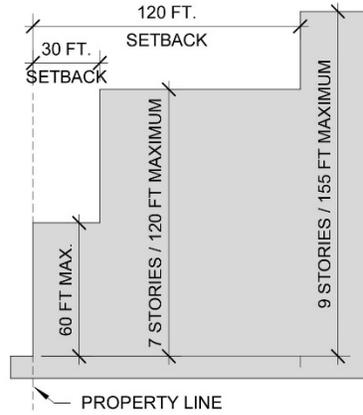


FIGURE 1
SECTION AT MT. VERNON AVENUE
NORTH

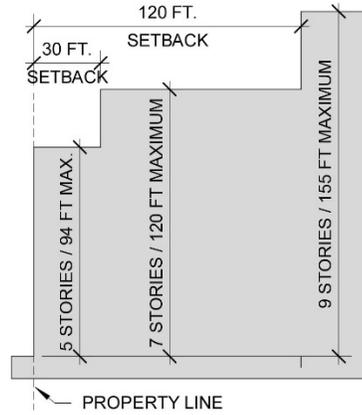


FIGURE 2
SECTION AT BELLEVUE DRIVE AND
MT. VERNON AVENUE - SOUTH

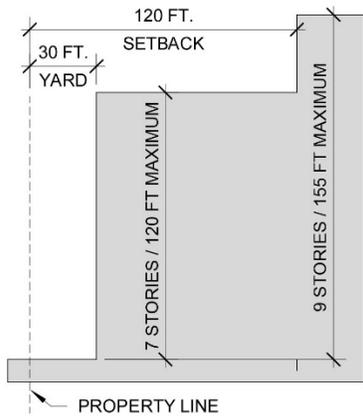


FIGURE 3
SECTION AT SOUTHERN PROPERTY
LINE EAST OF BELLEVUE DRIVE

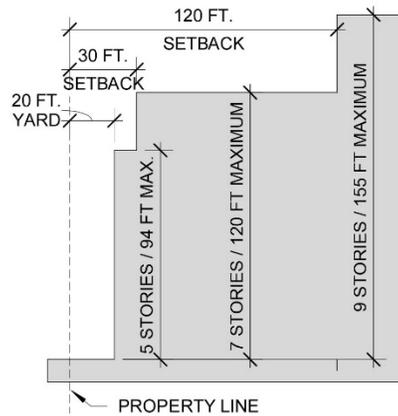


FIGURE 4
SECTION AT SOUTH AVENUE

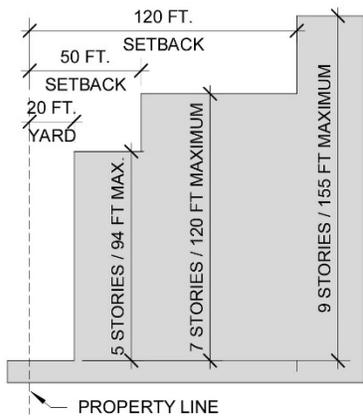


FIGURE 5
SECTION AT ROCKINGHAM STREET
WEST

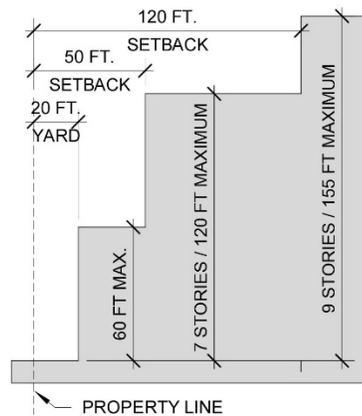


FIGURE 6
SECTION AT ROCKINGHAM STREET
EAST

Figures 1-6 add

TUESDAY, MARCH 19, 2019

- E. **Existing Buildings and Structures Permitted.** Notwithstanding any provisions of this Section or the Zoning Code to the contrary, all buildings and structures existing in the Highland Hospital PD as of the effective date of the adoption of PD #17 shall be deemed to be permitted and conforming with the requirements as outlined herein.
- F. **Off-Street Parking.** There are no minimum or maximum parking requirements in the Highland Hospital PD. All applications for incremental development in PD #17 shall be accompanied by a parking demand analysis or a parking study detailing the effect of the proposed incremental development on existing parking conditions, subject to its acceptance by the Manager of Zoning through the Site Plan Review process.
- G. **Design Requirements.** The Highland Hospital PD is subject to the applicable requirements set forth in Article XIX (City-Wide Design Guidelines and Standards) of the Zoning Code, except that:
- (1) The following Sections of the Zoning Code do not apply to the Highland Hospital PD:
 - a. Section 120-158(C) (Building Entrances).
 - b. Section 120-159(A) (Building Materials).
 - c. Section 120-159(B) (Windows and Transparency).
 - (2) The exterior façade materials of buildings located in the Highland Hospital PD shall include materials that are consistent or compatible with the existing materials on the Campus, including:
 - a. Brick Masonry.
 - b. Cast-in-place or precast concrete panels that are smooth, lightly textured, or patterned.
 - c. Materials with a uniform cut stone appearance, fine to medium-grained.
 - d. Glass.
 - e. Metal wall panels, doors, and window framing.
 - f. Aluminum storefront and curtain wall systems.
 - g. Fiber cement.
 - h. Exterior Insulation Finish System (EIFS), only on façades above 3 stories or the underside of canopies, building overhangs, or other horizontal projections.
 - i. Ceramic and porcelain wall tile that is smooth, lightly textured, or patterned.
 - (3) Windows and transparency.
 - a. All windows shall be clear or lightly tinted.
 - b. Building facades that are within 30 feet of a street frontage shall provide areas of transparency of at least 20% of the overall facade.
 - c. Building facades that are between 30 feet and 60 feet away from a street right-of-way shall provide areas of transparency of at least 10% of the overall facade.
 - d. The percentage of transparency required on building facades may be reduced to no less than 10% of the overall façade area provided landscaping improvements consisting of one tree, of at least a two-inch caliper, for every 20 feet of street frontage is installed in the required setback area.
 - e. The Manager of Zoning may waive the transparency requirements of this Section through the Site Plan Review process based on a determination that the proposed development is in substantial compliance with the overall intent and purpose.
- H. **Additional Requirements.**
- (1) This planned development is subject to the requirements set forth in Article XVII of the Zoning Code regarding planned development districts.
 - (2) New development in PD #17 is subject to the following requirements set forth in Article XX (Requirements Applying to All Districts) of the Zoning Code, except where noted herein:

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- a. Section 120-162(A). Purpose.
 - b. Section 120-164. Air quality.
 - c. Sections 120-165(B)(1)-(4). Dumpsters. Dumpsters, loading areas, and refuse storage areas shall be maintained in a neat and orderly appearance and shall be reasonably screened from public view. Screening may include painting, landscaping, fencing, and/or hardscape improvements, or any combination of the foregoing.
 - d. Section 120-170. Lighting.
 - e. Section 120-178. Site Grading.
- (3) Development and redevelopment in PD #17 is subject to Article XXII (Procedures), of the Zoning Code, Section 120-191A Administrative Adjustments.
- (4) Development and redevelopment in PD#17 is subject to the requirements of Article XXIII, (Exceptions) of the Zoning Code relating to height and yards, except that rooftop equipment shall not be included in the calculation of building height. An elevator, stair or equipment penthouse located above the highest story of human occupancy shall not be considered a story, provided such penthouse does not exceed the applicable maximum building height in feet permitted under this Section.
- (5) Fences and walls. A ten-foot perimeter setback shall be required in conjunction with any fence or wall proposed along any street frontage, except a decorative fence or wall of no more than six feet in height in conjunction with landscaping may encroach in the required setback area.
- (6) Signs. Any new signage within the Highland Hospital PD will be subject to the Highland Hospital Sign Program attached at Exhibit B. All existing signs on the Campus are considered conforming and shall be maintained in good working order; the sign faces may be replaced in kind (size and location).
- (7) Personal wireless telecommunications facilities (PWTF). Personal wireless telecommunications facilities shall be permitted in PD #17 pursuant to Section 120-143 of the Zoning Code and in accordance with the following:
- a. Antennas on buildings. Antennas are permitted on all buildings which are four stories or greater in height, provided that the antennas and related support structures do not extend more than 20 feet above the roofline.
 - b. Telecommunication towers. New telecommunications towers shall not be permitted.

Exhibit A add

2010001 REVISION 10

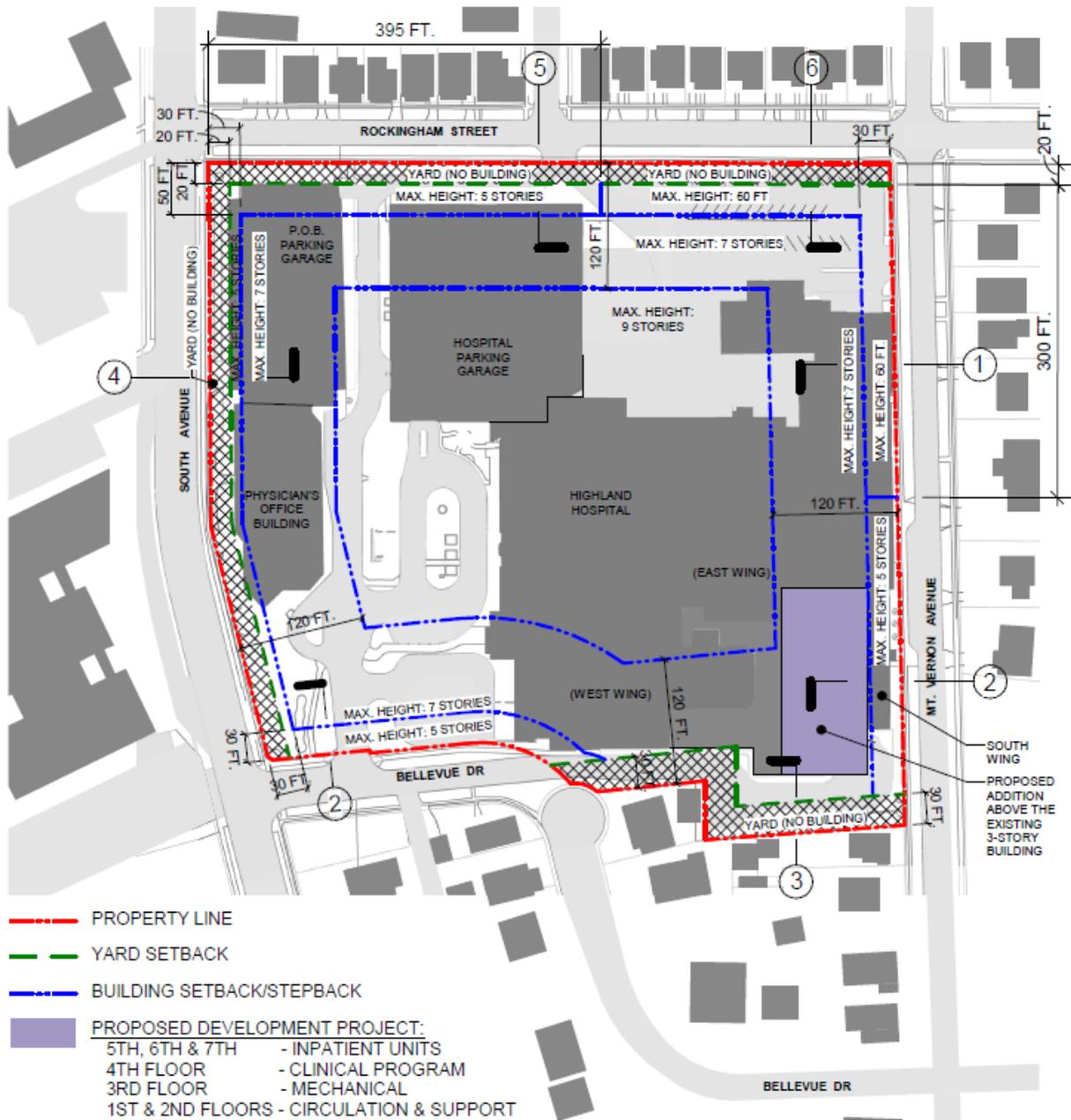


Exhibit B – Highland Hospital Sign Program

- A. Purpose. Hospital and Campus signs in PD #17 are intended to maximize wayfinding and to encourage a quality of design that compliments the building façade and their accent materials, as well as the range of materials and textures found throughout the district. The height, size, location and appearance of signs are regulated to:
1. Protect and enhance the district and neighborhood character;
 2. Encourage sound sign practices by promoting visibility at a scale and appearance that is appropriate for staff and visitors;
 3. Provide clear and concise signage to safely and efficiently guide motorists and pedestrians to their destination; and
 4. Prevent excessive sign clutter and confusing, distracting sign displays.
- B. Allowed signs. The following signs are allowed anywhere in PD #17 without a certificate of zoning compliance provided they fall within any given threshold. Where the thresholds are exceeded, a certificate of zoning compliance will be required.
1. Address signs, decorative flags, signs and banners;
 2. Window signs, logos, graphics painted on or adhered to the glass;
 3. Temporary banners, no larger than 20 square feet in area, displayed no longer than 60 days, indicating special events such as new services offered;
 4. Replacement of "Highland Hospital" and "University of Rochester" branding signs, banners and logos throughout the district;
 5. Seasonal and holiday decorations;
 6. Memorial or historic plaques, markers, monuments or tablets, and the like;
 7. Murals;
 8. Permanent bulletin boards;
 9. Traffic control, safety, parking, no trespassing, informational or directional signs and similar signs; and
 10. Construction, renovation or leasing signs not to exceed 32 square feet in size, erected by a contractor, engineer, architect, real estate or leasing agent and removed at the termination of the portion of the project or activity.
- C. Design Standards.
1. All signs shall be professionally designed and manufactured;
 2. Internal and external illumination is permitted; and
 3. Accent lighting that is complimentary to the use and building architecture is permitted.
- D. Permitted permanent signs. The following signs are permitted anywhere in PD #17 subject to the following requirements. Where the thresholds are exceeded, administrative adjustment approval shall be required.
1. "Highland Hospital and "University of Rochester" branding signs are permitted throughout PD #17; illumination is permitted.
 2. Kiosks and directory signs are permitted throughout the district and may include interchangeable panels for on-site services or events.
 3. Attached signs, not exceeding 2 square feet in area for every foot of building frontage.
 4. The following signs are permitted, subject to Administrative Adjustment as outlined in Section 120-191(A) of the Zoning Code:
Electronic reader boards, monitors or message centers such that they relate through their design, size and height to pedestrians; conform to the surrounding character; do not materially obscure architectural features or details of buildings, structures or important view sheds; and do not promote driver distraction.
- E. Prohibited signs.
1. Advertising and Rooftop signs.
 2. No sign shall be attached or affixed to light poles, except for decorative banners; trash receptacles; utility poles; street furniture; rocks, ledges, retaining walls or other natural features.
 3. No pennants, ribbons, streamers, sheets, spinners or moving devices.
- F. Maintenance of signs.

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1. Every sign shall at all times be maintained in a safe and structurally sound condition. Signs that do not comply with adequate safety standards shall be removed at the property owner's expense.
2. Signs must be regularly maintained, including the replacement of worn parts, painting and cleaning.
3. The full number of illuminating elements of a sign shall be kept in working condition or immediately repaired or replaced.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

Councilmember Patterson moved to discharge Int. No. 59 from committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted unanimously.

Ordinance No. 2019-56

(Int. No. 59)

Amending the Zoning Map by changing the zoning classification of 990-1000 South Avenue to Planned Development District No. 17 — Highland Hospital

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 classification of the following property from Institutional Planned Development #8 — Highland Hospital to Planned Development District No. 17 — Highland Hospital:

Address	SBL #
990-1000 South Avenue	136.24-1-1.001

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. 2019-57

Re: Thurston Chili Project Property Tax Exemption and Payment In Lieu of Taxes Agreement

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to Thurston Chili Affordable Housing Project being undertaken by Home Leasing, LLC (Nelson Leenhouts, Principal), located at 447 Thurston Road and 967 Chili Avenue in the 19th Ward neighborhood.

This legislation will:

1. Authorize property tax exemption and payment in lieu of taxes agreements for the Thurston Chili project, which will provide a 30-year exemption for an annual in lieu of payment equal to 10% of the project shelter rents (gross rents minus utility costs), which was recommended for approval by the PILOT Review Committee on February 7, 2019.
2. Authorize the Mayor to execute such agreement and other documents as may be necessary to effectuate the agreement authorized herein.

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The renovation of 447 Thurston Road and 963-971 Chili Avenue includes 63 units, 10 studios and 53 one bedrooms ranging between 240-530 square feet. The buildings are currently unregulated. This project will ensure their continued affordability for households with incomes ranging from 40% of AMI to 60% of AMI. In addition, Rents range from \$477-\$832 including utilities. Twenty (20) of the 63 units will be set aside for permanent supportive housing for individuals who were formerly incarcerated and who may have been homeless and/or had a history of substance abuse. In partnership with Spiritus Christi Prison Outreach, SCPO has received an Empire State Supportive Housing Initiative, ESSHI award to provide rental subsidy and support services for the 20 households.

The project scope includes a complete rehabilitation of the buildings, including asbestos abatement, new roofs, new mechanical systems, appliances, security system, kitchens, baths, and finishes. The project will include a complicated relocation and rehabilitation. Home Leasing is developing a temporary relocation plan that will be approved locally and by New York State Homes and Community Renewal (HCR) to provide financial and logistical assistance in the temporary relocation of existing tenants.

The project will receive funding from NYS HCR in the form of a grant for and construction and permanent financing from Community Preservation Corporation.

Home Leasing has been working with tenant advocates and the Thurston Road Tenant Association. They began managing the property on February 1st and intend to take ownership on March 1st.

The sources and uses for the project are summarized below:

<u>Uses</u>		<u>Permanent Sources</u>	
Land Acquisition	\$ 1,400,000	Conventional Loan	\$ 1,450,000
Soft Costs	\$ 1,111,055	9% LIHTC	\$ 0
Hard Costs	\$ 6,111,000	NYS HCR	\$ 8,746,761
Contingency	\$ 611,000	Deferred Developer Fee	\$ 0
Development Fee	\$ 500,000	City of Rochester	\$ 0
Reserves	\$ 179,206		
Working Capital	\$ 284,500	TOTAL	\$ 10,196,761
TOTAL	\$ 10,196,761		

The project is anticipated to begin construction in April 2019 and be completed in December 2019. It will fulfill an obligation of 30% M/WBE contracts (for City and State funds) and workforce goals for the project are 6.9% women and 20% minorities. It is anticipated that the project will create 50 construction jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-33

Ordinance No. 2019-57
(Int. No. 60)

Authorizing payments in lieu of taxes agreement for the Thurston Chili 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 payments in lieu of taxes agreement ("PILOT agreement") for the Thurston Chili Affordable Housing Project located at 447 Thurston Road and at 963-971 Chili Avenue (the "Project") with Home Leasing, LLC and/or an affiliated partnership or housing development fund corporation formed for the Project. The PILOT agreement shall provide that the Project will be entitled to a real property tax exemption for up to 30 years, provided that the Project remains in use as affordable rental housing and provided that there are annual payments in lieu of taxes made 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.

Section 2. The PILOT agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate. The Mayor is hereby authorized to execute such other agreements and documents as may be necessary to effectuate the PILOT agreement authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TUESDAY, MARCH 19, 2019

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-58
Re: Union Square Project

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the Union Square Project, a mixed income rental community with commercial and retail space being undertaken by Home Leasing, LLC at 275 East Avenue, a recently created lot resulting from the Inner Loop East Project in the Center City. This legislation will:

1. Authorize the sale of 275 East Avenue and the adjoining former right of way (a portion of Pitkin Street) for their appraised values of \$340,000 and \$20,000, respectively, to Home Leasing, or a housing development fund corporation to be formed for the project.
2. Authorize property tax exemptions and payment in lieu of taxes (PILOT) agreements for the Union Square project, which will provide a 30-year exemption for an annual PILOT equal to 10% of the project shelter rents (effective gross income from the residential operations minus utilities), as recommended for approval by the PILOT Review Committee on February 7, 2019.

The property at 275 East Avenue, to be known as Union Square, is also identified as Inner Loop East Site 3. As part of the City's efforts to reintegrate the neighborhoods previously separated by the eight-lane highway on the eastern portion of the Inner Loop, a request for proposals for the purchase and redevelopment of this parcel was issued by the City of Rochester. Proposals were evaluated by staff from the Department of Neighborhood and Business Development (NBD), Department of Environmental Services (DES), Bureau of Assessment, and Law Department, as well as the City Council Chief of Staff. The developer was recommended based on the proposed development program and its financial strength.

Home Leasing, LLC (Nelson Leenhouts, Chairman and CEO), along with its partner Trillium Health (Andrea DeMeo, President & CEO), proposes to construct and create an inclusive and diverse mixed income community attractive to young professionals, empty nesters, and active seniors that will be affordable to a wide range of incomes in center city Rochester. The partners are dedicated to creating a LGBTQ affirming-environment that includes access to center city amenities to all members of the community.

Union Square involves the creation of 70 new rental units intended for mixed-income households, with 29% of the units (20) set aside for supportive housing with a rental subsidy that will ensure that the units are affordable to households with incomes at or below 30% of the Area Median Income (AMI). Additionally, 38% of the units (27) will be targeted to households with incomes at or below 60% of (AMI), 10% percent of the units (7) targeted to households with incomes of up to 90% of AMI, and 23% of the units (16) targeted to households with incomes of up to 120% AMI. The 20 units set aside for supportive housing will be for formerly homeless persons living with HIV/AIDS (10), or frail/elderly households (10). Trillium Health has already been awarded funding for rental assistance and supportive housing services for these formerly homeless households, which are anticipated to have incomes at or below 30% AMI.

The development includes the construction of a single four-story, approximately 76,000 square foot building fronting East Avenue, Union Street and Broad Street, along with a 20 space surface parking lot at the rear of the site access from the former-right-of-way. (A current submission from DES relating to the abandonment of the right-of-way is also before City Council in March.)

The first floor includes 4 two-bedroom walk-up units, a lobby area with mailboxes, community space, fitness room, and bicycle storage for tenants, an on-site property management office and mechanical room. The first floor also incorporates commercial spaces: a pharmacy to be run by Trillium Health with related offices, a restaurant space along East Avenue, a small commercial/retail space and a central pedestrian accessible walk-way allowing for mid-block foot traffic. Floors 2, 3 and 4 will be comprised of the other 66 apartment units in this residential community, and include 54 one-bedroom apartments and 12 two-bedroom apartments.

Central elevator access will be provided for upper level apartments. Additional project amenities include patios and balconies, a third floor lounge, a rooftop terrace, and bulk storage incorporated into the units. All utilities will be paid by the owner and are readily available on site. This \$19.6 million project will utilize the following New York State funding sources: Tax Exempt Bonds, Supportive Housing Opportunity Program, New Construction Program, Middle Income Housing Program, Commercial Investment Funds, Energy Research and Development Authority (NYSERDA), deferred developer fee and limited partner equity. The City of Rochester will not be lending funds to the project.

Union Square will be the fourth development undertaken by Home Leasing, in this area in recent years, and the addition of this rental community will further expand the range of housing options for households at various income ranges in the Center City. The project will take further advantage of the unique opportunity to contribute toward the reshaping of the city's center, promoting increased vibrancy in the neighborhood, community wellness, public safety, beautification and the realization of other community initiatives underway in the area such as the Rochester-Monroe Anti-Poverty Initiative, or R-MAPI.

The funding sources and uses for the project are summarized below:

<u>Uses</u>		<u>Permanent Sources</u>	
Land Acquisition	\$ 360,000	Tax Exempt Bonds	\$ 4,510,000
Soft Costs	3,103,232	NYS SHOP	3,000,000
Res. Hard Costs	12,447,924	NYS NCP/SHOP	2,565,000
Comm. Hard Costs	489,440	NYS MIHP	2,185,000
Contingency	560,647,271	NYS Commercial Invest Fund	1,500,000
Working Cap & Reserves	295,104	NYSERDA	59,600
Development Fee	2,359,164	Deferred Developer Fee	1,248,461
TOTAL	\$ 19,615,511	Limited Partner Equity	4,547,451
		TOTAL	\$ 19,615,511

The project is anticipated to begin construction in October 2019 and be completed in the summer of 2020. It will fulfill an obligation of 30% M/WBE contracts for State funds, and workforce goals of 6.9% women and 20% minorities. It is anticipated that the project will create 100 construction jobs and three permanent jobs.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-34

Ordinance No. 2019-58
 (Int. No. 61)

Authorizing the sale of real estate and a payments in lieu of taxes agreement for the Union Square Project

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

Section 1. The Council hereby approves the negotiated sale with proposal of the following parcels to Home Leasing, LLC and/or an affiliated partnership or housing development fund corporation formed for the Project (collectively, the "Developer") in order to develop the Union Square Project comprised of a mixed income residential rental community with commercial and retail space (the "Project"):

Address	S.B.L.#	LotSize	Price
275 East Avenue	121.25-2-43.1	0.68 acre	\$340,000
Portion of Pitkin St.	to be determined	0.186 acre	\$ 20,000

The second listed parcel consists of a portion of the Pitkin Street right-of-way that adjoins the first parcel and is to be abandoned as right-of-way in separate legislation.

Section 2. 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 3. The Mayor is hereby authorized to enter into a payments in lieu of taxes agreement ("PILOT agreement") for the Project with the Developer. The PILOT agreement shall provide that the Project will be entitled to a real property tax exemption for up to 30 years, provided that the Project remains in use as affordable rental housing and provided that there are annual payments in lieu of taxes made 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.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TUESDAY, MARCH 19, 2019

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2019-3

Re: Re-appointments to the City of Rochester Stationary Engineer/Refrigeration Operators Board

Transmitted herewith for your approval is legislation confirming the re-appointment of the current members of the City of Rochester Stationary Engineer/Refrigeration Operators Board. This Board has six members, one of whom is an ex-officio member from the City (Casmic Reid, Plans Examiner). Three members of the Board are serving in expired terms; two members' terms (Dodson and Wilson-Ladd) will expire in July 2019. We are requesting that all five members be appointed to new, three year terms which will expire on March 31, 2022. All members must be residents of Monroe County.

<u>Name</u>	<u>Address</u>	<u>Attendance (past 2 years)</u>
Walter Dodson	730 Ling Road, Apt. 7, Greece, NY 14612	24/24
Lillie Wilson-Ladd	99 Garson Avenue, Rochester, NY 14609	24/24
Michael Kaiser	794 Washington Street, Spencerport, NY 14559	18/24
William Perez	171 Pardee Road, Irondequoit, NY 14609	19/24
Guy Pientrantoni	99 Stony Point Road, Ogden, NY 14624	20/24

Resumes for all individuals are on file with the City Clerk.

Respectfully submitted,

Lovely A. Warren

Mayor

Resolution No. 2019-3

(Int. No. 62)

Resolution approving appointments to the Board of Examiners of Stationary Engineers and Refrigeration Operators

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

Section 1. The Council hereby approves the appointment of the following individuals to the Board of Examiners of Stationary Engineers and Refrigeration Operators, each for a term which shall expire on March 31, 2022:

Name	Address
Walter Dodson	730 Ling Road, Apt. 7, Greece, NY 14612
Lillie Wilson-Ladd	99 Garson Avenue, Rochester, NY 14609
Michael Kaiser	794 Washington Street, Spencerport, NY 14559
William Perez	171 Pardee Road, Irondequoit, NY 14609
Guy Pientrantoni	9 Stony Point Road, Ogden, NY 14624

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2019-4

Re: Appointments and Re-appointments to the City of Rochester Electrical Examining Board

Transmitted herewith for your approval is legislation confirming the appointment of three new members to the Electrical Examining Board and the re-appointment of three current members. This board has seven members, one of whom is an ex-officio member from the City (Rick Fornataro, City Electrical Inspector). The current members are all serving in expired terms. Therefore, each member will serve a new, three year term which will expire on March 31, 2022. All members must be residents of Monroe County.

Appointments of three new members:

<u>Name</u>	<u>Address</u>
David Dunwoody	388 N. Park Drive, Rochester, NY 14609
Kereem Berry	568 Wellington Avenue, Rochester, NY 14619
Jeffrey Kloc	950 Center Place, Greece, NY 14615

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Re-appointments of three current members:

<u>Name</u>	<u>Address</u>	<u>Attendance (past 2 years)</u>
Robert L. DeNoto, Jr.	855 Meadow Ridge Lane, Webster, NY 14580	18/20
Walter Parkes	4 Kerrygold Way, Pittsford, NY 14534	17/20
Dennis Schaut	51 Vayo Street, Irondequoit, NY 14609	20/20

Resumes for all individuals are on file with the City Clerk.

Respectfully submitted,
Lovely A. Warren
Mayor

Resolution No. 2019-4
(Int. No. 63)

Resolution approving appointments to the Electrical Examining Board

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

Section 1. The Council hereby approves the appointment of the following members to the Electrical Examining Board, each for a term that shall expire on March 31, 2022:

Name	Address
David Dunwoody	388 N. Park Drive, Rochester, NY 14609
Kereem Berry	568 Wellington Avenue, Rochester, NY 14619
Jeffrey Kloc	950 Center Place, Greece, NY 14615
Robert L. DeNoto, Jr.	855 Meadow Ridge Lane, Webster, NY 14580
Walter Parkes	4 Kerrygold Way, Pittsford, NY 14534
Dennis Schaut	51 Vayo Street, Irondequoit, NY 14609

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember Evans
March 19, 2019

To the Council:

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

Int. No. 64	Authorizing an agreement for the Joseph A. Floreano Rochester Riverside Convention Center Partition Wall Replacement project
Int. No. 65	Authorizing an agreement for the Emergency Communications Department Facility Improvements Project
Int. No. 66	Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,121,000 Bonds of said City to finance the costs of the Emergency Communications Department Facility Improvements project
Int. No. 67	Authorizing agreements for the Roc the Riverway initiative, <u>as amended</u>
Int. No. 70	Authorizing an agreement for water main valve box adjustments and replacements
Int. No. 71	Amending Ordinance No. 2019-28

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

- Int. No. 68 Amending the Official Map by abandoning a portion of Pitkin Street
- Int. No. 69 Amending the Official Map and authorizing the sale of real estate
- Int. No. 72 Authorizing pavement width changes related to the Strong Neighborhood of Play development project

Respectfully submitted,
 Malik Evans
 Mitch Gruber
 Elaine M. Spaul (Abstained on Int. No. 64 and Int. No. 67)
 Adam C. McFadden
 Loretta C. Scott
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2019-59
 Re: Agreement – Clark Patterson Engineers, Surveyor, Architects and Landscape Architect DPC Joseph A. Floreano Rochester Riverside Convention Center Partition Wall Replacements

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation related to Joseph A. Floreano Rochester Riverside Convention Center Partition Wall Replacements project. This legislation will establish \$150,000 as maximum compensation for a professional services agreement with Clark Patterson Engineers, Surveyor, Architects and Landscape Architect DPC (Todd Liebert, CEO) 205 St. Paul Street, Suite 500, Rochester NY 14604 for design and construction administration services.

The Joseph A. Floreano Rochester Riverside Convention Center Partition Wall Replacement project includes replacement of multiple operable partition walls and the associated track systems for these walls. The agreement will be funded by bonds issued in January 2018 (Ordinance No. 2018-8).

Clark Patterson Engineers, Surveyor, Architects and Landscape Architect DPC was selected for design services through a request for proposal process, which is described in the attached summary. The agreement shall extend until three (3) months after completion of a two (2) year guarantee inspection of the project.

Design phase services will begin in spring 2019 and construction beginning in summer 2020. The agreement will result in the creation and/or retention of the equivalent of 1.63 full-time jobs.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-35

Ordinance No. 2019-59
 (Int. No. 64)

Authorizing an agreement for the Joseph A. Floreano Rochester Riverside Convention Center Partition Wall Replacement 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 Clark Patterson Engineers, Surveyor, Architects and Landscape Architect DPC in the maximum amount of \$150,000 for design and construction administration services for the Joseph A. Floreano Rochester Riverside Convention Center Partition Wall Replacement project. Said amount shall be funded from bonds previously

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appropriated for this purpose in Ordinance No. 2018-8. The term of the agreement shall continue to 3 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 by the following vote:

Ayes: President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson -8.

Nays: None -0.

Councilmember Spaul abtained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-60

Ordinance No. 2019-61

Re: Agreement – Erdman, Anthony and Associates, Inc. - Emergency Communications Department Facility Improvements

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation related to Emergency Communications Department Facility Improvements. This legislation will:

1. Establish \$164,000 as maximum compensation for a professional services agreement with Erdman, Anthony and Associates, Inc. (Bruce Wallman, Principal Associate) 145 Culver Road, Suite 200, Rochester, NY 14620 for design and construction administration services. The cost of the agreement will be financed from bonds to be issued herein.
2. Authorize the issuance of bonds totaling \$1,121,000 and the appropriation of the proceeds thereof to finance the Project.

The Emergency Communications Department Facility Improvements project includes the replacement of cooling equipment, air handling unit, heat pumps, exhaust fans, mechanical loop pumps and drives, and upgrading the building management system. The project also includes refurbishment and upgrades for the 480 kW natural gas generator. The estimated total cost of the project is \$1,121,000.

Erdman, Anthony and Associates, Inc. was selected for design services through a request for proposal process, which is described in the attached summary. The agreement shall extend until three (3) months after completion of a two (2) year guarantee inspection of the project.

Design phase services will begin in spring 2019 with scheduled completion in fall 2019. Construction will be completed in fall 2020. The project will result in the creation and/or retention of the equivalent of 12.2 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-36

Ordinance No. 2019-60
(Int. No. 65)

Authorizing an agreement for the Emergency Communications Department Facility Improvements 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 Erdman, Anthony and Associates, Inc. for design and construction administration services for the Emergency Communications Department Facility Improvements Project. The maximum compensation for the agreement shall be \$164,000 and that amount, or so much of thereof as is necessary, shall be funded from the proceeds of bonds to be authorized and appropriated for the Project. The term of the agreement shall continue to 3 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 appropriate.

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Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2019-61
(Int. No. 66)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,121,000 Bonds of said City to finance the costs of the Emergency Communications Department Facility Improvements 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 the costs of design and construction administration services for the Emergency Communications Department Facility improvements which include the costs of the replacement of cooling equipment, air handling unit, heat pumps, exhaust fans, mechanical loop pumps and drives, upgrading the building management system and refurbishment and upgrades for the 480 kW natural gas generator at the Emergency Communications Department Facility (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 \$1,121,000. The plan of financing includes the issuance of \$1,121,000 bonds of the City to finance this 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 \$1,121,000 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 \$1,121,000. 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. 13. of the Law, is ten (10) 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.

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Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-62
Re: Agreements – Roc the Riverway

Council Priority: Jobs and Economic Development and Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Roc the Riverway initiative. This legislation will authorize the Mayor to enter into agreements with Empire State Development, the New York State Department of State, and the New York State Department of Transportation, as necessary, to participate in and administer the projects.

The Roc the Riverway initiative is a bold and progressive plan to revitalize the City’s Genesee Riverfront. It represents years of planning and community engagement involving many riverfront projects, culminating in a cohesive vision for improving our City’s most important natural asset. In February 2018, Governor Cuomo announced an initial commitment of \$50,000,000 to implement the first phase of this vision and, in August 2018, the Governor announced which projects would be part of this initial commitment. The following projects were awarded funding through the Upstate Revitalization Initiative (URI) and will be administered by these three state agencies: Empire State Development (ESD), the New York State Department of State (NYSDOS), and the New York State Department of Transportation (NYSDOT).

<u>Project Name</u>	<u>State Agency</u>	<u>URI Funding</u>	<u>Total Cost</u>
Blue Cross Arena	ESD	\$6,000,000	\$6,000,000
High Falls Overlook Feasibility Study	ESD	\$150,000	\$150,000
Riverside Convention Center	ESD	\$5,000,000	\$10,000,000
Rundel Library North Terrace	ESD	\$1,500,000	\$7,800,000
Front Street Promenade	NYSDOS	\$1,250,000	\$1,250,000
Genesee Gateway Park	NYSDOS	\$2,000,000	\$3,900,000
Riverway Main to Andrews East-West	NYSDOS	\$16,000,000	\$21,000,000
Riverway Main to Andrews West-East	NYSDOS	\$4,000,000	\$6,650,000
Aqueduct Re-Imagined	NYSDOT	\$4,500,000	\$4,500,000
Brewery Line Trail South	NYSDOT	\$500,000	\$1,075,000
Pont de Rennes Bridge	NYSDOT	\$4,000,000	\$8,925,000
Roc City Skate Park	NYSDOT	\$1,000,000	\$1,650,000
Running Track Bridge	NYSDOT	\$500,000	\$500,000
St Paul Street Underpass	NYSDOT	\$350,000	\$350,000

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-37

Ordinance No. 2019-62
(Int. No. 67, as amended)

Authorizing agreements for the Roc the Riverway initiative

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

Section 1. The Mayor is hereby authorized to enter into agreements with Empire State Development (ESD), the New York State Department of State (NYSDOS), and the New York State Department of Transportation (NYSDOT) to participate in, administer and fund the following Roc the Riverway initiative projects that were awarded funding through the Upstate Revitalization Initiative (URI):

Project Name	State Agency	URI Funding	Total Cost
Blue Cross Arena	ESD	\$6,000,000	\$6,000,000
High Falls Overlook Feasibility Study	ESD	\$150,000	\$150,000
Riverside Convention Center	ESD	\$5,000,000	\$10,000,000
Rundel Library North Terrace	ESD	\$1,500,000	\$7,800,000
Front Street Promenade	NYSDOS	\$1,250,000	\$1,250,000

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Genesee Gateway Park	NYSDOS	\$2,000,000	\$3,900,000
Riverway Main to Andrews East West	NYSDOS	\$16,000,000	\$21,000,000
Riverway Main to Andrews West <u>East</u>	NYSDOS	\$4,000,000	\$6,650,000
Aqueduct Re-Imagined	NYSDOT	\$4,500,000	\$4,500,000
Brewery Line Trail South	NYSDOT	\$500,000	\$1,075,000
Pont de Rennes Bridge	NYSDOT	\$4,000,000	\$8,925,000
Roc City Skate Park	NYSDOT	\$1,000,000	\$1,650,000
Running Track Bridge	NYSDOT	\$500,000	\$500,000
St Paul Street Underpass	NYSDOT	\$350,000	\$350,000

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

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

Ayes: President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson -8.

Nays: None -0.

Councilmember Spaul abtained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-63

Re: Official Map Amendment – Abandonment of a Portion of Pitkin Street

Transmitted herewith for your approval is legislation amending the Official Map by abandoning a portion of Pitkin Street. The abandonment was referred to the necessary agencies for comment.

Abandonment of right-of-way to private parcel will provide for construction of off street parking, and access for fire equipment and abutting property owner.

The fee portions of Pitkin Street were appraised by independent real estate appraiser, Kevin Bruckner, as of August, 2018. The appraised value of these parcels is \$20,000. This ordinance will authorize the sale to the applicant, Home Leasing LLC (Nelson Leenhouts, Chairman and CEO) or a housing development fund corporation to be formed for the project for that amount.

The City Planning Commission, in its February 11, 2019 meeting recommended approval of this abandonment by a vote of 6-0-0. Minutes of that meeting, along with the application, are attached.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal is a Type II Action requiring no further environmental review.

A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-38

Ordinance No. 2019-63
(Int. No. 68)

TUESDAY, MARCH 19, 2019

Amending the Official Map by abandoning a portion of Pitkin Street

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

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by changing and deleting therefrom the following described property, heretofore dedicated to street purposes and constituting a portion of Pitkin Street:

**Legal Description of a Portion of Pitkin Street
to be Abandoned**

Parcel 3

All that tract of parcel of land, situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows: Beginning at the southwesterly corner of Tax Map Parcel 121.25-2-43.1, and as described in the deed filed in Monroe County Clerk's Office at Liber 11757 of Deeds, Page 395; thence

- 1) N 68° 01' 45" W through the lands now or formerly owned by New York State interstate 490 Inner Loop, a distance of 8.02 feet to an angle point; thence
- 2) N 21° 19' 45" E continuing through the lands now or formerly owned by New York State interstate 490 Inner Loop, a distance of 11.81 feet to angle point; thence
- 3) S 77° 43' 08" W continuing through the lands now or formerly owned by New York State interstate 490 Inner Loop, a distance of 0.72 feet to angle point; thence
- 4) N 12° 16' 52" W continuing through the lands now or formerly owned by New York State interstate 490 Inner Loop, a distance of 30.19 feet to a point on the westerly ROW of Pitkin Street; thence
- 5) N 20° 49' 02" E along said westerly ROW of Pitkin Street, a distance of 154.89 feet to a point; thence
- 6) N 23° 35' 17" E continuing along said westerly ROW of Pitkin Street, a distance of 81.84 feet to a point; thence
- 7) N 18° 11' 12" E continuing along said westerly ROW of Pitkin Street, a distance of 67.19 feet to the point of intersection of the southerly ROW of East Avenue and the westerly ROW of Pitkin Street; thence
- 8) S 73° 54' 19" E through the lands now or formerly owned by New York State interstate 490 Inner Loop, a distance of 24.21 feet to the point of intersection of the southerly ROW of East Avenue and the easterly ROW of Pitkin Street; thence
- 9) S 20° 49' 02" W along said easterly ROW of Pitkin Street, a distance of 342.67 feet to the Point of Beginning.

Hereby intending to describe a parcel of land containing 0.179 more or less acres of land, dedicated as Pitkin Street per Ordinance no. 2018-132, all as shown on a map entitled "Portion of Pitkin Street Right of Way to be Abandoned", dated August 9, 2018, as prepared by Passero Associates.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-64

Re: Official Map Amendment – Abandonment of Amity Alley, and Sale of Real Estate

Transmitted herewith for your approval is legislation amending the Official Map by Abandoning Amity Alley. The abandonment was referred to the necessary agencies for comment.

Abutting property owner, Tim Tompkins, 107-115 Liberty Pole Way LLC, has applied to the City of Rochester to abandon Amity Alley and combine the property to existing parking area.

The fee portions of Amity Alley were appraised by independent real estate appraiser, Kevin Bruckner, as of September 2018. The appraised value of these parcels is \$1,100.00. This ordinance will authorize the sale to the applicant, 102-110 Franklin, LLC for that amount.

The City Planning Commission, in its January 14, 2019 meeting recommended approval of this abandonment by a vote of 6-0-0. Minutes of that meeting, along with the application, are attached.

TUESDAY, MARCH 19, 2019

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal is a Type II Action requiring no further environmental review.

A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-39

Ordinance No. 2019-64
(Int. No. 69)

Amending the Official Map and authorizing the sale of real estate

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

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by changing and deleting therefrom the following described property, heretofore dedicated to street purposes and constituting Amity Alley: a ten foot wide right-of-way, starting at Pleasant Street and extending to its northernmost terminus.

Section 2. The Council hereby approves the negotiated sale of the former Amity Alley right-of-way abandoned in Section 1 to the abutting property owner, 102-110 Franklin LLC, to combine the property with an existing parking area. The sale price shall be \$1,100.

Section 3. City taxes and other City charges, except water charges, against said property 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 property 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. 2019-65
Re: Agreement – New York State Department of Transportation Lake Avenue (Lyell Avenue – Parkdale Terrace) -Water System Work

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of Transportation (NYSDOT) to include water main valve box adjustments/replacements as part of their Lake Avenue (Lyell Avenue to Parkdale Terrace) asphalt resurfacing project.

Over 60 water valve boxes are impacted by the project and will require either adjustment or replacement. This authorization will allow NYSDOT to perform the necessary work. This work will be performed at no cost to the City. The City agrees to maintain the water facilities that are adjusted or replaced as part of this project.

This legislation also authorizes the Mayor to sign all documents that may be necessary as a result of this project as it relates to the water system improvements.

Construction will be performed by the NYSDOT's contractor and is expected to take place during 2019. Design, inspection and RPR will be provided by the NYSDOT.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-65
(Int. No. 70)

Authorizing an agreement for water main valve box adjustments and replacements

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

TUESDAY, MARCH 19, 2019

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Transportation (NYSDOT) to incorporate water main valve box adjustments/replacements as part of NYSDOT's Lake Avenue from Lyell Avenue to Parkdale Terrace asphalt resurfacing project (the Project).

Section 2. The Mayor is hereby authorized to execute such other documents as may be necessary to effectuate the agreement authorized herein and the City agrees to maintain the water facilities that are adjusted or replaced under the agreement.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-66
Re: Technical Amendment to Ordinance No.2019-28

Transmitted herewith for your approval is legislation amending Ordinance No. 2019-28, to make technical amendments to the properties' legal descriptions to accurately amend the Official Map.

This legislation needs to be considered concurrently with this month's item amending Ordinance No. 2018-289 for the 52 Broadway Development Project.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-67
(Int. No. 71)

Amending Ordinance No. 2019-28

Section 1. Ordinance No. 2019-28, Amending the Official Map, is hereby amended to read in its entirety as follows:

Amending the Official Map

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

Section 1. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by changing and deleting therefrom the following parcel heretofore dedicated to street purposes:

**~~PROPOSED REVERSE APPROPRIATION~~ ABANDONMENT OF A SECTION
OF EAST BROAD STREET. TO THE INN ON BROADWAY**

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Rochester, County of Monroe and State of New York being known and described as part of lots 35 & 36 of the Triangular Tract, also being an existing piece of land of the Right of Way of East Broad Street and more particularly bounded and described as follows:

Beginning at the point of intersection of the northerly bounds of East Broad Street (right of way varies) and the westerly bounds of Ajax Alley (right of way 15' wide), Said point also being the southeast corner of Tax Parcel No. 121.25-02-36; thence

1) S21°22'35"W , a distance of 11.16 feet to a point of curvature; thence

2) Continuing along a curve to the right having a radius of 5.00 feet, an arc length of 5.67 feet and delta angle of 65°00'50" to a point of tangency; thence

3) S 86°23'27"W, a distance of 38.94 feet to a point of curvature; thence

4) Continuing along a curve to the right having a radius of 11.60 feet, an arc length of 11.41 feet and delta angle of $56^{\circ}20'20''$ to a point of reverse curvature; thence

5) Continuing along a curve to the left having a radius of 382.74 feet, an arc length of 8.85 feet and delta angle of $01^{\circ}19'27''$ to a point on the said existing northerly bounds of East Broad Street; thence

6) $N85^{\circ}32'00''E$, along the said existing northerly bounds of East Broad Street a distance of 60.52 feet to the point and place of beginning, representing a parcel which contains 0.016 acres more or less.

Section 2. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by dedicating the following 9 City-owned parcels as public right-of-way, as more particularly described below and as depicted in maps on file with the City Clerk.

LEGAL DESCRIPTION OF PROPOSED LANDS TO BE DEDICATED AS EAST BROAD STREET
407 EAST BROAD STREET
T.A. #121.33-1-1
(Map 6 Parcel 12)

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows: Beginning at a point in the southerly ROW line of East Broad Street (ROW Varies) with the easterly ROW line of Manhattan Square Drive (45' ROW); said intersection being the Point or Place of Beginning; thence

- 1) North $21^{\circ}52'44''$ East, along the southerly ROW line of East Broad Street, a distance of 19.34 feet to a point; thence
- 2) North $77^{\circ}43'41''$ East, continuing along the southerly ROW line of East Broad Street, a distance of 53.70 feet to a point; thence
- 3) North $86^{\circ}06'59''$ East, continuing along the southerly ROW line of East Broad Street, a distance of 109.69 feet to a point on the division line between the property of now or form The City of Rochester (T.A. #121.33-1-1) on the north and the property of now or formerly Southeast Loop Area Three B Part IA Houses, Inc. (T.A. #121.33-1-3) on the south; thence
- 4) South $77^{\circ}43'41''$ West, along the last mentioned division line a distance of 173.07 feet to the Point or Place of Beginning

Hereby intending to describe a parcel of land containing 1814 square feet more or less, all as shown as parcel P12 on a map entitled "Map of Fee Acquisition" - East Broad Street – Manhattan Square Drive Intersection", prepared by Fisher Associates and dated July 08, 2010.

LEGAL DESCRIPTION OF PROPOSED LAND TO BE DEDICATED AS MANHATTAN SQUARE DRIVE
55 MANHATTAN SQUARE DRIVE
T.A.#121.33-1-3.002
(Map 6 Parcel 13)

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York and being more particular bounded and described as follows: Beginning at a point in the southerly ROW line of East Broad Street (ROW Varies) with the easterly ROW line of Manhattan-Square Drive (45' Wide) said point also being the division line between the property of now or formerly The City of Rochester (T.A. #121.33-1-1) on the north and the property of now or formerly South Loop Area Three B Part IA Houses, Inc. on the south; said intersection being the Point or Place of Beginning; thence

- 1) North $77^{\circ}43'41''$ East, along the last mentioned division line, a distance of 57.80 feet to a point; thence
- 2) South $65^{\circ}42'36''$ West, through lands at No. 463 East Broad Street a distance of 11.89 feet to a point at the ~~corner~~ corner of an existing face of a building; thence

- 3) South 21°18'39" West, through lands at No. 463 East Broad Street and along the existing face of building a distance of 135.70 feet to a point; thence
- 4) North 68°41'21" West, through lands at No. 463 East Broad Street a distance of 2.57 feet to the easterly ROW line of Manhattan Square Drive; thence
- 5) North 21°19'31" East, along the easterly ROW line of Manhattan Square Drive a distance of 17.58 feet to a point of curvature; thence
- 6) Northerly along the easterly ROW line of Manhattan Square Drive, on a curve to left having a radius of 127.50 feet through a central angle of 33°35'50", a distance of 74.76 feet to a point of tangency; thence
- 7) North 20°16'19" West, along the easterly ROW line of Manhattan Square Drive a distance of 28.91 feet to the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 2015 square feet, more or less, all as shown as parcel P13 on a map entitled "Map of Fee Acquisition - East Broad Street-Manhattan Square Drive Intersection", prepared by Fisher Associates and dated July 08, 2010.

LEGAL DESCRIPTION OF PROPOSED LANDS TO BE DEDICATED AS CHESTNUT STREET

121 CHESTNUT STREET

T.A. #121.32-2-2.002

(Map 3 Parcel 6)

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, and being more particularly bounded and described as follows: Beginning at a point in the southerly ROW line of East Broad Street (80' ROW) with the westerly ROW line of Chestnut Street (66' ROW); said intersection being the Point or Place of Beginning; thence

- 1) South 02°35'35" East, along the westerly ROW line of Chestnut Street, a distance of 124.52 feet to a point; thence
- 2) North 15°43'47" West, through lands at No. 131 Chestnut Street, a distance of 22.00 feet to a point; thence
- 3) North 02°35'35" West, through lands at No. 131 Chestnut Street and parallel with Chestnut Street, a distance of 90.00 feet to a point; thence
- 4) North 35°50'49" West, through lands at No. 131 Chestnut Street, a distance of 15.50 feet to the ~~south~~ southerly ROW line of East Broad Street; thence
- 5) North 86°51'31" East, along the south ROW line of East Broad Street, a distance of 13.50 feet to the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 624 square feet more or less, all as shown as parcel P6 on a map entitled "Map of Fee Acquisition/Temporary Easement to be Acquired – East Broad Street – Chestnut Street Intersection", prepared by Fisher Associates and dated July 08, 2010

LEGAL DESCRIPTION OF PROPOSED LANDS TO BE DEDICATED AS CHESTNUT STREET

90 CHESTNUT STREET

T.A. #121.24-2-25.002

(Map 3 Parcel 7)

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, and being more ~~particularly~~ particularly bounded and described as follows: Beginning at a point in the southerly ROW line of East Broad Street (80' ROW) with the easterly ROW line of Chestnut Street (66' ROW); said intersection being the Point or Place of Beginning; thence

- 1) North 86°51'31" East, along the southerly ROW line of East Broad Street a distance of 11.50 feet to a point; thence
- 2) South 42°07'15" West, through lands at No. 100 Chestnut Street, a distance of 16.34 feet to the easterly ROW line of Chestnut Street; thence
- 3) North 02°35'35" West, along the easterly ROW line of Chestnut Street, a distance of 11.50 feet to the Point or Place of Beginning

Hereby intending to describe a parcel of land containing 66 square feet more or less, all as shown as parcel P7 on a map entitled "Map of Fee Acquisition/Temporary Easement to be Acquired" - East Broad Street - Chestnut Street Intersection", prepared by Fisher Associates and dated July 08, 2010.

LEGAL DESCRIPTION OF PROPOSED LANDS TO BE DEDICATED AS CHESTNUT STREET

141 CHESTNUT STREET

T.A.#121.32-2-2.003

(Map 4 Parcel 9)

All that track or parcel of land situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows: Beginning at a point in the northerly ROW line of Court Street (ROW

Varies) with the westerly ROW line of Chestnut Street (66' ROW); said intersection being the Point or Place of Beginning; thence

- 1) South 76°54'25" West, along the northerly ROW line of Court Street, a distance of 9.00 feet to a point; thence
- 2) North 43°05'32" East, through lands at No. 131 Chestnut Street, a distance of 12.37 feet to a point on the westerly ROW line of Chestnut Street; thence
- 3) South 02°35'35" East, along the westerly ROW of Chestnut Street, a distance of 7.00 feet to the Point or Place of Beginning

Hereby intending to describe a parcel of land containing 31 square feet more or less, all as shown as parcel P9 on a map entitled "Map of Fee Acquisition-Court Street-Chestnut Street Intersection", prepared by Fisher Associates and dated July 07, 2010.

LEGAL DESCRIPTION OF PROPOSED LAND TO BE DEDICATED AS CHESTNUT STREET
110 CHESTNUT STREET
T.A.#121.24-2-25.003
(Map 4 Parcel 10)

All that track or parcel of land situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows: Beginning at a point in the northerly ROW line of Court Street (66' Wide) with the easterly ROW line of Chestnut Street (66' ROW); said intersection being the Point or Place of Beginning; thence

- 1) North 02°35'35" West, along the easterly ROW line of Chestnut Street, a distance of 41.76 feet to a point; thence
- 2) South 09°24'58" East, through lands at No. 100 Chestnut Street a distance of 33.00 feet to a point of curvature; thence
- 3) Southeasterly on a curve to the left having a radius of 8.50 feet through a central angle of 69°16'11", a distance of 10.28 feet to a point on the northerly ROW line of Court Street; thence
- 4) South 77°43'41" West, along the northerly ROW line of Court Street, a distance of 10.47 feet to the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 115 square feet more or less, all as shown as parcel P10 on a map entitled "Map of Fee Acquisition- Court Street - Chestnut Street Intersection" prepared by Fisher Associates and dated July 07, 2010.

LEGAL DESCRIPTION OF PROPOSED
LANDS TO BE DEDICATED AS BROADWAY
PART OF 64 BROADWAY STREET
T.A. #121.25-2-39.2

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Rochester, County of Monroe and State of New York being known and described as part of lots 35 & 36 of the Triangular Tract, also now or formerly consisting of existing Tax Parcels No. 121.25-02-39.2 and more particularly bounded and described as follows:

Beginning at a point in the easterly ROW line of Broadway Street (55' ROW) at its intersection with division line between the property of now or formerly The City of Rochester (T.A. #121.25-2-38.2) on the southeast and the property of now or formerly The City of Rochester (T.A. #121.25-2-39.2) on the northwest; said intersection being the Point or Place of Beginning; thence

- 1) North 18° 09' 45" East, along the easterly ROW line of Broadway Street, a distance of 83.83 feet to a point; thence
- 2) South 04° 07' 28" East, through lands at No. 50 Broadway Street, a distance of 2.89 feet thence
- 3) Southerly along a curve to the left having a radius of 107.82 feet, a delta angle of 08° 52' 08", a curve length of 16.69 feet, a chord of North 09° 34'23" East, and a chord length of 16.67 feet to a point on the division line between the property of now or formerly The City of Rochester (T.A. #121.25-2-38.2) on the southeast and the property of now or formerly The City of Rochester (T.A. #121.25-2-39.2) on the northwest; thence
- 4) South 21° 19' 58" West, along the last mentioned division line a distance of 73.96 feet to the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 152.43 square feet, more or less, ~~all as shown as parcel P3 on a map entitled "Map of Fee Acquisition - East Broad Street - Broadway Street Intersection", prepared by Fisher Associates and dated July 07, 2010.~~

**LEGAL DESCRIPTION OF PROPOSED
LANDS TO BE DEDICATED AS BROADWAY
PART OF 68 BROADWAY STREET
T.A. #121.25-2-37.2**

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Rochester, County of Monroe and State of New York being known and described as part of lots 35 & 36 of the Triangular Tract, also now or formerly consisting of existing Tax Parcels No. 121.25-02-37.2 and more particularly bounded and described as follows: Beginning at a point in the northerly ROW line of East Broad Street (ROW Varies) at its intersection with division line between the property of now or formerly The City of Rochester (T.A. #121.25-2-38.2) on the southwest and the property of now or formerly The City of Rochester (T.A. #121.25-2-37.2) on the northeast; said intersection being the Point or Place of Beginning; thence

- 1) North 68° 42' 17" West, along the last mentioned division line a distance of 37.86 feet to a point; thence
- 2) North 21° 20' 12" East, continuing along the last mentioned division line a distance of 26.42 feet to a point of curvature; thence
- 3) Southerly along a curve to the right having a radius of 382.74 feet, a delta angle of 08°44'04", a curve length of 58.35 feet, a chord of N 40° 01' 43" W, and a chord length of 49.47 feet; thence
- 4) South 85°31'49" West, along the northerly ROW line of East Broad Street, a distance of 6.17 feet to the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 650.6 square feet, more or less.

**LEGAL DESCRIPTION OF PROPOSED
LANDS TO BE DEDICATED AS BROADWAY
PART OF 74 BROADWAY STREET
T.A. #121.25-2-38.2**

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Rochester, County of Monroe and State of New York being known and described as part of lots 35 & 36 of the Triangular Tract, also now or formerly consisting of existing Tax Parcels No. 121.25-02-38.2 and more particularly bounded and described as follows:

Beginning at a point in the northerly ROW line of East Broad Street (ROW Varies) at its intersection with division line between the property of now or formerly The City of Rochester (T.A. #121.25-2-38.2) on the southwest and the property of now or formerly The City of Rochester (T.A. #121.25-2-37.2) on the northeast; said intersection being the Point or Place of Beginning; thence

- 1) South 85°30'35" West, along the northerly ROW line of East Broad Street, a distance of 64.47 feet to a point of curvature of said parcel of land formerly dedicated for highway purposes in City Ordinance 1976-193; thence
- 2) Northerly on a curve to the right, having a radius of 19.00 feet through a central angle of 112° 39' 42", a distance of 37.36 feet to a point of tangency; thence,
- 3) North 18° 09' 45" East, along the easterly ROW line of Broadway Street, a distance of 37.17 feet to a point on the division line between the property of now or formerly The City of Rochester (T.A. #121.25-2-38.2) on the southeast and the property of now or formerly The City of Rochester (T.A.#121.25-2-39.2) on the northwest; thence
- 4) North 21° 19' 58" East along the last mentioned division line a distance of 64.77 feet to a point of curvature; thence
- 5) Southerly along a curve to the left having a radius of 107.82 feet, a delta angle of 27°23' 37", a curve length of 51.55 feet, a chord of N08°33' 29"E, and a chord length of 51.06 feet to a point of compound curvature; thence
- 6) Southerly along a curve to the left having a radius of 93.74 feet, a delta angle of 18°52'32", a curve length of 30.88 feet, a chord of N30°03'53"W, and a chord length of 30.74 feet to a point; thence
- 7) South 21° 20' 12" West, along the last mentioned division line a distance of 26.42 feet to a point; thence
- 8) South 68° 42' 17" East, continuing along the last mentioned division line a distance of 37.86 feet to the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 3993.06 square feet more or less.

TUESDAY, MARCH 19, 2019

Section 3. This ordinance shall take effect immediately.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-67
Re: Strong Neighborhood of Play Pavement Width Changes

Transmitted herewith for your approval is legislation authorizing changes in pavement width at four locations to accommodate new curbs cuts as part of the Strong Neighborhood of Play development project:

1. For Howell Street (Figure 1), narrow Howell Street by 8 feet, from 44 feet to 36 feet, beginning 227 feet west of the centerline of South Union Street and ending 258 feet west of the centerline of South Union Street, to create a new private drive (A Street). Road narrowing results in the loss of 31 feet of existing "2 Hour Parking" from a total of 143 feet of available parking to a new total of 112 feet.
2. For South Union Street (Figure 2), narrow South Union Street by 8 feet, from 45 feet to 37 feet, beginning 423 feet northeast of the centerline of Howell Street and ending 472 feet northeast of the centerline of Howell Street, to create a new future dedicated right-of-way for Adventure Place. Introduction of the new Adventure Place intersection in conjunction with the Savannah Street intersection modification (item 3 below) results in a net loss of 6 feet of existing "unrestricted parking" from a total of 225 feet of available parking to a new total of 219 feet.
3. For South Union Street (Figure 3), widen South Union Street by 8 feet, from 43 feet to 51 feet, beginning 67 feet southwest of the centerline of Savannah Street and ending 110 feet southwest of the centerline of Savannah Street, to modify the existing Savannah Street intersection to a driveway section. Modification of the Savannah Street intersection in conjunction with the introduction of Adventure Place (item 2 above) results in a net loss of 6 feet of existing "unrestricted parking" from a total of 225 feet of available parking to a new total of 219 feet.
4. For East Broad Street (Figure 4), narrow East Broad Street by 8 feet, from 55 feet to 47 feet, beginning 114 feet west of the centerline of south Union Street and ending 160 feet west of the centerline of South Union Street, to create a new future private drive. Road narrowing results in the loss of 46 feet of existing "2 Hour Parking" from a total of 138 feet of available parking to a new total of 92 feet.

In addition to pavement width changes, this project includes installation of new curbs, and sidewalks. No additional right-of-way is required to accommodate the changes in pavement width.

The pavement width changes were presented for endorsement at the February 5, 2019 Traffic Control Board meeting.

Pursuant to Chapter 48 of the Rochester City Code and the New York State Environmental Quality Review Act (SEQRA), this project was classified as a Type 1 Action because it was within the development parameters of the Inner Loop East Reconstruction Project. A negative declaration for the Inner Loop East Reconstruction Project, including future development, was issued December 23, 2013.

The Strong Neighborhood of Play project includes lands that were not within the geographic parameters of the Inner Loop East Reconstruction Project. A supplemental environmental review was conducted in 2017 and a negative declaration was issued August 15, 2017.

Construction will begin spring 2019 with completion in fall of 2019. A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-40

Ordinance No. 2019-67
(Int. No. 72)

TUESDAY, MARCH 19, 2019

Authorizing pavement width changes related to the Strong Neighborhood of Play development project

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

Section 1. Council hereby approves the following pavement width changes as part of the Strong Neighborhood of Play development project (the "Project"):

- A. On Howell Street, narrow the pavement width by 8 feet, from 44 feet to 36 feet, beginning 227 feet west of the centerline of South Union Street and ending 258 feet west of the centerline of South Union Street;
- B. On South Union Street:
 - 1. Narrow the pavement width by 8 feet, from 45 feet to 37 feet, beginning 423 feet northeast of the centerline of Howell Street and ending 472 feet northeast of the centerline of Howell Street; and
 - 2. Widen South Union Street by 8 feet, from 43 feet to 51 feet, beginning 67 feet southwest of the centerline of Savannah Street and ending 110 feet southwest of the centerline of Savannah Street; and
- C. On East Broad Street, narrow the pavement width by 8 feet, from 55 feet to 47 feet, beginning 114 feet west of the centerline of south Union Street and ending 160 feet west of the centerline of South Union Street.

Section 2. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Lightfoot
March 19, 2019

To the Council:

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

- | | |
|-------------|---|
| Int. No. 73 | Authorizing an agreement with Rochester Youth Sports Foundation for the Gus Macker 3-on-3 tournament |
| Int. No. 74 | Authorizing an agreement for the development of web-based mobile applications for the Department of Recreation and Youth Services |
| Int. No. 75 | Authorizing an amendatory agreement with Monroe County for traffic signal preemption maintenance |
| Int. No. 76 | Authorizing an amendatory agreement for Uniform Relocation Act compliance services relating to the Campbell Street R-Center Gateway Project |
| Int. No. 77 | Authorizing a grant agreement with the New York State Council on the Arts |

Respectfully submitted,

Willie J. Lightfoot
Mitch Gruber
Jacklyn Ortiz
Adam C. McFadden
Loretta C. Scott
PUBLIC SAFETY YOUTH & RECREATION COMMITTEE

Received filed and published.

TUESDAY, MARCH 19, 2019

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-68
Re: Agreement – Gus Macker 3-on-3/ Rochester Youth Sports Foundation

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with Rochester Youth Sports Foundation (president: Anthony Jordan) to produce the third annual Gus Macker 3-on-3 basketball tournament in Downtown Rochester. The cost of this agreement will be financed from the 2018-19 Budget of the Bureau of Communications.

The Gus Macker 3-on-3 basketball tournament is a national tournament that began in 1987. The Tournament is designed so anyone can play: men, women, adults, and youth, experienced, or not experienced. Since 1987, 972 tournaments have been played in 75 cities across the United States, by more than 2.2 million players, and more than 23 million spectators have enjoyed watching this driveway-style, outdoor basketball tournament.

This is the third year the Gus Macker tournament will be held in Rochester. It will take place June 29 – 30, 2019 at the Riverside Festival Site (the parking lot on the southeast corner of Court and Exchange streets) and the adjacent block of Court Street. Last year, the tournament drew more than 170 teams. In 2019, organizers are anticipating more than 250 teams, 1,000 players and 4,000 spectators. The event features more than just basketball- it produces family fun in a festival atmosphere with a youth entertainment stage and food vendors. The event will also host a community health and wellness tent with vendors and organizations that provide important services to families.

The City's investment helps to cover, among other items, Gus Macker equipment costs (courts, basketball hoops, etc), security, police services, and other site infrastructure items. The City will be recognized as a presenting sponsor on all marketing materials and the investment will also allow for 15 city-based teams to enter the tournament free of charge.

A similar agreement for the 2018 event was executed via ordinance 2018-79 in March 2018.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-41

Ordinance No. 2019-68
(Int. No. 73)

Authorizing an agreement with Rochester Youth Sports Foundation for the Gus Macker 3-on-3 tournament

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 in the maximum amount of \$50,000 with the Rochester Youth Sports Foundation to support the 2019 Gus Macker 3-on-3 basketball tournament (Tournament) in downtown Rochester. Said amount, or so much thereof as may be necessary, shall be funded from the 2018-19 Budget of the Bureau of Communications. The term of the agreement shall be one year.

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. 2019-69
Re: Agreement – Narwhal Systems, LLC

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation authorizing maximum compensation of \$25,080 for an agreement with Narwhal Systems, LLC (Joseph Shearer and Gregory Shear, partners, Rochester, NY) for development of web-based mobile applications for Department of

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Recreation and Youth Services offerings. The term of the agreement will be for one year and the cost of the agreement will be funded from the 2018-19 Budget of the Department of Recreation and Youth Services (DRYS).

Under this agreement, Narwhal Systems, LLC will develop interactive mobile Shopper and Vendor Apps for the Public Market which will include a map of the Market, identify occupied stalls, and provide vendor profiles along with their schedules and product offerings. The Consultant will also develop a mobile app for the R-Centers which will include the R-Centers locations, hours of operation, and amenities, and upcoming events and program offerings. It is anticipated that the apps will be available to the public this summer.

A full justification for not issuing a request for proposals is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-42

Ordinance No. 2019-69
(Int. No. 74)

Authorizing an agreement for the development of web-based mobile applications for the Department of Recreation and Youth Services

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 Narwhal Systems, LLC in the maximum amount of \$25,080 to develop web-based mobile applications for Department of Recreation and Youth Services offerings. Said amount shall be funded from the 2018-19 Budget of the Department of Recreation and Youth Services and the term shall be one year.

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. 2019-70
Re: Agreement Amendment – Monroe County Pre-Emption Maintenance

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Monroe County for annual maintenance and repair of traffic signal pre-emption equipment. The original agreement (Ordinance No. 2011-172) with \$18,600 as maximum annual compensation, and amended by Ordinance No. 2012-377 increased the annual compensation by \$2,200 for a total of \$20,800. This amendment will increase the authorized maximum annual amount by \$5,200, for a total of \$26,000 for the remainder of the agreement. The additional cost will be funded from the 2018-19 and subsequent budgets of the Fire Department, upon approval.

The pre-emption system of the Fire Department enables emergency vehicles to change traffic signals in order to clear an intersection when necessary. This reduces response times and increases safety for vehicles approaching the intersection. This equipment, purchased by the Rochester Fire Department is installed in 367 intersections throughout the city. The equipment is no longer under warranty and through this contract, the County performs routine maintenance of the equipment which is installed in County-owned traffic signals.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-70
(Int. No. 75)

Authorizing an amendatory agreement with Monroe County for traffic signal pre-emption maintenance

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

TUESDAY, MARCH 19, 2019

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with Monroe County for the maintenance and repair of traffic signal pre-emption equipment. The amendment shall increase the maximum annual compensation of the original agreement, which was authorized by Ordinance No. 2011-172 and amended by Ordinance No. 2012-377, by \$5,200 to a total annual compensation of \$26,000. The amendatory amount for the first year shall be funded from the 2018-19 Budget of the Fire Department and the annual amount for each subsequent year shall be funded by subsequent years' Budgets of the Fire Department contingent upon approval.

Section 2. The amendatory 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. 2019-71

Re: Amendatory Agreement - R.K. Hite & Co., Inc. Uniform Relocation Act Compliance Services

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation amending an agreement with R.K. Hite & Co., Inc. (Richard Hite, Avon, NY) for services needed to comply with the Federal Uniform Relocation Act (URA). The City is required to comply with the URA when it seeks to acquire real property for redevelopment projects that may be assisted with Federal and/or State funds.

The present agreement as authorized in July 2017 (Ordinance No. 2017-242) provides for maximum compensation in the amount of \$22,500. This amendment will extend the term of the agreement until December 31, 2019 and add \$7,000 from the 2018-19 Budget of the Department of Recreation and Youth Services, for a total of \$29,500.

The Consultant's URA compliance services are required for the Campbell Street R-Center Gateway Improvements Project. Acquisition of three properties adjacent to the R-Center was authorized in July 2018 (Ordinance No. 2018-249) in order to expand the park, provide enhanced access to and from the surrounding neighborhood, and improve the site's safety and security. One property is currently occupied, necessitating relocation services for the tenant.

Construction is anticipated to begin in the late Spring 2019 with completion anticipated in Fall 2019.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-71
(Int. No. 76)

Authorizing an amendatory agreement for Uniform Relocation Act compliance services relating to the Campbell Street R-Center Gateway Project

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 R.K. Hite & Co., Inc. for compliance with the federal Uniform Relocation Act while acquiring real property for the Campbell Street R-Center Gateway Project. The original agreement authorized by Ordinance No. 2017-242 shall be amended to increase the maximum compensation by \$7,000 to a new total of \$29,500 and shall extend the term of the agreement to December 31, 2019. The increase in compensation shall be funded from 2018-19 Budget of the Department of Recreation and Youth Services.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TUESDAY, MARCH 19, 2019

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-72
Re: Grant Agreement – New York State Council on the Arts

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation:

1. Authorizing an agreement with the New York State Council on the Arts (NYSCA) for the receipt and use of a one-year Regional Economic Development Program grant for \$49,500 for the Roc Paint Division Concrete to Canvas mural arts project;
2. Amending the 2018-19 Budget of the Department of Recreation and Youth Services (DRYS) by \$18,700 for the initiative. The remaining \$30,800 will be anticipated and included in the 2019-20 Budget of DRYS, contingent upon approval.

The Concrete to Canvas project is as an extension of DRYS successful Roc Paint Division mural arts program, which currently employs ten youth artists and two part-time Public Art Coordinators to design and install murals in R-Centers and city Libraries. With the NYSCA funding, DRYS will expand the program to employ an additional four youth artists and one Public Art Coordinator. The Concrete to Canvas project will focus on beautifying City parks with playful and colorful mural art installations. Utilizing a “Run, Jump, Play” theme and emphasizing community paint days, the Concrete to Canvas mural arts project aims to reintroduce active play and reinvigorate community engagement in targeted parks throughout Rochester.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-72
(Int. No. 77)

Authorizing a grant agreement with the New York State Council on the Arts

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

Section 1. The Mayor is hereby authorized to enter into a grant agreement with the New York State Council on the Arts for the receipt and use of a one-year Regional Economic Development Program grant in the amount of \$49,500 for the Roc Paint Division Concrete to Canvas mural arts project.

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

Section 3. Ordinance No. 2018-157, the 2018-19 Budget of the City of Rochester, is hereby amended by increasing the revenue estimates and appropriations to the Budget of the Department of Recreation and Youth Services by \$18,700 to reflect the receipt of a portion of the grant funds authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Spaul
March 19, 2019

To the Council:

The **ARTS AND CULTURE COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

- | | |
|-------------|---|
| Int. No. 78 | Authorizing an agreement for the 2019 Rochester International Jazz Festival |
| Int. No. 79 | Authorizing an agreement for the 2019 Rochester Twilight Criterium |

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Respectfully submitted,

Elaine M. Spaul
 Molly Clifford
 Michael A. Patterson
 Adam C. McFadden
 Loretta C. Scott
 ARTS AND CULTURE COMMITTEE

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Re: Ordinance No. 2019-73
 Agreement - Rochester International Jazz Festival

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$243,000 as maximum compensation for an agreement with Rochester International Jazz Festival, LLC to designate the City of Rochester as the lead government sponsor of the 2019 Rochester International Jazz Festival (RIJF). The cost of this agreement will be funded from the 2018-19 Budget of the Bureau of Communications. The term of the agreement is one year.

The 18th annual festival will be held June 21- June 29 and will include more than 347 shows at 19 diverse indoor and outdoor city venues within walking distance of each other in the East End Cultural District. The City's contribution to the festival will underwrite free, outdoor events, including 14 headliner shows that take place on the weekends during the festival at the East Avenue and Chestnut Street stage, and more than 35 regional and local shows that take place daily on the Jazz Street (Gibbs Street) stage. The Jazz Street stage includes performances by local high schools and continuing education music programs. The festival also provides an additional 30 free performances, jam sessions, and children's workshops in both indoor and outdoor venues throughout the course of the nine days. These events are designed to attract approximately 15,000-25,000 visitors each night of the festival.

The RIJF is one of the nation's most popular and respected music festivals. The festival's growing recognition throughout the world further enhances Rochester's reputation as a major music destination. In 2002, attendance for the festival was 15,000. In the last few years, attendance estimates have been close to 200,000.

The Rochester International Jazz Festival, LLC consistently delivers a multi-dimensional festival with something for everyone. From legendary performers and familiar favorites to rising stars and new discoveries, the festival navigates all genres of creative improvised music from all corners of the world.

City Council approved a similar agreement for the 2018 festival in December 2017.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-43

Ordinance No. 2019-73
 (Int. No. 78)

Authorizing an agreement for the 2019 Rochester International Jazz Festival

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 in the maximum amount of \$243,000 with Rochester International Jazz Festival LLC to designate the City as the lead government sponsor for the 2019 Rochester International Jazz Festival. Said amount shall be funded from the 2018-19 Budget of the Bureau of Communications. The agreement shall have a term of one year.

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.

TUESDAY, MARCH 19, 2019

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-74
Re: Agreement - Full Moon Vista Productions, Inc., Rochester Twilight Criterium

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum compensation for an agreement with Full Moon Vista Productions, Inc. (Principal: Scott Page), Rochester, New York, to support the 2019 Rochester Twilight Criterium and related competitive bicycling activities. The cost of the agreement will be funded from the 2018-19 Budget of the Bureau of Communications and the term will be for one year.

The 2019 Twilight Criterium will take place in downtown Rochester on Saturday, May 11. This event has been approved by USA Cycling and is part of the U.S. National Criterium Calendar for 2019. The Rochester Twilight Criterium is one of only 11 events in the U.S. with competition at this level. Hundreds of athletes from all over the world will be in Rochester the week of the event with most staying in downtown hotels. Professional athletes from around the globe attend the event, including Olympians and world and national champions from Argentina, Australia, Canada, Germany, Italy, Ireland, France, New Zealand, Russia, Uruguay, England and the United States. Unlike many events in professional sports, this one provides an equal prize purse to both the men's and women's winners.

Races are free and open to the public and will take place throughout the afternoon and night. Last year, organizers projected that more than 25,000 spectators attended the event.

New this year, in an attempt to draw even more people to the event, the City will utilize a portion of the Criterium's course in the hours before the races start to host "Play the Riverway" in partnership with Healthi Kids Coalition of Common Ground Health. Play the Riverway will be an event modeled after a play streets or open streets concept where the public can play games, rollerblade, skateboard, cycle, participate in temporary sidewalk art projects, and more. In addition to the active play offerings, the City will bring its popular "Little Kids and Big Rigs" event to a block of the closed course as well, giving families a chance to explore the City fleet in the heart of Downtown before they watch world class cycling. All of the "Play the Riverway" events prior to the Criterium will be free.

City Council approved a similar agreement for the May 208 event in December 2017 via Ordinance No. 2017-372.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-44

Ordinance No. 2019-74
(Int. No. 79)

Authorizing an agreement for the 2019 Rochester Twilight Criterium

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 Full Moon Vista Productions, Inc. to support the 2019 Rochester Twilight Criterium and related competitive bicycling activities. The maximum compensation for the agreement shall be \$30,000, which shall be funded from the 2018-19 Budget of the Bureau of Communications. The agreement shall have a term of one year.

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.

The meeting was adjourned at 8:08 p.m.

HAZEL L. WASHINGTON
City Clerk

TUESDAY, APRIL 16, 2019

ROCHESTER CITY COUNCIL
REGULAR MEETING
April 16, 2019

Present – President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, Ortiz, Patterson, Spaul – 8.

The Council President requested the Council to rise for a Moment of Silence.

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

Special Recognition:

Suzanne Mayer

Retirement:

DES:

- *Frederick Atzrott
- *Vincent Paolotto
- *Andrew M. Scibona
- *Gary J. Speciale

FIN:

- *Philip Damiano

RFD:

- *Jonathan Young

RPD:

- * Domingo Paz
- * Kimberly M. Peluso
- Terrence Tydings

**Not attending meeting*

APPROVAL OF THE MINUTES

By Councilmember Ortiz

RESOLVED, that the minutes of the Regular Meeting of March 19, 2019 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes – April 2019. Comm. No. 4304-19

The Council submits Disclosure of Interest Forms from Councilmember Spaul on Int. No. 83 and Int. No. 103.

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

Councilmember Spaul presented 1,145 signatures supporting the Kids First Comprehensive Plan. - Petition No. 1759

President Scott presented 420 signatures opposing Police Accountability Board from the Rochester Police Locust Club. - Petition No. 1760

THE COUNCIL PRESIDENT --- RECEIVED AND FILED.

TUESDAY, APRIL 16, 2019

PUBLIC HEARINGS.

Pursuant to law, public hearings were held on April 11, 2019 on the following matters:

Amending the 2018-19 Consolidated Community Development Plan Int. No. 89
No Speakers

Local Improvement Ordinance – Establishing the cost of assessments related to the High Falls Business Improvement District and authorizing an agreement Int. No. 91
No Speakers

Local Improvement Ordinance – authorizing special work and services related to the South Avenue/Alexander Street Open Space District Int. No. 93
No Speakers

Local Improvement Ordinance establishing the cost of special services for the East Avenue/Alexander Street Entertainment District Int. No. 94
No Speakers

Amending the Official Map Int. No. 100.
No Speakers

Authorizing pavement width changes adjacent to Flower City School No. 54 Int. No. 101
No Speakers

Amending the Official Map Int. No. 102
No Speakers

Local Improvement Ordinance – establishing the operation, installation and maintenance costs of street lighting special assessment districts Int. No. 109
No Speakers

Amending Local Improvement Ordinance No. 1413, as amended by Local Improvement Ordinance No. 1672, to remove 5 parcels in the Monroe Avenue I Street Lighting District Int. No. 110
No Speakers

Continuation of Local Improvement Ordinance No. 1422 relating to the Norton Street Urban Renewal District Street Lighting District Int. No. 111
No Speakers

Local Improvement Ordinance – care and embellishment of street malls for 2019-20 Int. No. 112
No Speakers

Local Improvement Ordinance – establishing the operating and maintenance costs of special assessments for streetscape enhancements Int. No. 113
No Speakers

Local Improvement Ordinance – establishing the cost of the special work and services related to Main Street improvements of the Downtown Enhancement District Int. No. 114
No Speakers

Local Improvement Ordinance – security and snow removal services at the Public Market for 2019-20 Int. No. 116
No Speakers

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

By President Scott

Resolution for the nomination and selection of a Vice President of the Rochester City Council Int. No. 123

TO THE COUNCIL
Ladies and Gentlemen:

Re: Resolution No. 2019-5
Resolution – Vice President of City Council

Transmitted herewith for your approval is a resolution that establishes Willie J. Lightfoot as the Vice President of the Rochester City Council, effective immediately through December 31, 2019.

Respectfully submitted,
Loretta C. Scott
President

TUESDAY, APRIL 16, 2019

Resolution No. 2019-5
(Int. No. 123)

Resolution for the nomination and selection of a Vice President of the Rochester City Council

WHEREAS, the office of Vice President of the Council of the City of Rochester became vacant on April 1, 2019; and

WHEREAS, the President of Council has introduced this resolution to select a replacement by means of a statement of necessity of immediate passage because filling the position of Vice President promptly is important to the sound functioning of this Council.

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

Section 1. The Council of the City of Rochester hereby nominates and selects Willie J. Lightfoot as Vice President of the Council for the remainder of 2019.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

REPORTS OF STANDING COMMITTEES
AND ACTION THEREON

By President Scott
April 16, 2019

To the Council:

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

Int. No. 81	Approving the commitment of reserve funds
Int. No. 82	Authorizing an agreement for Undoing Racism training
Int. No. 83	Authorizing an amendatory agreement for the operation of the South Avenue Garage
Int. No. 120	Authorizing agreement for an Electric Vehicle Carshare Program

Respectfully submitted,
Loretta C. Scott
Molly Clifford
Malik Evans
Michael A. Patterson
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-75
Committing Tax Relief and Retirement Reserves

Council Priority: Deficit Reduction and Long Term Financial Stability

Transmitted herewith for your approval is legislation authorizing the commitment of previously assigned funds for Property Tax Relief and Retirement Costs in accordance with Governmental Accounting Standards Board (GASB) Statement 54 *Fund Balance Reporting and Government Fund Type Definitions*.

From the surplus available at the end of fiscal year 2017-18, the Director of Finance, as authorized in the City Charter, assigned \$5,000,000 to Property Tax Relief and \$4,600,000 to Retirement Costs. In order to change the classification from *assigned* to *committed*, City Council action is required. The commitment of these balances would bring the total General Fund Balance committed for Property Tax Relief to \$29,545,600 and for Retirement Costs

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to \$27,928,565. These balances are further reduced by the budgeted appropriations of fund balance for 2018-19 which are \$3,000,000 for Property Tax Relief and \$4,600,000 for Retirement Costs.

The committed fund balance classification includes amounts that can be used only for the specific purposes determined by the action of City Council. Specifically, funds committed for Property Tax Relief (formerly the Tax Relief Reserve) can only be used to address future projected budget deficits; and funds committed to Retirement Costs (formerly the Retirement Reserve) will be used to manage future retirement costs.

These additional funds are available as a result of favorable 2017-18 year-end expenditure variances attributable to personnel and fringe benefit savings from vacancies, motor equipment savings and other miscellaneous expense. Positive revenue variances resulted from higher sales tax distributions, property tax collections and additional moving violation revenue collections due to the creation of the Traffic Violations Bureau.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-75
(Int. No. 81)

Approving the commitment of reserve funds

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

Section 1. The Council hereby approves the commitment of \$5,000,000 for the purpose of property tax relief to assist in addressing future projected budget deficits. The Council hereby further approves the commitment of \$4,600,000 for the purpose of retirement to assist in managing future retirement costs

Section 2. The funds to be committed shall be funded from the surpluses available from the 2017-18 Budget of the City of Rochester, said funds having previously been assigned to the purpose of property tax relief and to the purpose of retirement by the Director of Finance pursuant to the authority provided by the City Charter.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-76
Agreement – Racial Equity Training, People’s Institute for Survival and Beyond, Inc

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation establishing \$40,500 as maximum compensation for an agreement with the People’s Institute for Survival and Beyond, Inc for three “Undoing Racism” trainings for a broad range of community stakeholders involved in economic re-development in the Rochester community. The cost of this agreement will be funded from the 2018-19 Mayor’s Office Budget. The term of this agreement will be for 1 year, with the option to renew for 1 year if funds remain.

A full justification for not issuing a request for proposals is attached. The cross-departmental project team of City staff participating in the City Accelerator cohort will require internal and external community partners to undergo specialized racial equity training as a prerequisite to joining the closed-loop referral and self-navigation system launch underway as a central part of the initiative. The total cost will fund three training sessions and accommodate up to a total of 150 participants, including local funders, professional services providers, technical assistance providers, community-based organizations, government agencies, and City residents. The racial equity training requirement will align the City Accelerator project goal of building a stronger, more inclusive small business ecosystem in tandem with the vital efforts of the “Let’s Get REAL” (Race, Equity, and Leadership) initiative—a partnership with National League of Cities, City Council, the Chamber of Commerce and St. Joseph’s Neighborhood Center’s Racial Equity and Justice Initiative (REJI). This allocation of grant funds has already been approved by Living Cities, and all funds allocated are sourced from the Living Cities grant approved in July 2018.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-46

Ordinance No. 2019-76
(Int. No. 82)

Authorizing an agreement for Undoing Racism training

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

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Section 1. The Mayor is hereby authorized to enter into a professional services agreement with People's Institute for Survival and Beyond, Inc. in the maximum amount of \$40,500 to provide "Undoing Racism" trainings for economic redevelopment stakeholders in the Rochester community. The cost of the agreement shall be funded from the 2018-19 Budget of the Mayor's Office and the term of the Agreement shall be 1 year with the option to renew for an additional year if funds remain.

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:

Re: Ordinance No. 2019-77
Amendatory Agreement – Rochester Convention Center Management Corporation, South Avenue Parking Garage

Council Priority: Deficit Reduction and Long Term Financial Stability

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Rochester Convention Center Management Corporation ("RCCMC") for operation of the South Avenue Parking Garage. The agreement was extended for two years in October 2017 by Ordinance No. 2017-321. This legislation will extend the term of the agreement for two years from December 31, 2019 to December 31, 2021.

This amendatory agreement will also shift responsibility for payment of the garage utilities to the City requiring the RCCMC to not only remit 15% of the gross revenue but also reimburse the City for utility expenses quarterly. Ordinance No. 2019-27 authorized the issuance of bonds to finance the South Avenue Parking Garage Lighting and Electrical System Replacement Project. A condition of the New York Power Authority design and installation of this project is that the local municipality benefit financially from the improvements. All other terms and conditions will remain the same.

RCCMC will continue to be responsible for all expenses related to the operation of the garage including, but not limited to, security, customer service, cleaning, and repairs costing \$5,000 or less. Repairs in excess of \$5,000 must first be approved in writing by City staff.

The South Avenue Garage provides essential parking resources for the Joseph A. Floreano Rochester Riverside Convention Center and Hyatt Hotel. The requested agreement extension would continue the established rights and responsibilities of all parties.

The estimated annual revenue, net of utility reimbursement, to the Parking Enterprise Fund from this agreement is \$200,000. Annual utility expenses prior to the completion of the project are approximately \$150,000.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-77
(Int. No. 83)

Authorizing an amendatory agreement for the operation of the South Avenue Garage

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 the Rochester Convention Center Management Corporation (RCCMC) to extend the agreement for the operation of the South Avenue Garage originally authorized by Ordinance No. 2013-219 and extended by Ordinance No. 2017-321, from December 31, 2019 to December 31, 2021. The original agreement shall also be amended by providing that the City shall be responsible for payment of the garage utility expenses and RCCMC shall reimburse the City for the utility expenses quarterly.

Section 2. The amendatory 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:

Re: Ordinance No. 2019-78
Agreement – New York State Energy Research and Development Authority Plug-In Electric Vehicle Enabling Technology Development and Demonstration (PON 3578)

Transmitted herewith for your approval is legislation related to the New York State Department of Energy Research and Development Authority ("NYSERDA"). This legislation will:

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Authorize an agreement with NYSERDA for the receipt of \$310,000 in grant funds to support the planning and implementation of the Rochester Shared Mobility Program's Electric Vehicle ("EV") Carshare Program. This grant, awarded to the City on July 27, 2018, will fund the cost of procuring a vendor to develop and operate an EV carshare system. The system will be accessible to the public and promote membership in low and moderate income neighborhoods. The use and availability of EV carshare will improve air quality by reducing private automobile dependency within and around the city.

In 2017, the City began the Rochester Shared Mobility Program which has improved sustainable transportation options in Rochester. This effort includes the implementation of the public bike share program (Zagster/Pace) and the commuter vanpool program, now operated by the Regional Transit Services. The bike share program has been used for more than 55,000 trips with over 14,000 members signing up. The vanpool program has enabled more than 50 Rochester residents to access employment opportunities outside the reach of local bus service. The carshare program is the final service to be implemented under the umbrella of the Rochester Shared Mobility Program and will provide access to vehicles on an hourly basis.

The EV carshare program will be funded by a variety of sources including NYSERDA, Department of Environmental Conservation's Climate Smart Communities Grant Program and New York State's Congestion Mitigation and Air-Quality Improvement Grant. Further legislation will be proposed for the appropriation of these funds following and RFP process and selection of a vendor.

This project is anticipated to be completed by 2021.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-78
(Int. No. 120)

Authorizing agreement for an Electric Vehicle Carshare 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 Energy Research and Development Authority for the receipt and use of funds in the amount of \$310,000 from a Plug-In Electric Vehicle (PEV)-Enabling Technology Development and Demonstration Program grant to plan and implement the Rochester Shared Mobility Program's Electric Vehicle Carshare Program.

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.

By Councilmember Patterson
April 16, 2019

To the Council:

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

Int. No. 84	Authorizing the sale of real estate
Int. No. 85	Authorizing the sale of real estate and a grant agreement with Flower City Habitat for Humanity, Inc. for the construction of affordable housing
Int. No. 86	Amending Ordinance No. 2019-21
Int. No. 87	Authorizing an amendatory lease agreement for the use of office space at 1 Mount Hope Avenue
Int. No. 88	Authorizing the acquisition of real estate for the Rochester City School District Facilities Modernization Program
Int. No. 90	Authorizing payment in lieu of taxes and loan agreements for the Southeast Towers Rehabilitation Project
Int. No. 92	Authorizing a loan agreement with IL2 LLC
Int. No. 122	Resolution approving appointments to the Zoning Board of Appeals

TUESDAY, APRIL 16, 2019

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

- Int. No. 89 Amending the 2018-19 Consolidated Community Development Plan
- Int. No. 91 Local Improvement Ordinance – Establishing the cost of assessments related to the High Falls Business Improvement District and authorizing an agreement
- Int. No. 93 Local Improvement Ordinance – authorizing special work and services related to the South Avenue/Alexander Street Open Space District
- Int. No. 94 Local Improvement Ordinance establishing the cost of special services for the East Avenue/Alexander Street Entertainment District

Respectfully submitted,
 Michael A. Patterson
 Willie J. Lightfoot
 Jacklyn Ortiz
 Loretta C. Scott
 NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-79
 Sale of Real Estate

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation approving the sale of six properties. City records have been checked to ensure that 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 property is a vacant lot sold by negotiated sale to the adjoining owner who will utilize the parcel for additional green space/garden usage.

The second property is a vacant lot sold by negotiated sale to the adjoining owner who will utilize the parcel for additional green space.

The third property is a portion of a vacant commercial parking lot and ancillary structure sold by negotiated sale to the adjoining owner (The County of Monroe) who will continue to operate and maintain the Property for marine operations of the Monroe County Sheriff.

The next three properties are unbuildable vacant lots, being sold for \$1.00 (as per City policy) to the adjacent owners who will combine the lots with their existing properties for additional green space/garden usage.

The first year projected tax revenue for the properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$1,652.

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

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-47

Ordinance No. 2019-79
(Int. No. 84)

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 of the negotiated sale of the following parcels of vacant land:

Address	SBL#	Lot Size	Sq. Ft.	Price	Purchaser
43 Fifth St	106.60-1-8	40 x 120	4,800	\$425	Flairine Creve-Couer

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<u>Address</u>	<u>S.B.L. #</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>
375 Campbell Street	120.26-1-74.001	50 x 87	4352	\$425
395 Campbell Street	120.26-1-78	53 x 80	4270	\$425
423-425 Jay Street	105.83-3-4	50 x 162	8125	\$525
105 Holworthy Street	105.79-1-53	40 x 123	4936	\$425

2. Authorize an agreement in the amount of \$100,000 for a grant to Flower City Habitat for Humanity, and appropriate \$100,000 in HOME Program funds from the 2016-17 New Housing Construction allocation of the Housing Development Fund to fund the grant.

The term of the agreement is for two years, with a maximum grant amount of \$20,000 per home. The funds will be used to support the construction of single-family homes on the four (4) aforementioned lots, with one (1) home to be built on a previously acquired lot.

The grant will be used as a subsidy to support construction of the five (5) owner-occupied single-family houses in and adjacent to the JOSANA neighborhood where the residents, together with the City and other stakeholders, completed a Neighborhood Master Plan in 2011. FCHH’s new construction activity aligns with the diverse residential community goal identified in the Master Plan. FCHH has been building new, single-family housing in the JOSANA neighborhood for many years. They employ construction managers to oversee development, and utilize volunteers to construct the homes.

The new houses will be sold to families selected by an FCHH committee using the following criteria:

- Annual household income between 35% and 70% of the area median income.
- Minimum two years continuous history of employment or other income source.
- Demonstrated need as current housing is substandard, overcrowded, or a cost burden.
- No bankruptcy or discharge within last two years, and no open judgements or tax liens.
- Willingness to partner by contributing at least 300 hours of “sweat equity” (depending on household size), providing monthly proof of income and savings, providing a down payment and portion of closing costs, attending at least 7 required classes on financial literacy and home ownership, and agreeing to live in the house for at least 10 years.

The houses will be sold for appraised value (approximately between \$60,000 and \$80,000) and FCHH provides a 30-year mortgage with a 0% interest rate.

A SEQRA review was initiated; the project was determined to be a Type II Action in accordance with 6 NYCRR Part 617.5(c)(9) and does not require further review. A NEPA review is underway and will be completed prior to entering into any agreements for the New Construction project.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-48

Ordinance No. 2019-80
 (Int. No. 85)

Authorizing the sale of real estate and a grant agreement with Flower City Habitat for Humanity, Inc. for the construction of affordable housing

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

Section 1. The Council hereby approves of the negotiated sale of the following parcels of vacant land to Flower City Habitat for Humanity, Inc. (FCHH) in order to effectuate the development of four single-family homes for first time home buyers:

<u>Address</u>	<u>S.B.L. #</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>
375 Campbell Street	120.26-1-74.001	50 x 87	4352	\$425
395 Campbell Street	120.26-1-78	53 x 80	4270	\$425
423-425 Jay Street	105.83-3-4	50 x 162	8125	\$525
105 Holworthy Street	105.79-1-53	40 x 123	4936	\$425

Section 2. The Mayor is hereby authorized to enter into a grant agreement with FCHH for the construction of five affordable homes in and adjacent to the JOSANA neighborhood. The agreement shall obligate the City to pay an amount not to exceed \$100,000 and the maximum grant amount for each home shall be \$20,000. The term of the agreement shall be two years.

Section 3. The sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated for the grant agreement from the New Housing Construction allocation of the Housing Development Fund of the Consolidated Community Development Plan/2016-17 of the Annual Action Plan.

Section 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TUESDAY, APRIL 16, 2019

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-81
Real Estate Acquisitions

Council Priority: Rebuilding and Strengthening Neighborhoods

Transmitted herewith for your approval is legislation that amends Ordinance No. 2019-21 relating to the acquisition of 10 properties on East Main Street and Laura Street for development of offices for the Goodman Section Rochester Police Department office and the Southeast Neighborhood Service Center. The legislation clarifies that Council authorizes the Corporation Counsel to exercise the City's eminent domain authority in the event that the City does not succeed in acquiring any of the properties by negotiation.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-81
(Int. No. 86)

Amending Ordinance No. 2019-21

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

Section 1. Ordinance No. 2019-21 regarding the acquisition of properties to establish a new Goodman Section office for the Rochester Police Department and a new Southeast Quadrant Neighborhood Service Center is hereby amended to read in its entirety as follows:

Ordinance No. 2019-21

Determinations and findings and authorization relating to the eminent domain acquisition of properties to establish a new Goodman Section office for the Rochester Police Department and a new Neighborhood Service Center for the City's Southeast Quadrant

WHEREAS, the Rochester Police Department (RPD) has reorganized its patrol functions from a Two-Division structure to a Five-Section model in order to maintain and exceed the previous levels of service, increase community policing initiatives, connect officers to smaller, neighborhood-based patrol beats, and decentralize police services to neighborhoods;

WHEREAS, the RPD requires a permanent headquarters for its operations in one of the five newly delineated patrol areas, the Goodman Section, and the City wishes to collocate that facility with the Neighborhood Service Center (NSC) for the Southeast Quadrant, because the two operations encompass nearly the same territory and a collocated facility, hereinafter referred to as the "Project," will allow RPD and NSC to better coordinate their neighborhood-based services;

WHEREAS, the City has identified a suitable site for the Project, consisting of approximately 2.42 acres of land located in the Beechwood neighborhood on the north side of East Main Street, adjacent to and including a portion of Laura Street (the "Project Site");

WHEREAS, the search for a suitable Project site was guided by goals of finding a central location within the Goodman Section that is large enough and best situated to satisfy the needs of RPD and NSC customers and personnel and, after reviewing over 20 different sites, the Project Site was deemed to be the optimal one because it is a conspicuous location, readily accessible by vehicles, located on an RGRTA bus line, and because it will promote a more vibrant neighborhood by redeveloping a number of underutilized vacant parcels, including a Brownfield Cleanup site that is owned by the City;

WHEREAS, the Project Site is comprised of three parcels of land owned by the City located at 2 Laura Street and at 1200 and 1240 East Main Street, the southern end of the Laura Street right-of-way that extends approximately 125 feet northward from East Main Street, and the 10 privately-owned Acquisition Parcels listed below;

WHEREAS, the City of Rochester proposes to assemble the Project Site by acquiring the 10 Acquisition Parcels, abandoning a portion of Laura Street as a public street, using 3 City-owned parcels, and removing the existing dwellings in order to construct an approximately 18,000 square foot building to house the RPD Goodman Section and Southwest Quadrant NSC, and a parking lot for customers, personnel and official vehicles;

WHEREAS, in Ordinance No. 2019-5, Council authorized the City to acquire the Acquisition Parcels by negotiation for the amounts set for the below and, in Ordinance No. 2019-6, Council authorized the issuance of bonds in the amount of \$500,000 to acquire the Acquisition Parcels and to demolish existing structures in order to create a site for the Project; and

WHEREAS, the Council of the City of Rochester held a public hearing on February 7, 2019 pursuant to Article 2 of the Eminent Domain Procedure Law to consider the Project and 8 Speakers appeared at the hearing.

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

Section 1. The Council hereby makes the following determinations and findings concerning the Project:

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- E. Project description – acquire the following 10 parcels of real estate (the “Acquisition Parcels”) and join them with three adjacent City-owned parcels located at 2 Laura Street and at 1200 and 1240 East Main Street and the southern end of the Laura Street right-of-way to assemble a site for an approximately 18,000 square foot building to house the RPD Goodman Section and the Southwest Quadrant NSC, and a parking lot for customers, personnel and official vehicles (collectively, the “Project”):

1-5 Laura Street	11-15 Laura Street
4-6 Laura Street	1214-1216 E. Main Street
7-9 Laura Street	1222 E. Main Street
8-8½ Laura Street	1228-1230 E. Main Street
10 Laura Street	1252 E. Main Street

- F. Project purpose – To develop and operate collocated offices for the RPD Goodman Section and Southeast NSC to better coordinate their neighborhood-based services at a site that is best situated for that purpose while promoting a more vibrant neighborhood by redeveloping a number of vacant parcels of land.
- G. Relocation assistance and compensation – In accordance with the City’s rules and regulations for relocation benefits approved in Resolution No. 2002-25, City staff will give occupants of the Acquisition Parcels fair notice and provide a \$1,000 moving allowance for each dwelling unit. In addition, for those occupants who request it, City staff will assist them to find comparable replacement housing before they are required to vacate.
- H. Project effect – The purchase of the Acquisition Parcels and the overall Project have been evaluated for potential significant adverse environmental effects on the environment pursuant to the State Environmental Quality Review Act (“SEQR”) and Chapter 48 of the Municipal Code.

Section 2. In the event that any of said Acquisition Parcels cannot be acquired by negotiation in accordance with Ordinance No. 2019- 5, the Corporation Counsel is hereby authorized to commence condemnation proceedings to acquire said parcel. In the event of condemnation, the following acquisition amounts set forth herein shall be the amount of each offer:

<u>Address</u>	<u>Acquisition Amount</u>
<u>1-5 Laura St.</u>	<u>\$50,000</u>
<u>4-6 Laura St.</u>	<u>\$85,000</u>
<u>7-9 Laura St.</u>	<u>\$60,000</u>
<u>8-8½ Laura St.</u>	<u>\$65,000</u>
<u>10 Laura St.</u>	<u>\$35,000</u>
<u>11-15 Laura St.</u>	<u>\$65,000</u>
<u>1214-1216 E. Main St.</u>	<u>\$ 8,000</u>
<u>1222 E. Main St.</u>	<u>\$ 8,000</u>
<u>1228-1230 E. Main St.</u>	<u>\$40,000</u>
<u>1252 E. Main St.</u>	<u>\$ 7,000</u>

Nothing in this ordinance shall be deemed to limit in any way the liability of the City for further claims arising from the acquisition of said parcel pursuant to the Eminent Domain Procedure Law.

Section 3. The acquisition amounts set forth herein plus associated costs for legal fees and title review, up to a total maximum sum of \$500,000, shall be funded from the proceeds of bonds authorized for the purpose and from Cash Capital in accordance with Ordinance Nos. 2019-5 and 2019-6.

Section ~~2~~ 4. This ordinance shall take effect immediately.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-82
Re: Lease Amendment - One Mt. Hope, LLC a.k.a. Bivona Child Advocacy Center

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing a lease amendment between the City and One Mt. Hope, LLC, (Deborah Rosen, President, 275 Lake Avenue, Rochester, NY) a.k.a. Bivona Child Advocacy Center, for the continued use of premises located at 1 Mount Hope Avenue, by the Rochester Police Department (RPD). The RPD leases space in 1 Mount Hope Avenue as one of several partner agencies of the Bivona Child Advocacy Center to investigate child abuse and neglect cases.

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The current lease, authorized in February, 2016 through Ordinance No. 2016-57, has a term of three (3) years with one 3 year renewal. The leased space was 2,876 SF. The rate was \$28,759.92 annually, payable in monthly installments of \$2,399.66. The per square foot rate of \$10 per square foot as established by an appraisal prepared in January, 2016 by Kevin L. Bruckner of Bruckner, Tillett, Rossi, Cahill & Associates, Inc.

Rochester Police Department has requested the lease be amended to reduce the leased space to 2,250 square feet, and to change the current renewal from 3 years to three 1 year renewals. The annual base rent will reduce to \$23,175 annually, payable in monthly installments of \$1,931.25. The per square foot rate is \$10.30 and represents a 3% increase from \$10.00 per square foot as agreed to in the renewal clause from the January 2016 lease. The amended terms are effective as of January 1, 2019.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-49

Ordinance No. 2019-82
(Int. No. 87)

Authorizing an amendatory lease agreement for the use of office space at 1 Mount Hope Avenue

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 lease agreement with One Mt. Hope LLC for the Rochester Police Department's lease of office space in the building located at 1 Mount Hope Avenue, which shall amend the lease authorized by Ordinance No. 2016-57 to reduce the leased space to approximately 2,250 square feet and change the renewal term from three years to three one year optional renewals.

Section 2. The amendatory lease agreement shall obligate the City to pay an annual base rent of \$23,175, commencing January 1, 2019, payable in monthly installments of \$1,931.25.

Section 3. The amendatory lease 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. 2019-83
Re: Acquisition – 1780 North Clinton Ave

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation authorizing the purchase of a parcel of land at 1780 North Clinton Ave from Regional Transit Service Incorporated (William Carpenter, CEO, 1372 E. Main St, Rochester, NY). The acquisition will be funded through the RCSD Cash Capital Fund in accordance with RCSD Board Resolution No. 2018-19:532 as passed December 20, 2018.

The purpose of this acquisition is for expansion of the playfield at the Helen Barrett Montgomery School No.50 as part of the larger Rochester School Facilities Modernization Program.

The purchase price will be \$43,000.00, which is supported through an independent appraisal performed by Kevin L. Bruckner of Bruckner, Tillett, Rossi, Cahill & Associates, Inc. as of April, 2018.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-50

Ordinance No. 2019-83
(Int. No. 88)

Authorizing the acquisition of real estate for the Rochester City School District Facilities Modernization Program

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

Section 1. The Council hereby approves the acquisition of the following parcel to effectuate the Facilities Modernization Program of the Rochester City School District (RCSD) by expansion of the playfield at the Helen Barrett Montgomery School No. 50:

TUESDAY, APRIL 16, 2019

Property Address	Reputed Owner	SBL	Type	Purchase Price
1780 North Clinton Avenue	Regional Transit Service Incorporated	091.47-1-4	Parking Lot	\$43,000

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. 2018-19:532.

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. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-84
Amending the 2018-19 Consolidated Community Development Plan / Annual Action Plan – HOME Program Income Funds – Housing Development Fund / Affordable Housing Fund

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to amending the 2018-19 Consolidated Community Development Plan / Annual Action Plan (Con. Plan). This legislation will:

3. Amend the 2018-19 Con Plan, Annual Action Plan to receive an additional \$380,800 in HOME program income, which shall be added to the plan’s Housing Development Fund – Affordable Housing Fund allocation, through actions further described below:
 1. Increasing the amount of HOME program income in the Expected Resources section from \$150,000, by \$380,800, to a new total of \$530,800; and
 2. Increasing the amount of HOME funding in the Housing Development Fund – Affordable Housing Fund from \$1,254,810, by \$380,800, to a new total of \$1,635,610.

The City has received a larger amount of HOME program income than anticipated for 2018-19, through payments for various HOME funded activities. The proposed amendment to the Con. Plan is needed to be able to commit and appropriate the additional HOME program income funds toward one or more affordable housing projects.

A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-84
(Int. No. 89)

Amending the 2018-19 Consolidated Community Development Plan

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

Section 1. The Council hereby approves amending the Consolidated Community Development Plan – 2018-19 Annual Action Plan (Con Plan) as follows:

- a) increasing the amount of HOME program income in the Expected Resources section by \$380,800, to a new total of \$530,800; and
- b) increasing the allocation to the Housing Development Fund – Affordable Housing by \$380,800, to a new total of \$1,635,610.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

TUESDAY, APRIL 16, 2019

Ordinance No. 2019-85
Re: Southeast Towers Rehabilitation Project

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the Southeast Towers (The Manhattan Tower and The Savannah) development project, an affordable-housing rehabilitation and preservation project being undertaken by Conifer Realty, LLC (Timothy Fournier, Chairman & CEO) in Center City.

This legislation will:

1. Authorize property tax exemptions and payment-in-lieu of taxes agreements for the Southeast Towers 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 City’s PILOT Review Committee approved a 10% Shelter Rent PILOT for the project on March 7, 2019.
2. Appropriate a total of \$92,165.68 in Cash Capital to the Housing Revolving Loan Fund as follows: \$51,791.62 from 2015-16 Cash Capital and \$40,374.06 from 2018-19 Cash Capital.
3. Authorize a loan agreement in the amount of \$1,400,000 for a construction/permanent loan with Conifer Realty, LLC or an affiliated partnership or housing development fund corporation to be formed by Conifer, and appropriate the following amounts to fund the loan:

HOME funds from the Affordable Housing Fund allocation of the 2018-19 Housing Development Fund	\$1,019,610.00
<u>Housing Revolving Loan Fund</u>	<u>380,390.00</u>
TOTAL	\$1,400,000.00

The loan will serve initially as a 2% construction loan payable annually, then at conversion to permanent financing become a 30-year, 2% interest-only, cash-flow contingent loan payable annually with the principal payment and any unpaid accrued interest due at the end of the 30-year term. The City’s Loan Committee approved the \$1.4 million loan on March 20, 2019.

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 Director of Finance 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.

Southeast Towers (SET) is a 376 unit affordable housing development located at 463 East Broad Street. Conifer Realty, LLC (Conifer) proposes the redevelopment of 336 units of affordable rental housing, and the demolition of 40 sub-standard units. The units will be targeted to households with incomes at or below 50% or 60% of the Area Median Income. SET is an existing Mitchell-Llama funded rental property built in the 1970’s with two residential structures. The Manhattan Tower is a seventeen (17) story tower with 250 units, and the Savannah is an eight (8) story structure with 126 units. The site is located in Rochester’s City-Center, and is adjacent to the Inner-Loop East Infill project.

At completion, Southeast Towers will have thirty-six (36) studio units, one-hundred sixty-four (164) one-bedroom units, one-hundred and twelve (112) two-bedroom units, and twenty-four (24) three-bedroom apartments. The projected work scope includes upgraded kitchens and bathrooms for all units, new plumbing throughout the building, asbestos abatement, new floors, roofs and window replacement, fresh paint, new elevators, a playground area and a fitness center, common area improvements, and exterior improvements including utility work and site-work redesign. The development team has included environmentally sustainable features including LED lighting, energy star appliances, water saving fixtures, and energy efficient windows.

The Southeast Towers project will complement significant development that has occurred in Center City in recent past and the planned work including the Inner-Loop East infill projects such as Union Square, Charlotte Square (I-III), and the Strong Museum Expansion. Southeast Towers will continue to provide affordable housing options for a range of incomes and household types within Rochester’s downtown core. Conifer has been an active developer of affordable and market rate housing in the Greater Rochester area, and their recent work includes VOC Liberty Landing (under construction), The Hamilton & Erie Harbor, and Market Apartments at Corpus Christi.

The Development will continue to maintain its units as affordable for the duration of the PILOT. Conifer secured a rental subsidy for 267 units in 2018 by utilizing HUD’s Rental Assistance Demonstration II (or RAD 2) conversion program. These units are primarily affordable to households earning at or below 50% to 60% of area median income (AMI), and households will never pay more than 30% of their income towards rent. If over-income households move out of a unit, a household earning under 50% AMI will move in. The remaining 69 units are occupied by tenants’ with tenant based vouchers (vouchers that move with the family/tenant), and are affordable to households at or below 50% or 60% of AMI. If the tenant should move out, the unit will be rented to a household at or below 50% or 60% of AMI.

All utilities will be paid by the owner. This approximately \$120 million project (including \$30 million in existing, assumed debt) will be funded by 4% low-income housing tax credits, tax exempt bonds, New York State Housing Finance Agency subsidy, and developer equity. The project sources and uses are summarized below:

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Permanent Sources		Uses	
Bonds (1 st Mortgage)	13,060,000	Acquisition	30,666,341
Assumed Mortgage	22,637,336	Construction Costs	53,274,568
HFA Acq. Loan (assumed)	8,029,005	Professional Services	4,301,750
HFA MPP Funds	33,458,490	Financing Costs	12,148,077
City of Rochester Loan	1,400,000	Carrying Costs	172,936
Income from Operations	3,558,992	Contingency	5,418,767
Tax Credit Equity	33,963,896	Reserves & Working Cap.	1,860,200
Deferred Developer Fee	3,219,829	Development Fee	11,219,992
	119,327,548		119,327,548

The project will meet the City’s Minority and Women Owned Business Enterprises (MWBE) and Workforce goals.

A State Environmental Quality Review (SEQR) is underway, and a Determination of Significance will be made prior to any Council action. A National Environmental Policy Act or NEPA review is underway and will be completed prior to entering into any agreements for the Southeast Towers project.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-51

Ordinance No. 2019-85
 (Int. No. 90)

Authorizing payment in lieu of taxes and loan agreements for the Southeast Towers Rehabilitation 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 payment in lieu of taxes agreement (PILOT agreement) for the Southeast Towers Rehabilitation Project at 463 East Broad Street (SBL # 121.33-1-3.001) (the Project) with Conifer Realty, LLC or an affiliated partnership or housing development fund corporation to be formed by Conifer for the Project (collectively, the Developer). The PILOT agreement shall provide that the Project remain entitled to a real property tax exemption for 30 years, 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. Said agreement and the associated real property tax exemption shall cease prior to the end of the 30-year term if and when the Project is no longer operated for the purpose of providing affordable housing in substantial compliance with Article 11 of the NYS Private Housing Finance Law.

Section 2. The Mayor is hereby authorized to enter into a loan agreement with the Developer for construction and permanent financing of the Project. The loan shall be in the amount of \$1,400,000, which shall be funded from the amounts appropriated in Section 4 herein. The loan agreement shall have a term that extends to 30 years following completion of Project construction. The loan shall function initially as a 2% construction loan with interest-only payments due annually 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% that is payable annually, contingent on the Project having sufficient cash flow. The repayment of the loan principal and any unpaid interest shall be due at the end of the loan term. The Director of Finance is hereby authorized to adjust the loan interest rate and other terms and conditions in order to conform to requirements for Project tax credits and other legal requirements.

Section 3. The sum of \$92,165.68 from the following sources is hereby appropriated to the Housing Revolving Loan Fund: \$51,791.62 from 2015-16 Cash Capital and \$40,374.06 from 2018-19 Cash Capital.

- Section 4. The sum of \$1,400,000 from the following sources is hereby appropriated as principal for the Project loan authorized herein:
- a) \$1,019,610 from the Housing Development Fund - Affordable Housing Fund account in the Consolidated Community Development Plan/2018-19 Annual Action Plan; and
 - b) \$380,390 from the Housing Revolving Loan Fund.

Section 5. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate. The Mayor is hereby authorized to execute such other agreements and other documents as may be necessary to effectuate the agreements authorized herein.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Re: Local Improvement Ordinance No. 1748
 High Falls Business Improvement District

TUESDAY, APRIL 16, 2019

Transmitted herewith for your approval is legislation related to the High Falls Business Improvement District (BID) established via Local Law No.1 in December 2003. This legislation will:

- 1) Approve the 2019-20 Budget totaling \$25,000 submitted by the High Falls BID Board.
- 2) Establish \$25,000 as the 2019-20 assessment for the district and authorize the apportionment of the cost among the subject properties.
- 3) Authorize an agreement with the High Falls Business Improvement District Management Association, Inc. for implementation of the services outlined in the BID plan.

The amount of the annual levy is determined by the budget proposed by the BID. The amount assessed to an individual property is determined by its primary use, which is verified annually. Funds are used for additional clean-up, beautification, landscaping, marketing, advertising, and promotional materials. Funds have also been used for special purposes such as historic signage and a lunchtime summer concert series produced in conjunction with the Hochstein School of Music.

The High Falls BID Plan outlines a description of the Business Improvement District Management Association boundaries, and the assessment formula used to determine each building owners' share. The plan is on file in the City Clerk's office.

A public hearing on the assessment is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-52

Local Improvement Ordinance No. 1748
(Int. No. 91)

Local Improvement Ordinance - Establishing the cost of assessments related to the High Falls Business Improvement District and authorizing an agreement

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

Section 1. The Council hereby approves the continuation of the High Falls Business Improvement District. The 2019-20 Budget for the High Falls Business Improvement District is established at \$25,000, which amount shall be assessed and levied in accordance with Local Law No. 1 of 2004. The Mayor is hereby authorized to enter into an agreement with the High Falls Business Improvement District Management Association, Inc. for implementation of the services outlined in the District Plan.

Section 2. This ordinance shall take effect on July 1, 2019.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-86
Re: Loan to IL2 LLC for Project at 270 East Avenue (also known as Inner Loop Site 2)

Council Priority: Creating and Sustaining a Culture of Vibrancy; Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation appropriating funds and authorizing a loan agreement with IL2 LLC (the "Developer"). The Developer is an affiliate of Christa Construction LLC, located at 600 East Avenue, Suite 201, Rochester, NY 14607, and with principals David Christa and Lacey Katz. The loan amount is \$1,500,000 and will provide gap financing to assist the Developer with the new construction of property located at 270 East Avenue, Rochester, NY 14604. This legislation will:

- 1) Appropriate \$1,500,000 from the Housing Revolving Loan Fund (HRLF); and,
- 2) Authorize a loan agreement with the Developer in the amount of \$1,500,000. The loan will be financed from the HRLF.

This is a new parcel resulting from the assembly of land due to the Inner Loop East Transformation Project. City Council approved the sale of the parcel on June 20, 2017. When completed, the Developer's project will offer one hundred three (103) residential units, approximately 12,000 square feet of commercial space, and a parking garage structure offering approximately one hundred forty (140) parking spaces.

The loan will be used as construction and permanent financing for costs associated only with the residential component of the project. The loan term is fifteen years and the interest rate is 3%. As a condition of the loan, 20% of the total number of residential units (21 units) shall be rented to households with incomes at or below 80% of the Area Median Income (AMI). The Developer will also abide by the City's policy on Minority and Women-Owned Business Enterprise (MWBE) and workforce participation. The City's MWBE goal is 30%, the workforce minority goal is 20%, the workforce female goal is 6.9%, and the City of Rochester resident workforce goal is 25%. The Developer anticipates the creation of two (2) full-time-equivalent (FTE) jobs and two (2) part-time jobs resulting from the residential component of this project in its first three years of operation.

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The estimated sources and uses of funds for the project are as follows:

Sources		Uses	
CPC Loan		\$23,000,000	\$600,000
City of Rochester Loan		1,500,000	22,610,000
Developer Equity	\$ 3,467,897	Soft Costs	\$ 4,757,897
Total		\$27,967,897	\$27,967,897

The City’s Loan Review Committee approved this request for financial assistance at their March 20, 2019 meeting. The State Environmental Quality Review for the Inner Loop East Transformation Project included future development parameters. This project falls within those parameters, and is therefore covered by the Negative Declaration issued on December 23, 2013.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-53

Ordinance No. 2019-86
 (Int. No. 92)

Authorizing a loan agreement with IL2 LLC

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

Section 1. The sum of \$1,500,000 is hereby appropriated from the Housing Revolving Loan Fund to provide gap financing for the development of the property located at 270 East Avenue (also known as Inner Loop East Site 2) (the Project).

Section 2. The Mayor is hereby authorized to enter into a loan agreement with IL2 LLC in the amount of \$1,500,000 to fund a portion of the costs of the residential component of the Project. The loan shall be funded from the amount appropriated in Section 1 herein, have a term of fifteen years, and have an annual interest rate of 3%. During the construction period loan repayments shall be interest-only payable monthly. Upon conversion to permanent financing, monthly repayments of principal and interest shall be amortized on a 30-year schedule. A balloon payment of the remainder of the loan principal and interest shall be due at the end of the loan term. As a condition of the loan, at least 20% of the Project’s dwelling units shall be rented to households with incomes not exceeding 80% of the Area Median Income (AMI).

Section 3. The loan agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. The Mayor is hereby authorized to execute such other agreements and documents as may be necessary to effectuate the agreement authorized herein.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Local Improvement No. 1749
 Re: South Avenue/Alexander Street Open Space District Local Improvement Ordinance (LIO) No. 1740

Council Priority: Creating and Sustaining a Culture of Vibrancy; Safety

Transmitted herewith for your approval is legislation establishing the amount of \$8,900 for maintenance of the South Avenue/Alexander Street Open Space District. Authorizing an agreement with South Wedge Area Neighborhood Council (SWANC) for \$8,900 each year for the next four years until June, 2022. The current LIO Ordinance No. 1740 re-established the District in 2018, for a term of ten years.

This assessment provides for maintenance of the landscaped open space at 62 Alexander Street including cutting grass, trimming shrubs, watering, weeding, trash pick-up and removal, lighting, and fall leaf clean-up. The cost for these services is based on estimates provided by the South Wedge Area Neighborhood Council (SWANC).

A public hearing is required.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-54

TUESDAY, APRIL 16, 2019

Local Improvement No. 1749
(Int. No. 93)

Local Improvement Ordinance – authorizing special work and services related to the South Avenue/Alexander Street Open Space District

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

Section 1. The cost of special work and services for the 2019-20 fiscal year for the South Avenue/Alexander Street Open Space District reestablished by Local Improvement Ordinance No. 1740 is established at \$8,900, which amount shall be assessed and billed on the 2019-20 tax bill as follows: apportioned among the properties based upon their assessed values and in relation to their proximity to the open space (without reduction for exemptions). Parcels in the Outer Tier of the district shall be charged at half the rate of the Inner Tier parcels. Any assessment not paid by its due date shall be a lien upon the property billed and a personal obligation of the property owner.

Section 2. The Council hereby finds that it would be impracticable to select a maintenance contractor through competitive bidding, designates the South Wedge Area Neighborhood Council, Inc. to perform the special work and services, and authorizes the Mayor to enter into an agreement with said Association for this purpose.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$8,900, and said amount, or so much thereof as may be necessary, is hereby appropriated from the assessments authorized herein.

Section 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1750
Re: East Avenue / Alexander Street Entertainment District

Council Priority: Creating and Sustaining a Culture of Vibrancy; Public Safety

Transmitted herewith for your approval is legislation reauthorizing the district and establishing the amount of \$20,800 for special assessments for the East Avenue/Alexander Street Entertainment District.

This assessment provides for additional trash removal on Saturday and Sunday, from 3:00 AM to 5:00 AM, from April through October, to address trash resulting from the increased activity in the District during this period. The assessment covers the additional cost of these services and is apportioned among the properties within the district that cater to the patrons of the establishments (e.g., bars, restaurants and parking lots who profit from the patrons).

In 2019-20 the fixed fee for additional street cleaning services is determined by type of establishment and square footage as agreed upon by the entertainment establishments and property owners in the district. The total annual charge estimate determined by the Department of Environmental Services.

All affected properties have been examined and any change in use is reflected in the attached list of subject properties. The operating assessment is apportioned among properties based on type and function of their use, using the following schedule:

<u>Code</u>	<u>Use</u>	<u>Annual Charge</u>
1	Parking lot under 2500 Sq Ft	\$217
2	Parking Lot 2500-4999 Sq Ft	\$422
3	Parking Lot 5000-9999 Sq Ft	\$627
4	Parking Lot 10000 Sq Ft or more	\$855
5	Small Sit down Restaurant	\$217
6	Take out Restaurant/Smaller Bar	\$422
7	Large Bar/Sit Down Restaurant	\$980

This assessment will be included on the annual tax bill of the affected properties. Residential properties with no entertainment venues or parking lots are not affected.

A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

TUESDAY, APRIL 16, 2019

Local Improvement Ordinance No. 1750
(Int. No. 94)

Local Improvement Ordinance establishing the cost of special services for the East Avenue/Alexander Street Entertainment District

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

Section 1. The 2019 budget for upgraded street cleaning and trash removal services for the East Avenue/Alexander Street Entertainment District is established at \$20,800 and the charge per code shall be as set forth below, and said amount is hereby appropriated from the Special Assessments as set forth below and shall be assessed and levied on the 2019-20 tax bill in accordance with Local Improvement Ordinance No. 1631.

Code	Use	Annual Charge
1	Parking lot under 2500 Sq. Ft	\$217
2	Parking lot 2500-4999 Sq. Ft	\$422
3	Parking lot 5000-9999 Sq. Ft	\$627
4	Parking lot 10000 Sq. Ft or more	\$855
5	Small Sit Down Restaurant	\$217
6	Take Out Restaurant/Smaller Bar	\$422
7	Large Bar/Sit Down Restaurant	\$980

Section 2. This ordinance shall take effect on July 1, 2019.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2019-6
Re: Appointments/Reappointments – Zoning Board of Appeals

Transmitted herewith for your approval is legislation confirming the appointment of two full-time members and reappointment of five full-time members and one alternate to the Zoning Board of Appeals. All terms expire on May 31, 2020.

New full-time members:

<u>Name</u>	<u>Address</u>
James Best	55 Gorsline Street, Rochester, NY 14613
Cora Murphy	180 St. Paul Street #406, Rochester, NY 14604

Reappointing:

<u>Name</u>	<u>Address</u>
Tyrese Bryant	408 Ravenwood Ave, Rochester, NY 14619
Mimi Freund Tilton	25 Berkley St, Rochester, NY 14607
Joseph O'Donnell	150 Versaille Rd, Rochester, NY 14621
David Carr	473 Hudson Ave, Rochester, NY 14605
LaShana Boose	420 Clay Ave, Rochester, NY 14613

Alternate

<u>Name</u>	<u>Address</u>
Laurene Jennings	50 Charlotte St, Rochester, NY 14607

The current terms expired on May 31, 2018.

Resumes for all individuals are on file with the City Clerk.

Respectfully submitted,
Lovely A. Warren
Mayor

Resolution No. 2019-6
(Int. No. 122)

Resolution approving appointments to the Zoning Board of Appeals

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

TUESDAY, APRIL 16, 2019

Section 1. The Council hereby approves the appointment of the following individuals to the Zoning Board of Appeals, each as a regular member for a term which shall expire on May 31, 2020:

Name	Address
James Best	55 Gorsline St, Rochester, NY 14613
Cora Murphy	180 St. Paul St #406, Rochester, NY 14604
Tyrese Bryant	408 Ravenwood Ave, Rochester, NY 14619
Mimi Freund Tilton	25 Berkeley St, Rochester, NY 14607
Joseph O'Donnell	150 Versailles Rd, Rochester, NY 14621
David Carr	473 Hudson Ave, Rochester, NY 14605
LaShana Boose	420 Clay Ave, Rochester, NY 14613

Section 2. The Council hereby approves the appointment of the following individual to the Zoning Board of Appeals, as an alternate member for a term which shall expire on May 31, 2020:

Name	Address
Laurene Jennings	50 Charlotte St, Rochester, NY 14607

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember Evans
April 16, 2019

To the Council:

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

- Int. No. 95 Authorizing an amendatory agreement and funding for the Brewery Line Trail
- Int. No. 96 Authorizing an amendatory intermunicipal agreement for the Highland Park/Canalway Trail Improvements Project
- Int. No. 97 Appropriating funds and authorizing an amendatory agreement for the Erie Harbor Enhancements Phase II project
- Int. No. 98 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$850,000 Bonds of said City to finance the costs of the Erie Harbor Enhancements Phase II project
- Int. No. 99 Appropriating Community Development Block Grant funds to infrastructure and playground improvements
- Int. No. 103 Authorizing funding and an agreement for the Joseph A. Floreano Rochester Riverside Convention Center Escalator Replacement project
- Int. No. 104 Authorizing an amendatory agreement and funding for the Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Project
- Int. No. 105 Authorizing an agreement for the Chestnut Firehouse Engine 17 Kitchen Renovation and Exhaust Hood Replacement project
- Int. No. 106 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$246,000 Bonds of said City to finance the costs of the Chestnut Firehouse Engine 17 Kitchen Renovation and Exhaust Hood Replacement project
- Int. No. 107 Authorizing an agreement for Clinton-Baden Community Center renovations
- Int. No. 108 Authorizing agreements for materials testing services
- Int. No. 115 Authorizing an agreement for dredging services in the Genesee River

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

- Int. No. 100 Amending the Official Map
- Int. No. 101 Authorizing pavement width changes adjacent to Flower City School No. 54
- Int. No. 102 Amending the Official Map

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|--------------|---|
| Int. No. 109 | Local Improvement Ordinance – establishing the operation, installation and maintenance costs of street lighting special assessment districts |
| Int. No. 110 | Amending Local Improvement Ordinance No. 1413, as amended by Local Improvement Ordinance No. 1672, to remove 5 parcels in the Monroe Avenue I Street Lighting District |
| Int. No. 111 | Continuation of Local Improvement Ordinance No. 1422 relating to the Norton Street Urban Renewal District Street Lighting District |
| Int. No. 112 | Local Improvement Ordinance – care and embellishment of street malls for 2019-20 |
| Int. No. 113 | Local Improvement Ordinance – establishing the operating and maintenance costs of special assessments for streetscape enhancements |
| Int. No. 114 | Local Improvement Ordinance – establishing the cost of the special work and services related to Main Street improvements of the Downtown Enhancement District, <u>as amended</u> |

Respectfully submitted,
 Malik Evans
 Mitch Gruber
 Elaine M. Spaul
 Loretta C. Scott
 PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Re: Ordinance No. 2019-87
 Amendatory Agreement – Brewery Line Trail

Transmitted herewith for your approval is legislation:

1. Authorizing an amendatory agreement with McCord Landscape Architecture, PLLC (Douglas McCord, RLA – Principal), Penfield, NY for additional design and construction phase design services related to the Brewery Line Trail project. The original agreement, authorized in March, 2018 (Ord. No. 2018-63) established maximum compensation at \$80,000. The agreement shall extend until three (3) months after completion of a two (2) year guarantee inspection of the project. This amendment will increase the compensation by \$63,000 to a maximum total of \$143,000. This additional cost will be funded from \$13,000 Dormitory Authority of New York State grant funds sponsored by the honorable Senator Joseph Robach (Ord. No. 2018-063); and \$50,000 Prior Years' Cash Capital.
2. Authorizing the receipt and use of \$500,000 in New York State Department of Transportation that are funded by ROC the Riverway awarded by the Honorable Governor Andrew Cuomo.

The Brewery Line Trail project that was (authorized with Ord. No. 2018-63) runs between the Pont de Rennes bridge and the High Falls Overlook. The project includes improvements to the existing trail, trail furnishings, river railing, shoring the gorge edge, opening views by clearing scrub growth, and improve lighting in the area.

The additional Roc the Riverway funding will provide improved connection between the trail and park, park lighting, furnishings, landscaping, rain gardens, and parking lot improvements. Design for the original project began in fall of 2018 and the additional design work is ongoing and will be completed by the fall of 2019. Construction is anticipated in spring of 2020 with substantial completed in fall 2020. The added project scope will result in the creation and/or retention of the equivalent of 5.4 full-time jobs.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-55

Ordinance No. 2019-87
 (Int. No. 95)

Authorizing an amendatory agreement and funding for the Brewery Line Trail

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 McCord Landscape Architecture, PLLC to provide additional design and construction phase design services for the Brewery Line Trail project (the Project). The

TUESDAY, APRIL 16, 2019

amendments shall increase the maximum compensation of the original agreement, which was authorized in Ordinance No. 2018-63, by \$63,000 to a new total of \$143,000 and shall extend the term of the agreement to 3 months after completion of a 2-year guarantee inspection of the Project.

Section 2. The amendatory compensation shall be funded in the amounts of \$13,000 from the Dormitory Authority of the State of New York grant authorized in Ordinance No. 2018-63 and \$50,000 from Prior Years' Cash Capital.

Section 3. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. The Council hereby authorizes the receipt and use of \$500,000 in ROC the Riverway grant funds from the New York State Department of Transportation, which are allocated to the Brewery Line Trail South project in Ordinance No. 2019-62, for the Project.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-88
Re: Amendatory Agreement – Highland Park/Canalway Trail Improvement Project

Transmitted herewith for your approval is legislation related to the Highland Park/Canalway Trail Improvements Project. This legislation will amend an existing inter-municipal agreement with the Town of Brighton for additional design, construction and construction inspection services. The amendment will increase the maximum City share by \$203,000 to a total not to exceed share of \$387,440.

This federally funded project will construct a multi-use neighborhood connector trail between the Canalway Trail south of Westfall Road in the Town of Brighton, and the east bank of the Genesee River and trail at McLean Street. The trail will connect neighborhoods in the Town of Brighton and the City of Rochester to the Canalway Trail and Genesee Riverway Trail, providing local and statewide trail users access to adjacent parks and open space resources. The Town of Brighton is administering the federal grant, design, construction and inspection of the project.

The original inter-municipal agreement for \$7,920 was authorized August 2008 by Ordinance No. 2008-300. An amendatory agreement ~~decreasing~~ increasing the City's share of the project costs by \$6,600 to a total of \$14,520 was authorized May 2009 by Ordinance No. 2009-203. An amendatory agreement increasing the City's share of the project costs by \$158,980 to a total of \$173,500 was authorized April 2010 by Ordinance No. 2010-126. An amendatory agreement ~~increasing~~ decreasing the City's share of the project costs by \$6,200 to a total of \$167,300 was authorized October 2015 by Ordinance No. 2015-329. An amendatory agreement increasing the City's share of the project costs by \$17,140 to a total of \$184,440 was authorized December 2016 by Ordinance 2016-405.

The increase proposed by this legislation will be funded with \$18,776 from 2011-12 Cash Capital, \$141,750 from 2012-13 Cash Capital, \$19,554 from 2013-14 Cash Capital, and \$22,920 from 2014-15 Cash Capital.

Design and bid of project improvements is complete and award of the construction contract is pending. Construction is anticipated to begin spring 2019 with substantial completion in fall 2019.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-56

Ordinance No. 2019-88
(Int. No. 96)

Authorizing an amendatory intermunicipal agreement for the Highland Park/Canalway Trail Improvements Project

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 the Town of Brighton to implement the Highland Park/Canalway Trail Improvements Project. The amendatory agreement shall increase the maximum compensation authorized in the original agreement by Ordinance No. 2008-300, and last amended by Ordinance No. 2016-405, by \$203,000 to a total maximum compensation of \$387,440 which amount shall be funded from \$18,776 from 2011-12 Cash Capital, \$141,750 from 2012-13 Cash Capital, \$19,554 from 2013-14 Cash Capital, and \$22,920 from 2014-15 Cash Capital.

Section 2. The amendatory 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.

TUESDAY, APRIL 16, 2019

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-89
Ordinance No. 2019-90
Re: Amendatory Agreement – Erie Harbor Enhancements Phase II

Transmitted herewith for your approval is legislation related to the Erie Harbor Enhancements Phase II project. This legislation will:

3. Appropriate \$2,000,000 in anticipated reimbursements from ROC the Riverway / Upstate Revitalization Initiative funding administered by New York State Department of State (NYSDOS) to fund a portion of the design, construction and construction inspection services for the Project; and,
4. Appropriate \$850,000 in anticipated reimbursements from NYSDOS to partially finance the construction and construction inspection services for the Project; and,
5. Authorize the issuance of bonds totaling \$850,000 and the appropriation of the proceeds thereof to fund a portion of the design, construction and construction inspection services for the Project; and
6. Establish \$370,000 as maximum compensation for an amendatory agreement with Stantec Consulting Services, Inc. (James R. Hofmann, PE, Principal), Rochester, NY 14614, for additional design services for the project.

Stantec Consulting Services Inc. was selected through a request for proposal process to complete master planning and preliminary and detailed design documentation of park and trail improvements. Bid documentation, bid and award and construction phase design services were not included because there were no construction funds available. The initial agreement was authorized in May 2017 (Ord. No. 2017-136) for maximum compensation of \$200,000.

Subsequent to the execution of the design agreement, the City applied for and received a Local Waterfront Revitalization Program grant through NYSDOS to partially fund construction and inspection - \$850,000 NYSDOS grant funds and \$283,334 matching City funds (bonds appropriated herein). The project was also awarded \$2,000,000 ROC the Riverway / Upstate Revitalization Initiative funding awarded by the Honorable Governor Andrew Cuomo. The RTR/URI grant will be administered by NYSDOS and will fund design, construction and construction inspection (Ordinance No. 2019-62 – Genesee Gateway Park). The additional design fees are commensurate with the effort required to design to the new project scope and budget.

The term of the original design only agreement was for termination six months after completion and acceptance of the project. With the addition of Construction Phase Design Services the term of the agreement shall change to termination six (6) months after completion and acceptance of the construction of the Project designated herein. In the event that the Project construction is not undertaken, the Agreement shall terminate one year after the completion of the contract documents by the Consultant and the acceptance by the City of such contract documents.

The cost of the agreement will be financed as follows:

<u>Source</u>	<u>Amount</u>
2016-17 NYSDOS (Ord. No. 2017-136)	\$ 100,000
2016-17 Cash Capital (Ord. No. 2017-136)	100,000
<u>RTR/URI/NYSDOS appropriated herein</u>	<u>370,000</u>
TOTAL	\$ 570,000

The Erie Harbor Enhancements Phase II project will include the rehabilitation of Genesee Gateway Park and the Genesee Riverway Trail within the project area to provide sightlines and access to the waterfront and trail system, and public recreational use of the parkland. The Consultant will provide preliminary and final design of improvements through contract documentation and construction phase design services.

The additional ROC the Riverway funding will allow for the detailed design and construction of a greater portion of the proposed master plan improvements with an emphasis on hand carried boat launch / landing and waterside access for water taxi service and personal motorized watercraft.

Design of park improvements is ongoing and anticipated to be complete in summer 2020. Construction is anticipated to begin in fall 2020 with substantial completion by fall 2021.

This amendatory agreement and construction and construction inspection funds will result in the creation of 40.2 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-57

Ordinance No. 2019-89
(Int. No. 97)

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Appropriating funds and authorizing an amendatory agreement for the Erie Harbor Enhancements Phase II project

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

Section 1. The sum of \$2,000,000 in anticipated reimbursements from the ROC the Riverway/Upstate Revitalization Initiative administered by the New York State Department of State authorized by Ordinance No. 2019-62 is hereby appropriated to fund a portion of the design, construction and construction inspection services for the Erie Harbor Enhancements Phase II Project (the Project).

Section 2. The sum of \$850,000 in anticipated reimbursements from the New York State Department of State is hereby appropriated to fund a portion of the construction and construction inspection services for the Project.

Section 3. The Mayor is hereby authorized to enter into an amendatory agreement with Stantec Consulting Services Inc. for additional design services for the Project. The amendment shall increase the maximum annual compensation of the original agreement, which was authorized by Ordinance No. 2017-136, by \$370,000 to a total compensation of \$570,000. The amendatory amount shall be funded from the appropriation in Section 1 herein. The term of the amendatory agreement shall be six months after completion and acceptance of the construction of the Project. In the event construction is not undertaken, the amendatory agreement shall terminate one year after the completion of the contract documents by the Consultant and the acceptance by the City of such contract documents.

Section 4. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2019-90
(Int. No. 98)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$850,000 Bonds of said City to finance the costs of the Erie Harbor Enhancements Phase II 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 partially finance the costs of construction and construction inspection services for the Erie Harbor Enhancements Phase II project which includes rehabilitation of Genesee Gateway Park and the Genesee Riverway Trail to provide sightlines and access to the waterfront and trail system, and public recreational use of the parkland on the east side of the Genesee River between Ford Street and the Spectrum Cable LLC property (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 \$3,900,000. The plan of financing includes the issuance of \$850,000 bonds of the City to finance a portion of said appropriation, \$2,000,000 in ROC the Riverway/Upstate Revitalization funding administered by the New York State Department of State, \$850,000 in anticipated reimbursements from the New York State Department of State, \$100,000 in anticipated reimbursements from the New York State Department of State appropriated in Ordinance No. 2017-136, \$100,000 in 2016-17 Cash Capital appropriated in Ordinance No. 2017-136 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 \$850,000 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 or grants to be received from the State of New York, pursuant to this Ordinance, in the amount of \$3,900,000. 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. 3. of the Law, is thirty (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.

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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. 2019-91
Re: Appropriation – Community Development Block Grant, Infrastructure and Playground Improvements

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation authorizing the appropriation of \$300,000 of 2017-18 and \$616,588 of 2018-19 Community Development Block Grant (CDBG) funds from the DRYS Infrastructure – Play Apparatus allocation of the General Community Needs Fund of the Community Development Plan.

The CDBG will fund infrastructure and playground improvements and related RPR services at various locations including, but not limited to, the 4th and Peck Playground, Tacoma Park Playground, and Don Samuel Torres Park.

Site	Proposed improvements
4 th and Peck Playground	Replace single water spray feature and safety surface replacement.
Tacoma Park Playground	Replace playground with tot and preteen playsets
Don Samuel Torres Park	Replace basketball court, enhance baseball field, shade trees

Construction for 4th and Peck Playground and Tacoma Park Playground is planned to begin in summer 2019 with planned completion in fall 2019.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-58

Ordinance No. 2019-91
(Int. No. 99)

Appropriating Community Development Block Grant funds to infrastructure and playground improvements

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

Section 1. The Council hereby appropriates \$916,588 in Community Development Block Grant (CDBG) funds to fund infrastructure and playground improvements at various locations including but not limited to the 4th Street and Peck Street Park playground, the Tacoma Park playground and Don Samuel Torres Park. The CDBG funds appropriated herein shall be comprised of \$300,000 from the DRYS Infrastructure – Play Apparatus allocation of the Consolidated Community Development Plan/2017-18 Annual Action Plan and \$616,588 from the DRYS Infrastructure – Play Apparatus allocation of the Consolidated Community Development Plan/2018-19 Annual Action Plan.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TUESDAY, APRIL 16, 2019

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-92
Official Map Amendment – Dedication of 47 Waverly Place for Additional Van Auken Street Right-of-Way

Transmitted herewith for your approval is legislation which will amend the Official Map by dedicating the following parcel as public rights-of-way for street purposes. Dedicate the 0.1 ac +/- parcel designated as 47 Waverly Place as Van Auken Street right-of-way to provide legal access to landlocked parcels at 105 and 101 VanAuken Street.

Address	SBL#	Type	Sq.Ft.
47 Waverly Place	121.370-01-042	City Parcel	1,200

The City Planning Commission, in its February 11, 2019 meeting recommended approval of this dedication by a vote of 7-0-0. Minutes of that meeting, along with the application, are attached.

A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-59

Ordinance No. 2019-92
(Int. No. 100)

Amending the Official Map

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

Section 1. Chapter 76 of the Municipal Code, Official Map, is hereby further amended by dedicating the following City parcel as public right-of-way for street purposes:

Address	SBL#	Type	Sq. Ft.
47 Waverly Place	121.370-01-042	City Parcel	1,200

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-93
Geometric Changes- 36 Otis Street/ The Flower City School No. 54

Transmitted herewith for your approval is legislation authorizing a decrease in pavement width on Otis Street from a point 108.5 feet west of Sherman Street to a point 243 feet west of Sherman Street, a distance of 134'-6", the street pavement width narrows from 33'-7" to a width of 26 feet. Also, on Sherman Street, from a point 61'-6" north of Otis Street to a point 144'-6" north of Otis Street, a distance of 83 feet, the street pavement width narrows from 36'-2" to a width of 26 feet. Also on Sherman Street from a point 144'-6" north of Otis Street to a point 270 feet north of Otis Street, a distance of 125'-6", the pavement width narrows from a width of 35'-9" to a width of 34 feet.

The pavement width changes were requested by the City School District to improve bus access from Sherman Street and Otis Street and to increase sidewalk width on Sherman Street. Bus loading and unloading will take place off street.

In addition to the pavement width changes, this project includes curb and sidewalk replacement where the pavement width changes occur. The project is being designed by EDRPRC Consultants (Jo Anne C. Gagliano, President) for the District.

Design of the project is complete; construction will begin in June 2019 with completion in August 2020. No additional right-of-way is required to accommodate the changes in pavement width. The pavement width changes were endorsed at the March 5, 2019 Traffic Control Board meeting.

A public meeting on the pavement width was held on February 11, 2019. Meeting minutes are attached.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal is an unlisted Action requiring no further environmental review.

TUESDAY, APRIL 16, 2019

A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-60

Ordinance No. 2019-93
(Int. No. 101)

Authorizing pavement width changes adjacent to Flower City School No. 54

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

Section 1. Council hereby approves the following pavement width changes related to bus access and sidewalk improvements at the Flower City School No. 54 at 36 Otis Street:

- a) on Otis Street, a decrease of 7 feet, 7 inches, from 33 feet, 7 inches to 26 feet, beginning at a point 108 feet, 6 inches west of Sherman Street and extending westward a distance of 134 feet, 6 inches to a point 243 feet west of Sherman Street;
- b) on Sherman Street, a decrease of 10 feet, 2 inches, from 36 feet, 2 inches to 26 feet, beginning at a point 61 feet, 6 inches north of Otis Street and extending northward a distance of 83 feet to a point 144 feet, 6 inches north of Otis Street; and
- c) also on Sherman Street, a decrease of 1 foot, 9 inches, from 35 feet, 9 inches to 34 feet, beginning at a point 144 feet, 6 inches north of Otis Street and extending northward a distance of 125 feet, 6 inches to a point 270 feet north of Otis Street.

Section 2. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-94
Re: Official Map Amendment – Dedication of City of Rochester Parcels on Boxart Street for Right-of-Way Purposes

Transmitted herewith for your approval is legislation which will amend the Official Map by dedicating the following parcels as public rights-of-way for street purposes. This amendment will provide currently land locked parcels with right-of-way access. The 0.35 ac +/- parcel at 202 Boxart Street is being dedicated as right-of-way to provide legal access to the landlocked parcel at 240 Boxart Street which is being developed. 340 Boxart Street, 0.1 ac +/-, and 120 Boxart Street, 0.04 ac +/-, are being dedicated as right-of-way to provide a consistent right-of-way width along Boxart Street.

<u>Address</u>	<u>SBL#</u>	<u>Type</u>	<u>Sq. Ft.</u>
98 Boxart Street	060.76-2-2	Vacant Industrial Land	4,172
120 Boxart Street	060.76-2-7	Vacant Industrial Land	1,742
202 Boxart Street	061.69-1-2	Vacant Commercial Land	14,470
304 Boxart Street (portion)	061.69-1-8	Vacant Industrial Land	825
330 Boxart Street	061.69-1-7	Vacant Industrial Land	3,763

The City Planning Commission, in its February 11, 2019 meeting recommended approval of this dedication by a vote of 7-0-0. Minutes of that meeting, along with the application, are attached.

A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

TUESDAY, APRIL 16, 2019

Attachment No. AS-61

Ordinance No. 2019-94
(Int. No. 102)

Amending the Official Map

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

Section 1. Chapter 76 of the Municipal Code, Official Map, is hereby further amended by dedicating the following parcels as public rights-of-way:

Address	SBL#	Type	Sq. Ft.
98 Boxart Street	060.76-2-2	Vacant Industrial Land	4,172
120 Boxart Street	060.76-2-7	Vacant Industrial Land	1,742
202 Boxart Street	061.69-1-2	Vacant Commercial Land	14,470
304 Boxart Street	061.69-1-8	Vacant Industrial Land	825
330 Boxart Street	061.69-1-7	Vacant Industrial Land	3,763

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-95
Re: Agreement – LaBella Associates, D.P.C. Joseph A. Floreano Rochester Riverside Convention Center Escalator Replacements

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation related to Joseph A. Floreano Rochester Riverside Convention Center Escalator Replacements.

This legislation will:

- 3. Appropriate \$1,500,000 funding administered by New York State Empire State Development (ESD).
- 4. Establish \$800,000 as maximum compensation for a professional services agreement with LaBella Associates, D.P.C. (Sergio Esteban, Chief Executive Officer) 300 State Street, Rochester, NY for design services. The cost of the agreement will be financed from ESD funds appropriated herein.

The Joseph A. Floreano Rochester Riverside Convention Center Escalator Replacement project includes investigation and verification of existing conditions at the escalator locations, research of available escalator systems, design and creation of bid documents, and construction oversight for escalator replacements. The project will be sequenced in phases that are coordinated directly with Rochester Riverside Convention Center leadership such that operations will continue throughout all replacements.

LaBella Associates, D.P.C. was selected for design services through a request for proposal process, which is described in the attached summary. The agreement shall extend until three (3) months after completion of a two (2) year guarantee inspection of the project.

Design phase services will begin in spring 2019 with scheduled completion in fall 2019. Construction will begin in summer 2020 and due to the impact on convention center activities will be phased over multiple construction seasons. The project will result in the creation and/or retention of the equivalent of 25.0 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-62

Ordinance No. 2019-95
(Int. No. 103)

Authorizing funding and an agreement for the Joseph A. Floreano Rochester Riverside Convention Center Escalator Replacement project

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

TUESDAY, APRIL 16, 2019

Section 1. The sum of \$1,500,000 in anticipated reimbursements from New York State Empire State Development (ESD) to be received in accordance with the Consolidated Funding Application authorized by Ordinance No. 2015-179 is hereby appropriated for the Joseph A. Floreano Rochester Riverside Convention Center Escalator Replacement project (the Project).

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with LaBella Associates, D.P.C. in the maximum amount of \$800,000 for design and construction administration services for the Project. Said amount shall be funded from the ESD funds appropriated herein. The term of the agreement shall continue to 3 months after completion of a two-year guarantee inspection of the Project.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-96
Re: Amendatory Agreement – T.Y. Lin International Engineering & Architecture, P.C., Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Project

Council Priority: Jobs and Economic Development and Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Project. This legislation will:

1. Authorize an amendatory agreement with T.Y. Lin International Engineering & Architecture, P.C., (T.Y. Lin) 255 East Avenue, Rochester, (Robert J. Radley, Chief Executive Officer), for additional planning, engineering and landscape architectural design services. The original agreement with T.Y. Lin was authorized in March 2015 for a maximum compensation of \$700,000 by City Council Ordinance No. 2015-71. An amendatory agreement increasing the maximum compensation by \$400,000 from anticipated reimbursements from the New York State Department of State (NYS DOS) was authorized in December, 2016 by Ordinance No. 2016-404. This amendment will increase the compensation by \$1,100,000 to a maximum total of \$2,200,000. The term of the amendatory agreement shall extend until three (3) months after completion of a two-year guarantee inspection of the project. The cost of the agreement will be financed as follows:

<u>Source</u>	<u>Amount</u>
2012-13 Cash Capital	\$ 250,000
2013-14 Parking Cash Capital	300,000
2014-15 Parking Cash Capital	150,000
NYS DOS Funding per Ord. 16-404	400,000
URI / NYSDOS Funding Award	<u>1,100,000</u>
TOTAL	\$ 2,200,000

2. Appropriate \$1,100,000 of awarded funding from Upstate Revitalization Initiative (URI), administered by the New York State Department of State (NYS DOS), to finance a portion of the project.

Charles Carroll Plaza is located on the west side of the Genesee River between Main Street and Andrews Street. Much of the plaza is built on top of the Crossroads Parking Garage roof, which is deteriorated and requires waterproofing and structural repairs. The project includes the removal of the plaza to perform structural repairs to the garage roof slab underneath, replace the slab waterproofing system, and the redesign and construction of a new plaza, creating a more natural, flowing space with ADA accessible connections serving as a critical link in the Riverway Trail system. The project will provide new park amenities, lighting and landscaping, and space for programmed activities. The project will also upgrade the existing Sister Cities Bridge, making it ADA-compliant and bicycle-friendly. The estimated overall cost of the project is \$21 million. \$16 million of this project will be funded by Roc the Riverway funds awarded by the Honorable Governor Andrew Cuomo.

Planning, engineering inspections, conceptual design and public outreach began in early 2015. Preliminary and final design is underway. It is anticipated that construction of the project will begin in early 2020 with scheduled completion in late 2022. This amendment and the grant will result in the creation and/or retention of the equivalent of 173.9 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-63

Ordinance No. 2019-96
(Int. No. 104)

TUESDAY, APRIL 16, 2019

Authorizing an amendatory agreement and funding for the Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Project

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 T.Y. Lin International Engineering & Architecture, P.C. to provide additional planning, engineering and landscape architecture design services for the Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction project (the Project). The amendments shall increase the maximum compensation of the original agreement, which was authorized in Ordinance No. 2015-71 and amended in Ordinance No. 2016-404, by \$1,100,000 to a new total of \$2,200,000 and shall extend the term of the agreement to 3 months after completion of a 2-year guarantee inspection of the Project.

Section 2. The Council hereby appropriates \$1,100,000 to fund the compensation for the amendatory agreement from a portion of the \$16,000,000 in ROC the Riverway grant funds from the New York State Department of State allocated to the Riverway Main to Andrews West project in Ordinance No. 2019-62.

Section 3. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-97
Ordinance No. 2019-98

Re: Agreement – LaBella Associates, D.P.C. Chestnut Firehouse Engine 17 Kitchen Renovation and Exhaust Hood Replacement

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation related to the Chestnut Firehouse Engine 17 Kitchen Renovation and Exhaust Hood Replacement project. This legislation will:

1. Establish \$53,000 as maximum compensation for a professional services agreement with LaBella Associates, D.P.C. (Sergio Esteban, Principal) 300 State Street, Suite 201, Rochester, NY for design and construction administration services. The cost of the agreement will be financed from bonds to be issued herein; and
2. Authorize the issuance of bonds totaling \$246,000 and the appropriation of the proceeds thereof to finance the Project.

This project includes replacement of cabinets, countertops and flooring, as well as installation of a code compliant exhaust hood and fire suppression system for the Engine 17 kitchen specifically. The estimated total cost of the project is \$246,000.

LaBella Associates, D.P.C. was selected for design services through a request for proposal process, which is described in the attached summary. The agreement shall extend until three (3) months after completion of a two (2) year guarantee inspection of the project.

Design phase services will begin in spring 2019 and construction will begin in summer 2020. The project will result in the creation and/or retention of the equivalent of 2.67 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-64

Ordinance No. 2019-97
(Int. No. 105)

Authorizing an agreement for the Chestnut Firehouse Engine 17 Kitchen Renovation and Exhaust Hood Replacement 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. in the maximum amount of \$53,000 for design and construction administration services for the Chestnut Firehouse Engine 17 Kitchen Renovation and Exhaust Hood Replacement project (the Project). Said amount shall be funded from the proceeds of bonds to be authorized and appropriated for the Project. The term of the agreement shall continue to 3 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.

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Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2019-98
(Int. No. 106)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$246,000 Bonds of said City to finance the costs of the Chestnut Firehouse Engine 17 Kitchen Renovation and Exhaust Hood Replacement 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 the costs of design and construction administration services for the Chestnut Firehouse Engine 17 Kitchen Renovation and Exhaust Hood Replacement project which include the costs of the replacement of cabinets, countertops and flooring, and installation of a code compliant exhaust hood and fire suppression system at the Engine 17 kitchen located on Chestnut Street (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 \$246,000. The plan of financing includes the issuance of \$246,000 bonds of the City to finance this 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 \$246,000 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 \$246,000. 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. 13. of the Law, is ten (10) 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. 2019-99
Re: Agreement – Passero Associates, D.P.C. Clinton-Baden Community Center Renovations

TUESDAY, APRIL 16, 2019

Council Priority: Jobs and Economic Development and Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to Clinton Baden Community Center Renovations. This legislation will:

- 1. Establish \$175,000.00 as maximum compensation for a professional services agreement with Passero Associates, Engineering, Architecture & Surveying, D.P.C. (Joseph Caruso, President), 242 West Main Street, Suite 100, Rochester, NY, 14614 for Resident Project Representation (RPR) services. The cost of the agreement will be financed from 2016-17 Cash Capital allocations from the Department of Environmental Services Budget:

The Rochester City School District (RCS D) will bid, fund and administer a contract entitled “Renovations to Clinton-Baden Community Center & School #9” (RCS D Project). The RCS D Project will include renovations to School No. 9 and to facilities at the City’s adjacent Clinton-Baden Community Center.

Work in the Clinton-Baden Community Center portion of the RCS D Project includes, but is not limited to: relocating and moving personal and equipment, asbestos abatement, roofing system removal and replacement, locker room & toilet room demolition and reconstruction, pool resurfacing with concrete deck repairs, tile flooring removals and replacement as well as millwork removals and replacement, ceiling removal & replacement with new lighting and diffusers, electrical panelboard replacement, removal and replacement of doors & windows. RPR services under this agreement will be for observation only of work related to the Clinton-Baden Community Center portion of the RCS D Project

Passero Associates was selected for RPR services through a request for proposal process, which is described in the attached summary. The agreement shall extend until three (3) months after completion of a one (1) year guarantee inspection of the project.

RPR services will begin in summer 2019 with scheduled completion in fall 2019. The project will result in the creation and/or retention of the equivalent of 2.7 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-65

Ordinance No. 2019-99
(Int. No.107)

Authorizing an agreement for Clinton-Baden Community Center renovations

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 Passero Associates, Engineering, Architecture & Surveying, D.P.C. in the maximum amount of \$175,000 to provide resident project representation services for renovations to the Clinton-Baden Community Center (the Project). Said amount shall be funded from 2016-17 Cash Capital. The term of the agreement shall run to 3 months after completion of a one 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. 2019-100
Re: Material Testing - Term Agreements

Council Priority: Jobs and Economic Development and Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation authorizing agreements with the following companies for services related to the testing and analysis of various construction materials:

Company	Address	Principal	Specialty
Atlantic Testing Laboratories, Limited	Roch 14623	Marijean Remington	All Testing
Labella Associates, D.P.C.	Roch 14614	Sergio Esteban	Environmental
Lozier Environmental Consulting, Inc.	Roch 14609	Jeanne DeNike	Environmental
Paradigm Environmental Services, Inc.	Roch 14608	James Magee Jr.	Environmental Terracon Consultants – NY,
Inc.	Roch 14624	Chuck Guzzetta	All Testing

Testing services include: sampling and testing of soils, asbestos, asphalt, concrete, masonry, structural steel and road base materials and exploratory drilling. Such tests are routinely required by the Bureau of Architecture and Engineering for street, bridge, and building renovation projects.

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When tests are necessary, one or more of these companies will be utilized. The selection of a specific company will depend upon the type of test required, the company’s skill set, and its ability to accommodate the City’s schedule. The volume of tests will depend upon the number of construction projects that are authorized. The cost of the tests will be based on the unit prices specified in the company’s proposal.

The previous agreements for testing services were authorized by the City Council in March 2017. In anticipation of the expiration of these agreements, the Department of Environmental Services Solicited proposals for these services. Five firms were recommended for testing services through a request for proposal process, which is described in the attached summary. Each of the agreements will have a term of two years. Adjustment of the specified unit prices during the second year will be permitted but will be subject to approval by the City Engineer.

The costs of the testing will be financed from the annual budgets of the Department of Environmental Services or the department using the services, and as necessary from capital funds appropriated for specific construction projects.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-66

Ordinance No. 2019-100
(Int. No. 108)

Authorizing agreements for materials testing services

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following companies for the testing of various construction materials as required by the City:

Company	Address
Atlantic Testing Laboratories, Limited	Rochester, NY 14623
LaBella Associates, D.P.C.	Rochester, NY 14614
Lozier Environmental Consulting, Inc.	Rochester, NY 14609
Paradigm Environmental Services, Inc.	Rochester, NY 14608
Terracon Consultants – NY, Inc.	Rochester, NY 14624

Section 2. Each agreement shall have a term of two years. Each agreement shall provide for a test to be performed on an as needed basis and shall establish a unit price to be paid for a particular test. The unit price may be adjusted during the second year with the approval of the City Engineer. The cost of said agreements shall be funded from the annual budgets of the Department of Environmental Services and of the departments using the services, or from the capital funds appropriated for specific construction projects, contingent upon adoption thereof.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1751
Local Improvement Ordinance No. 1752
Local Improvement Ordinance No. 1753
Re: Local Improvement Ordinance –
Street Lighting Enhancement Special Assessment Districts

Council Priority: Public Safety; Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing the 2019-20 budgets for street lighting enhancement special assessment districts. The districts and assessments are as follows:

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Local Imp. Ord.	District	2019-20	2018-19	Variance	Capital/Operating	Type
1547	Wilson Boulevard	\$563.71	\$534.08	\$29.33	Operating	Street lighting
1413	Monroe I	\$1,265.73	\$1,290.57	(\$24.84)	Operating	Street lighting
1412	Monroe II	\$627.62	\$599.43	\$28.19	Operating	Street lighting
1429	Cascade Historic	\$1,562.58	\$1,543.03	\$19.55	Operating	Street lighting
1601	Norton Street URD	\$1,377.07	\$1,327.34	\$49.73	Operating	Street lighting
1472	Lake Avenue	\$4,068.34	\$3,895.94	\$172.40	Operating	Street lighting
1552	St. Paul Street	\$528.76	\$503.29	\$25.47	Operating	Street lighting
1627	East Main Street	\$325.18	\$308.48	\$16.70	Operating	Street lighting
1658	Browncroft Neighborhood	\$9,508.99	\$9,508.99	\$-0-	Capital	Street lighting
1677	Cobbs Hill/Nunda Neighborhood	\$8,449.38	\$8,449.38	\$-0-	Capital	Street lighting

The history and purpose of each district are described in the attached summary.

Five parcels are to be removed from the Monroe I district corresponding to four lights removed in conjunction with the Inner Loop Transformation Project.

SBL	Street Address	Front Footage
1214000020090000000	147 MONROE AV	63.62
1214000020100000000	155 MONROE AV	52
1214000020110000000	161 MONROE AV	52
1214000020120010000	158 MONROE AV	150
1214000020140000000	165 MONROE AV	33

A public hearing on removing the five parcels from the Monroe I district, and renewing the Norton district and the assessments for all the districts is required.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-67

Local Improvement Ordinance No. 1751
 (Int. No. 109)

Local Improvement Ordinance - establishing the operation, installation and maintenance costs of street lighting special assessment districts

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

Section 1. The following amounts are hereby established and the new assessments shall be allocated and levied against the benefited properties in accordance with the applicable local improvement ordinances (LIOs) for the operation, installation and maintenance of special assessment districts for street lighting enhancements during the 2019-20 fiscal year:

District	2019-20 Budget	LIO No.	Renewed LIO No.
Wilson Boulevard	\$ 563.71	1374	1724
Lyell Avenue I	\$ 0.00	1340	1725
Lyell Avenue II	\$ 0.00	1377	1726
Monroe I	\$1,265.73	1413	1672
Monroe II	\$ 627.62	1412	1671
Cascade Historic	\$1,562.58	1429	1727
Norton Street URD	\$1,377.07	1422	1601
Lake Avenue	\$4,068.34	1472	1697
St. Paul Street	\$ 528.76	1552	1696
East Main Street	\$ 325.18	1627	NA

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Browncroft Neighborhood	\$9,508.99	1658	1712
Cobbs Hill/Nunda Neighborhood	\$8,449.38	1677	NA

Section 2. This ordinance shall take effect on July 1, 2019.

Passed unanimously.

Local Improvement Ordinance No. 1752
(Int. No. 110)

Amending Local Improvement Ordinance No. 1413, as amended by Local Improvement Ordinance No. 1672, to remove 5 parcels in the Monroe Avenue I Street Lighting District.

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

Section 1. The Monroe Avenue I Street Lighting District, which was established in 1998 by Local Improvement Ordinance No. 1413 and extended for an additional term of 10 years in 2013 by Local Improvement Ordinance No. 1672, is hereby amended to remove the following 5 parcels from said District and the special assessments therefor:

SBL No.	Street Address	Front Footage (in feet)
12140000020090000000	147 MONROE AV	63.62
12140000020100000000	155 MONROE AV	52
12140000020110000000	161 MONROE AV	52
12140000020120010000	158 MONROE AV	150
12140000020140000000	165 MONROE AV	33

Section 2. This ordinance shall take effect on July 1, 2019.

Passed unanimously.

Local Improvement Ordinance No. 1753
(Int. No. 111)

Continuation of Local Improvement Ordinance No. 1422 relating to the Norton Street Urban Renewal District Street Lighting District

WHEREAS, by Local Improvement Ordinance No. 1422, the City authorized the levying of local improvement assessments to fund the cost of special work and services related to the Norton Street Urban Renewal District Street Lighting District (the District);

WHEREAS, by Local Improvement Ordinance No. 1601 adopted in 2009, the City authorized the continuation of said District for an additional period of ten years extending through June 30, 2019; and

WHEREAS, the Council desires to continue said District for an additional period of ten years.

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

Section 1. Local Improvement Ordinance No. 1422 as extended by Local Improvement Ordinance No. 1601, relating to the levying of local improvement assessments to fund the cost of special work and services related to the Norton Street Urban Renewal District Street Lighting District, is hereby re-enacted for an additional period of ten years, commencing on July 1, 2019.

Section 2. This ordinance shall take effect on July 1, 2019.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1754
Re: Care and Embellishment of Street Malls

Transmitted herewith for your approval is legislation authorizing the care and embellishment of street malls during 2019-20 and the assessment of the associated costs of \$35,411.00 among the benefitted properties. Each street mall budget is prepared by a street mall association and is based on actual costs from the previous year and planned maintenance and improvements. Budget items may include: plants (ranging from annual flowering plants to trees and shrubs), mulch, water, grass seed, repair or replacement of decorative signage and spring and fall cleanup. Budgets are reviewed at a neighborhood meeting. Meeting notices are sent by the City to the owners of all affected properties.

The malls and associated budgets are summarized below:

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Street Mall	Budget 2019-20	LIO 1743 2018-19	Variance	Reason for Variance
Arnold Park	2,800.00	2,450.00	350.00	Budgeted amounts are the same. Using funds from prior year.
Hazelwood Terrace	400.00	600.00	-200	Budgeted amounts are the same. Using surplus from prior year.
Hillside Avenue	6,000.00	1,500.00	4,500.00	Budgeted amounts are the same. In prior year used surplus. Will be adding flowers and plants.
Huntington Park	4,000.00	3,600.00	400.00	The Association leader has decided to step down. There will be a new Association leader. Small budget increase.
Lafayette Park	3,182.00	3,689.00	-507.00	Budgeted amounts are the same. Less cost for contingency fees on Neighborhood Association Incorporation.
Nunda Boulevard	7,195.00	7,155.00	40.00	Increased budget amounts for lawn care, mowing, raking. Using funds from prior year.
Oxford Street	9,429.00	11,050.00	-1621.00	Budgeted amounts are the same. Using funds from prior year.
Sibley Place	2,405.00	1,600.00	805.00	Budgeted amounts are the same. Installing Decorative Sibley Place Sign.

The Department of Environmental Services Bureau of Operations provides mowing and trimming, tree pruning and leaf pickup unless otherwise noted (see Nunda and Oxford).

The costs of the maintenance are apportioned among the benefitted properties on the basis of the specified unit charges for each area. Charges are included on the annual tax bill and are payable in July. Funds are appropriated in the Care & Embellishment Fund.

A public hearing is required.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Local Improvement Ordinance No. 1754
 (Int. No. 112)

Local Improvement Ordinance – care and embellishment of street malls for 2019-20

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

Section 1. It is hereby determined that for the fiscal year 2019-20 the street malls on the following streets shall be maintained at least in accordance with minimal standards established by the Department of Environmental Services, in the following amounts:

Street Mall	Budget 2019-20
Arnold Park	\$ 2,800.00
Hazelwood Terrace	400.00
Hillside Avenue	6,000.00
Huntington Park	4,000.00
Lafayette Park	3,182.00
Nunda Boulevard	7,195.00
Oxford Street	9,429.00
Sibley Place	2,405.00
Total	\$35,411.00

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Section 2. The district of assessment for each street mall shall consist of all the parcels of property that front on the mall, or on any extension of the street or streets containing the mall up to the next intersecting street. The cost of maintenance of each street mall, in the amount set forth in Section 1, shall be apportioned among the parcels in the district based on each parcel’s footage along the street containing the mall.

Section 3. Assessments for the cost of such improvements and work shall be due in one payment and shall be added to the tax rolls for the fiscal year commencing July 1, 2019.

Section 4. The total cost of such improvements and work, estimated at \$35,411, shall be charged as heretofore described in this ordinance and paid from the Care & Embellishment Fund, and said amount, or so much thereof as may be necessary, is hereby appropriated for the aforesaid purpose.

Section 5. It is hereby determined that it is impracticable to have the work described herein done by competitive contract. Therefore, contracts for the work described herein may be awarded to such qualified persons or neighborhood associations as may be selected from those located in or adjacent to the aforementioned streets and areas.

Section 6. This ordinance shall take effect July 1, 2019.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1755
Re: Local Improvement Ordinance-Streetscapes

Transmitted herewith for your approval is legislation authorizing the care and embellishment of streetscapes during 2019-20 and the assessment of the associated costs of \$40,815.00 among the benefitted properties.

The associated budgets are summarized below:

LIO	Streetscape District	2019-20	2015-165	Variance	Type
1685	Cascade Historic	\$8,000	\$8,000	0	Capital and Operating
1619	Norton Street Urban Renewal District	\$2,815	\$2,815	0	Capital and Operating
1652	Mt. Hope	\$30,000	\$30,000	0	Capital and Operating

A public hearing on the assessments for all districts is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Local Improvement Ordinance No. 1755
(Int. No. 113)

Local Improvement Ordinance - establishing the operating and maintenance costs of special assessments for streetscape enhancements

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

Section 1. The following amounts are hereby established and the new assessments shall be allocated and levied against the benefitted properties in accordance with the applicable local improvement ordinances for the operation and maintenance of special assessment districts for streetscape enhancements during 2019-20:

Streetscape District	2019-20 Budget	LIO
Cascade Historic District	\$8,000	1685
Norton Street Urban Renewal District	\$2,815	1619
Mt. Hope	\$30,000	1652

Section 2. This ordinance shall take effect on July 1, 2019.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1756
Re: Local Improvement Ordinance – Downtown Enhancement District, 2019-20 Budget

TUESDAY, APRIL 16, 2019

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation approving the 2019-20 Budget of the Downtown Enhancement District (District) and authorizing the apportionment of the budget costs among the properties within the District.

The District, established in 1989, enters its 30th year of providing an enhanced level of care and maintenance in the downtown area and plays a key role in the vitality of Downtown Rochester. These services may include sidewalk cleaning, sweeping, snow removal and litter removal, as well as installation, repair and maintenance of improvements such as benches, planters and street lighting.

The District includes all properties within the area between Church Street, Bragdon Place and Pleasant Street on the north, Chestnut Street on the east, Broad Street on the south, and Plymouth Avenue on the west; and all other properties within 1,600 feet of Main Street that were included in the original enclosed walkway system. The Downtown Enhancement District Advisory Board, consisting of 11 representatives of property owners or tenants, oversees the administration of the program by City staff.

Unless otherwise approved by the Advisory Board, the annual costs to be assessed are restricted by a formula using the base year (1989-90) cost of \$400,000 adjusted by the cumulative increase in the consumer price index (CPI). The total cost is apportioned among the properties, based equally on assessed valuation and gross area of each property. Also, properties directly on Main Street are weighted at twice the factors of other properties.

The maximum permissible assessment for 2019-20 based upon the 30 year cumulative increase in the CPI (106.3%) is \$824,000. The recommended assessment is ~~\$666,900~~, \$646,900 an increase of ~~\$27,000 (4.2%)~~ \$6,900 (1.08%). The Advisory Board agreed to use the fund balance of \$46,900 to partially offset employee benefits.

<u>Category of Expense</u>	<u>2018-19</u>	<u>2019-20</u>	<u>Variance</u>	
Personnel Total	655,800	675,100	19,300	
<i>Salary and wages</i>	<i>447,000</i>	<i>460,000</i>	<i>13,000</i>	The proposed budget was approved by the Downtown Enhancement District Advisory Board on March 21, 2019 by a unanimous vote of 7 - 0.
<i>Employee Benefits</i>	<i>208,800</i>	<i>215,100</i>	<i>6,300</i>	
Operational Expenses	86,100	81,400	-4,700	
<i>Materials and supplies</i>	<i>63,400</i>	<i>65,300</i>	<i>1,900</i>	A public hearing on the District assessment is required.
<i>Contractual Services</i>	<i>22,700</i>	<i>16,100</i>	<i>-6,600</i>	
		<i>35,000</i>	<i>-20,000</i>	
Less: Operating Revenues	-55,000	<u>55,000</u>	<u>0</u>	
Less: Offset Tax Delinquency		<u>-7,700</u>	0	Respectfully submitted, Lovely A. Warren Mayor
		<u>713,800</u>	<u>-26,900</u>	
Net Expense	686,900	<u>693,800</u>	<u>6,900</u>	
Less: Use of Fund Balance	<u>-46,900</u>	<u>-46,900</u>	<u>0</u>	Local Improvement Ordinance No. 1756 (Int. 114, as amended)
		<u>666,900</u>	<u>-26,900</u>	
Required Assessment	640,000	<u>646,900</u>	<u>6,900</u>	

Local Improvement Ordinance – establishing the cost of the special work and services related to Main Street improvements of the Downtown Enhancement District

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

Section 1. The cost of the special work and services for the 2019-20 fiscal year for the Downtown Enhancement District to be allocated and levied in accordance with Local Improvement Ordinance No. 1291, as continued by Local Improvement Ordinances No. 1355, 1444, 1531, 1597, 1686, 1705, 1715, 1730 and 1744, is established at ~~\$666,900~~\$646,900, except that Zone 2 shall continue to include those properties which have been within the District as a result of their previously having enclosed walkway access to Main Street. Said amount, plus the sum of \$46,900 from the District’s fund balance, or so much thereof as may be necessary, are hereby appropriated to fund the Downtown Enhancement District for the 2019-20 fiscal year.

Section 2. This ordinance shall take effect on July 1, 2019.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-101
Re: Agreement – United States Army Corps of Engineers, Port of Rochester Harbor Dredging

Council Priority: Creating and Sustaining a Culture of Vibrancy

TUESDAY, APRIL 16, 2019

Transmitted herewith for your approval is legislation establishing \$205,000 as maximum compensation for an agreement with the United States Army Corps of Engineers (USACOE) for maintenance dredging of the Genesee River related to the Port of Rochester. The agreement will be funded from Prior Years' Cash Capital and the term will be for one year.

The City of Rochester owns the Port of Rochester riverfront facilities that periodically require near-shore dredging to provide adequate access from the Genesee River. The facilities are the Port terminal dock wall, the Public Boat Launch, and the River Street Marina. Use of the Port terminal dock wall and the River Street Marina is dependent on water depths that provide adequate draft for docking boats and ships. In the past, the City has entered into funding agreements with the USACOE to have its contractors dredge City Port facilities in order to take advantage of the competitive volume related pricing in the USACOE dredge contracts. The most recent dredging agreement between the City and the USACOE for the Port Terminal dock wall, boat launch area, and River Street Marina was authorized by City Council in January 2017 (Ord. No. 2017-47). It has been two years since the last dredging of the Port Terminal and the north and south marina docks have not been dredged since 2009. The USACOE has scheduled dredging of the Genesee River federal navigation channel for the spring of 2019. Under the proposed agreement, the USACOE would dredge permitted areas outside the federal navigation channel at the City's facilities. The cost of the dredging is based on the estimated sediment volume to be removed to achieve permitted depths, the USACOE's recent experience with bid pricing for its dredging contracts, and contingency. The proposed agreement obligates the City to secure and provide required New York State and federal permits, and to pay the estimated dredging cost in advance. Upon completion, the USACOE is obligated to return to the City any funds not expended for the dredging.

It is anticipated that the proposed facility maintenance dredging will be complete by September 30, 2019.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-101
(Int. No. 115)

Authorizing an agreement for dredging services in the Genesee River

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 United States Army Corps of Engineers to provide dredging services in the Genesee River for a maximum compensation of \$205,000. Said amount shall be funded from Prior Years' Cash Capital. The term of the agreement shall be one year.

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.

By Councilmember Lightfoot
April 16, 2019

To the Council:

The **PUBLIC SAFETY YOUTH & RECREATION** recommends for **ADOPTION** the following entitled legislation:

- | | |
|--------------|---|
| Int. No. 117 | Authorizing an agreement with Monroe County for the receipt and use of a Complex Coordinated Terrorist Attack Grant |
| Int. No. 118 | Authorizing acceptance of The Petco Foundation grant for Animal Services |
| Int. No. 121 | Authorizing a grant agreement for the 2019 Cool Sweep, <u>as amended</u> |

The **PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE** recommends for **CONSIDERATION** the following entitled legislation:

- | | |
|--------------|---|
| Int. No. 116 | Local Improvement Ordinance – security and snow removal services at the Public Market for 2019-20 |
|--------------|---|

Respectfully submitted,
Willie J. Lightfoot
Mitch Gruber
Jacklyn Ortiz
Loretta C. Scott
PUBLIC SAFETY YOUTH & RECREATION COMMITTEE

Received filed and published.

TUESDAY, APRIL 16, 2019

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1757
Re: Public Market Snow Removal and Security Services

Council Priority: Creating and Sustaining a Culture of Vibrancy; Public Safety

Transmitted herewith for your approval is legislation authorizing the appropriations and assessments for snow removal and security services at the Public Market for 2019-20. The snow removal and security districts were established in 1990 and 1991, respectively, and include 15 properties adjacent to the Public Market.

The City provides special snow removal services, including plowing and salting, as necessary. The security services include foot patrols from 5:00 pm to 5:00 am, Monday through Saturday, and all day on Sunday. Part of the cost of these services is apportioned among the properties within the district. For each property, these assessments include both a fixed fee and a fee per frontage foot.

Snow Removal: For 2019-20 snow removal services, the fixed fee will be \$100 per property, while the footage fee will be \$3.01 per foot. The total amount of the assessment will be \$5,888.07.

Security Services: For 2019-20 security services, the fixed fee will be \$1,190 per property, while the front footage fee will be \$17.80 per foot. The total amount of the assessment will be \$43,799.37.

	Fixed Fee	# Properties	Subtotal	Footage Fee	Footage	Subtotal	Total
Snow							
2018-19	\$100	15	\$1,500.00	\$3.01	1,457.83	\$4,388.07	\$5,888.07
2019-20	\$100	15	\$1,500.00	\$3.01	1,457.83	\$4,388.07	\$5,888.07
						Change	0
Security							
2018-19	\$1,190	15	\$17,850.00	\$15.99	1,457.83	\$23,310.70	\$41,160.70
2019-20	\$1,190	15	\$17,850.00	\$17.80	1,457.83	\$25,949.37	\$43,799.37
						Change	\$2,638.67

Public hearings are required for these assessments.

Respectfully submitted,
Lovely A. Warren
Mayor

Local Improvement Ordinance No. 1757
(Int. No. 116)

Local Improvement Ordinance - security and snow removal services at the Public Market for 2019-20

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

Section 1. The Council hereby authorizes special security services for the Public Market during the fiscal year from July 1, 2019 to June 30, 2020. The Council hereby finds that such services will benefit both the City-owned portions of the Public Market and the privately-owned properties adjacent to the Public Market. The Council hereby directs that a portion of the cost of providing such services be assessed against the privately-owned properties adjacent to the Public Market as listed below, which properties shall constitute the district of assessment. The total amount to be assessed for the 2019-20 year shall be \$43,799.37. The amount to be assessed against each parcel shall include a fee of \$1,190 per parcel plus \$17.80 per foot of frontage. The frontage assessed upon may be on more than one side of the parcel. The Council hereby determines that such formula represents the relative amount of benefit received by each such parcel from such services.

Section 2. The Council hereby authorizes special snow plowing and salting services for the Public Market during the fiscal year from July 1, 2019 to June 30, 2020. The Council hereby finds that such services will benefit both the City-owned portions of the Public Market and the privately-owned properties adjacent to the Public Market. The Council hereby directs that a portion of the cost of providing such services be assessed against the privately-owned properties adjacent to the Public Market as listed below, which properties shall constitute the district of assessment. The total amount to be assessed for the 2019-20 year shall be \$5,888.07. The amount to be assessed against each parcel shall include a fee of \$100 per parcel plus \$3.01 per foot of frontage that receives plowing and/or salting services. The frontage assessed upon may be on more than one side of the parcel. The Council hereby determines that such formula represents the relative amount of benefit received by each such parcel from such services.

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Section 3. The security, snow plowing, and salting services authorized herein shall be provided by competitive contracts. The special assessments levied hereunder shall be paid into the Public Market Enterprise Fund. The cost of providing such services shall be paid from the Public Market Enterprise Fund and the amounts assessed herein are hereby appropriated for that purpose.

Section 4. The assessments shall be billed on the tax bill issued on July 1, 2019 and shall be due in one installment.

Section 5. This ordinance shall take effect on July 1, 2019.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-102
Re: Agreement – Monroe County, Complex Coordinated Terrorist Attack Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the receipt and use of \$20,000 for the FY2016 Complex Coordinated Terrorist Attack grant (CCTA), and amending the 2018-19 Budget of the Police Department by \$11,400 and Undistributed Expenses by \$3,600 to reflect the receipt and use of this grant. The term of this agreement is January 1, 2019 through July 31, 2020.

Monroe County will reimburse costs of up to \$20,000 in overtime, fringe benefits, and travel expenses for Police Officers for the purpose of planning and applicable training that is focused on building or enhancing capabilities to improve the ability to prepare for, prevent, and respond to complex coordinated terrorist attacks.

This is the first time RPD has received this grant. No matching funds are required.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-102
(Int. No. 117)

Authorizing an agreement with Monroe County for the receipt and use of a Complex Coordinated Terrorist Attack 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 Monroe County for the receipt and use of \$20,000 for the fiscal year 2016 Complex Coordinated Terrorist Attack Grant (CCTA). The term of the agreement shall be from January 1, 2019 through July 31, 2020.

Section 2. 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 Police Department by the sum of \$11,400 and Undistributed Expenses by \$3,600, which amounts are hereby appropriated from funds to be received under the CCTA grant agreement authorized herein.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-103
Re: Agreement – The Petco Foundation, Animal Services Grant

Transmitted herewith for your approval is legislation authorizing an agreement with The Petco Foundation for the receipt and use of a grant in the amount of \$15,000, and amending the 2018-19 Budget of the Police Department by this amount. The term of this agreement is February 15, 2019 through February 14, 2020.

The funding from this grant will be used for fee-waived adoption events, which will promote adoption of shelter pets.

This is the fifth time we have received this grant.

Respectfully submitted,
Lovely A. Warren
Mayor

TUESDAY, APRIL 16, 2019

Ordinance No. 2019-103
(Int. No. 118)

Authorizing acceptance of The Petco Foundation grant for Animal 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 agreement with The Petco Foundation for the receipt and use of a grant in the amount of \$15,000 to promote the adoption of shelter pets. The term of the agreement shall be from February 15, 2019 through February 14, 2020.

Section 2. 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 Police Department by the sum of \$15,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-104
Re: Grant Agreement, Avangrid Foundation, Inc.

Transmitted herewith for your approval is legislation authorizing the receipt and use of a \$15,000 grant from the Avangrid Foundation, Inc. for the 2019 Cool Sweep program. The funding will be anticipated in the 2019-20 Budgets of the Department of Recreation and Youth Services (\$11,400), Bureau of Communications (\$3,400), and Undistributed Expenses (\$200), contingent upon approval.

The Cool Sweep program, which has been in operation since 2011, provides opportunities for residents to get relief from the summer heat when the forecast calls for temperatures to reach or exceed 85 degrees. When a Cool Sweep is triggered, residents can access cooling sprays at two City fire hydrants, and seven City spray parks, as well as extended hours at select City pools and Durand Eastman Beach. When temperatures are forecasted to be 90 degrees and above, a Cool Sweep Heat Emergency is triggered, and residents are able to seek relief during extended hours **at select air-conditioned R-Center and Library locations**. In 2018, nineteen Cool Sweeps took place with a total attendance of 18,655.

The 2019 grant funding will support the operational costs of the program including the Cool Sweep media campaign, program coordination, and staff wages and fringe expenses at Cool Sweep sites.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-104
(Int. No. 121, as amended)

Authorizing a grant agreement for the 2019 Cool Sweep

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 Avangrid Foundation for the receipt and use of a \$15,000 grant which shall be used to promote and operate the 2019-~~Clean~~ Cool Sweep event.

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.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

By Councilmember Spaul
April 16, 2019

To the Council:

The **ARTS AND CULTURE COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

TUESDAY, APRIL 16, 2019

Int. No. 119 Authorizing an agreement for an annual Latino music event

Respectfully submitted,
Elaine M. Spaul
Molly Clifford
Michael A. Patterson
Loretta C. Scott
ARTS AND CULTURE COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-105
Re: Agreement –RocOn Times, LLC Production of a Latino Music Event

Council Priority: Creating and Sustaining a Culture Of Vibrancy

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum annual compensation for an agreement with RocOn Times, LLC (principal: Orlando Ortiz), for booking national and regional artists and the overall production of a new City event. The agreement shall have a term of three years with two 1-year renewal options. The cost of this agreement for the first year will be financed from the 2019-20 Budget of the Bureau of Communications, contingent upon approval. The compensation for the following years shall be funded from subsequent budgets of the Bureau of Communications, contingent upon approval.

RocOn Times, LLC was selected through a request for proposals process. Two proposals were received. The review committee included staff members from Communications, Special Events, and the City’s Hispanic Heritage Committee. Interviews were held with both respondents and RocOn Times was selected. The request for proposal summary and rating sheet is attached.

The event will feature Latino music, food, and cultural elements. RocOn Times will provide national and regional talent booking, event promotion, overall site management, and sponsorship solicitation. RocOn Times will retain \$1 of each ticket sold with the remainder going to the City. The City will also receive proceeds from food and beverage revenue as well.

Included in the City’s investment in this new signature event are in-kind public safety services, marketing support, and equipment rental.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-68

Ordinance No. 2019-105
(Int. No. 119)

Authorizing an agreement for an annual Latino music event

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 RocOn Times, LLC to produce an annual Latino music event. The term of the agreement shall be three years with the option for the parties to agree to extend for up to 2 additional periods of one year each. The maximum annual compensation for the agreement shall be \$28,000, consisting of an annual base fee of \$20,000 plus \$1 for each event ticket sold up to a maximum of \$8,000 per year. The compensation for the first year shall be funded from the 2019-20 Budget of the Bureau of Communications, contingent upon approval. The compensation for following years shall be funded from subsequent years’ budgets of the Bureau of Communications, contingent upon their 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.

The meeting was adjourned at 8:11 p.m.

HAZEL L. WASHINGTON
City Clerk

TUESDAY, APRIL 30, 2019

ROCHESTER CITY COUNCIL

SPECIAL MEETING

April 30, 2019

5:30 P.M.

Present - President Scott, Councilmember Evans, Gruber, Lightfoot, Ortiz, Patterson, Spaul - 7.

Absent – Councilmember Clifford- 1.

The Council President requested the Council to rise for a Moment of Silence.

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

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2019-7

Re: Resolution - Appointment to City Council – LaShay D. Harris

Transmitted herewith for your approval is legislation appointing LaShay D. Harris to fill the term of the former South District Councilmember through December 31, 2019.

The seat became vacant on April 1, 2019 and the City Charter in Section 5-4 requires that the Council fill any vacancy on the Council within thirty days.

Ms. Harris currently serves the residents of the South District as a Member of the Monroe County Legislature serving as the representative for Legislative District 27.

Respectfully submitted,

Loretta C. Scott
President

Resolution No. 2019-7

(Int. No. 124)

Resolution approving appointment to City Council

WHEREAS, the office of City Councilmember for the South District became vacant on April 1, 2019; and

WHEREAS, the City Charter requires that City Council fill a vacancy on the Council within 30 days of the vacancy; and

WHEREAS, the City Council has reviewed the qualifications of the various candidates who have expressed an interest in filling the vacant seat; and

WHEREAS, LaShay D. Harris meets the qualifications for appointment to the office and has demonstrated to the Council the talents and abilities required to serve as the City Councilmember for the South District.

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

Section 1. LaShay D. Harris is hereby appointed to fill the office of City Councilmember for the South District for a term that extends through December 31, 2019.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

The meeting was adjourned at 5:45 P.M.

Hazel L. Washington

City Clerk

TUESDAY, MAY 21, 2019

ROCHESTER CITY COUNCIL

REGULAR MEETING

May 21, 2019

Present – President Scott, Councilmembers Clifford, Evans, Gruber, Harris, Lightfoot, Ortiz, Patterson, Spaul – 9.

The Council President requested the Council to rise for a Moment of Silence.

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

Retirement:

DES:

*Vincenzo Giordano
*Randy E. Jackson
*Jimmie L. Junious
*Larry Singleton

DRYS:

Letha Holiday

FIN:

*AnnMarie Capuano-Keeley

RFD:

*Gregory W. Borden
*Michael S. Dupra
*John Imhof
*Paul R. Manard
*John Polimeni
*Thomas P. Szatko
*Frederick W. Welch

RPD:

*Angenette Lawrence
*Jeremy E. Lindauer

**Not attending meeting*

APPROVAL OF THE MINUTES

By Councilmember Patterson

RESOLVED, that the minutes of the Regular Meeting on April 16, 2019 and the Special Meeting on April 30, 2019 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes – March 2019 – No. 4305-19
Quarterly Reports – Delinquent Receivables – March 31, 2019 – No. 4306-19
Quarterly Reports – Schedule of Revenues and Expenditures – March 31, 2019 – No. 4307-19
Quarterly Reports – Grant Accounting – December 31, 2018 – No. 4308-19
Quarterly Reports – NBD Loans and Grants – March 31, 2019 – No. 4309-19

The Council submits Disclosure of Interest Forms from Councilmember Spaul on Int. No. 150.

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

TUESDAY, MAY 21, 2019

Councilmember Patterson presented 131 signatures in opposition of rezoning of Hudson Ave. - Petition No. 1761

THE COUNCIL PRESIDENT --- RECEIVED AND FILED.

PUBLIC HEARINGS.

Pursuant to law, public hearings were held on May 16, 2019 on the following matters:

Local Improvement Ordinance – Establishing the operating and maintenance costs of neighborhood commercial and residential parking areas
Int. No. 126
No Speakers

Amending the Zoning Map for a portion of Parcel No. 135.18-2-1 Int. No. 137
No Speakers

Amending the Zoning Code for technical corrections to Planned Development District No. 17 – Highland Hospital Int. No. 138
No Speakers

Amending the Official Map to dedicate additional right-of-way on West Ridge Road Int. No. 139
No Speakers

Authorizing pavement width changes for the Magee Avenue/Raines Park Group Improvement Project Int. No. 140
One Speaker

Amending the Official Map to abandon portions of the Exchange Boulevard and East Broad Street rights-of-way that overlap with the Blue Cross Arena Int. No. 141
No Speakers

Amending Ordinance No. 2019-63 relating to an Official Map Amendment abandoning a portion of Pitkin Street Int. No. 153
No Speakers

REPORTS OF STANDING COMMITTEES
AND ACTION THEREON

By Councilmember Evans
May 21, 2019

To the Council:

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

Int. No. 125	Approving the apportionment of taxes and charges
Int. No. 127	Authorizing an agreement for medical services for non-uniformed employees
Int. No. 128	Cancellation of erroneous taxes and charges
Int. No. 129	Authorizing a grant agreement with the JPMorgan Chase Foundation for the Rochester Financial Empowerment Centers Initiative
Int. No. 130	Authorizing an agreement with Children’s Institute, Inc. for GROW Rochester
Int. No. 131	Authorizing an agreement for an Economic Development Enhancement Study
Int. No. 162	Authorizing an amendatory agreement with R.K. Hite & Co., Inc. relating to Uniform Relocation Act compliance services
Int. No. 163	Amending the 2018-19 Budget <u>of City Council and Clerk for unanticipated revenues and to retain independent legal counsel, as amended</u>
Int. No. 164A	Determining and certifying base proportions, current percentages, and base percentages for the 2019 Assessment Roll

TUESDAY, MAY 21, 2019

Int. No. 164B Determining and certifying adjusted base proportions, assessed value, and net changes in assessed value for the 2019 Assessment Roll

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

Int. No. 126 Local Improvement Ordinance – Establishing the operating and maintenance costs of neighborhood commercial and residential parking areas, **as amended**

Respectfully submitted,
Malik Evans (*Absent*)
Molly Clifford
Michael A. Patterson
Willie J. Lightfoot
Loretta C. Scott
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-106
Re: Apportionment of Taxes and Charges

City Council Priority: Deficit Reduction and
Long Term Financial Stability

Transmitted herewith for your approval is legislation authorizing the apportionment of taxes and charges for 53 properties. This apportionment has been certified by the Assessor and is authorized by §6-78 of the City Charter.

The apportionment consists of City and School taxes and special district charges on properties subdivided or combined in 2018-2019. These taxes and charges, which total \$589,085.20, will be added to the new accounts established by the subdivisions or combinations of the former accounts.

If the proposed apportionment is approved, the taxes and charges will be added to the July 2019 tax bills of the new accounts. Owners of the subdivided or combined properties will be notified in writing of the potential charges in May 2019.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-69

Ordinance No. 2019-106
(Int. No. 125)

Approving the apportionment of taxes and charges

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

Section 1. The Council hereby approves the apportionment of taxes and charges upon various parcels of land as certified by the Assessor of the City of Rochester, pursuant to Section 6-78 of the Charter of the City of Rochester, in accordance with the list which is available in the Office of the City Clerk.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1758
Re: Special Assessment District Parking Lots

Council Priority: Jobs and Economic Development

TUESDAY, MAY 21, 2019

Transmitted herewith for your approval is legislation to authorize and appropriate special district assessments for the neighborhood commercial and residential parking lots appropriating \$59,938.00 for operation and maintenance of the parking areas during 2019-2020.

Special Assessment District parking lots established by City Council in 1979 include: Culver/Merchants, Monroe Avenue/Oxford Square Lot, North Street, Lyell Avenue and Woodside/Goodwill. A sixth lot was created in 2011-2012 for Mt. Hope in the College town district. Annual operating and maintenance costs of the areas are assessed against all properties within the district according to their respective parking space requirements.

The assessments reflect the cost of snow plowing, cleaning, landscaping, maintenance, lighting and parking regulation enforcement. These services are provided either by City personnel, by private companies under contract to the City or by the property owners themselves. The total assessments required and total appropriation for 2019-2020 is:

Lot Name	19/20 Budget	18/19 Budget	Variance	Reason
Lyell Avenue	\$9,803.00	\$11,221.00	-\$1,418.00	Decrease in lot repairs
Monroe Avenue /Oxford Street	\$16,200.00	\$16,200.00	\$0.00	N/A
Woodside Street/ Goodwill Street	\$14,925.00	\$13,060.00	\$1,865.00	Increase in RG&E and de-icing product
Culver Road/ Merchants Road	\$9,810.00	\$10,010.00	-\$200.00	Decrease in snow removal
North Street	\$11,700.00	\$13,700.00	-\$2,000.00	Decrease in Parking lot repairs
Mt Hope Avenue	\$1,000.00	\$1,000.00	\$0.00	N/A
Sub-total	\$63,438.00	\$65,191.00	-\$1,753.00	
Rollover Untaxed				
Monroe Ave/Oxford St	-\$3,500.00	\$0.00	-\$3,500.00	Prior years carry over (did not get the lot seal/coated)
Total	\$59,938.00	\$65,191.00	-\$5,253.00	

A public hearing is required for these local improvements.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Local Improvement Ordinance No. 1758
 (Int. No. 126, as amended)

Local Improvement Ordinance - Establishing the operating and maintenance costs of neighborhood commercial and residential parking areas

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

Section 1. The 2019-20 assessment for operation and maintenance of the special assessment district parking lots listed below shall be \$59,938. The following amounts are hereby authorized and appropriated and shall be allocated and levied against the properties benefited by the special assessment district parking lots, as follows:

Lot Name	2019-20 2018-19-Assessment
Lyell Avenue	\$ 9,803
Monroe/Oxford	\$16,200
Woodside/Goodwill	\$14,925
Culver/Merchants	\$ 9,810
North Street	\$11,700
Mt. Hope	\$ 1,000

Section 2. The 2019-20 budget for the operation and maintenance of the special assessment district parking lots shall be \$63,438, comprised of the assessed amounts specified in Section 1 herein, plus \$3,500 in funds for the Monroe/Oxford district that are left over from that district's prior assessments.

Section 3. This ordinance shall take effect on July 1, 2019.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TUESDAY, MAY 21, 2019

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-107
Agreement – Rochester Regional Health, Medical Services For Non-Uniformed Employees

Council Priority: Deficit Reduction and Long Term Financial Stability

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum annual compensation for an agreement with Rochester Regional Health (Dr. Eric Bieber, Chief Executive Officer) headquartered at 1425 Portland Avenue Rochester, NY to provide medical services for non-uniformed City employees and for the pre-employment screening of individuals extended conditional offers of employment. The term of this agreement will be for three years, with an option for two one-year renewals. The cost of this agreement will be funded from the annual Budgets for Undistributed Expenses, beginning with 2019-20, and is based on a fee-for-service schedule. Service fees for work-related injuries are determined by the New York State Worker's Compensation Board.

Rochester Regional Health was selected for this contract through a request for proposal process described in the attached summary.

Rochester Regional Health will provide the following medical services for non-uniformed employees:

- Evaluations of individuals nominated for City employment to ensure they are physically capable of performing the duties of the jobs which they are being considered;
- Evaluations of current City employees to ensure they are physically capable of performing their job duties; and
- Medical examinations, occupational medical consultation, immunizations, and vaccinations, as needed.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No AS-70

Ordinance No. 2019-107
(Int. No. 127)

Authorizing an agreement for medical services for non-uniformed employees

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 Regional Health to provide medical services for non-uniformed employees. The term of the agreement shall be three years, with an option to renew for two additional one-year periods. The maximum annual compensation for the agreement shall be \$20,000, which shall be funded from the 2019-20 and subsequent years' Budgets for Undistributed Expenses, contingent upon their adoption.

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:

Re: Ordinance No. 2019-108
Cancellation or Refund of Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$8,400.00.

The current owner of 611 Bay Street had purchased the property from Federal Home Loan Mortgage Corporation on 6/24/2016. At that time it had more than 83 open violations and was scheduled for demolition. The owner/purchaser was unaware of the tickets that were issued to the prior owner until he received they received the 2017 tax bill. The fines will be referred to the Municipal Codes Violation Bureau to initiate collections from the former owner.

If these cancellations are approved, total cancellations thus far for 2018-19 will be as follows:

	<u>Accounts</u>	
City Council	4	\$20,196.31
Administrative	<u>68</u>	<u>\$23,629.04</u>
Total	72	\$43,825.35

These cancellations represent 0.0169% of the tax receivables as of July 1, 2018.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-71

Ordinance No. 2019-108
 (Int. No. 128)

Cancellation of erroneous taxes and charges

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

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

The current owner of 611 Bay Street purchased the property from Federal Home Loan Mortgage Corporation on June 24, 2016, when it had more than 83 open violations and was scheduled for demolition. The owner/purchaser was unaware of the tickets that were issued to the prior owner until he received the 2017 tax bill. The fines will be referred to the Municipal Code Violations Bureau to initiate collections from the former owner.

SBL#	Class	Address	Tax Year	Amount Cancelled
107.45-1-9	H	611 Bay St	2017	\$8,400.00

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Re: Ordinance No. 2019-109
 Agreement – JPMorgan Chase Foundation, Rochester Financial Empowerment Centers

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation authorizing an agreement with the JPMorgan Chase Foundation for the receipt and use of a two year grant for \$200,000 for the Rochester Financial Empowerment Centers Initiative. The funding will be included in the FY 2019-20 Budget of the Office of the Mayor.

The grant from JPMorgan Chase will support the implementation of the Rochester Financial Empowerment Centers Initiative. The program will establish free, professional, individualized financial counseling services as a public service available to all residents without qualification, with a focus on low-to-moderate income individuals and families. Funding from the JPMorgan Chase grant will be used to contract with a primary non-profit financial counseling provider (as required under the program model), and support City staff costs.

Please note that the grant agreement will be signed prior to final City Council authorization. The Corporation Counsel engaged with the grantor's counsel to amend the agreement to include a clause which renders final execution contingent upon City Council approval

The term of the agreement is May 1, 2019 to April 30, 2021.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Ordinance No. 2019-109
 (Int. No. 129)

TUESDAY, MAY 21, 2019

Authorizing a grant agreement with the JPMorgan Chase Foundation for the Rochester Financial Empowerment Centers Initiative

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 JPMorgan Chase Foundation for the receipt and use of \$200,000 to fund the Rochester Financial Empowerment Centers Initiative. The agreement shall have a term of two years.

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:

Re: Ordinance No. 2019-110
Agreement – Children’s Institute, Inc., GROW Rochester

Council Priority: Support the Creation of Effective Educational Systems

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with Children’s Institute, Inc., Rochester, New York, for the administration of the GROW Rochester program. The cost of the agreement will be funded from the 2018-19 Budget of Undistributed Expenses, and term will be for one year with the option to renew for two one-year renewals. The optional renewals will be funded from the 2019-20 and 2020-21 Budgets of Undistributed Expenses for an amount not to exceed \$50,000 annually, contingent upon approval of the future budgets.

GROW Rochester is a collaborative of various early childhood agencies created to conduct comprehensive health and developmental screenings of three-year old children in Rochester. The screenings will cover the following areas: vision, hearing, language, and speech, social, emotional, dental and general health. The aim of this project is to develop a system whereby child-serving professionals conduct such screenings, provide referrals to the appropriate health system, and monitor and measure associated outcomes.

Participation in GROW Rochester is a key part of the Mayor’s Early Childhood Education Initiative to ensure that all children are ready to learn as they enter Pre-K. Through this agreement, the City will contribute \$50,000 to GROW’s budget for its Rochester program. Additional funds will be provided by the Greater Rochester Health Foundation, the University of Rochester Medical Center, the United Way of Greater Rochester, and the Rochester Area Community Foundation and other partners that will give their funding in accordance with their resource sharing.

The Children’s Institute will have ultimate programmatic and fiscal responsibility for the day-to-day management of this project. They will provide training to the child-serving professionals (ABVI, Rochester Hearing and Speech, Head Start, Early Childhood Development Initiative, Child Care Council, Perinatal Network, Eastman Dental, and the Mt. Hope Family Center) on how to conduct standardized screenings and to appropriately communicate screening results with parents. The Children’s Institute will track referrals and record the various screening outcomes; provide reminders, communicate results to parents and professionals involved; conduct a program evaluation; and, provide various reports to funders and decision-makers.

The Children’s Institute is a 501(c)(3) organization that has served communities for 55 years with the mission “to equip and support those who work with children to ensure the success of every child.” They have successfully managed numerous community-wide initiatives. The organization’s staff and faculty work with schools, early education and Head Start providers, other non-profit organizations, government agencies, policymakers, and providers across the country to improve the lives of children. Through sound research and evaluation, the organization develops and promotes effective prevention and early intervention programs, materials, and best practices for children, families, schools and communities.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-110
(Int. No. 130)

Authorizing an agreement with Children’s Institute, Inc. for GROW Rochester

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 not to exceed a maximum annual compensation of \$50,000 with Children’s Institute, Inc. for the administration of the GROW Rochester program. The term of said agreement shall be one year, with the option to renew for 2 one-year terms. The compensation for the first year shall be from the 2018-19 Budget for Undistributed Expenses. The funding for the two optional renewal periods, if the options are exercised, shall be funded from the 2019-20 and 2020-21 Budgets for Undistributed Expenses, respectively, contingent upon the approval of said future budgets.

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

TUESDAY, MAY 21, 2019

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-111
Re: Agreement – Ogilvie & Associates, LLC Economic Development Strategic Planning Support and Audit Services

Council Priority: Rebuilding and Strengthening Neighborhoods

Transmitted herewith for your approval is legislation establishing \$22,500 as maximum compensation for an agreement with Ogilvie & Associates, LLC for an Economic Development Enhancement Study. This agreement will be funded from 2018-19 Budget of Undistributed Expenses. The term of the agreement will be for one year.

Ogilvie & Associates LLC will assist the City in developing a strategic economic development plan that will evaluate the current activities and future direction of the Department of Neighborhood and Business Development, the Rochester Economic Development Corporation (REDCO), the Office of Community Wealth Building, the Kiva Rochester Program, as well as synergy with other local economic development partners. This work will have a priority focus on supporting REDCO in its launch of the upcoming Revitalize Rochester Fund in summer 2019, and will also involve a detailed audit of REDCO's processes and procedures, activities impact, and organizational and staffing capacity. The final audit report will recommend enhancements to each of these areas, and any potential for alignment of activities and/or resources. Finally, the consultant will assist with the development of a comprehensive marketing strategy for the City of Rochester for the purposes of business attraction and economic development.

Dr. Ogilvie is the principal and sole proprietor of Ogilvie & Associates LLC which maintains an address at P.O. Box 10066, Newark, NJ 07101. Dr. Ogilvie has a long history in Rochester and has unique and extensive experience with economic development strategy and implementation stemming from her tenure with the Rutgers University Business School, Rochester Institute of Technology (RIT), and her body of academic work. She supported the growth of the Newark Community Economic Development Corporation, the Rutgers Center for Urban Entrepreneurship and Economic Development, and the launch of the RIT Center for Urban Entrepreneurship. Ogilvie & Associates LLC was chosen due to organizational synergy and cost sharing provided by RIT that could not be found with another vendor. RIT has agreed to allow Dr. Ogilvie to take a year of paid sabbatical from her teaching duties at RIT to serve as a 'professor on loan' to the City of Rochester to perform these duties. The City is providing a modest stipend to pay Dr. Ogilvie for her work during the summer months when she would normally pursue other consulting work. The cost for similar services on the open market would be expected to exceed \$150,000. A No RFP Justification is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-72

Ordinance No. 2019-111
(Int. No. 131)

Authorizing an agreement for an Economic Development Enhancement Study

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 in the maximum amount of \$22,500 with Ogilvie & Associates LLC to provide strategic planning support and audit services for an Economic Development Enhancement Study. The maximum compensation for the agreement shall be \$22,500, which shall be funded from the 2018-19 Budget for Undistributed Expenses. The term of the agreement shall be one year.

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 Scott, Councilmembers Evans, Gruber, Harris, Vice-President Lightfoot, Ortiz, Patterson, Spaul – 8

Nays – Councilmember Clifford – 1

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-112
Re: Amendatory agreement Uniform Relocation Act services

TUESDAY, MAY 21, 2019

Council Priority: Rebuilding and Strengthening Neighborhood Housing Jobs and Economic Development

Transmitted herewith for your approval is legislation extending the term of a professional services agreement with R.K. Hite & Co., Inc. (Richard K. Hite, President) headquartered at 87 Genesee Street, Avon, New York 14414 (the Consultant). Under the agreement, which was authorized by Ordinance No. 2015-286 and subsequently amended by Ordinance Nos. 2016-256 and 2018-52, the Consultant assists the City to comply with the federal Uniform Relocation Act (URA) as it acquires various parcels of real estate, particularly those properties that Council has authorized to be acquired under the Bull's Head revitalization initiative. Acquisition of the properties will enable the City to remove blight and assemble land for redevelopment in order to reposition the Bull's Head neighborhood as a key western gateway in the city.

The existing agreement with the Consultant will expire on June 28, 2019. Additional time is needed, due to the phased nature of the Bull's Head planning and acquisition process, as well as the time required to provide owners and occupants with their rights to notice and relocation assistance in accordance with the URA. Therefore, this legislation extends the term of the agreement for 18 months with an option to extend for one additional year. It does not add to the maximum compensation that has already been authorized and appropriated under prior ordinances.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-112
(Int. No. 162)

Authorizing an amendatory agreement with R.K. Hite & Co., Inc. relating to Uniform Relocation Act compliance 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 R.K. Hite & Co., Inc. to continue to provide federal Uniform Relocation Act (URA) compliance services when the City acquires real estate. The amendatory agreement shall extend the term of the agreement originally authorized in Ordinance No. 2015-286 and amended by Ordinance Nos. 2016-256 and 2018-52 by 18 months to December 28, 2020, with the option to extend for up to 1 additional year if funds previously authorized and appropriated for the agreement remain.

Section 2. Said amendatory 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. 2019-113
Re: 2018-19 Budget Amendment

Council Priority: Deficit Reduction and Long Term Financial Stability

Transmitted herewith for your approval is legislation amending the 2018-19 Budget to appropriate unanticipated revenues totaling \$51,600 to increase the Budget of City Council and Clerk. The appropriation of unanticipated revenues is authorized by section 6-14 of the City Charter.

The additional expenses in City Council and Clerk resulted from higher than anticipated election inspector expenses for the primary election that occurred in September 2018 and the general election that occurred in November 2018. The costs of these elections have already been reimbursed by Monroe County.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-73

Ordinance No. 2019-113
(Int. No. 163, as amended)

Amending the 2018-19 Budget of City Council and Clerk for unanticipated revenues and to retain independent legal counsel

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

TUESDAY, MAY 21, 2019

Section 1. Ordinance No. 2018-157, the 2018-19 Budget of the City of Rochester, as amended, is hereby further amended by appropriating unanticipated revenues in the amount of \$51,600 and \$50,000 from the Budget of Undistributed Expenses to the Budget of City Council and Clerk.

Section 2. Pursuant to City Charter § 5-21(D), the Council President is hereby authorized to enter into a professional services agreement with Emery Celli Brinckerhoff & Abady LLP to provide independent legal counsel relating to the establishment and operation of a police accountability board. The maximum compensation for the agreement shall be \$50,000, which shall be funded from the \$50,000 appropriated to the 2018-19 Budget of City Council and Clerk in Section 1 herein. The agreement shall have a term of one year with the option to extend for up to one additional year if budgeted funds remain.

Section ~~2~~ 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-114

Ordinance No. 2019-115

Re: Tax Apportionment Assessment Classes – Tax Shift

Council Priority: Deficit Reduction and Long Term Financial Stability

Transmitted herewith for your approval is legislation certifying certain calculations related to the apportionment of property taxes between the homestead and non-homestead assessment classifications. Such certification is required by Article 19 of the New York State Real Property Tax Law.

The certification involves the determination of the “base proportion.” In general, the base proportion for each class represents the share of the property tax levy to be allocated to that class. This determination involves two computations. The first is the calculation of the current base proportions using 1989 and 2018 data. The second is the calculation of the adjusted base proportions using 2018 and 2019 data. Both calculations are attached.

The current base proportions, as calculated by the formula specified by Article 19, are as follows:

Homestead:	.4207206
Non-Homestead:	<u>.5792794</u>
Total:	1.0000000

In comparison, the new adjusted base proportions are as follows:

Homestead:	.4138823
Non-Homestead:	<u>.5861177</u>
Total:	1.0000000

The new proportions result in the following shifts in the share of the tax levy allocated to each class:

Homestead:	+3.29%
Non-Homestead:	-2.20%

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-74

Ordinance No. 2019-114
(Int. No. 164A)

Determining and certifying base proportions, current percentages, and base percentages for the 2019 Assessment Roll

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

Section 1. Under Section 1903 of the Real Property Tax Law, the Council determines the current base proportions, current percentages, and base percentages for the City’s 2019 assessment roll to be as follows:

TUESDAY, MAY 21, 2019

	Homestead Class	Non-Homestead Class
Current base proportions	42.07206%	57.92794%
Current percentage	61.14250%	38.85750%
Base percentage	52.03550%	47.96450%

Section 2. The City Clerk is hereby directed to certify the figures set forth above to the New York State Department of Taxation and Finance, Office of Real Property Tax Services.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2019-115
(Int. No. 164B)

Determining and certifying adjusted base proportions, assessed value, and net changes in assessed value for the 2019 Assessment Roll

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

Section 1. Under Section 1903 of the Real Property Tax Law, the Council determines the adjusted base proportions, assessed value, and net change in assessed value for the City’s 2019 assessment roll to be as follows:

<u>Class</u>	<u>Homestead Class</u>	<u>Non-Homestead</u>
Adjusted base proportion	.4138823	.5861177
Taxable assessed value	3,803,746,023	2,650,078,573
Net change in assessed value from 2018 resulting from physical and quantity changes	+12,110,250	+80,755,800
Net change in assessed value from 2018 resulting from other than physical and quantity changes	-4,976,700	-5,361,958

Section 2. The City Clerk is hereby directed to certify the figures set forth above to the New York State Department of Taxation and Finance, Office of Real Property Tax Services.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Patterson
May 21, 2019

To the Council:

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

- Int. No. 132 Authorizing the sale of real estate
- Int. No. 133 Authorizing the sale of real estate
- Int. No. 134 Amending Ordinance No. 2018-321 as it relates to the acquisition of real estate to effectuate the Bull’s Head Urban Renewal Plan
- Int. No. 135 Authorizing the acquisition by negotiation or condemnation of a permanent easement over 167-183 Villa Street for a water main

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Int. No. 136 Authorizing grant agreement with Empire State Development for the La Marketa project

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

Int. No. 137 Amending the Zoning Map for a portion of Parcel No. 135.18-2-1

Int. No. 138 Amending the Zoning Code for technical corrections to Planned Development District No. 17 – Highland Hospital

Respectfully submitted,
 Michael A. Patterson
 LaShay D. Harris
 Jacklyn Ortiz (Absent)
 Willie J. Lightfoot
 Loretta C. Scott
 NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Re: Ordinance No. 2019-116
 Sale of Real Estate

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation approving the sale of five properties. City records have been checked to ensure that 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 were sold by Request for Proposal. The purchaser of the first property will rehabilitate the mixed use building, relocate her existing nail and hair salon business as well as an owner occupant one bedroom apartment in the rear. The purchaser of the second property will rehabilitate the mixed use building to use as offices for his tax service and property maintenance businesses as well as two, 2-bedroom apartments to lease. The purchaser of the third property will demolish the existing blighted single family structure and create a surface parking lot to conform to all zoning requirements. The parking lot will support their apartment building at 2017 East Main Street. All three purchasers will have 12 months after Council approval to complete their plans.

The fourth property is a driveway being sold to the adjoining owner who will continue to utilize as access to their building.

The fifth property is an unbuildable vacant lot, being sold for \$1.00 (as per City policy) to the adjacent owner who will combine the lot with their existing property for additional green space/garden usage.

The first year projected tax revenue for these five properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$7,267.

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

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-75

Ordinance No. 2019-116
 (Int. No. 132)

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 of the negotiated sale of the following improved parcels:

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Address	SBL#	Lot Size	Price	Purchaser
200-202 Webster Av	107.53-3-3	83 x 107	\$2,500	Shannon Scott
213-219 Conkey Av	106.21-2-15	51 x 95	\$5,000	Norman Sloan
160 Minnesota St	107.80-3-50	98 x 77	\$8,000	2017 East Main LLC

Section 2. The Council hereby approves the negotiated sale of the following vacant land that consists of a driveway to the owner of the adjoining property to be used for access:

Address	SBL#	Lot Size	Sq. Ft.	Price	Purchaser
175 Newbury St	090.63-1-17	60 x 200	12,035	\$5,000	Pinecrest Associates L.P.

Section 3. The Council hereby approves the negotiated sale of the following parcel of unbuildable vacant land for the sum of \$1.00 to the owner of the adjoining property:

Address	SBL#	Lot Size	Sq. Ft.	Purchaser
535-537 Remington St	091.63-2-5	44 x 43	1,892	Gary J. & Irene M. Knights

Section 4. 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 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-117
Re: Sale of Real Estate

Council Priority: Creating and Sustaining a Culture of Vibrancy; Jobs and Economic

Transmitted herewith for your approval is legislation approving the sale of the City-owned vacant property located at 1000 Driving Park Avenue to Imburgia Brothers Holdings LLC (Frank S. Imburgia Jr., Manager) Rochester, New York. The approximately 11.5 acre parcel is known as the former Photech Imaging site. An appraisal completed in March 2019 by Bruckner, Tillett, Rossi, Cahill & Associates values the property at \$520,000, which is the proposed sale price.

Photech Imaging operated a large photographic film and paper manufacturing facility on the property until the early 1990s, when it abandoned the facility, leaving behind a contaminated brownfield. The City acquired the property in 1997 through tax foreclosure. The City has remediated the property through an extensive brownfield cleanup process that was assisted by funding from the New York State Department of Environmental Conservation (NYSDEC) and the U.S. Environmental Protection Agency.

In 2014, NYSDEC issued the City a Certificate of Completion, which approved of the cleanup in order to make the property suitable for commercial or industrial use. The Certificate provides an environmental liability indemnification from the State to the City and any subsequent property owners, which will allow commercial and industrial redevelopment of the property to proceed. The Certificate requires the City and any subsequent owner to abide by an Environmental Easement and Site Management Plan, which require compliance with certain use and engineering controls during the development and re-use of the property.

The property's development potential also has been enhanced by the City's installation of a cul-du-sac road and other infrastructure, which was assisted by a matching grant from the U.S. Economic Development Administration. Prior to authorizing the infrastructure improvements in 2013, the City conducted a review under the State Environmental Quality Review Act (SEQR) and issued a Negative Declaration, finding that the construction of the access road and infrastructure in anticipation of future light industrial or office building development will have no significant adverse impact on the environment. The purchaser plans to develop the property for light industrial use.

The internal cul-du-sac road is not included as part of the sale and will be subdivided from the parcel and dedicated to the City at a future date.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-76

Ordinance No. 2019-117
(Int. No. 133)

Authorizing the sale of real estate

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

TUESDAY, MAY 21, 2019

Section 1. The Council hereby approves of the negotiated sale of the following parcel of vacant land, as more particularly described below:

Address	SBL#	Size	Price	Purchaser
1000 Driving Park Avenue	090.63-1-1	Approximately 11.5 acres	\$520,000	Imburgia Brothers Holdings LLC

Part of ALL THAT CERTAIN plot, piece and parcel of land lying and being in the City of Rochester, County of Monroe, State of New York, being bounded and described as follows:

BEGINNING at a point in the north ROW line of Driving Park Avenue on the east line of premises conveyed to Bell & Howell Company by Trustees Deed dated March 29, 1949 and recorded the same day in Monroe County Clerk's Office in Liber 2539 of Deeds, page 51 which point is 1305.77 feet southeasterly from the intersection of the north line of Driving Park Avenue and the east line of Mt. Read Boulevard; thence

- (1) north along the east line of said Bell & Howell Company's land, a distance of 1270.67 feet to a point; thence
- (2) west at an included angle of 89°58'42" with the said east line of the lands conveyed to Bell & Howell Company a distance of 500 feet to a point: thence
- (3) south on a line parallel with the said east line of the Bell & Howell property a distance of 300 feet to a point; thence
- (4) southwesterly at an included angle with course (3) of 227°31'05" on a line which intersects the northerly line of Driving Park Avenue at a right angle, for a distance of approximately 286.68 feet to the north ROW line of Driving Park Avenue; thence
- (5) southeasterly along the north ROW line of Driving Park Avenue, a distance of 1053.40 feet to the point and place of beginning.

Consisting of approximately 11.5 acres and excluding that certain cul-de-sac road area to be dedicated as right-of-way.

Section 2. City taxes and other City charges, except water charges, against said property 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 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-118
Re: Administrative Adjustment – Ord. No. 2018-321 Bull's Head Revitalization Project

Council Priorities: Rebuilding and Strengthening Neighborhood Housing; Jobs and Economic Development

Transmitted herewith for your approval is legislation amending Ordinance No. 2018-321 to adjust the compensation amounts for some of the property acquisitions associated with the Bull's Head Revitalization Project. The changes are detailed below:

<u>Property Addresses</u>	<u>Owner</u>	<u>Just Compensation</u>	<u>Adjusted Compensation</u>
24 & 32 York Street	Inner Faith Gospel Tabernacle Church Inc.	\$200,000	\$220,000
13 Kensington Street	John R. Gatti	\$24,000	\$29,000

The owner of each property has contested the indicated approved just compensation amounts and asserts that their property has greater value. After some negotiations, the just compensation for each property has been augmented by an administrative adjustment as permitted under the Eminent Domain Procedure Law in return for each owner agreeing to convey their property to the City and to accept the adjusted amount as payment in full. Moreover, the owner of 13 Kensington Street has agreed to accept the just compensation amounts already authorized in Ordinance No. 2018-321 for the properties he owns at 878 and 912-916 West Main Street as full payment as additional consideration for the \$5,000 adjustment for 13 Kensington Street. By these adjustments, the City will obtain five properties promptly and will be saved the legal costs and uncertainty of attempting to acquire them through contested condemnation proceedings.

The total additional cost of \$25,000 will be funded from the issuance of bonds that were authorized for the acquisition of the properties in Ordinance No. 2018-322.

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All City taxes and other current-year charges against each 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 a parcel, shall also be canceled.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-77

Ordinance No. 2019-118
 (Int. No. 134, as amended)

Amending Ordinance No. 2018-321 as it relates to the acquisition of real estate to effectuate the Bull’s Head Urban Renewal Plan

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

Section 1. Section 1 of Ordinance No. 2018-321 authorizing the acquisition of up to 15 parcels of real estate to effectuate the Bull’s Head Urban Renewal Plan is hereby amended by increasing the maximum acquisition amounts of three of those parcels by an aggregate amount of \$25,000 as follows:

Property Addresses	Owner	SBL#	Original Max Comp.	Adjusted Max. Comp
24 and 32 York St	Inner Faith Gospel Tabernacle Church Inc.	120.42-2-70 & 120.42-2-71	\$200,000	\$220,000
13 Kensington St	John R. Gatti	120.42-2-60.2	\$ 24,000	\$ 29,000

Section 2. Section 1 of Ordinance No. 2018-321 is hereby further amended by inserting the maximum acquisition amount into the authorization to acquire 932-938 West Main Street as follows:

Address	Reputed Owner	SBL#	Type	Maximum Acquisition Amount
932-938 W. Main St	Francis Winterkorn	120.42-2-69	2 story mixed use	<u>\$160,000</u>

~~Section 23.~~ The additional maximum compensation shall be funded from the proceeds of bonds authorized for the acquisitions in Ordinance No. 2018-322.

~~Section 3 4.~~ This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Re: Ordinance No. 2019-119
 Water Line Easement Acquisition

Council Priority: Rebuilding and Strengthening Neighborhoods

Transmitted herewith for your approval is legislation approving the acquisition of a permanent easement by negotiation or condemnation over a portion of the property at 167-183 Villa Street. This acquisition will be used for maintenance of an existing 16” water main.

The property information is noted below:

- 167-183 Villa Street
- Total Site Size: 5.04 Acres
- Easement Size: 20’ by 910’ or approximately 0.418 acres
- Current Use: Manufacturing/Steel Working Building
- Zoned: M-1: Industrial
- Appraised Value: \$5,000.00

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In the event that said easement cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition. In the event of condemnation, the amount set forth herein for the acquisition shall be the amount of the offer. Nothing in this transmittal shall be deemed to limit in any way the liability of the City for further claims arising from the acquisition of said easement pursuant to the Eminent Domain Procedure Law.

A Map of proposed easement is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-78

Ordinance No. 2019-119
(Int. No. 135)

Authorizing the acquisition by negotiation or condemnation of a permanent easement over 167-183 Villa Street for a water main

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

Section 1. The Council hereby approves the acquisition by negotiation or condemnation of a *de minimis* permanent easement for the operation, maintenance and repair of a water main. The easement shall consist of a portion of the following parcel:

Address	Owner	SBL #	Value
167-183 Villa St.	Equipment Credit Corp.	105.48-2-2.003	\$ 5,000

The easement shall be 20 feet wide by approximately 910 feet long, constituting approximately 0.418 acres and comprised of:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of the William Otis Building Lot Association Tract, as filed in the Monroe County Clerk's office in Liber 8 of Maps, Page 91 and Liber 11 of Maps, Page 94, and being a 20 foot wide permanent easement centered along an existing 16" diameter watermain, located within the former ROW of Valentine Street, as previously abandoned by the City of Rochester on July 27, 1926 by Ordinance No. 7158. Said permanent easement is intended to begin on the northerly ROW line of Otis Street and proceed northerly approximately 910 feet, more or less, to the southerly ROW line of Villa Street.

Being part of the premises conveyed to Equipment Credit Corp. on May 30, 1997 and filed in Liber 8874 of Deeds, Page 582.

Section 2. The acquisition shall obligate the City to pay an amount not to exceed \$5,200, consisting of the appraised easement value of \$5,000 plus recording fees and any other incidental costs. Said amount, or so much thereof as may be necessary, shall be funded by the 2018-19 Budget of the Department of Environmental Services.

Section 3. In the event that the easement cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcel. In the event of condemnation, the amount set forth herein as the acquisition value shall be the amount of the offer. Nothing in this ordinance shall be deemed to limit in any way the liability of the City for further claims arising from the acquisition of said easements pursuant to the Eminent Domain Procedure Law.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-120
Re: Empire State Development Grant Acceptance and Agreement for La Marketa

Council Priority: Creating and Sustaining a Culture of Vibrancy; Jobs and Economic Development

Transmitted herewith for your approval is legislation related to a grant from New York State Empire State Development ("ESD") for the La Marketa project. This legislation will:

Authorize the receipt and use of \$400,000 in grant funds and an agreement with ESD to support development of the La Marketa project. This grant was awarded to the City in December 2018 and will be used toward infrastructure improvements at the La Marketa site on North Clinton Avenue.

The La Marketa project, once completed, will create a public plaza for retail and outdoor use and will include the construction of a bandstand, a parking lot, a new curb cut on Sullivan Street to provide access to the parking area, and a new restroom facility. It will also include areas for

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public gathering and the addition of shipping container buildings for seasonal commercial use. Other site amenities to be provided are bicycle parking, landscaping, lighting, and ornamental fencing. The project seeks to promote economic development by offering low cost of entry retail opportunities for small businesses to serve the neighborhood.

The La Marketa project will be funded through a variety of sources including this ESD grant, CDBG funds, City cash capital, REDCO, and RURA funds. The CDBG and City cash capital funds were previously appropriated and REDCO and RURA have authorized funds for the La Marketa project.

The La Marketa project is anticipated to be completed in 2020. A conceptual site plan is attached.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal has been classified as Unlisted. The Manager of Zoning, as lead agency, issued a Negative Declaration on April 17, 2019.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-79

Ordinance No. 2019-120
(Int. No. 136)

Authorizing grant agreement with Empire State Development for the La Marketa project

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 Economic Development and the New York State Urban Development Corporation, jointly doing business as Empire State Development, for the receipt and use of a grant of \$400,000 for the purpose of supporting infrastructure improvements for the La Marketa project on North Clinton Avenue.

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. 2019-121
Re: Zoning Map Amendment – Rezone a Portion of Parcel 135.18-2-1

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning a portion of parcel 135.18.-2-1 from O-S Open Space District to M-1 Industrial District as part of the park land trade approved by City Council and the State Legislature to develop the public safety training facility at 1190 Scottsville Road.

By rezoning the above property to M-1 Industrial District, training uses associated with the Public Safety Training Facility will be permitted.

In 1954, the City constructed a fire and police training academy at 1190 Scottsville Road. Under the agreement authorized by City Council on August 19, 1997, the City leased most of the academy site to Monroe County for renovation and expansion of the training facilities. In preparing the original development plan, it was determined that a portion of the academy facilities was located on land that had been officially dedicated as park land.

Subsequently, on June 11th, 1998, City Council authorized resolution No. 98-19 for the purpose of a home rule message regarding state legislation discontinuing the use of training facility land as park land. Further, on July 22nd, 1998, the Governor signed NY AB 11183 into law which authorized the City to discontinue the park land dedication at the training facility. Therefore, this action completes the process.

The Planning Commission held an informational meeting on the proposed map amendment on Monday, March 5, 2018. The applicant spoke in support, and seven people spoke in opposition. By a vote of 7-0, the Planning Commission recommended approval.

A public hearing is required for the Zoning Map Amendment.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-80

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Ordinance No. 2019-121
(Int. No. 137)

Amending the Zoning Map for a portion of Parcel No. 135.18-2-1

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 from O-S Open Space M-1 Industrial an approximately 12.466 acre portion of SBL No. 135.18-2-1 comprised of:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York known and distinguished as a part of the Sixth Tract of the 3,000 acre tract and being more particularly bounded and described as follows:

Commencing at a point in the centerline of Scottsville Road and the northwest corner of property conveyed by Willie Britton and wife to James O'Neil on July 7, 1925 by deed filed in Liber 1257 of deeds at page 112 and also being 266.46 feet along said centerline from the south property line of lands owned formerly by the Pennsylvania Railroad; thence S 30° 01' 31" E along the northerly line of said O'Neil's land a distance of 574.97 feet to a point;

Thence 1) S 30° 01' 31" E a distance of 112.31 feet to a point;
 Thence 2) Northerly and curving to the left with a radius of 935.37 feet and forming a central angle of 30° 20' 23" a chord bearing of N 2° 41' 56" E and chord distance of 489.54, a distance of 495.30 feet to a point of tangent;
 Thence 3) N 12° 28' 15" W a distance of 236.45 feet to the southerly line of Scottsville Road;
 Thence 4) N 59° 58' 29" E along the southerly line of Scottsville Road a distance of 62.93 feet to a point;
 Thence 5) S 12° 28' 15" E along the northerly line of lands owned formerly by the Pennsylvania Railroad a distance of 255.43 feet to a point of curvature;
 Thence 6) Southerly and curving to the right with a radius of 995.37 feet and forming a central angle of 23° 22' 01" a chord bearing of S 00° 47' 15" E and chord distance of 403.13 feet a distance of 405.94 feet to a point;
 Thence 7) Northeasterly and curving to the right with a radius of 562.5 feet and forming a central angle of 9° 38' 32" a chord bearing of N 46° 18' 11" E and a chord distance of 94.55 feet a distance of 94.66 feet to a point;
 Thence 8) N 51° 07' 27" E a distance of 138.73 feet to a point;
 Thence 9) N 51° 32' 27" E a distance of 571.24 feet to a point;
 Thence 10) S 39° 10' 55" E a distance of 146.35 feet to a point;
 Thence 11) S 51° 31' 27" W a distance of 326.00 feet to a point;
 Thence 12) S 50° 21' 37" W a distance of 64.01 feet to a point;
 Thence 13) S 49° 16' 05" W a distance of 66.05 feet to a point;
 Thence 14) S 53° 51' 02" W a distance of 64.05 feet to a point;
 Thence 15) S 55° 06' 01" W a distance 64.12 feet to a point;
 Thence 16) S 52° 34' 52" W a distance of 31.93 feet to the true point or PLACE OF BEGINNING;

Thence 1) S 47°52'57"E a distance of 211.90 feet to a point;
 Thence 2) S 34°15'49"W a distance of 653.41 feet to a point;
 Thence 3) S 39°53'26"W a distance of 182.17 feet to a point;
 Thence 4) S 49°26'57"W a distance of 237.55 feet to a point;
 Thence 5) S 55°00'59"W a distance of 205.00 feet to a point;
 Thence 6) S 77°24'09"W a distance of 330.00 feet to a point;
 Thence 7) S 74°38'03"W a distance of 465.00 feet to a point;
 Thence 8) N 18°20'13"W a distance of 122.00 feet to a point on the City line;
 Thence 9) N 61°58'27"E along the City line a distance of 228.02 feet to a point;
 Thence 10) N 61°57'09"E along the City line a distance of 262.00 feet to a point;
 Thence 11) N 59°55'49"E along the City line a distance of 64.51 feet to a point;
 Thence 12) N 60°37'24"E along the City line a distance of 68.62 feet to a point;
 Thence 13) N 58°13'30"E along the City line a distance of 62.64 feet to a point;
 Thence 14) N 65°12'16"E along the City line a distance of 68.04 feet to a point;
 Thence 15) N 47°02'32"E along the City line a distance of 67.42 feet to a point;
 Thence 16) N 43°13'56"E along the City line a distance of 69.21 feet to a point;
 Thence 17) N 44°42'26"E along the City line a distance of 68.61 feet to a point;
 Thence 18) N 43°08'44"E along the City line a distance of 192.35 feet to a point;
 Thence 19) N 47°04'21"E along the City line a distance of 70.19 feet to a point;
 Thence 20) N 42°32'35"E along the City line a distance of 389.70 feet to a point;
 Thence 21) N 45°30'27"E along the City line a distance of 71.57 feet to a point;
 Thence 22) N 47°27'19"E along the City line a distance of 67.58 feet to a point;
 Thence 23) N 49°30'30"E along the City line a distance of 63.58 feet to a point;
 Thence 24) N 55°19'46"E along the City line a distance of 67.72 feet to a point;
 Thence 25) N 52°34'52"E along the City line a distance of 31.85 feet to the point or PLACE OF BEGINNING.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TUESDAY, MAY 21, 2019

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-122
Re: Zoning Text Technical Amendment – Planned Development District #17 Highland Hospital

Transmitted herewith for your approval is legislation revising Chapter 120 of the Municipal Code, the Zoning Code, Planned Development (PD) District #17 Highland Hospital regulations. PD #17 Highland Hospital was approved by Council on March 19, 2019 and adopted on March 20, 2019 as Ordinance No. 2019-55.

This submitted legislation proposes to modify the prior legislation (Ord. No. 2019-55) so that the regulations are clear and not subject to interpretation. Three revisions are proposed as follows:

- Subsection D(2) will be revised to clearly explain that at the four major street intersections, the more restrictive maximum building height shall prevail.
- Subsection D(2)(f) will be revised to more clearly reflect the distance governed by the regulations for the first 395 feet of Rockingham Street extending from South Avenue, east.
- Exhibit A – Highland Hospital PD Map will be replaced with an updated map to more clearly depict the distances governed by the regulations in Section D(2)f noted above.

Pursuant to Zoning Code §120-190, prior review by the City Planning Commission is not required because this legislation is a minor amendment for clarification or correction purposes. Pursuant to Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Municipal Code, this legislation is classified as a Type II action, requiring no further environmental review.

As a Zoning Text Amendment, this legislation requires a public hearing.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-122
(Int. No. 138)

Amending the Zoning Code for technical corrections to Planned Development District No. 17 — Highland Hospital

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 modifying portions of § PDD-17, Planned Development District No. 17 — Highland Hospital, which was adopted in Ordinance No. 2019-55, as follows:

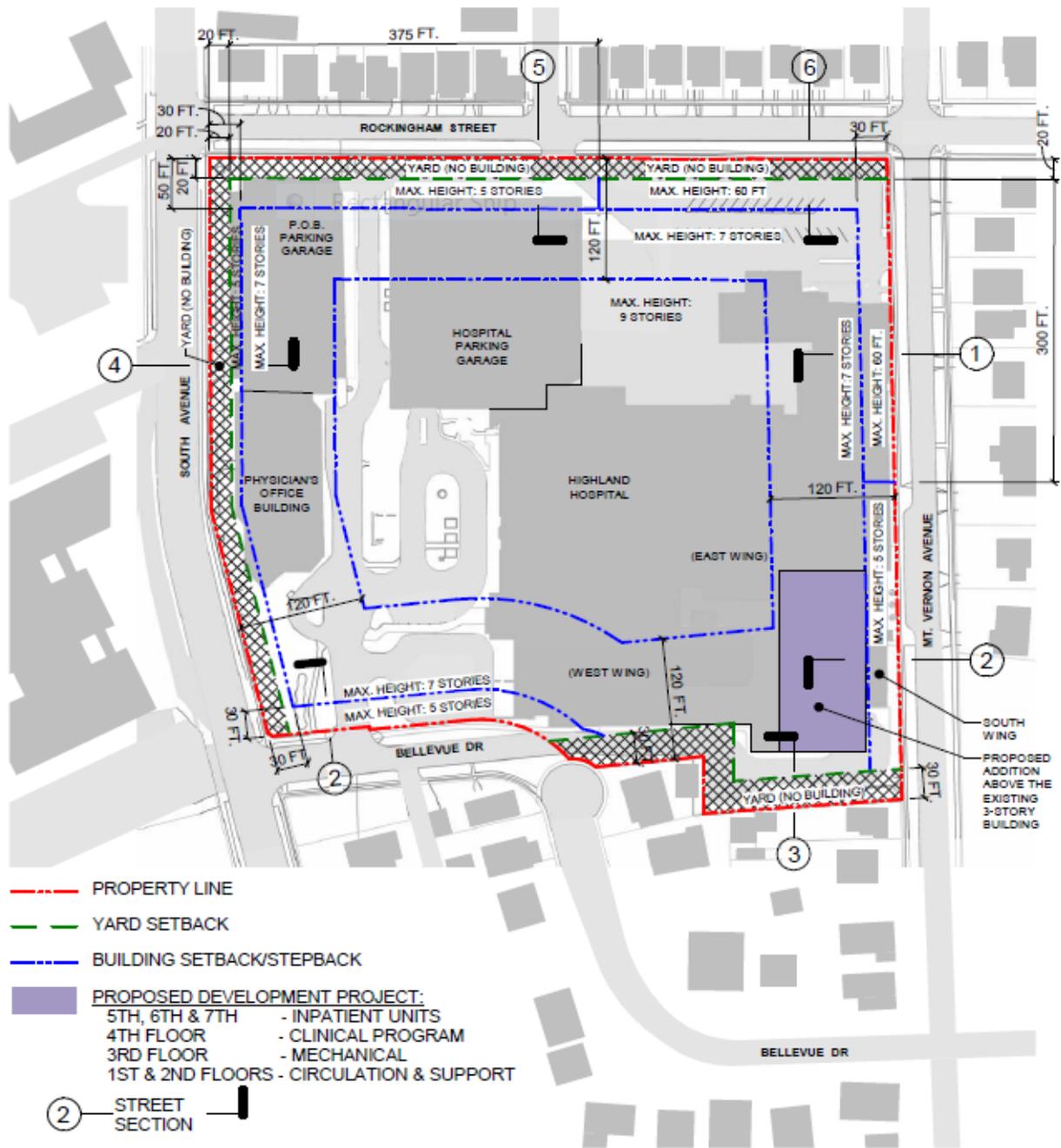
A. Revising subsection D(2) to read in its entirety as follows:

- (2) Maximum building height. Required building heights are based on design parameters that taller first and second floors (up to 18 feet) are required to accommodate equipment for diagnostic procedures, operating rooms, imaging centers, and emergency care; interstitial mechanical floors (up to 18 feet) to serve the floors below and above; and, upper level inpatient units (average 14 feet). The maximum building heights are set based on the setbacks from seven segments of the district's boundary described below and also are depicted in Exhibit A – Highland Hospital PD Map. Where the setback area for one segment overlaps the setback area for an intersecting or adjoining segment, the maximum building height specified in the Highland Hospital PD Map shall control.

B. Revising subsection D(2)(f), to read in its entirety as follows:

- f. Rockingham Street (West). From a point 20 feet east of the east street line of South Avenue extending east ~~395~~ 375 feet. (Figure 5):
- (i) 0' – 20' Setback: No building.
 - (ii) 20' – 50' Setback: 5 stories up to 94 feet maximum building height.
 - (iii) 50' – 120' Setback: 7 stories up to 120 feet maximum building height.
 - (iv) 120' Setback: 9 stories up to 155 feet maximum building height.

C. Deleting the diagram designated as Exhibit A – Highland Hospital PD Map and replacing it with the following diagram:



Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TUESDAY, MAY 21, 2019

By Councilmember Evans
May 21, 2019

To the Council:

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

- Int. No. 142 Authorizing an agreement and funding for the construction of Adventure Place
- Int. No. 143 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$400,000 Bonds of said City to finance the construction of Adventure Place (Manhattan Square Drive to South Union Street)
- Int. No. 144 Authorizing appropriations and agreement for the 2018 Asphalt Milling and Resurfacing Preventive Maintenance – Group 2 project
- Int. No. 145 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$569,000 Bonds of said City to finance the 2018 Asphalt Milling and Resurfacing Preventive Maintenance – Group 2 project
- Int. No. 146 Authorizing an agreement for Multi-Site Park Improvements
- Int. No. 147 Authorizing an amendatory agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. regarding the Clinton & Emerson Firehouses HVAC Replacement
- Int. No. 148 Authorizing an amendatory agreement with C & S Engineers, Inc. for the Elmwood Avenue/Collegetown Cycle Track Project, as amended
- Int. No. 149 Authorizing an amendatory agreement and amending Ordinance No. 2016-268 relating to the Mt. Hope Avenue Phase 2 Improvements Project
- Int. No. 150 Authorizing additional funding and an amendatory agreement for the Joseph A. Floreano Rochester Riverside Convention Center Terrace Repairs Project
- Int. No. 151 Authorizing an intermunicipal agreement with the Village of Fairport for pesticide application to ash trees
- Int. No. 152 Authorizing an amendatory agreement with Transmap Corporation relating to a Pavement Management System
- Int. No. 165 Authorizing an amendatory agreement for a Public Electric Scooter Sharing System and amending Chapter 35 of the Municipal Code with respect to advertisements at System stations

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

- Int. No. 139 Amending the Official Map to dedicate additional right-of-way on West Ridge Road
- Int. No. 140 Authorizing pavement width changes for the Magee Avenue/Raines Park Group Improvement Project
- Int. No. 141 Amending the Official Map to abandon portions of the Exchange Boulevard and East Broad Street rights-of-way that overlap with the Blue Cross Arena
- Int. No. 153 Amending Ordinance No. 2019-63 relating to an Official Map Amendment abandoning a portion of Pitkin Street

Respectfully submitted,
Mitch Gruber
Malik Evans (Absent)
Elaine M. Spaul (Abstained on Int. No 150)
Willie Lightfoot
Loretta C. Scott
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TUESDAY, MAY 21, 2019

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-123
Re: Official Map Amendment Dedication of City owned Parcels on W Ridge Road for Right-of-Way Purposes.

Transmitted herewith for your approval is legislation which will amend the Official Map by dedicating the following parcels as public rights-of-way (ROW) for street purposes. In 2007, the City completed a capital improvement project on West Ridge Road. It was a major realignment and required the purchase of properties along the corridor. As part of performing due diligence for a new project in the area, it was determined that map amendments were required to dedicate these parcels as dedicated ROW. This legislation will dedicate the addresses listed below as ROW:

<u>Address</u>	<u>SBL</u>
2 W Ridge Rd	S.B.L. 090.44-1-65
6 W Ridge Rd	S.B.L. 090.44-1-66
10 W Ridge Rd	S.B.L. 090.44-1-67
14 W Ridge Rd	S.B.L. 090.44-1-68.1
16 W Ridge Rd	S.B.L. 090.44-1-69.1
18 W Ridge Rd	S.B.L. 090.44-1-70
20 W Ridge Rd	S.B.L. 090.44-1-77.8
22 W Ridge Rd	S.B.L. 090.44-1-77.9
24 W Ridge Rd	S.B.L. 090.44-1-71
26 W Ridge Rd	S.B.L. 090.44-1-77.6
28 W Ridge Rd	S.B.L. 090.44-1-72
30 W Ridge Rd	S.B.L. 090.44-1-77.5
32 W Ridge Rd	S.B.L. 090.44-1-73
34 W Ridge Rd	S.B.L. 090.44-1-74
36 W Ridge Rd	S.B.L. 090.44-1-77.18
36.5 W Ridge Rd	S.B.L. 090.44-1-77.19
38 W Ridge Rd	S.B.L. 090.44-1-75
40 W Ridge Rd	S.B.L. 090.44-1-76
42 W Ridge Rd	S.B.L. 090.44-1-78.1
46 W Ridge Rd	S.B.L. 090.44-1-77.13
48 W Ridge Rd	S.B.L. 090.44-1-79
50 W Ridge Rd	S.B.L. 090.44-1-80
50.5 W Ridge Rd	S.B.L. 090.44-1-77.14
52-54 W Ridge Rd	S.B.L. 090.44-1-81.1
56 W Ridge Rd	S.B.L. 090.44-1-82
56.5 W Ridge Rd	S.B.L. 090.44-1-77.3
58 W Ridge Rd	S.B.L. 090.44-1-83.1
64 W Ridge Rd	S.B.L. 090.44-1-84.2
76 W Ridge Rd	S.B.L. 090.44-1-39.3
80 W Ridge Rd	S.B.L. 090.44-1-38.3
35 Lapham St	S.B.L. 090.44-1-39.4
73 Lapham St	S.B.L. 090.44-1-77.15
79 Lapham St	S.B.L. 090.44-1-49.3

The City Planning Commission, in its April 8, 2019 meeting recommended approval of this dedication by a vote of 6-0-0. Minutes of that meeting, along with the application, are attached.

A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-81

Ordinance No. 2019-123
(Int. No. 139)

Amending the Official Map to dedicate additional right-of-way on West Ridge Road

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

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating to street purposes the following 33 described land parcels that were acquired by the City as part of the West Ridge Road Public Improvement Project and by adding said dedications to West Ridge Road. The 33 parcels are depicted in maps which are on file with the City Clerk.

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Address	SBL
2 W Ridge Rd	S.B.L. 090.44-1-65
6 W Ridge Rd	S.B.L. 090.44-1-66
10 W Ridge Rd	S.B.L. 090.44-1-67
14 W Ridge Rd	S.B.L. 090.44-1-68.1
16 W Ridge Rd	S.B.L. 090.44-1-69.1
18 W Ridge Rd	S.B.L. 090.44-1-70
20 W Ridge Rd	S.B.L. 090.44-1-77.8
22 W Ridge Rd	S.B.L. 090.44-1-77.9
24 W Ridge Rd	S.B.L. 090.44-1-71
26 W Ridge Rd	S.B.L. 090.44-1-77.6
28 W Ridge Rd	S.B.L. 090.44-1-72
30 W Ridge Rd	S.B.L. 090.44-1-77.5
32 W Ridge Rd	S.B.L. 090.44-1-73
34 W Ridge Rd	S.B.L. 090.44-1-74
36 W Ridge Rd	S.B.L. 090.44-1-77.18
36.5 W Ridge Rd	S.B.L. 090.44-1-77.19
38 W Ridge Rd	S.B.L. 090.44-1-75
40 W Ridge Rd	S.B.L. 090.44-1-76
42 W Ridge Rd	S.B.L. 090.44-1-78.1
46 W Ridge Rd	S.B.L. 090.44-1-77.13
48 W Ridge Rd	S.B.L. 090.44-1-79
50 W Ridge Rd	S.B.L. 090.44-1-80
50.5 W Ridge Rd	S.B.L. 090.44-1-77.14
52-54 W Ridge Rd	S.B.L. 090.44-1-81.1
56 W Ridge Rd	S.B.L. 090.44-1-82
56.5 W Ridge Rd	S.B.L. 090.44-1-77.3
58 W Ridge Rd	S.B.L. 090.44-1-83.1
64 W Ridge Rd	S.B.L. 090.44-1-84.2
76 W Ridge Rd	S.B.L. 090.44-1-39.3
80 W Ridge Rd	S.B.L. 090.44-1-38.3
35 Lapham St	S.B.L. 090.44-1-39.4
73 Lapham St	S.B.L. 090.44-1-77.15
79 Lapham St	S.B.L. 090.44-1-49.3

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-124

Re: Geometric Changes – Magee Avenue/Raines Park Group Improvement Project

Transmitted herewith for your approval is legislation authorizing the attached geometric changes for the Magee Avenue/Raines Park Group Improvement Project to update traffic widths and promote the safe and efficient flow of traffic.

The project includes the reconstruction/rehabilitation of the pavement, replacement of curbs, most sidewalks, driveway aprons, and most catch basins. New water mains and services south of Clay Ave., relocation of two street lights and the restoration of grass areas and the proposed geometric changes are also included in the project.

Design of the project is scheduled to be completed in spring of 2019. Construction is expected to begin in late summer 2019 and be completed by 2020.

Public informational meetings were held on February 15, 2018 and March 5, 2019. A copy of the minutes for these meetings are attached. The geometric changes required for the project were endorsed by the Traffic Control Board on April 2, 2019.

A public hearing on the pavement width changes is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-82

Ordinance No. 2019-124
(Int. No. 140)

TUESDAY, MAY 21, 2019

Authorizing pavement width changes for the Magee Avenue/Raines Park Group Improvement Project

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

Section 1. Council hereby approves pavement width changes for the Magee Avenue/Raines Park Group Improvement Project that include:

- A. On Magee Avenue extending east from Raines Park:
 - 1. A transitional decrease of 5.5 feet, from 40 feet to 34.5 feet wide, beginning at a point 75 feet east of the east edge of pavement of Raines Park northbound and extending west to the intersection with Raines Park northbound.
- B. On Raines Park extending north from Magee Avenue:
 - 1. On Raines Park northbound, a decrease of 5.5 feet, from 24 feet to 18.5 feet wide, starting at the northerly edge of pavement of Magee Avenue and extending north 18 feet north where it begins transition back to 24 feet wide;
 - 2. On Raines Park southbound, a transitional decrease of 4 feet, from 24 feet to 20 feet wide, starting at a point 131 feet north of the north edge of pavement of Magee Ave. and extending south to a point 65 feet north of the north edge of pavement of Magee Ave.

Section 2. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-125
Re: Official Map Amendment – Abandon a portion of Right-of-way on Exchange Blvd. and E. Broad St. for the Blue Cross Arena (BCA) expansion

Transmitted herewith for your approval is legislation amending the Official Map by abandoning a portion of right-of-way (ROW) on Exchange Boulevard and East Broad Street. Review of the proposed Blue Cross Arena (BCA) expansion revealed the need to correct the ROW along E. Broad Street to exclude the existing building footprint within the ROW. The abandonment was referred to the necessary agencies for comment.

The City Planning Commission, at its April 8, 2019 meeting recommended approval of this abandonment by a vote of 6-0-0. Minutes of that meeting, along with the application, are attached.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal is a Type II Action requiring no further environmental review.

A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-83

Ordinance No. 2019-125
(Int. No. 141)

Amending the Official Map to abandon portions of the Exchange Boulevard and East Broad Street rights-of-way that overlap with the Blue Cross Arena

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

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by deleting therefrom the following described property, heretofore constituting portions of the rights-of-way of Exchange Boulevard and East Broad Street that overlap the building footprint of the Blue Cross Arena expansion:

- A. Legal Description of Proposed Abandonment of Portion of Exchange Boulevard

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All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 50, 20,000 Acre Tract, and being more particularly bounded and described as follows: Commencing at the intersection of the northerly ROW line of Court Street (64' ROW) and the easterly ROW line of Exchange Boulevard (ROW Varies), said intersection being the Point of Commencing; thence

A) N 17° 44' 36" W, along said ROW line of Exchange Boulevard, a distance of 127.91 feet to the Point or Place of Beginning; thence

1) S 72° 15' 24" W, at right angles to said ROW line, a distance of 2.00 feet to a point; thence

2) N 17° 44' 36" W, parallel with said ROW line of Exchange Boulevard, a distance of 88.55 feet to a point; thence

3) N 72° 15' 24" E, a distance of 2.00 feet to a point on the existing ROW of said Exchange Boulevard; thence

4) S 17° 44' 36" E, along said ROW line, a distance of 88.55 feet to the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 177 square feet, more or less, all as shown on a map entitled "Map Showing Lands To Be Abandoned", dated February 6, 2019, as prepared by John D. Metzger, L.S., City Surveyor.

B. Legal Description of Proposed Abandonment of Portion of East Broad Street

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 50, 20,000 Acre Tract, and being more particularly bounded and described as follows: Beginning at the intersection of the easterly ROW line of Exchange Boulevard (ROW Varies) and the southerly ROW line of East Broad Street (ROW Varies), said intersection being the Point or Place of Beginning; thence

1) N 17° 44' 36" W, along the northerly extension of said ROW line of Exchange Boulevard, a distance of 4.10 feet to a point; thence

2) N 84° 49' 52" E, parallel with said ROW line of East Broad Street, a distance of 348.61 feet to a point in said ROW; thence

3) S 05° 00' 34" E, along said ROW of East Broad Street, a distance of 4.00 feet to an angle point in said ROW; thence

4) S 84° 49' 52" W, along the existing southerly ROW line of East Broad Street, a distance of 347.71 feet to the said easterly ROW line of Exchange Boulevard, being the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 1393 square feet, more or less, all as shown on a map entitled "Map Showing Lands To Be Abandoned", dated February 6, 2019, as prepared by John D. Metzger, L.S., City Surveyor.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-126

Ordinance No. 2019-127

Re: Strong Museum of Play – Construction of Adventure Place

Transmitted herewith for your approval is legislation:

1. Establish \$800,000 as maximum compensation for an agreement with the Adventure Place Development, LLC or an affiliated corporation or partnership to be formed by them (collectively, the Developer) to construct Adventure Place. The three development partners, The Strong (Steven M. Dubnik, President and CEO), Konar Properties (Howard Konar (President) and Rachel Guttenberg, Owners), and Indus Hospitality Group (Jeff Mehta, Principal), formed the LLC to share the cost of constructing the road and the landscape amenities. The agreement will be financed by \$400,000 of bonds appropriated herein and \$400,000 from 2018-19 Cash Capital.
2. Authorize the issuance of bonds totaling \$400,000 and the appropriation of the proceeds to partially finance the agreement.

The Developer has proposed the construction of a mixed used development on a nearly 20 acre portion of Downtown Rochester. The project has three main components: Strong Museum expansion and parking, residential and retail, and a hotel. The development will have two new dedicated streets: Adventure Place ~1,300 linear feet at centerline connecting Manhattan Square Drive and South Union Street and "Street B" ~275 linear feet at centerline connecting Savannah Street and Adventure Place. The developer's estimate is \$1,316,500 for construction of Adventure Place.

Adventure Place will be used to provide access to the site and shall be constructed by the Developer, rather than the City. This decision is based on the nature of the project, which requires concurrent work to adjacent construction sites, including excavation and grading of the whole site, coordinating utilities, paving and other work, and the need to integrate the street construction with the rest of the project.

The construction of Adventure Place is expected to begin in fall of 2019 with scheduled completion in summer of 2020.

Respectfully submitted,
Lovely A. Warren
Mayor

TUESDAY, MAY 21, 2019

Ordinance No. 2019-126
(Int. No. 142)

Authorizing an agreement and funding for the construction of Adventure Place

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 in the maximum amount of \$800,000 with Adventure Place Development, LLC or an affiliated corporation or partnership to be formed by its principals (collectively, the Developer) for the Developer to construct and dedicate to the City a new public street to be called Adventure Place (the Project). The Project shall be constructed within the Strong Neighborhood of Play and extend approximately 1,300 linear feet from Manhattan Square Drive to South Union Street. The City's payment of up to \$800,000 to the Developer shall serve to reimburse the Developer for a portion of its Project costs and shall be contingent upon the Developer completing the Project in accordance with the City of Rochester Standards and Specifications to the satisfaction of the City Engineer.

Section 2. The agreement shall be funded in the amounts of \$400,000 from 2018-19 Cash Capital and \$400,000 from the proceeds of bonds to be authorized and appropriated for the purpose.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2019-127
(Int. No. 143)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$400,000 Bonds of said City to finance the construction of Adventure Place (Manhattan Square Drive to South Union Street)

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 cost of acquiring and constructing a new public street called Adventure Place, to be comprised of a new roadway, curbing and catch basins, sidewalks, and other appurtenances and amenities to be installed within a dedicated right-of-way extending approximately 1300 linear feet from Manhattan Square Drive to South Union Street (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 \$1,316,500. The plan of financing includes the issuance of \$400,000 bonds of the City, which amount is hereby appropriated therefor, \$400,000 from 2018-19 Cash Capital, \$516,500 from Adventure Place Development, LLC, or an affiliated corporation or partnership to be formed by its principals, evidenced to the satisfaction of the City following completion of Adventure Place in accordance with the City of Rochester Standards and Specifications and prior to expenditure of any City bond proceeds or 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 \$400,000 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 \$400,000. 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. 20. of the Law, is fifteen (15) 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

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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. 2019-128

Ordinance No. 2019-129

Re: 2018 Asphalt Milling and Resurfacing Preventive Maintenance - Group 2 Alexander Street and Scio Street

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation related to the 2018 Milling and Resurfacing Preventive Maintenance Project – Group 2. This legislation will:

1. Appropriate \$2,315,200 in anticipated reimbursements from the Federal Highway Administration (FHWA) to finance a portion of the construction and construction inspection services for the Project; and
2. Appropriate \$434,100 in anticipated reimbursements from the New York State Marchiselli Aid Program to finance a portion of the construction and construction inspection services for the Project; and
3. Authorize the issuance of bonds totaling \$569,000 and the appropriation of the proceeds thereof to finance the street portion of construction and resident project representation (RPR) services of the project; and
4. Establish \$430,000 as maximum compensation for a professional services agreement with T.Y. Lin International Engineering & Architecture, P.C. (Robert Radley, P.E., Senior Vice President & NE Regional Director), Rochester, NY 14604, for resident project representation (RPR) services.

This federal aid project, administered by the City under agreement with the NYSDOT includes two locations:

- Alexander Street (Mt. Hope Ave to East Main Street); and
- Scio Street (East Ave to Central Park)

Street improvements will include milling and resurfacing of the above streets, including repair of the existing pavement base where needed, adjustment of water valve and sewer castings, resetting or installing new granite curbs as needed, replacement of hazardous sidewalks, alteration or replacement of sidewalk handicap ramps to bring into ADA compliance where it is feasible to do within the existing Right of Way, installation of pavement markings and replacement of traffic loops. These improvements will enhance the surface drainage and riding quality of the roadway, improve handicap accessibility, and expand the useful life of the pavement structure.

The project was designed by the C & S Engineers, Inc. as authorized in January 2017 (Ord. No. 2017-10). T.Y. Lin International Engineering & Architecture, P.C was selected to provide RPR services from the NYSDOT list of pre-approved regional engineering firms, which is described in the attached summary. The agreement will extend until three months after completion of a two year guarantee inspection of the project.

Bids for construction were received on Tuesday, March 26, 2019. The low bid of \$2,977,100 was submitted by Villager Construction Inc.

Funding for the project is as follows:

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Source	Construction	Contingency	RPR	Total
FHWA (to be appropriated)	\$2,022,593.23	0	\$292,606.77	\$2,315,200.00
Marchiselli Aid (to be appropriated)	\$379,236.24	0	\$54,863.76	\$434,100.00
Bond to be issued	\$491,540.57	\$1,367.26	\$76,092.17	\$569,000.00
2017-18 Cash Capital	\$11,740.42	\$3,058.53	\$1,708.36	\$16,507.31
2013-14 Water Cash Capital	\$8,356.25	\$6,914.81	\$4,728.94	\$20,000.00
2014-15 Water Cash Capital	\$24,217.23	0	0	\$24,217.23
Rochester Pure Waters District (Ord. No. 2018-367)	\$39,416.06	\$10,356.40	0	\$49,772.46
Total	\$2,977,100.00	\$21,697.00	\$430,000.00	\$3,428,797.00

The project will begin construction in spring 2019 and will be substantially complete by winter 2019. The project's construction and RPR services will result in the creation and/or retention of the equivalent of 37 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-84

Ordinance No. 2019-128
(Int. No. 144)

Authorizing appropriations and agreement for the 2018 Asphalt Milling and Resurfacing Preventive Maintenance - Group 2 project

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

Section 1. The sum of \$2,315,200 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration (FHWA) to fund a portion of the construction and construction inspection services for the 2018 Asphalt Milling and Resurfacing Preventive Maintenance - Group 2 project (the Project).

Section 2. The Council hereby authorizes the receipt and use of \$434,100 in anticipated reimbursements from the New York State Department of Transportation's Marchiselli Aid program and appropriates that sum to fund the Project.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement with T.Y. Lin International Engineering & Architecture, P.C. in the maximum amount of \$430,000 for resident project representation services for the Project. Said amount shall be funded in the amounts of: \$292,606.77 from the FHWA reimbursements authorized in Section 1 herein; \$54,863.76 from the Marchiselli Aid reimbursements authorized in Section 2 herein; \$76,092.17 in the proceeds of bonds to be issued for the Project; \$1,708.36 in 2017-18 Cash Capital; and \$4,728.94 in 2013-14 Cash Capital. The term of the agreement shall extend until three months after completion of a two-year guarantee inspection of the Project.

Section 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2019-129
(Int. No. 145)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$569,000 Bonds of said City to finance the 2018 Asphalt Milling and Resurfacing Preventive Maintenance - Group 2 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 construction and resident project representation services related to 2018 Asphalt Milling and Resurfacing Preventive Maintenance - Group 2 project, including portions of Alexander Street (Mt. Hope Avenue to East Main Street) and Scio Street (East Avenue to

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Central Park) (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 \$3,428,797. The plan of financing includes the issuance of \$569,000 bonds of the City and said amount is hereby appropriated therefor, \$2,315,200 from FHWA reimbursements to be authorized for the Project, \$434,100 from Marchiselli Aid reimbursements to be authorized for the Project, \$16,507.31 in 2017-18 Cash Capital, \$20,000 in 2013-14 Cash Capital, \$24,217.23 in 2014-15 Cash Capital, \$49,772.46 in anticipated reimbursements from the Rochester Pure Waters District (Ordinance No. 2018-367) 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 \$569,000 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 \$569,000. 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. 20. of the Law, is fifteen (15) 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. 2019-130
Re: Agreement – Ravi Engineering and Land Surveying, P.C. Multi-Site Park Improvements

Transmitted herewith for your approval is legislation related to the Multi-Site Park Improvements (Tacoma, 4th & Peck). This legislation will establish \$50,000.00 as maximum compensation for a professional services agreement with Ravi Engineering and Land Surveying, P.C. (Nagappa Ravindra– Chief Executive Officer), 2110 S. Clinton Avenue, Suite 1, Rochester, NY, 14618 for Resident Project Representation (RPR) services. The cost of the agreement will be financed from Community Development Block Grant (CDBG) funds as appropriated in April 2019 (Ordinance No. 2019- 91).

Site	Proposed improvements
4 th and Peck Playground	Replace single water spray feature and safety surface replacement.
Tacoma Park Playground	Replace playground with tot and preteen playsets
Don Samuel Torres Park	Replace basketball court, enhance baseball field, shade trees

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Ravi Engineering and Land Surveying, P.C. was selected for RPR services through a request for proposal process, which is described in the attached summary. The agreement shall extend until three (3) months after completion of the two (2) year guarantee inspection of the project.

Construction duration is anticipated as three (3) months with construction starting in the summer of 2019. The project will result in the creation and/or retention of the equivalent of 0.4 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-85

Ordinance No. 2019-130
(Int. No. 146)

Authorizing an agreement for Multi-Site Park Improvements

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 Ravi Engineering and Land Surveying, P.C. in the maximum amount of \$50,000 to provide resident project representation services for the Multi-Site Park Improvements project at the 4th and Peck Playground, Tacoma Park Playground, and Don Samuel Torres Park (the Project). Said amount shall be funded from the Community Development Block Grant funds appropriated to the Project in Ordinance No. 2019-91. The term of the agreement shall continue to 3 months after completion of a 2-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. 2019-131
Re: Amendatory Agreement – Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. – Clinton & Emerson Firehouses HVAC Replacement

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Pietro Giovenco, P.E., President and CEO), 280 East Broad Street, Suite 200, Rochester, NY for additional construction administration and construction oversight services for this project. The original agreement for \$150,000 was authorized in August, 2016 (Ordinance No. 2016-238). This amendment will increase maximum compensation by \$35,000 to a total of \$185,000. The term of the amendatory agreement shall continue until 3 months after completion of the 2-year guarantee inspection of the project. The cost of the agreement will be financed from 2018-19 Cash Capital (\$10,000) and bonds authorized for the project in April 2017 (Ordinance No. 2017-94) (\$25,000).

The project includes the design and construction for the heating, ventilation, air conditioning systems and kitchen exhaust hood replacements at the North Clinton Avenue Firehouse, 1207 N. Clinton Avenue, Rochester NY, and the Emerson Street Firehouse, 1051 Emerson Street, Rochester NY.

Bergmann Associates will provide additional design, construction administration, construction oversight and abatement oversight services due to unforeseen field conditions that differed from the available 1950's drawings, during the construction of Emerson Street Firehouse. North Clinton Avenue Firehouse is currently under construction. Design modifications are being done concurrent with abatement to minimize time involved.

Construction is anticipated to be complete in summer 2019. The amendatory agreement will result in the creation and/or retention of the equivalent of 0.38 full-time job.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-86

Ordinance No. 2019-131
(Int. No. 147)

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Authorizing an amendatory agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. regarding the Clinton & Emerson Firehouses HVAC Replacement

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 Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. to provide additional construction administration and construction oversight services for the replacement of the heating, ventilation, air conditioning systems and kitchen exhaust hoods at the North Clinton Avenue and Emerson Street firehouses (the Project). The amendatory agreement shall increase the maximum compensation of the agreement originally authorized in Ordinance No. 2016-238 by \$35,000 to a new total of \$185,000. Said amendatory amount shall be funded by \$10,000 from 2018-19 Cash Capital and \$25,000 from bonds previously authorized for the Project in April 2017 by Ordinance No. 2017-94.

Section 2. Said amendatory 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. 2019-132

Re: Amendatory Agreement – C & S Engineers, Inc., Elmwood Avenue/Collegetown Cycle Track

Transmitted herewith for your approval is legislation:

1. Authorizing an amendatory agreement with C & S Engineers, Inc. (John D. Trimble, President and CEO), Rochester, NY 14614, for additional right of way incidentals and final design services for this project. This amendment will increase maximum compensation by \$43,000 to a total of \$254,000. The cost of the agreement will be funded from 2015-16 Cash Capital (\$5,586.85) and bonds previously appropriated (\$37,413.15) (Ordinance No. 2018-269). The original agreement for \$190,000 was authorized in June of 2014 (Ordinance No. 2014-182). An amended amount increased the contract by \$21,000 in July of 2017 (Ordinance No. 2017-228) and funded additional right of way incidentals and construction design services, and
2. Amending Ordinance No. 2018-268 Section 2 which authorized a professional services agreement with C & S Engineers, Inc. This amendment will correct the funding source to be funded from FHWA funds appropriated in Section 1 (\$12,029), bonds issued for the purpose (\$274,734.46), and 2016-17 Cash Capital (\$13,236.54).

This project consists of the design and construction of a physically separated bicycle facility (a 10-foot wide path separated by a tree-lawn from the traffic lanes) along Elmwood Avenue between Wilson Boulevard and Mt. Hope Avenue. The project will install new sidewalks and bicycle paths, upgrade street lighting, and modify traffic signals and pavement markings and signage along Elmwood Avenue.

The consultant will provide additional right of way incidentals and final design services, as the design progressed additional services became necessary to secure all of the right of way incidentals agreements, and the additional time required to secure the additional right of way incidentals resulted in several final design iterations, and changes.

Construction began in April 2019 with completion scheduled in the fall of 2019. The amended project will result in the creation and/or retention of the equivalent of 0.4 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-87

Ordinance No. 2019-132
(Int. No. 148, as amended)

Authorizing an amendatory agreement with C & S Engineers, Inc. for the Elmwood Avenue/Collegetown Cycle Track Project

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 C & S Engineers, Inc. for right-of-way incidental phase services for the Elmwood Avenue/Collegetown Cycle Track Project (the "Project"). The amendatory agreement shall increase the maximum compensation of the agreement originally authorized in Ordinance No. 2014-182, and as amended by Ordinance No. 2017-228, by \$43,000 to a new total of \$254,000. Said amendatory amount shall be funded from bonds previously authorized for the project in August 2018 by Ordinance No. 2018-269 (\$37,413.15) and 2015-16 Cash Capital (\$5,586.85).

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

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Section 3. Section 2 of Ordinance No. 2018-268, relating to resident project representation services for the Project, is hereby amended to read in its entirety as follows:

The Mayor is hereby authorized to enter into a professional services agreement with C & S Engineers, Inc. in the maximum amount of \$300,000 for resident project representation services for the Project. Said amount shall be funded from FHWA funds appropriated in Section 1 (\$12,029), bonds issued for the purpose (~~\$287,726.83~~) (\$274,734.46), and 2016-17 Cash Capital (~~\$244.17~~) (\$13,236.54).

Section ~~3~~ 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-133
Re: Amendatory Agreement– New York State Department of Transportation and Amend Ordinance Mt. Hope Avenue Phase 2 Improvements

Transmitted herewith for your approval is legislation related to the Mt. Hope Avenue Phase 2 Improvement Project. This legislation will:

1. Authorize an amendatory agreement with New York State Department of Transportation (NYSDOT) to provide ROW acquisition and incidental services for the Project;
2. Amend Ordinance 2016-268, which originally established funding for the amended agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Pietro Giovenco, P.E., President and CEO), Rochester, NY 14604 for design services related to this project, by reducing the Marchiselli aid (Ord. No. 2016-198) by \$35,169.45 and replacing those funds with \$35,169.45 in 2017-18 Cash Capital.

Mt Hope Avenue Improvements – Phase 2 will reconstruct Mt Hope Avenue from Rossiter Road to the south City line. The project includes street reconstruction, new curbing, sidewalks, water main and services, hydrants, receiving basins, street lighting and tree plantings.

The Project has multiple de minimis property takings. NYSDOT offered to perform these takings and an agreement with them was authorized June 20, 2017 (Ord. No. 2017-185) and funded by the Federal Highway Administration (FHWA) and local funds budgeted for ROW incidentals. Now that the FHWA funds for the ROW acquisitions have been made available the agreement must be amended to add the FHWA funds, the Marchiselli aid and the local funds budgeted for ROW acquisitions. NYSDOT will apply the FHWA funds to themselves. The City is required to deposit the non-Federal aid portion of the ROW acquisitions funds, totaling \$59,205, to the State. This will be financed with \$45,000 in Marchiselli aid (Ordinance No. 2016-198) and \$14,205 in 2017-18 Cash Capital. The NYSDOT contract is now \$476,000, an increase of \$296,027.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-88

Ordinance No. 2019-133
(Int. No. 149)

Authorizing an amendatory agreement and amending Ordinance No. 2016-268 relating to the Mt. Hope Avenue Phase 2 Improvements Project

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 the New York State Department of Transportation (NYSDOT) to provide additional Right of Way (ROW) acquisition and incidental services for the Mt. Hope Avenue Phase 2 Improvements Project (Project). The amendatory agreement shall increase the maximum compensation of the agreement originally authorized in Ordinance No. 2017-185 by \$296,027 to a new total of \$476,000. The amendatory amount shall be funded in the amounts of \$45,000 in Marchiselli aid appropriated in Section 2 of Ordinance No. 2016-268, \$14,205 in 2017-18 Cash Capital, and \$236,822 in Federal Highway Administration funds to be retained by NYSDOT for this purpose.

Section 2. Section 2 of Ordinance No. 2016-268, which appropriated a portion of the funding for Project design services, is hereby amended to read in its entirety as follows:

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Section 2. The sum of ~~\$120,000~~ \$103,800 in anticipated reimbursements from the New York State Marchiselli Aid Program is hereby appropriated to finance a portion of the design, ROW acquisition and incidental services for the Project.

Section 3. Section 4 of Ordinance No. 2016-268, which established the funding sources for an amended professional services agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. to provide Project design and bid and award services, is hereby amended to read in its entirety as follows:

Section 4. Said total amount shall be funded from the Federal funds appropriated in Section 1 (\$313,600), Federal funds appropriated by City Council in Ordinance No. 2015-243 (\$160,800), Marchiselli aid funds appropriated in Section 2 (~~\$93,969.45~~) (\$58,800), 2017-18 Cash Capital (~~\$35,169.45~~), Prior Years' Cash Capital (\$6,900), 2011-12 Cash Capital (\$41,204.71), 2013-14 Cash Capital (\$35,381.29), 2014-15 Cash Capital (\$57,172.34), and 2012-13 Cash Capital (\$41,972.21). The agreement may extend until 6 months after completion and acceptance of the construction of the Project.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 5. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-134
Re: Amendatory Agreement – Joseph A. Floreano Rochester Riverside Convention Center Terrace Repairs

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Joseph A. Floreano Rochester Riverside Convention Center Terrace Repairs project. This legislation will:

1. Authorize the receipt and use of \$220,000 in awarded funding from the Rochester Gas & Electric (RG&E) Commercial Corridor/Main Street Revitalization Assistance Program, for the terrace electric infrastructure improvements and installation of façade lighting on the convention center.
2. Establish \$20,000 as a maximum compensation for an amendatory agreement with Stantec Consulting Services Inc. (Stantec), 61 Commercial Street, Suite 100, Rochester, New York 14614 (James R. Hofmann, P.E., Principal), for additional engineering, design and project administration services for the terrace electric infrastructure improvements and installation of façade lighting on the convention center.

The original agreement with Stantec was authorized in February 2017 (Ordinance No. 2017-40) for a maximum compensation of \$630,000. An amendatory agreement increasing the maximum compensation by \$100,000 was authorized in June 2018 (Ordinance No. 2018-205). This amendment will increase the compensation by \$20,000 to a maximum total of \$750,000. The term of the amendatory agreement shall extend until three (3) months after completion of a two-year guarantee inspection of the project. The cost of the agreement will be financed as follows:

Source	Amount
Bonds authorized by Ordinance No. 2017-41	\$ 630,000
2015-16 Cash Capital	\$ 100,000
RG&E Funding Award	<u>\$ 20,000</u>
TOTAL	<u>\$ 750,000</u>

The project includes structural repairs and strategic replacement of select structural slabs and supports to the convention center's riverfront terrace, waterproofing and insulation, granite and stone veneer repairs, replacement of the terrace railing with a new City standard code compliant railing, terrace drainage system, terrace electric infrastructure improvements and installation of façade lighting on the convention center to illuminate the entire building as a vital nighttime element within the urban City skyline. The estimated overall cost of the project is \$3,328,000 million including the awarded funding from RG&E appropriated herein.

Engineering inspections and design began in 2017. The project was bid and awarded for construction in spring 2018. Construction began in summer 2018 and completion is anticipated in summer 2019. The project will result in the creation and/or retention of the equivalent of 36.2 full-time jobs

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-89

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Ordinance No. 2019-134
(Int. No. 150)

Authorizing additional funding and an amendatory agreement for the Joseph A. Floreano Rochester Riverside Convention Center Terrace Repairs Project

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

Section 1. The Council hereby authorizes the receipt and use of \$220,000 in award funding from Rochester Gas and Electric Corporation (RG&E) for installation of terrace electric infrastructure improvements and façade lighting as part of the Joseph A. Floreano Rochester Riverside Convention Center Terrace Repairs Project (Project).

Section 2. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Stantec Consulting Services Inc. to provide engineering and landscape architectural services for the Project. The amendatory agreement shall increase the maximum compensation of the agreement originally authorized in Ordinance No. 2017-40 and amended in Ordinance No. 2018-205 by \$20,000 to a total of \$750,000. The amendatory compensation shall be funded from the RG&E award authorized in Section 1 herein and is hereby appropriated for that purpose.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes – President Scott, Councilmembers Clifford, Evans, Gruber, Harris, Vice President Lightfoot, Ortiz, Patterson – 8.

Nays – 0

Councilmember Spaul abtained due to a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-135
Re: Inter-municipal Agreement – Village of Fairport Ash Tree Pesticide Application Treatment Services

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with the Village of Fairport to have the City provide pesticide application services for 74 trees of the Village's ash tree population. The City will provide the service on a one-time basis and will furnish all of the necessary resources to complete the project, including labor, equipment, and materials (chemical pesticide, plugs, and notification materials).

In return for these services the Village of Fairport will reimburse the City for the cost of the resources used in the application of the treatment, plus a 15% administrative charge to cover the indirect cost associated with the completion of the project. The total amount of these costs will be \$5,781.95. The term of the agreement will be for one year.

The City last performed similar work in 2016 for the Village of Fairport under Ord. No. 2016-165. Treatment of these 74 trees will protect the trees from an infestation of Emerald Ash Borer (EAB) for a period of three years.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-135
(Int. No.151)

Authorizing an intermunicipal agreement with the Village of Fairport for pesticide application to ash trees

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 Village of Fairport to apply pesticides to 74 ash trees in Fairport. The Village of Fairport shall reimburse the City in the amount of \$5,781.95. The term of the agreement shall be one year.

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.

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Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-136
Re: Amendatory Agreement – Transmap Corporation, Pavement Management System

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Transmap Corporation, (Craig A. Schorling, GISP, Vice President) Columbus, Ohio 43228, to provide additional services related to the City of Rochester's Pavement Management System. This amendment will extend the agreement by one year to February 28, 2020 and increase the compensation by \$186,000, to a maximum total of \$428,650. The original agreement, authorized in November 2015 (Ordinance No. 2015-366) established maximum compensation at \$242,650 for a term of three years, with two one-year renewable options. This additional cost will be funded as follows:

2016-17 Cash Capital	\$ 90,000
2018-19 Cash Capital	<u>\$ 96,000</u>
TOTAL	\$186,000

Transmap Corporation will provide an updated inventory of our pavement system, additional pavement management services, updated pavement management tools, and additional inventory data.

Data collection processes will begin in spring 2019. The project will result in the creation and/or retention of the equivalent of 2 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-90

Ordinance No. 2019-136
(Int. No. 152)

Authorizing an amendatory agreement with Transmap Corporation relating to a Pavement Management System

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 Transmap Corporation for additional services relating to a Pavement Management System. The amendatory agreement shall increase the maximum compensation of the agreement originally authorized in Ordinance No. 2015-366, by \$186,000 to a new total of \$428,650. The amendatory amount shall be funded by \$90,000 from 2016-17 Cash Capital and \$96,000 from 2018-19 Cash Capital.

Section 2. The amendatory 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. 2019-137
Re: Amending Ordinance No. 2019-63 Pitkin Street Technical Corrections

Transmitted herewith for your approval is legislation amending Ordinance No. 2019-63 which was adopted in March 2019, to correct the legal description for the portion of former Pitkin Street ROW that the City will be abandoning and selling to the developer of Union Place.

This legislation will amend Ordinance No. 2019-63, Section 1 to correct the legal description of the portion of the former Pitkin Street ROW to be abandoned.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-137
(Int. No. 153)

Amending Ordinance No. 2019-63 relating to an Official Map Amendment abandoning a portion of Pitkin Street

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

Section 1. Section 1 of Ordinance No. 2019-63 is hereby amended to read in its entirety as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by changing and deleting therefrom the following described property, heretofore dedicated to street purposes and constituting a portion of Pitkin Street:

**Legal Description of a Portion of Pitkin Street
to be Abandoned**

~~Parcel 3~~

~~All that tract of parcel of land, situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows: Beginning at the southwesterly corner of Tax Map Parcel 121.25-2-43.1, and as described in the deed filed in Monroe County Clerk's Office at Liber 11757 of Deeds, Page 395; thence~~

- ~~1) N 68° 01' 45" W through the lands now or formerly owned by New York State interstate 490 Inner Loop, a distance of 8.02 feet to an angle point; thence~~
- ~~2) N 21° 19' 45" E continuing through the lands now or formerly owned by New York State interstate 490 Inner Loop, a distance of 11.81 feet to angle point; thence~~
- ~~3) S 77° 43' 08" W continuing through the lands now or formerly owned by New York State interstate 490 Inner Loop, a distance of 0.72 feet to angle point; thence~~
- ~~4) N 12° 16' 52" W continuing through the lands now or formerly owned by New York State interstate 490 Inner Loop, a distance of 30.19 feet to a point on the westerly ROW of Pitkin Street; thence~~
- ~~5) N 20° 49' 02" E along said westerly ROW of Pitkin Street, a distance of 154.89 feet to a point; thence~~
- ~~6) N 23° 35' 17" E continuing along said westerly ROW of Pitkin Street, a distance of 81.84 feet to a point; thence~~
- ~~7) N 18° 11' 12" E continuing along said westerly ROW of Pitkin Street, a distance of 67.19 feet to the point of intersection of the southerly ROW of East Avenue and the westerly ROW of Pitkin Street; thence~~
- ~~8) S 73° 54' 19" E through the lands now or formerly owned by New York State interstate 490 Inner Loop, a distance of 24.21 feet to the point of intersection of the southerly ROW of East Avenue and the easterly ROW of Pitkin Street; thence~~
- ~~9) S 20° 49' 02" W along said easterly ROW of Pitkin Street, a distance of 342.67 feet to the Point of Beginning.~~

~~Hereby intending to describe a parcel of land containing 0.179 more or less acres of land, dedicated as Pitkin Street per Ordinance no. 2018-132, all as shown on a map entitled "Portion of Pitkin Street Right of Way to be Abandoned", dated August 9, 2018, as prepared by Passero Associates.~~

~~All that tract of parcel of land, situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows: Beginning at the southwesterly corner of Tax Map Parcel 121.25-2-43.1, and as described in the deed filed in Monroe County Clerk's Office at Liber 11757 of Deeds, Page 395 (MAP 3-C Parcel 500); thence~~

- ~~1) N 68° 01' 45" W through the lands now or formerly owned by New York State interstate 490 Inner Loop, a distance of 8.02 feet to an angle point; thence~~
- ~~2) N 45° 37' 05" E continuing through the lands now or formerly owned by New York State interstate 490 Inner Loop, a distance of 18.53 feet to point on the westerly ROW of Pitkin Street; thence~~
- ~~3) N 20° 49' 02" E along said westerly ROW of Pitkin Street, a distance of 184.19 feet to a point; thence~~
- ~~4) N 23° 35' 17" E continuing along said westerly ROW of Pitkin Street, a distance of 81.84 feet to a point; thence~~
- ~~5) N 18° 11' 12" E continuing along said westerly ROW of Pitkin Street, a distance of 67.24 feet to the point of intersection of the southerly ROW of East Avenue and the westerly ROW of Pitkin Street; thence~~
- ~~6) S 73° 54' 19" E through the lands now or formerly owned by New York State interstate 490 Inner Loop, a distance of 24.21 feet to the point of intersection of the southerly ROW of East Avenue and the easterly ROW of Pitkin Street; thence~~
- ~~7) S 20° 49' 02" W along said easterly ROW of Pitkin Street, a distance of 342.67 feet to the Point of Beginning.~~

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Hereby intending to describe a parcel of land containing 0.187 more or less acres of land, dedicated as Pitkin Street per Ordinance No. 2018-132 , all as shown on a map entitled "Portion of Pitkin Street Right of Way to be Abandoned", dated April 16, 2019, as prepared by Passero Associates.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-138
Re: Amendatory Agreement - Zagster, Public Electric Scooter Share System

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the development of a Public Electric Scooter Share System (Scooter Sharing) similar to the public bikeshare system that is currently being operated in the city. The State Legislature is currently considering legislation to allow the operation of electric scooters under the State Vehicle and Traffic Law and is expected to vote on the legislation prior to the end of its regular session in June. This legislation will:

1. Authorize an amendatory agreement with Zagster, Inc. (Dan Grossman, Chief Executive Officer) for the exclusive rights to develop, install, own, operate, and maintain a Public Electric Scooter Share System within the public rights-of-way and public lands of the City of Rochester, if and when the State legalizes the use of electric scooters on public roads, in conjunction with, and for the same term as, the current bikeshare system; and
2. Amend the Municipal Code to allow the placement of advertising on approved electric scooter stations in the public right-of-way or on public land of the City of Rochester.

Ordinance No. 2016-349 authorized an agreement with Zagster for the establishment of a public bikeshare system. Ordinance No. 2017-15 amended Ordinance No. 2016-349 to change the initial term from two years to three years. Under the amendatory agreement, Zagster will be ready to provide 400 electric scooters for the city's system as soon as the necessary state legislation is enacted, with the ability to expand in the months following the launch. Scooters can be picked up and dropped off at a series of stations at locations approved by the City.

The speed of the shared electric scooters can be regulated remotely by Zagster with a maximum speed of 15 mph in the City of Rochester. On a regular basis, Zagster personnel will repair and maintain the scooters; rebalance their locations among the various stations, just as they have been doing for the bikeshare; and recharge the scooters.

Experiences in other cities have demonstrated that Scooter Sharing, like bikesharing, can reduce the use of traditional automobiles, increase rates of public transit use by addressing the "first-mile/last-mile" gap, and reduce parking demand. The addition of electric scooters into other cities has increased the total number of alternative, shared "micro-mobility" trips nationwide from 35 million in 2017 to 84 million in 2018, demonstrating that many people who will not use bicycles will use electric scooters.

Like the bikesharing, affordable Scooter Sharing fares will be sustained primarily through sponsorships and advertising. Accordingly, the Municipal Code will be modified to allow Zagster to display sponsor logos and advertising at approved Scooter Sharing stations.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-138
(Int. No. 165)

Authorizing an amendatory agreement for a Public Electric Scooter Sharing System and amending Chapter 35 of the Municipal Code with respect to advertisements at System stations

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 Zagster, Inc. (the Operator) for exclusive rights to develop, install, operate and maintain a Public Electric Scooter Sharing System (Scooter Share System) in addition to Zagster's rights and obligations in the bikeshare system that was authorized in Ordinance No. 2016-349 and amended by Ordinance No. 2017-15. The Operator's rights and obligations in a Scooter Share System shall be contingent upon the State's enactment of amendments to the Vehicle and Traffic Law to authorize and regulate the operation of electric scooters (State Scooter Law).

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Section 2. The amendatory agreement shall provide that, upon the later of (a) the parties' execution of said amendatory agreement, or (b) the effective date of the State Scooter Law (collectively, the Start Date), the Operator shall promptly establish in the City a Scooter Share System capable of providing up to 400 electric scooters and shall maintain the ability to expand the number of electric scooters in the System in the months that follow the Start Date. The Operator's compensation for the amendatory agreement shall be derived from user fees, sponsorships and advertising derived from its operation of the Scooter Share System.

Section 3. The term for the amendatory agreement shall run concurrently with the term of the previously authorized bikeshare system agreement.

Section 4. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. Section 35-1 of the Municipal Code, prohibiting the placement of handbills and signs in or on public places, as amended, is hereby further amended so that Subsection D thereof reads as follows:

D. This section shall not apply to the placement of advertisements on or within a public bikeshare station or a public scooter sharing station that is authorized to be placed within the public right-of-way or public lands pursuant to a duly authorized agreement, ordinance, or Municipal Code provision of the City of Rochester.

Section 6. This ordinance shall take effect immediately.

Underlining indicates new text.

Passed unanimously.

By Vice-President Lightfoot
May 21, 2019

To the Council:

The **PUBLIC SAFETY YOUTH & RECERATION** recommends for **ADOPTION** the following entitled legislation:

Int. No. 154	Amending the Municipal Code with regard to Animal Services
Int. No. 155	Appropriating federal forfeiture funds and amending the 2018-19 Budget to support an anti-gun violence campaign
Int. No. 156	Appropriating federal forfeiture funds and amending the 2018-19 Budget to purchase a Canine Unit dog
Int. No. 157	Authorizing an agreement with Monroe County for the receipt and use of a Tobacco Sales Compliance Grant
Int. No. 158	Authorizing a professional services agreement for hockey referees
Int. No. 159	Authorizing an agreement for mural art at the Dr. Martin Luther King Jr. Memorial Park
Int. No. 160	Authorizing agreements for the 2019 Summer of Opportunity Program

The following entitled legislation is being **HELD** in committee:

Int. No. 161	Accepting a donation and amending the 2018-19 Budget for Norton Village Playground improvement
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Respectfully submitted,
Willie J. Lightfoot
Mitch Gruber
LaShay D. Harris
Jacklyn Ortiz (*Absent*)
Loretta C. Scott
PUBLIC SAFETY YOUTH & RECREATION COMMITTEE

Received filed and published.

TUESDAY, MAY 21, 2019

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-139

Re: Code Amendment- Section 30 Animal Regulations and Section 31, Dog Control

Council Priority: Public Safety

Transmitted herewith for your approval is legislation amending Chapters 30 and 31 of the City of Rochester Municipal Code regarding the management of animals who are seized or surrendered to the City's animal shelter:

1. In Chapter 30, revising the definitions of wild animals and pets and revising the animal shelter's obligations with regard to illegally possessed wild animals in order to be consistent with State law requirements in the Environmental Conservation Law and the Agriculture and Markets Law.
2. In Chapter 30, revising the minimum redemption and holding periods for cats to be consistent with revisions to the State Agriculture and Markets Law enacted in December 2018.
3. In Chapter 31, clarifying the minimum redemption and holding periods for dogs.

These changes will go into effect on June 1, and will expedite the adoption of unidentified pets and clarify the City's responsibilities regarding various categories of animals.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-139
(Int. No. 154)

Amending the Municipal Code with regard to Animal Services

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

Section 1. Chapter 30 of the Municipal Code, Animals, is hereby amended at Section 30-25 to read in its entirety as follows:

§ 30-25. Definitions.

When used in this chapter, the following words shall have the following definitions:

WILD ANIMAL

Except for a "pet" as defined in §30-43 of this chapter, wild animal includes, and is limited to, any or all of the following orders and families:

(1) Nonhuman primates and prosimians,

(2) Felidae and all hybrids thereof, with the exception of the species Felis catus (domesticated and feral cats, which shall mean domesticated cats that were formerly owned and that have been abandoned and that are no longer socialized, as well as offspring of such cats) and hybrids of Felis catus that are registered by the American Cat Fanciers Association or the International Cat Association provided that such cats be without any wild felid parentage for a minimum of five generations,

(3) Canidae (with the exception of domesticated dogs and captive bred fennec foxes (vulpes zerda)),

(4) Ursidae,

(5) All reptiles that are venomous by nature, pursuant to department regulation, and the following species and orders: Burmese Python (Python m. bivittatus), Reticulated Python (Python reticulatus), African Rock Python (Python sabae), Green Anaconda (Eunectes maurinus), Yellow Anaconda (Eunectes notaeus), Australian Amethystine Python (Morelia amethistina and Morelia kinghorni), Indian Python (Python molurus), Asiatic (water) Monitor (Varanus salvator), Nile Monitor (Varanus nilocitus), White Throat Monitor (Varanus albigularis), Black Throat Monitor (Varanus albigularis ionides) and Crocodile Monitor (Varanus salvadori), Komodo Dragon (Varanus komodensis) and any hybrid thereof,

(6) Crocodylia,

(7) Any modification of the foregoing definition enacted on or after May 1, 2019 into the definition of "wild animal" contained in §11-0103(6)(e) of the Environmental Conservation Law.

All types of the following animals

All venomous animals, except fish, including rear fang snakes

Antelope, bighorn sheep, gazelles, impalas, gnus, bison, buffalo, African buffalo, mountain goats, tapirs, topis, waterbucks, warthogs, wildebeests, zebra

Bats

Bears (ursidae)

Camelidae, i.e., camels, llamas, alpacas, vicunas, guanacos

Canids (other than domestic dogs, canis lupus familiaris), i.e., wolves, foxes, coyotes, jackals, dingos, raccoon dogs, or any mix of these animals

Cervidae, i.e., deer, moose, elk, caribou, reindeer

Crocadilians, i.e., alligators, crocodiles, caimans, gavials

Elephants (elephantidae)

Falconiformes, i.e., eagles, hawks, owls, ospreys, vultures, griffons

Felids (other than domestic cats, felis catus), i.e., lions, tigers, bobcats, leopards, cheetahs, jaguars, pumas, lynx, ocelots, or any mix of these animals

Giraffidae, i.e., giraffes, okapis

Herpestidae, i.e., mongooses, meerkats, suricats, fossas

Hippopotamus (hippopotamidae)

Hyaenidae, i.e., hyenas, aardwolf

Komodo dragons (varanus komodoensis)

Marsupials, i.e., opossums, kangaroos, wallabies, koalas, wombats

Ostriches, emus, rheas

Primates (nonhuman), i.e., apes, monkeys, baboons, chimpanzees, gibbons, gorillas, lemurs, orangutans, siamangs, marmosets, tamarins, mandrills, macaques

Procyonids, i.e., raccoons, coatis, kinkajous, olingos, ring-tailed cats

Rhinoceros (rhinocerotidae)

Sciuridae, i.e., squirrels, groundhogs, marmots, prairie dogs, woodchucks

Viverridae, i.e., civets, linsangs, genets, palm civets, toddy cats, binturongs, fossas

Weasels, stoats, zorillas, martens, fishers, skunks, tayras, wolverines, grisons, badgers, ratels, otters, muskrats, beavers, gophers, porcupines

Section 2. Chapter 30 of the Municipal Code, Animals, is hereby amended at Section 30-26 to read in its entirety as follows:

§ 30-26. Wild animals prohibited.

No person shall own, bring into, possess, harbor or keep any wild animal in the City nor allow or permit any such wild animal so owned, brought, possessed, harbored or kept to run at large upon any street or public place.

Section 3. Chapter 30 of the Municipal Code, Animals, is hereby amended at Section 30-43 to read in its entirety as follows:

§ 30-43. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FARM ANIMAL Any ungulate, poultry, species of cattle, sheep, swine, goats, llamas, horses or fur-bearing animals, as defined in section 11-1907 of the environmental conservation law, which are raised for commercial or subsistence purposes. Fur-bearing animal shall not include dogs or cats.

FERAL CAT Any free-roaming domestic cat which is not owned, lives in the wild and is not socialized with humans.

OWNER Any person owning, harboring or keeping, or providing care or sustenance for a pet, whether registered or not, or having custody of a pet, whether temporarily or permanently. Pets owned by minors shall be deemed to be in the custody and control of the minor's parents or other head of household where the minor resides.

PET Any cat, other than a feral cat, or any other domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal. "Pet" shall not include a "farm animal" as defined in this section other domesticated animal, including a domesticated wild animal, which is normally maintained in or near the household of the owner, and which is legally owned, permitted, harbored, kept, or otherwise cared for.

STERILIZATION Rendering a cat that is at least eight weeks of age unable to reproduce by surgically altering the cat's reproductive organs. Such definition shall include the spaying of a female cat and the neutering of a male cat.

Section 4. Chapter 30 of the Municipal Code, Animals, is hereby amended at Section 30-39 to read in its entirety as follows:

§ 30-39. Seizure and redemption of animals.

A. Any animal may be seized and impounded when found:

- (1) In violation of this chapter or of Article 26 of the Agriculture and Markets Law;
- (2) Constituting a nuisance or danger;
- (3) Sick or injured; or
- (4) Unattended or abandoned, ~~as in including but not limited to situations where the owner is deceased or has been arrested or evicted cannot care for an animal due to the owner's death, emergency health condition, arrest or eviction.~~

B. Any animal seized pursuant to this chapter shall be held for not less than five days, unless injured or diseased to such an extent that justifies humane euthanasia sooner in accordance with §374(1) of the Agriculture and Markets Law . Any animal which is not reclaimed by its owner within five days of its seizure shall become the property of the City and shall be offered for adoption, euthanized or otherwise disposed of in a lawful manner.

C. Notwithstanding the reclaiming period set forth above in subsection B above, the minimum owner reclaiming period shall be three days for any cat whose owner cannot be identified by a collar, tag, microchip, tattoo or other identifying mark, provided that, for at least two days thereafter, such cat be made available solely for the purposes of adoption and release to an adoptive owner following an examination by a duly-licensed veterinarian, the details of which shall be provided to the adoptive owner.

D. Any wild animal seized or surrendered for a violation of this chapter or for violating §11-0512 of the Environmental Conservation Law shall become the property of the City immediately after five days and shall be euthanized or otherwise disposed of in a lawful manner. Any costs incurred by the City associated with seizing, transferring, recapturing or euthanizing a wild animal shall be borne by the person who owned, harbored or possessed the animal. The owner of a wild animal shall have the opportunity to submit to the Director of the Animal Services Center within five days of the seizure a writing stating the reasons why the wild animal was not in violation of this chapter and should not become the property of the City. The Director may also meet with the owner. The Director shall make a final determination based on the writing or other information provided and records of the wild animal and its seizure. If the Director of the Animal Services Center determines that the wild animal was not in violation of this chapter, the owner shall have five days to reclaim the wild animal without paying the cost of seizure and impoundment, but upon payment of health costs, or it shall become the property of the City and shall be euthanized or otherwise disposed of in a lawful manner.

E. Any other animal seized or surrendered to the City pursuant to this chapter which is not reclaimed by its owner within five three days of its seizure or surrender shall become the property of the City and shall be offered for adoption euthanized or otherwise disposed of in a lawful manner. Any such animal which is not reclaimed by its owner within five days of its seizure or surrender may be humanely euthanized in a lawful manner.

~~C-F.~~ The owner of any animal seized or surrendered pursuant to this chapter shall be responsible for the costs of any seizure, health care, impoundment or other services except as provided otherwise in this section. Except as otherwise provided in the Municipal Code, fees for impoundment, adoption and other services relating to animals at the Animal Services Center shall be established by the Director of the Animal Services Center with the approval of the Mayor. No animal shall be redeemed unless the person seeking the redemption first pays all outstanding animal and dog control fines and penalties owed by that person and the animal owner, and all outstanding animal control fines and penalties relating to the animal to be redeemed.

Section 5. Chapter 31 of the Municipal Code, Animals – Dog Control, is hereby amended at Section 31-18 to read in its entirety as follows:

§ 31-18. Redemption and holding periods.

The owner of record of an identified dog which is seized may redeem such dog within seven days after the date of mailing of the notice of seizure upon payment of the redemption fees and by producing proof that the dog has been licensed. The owner of a seized dog which cannot be identified by a collar, tag, microchip, tattoo or other identifying mark is not identified may redeem such dog within ~~five~~three days from the date of seizure upon payment of the redemption fees and by producing proof that the dog has been licensed and identified pursuant to the Agriculture and Markets Law. Any seized dog which is not redeemed within the applicable redemption period, shall become the property of the City and may be put up for adoption or otherwise disposed of in a lawful manner. A dog may be humanely euthanized in accordance with §374 of the Agriculture and Markets Law if: (A) it is unidentified and has remained in the City's custody for at least five days since its seizure; or (B) it is identified and it has remained in the City's custody for at least seven days after the mailing of the seizure notice described above.

Section 6. This ordinance shall take effect June 1, 2019.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TUESDAY, MAY 21, 2019

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-140
Re: Federal Forfeiture Funds – Anti-Gun Violence Campaign

Council Priority: Public Safety

Transmitted herewith for your approval is legislation appropriating \$5,100 from federal forfeiture funds generated by the Police Department and amending the 2018-19 Budget of the Police Department by this amount.

The Rochester Police Department will use these funds to support an anti-gun violence media campaign to bring attention to the issue of gun violence. The campaign, which will run during the month of June, will consist of radio, social media, and outdoor advertising. The goal of the campaign is to bring attention to the human toll of gun violence and give members of the community information on how they can help reduce shootings in the City of Rochester.

This appropriations requested this month will result in a balance of approximately \$1,032,000 in the federal forfeiture Justice fund.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-140
(Int. No. 155)

Appropriating federal forfeiture funds and amending the 2018-19 Budget to support an anti-gun violence campaign

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

Section 1. 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 Police Department by \$5,100 from funds to be received from the Federal Government from seized and forfeited assets. Said funds are hereby appropriated to support an anti-gun violence media campaign.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-141
Re: Federal Forfeiture Funds – Purchase of K-9 Dog

Council Priority: Public Safety

Transmitted herewith for your approval is legislation appropriating \$8,500 from federal forfeiture funds generated by the Police Department and amending the 2018-19 Budget of the Police Department by this amount.

The contracted veterinarian for the Canine unit of the Police Department recommends that a dog, who is currently nine years old, be retired due to deteriorating health and discomfort. These requested federal forfeiture funds will be used to purchase a replacement dog.

The appropriations requested this month will result in a balance of approximately \$1,032,000 in the federal forfeiture Justice fund.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-141
(Int. No. 156)

Appropriating federal forfeiture funds and amending the 2018-19 Budget to purchase a Canine Unit dog

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

Section 1. 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 Police Department by \$8,500 from funds to be received from the Federal Government from seized and forfeited assets. Said funds are hereby appropriated to purchase a dog for the Police Department's Canine Unit.

Section 2. This ordinance shall take effect immediately.

TUESDAY, MAY 21, 2019

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-142
Re: Agreement – Monroe County, Tobacco Sales Compliance Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the receipt and use of up to \$41,000 for a Tobacco Sales Compliance grant. The term of the agreement is April 1, 2019 through March 31, 2020.

Monroe County will reimburse costs of up to \$41,000 in overtime and fringe benefits (\$31,200 of overtime; \$9,800 fringe) for compliance checks conducted during the contract term. This agreement continues the enforcement program begun in April 1998, under which the Police Department conducts inspections of licensed tobacco outlets in the City. These inspections track compliance with the age restrictions on tobacco sales by using underage "agents" who attempt to buy tobacco products. Police Officers accompanying the purchasers will record and report any illegal underage sales, and will inspect sellers' premises for compliance with restrictions on product placement, and the possession of proper documents and certificates.

The \$31,200 for overtime will be included in the 2019-20 Budget of the Police Department and \$9,800 for fringe will be included in the 2019-20 Budget of Undistributed Expenses, contingent upon approval of the budget. RPD has received this grant for over 10 years.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-142
(Int. No. 157)

Authorizing an agreement with Monroe County for the receipt and use of a Tobacco Sales Compliance 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 Monroe County for the receipt and use of \$41,000 of funding for the Tobacco Sales Compliance Grant to be implemented on April 1, 2019 through March 31, 2020.

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. 2019-143
Re: Agreement - Rochester Ice Hockey Officials Association, Inc.

Transmitted herewith for your approval is legislation establishing \$14,000 as maximum annual compensation for an agreement with Rochester Ice Hockey Officials Association, Inc. (RIHO) (Mike Carroll, Business Manager, Rochester New York) to provide referees for adult men's and women's hockey leagues at Genesee Valley Park Sports Complex. The term of the agreement will be for one year, with the option for three additional one-year renewals. The cost of this agreement will be funded from the 2019-20 Budget of the Department of Recreation and Youth Services contingent upon approval.

RIHO has provided referees for the City since 1993 and also provides all equipment, materials, and supplies required to perform their services. The leagues are fee based and revenue covers all associated costs. RIHO is the only local provider of these services and a full justification for not issuing a request for proposals is attached.

This agreement was last authorized by City Council Ordinance 2014-258 adopted on August 19, 2014.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-91

TUESDAY, MAY 21, 2019

Ordinance No. 2019-143
(Int. No. 158)

Authorizing a professional services agreement for hockey referees

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 the Rochester Ice Hockey Officials Association, Inc. to provide referees for adult men's and women's hockey leagues at the Genesee Valley Park Sports Complex. The agreement shall have a term of one year with three optional one-year renewals. The maximum annual compensation for the agreement shall be \$14,000. The compensation for the first year shall be funded from the 2019-20 Budget of the Department of Recreation and Youth Services (DRYS), contingent upon approval, and the compensation for any subsequent year shall be funded from that subsequent year's budget of DRYS, contingent upon its 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. 2019-144
Re: Agreement – The Synthesis Collaborative Incorporated, Mural Arts

Council Priority: Creating and sustaining a culture of vibrancy

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with The Synthesis Collaborative Incorporated (Ian Wilson, Rochester, NY) for the design and installation of a mural at the Dr. Martin Luther King Jr. Memorial Park. The term of the agreement will be for one year and the cost of the agreement will be funded from the 2018-19 (\$5,000) and 2019-20 (\$5,000) Budgets of the Department of Recreation & Youth Services and the 2019-20 (\$15,000) Budget of the Bureau of Communications contingent upon approval.

The Synthesis Collaborative Incorporated, best known locally for their mural arts project Wall/Therapy, is a mural arts and community intervention program that uses public murals as a means to transform the urban landscape, inspire City residents, and build community. Under this agreement, The Synthesis Collaborative Incorporated will work with professional artists to plan, design, and install a large scale mural project at the Dr. Martin Luther King Jr. Memorial Park. As part of the mural process, artists from The Synthesis Collaborative Incorporated will mentor youth artists from the Roc Paint Division mural arts program. Youth artists will shadow the professional artists, and will assist with mural design and installation wherever possible.

The Synthesis Collaborative Incorporated has a proven track record of excellence in the arena of public art, and has proven to be an innovative and reliable partner on several of the City's previous public arts initiatives. The Synthesis Collaborative Incorporated was selected for these services based on their expertise, community connections, and experience working on large scale mural projects in the City of Rochester.

A full justification for not issuing a request for proposals is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-92

Ordinance No. 2019-144
(Int. No. 159)

Authorizing an agreement for mural art at the Dr. Martin Luther King Jr. Memorial Park

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 The Synthesis Collaborative Incorporated to design and install a mural at the Dr. Martin Luther King Jr. Memorial Park. The maximum compensation for the agreement shall be \$25,000, which shall be funded by \$5,000 from the 2018-19 Budget of the Department of Recreation and Youth Services (DRYS), \$5,000 from the 2019-20 Budget of DRYS, and \$15,000 from the 2019-20 Budget of the Bureau of Communications, contingent upon the latter two budgets' approval. The term of the agreement shall be for one year.

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

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Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-145
Re: Summer of Opportunity Program

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation related to the implementation of the 2019 Summer of Opportunity Program (SOOP). This legislation will:

1. Authorize \$27,120 as maximum compensation for an agreement with Victor Association of Cultural & Performing Arts, Inc., also known as Cobblestone Arts Center (Lorene Benson, Executive Director, Farmington, New York) to operate the Celebration of Youth summer arts internship program for youth ages 14 and older. Cobblestone Arts Center will hire 30 youth who will work as classroom assistants providing music, dance, and theatre for adults with disabilities for 20 hours per week for six weeks, and will earn a stipend of \$840 upon completion of the program. The term of the agreement will not exceed one year and the cost of the agreement will be funded from the 2018-19 Budget of Department of Recreation and Youth Services.
2. Authorize \$11,800 as maximum compensation for an agreement with St. Mark's and St. John's Episcopal Church (Reverend Julie Cicora, Rochester, NY) to operate the E.D.E.N. Urban Farm summer youth employment program for youth ages 16 and older. St. Mark's and St. John's will hire 10 youth who will work as Urban Farm Interns for 20 hours per week for seven weeks, and will earn a stipend of \$980 upon completion of the program. The term of the agreement will not exceed one year and the cost of the agreement will be funded from the 2018-19 Budget of Department of Recreation and Youth Services.
3. Authorize \$17,000 as maximum compensation for an agreement with the Friends of GardenAerial, Inc. (GreenTopia) (Lisa Baron, Executive Director, Rochester, NY) to sponsor five youth internships with the Green Visions training and workforce development program for youth ages 16 and older. Green Visions is a twenty-two week program that provides vocational skills development and certifications for youth and young adults seeking employment or career exploration in the "green industry" (horticulture, landscaping, soil remediation, and other neighborhood beautification efforts). Youth will intern for 15 hours per week and receive a stipend of \$3,300. The term of the agreement will not exceed one year and the cost of the agreement will be funded from the 2018-19 (\$13,600) and 19-20 (\$3,400) Budget of Department of Recreation and Youth Services contingent upon approval.

The City's SOOP coordinates with RochesterWorks! Summer Youth Employment Program (SYEP) in order to provide youth employment experiences in a variety of career paths and settings for youth ages 14 to 20 years old. This year, the City is shifting SOOP's focus to youth employment experience opportunities rather than career exploration programs. The change in focus will allow for the direct connection to major employers in the community and the ability to include many more youth in the program. In addition to funding the youth employment programs listed above, the City will create a variety of stipend-based summer youth employment experiences for youth at local employers in addition to wage-based opportunities within City departments. As part of this program, youth will complete job readiness training, gain real work experience, and earn a stipend of \$840 or minimum wage.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-93

Ordinance No. 2019-145
(Int. No. 160)

Authorizing agreements for the 2019 Summer of Opportunity 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 Victor Association of Cultural and Performing Arts, Inc. (a/k/a Cobblestone Arts Center) for a maximum compensation of \$27,120 to operate the Celebration of Youth summer arts internship program. The cost of the agreement shall be funded from the 2018-19 Budget of the Department of Recreation and Youth Services (DRYS). The term of the agreement shall be one year.

Section 2. The Mayor is hereby authorized to enter into an agreement with St. Mark's and St. John's Episcopal Church for a maximum compensation of \$11,800 to operate the E.D.E.N. Urban Farm summer youth employment program. The cost of the agreement shall be funded from the 2018-19 Budget of DRYS. The term of the agreement shall be one year.

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Section 3. The Mayor is hereby authorized to enter into an agreement with Friends of the GardenAerial, Inc. for a maximum compensation of \$17,000 to sponsor internships with the Green Visions training and workforce development program. The cost of the agreement shall be funded by \$13,600 from the 2018-19 Budget of DRYS and \$3,400 from the 2019-20 Budget of DRYS, contingent upon approval. The term of the agreement shall be one year.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By President Scott
May 21, 2019

To the Council:

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

Int. No. 45A Local Law Amending the City Charter with respect to establishing the Rochester Police Accountability Board, as amended

Respectfully submitted,
Molly Clifford
Malik Evans (*Absent*)
Mitch Gruber
LaShay D. Harris
Jacklyn Ortiz (*Absent*)
Michael A. Patterson
Elaine Spaul
Willie J. Lightfoot
Loretta C. Scott
COMMITTEE OF THE WHOLE

Received, filed and published.

President Scott moved to amend Int. No. 45

The motion was seconded Councilmember Patterson.

The motion was adopted by the following vote:

Ayes – President Scott, Councilmembers Clifford, Evans, Gruber, Harris, Lightfoot, Ortiz, Patterson, Spaul -9.

Nays – None -0.

TO THE COUNCIL

Ladies and Gentlemen:

Local Law No. 2
Re: Local Law to Create a Police Accountability Board

Transmitted herewith for your approval is a local law establishing a Police Accountability Board (PAB) in the City of Rochester. The newly created authority will ultimately replace the Civilian Review Board (CRB) that was established in Rochester in 1992 (Resolution 1992-4), and all subsequent legislation amending that resolution.

In 1963, Rochester City Council voted to establish a Police Advisory Board. This was the first time a civilian led body would be given the opportunity to review allegations of police misconduct. Over the years the function and concept of an oversight or advisory board has been changed and modified, including its dissolution in 1970 and reconstitution in 1977 as the Complaint Investigation Committee (CIC).

The model that was put in place in 1992, the Civilian Review Board (CRB), is still in existence today and is operated under contract with the Center for Dispute Settlement. Modifications to the CRB have been made throughout the years. One of the most significant change was the addition of a community advocate through an amendment in 2012.

Today, the City Council is proposing a PAB to replace the CRB, an independent board that will be civilian led and controlled. The PAB will be transparent and accountable to the community, a direct request of the citizens of our City. In response to the community the Council has authored

TUESDAY, MAY 21, 2019

this legislation that will create a Police Accountability Board. This Board will be representative of the community and must have community support through a referendum vote in order to be put in place.

The PAB legislation once passed by the Council calls for a referendum vote on Election Day, November 5, 2019, ultimately giving the City of Rochester electorate the final say on whether the PAB gets established.

If the referendum passes, the PAB will be housed and staffed outside of the Rochester Police Department (RPD), and will consist of 9 community members serving 3 years terms, of which 1 member will be nominated by the Mayor, 4 members will be nominated by the Council, and 4 members will be nominated by the Police Accountability Board Alliance.

The PAB will impartially investigate and adjudicate complaints of misconduct involving officer(s) of the RPD. The PAB will be empowered to utilize independent counsel and conduct independent investigations as they deem necessary and will be provided any information gathered from RPD's internal investigations. The PAB will be granted the power of subpoena by a majority vote of its members for information related to its investigations and deliberations.

The PAB will work with the City of Rochester, the RPD, and the Locust Club to establish a disciplinary matrix that will provide a range of disciplinary actions for RPD sworn employees who are found to be in violation of RPD policies with regard to force, procedure, courtesy, or conduct. The Chief of Police will be compelled to discipline any RPD sworn officer for whom a complaint was sustained by the PAB, using the ranges outlined in the disciplinary matrix.

The PAB will be responsible for reviewing and assessing RPD patterns, practices, policies, and procedures, and make recommendations for changes it deems necessary. In addition to these functions, the PAB shall publish monthly dispositions of complaints and quarterly and annual reports accessible on the City's website.

Respectfully Submitted,

Loretta C. Scott
President
At-Large Member

Willie J. Lightfoot
Vice-President
At-Large Member

Elaine M. Spaul
East District

Jacklyn Ortiz
At-Large Member

Michael A. Patterson
Northeast District

Molly Clifford
Northwest District

Malik D. Evans
At-Large Member

Mitch Gruber
At-Large Member

LaShay D. Harris
South District

Local Law No. 2
(Int. No. 45A, as amended)

Local Law Amending the City Charter with respect to establishing the Rochester Police Accountability Board

Be IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by adding the following new Article XVIII Police Accountability Board:

Article XVIII Police Accountability Board

§ 18-1. Purpose.

The Rochester City Council hereby intends to establish a civilian-controlled process to fairly investigate and make determinations respecting complaints of misconduct involving ~~employees sworn officers~~ of the Rochester Police Department. The Police Accountability Board shall be the mechanism to investigate such complaints of police misconduct and to review and assess Rochester Police Department patterns, practices, policies, and procedures. The Police Accountability Board shall ensure public accountability and transparency over the powers exercised by ~~employees sworn officers~~ of the Rochester Police Department. The Police Accountability Board shall provide a non-exclusive alternative to civil litigation.

§ 18-2. Definitions.

The following terms are defined, for purposes of this Article, as follows:

Alliance

The Police Accountability Board Alliance, a group of community organizations that nominate community members to be appointed by City Council to the Police Accountability Board.

Chief

The Chief of Police of the Rochester Police Department.

City

The City of Rochester, New York.

Complaint

A written or oral report regarding police misconduct made by any individual or group of individuals.

Council

The Rochester City Council.

Day(s)

Sequential days according to the calendar unless otherwise specified as “business days.”

Disciplinary Matrix

A written, consistent, progressive, and transparent tool or rubric to determine discipline for misconduct. The disciplinary matrix shall determine a range of disciplinary action options for misconduct. The Chief will be required to impose discipline utilizing the disciplinary matrix based on the Board’s findings and determination.

Executive Director

The highest-ranking staff hired by the Police Accountability Board, with ultimate responsibility for making managerial decisions.

Immediate Family

A parent, sibling, spouse or child of a person or any members of a person’s immediate household.

Misconduct

Any acts or omissions by an ~~employee~~ Officer of the Rochester Police Department that are unlawful, contrary to Rochester Police Department policy, or otherwise inappropriate.

Officers

The sworn officers of the RPD, including but not limited to the Chief, deputies, captains, lieutenants, commanders, and all other sworn law enforcement professionals.

PSS

Professional Standards Section, which is the internal affairs department of the Rochester Police Department.

RPD

Rochester Police Department of the City of Rochester, New York.

Sanction

Disciplinary action for RPD ~~employee~~ Officer misconduct.

The Board

The Police Accountability Board; such Board is a public agency within the meaning of New York Civil Rights Law Section 50-a.

Use of They, Their, Them

A plural term or pronoun that shall be construed to mean the singular and vice versa where appropriate.

§ 18-3. Establishment and Jurisdiction.

- K. The Civilian Review Board, established by Rochester City Council Resolution 92-40 and expanded by Resolution 95-08, will be abolished after and only after the PAB is established and fully functional for sixty (60) days. The PAB shall be deemed to be fully functional as soon as the first Executive Director assumes office and the Board has adopted rules and procedures in accordance with § 18-6.
- L. There is hereby established an independent office of municipal government to be known as the Police Accountability Board. It shall be an autonomous office of the City separate from the Rochester Police Department and other local, state, and federal law enforcement agencies. The members of the Board, regardless of the original appointee of each member, shall be appointed through legislation approved by the City Council.
- M. The Board shall be independent of the RPD and shall investigate and adjudicate complaints of misconduct against ~~the RPD Officers or any of its officers, staff, administrative and executive professionals, including but not limited to the Chief, deputies, captains, lieutenants, commanders, and all other law enforcement professionals.~~
- N. As a condition of employment with the RPD, all ~~employees and personnel~~ Officers, including but not limited to the Chief, shall fully cooperate with the Board and this Article. In cases where ~~employees~~ Officers do not cooperate, the Board shall send a recommendation to City Council to invoke its power under City Charter § 2-19 to remove the ~~RPD employee~~ Officer. This shall not in any way limit the Board's right to invoke other remedies including judicial enforcement of the Article.
- O. The Board shall have the power to conduct independent investigations as further outlined in Section 1-5(G) below, the power to use subpoenas to compel testimony and the production of evidence, and the power to discipline RPD ~~employee(s)~~ Officer(s) if a complaint of misconduct is sustained.
- P. Based on information and belief that an investigation is warranted the Board shall have the power to conduct an investigation, even in the absence of a civilian complaint.

- Q. The Board in conjunction with the Chief of the Rochester Police Department and Locust Club President shall establish a disciplinary matrix. The Board shall request input from the Chief, the Community Justice Advisory Board, the Police Accountability Board Alliance, and the President of the Rochester Police Locust Club when developing the matrix.
- R. The RPD and the City shall provide to the Board, as requested: access to all documents and evidence, including but not limited to RPD personnel files, IA Pro database, all other RPD databases, PSS investigative files, criminal and civil case files, disciplinary hearing records, video and audio recordings from body cameras or other sources, all RPD policies, procedures, and practices, the General Manual, and any other documents that pertain to policies, tactics, complaints, or charges against RPD-employees Officers and their subsequent investigation and adjudication, or other sources of information deemed appropriate by the Board.
- S. The Board shall have the power to investigate any and all conduct, acts, or omissions by any RPD-employee Officer.
- T. The Board shall have the power to review and recommend changes to RPD regarding RPD policies, procedures, patterns, practices and training.

§ 18-4. Board Composition, Appointment, Vacancy, and Removal.

- G. The Police Accountability Board shall consist of nine (9) members.
- H. Members of the Board shall serve terms of three (3) years except for the initial Board, which shall serve staggered terms, pursuant to Section 1-4 (J).
- I. Members of the Board shall be residents of the City of Rochester for a minimum of 12 months at the time of appointment to the Board.
- J. Members of the Board shall reflect the City's diverse community, including, but not limited to: age, race, creed, color, national origin, gender, gender identity or expression, sexual orientation, disability, marital status and source of income.
- K. Members of the Board and their immediate family shall not be currently or formerly employed by the RPD ~~or any other local, state, or federal law enforcement agencies.~~ At the discretion of the nominating and appointing authorities, no more than one (1) member of the Board at a time may be a former law enforcement employee with an agency other than the RPD or an immediate family member of a person formerly employed in non-RPD law enforcement, provided that such employment was three (3) or more years prior to the member's appointment.
- L. Board members shall not be current (or within the immediately preceding three (3) year period) City elected officials or immediate family of any incumbent elected official representing/serving any district or municipality in the State of New York.

No practicing attorney or their immediate family who represents or has represented a plaintiff or defendant in a police misconduct lawsuit initiated against the RPD, the Chief or the Rochester Police Locust Club shall be a member of the Board. Board members may not represent a complainant or an RPD-employee Officer at Board hearings.

~~The provisions of Article 23-a of New York State Correction Law shall apply to any appointment to the Board.~~

- I. The provisions of Article 2, Section 5 and Article 3, Section 30 of the Public Officers Law of the State of New York, regarding vacancies, shall apply to all members of the Board.
- J. Appointments to the initial Board shall be made within sixty (60) days from the effective date of this Local Law as follows:
 - 4) The Mayor shall appoint one (1) members.
 - 5) Council shall appoint four (4) members; one (1) appointee from each of the four Council Districts: East District, Northeast District, Northwest District, and South District.
 - 6) The Alliance shall nominate twelve (12) individuals, three (3) for each of its four (4) ~~Board members seats,~~ within thirty (30) days from the effective date of this local law, from which Council shall confirm and appoint one (1) such individual for each of the four (4) member-seats at Council's discretion. If all three (3) nominees for any one member-seat are rejected by Council, then the Alliance will nominate replacement(s) within fifteen (15) days until all four (4) members are confirmed. If necessary this process will repeat until Council has deemed a candidate qualified and capable of serving the Board.

All appointments will be approved through legislation passed by a majority of Council.

I. Police Accountability Board Alliance Nomination Process

The initial Alliance shall include no more than two (2) representatives from each organization listed in Appendix A. The process used by the Alliance to make initial Board appointments shall be as follows:

- 9) The first Alliance Executive Committee shall consist of five (5) individuals selected by the Alliance.
- 10) The Executive Committee will call for applications for nominees to fill four (4) positions on the Board;
- 11) Each organization represented in the Alliance as well as City residents may submit applications to nominate individuals;
- 12) The Executive Committee shall screen nominee submissions and narrow the field to finalists, then call a meeting of the Alliance to seek input regarding the qualifications of the finalists;
- 13) The Executive Committee shall determine the final twelve (12) names for the four (4) nominees and submit them to Council for confirmation and appointment;
- 14) Should Council reject a nominee, a written rejection will be submitted to the Alliance and the Alliance will resume the nominating process to select a replacement;
- 15) The final list of community appointments shall not be published until all four (4) nominees are confirmed by Council for the initial Board;
- 16) Future Board appointments to fill term-ended and mid-term vacancies shall follow a process determined by ~~Alliance Board~~ Board by-laws based on the initial selection process.

J. Terms

- 4) The first term of the initial Board commences when all nine (9) Board members are appointed and ends on the following June 30th.

- 5) Except for the initial Board, members shall serve staggered three (3) year terms and may be reappointed for another three (3) year term, for a total of six (6) years, after which, the member shall not be reappointed for at least three (3) years.
- 6) Except for the initial Board, each term shall commence on July 1st and end on June 30th. If a person is appointed to complete the unexpired term of a former Board member, they shall complete the term. The members shall be appointed for terms of three (3) years, except the first nine (9) members appointed. Of the first nine (9) members appointed:
 - a) three (3) members shall be appointed for terms of one (1) year, of whom one (1) shall have been designated by Council, and two (2) shall have been designated by the Alliance;
 - b) three (3) members shall be appointed for terms of two (2) years, of whom two (2) shall have been designated by the Council, and one (1) shall have been designated by the Alliance;
 - c) three (3) members shall be appointed for terms of three (3) years, of whom one (1) shall have been designated by the Mayor one (1) shall have been designated by the Alliance, and one (1) shall have been designated by Council.

K. Vacancies

After the initial nine (9) member Board has been established, when any member vacates the Board, the Board shall notify the Mayor, Council, and the Alliance. The vacant position shall be filled in the same manner by which it was initially filled, within sixty (60) days of the vacancy.

L. Removal

- 4) A Board member seeking public office shall resign their seat at the time they announce their candidacy or file their petitions, whichever happens first.
- 5) A Board member who no longer resides in the City shall resign immediately.
- 6) By a majority vote, the Board may request that Council remove a Board member for good cause.

§ 18-5. Powers and Duties.

- G. The Board shall have the power to conduct independent investigations as further outlined in Section 1-5(G) below, the power to use subpoenas to compel testimony and the production of evidence, and the power to discipline RPD ~~employees~~ Officers if a complaint of misconduct is sustained.
- H. The Board shall establish a disciplinary matrix in conjunction with the Chief of the Rochester Police Department and Locust Club President. The Board shall request input from the Chief, the Alliance and the President of the Rochester Police Locust Club with respect to the disciplinary matrix. The disciplinary matrix shall include clearly delineated penalty levels with ranges of sanctions which progressively increase based on the gravity of the misconduct and the number of prior sustained complaints. The Board, in consultation with the Chief and the President of the Rochester Police Locust Club, shall review the disciplinary matrix annually, and consider any recommended changes. The Board shall decide the final version of the disciplinary matrix to be used.
- I. The Board shall review and assess RPD policies, procedures, patterns, practices and training and recommend changes to the RPD. Written acknowledgment of receipt of recommendations will be sent to the Executive Director from the Chief of Police within sixty (60) days with a detail listing of what items are and are not being implemented.
- J. The Board and the Chief shall establish a cooperative relationship to ensure the orderly and efficient flow of information.
- K. Accessibility
 - 1) The Board shall provide language access for limited or non-English proficient complainants and witnesses at all stages of the investigative and adjudicative process. Language access shall be available during all operating hours of the Board.
 - 2) The Board shall provide reasonable accommodations in accordance with the federal, state and local law to individuals with disabilities at all stages of the investigative and adjudicative process. Such accommodations shall be available during all operating hours of the Board and shall include but not be limited to: accessible means of egress, accessible means of communication via auxiliary aids or services giving primary consideration to preferences of the individual deserving such services, and access to ASL interpreters.
- L. Initiation of Complaints
 - 5) Complaints may be received directly by the Board, or upon referral from PSS, the Mayor, the Council, any Councilmember, or the Chief. Any complaint received and accepted by the Board shall be transmitted to PSS, and any complaint received and accepted by PSS shall be transmitted to the Board.
 - 6) The Board shall receive complaints by telephone, in person, by mail, email or web form. Complaints shall be received and considered whether submitted under signature or anonymous. Efforts to simplify the procedure shall be made to encourage filing. Professional standards of confidentiality with regard to the written release of information and informed consent will apply to all complaints filed. With respect to the confidentiality of all interested parties, the Board shall comply with all local, state, and federal law, including Civil Rights Law Section 50-a.
 - 7) Before proceeding with the complaint process, the complainant shall be made aware of and referred to organizations that advocate for people who have experienced police misconduct and can explain the process of the Board and other options that exist beyond the jurisdiction of the Board.
 - 8) Complainants shall be apprised by the Board of legal assistance options and the procedure for filing a Notice of Claim with the Corporation Counsel against the City, pursuant to Article IX of the City Charter.

G. Board Investigation of Complaints

- 8) A City employee assigned to the Police Accountability Board shall interview complainants, witnesses and RPD ~~employees~~ Officers, and gather relevant evidence. PSS shall provide the Board with written notice of the

commencement of any investigation and likewise, the Board shall provide PSS with written notice of the commencement of any investigation.

- 9) The Board shall have the power to investigate any and all conduct, acts or omissions by any RPD-~~employee~~ Officer independent of any investigation conducted by PSS.
- 10) Subpoenas may be issued upon the affirmative vote of a majority of the Board at any time during the review and adjudication processes. Such subpoenas may compel the attendance of witnesses, RPD Officers, RPD employees, and/or persons, and require the production of records and other materials, including records of the RPD, other persons or other agencies. A copy of any subpoena served upon an RPD Officer or employee shall also be delivered to the Chief. Board subpoenas are enforceable pursuant to relevant provisions of Article 23 of the New York Civil Practice Law and Rules. The Chief will use the authority granted by Article VIII, Section 8A-1 of the City Charter, to promulgate new rules or utilize existing rules regarding discipline and administration of RPD ~~employees~~ Officers to ensure compliance with Board procedure and applicable law. RPD Officers and employees shall be notified of their rights against self-incrimination under Garrity v. New Jersey, 385 U.S. 493 (1967), before any testimony is taken from them.
- 11) Upon receipt of a complaint, within the timeframe allotted in accordance with the police bargaining agreement, PSS shall provide to the Board its entire investigative case file related to the complaint. Thereafter, PSS shall send any newly acquired evidence to the Board within five (5) business days of the acquisition of the evidence. If PSS makes any findings with respect to the complaint, they shall send all such findings to the Board within five (5) business days.
- 5) ~~One (1) police officer holding the rank of Captain or higher, shall be made available by the Chief to the Board at the Board's request to serve as a consultant or advisor should questions arise from members of the Board regarding specific police practices, policies, or general orders. The officer so assigned shall be neither from PSS nor the Commanding Officer of the Officer(s) involved in the case being reviewed.~~
- ~~6) A complainant may, at any time, decline to have their complaint investigated and reviewed by the Board. Such declination must be made in writing by the complainant, and shall be forwarded to the Chief by the Board.~~
- ~~7) Statements made by complainants, RPD Officers or employees, or witnesses are subject to the panel's determinations of weight and credibility. Participation or lack of participation in the hearing process may be considered by the Board as one factor in their determination of credibility.~~
- ~~8) The Chief shall take no action on a complaint, whether received directly by the RPD or by the Board, until receipt of the Board findings and decision, or notice that the Board has determined no disciplinary action is appropriate. Nonetheless, the Chief shall retain the authority to suspend an RPD ~~employee~~ Officer during the investigation and adjudication of a complaint against the RPD-~~employee~~ Officer.~~

H. Reasonable Cause Determination

- 3) Upon completion of the review of the material from the PSS investigation and/or the Board investigation, the Executive Director shall present a report and recommendation to Board members as to whether there is reasonable cause to proceed to a Board hearing on the allegations of misconduct in a complaint.
- 4) Upon review of the report and recommendations from the Executive Director, the Board members may either affirm or reverse the recommendation as to whether or not there is reasonable cause to proceed to a hearing. If there is reasonable cause to proceed, the Board shall direct the Executive Director to schedule a hearing and notify the complainant and the Chief. If there is not reasonable cause, the Executive Director shall notify the complainant and the Chief of this determination.

I. Hearing Process

- 12) As described in Section 1-6 (A)(3), the Board Chairperson shall establish a rotation of Board members to serve on hearing panels composed of three (3) members. Each panel shall include one (1) Alliance-appointed member, but shall not include more than two (2) Alliance- appointed members. Each panel shall select its own Chairperson on a case-by-case basis.
- 13) As described in Section 1-5 (G) (3), subpoenas may be issued during the hearing process.
- 14) Upon a majority vote of the Board membership in a duly published open meeting, the Board may determine to go into Executive Session so that the panel may conduct its hearing.
- 15) Panel hearings shall be recorded and transcribed by the Board. No other recordings or transcriptions are permitted.
- 16) Decisions made by the hearing panel will be documented in a Notice of Panel Decision delineating the findings of fact, and reasoning of the panel. If a panel member dissents from the majority's decision, the dissenter shall provide a written delineation of their findings of fact and reasoning.
- 17) Notice of Panel Decisions shall be provided to all parties with any confidential information redacted, pursuant to all local, state, and federal law.
- 18) Both complainant(s) and RPD-~~employee(s)~~ Officer(s) subject to a hearing shall have the right to obtain counsel or other representation and call witnesses on their own behalf. All due process rights delineated in NYS Civil Service Law Section 75 shall apply.
- 19) Complainants and RPD-~~employees~~ Officers subject to hearings may be questioned by the panel at the panel's discretion; relevant evidence pertaining to the case before the panel may also be entered into the hearing.
- 20) Statements made by complainants, RPD-~~employees~~ Officers, or witnesses are subject to the panel's determination of weight and credibility. Participation or lack of participation in the hearing process may be considered by the Board as one factor in their determination of credibility.
- 21) Decisions of the panel shall be made by a majority vote pursuant to the substantial evidence standard of proof. Deliberations of the panel shall be confidential and confined to the panel members assigned to that particular hearing, and their legal advisor(s). The decision shall include: (i) findings of fact, (ii) a determination as to whether there is substantial evidence of misconduct, and (iii) the disciplinary action in reference to the RPD ~~employee(s)~~ Officer(s)

pursuant to the disciplinary matrix described in Section 1-5 (B).

- a) If the panel finds that the RPD ~~employee(s)~~ Officer(s) may have engaged in criminal conduct, it shall refer the matter to the Monroe County District Attorney's Office or the New York State Attorney General's Office and request that their office initiate an investigation.
 - b) The Board shall notify the complainant, ~~the RPD employee(s) who were the subject(s) of the complaint,~~ and the Chief, in writing within five (5) business days of the panel's findings and decision. It shall be the responsibility of the Chief to notify the RPD Officer(s) who were the subject(s) of the panel's findings and decision.
 - c) If a Notice of Panel Decision contains a dissenting opinion, the complainant may appeal to the Board for review of the panel's findings. The complainant's appeal requesting Board review must be in writing and received by the Board no more than 30 days after the Notice of Panel Decision was sent to the complainant. To adjudicate the appeal, all Board members shall review all evidence in the record, including the hearing transcript, and shall determine, by majority vote, whether the majority opinion in the Notice of Panel Decision shall be:
 - (i) Reversed, if the Board decides that the Decision of the panel was wrong, the Board vacates (cancels) the Decision of the panel; or
 - (ii) Modified, if the Board changes part of the panel's Decisions, e.g., the Board decides that the appropriate sanction shall be termination rather than suspension; or
 - (iii) Affirmed, if the Board decides that the panel made the right Decision; the panel Decision remains in effect.
 - d) If there is an appeal by the complainant, the Board shall provide a written Notice of Board Decision to the complainant, ~~RPD employee(s) who were the subject(s) of the complaint,~~ and the Chief. The Notice of Board Decision shall include: (i) findings of fact, (ii) a determination as to whether there is substantial evidence of misconduct, and (iii) the disciplinary action in reference to the RPD ~~employee(s)~~ Officer(s) pursuant to the disciplinary matrix described in Section 1-5 (B).
 - e) ~~RPD employees~~ Officers shall have the right to appeal pursuant to Section 76 of NYS Civil Service Law.
 - f) Panel Decisions may include disciplinary sanctions including but not limited to counseling, reprimand, retraining, suspension, demotion, or dismissal.
- 22) The panel shall report its findings and decisions to the Board at its next scheduled meeting.
- 12) The actions of the Board shall not preclude action by the criminal or civil justice system.
- 13) Responses from the Chief of Police

Within thirty (30) days of the receipt of a Notice of Panel Decision or Notice of Board Decision, the Chief shall provide the Board with a written explanation of the exact discipline imposed in accordance with the matrix.

J.) Discipline

- 7) Before conducting any hearings, the Board shall establish a disciplinary matrix per Section 1-5 (B).
- 8) This Article shall not limit the Chief's ability to impose any additional discipline for an RPD ~~employee~~ Officer above and beyond that recommended by the Board.
- 9) ~~After the Board receives a written response from the Chief, or after thirty (30) days, whichever comes first, the Board shall make a final decision of discipline per the disciplinary matrix described in Section 1-5 (B).~~
- 4)3) The Board shall notify the complainant, ~~the RPD employee(s) who were the subject(s) of the complaint,~~ and the Chief, in writing within five (5) business days of the Board's final decision of discipline.
- 5)4) The Board's ~~final~~ determination of discipline shall be binding on the Chief, who shall be ~~compelled~~ to impose the discipline determined by the Board in accordance with the matrix within five (5) days of receipt of the Board's ~~final determination of discipline decision.~~ The Chief will provide the Board with a written explanation of the exact discipline imposed in accordance with the matrix within thirty (30) days.
- 6) ~~The disciplinary matrix shall determine a range of sanctions within which the Board shall determine the specific sanction to impose on the RPD employee(s). The Board may consider mitigating and aggravating circumstances when making a final determination of discipline.~~

L) Policy Assessment

- 7) At least annually, the Board shall review and assess RPD policies, procedures, patterns and practices and recommend changes with input from the community.
- 8) The Board shall send its policy recommendations to the Chief, the Mayor, and City Council. The Board shall publish its policy recommendations on the Board website.
- 9) The Board's recommendations may address, but are not limited to: conduct and policies exhibiting bias against individuals based on race, gender, sexual orientation, perceived sexual orientation, gender identity, disability and perceived disability; use of force both lethal and non-lethal; de-escalation policies; vehicle and foot pursuits; use of canines; failure to acknowledge and/or accommodate the needs of people with disabilities including but not limited to physical disabilities, intellectual and developmental disabilities, psychiatric disabilities, traumatic brain injuries; and human rights issues.
- 10) Within thirty (30) days of receiving the recommendations, the Chief shall provide the Board, the Mayor, and Council with a written explanation of why the Chief agrees or disagrees with the policy recommendations.
- 11) If the Chief agrees with the policy recommendation(s), then the Chief shall provide a timeline to the Board indicating implementation of each recommendation.
- 12) The Board shall publish on its website whether or not the policy recommendation(s) have been implemented.

§ 18-6. Officers and Staff.

- D. At the initial Board's first meeting, the Board shall elect a Chairperson and Vice-Chairperson, by majority vote.

Subsequently, the Board shall elect a Chairperson and Vice-Chairperson by majority vote, at the first meeting after July 1 of each year. Each Chairperson and Vice-Chairperson shall serve until the June 30 following their election. No Board member shall serve as Chairperson or Vice-Chairperson for more than three (3) consecutive years. The initial Board shall convene a search committee for an Executive Director and a committee to establish rules of procedure not provided for herein. The search for a new Executive Director shall take place in the first year and whenever there is a vacancy. The Chairperson will also be responsible to:

- 1) facilitate and preside over meetings of the Board;
 - 2) establish committees of Board members as needed; and
 - 3) establish a regular rotation of Board members to serve on hearing panels.
- E. A quorum of five (5) Board members must be present to conduct Board business, regardless of vacancies. No business shall be transacted by the Board without a quorum being present. Board action shall be decided by a simple majority of Board members present.
- F. Police Accountability Board Executive Director
- 1) The PAB shall conduct a search process to hire a full-time Police Accountability Board Executive Director in accordance with the City of Rochester hiring practices. The Executive Director is subject to a Council Confirmation. The Executive Director will report to the Board and shall serve at the discretion of the Board.
 - 2) The Executive Director shall be a resident of the City within twelve (12) months of hiring and shall remain a City resident for the duration of their tenure.
 - 3) The Executive Director shall not be currently or formerly employed by the RPD or any other local, state, or federal law enforcement agency, nor shall any of their immediate family be employed by the RPD. Neither shall the Executive Director be a member of the immediate family of any incumbent elected official of the City, or have litigation pending against the City involving a claim of police misconduct, or be a member of the immediate family of a person, or be an attorney representing a person with such pending litigation.
 - 4) The Council, through the annual budgetary process as set forth in Article VI of the City Charter, as amended, shall provide for the compensation and benefits of the Executive Director.
 - 5) The Board shall conduct an annual review of the performance of the Executive Director and may remove the Executive Director for good cause.
 - 6) The Board shall be responsible, through the Executive Director and staff, for the daily administrative work of the Board.
 - 7) The Executive Director shall be responsible for hiring and supervising staff in accordance with the City Charter and the Municipal Code. All such persons and their immediate family shall be free of any conflict of interest, including but not limited to current or former employment with the RPD or any other local, state, or federal law enforcement agency.

§ 18-7. Training and Outreach.

B. Board and Executive Director Training

The Board and staff shall seek and participate in a broad range of training annually. Training resources will be selected by the Board and may include individuals and organizations such as law enforcement entities, attorneys, and any national, state, or local resources with expertise and experience in civilian complaints, investigation, police policies, auditing/monitoring, and other appropriate skills and knowledge. The Board and staff orientation and ongoing training shall include but not be limited to, the following:

- 13) All relevant local, state, and federal law
- 14) implicit bias and anti-racism;
- 15) gender identity and sexuality;
- 16) disability rights, including but not limited to physical disabilities, intellectual and developmental disabilities, psychiatric disabilities and traumatic brain injuries;
- 17) classism, poverty and homelessness;
- 18) trauma-informed policing and crisis intervention, including RPD ~~employee~~ Officer well-being;
- 19) patterns, practices, policies, and procedures of the RPD;
- 20) Police Accountability Board Local Law;
- 21) civilian oversight history, models, trends, theories, standards and best practices;
- 22) how to conduct independent and objective civilian complaint investigations, e.g. interviewing, collection and preservation of evidence;
- 23) community outreach to inform how the ~~Police Accountability~~ Board functions and serves the community and public reporting;
- 24) discipline and remediation, education-based discipline, early warning systems, processes of arbitration/grievance;
- 13) RPD ride alongs;
- 14) access to RPD training; and
- 15) access to RPD manuals.

C) Community Outreach

- 1) The Board shall conduct outreach to community members, groups, and nonprofit organizations. The Board shall provide language access for limited and non-English proficient individuals. The Board shall provide reasonable accommodations in accordance with the federal, state and local law to individuals with disabilities.
- 2) Complaint forms and instructions shall be made available by RPD Officers and employees and at the Board office, at Board meetings, libraries, recreation centers, PSS office, police stations, public safety building, courts, and all other government buildings, and on the City, RPD, and Board websites.
- 3) In addition to regular monthly business meetings that include review of complaints, the Board shall hold public meetings in each City district a minimum of at least once annually, to invite public input or comment, and to provide

- information education about the Board process and its work.
- 4) The Board shall, through a standing Board committee, be dedicated to youth and community engagement, establish and pursue ways to interact with and solicit input from youth, present educational programs designed to promote public awareness of the Board process, give the public information about their rights and responsibilities regarding encounters with law enforcement employees, and publicize the procedure for filing a complaint with the Board.
 - 5) The City shall provide the Board with a website on which the Board shall post information, including but not limited to: educational materials, links, videos, reports, and forms related to the operation of the Board and its mission.
 - 6) The Board shall survey complainants and the public to assess satisfaction and identify concerns with the Board's investigative and adjudicative processes.

§ 18-8. Retaliation Prohibited.

Retaliation by RPD Officers and employees against complainants, witnesses, the Board and its staff, and other RPD Officers and employees, shall be prohibited. Retaliation includes but is not limited to: harassment, intimidation, stalking, threats and assaults. If a complaint of retaliation is sustained by the Board, action will be taken based upon the disciplinary matrix. ~~A formal complaint does not need to be filed with the Board for an investigation of retaliation to occur.~~ The chief will also be notified of the misconduct.

§ 18-9. Conflict of Interest.

- D. No Board member or Board employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of their duties in the public interest. Any conflict of interest prohibited by Article 18 of the General Municipal Law or by the City's Code of Ethics shall disqualify a member. A conflict of interest shall include, but is not limited to: if they have reason to believe or expect that they will derive a direct monetary gain or suffer a direct monetary loss, by reason of their official activity; or if any benefit or detriment accrues to them as a member of a business, profession, occupation, or group to a greater extent than any other member of the business, profession, occupation, or group. Board members may not represent a complainant or an RPD ~~sworn member~~ Officer before PSS or the Board.
- E. If a Board member has a personal, business or other relationship or association with a party to or a witness in a matter before the Board, the member shall disclose the situation to the Chairperson, and shall recuse themselves from deliberations or action in connection with that case.
- F. Board members and employees shall be subject to the City of Rochester's Code of Ethics.

§ 18-10. Legal Representation.

- C. The Corporation Counsel shall advise and represent the Board as it would other public boards in accordance with the Law Department's duties under Article IX of the City Charter. ~~Provided, however, that upon the determination by the Corporation Counsel that a conflict of interest exists, depending on the facts and circumstances of a particular matter, Corporation Counsel will advise the Board to obtain outside counsel if such counsel is deemed necessary by the Board. The Board may then seek and retain independent legal counsel, provided, however, that compensation for such legal services shall be established through the City's annual budgetary process as set forth in Article VI of the Rochester City Charter for any purpose and may also utilize the City's Corporation Counsel at its discretion.~~
- D. All contracts for outside services (legal or other) shall be procured in accordance with the City of Rochester purchasing requirements and are subject to City Council approval when over \$10,000 or the Police Accountability Board does not have adequate funds in their annual budget to cover the cost of an agreement less than \$10,000.

§ 18-11. Police Accountability Board Reports.

- D. The Board shall publish on its website monthly data on the receipt and dispositions of complaints.
- E. All complaints shall be issued a public tracking number, which shall be included in the quarterly and annual reports.
- F. The Board shall publish on its website for the public and deliver hard copy to the Office of the City Council and Office of the Mayor public quarterly and annual reports that shall document:
 - 1) The total number and type of complaints and the City districts in which they happened;
 - 2) The categories of each complaint as defined in Section Three of the local law;
 - 3) The public tracking number of each complaint;
 - 4) Detailing information that is legally available to the Board, including but not limited to: the date, time, and location of each incident, whether there is video of the incident or not, age, race, and gender of adult complainant(s), rank(s), gender(s), section(s), and race(s) of the RPD ~~employee(s)~~ Officer(s) and if there were witnesses, how many, and whether they are employed by any local, state, or federal law enforcement agency and which agency; the Board shall comply with local, state, and federal law and redact any information that may not be disclosed publicly. The number of previous complaints against the RPD ~~employee(s)~~ Officer(s) within ten (10) years of the incident and whether or not those complaints were sustained.
 - 5) The number of times and the types of use of force used per complaint and the total number of times and types of use of force used;
 - 6) The number of times pepper spray was deployed per complaint and the total number of times pepper spray was deployed;
 - 7) The number of times and types of pain compliance tactics used per complaint and the totals for each use of pain compliance tactic;
 - 8) The number of times and types of use where a Taser was deployed;
 - 9) Complaint and sustain rates for each RPD section;
 - 10) in the event where an RPD ~~employee~~ Officer uses their firearm:
 - a) the type of weapon used (firearm, brand, type);
 - b) number of shots fired;

- c) the range from which the firearm was fired;
 - d) injuries sustained by the complainant, animal(s), RPD-employee(s) Officer(s), and/or any bystanders;
 - e) any medical care provided and what type; whether the person or animal was killed.
 - f) the number of cases where the panel's disciplinary decision was enforced by the Chief
 - g) the number of cases where the Chief disputed the disciplinary decision of the panel;
 - h) the type of sanctions imposed;
 - i) the type of sanctions decided upon;
 - j) the number of cases reviewed by the Board;
 - k) the number of complaints found not to have reasonable cause to be heard;
 - l) the number of complainants contacting the Board but not following through with a formal signed complaint;
 - m) the length of time each case was pending before the Board;
 - n) the number of complainants who filed a notice of claim against the City while their complaint was being considered by the Board.
- H. The annual report published on the Board's website for the public and deliver hard copy to the Office of the City Council and Office of the Mayor and shall contain:
- 1) The recommendations related to changes in RPD patterns, practices, policies, and procedures;
 - 2) Whether the prior year's recommended changes have been implemented;
 - 3) A summary of complainant and public survey data with an assessment of if and how Board policies should change to accommodate concerns.
- I. Quarterly and annual reports shall be publicly available on the Board's website.
- J. Any video associated with the Complaint that can be made public, shall be made publicly available.
- K. The Board shall comply with all local, state, and federal law, including Civil Rights Law Section 50-a concerning the release of personnel information.

§ 18-12. Audit and Evaluation.

- C. The Board may, by majority vote, perform an audit, or direct that an audit be performed, to assess the investigation and adjudication of civilian complaints.
- D. An independent organization of Council's choosing shall conduct a formal annual evaluation of the functions, processes, and outcomes of the Police Accountability Board. The evaluator will make specific recommendations to the Council regarding changes to the Board's functions, processes and outcomes.

§ 18-13. Budget.

- D. The annual proposed budget of the Police Accountability Board shall provide for sufficient funding to carry out the powers and duties set forth in the Police Accountability Board Article, including the funding of staff and all necessary operating expenses for the purpose of resolving all complaints within ninety (90) days. The Board shall be funded through the budgetary process of the City, pursuant to Article VI of the City Charter. The Board budget shall be separate from, and independent of, the RPD budget.
- E. The Board shall annually prepare a budget in accordance with the Budget Allocation Level that it deemed appropriate from the Office of Management and Budget. The Board shall submit the proposed budget, along with appropriate financial documentation, to the Mayor and Council, during the City's annual budgetary process.
- F. The Board's first year budget shall include appropriate start-up costs, such as office furnishings, equipment, training for all Board and staff, and a national search for the Executive Director.

§ 18-14. Severability.

The invalidity of any provision or provisions of this chapter shall not affect the validity of the remaining provisions thereof, but such remaining provisions shall continue in full force and effect.

Section 2. This local law shall ~~take effect upon its filing in the Office of the Secretary of State as provided by Section 27 of the NYS Municipal Home Rule Law~~ be submitted for the approval of the electors at the general election to be held on November 5, 2019 and shall take effect only if and when it is certified as having been approved by the affirmative vote of a majority of the qualified electors voting on said proposition.

Strikeout indicates deleted text, new text is underlined.

APPENDIX A

Police Accountability Board Supporting Organization

19th Ward Community Association
 Action for a Better Community
 Action Together Rochester
 African American Health Association & Latino Health Coalition
 American Baptist Churches of the Rochester/Genesee Region
 Antioch Missionary Baptist Church
 Baber AME Church
 Beechwood Neighborhood Association
 Center for Disability Rights
 Citizen Action of Western New York
 Colgate Rochester Crozer Divinity School
 Compeer

Delta Sigma Theta Sorority Alumna
Dimitri House
Empire Justice
Enough Is Enough
Facing Race, Embracing Equity (FR=EE)
First Unitarian Church
First Universalist Church
Flower City Noir
Flying Squirrel Community Space
Greater Rochester Community of Churches
Green Party of Monroe County
Ibero American Action League
Inner Faith Gospel Tabernacle
Justice For All
MK Gandhi Institute
National Lawyers Guild of Rochester
Native American Cultural Center
North East Area Development
Omega Psi Phi
Open Arms Christian Fellowship
Out Alliance
Ministry
PLEX Neighborhood Association
Re-entry & Community Development Center
Roc/ACTS
Rochester Black Authors
Rochester Democratic Socialists of America
ROCitizen
Safer Monroe Area Reentry Team (SMART)
Shades of Sisterhood
Showing Up for Racial Justice (SURJ)
Sisters of Mercy
Social Welfare Action Alliance
South West Area Neighborhood Assoc.
Spiritus Christi Anti-Racism Coalition
St. Joseph's House of Hospitality
Table 23
Teen Empowerment
Trinity Emmanuel Presbyterian Church
Turning Points
Urban League of Rochester
Rochester Chapter of VOCAL-NY
**** Organization list is subject to change**

Adopted unanimously

The meeting was adjourned at 8:11 p.m

HAZEL L. WASHINGTON
City Clerk

ROCHESTER CITY COUNCIL

REGULAR MEETING

June 18, 2019

Present – President Scott, Councilmembers Clifford, Evans, Gruber, Harris, Lightfoot, Ortiz, Patterson, Spaul – 9.

The Council President requested the Council to rise for a Moment of Silence.

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

Special Presentation:

Christopher Mahar

Retirement:

DES:

*Richard Paolotto

DHRM:

*Patricia Smith

DRYS:

*Jeanetta Davis-Jackson

RFD:

*John Greico
*Thomas Johnson
*Bart B. Joseph
*James R. Kober

RPD:

Frank Alvarado

**Not attending meeting*

APPROVAL OF THE MINUTES

By Councilmember Spaul

RESOLVED, that the minutes of the Regular Meeting on May 21, 2019 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes – June 2019 – 4310-19

The Council submits Disclosure of Interest Forms from Councilmember Gruber on Int. No. 179, Councilmember Harris on Int. No. 217, Int. No. 226, Int. No. 228 and Int. No. 238 and Councilmember Spaul on Int. No. 175, Int. No. 176, Int. No. 177, Int. No. 190, Int. No. 217, Int. No. 226 and Int. No. 228.

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

Councilmember Spaul presented 96 signatures from Lock 66/ Middle Monroe Ave Neighborhood Association in opposition of RFD brownouts. - Petition No. 1762.

Councilmember Spaul presented 223 signatures opposing Brownouts and Dynamic Staffing from ACE Neighborhood Association – Petition No. 1763.

THE COUNCIL PRESIDENT --- RECEIVED AND FILED.**PUBLIC HEARINGS.**

Pursuant to law, public hearings were held on June 12, 2019 on the following matters:

Adoption of the Budget estimates for municipal purposes for the 2019-20 fiscal year, appropriation of sums set forth therein and approving commercial refuse fees Int. No. 225
Five (5) Speakers

Adoption of the Budget estimates for school purposes for the 2019-20 fiscal year and appropriation of sums set forth therein Int. No. 226
No Speakers

Local Improvement Ordinance – Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2019 and expiring June 30, 2020 Int. No. 229
One (1) Speaker

Confirming the assessments, amounts and charges to be inserted in the annual tax rolls for the fiscal year commencing July 1, 2019 and expiring June 30, 2020 Int. No. 230
No Speakers

Pursuant to law, public hearings were held on June 13, 2019 on the following matters:

Approving the Consolidated Community Development Plan/2019-20 Annual Action Plan Int. No. 175
No Speakers

**REPORTS OF STANDING COMMITTEES
AND ACTION THEREON**

By Councilmember Evans
June 18, 2019

To the Council:

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

Int. No. 166	Authorizing an agreement with SourceLink
Int. No. 167	Cancellation of erroneous taxes and charges
Int. No. 168	Authorizing competitive grant applications
Int. No. 169	Authorizing an agreement for fireworks displays
Int. No. 170	Authorizing an agreement with Corporate Cost Control, Inc.
Int. No. 171	Amending Chapter 69 of the Municipal Code with regard to smoking near public libraries
Int. No. 172	Revenue Anticipation Note Ordinance Delegating To The Director Of Finance The Powers To Authorize The Issuance Of \$50,000,000 Revenue Anticipation Notes Of The City Of Rochester, New York, Or So Much Thereof As May Be Necessary, In Anticipation Of The Receipt Of Certain Revenues For The Fiscal Year Ending June 30, 2005, And To Prescribe The Terms, Form And Contents, And Provide For The Sale Of Such Notes
Int. No. 226	Adoption of the Budget estimates for school purposes for the 2019-20 fiscal year and appropriation of sums set forth therein
Int. No. 227	Levying taxes for municipal purposes for the fiscal year commencing July 1, 2019 and expiring June 30, 2020
Int. No. 228	Levying taxes for school purposes for the fiscal year commencing July 1, 2019 and expiring June 30, 2020

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Int. No. 229	Local Improvement Ordinance – Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2019 and expiring June 30, 2020
Int. No. 230	Confirming the assessments, amounts and charges to be inserted in the annual tax rolls for the fiscal year commencing July 1, 2019 and expiring June 30, 2020
Int. No. 231	Amending the Municipal Code with the respect to towing and storage fees
Int. No. 232	Amending the Municipal Code with respect to building permit fees
Int. No. 233	Amending the Municipal Code with respect to water rates
Int. No. 234	Local Law amending the City Charter relating to the Information Technology Department
Int. No. 235	Resolution approving the 2019-20 debt limit for general municipal purposes with an exception for certain Roc the Riverway capital projects
Int. No. 236	Amending the Municipal Code with respect to parking fees

The following entitled legislation is being **HELD** in committee:

Int. No. 225	Adoption of the Budget estimates for municipal purposes for the 2019-20 fiscal year, appropriation of sums set forth therein and approving commercial refuse fees
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Respectfully submitted,
 Malik Evans
 Molly Clifford
 Michael A. Patterson
 Willie J. Lightfoot
 Loretta C. Scott
 FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Re: Ordinance No. 2019-146
 Agreement – SourceLink

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with SourceLink (Maria Meyers, Executive Director) headquartered in Kansas City, MO to implement proprietary software solutions for entrepreneur-serving organizations in the Rochester community. The term of the agreement will be 12 months. The cost of this agreement will be funded from the 2019-20 Budget of the Mayor's Office, contingent on approval.

SourceLink is a non-profit program of the Innovation Center at the University of Missouri-Kansas City, and is a recognized industry leader in developing inclusive entrepreneurial ecosystems. As part of the City Accelerator Entrepreneurial Ecosystem Development Initiative, the Office of Community Wealth Building, in partnership with the Rochester Institute of Technology Center for Urban Entrepreneurship will work with SourceLink to implement proprietary software solutions that will create greater connectivity between entrepreneur-serving organizations in the Rochester community.

The Initiative will allow the City to build a stronger and more inclusive small business ecosystem, with particular focus on minority and women-owned businesses. A cross-departmental team of City staff members will work to engage relevant internal and external stakeholders, business owners, and entrepreneurs to identify strategies to better support new and existing small businesses.

Respectfully submitted,
 Lovely A. Warren
 Mayor

TUESDAY, JUNE 18, 2019

Ordinance No. 2019-146
(Int. No. 166)

Authorizing an agreement with SourceLink

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 SourceLink to implement proprietary software solutions for entrepreneur-serving organizations in the Rochester community. The maximum compensation for the agreement shall be \$25,000 and said amount shall be funded from the 2019-20 Budget of the Mayor’s Office, contingent upon approval. The term of the agreement shall be one year.

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. 2019-147
Re: Cancellation or Refund of Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$24,008.91.

The property located at 665 Maple Street was purchased on 5/12/2017. The decision to add the demolition charges to tax by the Neighborhood and Business Development occurred on 5/15/2017. At that time Bureau of Assessment did not have the recent deed and the new owner of record was not reflected on the assessment system.

If these cancellations are approved, total cancellations thus far for 2018-19 will be as follows:

	<u>Accounts</u>	
City Council	5	\$44,205.22
Administrative	<u>73</u>	<u>\$24,580.63</u>
Total	78	\$68,785.85

These cancellations represent 0.0266% of the tax receivables as of July 1, 2018.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-94

Ordinance No. 2019-147
(Int. No. 167)

Cancellation of erroneous taxes and charges

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

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

The property located at 665 Maple Street was purchased on May 12, 2017. On May 15, 2017, Neighborhood and Business Development added demolition charges to the taxes on the property. At that time, Bureau of Assessment did not have the recent deed and the new owner of record was not reflected on the assessment system.

SBL#	Class	Address	Tax Year	Amount Cancelled
120.33-2-7	N	665 Maple Street	2018	\$24,008.91

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

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Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-148
Re: Competitive Grant Applications – Fiscal Year 2019-20

Council Priority: Deficit Reduction and Long Term Financial Stability

Transmitted herewith for your approval is legislation authorizing certain competitive grant applications for the 2019-20 fiscal year. This legislation helps streamline the application process. Council has approved such grant applications annually since 2007.

There are hundreds of federal, state, regional, and private grant opportunities that the City qualifies for as a municipality. Frequently, granting agencies require City Council endorsement as part of the application process. Providing this “up front” approval will enable staff to respond to funding opportunities more quickly.

Grant applications will continue to require individual Council endorsement when:

- The City is required to pay more than \$250,000 of the cost of the project;
- The award exceeds \$1,000,000; or
- For capital projects, completion is required in one calendar year or less.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-148
(Int. No. 168)

Authorizing competitive grant applications

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

Section 1. The Mayor is hereby authorized to submit applications to Federal, State, and regional governments, agencies and authorities, as well as private foundations and other funding sponsors, for funding that will support City programs, services and capital operations.

Section 2. For successful award applications, the Mayor shall obtain City Council approval to enter into agreements for receipt of the funding and necessary professional services agreements for performance of the work, and for appropriation of the funds.

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

Section 4. Grant applications which obligate the City of Rochester to pay more than \$250,000 in City funding shall require City Council authorization.

Section 5. Applications for grants exceeding \$1,000,000 and awards for capital projects that require project completion in one calendar year or less shall require City Council authorization.

Section 6. The Director of Finance shall submit quarterly reports to Council for grants received through applications authorized herein, detailing dollar amounts received and expended.

Section 7. This ordinance shall be in effect for the 2019-20 fiscal year

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-149
Re: Agreement - Young Explosives Corp., Fireworks Displays

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum compensation for an agreement with Young Explosives Corp. (Jim Young, Principal), Brighton, New York, to provide fireworks displays. The term of the agreement is one year, and the cost will be funded from the 2019-20 Budget of the Bureau of Communications, contingent upon adoption of said budget.

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The firm will provide a large aerial fireworks display for the City's 4th of July celebration, and depending on event programming, other smaller displays as needed.

Young Explosives Corp. will be responsible for obtaining the necessary permits from the Fire Department and for acquiring the necessary liability insurance. To be licensed in the United States, all fireworks manufacturers and dealers must meet state and federal regulations stating that no persons under the age of 18 are employed; Young Explosives Corp. does not employ any persons below the age of 18. The company also has assured us that their domestic purchases come solely from licensed vendors.

An agreement for the same amount was authorized by Ordinance 2018-151 in May 2018.

A justification for not issuing a request for proposals is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-95

Ordinance No. 2019-149
(Int. No. 169)

Authorizing an agreement for fireworks displays

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 Young Explosives Corp. for fireworks displays. The maximum compensation for the agreement shall be \$30,000 and said amount, or so much thereof as may be necessary, shall be funded from the 2019-20 Budget of the Bureau of Communications, contingent upon approval. The term of the agreement shall be one year.

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. 2019-150
Re: Agreement – Corporate Cost Control Unemployment Claims Administration

Council Priority: Deficit Reduction and Long Term Financial Stability

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for an agreement with Corporate Cost Control to provide third-party administration services for Unemployment Claims and Employment Verifications for the City of Rochester. The term of this agreement will be for three (3) years and \$5,000 shall be equally funded from the 2019-20, 2020-21, and 2021-22 Budgets for Undistributed Expense, contingent upon approval of future budgets.

Bids for services were solicited and a Request for Proposals, which is described in the attached summary, was placed on the City of Rochester's website. Proposals were received from 4 (four) vendors including, Corporate Cost Control (NH), ValeU (Floral Park, NY), HIREtech (TX) and Equifax (MO).

Based on a thorough review of the proposals, including a comparison of services, costs, experience, and City-specific requirements, Corporate Cost Control (CCC) has been recommended to provide services for the City based on the following:

- CCC submitted a proposal with the lowest cost for services
- CCC offers an electronic file transfer process that will support data files from the current City payroll system;
- CCC provides a highly secure web-based reporting system that is available 24 hours a day, 7 days a week, from which the City may retrieve individual and aggregate information regarding claims, liabilities, hearings, and other unemployment activity;
- CCC provides an online Resource Center for clients that offers webinars, videos and continuous training opportunities in unemployment cost control strategies;
- CCC Verify provides secure, instant employment verifications for employees, private verifiers and government verifiers. This service is offered at no additional cost to the City.

Respectfully submitted,
Lovely A. Warren
Mayor

TUESDAY, JUNE 18, 2019

Attachment No. AS-96

Ordinance No. 2019-150
(Int. No. 170)

Authorizing an agreement with Corporate Cost Control, Inc.

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 Corporate Cost Control, Inc. to provide third-party administration services for Unemployment Claims and Employment Verifications for the City of Rochester. The term of the agreement shall be three years. The maximum annual compensation for the agreement shall be \$5,000 and said amount shall be funded by \$5,000 from each of the 2019-20, 2020-21, and 2021-22 Budgets of Undistributed Expenses, contingent upon approval of said 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. 2019-151
Re: Code Amendment- Chapter 69 Smoking Near Public Libraries

Council Priority: Public Health

Transmitted herewith for your approval is legislation amending Section 69-9 of the Municipal Code to extend the outdoor no-smoking zones around public libraries.

In Ordinance No. 2015-30, when the State had no comparable law, the City established an outdoor no-smoking area that extends 50 feet from the entrances to public libraries. In December, 2018, the State amended its Public Health Law to prohibit smoking within 100 feet of the entrances, exits and outdoor areas of public libraries, except to the extent that the 100-foot radius extends onto a residential property. The State law goes into effect on June 19, 2019.

The legislation extends the no-smoking zone around each public library to be consistent with the new State law.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-151
(Int. No. 171)

Amending Chapter 69 of the Municipal Code with regard to smoking near public libraries

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

Section 1. Section 69-9 of the Municipal Code, Smoking near public libraries, is hereby amended to read as follows:

§ 69-9. Smoking shall not be permitted, and no person shall smoke within 100 feet of the entrance, exit or in any outdoor area ~~within fifty feet from the entrance to~~ of a public library; provided, however, that the provisions of this section shall not apply to smoking within the boundary lines of a residential property. For the purposes of this section smoking shall be defined as in Article 13-E of the Public Health Law.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

Councilmember Evans moved to amend Int. No. 172

The motion was seconded by Councilmember Clifford

TUESDAY, JUNE 18, 2019

The motion was adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-152
Re: Revenue Anticipation Note – City School District

City Council Priority: Deficit reduction and long term financial stability

Transmitted herewith for your approval is legislation authorizing the issuance of revenue anticipation notes for the City School District totaling \$50 million. This legislation is proposed in anticipation of an authorizing resolution to be enacted by the Rochester City School District Board of Education.

The City periodically issues revenue anticipation notes for the District because of the difference between the times the District expends funds and when it receives funds from the State. The District usually expends funds at a fairly uniform rate over its fiscal year, however, it receives its allocation of state education aid, its major source of revenue, later in the fiscal year. In the years since the City's last RAN borrowing (2004), the City has covered School District deficiencies with interfund borrowings.

The District will continue to experience interim cash flow deficiencies until State aid is received. At present, a cash deficiency is projected for late August. In order to avoid a negative fund balance, a revenue anticipation note in the amount of \$50 million is required.

A note sale will be scheduled in August in order to maintain an adequate cash balance.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-97

Ordinance No. 2019-152
(Int. No. 172, as amended)

Revenue Anticipation Note Ordinance Delegating To The Director Of Finance The Powers To Authorize The Issuance Of \$50,000,000 Revenue Anticipation Notes Of The City Of Rochester, New York, Or So Much Thereof As May Be Necessary, In Anticipation Of The Receipt Of Certain Revenues For The Fiscal Year Ending June 30, ~~2005~~ 2020, And To Prescribe The Terms, Form And Contents, And Provide For The Sale Of Such Notes

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), the power to authorize the issuance of Revenue Anticipation Notes (herein called "Notes") of the City of Rochester, in the State of New York (the "City" and "State", respectively), in the aggregate principal amount of not to exceed \$50,000,000, and any notes in renewal thereof, is hereby delegated to the Director of Finance, as chief fiscal officer of the City.

Section 2. The Notes shall be issued in anticipation of the collection or receipt of revenues due and payable to the Rochester City School District in the current fiscal year from New York State Education Grants and Basic Formula Aid to Education; and the proceeds of such Notes shall be used only for the purposes of paying the current expenses of the City School District for said fiscal year payable from the revenues in anticipation of which they are issued.

Section 3. The Notes shall mature within one year of the date of issuance thereof and may be renewed from time to time, but each renewal shall be for a period of not exceeding one year and in no event shall such Notes, or the renewals thereof, extend beyond June 30, 2022.

Section 4. The Notes shall contain the recital of validity prescribed by Section 52.00 of the Law and shall be general obligations of the City, and the faith and credit of the City shall be pledged to the punctual payment of the principal of and interest on the Notes and, unless the Notes are otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget of the City School District and a tax sufficient to provide for the payment thereof shall be levied and collected by the City.

Section 5. Subject to the provisions of this ordinance and the Law, and pursuant to Sections 50.00, 56.00, 60.00 and 168.00 of the Law, the powers to prescribe the terms, form and contents, and all other powers or duties pertaining or incidental to the sale and issuance of the Notes authorized pursuant hereto, or any renewals thereof, and the power to enter into agreements for credit enhancement for the Notes, are hereby delegated to the Director of Finance, as chief fiscal officer of the City.

Section 6. The validity of the Notes authorized by this Ordinance 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

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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 7. 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.

Councilmember Evans moved to discharge Int. No. 225 from committee.

The motion was seconded by Councilmember Lightfoot.

The motion was adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-153	
Ordinance No. 2019-154	
Ordinance No. 2019-155	Local Improvement Ordinance No. 1759
Ordinance No. 2019-156	Local Law No. 3
Ordinance No. 2019-157	Resolution No. 2019-8
Ordinance No. 2019-158	
Ordinance No. 2019-159	
Ordinance No. 2019-160	
Ordinance No. 2019-161	
Re: 2019-20 Budget	

Council Priority: Deficit Reduction and Long Term Financial Stability

Transmitted herewith for your approval is legislation related to the 2019-20 Budget. This legislation will:

1. Approve appropriations and establish revenue estimates for the City and City School District;
2. Authorize the tax levies required to finance appropriations for the City and City School District;
3. Authorize the budgets and related assessments for the Local Works program;
4. Confirm the assessments required for the following programs:
 - a. Street mall maintenance
 - b. Neighborhood parking lot operation
 - c. Public Market snow removal and security services
 - d. Street lighting and streetscape districts
 - e. Downtown Enhancement District
 - f. High Falls Improvement District
 - g. St. Paul Street Streetscape
 - h. South Ave. Alexander St. Streetscape
 - i. Mt. Hope Streetscape
 - j. Upper East Alexander Entertainment-Refuse
5. Confirm the addition to the tax roll of various assessments, fees, and unpaid charges; and
6. Authorize certain fee increases and Charter and Code changes.

Details of the above actions related to the 2019-20 proposed budget of the City submitted to City Council on May 17, 2019 are summarized below:

1. Total appropriations of \$1,483,346,075 allocated for the City and the School District

	<u>Proposed 2019-20</u>	<u>Amended 2018-19</u>	<u>\$ Difference</u>	<u>% Difference</u>
City	\$ 552,047,000	\$ 542,255,700	\$ 9,791,300	+1.8
School	<u>931,299,075</u>	<u>921,876,906</u>	<u>9,422,169</u>	+1.0
Total	\$1,483,346,075	\$1,464,132,606	\$19,213,469	+1.3

Total non-tax revenue distributed between the City and the District:

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	<u>Proposed 2019-20</u>	<u>Amended 2018-19</u>	<u>\$ Difference</u>	<u>% Difference</u>
City	\$ 495,188,783	\$ 485,397,483	\$ 9,791,300	+2.0
School	<u>817,558,575</u>	<u>808,136,406</u>	<u>9,422,169</u>	<u>+1.2</u>
Total	\$1,312,747,358	\$1,293,533,889	\$19,213,469	+1.5

2. Total tax levies of \$178,637,400 for the City and City School District

	<u>Proposed 2019-20</u>	<u>Amended 2018-19</u>	<u>\$ Difference</u>	<u>% Difference</u>
Tax Revenue	\$170,598,717	\$170,598,717	\$0	+ 0.00
Tax Reserve	<u>8,038,683</u>	<u>8,038,683</u>	<u>0</u>	<u>+ 0.00</u>
Tax Levy	\$178,637,400	\$178,637,400	\$0	+ 0.00

3. Total appropriations for the Local Works fund of \$22,393,500 and total assessments of \$20,489,000

	<u>Proposed 2019-20</u>	<u>Amended 2018-19</u>	<u>\$ Difference</u>	<u>% Difference</u>
Street Maintenance	\$ 5,474,580	\$ 4,526,837	\$ 947,743	20.9
Sidewalk Repair	3,211,155	4,399,658	-1,188,503	-27.0
Roadway Plowing	8,794,402	8,582,206	212,196	2.5
Sidewalk Plowing	<u>3,008,863</u>	<u>2,611,899</u>	<u>396,964</u>	<u>15.2</u>
Total	\$20,489,000	\$20,120,600	\$368,400	1.8

4. Program Assessments

On April 16, 2019, the following budgets were approved: street lighting and streetscapes; street malls; Downtown Enhancement District; security and snow removal at the Public Market; East Avenue/Alexander Street Entertainment District; High Falls Business Improvement District; and the South Avenue/Alexander Street Open Space District. The budget for the special assessment district parking lots was approved on May 21, 2019. The assessments required are as follows:

	<u>Proposed 2019-20</u>	<u>Amended 2018-19</u>	<u>\$ Difference</u>	<u>% Difference</u>
Street Malls	\$ 35,411	\$31,644	3,767	11.9
Parking Lots	59,938	64,191	-4,253	-6.6
Public Market	49,687	47,049	2,638	5.6
Lighting and Streetscapes	42,261	41,944	317	0.8
Downtown Enhancement	646,900	640,000	6,900	1.1
High Falls	25,000	25,000	0	0.0
St. Paul Street Streetscape	20,649	20,649	0	0.0
South Ave Alexander Streetscape	8,900	8,900	0	0.0
Mt. Hope Streetscape	30,000	30,000	0	0.0
East/Alexander Entertainment	20,800	20,800	0	0.0

5. Proposed additions to the tax roll consist of the following charges:

	<u>Proposed 2019-20</u>	<u>Amended 2018-19</u>	<u>\$ Difference</u>	<u>% Difference</u>
Delinquent Refuse	\$ 554,801	\$ 630,017	\$ -75,216	-11.9
Delinquent Water	5,835,825	5,640,292	195,533	3.5
Code Enforcement	116,679	118,915	-2,236	- 1.9
Supplemental and Omitted Taxes	631,918	472,364	159,554	33.8
Local Improvements	1,494	1,798	-304	-16.9
Demolitions	631,023	1,458,599	-827,576	-56.7
Encroachments	3,975	4,050	-75	-1.9
Rehabilitation	232,481	234,375	-1,894	-0.8
Code Violations	2,218,190	1,783,318	434,872	24.4

6. Fee increases and Charter and Code changes

6A. Amend Section 8E-1 of the City Charter to reflect changes to the management and operational focus of the Information Technology Department as proposed in the 2019-20 Budget. These changes are the result of an organizational assessment conducted by Baker Tilly Virchow Krause, LLP. The Charter will be revised to reflect the position of Chief Technology Officer as head of the Information Technology Department.

6B. A water rate increase to base rates is proposed to balance the Water Fund. The proposed increases are expected to result in \$258,400 additional revenue. Increases are proposed for the 5/8", 3/4", 8" and 10" base meter charge, however the 1" through 6" base meter charges will remain the same.

6C. A rate increase of 2% is proposed to balance the Local Works Fund. The proposed increase is expected to result in \$336,000 additional revenue.

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6D. Amend Section 39-221 (A) to correct the building permit schedule to include the fee for projects between the value of \$14,001 and \$16,000. When the fees were last updated in 2003 the schedule omitted a bracket for this cost range. The permit fees were correctly programmed into the Building Information System (BIS) and customers have been charged based on the correct fee schedule since 2003.

6E. Increases in parking garage rates are necessary to balance the Parking Fund, resulting in approximately \$266,800 additional revenue over declining participation. Monthly general parking rates increase \$5 at Court Street, East End, Mortimer, South Avenue, Crossroads, and Washington Square (excluding the Wadsworth Lot); \$7 for High Falls; and \$8 for Sister Cities. Premium rates increase \$5 at Court Street and \$8 at Sister Cities. Increases to the reserved monthly parking rates are \$5 for Court Street, High Falls and Washington Square. The residential rates increase \$9 at High Falls and \$10 at East End. The rate for the Kodak surface lot at 231 State Street increases \$7. The monthly student rate for East End increases \$1.30 while the short term student rate is eliminated as it is no longer in use. The daily rate in use at Mortimer Street Garage is corrected to a \$10 maximum in alignment with the other parking garages, excluding East End.

6F. Amend Section 111-72 of the City Code to increase the fee to redeem passenger vehicles (pickup truck-ups, passenger vans, minibikes, mopeds and motorcycles) from the Auto Pound from \$130 to \$140; the fee to redeem trucks with a gross vehicle weight up to 26,000 pounds from \$195 to \$210, and the fee to redeem trucks with a gross vehicle weight over 26,000 pounds from \$270 to \$290. The daily storage rate in section 111-72G is also proposed to change from \$25 per day to \$40. The additional revenue offsets the cost of increased fees paid to the City's contracted tow companies. Subsection B of Section 108A-7 which dictates the maximum fee that private towers can charge would also be amended to increase the maximum fee from \$130 to \$140.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Ordinance No. 2019-153
 (Int. No. 226)

Adoption of the Budget estimates for school purposes for the 2019-20 fiscal year and appropriation of sums set forth therein

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

Section 1. The budget estimate for school purposes for the fiscal year July 1, 2019 to June 30, 2020, providing for the expenditure of \$931,299,075, is in all respects adopted, confirmed, fixed, and determined.

Section 2. The sums of money designated in the budget estimate for school purposes for the fiscal year 2019-20 are hereby authorized to be expended and the sum of \$931,299,075 is hereby appropriated by the Board of Education for the following purposes:

Operations		\$832,943,321
Cash Capital		13,286,521
Debt Service		<u>85,069,233</u>
	Subtotal	931,299,075
Tax Reserve		<u>5,359,500</u>
	Total	\$936,658,575

Section 3. The budget estimate of the current revenues and other receipts, other than real estate taxes, for school purposes for the fiscal year 2019-20 is hereby fixed and determined at \$817,558,575 and said sum is hereby appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2019-20 providing for raising the sum of \$119,100,000 in taxation on real estate for school purposes is hereby adopted.

Section 5. This ordinance shall take effect on July 1, 2019.

Passed by the following vote:

Ayes – President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, Ortiz, Patterson -7.

Nays – None -0

Councilmembers Harris and Spaul abstained due to a professional relationship.

Ordinance No. 2019-154
 (Int. No. 227)

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Levying taxes for municipal purposes for the fiscal year commencing July 1, 2019 and expiring June 30, 2020

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

Section 1. The sum of \$59,537,400, which sum is deemed by the Council sufficient with other revenues to produce from collection during the fiscal year commencing July 1, 2019 and expiring June 30, 2020 the amount required to meet the budget estimates for municipal purposes, is hereby levied on all taxable real property in the City of Rochester, as set forth in the assessment rolls, for the fiscal year commencing July 1, 2019 and expiring June 30, 2020.

Section 2. The Director of Finance shall cause the taxes levied above to be inserted in the assessment rolls for the fiscal year commencing July 1, 2019 and expiring June 30, 2020.

Section 3. This ordinance shall take effect on July 1, 2019.

Passed by the following vote:

Ayes – President Scott, Councilmembers Clifford, Evans, Gruber, Harris, Lightfoot, Patterson -7.

Nays – Councilmembers Ortiz, Spaul -2.

Ordinance No. 2019-155
(Int. No. 228)

Levying taxes for school purposes for the fiscal year commencing July 1, 2019 and expiring June 30, 2020

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

Section 1. The sum of \$119,100,000, which sum is deemed by the Council sufficient with other revenues to produce from collection during the fiscal year commencing July 1, 2019 and expiring June 30, 2020 the amount required to meet the budget estimates for school purposes, is hereby levied on all taxable real property in the City of Rochester, as set forth in the assessment rolls, for the fiscal year commencing July 1, 2019 and expiring June 30, 2020.

Section 2. The Director of Finance shall cause the taxes levied above to be inserted in the assessment rolls for the fiscal year commencing July 1, 2019 and expiring June 30, 2020.

Section 3. This ordinance shall take effect on July 1, 2019

Passed by the following vote:

Ayes – President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, Ortiz, Patterson -7.

Nays – None -0

Councilmembers Harris and Spaul abstained due to a professional relationship.

Local Improvement Ordinance No. 1759
(Int. No. 229)

Local Improvement Ordinance - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2019 and expiring June 30, 2020

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

Section 1. The Council finds and declares (1) that it is in the public interest to provide street cleaning, snow removal services on the streets and sidewalks, and the repair of hazardous sidewalks in the City of Rochester during the fiscal year from July 1, 2019 to June 30, 2020; (2) that the provision of such service benefits the properties abutting on such streets and sidewalks, and (3) that the cost of providing such services should be borne by the benefitted properties according to the benefit received by such properties.

Section 2. The Commissioner of Environmental Services shall cause the following improvements and work to be provided on streets, sidewalks and lots in the City of Rochester during the fiscal year July 1, 2019 to June 30, 2020:

- A. The removal of snow from such sidewalks and the repair of such hazardous sidewalks as the Commissioner may direct.

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- B. The removal of snow and ice from the roadway of such streets as the Commissioner may direct, including the use of sodium chloride, calcium chloride, and other chemicals or abrasives for the treatment of slippery or icy pavement as deemed necessary by the Commissioner.
- C. The cleaning and/or flushing of such streets as the Commissioner may direct, including hand-cleaning, tank flushing, mechanical sweeping, and the collection and removal of brush, leaves, and debris.

Section 3. Such work shall be done by competitive contract, or by the Department of Environmental Services, as the Commissioner of Environmental Services deems appropriate.

Section 4. The cost of providing such street cleaning and street snow removal services for the 2019-20 fiscal year shall be assessed against all parcels of property that abut a street, reflecting the benefit to be derived by such parcels from such services. The cost of providing such sidewalk repair and snow removal services for the 2019-20 fiscal year shall be assessed against all parcels of property that abut a sidewalk, reflecting the benefit to be derived by such parcels from such services.

Section 5. The amount assessed shall be allocated among all benefited parcels in direct proportion to each parcel's street or sidewalk footage, defined for purposes of this ordinance as the full footage of the parcel along the street or sidewalk upon which it fronts, plus one-third of the footage along any other abutting streets or sidewalks. The Council hereby determines that such street or sidewalk footage represents the relative amount of benefit received by each such parcel.

Section 6. The total cost of such services to be assessed on July 1, 2019 shall be \$20,489,000.00 consisting of \$5,474,579.84 for street and lot maintenance, \$3,211,155.14 for sidewalk repair, \$8,794,401.72 for roadway snow removal and \$3,008,863.30 for sidewalk snow removal services. Such total amount constitutes an estimate of the amount necessary to pay contractors to provide services and to cover the costs of providing services with City crews between July 1, 2019 and June 30, 2020, less any miscellaneous revenues estimated to be collected during the same period, plus a reasonable reserve for uncollected assessments. All assessments collected shall be paid into the Local Works Fund, and all costs incurred shall be paid from such fund. The amounts assessed herein are appropriated for that purpose.

Section 7. The amount assessed on July 1, 2019 shall be billed on the tax bill and shall be due in one installment. Delinquent assessments collected more than 60 days into a fiscal year subsequent to the fiscal year billed shall be credited as revenue in the year collected and applied against costs in that fiscal year.

Section 8. This ordinance shall take effect on July 1, 2019.

Passed unanimously.

Ordinance No. 2019-156
(Int. No. 230)

Confirming the assessments, amounts and charges to be inserted in the annual tax rolls for the fiscal year commencing July 1, 2019 and expiring June 30, 2020

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

Section 1. The following assessments, amounts and charges, and the allocation of said amounts against properties in the City, as set forth in roll or rolls on file in the City Clerk's Office, to be inserted into the annual tax rolls for the fiscal year commencing July 1, 2019 and expiring June 30, 2020 are hereby in all respects confirmed:

Street and Lot Maintenance	\$5,474,579.84
Roadway Snow Removal	8,794,401.72
Sidewalk Snow Removal	3,008,863.30
Hazardous Sidewalk Repair	3,211,155.14
Delinquent Refuse	554,801.40
Delinquent Water Charges	5,835,825.31
Supplemental Taxes	631,918.04
Street Malls	35,411.00
Parking Lots	59,938.00
Code Enforcements	116,679.00
Code Violations	2,218,190.00
Downtown Enhancement	646,900.00
Public Market Plowing	5,888.07
Public Market Security	43,799.37
Encroachment Fees	3,975.00
Rehabilitation Charges	232,481.35
Wilson Blvd. Street Lights	563.71
Monroe Avenue Lights I	1,265.73
Monroe Avenue Lights and Sidewalk II	627.62
Norton Street Lights	1,377.07
Norton Street Streetscape	2,815.00
Cascade Lights	1,562.58

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Cascade Streetscape	8,000.00
Lake Avenue Lights	4,068.34
High Falls Business Improvement District	25,000.00
St. Paul Street Streetscape	20,649.38
St. Paul Street Lighting	528.76
Rundel Park Lighting	3,168.68
Upper East Alexander Refuse	20,800.00
East Main Street Lights	325.18
Browncroft Lighting	9,508.99
Nunda Boulevard Lighting	8,449.38
Mt. Hope Streetscape	30,000.00
South Avenue Open Space 1	4,441.33
South Avenue Open Space 2	4,458.67
Demolition	631,022.98
Local Improvements	1,494.42

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2019-157
(Int. No. 231)

Amending the Municipal Code with respect to towing and storage fees

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

Section 1. Section 108A-7 of the Municipal Code, Towing from private property without the vehicle owner’s permission, as amended is hereby further amended so that the first sentence of subsection B shall read as follows:

- B. In no event shall a towing company charge a fee in excess of ~~\$130~~ \$140 for towing, without permission of the vehicle owner, of passenger vehicles, including cars, pickup trucks and passenger vans, or motorcycles or minibikes, from privately owned property in the City.

Section 2. Section 111-72 of the Municipal Code, Illegal parking and towing of vehicles, as amended is hereby further amended:

- a. in subsection B thereof to change the fee for the redemption of passenger vehicles, including pickup trucks and passenger vans, minibikes, mopeds and motorcycles from \$130 to \$140; the fee for the redemption of all trucks, single and tandem axles, with a gross vehicle weight up to 26,000 pounds from \$195 to \$210; and the fee for heavy trucks/truck tractor-trailer units, with a gross vehicle weight in excess of 26,000 pounds from \$270 to \$290; and
- b. in subsection G to change the fee for storage of vehicles from \$25 to \$40 for each twenty-four-hour period or fraction thereof, beginning after the first twenty-four-hour period.

Section 3. This ordinance shall take effect July 1, 2019.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

Ordinance No. 2019-158
(Int. No. 232)

Amending the Municipal Code with respect to building permit fees

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

Section 1. Section 39-221 of the Municipal Code, Fees for permits, as amended, is hereby further amended by modifying subsection A thereof to read in its entirety as follows:

- A. The fee for a permit to construct, enlarge, alter, improve, relocate, convert, maintain use, establish use, legalize use or change the occupancy of a building or structure, or for the installation or replacement of a heating appliance or system, shall be based on the actual cost of such work, per the following schedule:

Actual Cost	Fee	Plus Incremental Fee
\$0 to \$2,000	\$50	None

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\$2,001 to \$4,000	\$70	None
\$4,001 to \$6,000	\$90	None
\$6,001 to \$8,000	\$110	None
\$8,001 to \$10,000	\$130	None
\$10,001 to \$12,000	\$150	None
\$12,001 to \$14,000	\$170	None
<u>\$14,001 to \$16,000</u>	<u>\$190</u>	<u>None</u>
\$16,001 to \$18,000	\$190 <u>\$210</u>	None
\$18,001 to \$20,000	\$210 <u>\$230</u>	None
\$20,001 to \$22,000	\$230 <u>\$250</u>	None
\$22,001 to \$24,000	\$250 <u>\$270</u>	None
\$24,001 to \$26,000	\$270 <u>\$290</u>	None
\$26,001 to \$28,000	\$290 <u>\$310</u>	None
\$28,001 to \$30,000	\$310 <u>\$330</u>	None
\$30,001 to \$32,000	\$330 <u>\$350</u>	None
\$32,001 to \$34,000	\$350 <u>\$370</u>	None
\$34,001 to \$36,000	\$370 <u>\$390</u>	None
\$36,001 to \$38,000	\$390 <u>\$410</u>	None
\$38,001 to \$40,000	\$410 <u>\$430</u>	None
\$40,001 to \$42,000	\$430 <u>\$450</u>	None
\$42,001 to \$44,000	\$450 <u>\$470</u>	None
\$44,001 to \$46,000	\$470 <u>\$490</u>	None
\$46,001 to \$48,000	\$490 <u>\$510</u>	None
\$48,001 to \$50,000	\$510 <u>\$530</u>	None
\$50,001 to \$52,000	\$530 <u>\$550</u>	None
\$52,001 to \$54,000	\$550 <u>\$570</u>	None
\$54,001 to \$56,000	\$570 <u>\$590</u>	None
\$56,001 to \$58,000	\$590 <u>\$610</u>	None
\$58,001 to \$60,000	\$610 <u>\$630</u>	None
\$60,001 to \$100,000	\$150	.009 x Actual Cost
\$100,001 to \$500,000	\$375	.007 x Actual Cost
\$500,001 to \$1,000,000	\$1,475	.005 x Actual Cost
\$1,000,001 and Over	\$3,675	.003 x Actual Cost

Section 2. This ordinance shall take effect on July 1, 2019.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

Ordinance No. 2019-159
(Int. No. 233)

Amending the Municipal Code with respect to water rates

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

Section 1. Section 23-37 of the Municipal Code, relating to fees for water, as amended, is hereby further amended by modifying subsection A (2) to read in its entirety as follows:

(2) Base Charge.

Size of Meter (inches)	Charge per Month
5/8	\$8.31 8.66
3/4	\$12.46 13.00
1	\$37.62
1 1/2	\$55.72
2	\$74.53
3	\$186.25
4	\$372.15
6	\$557.90
8	\$1,106.46 1,213.07
10	\$1,615.68 1,819.61

Section 2. This ordinance shall take effect on July 1, 2019.

Strikeout indicates deleted text, new text is underlined.

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Passed unanimously.

Local Law No. 3
(Int. No. 234)

Local Law amending the City Charter relating to the Information Technology Department

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

Section 1. Chapter 755 of the Laws of 1907, entitled “An Act Constituting the Charter of the City of Rochester”, as amended, is hereby further amended by amending Section 8E-1, Information Technology Department, to read as follows:

§ 8E-1 Information and Technology Department.

The head of the Information Technology Department shall be the Chief Technology Officer. The Chief Technology Officer shall be responsible for directing and managing the development, deployment, and support of information technology services provided to City Departments. He or she shall maintain effective communication between the City's information technology service groups so as to maximize operating efficiencies and provide highly effective information technology services. The Chief Technology Officer shall be the appointing authority for employees of the Information Technology Department.

Section 2. Chapter 755 of the Laws of 1907, entitled “An Act Constituting the Charter of the City of Rochester”, as amended, is hereby further amended by amending Section 2-18 Code of Ethics as follows:

- A. In Subsection B(8), definition of Senior Management, delete the phrase “Chief Information Officer” and insert in its place “Chief Technology Officer”; and
- B. In Subsection G(1), which specifies the City officers and employees who are required to file annual financial disclosure statements, delete the following positions: “Chief Information Officer, IT Relationship Manager, Technical Infrastructure Service Manager, Business Process Services Manager, Application Services Manager”; and insert in their place the following positions: “Chief Technology Officer, Director of IT Operations, Application & Systems Manager, Infrastructure & Operations Manager, Security & Networking Manager, Systems Architect, Director of Project Management (Mayor’s Office)”.

Section 3. This local law shall take effect immediately the latter of July 1, 2019 or upon filing in the Office of the Secretary of State as provided by Section 27 of the NYS Municipal Home Rule Law.

Passed unanimously.

Resolution No. 2019-8
(Int. No. 235)

Resolution approving the 2019-20 debt limit for general municipal purposes with an exception for certain Roc the Riverway capital projects

WHEREAS, an important component of the City’s expense budget and tax levy is debt; and

WHEREAS, the amount of debt outstanding is one of the major factors evaluated by credit agencies in the determination of bond rating; and

WHEREAS, control of the debt service expense and the amount of outstanding debt must necessarily be exercised through restrictions on bond and note authorizations;

WHEREAS, bond ratings influence the rate of interest which must be paid on indebtedness and therefore the amount of debt service; and

WHEREAS, pursuant to the Debt Authorization Policy adopted by Council in Resolution No. 81-4, exceptions to the debt limit policy are to be approved only for projects and purposes which could not reasonably be foreseen and, if not approved, would result in an obvious public danger or economic loss.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester, that it is the intent and policy of the City to limit the amount of bonds and notes authorized in fiscal year 2019-20 to \$19,031,000 for general municipal purposes.

BE IT FURTHER RESOLVED, unused authorizations from the debt limits for fiscal years 2017-18 and 2018-19 shall continue to be available, but no authorization included in the debt limit for a prior fiscal year, if not actually approved by the City Council, shall be carried-over and included in the limit for this fiscal year. By this resolution, the Council specifically approves inclusion for this fiscal year of unused authorizations from the debt limit for 2016-17 relating to environmental investigation and remediation at contaminated City sites and the Vacuum Oil Brownfield Opportunity Area sites, street rehabilitation and improvements including but not limited to Scottsville Road and Elmwood Avenue, and municipal facility improvements; 2015-16 relating to environmental investigation and remediation at contaminated City sites and the

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Vacuum Oil Brownfield Opportunity Area sites, street rehabilitation and resurfacing, including but not limited to the Residential Street Rehabilitation; 2013-14 relating to environmental investigation and remediation at contaminated City sites, focused development investment, and street lighting; 2012-13 relating to environmental investigation and remediation at contaminated City sites; and 2010-11 relating to environmental investigation and remediation at contaminated City sites.

BE IT FURTHER RESOLVED, that exceptions to this policy are to be approved only for projects and purposes which could not reasonably be foreseen and, if not approved, would result in an obvious public danger or economic loss; and for projects and purposes for which the debt issued therefor would be self-supporting.

BE IT FURTHER RESOLVED, that the sum of \$3,900,000 is hereby approved as an exception to the 2019-20 debt limit of the City established herein in order to fund the a portion of the costs of the Riverway Main to Andrews – West Side project and the extension of the Sister Cities Bridge project and that this action is being taken to allow the City to leverage approximately \$16 million in New York State Roc the Riverway funds that could be lost without the City’s contribution to the funding of the two aforementioned projects.

BE IT FURTHER RESOLVED, that to insure continued awareness of an adherence to this policy, each separate request for authorized debt shall be accompanied by a report in which the amount of debt actually authorized is compared to the amount of debt herein established as a limit.

BE IT FURTHER RESOLVED, that the redemption of any debt issued as an exception to a debt limit shall be excluded from the calculation of subsequent debt limits.

This resolution shall take effect immediately.

Adopted unanimously.

Ordinance No. 2019-160
(Int. No. 236)

Amending the Municipal Code with respect to parking fees

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

Section 1. Subsection A(1) of Section 111-119 of the Municipal Code, Fees for use of space in parking garages and hours of operation, as amended, is hereby further amended in subsection A(1) to read in its entirety as follows:

- (1) Short-term rates, which shall apply from 6:00 a.m. or 6:30 a.m. to garage closing, depending upon the garage schedule: \$2 for the first two hours, and \$2 for each hour thereafter, or any part thereof, up to the daily maximum. ~~There shall be a student rate of \$1 per hour in the East End Garage, up to the daily maximum.~~

Section 2. Subsection A(4) of Section 111-119 of the Municipal Code is hereby further amended to read in its entirety as follows:

- (4) Maximum daily charge. The maximum amount chargeable per entry to a garage for parking during any weekday parking shall be as follows:
 - (a) High Falls Garage, Court Street Garage, Midtown Garage, Genesee Crossroads Garage, Sister Cities Garage, South Avenue Garage, ~~and~~ Washington Square Garage, and Mortimer Street Garage: \$10.00.
 - ~~(b) Mortimer Street Garage: \$7~~
 - ~~(c)~~ (b) East End Garage: \$8

Section 3. Subsection A(6)(a)-(h) of Section 111-119 of the Municipal Code is hereby further amended to read in its entirety as follows:

- (a) Court Street Garage: ~~\$95~~ \$100 for parking in the general area, ~~\$120~~ \$125 for parking in the ~~premium~~ reserved area, and ~~\$150~~ \$155 for parking in the ~~reserved~~ premium area.
- (b) Genesee Crossroads Garage: ~~\$95~~ \$100.
- (c) High Falls Garage ~~\$90~~ \$97 for parking in the general area, ~~\$125~~ \$130 for parking in the reserved area, ~~\$76~~ \$85 for reserved residential parking, and ~~\$70~~ \$77 for parking in the Kodak surface lot located at 231 State Street.
- (d) South Avenue Garage: ~~\$95~~ \$100
- (e) Sister Cities Garage: ~~\$99~~ \$107 for parking in the general area and ~~\$124~~ \$132 for parking in the premium area.

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- (f) Mortimer Street Garage: ~~\$75~~ \$80 for parking in the garage. Notwithstanding the parking rates established in this subsection, the Parking Director, subject to the approval of the Mayor, is authorized to establish a program allowing a parking discount reducing the monthly rate to \$25 in the Mortimer Street Garage for up to 50 members of the High Tech Rochester program.
- (g) Washington Square Garage: ~~\$95~~ \$100 for parking in the general area of the garage, ~~\$120~~ \$125 for parking in the reserved area of the garage, and \$33 for parking in the Wadsworth Square Lot.
- (h) East End Garage: ~~\$85~~ \$90 for general parking, ~~\$69~~ \$79 for residential parking, and ~~\$43.50~~ \$44.80 for student parking.

Section 2. This ordinance shall take effect on July 1, 2019.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

Ordinance No. 2019-161
(Int. No. 225)

Adoption of the Budget estimates for municipal purposes for the 2019-20 fiscal year, appropriation of sums set forth therein and approving commercial refuse fees

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

Section 1. The budget estimate for municipal purposes for the fiscal year July 1, 2019 to June 30, 2020, providing for the expenditure of \$552,047,000, is in all respects adopted, confirmed, fixed, and determined.

Section 2. The sums of money designated in the budget estimate for municipal purposes for the fiscal year 2019-20 are hereby authorized to be expended and the sum of \$552,047,000 is hereby appropriated for the current expenses of the departments and agencies; cash capital; debt service; and for the other purposes therein, in the manner provided by law, as listed below:

City Council and Clerk	\$2,273,100
Administration	10,989,400
Neighborhood and Business Development	11,621,600
Environmental Services	89,092,600
Finance	11,800,900
Information Technology	7,426,600
Law	2,121,900
Library	12,296,300
Recreation and Youth Services	12,458,700
Emergency Communications	14,915,300
Police	98,618,600
Fire	52,175,300
Undistributed Expenses	148,042,100
Contingency	4,317,500
Cash Capital	36,361,000
Debt Service	37,536,100
Sub-total	\$552,047,000
Tax Reserve	2,679,183
Total	\$554,726,183

Section 3. The budget estimate of the current revenues and other receipts, other than real estate taxes and the School Tax Relief (STAR) funds, for municipal purposes for the fiscal year 2019-20 is hereby fixed and determined at \$495,188,783 and said sum is appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2019-20 providing for raising the sum of \$59,537,400 in taxation on real estate for municipal purposes is hereby adopted.

Section 5. Pursuant to subsection 20-24B(1) of the Municipal Code, the Council hereby approves the fees for collection of commercial refuse and recyclables as proposed by the Mayor for fiscal year 2019-20.

Section 6. This ordinance shall take effect on July 1, 2019.

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Passed by the following vote:

Ayes – President Scott, Councilmembers Evans, Gruber, Harris, Lightfoot, Patterson -6

Nays – Councilmembers Clifford, Ortiz, Spaul -3

By Councilmember Patterson
June 18, 2019

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

Int. No. 173	Authorizing the sale of real estate
Int. No. 174	Authorizing agreements for appraisal services
Int. No. 176	Authorizing submission of the Consolidated Community Development Plan/2019-20 Annual Action Plan and execution of grant agreements with the United States Department of Housing and Urban Development
Int. No. 177	Appropriation of funds for the City Development Fund
Int. No. 178	Appropriating funds and authorizing agreements for business development programs
Int. No. 179	Authorizing appropriations and an agreement for application intake services for the City's housing repair programs
Int. No. 180	Authorizing funding for the Demolition Program
Int. No. 181	Appropriating funds for the Emergency Assistance Repair Program
Int. No. 182	Authorizing funding and an amendatory agreement for housing repair and rehabilitation programs
Int. No. 183	Appropriating funds and authorizing agreements for Lead Hazard Control Grant Program
Int. No. 184	Appropriating funds and authorizing agreements for the HOME Rochester Program
Int. No. 185	Appropriating funds and authorizing an agreement for landlord tenant services
Int. No. 186	Appropriating funds and authorizing agreements for foreclosure prevention services
Int. No. 187	Appropriating funds and authorizing agreements for the Buyer Assistance Program
Int. No. 188	Appropriating funds and authorizing amendatory agreements for the Homebuyer Training Program
Int. No. 189	Authorizing loan agreement for the Jefferson Wollensack Housing Creation project
Int. No. 190	Appropriating funds and authorizing agreements for the Emergency Solutions Grant Program
Int. No. 191	Appropriating funds and authorizing an agreement for the Helping Elders Law Program
Int. No. 192	Appropriating funds and authorizing an agreement for the Housing Opportunities for Persons with AIDS Program
Int. No. 193	Authorizing an agreement and appropriation for the Aging in Place Home Modification Program

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

Int. No. 175	Approving the Consolidated Community Development Plan/2019-20 Annual Action Plan
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Respectfully submitted,
Michael A. Patterson
LaShay D. Harris
Jacklyn Ortiz
Willie J. Lightfoot
Loretta C. Scott

NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

TUESDAY, JUNE 18, 2019

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-162
Sale of Real Estate

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation approving the sale of three properties. City records have been checked to ensure that 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 two properties are vacant lots sold by negotiated sale to the adjoining owners who will combine the lots with their existing properties for additional green space.

The last property is a vacant lot sold by request for proposal. The purchaser will construct a parking lot per zoning guidelines which will provide additional employee parking for the existing tenant at 1645 St. Paul Street, Catholic Family Center.

The first year projected tax revenue for these three properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$2,191.

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-98

Ordinance No. 2019-162
(Int. No. 173)

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 of the negotiated sale of the following vacant lots:

Address	SBL#	Lot Size	Price	Purchaser
116 Cameron St	105.58-1-32	40 x 100	\$425	Damaris Olmeda
55 Hollister St	106.42-1-43.1	60 x 100	\$450	Alexander King

Section 2. The Council hereby approves the sale of the following vacant lot sold by request for proposal:

Address	SBL#	Lot Size	Sq. Ft.	Price	Purchaser
1646-1652 St Paul St	091.61-3-1	66 x 98	7,840	\$5,000	DRE Properties, LLC

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:

TUESDAY, JUNE 18, 2019

Re: Ordinance No. 2019-163
Appraisal Services

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation establishing maximum compensation for agreements with the following firms for appraisal services. The cost of these agreements will be funded from the 2019-20 Budget of the Department of Neighborhood and Business Development upon approval. The term of these agreements will be for one year.

Firm	Maximum Compensation
Midland Appraisal Associates, Inc. Jay J. Loson, Principal 349 W. Commercial St, Suite 2290, East Rochester, NY	\$30,000
Bruckner, Tillett & Rossi, Inc. d/b/a Bruckner, Tillett, Rossi, Cahill & Associates Kevin L. Bruckner, Principal 500 Linden Oaks, Suite 130, Rochester, NY	\$30,000

These agreements are for Appraisal Services for commercial, industrial and residential property related to acquisitions, sales, easements and other property transactions.

These firms were selected through a Request for Qualifications process. The RFQ was issued March 9, 2019 and published in the *Democrat & Chronicle*, posted on the City website, emailed and mailed directly to firms.

The selection of firms was based on experience with the typical and specialized work required for the City and their familiarity with and location within the Rochester Metropolitan Statistical Area.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-99

Ordinance No. 2019-163
(Int. No. 174)

Authorizing agreements for appraisal services

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

Section 1. The Mayor is hereby authorized to enter into professional services agreements with the following firms for appraisal services as needed by the Department of Neighborhood and Business Development (the Department) in the amounts not to exceed the stated maximum compensation as follows:

Firm	Maximum Compensation
Midland Appraisal Associates, Inc.	\$30,000
Bruckner, Tillett & Rossi, Inc.	\$30,000

Section 2. The cost of the agreements shall be funded from the 2019-20 Budget of the Department, contingent upon approval, and the agreements shall have a term of one year.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-164
Ordinance No. 2019-165
Ordinance No. 2019-166
Re: 2019-20 Annual Action Plan, Consolidated Community Development Plan

Council Priority: Rebuilding and Strengthening Neighborhood Housing; Jobs and Economic Development

Transmitted herewith for your approval is legislation relating to the 2019-20 Annual Action Plan. The legislation will:

TUESDAY, JUNE 18, 2019

1. Approve the 2019-20 Annual Action Plan, Consolidated Community Development.
2. Authorize the submission of the plans to the U.S. Department of Housing and Urban Development (HUD).
3. Authorize agreements with HUD for the receipt and use of grants to fund the Plan.
4. Appropriate \$500,000 in Urban Development Action Grant principal and interest repayments projected to be received during the 2019-20 program year for the City Development Fund.
5. Authorize the Director of Finance to record all transfers herein and to make adjustments to the amounts set forth below which may have changed prior to the date of this ordinance.

The Consolidated Community Development Plan consists of a strategic plan and annual action plans. The plan addresses the U.S. Department of Housing and Urban Development’s planning and application requirements for their formula grant programs, which include: the Community Development Block Grant, HOME Investment Partnerships, Emergency Solutions Grants Program, and Housing Opportunities for Persons with AIDS. HUD requires jurisdictions to prepare multi-year strategies and one year action plans for use of federal funds. The annual action plan covers the period July 1, 2019 through June 30, 2020.

The annual action plan describes specific projects and activities that will be undertaken in the coming year with federal funds to address priority needs. Community input was solicited at a public meeting held on March 20, 2019.

The total of funds available for 2019-20 is \$13,369,170 from the following sources:

CDBG	\$8,068,554
HOME	2,316,190
Emergency Solutions Grant	685,960
HOPWA	958,466
CDF	500,000
CDBG Program Income	750,000
HOME Program Income	<u>90,000</u>
Total	\$13,369,170

The amount of federal allocations, program income, and City Development funds available will be used for the following purposes: Promote Economic Stability, Improve the Housing Stock, General Community Needs, and Other.

Significant allocation highlights include:

- \$1,004,493 for Housing Repair/Rehab Program
- \$488,000 for the Buyer Assistance Program
- \$400,000 for Job Creation and Youth Development

Approval by the City Council of the Annual Action Plan is required by HUD. Approval of the City Development Fund is required by Resolution 83-26 (adopted May 24, 1983).

A public hearing on the 2019-20 Annual Action Plan is required.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Ordinance No. 2019-164
 (Int. No. 175)

Approving the Consolidated Community Development Plan/2019-20 Annual Action Plan

WHEREAS, there is pending before this Council the Draft Consolidated Community Development Plan/2019-20 Annual Action Plan (the Plan) to be financed with \$13,369,170 available to the City of Rochester from the federal Community Development Block Grant, HOME Investment Partnerships, Emergency Solutions Grant Program, Housing Opportunities for Persons with AIDS Program, City Development Fund, Urban Development Action Grant loan and interest repayments, and other program income;

WHEREAS, the Plan was prepared according to an approved Citizen Participation Plan and reflects public comments and consultations;

WHEREAS, notice of the Plan was published in the legal notices section of the Democrat and Chronicle on February 19, 2019;

WHEREAS, the Plan was the subject of a general public hearing on March 20, 2019, as specified in the February 19th newspaper notice;

TUESDAY, JUNE 18, 2019

WHEREAS, in another notice published in the legal notices section of the Democrat and Chronicle on May 13, 2019, citizens, public agencies and other interested parties were invited to submit comments by June 13, 2019, either in writing or at public hearing scheduled for June 13, 2019;

WHEREAS, on June 13, 2019, the City Council conducted a public hearing on the Plan and on the needs, strategies, proposed actions and annual performance report;

WHEREAS, the City Council has reviewed the needs, strategies and proposed actions with City staff; and

WHEREAS, the City Council has reviewed the public comments and recommendations.

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

Section 1. The Council hereby adopts the Draft Consolidated Community Development Plan/ 2019-20 Annual Action Plan.

Section 2. The Mayor is hereby directed to prepare detailed programs and specifications for the various actions and to submit said plans to City Council for approval prior to implementation.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes – President Scott, Councilmembers Clifford, Evans, Gruber, Harris, Lightfoot, Ortiz, Patterson – 8

Nays – None- 0

Councilmember Spauld abstained due to a personal relationship.

Ordinance No. 2019-165
(Int. No. 176)

Authorizing submission of the Consolidated Community Development Plan/2019-20 Annual Action Plan and execution of grant agreements with the United States Department of Housing and Urban Development

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

Section 1. The Mayor is hereby authorized to submit the Consolidated Community Development Plan/2019-20 Annual Action Plan (the Plan) to the United States Department of Housing and Urban Development.

Section 2. The Mayor is hereby further authorized to provide any such information that may be required and to execute all necessary grant agreements with the United States Department of Housing and Urban Development for the Program Year beginning July 1, 2019.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes – President Scott, Councilmembers Clifford, Evans, Gruber, Harris, Lightfoot, Ortiz, Patterson – 8

Nays – None- 0

Councilmember Spauld abstained due to a personal relationship.

Ordinance No. 2019 166
(Int. No. 177)

Appropriation of funds for the City Development Fund

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

Section 1. As part of the Consolidated Community Development Plan/2019-20 Annual Action Plan, the Council hereby appropriates the sum of \$500,000 in anticipated Urban Development Action Grant loan repayment funds and reversionary interest payments and interest, to be utilized as capital for the City Development Fund.

TUESDAY, JUNE 18, 2019

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary for the implementation of programs funded by the appropriation made herein.

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

Section 4. The Director of Finance shall record all transfers herein and shall have the authority to make adjustments to the amounts set forth which may have changed prior to the adoption of this ordinance.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes – President Scott, Councilmembers Clifford, Evans, Gruber, Harris, Lightfoot, Ortiz, Patterson – 8

Nays – None- 0

Councilmember Spauld abstained due to a personal relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Re: Ordinance No. 2019-167
2019-20 Consolidated Community
Development Plan – Business Development Financial Assistance Program –

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation related to the City of Rochester's Business Programs as described in the 2019-20 Consolidated Community Development Annual Action Plan. This legislation will:

1. Appropriate a total of the estimated CDBG funds of \$500,000 from the Business Development Assistance Program of the Promote Economic Stability allocation of the 2019-20 Consolidated Community Development Annual Action Plan.
2. Authorize agreements necessary to implement the programs.

An additional \$200,000 in City Development Funds (CDF) will be appropriated for the Development Fund for Business Development Financial Assistance at the June 2019 City Council meeting.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-167
(Int. No. 178)

Appropriating funds and authorizing agreements for business development programs

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

Section 1. The sum of \$500,000 in Community Development Block Grant (CDBG) funds is hereby appropriated from the Business Development Financial Assistance Program project of the Consolidated Community Development Plan/2019-20 Annual Action Plan, contingent upon the adoption of said Plan, to implement a Business Development Financial Assistance loan and grant program (Program).

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Program authorized herein.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City shall only enter into agreements with organizations that are in compliance with federal regulations.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TUESDAY, JUNE 18, 2019

TO THE COUNCIL

Ladies and Gentlemen:

Re: Ordinance No. 2019-168
Housing Repair Programs - Application Intake Services

Council Priority: Creating and Sustaining a Culture of Vibrancy; Rebuilding and Strengthening Neighborhood Housing.

Transmitted herewith for your approval is legislation related to application intake services for the City's housing repair programs. This legislation will:

1. Appropriate \$60,132 from the Housing Repair Programs – Application Intake Services allocation of the 2019-20 Annual Action Plan;
2. Appropriate \$34,256 from the Housing Repair Programs – Application Intake Services allocation of the 2018-19 Annual Action Plan
3. Establish \$94,388 as maximum compensation for an agreement with Action for a Better Community, Incorporated (ABC), Jerome H. Underwood, President & CEO, 400 West Avenue, Rochester, NY 14611, to provide application intake services for the City's housing repair programs to be funded from the appropriation made in Section 1 and 2 above for a term of one year with the option to extend for an additional year if funds remain from the amount allocated herein.

A Request for Proposal was posted to the City's website to solicit agencies that are interested in providing application intake services for the City's housing repair programs. Two agencies responded: PathStone and ABC.

ABC received the higher score on the attached Vendor Selection Process Summary Sheet and was therefore chosen to act as the central point of contact for property owners to obtain information about the City's housing repair programs. ABC will be responsible for marketing the programs to the community, accepting applications for the housing repair program, providing technical assistance, and submitting completed applications to the City for review.

Budget

Salaries	\$70,000
Fringe (21% of salaries)	\$13,048
Indirect (16.2% of salaries)	\$11,340
Total	\$94,388

Attachment No. AS-100

Ordinance No. 2019 – 168
(Int. No. 179)

Authorizing appropriations and an agreement for application intake services for the City's housing repair programs

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

Section 1. The Council hereby appropriates \$60,132 from the Housing Repair Programs-Application Intake Services project of the Consolidated Community Development Plan/2019-20 Annual Action Plan, contingent upon the adoption of said Plan, to provide application intake services for the City's housing repair programs.

Section 2. The Council hereby appropriates \$34,256 from the Housing Repair Programs-Application Intake Services project of the Consolidated Community Development Plan/2018-19 Annual Action Plan to provide application intake services for the City's housing repair programs.

Section 3. The Mayor is hereby authorized to enter into an agreement with Action for a Better Community, Incorporated to provide application intake services for the City's housing repair programs. The maximum compensation for the agreement shall be \$94,388, which shall be funded from the appropriations in Sections 1 and 2 above. The agreement shall have a term of 1 year with the option to extend for up to one additional year if funds remain from the amount allocated herein.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

TUESDAY, JUNE 18, 2019

Passed by the following vote:

Ayes- President Scott, Councilmembers Clifford, Evans, Harris, Lightfoot, Ortiz, Patterson, Spaul – 8

Nays – None – 0

Councilmember Gruber abstained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-169
Re: Demolition Program

Council Priority: Creating and Sustaining a Culture of Vibrancy; Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the continuation of the City's Demolition Program. This legislation will appropriate \$1,400,000 from the Demolition allocation of the 2019-20 Annual Action Plan.

These funds will allow the City to continue its demolition program. Demolition includes City-owned and privately-owned structures. These funds will remove approximately 56 structures over the next twelve months.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-169
(Int. No. 180)

Authorizing funding for the Demolition Program

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

Section 1. The Council hereby appropriates \$1,400,000 from the Demolition project allocation of the Consolidated Community Development Plan/2019-20 Annual Action Plan, contingent upon the adoption of said Plan, for the Demolition Program to continue the removal of vacant, derelict and fire damaged structures in the City of Rochester.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-170
Re: Housing Development Fund – Emergency Assistance Repair Program

Council Priority: Creating and Sustaining a Culture of Vibrancy; Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the City's Emergency Assistance Repair Program. This legislation will appropriate \$200,000 from the Housing Development Fund -Emergency Assistance Repair Program allocation of the 2019-20 Annual Action Plan for the City's use to operate the program.

The City's Emergency Assistance Repair Program will provide assistance to eligible owner occupants for furnace, hot water tank and/or other emergency repairs. The funds will serve approximately 100 households. The City will continue to use existing agreements with Betlem Residential Heating and Air Conditioning and Mr. Rooter Plumbing to perform the necessary work.

Since the beginning of the fiscal year (7/01/18 – 5/15/19), a total of 51 furnaces were repaired or replaced and 43 water tanks were replaced. Owners must be current with City and Monroe County property taxes and not be subject to mortgage foreclosure. Household incomes must be at or below 80% of the Housing and Urban Development (HUD) area median income.

Respectfully submitted,
Lovely A. Warren
Mayor

TUESDAY, JUNE 18, 2019

Ordinance No. 2019-170
(Int. No. 181)

Appropriating funds for the Emergency Assistance Repair Program

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

Section 1. The amount of \$200,000 is hereby appropriated from the Housing Development Fund - Emergency Assistance Repair Program (EARP) project of the Consolidated Community Development Plan/2019-20 Annual Action Plan, contingent upon the adoption of said Plan, for the City's use to operate the EARP to assist eligible homeowners with repair and/or replacement of furnaces, hot water tanks and/or other emergency repairs.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-171
Re: Housing Repair/Rehabilitation Program

Council Priority: Creating and Sustaining a Culture of Vibrancy; Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the City's housing rehab programs. This legislation will:

1. Appropriate \$1,004,493 from the Housing Repair/Rehabilitation Program allocation of the 2019-20 Annual Action Plan for the City's use to operate the Housing Rehab program;
2. Amend an agreement with Environmental Testing & Consulting, Inc. (ETC), David P. Majewski, owner, PO Box 466, Batavia, NY 14021, authorized by Ordinance No. 2017-296 to increase the maximum amount of compensation by \$70,000 to a new total of \$100,000 to provide lead based paint evaluation services for the City's housing rehab programs to be funded from the appropriation made in No. 1 above. The term of the agreement will be extended through June 30, 2020 with the option to extend for 2 additional years if funding remains in the agreement.

The program will offer financial assistance to owner-occupants of 1-4 family residential structures. These funds will be allocated in the following manner: to support areas where housing development projects are located, areas where the most gain can be achieved as per the Housing Market Study, and to mitigate blight and hazards city-wide. The program will be combined with \$500,000 in funding received from New York State. It is expected that 62 property owners will be served.

Owners must be current with City and Monroe County property taxes and not be subject to tax or mortgage foreclosure. Household incomes must be at or below 80% of the Housing and Urban Development (HUD) area median income to be adjusted annually.

ETC was selected through an RFP that was completed in March 2016 and has since performed to the City's satisfaction. To maintain the services of ETC a new RFP was not initiated. A justification for no RFP is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-101

Ordinance No. 2019-171
(Int. No. 182)

Authorizing funding and an amendatory agreement for housing repair and rehabilitation programs

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

Section 1. The Council hereby appropriates \$1,004,493 from the Housing Repair/Rehabilitation Program project of the Consolidated Community Development Plan/2019-20 Annual Action Plan, contingent upon the adoption of said Plan, for the City's use to operate its housing repair and rehabilitation programs (collectively, the Housing Rehab Program).

Section 2. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Environmental Testing & Consulting, Inc. to provide lead based paint evaluation services for the Housing Rehab Program. The amendment shall increase the maximum compensation of the existing agreement, which was originally authorized by Ordinance No. 2017-296, by \$70,000 to a total amount of \$100,000. The amendatory compensation amount shall be funded from the appropriation in Section 1 above. The amendatory agreement shall terminate on June 30, 2020, with the option to extend the term for up 2 years if any of the funding allocated herein remains.

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Section 3. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. The Mayor is hereby authorized to enter into agreements with recipients and to execute such other documents as may be necessary to implement the Housing Rehab Program. All such agreements shall be contingent on compliance with federal regulations and shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-172
Re: Lead Hazard Control Program

Council Priority: Creating and Sustaining a Culture of Vibrancy; Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation authorizing the appropriation of \$300,000 from the Lead Hazard Control allocation of the 2019-20 Annual Action Plan for the City's Lead Hazard Control Grant Program for the City's use.

The Lead Hazard Control Grant Program was approved by City Council through Ordinance No. 2017-296. A total of \$1 million in HUD funding was appropriated. This appropriation represents the City's matching funds that are required for the program.

The City continues to operate the Lead Hazard Control Grant Program by offering financial assistance to eligible owners of one to four unit privately-owned residential units. Typical lead hazard control work activities include: window/door replacement; porch repair/replacement; siding; minor rehabilitation work; and bare soil treatment.

The City's Lead Hazard Control Program operates for 3 years (2018-2021) which will produce a total of 100 units of lead safe housing for the entire program. This appropriation will allow for a minimum of 60 units to be produced by December 2020.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-172
(Int. No. 183)

Appropriating funds and authorizing agreements for Lead Hazard Control Grant Program

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

Section 1. The sum of \$300,000 is hereby appropriated from the Lead Hazard Control project of the Consolidated Community Development Plan/2019-20 Annual Action Plan, contingent upon the adoption of said Plan, to implement the City's Lead Hazard Control Grant Program (Program).

Section 2. The Mayor is hereby authorized to enter into agreements with recipients and to execute such other documents as may be necessary to implement the Program. All such agreements and documents shall be contingent on compliance with federal regulations and 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. 2019-173
Re: Agreement – Rochester Housing Development Fund Corporation, HOME Rochester Program; Housing Development Fund

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the 2019-20 Annual Action Plan of the Consolidated Community Development Plan (Con Plan) Housing Development Fund for the continuation of the HOME Rochester Program. This legislation will:

- (1) Appropriate a total of \$806,429 from the Housing Development Fund allocation of the 2019-20 Annual Action Plan of the Consolidated Community Development Plan as follows:

Amount	Source	Purpose
\$174,000	2019-20 Housing Development Fund: Housing Development Support [Community Development Block Grant (CDBG)]	Program Operation
\$347,429	2019-20 Housing Development Fund: Community Housing Development Organization (CHDO) (HOME funds)	Development subsidies – incomes no more than 80% of Area Median Income (AMI)
\$285,000	2019-20 Cash Capital dollars	Development subsidies – incomes no more than 120% of AMI

- (2) Establish \$174,000 as maximum compensation for an agreement with Rochester Housing Development Fund Corporation (RHDFC; Principal Theodora Finn) for operation of the HOME Rochester program. The cost of the agreement will be financed from the CDBG funds appropriated herein.
- (3) Authorize an agreement with the RHDFC, a qualified CHDO, for the administration of development subsidies totaling \$347,429 for families whose incomes are no more than 80% of AMI. The cost of the agreement will be financed from the HOME funds appropriated herein.

The City is required to reserve at least 15% of its annual HOME award to fund the development of affordable housing by non-profit CHDOs that must demonstrate to the City that they continue to meet U.S. Department of Housing and Urban Development (HUD) requirements pertaining to CHDOs.

- (4) Authorize an agreement with RHDFC for the administration of development subsidies totaling \$285,000 for families whose incomes are no more than 120% of Area Median Income. These subsidies will be financed from Cash Capital funds.

The HOME Rochester Program provides for the acquisition and rehabilitation of vacant, single-family houses for resale to income-eligible households. RHDFC operates the HOME Rochester Program in partnership with the City, the Greater Rochester Housing Partnership, Inc. (GRHP; Principal Theodora Finn), and neighborhood based, non-profit developers. RHDFC buys vacant homes and oversees home rehabilitation for sale to first-time homebuyers. Since its inception in 2001, 771 properties have been rehabilitated and sold to first-time homebuyers. Rehabilitation includes efforts to provide and improve ‘green’ and energy efficiency activities to promote sustainability as well as cost savings for the low-moderate income households who reside in the home.

The total of \$ 632,429 proposed for development subsidies will provide an average of \$45,000 each for the acquisition and rehabilitation of approximately 14 vacant structures. The funds are a required match for the City’s agreement with HUD for its Asset Control Area program as well as NYS’s Affordable Housing Corporation subsidy program, both of which are used to mitigate the costs of acquisition and rehabilitation and reduce blight in the City of Rochester.

Properties rehabilitated through HOME Rochester will be marketed to families with incomes not exceeding 120% of AMI and the subsidy funds authorized herein will be used to support buyers with incomes at or below 80% of AMI for HOME-funded houses and at or below 120% of MFI for CIP-funded properties. All purchasers are required to attend pre- and post-purchase homebuyer training classes and to reside in the properties for a minimum of 10 years.

These programs support the Housing Development Fund objective of the City Housing Policy.

Agreement term for the Operating Agreement will be for one year. The subsidy agreement term will be for two years, with an option to extend for an additional year if funds remain in the original appropriation.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Ordinance No. 2019-173
 (Int. No. 184)

Appropriating funds and authorizing agreements for the HOME Rochester Program

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

Section 1. A total of \$806,429 is hereby appropriated from various Housing Development Fund projects of the Consolidated Community Development Plan/2019-20 Annual Action Plan, contingent upon the adoption of said Plan, or from Cash Capital contingent upon the approval of the 2019-20 City Budget, to continue the HOME Rochester Program (Program) as follows:

Amount	Source	Purpose
\$174,000	Housing Development Fund - Housing Development Support	Program Operation

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\$347,429	Housing Development Fund - Community Housing Development Organization (CHDO)	Development subsidies – incomes no more than 80% of the Area Median Income (AMI)
\$285,000	2019-20 Cash Capital	Development subsidies – incomes no more than 120% of AMI

Section 2. The Mayor is hereby authorized to enter into an agreement with Rochester Housing Development Fund Corporation (RHDFC) in the maximum amount of \$174,000 to administer the Program. The agreement shall have a term of one year and shall be funded from the Housing Development Support funds appropriated in Section 1.

Section 3. The Mayor is hereby authorized to enter into an agreement with RHDFC, a qualified CHDO, for the administration of housing development subsidies totaling \$347,429 for families whose incomes are no more than 80% of AMI. The agreement shall be funded from the CHDO funds appropriated in Section 1. The term of this agreement shall be two years with the option to extend for up to 1 additional year if funds remain from the allocation provided for herein.

Section 4. The Mayor is hereby authorized to enter into an agreement with RHDFC for the administration of housing development subsidies totaling \$285,000 for families whose incomes are no more than 120% of AMI. The agreement shall be funded from the Cash Capital funds appropriated in Section 1. The term of this agreement shall be two years with the option to extend for up to 1 additional year if funds remain from the allocation provided for herein.

Section 5. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City and RHDFC shall enter into agreements for this program only with organizations that are in compliance with federal regulations.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-174
 Re: Agreement - Legal Aid Society of Rochester, New York, Inc., 2019-20 Consolidated Community Development Plan; Rental Market Fund-Landlord Tenant Services

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the 2019-20 Annual Action Plan of the Consolidated Community Development Plan (Con Plan) Landlord Tenant Services Program, contingent upon adoption of the Con Plan. This legislation will:

1. Appropriate \$95,000 from the Rental Market Fund-Landlord Tenant Services allocation of the 2019-20 Con Plan for implementation of the Landlord Tenant Services Program; and
2. Establish \$95,000 as maximum compensation for an agreement with the Legal Aid Society of Rochester, New York, Inc. (Principal: Carla Palumbo) to provide housing stabilization services to tenants and landlords. The term of the agreement will be one year and the cost will be financed from the appropriation herein.

The Legal Aid Society of Rochester New York, Inc. will serve as lead agency in partnership with Legal Assistance of Western New York Inc. (Principal: C. Ken Perry) and The Housing Council at PathStone, Inc. (Principal: Susan Boss). Services for both landlords and tenants include:

- Training for landlords on operating rental property as a business, and compliance with fair housing quality standards; and
- Eviction prevention services for tenants to re-establish or maintain stable housing situations.

The City will enter into agreements for this program only with organizations that are in compliance with federal regulations. If funds are different, not available, or are less than anticipated, the agreement amounts and terms will be adjusted accordingly. A justification statement for not issuing a request for proposals is attached.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-102

Ordinance No. 2019-174
 (Int. No. 185)

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Appropriating funds and authorizing an agreement for landlord tenant services

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

Section 1. The sum of \$95,000 is hereby appropriated from the Rental Market Fund-Landlord/Tenant Services allocation of the Consolidated Community Development Plan/2019-20 Annual Action Plan (the Plan) for the provision of housing stabilization services to tenants and landlords, contingent upon adoption of the Plan.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Legal Aid Society of Rochester, New York in a maximum amount of \$95,000 to provide housing stabilization services to tenants and landlords. The amount of said agreement, or so much thereof as may be necessary, shall be funded from the sum appropriated in Section 1. If funds are not available or are less than anticipated, the agreement amounts and terms shall be adjusted accordingly.

Section 3. The agreement shall be for a term of one year.

Section 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City shall enter into agreements for these services only with organizations that are in compliance with federal regulations.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-175

Re: Agreements - The Housing Council at PathStone, Inc. and Empire Justice Center, 2019-20 Consolidated Community Development Plan; Homeownership Fund – Foreclosure Prevention Program

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the 2019-20 Annual Action Plan of the Consolidated Community Development Plan (Con Plan) Foreclosure Prevention Program, contingent upon adoption of the Con Plan. This legislation will:

1. Appropriate a total of \$165,000 from the 2019-20 Homeownership Fund-Foreclosure Prevention allocation of the Community Development Block Grant (CDBG) of the Con Plan for implementation of the Foreclosure Prevention Program.
2. Establish \$143,500 and \$21,500 as maximum compensation for The Housing Council at PathStone, Inc. (Principal: Susan Boss) and Empire Justice Center (Principal: Anne Erickson), respectively, to provide foreclosure prevention services. The term of these agreements will be one year and the cost will be financed from the funds appropriated herein.

These two organizations are uniquely qualified. The Housing Council at PathStone, Inc. is a U.S. Housing and Urban Development-approved Housing Counseling Agency with the capacity to handle a large volume of cases. The Housing Council's services include the review of households' financial circumstances and negotiation with lenders to resolve mortgage arrears. The Empire Justice Center is a leader in developing statewide standards for foreclosure prevention legal services. The Empire Justice Center will provide legal advice and litigation services when required by analysis of clients' circumstances.

The City will enter into agreements for this program only with organizations that are in compliance with federal regulations. A justification statement for not issuing a request for proposals is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-103

Ordinance No. 2019-175
(Int. No. 186)

Appropriating funds and authorizing agreements for foreclosure prevention services

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

Section 1. The sum of \$165,000 is hereby appropriated from the Homeownership Fund-Foreclosure Prevention allocation of the Consolidated Community Development Plan/2019-20 Annual Action Plan (the Plan) for the provision of foreclosure prevention services, contingent upon adoption of the Plan.

Section 2. The Mayor is hereby authorized to enter into an agreement with The Housing Council at PathStone, Inc. in a maximum amount of \$143,500 to provide foreclosure prevention services.

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Section 3. The Mayor is hereby authorized to enter into an agreement with Empire Justice Center in a maximum amount of \$21,500 to provide foreclosure prevention services.

Section 4. The amounts of said agreement, or so much thereof as may be necessary, shall be funded from the sum appropriated in Section 1. If funds are not available or are less than anticipated, the agreement amounts and terms shall be adjusted accordingly.

Section 5. The agreements shall be for a term of one year.

Section 6. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City shall enter into agreements for these services only with organizations that are in compliance with federal regulations.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-176

Re: Homeownership Promotion - Buyer Assistance Program, 2019-20 Consolidated Community Development Plan

Council Priority: Rebuilding and Strengthening Neighborhoods

Transmitted herewith for your approval is legislation related to the Buyer Assistance Program of the 2019-20 Annual Action Plan of the Consolidated Community Development Plan (Con Plan), contingent upon its adoption. This legislation will:

1. Appropriate \$398,000 from the Buyer Assistance allocation of the Homeownership Promotion Fund - HOME funds, of the 2019-20 Con Plan;
2. Authorize agreements with the recipients of Buyer Assistance Funds for up to \$8,000 to purchase houses through the City's housing initiatives; and
3. Authorize the Director of Finance to record all transfers herein and to make adjustments to the amounts set forth below which may have changed prior to the date of this ordinance.

The Buyer Assistance Program provides financial assistance up to \$8,000 to eligible homebuyers who purchase houses through the City's housing initiatives, as described in the Con Plan. The financial assistance provided by the Buyer Assistance Program is for closing costs and down payment.

Homebuyer eligibility is based on income, ability to qualify for a conventional mortgage loan for which payments will not exceed 30% of the gross monthly income, and payment of personal funds in the amount of a minimum of \$1,500 towards the purchase of the home. Each buyer must complete a pre-purchase education class before closing and attend post-purchase classes as well.

The 2019-20 HOME allocation will serve approximately 67 eligible homebuyers with incomes of no more than 80% median family income (MFI).

The Homeownership Promotion Fund supports the City Housing Policy objective to promote the rehabilitation, redevelopment and new construction of housing.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-176
(Int. No. 187)

Appropriating funds and authorizing agreements for the Buyer Assistance Program

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

Section 1. The sum of \$398,000 is hereby appropriated for the City's Buyer Assistance Program (Program) from the HOME funds within the Homeownership Promotion Fund - Buyer Assistance allocation of the Consolidated Community Development Plan/2019-20 Annual Action Plan, contingent upon the adoption of said Plan.

Section 2. The Mayor is hereby authorized to enter into such agreements with recipients of Buyer Assistance funds as may be necessary to implement the Program, with each having a maximum amount of up to \$8,000 to be funded from the funds appropriated herein.

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

Section 4. The Director of Finance is hereby authorized to record all transfers herein and to make adjustments to the amounts set forth herein.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-177

Re: Homebuyer Training Program, 2019-20 Consolidated Community Development Plan

Council Priority: Rebuilding and Strengthening Neighborhoods

Transmitted herewith for your approval is legislation related to the Homebuyer Training Program of the 2019-20 Annual Action Plan of the Consolidated Community Development Plan (Con Plan), contingent upon its adoption. This legislation will:

1. Appropriate \$50,000 of HOME funds from the Homebuyer Training allocation of the Homeownership Promotion Fund of the 2019-20 Con Plan;
2. Appropriate \$50,000 of the City Development Fund (CDF) from the Homebuyer Training allocation of the Homeownership Promotion Fund of the 2019-20 Con Plan;
3. Amend agreements with the following organizations by increasing aggregate funding by the amounts appropriated herein to continue providing Homebuyer training for a one-year term with the option to extend for one more year:
 - Neighborhood Housing Services of Rochester Inc. DBA NeighborWorks Rochester. (Principal: Joanne Panarisi-Bottone)
 - Urban League of Rochester, NY, Inc. a/k/a The Home Store (Principal: William G. Clark)
 - Consumer Credit Counseling Service of Rochester, Inc. (Principal: Jason Tracy)
 - The Housing Council at PathStone, Inc. (Principal: Susan Boss)

These four organizations were first engaged via Ordinance No. 2015-184, which was amended by Ordinance Nos. 2015-256, 2016-149, 2017-223, 2018-185 and 2018-358 to provide additional funds to continue to provide pre- and post-purchase training to all recipients of City closing cost grants. The proposed amendatory agreements will allow at least 180 households to receive the training described above.

These providers were selected through a request for proposals process in spring 2015. The City enters into agreements with organizations that are in compliance with federal regulations.

The Homeownership Promotion Fund supports the City Housing Policy objective to promote the rehabilitation, redevelopment and new construction of housing.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-104

Ordinance No. 2019-177
(Int. No. 188)

Appropriating funds and authorizing amendatory agreements for the Homebuyer Training Program

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

Section 1. The following amounts are hereby appropriated for the Homebuyer Training Program (Program) from the Consolidated Community Development Plan/2019-20 Annual Action Plan (the Plan):

- a. \$50,000 from the HOME fund portion of the Homeownership Promotion Fund – Homebuyer Training allocation; and
- b. \$50,000 from the City Development Fund portion of the Homeownership Promotion Fund – Homebuyer Training allocation

Both appropriations shall be contingent upon the adoption of the Plan.

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Section 2. The Mayor is hereby authorized to enter into amendatory agreements with the following providers for homebuyer training services so as to modify the agreements that were authorized by Ordinance No. 2015-184, as amended by Ordinance Nos. 2015-256, 2016-149, 2017-223, 2018-185, and 2018-358, to add the funds appropriated in Section 1 to their aggregate compensation in order for the providers to continue providing services for additional terms of one year with the option to extend for one additional year:

Neighborhood Housing Services of Rochester Inc. d/b/a NeighborWorks Rochester

Urban League of Rochester, NY, Inc. a/k/a The Home Store

Consumer Credit Counseling Service of Rochester, Inc.

The Housing Council at PathStone, Inc.

Section 3. The amendatory agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City and training providers shall enter into agreements for the Program only with organizations that are in compliance with federal regulations.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-178

Re: Jefferson Wollensack Housing Creation Assistance, Affordable Housing Fund

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the Jefferson Wollensack rehabilitation and new construction project, a mixed-use, low-income housing project at 872 and 886 Hudson Avenue and 663-667 Jefferson Avenue being undertaken by Urban League of Rochester Economic Development Corporation (ULREDC) (Carolyn Vitale, Vice-President and COO).

This legislation will:

1. Authorize a pre-development loan agreement for \$300,000 with ULREDC or an affiliated partnership or housing development fund corporation to be formed by ULREDC, and appropriate \$300,000 in HOME funds from the Affordable Housing Fund allocation of the 2018-19 Housing Development Fund to fund the loan.

The loan will serve initially as a 2% pre-development/construction loan payable annually. If the project is deemed feasible, at conversion to permanent financing it will become a 30 year, 1% interest-only loan payable annually with the principal payment due at the end of the 30 year term.

2. Authorize the Mayor to execute such agreements and other documents as may be necessary to effectuate the agreement authorized herein; and
3. Authorize the Director of Finance 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.

The Jefferson Wollensack project involves the rehabilitation and new construction of 41 rental units. The Wollensack Building, 872-886 Hudson Avenue, a dilapidated former factory, will become 22 rental units and the Jefferson Avenue site at 663-667 Jefferson Avenue, currently vacant city-owned land, will be redeveloped into 19 rental units for low-income households. All 41 units will be targeted to households with income at or below 50% of the Area Median Income, including 7 units of Supported Housing, specifically targeted for households with intellectual or developmental disabilities, with assistance from the Office of Persons with Developmental Disabilities (OPWDD).

The Hudson Avenue site is currently part of a NYS DEC Brownfield Cleanup Program, which involves intensive investigation and then remediation of environmental concerns. While the regulated materials abatement and BCP investigation is ongoing, up to 90% of the City's HOME funds will be provided to the developer as pre-development. Interest will accrue annually at 2%. The pre-development and site preparation costs are estimated at \$1,200,000, paid for with funds from the investor and deferred development fee, as well as the City's HOME funds. If the project moves ahead as expected, the Total Development Cost is estimated to be \$14,017,161 with funding from NYS Housing and Community Renewal (HCR), Office of Persons with Developmental Disabilities (OPWDD), NYS Energy Research and Development (NYSERDA), and tax credits from the DEC's Brownfield Cleanup Program, among others. At that time, request will be made for the sale of land and approval of a PILOT.

Loan Committee Review and recommendation for approval occurred on May 15, 2019. Workforce goals for the project are 6.9% women and 20% minorities and 25% City residents, along with a combined goal of 30% for MBE/WBE firms.

This is considered a Type II action for SEQR so no action is needed. A full SEQR Coordinated Review will be completed prior to any sale of land or PILOT approval. A National Environmental Policy Act or NEPA review has been completed with a Finding of No Significant Impact.

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Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-105

Ordinance No. 2019-178
(Int. No. 189)

Authorizing loan agreement for the Jefferson Wollensack Housing Creation project

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

Section 1. The sum of \$300,000 from the Housing Development Fund – Affordable Housing Fund allocation of the Consolidated Community Development Plan/2018-19 Annual Action Plan is hereby appropriated as principal for the loan authorized herein.

Section 2: The Mayor is hereby authorized to enter into a loan agreement with the Urban League of Rochester Economic Development Corporation or an affiliated partnership or housing development fund corporation to be formed for the purpose (the Developer) to provide \$300,000 in pre-development, construction and permanent financing for the construction of affordable housing units in the Wollensack Building located at 872 and 886 Hudson Avenue and on vacant land located at 663-667 Jefferson Avenue (the Project). The Project shall consist of 41 housing units that are affordable to households with incomes at or less than 50% of the Area Median Income and include 7 units of supported housing targeted for residents with intellectual or developmental disabilities.

Section 3. The loan shall be in the amount of \$300,000, which shall be funded from the amount appropriated in Section 1 herein. The loan agreement shall have a term that extends to 30 years following completion of Project construction. The loan shall function initially as a 2% pre-development and construction loan with interest-only payments due annually until construction is complete, whereupon it shall convert to 1% permanent financing with a term of 30 years during which interest-only payments shall be due annually. The repayment of the loan principal shall be due at the end of the loan term.

Section 4. The Director of Finance is hereby authorized to adjust the loan interest rate and other terms and conditions in order to conform to requirements for Project tax credits and other legal requirements.

Section 5. The agreement authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate. The Mayor is hereby authorized to execute such other agreements and other documents as may be necessary to effectuate the agreement authorized herein.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-179
Re: 2019-20 Consolidated Community Development Plan - Emergency Solutions Grants Program

Council Priority: Rebuilding and strengthening neighborhood housing

Transmitted herewith for your approval is legislation related to authorizing thirteen (13) agreements with twelve (12) not-for-profit providers of services for homeless individuals and families for Emergency Solutions Grant Program (ESG) services; and establishing \$634,513 as the maximum compensation for the agreements to be funded from the Housing Choice Fund of the 2019-20 Consolidated Community Development Block Grant Consolidated Plan/Emergency Solutions Grants Program as follows, contingent upon adoption of the 2019-20 Consolidated Community Development Plan (Con Plan):

Organization	Principal	Award
Spiritus Christi Prison Outreach, Inc.	Jim Smith	34,000
Rochester Area Interfaith Hospitality Network, Inc.	Kim Hunt-Uzelac	43,000
Volunteers of America of Western New York, Inc.	Barbara Banaszynski	34,000
The Salvation Army of Greater Rochester	Major Douglas Hart	43,000
Catholic Charities of the Diocese of Rochester, dba Catholic Family Center	Marlene Bessette	86,000
Coordinated Care Services Inc. (Coordinated Entry)	Anne Wilder	29,675

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The Center for Youth Services, Inc.	Elaine Spaul	35,000
The YWCA of Rochester and Monroe County, N.Y.	Angela Panzarella	42,000
Willow Domestic Violence Center of Greater Rochester, Inc.	Meaghan de Chateaufvieux	25,000
Coordinated Care Services Inc. (Rapid ReHousing)	Anne Wilder	165,000
Veteran's Outreach Center, Inc.	Laura Stradley	20,000
Saving Grace Ministries of Rochester, Inc.	James Crowley	15,000
Providence Housing Development Corporation	Mark Greisberger	62,838
TOTAL		\$634,513

This program was last authorized by City Council on June 19, 2018 via Ordinance No. 2018-189. ESG provides housing and support services for individuals and families who are homeless or at risk of homelessness. Eligible activities include case management, support services, service coordination, shelter operations (staffing and operating costs) and addition of beds, financial assistance and related services for prevention of homelessness and rapid re-housing. The appropriation will fund street outreach, essential services and emergency shelter operations, homelessness prevention, and rapid rehousing.

The Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH) Emergency Solution Grants Program require grantees (City and County) collaborate with the community of homelessness service providers. To that end, funding priorities were jointly determined with the Rochester/Monroe County Continuum of Care (CoC). 2019-20 providers were selected through a Request for Proposal (RFP) process. The RFP development and funding distribution decisions were conducted jointly with Monroe County. The RFP was issued February 21, 2019.

If funds are different, not available, or less than anticipated, agreement amounts and terms will be adjusted accordingly. Agreement terms will be for one year, with the option to extend for an additional year if funds remain in the original appropriation.

Attached are summaries of the RFP process and agency services. This legislation supports the City Housing Policy's Section 4: Promote Housing Choice.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-106

Ordinance No. 2019-179
(Int. No. 190)

Appropriating funds and authorizing agreements for the Emergency Solutions Grant Program

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

Section 1. The sum of \$634,513, or so much thereof as may be necessary, is hereby appropriated to the Emergency Solutions Grant Program (Program) from the Housing Choice Fund – Emergency Solutions Grants allocation of the Consolidated Community Development Plan/2019-20 Annual Action Plan, contingent upon the adoption of said Plan.

Section 2. The Mayor is hereby authorized to enter into agreements with the following thirteen providers for services to homeless individuals and families under the Program. The agreements shall obligate the City to pay an aggregate amount not to exceed \$634,513 with the maximum amount for each agreement being as follows:

Organization	Amount
Spiritus Christi Prison Outreach, Inc.	\$ 34,000
Rochester Area Interfaith Hospitality Network, Inc.	\$ 43,000
Volunteers of America of Western New York, Inc.	\$ 34,000
The Salvation Army of Greater Rochester	\$ 43,000
Catholic Charities of the Diocese of Rochester, d/b/a Catholic Family Center	\$ 86,000
Coordinated Care Services Inc. (Coordinated Entry)	\$ 29,675
The Center for Youth Services, Inc.	\$ 35,000

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The YWCA of Rochester and Monroe County, N.Y.	\$ 42,000
Willow Domestic Violence Center of Greater Rochester, Inc.	\$ 25,000
Coordinated Care Services Inc. (Rapid ReHousing)	\$ 165,000
Veteran's Outreach Center, Inc.	\$ 20,000
Saving Grace Ministries of Rochester, Inc.	\$ 15,000
Providence Housing Development Corporation	\$ 62,838
TOTAL	\$ 634,513

Section 3. The amounts of said agreements, or so much thereof as may be necessary, shall be funded from the sum appropriated in Section 1. If funds are not available or are less than anticipated, the agreement amounts and terms shall be adjusted accordingly.

Section 4. The agreements shall be for one year, with an option to extend for an additional year if funds remain in the original appropriation.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City and the providers shall only enter into agreements with organizations that are in compliance with federal regulations.

Section 6. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes – President Scott, Councilmembers Clifford, Evans, Gruber Harris, Lightfoot, Ortiz, Patterson -8

Nays- None-0

Councilmember Spauld abstained due to professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-180
Re: 2019-20 Consolidated Community Development Plan - CDBG, Seniors Program-Legal Services

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the Consolidated Community Development Plan 2019-20 Annual Action Plan for the Seniors Program/Legal Services, CDBG funds. This legislation will:

1. Appropriate \$20,000 from the Seniors Program/Legal Services allocation of the General Community Needs Goal for program implementation.
2. Establish \$20,000 maximum compensation for an agreement with the Volunteer Legal Services Project of Monroe County, Inc. (Tina M. Foster, Executive Director) to administer and manage the Helping Elders Law Project (HELP Project) utilizing pro bono services of local attorneys. Attorneys will deliver services to elderly low-income city residents on-site at Rochester Housing Authority developments and other senior-centered meeting spaces in order to create wills, healthcare proxies / living wills, powers of attorney and funerary plans. The cost of the agreement will be financed from the appropriation herein, and the term will be for one year.

Seniors Program-Legal Services related legislation was last authorized on June 19, 2018 via Ordinance No. 2018-191. A Justification Statement for Awarding a Professional Services Agreement without a Request for Proposals is enclosed.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-107

Ordinance No. 2019-180
(Int. No. 191)

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Appropriating funds and authorizing an agreement for the Helping Elders Law Program

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

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby appropriated to the Helping Elders Law Project (Project) from the Seniors Program - Legal Services allocation of the Consolidated Community Development Plan/2019-20 Annual Action Plan (the Plan), contingent upon the adoption of the Plan.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Volunteer Legal Services Project of Monroe County, Inc. to implement and manage the the Project for a maximum compensation of \$20,000.

Section 3. The compensation for the agreement, or so much thereof as may be necessary, shall be funded from the sum appropriated in Section 1. If funds are not available or are less than anticipated, the agreement amounts and terms shall be adjusted accordingly.

Section 4. The agreement shall have a term of one year.

Section 5. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City and the providers shall only enter into agreements with organizations that are in compliance with federal regulations.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-181
Re: 2019-20 Consolidated Community Development Plan - Housing Choice Fund - Housing Opportunities for Persons with AIDS

Council Priority: Rebuilding and strengthening neighborhood housing - Stable, decent and affordable housing

Transmitted herewith for your approval is legislation related to the 2019-20 Housing Opportunities for Persons with AIDS (HOPWA) program as described in the 2019-20 Consolidated Community Development Plan (Con Plan), contingent upon the adoption of the plan. This legislation will:

1. Appropriate a total of the estimated \$929,713.00 from the 2019-20 Housing Choice Fund, Housing Opportunities for Persons with AIDS account of the Consolidated Community Development Plan for program implementation.
2. Establish maximum compensation for agreements with the agencies below for program implementation. The cost of these agreements will be financed from the funds appropriated herein.

Trillium Health, Inc. (Andrea DeMeo, CEO)	\$557,828.00
Catholic Charities of the Diocese of Rochester d/b/a Catholic Charities	
Community Services (Lori VanAuken, Executive Director)	<u>371,885.00</u>
	<u>\$929,713.00</u>

3. Authorize the Director of Finance to record all transfers herein and to make adjustments to the amounts set forth below which may have changed prior to the date of this ordinance.

HOPWA provides housing assistance and services to prevent homelessness for individuals with HIV/AIDS and related complications, and their families. Assistance includes both long-term (over 21 weeks) and short-term services and financial assistance in the form of payments of mortgage, rent, and utilities. Both providers maximize HOPWA assistance through the coordination of other funding sources and service providers. The HOPWA grant from HUD is awarded to the City to serve Livingston, Monroe, Ontario, Orleans, and Wayne counties. Trillium Health provides service to the five-county area, Catholic Charities Community Services serves the City and Monroe County.

These two organizations are uniquely qualified for this special needs population. Both receive additional State and Federal HIV/AIDS- targeted funds, which provide for additional case management, housing placement, and other critical services. Both are active within the Rochester Area Task Force on AIDS that involves medical and support service providers and have a long-standing, close working relationship with each other.

If funds are different, not available, or prove to be less than originally advised, the agreement amounts and terms will be adjusted. The agreement terms will be for one year, with option to extend for an additional year if funds remain in the original appropriation.

The City will enter into agreements for this program only with organizations that are in compliance with Federal regulations.

HOPWA related legislation was last authorized on June 19, 2018 via Ordinance No. 2018-190. This legislation supports Section 4 of the City of Rochester Housing Policy: *Promote Housing Choice*. A Justification Statement for Awarding a Professional Services Agreement without a Request for Proposals is enclosed.

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Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-108

Ordinance No. 2019-181
(Int. No. 192)

Appropriating funds and authorizing an agreement for the Housing Opportunities for Persons with AIDS Program

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

Section 1. The sum of \$929,713, or so much thereof as may be necessary, is hereby appropriated to the Housing Opportunities for Persons with AIDS (HOPWA) program from the Housing Choice Fund – HOPWA allocation of the Consolidated Community Development Plan/2019-20 Annual Action Plan (the Plan), contingent upon the adoption of the Plan.

Section 2. The Mayor is hereby authorized to enter into agreements with the following organizations for the specified maximum compensation amounts to implement the HOPWA program:

Organization	Amount
Trillium Health, Inc.	\$ 557,828
Catholic Charities of the Diocese of Rochester d/b/a Catholic Charities	\$ 371,885
Community Services	
TOTAL	\$ 929,713

Section 3. The amounts of said agreements, or so much thereof as may be necessary, shall be funded from the sum appropriated in Section 1. If funds are not available or are less than anticipated, the agreement amounts and terms shall be adjusted accordingly.

Section 4. The agreements shall be for one year, with an option to extend for an additional year if funds remain in the original appropriation.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City and implementing organizations shall only enter into agreements for the HOPWA program with organizations that are in compliance with federal regulations.

Section 6. The Director of Finance is authorized to record all transfers herein and to make adjustments to the amounts set forth herein which may have changed prior to the date of this ordinance.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-182
Re: Agreement for the Aging in Place Home Modification Program - 2019-20 Consolidated Community Development Plan – Housing Development Fund

Council Priority: Rebuilding and strengthening neighborhood housing - Stable, decent and affordable housing

Transmitted herewith for your approval is legislation for the Aging in Place Home Modification Program. This legislation will:

1. Appropriate \$30,000 from the Housing Development Fund, Aging In Place Program allocation of the 2019-20 Consolidated Community Development Plan (Con Plan), contingent upon adoption of the plan, to address home safety modifications for income-eligible owner occupants, and
2. Establish maximum compensation for the agreement with Lifespan of Greater Rochester, Inc. (Anne Marie Cook, President / CEO) in the amount of \$30,000.

The Steering Committee for Aging in Place in Rochester identified home modification as a key and economical method for helping older residents with changing needs to remain independent and safe at home in 2006. Elderly City homeowners at 80% or less than the median area income as established and updated by HUD are eligible for the program.

The Aging in Place Home Modification Program conducts residential safety evaluations to identify adaptations needed to support continued residence in a safe and comfortable environment. Further, the program provides selected home modifications and/or repairs which directly increase livability options in one’s own home.

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Aging in Place Home Modification Program related legislation was last authorized on June 19, 2018 via Ordinance No. 2018-192. The term of the agreement will be for one year. A Justification Statement for Awarding a Professional Services Agreement without a Request for Proposals is enclosed.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-109

Ordinance No. 2019-182
(Int. No. 193)

Authorizing an agreement and appropriation for the Aging in Place Home Modification 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 Lifespan of Greater Rochester, Inc. to implement the Aging in Place Home Modification Program (the Program).

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$30,000, and said amount, or so much thereof as may be necessary, is hereby appropriated for that purpose from the Housing Development Fund-Aging in Place project of the Consolidated Community Development Plan/2019-20 Annual Action Plan, contingent on the adoption of said Plan. The term of the agreement shall be one year.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Evans
June 18, 2019

To the Council:

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

Int. No. 194	Authorizing an agreement and appropriations and amending a funding ordinance related to the East Henrietta Road Improvement Project (South City Line to Stan Yale Drive)
Int. No. 195	Amending the Bond Ordinance in Ordinance No. 2018-334 to authorize the issuance of \$1,005,000 Bonds of the City of Rochester to finance construction and construction inspection services related to the East Henrietta Road Improvement Project (South City Line to Stan Yale Drive)
Int. No. 196	Authorizing an agreement and amending the funding for the Scottsville Road – Elmwood Avenue (West City Line to Mt. Hope Avenue) project
Int. No. 197	Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,729,000 Bonds of said City to finance a portion of the costs of street improvements in the Scottsville Road – Elmwood Avenue (West City Line to Mt. Hope Avenue) project
Int. No. 198	Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$250,000 Bonds of said City to finance water improvements on the Scottsville Road – Elmwood Avenue (West City Line to Mt. Hope Avenue) project
Int. No. 199	Authorizing an agreement for the Linden Street (South Avenue – Mt. Vernon Avenue) and Oakland Street (Rockingham Street – Caroline Street) Improvement Project
Int. No. 200	Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$448,000 Bonds of said City to finance water improvements on the Linden Street (South Avenue – Mt. Vernon Avenue) and Oakland Street (Rockingham Street – Caroline Street) Improvement Project
Int. No. 201	Appropriating funds from the Rochester Pure Waters District
Int. No. 202	Authorizing an agreement for Edgerton R-Center renovations

Int. No. 203	Amending Ordinance No. 2013-294 to authorize the acquisition of a portion of 80-110 Manor Parkway for the Manor Parkway Improvement Project
Int. No. 204	Authorizing an amendatory agreement for the Residential Curb Ramps (Culver Road East to City Line) project
Int. No. 205	Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$580,000 Bonds of said City to finance the Residential Curb Ramps (Culver Road East to City Line) project
Int. No. 206	Amending Ordinance No. 2019-94 relating to additional right-of-way on Boxart Street
Int. No. 207	Amending Ordinance No. 2019-99 as it relates to an agreement with Passero Associates, Engineering, Architecture & Surveying, D.P.C. for Clinton-Baden Community Center Renovations
Int. No. 208	Authorizing agreements for services related to the Brownfield Opportunity Area Site Assessment Program
Int. No. 209	Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$181,000 bonds of said City to finance the costs of an environmental remediation project at the Andrews Street Site in the City
Int. No. 210	Amending the Municipal Code with regard to wholesale water rates
Int. No. 211	Appropriating funds and authorizing an agreement for the South Avenue and Elmwood Avenue Street Improvement Project design services
Int. No. 212	Authorizing agreements and appropriation for the State Street Reconstruction Project
Int. No. 224	Authorizing an agreement for two new Rochester Police Department Section Offices
Int. No. 237	Amending the Municipal Code with respect to electric scooter requirements

Respectfully submitted,
 Mitch Gruber
 Malik Evans
 Elaine M. Spaul
 Willie Lightfoot
 Loretta C. Scott
 PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2019-183
 Ordinance No. 2019-184
 Re: East Henrietta Road Improvement Project (South City Line to Stan Yale Drive)

Transmitted herewith for your approval is legislation related to East Henrietta Road Improvement Project. This legislation will:

5. Establish \$525,000 as maximum compensation for a professional services agreement with Labella Associates, D.P.C. (Sergio Esteban, Chief Executive Officer), Rochester, NY 14614 for resident project representation (RPR) services.
6. Appropriate \$5,000 from anticipated reimbursements from the Federal Highway Administration (FHWA) to finance a portion of the construction and construction inspection services for the project.
7. Appropriate \$53,700 from anticipated reimbursements from anticipated New York State (NYS) Marchiselli Aid to fund a portion of the construction and construction inspection services for the project.
8. Amend Ordinance 2018-333, which appropriated \$168,000 in anticipated reimbursements from the Federal Highway Administration (FHWA) to the Project, to delete the reference to FHWA funds previously authorized in Ordinance 2014-391. This will clarify that the \$168,000 in FHWA funds authorized for the project in Ordinance 2018-333 are in addition to the \$571,000 in FHWA funds previously authorized in Ordinance No. 2014-391.

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9. Authorize the issuance and appropriate an additional \$775,000 in bonds to finance the construction and RPR services for the project by amending Ordinance No. 2018-334, which previously authorized the issuance of \$230,000 of bonds, to increase the bond amount by \$775,000 to a new total of \$1,005,000.

In October 2018, Council action (Ordinance no 2018-333) was required by the grant agreement with the NYS Department of Transportation to show funds committed to the project based on a construction cost of \$2,829,727. The total project cost, with contingency, is now projected to be \$3,545,030. The legislation herein provides the funding for that amount. With the legislation, the updated plan of financing for the project broken down by categories of work will be as follows:

Source of Funds	Construction	RPR	Street Lighting	Contingency	Total
FHWA (Ord. No. 2014-391)	571,000	--	--	--	571,000
FHWA (Ord. No. 2018-333)	168,000	--	--	--	168,000
FHWA appropriated herein	5,000	--	--	--	5,000
NYS Marchiselli Aid (Ord. No. 2018-333)	85,650	--	--	--	85,650
NYS Marchiselli Aid appropriated herein	53,700	--	--	--	53,700
Rochester Pure Waters (Ord. No. 2018-333)	1,051,735	48,265	--	--	1,100,000
Rochester Pure Waters (Ord. No. 2018-367)	--	144,195	--	30,000	174,195
Bonds authorized (Ord. No. 2018-334)	230,000	--	--	--	230,000
Bonds authorized herein	499,870	200,000	75,000	130	775,000
Prior year cash capital	38,000	88,000	--	--	126,000
2013-14 Cash Capital	22,927	37,780	--	--	60,707
2014-15 Cash Capital	52,537	--	11,000	--	63,537
2015-16 Cash Capital	90,481	660	--	--	91,141
2016-17 Cash Capital	--	6,100	--	15,000	21,100
2017-18 Cash Capital	--	--	--	20,000	20,000
Total	2,868,900	525,000	86,000	65,130	3,545,030

The East Henrietta Road Improvement Project is designed by Stantec Consulting Services, Inc. (James R. Hofmann, Jr., Principal), as authorized in Ordinance No. 2016-113 and amended by Ordinance No. 2018-399.

Bids for construction were received on May 2, 2019. The apparent low bid of \$ 2,868,900 was submitted by Villager Construction, Inc. An additional \$ 65,130 will be allocated for project contingencies and \$86,000 will be allocated for street lighting.

Labella Associates, D.P.C. was selected for RPR services through a Request for Proposal process, which is described in the attached summary. Labella's compensation, in the maximum amount of \$525,000, will be funded from \$200,000 of the bond proceeds appropriated herein, \$144,195 in anticipated reimbursements from the Rochester Pure Waters District (Ordinance No. 2018-367), \$48,265 in anticipated reimbursements from the Rochester Pure Waters District (Ordinance No. 2018-333), \$88,000 from Prior Years' Cash Capital, \$37,780 from 2013-14 Cash Capital, \$660 from 2015-16 Cash Capital, \$6,100 from 2016-17 Cash Capital. The agreement shall have a term of six (6) months after completion and final acceptance of the project.

The project is anticipated to begin construction in summer 2019 and complete in fall 2020. The project will result in the creation and/or retention of the equivalent of 42.6 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-110

TUESDAY, JUNE 18, 2019

Ordinance No. 2019-183
(Int. No. 194)

Authorizing an agreement and appropriations and amending a funding ordinance related to the East Henrietta Road Improvement Project (South City Line to Stan Yale Drive)

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. in the maximum amount of \$525,000 to provide resident project representation services for the East Henrietta Road Improvement Project (South City Line to Stan Yale Drive) (the Project). Said amount shall be funded from \$200,000 in bonds to be appropriated for the Project, \$144,195 in anticipated reimbursements from the Rochester Pure Waters District (Ordinance No. 2018-367), \$48,265 in anticipated reimbursements from the Rochester Pure Waters District (Ordinance No. 2018-333), \$88,000 from Prior Years' Cash Capital, \$37,780 from 2013-14 Cash Capital, \$660 from 2015-16 Cash Capital, and \$6,100 from 2016-17 Cash Capital. The term of the agreement shall continue to 6 months after completion and final acceptance of the Project.

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

Section 3. The sum of \$5,000 in anticipated reimbursements from the Federal Highway Administration (FHWA) is hereby appropriated to fund a portion of the construction and construction inspection services for the Project.

Section 4. The sum of \$53,700 in anticipated New York State Marchiselli Aid is hereby appropriated to fund a portion of the construction and construction inspection services for the Project.

Section 5. Ordinance No. 2018-333, which authorizes appropriations for the Project, is hereby revised in Section 1 to clarify that the \$168,000 in FHWA funds appropriated therein is in addition to the \$571,000 in FHWA funds previously authorized in Ordinance No. 2014-391, so as to read in its entirety as follows:

Section 1. The sum of \$168,000 in anticipated reimbursements from the Federal Highway Administration ~~authorized by Ordinance No. 2014-391~~ is hereby appropriated to fund the East Henrietta Road Improvements Project (Rochester City Line to Stan Yale Drive), hereinafter, the "Project."

Section 6. This ordinance shall take effect immediately.

Strikeout indicates deleted text.

Passed unanimously.

Ordinance No. 2019-184
(Int. No. 195)

Amending the Bond Ordinance in Ordinance No. 2018-334 to authorize the issuance of \$1,005,000 Bonds of the City of Rochester to finance construction and construction inspection services related to the East Henrietta Road Improvement Project (South City Line to Stan Yale Drive)

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

Section 1. Ordinance No. 2018-334, which authorized the issuance of \$230,000 in bonds to finance construction and construction inspection services related to the East Henrietta Road Improvement Project (South City Line to Stan Yale Drive), is hereby revised to increase that authorization by \$775,000 in additional bonds, so as to read in its entirety as follows:

Bond Ordinance of the City of Rochester, New York authorizing the issuance of ~~\$230,000~~ \$1,005,000 Bonds of said City to finance construction and construction inspection services related to the East Henrietta Road Improvement Project (South City Line to Stan Yale Drive)

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 cost of the construction and construction inspection services costs, related to the East Henrietta Road Improvement Project (Rochester City Line to Stan Yale Drive) (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 ~~\$3,079,727~~ \$3,545,030, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,005,000 bonds which are hereby appropriated therefor, \$571,000 in anticipated reimbursements from FHWA (authorized in Ordinance No. 2014-391), \$168,000 in anticipated reimbursements from FHWA (Ordinance No. 2018-333), \$5,000 in FHWA funds to be appropriated therefor, \$85,650 in NYS Marchiselli Aid (Ordinance No. 2018-333), \$53,700

in NYS Marchiselli Aid to be appropriated therefor, \$1,100,000 in anticipated reimbursements from the Rochester Pure Waters District (Ordinance No. 2018-333), \$174,195 in anticipated reimbursements from the Rochester Pure Waters District (Ordinance No. 2018-367), \$126,000 from Prior Years' Cash Capital; \$60,707 from 2013-14 Cash Capital; \$63,537 from 2014-15 Cash Capital; \$91,141 from 2015-16 Cash Capital; \$21,100 from 2016-17 Cash Capital, \$20,000 from 2017-18 Cash Capital the issuance of \$230,000 bonds of the City to finance a portion of said appropriation, \$250,000 in private funding (Ordinance No. 2014-391), \$571,000 in anticipated reimbursements from the Federal Highway Administration (Ordinance No. 2014-391), \$168,000 in anticipated reimbursements from the Federal Highway Administration appropriated as of the date of this Ordinance, \$85,650 in NYS Marchiselli Aid Program reimbursements appropriated as of the date of this Ordinance, \$1,100,000 in anticipated reimbursements from the Rochester Pure Waters District appropriated as of the date of this Ordinance; \$126,000 from Prior Years' Cash Capital; \$10,857 from 2013-14 Cash Capital; \$251,560 from 2014-15 Cash Capital; \$55,660 from 2015-16 Cash Capital; \$31,000 from 2016-17 Cash Capital and \$200,000 from 2017-18 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 ~~\$230,000~~ \$1,005,000 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 ~~\$230,000~~ \$1,005,000. 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. 20. of the Law, is fifteen (15) 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 City² 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.

Section 2. 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.

TUESDAY, JUNE 18, 2019

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-185

Ordinance No. 2019-186

Ordinance No. 2019-187

Re: Scottsville Road - Elmwood Avenue (West City Line - Mt. Hope Avenue)

Transmitted herewith for your approval is legislation related to Scottsville Road-Elmwood Avenue WCL - Mt. Hope Avenue. This legislation will:

1. Establish \$385,000 as maximum compensation for a professional services agreement with Erdman, Anthony and Associates, Inc. (Curt Helman, Chief Executive Officer), Rochester, NY, 14620 for resident project representation (RPR) services;
2. Authorize the issuance of bonds totaling \$1,979,000 and the appropriation of the proceeds thereof to partially finance the street and water improvements of the Project, and;
3. Amend Ordinance No. 2018-97 which authorized a professional services agreement with Joseph C. Lu Engineering, P.C. for design services for the project. This amendment will decrease the funding from the appropriation of Dormitory Authority of the State of New York funds that was authorized pursuant to Ordinance No.2015-120 by \$28,486.20 and replace it with Prior Years' Cash Capital (\$6,108.46), 2011-12 Cash Capital (\$1,669.42), 2013-14 Cash Capital (\$5,515.49), 2015-16 Cash Capital (\$10,052.24), and 2016-17 Cash Capital (\$5,140.59).

The Project will include milling and resurfacing of the pavement, spot curb replacements, installation or upgrade of sidewalk curb ramps, adjustment and repair of manholes, receiving basins, water valve castings, and replacement of traffic markings. These improvements will enhance the surface drainage and riding quality of the roadway, improve accessibility, and expand the useful life of the pavement structure.

Bids for construction were received on Tuesday, April 23, 2019. The apparent low bid of \$2,344,344 was submitted by Villager Construction, Inc. An additional \$241,246.21 will be allocated for project contingencies.

The costs for the categories of work for the project based upon the bid amount are as follows:

Source of Funds	Construction	RPR	Contingency	Total
Bonds appropriated herein	1,466,330.90	336,155.57	176,513.53	1,979,000.00
DASNY funds appropriated (Ordinance No. 2015-120)	542,486.20	--	--	542,486.20
2016-17 Cash Capital	71,387.20	9,424.42	5,738.72	86,550.34
Rochester Pure Waters District (Ordinance No. 2018-367)	264,139.70	--	26,413.97	290,553.67
2018-19 Cash Capital	--	39,420.01	32,579.99	72,000.00
Total	2,344,344.00	385,000.00	241,246.21	2,970,590.21

Erdman, Anthony and Associates, Inc. was selected for RPR services through a Request for Proposal process, which is described in the attached summary. The cost of the agreement will be funded with \$336,155.57 of bonds appropriated herein, \$9,424.42 of 2016-17 Cash Capital and \$39,420.01 of 2018-19 Cash Capital. The term of the agreement will be three (3) months after completion of the two (2) year guarantee inspection of the project.

Construction will begin in summer 2019 with scheduled completion spring 2020. The project will result in the creation and/or retention of the equivalent of 32.3 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-111

TUESDAY, JUNE 18, 2019

Ordinance No. 2019-185
(Int. No. 196)

Authorizing an agreement and amending the funding for the Scottsville Road – Elmwood Avenue (West City Line to Mt. Hope Avenue) 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 Erdman, Anthony and Associates, Inc. to provide resident project representation services for the Scottsville Road – Elmwood Avenue (West City Line to Mt. Hope Avenue) project (the Project). The maximum compensation for the agreement shall be \$385,000, and said amount or so much thereof as may be necessary, shall be funded by \$336,155.57 in bonds to be appropriated for the Project, \$9,424.42 in 2016-17 Cash Capital and \$39,420.01 in 2018-19 Cash Capital. The term of the agreement shall continue until 3 months after completion of a 2-year guarantee inspection of the Project work.

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

Section 3. Section 1 of Ordinance No. 2018-97 is hereby revised to read as follows:

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Joseph C. Lu Engineering, P.C. for design services for the Scottsville Road-Elmwood Avenue Improvement Project (Western City Line-Mt. Hope Avenue), hereinafter, the "Project." The maximum compensation for the agreement shall be \$210,000, which shall be funded ~~from by \$181,513.80 from~~ the appropriation of Dormitory Authority of the State of New York funds that was authorized pursuant to Ordinance No. 2015-120, \$6,108.46 in Prior Years' Cash Capital, \$1,669.42 in 2011-12 Cash Capital, \$5,515.49 in 2013-14 Cash Capital, \$10,052.24 in 2015-16 Cash Capital and \$5,140.59 in 2016-17 Cash Capital. The term of the agreement may extend to 6 months after completion and acceptance of the Project.

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

Ordinance No. 2019-186
(Int. No. 197)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,729,000 Bonds of said City to finance a portion of the costs of street improvements in the Scottsville Road – Elmwood Avenue (West City Line to Mt. Hope Avenue) 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 street improvements in the Scottsville Road – Elmwood Avenue (West City Line to Mt. Hope Avenue) project, in including milling and resurfacing of the pavement, spot curb replacements, installation or upgrade of sidewalk curb ramps, and replacement of traffic markings (the "Project"). The estimated maximum cost of this portion of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,720,590.21. The plan of financing includes the issuance of \$1,729,000 bonds of the City which amount is hereby appropriated therefor, \$542,486.20 in anticipated reimbursements from the Dormitory Authority of the State of New York appropriated in Ordinance No. 2015-120, \$86,550.34 in 2016-17 Cash Capital, \$290,553.67 in anticipated reimbursements from the Rochester Pure Waters District appropriated in Ordinance No. 2018-367, \$72,000 in 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 \$1,729,000 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 \$1,729,000. 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. 20. of the Law, is fifteen (15) 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

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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. 2019-187
(Int. No. 198)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$250,000 Bonds of said City to finance water improvements on the Scottsville Road – Elmwood Avenue (West City Line to Mt. Hope Avenue) 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 the costs of replacing the lead and galvanized water service pipes throughout the length of the Scottsville Road – Elmwood Avenue (West City Line to Mt. Hope Avenue) project (the "Project"). The estimated maximum cost of this portion of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$250,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$250,000 bonds of the City to finance said appropriation 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 \$250,000 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 \$250,000. 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. 1. of the Law, is forty (40) 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,

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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. 2019-188

Ordinance No. 2019-189

Re: Linden Street (South Avenue - Mt. Vernon Avenue) and Oakland Street (Rockingham Street - Caroline Street) Improvement Project

Transmitted herewith for your approval is legislation related to Linden Street and Oakland Street Improvement Project. This legislation will:

1. Establish \$174,500 as maximum compensation for a professional services agreement with Vanguard Engineering, P.C., (Joseph Ardieta, P.E., Chief Executive Officer), Rochester, NY 14610 for resident project representation (RPR) services, and;
2. Authorize the issuance of bonds totaling \$448,000 and the appropriation of the proceeds thereof to partially finance water improvements of the Project.

The Linden Street and Oakland Street Improvement Project is a street rehabilitation project.

The project includes milling and resurfacing, new stone curb, replacement of most concrete sidewalks, installation of ADA compliant accessible curb ramps, new driveway aprons, catch basin replacements and adjustments, manhole frame and cover replacements and adjustments, replacement of all lead and galvanized water services on Oakland Street, some carriage walk removal and restoration of all disturbed areas.

Bids for construction were received on May 14, 2019. The apparent low bid of \$1,417,00.80 was submitted by Sealand Contractors Corp. An additional \$145,468 will be allocated for project contingencies.

The costs for the categories of work for the project based upon the bid amount are as follows:

Source of Funds	Construction	RPR	Contingency	Total
DASNY (Ordinance 2015-120)	938,532.80	130,000.00	97,500.00	1,166,032.80
Pure Waters Reimbursement (to be appropriated in June 2019 Council)	112,436.00		10,500.00	122,936.00
Bond Appropriated herein	366,032.00	44,500.00	37,468.00	448,000.00
Total	1,417,000.80	174,500.00	145,468.00	1,736,968.80

Vanguard Engineering was selected for RPR services through a request for proposal process, which is described in the attached summary. The agreement shall extend until three (3) months after completion of the two (2) year guarantee inspection of the project.

A public informational meeting was held on August 9, 2018. A copy of the minutes for this meeting is attached.

Construction is expected to begin in summer 2019 and be completed by spring 2020. The project will result in the creation and/or retention of the equivalent of 18.9 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

TUESDAY, JUNE 18, 2019

Attachment No. AS-112

Ordinance No. 2019-188
(Int. No. 199)

Authorizing an agreement for the Linden Street (South Avenue – Mt. Vernon Avenue) and Oakland Street (Rockingham Street – Caroline Street) Improvement 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 Vanguard Engineering, P.C. to provide resident project representation services for the Linden Street (South Avenue – Mt. Vernon Avenue) and Oakland Street (Rockingham Street – Caroline Street) Improvement Project. The maximum compensation for the agreement shall be \$174,500, and said amount or so much thereof as may be necessary, shall be funded by \$130,000 in anticipated reimbursements from the Dormitory Authority of the State of New York appropriated in Ordinance No. 2015-120 and by \$44,500 from bonds to be appropriated by a separate ordinance. The term for the agreement shall continue until 3 months after completion of a 2-year guarantee inspection of the Project work.

Section 2. The amendatory 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.

Ordinance No. 2019-189
(Int. No. 200)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$448,000 Bonds of said City to finance water improvements on the Linden Street (South Avenue – Mt. Vernon Avenue) and Oakland Street (Rockingham Street – Caroline Street) Improvement 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 the costs of water improvements on the Linden Street (South Avenue – Mt. Vernon Avenue) and Oakland Street (Rockingham Street – Caroline Street) Improvement Project, including replacements of the lead or galvanized pipe water service at approximately 59 locations, 31 of which will be transferred from vintage 4" water main to a 8" main which was cleaned and lined recently, abandonment of the 4" water mains including removal of valves, installation of insertion sleeves and tapping sleeves, the transfer of the water service for Blakeney Place from a 4" to a 8" main, and the installation of anodes and a cathodic protection test stations (the "Project"). The estimated maximum cost of this portion of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$448,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$448,000 bonds of the City to finance said appropriation 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 \$448,000 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 \$448,000. 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. 1. of the Law, is forty (40) 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,

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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. 2019-190
Re: Appropriation – Rochester Pure Waters District, Street Improvement Projects

Transmitted herewith for your approval is legislation authorizing the receipt and use of up to \$750,000 in anticipated reimbursements from the Rochester Pure Waters District (RPWD) to fund eligible portions of sewer costs on street improvement projects in accordance with the agreement authorized between the City and RPWD via Ordinance No. 2010-438.

Street improvements can require ancillary repairs to the sewer system including adjustments, repairs, replacements, and improvements to the sewer system manholes and catch basins. In the agreement referenced above, RPWD assumed responsibility for these maintenance costs and agreed to reimburse the City annually for the work.

The sewer improvements will result in the creation and/or retention of the equivalent of 8.2 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-190
(Int. No. 201)

Appropriating funds from the Rochester Pure Waters District

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

Section 1. The Mayor is hereby authorized to accept and use reimbursement funds in the amount of \$750,000 from the Rochester Pure Waters District for sewer improvements associated with the City's street improvement program in accordance with the agreement authorized by Ordinance No. 2010-438.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-191
Re: Edgerton R-Center Renovations

Council Priority: Jobs and Economic Development and Creating and Sustaining a Culture of Vibrancy

TUESDAY, JUNE 18, 2019

Transmitted herewith for your approval is legislation related to Edgerton R-Center Renovations. This legislation will establish \$90,000 as maximum compensation for a professional services agreement with Edge Architecture, PLLC. (Allen Rossignol, Chief Executive Office), Rochester, NY, 14607 for design services.

The agreement includes design services from building conditions assessment through schematic design for the renovation of Edgerton R-Center. These renovations may include structural rehabilitation, ADA upgrades, window, lighting, and electrical upgrades, masonry repairs, kitchen and basement renovations and reprogramming and HVAC make-up air unit replacement and site work. The cost of the agreement will be funded from 2017-18 Cash Capital.

Edge Architecture, PLLC was selected for design services through a request for proposal process, which is described in the attached summary. The agreement shall extend until six (6) months after acceptance of the design and report.

Design phase services will begin in summer 2019. An implementation plan and construction schedule will be created upon completion of the report. The agreement will result in the creation and/or retention of the equivalent of 0.9+ full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-113

Ordinance No. 2019-191
(Int. No. 202)

Authorizing an agreement for Edgerton R-Center renovations

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 Edge Architecture, PLLC for design services for the renovation of the Edgerton R-Center. The maximum compensation for the agreement shall be \$90,000, which shall be funded from 2017-18 Cash Capital. The term of the agreement shall continue until six months after acceptance of the design and report.

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:

Re: Ordinance No. 2019-192
Manor Parkway - Amend Ordinance No. 2013-294

Transmitted herewith for your approval is legislation amending Ordinance No. 2013-294 which authorized acquisition by donation of a 236 square foot parcel at 80-110 Manor Parkway. This amendment will allow acquisition by negotiation or condemnation.

S & P Developers, Inc., located at 80-110 Manor Parkway, is one of three parcels within the Manor Parkway Street Improvement Project that has City-maintained sidewalks on private lands requiring a portion of the parcel to be acquired for street purposes. Donations were requested and later received for two of the three parcels within the project. As part of the closeout process, it has been determined that the third parcel now needs to be acquired by negotiation or condemnation. The street project, including sidewalk replacement along 80-110 Manor Parkway, was constructed in 2014.

The proposed acquisition on 80-110 Manor Parkway will allow the improvements to be located in a uniform 58-foot wide right of way for the entire length of Manor Parkway. The value of this property was established by an independent appraisal performed by Bruckner, Tillet & Rossi, Inc. The total acquisition costs, including closing costs, will not exceed \$1,700 and will be financed from 2017-18 Cash Capital.

<u>Address</u>	<u>Property Owner</u>	<u>Sq. Ft.</u>	<u>Value</u>
80-110 Manor Parkway	S & P Developers, Inc.	236	\$200

The associated Official Map Amendment was presented to the City Planning Commission on 7/15/2013. The Commission recommended approval by a vote of 5-0-0. The related application, minutes and recommendation were previously forwarded.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-114

TUESDAY, JUNE 18, 2019

Ordinance No. 2019-192
(Int. No. 203)

Amending Ordinance No. 2013-294 to authorize the acquisition of a portion of 80-110 Manor Parkway for the Manor Parkway Improvement Project

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

Section 1. Ordinance No. 2013-294 is hereby revised in its title, in Sections 4 and 5, and by the addition of new Sections 4 and 5 to authorize the acquisition of the Parcel "C" portion of 80-110 Manor Parkway for Manor Parkway right-of-way by negotiation or condemnation instead of by donation:

Amending The Official Map By Dedicating Parcels As Manor Parkway For The Manor Parkway Improvement Project, Authorizing Acquisition And Accepting Donations

...

Section 4. The Mayor is hereby authorized to acquire for dedication as Manor Parkway right-of-way the de minimus parcel comprising approximately 236 square feet as set forth in Section 3 from S & P Developers, Inc. by negotiation or condemnation in conjunction with improvements for the Manor Parkway Improvement Project. The cost of the acquisition shall not exceed \$200 plus necessary closing costs, which shall be funded from 2017-18 Cash Capital.

~~Section 4.5. The Council hereby approves the acceptance of the donation of the parcels set forth in Sections 1 and 2 from Highland Manor, LLC and the parcel set forth in Section 3 from S&P Developers, Inc. in conjunction with improvements for the Manor Parkway Improvement Project.~~

~~Section 5.6. This ordinance shall take effect immediately, except that Sections 1, 2 and 3 shall take effect upon acquisition of the parcels by the City.~~

Section 2. The amendments provided for herein shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-193
Ordinance No. 2019-194

Re: Residential Curb Ramps (Culver Road East to City Line)

Transmitted herewith for your approval is legislation related to Residential Curb Ramps (Culver Road East to City Line) Project. This legislation will:

1. Authorizing an amendatory agreement with Vanguard Engineering, P.C. (Joseph Ardieta, Chief Executive Officer) to provide additional resident project representation (RPR) services related to Residential Curb Ramps (Culver Road East to City Line) Project. The original agreement, authorized in March, 2018 established maximum compensation at \$540,000 for a term of three (3) years and may extend until three (3) months after completion and acceptance of a two (2) year guarantee inspection of the work covered by the agreement. This amendment will increase the compensation by \$155,000, to a maximum total of \$695,000 and add curb ramp improvements to the agreement. This additional cost will be funded from 2013-14 Cash Capital, and;
2. Authorize the issuance of bonds totaling \$580,000 and the appropriation of the proceeds thereof to partially finance the installation of sidewalk curb ramps of the Project.

The Project will upgrade sidewalk accessible ramps at intersections to be in compliance with the latest ADA guidelines. One hundred and two ramps will be constructed at various locations from Culver Road east to the city line.

The project consists of new concrete sidewalk accessible curb ramps, detectable warning systems at curb ramps, new granite stone curb and underdrain as needed for ramp reconfigurations, catch basin adjustments and/or replacements as needed, water valve box adjustments, signage relocations as needed, restoration of all disturbed lawn areas with topsoil and seed.

Bids for construction were received on April 30, 2019. The apparent low bid of \$760,714.20 was submitted by Hewitt Young Electric, LLC. An additional \$152,143 will be allocated for project contingencies.

The costs for the categories of work for the project based upon the bid amount are as follows:

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Source of Funds	Construction	RPR	Contingency	Total
Bonds to be issued	580,000.00	--	--	580,000.00
Pure Waters Reimbursement (To be appropriated in June 2019 Council)	171,231.03	--	34,246.00	205,477.03
2013-14 Cash Capital	1,413.36	155,000.00	61,025.81	217,439.17
2015-16 Cash Capital	8,069.81	--	1,614.00	9,683.81
2017-18 Cash Capital	--	--	55,257.19	55,257.19
Total	760,714.20	155,000.00	152,143.00	1,067,857.20

Vanguard Engineering, P.C. will be utilized for RPR services through an existing term contract.

Construction is anticipated to commence in summer of 2019 with anticipated completion in fall of 2019. The project will result in the creation and/or retention of the equivalent of 11.6 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-114

Ordinance No. 2019-193
(Int. No. 204)

Authorizing an amendatory agreement for the Residential Curb Ramps (Culver Road East to City Line) project

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 Vanguard Engineering, P.C. to provide resident project representation (RPR) services for the Residential Curb Ramps (Culver Road East to City Line) project (Project). The amendment shall add Project-related RPR services to the scope and increase the maximum compensation for the existing agreement, which was originally authorized by Ordinance No. 2018-67, by \$155,000 to a total maximum amount of \$695,000. The amendatory compensation amount shall be funded from 2013-14 Cash Capital. The term for the amendatory agreement shall continue until 3 months after completion and acceptance of a 2-year guarantee inspection of the Project work.

Section 2. The amendatory 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.

Ordinance No. 2019-194
(Int. No. 205)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$580,000 Bonds of said City to finance the Residential Curb Ramps (Culver Road East to City Line) 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 construction and resident project representation services related to Residential Curb Ramps (Culver Road East to City Line) project, consisting of upgrades to 122 sidewalk accessible curb ramps located at intersections along Culver Road from East Main Street to McKinley Street and extending east to the City line, including the ramps, detectable warning systems and, where necessitated by the reconfiguration of a ramp, new or adjusted stone curbing, underdrains, catch basins, and water valve boxes (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 \$1,067,857.20. The plan of financing includes the issuance of \$580,000 bonds of the City and said amount is hereby appropriated therefor, \$205,477.03 in anticipated reimbursements from the Rochester Pure Waters District to be authorized to fund eligible portions of the sewer costs on street improvement projects, \$217,439.17 in 2013-14 Cash Capital, \$9,683.81 in 2015-16 Cash Capital, \$55,257.19 in 2017-18 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.

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Section 2. Bonds of the City in the principal amount of \$580,000 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 \$580,000. 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. 24. of the Law, is ten (10) 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. 2019-195
Re: Amending Ordinance No. 2019-94 Boxart Street Technical Corrections

Transmitted herewith for your approval is legislation amending Ordinance No. 2019-94, adopted in April 2019, which widens portions of the Boxart Street right-of-way (ROW) by incorporating 16.5 foot wide strips of adjacent City-owned land. The amendments clarify that only a 16.5 foot wide portion of 304 Boxart Street will be dedicated to the ROW and adds an overall legal description of all of the lands to be dedicated to the ROW.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-195
(Int. No. 206)

Amending Ordinance No. 2019-94 relating to additional right-of-way on Boxart Street

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

Section 1. Section 1 of Ordinance No. 2019-94 is hereby amended to read in its entirety as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map, is hereby further amended by dedicating the following parcels as public rights-of-way:

Address	SBL#	Type	Sq. Ft.
98 Boxart Street	060.76-2-2	Vacant Industrial Land	4,172
120 Boxart Street	060.76-2-7	Vacant Industrial Land	1,742
202 Boxart Street	061.69-1-2	Vacant Commercial Land	14,470
304 Boxart Street <u>(16.5' wide south portion)</u>	061.69-1-8	Vacant Industrial Land	825
330 Boxart Street	061.69-1-7	Vacant Industrial Land	3,763

The parcels so dedicated are comprised of:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, known and described as part of Town Lots 32 & 59, Township 2, Short Range, and being more particularly bounded and described as follows: Beginning at a point at the northeasterly terminus of existing Boxart Street (49.5' ROW), at its intersection with the westerly line of the former Buffalo, Rochester & Pittsburgh Railroad, said intersection being the Point or Place of Beginning; thence

- 1) Westerly, along the existing northerly line of said Boxart Street (49.5' ROW), a distance of 1407.9 feet to an angle point in said ROW; thence
- 2) Northerly, continuing along said ROW line, a distance of 16.5 feet to an angle point; thence
- 3) Easterly, parallel with and 16.5 feet north of the existing ROW line of Boxart Street (49.5' ROW), a distance of 1406.2 feet, more or less, to the said westerly line of the Buffalo, Rochester & Pittsburgh Railroad; thence
- 4) Southerly, along said westerly line of the BR&P Railroad, a distance of 16.58 feet to the Point or Place of Beginning.

Also all that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, known and described as part of Town Lot 59, Township 2, Short Range, and being more particularly bounded and described as follows: Beginning at a point on the northerly ROW line of existing Boxart Street (33' ROW), 132.05 feet east of the easterly line of the former New York Central Railroad, said point being the Point or Place of Beginning; thence

- 1) Easterly, along said northerly ROW line of Boxart Street, a distance of 166.0 feet, more or less, to an angle point in said ROW; thence
- 2) Northerly, continuing along said ROW line, a distance of 16.5 feet to an angle point; thence
- 3) Westerly, parallel with and 16.5 feet north of the existing ROW line of Boxart Street (33' ROW), a distance of 47.56 feet to a point of curvature; thence
- 4) Westerly and southerly, along a curve to the left, having a radius of 433.0 feet and a central angle of 15°52'05", a distance of 119.92 feet to the Point or Place of Beginning.

Hereby intending to describe two parcels of land, 16.5 feet in width, to be added to the existing Boxart Street right of way (ROW).

Section 2. This ordinance shall take effect immediately.

Underlining indicates new text.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-196
Re: Amending Ordinance No. 2019-99 Clinton Baden Recreation Center Renovations

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Transmitted herewith for your approval is legislation amending Ordinance No. 2019-99, adopted in April 2019 which authorized an agreement with Passero Associates, Engineering, Architecture & Surveying, D.P.C. to provide resident project representation services to the above listed project. The amendments modifies the funding source from 2016-17 Cash Capital to 2018-19 Cash Capital.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-196
(Int. No. 207)

Amending Ordinance No. 2019-99 as it relates to an agreement with Passero Associates, Engineering, Architecture & Surveying, D.P.C. for Clinton-Baden Community Center Renovations

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

Section 1. Section 1 of Ordinance No. 2019-99 authorizing the professional services agreement with Passero Associates, Engineering, Architecture & Surveying, D.P.C. is hereby amended to read in its entirety as follows:

The Mayor is hereby authorized to enter into a professional services agreement with Passero Associates, Engineering, Architecture & Surveying, D.P.C. in the maximum amount of \$175,000 to provide resident project representation services for renovations to the Clinton-Baden Community Center (the Project). Said amount shall be funded from ~~2016-17~~ 2018-19 Cash Capital. The term of the agreement shall run to 3 months after completion of a one year guarantee inspection of the Project.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-197
Re: Professional Services Agreements – EPA BOA Site Assessment Program

Transmitted herewith for your approval is legislation related to environmental assessment and investigation services under a US EPA Brownfield Assessment grant. This legislation will authorize professional services agreements with the following companies for environmental assessment and investigation services within the City's Brownfield Opportunity Areas:

Company	Principal	Address
Day Environmental, Inc.	David D. Day, Principal	1563 Lyell Avenue, 14606
LaBella Associates, D.P.C.	Sergio Esteban, CEO	300 State Street, 14614
Joseph C. Lu Engineering, P.C.	Cletus O. Ezenwa, CEO	339 East Avenue, 14604
Stantec Consulting Services Inc.	James Hofmann, Principal	61 Commercial Street, 14614

The cost of the agreements will be financed from \$188,200 in US EPA Brownfield Assessment Grant funds previously appropriated in Ordinance 2018-403. The balance of the grant appropriation, \$11,800, will be used to reimburse the City for staff and travel costs required to manage the program and oversee individual projects.

The BOA Site Assessment Program (BOA SAP) provides environmental assessments for priority and targeted sites identified through the community-based BOA planning process. Four BOA areas have been established in the City: the Lyell, Lake and State Street (LYLAKS) BOA, the Vacuum Oil-South River Corridor BOA, the 14621 BOA, and the Bull's Head BOA.

The four BOA areas cover 2,214 acres and represent areas of the City highly impacted by poverty, as well as neighborhoods most affected by brownfields. The City will attempt to balance the number of sites assessed across all four BOA's. Under this program consultants will complete Phase I assessments, sampling plans, environmental management plans, health and safety plans, Phase II investigations, and develop remedial and reuse concept plans. Specific assessment activities will be based on project needs and site conditions.

The Department of Environmental Services solicited proposals in February 2019 and 13 firms responded. Agreements are recommended with four of these firms. Proposals from one or more of the selected firms will be requested for site-specific project services. The selection of a specific company will depend upon the type of environmental investigation required, the company's experience and expertise, its ability to meet the City's schedule, and the quality and cost of its proposal. The cost of the project specific proposals will be based on the unit prices specified in each company's agreement with the City.

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Each of the agreements will have an initial term of three years with provisions for annual renewals for an additional two-year period based on mutual written agreement. Adjustment to the specific unit prices during the second year and third years will be permitted subject to the City's approval.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-115

Ordinance No. 2019-197
(Int. No. 208)

Authorizing agreements for services related to the Brownfield Opportunity Area Site Assessment Program

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following companies for services related to the Brownfield Opportunity Area Site Assessment Program:

Day Environmental, Inc.
LaBella Associates, D.P.C.
Joseph C. Lu Engineering, P.C.
Stantec Consulting Services Inc.

Section 2. The agreements shall obligate the City to pay unit prices for services on an as needed basis in an aggregate amount not to exceed \$188,200, and that sum, or so much thereof as may be necessary, shall be funded from the United States Environmental Protection Agency Brownfield Assessment Grant funds appropriated in Ordinance No. 2018-403. After the first year of the agreement, the unit prices may be adjusted with the approval of the City.

Section 3. Each of the agreements shall have a term of 3 years with the option to extend for up to two additional years.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-198
Environmental Cleanup Andrews Street Site

Transmitted herewith for your approval is legislation related to the continued environmental cleanup of the Andrews Street Site located at 300, 304-308 and 320 Andrews Street and 25 Evans Street (Site). This legislation will authorize the issuance of bonds totaling \$181,000 and appropriate the proceeds thereof to finance the cost of the project.

The project will be completed under an existing Professional Services Agreement with Day Environmental, Inc. (DAY) for Phase I and II Environmental Site Assessments and Remediation Services authorized under Ordinance # 2018-133.

To complete the project, DAY will perform additional environmental remediation of a small localized area of soil and groundwater near the center of the Andrews Street Site that is contaminated with Perchloroethene (PCE). The remediation will entail excavation and off-site disposal of PCE-contaminated soils that are present beneath the groundwater table, removal of groundwater as the excavation progresses, and amending subsurface soil with a chemical oxidant remediation product. The cleanup of the site is being conducted under the NYS Environmental Restoration Program with technical oversight by the NYS Department of Environmental Conservation (NYSDEC).

The Site is comprised of four contiguous parcels totaling approximately 1.5 acres and is located in the Center City District (CCD). The City acquired the Site between 1990 and 1997 and is the current owner. Historic uses of the Site included a dry cleaning equipment distributor, a gasoline station, a commercial bus depot and bus repair garage, a fuel oil contractor, a plumbing supplier, an electrical supplier, a bakery, a printer, warehousing.

Previous remedial investigations at the Site completed on behalf of the City by DAY have identified a number of environmental conditions requiring remediation, the most significant of which consisted of PCE contamination that appears to be attributable to the former dry cleaning equipment distributor that occupied a building near the center of the Site. The on-site buildings were demolished in 2010 and in 2012 six Interim Remedial Measures (IRMs) were completed to address the environmental conditions above the groundwater table at the Site. Two of the IRMs included the combined removal and off-site disposal of over 1,900 tons of PCE-contaminated soil. In 2014 and 2015, supplemental IRMs were completed, which included the removal and off-site disposal of an additional 76 tons of near-surface PCE-contaminated soil, the application of over 37,000 pounds of potassium permanganate to facilitate chemical oxidation and remediation of PCE within the groundwater table, the

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installation of a cover system engineering control, and the preparation of a Site Management Plan and an Environmental Easement as institutional controls. The interim cleanup resulted in a significant reduction of PCE in soil and groundwater at the Site. This cleanup has resulted in the City receiving a Certificate of Completion (COC) in 2015 for future Restricted Residential Use (e.g., townhouses, apartment complex, mixed use) at the Site. After obtaining the COC, DAY, on behalf of the City, has conducted groundwater monitoring and continued groundwater remediation via the use of chemical oxidation to treat residual PCE contamination at the Site.

The results of this work identified a small localized area (approximately 600 square foot in size) of relatively high concentration of PCE-contaminated soil that continues to act as a secondary source of PCE detected in groundwater at one or more nearby monitoring wells. The PCE contamination is present in a hard and very dense glacial till deposit which appears to be a primary factor that contributed to incomplete remediation of PCE area. This small 600 square foot area is located near the center of the Site, and encompasses approximately less than 1% of the 1.5-acre Site, however, if not addressed the PCE contamination will likely be encountered as part of any typical future redevelopment of the Site and will require costly remediation at that time. To better position the Site for future marketing, sale and redevelopment, it is recommended that this small localized area of PCE contamination be addressed while the City has full access, ownership and control of the Site.

Since 2009, DAY has been technically and administratively involved with the investigation, cleanup and understanding of the complex environmental conditions at this brownfield site, and has extensive understanding of current Site conditions.

The work is anticipated to begin in summer 2019 and take several months to complete.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-116

Ordinance No. 2019-198
(Int. No. 209)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$181,000 bonds of said City to finance the costs of an environmental remediation project at the Andrews Street Site in the City

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 an environmental remediation, consisting of the remediation of a localized area of soil and groundwater contaminated with Perchloroethene at the Andrews Street Site (the "Project"). The Andrews Street Site consists of the four parcels listed below, comprising approximately 3.5 acres. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$181,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$181,000 bonds of the City and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Andrews Street Site Address	SBL #
300 Andrews St	106.72-1-86
304-308 Andrews St	106.72-1-85.001
320 Andrews St	106.72-1-84.001
25 Evans St	106.72-1-87.001

Section 2. Bonds of the City in the principal amount of \$181,000 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 \$181,000. 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 specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 6-e of the Local Finance 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

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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. 2019-199
Re: Town of Lima - Water District 1 Rates

Transmitted herewith for your approval is legislation related to a wholesale water supply agreement with the Town of Lima Water District 1. This legislation will amend Section 23-37 of the Municipal Code to raise the wholesale water rate by \$0.03 from \$1.68 to \$1.71 per 1,000 gallons for water supplied through the City's Martin Road connection. This new rate will be effective July 1, 2019 and will be subject to change on July 1 of each year thereafter.

The current agreement with Lima Water District 1, was authorized in September 2017 for a 20 year term (Ord. No. 2017-305). The Town of Lima Water District No. 1 purchases approximately 4 million gallons annually. This rate increase will result in increased revenue of \$120.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-199
(Int. No. 210)

Amending the Municipal Code with regard to wholesale water rates

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

Section 1. Chapter 23, Section 37 of the Municipal Code, relating to water fees, as amended, is hereby further amended by amending subsection F(9) thereof to read in its entirety as follows:

(9) Wholesale rate: ~~\$1.68~~ \$1.71 per 1,000 gallons for water drawn from a City water main connection for Water District 1 of the Town of Lima.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-200
Re: South Avenue (Elmwood Avenue – Bellevue Drive) and Elmwood Avenue (Mt Hope Avenue - South Avenue) Street Improvement Project

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Transmitted herewith for your approval is legislation related to the South Avenue (Elmwood Avenue - Bellevue Drive) and Elmwood Avenue (Mt Hope Avenue - South Avenue) Street Improvement Project. This legislation will:

1. Appropriate \$361,000 in anticipated reimbursements from Monroe County to finance a portion of the design for the project, and;
2. Establish \$850,000 as maximum compensation for a professional services agreement with Erdman, Anthony and Associates, Inc., (Curt Helman, Chief Executive Officer) Rochester, NY 14620, for design services related to this project. The term of the agreement will be until three (3) months after completion of a two (2) year guarantee inspection of the project. The cost of the agreement will be funded from:

Source of Funds	Amount
Monroe County appropriated herein	361,000
Prior Year Cash Capital	77,108
2011-12 Cash Capital	8,350
2013-14 Cash Capital	312,916
2015-16 Cash Capital	90,626
Total	850,000

Street improvements will include pavement rehabilitation/reconstruction, new curb, sidewalks, street lighting, water main and landscaping.

Erdman, Anthony and Associates, Inc. was selected for design services through a request for proposal process, which is described in the attached summary.

Design services will begin in summer 2019. It is anticipated that construction will begin in spring 2021 with scheduled completion in fall 2022. The design phase of this project results in the creation or retention of the equivalent of 9.2 full-time jobs.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-117

Ordinance No. 2019-200
 (Int. No. 211)

Appropriating funds and authorizing an agreement for the South Avenue and Elmwood Avenue Street Improvement Project design services

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

Section 1. The sum of \$361,000, or so much thereof as may be necessary, is hereby appropriated from anticipated reimbursements from Monroe County to the South Avenue and Elmwood Avenue Street Improvement Project (Project).

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with Erdman, Anthony and Associates, Inc. for Project design services. The maximum compensation for the agreement shall be \$850,000. That amount, or so much thereof as may be necessary, shall be funded by \$361,000 from the anticipated reimbursements from Monroe County appropriated herein, \$77,108 from Prior Years' Cash Capital, \$8,350 from 2011-12 Cash Capital, \$312,916 from 2013-14 Cash Capital, and \$90,626 from 2015-16 Cash Capital.

Section 3. The term of the agreement shall extend until three months after completion of a two-year guarantee inspection of the Project.

Section 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2019-201
 Re: State Street Reconstruction Project (Basin Street - Inner Loop)

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Transmitted herewith for your approval is legislation related to the State Street Reconstruction Project (Basin Street - Inner Loop). This legislation will:

1. Authorize an agreement with New York State Department of Transportation (NYSDOT);
2. Appropriate \$203,200 in anticipated reimbursements from the Federal Highway Administration (FHWA) to finance a portion of the design and right of way incidentals for the project, and;
3. Establish \$265,000 as maximum compensation for a professional services agreement with LaBella Associates, D.P.C., (Sergio Esteban, Chief Executive Officer) Rochester, NY 14614, for scoping and preliminary design services related to this project. The term of the agreement will be until six (6) months after final acceptance of the project. The cost of the agreement will be funded from:

Source of Funds	Amount
FHWA funds appropriated herein	203,200
2014-15 Cash Capital	61,800
Total	265,000

Street improvements will include full depth reconstruction, a minor widening to enhance traffic safety and efficiency, curb modifications, improved drainage, new enhanced sidewalks as well as context sensitive street lighting and landscaping.

LaBella Associates, D.P.C. was selected to provide design services from the NYSDOT list of pre-approved regional engineering firms, which is described in the attached summary.

Design services will begin in summer 2019. Construction is anticipated to begin in 2021. The design phase of this project results in the creation or retention of the equivalent of 2.9 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-118

Ordinance No. 2019-201
(Int. No. 212)

Authorizing agreements and appropriation for the State Street Reconstruction Project

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 Transportation (NYSDOT) necessary for the City to complete the State Street Reconstruction Project (Project).

Section 2. The Mayor is hereby authorized to accept and appropriate \$203,200 in anticipated reimbursements from the Federal Highway Administration (FHWA) to fund a portion of the design and right-of-way incidentals for the Project.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement with LaBella Associates, D.P.C. for scoping and preliminary design services related to this Project. The maximum compensation for the agreement shall be \$265,000. The agreement shall be funded by \$203,200 from the FHWA reimbursements appropriated in Section 2 and \$61,800 from 2014-15 Cash Capital. The term of the agreement shall extend until six months after final acceptance of the Project.

Section 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-202
Re: Agreement – LaBella Associates, D.P.C. Rochester Police Department Section Offices

Transmitted herewith for your approval is legislation establishing \$1,600,000 as maximum compensation for an agreement with LaBella Associates, D.P.C. (Sergio Esteban, Principal) 300 State Street, Suite 201, Rochester, New York 14614 for design and construction

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administration services for Rochester Police Department Section Offices at Lake and Goodman Sections. The cost of the agreement will be financed from 2017-18 (\$1,100,000) and 2018-19 Cash Capital (\$500,000).

This project includes the design of two (2) new police section offices and neighborhood service centers for the Lake and Goodman Sections. The agreement shall extend until three (3) months after the completion of a two (2) year guarantee inspection of the project.

LaBella Associates, D.P.C. was selected for design services through a request for proposal process, which is described in the attached summary.

The development of each office has been reviewed in accordance with the State Environmental Quality Review Act and Chapter 48 of the Rochester City Code, and a Negative Declaration was issued on October 12, 2018 for the Lake Section and on January 14, 2019 for the Goodman Section.

Design phase services will begin in summer 2019 and construction will begin in summer 2020. The project will result in the creation and/or retention of the equivalent of 17.3 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-119

Ordinance No. 2019-202
(Int. No. 224)

Authorizing an agreement for two new Rochester Police Department Section Offices

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. for design and construction administration services for the erection of two new Rochester Police Department Section Offices for the Lake and Goodman sections (the Project). The maximum compensation for the agreement shall be \$1,600,000 and said amount, or so much thereof as may be necessary, shall be funded from \$1,100,000 in 2017-18 Cash Capital and \$500,000 in 2018-19 Cash Capital. The term of the agreement shall continue to 3 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.

Councilmember Gruber motioned to return Int. No. 237 to committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following vote:

Ayes – President Scott, Councilmembers Clifford, Evans, Gruber, Harris, Lightfoot, Ortiz, Patterson, Spaul – 9

Nays - None – 0

TO THE COUNCIL
Ladies and Gentlemen:

INTRODUCTORY NO. 237
Re: Municipal Code Changes Related to Public Electric Scooter Share System

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation amending the Municipal Code to support the regulation of the proposed public electric scooter share system.

The State Legislature is currently considering legislation to allow the operation of electric scooters under the State Vehicle and Traffic Law and is expected to vote on the legislation prior to the end of its regular session this month. In May, Council authorized (in Ordinance No. 2019-138) an amendatory agreement with Zagster for the establishment of a public electric scooter share system if and when the State legalizes the use of electric scooters on public roads.

This legislation will amend the Municipal Code to regulate the use of electric scooters similar to that of bicycles; require bike and electric scooter riders use bike lanes when available and safe; and prohibit vehicle parking in bike lanes to ensure public safety with the introduction of the

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electric scooter share system in the City of Rochester. The Traffic Control Board was notified of these changes on June 5, 2019. Additional safety, maintenance, and usage measures related to the electric scooter share system will be established through the amendatory agreement with Zagster.

Respectfully submitted,
Lovely A. Warren
Mayor

INTRODUCTORY NO. 237

AMENDING THE MUNICIPAL CODE WITH RESPECT TO ELECTRIC SCOOTER REQUIREMENTS

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

Section 1. Chapter 34 of the Municipal Code, Bicycles, as amended, is hereby further amended to:

- a. Revise the title of Chapter 34 to read as follows:

Bicycles and Electric Scooters

- b. Add to Section 34-1, Definitions, definitions of bike lane, Central Traffic District, cycle track and electric scooter to read as follows:

BIKE LANE

The portion of a roadway that has been delineated and marked for the use of bicycles, not including any lane specifically marked for the shared use of bicycles and motor vehicles.

CENTRAL TRAFFIC DISTRICT

The area bounded by the Inner Loop, North Union Street, South Union Street, Howell Street and Interstate 490, but shall exclude the Inner Loop, Interstate 490 and their respective frontages.

CYCLE TRACK

A pathway in the public right-of-way that is physically separate from motor vehicle traffic and distinct from the sidewalk and that is marked for the use of bicycles. A cycle track may be configured for one-way or two-way traffic.

ELECTRIC SCOOTER

A wheeled device that has handlebars and a floorboard that is designed to be stood upon while riding, is powered by an electric motor, and qualifies to be operated on public roadways as an "electric scooter" as defined and regulated in the New York State Vehicle and Traffic Law.

- c. Revise Section 34-6, Regulations, to read as follows:

A. (Reserved)

B. Bicycles and electric scooters shall not be ridden two or more abreast.

C. Unless accompanied by a person over 18 years of age, ~~children under 12 years of age or under~~ shall ride bicycles, ~~velocipedes or tricycles, other lightweight wheeled devices propelled by the rider or electric scooters only on the sidewalk and must walk velocipedes or tricycles such devices across all streets. Children under 12 years of age shall ride bicycles only on the sidewalk unless accompanied by a person over 18 years of age.~~ Bicycle and electric scooter riding by children 12 years of age and under is forbidden in the Central Traffic District, ~~unless accompanied by a person over 18 years of age.~~ Outside of the Central Traffic District, persons over 12 years of age may ride bicycles or electric scooters upon any multi-use trail or sidewalk but may not ride bicycles or electric scooters on any plot in the roadway planted with grass, flowers or shrubs or on any ornamental parkway in any roadway. Within the Central Traffic District, riding a bicycle or electric scooter on the sidewalk is prohibited except where the sidewalk is identified as part of the Genesee River-Riverway Trail or other multi-use trail system. Both within and outside of the Central Traffic District, bicycle and electric scooter riders over 12 years of age shall ride in the bike lane or cycle track rather than the sidewalk when a bike lane or cycle track and sidewalk run parallel to and adjacent to each other, except when reasonably necessary to avoid conditions that would make it unsafe to continue along said bike lane or cycle track. Conditions to be taken into consideration as potentially unsafe include, but are not limited to, fixed or moving objects, motor vehicles, in-line skates, pedestrians, animals or surface hazards present within the lane or track. The rider of a bicycle or electric scooter on the sidewalk shall yield the right-of-way to pedestrians. The prohibition against riding bicycles or electric scooters upon sidewalks in the Central Traffic District shall not apply to police officers in the performance of their duties.

D. Bicycle and electric scooter riders shall not pull or tow a sled, wagon or another person on skates.

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E. Bicycle riders must keep at least one hand on handlebars and both feet on pedals. Electric scooter riders must keep at least one hand on handlebars and both feet on the floorboard, except that the rider may take one foot off the floorboard to assist in propelling the electric scooter.

F. No person shall operate a bicycle or electric scooter equipped with handlebars so raised that the rider must elevate his or her hands above the level of his or her shoulders in order to grasp the normal steering grip area.

G. ~~Bicycle riding by children under 12 years of age is forbidden in the Central Traffic District, unless accompanied by a person over 18 years of age.~~

H. ~~When riding a bicycle on the sidewalk, bicycle riders shall yield the right of way to pedestrians.~~

The amendments set forth in this section shall be contingent upon the enactment of amendments to the New York State Vehicle and Traffic Law that define, allow and regulate how electric scooters may be operated on public roadways.

Section 2. Chapter 111 of the Municipal Code, Vehicle and Traffic, as amended, is hereby further amended in Section 111-37, Use of coasters and similar devices restricted, to read as follows:

No person riding in or by means of any coaster, sled, non-motorized scooter, toy vehicle or similar device shall go upon any roadway, except while crossing the street upon a crosswalk. Such devices may be used upon a sidewalk, but shall not be used so as to interfere with pedestrian traffic.

Section 3. Chapter 111 of the Municipal Code, Vehicle and Traffic, as amended, is hereby further amended to add a new subsection to Section 111-24, Standing or parking prohibited in specified places, to read as follows:

E. Within a bike lane, a cycle track, or a trail designated for bicycles or mixed uses.

Section 4. This ordinance shall take effect immediately; provided, however, that Section 1 shall not take effect unless and until the effective date of amendments to the New York State Vehicle and Traffic Law that are enacted to define, allow and regulate how electric scooters may be operated on public roadways.

Strikeout indicates deleted text, new text is underlined.

RETURNED TO COMMITTEE

By Vice-President Lightfoot
June 18, 2019

To the Council:

The **PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

- | | |
|--------------|--|
| Int. No. 213 | Authorizing agreements for the 2019-20 Gun Involved Violence Elimination Program |
| Int. No. 214 | Authorizing an agreement for emergency veterinary services |
| Int. No. 215 | Amending the Municipal Code with respect to the Fire Prevention Code |
| Int. No. 216 | Authorizing an agreement with All Pro Catalyst, LLC |
| Int. No. 217 | Authorizing agreements for the Teenage Pregnancy Prevention Program |
| Int. No. 239 | Appropriating funds and authorizing agreements for the Sexual Risk Avoidance Education Grant and Program |
| Int. No. 161 | Accepting a donation and amending the 2018-19 Budget for Norton Village Playground improvements |

The following entitled legislation is being **HELD** in committee:

- | | |
|--------------|--|
| Int. No. 218 | Authorizing an agreement for the receipt and use of funds for the 2019 Summer Food Service Program |
|--------------|--|

Respectfully submitted,
Willie J. Lightfoot
Mitch Gruber
LaShay D. Harris
Jacklyn Ortiz

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Loretta C. Scott
PUBLIC SAFETY YOUTH & RECREATION COMMITTEE

Received filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-203
Re: Budget Amendment, Norton Village Playground
Council Priority: Creating and sustaining a culture of vibrancy

Transmitted herewith for your approval is legislation related to the Norton Village Playground. This legislation will:

1. Authorize the receipt and use of a \$130,000 donation from the Rochester Area Community Foundation for proposed improvements to the basketball court located at Norton Village Playground (350 Waring Road, Rochester, NY 14609); and
2. Amend the 2018-19 Cash Capital Budget of the Department of Recreation and Youth Services to reflect the donation.

The donation, which will be administered through the Rochester Area Community Foundation, was graciously provided by Christopher Mahar and his family foundation. The funds will be used to renovate existing courts in need of repair resulting in the creation of two new basketball courts.

Construction is anticipated to take place in summer 2019.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-203
(Int. No. 161)

Accepting a donation and amending the 2018-19 Budget for Norton Village Playground improvements

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

Section 1. The Council hereby authorizes the receipt and use of a donation in the amount of \$130,000 from the Rochester Area Community Foundation to make improvements to the Norton Village Playground at 350 Waring Road.

Section 2. 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 Cash Capital Budget by the sum of \$130,000, which amount is hereby appropriated for the purpose and from the donation authorized in Section 1 herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-204
Re: Agreement – New York State Division of Criminal Justice Services, 2019-20 GIVE Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation related to a New York State Division of Criminal Justice Services (DCJS) grant. This legislation will:

1. Authorize an agreement with DCJS for the receipt and use of a Gun Involved Violence Elimination (GIVE) grant in the amount of \$676,200 for the term of July 1, 2019 to June 30, 2020;
2. Establish \$31,000 as maximum compensation for an agreement with PathStone Corporation (Principal: Stuart J. Mitchell) to cover the cost of direct service provider case management for focused deterrence participants. The agreement will be funded from the 2019-20 Budget of the Police Department, contingent upon approval, and have a term of one year, from July 1, 2019 to June 30, 2020.

This grant will build on the success of previous GIVE funding and support the continued work of a County-wide criminal justice taskforce to reduce violent crime in Rochester. GIVE strategies are exclusively focused on firearm related crime, primarily shootings and homicides. Methods of reducing firearm violence will be based upon empirically derived best-practices that focus on violent dispute intervention and resolution;

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detering access to illegal firearms; and implementing offender-based tactics and place-based tactics. Taskforce priorities and activities are based on crime and crime response data.

The grant includes \$358,196 in overtime, but does not pay for the associated fringe cost of \$113,405. PathStone Corporation will receive \$31,000 as a sub-grantee to cover the cost of direct service provider case management for the focused deterrence participants. PathStone Corporation will employ one part-time case worker (20 hours per week) to manage the coordination of community-based services. Rochester Institute of Technology will receive \$230,950 to employ a GIVE Director, GIVE Analyst, and a Community Engagement Communications Specialist to work with the taskforce (approved in Ordinance 2018-251). The remaining \$56,000 will be used to purchase supplies for custom notifications, rental cars for undercover details, and training required by DCJS. No matching funds are required. This will be the sixth year RPD has received this award.

A Justification statement for not issuing a Request for Proposal for PathStone Corporation is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-120

Ordinance No. 2019-204
(Int. No. 213)

Authorizing agreements for the 2019-20 Gun Involved Violence Elimination 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 Division of Criminal Justice Services for the receipt and use of funding for the 2019-20 Gun Involved Violence Elimination (GIVE) Program in the amount of \$676,200. The term of the agreement shall be from July 1, 2019 to June 30, 2020.

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with PathStone Corporation to provide direct service provider case management for focused deterrence participants in the GIVE Program. The maximum compensation for the agreement shall be \$31,000, which shall be funded from the 2019-20 Budget of the Police Department, contingent upon approval. The term of the agreement shall be from July 1, 2019 to June 30, 2020.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-205
Re: Agreements – Veterinary Services for Rochester Animal Services

Transmitted for your approval is legislation related to veterinary agreements for Rochester Animal Services (RAS). This legislation will:

1. Appropriate up to \$15,300 from the Animal Control Gifts Fund for veterinary services agreements for Rochester Animal Services; and
2. Establish \$6,000 as maximum compensation for an agreement with Animal Hospital of Pittsford, P.C. (Principal: Todd Wihlen), 2816 Monroe Avenue, Rochester, for emergency veterinary services. The agreement will be funded partially from the 2019-20 Budget of the Police Department (\$4000), contingent upon approval, and partially from the Animal Control Gifts Funds (\$2000) appropriated above. The term will be from July 1, 2019 to June 30, 2020.

RAS utilizes agreements with outside veterinarians and veterinary technicians to increase surgical capacity, improve customer service, and provide veterinary coverage during the absence of the regular veterinarian and veterinary technicians. RAS does not expect any of these individual agreements to reach the \$10,000 threshold that would require Council approval. Animal Hospital of Pittsford provides emergency and after-hours veterinary services, and performs spay and neuter surgeries when on-site consultants are not available.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-205
(Int. No. 214)

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Authorizing an agreement for emergency veterinary services

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

Section 1. The sum of \$15,300, or so much thereof as may be necessary, is hereby appropriated from the Animal Control Gifts Fund for veterinary services agreements for Rochester Animal Services.

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with Animal Hospital of Pittsford, P.C. to provide emergency veterinary services. The maximum compensation for the agreement shall be \$6,000. Said amount shall be funded by \$4,000 from the 2019-20 Budget of the Police Department, contingent upon approval, and \$2,000 from the amount appropriated in Section 1. The term of the agreement shall be from July 1, 2019 to June 30, 2020.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-206

Re: Amendments – Municipal Code, Chapter 54 – Fire Prevention Code

Council Priority: Public Safety

Transmitted herewith for your approval is legislation amending in its entirety Chapter 54 of the Municipal Code, the Fire Prevention Code to ensure consistency with the New York State Uniform Fire Prevention and Building Code, compliance with Federal, State and local laws and to conform to current Rochester Fire Department practices.

Under New York State law, the City is required to follow the New York State Uniform Fire Prevention and Building Code (the “Uniform Code”). Currently, the City’s Fire Prevention Code is duplicative of much of the Uniform Code and is therefore unnecessary given the Uniform Code’s applicability to the City. The City’s Fire Prevention Code was adopted in 1961 and has not been amended in its entirety since 1981 – the year the New York State Uniform Fire Prevention and Building Code Act was added as Article 18 of the Executive Law.

In addition, the Department of State recently adopted rule amendments to require operating permits for carbon dioxide used in beverage dispensing and for parking garages and this legislation would include those two new categories of operating permits. The proposed fee for the carbon dioxide operating permit is \$95 and parking garage operating permit is \$200.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-206
(Int. No. 215)

Amending the Municipal Code with respect to the Fire Prevention Code

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

Section 1. Chapter 54 of the Municipal Code, Fire Prevention Code, as amended, is hereby further amended to read in its entirety as follows:

Article I. New York State Uniform Fire Prevention and Building Code

§ 54-1. Title.

This chapter shall be known and cited as the “Fire Prevention Code.” It is the intent of this code to prescribe regulations consistent with nationally recognized good practices for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the use or occupancy of buildings or premises.

§ 54-2 Definitions.

Department
Shall mean the City of Rochester Fire Department.

Fire Prevention Code

Shall mean the regulations found in Chapter 54 of the Municipal Code, together with the New York State Uniform Fire Prevention and Building Code.

Operating Permit

Shall mean a permit issued pursuant to section seven of this Chapter. The term "Operating Permit" shall also include an operating permit which is renewed, amended or extended pursuant to any provision of this Chapter.

Uniform Code

Shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended.

§ 54-23 Acceptance of State Uniform Fire Prevention and Building Code.

The New York State Uniform Fire Prevention and Building Code shall be applicable in as promulgated by the New York State Building Code Commission pursuant to Article 18 of the New York Executive Law (as added by Chapter 707 of the laws of 1981) and is hereby made a part of the Municipal Code of the City of Rochester.

Article II. Administration and Enforcement

§ 54-3 Applicability.

The provisions of this article shall apply equally to new and existing conditions, except that existing conditions not in strict compliance with the terms of this code shall be permitted to continue where the exceptions, in the opinion of the Fire Marshal, do not constitute a distinct hazard to life or property.

§ 54-4 Right of entry for inspections.

The Fire Chief, the Fire Marshal, any officer or member of the Fire Safety Division or any inspector thereof may, at all reasonable hours, enter any building or premises, vehicle or conveyance, within the City of Rochester, for the purpose of making any inspection or investigation which he or she or they may deem necessary to be made under the provisions of this article. Any person authorized under this code to make such inspection shall carry proper identification cards and/or badges and shall show them when requested.

A. Power and Authority to Inspect.

The Fire Chief, the Fire Marshal, or any member of the Department who is an Officer, Code Enforcement Officer or Building Safety Inspector may cause, in the administration and enforcement of the Fire Prevention Code and all other applicable laws, to make inspections of all premises, as often as may be necessary for the purpose of ascertaining and causing to be corrected any violations of the provisions of the laws, ordinances or rules which the Department enforces.

B. Warrants.

The Fire Chief and the Fire Marshal shall each have the authority to seek inspection warrants, pursuant to Article I, Part B, of the Charter of the City of Rochester, Judicial Warrants for Inspections of Premises, where the same are constitutionally required.

§ 54-5 Inspections for compliance.

A. Inspections required. It shall be the duty of the Fire Marshal or his or her designee to inspect or cause to be inspected; by the Fire Department all buildings and premises, except the interiors of private dwellings, as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violations of the provisions of this article and to ensure compliance in all places of assembly with all laws, regulations and orders dealing with overcrowding, use of decorative materials, maintenance of exitways and maintenance of fire alarm, fire detecting and fire extinguishing systems and appliances.

(1) buildings or structures which contain an area of public assembly at an interval not greater than once every twelve (12) months.

(2) premises required to have an operating permit pursuant to section 54-7, upon receipt of a complete application for said permit and thereafter at an interval not greater than once every twelve (12) months.

(3) multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, at an interval not greater than once every thirty-six (36) months.

(4) buildings or structures being occupied as dormitories at an interval not greater than once every twelve (12) months.

B. The Fire Chief, the Fire Marshal, any officer or member of the Fire Department or any inspector thereof, upon the complaint of any person or whenever he or she or they shall deem it necessary, shall inspect any buildings and premises within the City of Rochester. Inspections permitted. In addition to the inspections required by subsection A of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed upon:

(1) request of the property owner or the authorized agent of such owner;

(2) receipt of a written statement alleging that conditions or activities fail to comply with the Uniform Code exist; or

(3) receipt of any other information, reasonably believed to be reliable that there are conditions or activities that fail to comply with the Uniform Code.

Provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

§ 54-6 Adoption of rules and regulations.

The Fire Marshal may adopt rules and regulations, subject to the approval of the Fire Chief, for carrying into effect the provisions of the code. The Fire Marshal may also issue orders for the enforcement of such rules and regulations as are consistent therewith. In connection with the adoption by the Fire Marshal of rules and regulations for carrying into effect the provisions of the code relating to fire hazards in buildings, the following factors will be considered.

A. The number of persons who would be physically present in the building at any given time.

B. The type of construction of the building.

C. The type of fire protection provided in the building.

D. With respect to a commercial establishment, the quantity needed for display and normal merchandising purposes.

E. Any other factors which might have a bearing on the firesafety of the building.

§ 54-7 Orders.

A. It shall be sufficient service of an order upon any person, firm or corporation found to be violating any of the provisions of this chapter of the Municipal Code if a copy thereof is served personally in accordance with the provisions of the Civil Practice Law and Rules; or sent by first class mail to either the person's tax mailing address, if the violation relates to a property or building and the owner is the person to be served, or otherwise to the person's last known address; or left with an agent or a person of suitable age and discretion at the place of violation or tax mailing address or last known address.

B. In the event that changes or additions to the premises themselves are deemed by the Fire Marshal to be necessary to ensure safety, the Fire Marshal shall immediately report such findings to the Director of the Neighborhood Service Centers and/or the Commissioner of Neighborhood and Business Development.

C. No person having been served with such an order shall fail to comply with the requirements thereof immediately upon being served with the order. In case of emergency, the Fire Marshal or any officer assigned to the Fire Safety Division and any officer assigned to the Fire Suppression Division shall have the authority to order any building or buildings vacated immediately.

D. Whenever the Fire Marshal causes an order to be issued pursuant to this chapter requiring the owner to remove the existing nuisances or violations, the owner may request a meeting with the Fire Marshal or his or her designee. The meeting shall be held prior to the expiration of the period for compliance so prescribed unless the violation constitutes an immediate danger to human life or health.

E. Whenever the Fire Marshal has determined that an emergency exists and causes a vacate order to be issued pursuant to this chapter, the owner and/or the tenant may request a hearing before the Fire Marshal or his or her designee. The hearing shall be held within three business days of receiving a written demand for it. The rules of evidence prevailing in courts of record shall not be controlling in the hearings held pursuant to this chapter.

§ 54-86 Record keeping to be kept of all fires.

The Fire Marshal shall keep, in the office of the Fire Department official records of all activities and transactions of his or her office, a record of all fires, and of all the facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby and whether such losses were covered by insurance and, if so, in what amount. Such record shall be made daily from all reports made by the Fire Department officers and inspectors.

§ 54-9 Exceptions to provisions.

A. Nothing contained in this code shall be construed as applying to the transportation of any article or thing shipped in conformity with the regulations prescribed by the Interstate Commerce Commission, nor as applying to the military forces of the State of New York or United States.

B. The Fire Chief may waive provisions of this code for any large, integrated industrial area which in his or her opinion maintains adequate fire protection and fire prevention services. The Fire Marshal shall investigate at any time or interval that he or she may deem necessary to determine that firesafety standards maintained are substantially equivalent to the waived provisions of the code.

§ 54-107 Operating Permits.

A. Operating permits shall constitute permission to maintain, store or handle materials or to conduct processes or to install equipment used in connection with such activities, which materials, processes or equipment if improperly used may produce conditions hazardous to life or property, or to install equipment used in connection with such activities; be required prior to conducting any activities or operating any type of building or structure listed in the New York Codes, Rules and Regulations (NYCRR) as requiring an operating permit (presently 19 NYCRR § 1203.3(g)). Such operating permit does not take the place of any license required by law. It shall not be transferable, and any change in use or occupancy of premises shall may require a new operating permit.

B. Before an operating permit may be issued, ~~the Fire Marshal or his or her assistants shall inspect and approve the receptacles, vehicles, buildings or storage places to be used~~ the premises shall be inspected pursuant to section 54-5. In cases where laws or regulations enforceable by departments other than the Fire Safety Division are applicable, joint approval shall be obtained from all departments concerned.

C. All applications for an operating permit required by this code shall be made to the Fire Safety Division in such form and detail as it shall prescribe. Applications for operating Ppermits shall be accompanied by such plans, drawings, ~~models or samples~~ and condition assessment reports as required by the Fire Safety Division. Operating Ppermits shall be issued by the Fire Marshal.

D. Operating pPermits shall at all times be kept on the premises designated therein and shall at all times be subject to inspection by any officer of the Fire or Police Department or the Department of Neighborhood and Business Development.

E. ~~One permit only shall be required by establishments dealing in or using two or more flammable, combustible or explosive materials to be kept in the establishment at any one time, but the materials shall be listed in the permit, as requested by the Fire Marshal. In accordance with § 54-3, special permits may be issued authorizing the continuance of existing conditions not in strict compliance with the terms of this code, but where the exceptions do not constitute a distinct hazard to life or property or a violation of the New York State Uniform Fire Prevention and Building Code. Such special permits may be revoked by the Chief of the Fire Department and/or the Fire Marshal upon failure to comply with the provisions of this code within the time specified within said permit. A single operating permit may apply to more than one hazardous activity.~~

§ 54-118 Suspension or revocation of operating permits.

~~The Division of Fire Safety~~ Fire Marshal or his or her designee may suspend or revoke an operating Ppermit ~~or approval issued if any violation of this Fire Prevention eCode is found upon inspection or in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the operating permit or approval was based.~~

§ 54-129 Fees.

A. Fees for the issuance of operating permits and certificates shall be collected by the City Clerk, and checks and money orders ~~may~~ shall be made payable to the City Treasurer.

B. Operating Permits shall be required for the operation and/or maintenance of the following activities. Such permits pursuant to Section 54-7 shall be issued annually, and the annual fees for such permits shall be as follows:

- (1) Tire recapping or rebuilding plant: \$200.
- (2) Automobile wrecking yard, junkyard or waste material handling plant: \$200.
- (3) Nitrate motion-picture film stored, kept or had on hand in quantities greater than 25 pounds (about 5,000 feet of thirty-five-millimeter film): \$200.
- (4) Cellulose nitrate plastics (pyroxylin) stored or handled in quantities greater than 25 pounds ~~by jobbers, wholesalers and retailers:~~ \$200.
- (5) Cellulose nitrate plastics (pyroxylin) manufactured into products or used in the manufacture or assembly of other articles: \$200.
- (6) Combustible fibers stored or handled in quantities exceeding 100 cubic feet: \$95.
- (7) Dry-cleaning plants operations:
 - (a) Class I system, liquids having a flash point below 100° F. (37.8° C.): prohibited.

- (b) Class II system, liquids having a flash point at or above 100° F. (37.8° C.) and below 140° F. (60° C.): \$200.
- (c) Class IIIA system, liquids having a flash point at or above 140° F. (60° C.) and below 200° F. (93.4° C.): \$200.
- (d) Class IIIB system, liquids having a flash point at or above 200° F. (93.4° C.): \$160.
- (e) Class IV system, liquids classified as nonflammable: \$120.

(8) Dust-producing operation: \$160.

(9) Explosives or blasting agents manufactured, possessed, stored or sold or otherwise handling or disposing of these compounds: \$200.

(a) Transportation of explosives or blasting agents, per vehicle: \$95.

(10) ~~Flammable and Combustible Liquids "Liquid," which shall mean, for the purpose of this section, any material which has a fluidity greater than that of 300 penetration asphalt when tested in accordance with Test for Penetration for Bituminous Materials ASTM D-5-73. When not otherwise identified, the term "liquid" shall mean both flammable and combustible liquids.~~

(a) ~~"Flammable liquid" shall mean a liquid having a flash point below 100° F. (37.8° C.) and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100° F. (37.8° C.) and shall be known as a "Class I liquid."~~

~~[1] Class IA shall include those having flash points below 73° F. (22.8° C.) and having a boiling point below 100° F. (37.8° C.);~~

~~[2] Class IB shall include those having flash points below 73° F. (22.8° C.) and having a boiling point at or above 100° F. (37.8° C.);~~

~~[3] Class IC shall include those having flash points at or above (73° F.) (22.8° C.) and below 100° F. (37.8° C.);~~

(b) ~~"Combustible liquid" shall mean a liquid having a flash point at or above 100° F. (37.8° C.);~~

~~[1] Class II liquids shall include those having flash points at or above 100° F. (37.8° C.) and below 140° F. (60° C.);~~

~~[2] Class IIIA liquids shall include those having flash points at or above 140° F. (60° C.) and below 200° F. (93.4° C.);~~

~~[3] Class IIIB liquids shall include those having flash points at or above 200° F. (93.4° C.);~~

(ea) ~~Class I, II, III Flammable liquids and combustible liquids, as defined by NFPA 30, Class II, stored, handled or used (not otherwise covered under Chapter 77, Oil Burners, or gasoline service stations and bulk plants):~~

~~[1] Storage in any building of more than six gallons of flammable liquid or more than 25 gallons of combustible liquid (Class II): \$95.~~

~~[2] Storage outside of a building of more than 10 gallons of flammable liquid or more than 60 gallons of combustible liquid (Class II and Class III): \$95.~~

~~[3] Paints, oils and varnishes stored more than 30 days: \$95.~~

(db) ~~Flammable liquids storage and combustible liquids, Class II, storage in stationary tanks, including bulk plants (not otherwise covered in gasoline service stations, and Chapter 77, Oil Burners, of the Municipal Code):~~

~~[1] First 50,000 gallons: \$95.~~

~~[2] Second 50,000 gallons: \$95.~~

~~[3] Third and fourth 50,000 gallons (each): \$95.~~

~~[4] Each additional 100,000 gallons or fraction thereof: \$95.~~

~~[5] Each dispensing unit: \$40.~~

(ec) ~~Flammable liquids and combustible liquids, Class II, manufactured, processed, blended or refined: \$200.~~

(fd) ~~Flammable liquids and combustible liquids, Class II, stored in drums for the purpose of manufacture, storage or sale:~~

~~[1] Maximum of 10 drums: \$95.~~

[2] Exceeding 10 drums: \$200.

(~~ee~~) Spraying or dipping operations using more than one gallon of flammable or combustible liquids in any one working day: \$95.

(11) Fumigation room, vault or chamber using a toxic or flammable fumigant: \$160.

(12) Hazardous chemical storage or handling:

(a) More than 2,000 cubic feet of flammable compressed gas: \$200.

(b) More than 6,000 cubic feet of nonflammable compressed gas: \$160.

(c) More than 55 gallons of corrosive liquids: \$95.

(d) More than 50 pounds of oxidizing materials: \$95.

(e) More than 10 pounds of organic peroxides: \$95.

(f) More than 50 pounds of nitromethane: \$95.

(g) More than 1,000 pounds of ammonium nitrate, ammonium nitrate fertilizers and fertilizer mixtures: \$200.

(h) Any amount of highly toxic material: \$95.

(i) Any amount of poisonous gas: \$95.

(j) More than 1 microcurie of radium (not contained in a sealed source): \$95.

(k) More than 1 millicurie of radium or other radioactive material (in sealed source): \$95.

(l) Any amount of radioactive material for which a license from the United States Nuclear Regulatory Commission is required: \$95.

(m) More than 100 pounds of carbon dioxide used in beverage dispensing: \$95

(13) Lumber storage in excess of 100,000 board feet: \$200.

(14) Magnesium or similar materials being melted, cast, heat-treated, machined or ground in quantities of more than 10 pounds per working day: \$200.

(15) Matches:

(a) Manufacture of: \$200.

(b) Storage in excess of 25 cases: \$95.

(16) Each oven or kiln (industrial or commercial baking/drying) operation and/or commercial cooking system: \$85 per location.

(17) Combustible material storage in excess of 2,500 cubic feet gross volume: \$120.

(18) Acetylene and other flammable gas usage in connection with welding or cutting: \$95.

(19) Calcium carbide storage in excess of 200 pounds: \$200.

(20) Acetylene generator with carbide capacity exceeding five pounds: \$200.

(21) ~~Liquid~~ Liquefied petroleum gas container(s) installed, handled or used in all buildings, structures or properties (except residential):

(a) Water capacity of 1,000 gallons or more: \$145.

(b) Less than 1,000 gallons' water capacity: \$95.

(22) Gasoline service stations:

(a) Each 10,000 gallons, or part thereof, of storage capacity: \$95.

(b) Each dispensing unit: \$30.

(23) Private plants:

(a) Each 10,000 gallons, or part thereof, of storage capacity: \$95.

(b) Each dispensing unit: \$30.

(24) ~~Central Supervising stations~~: no fee.

(25) Places of assembly (when a City license is not also required):

(a) Capacity of 100 to 249: \$30

(b) Over capacity of 249: \$60

(26) Parking garages: \$200

C. Permits shall be required for the following activities, and fees shall be as follows:

(1) Setting off or discharging explosives (per job, not to exceed one year per permit): \$200.

(2) Delivering explosives or blasting agents to a terminal between the hours of sunset and sunrise (per delivery): \$95.

(3) Fumigation or thermal insecticidal fogging (per building): \$200 for commercial buildings and \$40 for residential buildings.

(4) Bowling pin refinishing, involving use of flammable liquids or materials (per 50 pins): \$95.

(5) Bowling alley resurfacing operations, involving use of flammable liquids or materials (per alley): \$40.

(6) Any roof repair or replacement using any form of heat-generating equipment or process (per job): \$95.

(7) Setting off fireworks: \$145.

D. Certificates of Fitness for individuals and Certificates of Registration for businesses shall be required for the performance of the following activities. Such certificates shall be issued annually, and the annual fees shall be as follows:

(1) For the certificate of fitness required by all persons storing, transporting, setting off or discharging explosives:

(a) Examination fee: \$35.

(b) Original certificate: \$135.

(c) Renewal of certificate: \$80.

(2) Pump and tank installation, removal, alteration or repair:

(a) Examination fee: \$35.

(b) Original certificate: \$135.

(c) Renewal of certificate: \$80.

(d) Certificate of registration for business: \$145.

(3) Installing, charging, filling, maintaining, recharging, refilling, repairing and testing rechargeable fire extinguishers:

(a) Examination fee: \$35.

(b) Original license: \$100.

(c) Renewal of Certificate license: \$70.

(d) Apprentice permit: \$70.

(e) Certificate of registration: \$145.

(f) Hydrostatic testing: \$70.

E. ~~The Fire Marshal may waive the fees for any building or installation occupied by or operated by the City or other division of government.~~

~~FE.~~ For inspections and details on Saturdays, Sundays, holidays or ~~other than~~ outside the regular working hours of inspectors, the rate shall be the overtime pay rate of the inspector. A minimum of four hours may be charged if the inspector was called in and/or has no other inspections during the four hours.

~~GF.~~ Training. The following fees shall be charged for training:

- (1) Fire extinguisher/fire workplace safety training: \$20 per person.
- (2) CPR training: \$35 for Basic, \$45 for AED, and \$65 for Health Care Providers, per person.

~~HG.~~ Alarm Boxes. There shall be an alarm box fee of \$700 per interior box and \$1,000 per exterior box.

H. The Fire Marshal may waive the fees for any building or installation occupied by or operated by the City or other division of government.

~~§ 54-130~~ Applications for certificates.

A. The Fire Marshal shall conduct hearings, proceedings or testing concerning applications for certificates required under the Fire Prevention Code.

B. The Fire Marshal shall require applicants for original certificates to pass an examination. The examination shall be written and may be supplemented by practical tests or demonstrations deemed necessary to establish the applicant's knowledge and ability. Reference materials for such examinations shall be ~~published annually by the Fire Marshal~~ provided with the application. Notice of the time and place of each examination shall be given at least 30 days prior to the examination.

C. Examinations administered by outside agencies shall be approved by the Fire Marshal and once approved shall be accepted for establishing eligibility for certificates of fitness.

~~DC.~~ Applications for renewal of certificates shall be made annually.

~~ED.~~ The provisions of Chapter 68 of the Code of the City of Rochester shall be applicable to all licenses and operating permits issued under this article.

~~FE.~~ The Fire ~~Chief Marshal~~ shall revoke, without a hearing, the ~~certificate-license~~ of any business or person found guilty of five or more violations of this article during any period of two years. Nothing herein shall prevent the Fire Chief from revoking a certificate license of any business or person with fewer than five violations, on written charges and an opportunity for a hearing thereon, pursuant to § 68-10 of the Municipal Code.

~~§ 54-14~~ ~~54-11~~ Central ~~Supervising~~ stations.

A. Purpose. The purpose of this section is to regulate the operation of ~~central-supervising~~ stations in the interest of safeguarding lives and property.

B. Administration. The administration of this section shall be vested in the Fire Chief, who shall have the power to issue the proper rules and regulations to administer this section. The Fire Chief may delegate the administration of any part of this section to the Fire Marshal, as he or she deems necessary.

~~C.~~ The term "person" shall mean any firm, partnership, corporation, association or individual.

~~DC.~~ The term "~~central-supervising station~~ protective system" or "supervising station" shall mean a system or group of systems operated for their customers by a person, firm or corporation with a operating permit from the City, in which system the operations of electrical protection circuits and devices are transmitted to, recorded in, maintained and supervised from a ~~central-supervising~~ station having in attendance at all times a minimum of two trained, competent operators that have the duty to take appropriate action upon receipt of a signal or message, including the relaying of messages by direct line to the communications center of the Fire Department.

~~ED.~~ Operating-P permits.

(1) The Fire Marshal or his or her ~~designate designee~~ is authorized to grant a revocable operating permit to any person who has established a ~~central-supervising station system~~. Such operating permit is required for any ~~central-supervising~~ station to operate in the City of Rochester.

(2) Said operating permit shall be granted upon written application to the Fire Marshal of the City of Rochester and upon the determination that:

(a) The ~~central~~supervising station for which the operating permit application is being made meets all the requirements of the National Fire Protection Association Pamphlet No. 71 72 (1977 Edition).

(b) ~~The central station for which the permit application is being made meets such other further mandated rules and regulations as may be adopted by the Fire Marshal or his or her designate for carrying out the provisions and purpose of this section of the code.~~

(3) The Fire Marshal or his or her ~~designate~~ designee is authorized to inspect any ~~central~~supervising station prior to granting an operating permit in order to determine if all the requirements of this section have been met and is authorized to inspect any ~~central~~supervising station after an operating permit has been issued at any time, without prior notice to the ~~central~~ supervising station, to ensure that all requirements under this section are maintained by the ~~central~~ supervising station.

(4) In the event that the Fire Marshal or his or her ~~designate~~ designee determines under Subsection ~~ED~~(3) of this section that the requirements under the Fire Prevention Code of the City of Rochester have not been maintained, the Fire Marshal or his or her ~~designate~~ designee will notify the person who holds the operating permit for the ~~central~~supervising station that such operating permit will be revoked within 30 days unless the violations are corrected, prior to such thirty-day period, to the satisfaction of the Fire Marshal or his or her ~~designate~~ designee.

§ ~~54-15~~ 54-12 Approval of plans.

Plans shall be approved by the Fire Marshal or his or her designee if they comply in all respects with the Fire Prevention Code and the Uniform Code. However, the approval of plans containing omissions or errors shall not relieve the applicant of complying with all requirements of the Fire Prevention Code and the Uniform Code.

§ ~~54-16~~ 54-13 Liability for damages.

This code shall not be construed to hold the City of Rochester responsible for any damages to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect for the operating permit issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

§ ~~54-17~~ 54-14 Variance or modification of regulations.

The Board of Review established by Chapter 4 of the Municipal Code shall have the power to vary or modify, in whole or in part, any local provision or requirement of the Fire Prevention Code where practical difficulties or unnecessary hardships may result from the enforcement thereof; provided, however, that any such variance or modification shall be consistent with the spirit of the code and not inconsistent with acts of the New York State Legislature or the ~~New York State Uniform Fire Prevention and Building Code~~. An application for variance or modification of a rule or law shall be made by an aggrieved person within 30 days following the date of the decision sought to be varied or modified. Any action of the Board of Review may be reviewed pursuant to Article 78 of the Civil Practice Law and Rules. Variances, interpretations or modifications to the ~~New York State Uniform Fire Prevention and Building Code~~ must be sought in accordance with Article 18 of the New York State Executive Law.

§ ~~54-18~~ Survey of premises and specifications of equipment.

The Fire Marshal shall survey each mercantile and manufacturing establishment, school, place of assembly, hospital, place of detention, hotel, boarding or rooming house and multifamily house and shall specify suitable fire detecting devices or extinguishing appliances which shall be provided in or near boiler rooms, kitchens of restaurants, clubs and like establishments, storage rooms involving considerable combustible material, rooms in which hazardous manufacturing processes are involved, garage sections and other places of a generally hazardous nature. Such devices or appliances may consist of automatic fire alarm systems, automatic sprinkler or water spray systems, standpipe and hose, fixed or portable fire extinguishers of a type suitable for the probable class of fire or suitable asbestos blankets, manual or automatic covers or carbon dioxide or other inert gas extinguishing systems. In specially hazardous processes or storages, appliances of more than one type or special systems may be required.

§ ~~54-19~~ Tank vehicles.

A. No tank vehicle shall be left unattended on any street, highway, avenue or alley, provided that this shall not prevent a driver from the necessary absence from the truck in connection with the delivery of his or her load, except that during actual discharge of the liquid some responsible person shall be present at the vehicle, nor shall it prevent stops for meals during the day or night if the street is well lighted at point of parking.

B. Tank vehicles containing flammable liquids shall not be parked out of doors at any one point for longer than one hour, except off the streets, and shall be at least 25 feet from any building used for assembly, institutional or residential occupancy.

C. Tank vehicles shall not be parked or garaged in any buildings other than those specifically approved for such use by the Fire Marshal.

D. Tank trucks are prohibited by § 111-70 of the Municipal Code from being driven or operated in the Central Traffic District between the hours of 7:00 a.m. and 6:00 p.m. on any day except Sunday.

E. The requirements set forth in the National Fire Protection Association (NFPA) Pamphlet Nos. 385 (1979 Edition) and 407 (1980 Edition) shall apply to tank vehicles to be used for the transportation of stable flammable and combustible liquids with a flash point below 140° F. (60° C.).

F. Aircraft fuel servicing shall meet the requirements of National Fire Protection Association (NFPA) Pamphlet Nos. 385 (1979 Edition) and 407 (1980 Edition).

§ 54-20 Safety program for high-rise buildings.

A. This section shall apply to the following:

- (1) Any multistory building or structure where the roof level exceeds 70 feet in height above average grade.
- (2) Any multistory building or structure where the roof level exceeds 55 feet in height above average grade when fire apparatus is unable to gain access to at least a twenty-foot-wide area located approximately between 10 and 30 feet from the building line, measured perpendicular thereto, on at least two sides of the building.
- (3) Any building three or more stories in height above grade which is used primarily as the living quarters for persons confined, detained, held for correctional purposes, substantially handicapped, semiambulatory, nonambulatory or under medical care so that assistance by others is required or for persons of similar restricted facilities.

B. The Fire Chief or his or her authorized subordinates shall direct or order all of the following listed items with respect to the functioning of internal services within any building that falls under this section:

- (1) Require the occupants or owner of the building to appoint a safety director and one or more assistant safety directors, such that at least one director is in attendance at all times the building is normally occupied. Such appointees are not required or expected to work full time on such assignments, but are selected from existing personnel to perform these assignments in addition to their regular duties.
- (2) Require the safety director and his or her assistants to perform their duties, as listed in Subsection C of this section.
- (3) Require the safety director to keep such records as are appropriate for his or her operations, which records shall be subject to a review by the Fire Chief at any time.
- (4) Require the safety director to report without undo delay any changes made or to be made in appointments for safety director or change in the normal location within the building for existing appointees.
- (5) Require the safety director to make any necessary changes in his or her operations or in his or her assigned personnel in accordance with the safety director's duties as set forth in Subsection C, as may be deemed proper in the interest of the safety of the occupants and the general public.

C. The safety director of a building shall perform the following duties:

- (1) Become thoroughly familiar with the operations and equipment installed in the building.
- (2) Instruct assistant directors so that they will gain a thorough knowledge of the building and its operation.
- (3) Appoint floor captains and alternates for each floor and post evacuation instruction placards in accordance with the following provisions:
 - (a) When two or more able-bodied persons, 18 years or more in age, employed either by the building management or one of its leased tenants or otherwise normally residing within the building for a period exceeding 90 days are assigned working and/or living space on one particular floor, the safety director shall appoint a floor captain and an alternate floor captain for each floor that has a normal occupancy exceeding six persons. If employees are selected and the building operation extends beyond one working shift per day, then separate captains and alternates must be appointed for each shift. The safety director shall maintain an up-to-date list of all directors, captains and alternates, which shall be posted in the safety director's office. The safety director shall instruct all captains and alternates on the assistance they can offer from their respective floors, including the direction of personnel evacuation.
 - (b) The safety director shall post evacuation instruction placards in visible locations within the building. One type of instruction shall be required in each private area, at the point of exiting into a public area. Instructions shall also be mounted in elevator lobbies, on the wall of each elevator group and at all doors entering required stairwells. The wording of each of these types of instruction placards and their location is subject to prior approval of the Fire Chief. The Fire Chief shall not withhold his or her approval unreasonably.

(4) Within the first four months of building occupancy, hold a simulated fire drill in each of the building's zones. Each floor shall be considered a zone. Thereafter, hold one simulated fire drill at least once every six months.

(5) Test the coordinated firesafety system of the building at least once each month.

(6) Conduct meetings of assigned personnel for instructional purposes and/or informational purposes.

(7) Observe and report any existing hazards, temporary or permanent, that may affect the safety of the occupants in the event of an emergency.

(8) Following an emergency and with the help of assistants, examine all emergency facilities, reset all activated dampers and generally restore the building to its preemergency condition.

(9) Perform such other duties or assignments as the Fire Chief may direct.

D. For existing buildings that fulfill the height requirements of this section, the Fire Chief shall require certain improvements in any existing safety program being conducted within such buildings as he or she deems necessary, taking into account the existing layout of the buildings and the availability of personnel, without causing practical difficulties or unnecessary hardship in the carrying out of such improvements.

§ 54-21 Bulk plants.

A. A bulk plant shall include that portion of a property where flammable or combustible liquids are received by tank vessel, pipelines, tank car or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle or container.

B. Bulk plants shall meet the requirements set forth in the National Fire Protection Association (NFPA) Pamphlet No. 30 (1981 Edition) and the following additional requirements:

(1) Underground tanks shall meet the requirements for the installation of supply tanks at service stations.

(2) Aboveground horizontal tanks shall rest on foundations made of concrete, masonry or protected steel.

(3) Loading and unloading facilities shall be protected by an approved automatic fire extinguishing system.

(4) Self-service facilities at a bulk plant shall meet the requirements of a self-service station.

§ 54-22 Service stations.

A. Underground storage tanks containing flammable and combustible liquids and having a maximum individual capacity of up to 10,000 gallons may be installed at gasoline or diesel service stations. The maximum aggregate capacity at any service station shall not exceed 20,000 gallons. The Fire Marshal may increase the requirements established in this subsection if he or she finds that the public safety of the particular area involved will not be jeopardized by such modifications, and he or she may require such further stipulations as he or she may deem necessary in the interest of public safety in the granting of said modification.

B. Supply tanks.

(1) Supply tanks greater than 60 gallons in capacity which store flammable and combustible liquids and come under the provisions of this section shall be located underground. The highest point of such tanks shall be below the level of any piping to which they may be connected. Where a tank or tanks may become buoyant due to a rise in the level of the groundwater table or due to being located in an area subject to flooding, suitable precautions shall be observed to properly anchor said tank or tanks in place. Such tanks shall be located at least 15 feet in horizontal distance from all building lines and from all interior lot lines and at least five feet in horizontal distance from all street lot lines, unless specifically authorized or directed to the contrary by the Fire Marshal. The minimum depth at which the top of such tanks, including ribs, is to be placed below the finished surface or grade is as follows:

(a) In locales where it is highly improbable that vehicular traffic or other heavy loads could be imposed thereon, either:

[1] A minimum of two feet, six inches in depth, covered by compacted earth; or

[2] A minimum of one foot, 10 inches in depth, covered by a minimum of one foot, six inches of compacted earth topped with a minimum four-inch-thick reinforced concrete slab, extending one foot beyond the tank or tanks in all directions.

(b) In locales where it is conceivable that vehicular traffic or other loads could be imposed thereon, either:

[1] A minimum of three feet, zero inches in depth, covered by compacted earth, provided that a reinforced concrete slab at least two feet, six inches square and eight inches thick is installed at the fill pipe; or

[2] A minimum of two feet, zero inches in depth, covered by a minimum of one foot, six inches of compacted earth topped with a minimum six-inch-thick reinforced concrete slab, extending one foot beyond the tanks in all directions.

(2) Only tanks constructed in accordance with specifications of nationally recognized standards shall be used for storage of flammable and combustible liquids at service stations. Nonmetallic tanks require an on-site representative of the manufacturer at the time of installation. No remote fills shall be allowed. Vent pipes shall be provided with noncorrodible flash arresters, completely covering the openings.

C. Dispensing unit location.

(1) Dispensing units for the use of supplying vehicles, motorboats or other means of transportation with flammable and combustible liquids may be located in exterior locations, provided that said units and their piping are sufficiently protected against physical damage from vehicles by mounting on a concrete island with sufficient setback from any street line such that the vehicle being served is entirely on private property during the filling operation. Such units shall also be located at least 20 feet away from any interior lot line. The immediate area of dispensing units which are intended for use during night hours shall be equipped with adequate illumination.

(2) Dispensing units and underground tanks shall not be located inside buildings without the written approval of the Fire Marshal.

D. Remote or submerged pumping shall be protected with an approved two-second delay leak detector.

E. Aboveground storage tanks of flammable and combustible liquids shall be prohibited.

F. The Fire Marshal or his or her designated representative is authorized to order the owner or occupants of premises having flammable and combustible liquids storage tanks located thereon to have such tanks tested by methods prescribed by the Fire Marshal to determine if such tanks are leaking, whenever the Fire Marshal has a reasonable belief that such tanks may contain a leak.

G. Leaking tanks, pumps or piping shall be removed, repaired or replaced immediately, and it shall be within the discretion of the Fire Marshal as to whether the station or facility must cease any and/or all operations while repairs or replacement is being made.

H. All tanks containing flammable and combustible liquids must be tested weekly for water infiltration, and records shall be kept on the premises showing the date and results of such tests. Whenever water is removed from any tank, the Fire Marshal shall be notified.

I. Accurate daily inventory records shall be maintained on underground storage tanks, with each tank recorded separately. The records shall be kept on the premises for inspection by the Fire Marshal.

J. Underground flammable and combustible liquids storage tanks discontinued from service are to be removed from the site within 90 days. The method of removal shall be prescribed by the Fire Marshal. In the event of the discontinuance of a business for which a license has been issued pursuant to the provisions of this article, the licensee shall notify the Fire Marshal at least 24 hours before the time such discontinuance takes effect. Dispensing units servicing underground tanks shall be removed immediately and all piping capped, and any electrical supply line shall be discontinued at the panel box.

K. The Fire Marshal or his or her designated representative is hereby authorized to seal a dispensing unit to prohibit the dispensing of flammable or combustible liquids from such unit after one or more violations of this code have not been corrected and after service of an order issued by the Fire Marshal to correct such violations.

L. The installation and use of coin-operated dispensing devices for flammable and combustible liquids is prohibited.

M. The dispensing of flammable and combustible liquids into the fuel tank of a vehicle or into a container shall at all times be under the control of a competent person.

N. Dispensing devices for flammable and combustible liquids shall be of the type approved by the Fire Marshal.

O. Dispensing of flammable and combustible liquids by persons other than the service attendant or supervisor shall be prohibited.

P. In the event of accidental spillage of a flammable or combustible liquid, the Fire Department shall be notified immediately.

Q. Warning signs shall be posted on each island with the following or equivalent wording:

(1) No smoking.

(2) Stop motor during fueling operation.

R. A minimum of five one-hundred-pound bags of stay-dry absorbent or its equivalent shall be kept on the premises at all times for flammable and combustible liquid spills and should be used for this purpose whenever possible, instead of flushing with water. Contaminated absorbent shall be disposed of in a safe and proper manner.

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S. There shall be no more than one tank truck delivering flammable and combustible liquids on the premises of a service station at any one time. Evertite or O.P.W. fin couplings, or their equivalent, shall be used when unloading flammable and combustible liquids from the tank truck to the storage tank. The brakes of the truck shall be set, and the driver shall remain at the point of delivery. In case of spillage or overflow, the Fire Department shall be notified immediately.

T. Protective barriers shall be installed at the end of each island to provide protection for the dispensing units.

§ 54-23 Self-service stations.

In addition to the rules and regulations governing service stations, the following provisions shall apply to self-service stations:

A. Each self-service station shall have the remote dispensing equipment situated in such a manner as to give the qualified attendant controlling said equipment an optimum view of the dispensing units.

B. Protective barriers shall be installed at the end of each island to provide protection for the dispensing units.

C. Flammable and combustible liquids may be dispensed only by customers possessing a valid motor vehicle operator's license.

D. Heat sensors shall be installed. The exact location shall be determined at the time of plan review.

E. Approved dispensing devices, such as but not limited to key-operated, card-operated and remote-controlled types, are permitted at self-service stations.

F. The installation and use of coin-operated dispensing devices for flammable and combustible liquids is prohibited.

G. All self-service stations shall have at least one attendant on duty while the station is open to the public. The attendant's primary function shall be to supervise, observe and control the dispensing of flammable and combustible liquids while said liquids are actually being dispensed.

H. It shall be the responsibility of the attendant to prevent the dispensing of flammable and combustible liquids into portable containers not in compliance with the provisions of the New York State Uniform Fire Prevention and Building Code; control the source of ignition; and immediately control accidental spills and use fire extinguishing equipment if needed. The attendant or supervisor on duty shall be mentally and physically capable of performing the functions and assuming the responsibility prescribed in this section.

I. The attendant shall at all times be able to communicate with persons in the dispensing area.

J. Dispensing nozzles used at self-service stations for the dispensing of flammable and combustible liquids shall be an approved automatic-closing type without a latch-open device.

K. Self-service stations shall be equipped with automatic fire extinguishing systems, installed in conformity with nationally recognized good practices and approved by the Fire Marshal.

L. Emergency controls specified in the New York State Uniform Fire Prevention and Building Code shall be installed at a location acceptable to the Fire Marshal, but the controls shall not be more than 50 feet from the dispensers.

M. Self-service stations shall be equipped so that the electrical supply to the dispensing units automatically shuts down whenever the fire extinguishing system is employed.

Article IV III. Additional Regulations

§ 54-2415 Enforcement of violations.

A. It shall be sufficient service of a notice and order issued by the Department if a copy thereof is served personally in accordance with the provisions of the Civil Practice Law and Rules, or sent by first class mail to either the person's tax mailing address, if the violation relates to a property or building and the owner is the person to be served, or otherwise to the person's last known address, or left with an agent or a person of suitable age and discretion at the place of violation or tax mailing address or last known address.

AB. Violations of this chapter may be referred to the Municipal Code Violations Bureau, wherein violators shall be subject to the penalties set forth in § 13A-11 of the Municipal Code. Referral to the Municipal Code Violations Bureau shall not preclude subsequent referral to City Court of unabated violations or injunctive relief in State Supreme Court, and in said instances the courts shall have concurrent jurisdiction.

BC. Violations of this chapter may also be enforced pursuant to Chapter 52 of the Municipal Code, and violators shall be subject to the penalties set forth in said chapter. The Fire Marshal shall have all of the powers of the Commissioner of Neighborhood and Business Development when acting pursuant to Chapter 52.

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D. In the case of an emergency, the Fire Marshal or any officer assigned to the Fire Safety Division and any officer assigned to the Fire Suppression Division shall have the authority to order any building or buildings vacated immediately. The procedures set forth in 52-5A (3) shall apply.

E. Whenever the Fire Marshal or her or his designee has reasonable grounds to believe that work on any premises is being performed in violation of the provisions of the applicable laws, ordinances or regulations, or not in conformity with the provisions of the accepted application, plans or specifications and revisions thereof, or in an unsafe and dangerous manner, or without a required operating permit, the Fire Marshal or her or his designee shall notify the owner of the property or the owner's agent to suspend all work, and any such persons shall forthwith stop work and suspend all related activities until the stop-work has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served either by delivering it personally or by posting it conspicuously where the work is being performed and sending a copy of it by mail to the address set forth in the operating permit application. Violations of stop-work orders may be referred to the Municipal Code Violations Bureau.

F. In the event that changes or additions to the premises are deemed necessary to ensure safety, the Fire Marshal shall immediately report such findings to the Director of the Neighborhood Service Centers and/or the Commissioner of Neighborhood and Business Development.

~~§ 54-25 Conflicting provisions:~~

~~The Fire Prevention Code shall be construed in accordance with the laws of the State of New York and the City of Rochester. In the event of conflict between this code and any other code applicable in the City of Rochester, that provision that provided a greater level of safety to the occupants, users or beneficiaries shall apply.~~

~~§ 54-2616 Severability.~~

~~The provisions of this Fire Prevention Code and the applicability thereof to any persons, property or circumstances shall be construed to be independent and severable, and if any one or more sections, clauses, sentences, provisions, portions or parts of this code, or the applicability thereof to any persons, properties or circumstances, shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof or the applicability thereof to other persons, properties or circumstances, but shall be confined in its operation to the specific provisions so held unconstitutional and invalid and to the persons, properties and circumstances affected thereby. Should any section, paragraph, sentence, clause or phrase in this chapter be declared unconstitutional or invalid for any reason, the remainder of the chapter shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this chapter are declared to be severable.~~

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-207
Re: Agreement – All Pro Catalyst, LLC, Football Clinic

Council Priority: Support the Creation of Effective Educational Systems

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for an agreement with All Pro Catalyst, LLC (Westlake Village, California - Roland Williams, CEO, Rochester, NY) for Block University Lineman Football Clinic facilitated by former and current professional football players and coaches. The cost of this agreement will be funded from the 2019-20 Budget of Department of Recreation and Youth Services contingent upon approval.

All Pro Catalyst will provide a full two day football clinic emphasizing the offensive and defensive linemen positions for 150 - 200 Rochester youth ages 13 to 18. They will also provide support and assistance with the Tony Jordan Youth Football Clinic (July 8, 2019) and the Quentin Gause All Star Football Clinic (July 11 & 12, 2019).

All Pro Catalyst was selected for these services based on Roland Williams and his team's experience as professional football players, coaches and trainers. Williams is a Rochester native who has gone on to become a Super Bowl Champion, ESPN and CBS Sports Analyst, Syracuse University graduate and an award-winning Performance Coach. A full justification for not issuing a request for proposals is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-121

TUESDAY, JUNE 18, 2019

Ordinance No. 2019-207
(Int. No. 216)

Authorizing an agreement with All Pro Catalyst, LLC

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 All Pro Catalyst, LLC to provide a Block University Lineman Football Clinic facilitated by former and current professional football players and coaches. The maximum compensation for the agreement shall be \$15,000 and said amount shall be funded from the 2019-20 Budget of the Department of Recreation and Youth Services, contingent upon approval. The term of the agreement shall be one year.

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. 2019-208
Re: Agreements – Federal Dept. of Health and Human Services, Teenage Pregnancy Prevention Grant

Council Priority: Support the Creation of Effective Educational Systems

Transmitted herewith for your approval is legislation related to the Teenage Pregnancy Prevention (TPP) program. This legislation will:

1. Authorize an agreement with the U.S. Department of Health and Human Services for the receipt and use of a \$999,999 grant for year five of the Program.
2. Establish maximum compensation of \$389,214 from the grant authorized herein for agreements with the following organizations to provide related services:

Baden Street Settlement of Rochester, Inc. / Metro Council for Teen Potential	\$188,385
The Center for Youth Services, Inc.	57,341
Highland Hospital of Rochester (Family Planning clinical partner)	73,488
Christopher Sweadner (evaluation partner)	70,000

3. Authorize an inter-municipal agreement with the Rochester City School District for the City's delivery of evidence-based curricula in District schools. The term of the agreement will not exceed one year.

An additional \$420,048 is anticipated in the 2019-20 Budgets of the Department of Recreation and Youth Services (\$301,607) and Undistributed Expenses (\$118,441) for staff costs associated with the City's role as lead agency, including a Grant Specialist and five Grant Support Associates. The remaining \$190,737 will be accounted for in the Teenage Pregnancy Prevention Special Revenue Fund to cover non-personnel costs such as travel, program, office supplies, printing and indirect costs.

The official name of this federal program is the Teenage Pregnancy Prevention Replication of Evidence-Based Programs to Scale in Communities with the Greatest Need (Tier 1B). This will be year five of a five-year grant spanning from July 1, 2015 to June 30, 2020. The program was last approved by City Council in September 2018 via Ordinance No. 2018-312.

The goals of the TPP program are to: (1) successfully plan, develop, and implement TPP to scale using evidence-based curriculum with fidelity; (2) reduce adolescent pregnancy rates; and (3) improve high school graduation rates. The program, locally promoted as THRIVE (Teens Helping to Reinvent Identity, Values and Empowerment), will serve 1,875 youth each year in the remainder of the grant cycle. Services will be provided in areas with the highest teen birth rates (zip codes 14605, 14608, 14611, 14613 and 14621).

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-122

Ordinance No. 2019-208
(Int. No. 217)

TUESDAY, JUNE 18, 2019

Authorizing agreements for the Teenage Pregnancy Prevention 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 United States Department of Health and Human Services (HHS) for the receipt and use of \$999,999 in funding for the operation of the Teenage Pregnancy Prevention Program (Program).

Section 2. The Mayor is hereby authorized to enter into professional services agreements with the following organizations for the following not-to-exceed amounts to provide Program services:

Baden Street Settlement of Rochester, Inc.	\$188,385
The Center for Youth Services, Inc.	57,341
Highland Hospital of Rochester	73,488
Christopher Sweadner	70,000
TOTAL	\$389,214

Section 3. The Program service agreements shall obligate the City to pay an amount not to exceed \$389,214, and said amount, or so much thereof as may be necessary, is hereby appropriated from the HHS funds to be received under the grant agreement authorized herein. The agreements shall have a term of one year.

Section 4. The sum of \$190,737 is hereby appropriated from the HHS funds to be received under the grant agreement authorized herein to fund non-personnel expenses of the Program.

Section 5. The Mayor is hereby authorized to enter into an intermunicipal agreement with the Rochester City School District for the City's delivery of evidence-based curricula in District schools. The term of the agreement shall not exceed one year.

Section 6. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes – President Scott, Councilmembers Clifford, Evans, Gruber, Harris, Lightfoot, Ortiz, Patterson – 8

Nays – None – 0

Councilmember Spaul abtained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-209

Re: Agreements – New York State Department of Health, Sexual Risk Avoidance Education Grant

Council Priority: Support the Creation of Effective Educational Systems

Transmitted herewith for your approval is legislation related to a new five-year Sexual Risk Avoidance Education (SRAE) Grant program to address unintended teen pregnancy. This legislation will:

1. Authorize an agreement with the New York State Department of Health (NYSDOH) for the receipt and use of \$275,000 for the July 1, 2019 through June 30, 2020 program period.
2. 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 \$104,580 is anticipated in the 2019-2020 Budgets of the Department of Recreation and Youth Services and Undistributed Expenses, contingent upon approval, 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 \$35,670 will be accounted for in the Teenage Pregnancy Prevention Special Revenue Fund to cover non-personnel expenses such as educational supplies, printing, and office supplies, as well as indirect expenses.

The NYSDOH SRAE Grant program is for a five-year term, from July 1, 2019 through June 30, 2024. The goal of the SRAE initiative is to enhance and/or expand prevention programs aimed at delaying the onset of adolescent sexual activity, decreasing the incidence of adolescent pregnancy, and promoting the optimal transition of youth ages 10-13 living in priority communities from middle childhood to adolescence fostering a transition to a healthy, productive, connected young adulthood. The SRAE initiative will support and enhance children and adolescents' social-emotional development and relationships, reduce racial, ethnic, economic and geographic health disparities while promoting health equity within the selected populations and communities.

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The program will be locally promoted as RISE and will serve a total of 300 unduplicated youth and their caregivers each year.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-123

Ordinance No. 2019-209
(Int. No. 239)

Appropriating funds and authorizing agreements for the Sexual Risk Avoidance Education Grant and 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 (NYSDOH) for the receipt and use of \$275,000 in grant funding for the operation of the Sexual Risk Avoidance Education Program (Program) for the July 1, 2019 through June 30, 2020 Program period.

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with Baden Street Settlement of Rochester, Inc. (Metro Council for Teen Potential) to provide services for the Program. The maximum amount of the agreement shall be \$134,750 and the term of the agreement shall be for one year.

Section 3. The amount of said agreement, or so much thereof as may be necessary, shall be funded from the sum appropriated in Section 1.

Section 4. Funds from the grant agreement in the amount of \$35,670 are hereby appropriated to the Teenage Pregnancy Special Revenue Fund to pay for non-personnel and indirect expenses relating to the Program.

Section 5. The grant agreement and professional services agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Lightfoot moved to discharge Int. No. 218 from committee.

Motion was seconded by Councilmember Harris

Adopted unanimously.

Motion to amend Int. No. 218 was made by Councilmember Lightfoot.

Motion was seconded by Councilmember Patterson.

The motion was adopted by the following vote:

Ayes – President Scott, Councilmembers Clifford, Evans, Harris, Lightfoot, Patterson – 6

Nays – Councilmember Ortiz – 1

Councilmembers Gruber and Spauld abstained due to a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-210
Re: Summer Food Service Program

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of Education for the receipt and use of \$296,510 in anticipated reimbursements for the 2019 Summer Food Service Program (SFSP). The grant funds were anticipated and included in the proposed 2019-20 Budget of the Department of Recreation and Youth Services (DRYS), contingent upon approval of said budget. The funds will be used for the procurement and delivery of meals, the salaries of City summer staff consisting of one coordinator, two monitors,

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and a clerk; refuse pickup; mileage; outreach; and supplies. The food service provider contract was awarded to the lowest bidder through the public bidding process as approved by the funder.

SFSP provides free breakfast and lunch to city children aged 18 and under and to disabled persons over 18 who are enrolled in a school year program for children with disabilities. The program is administered by the City and reimbursed by the State Education Department, using federal funding. The federal reimbursement rates and projected numbers of meals for this year are as follows:

	<u>Meals</u>	<u>Rate per Meal</u>	<u>Reimbursement</u>
Breakfast	40,000	\$2.255	\$ 90,200
Lunch	<u>52,000</u>	\$3.9675	<u>206,310</u>
	92,000		\$296,510

This year the program will operate from July 1 to August 30 and meals will be served at R-Centers, churches, and not-for-profit youth-serving agencies. Last year's site list is attached and in 2018, the City of Rochester served 89,931 meals. The District and Foodlink Inc., along with several local agencies, also operate summer food service programs in the Rochester community. As a whole, Rochester-area providers served 338,247 meals in 2018 with the large majority of the meals being served by the District at school-based summer learning programs.

The City continues to collaborate with the District, Foodlink Inc., the Rochester Area Community Foundation, Common Ground Health, and Causewave to promote the program to youth and parents, identify potential new sites, and implement best practices and innovative strategies to increase the number of meals served each year.

The 2018 program was authorized via City Council Ordinance No. 2018-147.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-124

Ordinance No. 2019-210
(Int. No. 218, as amended)

Authorizing an agreement for the receipt and use of funds for the 2019 Summer Food Service 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 Education (NYSDOE) for the receipt and use of anticipated reimbursements in the amount of \$296,510 for the 2019 Summer Food Service Program (SFSP). Said amount shall be allocated to the 2019-20 Budget of the Department of Recreation and Youth Services and appropriated for the SFSP, contingent upon adoption of said Budget.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District for the preparation and delivery of meals for the Program at a portion of the Program sites known as community sites, contingent upon receipt of the anticipated funding pursuant to Section 1. The agreement shall obligate the City to pay an amount based on the unit cost of the meals and not to exceed \$120,000, which shall be funded from the money appropriated in Section 1.

Section 3. The term of both agreements shall be one year.

Section ~~2~~ 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section ~~3~~ 5. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

Ayes – President Scott, Councilmembers Clifford, Evans, Lightfoot, Harris, Patterson – 6

Nays – Councilmember Ortiz – 1

Councilmembers Gruber and Spauld abstained due to a professional relationship.

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By Councilmember Spaul
June 18, 2019

To the Council:

The **ARTS AND CULTURE COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

- | | |
|--------------|--|
| Int. No. 219 | Authorizing an agreement for the 2019 KeyBank Rochester Fringe Festival |
| Int. No. 220 | Authorizing an agreement for the Roc Holiday Village event |
| Int. No. 221 | Authorizing an agreement with the Rochester Philharmonic Orchestra, Inc. for public music performances |
| Int. No. 222 | Authorizing an agreement with Puerto Rican Festival, Inc. |

Respectfully submitted,
Elaine M. Spaul
Molly Clifford
Michael A. Patterson
Willie J. Lightfoot
Loretta C. Scott
ARTS AND CULTURE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-211
Re: Agreement – Rochester Fringe Festival, Inc., 2019 KeyBank Rochester Fringe Festival

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum compensation for an agreement with the Rochester Fringe Festival, Inc. (President: Erica Fee) to provide free, family-friendly programming throughout the event. The cost of the agreement will be funded from the 2019-20 Budget of Communications, contingent on its approval, and the term will be for one year.

The 2019 KeyBank Rochester Fringe Festival (Fringe) brings together venues, performers and artists to engage diverse audiences through an innovative, entertaining and thought-provoking annual multi-arts festival in Rochester. The festival includes theatre, comedy, family entertainment, music, dance, physical theatre, street theatre, musical theatre, opera, and the spoken word.

The 2019 Fringe will be held September 10 to 21 and includes 500 shows in more than 20 downtown venues, as well as free, outdoor entertainment. The City funds appropriated herein will help to defray the costs of a variety of free, family-friendly performances and festival space as follows:

- “Friday and Saturday on the Fringe”- Two large-scale performances by a world-renowned spectacle theatre company, to be held at Parcel 5 (of the former Midtown site) on September 10 and 11.
- “Fringe Street Beat”- A popular urban dance / hip hop dance / breakdance event, drawing participants from within the City of Rochester and throughout the Northeastern US and Canada.
- Two days of free events on Gibbs Street, including music, dance, and participatory chalk art.
- Free, outdoor films in the Spiegelgarten, located on the corner of Main and Gibbs Streets.
- Approximately 150 other free shows in various venues.

An agreement for \$37,500 was executed in June last year via Council Ordinance 2018-215. Since its debut in 2012, the Fringe has put Rochester on the map by becoming one of the top three most highly attended fringe festivals in the US, and one of Rochester’s fastest-growing events, attracting more than 78,000 attendees to more than 500 performances in 2018. Now in its eighth year, the Fringe continues to uniquely celebrate Rochester’s rich multi-arts culture. Its presence enhances the city’s reputation as a respected destination for the arts, joining the ranks of 300 other world-class cities with fringe festivals, such as New York City, Philadelphia, Toronto, Chicago, and Edinburgh, Scotland.

A justification for not issuing a request for proposals is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

TUESDAY, JUNE 18, 2019

Attachment No. AS-125

Ordinance No. 2019-211
(Int. No. 219)

Authorizing an agreement for the 2019 KeyBank Rochester Fringe Festival

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 Rochester Fringe Festival, Inc. to provide programming for the 2019 KeyBank Rochester Fringe Festival. The maximum compensation for the agreement shall be \$40,000 and said amount or so much thereof as may be necessary, shall be funded from the 2019-20 Budget of the Bureau of Communications, contingent upon approval. The term of the agreement shall be one year.

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:

Re: Ordinance No. 2019-212
Agreement – Jolly Roc, LLC– Roc Holiday Village event

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with Jolly Roc, LLC (principals: Jenna Knauf, Kelli Marsh, Sean McCarthy) for the 2019 Roc Holiday Village event. The cost of the agreement will be funded from the 2019-20 Budget of Communications, contingent upon its approval. The term of the agreement will be one year.

This will be the second year of the Roc Holiday Village. It began in 2018 with the goal of capturing the nostalgia many of us remember from holiday seasons past in Downtown Rochester and turn it into a new experience of holiday shopping, programming, and activities for Rochesterians in the heart of our city during the winter season. In its inaugural year, Roc Holiday Village attracted more than 100,000 visitors to the heart of downtown Rochester. More than 52,700 of those visitors enjoyed free ice skating and skate rentals at the ice rink in December, compared to only 5,800 the year prior without the village. More than 4,000 children took advantage of the free crafts in the heated tents, and Santa's helpers averaged 1 photo per minute each minute the village was open.

Similarly to 2018, the 2019 Roc Holiday Village will transform Dr. Martin Luther King, Jr. Park into a holiday shopping and entertainment destination complex that will feature a wide range of activities, including large, indoor tents that will house a magical "Santaland," alternating pop-up restaurants, holiday performances and local merchants, holiday craft classes, and more. Admission to the Village will be free. Sustained sponsorships from other community partners will allow for the continuation of free ice skating and skate rentals.

Roc Holiday Village's grand opening will coincide with the City's popular Liberty Pole Lighting event. The Village will be operate Fridays, Saturdays, and Sundays from 12/6-12/29, with an extra day of fun for the weekend before Christmas on Thursday, December 19 and an extra weekend after Christmas. Also new in 2019, the Village will reopen on New Year's Eve, collaborating on a new event with the City's Office of Special Events, to provide the community with a new, unique venue to ring in the New Year.

In addition to the sponsorship, the City will also provide infrastructure support at the park, including port a johns, assistance with electrical needs, and equipment rentals.

A previous agreement for \$20,000 was authorized by Ord. No. 2018-283 in August 2018.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-126

Ordinance No. 2019-212
(Int. No. 220)

Authorizing an agreement for the Roc Holiday Village event

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

TUESDAY, JUNE 18, 2019

Section 1. The Mayor is hereby authorized to enter into an agreement with Jolly Roc, LLC for the Roc Holiday Village event. The maximum compensation for the agreement shall be \$25,000 and said amount, or so much thereof as may be necessary, shall be funded from the 2019-20 Budget of the Bureau of Communications, contingent upon approval. The term of the agreement shall be one year.

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. 2019-213

Re: Agreement – Rochester Philharmonic Orchestra, Music Performances

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$70,000 as maximum compensation for an agreement with the Rochester Philharmonic Orchestra (RPO), Rochester, New York, for music performances. The term of the agreement is one year, and cost of the agreement will be funded from the 2019-20 Budget of Communications, contingent upon its approval.

The RPO will provide seven free concerts. One full orchestra concert will be dedicated to youth from the R-Centers and take place inside a theatre, allowing for the young attendees to experience the RPO in a more formal, traditional setting. The other six free concerts will be part of the “Around the Town” concert series that will bring the orchestra directly into city neighborhoods. Two will take place in R-Centers through the coordination of the Department of Recreation and Youth Services. Four additional ensemble concerts, featuring different musical offerings like brass, marimba, jazz, and strings, for example, will be scheduled outdoors on Tuesday nights in July; one in each quadrant throughout the city. All of these concerts will be free of charge.

A similar agreement for the same amount of funding was authorized by Ord. No. 2018-214 in June 2018.

A justification for not issuing a request for proposals is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-127

Ordinance No. 2019-213
(Int. No. 221)

Authorizing an agreement with the Rochester Philharmonic Orchestra, Inc. for public music performances

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 Rochester Philharmonic Orchestra, Inc. for public music performances. The maximum compensation for the agreement shall be \$70,000 and said amount, or so much thereof as may be necessary, shall be funded from the 2019-20 Budget of the Bureau of Communications, contingent upon approval. The term of the agreement shall be one year.

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. 2019-214

Re: Agreement - Puerto Rican Festival, Inc.

Council Priority: Creating and Sustaining a Culture of Vibrancy

TUESDAY, JUNE 18, 2019

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum compensation for an agreement with Puerto Rican Festival, Inc., (President: Orlando Ortiz) Rochester, for the 2019 Puerto Rican Festival. The cost of the agreement will be funded from the 2019-20 Budget of Communications, contingent upon its approval. The term will be for one year.

The Puerto Rican Festival, Inc. sponsors a variety of events year-around, which serve to share and celebrate Puerto Rican culture. The largest of these events is the Puerto Rican Festival, the longest-running cultural festival in Monroe County.

This year, the festival will celebrate its 50th anniversary on July 28-30 at the Frontier Field VIP Parking Lot. Each year, this well-established event draws than 21,000 people of all cultures and ethnic backgrounds. The City's sponsorship will support free admission for the first two hours on both Friday and Saturday, as well as several free activities during the festival. It provides free children's activities, a boxing exhibition, free youth participation and performance showcase, and a free agency fair on Saturday. Entry to the festival is also free to anyone participating in the Puerto Rican Parade.

The Puerto Rican Festival Inc. was established in 1969 for the express purpose of celebrating and recognizing the culture of Puerto Ricans. Puerto Ricans continue to be one of the largest growing Hispanic populations in New York State. This growth now makes Monroe County and the City of Rochester home to the second largest population of Hispanics in the state.

A previous agreement for the same amount was authorized by Ord. No. 2018-216 in June 2018.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-128

Ordinance No. 2019-214
(Int. No. 222)

Authorizing an agreement with Puerto Rican Festival, Inc.

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 Puerto Rican Festival, Inc. for the 2019 Puerto Rican Festival. The maximum compensation for the agreement shall be \$40,000 and said amount, or so much thereof as may be necessary, shall be funded from the 2019-20 Budget of the Bureau of Communications, contingent upon approval. The term of the agreement shall be one year.

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.

By President Scott
June 18, 2019

To the Council:

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

Int. No. 223	Resolution confirming the appointment of the Chief of Police
Int. No. 238	Local Law, entitled "Our Children, Our Future", amending the City Charter with regard to Commissioners of Schools, <u>as amended</u>

Respectfully submitted,
Molly Clifford
Malik Evans
Mitch Gruber
LaShay D. Harris (*Abstained against Int. No. 238*)
Jacklyn Ortiz
Michael A. Patterson
Elaine Spaul (*Voted against Int. No. 238*)
Willie J. Lightfoot
Loretta C. Scott
COMMITTEE OF THE WHOLE

TUESDAY, JUNE 18, 2019

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2019-9
Re: Confirmation of Chief, Rochester Police Department

Transmitted herewith for your approval is legislation confirming, as required by the City Charter, the appointment of La’Ron D. Singletary as Chief, Rochester Police Department.

La’Ron D. Singletary’s resume is on file in the City Clerk’s Office.

Respectfully submitted,
Lovely A. Warren
Mayor

Resolution No. 2019-9
(Int. No. 223)

Resolution confirming the appointment of the Chief of Police

WHEREAS, the Mayor has appointed La’Ron D. Singletary to the position of Chief of Police, 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 La’Ron D. Singletary as Chief of Police.

This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 4
Re: Amending the City Charter regarding the Commissioners of Schools and Salaries of School Board Members

Transmitted herewith for your approval is legislation amending the City Charter to remove language referencing the Commissioners of Schools and salaries of School Board Members.

Chronic dysfunction and substandard student performance levels have caused the New York State Education Department to investigate the governance of the Rochester City School District.

On November 14, 2018, Dr. Jaime Aquino issued the Distinguished Educator’s Report, which details 106 findings and 84 recommendations necessary to support and advance district improvements for the Board of Education and District to provide equitable access to high-quality education for all students.

Prompted by the release of the Distinguished Educator’s Report, throughout the month of December 2018, Mayor Lovely Warren hosted a series of forums to discuss the opportunities and challenges facing Rochester’s schools. The goal was to identify areas for future community partnerships that will promote our children’s success and learning. Hundreds of parents, students and community members took the time to come together and emphasize the urgency of confronting the challenges in our schools. In doing so, they recognized that so much of one’s future life experiences—from health to wellbeing to income—depends on the acquisition of a quality education.

Based on the conclusions of the Distinguished Educator’s Report and the feedback received during the public forums, it is the intent of the City to ask its citizens, by the affirmative vote of its electors, to determine if removal of the Board of Commissioners of the City School District for a period of not less than five (5) years to allow the State Commissioner of Education to institute necessary processes and procedures would provide a better educational outcome for our City students.

Therefore, amendments to the City Charter are necessary to allow the State Commissioner of Education to institute necessary processes and procedures in furtherance of better educational opportunities for our City students.

TUESDAY, JUNE 18, 2019

Respectfully submitted,
Lovely A. Warren
Mayor

Loretta C. Scott
City Council President

Local Law No. 4
(Int. No. 238, as amended)

Local Law, entitled “Our Children, Our Future,” amending the City Charter with regard to Commissioners of Schools

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

Section 1. Chapter 755 of the Laws of 1907, entitled “An Act Constituting the Charter of the City of Rochester”, as amended, is hereby further amended by modifying Section 2-1 to read as follows:

The electors of the City shall elect the Mayor, five Council-members-at-large, ~~the Commissioners of Schools~~ and the Judges of the City Court. The electors of each City district shall elect one District Councilmember.

Section 2. Chapter 755 of the Laws of 1907, entitled “An Act Constituting the Charter of the City of Rochester”, as amended, is hereby further amended by modifying Section 2-8 to read as follows:

The term of each elective officer commences on the first day of January succeeding his or her election, ~~and the term of office of Commissioners of Schools is four years.~~

Section 3. Chapter 755 of the Laws of 1907, entitled “An Act Constituting the Charter of the City of Rochester”, as amended, is hereby further amended by deleting Section 2-13, Salaries of School Board members, in its entirety.

Section 4. The Charter amendments provided for herein shall remain in effect for a period of not less than five (5) years.

Section-4 ~~5~~. This Local Law shall be submitted for the approval of the electors of the City of Rochester at the general election to be held on November 5, 2019 and shall take effect only if and when it is certified as having been approved by the affirmative vote of a majority of the qualified electors voting on said proposition and the enactment of appropriate enabling amendments to the Education Law.

Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

Ayes – President Scott, Councilmembers Evans, Gruber, Lightfoot, Patterson -5

Nays – Councilmembers Clifford, Ortiz, Spaul -3

Councilmember Harris abstained due to a professional relationship

The meeting was adjourned at 8:11 p.m.

HAZEL L. WASHINGTON
City Clerk

ROCHESTER CITY COUNCIL

REGULAR MEETING

July 23, 2019

Present – President Scott, Councilmembers Evans, Gruber, Harris, Lightfoot, Ortiz, Patterson, Spaul – 8.

Absent – Molly Clifford.

The Council President requested the Council to rise for a Moment of Silence.

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

Retirement:

City Council:

*Carmen Aponte-Merced

DES:

*Vernon Dillon
*David Groenendaal

DHRM:

*Glenda Ross

DRYS:

*Bryan Flagg
*Mary Stiner

FIN:

Charles Zettek

IT:

*Carol Schmitt

Mayor's Office:

*Hazeldene Hercules

NBD:

*Richard Fornataro

RFD:

*Lamont Banks
*Daniel Peer
*James Russell

RPD:

*Michele Brown
*Paul Bushart
*Ronald Lodar
*David Simpson

RPL:

*Melora Miller
*Sally Snow

**Not attending meeting*

APPROVAL OF THE MINUTES

By Councilmember Evans

RESOLVED, that the minutes of the Regular Meeting on June 18, 2019 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

TUESDAY, JULY 23 2019

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The Council submits Disclosure of Interest Forms from President Scott on Int. No. 255 and Int. No. 268, Councilmember Lightfoot on Int. No. 255 and Int. No. 268 and Councilmember Gruber in Int. No. 244.

THE COUNCIL PRESIDENT --- RECEIVED AND FILED.

PUBLIC HEARINGS.

Pursuant to law, public hearings were held on July 18, 2019 on the following matters:

Amending the Zoning Code map and text in relation to Planned Development District No. 12 – Eastman Business Park Int. No. 243
One (1) Speaker

Changing the traffic flow on Martin Street from one-way southbound to two-way Int. No. 248
No Speakers

REPORTS OF STANDING COMMITTEES
AND ACTION THEREON

By Councilmember Evans
July 23, 2019

To the Council:

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

Int. No. 240	Resolution endorsing a Consolidated Funding Application for the renovation of The Strong National Museum of Play
Int. No. 272	Authorizing an agreement for bond counsel services

Respectfully submitted,
Malik Evans
Molly Clifford (Absent)
Michael A. Patterson
Willie J. Lightfoot (Absent)
Loretta C. Scott
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Resolution No. 2019-10
Grant Application Endorsement Resolution – 2019-20 New York State Consolidated Funding Application

Council Priority: Creating and Sustaining a Culture of Vibrancy; Jobs and Economic Development

Transmitted herewith for your approval is legislation endorsing the 2019 New York State Consolidated Funding Application (CFA) by The Strong National Museum of Play (The Strong) to support critical museum renovations. These renovations will focus on creating a more welcoming entranceway and atrium which will be street-facing on the extended Manhattan Square Drive, to be named “Adventure Place.”

The CFA is the single point of entry for accessing up to \$800 million in State funding from 11 State agencies: Empire State Development; Canal Corporation; Energy Research and Development Authority; Environmental Facilities Corporation; Homes and Community Renewal; Department of Labor; Power Authority; Office of Parks, Recreation, and Historic Preservation; Department of State; Department of Environmental Conservation; and, Council on the Arts. Applications are due on July 27, 2019.

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The City’s endorsement will ensure that The Strong has the opportunity to compete for CFA grant funds as listed below:

Agency	Project	State Funding Programs	Total Project Cost	State Request
The Strong	New entrance façade and atrium	NYS Homes and Community Renewal, Downtown Anchor Program	\$1,433,000	\$500,000

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-129

Resolution No. 2019-10
 (Int. No. 240)

Resolution endorsing a Consolidated Funding Application for the renovation of The Strong National Museum of Play

WHEREAS, The Strong National Museum of Play (the Strong Museum) is seeking to construct a new entrance façade and atrium at the Strong Museum (the Project); and

WHEREAS, the Strong Museum has submitted a Consolidated Funding Application to the New York State Homes and Community Renewal, Downtown Anchor Program to fund a portion of the Project costs (the Application).

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

Section 1. The Council hereby endorses the Application by the Strong Museum for funding not to exceed the following amount through the 2019 New York State Consolidated Funding Application for the Project in the City, and the Council finds that the Application and Project are consistent with City policies, goals, and plans:

Agency	Project	State Funding Programs	Total Project Cost	State Request
Strong Museum	New entrance façade and atrium	NYS Homes and Community Renewal, Downtown Anchor Program	\$1,433,000	\$500,000

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2019-215
 Re: Agreement – Woods Oviatt Gilman LLP — Bond Counsel Services

City Council Priority: Deficit reduction and long term financial stability

Transmitted herewith for your approval is legislation authorizing an agreement with Woods Oviatt Gilman LLP, 1900 Bausch & Lomb Place, Rochester, New York 14604 for bond counsel services. The term of this agreement will be for three (3) years, with the option of three (3) additional one year renewals.

These bond issue costs will be charged to the annual operating budget of the Department of Finance – Director’s Office.

To finance various capital projects, the City issues, or reissues, bond anticipation notes (BANs) or issues bonds initially. This occurs usually twice each fiscal year. These financings approximate \$35 million, and may total approximately \$100 million when notes are converted to bonds.

Woods Oviatt Gilman LLP is being retained as Bond Counsel, which is described in the attached No RFP Justification Statement.

Woods Oviatt Gilman LLP’s fees for routine debt sales are as follows:

Each Series of publically sold Bond Anticipation Notes (BANs)	<u>Amount</u> \$16,000
Each Series of publically sold General Obligation Bonds	\$16,000
Each series of negotiated BANs or Bonds	\$27,500
Plus maximum amount for disbursements	\$400

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Hourly fees for non-routine services range from \$100 to \$975 per hour, depending upon the type of service and level of the individual performing the service (partner, associate, paralegals, etc.).

The consultant has been informed of the Living Wage. The MWBE Officer has determined because of the nature of the services of this Agreement that only Workforce Goals apply. The Department of Finance will ensure compliance.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-130

Ordinance No. 2019-215
(Int. No. 272)

Authorizing an agreement for bond counsel services

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 Woods Oviatt Gilman LLP to provide bond counsel services for a term of 3 years with the option to renew for up to 3 additional one-year terms.

Section 2. The agreement's fees for routine debt sales shall be: \$16,000 for each series of publically sold Bond Anticipation Notes (BANs); \$16,000 for each series of publically sold General Obligation Bonds; \$27,500 for each series of negotiated BANs or Bonds; and, in addition, no more than \$400 in disbursements for each such transaction. The agreement shall establish hourly rates for non-routine services. The agreement fees shall be funded from the 2019-20 and subsequent years' Budgets of the Department of Finance, contingent upon the adoption of the subsequent budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Patterson
July 23, 2019

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

Int. No. 241	Authorizing the sale of real estate
Int. No. 242	Authorizing an agreement for hearing officer services related to the City demolition program
Int. No. 244	Authorizing funding and agreements relating to the 2019-2020 Street Liaison Program
Int. No. 245	Resolution endorsing a Consolidated Funding Application for the renovation and adaptive reuse of the historic Wollensack Building
Int. No. 246	Authorizing an application and agreement for the Lead Hazard Control Program
Int. No. 269	Amending Ordinance Nos. 2019-5, 2019-21 and 2019-81 as they relate to the acquisition of real estate for a new Goodman Section office for the Police Department and for a new Southeast Quadrant Neighborhood Service Center
Int. No. 270	Authorizing a grant agreement for the Zombie and Vacant Property Remediation and Prevention Initiative – Round II
Int. No. 271	Amending Resolution No. 2018-26 relating to an appointment to the City Planning Commission

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

Int. No. 243	Amending the Zoning Code map and text in relation to Planned Development District No. 12 – Eastman Business Park
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Respectfully submitted,
 Michael A. Patterson
 LaShay D. Harris (Absent)
 Jacklyn Ortiz
 Willie J. Lightfoot (Absent)
 Loretta C. Scott
 NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Re: Ordinance No. 2019-216
 Sale of Real Estate

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation approving the sale of eight properties. City records have been checked to ensure that 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 property is a multi-use structure sold by request for proposal. The purchaser will be opening a take-out restaurant that provides “healthy foods to address high cholesterol, high blood pressure, and diabetes,” and will lease the apartments above.

The remaining seven properties are unbuildable vacant lots, being sold for \$1.00 (as per City policy) to the adjacent owners who will combine the lots with their existing properties for additional green space/garden usage.

The first year projected tax revenue for these eight properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$5,108.

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

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-131

Ordinance No. 2019-216
 (Int. No. 241)

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 of the negotiated sale of the following improved parcel with proposal:

Address	SBL#	Lot Size	Price	Purchaser
642-644 North St	106.49-2-81	37x128	\$3,000	Emma Lovett

Section 2. The Council hereby approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00 to the owner of an adjoining property:

Address	SBL#	Lot Size	Sq.Ft.	Purchaser
149 Durman St (west part)	091.82-1-3	16x80	1,280	Alvin Gonzalez
23 Hollenbeck St (east part)	106.22-1-13	40X32	1,280	Angel Diaz

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23 Hollenbeck St (center part)	106.22-1-13	40x32	1,280	Richard J. Lochner
23 Hollenbeck St (west part)	106.22-1-13	40x32	1,280	Carlos A. Price, Jr.
66 Pulaski St (west part)	091.72-2-33.1	18x100	1,800	Nimadyan Properties, LLC
29 Sobieski St	091.73-2-7	30x115	3,450	Roy McCullough
101 Van Auken St	121.37-1.44	23x67	2,288	Frederick Johnson

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. 2019-217
Re: Agreement – The Center for Dispute Settlement, Inc., Demolition Hearing Officers

Council Priority: Rebuilding and Strengthening Neighborhood Housing; Public Safety

Transmitted herewith for your approval is legislation establishing \$15,200, as maximum annual compensation for an agreement with The Center for Dispute Settlement, Inc., Frank Liberti, President & CEO, 16 East Main Street, Suite 800, Rochester, NY 14614 for demolition hearing officers. The agreement will be funded from the 2019-20 Budget of the Department of Neighborhood and Business Development.

As part of the City's demolition program, the Department of Neighborhood & Business Development conducts demolition hearings against owners whose properties are in a state of disrepair and a potential health and safety hazard. An important aspect of the demolition hearing process is an impartial, third party hearing officer. The hearing officer will listen to testimony and render written decisions for each privately owned property that the City schedules for a demolition hearing. Those hearing findings are the legal basis for further action, including demolition that the City may undertake.

The Center for Dispute Settlement, Inc. is the current provider for demolition hearing services for the City. They have been providing these services to the City for more than 18 years. The requested funding will permit the Center for Dispute Settlement to conduct approximately 80 demolition hearings.

The term of the agreement will be for one (1) year with the option to extend for two, additional one year terms. The maximum annual compensation for each one-year extension, if exercised, is \$15,200 which would be funded from the Budget of the Department of Neighborhood and Business Development, contingent upon approval of said budget year.

A justification for no RFP is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-132

Ordinance No. 2019-217
(Int. No. 242)

Authorizing an agreement for hearing officer services related to the City demolition 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 The Center for Dispute Settlement, Inc. for hearing officer services related to the City demolition program. The term of the agreement shall be for one year with the option to extend for two additional one-year periods. The maximum annual compensation for the agreement shall be \$15,200, which shall be funded from the 2019-20 Budget of the Department of Neighborhood and Business Development (NBD). The compensation for an extended term, if any, shall be funded from subsequent years' Budgets of NBD, contingent upon their approval.

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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. 2019-218
Re: Eastman Business Park Planned Development District #12 – Text and Map Amendment

Transmitted herewith for your approval is legislation amending the City Zoning Text and Zoning Map of the existing Eastman Business Park Planned Development District #12 to facilitate the redevelopment of portions of Eastman Business Park for retail, office, research and development, educational, cultural, and residential uses. Existing manufacturing and industrial uses will remain. This legislation will:

- 5) Modify the existing Development Concept Plan and Planned Development District Regulations, including the reduction of three subareas to two subareas, to accommodate and facilitate the development of a range of mixed residential, nonresidential and recreational uses on this 170 acre site; and
- 6) Amend the Zoning Map by rezoning 1588-1600 Lake Avenue from C-3 Regional Destination Center District to Eastman Business Park Planned Development District #12.

In 2010, Eastman Business Park Planned Development District was created in order to provide flexible regulations that would promote high employment and economic development and capitalize on extensive on-site utilities and infrastructure.

Eastman Business Park is transforming into an urban-style, mixed-use innovation district, complete with manufacturing, retail, office, and residential space. Already a hub for high-tech industries, the district is becoming an entertainment destination for visitors as a result of continuing investment in the Kodak Center. As redevelopment of the Park progresses, more residents are expected to move into the area, creating a vibrant, thriving, and revitalized community.

Accordingly, in order to realize the visions identified in the *Eastman Business Park: Strategic Sites Master Plan (2017)*, created by the applicant, regulatory changes are required to support the proposed uses and the desired design character. The proposed changes are intended to promote high employment and economic development, like the current regulations, while also emphasizing the creation of residential and entertainment options.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal has been classified as Unlisted. A Determination of Significance will be made by the Manager of Zoning, as Lead Agency, prior to any Council action.

The Planning Commission held one informational meeting on June 10, 2019. The applicants spoke in support of the application, and no one spoke in opposition. Several written public comments were submitted and are attached.

A public hearing is required for the Zoning Text and Map Amendment. The regulations would take effect immediately upon Council approval.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-133

Ordinance No. 2019-218
(Int. No. 243)

Amending the Zoning Code map and text in relation to Planned Development District No. 12 — Eastman Business Park

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 from C-3 Regional Destination Center to Planned Development District No. 12 — Eastman Business Park the following property:

Address	SBL#
1588-1600 Lake Ave	090.36-1-29

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

Section 2. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by deleting the text for §PDD-12 adopted in Ordinance No. 2010-153 and replacing it so as to read in its entirety as follows:

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§PDD-12. Planned Development District No. 12 – Eastman Business Park

A. Purpose.

- (1) The Planned Development District Number 12 (PD #12) consist of approximately 170 acres of Eastman Business Park. The intent of PD #12 is to promote high employment and economic development opportunities that will benefit from the location in an urban setting served by existing infrastructure including utilities, public services, and multi- modal transportation options. The regulations encourage a mix of commercial, retail, residential and industrial uses that may be conducted in existing or newly built structures. The regulations intend to recognize and permit a defined area for the unified and orderly development of PD#12.
- (2) New development will frame and enhance public and private streets and open spaces in and around the site, including West Ridge Road and Lake Avenue. The goal is to transform these streets from high volume, high speed, vehicular corridors to balanced spaces that include pedestrian, bicycle, and transit amenities. The street network will be designed for vehicle movement at 30 mph maximum. Eastman Avenue, as well as any new internal streets east of Lake Avenue will be pedestrian oriented and incorporate quality materials and site amenities, decorative street lighting, street trees and other elements to create a public realm welcoming and comfortable to all users.
- (3) Environmental considerations will be encouraged and recommended with new development including the use of sustainable building materials, green infrastructure practices, following dark sky lighting principles to prevent light pollution and intrusion to neighboring residential areas.
- (4) Private and public gathering space, greenspace, and bicycle and pedestrian paths will be concentrated in the areas of PD #12 to enhance connections to and from existing nearby open space, and existing and proposed retail, commercial and work destinations. Green space and pathways will be concentrated primarily in Subarea 2, and along the periphery of Subarea 1.

B. PD #12 is divided into two subareas:

- (1) Subarea 1 currently consists of approximately 126 acres of heavy industrial, office and manufacturing facilities, and vacant land, generally north of West Ridge Road and west of Lake Avenue. This area will provide adaptive reuse opportunities for existing buildings and sites for new construction for office, research, commercial, and industrial uses.
- (2) Subarea 2 currently consists of approximately 43 acres of parking lots, generally south of West Ridge Road and east of Lake Avenue. This area will provide adaptive reuse opportunities for the existing buildings, and flexibility for new construction of offices, research and development, light industrial, retail, mixed-use and residential uses.

C. Permitted Uses.

- (1) The following lists the uses that are permitted as-of-right and allowed by special permit in Subarea 1 and Subarea 2. Any use not listed below is not permitted in either Subarea 1 or Subarea 2.

D. Subarea 1.

- (1) Permitted uses:
 - (a) Animal daycare.
 - (b) Animal hospitals.
 - (c) Amusement centers.
 - (d) Bars, restaurants and banquet facilities, including accessory outdoor seating/assembly areas, provided that the outdoor areas only operates between the hours of 6:00 a.m. and 11:00 p.m., excluding drive-through facilities.
 - (e) Car washes, subject to additional requirements for specified uses in §120-133.
 - (f) Day-care centers, subject to the additional requirements for specified uses in §120-135.
 - (g) Adult day-care and similar uses when located within an existing mixed-use building.
 - (h) Corporate headquarters, regional headquarters and their administrative offices.
 - (i) Entertainment, not including sexually oriented uses, subject to the additional requirements for specified uses in § 120-137.
 - (j) Food and beverage production, including accessory outdoor seating/assembly areas, provided that the outdoor areas only operate between the hours of 6:00 a.m. and 11:00 p.m.
 - (k) Health club and similar facilities.
 - (l) Hotels, including amenities such as bars, restaurants, conference and banquet facilities, meeting rooms, and outdoor seating areas open to the public on a twenty-four-hour basis; events with live entertainment when located within a completely enclosed building shall only operate until 2:00 a.m., and events with live entertainment offered in the outdoor seating and assembly area shall only operate until 12:00 midnight.
 - (m) Kennels.
 - (n) Light industrial.
 - (o) Manufacturing.
 - (p) Mixed uses, as listed in Subarea 1.
 - (q) Museums.
 - (r) Offices.
 - (s) Outdoor entertainment, when located at least 200 feet from any residential or open-space district.

- (t) Outdoor seating and assembly.
- (u) Parks, squares, commons, green space, and outdoor recreational facilities, such as hiking and bicycle trails.
- (v) Public and semi-public uses.
- (w) Public and private utilities, subject to the additional requirements for specified uses in Section §120-144.
- (x) Recycling centers, subject to Section §120-146.
- (y) Research and development.
- (z) Retail sales and services.
- (aa) Theaters and auditoriums, including educational programs
- (bb) Transit facilities.
- (cc) Technological, vocational, and trade schools.
- (dd) Warehouses.
- (ee) Wholesale distribution facilities.

- (2) Prohibited Use: Any use not specified in subsection D1 are not permitted in Subarea 1.

E. Subarea 2.

(1) Permitted Uses:

- (a) Bars, restaurants and banquet facilities, including accessory outdoor seating/assembly areas, provided that the outdoor areas only operates between the hours of 6:00 a.m. and 11:00p.m.
- (b) Corporate headquarters, regional headquarters and their administrative offices.
- (c) Day-care centers, subject to the additional requirements for specified uses in §120-135.
- (d) Single-family attached dwelling.
- (e) Two-family attached dwellings.
- (f) Multifamily dwellings.
- (g) Entertainment, not including sexually oriented uses, subject to the additional requirements for specified uses in §120-137.
- (h) Food and beverage production under 20,000 SF including accessory retail sales and services and outdoor seating.
- (i) Health clubs and similar facilities.
- (j) Hotels, including amenities such as bars, restaurants, conference and banquet facilities, meeting rooms, and outdoor seating areas open to the public on a twenty-four-hour basis; events with live entertainment when located within a completely enclosed building shall only operate until 2:00 a.m., and events with live entertainment offered in the outdoor seating and assembly area shall only operate until 12:00 midnight.
- (k) Mixed use as listed in Subarea 2.
- (l) Museums.
- (m) Offices.
- (n) Outdoor market.
- (o) Parks, squares, commons, green space, and outdoor recreational facilities, such as hiking and bicycle trails.
- (p) Private clubs.
- (q) Public and semi-public uses.
- (r) Research and development.
- (s) Retail sales and service.
- (t) Secondhand dealers.
- (u) Theaters and auditoriums, including educational programs.
- (v) Technological, vocational, and trade schools.

(2) Specially Permitted:

- (a) Accessory outdoor seating/assembly areas for bars, cocktail lounges, taverns, restaurants and banquet facilities with outdoor areas operating between the hours of 11:00 p.m. and 2:00 a.m.
- (b) Animal daycare.
- (c) Animal hospitals.
- (d) Amusement centers.
- (e) Drive-throughs for non-food and beverage related establishments, subject to the additional requirements for specified uses in §120-136:
 - [1] All drive-through components shall be located in the rear yard;
 - [2] Hours of operation shall be limited to 5:00 a.m. to 11:00p.m.;
 - [3] Solid Screening shall be provided when located adjacent to a residential district.
 - [4] All ingress and egress shall be provided from a rear shared access drive.
- (f) Food and beverage production over 20,000 SF.
- (g) Kennels.
- (h) Light industrial uses.
- (i) Outdoor entertainment, when located at least 200 feet from any residential or open-space district.

- (3) Prohibited Use: Any use not specified in subsections F1 or F2 is not permitted in Subarea 2.

F. Building Requirements for All Subareas.

(1) Building Design.

- (a) Building facades shall have horizontal transitions. A horizontal transition is an architectural element, such as a cornice, balcony, gallery, arcade or change in material that creates a distinction between the first and second stories.
- (b) Building facades with a length of 100 feet or more shall have vertical divisions. Vertical divisions are architectural elements such as pilasters, changes in plane and the like that create distinct increments of the building mass. Divisions that create distinct and separate facades shall have a door or entrance with public access on each separate façade.
- (c) Building facades with a with a length of 100 feet or more on Lake Avenue, Maplewood Drive and West Ridge Road, located in Subarea 2 shall provide a public pedestrian passageway through the building from the street frontage to the rear of the building.
- (d) Windows shall be recessed at least four inches from the plane of the building facade if the facade is of masonry or stucco. Doors or entrances providing public access shall be provided at intervals of no less than one hundred (100) feet unless otherwise approved in site plan review.
- (e) Building facades over 25' in height shall have a building setback.
- (f) All windows shall be clear or lightly tinted.

(2) Building Materials: new buildings shall conform to the following:

- (a) Acceptable materials for exterior finishes of building facades include concrete, masonry, glass, metal or wood materials.

- [1] Representative Building Design for Proposed Developments on Lake Avenue, West Ridge Road, & Maplewood Drive:



- [2] Representative Building Design for Proposed Developments on Desmond, Eastman (public and private), Minder, Merrill, Palm, Primrose, Pullman, Redwood, and Woodside (public and private):



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G. Corner Lot Requirements:

- (1) Buildings located at the corners of West Ridge Road and Lake Avenue, Lake Avenue and Maplewood Drive, and Lake Avenue and Eastman Avenue shall have a corner feature. A corner feature is an architectural element that tends to emphasize a building's relationship to a corner, including, but not limited to, chamfered corners, rounded corners, vertical elements, special roof forms or a plaza or other open space.



H. Site Requirements for All Subareas:

- (1) Building Placement.
 - (a) New buildings shall be constructed in accordance with the following:
 - [1] Building Setback:
 - [a] A one-hundred (100) foot minimum distance separation shall be maintained between all new construction and a residential district boundary line, excluding the portion of Subarea 2 located on the south side of West Ridge Road.

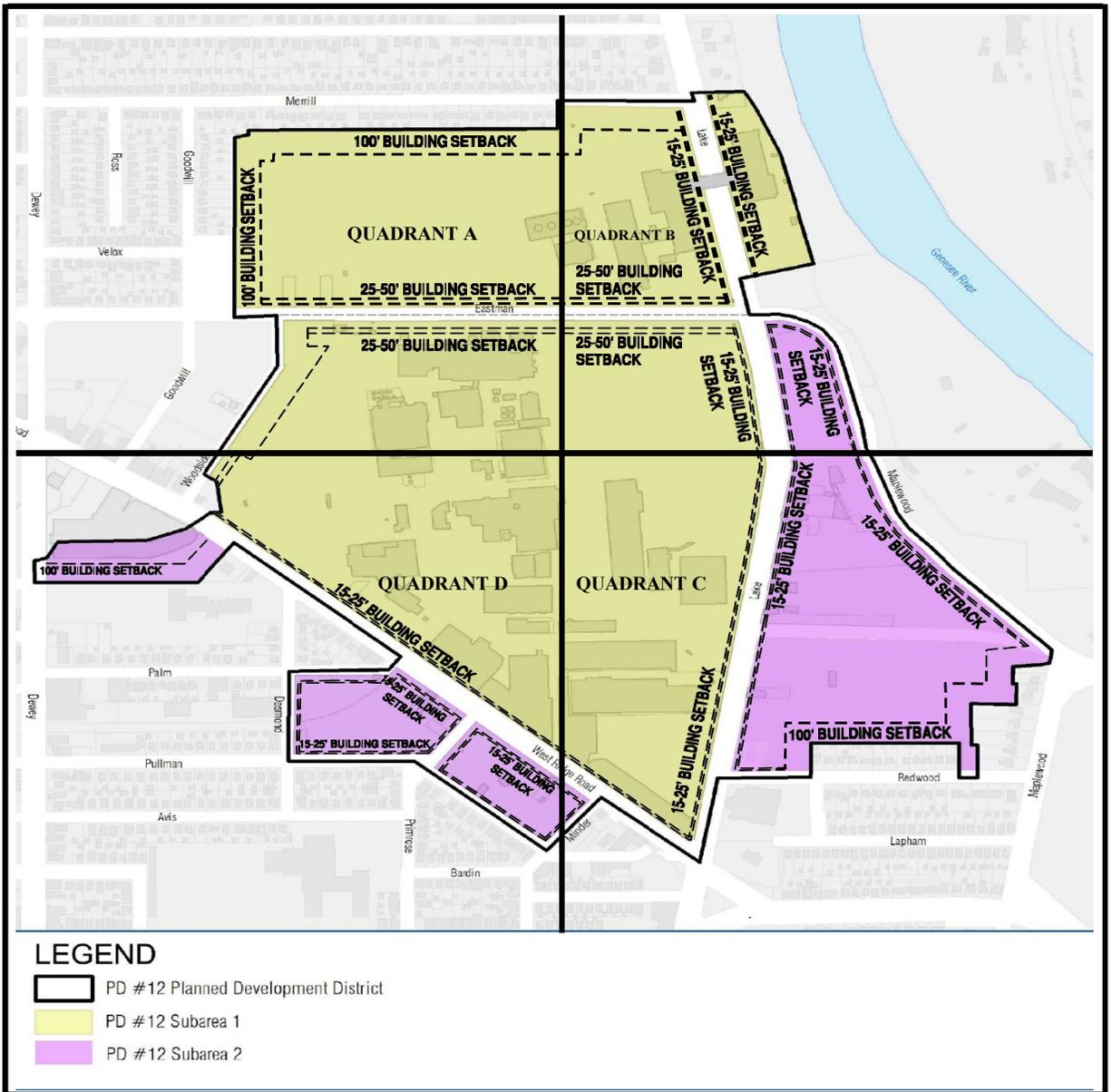
TUESDAY, JULY 23, 2019

PLANNED DEVELOPMENT DISTRICT NO. 12

EASTMAN BUSINESS PARK

DRAWING TITLE: DEVELOPMENT CONCEPT PLAN - OVERALL

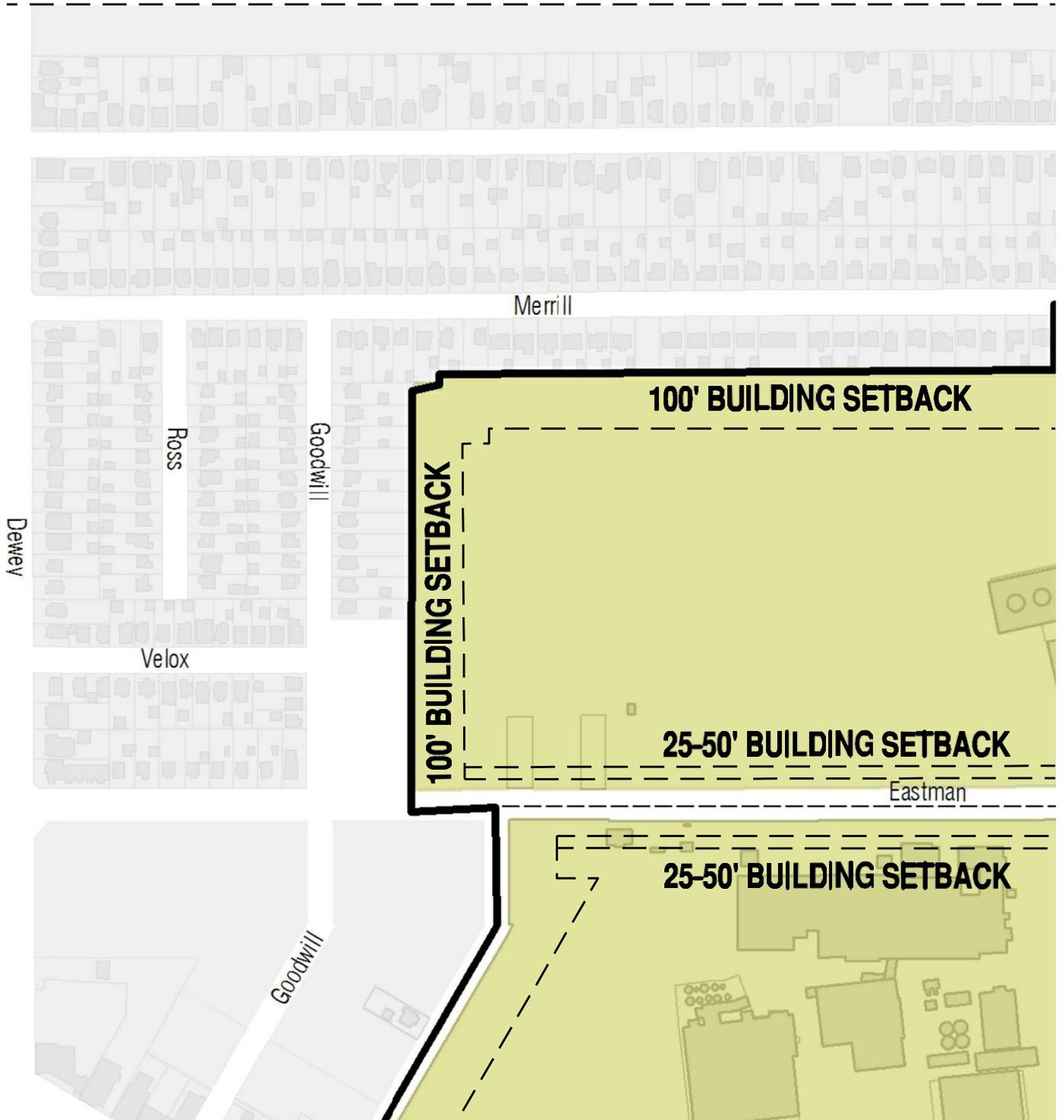
DRAWING NO.:1



EASTMAN BUSINESS PARK

DRAWING TITLE: DEVELOPMENT CONCEPT PLAN - QUADRANT A

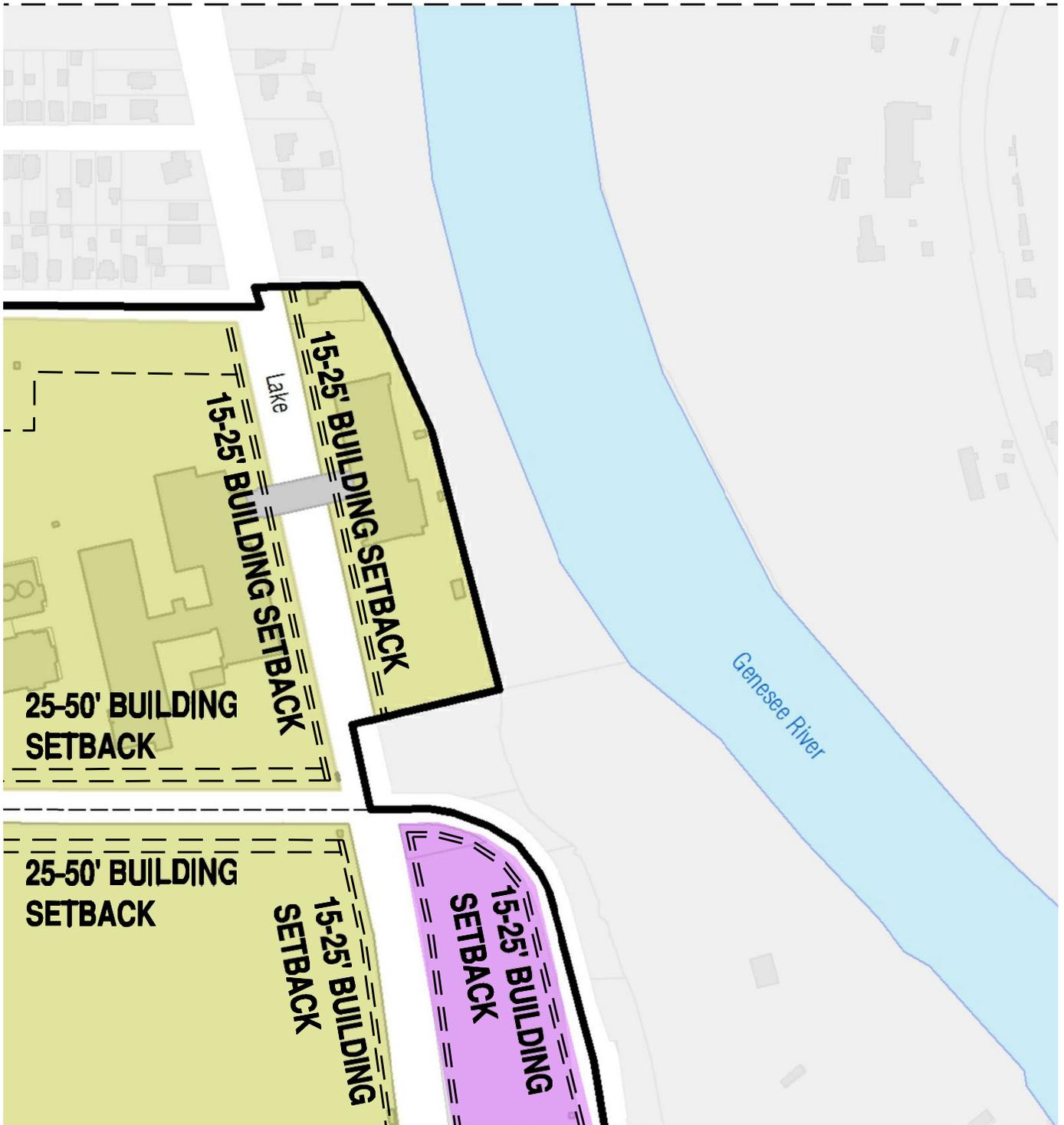
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EASTMAN BUSINESS PARK

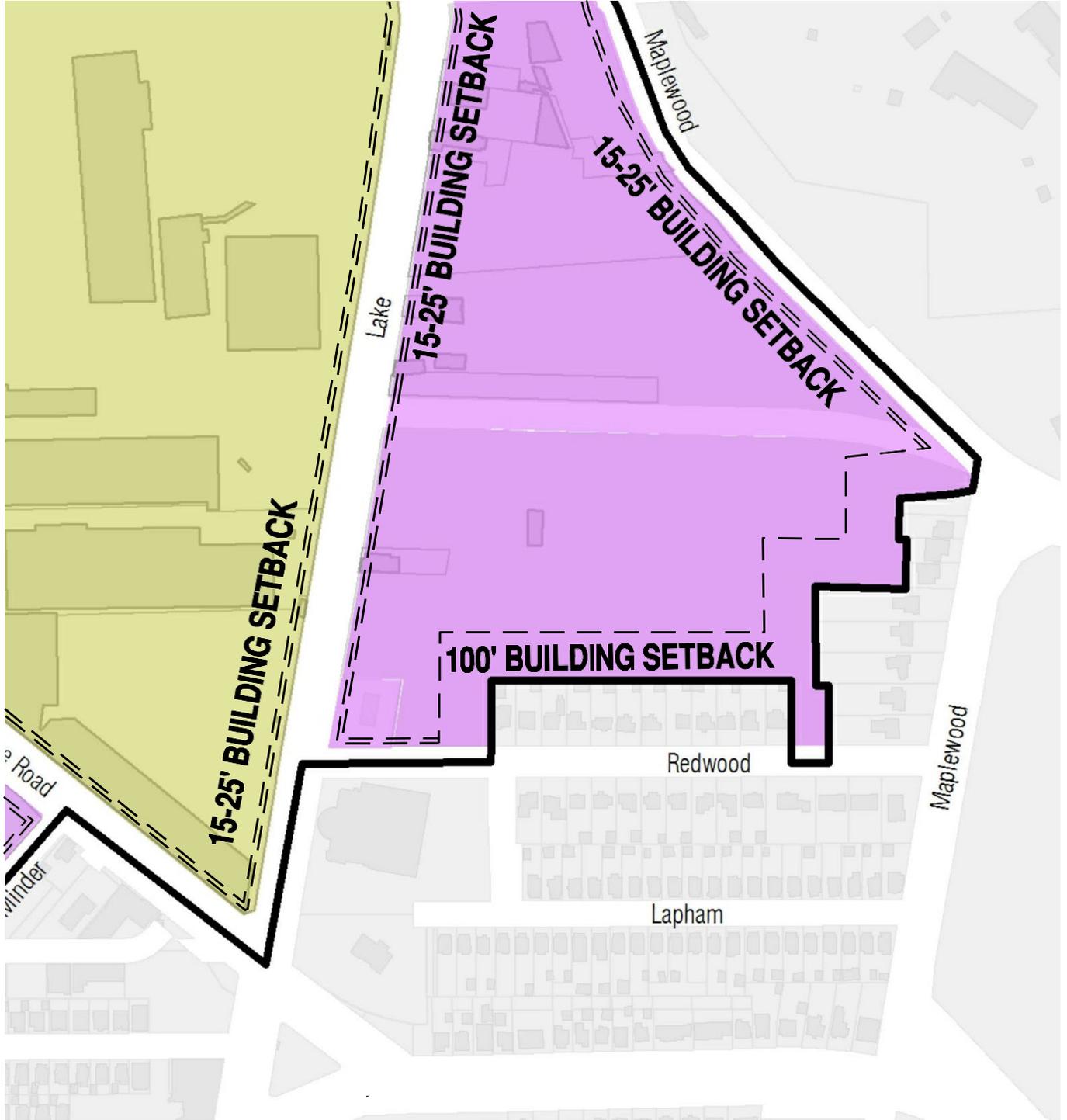
DRAWING TITLE: DEVELOPMENT CONCEPT PLAN - QUADRANT B

DRAWING NO.:3



DRAWING TITLE: DEVELOPMENT CONCEPT PLAN - QUADRANT C

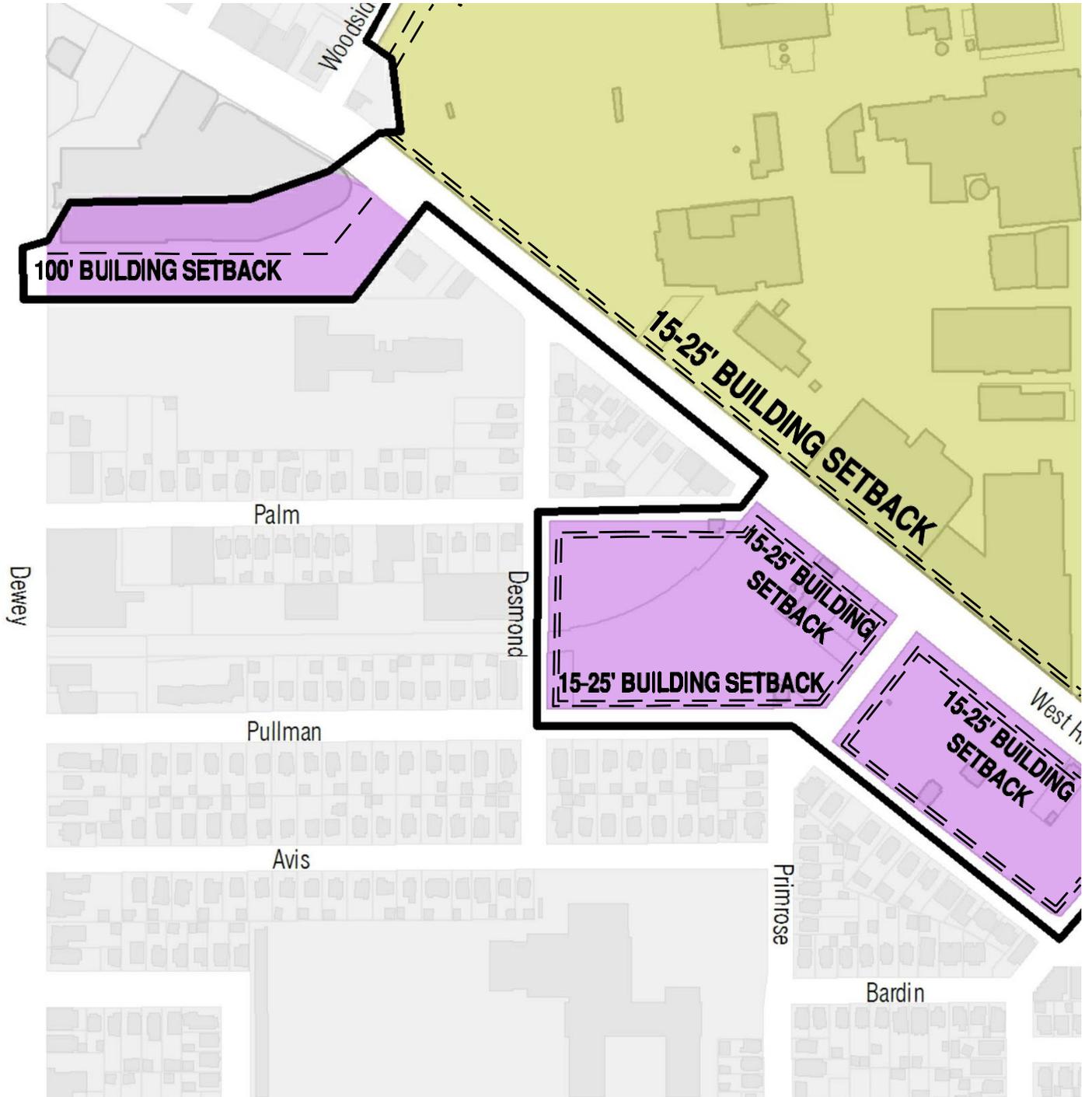
DRAWING NO.: 4



EASTMAN BUSINESS PARK

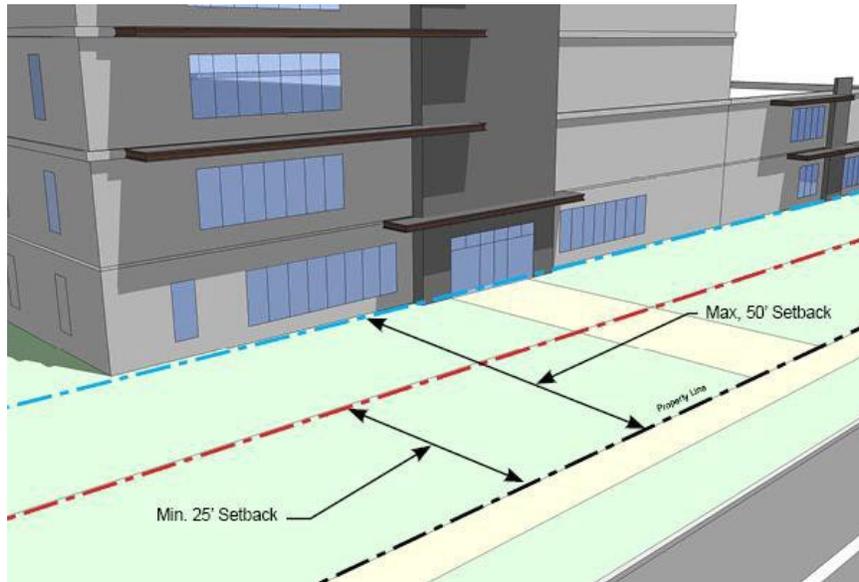
DRAWING TITLE: DEVELOPMENT CONCEPT PLAN - QUADRANT D

DRAWING NO.: 5





West Ridge Road, Lake Avenue, Maplewood Drive, Desmond Street, Minder Street, Merrill Street, Palm Street, Primrose Street, Pullman Avenue & Redwood Road



Eastman Avenue & Woodside Street

(b) Building Height:



West Ridge Road, Lake Avenue & Maplewood Drive



Eastman Avenue & Woodside Street



Desmond Street, Minder Street, Merrill Street, Palm Street, Primrose Street, Pullman Avenue & Redwood Road

(d) Building Step Back:



West Ridge Road & Lake Avenue

Building Location	Step Back at 20-35' Height (min – max)
West Ridge Road	5-20 feet
Lake Avenue	5-20 feet
Maplewood Drive	5-20 feet
Eastman Avenue	-----
Woodside Street	-----
Buildings at 100' Building Setback Adjacent to Residential District Boundary Line	10-20 feet

(2) Transparency.

(a) Lake Avenue, Maplewood Drive and West Ridge Road:

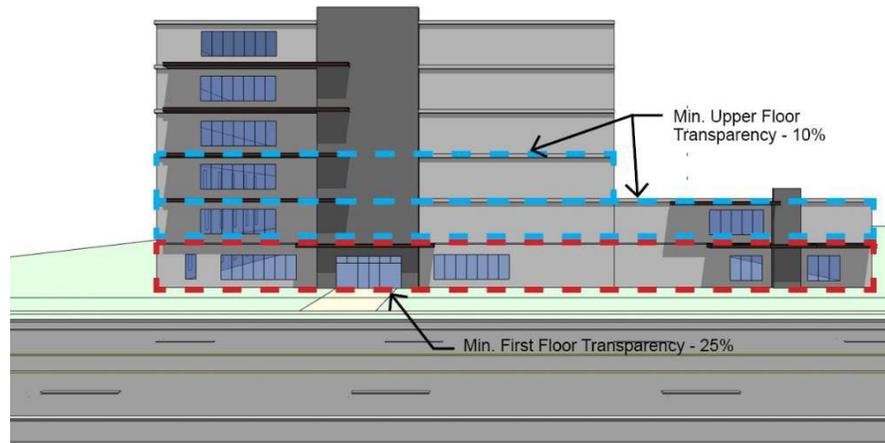
- l. First floor building facades shall provide transparency equal to a minimum of 55% of the wall area.

- II. Building facades higher than the first floor shall provide transparency equal to a minimum of 25% of the wall area.

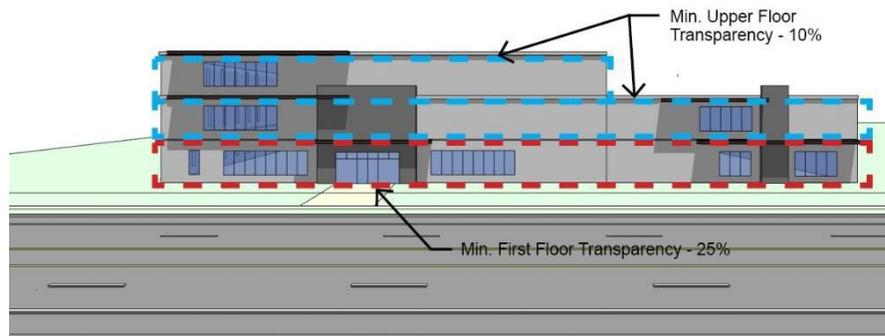


West Ridge Road, Lake Avenue, & Maplewood Drive

- (b) Eastman Avenue (public and private) and Woodside Street (public and private), Desmond Street, Minder Street, Merrill Street, Palm Street, Primrose Street, Pullman Avenue & Redwood Road:
 - I. First floor building facades shall have areas of transparency equal to a minimum of 25% of the wall area.
 - II. Building facades higher than the first floor shall provide transparency equal to a minimum of 10% of the wall area.



Eastman Avenue (public and private) & Woodside Street (public and private)



Desmond Street, Minder Street, Merrill Street, Palm Street, Primrose Street, Pullman Avenue & Redwood Road

I. Signs

- (1) Purpose: Signs are intended to maximize wayfinding. The overall intent is to minimize sign clutter, excessive numbers and sizes of signs, and encourage the use of sign types, materials and lighting that present a positive image to PD #12 and the surrounding neighborhoods. The height, size, location and appearance of signs are regulated to:
 - (a) Protect and enhance the district and character of the surrounding neighborhood character;
 - (b) Protect and enhance public and private investment in the district and within the surrounding neighborhood;
 - (c) Encourage sound sign practices by promoting the visibility for businesses at a scale and appearance that is appropriate for residents and visitors of Eastman Business Park;
 - (d) Provide clear and concise signage to safely and efficiently guide motorist and pedestrians to their destination;
 - (e) Prevent excessive sign clutter and confusing, distractive sign displays.

- (2) Allowed signs. The following signs are allowed anywhere in PD#12 without a certificate of zoning compliance provided they fall within any given threshold. Where the thresholds are exceeded, a certificate of zoning compliance will be required.
 - (a) Address signs, decorative flags, family name signs, non-illuminated home occupation signs, and the like;
 - (b) Window signs, logos, graphics and hours of operation, painted on or adhered to the glass;
 - (c) Specialty shop signs identifying services or general categories of merchandise being offered within an establishment that is not the principal use of the premises, such as, fruit, vegetables, stationary, bakery, and the like, excluding vendor product signs;
 - (d) Temporary banners, no larger than 20 square feet in area, displayed no longer than 60 days, indicating the opening or closing of a business;
 - (e) Removal and replacement of a tenant sign on an existing gateway or monument sign, directory sign or sign kiosk;
 - (f) Replacement of "Eastman Business Park" branding signs, banners and logos throughout the district;

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- (g) Seasonal and holiday decorations;
 - (h) Memorial or historic plaques, markers, monuments or tablets, and the like;
 - (i) Murals of a general theme, not relating to a specific business on the premises;
 - (j) Traffic control, safety, parking, no trespassing, informational or directional signs and similar signs on private property;
 - (k) Political and election signs not exceeding eight square feet; all of which shall be removed within 14 calendar days from the election;
 - (l) Real estate signs not to exceed eight square feet per side;
 - (m) Construction, renovation or leasing signs not to exceed 32 square feet in size, erected by a contractor, engineer, architect, real estate or leasing agent and removed at the termination of the portion of the project or activity.
- (3) Design Standards.
- (a) All signs shall be professionally designed and manufactured;
 - (b) Internal and external illumination is permitted;
 - (c) Neon window signs (or those similar in appearance) and accent lighting that is complimentary to the use and building architecture is permitted.
 - (d) The maximum total signage area is equal to 10% of the primary building façade.
 - (e) The maximum allowable attached signage shall not exceed 2.0 square feet for every foot of building frontage.
- (4) Permitted Signs.
- (a) Any “Eastman Business Park” branding signs, banners, kiosks and director signs, and any business sign internal to Eastman Business Park and not visible from any public right-of-way or from the private portion of Eastman Avenue shall be permitted.
 - (b) Building signs on buildings over 2 stories (over 25 feet in height). One building sign per building face per tenant.

Representative Images of Building Signs:

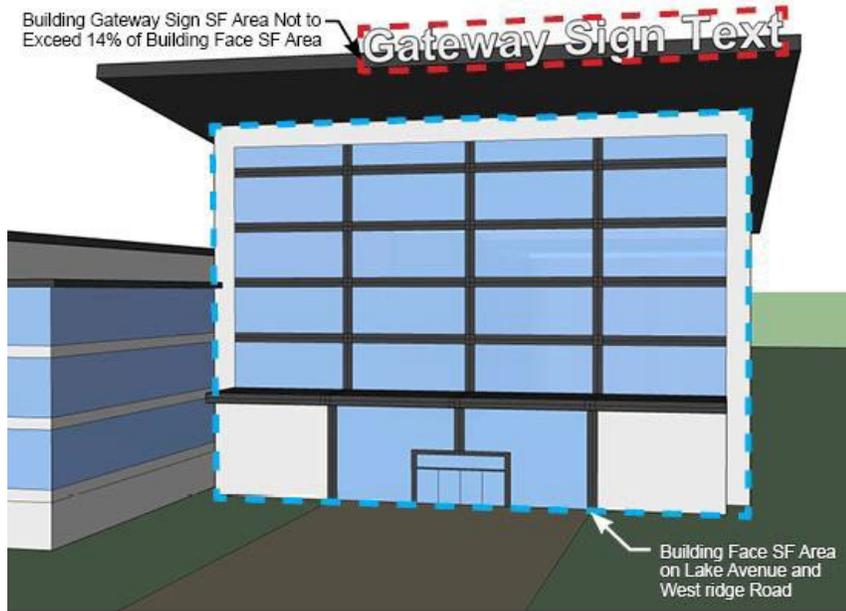
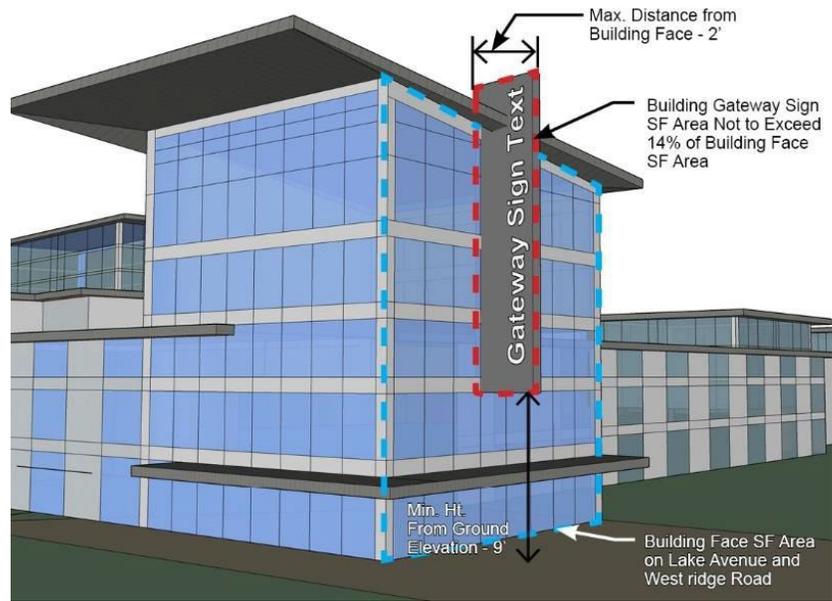


(c) Tenant Signs are permitted on the building faces located between 12 and 25 feet from the ground. One tenant sign per building face per tenant.



- (d) Gateway Sign are permitted at the following intersections:

- [1] Intersection of Lake Avenue and West Ridge Road.
- [2] Intersection of Lake Avenue and Eastman Avenue.



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- (e) Detached Monument Signs are permitted on the following streets and shall be installed no higher than six feet above grade:
 - [1] Eastman Avenue.
 - [2] Woodside Street.
 - (f) Multi-Tenant Monument Signs (kiosks) are permitted at the following intersections and shall be installed no higher than twelve feet abovegrade:
 - [1] Eastman Avenue and Lake Avenue.
 - [2] Woodside Street and Eastman Avenue.
 - [3] Woodside Street (public and private).
 - [4] Primrose Street.
 - [5] Maplewood Drive.
 - (g) Sign Review Process.
 - [1] Any sign not meeting the requirements of PD #12 shall require an administrative adjustment in accordance with Section §120-191A, excluding signs listed as prohibited.
- (5) Sign Type Definitions: In addition to definitions relating to signs in §120-208, the following definitions shall apply to PD#12.
- (a) Building Sign: A sign placed against a building face and attached to the exterior wall, so that the display surface is parallel with the plane of the wall.
 - (b) Tenant Sign: A sign projecting over the entrance to an establishment and attached to the building face.
 - (c) Gateway Sign: a sign constructed on non-publicly owned property and attached to a building face with the primary goal of showing users that they have entered the PD #12 district.
 - (d) Detached Monument Sign: A sign attached to the ground along its entire length upon a continuous pedestal.
 - (e) Multi-Tenant Monument Sign: a type of monument sign which serves as a common or collective identification for two or more commercial, business or industrial uses sharing an office, plaza, shopping center, industrial park or the like and which is located on such premises.
 - (f) Wayfinding Monument Sign: a type of monument sign listing the tenants or occupants of a commercial plaza and that indicates their directional location.
 - (g) Multi-Tenant Monument Sign: a type of monument sign which serves as a common or collective identification for two or more commercial, business or industrial uses sharing an office, plaza, shopping center, industrial park or the like and which is located on such premises.
 - (h) Wayfinding Monument Sign (Kiosk): a type of monument sign listing the tenants or occupants of a commercial plaza and that indicates their directional location.
- J. Access and Parking.
- (1) Access.
 - (a) No new driveway curb cuts shall be provided to or from Redwood Road and Merrill Street.
 - (b) Pedestrian: pedestrian access throughout the site and to the right-of-way shall be provided either directly or through shared access in all new development or redevelopment proposals.
 - (c) Eastman Avenue, both the public and private portions, shall comply with the City of Rochester's Complete Streets Policy. Eastman Avenue shall include an east- west multi-use trail connection in addition to the standard vehicle and pedestrian facilities.
 - (2) Vehicle Parking. Shared parking is encouraged to promote efficient use of land and resources by allowing users to share parking facilities for uses that are located near one another and that have different peak parking demands or different operation hours. On-site parking shall be subject to the following:
 - (a) Parking for uses located in PD#12 may be located anywhere within the district.
 - (b) The supply of surface parking within PD#12 shall not exceed 4500 spaces, and is subject to the parking lot design and maintenance standards set forth in § 120- 173F.
 - (c) Location: There shall be no parking between any public or private street and the building setback line as shown on the Development Concept Plan.
 - (3) Loading
 - (a) On-site loading shall comply with the requirements set forth in §120-172 of the Zoning Code.
 - (b) On-site loading facilities may be shared by any uses within the district.
 - (c) Loading spaces shall not be visible from Lake Avenue, Maplewood Drive, West Ridge Road or Eastman Avenue (public and private).
- K. Landscaping and Open Space:
- (1) Open Space. The intent of the Eastman Business Park Master Plan is to extend the open space qualities of Maplewood Park and the Genesee Riverway Trail to Eastman Business Park and proposed development. The Eastman Business Park Full Build Out Conceptual map included as Appendix to PD #12 will guide the location of open space areas.
 - (2) Representative Images of Appropriate Parking Lot Landscaping.



L. Lighting:

- (1) In addition to Section §120-170 Lighting in the City of Rochester’s Zoning Code, the following shall apply.
 - (a) Off-street lighting shall be shielded and/or directed in such a manner that it only illuminates the user’s premises and does not spill over into neighboring areas or interfere with use of residential properties.
 - (b) Pedestrian routes must provide pedestrian-scaled lighting.

[1] Representative Images of Appropriate Pedestrian-Scaled and Site Lighting:

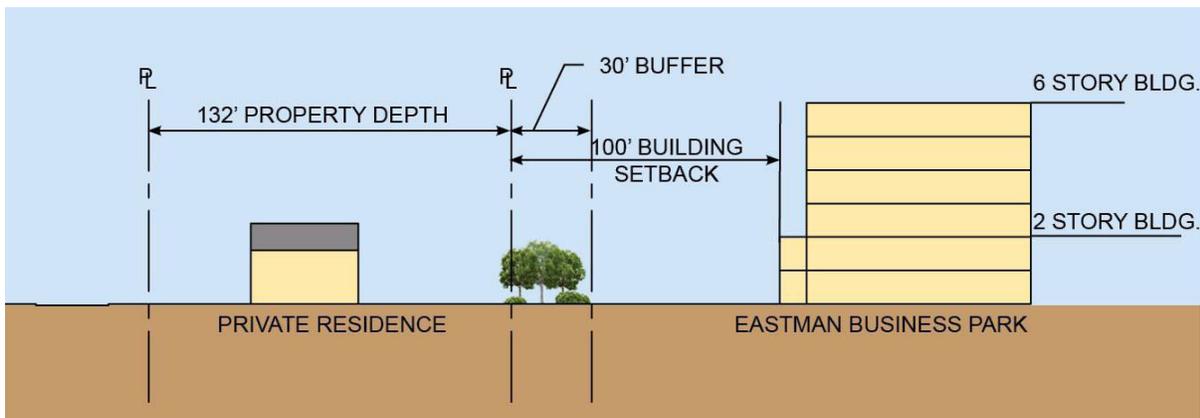


[2] Representative Images of Appropriate Building Lighting:



M. Buffers and Screening:

- (1) A thirty (30) foot landscape buffer shall be provided adjacent to residential districts.



N. Personal wireless telecommunications facilities (PWTF):

- (1) Personal wireless telecommunications facilities are permitted in the PD #12 in accordance with § 120-143 of the Zoning Code as follows:
 - (a) Subarea 1 shall be regulated in the same manner as the M-1 District,
 - (b) Subarea 2 shall be regulated in the same manner as Residential and CCD Districts.

O. Review and Approval:

- (1) All projects shall be reviewed in accordance with the requirements for a certificate of zoning compliance set forth in § 120-189 of the Zoning Code.
- (2) Notwithstanding any provisions contained in the Zoning code to the contrary, the only incremental development in PD #12 requiring major or minor site plan approval per § 120-191 of the Zoning Code shall be limited to the below-listed activities. All other development shall be subject to the application requirements of § 120-189 and any special requirements of PD #12.
 - (a) Any use proposing outdoor operations in Subarea 2, except those accessory to a permitted use;
 - (b) Drive-through operations in Subarea 2;
 - (c) Any use including parking areas in Subarea 2 not in compliance with the requirements of PD #12;
 - (d) Development or redevelopment requiring a new public or private street or curb opening.

P. Accessory Uses and Structures:

- (1) Defined outdoor storage areas containing materials accessory to a permitted use in Subarea 1 are permitted.
- (2) One storage building accessory to a permitted use in Subarea 1 is permitted.
- (3) One storage building accessory to a permitted use in Subarea 2 is permitted.

Q. Additional Requirements:

- (4) This planned development is subject to the requirements set forth in Article XVII of the City of Rochester's Zoning Code regarding Planned Development Districts.
- (5) Development and redevelopment in PD #12 is subject to Article XXII (Procedures) of the Zoning Code, §120-191A, Administrative Adjustment.
- (6) Uses in PD #12 are subject to Requirements Applying to All Districts (Article XX), except:
 - (a) Section §120-175, Outdoor storage.
 - (b) Section §120-177, Signs.
- (7) Development and redevelopment in PD #12 is subject to the requirements of Article XXIII (Exceptions) of the Zoning Code.
- (8) PD#12 is subject to Article XXIV with regard to nonconforming uses, structures, lots and signs.

R. Definitions:

- (9) Research and Development: Businesses engaged in the research, testing, and development of products or technology, with incidental on-site production, assembly, storage, and distribution with no off-site impacts including noise, glare, odor, vibration, outdoor storage, light pollution or process visibility. This definition shall not include operations where the predominant use is manufacturing, assembly, storage, or distribution.

Appendix A
Full Build Out – Conceptual Map



Eastman Business Park | Full Build Out - Conceptual

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Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-219
Re: 2019-20 Street Liaison Agreements

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to Street Liaisons. This legislation will:

- 1) Appropriate \$80,000 from the Street Liaison allocation of the 2019-20 Annual Action Plan from the Community Development Block Grant for the City's use to operate the program.
- 2) Appropriate \$5,000 from 2019-20 NBD Operating Budget to operate the program.
- 3) Establish the following as maximum compensation for Street Liaison agreements to provide business development street liaison services for each of the city's four quadrants as follows:
 - \$20,000 compensation for Action for a Better Community, Incorporated for the Northeast Quadrant;
 - \$5,000 compensation for Isla Housing and Development Corporation for the Clinton Avenue area of the Northeast Quadrant;
 - \$20,000 compensation for Highland Planning LLC for the Northwest Quadrant;
 - \$20,000 compensation for Highland Planning LLC for the Southeast Quadrant, and
 - \$20,000 compensation for the 19th Ward Community Association of Rochester, New York, Inc. for the Southwest Quadrant.

The mission of the Street Liaison is to provide outreach and assistance to businesses within the targeted commercial corridors found in their respective quadrants of the city of Rochester. This assistance is expected to result in increased business and community investment, retention of existing jobs; and the creation of new jobs. The Street Liaison may also contribute to additional business and community development efforts.

A Request for Qualifications (RFQ) was completed to locate vendors for each quadrant as described on the attached Vendor Selection Form. Action for a Better Community, Incorporated, Isla Development, Highland Planning LLC, and the 19th Ward Community Association of Rochester, New York, Inc. were selected through this process. The agreements will be in effect through June 30, 2020.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-134

Ordinance No. 2019-219
(Int. No. 244)

Authorizing funding and agreements relating to the 2019-2020 Street Liaison Program

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

Section 1. The Council hereby appropriates \$80,000 from the Street Liaison allocation of the Consolidated Community Development Plan/2019-2020 Annual Action Plan to implement the Street Liaison Program (Program).

Section 2. The Council hereby appropriates \$5,000 from the 2019-20 Budget of the Department of Neighborhood and Business Development to implement the Program.

Section 3. The Mayor is hereby authorized to enter into an agreements to obtain business development street liaison services for each of the city's four quadrants for the maximum compensation amounts as follows:

- a) for the Northeast Quadrant: with Action for a Better Community, Incorporated for \$20,000;
- b) for the North Clinton Avenue area of the Northeast Quadrant: ISLA Housing and Development Corporation for \$5,000;
- c) for the Northwest Quadrant: with Highland Planning LLC for \$20,000;
- d) for the Southeast Quadrant: with Highland Planning LLC for \$20,000; and
- e) for the Southwest Quadrant: with 19th Ward Community Association of Rochester, New York, Inc. for \$20,000.

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Section 4. The term for each agreement shall continue through June 30, 2020. The agreements shall be funded from the appropriations in Sections 1 and 2 herein.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes – President Scott, Councilmember Evans, Harris, Lightfoot, Ortiz, Patterson, Spaul -7.

Nays – None -0.

Councilmember Gruber abstained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2019-11

Re: Jefferson Wollensack Housing Creation Assistance, Resolution

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is a resolution related to the Jefferson Wollensack rehabilitation and new construction project, a mixed-use, low-income housing project at 872-886 Hudson Avenue and 663-667 Jefferson Avenue being undertaken by Urban League of Rochester Economic Development Corp (ULREDC) (Carolyn Vitale, Vice-President and COO).

The Urban League of Rochester Economic Development Corp (ULREDC) is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under Title 9 of the Environmental Protection Act of 1993 for a historical preservation project to be located at 872-886 Hudson Avenue, a site located within the territorial jurisdiction of this Council.

This resolution will approve and endorse the application of Urban League of Rochester Economic Development Corp (ULREDC) for a grant under Title 9 of the Environmental Protection Act of 1993 for a preservation project known as Jefferson Wollensack and located within this community.

The Jefferson Wollensack project involves the rehabilitation and new construction of 41 rental units. The Wollensack Building, 872-886 Hudson Avenue, a former factory, will be renovated to become 22 rental units, and the Jefferson Avenue site at 663-667 Jefferson Avenue, currently vacant city-owned land, will be redeveloped into 19 rental units for low-income households. All 41 units will be targeted to households with income at or below 50% of the Area Median Income. This includes seven units of Supported Housing specifically targeted for households with people having intellectual or developmental disabilities, with assistance from the Office of Persons with Developmental Disabilities (OPWDD). City Funds of \$300,000 were approved to be loaned into the project via Ordinance 2019-178.

This is considered a Type II action for SEQR so no action is needed.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-135

Resolution No. 2019-11
(Int. No. 245)

Resolution endorsing a Consolidated Funding Application for the renovation and adaptive reuse of the historic Wollensack Building

WHEREAS, the Urban League of Rochester Economic Development Corp (ULREDC) is seeking to develop a mixed-use, low-income housing project at the historic former Wollensack factory building located at 872 and 886 Hudson Avenue in the City of Rochester (the Project);

WHEREAS, in Ordinance No. 2019-178 adopted in June, 2019, this Council authorized the City to provide a \$300,000 loan to ULREDC, or an affiliated partnership or housing development fund corporation to be formed for the purpose, to develop a mixed-use, low-income housing project at the Project site as well as at a vacant site located at 663-687 Jefferson Avenue; and

WHEREAS, ULREDC has submitted a Consolidated Funding Application to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under Title 9 of the Environmental Protection Act of 1993 to fund a portion of the Project costs for the renovation and adaptive reuse of the Wollensack Building as a historical preservation project (the Application).

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

TUESDAY, JULY 23, 2019

Section 1. The Council hereby finds that the Application and the Project are consistent with City policies, goals and plans and hereby endorses the Application to fund the renovation and adaptive reuse of the historic Wollensack Building as proposed in ULREDC's Consolidated Funding Application to the OPRHP.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-220

Re: Grant Application Submission – Lead Hazard Control Program

Council Priority: Creating and Sustaining a Culture of Vibrancy; Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the submission of a funding application to the U.S. Department of Housing and Urban Development (HUD).

In response to a Notice of Funding Availability (NOFA) that was recently released by HUD, it is being proposed to submit an application to HUD's Office of Lead Hazard Control and Healthy Homes to request \$9,600,000 to support the City's lead hazard control efforts.

The funds would be used to address lead based paint hazards in 1-4 unit residential structures in targeted neighborhoods where the incidence of child lead poisoning is greatest. The funds can also be used for staffing costs, outreach and education, contractor and property owner training and marketing. A portion of the funding (\$600,000) would be available as a healthy homes supplement to address other non-lead based paint environmental health hazards.

It is required by HUD that applicants produce a 10% funding match contribution. If a grant award is made, the City would be obligated to contribute \$900,000 to the program over 5 years.

The application is due on August 9, 2019 and we expect award notification by late September.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-220
(Int. No. 246)

Authorizing an application and agreement for the Lead Hazard Control Program

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

Section 1. The Mayor is hereby authorized to submit an application to and enter into a grant agreement with the United States Department of Housing and Urban Development for funding for the City's Lead Hazard Control Program.

Section 2. The application and agreement shall contain such 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. 2019-221

Re: Technical Amendment – Ordinance Nos. 2019-5, 2019-21 and 2019-81 Goodman RPD and SE-NSC Project

Council Priority: Rebuilding and Strengthening Neighborhoods

Transmitted herewith for your approval is legislation amending Ordinance Nos. 2019-5, 2019-21 and 2019-81 to revise the values of the acquisitions associated with the Goodman RPD and SE-NSC Project. The changes are detailed below:

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Property Address	Owner	Ordinance Number	Original Value	Revised Value
1228-1230 E. Main Street	John M. Fleming	2019-5 2019-21 2019-81	\$40,000	\$48,000
4-6 Laura Street	John M. Fleming	2019-5 2019-21 2019-81	\$85,000	\$90,000

The owner of the property at 1228-1230 E. Main Street has appeared and contested the indicated just compensation amount and believes his property has greater value than the City’s appraisal and submitted additional information that was not available at the time of the original valuation. The revised value was substantiated by an updated appraisal.

The owner of 4-6 Laura Street has appeared and contested the indicated just compensation amount and believes his property has greater value than the City’s appraisal and submitted additional information that was not available at the time of the original valuation. The revised value was substantiated by an updated appraisal.

The properties’ compensation amount increased from \$40,000 to \$48,000, and \$85,000 to \$90,000 respectively. The total additional cost of \$13,000 will be funded from 2018-19 Cash Capital.

All City taxes and other current-year charges against each 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 a parcel, shall also be canceled.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-221
(Int. No. 269)

Amending Ordinance Nos. 2019-5, 2019-21 and 2019-81 as they relate to the acquisition of real estate for a new Goodman Section office for the Police Department and for a new Southeast Quadrant Neighborhood Service Center

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

Section 1. Section 1 of Ordinance No. 2019-5 and Section 2 of Ordinance No. 2019-21 as added by Ordinance No. 2019-81, both of which authorize the acquisition of real estate for a new Goodman Section office for the Police Department and for a new Southeast Quadrant Neighborhood Service Center, are hereby amended by increasing the maximum acquisition amounts for two of the parcels by an aggregate amount of \$13,000 as follows:

Property Addresses	SBL#	Original Comp.	Max	Adjusted Max. Comp
1228-1230 East Main St	106.76-1-41	\$40,000		\$48,000
4-6 Laura St	107.69-1-93	\$85,000		\$90,000

Section 2. The additional maximum compensation shall be funded from 2018-19 Cash Capital.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-222
Grant Agreement – Local Initiatives Support Corporation, Zombie and Vacant Property Remediation and Prevention Initiative – Round II

Council Priority: Rebuilding and Strengthening Neighborhood Housing; Creating and Sustaining a Culture of Vibrancy; Public Safety

Transmitted herewith for your approval is legislation related to the City’s Zombie and Vacant Property Remediation and Prevention Initiatives. This legislation will:

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1. Authorize an agreement with the Local Initiatives Support Corporation (LISC) for the receipt and use of a \$475,000 grant to address vacant and abandoned properties. The term of the agreement will be for two years.
2. Amend the 2019-20 Budget of the Department of Neighborhood and Business Development (NBD) by increasing revenue estimates and appropriations by \$79,200, and amending the 2019-20 Budget of Undistributed by increasing revenue estimates and appropriations by \$37,800.

This grant promotes the activities of the New York State Housing Stabilization Fund, a LISC program that is funding the work of municipalities or their housing finance agencies to support Housing Quality Improvement and Enforcement Programs.

The LISC grant will enable the City to initiate a hazard abatement program; provide strategic planning training for the Community Land Trust; provide Will preparation and probate resolution assistance; increase the capacity to manage the vacant property program and facilitate Abandonment Actions; provide website development support for the Monroe County Vacant and Abandoned Property Task Force; and assist with the development of efficient and effective means of collaborating with State agencies to ensure compliance with the new Zombie Law.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-222
(Int. No. 270)

Authorizing a grant agreement for the Zombie and Vacant Property Remediation and Prevention Initiative – Round II

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 Local Initiatives Support Corporation for the receipt and use of \$475,000 for the Zombie and Vacant Property Remediation and Prevention Initiative – Round II (the Program) to address vacant and abandoned properties. The agreement shall have a term of two years.

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

Section 3. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations of the Budget of the Department of Neighborhood and Business Development by \$79,200 and the Budget of Undistributed by \$37,800. Said funds are hereby appropriated to implement the Program.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2019-12
Re: Technical Amendment to Resolution No. 2018-26 City Planning Commission Appointments

Transmitted herewith for your approval is legislation amending Resolution No. 2018-26, adopted in December 2018, which approved the appointment of members to the City Planning Commission. The expiration date for Bradley J. Flower's term was incorrectly listed as May, 2018. This legislation will insert the correct expiration date of May, 2020.

Respectfully submitted,
Lovely A. Warren
Mayor

Resolution No. 2019-12
(Int. No. 271)

Amending Resolution No. 2018-26 relating to an appointment to the City Planning Commission

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

Section 1. Resolution No. 2018-26, which approved appointments to the City Planning Commission, is hereby amended in Section 1 to correct a typographical error and clarify the term of one of the Commission members as follows:

TUESDAY, JULY 23, 2019

Section 1. The Council hereby approves the appointment to the City Planning Commission of the following person as a regular member for a term that shall expire May 31, ~~2018~~ 2020:

Name	Address (City Council District)
Bradley J. Flower	10.5 Eagle Street, 14608 (SOUTH)

Section 2. This resolution shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Adopted unanimously.

By Councilmember Gruber
July 23, 2019

To the Council:

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

Int. No. 247	Authorizing agreements for the East Main Street Bridge over CSXT Preventive Maintenance Project
Int. No. 249	Authorizing appropriations and agreements for the South Avenue and Monroe Avenue Milling and Resurfacing Project
Int. No. 250	Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,335,000 Bonds of said City to finance a portion of the costs of the South Avenue and Monroe Avenue Milling and Resurfacing Project, <u>as amended</u>
Int. No. 251	Authorizing appropriations and an agreement for the Carter Street / North Street Milling and Resurfacing Project
Int. No. 252	Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$258,000 Bonds of said City to finance a portion of the costs of the Carter Street / North Street Milling and Resurfacing Project
Int. No. 253	Authorizing Consolidated Funding Grant applications and agreements
Int. No. 254	Amending Ordinance No. 2017-186
Int. No. 255	Amending Ordinance No. 2017-231 as it relates to an agreement with Clark Patterson Engineers, Surveyor, Architects and Landscape Architect, D.P.C.

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

Int. No. 248	Changing the traffic flow on Martin Street from one-way southbound to two-way
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Respectfully submitted,
Mitch Gruber
Malik Evans
Elaine M. Spaul
Willie Lightfoot (Absent)
Loretta C. Scott
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-223
Re: East Main Street Bridge over CSXT Preventive Maintenance Project

Transmitted herewith for your approval is legislation related to the East Main Street Bridge over CSX Trans/Amtrak (CSXT) Preventive Maintenance Project. This legislation will:

TUESDAY, JULY 23, 2019

1. Authorize the Mayor to enter into an agreement with the New York State Department of Transportation (NYSDOT) to participate in and administer the Project;
2. Appropriate \$124,450 in anticipated reimbursements from the Federal Highway Administration (FHWA), administered by NYSDOT through the Bridge NY program, to finance a portion of the design services and project administration; and
3. Authorize an agreement establishing \$195,000 as maximum compensation for an agreement with Fisher Associates, P.E., L.S., L.A., D.P.C. (Roseann Schmid, Chief Executive Officer), Rochester, NY, for design services related to this project.

The cost of the agreement will be financed as follows:

<u>Source</u>	<u>Amount</u>
2012-13 Cash Capital	\$ 23,133.85
2014-15 Cash Capital	\$ 19,550.00
2017-18 Cash Capital	\$ 27,866.15
FHWA funds appropriated herein	<u>\$124,450.00</u>
TOTAL	\$195,000.00

Inspections of the East Main Street Bridge over CSXT indicate specific bridge elements have reached a point of deterioration where preventive maintenance activities are warranted to prolong the life of the structure. The project will address the required bridge maintenance for the deck/wearing surface, bridge joints, bridge curb, bridge sidewalk, bridge railing parapet/fencing, and bridge abutments. These elements have been exhibiting deterioration and require maintenance to keep the bridge in good working condition.

Fisher Associates was selected to provide design services from the NYSDOT list of pre-approved regional engineering firms, which is described in the attached summary. The agreement may extend until six (6) months after completion and final acceptance of the project.

Design is slated to begin in summer 2019 and construction is anticipated to begin in summer 2020. The design portion of the project results in the creation/retention of the equivalent of 2.1 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-136

Ordinance No. 2019-223
(Int. No. 247)

Authorizing agreements for the East Main Street Bridge over CSXT Preventive Maintenance Project

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 Transportation to participate in and administer the East Main Street Bridge over the CSX Transportation/Amtrak (CSXT) Preventive Maintenance Project (the Project).

Section 2. The sum of \$124,450 in anticipated reimbursements from the Federal Highway Administration (FHWA) is hereby appropriated to fund a portion of the cost of design and project administration services for the Project.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement with Fisher Associates, P.E., L.S., L.A., D.P.C. in the maximum amount of \$195,000 to provide design services for the Project. Said amount shall be funded from \$124,450 of the FHWA funds appropriated in Section 2 herein, \$23,133.85 in 2012-13 Cash Capital, \$19,550 in 2014-15 Cash Capital, and \$27,866.15 in 2017-18 Cash Capital. The term of the agreement shall continue to six months after completion and final acceptance of the Project.

Section 4. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-224
Re: Authorizing a Traffic Flow Change – Martin Street

Council Priority: Creating and Sustaining a Culture of Vibrancy, Public Safety, Jobs, and Economic Development

TUESDAY, JULY 23, 2019

Transmitted herewith for your approval is legislation authorizing a change in the direction of traffic flow on Martin Street from one-way southbound to two-way on the portion located between 110 feet south of Hart Street and Hartel Alley.

Ordinance No. 2015-336 (October 2015) authorized a change in the direction of traffic flow on this segment of Martin Street from two-way to one-way southbound. This change was made at the time to facilitate safe loading of school buses on Martin Street, which was then serving large numbers of Rochester City School District students at temporary school swing space at 175 Martin Street/690 St. Paul Street. This facility is no longer being used for school purposes and therefore bus loading is not needed on Martin Street. Returning two-way traffic to this section of Martin Street will improve traffic operations in the neighborhood and enhance parking opportunities for Martin Street residents.

The change to two-way traffic was reviewed and endorsed by the Traffic Control Board at its March 19, 2019 meeting.

A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-137

Ordinance No. 2019-224
(Int. No. 248)

Changing the traffic flow on Martin Street from one-way southbound to two-way

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

Section 1. The Council hereby approves a change in the direction of the traffic flow on Martin Street from one-way southbound to two-way on the portion located between 110 feet south of Hart Street and Hartel Alley.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-225
Ordinance No. 2019-226

Re: South Avenue and Monroe Avenue Milling and Resurfacing Project

Transmitted herewith for your approval is legislation related to South Avenue and Monroe Avenue Milling and Resurfacing Project, PC 16112. This legislation will:

1. Establish \$340,000 as maximum compensation for a professional services agreement with Stantec Consulting Services Inc. (James R. Hofmann, Jr., Principal) Rochester, NY 14614 for Resident Project Representation (RPR) services;
2. Authorize the issuance of bonds totaling \$1,335,000 and the appropriation of the proceeds thereof to partially finance the Project;
3. Authorize an agreement with the Dormitory Authority of the State of New York (DASNY) for the receipt and use of \$500,000 in anticipated reimbursements to partially finance the Project;
4. Authorize the Mayor to enter into an agreement with New York State Department of Transportation (NYSDOT) to participate and administer the project for the receipt and use of \$250,000 in anticipated reimbursements to partially finance the project.

The South Avenue and Monroe Avenue Milling and Resurfacing Project was designed by the City of Rochester Bureau of Architecture and Engineering, Street Design Division. The project limits are as follows:

- South Avenue: Bellevue Drive to Griffith Street
- Monroe Avenue: I-490 to South Union Street

The project includes pavement milling and resurfacing, curb ramp upgrades, spot curb and hazardous sidewalk replacement, pavement markings, and adjustments and/or replacements of storm sewer, sanitary sewer and water appurtenance frames and covers.

TUESDAY, JULY 23, 2019

Bids for construction were received on June 4, 2019. The apparent low bid of \$1,876,729.00 was submitted by Concrete Applied Technologies Corp. (Michael Salvadore, President), Alden, NY 14004. An additional \$187,689.05 will be allocated for project contingencies.

The costs for the categories of work for the project based upon the bid amount are as follows:

Source of Funds	Construction	RPR	Contingency	Total
Street Bond Appropriated herein	881,803.50	290,000.00	163,196.50	1,335,000.00
DASNY Grant Appropriated herein	500,000.00			500,000.00
Multi-Modal Grant Appropriated herein	250,000.00			250,000.00
2017-18 Cash Capital	18,600.00	50,000.00	1,860.00	70,460
Pure Waters Reimbursement (Ordinance No. 2019-190) June 2019	226,325.50		22,632.55	248,958.05
Total	1,876,729.00	340,000.00	187,689.05	2,404,418.05

Stantec Inc. was selected for Resident Project Representative through a Request for Proposal process, which is described in the attached summary. The term of the agreement shall extend three (3) months after completion of the two year guarantee of the project.

Construction is planned to start in the summer of 2019 with substantial completion in the spring of 2020. The project will result in the creation and/or retention of the equivalent of 26.1 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-138

Ordinance No. 2019-225
(Int. No. 249)

Authorizing appropriations and agreements for the South Avenue and Monroe Avenue Milling and Resurfacing Project

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 \$500,000 in anticipated reimbursements from that agency to partially finance the South Avenue and Monroe Avenue Milling and Resurfacing Project (the Project).

Section 2. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Transportation (NYSDOT) for the receipt and use of \$250,000 in anticipated reimbursements for a Multi-Modal grant to partially finance the Project.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement with Stantec Consulting Services Inc. to provide resident project representation services for the Project. The maximum compensation for the agreement shall be \$340,000, and said amount or so much thereof as may be necessary, shall be funded by \$290,000 in bonds to be appropriated for the Project and \$50,000 in 2017-18 Cash Capital. The term for the agreement shall continue until three months after completion of a two year guarantee inspection of the Project work.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TUESDAY, JULY 23, 2019

Ordinance No. 2019-226
(Int. No. 250, as amended)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,335,000 Bonds of said City to finance a portion of the costs of the South Avenue and Monroe Avenue Milling and Resurfacing 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 South Avenue and Monroe Avenue Milling and Resurfacing Project, including milling and resurfacing of the pavement along South Avenue from Bellevue Drive to Griffith Street and on Monroe Avenue from H-490 to South Union Street, as well as curb ramp upgrades, spot curb and hazardous sidewalk replacement, replacement of traffic markings, and adjustments and/or replacements of storm sewer, sanitary sewer and water appurtenance frames and covers (the "Project"). The estimated maximum cost of this portion of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,404,418.05. The plan of financing includes the issuance of \$1,335,000 bonds of the City which amount is hereby appropriated therefor, \$500,000 in anticipated reimbursements from the Dormitory Authority of the State of New York, \$250,000 in anticipated Multi-Modal grant reimbursements from the New York State Department of Transportation, \$70,460 in 2017-18 Cash Capital, \$248,958.05 in anticipated reimbursements from the Rochester Pure Waters District appropriated in Ordinance No. 2019-190, 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 \$1,335,000 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 \$1,335,000. 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. 20 c. of the Law, is 15 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.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TUESDAY, JULY 23, 2019

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-227

Ordinance No. 2019-228

Re: Carter Street / North Street Milling and Resurfacing Project

Transmitted herewith for your approval is legislation related to Carter Street / North Street Milling and Resurfacing Project. This legislation will:

1. Establish \$303,000 as maximum compensation for a professional services agreement with Joseph C. Lu Engineering, P.C. (Cletus O. Ezenwa, Chief Executive Officer) Rochester, NY 14604 for Resident Project Representation (RPR) services.
2. Authorize the issuance of bonds totaling \$258,000 and the appropriation of the proceeds thereof to partially finance Resident Project Representation (RPR) services.

The Carter Street / North Street Milling and Resurfacing Project was designed by the City of Rochester Bureau of Architecture and Engineering, Street Design Division. The project limits are as follows:

- Carter Street: Portland Avenue to Norton Street
- North Street: Nash Street to Norton Street

The project includes pavement milling and resurfacing, curb ramp upgrades, spot curb and hazardous sidewalk replacement, pavement markings, and adjustments and/or replacements of storm sewer, sanitary sewer and water appurtenance frames and covers.

Bids for construction were received on June 4, 2019. The apparent low base bid of \$1,547,642.60 was submitted by Hewitt Young Electric, LLC (Mark Spall, President), Rochester, NY 14611. An additional \$232,146.39 will be allocated for project contingencies.

The costs for the categories of work for the project based upon the bid amount are as follows:

Source of Funds	Construction	RPR	Contingency	Total
DASNY (Ordinance No. 2015-120)	1,323,862.40		198,579.36	1,522,441.76
Pure Waters Reimbursement (appropriated in June 2019 Council)	53,234.35		23,798.52	77,032.87
Pure Waters Reimbursement (Authorized by Ordinance No. 18-367)	105,422.45			105,422.45
2015-2016 Cash Capital	65,123.40	45,000.00	9,768.51	119,891.91
Bond Appropriated herein		258,000.00		258,000.00
Total	1,547,642.60	303,000.00	232,146.39	2,082,788.99

Joseph C. Lu Engineering was selected for RPR services through a Request for Proposal process, which is described in the attached summary. The term of the agreement shall extend until three (3) months after completion of the two (2) year guarantee of the project.

Construction is planned to begin in the summer of 2019 and be completed in the summer of 2020. The project will result in the creation and/or retention of the equivalent of 22.6 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-139

Ordinance No. 2019-227
(Int. No. 251)

Authorizing appropriations and an agreement for the Carter Street / North Street Milling and Resurfacing 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 Joseph C. Lu Engineering, P.C. to provide resident project representation services for the Carter Street / North Street Milling and Resurfacing Project (the Project). The maximum compensation for the agreement shall be \$303,000, and said amount or so much thereof as may be necessary, shall be funded by \$258,000 in bonds to be appropriated for the Project and \$45,000 in 2015-16 Cash Capital. The term for the agreement shall continue until three months after completion of a two year guarantee inspection of the Project work.

TUESDAY, JULY 23, 2019

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.

Ordinance No. 2019-228
(Int. No. 252)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$258,000 Bonds of said City to finance a portion of the costs of the Carter Street / North Street Milling and Resurfacing 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 Carter Street / North Street Milling and Resurfacing Project, including milling and resurfacing of the pavement on Carter Street from Portland Avenue to Norton Street and on North Street from Nash Street to Norton Street, as well as curb ramp upgrades, spot curb and hazardous sidewalk replacement, replacement of traffic markings, and adjustments and/or replacements of storm sewer, sanitary sewer and water appurtenance frames and covers (the "Project"). The estimated maximum cost of this portion of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,082,788.99. The plan of financing includes the issuance of \$258,000 bonds of the City which amount is hereby appropriated therefor, \$1,522,441.76 in anticipated reimbursements from the Dormitory Authority of the State of New York, \$77,032.87 in anticipated reimbursements from the Rochester Pure Waters District appropriated in Ordinance No. 2019-190, \$105,422.45 in anticipated reimbursements from the Rochester Pure Waters District appropriated in Ordinance No. 2018-367, \$119,891.91 in 2015-16 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 \$258,000 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 \$258,000. 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. 20 c. of the Law, is 15 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.

TUESDAY, JULY 23, 2019

TO THE COUNCIL

Ladies and Gentlemen:

Re: Ordinance No. 2019-229
Consolidated Funding Applications for 2019-20

Council Priority: Deficit Reduction and Long Term Financial Stability; Creating and Sustaining a Culture of Vibrancy; Jobs and Economic Development

Transmitted herewith for your approval is legislation related to the 2019-20 New York State Consolidated Funding Application (CFA) process.

This legislation will:

1. Authorize the City's applications for over \$16 million in New York State funding through the CFA process; and
2. Authorize any necessary agreements with the State for the receipt of funding.

The CFA is the single point of entry for accessing over \$750 million in State resources to be made available in 2019 to support the economic development priorities of the regions and spur job creation across the state, including \$225 million in competitive funds from Empire State Development.

This year, there are over 30 programs available through 10 state agencies, including Empire State Development; New York State Canal Corporation; New York State Energy Research and Development Authority; Environmental Facilities Corporation; Homes and Community Renewal; New York Power Authority; Office of Parks, Recreation and Historic Preservation; Department of State; Department of Environmental Conservation, and Council on the Arts.

City Applications

In spring 2019, an interdepartmental team of City staff worked to review CFA availability as it related to each department and create a citywide CFA application plan. Projects recommended for City submissions were based on the current stage of project development, ability to complete the projects within the timeframes established by the funding agency, and the ability to obtain matching funds through the City's Capital Improvement Program.

If State funding is awarded, it is anticipated that any local match amounts not already allocated will be requested in the 2020-21 Capital Improvement Plan. An exception to the debt limit will be required for the Parcel 5 Public Space project.

Applications are due by July 26, 2019. The City of Rochester intends to submit up to 14 applications for the projects listed below:

2019 City Applications for CFA			
Project	Total Project Cost	State Request	Local Match
Parcel 5 Public Space	\$23,500,000	\$ 4,700,000	\$18,800,000
Bull's Head Revitalization – ESD / Planning & Feasibility	\$ 200,000	\$ 100,000	\$ 100,000
Bull's Head Revitalization – NYSDOS / BOA	\$ 333,500	\$ 300,000	\$ 33,500
Mt. Hope Cemetery – Marketing & Information Upgrades	\$ 200,000	\$ 150,000	\$ 50,000
Mt. Hope Cemetery – 1912 Chapel Historic Preservation	\$ 1,100,000	\$ 600,000	\$ 500,000
Maplewood Park Nature Center	\$ 300,000	\$ 225,000	\$ 75,000
High Falls Visitor Center Improvements	\$ 1,200,000	\$ 600,000	\$ 600,000
Rundel Library Building Historic Preservation	\$ 1,900,000	\$ 600,000	\$1,300,000
CSX Corridor Acquisition	\$ 750,000	\$ 250,000	\$ 500,000
Durand Eastman Park Beach House	\$ 500,000	\$ 375,000	\$ 125,000
Norris Drive Transformative Green Street	\$ 7,560,000	\$ 6,576,300	\$ 983,700
RPD Goodman Section Office & NSC Green Infrastructure	\$ 1,250,000	\$ 1,000,000	\$ 250,000
Climate Smart Communities Certification Actions	\$ 125,000	\$ 62,500	\$ 62,500
Hemlock Geothermal HVAC Upgrades	\$ 1,300,000	\$ 1,300,000	\$ 0

Project descriptions are provided in the attached summary.

TUESDAY, JULY 23, 2019

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-140

Ordinance No. 2019-229
 (Int. No. 253)

Authorizing Consolidated Funding Grant applications and agreements

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

Section 1. The Mayor is hereby authorized to submit applications to, and enter into agreements with, New York State for funding through the 2019-20 Consolidating Funding Application for the following projects:

Project	Total Project Cost	State Request	Local Match
Parcel 5 Public Space	\$ 23,500,000	\$ 4,700,000	\$ 18,800,000
Bull’s Head Revitalization – ESD / Planning & Feasibility	\$ 200,000	\$ 100,000	\$ 100,000
Bull’s Head Revitalization – NYSDOS / BOA	\$ 333,500	\$ 300,000	\$ 33,500
Mt. Hope Cemetery – Marketing & Information Upgrades	\$ 200,000	\$ 150,000	\$ 50,000
Mt. Hope Cemetery – 1912 Chapel Historic Preservation	\$ 1,100,000	\$ 600,000	\$ 500,000
Maplewood Park Nature Center	\$ 300,000	\$ 225,000	\$ 75,000
High Falls Visitor Center Improvements	\$ 1,200,000	\$ 600,000	\$ 600,000
Rundel Library Building Historic Preservation	\$ 1,900,000	\$ 600,000	\$ 1,300,000
CSX Corridor Acquisition	\$ 750,000	\$ 250,000	\$ 500,000
Durand Eastman Park Beach House	\$ 500,000	\$ 375,000	\$ 125,000
Norris Drive Transformative Green Street	\$ 7,560,000	\$ 6,576,300	\$ 983,700
RPD Goodman Section Office & NSC Green Infrastructure	\$ 1,250,000	\$ 1,000,000	\$ 250,000
Climate Smart Communities Certification Actions	\$ 125,000	\$ 62,500	\$ 62,500
Hemlock Geothermal HVAC Upgrades	\$ 1,300,000	\$ 1,300,000	\$ 0

Section 2. City match funding shall be provided through Budget funds already allocated for these project purposes, or through the 2020-21 Capital Improvement Plan, contingent upon approval.

Section 3. The applications and agreements shall contain such 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. 2019-230
 Re: Amending Ordinance No. 2017-186, Residential Milling and Resurfacing – Marketview Heights Improvement Project-Lyndhurst Street

Council Priority: Rebuilding and Strengthening Neighborhood Housing; Jobs and Economic Development

Transmitted herewith for your approval is legislation Amending Ordinance No. 2017-186 which authorized financing the cost of milling and resurfacing various streets within the Marketview Heights neighborhood. This amendment will add the milling and resurfacing of Lyndhurst Street from North Street to North Union Street, including the installation of permanent speed humps to replace the existing temporary speed humps.

Lyndhurst Street was overlooked in the original assessment and the bond funding available for the project has enough available to complete this work.

TUESDAY, JULY 23, 2019

Ordinance No. 2018-272 previously added \$300,000 in additional bond funding to cover the cost of an increased scope of work, allowing the City to replace the deteriorated curbs on Woodward Street between North Street and North Union Street..

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-141

Ordinance No. 2019-230
(Int. No. 254)

Amending Ordinance No. 2017-186

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

Section 1. Ordinance No. 2017-186, authorizing the issuance of bonds related to the 2017 Marketview Heights Residential Milling and Resurfacing Program Project, as amended by Ordinance No. 2018-272, is hereby further amended to read in its entirety as follows:

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$2,180,000 Bonds of said City to finance the milling and resurfacing of certain portions of Marketview Heights streets related to the 2017 Marketview Heights Residential Milling and Resurfacing Program 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 the cost of milling, resurfacing and reconstruction of certain portions of Marketview Heights streets, including those portions specified on the attached Exhibit A, as amended to include milling and resurfacing of Lyndhurst Street from North Street to North Union Street, related to the 2017 Marketview Heights Residential Milling and Resurfacing Program Project in the City, including new curbing, sidewalks, manholes, basins, installation of permanent speed humps to replace the existing temporary speed humps, and other roadway improvements (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 \$2,291,518, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$2,180,000 bonds of the City to finance a portion of said appropriation, the application of \$16,518 from 2013-2014 Cash Capital, \$95,000 from Rochester Pure Waters (Ordinance No. 2016-376) 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 \$2,180,000 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 \$2,180,000. 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. 20. of the Law, is fifteen (15) 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.

TUESDAY, JULY 23, 2019

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.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-231
Amending Ordinance No. 2017-231

Transmitted herewith for your approval is legislation amending Ordinance No. 2017-231 which was adopted in July 2017 which authorized an agreement with Clark Patterson Engineers, Surveyor, Architects and Landscape Architect, D.P.C. (Todd Liebert, CEO) for architectural and engineering services for the renovation of 42-50 South Avenue. This amendment will permit architectural and engineering services to be applied for the renovation of the former Chamber of Commerce Building located at 57 St. Paul Street Rochester, NY 14604.

The location may be utilized as a proposed consolidated administration building for the Department of Recreation and many of their related bureaus, much of which was designed originally for the 42-50 South Avenue Site.

Design and construction is planned for 2019.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-142

Ordinance No. 2019-231
(Int. No. 255)

Amending Ordinance No. 2017-231 as it relates to an agreement with Clark Patterson Engineers, Surveyor, Architects and Landscape Architect, D.P.C.

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

Section 1. Section 1 of Ordinance No. 2017-231 authorizing the professional services agreement with Clark Patterson Engineers, Surveyor, Architects and Landscape Architect, D.P.C. is hereby amended to read in its entirety as follows:

The Mayor is hereby authorized to enter into an agreement in the maximum amount of \$250,000 with Clark Patterson Engineers, Surveyor, Architects and Landscape Architect, D.P.C. for architectural and engineering services for the renovation of ~~42-50 South Avenue~~ 57 Saint Paul Street. Said amount shall be funded from 2015-16 Cash Capital and the term of the agreement may extend until 3 months after project completion.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TUESDAY, JULY 23, 2019

By Vice-President Lightfoot
July 23, 2019

To the Council:

The **PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

Int. No. 256	Appropriating funds and amending the 2019-20 Budget related to sex offender registry
Int. No. 257	Authorizing a Rachael Ray Save Them All grant from the Best Friends Animal Society
Int. No. 258	Authorizing an agreement for veterinary services
Int. No. 259	Authorizing an amendatory agreement for COPS Community Policing Development Micro-Grant program
Int. No. 260	Appropriating funds and amending the 2019-20 Budget for the operations of the Greater Rochester Area Narcotics Enforcement Team program
Int. No. 261	Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,842,000 Bonds of said City to finance the replacement of one Rescue Truck at the Chestnut Street Firehouse, one Engine Pumper at the Monroe Avenue Firehouse and one Engine Pumper at the Ridgeway and Dewey Avenues Firehouse
Int. No. 262	Appropriating funds for the Smoke Detector Installation Program
Int. No. 263	Appropriating funds for the 2019-20 Mural Arts Project
Int. No. 264	Authorizing funding and amendatory agreement relating to the ROC City Skate Park
Int. No. 265	Authorizing appropriations and an agreement for the Play Streets ROC project
Int. No. 266	Authorizing an agreement for the Southwest Youth Organizing Project
Int. No. 267	Authorizing an agreement and funding for the Summer Literacy Program
Int. No. 268	Authorizing a use and occupancy agreement for 57 Saint Paul Street

Respectfully submitted,
Willie J. Lightfoot (Absent)
Mitch Gruber
LaShay D. Harris (Absent)
Jacklyn Ortiz
Loretta C. Scott
PUBLIC SAFETY YOUTH & RECREATION COMMITTEE

Received filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-232
Re: Budget Amendment – 2019-20 Budget of the Police Department

Council Priority: Public Safety

Transmitted herewith for your approval is legislation amending the 2019-20 Budget of the Police Department by \$10,000 to reflect the receipt and use of funding from the United States Marshals Service for the reimbursement of overtime costs related to sex offender registry details.

The United States Marshals Service is providing up to \$10,000 as part of short-term joint law enforcement operation to ensure and enforce compliance relative to the sentencing conditions of registered sex offenders. These funds do not include fringe benefits, which are estimated to be \$3,166.

Respectfully submitted,
Lovely A. Warren
Mayor

TUESDAY, JULY 23, 2019

Ordinance No. 2019-232
(Int. No. 256)

Appropriating funds and amending the 2019-20 Budget related to sex offender registry

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

Section 1. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations of the Budget of the Police Department by \$10,000 from funds to be received from the United States Marshals Service. Said funds are hereby appropriated to support the reimbursement of overtime costs related to sex offender registry details.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-233
Re: Agreement – Best Friends Animal Society, 2019 Rachael Ray Save Them All grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation related to the Best Friends Animal Society, Rachael Ray Save Them All grant. This legislation will:

1. Authorize an agreement with Best Friends Animal Society for the receipt and use of the 2019 Rachael Ray Save Them All grant in the amount of \$2,500 for the term of June 1, 2019 through May 31, 2020;
2. Amend the 2019-20 Budget of the Police Department by \$2,500;

This grant is intended to increase the live release rate of dogs. The funds will be used for animal behaviorist services to conduct assessments and behavior modification training for dogs displaying certain forms of aggression, thereby increasing the animal's suitability for transfer to one of the City's animal rescue partners. The assessments and training will be conducted at Rochester Animal Services Center at 184 Verona Street.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-233
(Int. No. 257)

Authorizing a Rachael Ray Save Them All grant from the Best Friends Animal Society

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 Best Friends Animal Society, a Utah nonprofit organization, to authorize the receipt and use of a Rachael Ray Save Them All grant in the amount of \$2,500, which amount is hereby appropriated for animal behaviorist services to assist Rochester Animal Services in increasing the live release rate of dogs. The term of the agreement shall be one year.

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

Section 3. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended to increase the Budget of the Police Department by \$2,500 to account for the appropriation.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-234
Re: Agreement – Animal Hospital of Pittsford, P.C. for Police K-9 Unit

Council Priority: Public Safety

TUESDAY, JULY 23, 2019

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum annual compensation for an agreement with Animal Hospital of Pittsford, P.C. DBA Stone Ridge Veterinary Hospital (Principal: Dr. Todd Wihlen), Rochester, 14618 for veterinary services for dogs assigned to the K-9 unit of the Rochester Police Department. The term of this agreement will be September 1, 2019 through August 31, 2020, with the option to renew for up to four consecutive one year periods and will be funded from the 2019-20 Budget of the Police Department, and future budgets contingent upon approval.

A request for proposals was issued in April 2019, posted on the City's website, and sent directly to 27 local veterinarians, described in the attached summary. Stone Ridge Veterinary Hospital was the only vendor to respond.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-143

Ordinance No. 2019-234
(Int. No. 258)

Authorizing an agreement for veterinary services

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 Animal Hospital of Pittsford, P.C. to provide veterinary services for dogs assigned to the K-9 unit of the Rochester Police Department. The term of the agreement shall be from September 1, 2019 to August 31, 2020, with the option to extend for up to four consecutive one year periods. The maximum annual compensation for the agreement shall be \$20,000, which shall be funded from the 2019-20 Budget of the Police Department for the first year and, for any extended term, subsequent years' Budgets of the Police Department, contingent upon their 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. 2019-235
Re: Amendment – Ordinance No. 2017-400

Council Priority: Public Safety

Transmitted herewith for your approval is legislation amending Ordinance No. 2017-400, agreements for the U.S. Department of Justice COPS Community Policing Development Micro-Grant.

The COPS Community Policing Development Micro-Grant was awarded to the Rochester Police Department to:

- Improve the understanding of the scope and nature of text mining through natural language processing techniques, especially as it relates to criminal justice data.
- Design text mining algorithms that create new datasets from previously unstructured narratives.
- Create a product suite that operationalizes the data collected from algorithms to drive decision making.
- Create, test, evaluate, and document a process for utilizing natural language processing techniques in a law enforcement agency which can be extensible to other departments.

In August 2018, Ordinance No. 2018-277 amended Ordinance No. 2017-400 to extend the grant agreement through August 31, 2019. RPD requested an additional one year extension from the grantor in order to fully expend the funds. Therefore, Ordinance No. 2017-400 is amended as follows:

- Section 1 is amended from “The term of the agreement shall be from September 1, 2017 through August 31, 2018” to “The term of the agreement shall be from September 1, 2017 through August 31, 2020.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-235
(Int. No. 259)

TUESDAY, JULY 23, 2019

Authorizing an amendatory agreement for COPS Community Policing Development Micro-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 amendatory agreement with the U.S. Department of Justice's Office of Community Oriented Policing Services (COPS) for the receipt and use of a \$75,000 grant for the COPS Community Policing Development Micro-Grant program (Program). The amendatory agreement shall extend the term of the agreement, which was authorized in Ordinance No. 2017-400 and amended by Ordinance No. 2018-277, through August 31, 2020.

Section 2. Said amendatory 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. 2019-236

Re: Appropriation of Forfeiture Funds – GRANET Operations

Council Priority: Public Safety

Transmitted herewith for your approval is legislation appropriating \$200,000 from federal forfeited property revenues attributable to the Greater Rochester Area Narcotics Enforcement Team (GRANET), and amending the 2019-20 Budget of the Police Department to reflect this amount.

These funds will be used to support GRANET operations for the 2019-20 fiscal year. GRANET participates in joint investigations which includes Federal, State, and other local law enforcement agencies. The mission of GRANET is to achieve maximum coordination and cooperation among participating agencies; bring to bear their combined resources to investigate mid- and upper-level narcotics and illegal weapons offenses; and aggressively investigate career criminals in the Greater Rochester/Monroe County area, utilizing both State and Federal laws.

Under the current Memorandum of Understanding among the participating agencies, GRANET will share in any properties or funds confiscated as a direct result of a criminal investigation initiated by GRANET, pursuant to forfeiture regulations of the United States Departments of Justice and Treasury, and the Attorney General.

GRANET will use asset forfeiture funds for operational expenses including communications, electronic surveillance, confidential funds, vehicle rentals for undercover operations, supplies, and training. The proposed expenditures conform to the U.S. Department of Justice, Criminal Division, Money Laundering and Asset Recovery Section's Guidelines to Equitable Sharing for State and Local Law Enforcement Agencies. Salaries and overtime for participants will continue to be paid by each officer's respective agency.

GRANET is a multi-jurisdictional team comprised of local and federal agencies. As a participant of the team, the City administers GRANET's equitable share of federal forfeiture funds, and keeps a separate accounting for these funds. The undesignated balance in GRANET's forfeiture fund after this transfer is estimated at \$308,400.

Respectfully submitted,

Lovely A. Warren

Mayor

Ordinance No. 2019-236

(Int. No. 260)

Appropriating funds and amending the 2019-20 Budget for the operations of the Greater Rochester Area Narcotics Enforcement Team program

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

Section 1. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations of the Budget of the Police Department by the sum of \$200,000, which amount is hereby appropriated from funds realized from seized and forfeited assets to fund the operations of the Greater Rochester Area Narcotics Enforcement Team (GRANET).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TUESDAY, JULY 23, 2019

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-237
Fire Apparatus Bonding

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$1,842,000 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 rescue and engines being replaced are first line apparatus and are currently located at the Chestnut St, Monroe Ave and Ridgeway & Dewey 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>
Rescue 11	9 yrs	Chestnut St	1,300
Engine 1	10 yrs	Monroe Ave	2,800
Engine 10	10 yrs	Ridgeway & Dewey	2,300

Upon replacement, the existing first line apparatus that are 9 or 10 years old, will be placed into reserve status. The existing reserve apparatus are on average 19 years old and will be eligible for disposal through the Purchasing Bureau's surplus process.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-237
(Int. No. 261)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,842,000 Bonds of said City to finance the replacement of one Rescue Truck at the Chestnut Street Firehouse, one Engine Pumper at the Monroe Avenue Firehouse and one Engine Pumper at the Ridgeway and Dewey Avenues 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 one Rescue Truck at the Chestnut Street Firehouse, one Engine Pumper at the Monroe Avenue Firehouse and one Engine Pumper at the Ridgeway and Dewey Avenues Firehouse. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,842,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,842,000 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 \$1,842,000 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 \$1,842,000. 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

TUESDAY, JULY 23, 2019

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. 2019-238
Re: Smoke and Carbon Monoxide Detectors Installation Program

Council Priority: Public Safety

Transmitted herewith for your approval is legislation appropriating \$55,000 from the Fire Department Equipment allocation of the General Community Needs Fund of the 2019-20 Consolidated Community Development Plan – Annual Action Plan, for the purchase of smoke and carbon monoxide detectors during FY 2019-20. The Rochester Fire Department provides and installs free smoke and carbon monoxide detectors to low and moderate income families in residential properties. The RFD coordinates and implements fire prevention and education programs to reach at-risk target populations. During fiscal year 2018-19 year to date, RFD installed 1,114 smoke detectors and 966 carbon monoxide detectors in residential properties throughout the city..

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-238
(Int. No. 262)

Appropriating funds for the Smoke Detector Installation Program

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

Section 1. The sum of \$55,000 is hereby appropriated from the Fire Department Small Equipment project of the Consolidated Community Development Plan/2019-20 Annual Action Plan to fund the purchase of smoke and carbon monoxide detectors for the Rochester Fire Department to install in the residences of low and moderate income families.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-239
Re: Mural Arts Project "Roc Paint Division"

Council Priority: Creating and Sustaining a Culture of Vibrancy; Support the Creation of Effective Educational Systems

Transmitted herewith for your approval is legislation authorizing the appropriation of \$100,000 from the Job Creation/Youth Development allocation of the General Community Needs Fund of the 2019-20 Community Development Block Grant for the Mural Arts Project. A portion of the funds were anticipated and included in the 2019-20 Budget of the Department of Recreation and Youth Services (DRYS) for salary expenses for Youth Workers and Public Arts Coordinator positions. The remainder of the funds will be used for program supplies, artistic training fees and educational field trip expenses. This current phase of the project will begin this summer and conclude by June 30, 2020.

TUESDAY, JULY 23, 2019

The Mural Arts Project, initiated in 2012, in collaboration with the Department of Neighborhood and Business Development, engages Rochester youth to create, develop, and install public art projects to enhance and improve the community. Each year, a “Roc Paint Division” mural arts team is assembled consisting of two lead artists and ten youth workers. As in prior years, the youth hired for the 2019-20 project will receive training in employment soft skills, community art development, leadership, and artistic techniques as well as attend arts-related field trips. Following that training, the team will identify opportunities for mural/arts installations at underserved Rochester parks and green spaces (weather permitting), Rochester Public Library branches and community-based non-profit agencies. The team will determine locations through consultation with youth and adult community stakeholders and create opportunities to engage the public during the design and installation process.

Since the program’s inception, murals have been installed at the various locations throughout the City including: the Ametek building on North Union Street across from the Public Market, Adams Avenue D, Campbell, Carter, Edgerton, Flint, Frederick Douglass, Gantt, Humboldt, Roxie and Ryan R-Centers, the Lincoln Branch Library, and Jones Square Park.

This program was last approved by Council in June 2018 via Ordinance No. 2018-211 and pictures of the 2018-19 mural installations are attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-144

Ordinance No. 2019-239
(Int. No. 263)

Appropriating funds for the 2019-20 Mural Arts Project

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

Section 1. The sum of \$100,000 from the Job Creation/Youth Development allocation of the Consolidated Community Development Plan/2019-20 Annual Action Plan is hereby appropriated for the 2019-20 Mural Arts Project (the Project). The Project shall be comprised of the assembling of a “Roc Paint Division” mural arts team consisting of lead artists and youth workers to install murals at Rochester parks and green spaces, Rochester Public Library branches, and community-based non-profit agencies. Part of the appropriation herein shall be allocated for Project supplies, field trips, and artistic training for the 2019-20 fiscal year.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-240
Re: Amendatory Agreement – ROC City Skate Park

Transmitted herewith for your approval is legislation related to the ROC City Skate Park project. This legislation will:

1. Appropriate \$1,000,000 in anticipated reimbursements from ROC the Riverway / Upstate Revitalization Initiative funding administered by New York State Department of Transportation (NYSDOT) to fund a portion of the construction of the Project; and,
2. Authorize the receipt and use of a \$194,784 Commercial Corridor/Main Street Revitalization economic development grant from Rochester Gas and Electric Corporation which will be used to fund a portion of the design and construction of the Project; and,
3. Appropriate a \$10,000 donation from the Friends of the Roc City Skatepark, Inc. to fund a portion of the Project and amend the 2019-20 Cash Capital allocation of the Department of Recreation and Youth Services to reflect the receipt of the donation; and,
4. Establish \$480,000 as maximum compensation for an amendatory agreement with Stantec Consulting Services, Inc. (James R. Hofmann, PE, Principal), Rochester, NY 14614, for additional design services and Resident Project Representation for the project.

Stantec Consulting Services Inc. was selected through a request for proposal process to provide preliminary and final design, bid documents, construction phase design services, and resident project representative (RPR) services. The initial agreement was authorized in September 2018 (Ord. No. 2018-311) for maximum compensation of \$350,000. The amendatory agreement will add \$130,000 for design and Resident Project Representation services related to unanticipated site conditions, including grading depth constraints and soil remediation. The cost of the agreement will be financed as follows:

<u>Source</u>	<u>Amount</u>
2016-17 Cash Capital (Ord. No. 2018-311)	\$160,000
2018-19 Cash Capital (Ord. No. 2018-311)	190,000
2019-20 Cash Capital	110,000
RG&E appropriated herein	<u>20,000</u>
TOTAL	\$480,000

This project will lead to the creation of the first outdoor, public skate park in Rochester, a 14,300 square foot custom-concrete wheel-friendly skate park located under and adjacent to the Susan B Anthony/Frederick Douglass Bridge. It is anticipated that construction will begin in 2019 with scheduled completion in summer 2020. Please see attached master plan for the Skate Park.

This project has been reviewed in accordance with the State Environmental Quality Review Act and Chapter 48 of the Rochester City Code, and a Negative Declaration was issued on February 15, 2019.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-145

Ordinance No. 2019-240
(Int. No. 264)

Authorizing funding and amendatory agreement relating to the ROC City Skate Park

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

Section 1. The amount of \$1,000,000 in anticipated reimbursements from the New York State Department of Transportation (NYSDOT), which are administered by the NYSDOT in accordance with the ROC the Riverway/Upstate Revitalization Initiative as authorized in Ordinance No. 2019-62, is hereby appropriated to fund a portion of the construction of the ROC City Skate Park (the Project).

Section 2. The Mayor is hereby authorized to enter into an agreement with Rochester Gas and Electric Corporation (RG&E) for the receipt and use of a Commercial Corridor/Main Street Revitalization economic development grant in the amount of \$194,784 and said amount is hereby appropriated for the design and construction of the Project.

Section 3. An anticipated donation in the amount of \$10,000 from the Friends of the Roc City Skatepark, Inc. is hereby appropriated to fund the Project. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended to increase the 2019-20 Cash Capital allocation by \$10,000 to account for the appropriation.

Section 4. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Stantec Consulting Services Inc. to provide additional design and resident project representation services for the Project. The agreement shall amend the professional services agreement authorized in Ordinance No. 2018-311 so as to increase the maximum compensation by \$130,000 to a new total of \$480,000. The increase in compensation shall be funded from 2019-20 Cash Capital and \$20,000 from the RG&E grant appropriated in Section 2 herein.

Section 5. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re Ordinance No. 2019-241
RACF – Youth Sports Grant/Play Streets

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Plays Streets ROC project and other neighborhood-based play initiatives. This legislation will:

1. Authorize an agreement with the Rochester Area Community Foundation (RACF) for the receipt and use of a one-year youth sports grant for \$22,380 for the Play Streets ROC initiative; and,
2. Amend the 2019-20 Budget of the Department of Recreation and Youth Services (DRYS) by \$22,400 for the initiative; and,

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3. Establish \$25,300 as maximum compensation for a professional services agreement with the Finger Lakes Health Systems Agency dba Common Ground Health (Wade Norwood, Executive Director), Rochester, NY 14607, for technical assistance and facilitation of neighborhood-based play initiatives. The agreement will be funded from the 2019-20 Department of Recreation and Youth Services (\$3,000) and the 2019-20 Department of Neighborhood and Business Development (\$22,300). The term of the agreement will be from July 1, 2019 to September 30, 2020.

Through the Play Streets ROC initiative, DRYS seeks to build neighborhoods' capacity and increase "playful" opportunities for youth and families throughout the City of Rochester in partnership with NBD. With funding from the RACF, the City will collaborate with Common Ground Health's HealthiKids initiative to engage neighborhood groups and community leaders to host at least 10 Play Streets ROC events in diverse neighborhoods across Rochester. Each neighborhood group that hosts a Play Streets ROC event will receive training from the City's Recreation on the Move mobile recreation program staff, technical support from HealthiKids, a 'Play Kit' containing games and equipment, healthy snacks, and other supplies for their event. It is anticipated that approximately 20 neighborhood volunteers and 1,000 youth, with a focus on youth ages 6-18, will be served through the Play Streets ROC initiative.

The City will also partner with HealthiKids to support the PlayROCs your Neighborhood initiative which is anticipated to involve 55 neighborhood associations, block clubs, community organizations, churches, libraries working together to activate play spaces across Rochester, with an estimated 4,000 participants..

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-241
(Int. No. 265)

Authorizing appropriations and an agreement for the Play Streets ROC project

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 Rochester Area Community Foundation (RACF) for the receipt and use of a one-year youth sports grant for \$22,380 for the Play Streets ROC initiative (the Project).

Section 2. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations of the Budget of the Department of Recreation and Youth Services (DRYS) by the sum of \$22,400.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement with Finger Lakes Health Systems Agency d/b/a Common Ground Health for technical assistance and facilitation of neighborhood-based play initiatives. The maximum compensation for the agreement shall be \$25,300, and said amount or so much thereof as may be necessary, shall be funded by \$3,000 from the 2019-20 Budget of DRYS and \$22,300 from the 2019-20 Budget of the Department of Neighborhood and Business Development. The term of the agreement shall be from July 1, 2019 to September 30, 2020.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-242
Re: Agreement – The Center for Teen Empowerment, Inc., Southwest Youth Organizing Project

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

Transmitted herewith for your approval is legislation establishing \$35,000 as maximum annual compensation for an agreement with The Center for Teen Empowerment, Inc. (Abrigal Forrester, Executive Director, Roxbury, MA; Doug Ackley, Director, Rochester, NY) for the Southwest Youth Organizing Project. The term of the agreement will be from July 1, 2019 to June 30, 2020. The agreement will be funded from the 2019-20 Budget of Undistributed, with an option to renew for two additional one-year terms contingent upon approval of the future Budgets of the City.

The Center for Teen Empowerment will hire ten youth from the southwest area of the city to implement youth initiatives, including activities and events for youth, to improve the community in the southwest area. The goal of this project is to build strong relationships and ties within the southwest community between youth, businesses, existing agencies and neighborhood adults to create positive change.

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The project will involve more than 200 youth (as participants at events and activities) in positive change activities in the southwest; connect them to available youth resources in their neighborhoods and throughout the city; build relationships among the youth to help prevent and/or resolve street conflicts; build leadership skills; and increase civic engagement.

The most recent agreement for these services was approved by Council in August 2017 via Ordinance No. 2017-283.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-242
(Int. No. 266)

Authorizing an agreement for the Southwest Youth Organizing 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 The Center for Teen Empowerment, Inc. to hire youths from the southwest area of the city to implement youth initiatives as part of the Southwest Youth Organizing Project. The term of the agreement shall be from July 1, 2019 to June 30, 2020, with an option to renew for two additional one-year periods. The maximum annual compensation for the agreement shall be \$35,000, which shall be funded from the 2019-20 Budget of Undistributed Expenses and subsequent years' Budgets, contingent upon their 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. 2019-243
Re: Agreement - Rochester City School District, Summer Literacy Program in R-Centers and Libraries

Council Priority: Support the Creation of Effective Educational Systems

Transmitted herewith for your approval is legislation related to the Summer Literacy Program. This legislation will:

1. Authorize a tripartite agreement with the Rochester City School District (RCSD), the City of Rochester, and the Rochester Public Library (RPL) for the receipt and use of \$109,000 to employ 40 youth Literacy Aides for summer literacy programming in City R-Centers and libraries. The term of the agreement will not exceed one year.
2. Amend the 2019-20 Budgets of the Department of Recreation and Youth Services (\$62,200 for wages), Library (\$39,300 for wages and literacy materials and program) and Undistributed Expenses (\$7,500 for FICA payroll tax).

The Summer Literacy Program was developed to provide enhanced summer programming aimed at maintaining and improving children's reading skills with partnering youth staff. The RCSD grant will be used to employ up to 40 RCSD high school students as Literacy Aides during the summer of 2019 at a starting hourly wage of \$11.10. Twenty students will be employed at R-Centers and summer camps, and will work 35 hours per week for eight weeks. Twenty students will be employed at the Arnett, Charlotte, Frederick Douglass, Lincoln, Lyell, Maplewood, Sully, Wheatley branch libraries as well as the Lincoln Toy Library and the Central Library's Children's Center, and will work 20 hours per week for eight weeks.

In 2018, DRYS employed 20 youth Literacy Aides who engaged more than 1,200 youth in literacy activities at 12 R-Centers and three summer camps, with 696 youth completing the Mayor's Summer Stars Learning Challenge. In 2018, the RPL employed 18 Literacy Aides who made over 32,714 literacy engagements with youth at libraries. Since the summer, five Literacy Aides have been retained by DRYS in part-time employment and three Literacy Aides have been retained by the Library in part-time employment.

This agreement was last authorized by City Council Ord. No. 2018-210 adopted on June 20, 2018. RPL Board of Trustees authorized the agreement at the May 2019 meeting.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-243
(Int. No. 267)

Authorizing an agreement and funding for the Summer Literacy Program

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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 Rochester Public Library and the Rochester City School District (RCSD) for the receipt and use of \$109,000 from RCSD, which amount is hereby appropriated to fund the employment of youth literacy aides at City R-centers and libraries. The term of the agreement shall not exceed one year.

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

Section 3. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended to account for the appropriations authorized in Section 1 herein by increasing said Budget's revenue estimates and appropriations as follows: \$62,200 to the Budget of the Department of Recreation and Youth Services; \$39,300 to the Budget of the Library; and \$7,500 to Undistributed Expenses.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-244
Re: Authorizing a License Agreement for 57 Saint Paul Street

Transmitted herewith for your approval is legislation authorizing a license agreement with the Rochester Economic Development Corporation (REDCO), Rochester, New York for the use and occupancy of space at the former Chamber of Commerce Building located at 57 Saint Paul Street, Rochester, NY 14604, including an adjacent parking lot located at 61 Saint Paul Street (the Property). The Department of Recreation and Youth Services proposes to occupy and use the Property for DRYS administration and related bureaus. The license agreement shall extend through December 31, 2019, subject to two (2) annual renewal options, and have a maximum compensation of \$3,000 per month plus the cost of taxes, maintenance, utilities and insurance, which will be funded by the 2019-20 Budget of the Department of Recreation and Youth Services.

The Property consists of an approximately 109,000 square foot building with an associated parking lot and the rear of the Property faces Bragdon Place and the Genesee Crossroads Park. The building was originally constructed in 1916 and an addition to the rear of the building was constructed in 1925 by George Eastman. Additionally, the building on the Property is on the National and State Register of Historic Places. Currently, the Property is owned by the State University of New York (SUNY) and formerly operated as a campus for SUNY College at Brockport known as the MetroCenter. REDCO is currently negotiating purchase of the Property from SUNY Brockport. The majority of the Property is vacant.

This is considered a Type II action for SEQR purposes, so no further action is needed.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-146

Ordinance No. 2019-244
(Int. No. 268)

Authorizing a use and occupancy agreement for 57 Saint Paul Street

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

Section 1. The Mayor is hereby authorized to enter into a license agreement with the Rochester Economic Development Corporation for the use of property located at 57 and 61 Saint Paul Street, Rochester, NY, known as the former Chamber of Commerce Building. The maximum compensation for the agreement shall be \$3,000 per month plus the cost of taxes, maintenance, utilities and insurance, and said amount shall be funded from the 2019-20 Budget of the Department of Recreation and Youth Services. The term of the agreement shall extend through December 31, 2019, with the option to extend for up to two additional one year periods.

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.

The meeting was adjourned at 7:51 p.m.

HAZEL L. WASHINGTON
City Clerk

ROCHESTER CITY COUNCIL

REGULAR MEETING

August 20, 2019

Present –Councilmembers Clifford, Evans, Gruber, Harris, Lightfoot, Ortiz, Patterson, Spaul – 8.

Absent – President Scott – 1

Vice President Lightfoot requested the Council to rise for a Moment of Silence.

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

Special Recognition

Darius Dillard
Nate Williams

Retirement:

DES:

*Michael Ann Flynn

ECD:

*Sharon M. Alati
*William D. Evans, Jr.
*Richard P. Michelsen

FIN:

*Ava R. Ludwig

RPD:

*Michael R. Eaton
Scott Peters
*Timothy Wright

**Not attending meeting*

APPROVAL OF THE MINUTES

By Councilmember Gruber

RESOLVED, that the minutes of the Regular Meeting on July 23, 2019 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The Mayor submits the following:

Quarterly Report – Loans and Grants – August 2019 – 4311-19
Quarterly Report – Professional Service Agreement – June 2019 – 4312-19

The Council submits Disclosure of Interest Forms from Councilmember Gruber and Councilmember Spaul on Int. No. 303.

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

Councilmember Patterson presented 805 signatures opposing the Planned Development District No. 21 - The Vistas at Highland. – Petition No. 1764

THE COUNCIL PRESIDENT --- RECEIVED AND FILED.

PUBLIC HEARINGS.

Pursuant to law, public hearings were held on August 15, 2019 on the following matters:

Amending the Zoning Code by adding Planned Development District No. 21 – The Vistas at Highland Int. No. 282
36 Speakers

Amending the Zoning Map by changing the zoning classification of 1100-1120 South Goodman Street to Planned Development District No. 21 –
The Vistas at Highland Int. No. 283
8 Speakers

Amending the Official Map to dedicate additional right-of-way as Phil Banks Way Int. No. 293
No Speakers

REPORTS OF STANDING COMMITTEES
AND ACTION THEREON

By Councilmember Evans
August 20, 2019

To the Council:

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

- Int. No. 273 Authorizing a master license agreement with FirstLight Fiber
- Int. No. 274 Cancellation of erroneous taxes and charges
- Int. No. 275 Authorizing an amendatory agreement with Collaborative Solutions, LLC
- Int. No. 276 Authorizing agreements and funding for the Financial Empowerment Centers Initiative
- Int. No. 277 Authorizing an amendatory agreement with SourceLink
- Int. No. 278 Amending the 2019-20 Budget for the receipt of New York State Extreme Winter Recovery highway funding
- Int. No. 303 Authorizing Councilmember designations for agreements to support various community programs and services
- Int. No. 304 Authorizing an agreement for racial equity training

Respectfully submitted,
Malik Evans
Molly Clifford
Michael A. Patterson
Willie J. Lightfoot
Loretta C. Scott (Absent)
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-245
Re: Master License Agreement- TVC Albany, Inc., d/b/a FirstLight Fiber

Transmitted herewith for your approval is legislation authorizing a master license agreement with TVC Albany, Inc., d/b/a FirstLight Fiber (Kurt VanWagenen, CEO) Albany, NY, a telecommunications company that desires to install a fiber based communications network in the City of Rochester right-of-way. FirstLight installs fiber optic cable and provides related telecommunications facilities and services primarily in the Northeast. The terms of the master license agreement will be consistent with the Telecommunications Code of the City of Rochester, Ordinance No. 2019-34, adopted on February 29, 2019, which established the process and standards for master license agreements for telecommunications providers. In accordance with the Telecommunications Code, the master license agreement will include a term of ten years with two five year renewals, a compensation schedule as set forth in Article IV of Code Chapter 106, requirements for insurance, security, and specific references to and inclusion of requirements of Chapter 106, as well as the Rules and Regulations for Work in the Right-of-Way, as adopted by the City Engineer pursuant to Chapter 106.

Although the size and extent of FirstLight’s fiber network and the compensation to be paid is not known at this time, as the facilities may be installed over a period of time dependent on FirstLight’s customer needs, all fiber and other related facilities will be subject to individual permit approval before installation and the compensation paid to the City will be determined by the amount of facilities in the right-of-way as set forth in Code section 106-15.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-245
(Int. No. 273)

Authorizing a master license agreement with FirstLight Fiber

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

Section 1. The Mayor is hereby authorized to enter into a master license agreement with TVC Albany, Inc. d/b/a FirstLight Fiber for the installation of a fiber based communications network in the City of Rochester right-of-way. The term of the master license agreement shall be ten years, with the option to extend for up to two additional five year renewal terms.

Section 2. The master license agreement shall be consistent with the provisions and requirements of Chapter 106 of the Municipal Code, Telecommunications in the Right-of-Way.

Section 3. The master license agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-246
Re: Cancellation or Refund of Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$44,080.66.

For the property located at 1252 E. Main Street, demolition costs were invoiced or added to tax on August 1, 2017 to a prior owner of the property located at 1252 E. Main Street. On 9/18/2017 the property transferred to a new owner. The outstanding demolition charge was added to the property tax bill in accordance with City Code Section 47A-16(F) and City Charter Section 6-94. Notwithstanding the removal of this tax lien, the demolition costs remain a “personal liability” of the prior owner of the property under City Code Section 47A-16(F).

In 2012 the water account for 149 Atkinson Street was inadvertently assigned to 157 Atkinson Street. It was later discovered that 157 Atkinson Street had two water accounts assigned to it; #01116600 01 and #012188 01, the latter being the correct account for 147 Atkinson Street. As a result, the delinquent water charges for 147 Street were added to tax for 157 Atkinson Street.

The properties located at 500 E. Main Street and 163 Scio Street are owned by a not for profit corporation and they are being leased. The Board of Assessment Review granted a 50% tax exemption on the property. Due to a clerical error, the tax exemption was not entered into the assessment system correctly and thus, not reflected on the 2019-20 tax roll.

If these cancellations are approved, total cancellations thus far for 2019-20 will be as follows:

	<u>Accounts</u>	
City Council	4	\$44,080.66
Administrative	<u>0</u>	<u>\$0.00</u>
Total	4	\$44,080.66

These cancellations represent 0.0169% of the tax receivables as of July 1, 2019.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-147

Ordinance No. 2019-246
(Int. No. 274)

Cancellation of erroneous taxes and charges

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

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

- (A) The demolition costs for the property located at 1252 E. Main Street were invoiced or added to tax on August 1, 2017 to a prior owner. On 9/18/2017 the property transferred to a new owner. The outstanding demolition charge was added to the property tax bill in accordance with City Code Section 47A-16(F) and City Charter Section 6-94. Notwithstanding the removal of this tax lien, the demolition costs remain a personal liability of the prior owner of the property under City Code Section 47A-16(F).

S.B.L. #	Class	Address	Tax Year	Cancelled Amount	Subtotal
107.69-1-899	H	1252 E. Main Street	2019	\$40,004.34	\$40,004.34

- (B) In 2012 the water account for 149 Atkinson Street was inadvertently assigned to 157 Atkinson Street. It was later discovered that 157 Atkinson Street had two water accounts assigned to it; #01116600 01 and #012188 01, the latter being the correct account for 147 Atkinson Street. As a result, the delinquent water charges for 147 Street were added to tax for 157 Atkinson Street incorrectly.

S.B.L. #	Class	Address	Tax Year	Cancelled Amount	Subtotal
121.37-1-20.1	H	157 Atkinson Street	2014	\$138.04	\$138.04
			2015	\$237.40	\$237.40
			2016	\$177.04	\$177.04
			2017	\$150.44	\$150.44
			2018	\$164.02	\$164.02
			2019	\$171.11	\$171.11

- (C) The property located at 500 E. Main Street is owned by a not for profit corporation and is being leased. The Board of Assessment Review granted a 50% tax exemption on the property. Due to a clerical error, the tax exemption was not entered into the assessment system correctly and thus, not reflected on the 2019-20 tax roll.

S.B.L. #	Class	Address	Tax Year	Cancelled Amount	Subtotal
106.81-1-27	N	500 E. Main Street	2020	\$1,775.62	\$1,775.62

- (D) The property located at 163 Scio Street is owned by a not for profit corporation and is being leased. The Board of Assessment Review granted a 50% tax exemption on the property. Due to a clerical error, the tax exemption was not entered into the assessment system correctly and thus, not reflected on the 2019-20 tax roll.

S.B.L. #	Class	Address	Tax Year	Cancelled Amount	Subtotal
106.81-1-32	N	163 Scio Street	2020	\$1,262.65	\$1,262.65

GRAND TOTAL \$44,080.66

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-247
Re: Amendatory Agreement – Collaborative Solutions, LLC; Optimization Support for Workday Payroll / Personnel System

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Collaborative Solutions, LLC, (Carroll Ross, CEO) Reston, Virginia, to provide ongoing optimization support for Workday, the City's payroll and personnel software solution. The original agreement was authorized by Ordinance No. 2018-223 for a term of one year and maximum compensation of \$200,000. The proposed amendatory agreement will extend the term for one additional year, with an option for two one-year renewals not to exceed \$100,000 per year. The initial one year extension will be paid for by remaining funds appropriated in ordinance 2018-223; the one-year renewal options will be funded by 2020-21 and 2021-22 Cash Capital, respectively, contingent upon approval of said budgets.

The City implemented Workday in February 2018 and entered into a professional service agreement with Collaborative Solutions, LLC in September 2018 to provide post go-live production support of the Workday system. This amendatory agreement will allow for on-going optimization support of the Workday system to include business process analysis and configuration, feature enhancements, product troubleshooting, product configuration, integration, data migration, reporting and analytics, quality assurance, testing, and security protocols.

Collaborative Solutions, LLC was selected via a request for proposals (RFP) process in 2018. They have been selected to continue to provide these services because of their firsthand knowledge of the City's Workday configuration and because of the current ongoing support they are providing in the optimization of the City's Workday system.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-247
(Int. No. 275)

Authorizing an amendatory agreement with Collaborative Solutions, LLC

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 Collaborative Solutions, LLC to provide ongoing optimization support for Workday, the City's payroll and personnel software solution. The amendatory agreement shall extend the term of the agreement authorized by Ordinance No. 2018-223 for a term of one year, with two one-year renewal options. The maximum annual compensation for the agreement shall be \$100,000, and said amount shall be funded for the first year by the remaining funds appropriated in Ordinance No. 2018-223, and subsequent years, if opted for, shall be funded by 2020-21 and 2021-22 Cash Capital, contingent upon approval of said 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. 2019-248
Re: Rochester Financial Empowerment Centers Initiative

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation related to the Rochester Financial Empowerment Centers Initiative This legislation will:

1. Establish \$400,000 as maximum annual compensation for an agreement with Consumer Credit Counseling Services of Rochester, Inc (Jason Tracey, CEO), headquartered in Rochester, NY, to serve as the primary counseling provider for the Rochester Financial Empowerment Centers (FEC) initiative. The term of the agreement will be one (1) year, with the option to renew for two (2) additional one-year terms. The cost of the agreement will be funded from the 2019-2020 Budget of the Office of the Mayor. Consumer Credit Counseling Services of Rochester, Inc. was selected through a request for proposal process described in the attached summary.
2. Authorize an agreement with the Cities for Financial Empowerment Fund, Inc. (Jonathan Mintz, CEO), headquartered in New York, NY, for the receipt and use of \$150,000 for implementation of the Financial Empowerment Centers initiative, and amend the 2019-20 Budget of the Office of the Mayor to reflect the grant amount.
3. Authorize an agreement with the Rochester Economic Development Corporation (Baye' Muhammad, CEO), headquartered in Rochester, NY, for the receipt and use of \$25,000 for implementation of the Financial Empowerment Centers Initiative, and amend the 2019-20 Budget of the Office of the Mayor to reflect the funding.

The Rochester Financial Empowerment Centers Initiative will offer free, professional, one-on-one financial counseling as a public service to Rochester residents without qualification. Highly-trained financial counselors will work with clients to drive positive financial outcomes related to banking access, savings and asset building, access to safe and affordable credit, and debt reduction. Counselors will be strategically located onsite with a variety of community partner organizations in order to integrate the counseling services within the existing social service ecosystem.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-148

Ordinance No. 2019-248
(Int. No. 276)

Authorizing agreements and funding for the Financial Empowerment Centers 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 Consumer Credit Counseling Service of Rochester, Inc. to provide counseling services for the Financial Empowerment Centers Initiative (the Initiative). The term of the agreement shall be 1 year with the option to renew for up to two additional terms of 1 year each. The maximum annual compensation for the agreement shall be \$400,000. The compensation for the first year shall be funded from the 2019-20 Budget of the Office of Mayor. The compensation for the second and third years, if any, shall be funded from subsequent years' Budgets of the Office of Mayor contingent upon approval of said budgets.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Cities for Financial Empowerment Fund, Inc. for the receipt and use of \$150,000 in funding to implement the Initiative.

Section 3. The Mayor is hereby authorized to enter into an agreement with the Rochester Economic Development Corporation for the receipt and use of \$25,000 in funding to implement the Initiative.

Section 4. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Mayor's Office by \$175,000 to reflect the receipt of the funds authorized in Sections 2 and 3 herein.

Section 5. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-249
Re: Amendment to Ordinance No. 2019-146 Authorizing an agreement with SourceLink

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation amending Ordinance No. 2019-146 which authorized an agreement with SourceLink to implement proprietary software solutions that will create greater connectivity among entrepreneur-serving organizations in the Rochester community. SourceLink has indicated that it typically operates under three (3) year agreements with clients to ensure that there is sufficient time dedicated to build a sustainable and effective entrepreneurial ecosystem.

This amendment will change the maximum term of the agreement with SourceLink from one (1) to three (3) years. All other terms and conditions will remain the same, including the maximum compensation of \$25,000.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-249
(Int. No. 277)

Authorizing an amendatory agreement with SourceLink

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 SourceLink to implement proprietary software solutions for entrepreneur-serving organizations in the Rochester community. The amendment shall increase the term of the agreement originally authorized in Ordinance No. 2019-146 to three years. All other terms and conditions will remain the same, including the maximum compensation.

Section 2. The amendatory 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. 2019-250
Re: 2019-20 Budget Amendment – NYS Extreme Winter Recovery

Council Priority: Deficit Reduction and Long Term Financial Stability

Transmitted herewith for your approval is legislation amending the 2019-20 Budget for Cash Capital to reflect receipt of additional Consolidated Local Street and Highway Improvement Program (CHIPS) revenues from New York State in the amount of \$535,000. At the time the proposed 2019-20 budget was approved by City Council, the Extreme Winter Recovery portion of the CHIPS program was left out of the enacted state budget. This funding was subsequently restored in the June supplemental capital budget.

This funding helps local governments cover the costs of needed road and bridge maintenance and repair after difficult winters and fluctuating weather patterns. The funds will be used to reinvest in the care and maintenance of the City’s road and bridge infrastructure. The City would like to thank Assemblyman David Gantt for his successful efforts in having this funding restored.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-250
(Int. No. 278)

Amending the 2019-20 Budget for the receipt of New York State Extreme Winter Recovery highway funding

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

Section 1. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by appropriating revenues in the amount of \$535,000 to the Budget for Cash Capital from the Extreme Winter Recovery portion of New York State’s Consolidated Local Street and Highway Improvement Program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-251
Re: Agreements - Councilmember Designations

Transmitted herewith for your approval is legislation relating to City Councilmember designations for various community programs and neighborhood groups. This legislation will authorize agreements totaling \$17,950 with the following agencies:

Agency	Amount:
19th Ward Community Association of Rochester New York, Incorporated	\$2,500
Action for a Better Community, Inc.	\$1,000
Baden Street Settlement of Rochester, Inc.	\$3,000
The Center for Youth Services, Inc.	\$500
Charles Settlement House, Inc.	\$2,250
Ibero-American Action League, Inc.	\$4,200
Ibero-American Development Corporation	\$1,000
North East Area Development Inc.	\$3,000
Rochester Youth Sports Foundation	\$500
	<hr style="width: 100%; border: 0.5px solid black;"/>
	\$17,950

City Councilmembers are provided a modest amount of discretionary funds to appropriate to agreements with various community agencies to provide services and programs that promote the general welfare of the city. Several organizations not named herein are eligible to receive funds directly through the administrative contract process because they did not exceed the \$10,000 ordinance threshold set by City Council for this fiscal year. The organizations designated herein require Council authorization because the sum of the compensation for the agreement proposed plus the compensation for another agreement or agreements already authorized would exceed the \$10,000 threshold.

The distribution of the funds within the agreements are as follows:

Agency	Pass-through to:	Amount:
19th Ward Community Association of Rochester New York, Inc.	Westside Farmer's Market	\$1,500
	Square Fair	\$1,000
	Total	<u>\$2,500</u>
Action for A Better Community, Inc.	Clarissa Street Festival	\$1,000
Baden Street Settlement - Rochester, Inc.	Supplemental Education Services	\$2,500
	Annual Hanover Reunion - Picnic	\$500
	Total	<u>\$3,000</u>
Center for Youth Services, Inc.	ROC City 48	\$500
Charles Settlement House	Edgerton Area Neighborhood Association	\$1,000
	Westside Neighborhood Association	\$500
	CHNA/JOSANA	\$750
	Total	<u>\$2,250</u>
Ibero-American Action League, Inc.	LAPS Program	\$3,800
	Rochester Latino Theater Company	\$400
	Total	<u>\$4,200</u>
Ibero-American Development Corp.	FLRT Block Club	\$500
	Hope Community Neighborhood Group	\$500
	Total	<u>\$1,000</u>
North East Area Development, Inc.	Alphonse Bernard Neighborhood Group	\$350
	GP4H	\$350
	Keeler Park Tenant Association	\$200
	Hudson Ridge Tower Resident Council	\$300
		\$300
	Seneca Tower/Seth Green Park Tenant Association	\$500
	Hanover Reunion Committee - Dance	\$500
	Unity NE Block Association	\$500
	Day of Life Summer Camp	\$500
	Total	<u>\$3,000</u>
Rochester Youth Sports Foundation	Gus Macker 3 on 3 Tournament	<u>\$500</u>
	Grand Total:	\$17,950

All agreements will be funded from the 2019-20 Budget for Undistributed.

Respectfully submitted,
Loretta C. Scott
President

Willie J. Lightfoot
Vice President

Ordinance No. 2019-251
(Int. No. 303)

Authorizing Councilmember designations for agreements to support various community programs and 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 agreement with each of the following organizations for maximum compensation in the Councilmember designation amount specified herein to conduct or fund community programs and services:

Agency	Amount:
19th Ward Community Association of Rochester New York, Incorporated	\$2,500
Action for a Better Community, Inc.	\$1,000
Baden Street Settlement of Rochester, Inc.	\$3,000
The Center for Youth Services, Inc.	\$500
Charles Settlement House, Inc.	\$2,250
Ibero-American Action League, Inc.	\$4,200
Ibero-American Development Corporation	\$1,000
North East Area Development, Inc.	\$3,000
Rochester Youth Sports Foundation	\$500
	<hr/>
	\$17,950

Section 2. The term of each agreement shall be one year.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-252
Re: Agreement – St. Joseph’s Neighborhood Center’s Racial Equity and Justice Initiative

Transmitted herewith for your approval is legislation establishing \$16,600 as maximum compensation for an agreement with St. Joseph’s Neighborhood Center for racial equity training services. This training will be offered to 83 city employees across twelve departments at a rate of \$200 per participant. The course is 18 months with a start date of September, 2019. The cost of this agreement will be funded from the 2019-20 Budget for Undistributed Expense. The term of the agreement will be two (2) years.

The City of Rochester developed a project charter that provides the framework to implement specific strategies to advance racial equity through smart policy decisions, strong civic engagement, and accurate and complete portrayals of People of Color in our community. The Charter was signed by the Mayor, City Council, and the Greater Rochester Chamber of Commerce. St Joseph’s Neighborhood Center’s Racial Equity and Justice Initiative will provide the City change teams with the tools and training to guide change within departments and develop internal capacity to drive change at all levels of the City.

St. Joseph’s Neighborhood Center’s Racial Equity and Justice Initiative was selected for these services based on them being sanctioned by Governor Cuomo to be the racial equity training arm of the Rochester-Monroe Anti-Poverty Initiative. This allows for alignment with RMAPI’s collective impact model as well as their guiding principles. A full justification for not issuing a request for proposals is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-149

Ordinance No. 2019-252
(Int. No. 304)

Authorizing an agreement for racial equity training

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 St. Joseph’s Neighborhood Center, Inc. in the maximum amount of \$16,600 to provide racial equity training services in support of the Let’s Get REAL - Race, Equity and Leadership project. The cost of the agreement shall be funded from the 2019-20 Budget for Undistributed Expense and the term of the agreement shall be 2 years.

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.

By Councilmember Patterson
August 20, 2019

To the Council:

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

- Int. No. 279 Authorizing the sale of real estate
- Int. No. 280 Authorizing a lease agreement for the Court Street Parking Garage
- Int. No. 281 Authorizing a license agreement with St. Mark’s and St. John’s Episcopal Church for the use of City properties as community gardens

The following entitled legislation is being **HELD** in committee:

- Int. No. 282 Amending the Zoning Code by adding Planned Development District No. 21 – The Vistas at Highland
- Int. No. 283 Amending the Zoning Map by changing the zoning classification of 1100-1120 South Goodman Street to Planned Development District No. 21 – The Vistas at Highland

Respectfully submitted,
Michael A. Patterson
LaShay D. Harris
Jacklyn Ortiz
Willie J. Lightfoot
Loretta C. Scott (Absent)
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-253
Re: Sale of Real Estate
Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation approving the sale of six properties. City records have been checked to ensure that 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 two properties are vacant lots sold to adjoining owners for additional green space.

The remaining four properties are unbuildable vacant lots, being sold for \$1.00 (as per City policy) to the adjacent owners who will combine the lots with their existing properties for additional green space/garden usage.

The first year projected tax revenue for these six properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$1,004.

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

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-150

Ordinance No. 2019-253
 (Int. No. 279)

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 of the negotiated sale of the following parcels of vacant land:

Address	SBL#	Lot Size	Sq. Ft.	Price	Purchaser
30 Myrtle Hill Pk	105.58-3-39	40 x 110	4,400	\$425	Doneen James
259-259.5 Wilkins St	106.24-2-17	40 x 101	4,062	\$425	Eugenio Jr. & Maria Cotto

Section 2. The Council hereby approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address	SBL#	Lot Size	Sq. Ft.	Purchaser
20 Arbutus St	107.29-1-42	34 x 82	2,735	Tinh Nguyen
1 Caves Pl	107.30-1-11	29 x 55	1,595	Mark Scipioni & Susan B. Howard
341 Orange St	105.82-2-71.3	13 x 130	1,691	Waleska Casiano
119 Ravine Ave	105.35-4-51	37 x 63	1,963	Louis Gangemi

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. 2019-254
 Re: Lease Agreement – Court Street Garage

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation authorizing a lease agreement between the City and Merlo Enterprises LLC (Salvatore Merlo, Sole Member, 1007 Britton Road, Rochester, NY). The applicant will lease approximately 1,500 square feet of space in the Court Street Garage and two designated parking spaces. The monthly rental amount will be \$1,500 calculated at a rate of \$12 per square foot annually which was established through an independent appraisal performed by Kevin Bruckner, MAI, of Bruckner, Tillett, Rossi, Cahill & Associates, Inc. as of June 2019. The term of the lease will be five (5) years with the option of five (5) one-year renewals.

DiPisa’s Old World Submarines has been a tenant in the space since 2008. Mr. Merlo has purchased the business and intends to continue the enterprise under the current name.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-151

Ordinance No. 2019-254
(Int. No. 280)

Authorizing a lease agreement for the Court Street Parking Garage

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

Section 1. The Mayor is hereby authorized to enter into a lease agreement with Merlo Enterprises LLC (Tenant) for the lease of 1,500 square feet of commercial space in the Court Street Parking Garage and two designated parking spaces. The term of the lease agreement shall be for five years with five one-year renewal options contingent on the Director of Real Estate's review and finding that the extended term is reasonable, necessary and beneficial to the public.

Section 2. The Council hereby finds that the term of the proposed lease is reasonable and necessary in light of its intended purpose and that the public will benefit throughout the term of the lease.

Section 3. The monthly rent for said lease shall be \$1,500 for the initial term, and the rent for any renewal terms shall be increased by 2% of the monthly rent paid in the preceding lease year.

Section 4. Tenant shall be responsible for all utilities and leasehold improvements.

Section 5. The lease shall provide for periodic reviews of the use of the leasehold by the Director of Real Estate to determine and ensure the Tenant's compliance with the lease terms.

Section 6. The lease will terminate, at the City's option, upon the occurrence of substantial changes in the use of the leasehold or performance of the lease by the Tenant.

Section 7. The lease agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-255
Re: Five Year License Agreement for Community Garden - St. Mark's and St. John's Episcopal Church

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation authorizing a license agreement between the City and St. Mark's and St. John's Episcopal Church, (Rev. Cindy Rasmussen, 1245 Culver Road, Rochester, NY) for the continued use of premises located at 1199 Culver Road, 245-247 Hazelwood Terrace and 290 Melville Street, 622 Merchants Road, 366 Parsells Avenue, and 408 Rosewood Terrace. The license agreement has a term of five (5) years, and there is no fee.

St. Mark's and St. John's Episcopal Church has gardens at each of the premises through the City's existing Garden Permit program. All have been maintained at a high standard and have had no complaints. The garden at 622 Merchants Road has been maintained by the Church for more than 35 years. The garden at 245-247 Hazelwood Terrace and 290 Melville Street has been designated as a training garden, and the church employs ten interns through the City's Summer of Opportunity Youth Employment program.

The City retains the right to terminate all or part of the license with ninety (90) days written notice. The licensee will then be required to relinquish the site at the end of the prevailing growing season which is defined as December 15th of the notification year.

This agreement supports an item in the Rochester 2034: Comprehensive Plan (Draft) Vacant Land Action Plan to "Create the administrative infrastructure for long-term (e.g., 5-year) permit/lease arrangements for the sponsor of a community garden on City-owned land who has demonstrated a sustainable gardening operation that is supported by the immediate neighborhood."

The Mayor is hereby authorized to enter into this license agreement.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-152

Ordinance No. 2019-255
(Int. No. 281)

Authorizing a license agreement with St. Mark’s and St. John’s Episcopal Church for the use of City properties as community gardens

WHEREAS, the City of Rochester has received a proposal from the St. Mark’s and St. John’s Episcopal Church for the continued use of several City-owned parcels of land as community gardens for a term of five years with the option to extend for one additional five year term; and

WHEREAS, consistent with Section 21-23 of the Municipal Code, the Council is following additional procedures due to the length of the proposed use; and

WHEREAS, the term of the use is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the use; and

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

Section 1. The Mayor is hereby authorized to enter into a license agreement with St. Mark’s and St. John’s Episcopal Church for the maintenance of community gardens at each of the following City-owned properties:

Address	SBL #
1199 Culver Road	107.55-2-30
245-247 Hazelwood Terrace	107.54-2-20
290 Melville Street	107.54-2-55
622 Merchants Road	107.65-1-1
366 Parsells Avenue	107.54-3-54
408 Rosewood Terrace	107.47-3-48

Section 2. The license agreement shall have a term of five years, provided that the City shall retain the right to terminate all or part of the license upon 90 days written notice whereupon the licensee shall then be required to relinquish the site or sites designated in such notice at the end of the prevailing growing season which is defined as December 15th of the notification year.

Section 3. The license agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Patterson moved to discharge Int. No. 282 from committee.

The motion was seconded by Councilmember Clifford.

The motion was adopted by the following vote:

Ayes – Councilmembers Clifford, Harris, Lightfoot, Patterson, Spaul – 5.

Nays – Councilmembers Evans, Gruber, Ortiz – 3.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-256
Ordinance No. 2019-257

Re: The Vistas at Highland Planned Development District #21 – Text and Map Amendment

Transmitted herewith for your approval is legislation amending the City Zoning Text and Zoning Map by establishing a 22.42 acre Planned Development District by rezoning the above property from IPD-Colgate to The Vistas at Highland Planned Development District (PD) #21; by adopting the proposed development concept plan associated with this PD, and by adding the PD #21 District Regulations to the Zoning Code. This legislation will:

- 1) Amend the Zoning Text by adding PD #21 The Vistas at Highland Planned Development District regulations to Chapter 120, the Zoning Code, and approving the Development Concept Plan/Site Plan; and

- 2) Amend the Zoning Map by rezoning 1100-1120 South Goodman Street from IPD-Colgate to The Vistas at Highland Planned Development District #21.

The applicant proposes to rezone the Landmark property from an IPD (Institutional Planned Development) District to a PD (Planned Development) District, with the intent to provide a path forward for the existing historic buildings on site, as well as the breathtaking landscape. The proposed development concept plan associated with this PD and the District Regulations will provide for the long-term sustainability of the historic buildings and landscape, as well as the perpetual preservation and continued upkeep of the south lawn.

The applicant proposes to reuse the five existing buildings and then to construct two, 52-unit, four story buildings, one of which will have 32 underground parking spaces. Two of the existing buildings, Andrews Hall and Saunders Hall will continue to be used as apartments. Permitted and permissible uses on the three other existing buildings will be commercial and residential.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal has been classified as Type I. A Determination of Significance will be made by the Manager of Zoning, as Lead Agency, prior to any Council action.

The Planning Commission held one informational meeting on July 15, 2019. The applicant and four people spoke in support of the application, and 18 people spoke in opposition. Dozens of written comments were received and will be forwarded electronically. If the rezoning is approved, the project will also require Site Plan Review and a Certificate of Appropriateness from the Rochester Preservation Board because the property has been designated as a local landmark.

A public hearing is required for the Zoning Text and Map Amendment. The regulations would take effect immediately upon Council approval.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-153

Ordinance No. 2019-256
(Int. No. 282)

Amending the Zoning Code by adding Planned Development District No. 21 — The Vistas at Highland

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 adding the Planned Development District No. 21 — The Vistas at Highland and approving the text and development concept plan for the district to read in its entirety as follows;

§ PDD-21. Planned Development District No. 21 — The Vistas at Highland

A. Purpose and Intent.

(1) The purpose and intent of Planned Development District No. 21 (PD #21) to be known as "The Vistas at Highland," is to provide for a plan and regulatory framework, for the future use and development of the campus for the Colgate Rochester Crozer Divinity School ("Colgate"), that recognizes the importance of its historic, cultural, and natural features. A protective, yet flexible, regulatory environment will preserve those features while allowing reasonable use and reuse of the historic buildings.

(2) The Development Concept Plan for PD #21 recognizes the historic importance of the Colgate Campus with its highly prominent location on an elevated site, distinctive landscape plan and homogeneous Gothic Revival style buildings.

The property is a designated City Landmark, including interior designation of the Chapel. It has also been determined eligible for individual listing on the National Register of Historic Places by the New York State Historic Preservation Office due to its architectural, landscape, and its cultural significance.

PD #21's historic preservation and conservation efforts are primarily directed toward the safeguarding of the historic buildings, Montgomery Hall, Strong Hall and Trevor Hall; and, the dominant sweeping south lawn, emphasizing the elevations of the buildings; and of materials, with its varied and mature plant palette dramatic forefront

In addition to the existing Local Landmark designation, the zoning text for PD #21 will further protect the three historic buildings through restricted reuse options, as well as by precluding additions to those buildings as well as new construction immediately adjacent to and within the individual lot areas of those buildings. The south lawn, will be further protected by a conservation easement which will proscribe any development within the easement area. The proposed new buildings will be located and designed so as to preserve and protect the existing natural and geologic features of the property.

(3) The PD #21 site is within a Critical Environmental Area designated by the City of Rochester that encompasses the slopes and crests of the following glacial formations: Cobbs Hill, Pinnacle Hill, and the lesser hills, comprised of kames, kettles and eskers, generally situated north of

Highland Avenue, and extending from Mount Hope Cemetery to the west and extending eastward through Highland Park, the PD-21 site, Pinnacle and Cobbs Hill. The PD #21 also is distinctive due to the presence of heavily wooded areas along its north, east and west lot lines.

The PD #21 text and development concept plan acknowledge the importance of these features and promote their protection by carefully locating new buildings and parking areas to avoid unnecessary encroachment; limiting the number of trees to be removed; locating the new buildings primarily in previously disturbed portions of the site; providing the ultimate protection and conservation of the south lawn; and, utilizing temporary and permanent stabilization measures and best construction management practices during construction.

(4) The development concept plan subdivides PD #21 into 6 lots. The various lots are designed to allow for site access; the use and reuse of existing historic structures; new residential developments; accessory parking; vehicular and pedestrian circulation elements; and, the protection of the most significant historic and natural elements of the site.

(5) Shared parking is encouraged to promote efficient use of land and resources by allowing users, that may have different peak parking demands and/or different hours of operation, to share proximate parking facilities.

B. Lot and Building descriptions (see Development Concept Plan).

(1) Lot 1 currently is open space and a portion of a parking lot. It is planned for residential development with 2 apartment buildings and accessory underground and surface parking. The remainder of the lot is to be devoted to landscaping, with large setback requirements from the north and west lot lines that will protect substantial wooded areas.

(2) Lot 2 allows for the continuous use of 2 existing apartment buildings, Andrews Hall and Saunders House, along with the provision of accessory surface parking. Both existing buildings have traditionally been used as apartments for student housing.

(3) Lot 3 encompasses Montgomery Hall, its courtyard, driveway, and parking area. Montgomery Hall, has a floor area of 7,916 sf. and has been used as a dwelling and as the home of Colgate's presidents. Lot 3 accommodates the use and reuse of Montgomery Hall, while prohibiting building additions and new construction.

(4) Lot 4 includes Strong Hall with a floor area of 76,123 square feet (sf), an outdoor terrace, and a parking lot. Strong Hall was the main school facility with classrooms, offices, cafeteria, auditorium, chapel and library. The use and reuse of Strong Hall is accommodated, while prohibiting building additions and new construction.

(5) Lot 5 includes Trevor Hall, which has 31,776 sf of floor area. This facility is currently leased to the American Cancer Society for the operation of a facility known as Hope Lodge. It includes offices; 29 transient rooms that vary in size and number of beds; a central kitchen, dining room, and laundry facilities, which are available to visitors. This lot accommodates the use and reuse of the building, while prohibiting building additions and new construction.

(6) Lot 6 consists of 2 subareas. Subarea 1 includes existing site access, open space, parking, accessory uses, certain utilities, and the existing access drive from South Goodman St. Subarea 2 encompasses the historic south lawn landscaped area, arguably the most important landscape open space element of the Local Landmark property. This subarea will be protected, not only by the existing local landmark designation but, also by a preservation easement and will be maintained by the project sponsor. No development, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling will be permitted in this easement area as it will continue to serve as the dramatic forefront to the hilltop historic buildings.

C. Permitted uses.

The following uses are permitted in the various lots and existing buildings in PD #21; uses not expressly permitted are prohibited:

(1) Lot 1 Permitted Uses:

- (a) Multifamily Dwellings
- (b) Independent Living Facilities

(2) Lot 2 Permitted Uses:

- (a) Multifamily Dwellings
- (b) Independent Living Facilities

(3) Lot 3 Permitted Uses: The following uses are permitted only when located within the existing building known as Montgomery Hall; additions and new construction are not permitted on Lot 3:

- (a) Single family dwellings
- (b) Offices
- (c) Bed and breakfast lodging establishments, including accessory outdoor seating areas.

(4) Lot 4 Permitted uses: Except for the use described in clause g, the following uses are permitted only when located within the existing building known as Strong Hall; additions and new construction are not permitted on Lot 4:

- (a) Schools, both public and private, including classrooms, conference rooms, cafeterias, libraries, laboratories, administrative and faculty offices, student and faculty housing, bookstores, coffee shops, and the like
- (b) Banquet & Conference facilities
- (c) Places of worship
- (d) Multifamily dwellings
- (e) Independent living facilities

- (f) Offices
- (g) Outdoor terraces used in conjunction with, and accessory to, any permitted use, with any entertainment use confined to the limited entertainment category only.

(5) Lot 5 Permitted Uses: Except for the use described in clause c, the following uses are permitted only when located within the existing building known as Trevor Hall; additions and new construction are not permitted on Lot 5.

- (a) Independent living facilities
- (b) Hotels
- (c) Outdoor terraces used in conjunction with, and accessory to, any permitted use, with any entertainment use confined to the limited entertainment category only.

(6) Lot 6 Permitted Uses: The following uses are permitted, for Subareas 1 & 2, as follows:

- (a) Subarea 1-
 - (a.1) Driveways
 - (a.2) Parking Lots
 - (a.3) Loading Spaces
 - (a.4) Accessory storage buildings
 - (a.5) Accessory buildings and structures existing on the date of adoption of this development concept plan
- (b) Subarea 2-
 - (b.1) Accessory buildings and structures existing on the date of adoption of this development concept plan.
 - (b.2) Surface or subsurface stormwater detention or retention ponds as allowed according to the preservation easement and as approved by the Rochester Preservation Board.

D. Special permit uses.

The following uses are allowed as special permit uses in PD #21:

- (1) Lot 1: Commercial uses in multifamily dwellings over 20 units, subject to the additional requirements specified in § 120-134.
- (2) Lot 2: None
- (3) Lot 3: The following uses only when located within Montgomery Hall:
 - (a) Day care centers
 - (b) Health clubs and similar facilities
 - (c) Artist Studios and art galleries
 - (d) Museums
 - (e) Community centers
 - (f) Private clubs and lodges
 - (g) Retail Sales and Service
 - (h) Restaurants, with accessory outdoor seating area, operating only between the hours of 11AM and 11PM, daily; and, with limited entertainment, only
 - (i) Live-work space
- (4) Lot 4: The following uses only when located within Strong Hall:
 - (a) Day care Centers
 - (b) Health clubs and similar facilities
 - (c) Artist Studios and art galleries
 - (d) Museums
 - (e) Community centers
 - (f) Private clubs and lodges
 - (g) Clinics
- (5) Lot 5: The following uses only when located within Trevor Hall:
 - (a) Community Centers
 - (b) Private Clubs and lodges
 - (c) Day Care Centers
 - (e) Health Clubs and & Similar facilities
 - (f) Clinics
 - (g) Offices
 - (h) Multifamily dwellings
- (6) Lot 6: Subarea 1
 - (a) Ancillary parking garages

Subarea 2

 - (a) None

E. Yard Space and Bulk.

(1) Minimum Building Setbacks:

(a) Lot 1

- [i] Northern most lot line: 100'
- [ii] West lot line: 85'
- [iii] Other Lot lines: 0'

(b) Lot 2

- [i] North Lot line: 75'
- [ii] East Lot line: 70'
- [iii] Other lot lines: 0'

(c) Lot 3: none

(d) Lot 4: none

(e) Lot 5: none

(f) Lot 6

(a) Subarea 1

- [i] East lot line 50'
- [ii] West lot line 50'
- [iii] Other lot lines: none

(b) Subarea 2 –None

- (2) Lot Coverage: The maximum total district lot coverage permitted in PD #21, including all buildings, structures, private streets, surfaced parking areas, sidewalks and other impervious surfaces, is 50 %.
- (3) Density: The maximum total district residential density permitted in PD #21 is 10 units per acre.
- (4) Height: Other than buildings existing on the date of adoption of this DCP, no building within PD #21 shall exceed 4 stories or 60 feet in height.

F. Parking and Loading

(1) Parking:

- (a) Surface parking spaces for any uses located in PD #21 may be shared by all users within the district and located in any parking lot/area within the district, excluding Lot 6 Subarea 2
- (b) The total number of surface parking spaces on site shall not exceed 330.
- (c) New or expanded surface parking facilities, seeking authorization to exceed the 330 space surface parking cap, shall be accompanied by a parking demand analysis, as set forth in § 120-173B of the Zoning Code, as part of an application for site plan approval for incremental development.
- (d) Parking lots shall be subject to the parking lot design and maintenance standards set forth in § 120-173 of the Zoning Code; except where this PD #21 zoning text provide otherwise or when waived by the Manager of Zoning in the review and approval of a site plan for incremental development.

(2) Loading:

- (a) On-site loading shall comply with the requirements set forth in § 120-172 of the Zoning Code
- (b) On-site loading facilities may be shared by any uses within the district.
- (c) On site loading may occur in any parking lot within the district.

G. Temporary Uses.

Temporary uses shall be subject to the requirements of § 120-149 of the Zoning Code

H. Accessory Uses. The following accessory uses are permitted in PD #21:

- (1) Electric vehicle charging stations when located in a parking lot or parking garage.
- (2) Fences and walls subject to the provisions of § 120-167.
- (3) Minor accessory structures, such as benches, knee walls, retaining walls, gazebos, arbors, water features, pergolas, bus shelters, and the like.
- (4) Solar collectors
- (5) Wind energy conversion systems
- (6) Home occupations, subject to the additional requirements for specified uses in § 120-139.

I. Signage.

- (1) A sign program shall be developed for PD #21 which will include regulations for heritage, building and/or tenant identification, business, way finding and event promotion signs.
- (2) The sign program for PD #21 shall supersede the sign regulations of Section 120-177 of the Zoning Code.
- (3) The sign program shall be subject only to site plan review by the Manager of Zoning and a certificate of appropriateness from the Rochester Preservation Board.
- (4) No signage shall be installed prior to approval of the sign program.

J. Additional Regulations

- (1) Development and redevelopment in PD #21 are subject to Requirements Applying to All Districts (Article XX), except where this PD #21 zoning text provides otherwise or when waived by the Manager of Zoning in the review and approval of a site plan for incremental development.
- (2) Development and redevelopment in PD #21 are subject to additional requirements for specified uses (Article XVIII), except where this PD #21 zoning text provides otherwise.
- (3) Development and redevelopment in PD #21 is subject to the City-Wide Design Guidelines and Standards (Article XIX), except where the PD #21 zoning text provide otherwise or when waived by the Manager of Zoning in the review and approval of a site plan for incremental development.
- (4) The general height and yard exceptions set forth in Article XXIII shall apply to PD #21.
- (5) PD #21 is subject to the requirements set forth in Article XVII of the City Zoning Code regarding establishment, development and modification of planned development districts.
- (6) Development and redevelopment of any area within PD # 21 is subject to the requirement of a certificate of appropriateness from the Rochester Preservation Board pursuant to §120-194, where applicable.

K. Definitions: The following definitions shall apply to PD #21 only.

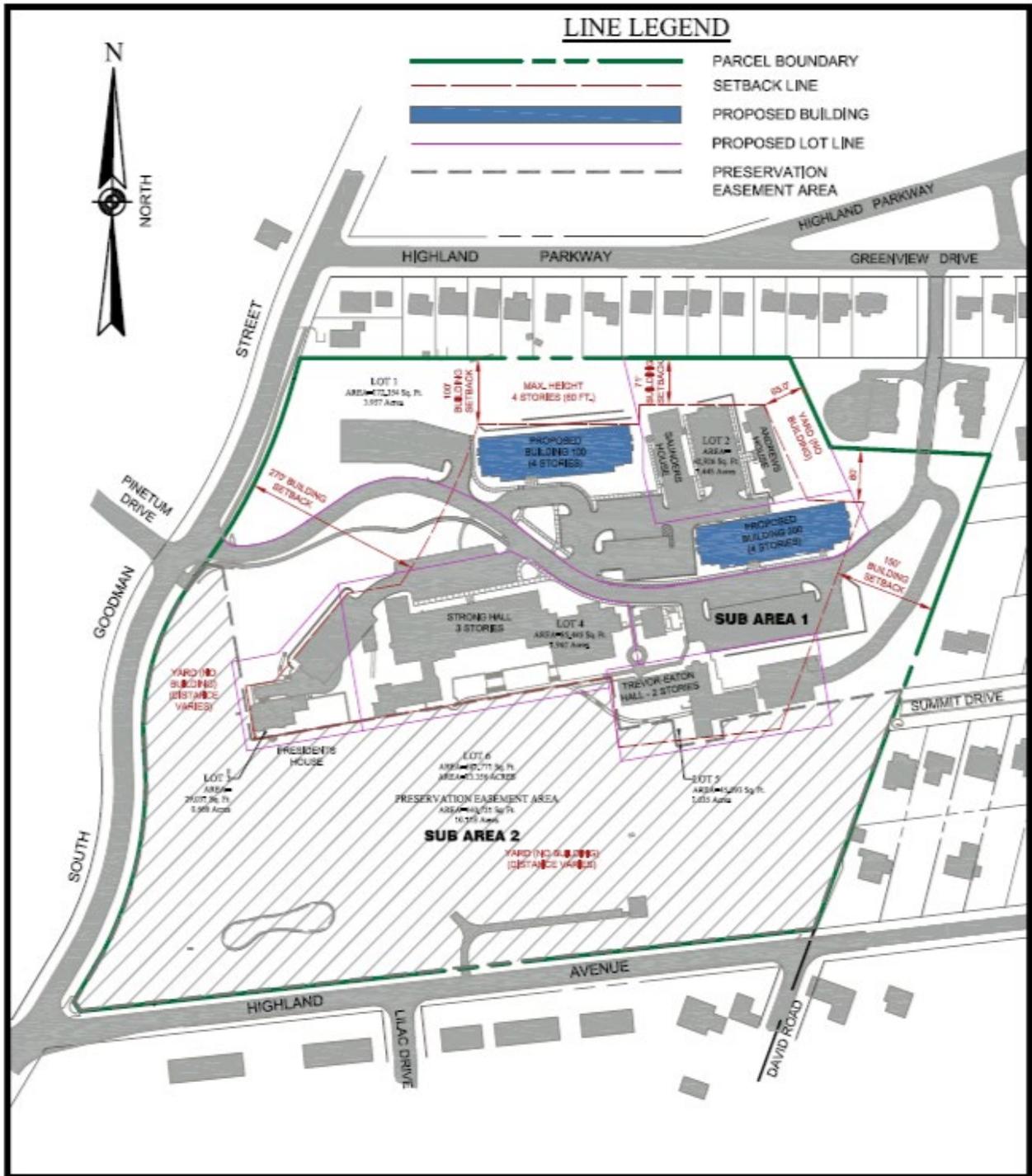
Independent living facility- multifamily dwellings for seniors who do not require specialized care but where housekeeping and the option for communal meals and social activities are provided for an all-inclusive rental fee.

Bed-and-Breakfast lodging establishment- An owner operated dwelling in a single family residential structure where overnight lodging and a breakfast are provided for compensation, subject to no alteration to either the exterior or the interior of any principal or accessory structure which changes the character and appearance of the residential premises; only rooms originally designed as bedrooms being used for guest lodging; guest parking including one off-street parking space for each bedroom; and signs complying with the approved sign program for this PD#21.

Limited Entertainment – Any live or recorded entertainment or music other than background music, including but not limited to karaoke, that is completely secondary to the principal use and that meets the following criteria:

- A. The entertainment or music must be accessory to the principal use and may not in any way constitute the primary function of the operation.
- B. The specific type of entertainment or music must be listed on the limited entertainment center license that is issued pursuant to Chapter 29, Amusements and Entertainment, of the Municipal Code.
- C. There will be only one performer or performance group.
- D. No dedicated stage nor dance area will be provided, nor will any permanent or temporary change to the approved floor plan be made to accommodate the use. For purposes of this section, “approved floor plan” is defined as the floor plan, seating plan or other drawings and information that served as the basis for the establishment’s latest building permit and maximum occupancy determinations issued pursuant to Chapter 39 Building Code of the Municipal Code.
- E. No cover charge or fee will be collected.
- F. The entertainment or music must end one hour prior to closing time.

L. PD #21 Development Concept Plan



Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes – Councilmembers Clifford, Harris, Lightfoot, Patterson, Spaul – 5.

Nays – Councilmembers Evans, Gruber, Ortiz – 3.

Councilmember Patterson moved to discharge Int. No. 283 from committee.

The motion was seconded by Councilmember Clifford.

The motion was adopted by the following vote:

Ayes – Councilmembers Clifford, Harris, Lightfoot, Patterson, Spaul – 5.

Nays – Councilmembers Evans, Gruber, Ortiz – 3.

Ordinance No. 2019-257
(Int. No. 283)

Amending the Zoning Map by changing the zoning classification of 1100-1120 South Goodman Street to Planned Development District No. 21 — The Vistas at Highland

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 property from Institutional Planned Development —Colgate Divinity School to Planned Development District No. 21 — The Vistas at Highland:

Address	SBL #
1100-1120 South Goodman Street	136.33-1-1.002

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 by the following vote:

Ayes – Councilmembers Clifford, Harris, Lightfoot, Patterson, Spaul – 5.

Nays – Councilmembers Evans, Gruber, Ortiz – 3.

By Councilmember Gruber
August 20, 2019

To the Council:

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

- Int. No. 284 Authorizing agreements and appropriating funds for the Preventive Maintenance Northwest Group 12 Project
- Int. No. 285 Appropriating Community Development Block Grant funds for Alpha Street Group infrastructure improvements
- Int. No. 286 Authorizing intermunicipal agreements with the County of Monroe for Traffic Signal Maintenance Services, **as amended**
- Int. No. 287 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$515,000 Bonds of said City to finance certain costs of the 2019 Annual Parking Garage Evaluation and Repair Program
- Int. No. 288 Authorizing an amendatory agreement for the Promenade at Erie Harbor Park project
- Int. No. 289 Authorizing a professional services agreement for 121-123 Reynolds Street brownfield cleanup project
- Int. No. 290 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$109,500 Bonds of said City to finance the costs of the remediation of environmental contamination of 121-123 Reynolds Street in the City

- Int. No. 291 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$288,000 Bonds of said City to finance the costs of a remedial investigation and interim remedial measures for environmental contamination located at 68-92 Genesee Street in the City
- Int. No. 292 Authorizing a grant agreement for Municipal Food Scraps Reduction, Food Donation, and Food Scraps Recycling Program

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

- Int. No. 293 Amending the Official Map to dedicate additional right-of-way as Phil Banks Way

Respectfully submitted,
 Mitch Gruber
 Malik Evans
 Elaine M. Spaul
 Willie Lightfoot
 Loretta C. Scott (Absent)
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Re: Ordinance No. 2019-258
 Preventive Maintenance Northwest Group 12 Driving Park Ave. (CSX Railroad to Finch St.) Emerson St. (Mt. Read Blvd. to Sherman St.) Jay St. (Mt. Read Blvd. to CSX Railroad)

Transmitted herewith for your approval is legislation related to the Preventive Maintenance Northwest Group 12 Project. This legislation will:

1. Authorize the Mayor to enter into an agreement with the New York State Department of Transportation (NYSDOT) necessary to participate in and administer the Project;
2. Appropriate \$228,000 in anticipated reimbursements from the Federal Highway Administration (FHWA) to finance a portion of the design services and right of way incidentals for the Project, and;
3. Authorize an agreement establishing \$285,000 as maximum compensation for a professional services agreement with Joseph C. Lu Engineering, P.C., (Cletus O. Ezenwa, P.E., Chief Executive Officer) Rochester, NY 14604, for design services and right of way incidentals related to this Project. The term of the agreement will be until six (6) months after final acceptance of the Project. The cost of the agreement will be funded from:

Source of Funds	Amount
FHWA funds appropriated herein	\$228,000
2016-17 Cash Capital	\$ 57,000
Total	\$285,000

This is a Federal Aid Project that is administered by the City under agreement with the NYSDOT.

Street improvements will include milling and resurfacing of existing pavement with areas of full depth base repair, sidewalk replacements, curb replacements, traffic and pedestrian safety enhancements, curb bump-outs, adjustment/repair of utility appurtenances, traffic loops, pavement markings, and accessibility improvements. Improvements to pedestrian and bicycle facilities in accordance with the City of Rochester Complete Streets Policy will be evaluated during preliminary design.

Joseph C. Lu Engineering, P.C. was selected to provide design services and right of way incidentals through a Request for Proposals process from the NYSDOT list of pre-approved regional engineering firms, which is described in the attached summary.

Design services will begin in fall 2019. Construction is anticipated to begin in spring 2021. The design phase of this project results in the creation or retention of the equivalent of 3.1 full-time jobs.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-154

Ordinance No. 2019-258
(Int. No. 284)

Authorizing agreements and appropriating funds for the Preventive Maintenance Northwest Group 12 Project

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 Transportation to participate in and administer the Preventive Maintenance Northwest Group 12 Project for Driving Park Avenue, Emerson Street and Jay Street (Project) and for the receipt and use of Federal Highway Administration (FHWA) funding for the Project.

Section 2. The sum of \$228,000 in anticipated reimbursements from the FHWA is hereby appropriated to finance a portion of the design services and right-of-way incidentals for the Project.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement with Joseph C. Lu Engineering, P.C. to provide design services and right-of-way incidentals for the Project. The maximum compensation for the agreement shall be \$285,000 which shall be funded from the appropriations authorized in Section 2 herein (\$228,000) and \$57,000 from 2016-17 Cash Capital. The term of the agreement shall continue until six months after final acceptance of the Project.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-259
Re: Alpha Street Group Project – Appropriate Community Development Block Grant Funds

Council Priority: Rebuilding and Strengthening Neighborhood Housing; Jobs and Economic Development

Transmitted herewith for your approval is legislation appropriating \$200,000 from the 2018-19 Community Development Block Grant (CDBG) Infrastructure Improvements allocation of the General Community Needs fund for infrastructure improvements at various locations. This appropriation will be utilized on the Alpha Street Group Project. The additional funding will allow the project to replace the concrete base on a portion of Alpha Street that was planned to remain, but once milled was found to be deteriorated more than anticipated. It was determined that replacement of the deteriorated base was more efficient and would result in a better overall product. Construction of the improvements began in summer of 2018 with planned completion in summer 2019.

Previous legislation includes Ordinance No. 2017-298 that appropriated CDBG funding for the project, Ordinance No. 2017-300 that authorized changes in pavement width and two de minimus corner acquisitions for street purposes, Ordinance No. 2018-94 that authorized resident project representation, Ordinance No. 2018-95 and Ordinance No. 2018-96 that authorized bonds for the Alpha Street Group Project.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-155

Ordinance No. 2019-259
(Int. No. 285)

Appropriating Community Development Block Grant funds for Alpha Street Group infrastructure improvements

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

Section 1. The Council hereby appropriates \$200,000 from the Residential Street Rehabilitation allocation of the Consolidated Community Development Plan/2018-19 Annual Action Plan to the Alpha Street Group infrastructure improvements project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-260
Re: Agreement – Monroe County, Traffic Signal Maintenance Services

Transmitted herewith for your approval is legislation:

1. Amending Ordinance No. 2015-265 which authorized intermunicipal agreements with the County of Monroe for traffic signal maintenance services located at the corner of Elmwood and Plymouth Avenues and at the corner of Andrews and Front Streets in front of the Crossroads Garage. This amendment will increase the maximum annual compensation to allow for inflation; and,
2. Authorizing an intermunicipal agreement with the County of Monroe for the operation and maintenance of a traffic signal at Elmwood Avenue and Moore Road/Wilson Boulevard. Maximum annual compensation is estimated to be \$700 adjusted annually to an amount equal to the increase in the previous year’s Consumer Price Index and will be funded by the 2019-20 and future budgets of the Department of Environmental Services, contingent upon their approval. The agreement will have an initial term of five years, with the option to renew for up to three additional five-year terms if both parties agree.

The traffic signals at these intersections provide access to the Genesee Valley Park ice rink and pool (Elmwood and Plymouth Avenues), the Crossroads Garage (Andrews and Front Streets), and to the University of Rochester main campus and Genesee Valley Park (Elmwood Avenue and Moore Road/Wilson Boulevard signal).

The maximum annual compensation amounts for intermunicipal agreements with the County of Monroe for signal maintenance at Elmwood and Plymouth Avenues and at Andrews and Front Streets were authorized by Ordinance No 2015-265 and will be \$920 and \$1,070, respectively. This legislation will increase the maximum annual compensation for the signals at Elmwood and Plymouth Avenues and Andrews and Front Streets to an amount equal to the increase in the previous year’s Consumer Price Index.

The County of Monroe has requested an additional intermunicipal agreement for the signal at Elmwood Avenue and Moore Road/Wilson Boulevard intersection since the crossing streets are considered private roads. Therefore, the County is entering into two separate agreements with the city and the University to share 50% of the maintenance cost.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-156

Ordinance No. 2019-260
(Int. No. 286, as amended)

Authorizing intermunicipal agreements with the County of Monroe for Traffic Signal Maintenance 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 intermunicipal agreement with the County of Monroe for the County to provide maintenance services for the traffic signals located at the intersection of Elmwood and Plymouth avenues and at the intersection of Andrews and Front streets in front of the Crossroads Garage. It shall amend the agreement that was authorized in Ordinance No. 2015-265 to adjust the annual compensation each year ~~going forward~~ after the first year based on the Consumer Price Index for All Urban Consumers (CPI-U).

Section 2. The Mayor is hereby authorized to enter into an intermunicipal agreement with the County of Monroe for the County to operate and maintain the traffic signals located at the intersection of Elmwood Avenue and Moore Road/Joseph C. Wilson Boulevard. The agreement shall have an initial term of five years, with the option to extend up to three additional five-year terms, if both parties agree. The maximum compensation for the first year shall be \$700, which shall be funded from the 2019-20 Budget of the Department of Environmental Services (DES). The compensation for each subsequent year shall be adjusted based on the CPI-U and shall be funded from each subsequent year’s Budget of DES, contingent upon approval.

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

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-261
Re: Bonds Authorization - Stone Street Wing of South Avenue Garage Repairs

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$515,000 and the appropriation of the proceeds thereof to finance a portion of the costs of the Stone Street Wing of South Avenue Garage repairs, as part of the 2019 Annual Parking Garage Evaluation and Repair Program.

Construction work in the project includes full-depth repairs and supplemental structural support within the Stone Street Wing of the South Avenue Garage. The estimated total cost of construction in the 2019 Annual Parking Garage Repair Contract is \$3,791,500.

Estimate:	Bonds authorized by Ordinance No. 2018-396	Bonds authorized by Ordinance No. 2018-397	Bonds to be issued herein	2018-2019 Cash Capital	Total:
Design/RPR Services:	0	0	0	783,500	783,500
Construction:	592,000	840,000	515,000	1,844,500	3,791,500
Total:	\$592,000	\$840,000	\$515,000	\$2,628,000	\$4,575,000

The construction of the project is scheduled to start in summer 2019, with completion anticipated in summer 2020. The additional bonds for Stone Street Wing of the South Avenue Garage will create or retain the equivalent of 5.6 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-261
(Int. No. 287)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$515,000 Bonds of said City to finance certain costs of the 2019 Annual Parking Garage Evaluation and Repair Program

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 2019 Annual Parking Garage Evaluation and Repair Program for the City's South Avenue, Court Street, East End, High Falls, Sister Cities and Washington Square garages (the "Program"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$4,575,000. The plan of financing includes the issuance of \$515,000 bonds of the City which amount is hereby appropriated therefor, \$592,000 bonds of the City authorized and appropriated in Ordinance No. 2018-396, \$840,000 bonds of the City authorized and appropriated in Ordinance No. 2018-397, \$2,628,000 of 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 \$515,000 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 \$515,000. 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. 13. of the Law, is ten (10) 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:

Re: Ordinance No. 2019-262
Promenade at Erie Harbor Park Project

Transmitted herewith for your approval is legislation related to the Promenade at Erie Harbor Park Project. This legislation will authorize an amendatory agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, DPC (Pietro Giovenco, President and CEO) Rochester, NY 14604 to provide additional services related to resident project representation (RPR) services related to the construction of the Project. The original agreement, authorized in July 2016 established maximum compensation at \$600,000 for a term of two years after completion and final acceptance of the Project. This amendment will increase the compensation by \$221,000, to a maximum total of \$821,000. This additional cost will be funded with 2019-20 Cash Capital.

In July 2016, Council authorized (Ord. No. 2016-234) professional service agreements with Morgan Court Street Development, LLC (the Developer) for the construction of the Promenade at Erie Harbor Park, and Bergmann Associates, D.P.C. for RPR services related to the construction. The original anticipated completion date was fall 2017.

The total project cost for construction and RPR has increased to \$5,361,000. The City has made an indemnification claim against the Developer for the additional costs of RPR work caused by the delay due to the Developer's design changes.

The total project cost for construction and RPR has increased to \$5,361,000, however the City has filed a claim with the Developer to recover the additional project costs that are a direct result of the Developer's actions.

With the legislation, the updated plan for financing of the project, broken down by categories of work, will be as follows:

Original Funding Authorized in Ordinance No. 2016-234			
Source of Funds	Construction Morgan Court Street Development	RPR Bergmann Associates	Total
Bonds authorized (Ordinance No. 2016-234)	\$3,075,000	\$425,000	\$3,500,000
NYS LWRP	\$1,025,000	\$175,000	\$1,200,000
2013-14 Cash Capital	\$440,000	--	\$440,000
Total	\$4,540,000	\$600,000	\$5,140,000

Revised Funding Authorized Herein			
Source of Funds	Construction Morgan Court Street Development	RPR Bergmann Associates	Total
Bonds authorized (Ordinance No. 2016-234)	\$3,075,000	\$425,000	\$3,500,000
NYS LWRP	\$1,025,000	\$175,000	\$1,200,000
2013-14 Cash Capital	\$440,000	--	\$440,000
2019-20 Cash Capital	--	\$221,000	\$221,000
Total	\$4,540,000	\$821,000	\$5,361,000

Construction is currently anticipated to be complete fall 2019.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-262
(Int. No. 288)

Authorizing an amendatory agreement for the Promenade at Erie Harbor Park project

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 Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, DPC to provide resident project representation (RPR) services for the Promenade at Erie Harbor Park project (Project). The amendment shall increase the maximum compensation for the existing agreement, which was originally authorized by Ordinance No. 2016-234, by \$221,000 to a total maximum amount of \$821,000. The amendatory compensation amount shall be funded from 2019-20 Cash Capital. The term for the amendatory agreement shall extend two years after completion and final acceptance of the Project.

Section 2. The amendatory 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. 2019-263
Ordinance No. 2019-264

Re: Bond Authorization and New Professional Services Agreement Stantec Consulting Services Inc., Reynolds Street Brownfield Cleanup Project

Transmitted herewith for your approval is legislation related to environmental cleanup services at 121-123 Reynolds Street (the Site). This legislation will:

1. Establish \$380,000 as maximum compensation for an agreement with Stantec Consulting Services Inc. (James Hoffmann, Principal) Rochester, New York, 14614, for remedial cleanup services, and
2. Authorize the issuance of bonds totaling \$109,500 and the appropriation of the proceeds thereof to partially finance the project.

The remaining cost of the project will be financed from \$179,000 in USEPA Brownfield Cleanup Grant funds previously appropriated under Ordinance No. 2018-404 and \$91,500 in 2016-17 Cash Capital.

The Site consists of a 0.2 acre parcel of vacant residential land located at 121-123 Reynolds Street ("Site") and is owned by the City. The Site is currently one parcel but was formerly two separate parcels containing a former single family house located on the southern portion of the Site and a former gasoline service station on the northern portion of the Site. Subsequent to the City acquiring the parcels via foreclosure, the parcels were combined into a single parcel.

In June 2011, petroleum-type contaminated soil was encountered during excavation of the basement foundation for a new residential house being constructed on the adjoining 125 Reynolds Street parcel located south of the Site. Historical information indicated that the northern portion of the Site was formerly used as a gasoline station and an auto repair facility, likely source of petroleum contamination encountered at the adjacent property to the south. In June 2011, the City initiated investigative work at the 121-123 Reynolds Street site which resulted in the removal of four abandoned Underground Storage Tanks (“USTs”) and approximately 125 tons of petroleum-impacted soil; however, residual petroleum contamination remained on the Site.

The City completed a Phase I Environmental Site Assessment (ESA) in April 2015, a Phase II ESA in January 2016, and supplemental Phase II ESA in January 2017 to further define the extent of the petroleum contamination. The results of the Phase II ESAs determined that a source area of petroleum-contaminated soils associated with the former USTs is present at the Site, and that secondary source of petroleum contamination in the form of a dissolved phase groundwater plume is present on the southern portion of the Site. Urban fill was also encountered in some portions of the Site which contained lead and semi-volatile organic compounds that exceed applicable soil cleanup objectives. In 2017 the City submitted a Brownfield cleanup grant application to the US EPA to remediate the site, and in April 2018 the EPA awarded the City a \$200,000 Brownfield cleanup grant to fund a portion of the cleanup at the Site.

Under this agreement, Stantec will evaluate potential remedial alternatives, prepare a remedial work plan, assist the City with community outreach activities, retain specialized environmental contractors to remediate the Site, including the removal and disposal of contaminated soil and groundwater, complete post-remediation groundwater monitoring, and restore the Site. After completing the cleanup project and one year of post-cleanup groundwater monitoring, the City will petition the NYSDEC to close the active spill file and issue a No Further Action Letter. The future use of the Site is anticipated to be residential; specifically a single duplex or two-family home which is consistent with the completed Voter’s Block LLC In-fill Housing Initiative.

On March 1, 2019, the City’s Division of Environmental Quality issued a request for proposal (RFP) for remedial cleanup services at the Reynolds Street site, the summary of which is attached. Stantec submitted a proposal for approximately \$344,000. A 10% contingency is recommended to address additional services for unanticipated tasks, resulting in a total project budget of \$380,000. Stantec was selected based on the quality and scope of its proposal, experience with petroleum cleanup projects, the proposed project team, and reasonableness of its cost.

The term of the agreement is three years and will include a provision for extensions beyond the initial term of the agreement until the NYSDEC closes the open spill file for the Site. It is currently estimated that it will take one year to substantially complete the majority of the cleanup project, and a second year of groundwater monitoring in order to secure NYSDEC spill file closure.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-157

Ordinance No. 2019-263
(Int. No. 289)

Authorizing a professional services agreement for 121-123 Reynolds Street brownfield cleanup 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 Stantec Consulting Services Inc. for remedial program services pertaining to the environmental cleanup of 121-123 Reynolds Street in the City (the Project). The maximum compensation for the agreement shall be \$380,000, which shall be funded in the amounts of \$109,500 from City bonds issued for the Project, \$179,000 in U.S. Environmental Protection Agency Brownfield Cleanup grant funds appropriated in Ordinance No. 2018-404, and \$91,500 from 2016-17 Cash Capital. The term of the agreement shall be 3 years with the option to extend for such additional time, if any, as shall be necessary to obtain a no further action determination from the New York State Department of Environmental Conservation.

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.

Ordinance No. 2019-264
(Int. No. 290)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$109,500 Bonds of said City to finance the costs of the remediation of environmental contamination of 121-123 Reynolds Street in the City

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 remediation of environmental contamination of the property located at 121-123 Reynolds Street in the City (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof,

is \$380,000. The plan of financing includes the issuance of \$109,500 bonds of the City which amount is hereby appropriated therefor, \$179,000 in U.S. Environmental Protection Agency Brownfield Cleanup grant funds appropriated in Ordinance No. 2018-404, \$91,500 in 2016-17 Cash Capital, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient 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 \$109,500 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 \$109,500. 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 specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 6-e of the Local Finance 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. 2019-265
Re: Bond Authorization 68-92 Genesee Street Remedial Investigation & Interim Remedial Measures

Transmitted herewith for your approval is legislation related to a Remedial Investigation (RI) and implementation of Interim Remedial Measures (IRMs) (the Project) at the former United Dry Cleaners property located at 68-92 Genesee Street (Site). This legislation will authorize the issuance of bonds totaling \$288,000 and the appropriation of the proceeds thereof to finance the cost of the Project.

The Site consists of approximately 0.76 acres of land improved with one (1) building (Southern Building) which is occupied by a coin-operated laundromat. The former Northern Building was utilized for automotive sales and repair from approximately 1938 until approximately 1965, and as a dry cleaning plant (United Cleaners) from approximately 1968 until at least 2008. The majority of this building was demolished in 2016, with the exception of the eastern half of the floor slab which was left in place. The Site is located within the Bull's Head Brownfield Opportunity Area (BOA) and borders the Bull's Head Plaza to the south and west.

The City acquired the Site on July 3, 2019 through a tax foreclosure sale. The City has executed an Order on Consent with the New York State Department of Environmental Conservation (NYSDEC) to conduct the Project but does not commit the City to implement the final cleanup remedy.

The Project will be completed under the existing Assessment and Remediation Professional Services Agreement with LaBella Associates DPC (LaBella) authorized under Ordinance No. 2018-133.

LaBella performed an extensive Phase II ESA and underground tank closures at the Site in 2016. The Phase II ESA also documented that on-site soils and groundwater were contaminated with metals, petroleum products, and chlorinated volatile organic compounds (VOCs) associated with dry cleaning solvents documented to have been used at the Site.

To complete the Project, LaBella will develop a Remedial Investigation Work Plan (RIWP), including: Community Air Monitoring Plan (CAMP); Health and Safety Plan (HASP); and a Quality Control Plan (QCP), to be implemented during the investigative work, and intended to define the nature and extent of soil, groundwater and soil vapor impacts at the Site. Additional off-site investigation will also be conducted as part of the RI. Four (4) IRMs will also be implemented at the Site during the Project including: excavation and removal of mercury impacted soils; excavation and removal of lead impacted soils; excavation and removal of petroleum impacted soils; and installation of a sub-slab depressurization system in the existing on-site coin-operated public laundromat. The Project will be completed in accordance with NYSDEC's DER-10 Technical Guidance for Site Investigation and Remediation (5/2010), and in accordance with a work plan approved by the NYSDEC. Upon completion of the Project, an RI report summarizing the findings will be submitted to the NYSDEC for their review and use in completing a feasibility study to evaluate potential cleanup alternatives.

As the City's primary environmental consultant for the Site, LaBella has a unique understanding of environmental and subsurface conditions at the Site. LaBella has also established professional relationships with impacted property owners through their work at the Site and at the adjacent Bull's Head Plaza property.

The work is anticipated to begin in fall 2019 and take up to two years to complete.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-158

Ordinance No. 2019-265
(Int. No. 291)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$288,000 Bonds of said City to finance the costs of a remedial investigation and interim remedial measures for environmental contamination located at 68-92 Genesee Street in the City

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 a remedial investigation and interim remedial measures for environmental contamination of the property located at 68-92 Genesee Street in the City (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$288,000. The plan of financing includes the issuance of \$288,000 bonds of the City which amount is hereby appropriated therefor and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient 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 \$288,000 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 \$288,000. 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 specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 6-e of the Local Finance 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:

Re: Ordinance No. 2019-266
Grant Acceptance—New York State Department of Environmental Conservation—Municipal Food Scraps Reduction, Food Donation, and Food Scraps Recycling.

Transmitted herewith for your approval is legislation related to the development of a Municipal Food Scraps Reduction, Food Donation, and Food Scraps Recycling Program (the Project) for the City of Rochester. This legislation will:

1. Authorize the Mayor to enter into a grant agreement with the New York State Department of Environmental Conservation (NYSDEC); and
2. Authorize the receipt and use of \$104,400 in anticipated grant funds from the NYSDEC to finance the Project.

In February 2019, the City applied for a Municipal Food Scraps Reduction, Food Donation, and Food Scraps Recycling Program grant, administered by the NYSDEC Division of Materials Management, Bureau of Waste Reduction & Recycling and was subsequently selected to receive a grant in the amount of \$104,400. This grant is designed to assist municipalities with developing and/or expanding local food waste reduction and recycling programs, and increasing public participation in those programs. With this grant, the City will: (1) develop a public education program to increase awareness of food waste prevention and food donation and (2) conduct a feasibility study to evaluate the implementation of an organics recycling (composting) program in the city. The required match will be \$25,000 from fiscal year 2015-16 and \$25,000 fiscal year 2016-17 cash capital from the Department of Environmental Services, and \$6,100 of in-kind staff support.

This Project will not only help to address food insecurity in the city but also raise community awareness for reducing food waste, donating food, and recycling food waste, as well as provide the City with guidance on the development of an organics recycling program. Implementation of the Project will reduce the amount of landfilled food waste and result in lower greenhouse gas emissions in accordance with strategies and actions outlined in the City of Rochester Community-wide Climate Action Plan and help to create a sustainable community, ready for continued growth and vibrancy.

The City will select a consultant through a request for proposals process to assist in the development and implementation of the Project.

The Project is expected to be completed by June 2022.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-266
(Int. No. 292)

Authorizing a grant agreement for Municipal Food Scraps Reduction, Food Donation, and Food Scraps Recycling 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 Environmental Conservation for the receipt and use of grant funds in the amount of \$104,400 for the development of a Municipal Food Scraps Reduction, Food Donation, and Food Scraps Recycling Program. The term of the agreement shall be from June 5, 2019 through June 4, 2022.

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. 2019-267
Re: Phil Banks Way – Official Map Amendment

Transmitted herewith for your approval is legislation related to improvements at 1000 Driving Park Avenue. This legislation will:

1. Amend the Official Map by dedicating 1010 Driving Park Avenue, T.A. No. 090.630-01-001.002 as right-of-way, and;
2. Amend the Official Map by naming the right-of-way Phil Banks Way.

The City Planning Commission will consider this legislation at its August 12, 2019 meeting. Minutes of that meeting, along with the decision will be forthcoming. A public hearing is required.

Phil Banks joined the City in 1993 as Manager of Business Development and was later named Deputy Commissioner of Economic Development. He was committed to Rochester and to helping create employment opportunities for its citizens. As a champion of small business in neighborhoods and in industrial parks, Phil recognized that this site would be perfect for future industrial development that would lead to new jobs for City residents.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Rochester Municipal Code, a negative declaration for this Type 1 Action was issued on September 16, 2013.

A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-267
(Int. No. 293)

Amending the Official Map to dedicate additional right-of-way as Phil Banks Way

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

Section 1. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by dedicating to street purposes the following described parcel, by naming said dedication "Phil Banks Way," and adding said dedication to its respective adjoining street, Driving Park Avenue. The parcel is more particularly described below and is depicted in maps referenced therein, which are on file with the City Clerk.

PHIL BANKS WAY

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 71 & 72 of the 20,000 Acre Tract, Township 1, Short Range and being Lot 2 as shown on a map entitled 1000 Driving Park Subdivision, dated May 9, 2019, as prepared by Fisher Associates, as filed in the Office of the Monroe County Clerk in Liber 358 of Maps, Page 94, and being more particularly bounded and described as follows:

Commencing at a point on the northerly ROW line of Driving Park Avenue (70' ROW), 252.37 feet east of the easterly ROW line of Mt. Read Boulevard (ROW Varies), said point being the Point or Place of Commencing; thence

- A) S 43° 29' 06" E, along said Driving Park Avenue ROW, a distance of 502.72 feet to the southeast corner of said Lot 2, being the Point or Place of Beginning; thence
 - 1) N 46° 30' 54" E, a distance of 106.42 feet to a point of curvature; thence
 - 2) Northerly, along a curve to the left, having a radius of 133.00 feet, a distance of 110.30 feet to a point of tangency; thence
 - 3) N 01° 00' 11" W, a distance of 245.73 feet to a point of curvature; thence
 - 4) Northerly, along a curve to the right, having a radius of 51.00 feet, a distance of 40.56 feet to a point of reverse curvature; thence

- 5) Northerly, westerly and southerly, along a curve to the left, having a radius of 69.00 feet, a distance of 326.54 feet to a point of reverse curvature; thence
- 6) Southerly, along a curve to the right, having a radius of 51.00 feet, a distance of 40.56 feet to a point of tangency; thence
- 7) S 01° 00' 11" E, a distance of 245.73 feet to a point of curvature; thence
- 8) Southerly, along a curve to the right, having a radius of 67.00 feet, a distance of 55.57 feet to a point of tangency; thence
- 9) S 46° 30' 54" W, a distance of 94.06 feet to a point; thence
- 10) N 88° 29' 07" W, a distance of 17.48 feet to the said northerly ROW line of Driving Park Avenue and the southwest corner of said Lot 2; thence
- 11) S 43° 29' 06" E, along said ROW line, a distance of 78.36 feet to the said southeast corner of Lot 2, being the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 1.037 Acres, more or less.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Vice President Lightfoot
August 20, 2019

To the Council:

The **PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

- Int. No. 294 Appropriating funds and authorizing an agreement with Rochester Area Crime Stoppers, Inc.
- Int. No. 295 Authorizing a grant agreement with the New York State Office of Victim Services
- Int. No. 296 Amending the 2019-20 Budget by increasing the appropriations for the Rochester Police Department to carry over unspent grant funds
- Int. No. 297 Amending the 2019-20 Budget to fund electronic crime investigations
- Int. No. 298 Authorizing an intermunicipal agreement for the Pathways to Peace program
- Int. No. 299 Authorizing an agreement and funding for the ROCmusic program
- Int. No. 300 Authorizing an agreement for Roc Kids Read literacy programming
- Int. No. 301 Authorizing license agreements for the use of the Danforth Community Center, **as amended**

Respectfully submitted,
Willie J. Lightfoot
Mitch Gruber
LaShay D. Harris
Jacklyn Ortiz
Loretta C. Scott (Absent)
PUBLIC SAFETY YOUTH & RECREATION COMMITTEE

Received filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-268
Re: Appropriation - Federal Forfeiture Funds for Crime Stoppers

Council Priority: Public Safety

Transmitted herewith for your approval is legislation related to federal forfeited property revenues attributable to the Rochester Police Department (RPD). This legislation will:

- 1. Appropriate \$15,000 in RPD federal forfeiture funds to support Rochester Area Crime Stoppers, Inc. and amend the 2019-20 Budget of the Police Department by said amount.
- 2. Establish \$15,000 as maximum compensation for an agreement with Rochester Area Crime Stoppers, Inc., (Chairperson: Paul Hawkins) an organization that promotes anonymous crime tips and provides rewards for tips that result in arrests. The cost of this agreement will be funded from the 2019-20 Budget of the Police Department and have a term of one year.

Rochester Area Crime Stoppers, Inc. also publishes the *Fugitive Flyer* to assist local law enforcement in arresting known career criminals, and produces public awareness materials geared towards eliminating gun violence.

The appropriations requested this month will result in a balance of approximately \$891,300 in the federal forfeiture Justice fund.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Ordinance No. 2019-268
 (Int. No. 294)

Appropriating funds and authorizing an agreement with Rochester Area Crime Stoppers, Inc.

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

Section 1. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Police Department by the sum of \$15,000, which amount is hereby appropriated from Federal funds realized from seized and forfeited assets to support the Crime Stoppers program.

Section 2. The Mayor is hereby authorized to enter into an agreement with Rochester Area Crime Stoppers, Inc., an organization that promotes anonymous crime tips and provides rewards for tips that result in arrests. The maximum compensation for the agreement shall be \$15,000, and said amount shall be funded from the 2019-20 Budget of the Police Department. The term of the agreement shall be one year.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Re: Ordinance No. 2019-269
 Grant Agreement – New York State Office of Victim Services

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an agreement with New York State Office of Victim Services (NYSOVS) for the receipt and use of a grant totaling \$978,503.51. The term of this agreement is October 1, 2019 through September 30, 2022. The amounts for each year are:

Term	Amount
10/1/19 – 9/30/20	\$314,809.04
10/1/20 – 9/30/21	\$325,432.97
10/1/21 – 9/30/22	\$338,261.50
Total	\$978,503.51

These funds will be used to finance salary expenses, including some fringe, for counseling positions in the Police Department’s Family and Victim Services Section. The NYSOVS funds were anticipated and included in the 2019-20 Budget of the Police Department. The required 25% local match will be fulfilled with the City’s contribution of fringe benefits which were also included in the 2019-20 Budget.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Ordinance No. 2019-269
 (Int. No. 295)

Authorizing a grant agreement with the New York State Office of Victim 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 agreement with the New York State Office of Victim Services for the receipt and use of grant funds in the amount of \$978,503.51 to fund salary expenses for counseling positions in the Police Department’s Family and Victim Services Section. The term of the agreement shall be from October 1, 2019 through September 30, 2022.

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. 2019-270
Re: Budget Amendment – 2019-20 Budget of the Police Department and Undistributed

Council Priority: Public Safety

Transmitted herewith for your approval is legislation amending the 2019-20 Budget of the Police Department by \$28,400 and Undistributed by \$4,700 to reflect the balance of carryover funds from existing grants. The funds are itemized below, and will be used for their original intended purpose.

GRANT	RPD Carryover	Undistributed Carryover
2019 Child Passenger Safety Grant	\$500	\$0
FY2016 Complex Coordinated Terrorist Attack	\$4,300	\$1,400
Petco Foundation	\$4,500	\$0
Ranzenhofer Senate Grant	\$3,900	\$0
Sexual Assault, Domestic Violence, Dating Violence & Stalking (SADVS)	\$5,200	\$1,700
2019 Stop DWI	\$10,000	\$1,600
Total	\$28,400	\$4,700

The Child Passenger Safety Grant supports the Police Department’s efforts to ensure correct use of child car seats. These remaining funds will be used for certification and continuing education of those officers teaching about safety seats at community-based, seat-checking events.

Through the FY2016 Complex Coordinated Terrorist Attack grant, Monroe County will reimburse costs of up to \$20,000 in overtime, fringe benefits, and travel expenses for Police Officers for planning and training that is focused on building or enhancing capabilities to improve the ability to prepare for, prevent, and respond to complex coordinated terrorist attacks.

The Petco Foundation grant provides funding for fee-waived adoption events.

The grant secured by Senator Michael H. Ranzenhofer provides overtime for police operational activities including walking beats, bike patrols, anti-violence operations, and community policing in the Genesee Section to address and decrease the incidence of violence.

The SADVS funding is provided by the US Department of Justice through Monroe County to implement a comprehensive collaborative among agencies dealing with domestic violence. These funds are used to support the cost of overtime and associated fringe benefits for the Domestic Violence Response Team, comprised of police officers and police supervisors as needed, to respond to targeted domestic violence situations.

The Stop DWI grant is used for enhanced detection and enforcement of driving while intoxicated and related offenses for the 2019 calendar year. Supported activities include expenses for Stop DWI overtime details and associated fringe costs, training, and underage alcohol enforcement.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-270
(Int. No. 296)

Amending the 2019-20 Budget by increasing the appropriations for the Rochester Police Department to carry over unspent grant funds

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

Section 1. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Police Department by the sum of \$28,400, and by increasing the revenue estimates and appropriations to the Budget of Undistributed Expenses by the sum of \$4,700, which amounts are hereby appropriated from unspent grant funds appropriated in previous budgets as shown below. Said funds shall be used for their original purpose.

Grant	RPD Carryover	Undistributed Carryover
2019 Child Passenger Safety Grant	\$500	\$0
FY2016 Complex Coordinated Terrorist Attack	\$4,300	\$1,400
Petco Foundation	\$4,500	\$0
Ranzenhofer Senate Grant	\$3,900	\$0
Sexual Assault, Domestic Violence, Dating Violence & Stalking (SADVS)	\$5,200	\$1,700
2019 Stop DWI	\$10,000	\$1,600
Total	\$28,400	\$4,700

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-271
Budget Amendment – 2019-20 Budget of the Police Department

Council Priority: Public Safety

Transmitted herewith for your approval is legislation amending the 2019-20 Budget of the Police Department by up to \$15,000 to reflect the receipt and use of funding from the United States Secret Service (USSS) for the reimbursement of overtime costs and other expenses related to electronic crime investigations.

The USSS provided equipment for use by members of RPD that provides the ability to collect and analyze evidence on electronic devices. The USSS will reimburse the RPD in an amount not to exceed \$15,000 annually for the purchase of office equipment and/or miscellaneous supplies that are in support of the equipment already provided by the USSS, and/or overtime expenses, not including fringe, incurred in support of the USSS Buffalo Electronic Crimes Task Force.

Use of these funds are contingent upon the availability of funds allocated to the USSS through the Department of Treasury.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-271
(Int. No. 297)

Amending the 2019-20 Budget to fund electronic crime investigations

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

Section 1. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Police Department by the sum of \$15,000, which amount is hereby appropriated from funds received from the United States Secret Service for the reimbursement of overtime costs and other expenses related to electronic crime investigations.

Section 2. This ordinance shall take effect immediately

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-272
Inter-Municipal Agreement - Rochester City School District’s Utilization of Pathways to Peace

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with the Rochester City School District for the receipt and use of \$20,000 and amending the 2019-20 Budget of the Department of Recreation and Youth Services (DRYS) by the funds authorized herein to provide Pathways to Peace (PTP) staff support at District athletic and special events. The term of the agreement will not exceed one year.

Under this agreement, the District will reimburse the City for PTP staff expenses for the following services:

1. Emergencies Before or After Athletic Event – at the District’s request, PTP will respond to emergency situations to assist in preventing and mitigating the risk of violence among students and conduct ongoing outreach with the schools to identify and address risks.
2. School District Special Events - At the District’s request, PTP will monitor entry points at special events and activities and will identify potentially violent individuals. PTP will monitor actions of youth at the events, work with District staff and, if applicable, the Rochester Police Department to intervene and prevent violence.

This was last authorized by City Council Ord. No. 2018-372 adopted on November 21, 2018.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-272
(Int. No. 298)

Authorizing an intermunicipal agreement for the Pathways to Peace 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 intermunicipal agreement for the receipt and use of \$20,000 from the Rochester City School District (RCSD) in return for the City providing Pathways to Peace staff support at RCSD athletic and special events. The term of the agreement shall be for up to 1 year.

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

Section 3. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations of the Budget of the Department of Recreation and Youth Services by the sum of \$20,000, which amount is hereby appropriated from funds to be received under the agreement and for the purpose authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-273
Re: Agreement – ROCmusic program

Council Priority: Creating and Sustaining a Culture of Vibrancy; Support the Creation of Effective Educational Systems

Transmitted herewith for your approval is legislation related to the science, technology, engineering, arts, and math (STEAM) Engine programming. This legislation will:

1. Appropriate \$25,000 from the STEAM Engine allocation of the 2019-20 Consolidated Community Development Plan – Annual Action Plan.
2. Establish \$19,500 as maximum compensation for an agreement with Ronald Carlton Wilcox DBA Carlton Wilcox LIVE, Rochester, NY 14624, for coordination and instruction of the Roc da Roc Music Production and DJ/Emcee components of the ROCmusic program. The term of the agreement will be for the remainder of the fiscal year (June 2020) and the cost will be funded from the appropriation made herein.

ROCmusic is an after-school and summer community-based music education program that offers tuition-free classical music instruction and instrument lessons at the David F. Gantt, Douglass and the Edgerton R-Centers. Under this agreement, the Consultant will provide music instruction instrumentation with a focus on piano, bass guitar, and drums, the art of performance, concert production, disk jockeying, and emceeing. Instruction will be delivered to up to 40 youth ages 10 and older and will culminate with a concert and completion of an audio recording.

Carlton Wilcox LIVE was selected for these services based on his experience as a performer, music director and producer, and extensive involvement in community concerts and performances. A full justification for not issuing a request for proposals is attached. The remaining balance of funds will be utilized for music equipment and program supplies.

This was last authorized by City Council Ordinance No. 2018-411 adopted on December 19, 2018.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-159

Ordinance No. 2019-273
(Int. No. 299)

Authorizing an agreement and funding for the ROCmusic program

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

Section 1. The sum of \$25,000 is hereby appropriated from the STEAM Engine project fund of the Consolidated Community Development Plan/2019-20 Annual Action Plan for science, technology, engineering, arts and math (STEAM) Engine programming.

Section 2. The Mayor is hereby authorized to enter into a professional services agreement in the maximum amount of \$19,500 with Ronald Carlton Wilcox doing business as Carlton Wilcox LIVE for coordination and instruction in the Roc da Roc music production and DJ/Emcee components of the City’s ROCmusic program. Said amount shall be funded from the STEAM Engine funds appropriated herein and shall have a term that extends to June 30, 2020.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-274
Re: Agreement – *Roc Kids Read* literacy programming

Council Priority: Supporting the Creation of Effective Educational Systems

Transmitted herewith for your approval is legislation establishing \$41,500 as maximum annual compensation for an agreement with Sophia Amaxopoulos dba Learning Curve Tutoring and Educational Services (Webster, New York 14580) for afterschool literacy enrichment programming and staff professional development services. The cost of this agreement will be funded from the 2019-20 Budget of Department of Recreation and Youth Services. The term of the agreement will be for one year, with the option to renew for three additional one-year periods. Subsequent costs will be funded from the annual budgets of DRYS contingent upon approval.

Learning Curve Tutoring and Educational Services will implement the *Roc Kids Read* literacy intervention program at R-Centers for 200 youth in grades kindergarten through third. *Roc Kids Reads* includes daily individual and group interactive literacy engagement activities that are research-based and align with New York State curriculum standards, and are designed to improve participants’ fluency, comprehension, spelling, phonemic awareness, and penmanship. In addition to the program delivery, Learning Curve will provide professional development for R-Center staff assisting with the facilitation to ensure quality program delivery.

Learning Curve was selected for these services based a successful 2018-19 *Roc Kids Read* pilot program initiated in 2018-19 with 40 R-Center participants. All students who regularly participated in the program showed an increase in their reading fluency, comprehension, and phonemic awareness. A full justification for not issuing a request for proposals is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-160

Ordinance No. 2019-274
(Int. No. 300)

Authorizing an agreement for Roc Kids Read literacy programming

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 Sophia Amaxopoulos, doing business as Learning Curve Tutoring and Educational Services, to provide afterschool literacy enrichment programming and staff professional development services for the Roc Kids Read literacy intervention program. The term of the agreement shall be 1 year with the option to renew for up to three additional terms of 1 year each. The maximum annual compensation for the agreement shall be \$41,500. The compensation for the first year shall be funded from the 2019-20 Budget of the Department of Recreation and Youth Services (DRYS). The compensation for subsequent years, if opted for, shall be funded from subsequent years' Budgets of DRYS contingent upon approval of said 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. 2019-275

Re: License Agreements and Budget Amendment – Danforth Community Center

Transmitted herewith for your approval is legislation authorizing license agreements and a budget amendment related to the Danforth Community Center (200 West Ave., Rochester, NY 14611) (the Community Center). This legislation will:

1. Authorize a license agreement with Exercise Express, LLC (Karen Rogers, principal), Rochester, New York, to utilize 1,800 square feet at the Community Center for agency office space and the delivery of exercise and wellness programming for senior citizens. The term of this license agreement will be for five years, beginning upon execution, and shall be renewable for one additional five-year term. In the first year, the annual rent for the use of this space will be \$18,000.
2. Authorize a license agreement with Samaritan Woman, Inc. d/b/a Samaritan Center of Excellence, Inc. (Monica Szymanski, Executive Director), Rochester, New York, to utilize 1,782 square feet at the Community Center for agency office space and the delivery of counseling and referral services for the community. The term of this license agreement will be for five years, beginning upon execution, and shall be renewable for one additional five-year term. In the first year, the annual rent for the use of this space will be \$17,820.
3. Amend the 2019-20 Budget of the Department of Recreation and Youth Services (DRYS) by \$35,800 to reflect this unanticipated revenue.

The agencies partner with each other under the “Reaching Our Community (ROC) HUB” collaborative with the mission to strengthen individuals, families, and the community through the access and availability of co-located services including quality emotional, social, and physical health services. The services offered help Rochester residents in their journey to build healthy lives.

The license-holders will occupy approximately 31 percent of the Community Center’s usable square footage. The space will be licensed at a rate \$10.00 per square foot, including the cost of utilities, in the first year. This rate was determined by an appraisal conducted by Bruckner, Tillet, Rossi, Cahill & Associates as of July 2019. This amount will be adjusted by the City annually based on the CPI-U (Consumer Price Index-Urban Market), as determined by the Department of Neighborhood and Business Development Real Estate Division. Each agency will provide all custodial and cleaning services for their licensed spaces. The City will provide heating, plumbing and electrical repairs, as well as maintain the structural integrity of the Community Center.

The Department of Recreation and Youth Services no longer has a need for the Community Center office space due to the upcoming relocation to the former Chamber of Commerce building (57 St. Paul Street). DRYS will continue to offer programming for senior citizens and the community at the Community Center in addition to the services provided by these agencies.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-275
(Int. No. 301, as amended)

Authorizing license agreements for the use of the Danforth Community Center

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

WHEREAS, the City of Rochester has received a proposal from Exercise Express, LLC (Exercise Express) for a license to use of a portion of the premises in the Danforth Community Center located at 200 West Avenue (Danforth Community Center) for agency office space and for the delivery of exercise and wellness programming for seniors, for a term of five years with the option to extend for one additional five-year term; and

WHEREAS, the City of Rochester has received a proposal from Samaritan Woman, Inc. d/b/a Samaritan Center of Excellence, Inc. (Samaritan Woman) for a license to use of a portion of the premises in the Danforth Community Center for agency office space and the delivery of counseling and referral services for the community, for a term of five years with the option to extend for one additional five-year term, and Exercise Express' and Samaritan Woman's proposals are hereinafter referred to as the License Proposals; and

WHEREAS, consistent with Section 21-23 of the Municipal Code, the Council is following additional procedures due to the length of the License Proposals; and

WHEREAS, the term of the use provided for in each License Proposal is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the uses.

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

Section 1. The Mayor is hereby authorized to enter into a license agreement with Exercise Express for the use of a portion of the premises in the Danforth Community Center consisting of 1,800 square feet for agency office space and the delivery of exercise and wellness programming for senior citizens. The term of the license agreement shall be five years with the option to extend up to one additional five year term. Exercise Express shall be obligated to pay an annual license fee of \$18,000, which includes the cost of utilities. After the first year, the fee shall be adjusted for each subsequent year based on the Consumer Price Index for All Urban Consumers (CPI-U).

Section 2. The Mayor is hereby authorized to enter into a license agreement with Samaritan Woman, Inc. for the use of a portion of the premises in the Danforth Community Center, consisting of 1,782 square feet for agency office space and the delivery of counseling and referral services for the community. The term of the license agreement shall be five years with the option to extend up to one additional five year term. Samaritan Woman shall be obligated to pay an annual license fee of \$17,820, which includes the cost of utilities. After the first year, the fee shall be adjusted for each subsequent year based on the Consumer Price Index for All Urban Consumers (CPI-U).

Section 3. Ordinance No. 2019-161, the 2019-20 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 by the sum of ~~\$35,820~~ \$35,800, which consists of the first-year license fees provided for in Sections 1 and 2 hereof.

Section 4. The license agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

By Vice President Lightfoot
August 20, 2019

To the Council:

The following entitled legislation is being **HELD** in the **COMMITTEE OF THE WHOLE**:

Int. No. 302 Resolution confirming the appointment of the Commissioner of Neighborhood and Business Development

Respectfully submitted,
Molly Clifford
Malik Evans
Mitch Gruber
LaShay D. Harris
Jacklyn Ortiz
Michael A. Patterson
Elaine Spaul
Willie J. Lightfoot
Loretta C. Scott (*Absent*)
COMMITTEE OF THE WHOLE

Received Filed and Published

TO THE COUNCIL
Ladies and Gentlemen:

INTRODUCTORY NO. 302
Re: Confirmation of the Commissioner, Department of Neighborhood and Business Development

Transmitted herewith for your approval is legislation confirming, as required by the City Charter, the appointment of Gary M. Kirkmire as Commissioner, Department of Neighborhood and Business Development.

Gary M. Kirkmire's resume is on file in the City Clerk's Office.

Respectfully submitted,
Lovely A. Warren
Mayor

INTRODUCTORY NO. 302

Resolution confirming the appointment of the Commissioner of Neighborhood and Business Development

WHEREAS, the Mayor has appointed Gary M. Kirkmire to the position of Commissioner of Neighborhood and Business Development, 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 Gary M. Kirkmire as Commissioner of Neighborhood and Business Development.

This resolution shall take effect immediately.

HELD IN COMMITTEE

The meeting was adjourned at 8:59 p.m.

HAZEL L. WASHINGTON
City Clerk

ROCHESTER CITY COUNCIL

REGULAR MEETING

September 17, 2019

Present –President Scott, Councilmembers Clifford, Gruber, Harris, Lightfoot, Ortiz, Patterson, Spaul – 8.

Absent – Councilmember Evans -1

President Scott requested the Council to rise for a Moment of Silence.

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

Retirement:

DES:

- *Peter Koch
- *Dale Willey

ECD:

Creacy Clowers-Coleman

RFD:

*Andrew Bleier

RPD:

*Carlos De Jesus

**Not attending meeting*

APPROVAL OF THE MINUTES

By Councilmember Harris

RESOLVED, that the minutes of the Regular Meeting on August 20, 2019 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The Mayor submits the following:

- Quarterly Reports – Delinquent Receivables – June 30, 2019. – 4313-19
- Quarterly Reports – NBD Grants Report – June 30, 2019. – 4314 -19

The Council submits Disclosure of Interest Forms from Councilmember Ortiz on Int. No. 308.

THE COUNCIL PRESIDENT --- RECEIVED AND FILED.

REPORTS OF STANDING COMMITTEES
AND ACTION THEREON

By Councilmember Clifford
September 17, 2019

To the Council:

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

- Int. No. 305 Authorizing the cancellation or refund of erroneous taxes charges
- Int. No. 306 Amending Local Improvement Ordinance No. 1758 relating to the operation and maintenance of neighborhood commercial and residential parking lots

Int. No. 327

Amending the 2018-19 Budget for year-end Budget transfers.

Respectfully submitted,
 Malik Evans
 Molly Clifford
 Michael A. Patterson
 Willie J. Lightfoot
 Loretta C. Scott
 FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Re: Ordinance No. 2019-276
 Cancellation or Refund of Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$69,886.80.

The demolition charge for 732 Portland Avenue was inadvertently added to tax at the direction of the Law Department. 732 Portland Avenue was sold at the City of Rochester below lien foreclosure sale and at that time the deed had not been recorded to indicate a change of ownership. The demolition charge should have been cancelled in the general billing system after the deed was recorded because the demolition occurred before the sale of the Property.

When determining what fines should be held from being added to the tax bill for 300 Pennsylvania Avenue, we reviewed the 2018 Housing Code and Get Tough ticket report depicting properties with open balances and current ownership. The report advised that a deed change for 300 Pennsylvania Avenue was the result of a deed correction and we were advised that fines should be added when a correction deed is filed. In this instance, we were not informed that the correction was merely an address change and that there is no relationship between the former and new owners. Therefore, the fines should have been held from being added to the tax bill for 300 Pennsylvania Avenue. Once the Code Violation charges have been removed, the fines will be sent to the collection agency.

If these cancellations are approved, total cancellations thus far for 2019-20 will be as follows:

	<u>Accounts</u>	
City Council	6	\$113,970.25
Administrative	<u>6</u>	<u>\$3,693.52</u>
Total	12	\$117,663.77

These cancellations represent 0.0452% of the tax receivables as of July 1, 2019.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-161

Ordinance No. 2019-276
 (Int. No. 305)

Authorizing the cancellation or refund of erroneous taxes and charges

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

Section 1. The City Treasurer is authorized to cancel the following taxes and charges:

	S.B.L. #	Class	Address	Tax Year	Amount Cancelled	Subtotal
(A)	106.27-1-2	N	732 Portland Ave	2020	\$50,236.80	\$50,236.80
(B)	106.60-2-34	H	300-302 Penn-sylvania Ave	2020	\$19,650.00	\$19,650
					TOTAL	\$69,886.80

- (A) The City incurred costs to demolish structures at 732 Portland Avenue prior to the sale of the property at a City of Rochester below lien foreclosure sale. At the time of the add-to-tax process that followed the sale, the demolition charges were mistakenly added to the tax bill at the direction of the Law Department because the foreclosure sale deed had not yet been recorded to indicate a change of ownership. The demolition charges should have been cancelled in the general tax billing system after the sale deed was recorded because the demolition charges were incurred under a prior owner.
- (B) When the 2018 Housing Code and Get Tough ticket report (HC/GT), which indicates open violation ticket balances and the current ownership, was consulted for 300-302 Pennsylvania Avenue, it indicated that there were outstanding ticket charges and that there had been a deed change that was the result of a deed correction. Rather than treat the deed change as indicative of a change in ownership and remove the prior owner's charges, the Municipal Code Violations Bureau added the ticket charges to the bill based on advise to do so when a mere correction deed is filed. In this instance, however, the Bureau had not been informed that the correction deed was correcting a prior deed that had actually transferred the property to a new owner. There is no relationship between the prior and new owner. The violation ticket charges incurred under a prior owner should not have been added to the tax bill for this property and should be removed. Once that occurs, the charges will be sent to the collection agency to seek recovery from the prior owner.

Section 2. If full or partial payment of the afore-said taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1760
Re: Various Agreements for Operation and Maintenance of Special District Assessment Parking Lots

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation authorizing the City to enter into one one-year agreements with various contractors for operation and maintenance of each of the special assessment district parking lots during 2019-2020.

Special Assessment District parking lots established by City Council in 1979 include: Culver/Merchants, Monroe Avenue/Oxford Square Lot, North Street, Lyell Avenue and Woodside/Goodwill. A sixth lot was created in 2011-2012 for Mt. Hope in the College town district. Annual operating and maintenance costs of the areas are assessed against all properties within the district according to their respective parking space requirements.

LIO 1758 establishes the 2019-20 assessment amounts for each of the six districts but does not authorize agreements for operation and maintenance of each district. The assessments reflect the cost of snow plowing, cleaning, landscaping, maintenance, lighting and parking regulation enforcement. The operation and maintenance services are provided either by private companies under contract to the City or by the property owners themselves. It is impractical to go out to bid due to the direct involvement of each contractor to each respective lot. The total appropriation for 2019-2020 and associated contractors are:

Lot Name	19-20 Budget	Contractor
Lyell Avenue	\$9,803.00	The Appliance Store
Monroe Avenue/Oxford Street	\$16,200.00	Thomas Adams
Woodside Street/Goodwill Street	\$14,925.00	Dominic C Zicari
Culver Road/Merchants Road	\$9,810.00	Culver Merchants Business Association, Inc.
North Street	\$11,700.00	Domicello
Mt Hope Avenue	\$1,000.00	No contractor
Sub-total	\$63,438.00	
Rollover Untaxed		
Monroe Ave/Oxford St	-\$3,500.00	
Total	\$59,938.00	

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-162

Local Improvement Ordinance No. 1760
(Int. No. 306)

Amending Local Improvement Ordinance No. 1758 relating to the operation and maintenance of neighborhood commercial and residential parking lots

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

Section 1. Local Improvement Ordinance No. 1758 approved in May 2019, which authorized the assessment and appropriation of funds for 6 special assessment district parking lots, is hereby amended so that Sections 3 and 4 thereof shall read as follows:

Section 3. It is hereby determined that it is impracticable to have the work described herein done by competitive contract. Therefore, contracts for the work described herein may be awarded to such qualified persons or neighborhood associations as may be selected from those located in or adjacent to the aforementioned special assessment districts.

~~Section 3~~ 4. This ordinance shall take effect on July 1, 2019.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-277
2018-19 Year-End Budget Amendment

Council Priority: Deficit Reduction and Long Term Financial Stability

Transmitted herewith for your approval is legislation amending the 2018-19 Budget as follows:

1. Transfers of appropriations totaling \$732,900 from the Contingency Account to Cash Capital.
2. Transfers of appropriations totaling \$1,467,100 from Undistributed to Cash Capital.
3. Appropriation of unanticipated revenues totaling \$75,800 to increase the budget of City Council and Clerk.

The appropriation transfers are authorized pursuant to Section 6-13 of the City Charter. The appropriation of unanticipated revenues is authorized by section 6-14.

The City Council has previously authorized 43 other amendments to the 2018-19 Budget. These amendments reflect 2 appropriation transfers and 42 appropriation increases based upon the receipt of additional revenues.

Actual receipts and expenditures for 2018-19 will be audited by the City's external auditors, Freed, Maxick, and Battaglia. The proposed amendments are required to complete the audit process and ensure adherence to Section 6-16 of the City Charter, which prohibits expenditures in excess of authorized appropriations.

The proposed total increase of \$2,200,000 to the Cash Capital allocation is to fund capital projects as follows:

1. \$500,000 in additional funding to purchase equipment in conjunction with changes to the County radio system;
2. \$500,000 for renovations to the McGuire Building to continue the development of the Rochester Community & Youth Sports Complex;
3. \$450,000 for additional funds needed for the construction of the ROC City Skate Park
4. \$350,000 in additional funding to support the La Marketa Project;
5. \$250,000 for additional funds for improvements to the Clinton Baden R-Center; and
6. \$150,000 towards the construction of a boat launch on the West River Wall as part of Roc the Riverway.

The additional expense in City Council and Clerk resulted from the primary that was moved from September, 2019 to June, 2019. The cost of this special election has already been reimbursed by Monroe County.

The City Senior Management Team effectively managed their 2018-19 operating budgets, with actual spending less than 2018-19 Budget allocations. Savings resulted from personnel vacancies and associated fringe benefit expense. There was also savings available from lower than expected motor equipment expense including fuel prices, utility expense, and other costs including professional fees.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-277
(Int. No. 327)

Amending the 2018-19 Budget for year-end Budget transfers

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

Section 1. Ordinance No. 2018-157, the 2018-19 Budget of the City of Rochester, as amended, is hereby further amended by transferring the total sum of \$2,200,000 to Cash Capital from the following accounts:

- a) \$732,900 from Contingency; and
- b) \$1,467,100 from Undistributed Expenses.

Section 2. Ordinance No. 2018-157, the 2018-19 Budget of the City of Rochester, as amended, is hereby further amended by appropriating unanticipated revenues in the amount of \$75,800 to the Budget of City Council and Clerk.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Patterson
September 17, 2019

To the Council:

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

- Int. No. 307 Authorizing the sale of real estate
- Int. No. 308 Authorizing appropriations and agreements for the Zombie and Vacant Property Remediation and Prevention Initiative – Round II
- Int. No. 309 Amending Ordinance No. 2018-263 with regard to the Street Liaison Program
- Int. No. 310 Amending Ordinance No. 2019-85 relating to a loan agreement for the Southeast Towers Rehabilitation Project
- Int. No. 311 Authorizing ~~the assumption of debt, amending of~~ loan agreements and payments in lieu of taxes agreement for the St. Bernard’s affordable senior rental development, **as amended**

Respectfully submitted,
Michael A. Patterson
LaShay D. Harris
Jacklyn Ortiz
Willie J. Lightfoot
Loretta C. Scott
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-278
Re: Sale of Real Estate

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation approving the sale of five properties. City records have been checked to ensure that 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 five properties are unbuildable vacant lots, being sold for \$1.00 (as per City policy) to the adjacent owners who will combine the lots with their existing properties for additional green space/garden usage.

The first year projected tax revenue for these five properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$1,111.

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

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-163

Ordinance No. 2019-278
 (Int. No. 307)

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 negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00 to the owner of an adjoining property:

Address	SBL#	Lot Size	Sq.Ft.	Purchaser
South Portion 86 Eiffel Pl	091.80-4-60	35 x 87	3,045	Cassandra Flores
577 Frost Ave	120.67-1-6	29 x 115	3,335	King Stephen Real Estate Holdings, LLC
556 Hague St	105.72-1-18	38 x 78	2,964	Betsaida Gonzalez
32 Lenox St	120.67-1-29	35 x 100	3,599	Michael F. Ialeggio
1149 Maple St	120.31-1-5	2 x 130	396	Waltbert Company, LLC

Section 2. 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 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Re: Ordinance No. 2019-279
 Agreements with Volunteer Legal Services Project of Monroe County, Inc., and Flower City Habitat for Humanity, Inc. (on behalf of the Monroe County Vacant and Abandoned Property Task Force) - Local Initiatives Support Corporation, Zombie and Vacant Property Remediation and Prevention Initiative – Round II

Council Priority: Rebuilding and Strengthening Neighborhood Housing; Creating and Sustaining a Culture of Vibrancy; Public Safety

Transmitted herewith for your approval is legislation related to the City’s Zombie and Vacant Property Remediation and Prevention Initiatives. This legislation will:

3. Appropriate \$241,000 which represents the non-personnel related expenses of the Local Initiatives Support Corporation (LISC) Grant which was authorized by Ordinance No. 2019-222;
4. Establish \$50,000 as maximum compensation for an agreement with Volunteer Legal Services Project of Monroe County, Inc. (Principal, Tina Foster) to provide access to services for households where title issues or the lack of a will may contribute to a property becoming vacant or blighted;

5. Establish \$30,000 as maximum compensation for an agreement with Flower City Habitat for Humanity, Inc. (Matthew J. Flanigan, President and CEO) on behalf of the Monroe County Vacant and Abandoned Property Task Force to provide website development support so that the information collected by the Task Force can be used as a public education resource.

LISC is a national non-profit that helps cities and community partners with housing, economic development, and other community development activities. The closest office is in Buffalo, NY, and the Executive Director is Julie Barrett O'Neill. The proposed agreement with Volunteer Legal Services Project of Monroe County, Inc. will fulfill LISC's expectation for direct assistance to households at risk of probate and potential abandonment concerns for their property. In particular, Volunteer Legal Services Project of Monroe County, Inc. will provide will preparation clinics to assist households who own a home but do not currently have a will. A subgrantee, Empire Justice Center (Principal Kristin Brown), will directly work with households to facilitate the completion and closure of title and estate issues as well as leverage their considerable experience to assist with any related foreclosure concerns.

The proposed agreement with Flower City Habitat for Humanity Inc., on behalf of the Monroe County Vacant and Abandoned Property Task Force, will fulfill LISC's expectation that Monroe County will continue to enhance its efforts to educate and inform residents throughout Monroe County on the subject of vacant and abandoned properties by improving its website. Flower City Habitat for Humanity, Inc. is the fiduciary for the Task Force; therefore the agreement will be with them. The actual website development will be completed by a consultant chosen by the Task Force. A list of the Task Force members is attached.

Both agreements will be funded from the appropriation listed in number one above, and each will have a term of two years. Justification Statements for not issuing Requests for Proposals for these two agreements are also attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-164

Ordinance No. 2019-279
(Int. No. 308)

Authorizing appropriations and agreements for the Zombie and Vacant Property Remediation and Prevention Initiative – Round II

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

Section 1. The sum of \$241,000 in anticipated reimbursements from the Local Initiatives Support Corporation grant authorized in Ordinance No. 2019-222 is hereby appropriated for non-personnel related expenses to implement the Zombie and Vacant Property Remediation and Prevention Initiative – Round II (the Initiative).

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with Volunteer Legal Services Project of Monroe County, Inc. to provide access to legal services for households impacted by property title issues or the lack of a will that may contribute to the blighting or abandonment of real property. The maximum compensation for the agreement in the amount of \$50,000 shall be funded from the Initiative funds appropriated in Section 1 of this ordinance. The term of the agreement shall be for two years.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement with Flower City Habitat for Humanity, Inc. to provide website development support to the Monroe County Vacant and Abandoned Property Task Force so that the information collected by the Task Force can be used as a public education resource for the Initiative. The maximum compensation for the agreement in the amount of \$30,000 shall be funded from the Initiative funds appropriated in Section 1 of this ordinance. The term of the agreement shall be for two years.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-280
Street Liaison Program Technical Amendment

Transmitted herewith for your approval is legislation amending Ordinance No. 2018-263, adopted in August 2018, which authorized funding and implementation agreements for the City's Street Liaison Program. At the request of the NYS Department of State, the term of its agreement, to provide \$5,000 in funding for street liaison services for the city's Southeast Quadrant, is extended one additional year to June 30, 2020. The state is requesting the extension because of an unavoidable delay on its end to process payment to the city by the original deadline.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-280
(Int. No. 309)

Amending Ordinance No. 2018-263 with regard to the Street Liaison Program

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

Section 1. Section 2 of Ordinance No. 2018-263, which authorizes agreements for the City's Street Liaison Program, is hereby amended to read as follows:

Section 2. The Mayor is hereby authorized to enter into an agreement with the New York State Department of State for receipt and use a New York State Assembly Member Item grant in the amount of \$5,000, which is hereby appropriated to the Program. The term of the agreement shall continue through June 30, 2020.

Section 2. Section 4 of Ordinance No. 2018-263 is hereby amended to read as follows:

Section 4. The term of each agreement, except for the agreements authorized in Section 2 and Section 3(c), shall continue to June 30, 2019.

Section 3. This ordinance shall take effect immediately.

Underlining indicates new text.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-281
Re: Amending Ordinance No. 2019-85 – Loan Agreement, Southeast Towers

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation amending Ordinance No. 2019-85, to extend the term of the loan authorized therein from thirty years to fifty years, and replace the Cash component of the loan with 2019-20 HOME dollars. Specifically, this legislation will amend Ord. No. 2019-85 as follows, to:

- 1) Cancel the appropriation of \$92,165.68 of Cash Capital (\$51,791.62 of 2015-16 Cash Capital and \$40,374.06 of 2018-19 Cash Capital) and \$288,224.32 from the Housing Revolving Loan Fund (total of \$380,390);
- 2) Appropriate \$380,390 of HOME funds from the Affordable Housing Fund allocation of the 2019-20 Housing Development Fund, to replace the cancelled funding and fully fund the \$1,400,000 City loan with HOME dollars; and,
- 3) Extend the term of the loan from thirty to fifty years. All other terms of the loan will remain the same.

Ordinance No. 2019-85 authorized a loan of \$1,400,000 to Conifer Realty, LLC (Timothy Fournier, Chairman & CEO) or an affiliated partnership or housing development fund corporation formed by Conifer for the rehabilitation of Southeast Towers. A payment in lieu of taxes (PILOT) agreement was also authorized for the project, and all terms of the PILOT remain unchanged. The extended loan term is needed to conform to tax-credit financing requirements, and to prevent a potential loss of capital from tax-credit equity. Changing the loan composition to all HOME funds is necessary as this is the only funding source available to the City that can be loaned for the requested fifty (50) year term. The extended loan term also extends the City's regulatory agreement, ensuring that the units will remain affordable for the same period of time. The modified loan was recommended for approval by the Loan Review Committee on August 21, 2019.

The project will meet the City's Minority and Women Owned Business Enterprises (MWBE) and Workforce goals; with a combined goal of 30% for MBE/WBE firms and workforce attainment of 6.9% women, 20% minorities, and 25% City residents.

A State Environmental Quality Review (SEQR) was completed, and a Negative Declaration was issued on April 16, 2019. The National Environmental Policy Act (NEPA) review is completed, and HUD issued authority to use HOME grant funds on April 19, 2019.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-281
(Int. No. 310)

Amending Ordinance No. 2019-85 relating to a loan agreement for the Southeast Towers Rehabilitation Project

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

Section 1. Ordinance No. 2019-85 is hereby amended to read in its entirety as follows:

Ordinance No. 2019-85

Authorizing payment in lieu of taxes and loan agreements for the Southeast Towers Rehabilitation 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 payment in lieu of taxes agreement (PILOT agreement) for the Southeast Towers Rehabilitation Project at 463 East Broad Street (SBL # 121.33-1-3.001) (the Project) with Conifer Realty, LLC or an affiliated partnership or housing development fund corporation to be formed by Conifer for the Project (collectively, the Developer). The PILOT agreement shall provide that the Project remain entitled to a real property tax exemption for 30 years, 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. Said agreement and the associated real property tax exemption shall cease prior to the end of the 30-year term if and when the Project is no longer operated for the purpose of providing affordable housing in substantial compliance with Article 11 of the NYS Private Housing Finance Law.

Section 2. The Mayor is hereby authorized to enter into a loan agreement with the Developer for construction and permanent financing of the Project. The loan shall be in the amount of \$1,400,000, which shall be funded from the amounts appropriated in Section-4.3 herein. The loan agreement shall have a term that extends to ~~30~~ 50 years following completion of Project construction. The loan shall function initially as a 2% construction loan with interest-only payments due annually until construction is complete, whereupon it shall convert to permanent financing with a term of ~~30~~ 50 years that is subject to an annual interest rate of 2% that is payable annually, contingent on the Project having sufficient cash flow. The repayment of the loan principal and any unpaid interest shall be due at the end of the loan term. The Director of Finance is hereby authorized to adjust the loan interest rate and other terms and conditions in order to conform to requirements for Project tax credits and other legal requirements.

~~Section 3. The sum of \$92,165.68 from the following sources is hereby appropriated to the Housing Revolving Loan Fund: \$51,791.62 from 2015-16 Cash Capital and \$40,374.06 from 2018-19 Cash Capital.~~

Section-4.3. The sum of \$1,400,000 from the following sources is hereby appropriated as principal for the Project loan authorized herein:

- a) \$1,019,610 from the Housing Development Fund - Affordable Housing Fund account in the Consolidated Community Development Plan/2018-19 Annual Action Plan; and
- b) \$380,390 from the Housing Development Fund - Affordable Housing Fund account in the Consolidated Community Development Plan/2019-20 Annual Action Plan.

Section-5.4. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate. The Mayor is hereby authorized to execute such other agreements and other documents as may be necessary to effectuate the agreements authorized herein.

Section-6.5. This ordinance shall take effect immediately.

Section 2. The sum of \$380,390, which was previously appropriated by Ordinance No. 2019-85 as a portion of the principal for a loan to finance the Southeast Towers Rehabilitation Project, is hereby returned and re-appropriated in the amounts of \$51,791.62 to 2015-16 Cash Capital, \$40,374.06 to 2018-19 Cash Capital, and \$288,224.32 to the Housing Revolving Loan Fund.

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-282
Re: St. Bernard's Apartments – Affordable Senior Rental Project

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the St. Bernard’s Apartments development project, an affordable-housing rehabilitation and preservation project of the existing St. Bernard’s affordable senior rental project (St. Bernard’s I & II) located at 2260, 2280 and 2300 Lake Avenue in northwest Rochester. The project is being undertaken by CB-Emmanuel Realty, LLC (Benathan Upshaw and R. Christopher Bramwell Jr, Principals; located in Queens Village, New York) and their development consultants, Edgemere Development (John Oster Sr. and Stephanie Benson, Principals). In anticipation of the project proposed at this time Ordinance No. 2018-393, approved on December 18, 2018, authorized the assumption of City of Rochester debt, amendment of existing HOME loan agreements, and a payment in lieu of taxes agreement for a three year period. The requirements of that ordinance have been satisfied, and CB-Emmanuel Realty, LLC has applied for funding sufficient to proceed with the project.

This legislation will:

- 1) Authorize a loan agreement in the amount of \$600,000 for a construction/permanent loan with CB-Emmanuel Realty, LLC or an affiliated partnership or housing development fund corporation to be formed for the project, and appropriate the same amount of HOME funds from the Affordable Housing Fund allocation of the 2019-20 Housing Development Fund to fund the loan.

The loan will serve initially as a 2% construction loan payable annually, then at conversion to permanent financing become a 40-year, 2% interest-only, cash-flow contingent loan payable annually with the principal payment and any unpaid accrued interest due at the end of the 40-year term. The City’s Loan Review Committee approved the \$600,000 loan on August 21, 2019.

- 2) Authorize property tax exemptions and a payment-in-lieu of taxes agreement for the St. Bernard’s Apartments project, which will provide a thirty (30) year exemption for an annual in-lieu payment equal to 10% of the project shelter rents (gross rents minus utility costs). The PILOT will have the option to extend for an additional ten years, provided the properties continue to have mortgages on them. The PILOT Review Committee approved the PILOT on August 1, 2019.
- 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 Director of Finance 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.

St. Bernard’s Phases I and II (St. Bernard’s Apartments) Senior Affordable Housing Development has provided affordable housing since 1998 and 2002, respectively, while being managed as one rental community of 147 apartments, serving households at 40%, 50% and 60% of Area Median Income (AMI). See chart below.

**Fiscal Year (FY) 2019
HUD Regulations, Median Family Income (MFI) Income Limits
Rochester, MSA-MFI \$75,700/family of 4**

Family Size	40%	50%	60%
1	21,200	26,500	31,794
2	24,220	30,300	36,336
3	27,260	34,050	40,878
4	30,280	37,850	45,420
5	32,700	40,900	49,054
6	35,120	43,900	52,687
7	37,540	46,950	56,321
8	39,960	49,950	59,954

[For each person in excess of eight, the four-person income limit should be multiplied by an additional eight percent (.08)].

The development team has finalized their plans for St. Bernard’s and have applied for funding sufficient to refinance, rehabilitate and add thirteen (13) additional apartments, bringing the total number of apartments in the community to 160. Upon completion, the unit mix will be comprised of 14 studios, 120 one-bedrooms, and 26 two-bedroom apartments, and will continue to be targeted to households with incomes at up to 40%, 50% or 60% of AMI.

Rehabilitation of St. Bernard’s Apartments will focus on energy efficiency, accessibility, and extending the property’s useful life. The proposed work scope will include conversion of existing commercial space into 13 additional apartments, installation of solar panels; roof replacement; upgrades to kitchens and bathrooms; installation of high-efficiency plumbing and electric fixtures; HVAC optimization, accessibility improvements; universal design elements; and energy efficiency upgrades in general. This work will to continue to sustain affordable senior rental housing at this site for an additional 40 years.

The City’s existing HOME Loans for St. Bernard’s phases I and II will be paid off at the time of refinance. The funding sources and uses for the project are summarized below:

<u>Uses</u>		<u>Permanent Sources</u>	
Land Acquisition	\$5,609,912	HFA/Tax Exempt Bonds	\$1,300,000
Soft Costs	\$3,710,310	HCR/Sr Housing Funds	\$10,341,623
Construction	\$13,727,436	Housing Trust Fund Mortgage	\$2,011,216
Contingency	\$1,372,744	Tax Credit Equity	\$11,813,310
Development Fee	\$2,818,250	City of Rochester	\$600,000
Reserves	\$446,319	Interim Construction Income	\$200,000
Working Capital	\$93,500	Existing Reserves	\$538,666
TOTAL	\$27,778,471	Deferred Developer Fee	\$508,346
		Seller Note	\$345,127
		Accrued Const. Interest	\$64,383
		Solar Grant Incentives	\$55,800
		TOTAL	\$27,778,471

The project is anticipated to begin construction in October 2019 and be completed in the spring of 2021. It will fulfill an obligation of 30% M/WBE contracts (for City and State funds) and workforce goals of 6.9% women and 20% minorities, as well as 25% city residents.

A State Environmental Quality Review for the project was completed July 12, 2019, and it was classified as Type II, with no further action required. A National Environmental Policy Act (NEPA) review is underway and will be completed prior to entering into any agreements for the St. Bernard’s Apartments project.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-165

Ordinance No. 2019-282
 (Int. No. 311, as amended)

Authorizing the assumption of debt, amending of loan agreements and payments in lieu of taxes agreement for the St. Bernard’s affordable senior rental development

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 CB-Emmanuel Realty, LLC or an affiliated partnership or housing development fund corporation to be formed for the purpose (collectively, the Redeveloper) for construction and permanent financing for rehabilitating and preserving an existing affordable housing rental project for seniors known as St. Bernard’s I and II located at numbers 2260, 2280 and 2300 Lake Avenue (collectively, the Project). The loan shall be in the amount of \$600,000, which amount is hereby appropriated for that purpose from the Housing Development Fund - Affordable Housing Fund account in the Consolidated Community Development Plan/2019-20 Annual Action Plan. The loan agreement shall have a term that extends to 40 years following completion of Project construction. The loan shall function initially as a 2% construction loan with interest-only payments due annually until construction is complete, whereupon it shall convert to a 2% permanent financing loan with interest-only payments due annually, contingent on the Project having sufficient cash flow, for a term of 40 years. The repayment of the loan principal and any unpaid interest shall be due at the end of the loan term. The Director of Finance is hereby authorized to adjust the loan interest rate and other terms and conditions in order to conform to requirements for Project tax credits and other legal requirements.

Section 2. The Mayor is hereby authorized to enter into a payment in lieu of taxes agreement (PILOT agreement) for the Project with St. Bernard’s Associates, L.P., St. Bernard’s II Associates, L.P., the Redeveloper, and/or an affiliated partnership or housing development fund corporation formed for the Project. The PILOT agreement shall provide that the Project will be entitled to a real property tax exemption for up to 30 years, provided that the Project remains in use as affordable senior rental housing and provided that there annual payments in lieu of taxes are made to the City of Rochester equal in total to 10% of the Project’s annual "shelter rent," a phrase which refers to the amount of gross rents less utility costs. The agreement shall include an option to extend the term of the PILOT up to ten additional years if the Project properties continue to be mortgaged to the New York State Housing Finance Agency.

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

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

By Councilmember Gruber
September 17, 2019

To the Council:

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

- Int. No. 312 Authorizing an agreement for the Campbell Street R-Center Gateway
- Int. No. 313 Authorizing an agreement for Genesee Valley Park Pool and Ice Rink upgrades
- Int. No. 314 Amending Ordinance No. 2018-273 relating to the Mortimer Street Bus Shelter Relocation Project, **as amended**
- Int. No. 315 Authorizing an agreement for an organics composting feasibility study
- Int. No. 316 Amending the Municipal Code with respect to bicycle riding and bike lanes

Respectfully submitted,
Mitch Gruber
Malik Evans
Elaine M. Spaul
Willie Lightfoot
Loretta C. Scott
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-283
Re: Agreement – Laland Baptiste, LLC Campbell Street R-Center Gateway

Transmitted herewith for your approval is legislation related to the Campbell Street R-Center Gateway project located at 524 Campbell Street. This legislation will establish \$90,000 as maximum compensation for a professional services agreement with Laland Baptiste, LLC (Schillivia Baptiste P.E., Chief Executive Officer), Rochester, NY 14614 for Resident Project Representation (RPR) services. The cost of the agreement will be financed from 2014-15 Community Development Block Grant funds as appropriated in Ordinance No. 2017-69.

This project includes landscape improvements and new public pedestrian pathways onto the grounds from adjacent streets. New drainage and sports fields are also incorporated.

Laland Baptiste, LLC was selected through a request for proposal process, which is described in the attached summary. The agreement shall extend until three months after completion of the two year guarantee inspection of the project.

Construction is anticipated to begin in the spring of 2020 and continue until the summer of 2020. The project will result in the creation and/or retention of the equivalent of 1 full-time job.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-166

Ordinance No. 2019-283
(Int. No. 312)

Authorizing an agreement for the Campbell Street R-Center Gateway

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 Laland Baptiste, LLC to provide resident project representation services for the Campbell Street R-Center Gateway project (the Project). The maximum compensation for the agreement shall be \$90,000, and said amount or so much thereof as may be necessary, shall be funded from the Infrastructure Improvements allocation of the General Community Needs Fund of the 2014-15 Community Development Block Grant as appropriated in section 2 of

Ordinance No. 2017-69. The term for the agreement shall continue until three months after completion of a two year guarantee inspection of the Project work.

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. 2019-284
Re: Genesee Valley Park Pool and Ice Rink Upgrades

Council Priority: Jobs and Economic Development and Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to Genesee Valley Park Pool and Ice Rink Upgrades. This legislation will establish \$200,000 as maximum compensation for a professional services agreement with Passero Associates, Engineering, Architecture & Surveying, D.P.C. (John Caruso P.E., Chief Executive Officer) Rochester, NY, for design services.

The agreement includes design services for the renovation of Genesee Valley Park Pool and Ice Rink Building. These renovations include roof restoration, pool deck replacement, site renovations and exterior site lighting upgrades. The cost of the agreement will be funded from 2018-19 Cash Capital.

Passero Associates, Engineering, Architecture & Surveying, D.P.C. was selected for design services through a request for proposal process which is described in the attached summary. The agreement shall extend until three months after the two-year guarantee inspection of the project.

Design phase services will commence in late 2019. Construction is anticipated to begin in 2021. The agreement will result in the creation and/or retention of the equivalent of 2.1 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-167

Ordinance No. 2019-284
(Int. No. 313)

Authorizing an agreement for Genesee Valley Park Pool and Ice Rink upgrades

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 Passero Associates, Engineering, Architecture & Surveying, D.P.C. for design services for the renovation of the Genesee Valley Park Pool and Ice Rink Building. The maximum compensation for the agreement shall be \$200,000, which shall be funded from 2018-19 Cash Capital. The term of the agreement shall extend until three months after the 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. 2019-285
Re: Amending Ordinance No. 2018-273 – Authorizing the Sale of Easements for the Mortimer Street Bus Shelter Relocation Project

Transmitted herewith for your approval is legislation amending Ordinance No. 2018-273, which authorized the sale of a permanent easement over a portion of the Mortimer Street Garage located at 83 Mortimer Street to Rochester Genesee Regional Transportation Authority (RGRTA) to allow RGRTA to relocate three sidewalk bus shelters further away from the street.

This easement is being amended to provide for the installation of drainage piping and incidentals to connect the roof of the bus shelter to the existing drainage system within the Mortimer Street Garage.

The proposed revision to the permanent easement area is de minimis and has no discernable impact to the value of the permanent easement that was previously determined through an independent appraisal prepared by Bruckner, Tillett, Rossi, Cahill & Associates.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-168

Ordinance No. 2019-285
(Int. No. 314, as amended)

Amending Ordinance No. 2018-273 relating to the Mortimer Street Bus Shelter Relocation Project

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

Section 1. Section 1 of Ordinance No. 2018-273, authorizing the sale of a permanent easement over a portion of the Mortimer Street Garage to Rochester Genesee Regional Transportation Authority (RGRTA) in order to relocate three sidewalk bus shelters further away from the street, is hereby amended to provide for the installation of drainage piping to connect the roof of the bus shelter to the existing drainage system within the garage so as to read as follows:

Section 1. The Council hereby approves the sale of a permanent easement over a portion of the City's Mortimer Street Garage property located at 83 Mortimer Street (SBL# 106.79-1-55.42) to Rochester Genesee Regional Transportation Authority (RGRTA) in order to allow RGRTA to relocate three sidewalk bus shelters further away from the street (the "Project"). The sale price shall be \$4,400 and the permanent easement shall encompass:

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Rochester, County of Monroe, State of New York, being more particularly bounded and described as follows:

Commencing at the point of intersection of the southerly bounds of Mortimer Street (36 61 Feet Wide) with the westerly bounds of North Clinton Avenue (66 Feet wide); said point having New York State Plane West Zone (NAD 83) coordinates N: 1,152,250.51 E: 1,408,807.72, thence along the said southerly bounds of Mortimer Street South 72°-20'-27" West 15.93 feet to the POINT OF BEGINNING, said point being 5 +/- feet off the easterly face of the column, thence through the land reputedly of The City of Rochester (TA # 106.79-1-55.42) the following courses;

1. South 17°-39'-33" East, a distance of 5.76 feet to a point on a line 2+/- feet off the southerly face of the columns, thence
2. South 72°-20'-27" West, on a line 2+/- feet off the southerly face of the columns, a distance of 7.21 feet to a point on the westerly face of the columns; thence,
2. ~~South 72°-20'-27" West, a distance of 118.63 feet to a point on a line 5+/- feet off the westerly face of the column, thence~~
3. South 17°-39'-33" East, on the westerly face of the columns, a distance of 50.82 feet to a point; thence,
3. ~~North 17°-39'-33" West, a distance of 5.76 feet to a point on the southerly bounds of Mortimer Street; thence along said bounds~~
4. South 72°-20'-27" West, a distance of 2.00 feet to a point on a line 2+/- feet off the westerly face of the columns; thence,
4. ~~North 72°-20'-27" East, a distance of 118.63 to the POINT OF BEGINNING\~~
5. North 17°-39'-33" West, on a line 2+/- feet off the westerly face of the columns, a distance of 50.82 feet to a point on a line 2+/- feet off the southerly face of the columns; thence,
6. South 72°-20'-27" West, on a line 2+/- feet off the southerly face of the columns, a distance of 109.42 feet to a point on a line 5+/- feet off the westerly face of the columns; thence,
7. North 17°-39'-33" West, a distance of 5.76 feet to a point on the southerly bounds of Mortimer Street; thence,
8. North 72°-20'-27" East, along said southerly bounds, a distance of 118.63 to the POINT OF BEGINNING.

Said parcel containing 0.018 acres ~~0.016+- aere~~, more or less as shown on a map entitled “Map of Proposed Permanent and Temporary Easements, City of Rochester, County of Monroe, State of New York” prepared by Bergmann Associates, Project No.12636.00, dated March 22, 2018, ~~last revised August 209, 2019, and Project No.012636.00~~

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Re: Ordinance No. 2019-286
Professional Services Agreement – Organics Composting Feasibility Study

Transmitted herewith for your approval is legislation authorizing a professional services agreement in the amount of \$80,000 with LaBella Associates, D.P.C. (Sergio Esteban, Chief Executive Officer) Rochester, NY 14614 for services related to the development of a feasibility study for the collection and composting of source separated organics (food waste) in the city.

The cost of the agreement will be financed from \$40,000 in New York State Department of Environmental Conservation (NYSDEC) Municipal Food Scraps Reduction, Food Donation, and Food Scraps Recycling Program grant funds appropriated in August 2019 via Ordinance No. 2019-266, and \$15,000 fiscal year 2015-2016 and \$25,000 fiscal year 2016-2017 cash capital from the Department of Environmental Services.

Conducting this study will assist the City in evaluating the feasibility, including potential means and methods, of organics recycling (composting) in the city. The composting of organics will reduce the amount of food waste going to the landfill and result in lower greenhouse gas emissions in accordance with the City of Rochester Community-wide Climate Action Plan.

In February 2019, the City’s Office of Energy and Sustainability solicited proposals to conduct a feasibility study for the collection and composting of source separated organics and four companies responded. LaBella Associates, D.P.C. was selected based on the experience and expertise of the proposed project team, its ability to meet the City’s schedule, and the quality and cost of its proposal.

The agreement will have an initial term of two years with provisions for a renewal for an additional one-year period based on mutual written agreement. The feasibility study is expected to be completed by June 2021.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-169

Ordinance No. 2019-286
(Int. No. 315)

Authorizing an agreement for an organics composting feasibility study

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. for development of a feasibility study for the collection and composting of food waste. The maximum compensation for the agreement shall be \$80,000, which shall be funded from \$40,000 appropriated in Ordinance No. 2019-266, \$25,000 from 2016-17 Cash Capital and \$15,000 from 2015-16 Cash Capital. The term of the agreement shall be two years with the option to renew for an additional one-year period upon mutual agreement.

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:

Re: Ordinance No. 2019-287
Municipal Code Changes Related to Bicycles and Bike Lanes

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation amending the Municipal Code to update the regulations for bicycles and prohibit vehicle parking and standing in bike lanes.

Work has been underway to establish local regulations for electric bicycles and electric scooters in anticipation of New York State legalizing those modes of transportation. As proposed updates to the Municipal Code were being developed to incorporate regulations for electric bicycles and electric scooters, the need arose to modernize the regulations related to bicycle riding as well to better align with City priorities.

The legislation transmitted here will amend the Municipal Code to update bicycle riding regulations and prohibit vehicle parking and standing in bike lanes. These regulations support the City's efforts to continuously improve our transportation system so that it is safe and accessible for people of all ages and abilities. Stakeholder meetings were held with local organizations that work on transportation issues to review the proposed regulations, and feedback received was incorporated into the legislation.

The State Legislature approved legislation in June 2019 to regulate electric bicycles and electric scooters through amendments to the State Vehicle and Traffic Law. The legislation is awaiting Governor Cuomo's signature. The proposed local regulations related to electric bicycles and electric scooters will not be submitted to Council until the State legislation is signed since the changes to the Municipal Code will align with the State legislation and are contingent upon it being signed into law.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-287
(Int. No. 316)

Amending the Municipal Code with respect to bicycle riding and bike lanes

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

Section 1. Chapter 34 of the Municipal Code, Bicycles, as amended, is hereby further amended to:

- a. Revise Section 34-1, Definitions, to read as follows:

BICYCLE

~~Includes every device propelled by the feet acting upon pedals having wheels, any two of which are more than 16 inches in diameter. Every two or three wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a line or tricycle arrangement.~~

BIKE LANE

~~The portion of a roadway that has been delineated and marked for the use of bicycles, not including any lane specifically marked for the shared use of bicycles and motor vehicles.~~

CENTRAL TRAFFIC DISTRICT

~~The area bounded by the Inner Loop, North Union Street, South Union Street, Howell Street and Interstate 490, but shall exclude the Inner Loop, Interstate 490 and their respective frontages.~~

CYCLE TRACK

~~A pathway in the public right-of-way that is physically separated from motor vehicle traffic and distinct from the sidewalk and that is marked for the use of bicycles. A cycle track may be configured for one-way or two-way traffic.~~

- b. Revise Section 34-6, Regulations, to read as follows:

A. _____ (Reserved)

~~B. Bicycles shall not be ridden two or more abreast.~~

~~CA. Bicycle riding rules for persons 12 years of age or under. Unless accompanied by a rider over 18 years of age, children under 12 years of age or under shall ride bicycles, velocipedes or triicycles only on the sidewalk, cycle track, Genesee Riverway Trail or other multi-use trail, and must walk velocipedes or triicycles across all streets. Children under 12 years of age shall ride bicycles only on the sidewalk unless accompanied by a person over 18 years of age. Outside of the Central Traffic District, persons over 12 years of age may ride bicycles upon any multi-use trail or sidewalk but may not ride bicycles on any plot in the roadway planted with grass, flowers or shrubs or on any ornamental parkway in any roadway. Within the Central Traffic District, riding a bicycle on the sidewalk is prohibited except where the sidewalk is identified as part of the Genesee River Trail or other multi-use trail system. The prohibition against riding bicycles upon sidewalks in the Central Traffic District shall not apply to police officers in the performance of their duties.~~

B. Bicycle riding rules for persons over age 12. Persons over 12 years of age shall ride a bicycle either on a usable bike lane or cycle track or, if a usable bike lane or cycle track has not been provided, near the right-hand

curb or edge of the roadway or upon a usable right-hand shoulder in such a manner as to prevent undue interference with the flow of traffic except when preparing for a left turn or when reasonably necessary to avoid conditions that would make it unsafe to continue along the bike lane, cycle track or right-hand curb or edge of the roadway. Conditions to be taken into consideration as potentially unsafe include, but are not limited to, fixed or moving objects, motor vehicles, in-line skaters, pedestrians, animals or surface hazards. Within the Central Traffic District, persons over 12 years of age shall not ride a bicycle on the sidewalk except where the sidewalk is identified as part of the Genesee Riverway Trail or other multi-use trail system, or if riding with a child 12 years old or under, or if reasonably necessary to avoid unsafe conditions in a bike lane, cycle track or roadway. Outside of the Central Traffic District, persons over 12 years of age may ride bicycles upon the sidewalk, Genesee Riverway Trail or any multi-use trail. The prohibition against riding bicycles upon sidewalks in the Central Traffic District shall not apply to police officers in the performance of their duties.

C. Yield to pedestrians. The operator of a bicycle shall yield the right-of-way to pedestrians when using the sidewalk.

D. Riding in groups. Bicycles shall not be ridden more than two abreast upon a roadway. Persons operating bicycles upon a shoulder, bike lane, cycle track or sidewalk may ride more than two abreast if sufficient space is available. When passing a vehicle, bicycle, in-line skater or a pedestrian, persons operating bicycles shall ride single file.

DE. Passengers and towing. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. ~~Bicycle riders~~ The operators of bicycles shall not pull another person on skates, a skateboard or similar device and shall not pull or tow a sled, wagon or ~~another person on skates~~ other item unless by the use of a bicycle trailer, trailing bicycle or other device designed and intended to be connected to a bicycle for that purpose.

EF. Maintaining control. ~~Bicycle riders~~ Operators of bicycles must keep at least one hand on handlebars and both feet on pedals. The obligation to keep both feet on the pedals shall not apply to an operator who is unable to do so due to a condition or impairment that constitutes a disability within the meaning of federal, state or local law.

F. No person shall operate a bicycle equipped with handlebars so raised that the rider must elevate his or her hands above the level of his or her shoulders in order to grasp the normal steering grip area.

G. Bicycle riding by children under 12 years of age is forbidden in the Central Traffic District, unless accompanied by a person over 18 years of age.

H. When riding a bicycle on the sidewalk, bicycle riders shall yield the right-of-way to pedestrians.

Section 2. Chapter 111 of the Municipal Code, Vehicle and Traffic, as amended, is hereby further amended to add a new subsection to Section 111-24, Standing or parking prohibited in specified places, to read as follows:

E. _____ Within a bike lane, a cycle track or a trail designated for bicycles or mixed uses.

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

By Vice-President Lightfoot
September 17, 2019

To the Council:

The **PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

- Int. No. 317 Amending the 2019-20 Police Department Budget and appropriating federal forfeiture funds to purchase vehicles
- Int. No. 318 Authorizing a grant agreement and budget amendment for the Child Passenger Safety Program
- Int. No. 319 Authorizing an intermunicipal agreement with the County of Monroe for explosives storage
- Int. No. 320 Amending the 2019-20 Budget relating to the Gun Involved Violence Elimination grant

- Int. No. 321 Authorizing a grant agreement and budget amendment for the Flower City AmeriCorps program
- Int. No. 322 Authorizing a license agreement for the use of space in the Public Market
- Int. No. 323 Authorizing an agreement for the joint facility use of Clinton-Baden Community Center
- Int. No. 324 Authorizing an intermunicipal agreement with the County of Monroe for the Rochester-Monroe County Youth Bureau
- Int. No. 325 Amending Municipal Code §47-4 relating to commercial dealing in firearms, ammunition and explosives
- Int. No. 326 Authorizing an intermunicipal agreement with the Rochester City School District related to School Resource Officers

Respectfully submitted,
 Willie J. Lightfoot
 Mitch Gruber
 LaShay D. Harris
 Jacklyn Ortiz
 Loretta C. Scott
 PUBLIC SAFETY YOUTH & RECREATION COMMITTEE

Received filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2019-288
 Re: Appropriation of Forfeiture Funds –Vehicles for Special Investigations Section

Council Priority: Public Safety

Transmitted herewith for your approval is legislation appropriating \$110,000 from federal forfeited funds generated by the Police Department, and amending the 2019-20 Budget of the Police Department to reflect this amount.

These funds will be used to purchase two transport vans for RPD’s Special Investigations Section, which will transport employees to various trainings and work details. These vehicles will replace two vans that the Special Investigations Section currently owns and uses that are over 23 years old, have numerous mechanical issues, and would be extremely costly to repair. The Special Investigations Section is responsible for initiating certain investigations, participating in multi-jurisdictional task forces and coordinating enforcement action including, but not limited to: illegal drug trafficking, organized crime, illegal gambling, organized prostitution and pornography, illegal sale and distribution of alcohol and tobacco, and illegal firearms.

The appropriations requested this month will result in a balance of approximately \$820,000 in the federal forfeiture Justice fund.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Ordinance No. 2019-288
 (Int. No. 317)

Amending the 2019-20 Police Department Budget and appropriating federal forfeiture funds to purchase vehicles

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

Section 1. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Police Department by \$110,000 from funds to be received from the Federal Government from seized and forfeited assets. Said funds are hereby appropriated to purchase two transport vans for the Special Investigations Section.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-289
Re: Governor's Traffic Safety Committee, 2020 Child Passenger Safety Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing the receipt and use of \$2,400 from the New York State Governor's Traffic Safety Committee for a Child Passenger Safety grant, and amending the 2019-20 Budget of the Police Department by this amount.

The Governor's Traffic Safety Committee provides this funding to support the Police Department's efforts to ensure correct use of car child seats during the period of October 1, 2019 through September 30, 2020. Funding will be used for certification and continuing education of those officers teaching about safety seats at community-based, seat-checking events. A portion of the funds (\$200) may be used for the purchase of child safety seats.

This is the eighth year the Police Department has received this grant. During the first half of the current grant period (through March 31, 2019), 10 car seats were inspected. No matching funds are required.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-289
(Int. No. 318)

Authorizing a grant agreement and budget amendment for the Child Passenger Safety 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 Governor's Traffic Safety Committee for the receipt and use of \$2,400 in grant funds for the Child Passenger Safety Program, which funds are hereby appropriated for said purpose. The term of the agreement shall be from October 1, 2019 through September 30, 2020.

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

Section 3. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations of the Budget of the Police Department by the sum of \$2,400 to reflect the receipt of the funds authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-290
Re: Inter-municipal Agreement – Monroe County, Explosives Storage

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County and the Monroe County Sheriff's Office (MCSO) for the Rochester Police Department's (RPD's) use of the County facilities, at no cost, for storage of explosives.

Monroe County maintains and monitors a secure space in the Town of Chili for the storage of bulk explosives and explosives evidence. Co-locating RPD's storage bunkers, explosives, and explosives evidence at the County site provides several benefits for both agencies, including inter-agency cooperation; the immediate availability to each organizations' inventory in the event of an emergency; and maximized security which ensures greater monitoring of RPD's inventory.

The term of this agreement is October 1, 2019 through September 30, 2020, with the option to renew for two additional one-year periods.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-290
(Int. No. 319)

Authorizing an intermunicipal agreement with the County of Monroe for explosives storage

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 County of Monroe and the Monroe County Sheriff’s Office to enable the Rochester Police Department to use the Sheriff’s Office’s explosives storage facility. The term of this agreement shall be for one year, with the option of up to 2 extensions for 1 year each.

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. 2019-291
Re: Budget Amendment – 2019-20 Budget of the Police Department

Council Priority: Public Safety

Transmitted herewith for your approval is legislation amending the 2019-20 Budget of the Police Department by \$106,700 relating to the 2019-20 Gun Involved Violence Elimination (GIVE) grant.

When preparing the 2019-20 Budget, RPD included funding for the 2019-20 GIVE grant in the amount of \$569,500, the amount that was received for the 2018-19 GIVE grant. However, the actual amount received for 2019-20 was \$676,200, a difference of \$106,700. Therefore, \$106,700 is being added to the Police Department’s budget to reflect the addition of these funds, which will be used for the original intended purpose.

The 2019-20 GIVE grant was approved by City Council in June under Ordinance No. 2019-204.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-291
(Int. No. 320)

Amending the 2019-20 Budget relating to the Gun Involved Violence Elimination grant

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

Section 1. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Police Department by \$106,700 for 2019-20 Gun Involved Violence Elimination grant funds authorized to be received from the New York State Division of Criminal Justice Services by Ordinance No. 2019-204.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-292
Re: Grant Agreement - New York State Office of Children and Family Services, AmeriCorps

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 \$440,568 grant award from the New York State Office of Children and Family Services (NYS OCFS) for the Flower City AmeriCorps program. The term of this grant will be from November 1, 2019 to January 31, 2021.

2. Amend the 2019-20 Budget of the Department of Recreation and Youth Services by \$38,300 to reflect the addition of one full-time position on the grant. The remaining grant funds were anticipated and included in the 2019-20 Budgets of DRYS (for program personnel, training, travel, and other supplies and materials) and Undistributed Expenses (for member living allowances, FICA, and health care expenses).

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 poverty in our community. Thirty AmeriCorps members will be selected to provide one year of service through placement at various City departments including in DRYS and Neighborhood and Business Development, as well as several community organizations. Members will engage approximately 800 individuals in youth development, health and wellness, economic opportunity, and community building programming. Oversight of the program will be performed by two full-time DRYS staff.

AmeriCorps members are volunteers and, if serving full time (40 hours per week), will receive a \$13,992 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 \$6,996 annual "living allowance" and an education award of \$3,047.50 upon successful completion of the program.

The Flower City AmeriCorps grant was last authorized in October 2018 via Ordinance No. 2018-349.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-292
(Int. No. 321)

Authorizing a grant agreement and budget amendment 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 the receipt and use of a grant of \$440,568 to operate the Flower City AmeriCorps program. The term of the agreement shall be from November 1, 2019 through January 31, 2021.

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

Section 3. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations of the Budget of the Department of Recreation and Youth Services by the sum of \$38,300 to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-293
Land License Agreement - Rochester Public Market/Bottom Line Wholesale of NY, Inc.

Transmitted herewith for your approval is legislation authorizing a land license agreement with Bottom Line Wholesale of NY, Inc., (Diane Frassetto) Rochester, NY (licensee) for the use of 2,425 square feet of City-owned land at the Rochester Public Market (280 North Union Street Rochester, NY 14609) (the Site).

The site will be licensed at a rate of \$1.76 per square foot for an annual rate of \$4,268 to the licensee. The term of the license will be for a period of five years with an option to extend for one additional five-year term. This rate was determined by an appraisal conducted by Bruckner, Tillet, Rossi, Cahill & Associates as of July 2019. This amount may be adjusted by the City annually based on the CPI-U (Consumer Price Index-Urban Market), as determined by the Department of Neighborhood and Business Development Real Estate Division. The licensee will be responsible for all maintenance and utilities for the site.

For many years, Bottom Line had a warehouse/cooler structure at another location in the Public Market, however the recent Public Market Winter Shed renovation project required that this structure be demolished. Following the completion of the renovation project, Bottom Line annually licensed land in a different location at the Public Market on which they have installed a new warehouse/cooler structure. Bottom Line has made a considerable investment at the site and seek a longer term license for that site.

A map and photo of the site is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-170

Ordinance No. 2019-293
(Int. No. 322)

Authorizing a license agreement for the use of space in the Public Market

WHEREAS, the City of Rochester has received a proposal for the use of approximately 2,425 square feet of City-owned space in the City of Rochester Public Market for a term of five years with the option to renew for an additional five years;

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is following additional procedures due to the duration of the proposed use; and

WHEREAS, the Council hereby finds that the term of the use is reasonable and necessary in light of the licensee’s purpose to operate a refrigerated storage building in the licensed area and that the public will benefit throughout the term of the use.

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

Section 1. The Mayor is hereby authorized to enter into a license agreement with Bottom Line Wholesale of NY, Inc. (Bottom Line) to allow the company’s use of an approximately 2,425 square foot area located in the northwestern portion of the City of Rochester Public Market at 280 North Union Street, adjacent to the City’s pedestrian/trolley parking accessway over Union Street and comprised of a 30 foot by 40 foot refrigerated storage building and an adjoining fenced storage yard. The term of the agreement shall be five years with the option to extend the term an additional five years upon mutual consent.

Section 2. Bottom Line shall pay an annual license fee of \$4,268 for the first year and the annual fee for each subsequent year shall be adjusted based on the Consumer Price Index for All Urban Consumers (CPI-U). Bottom Line shall be responsible for all maintenance and utilities for the licensed area.

Section 3. The license agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-294
Re: Agreement – Joint Facility Use of Clinton-Baden Community Center

Transmitted herewith for your approval is legislation authorizing a new cooperative agreement with the Rochester City School District (District) for joint use and maintenance of the Clinton-Baden Community Center (Center)/School No. 9. The Center was constructed approximately forty years ago for joint or shared use by the City and District. Previously, the Center was operated through a cooperative agreement between the City, the District, and Baden Street Settlement, Inc. authorized by City Council on May 24, 2017 by Ordinance No. 2017-146. The City has elected not to renew the cooperative agreement with Baden Street Settlement, Inc. The proposed new cooperative agreement between the City and District will continue to indicate the rights and responsibilities of each party with respect to:

1. Hourly space utilization;
2. Supervision responsibilities;
3. Maintenance and custodial responsibilities;
4. Equipment use, repair and replacement;
5. Sharing of utility costs; and
6. Liability and indemnification responsibilities

In addition, the agreement will specify the hourly fees to be paid by the District for use of the Center, which is estimated not to exceed \$60,000 annually. The term of the agreement will be for the remainder of this fiscal year.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-294
(Int. No. 323)

Authorizing an agreement for the joint facility use of Clinton-Baden Community Center

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 Rochester City School District (RCSD) for the joint use and maintenance of property located in the city at 485 Clinton Avenue North, known as the Clinton-Baden Community Center/School No. 9 (the Center). The agreement shall specify the hourly fees to be paid by the RCSD to the City for use of the Center, which is estimated not to exceed \$60,000 annually. The term of the agreement shall extend for the remainder of the 2019-20 fiscal year.

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. 2019-295
Re: Grant Acceptance - Monroe County, Rochester-Monroe County Youth Bureau

Council Priority: Support the Creation of Effective Educational Systems

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with the County of Monroe, on behalf of the Rochester-Monroe County Youth Bureau, for the receipt and use of \$54,301 to support recreation and positive youth development programming. These funds were anticipated and included in the 2019-20 Budget of the Department of Recreation and Youth Services. The grant must be expended by December 31, 2019.

The Rochester-Monroe County Youth Bureau annually receives funding from the New York State Office for Children and Family Services (OCFS) for youth development activities and awards a portion of these funds to the City. The County notified the City of the amount of State funding for the 2019 calendar year on July 26, 2019. In 2018, this grant funded part-time positions and supplies for athletics leagues and youth development programs which collectively served 874 city recreation participants. It is anticipated that at least 800 youth will be served in 2019 through these programs.

The Rochester-Monroe County Youth Bureau, jointly established by the City and County, provides a County-wide planning and service delivery system devoted to the welfare and development of children and youth. The most recent Council action on this item was in August 2018 via Ordinance No. 2018-281.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-295
(Int. No. 324)

Authorizing an intermunicipal agreement with the County of Monroe for the Rochester-Monroe County Youth Bureau

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 County of Monroe (on behalf of the Rochester-Monroe County Youth Bureau) for the receipt and use of funding from the New York State Office of Children and Family Services (OCFS) in the anticipated amount of \$54,301 for recreation and youth development programming. The agreement shall extend to December 31, 2019.

Section 2. If the amount of funds provided by OCFS is more or less than anticipated, the agreement amounts and terms shall be adjusted accordingly.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No.2019-296
Re: Chapter 47, Commercial Dealing in Firearms, Ammunition and Explosives

Council Priority: Public Safety

Transmitted herewith for your approval is legislation amending Chapter 47 of the Municipal Code to increase the residential buffer distance for establishments dealing in firearms, ammunition and explosives. The legislation also modifies the Code to clarify that the restrictions on such dealers do not apply to the possession and storage of firearms, ammunition and explosives for personal, non-commercial purposes.

When it enacted the firearms, ammunition and explosives dealer rules in 1996, the Council determined that “the location of such activities close to residential uses is not compatible with residential uses and can pose a danger to residents through fire or explosion or as a result of burglaries at such locations.” Code §47-4(A). At that time and to the present, the residential separation was set at 100 feet “which distance shall be measured from the closest point of the building, or portion thereof, used for the storage, possession or display of firearms, ammunition or explosives to the nearest point of the lot line of the property with a residential use.” §47-4(B).

The 100 foot buffer has proven to be inadequate to account for the wide scope of potential adverse safety and criminal impacts on nearby residential neighborhoods. Five hundred feet is a better approximation of that radius of impact and, therefore, the buffer is extended to 500 feet.

In addition, the definition of the residential buffer is revised to delete the requirement to measure the residential buffer from the portion of the building that houses the dealer. This deletion is appropriate because the outer wall of the building that houses a dealership is what actually matters to nearby residents and parsing interior building spaces into portions permitted and forbidden to house dealer activities has proven infeasible as a practical licensing and enforcement matter.

Finally, Chapter 47 is revised to clarify that it applies only to the *commercial* storage, display, exchange and display of firearms, ammunition and explosives. Chapter 47 does not regulate the personal, non-commercial keeping of firearms and ammunition.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-171

Ordinance No. 2019-296
(Int. No. 325)

Amending Municipal Code §47-4 relating to commercial dealing in firearms, ammunition and explosives

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

Section 1. Chapter 47 of the Municipal Code, Dangerous Articles, as amended, is hereby further amended by modifying Subsections A and B of Section 47-4, Storage and display of firearms, ammunition and explosives, to read as follows:

- A. Purpose and intent. The Council finds that it is necessary to regulate the commercial storage, commercial possession, commercial exchange and commercial display of firearms, ammunition or explosives pursuant to § 139-d of the General Municipal Law in order to provide for the public health, safety and welfare of all persons in the City of Rochester. The Council finds that the location of such activities close to residential uses is not compatible with residential uses and can pose a danger to residents through fire or explosion or as a result of burglaries at such locations. The Council therefore intends to regulate the location of such activities and to place additional regulations upon those activities in order to assure that such activities ~~are~~ are conducted in a safe manner. The restrictions found herein shall be in addition to restrictions found in Chapter 120 of the Municipal Code, Zoning Code, and whichever regulations are more restrictive shall be applicable to any potential location where such activities are to be conducted.
- B. Location. The commercial storage, commercial possession, commercial exchange or commercial display of firearms, ammunition or explosives within a building occupied by a residential use, or within a building located within ~~100~~ 500 feet of any residential use, which distance shall be measured from the closest point of the building, ~~or portion thereof, used for the such~~ storage, possession, exchange or display of firearms, ammunition or explosives to the nearest point of the lot line of the property with a residential use, is hereby prohibited. The increase in the residential buffer from 100 feet to 500 feet shall not apply to any establishment that is operating in compliance with all other applicable provisions of this section prior to and upon the effective date of the increase and this exemption from the buffer increase shall continue so long as the establishment continues said operation and compliance uninterrupted.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-297
Re: Agreement – Rochester City School District, School Resource Officers

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

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with the Rochester City School District (RCSD) for the provision of sworn Police Officers to serve as School Resource Officers (SROs) at school facilities, and establishing \$1,560,032 as partial reimbursement of the City’s cost, to be funded by the RCSD. The term of this agreement is from July 1, 2019 through June 30, 2020, with an option to renew for up to 2 additional one-year periods upon mutual consent of the parties. The annual contract amount for any renewal period may be increased from the first year’s amount based upon wage increases pursuant to future collective bargaining agreements with the Locust Club. The School Board approved a resolution on August 22, 2019 that authorizes the District to enter into year one of this inter-municipal agreement.

Police Officers have been assigned as SROs since 1999 to assist in maintaining safe school environments. Some of the duties of SROs include functioning as role models for students, providing a police presence in the schools, anti-truancy enforcement, and handling calls for service that originate within the school setting.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-172

Ordinance No. 2019-297
(Int. No. 326)

Authorizing an intermunicipal agreement with the Rochester City School District related to School Resource Officers

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) to provide sworn City of Rochester Police Officers to serve as School Resource Officers at RCSD facilities and for the receipt and use of funds in an amount not to exceed \$1,560,032 from the RCSD as partial reimbursement for the City’s cost of providing the officers for the first year.

Section 2. The term of said agreement shall extend from July 1, 2019 through June 30, 2020, with an option to renew for up to 2 additional one-year periods upon mutual consent of the parties. The annual contract amount for any renewal period may be increased from the first year’s amount based upon wage increases pursuant to future collective bargaining agreements with the Locust Club.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Spaul
September 17, 2019

To the Council:

The **ARTS AND CULTURE COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

Int. No. 328 Authorizing an agreement for design and fabrication of a mobile “I Love Roc” sign

Respectfully submitted,
Elaine Spaul
Molly Clifford
Michael A. Patterson
Willie J. Lightfoot
Loretta C. Scott
ARTS & CULTURE COMMITTEE

Received filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-298
Re: Agreement – Premier Sign Systems, LLC Design & Fabrication of an “I Love Roc” Mobile Sign

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$83,000 as maximum compensation for an agreement with Premier Sign Systems LLC, 10 Excel Drive, Rochester, 14621. (Principal: Jeff Sherwood) to design, fabricate, and provide ongoing maintenance for a mobile “I Love Roc” sign. The cost of the agreement will be funded from the 2019-20 Budget of Communications, and the term will be for five years. For the first year of the agreement, the maximum compensation will be \$43,000 for the fabrication of the sign. For the subsequent four years, Premier will provide annual maintenance at a not-to-exceed annual cost of \$10,000, contingent upon the approval of future budgets of the Office of Communications.

Premier was selected after a request for qualifications was issued in July 2019. Two submissions were received and an interdepartmental team with representatives from Communications, Special Events, and the Department of Environmental Services reviewed them. The request for qualifications and ratings sheet is attached. Premier Signs is a Rochester-owned business that is a New York State-certified Minority and/or Women-Owned Business. They were chosen based on their unique ability to both design and fabricate this sign. Premier Sign Systems has been fabricating designs from its 24,000 square foot Northeast Rochester facility where all the materials are cut, welded, painted, and assembled in house.

The “I Love Roc” sign will be affixed to a trailer, making it mobile and allowing the City to bring it to events and festivals throughout the year. The sign will help to create a sense of place and pride in our community.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-173

Ordinance No. 2019-298
(Int. No. 328)

Authorizing an agreement for design and fabrication of a mobile “I Love Roc” sign

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 Premier Sign Systems, LLC to design, fabricate, and provide ongoing maintenance for a mobile “I Love Roc” sign (the Sign). The maximum compensation for the agreement shall be \$83,000 and the term of the agreement shall be five years. The compensation for the first year shall be \$43,000 and shall be funded from the 2019-20 Budget of Communications. For the subsequent four years, Premier Sign Systems, LLC will provide annual maintenance for the Sign at a not-to-exceed cost of \$10,000, contingent upon the approval of future Budgets of Communications.

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.

By President Scott
September 17, 2019

To the Council:

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

Int. No. 302 Resolution confirming the appointment of the Commissioner of Neighborhood and Business Development

Respectfully submitted,
Molly Clifford
Malik Evans
Mitch Gruber
LaShay D. Harris
Jacklyn Ortiz
Michael A. Patterson
Elaine Spaul
Willie J. Lightfoot
Loretta C. Scott
COMMITTEE OF THE WHOLE

Received filed and published.

Introductory 302 was introduced on August 20, 2019 and appears in its original transmittal letter on page 464 of the 2019 Council  Proceedings

Resolution No. 2019-13
(Int. No. 302)

Resolution confirming the appointment of the Commissioner of Neighborhood and Business Development

WHEREAS, the Mayor has appointed Gary M. Kirkmire to the position of Commissioner of Neighborhood and Business Development, 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 Gary M. Kirkmire as Commissioner of Neighborhood and Business Development.

This resolution shall take effect immediately.

Adopted unanimously.

The meeting was adjourned at 7:47 p.m.

HAZEL L. WASHINGTON
City Clerk

ROCHESTER CITY COUNCIL

SPECIAL MEETING

September 30, 2019

2:00 P.M.

Present - President Scott, Councilmember Clifford, Evans, Gruber, Harris, Lightfoot, Ortiz, Patterson, Spaul - 9.

Absent – None - 0.

The Council President requested the Council to rise for a Moment of Silence.

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

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

Motion to amend Int. No. 352 by President Scott.

Seconded by Vice President Lightfoot.

Adopted by the following vote:

Ayes – President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, Ortiz, Patterson, Spaul - 8.

Nays - 0

Councilmember Harris abstained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2019-14
Re: Resolution for state action regarding the Rochester City School District

Council Priority: Deficit reduction and long term financial stability

Transmitted herewith for your approval is legislation requesting the New York State Legislature, the New York State Department of Education or any other entity designated by the Governor to immediately establish financial control over the Rochester City School District. The City of Rochester is the third largest city in New York State and through decades of prudent fiscal management the City has a stellar bond rating. Now due to the financial decisions made solely by the Rochester City School District the long standing fiscal stability of the City of Rochester is threatened and the ability to provide a constitutionally mandated educational environment for children, families and teachers may not be achieved without state intervention.

In September 2019, it was revealed that the District has a budget shortfall of approximately \$30 million for the 2018-19 budget. Beginning next month, the New York State Comptroller's office is planning to audit the finances of the District. To date, the School District has failed to adequately explain or quantify the budget deficit. It is our understanding that the District has used all its reserves plus \$30 million in additional spending which will bring total overspending to between \$30 and \$50 million for 2018-19 fiscal year. Given the School District spending overruns, we are concerned that the 2019-20 budget may also be overspent, compounding this problem for the children and families of the School District as well as the City's taxpayers.

On September 26, 2019 the City was notified by Moody's that Moody's existing "Aa3" debt rating for the City was under review based on "recent reports that the City School District, ... incurred a \$30 to \$50 million budget shortfall, ... far exceeding our expectations." The chronic mismanagement and overspending of the School District, unrestrained by appropriate State monitoring, now endangers the City's ability to responsibly fund its own capital projects. Any increased borrowing costs, absent appropriate State reimbursement, will be directly borne by our City taxpayers. Further, the City is constrained by its 2% tax cap limitation, limiting our ability to raise revenues and thereby emphasizing the need for State intervention.

In an October 2018 report commissioned by the District, former Erie-2 BOCES Superintendent Rick Timbs and former Spencerport Superintendent Michael Crumb reviewed financial data from four fiscal years—2014-15, 2015-16, 2016-17 and 2017-18—and found an overall failure to plan ahead and systematic overspending in a culture "where leaders have had minimal concern for the District's budget." This culture is so ingrained that the District's employees "expressed varying concerns about the ability to reform the practices for budgeting and staffing."

In analyzing budget data, Dr. Timbs and Mr. Crumb found that the District's "current budget development protocols, accountability standards and expectations do not result in sound budget forecasts for subsequent budgets," and that the District's underlying culture "does not take into consideration its financial resources and ability to sustain programs."

The report found that the District has no "short-term or long-term financial plan". There are numerous changes made to the District's budget throughout the year, driven by administrators' constant requests for additional budget allotments. In addition, the Report found that, for the 2016-2017 fiscal year, the District failed to reconcile its own account codes, as more than 20 percent had negative balances at the end of the fiscal year. The report comes to the conclusion that "it cannot be overstated that the attitudes and beliefs of the District's constituencies must begin to realize that the funding for the District is not unlimited."

Chronic financial mismanagement and substandard student performance levels caused the New York State Education Department to investigate the governance of the Rochester City School District in 2018. As a result of the investigation, Distinguished Educator Dr. Jaime Aquino released a report which detailed 106 findings and 84 recommendations necessary to support and advance improvements for the Board of Education and District to provide equitable access to high-quality education for all students.

The Distinguished Educator's report also echoes many of the same concerns stated by Dr. Timbs and Mr. Crumb. Dr. Aquino found that the District "does not collectively own the responsibility for financial monitoring, leaving the burden of addressing budget cuts on the Chief Financial Officer." In addition, Dr. Aquino found that, more than four years later, no significant actions had been taken to address serious financial issues presented to the Board on May 1, 2014, including the fact that District expenses were growing faster than District revenues. Dr. Aquino found that most District stakeholders, including the Board, "lack any real understanding of the serious implications of the [budget's] structural deficit". Despite the Chief Financial Officer's warning to the Board that without action, "the District's finances will hit rock bottom within three-to-five years," Dr. Aquino found that no one in the District, including the Board, appears to have "approached this challenge with a sense of urgency."

Following the release of his initial report, Dr. Aquino released two quarterly reports, the most recent of which, dated May 30, 2019, notes that while some progress has been made by the District in implementing its action plan to address Dr Aquino's findings, the progress is limited, and substantial challenges remain. Of the concerns that continue to "hamper progress," first and foremost is the "Board's lack of understanding of its role as a governing body, and its subsequent inability to act as [a] unified body."

A review of the District's January, April, and May 2019 financial reports reveals that the District has continued systemic overspending and reliance on budgetary re-allotments. Further, in discussing the District's financial situation at a February 19, 2019 special meeting, the District's Chief Financial Officer stated that the District was on target. Later, during a May 14, 2019 Board meeting, the Chief Financial Officer stated that the 2018-19 budget was on track to be balanced at the end of the year. During a July 11, 2019 phone call with Moody's, the District failed to convey any budgetary or financial discrepancies. School District officials appear to have fraudulently represented to Moody's Investors Service that the School District would use only \$10,000,000 of the \$20,000,000 fund balance budgeted for the 2018-19 fiscal year.

The Rochester City School District is in a state of severe fiscal crisis, caused by its history of chronic mismanagement and habitual overspending that cannot be resolved absent assistance from the State. Without immediate financial and budgetary control from the State, the District will likely continue to take action to jeopardize its own long-term fiscal health, and has already threatened the fiscal wellbeing of the City, which could lead to negative consequences for City taxpayers.

Respectfully submitted,
Lovely A. Warren
Mayor

Loretta C. Scott
President, City Council

Resolution No. 2019-14
(Int. No. 352, as amended)

Resolution endorsing emergency action on State Home Rule legislation to control and monitor the finances of the Rochester City School District

WHEREAS, the fiscal mismanagement and excessive spending of the Rochester City School District directly threatens the financial stability of the City of Rochester;

WHEREAS, the City's credit rating has been threatened based upon the School District's unbudgeted excessive expenditures;

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

1. City Council hereby finds and declares that the School District is facing a severe fiscal crisis that threatens the City's financial and fiscal stability and that this is a crisis that cannot be resolved absent assistance from the State.
2. Based on the School District's demonstrated chronic mismanagement and habitual excessive spending, culminating in denial and apparent material misrepresentations to national debt rating agencies, the City respectfully requests that the State of New York institute structured and monitored financial constraints on the School District.

3. Recent Court decisions have made it clear that the State controls all matters related to education. Because the School District's unfettered spending and subsequent misrepresentations have threatened the City's AAA "AA-" and "Aa3" debt ratings, the City respectfully requests that the State reimburse the City for any additional borrowing costs directly resulting from lack of oversight and control regarding School District spending.

4. This resolution shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Adopted by the following vote:

Ayes – President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, Ortiz, Patterson, Spaul - 8.

Nays – None -0.

Councilmember Harris abstained due to a professional relationship.

The meeting was adjourned at 2:20 P.M.

Hazel L. Washington
City Clerk

ROCHESTER CITY COUNCIL

REGULAR MEETING

October 15, 2019

Present –President Scott, Councilmembers Clifford, Evans, Gruber, Harris, Lightfoot, Ortiz, Patterson, Spaul – 9.

President Scott requested the Council to rise for a Moment of Silence.

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

Special Recognition:

Joan Mayer
Thomas Bryant

Retirement:

DES:

*Michael Pearson
*Ana Rodriguez

DHRM:

*Carolyn Grinstead

ECD:

*Sandra Salway-Beers

RFD:

*Anthony Przybyl

RPD:

*Kevin Costello
*Otto Hamischfeger
*Ann Marie Hofer
*Jorge Perez
*James Perry

RPL:

*Linda Root

**Not attending meeting*

APPROVAL OF THE MINUTES

By Vice President Lightfoot

RESOLVED, that the minutes of the Regular Meeting on September 17, 2019 and the Special Meeting on September 30, 2019 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The Mayor submits the following:

The Council submits Disclosure of Interest Forms from Councilmember Harris on Int. No. 349.

THE COUNCIL PRESIDENT --- RECEIVED AND FILED.

PUBLIC HEARINGS.

Pursuant to law, public hearings were held on October 10, 2019 on the following matters:

Amending the Consolidated Community Development/2017-18 Annual Action Plan and authorizing an agreement for fair housing and community development studies and plans Int. No. 330
No Speakers

Amending the Zoning Code, Chapter 120 of the Municipal Code with regard to entertainment
Int. No. 334
No Speakers

Amending Chapter 29 of the Municipal Code with regard to entertainment Int. No. 335
No Speakers

Amending the Zoning Map by changing the zoning classification of 834-840 East Main Street
Int. No. 336
No Speakers

Amending the Zoning Map by changing the zoning classification of properties on Dr. Samuel McCree Way and Wooden Street to C-1 Neighborhood Center Commercial District Int. No. 337
No Speakers

REPORTS OF STANDING COMMITTEES
AND ACTION THEREON

By Councilmember Evans
October 15, 2019

To the Council:

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

- Int. No. 329 Authorizing the cancellation or refund of erroneous taxes and charges
- Int. No. 331 Authorizing an amendatory agreement with Kronos Incorporated, **as amended**
- Int. No. 354 Authorizing an intermunicipal agreement with Monroe County and the Monroe County Sheriff for the confinement of unarraigned prisoners
- Int. No. 355 Appropriation from the Insurance Reserve Fund

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

- Int. No. 330 Amending the Consolidated Community Development/2017-18 Annual Action Plan and authorizing an agreement for fair housing and community development studies and plans

Respectfully submitted,
Malik Evans
Molly Clifford
Michael A. Patterson
Willie J. Lightfoot
Loretta C. Scott
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-299
Cancellation or Refund of Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$19,998.83.

The owner of 1009 & 1015 St. Paul Street is Free Deliverance Church of God in Christ which is a religious, not for profit corporation and the properties are utilized as a house of worship and a parsonage. On December 20, 2018 there was a quitclaim deed filed with the Monroe County Clerk's office transferring the properties to an individual. The person signing the deed on behalf of the organization was not authorized to do so and it also violated the Religious Corporations Law 12(a) which requires court approval to transfer the property of a religious corporation. The organization did not know of the improper transfer until their mortgage holder was notified of a pending foreclosure due to nonpayment of taxes. The issue was brought to the Supreme Court and on May 13, 2019, the Honorable Evelyn Frazee granted Free Deliverance's motion for Summary Judgement and entered an Order

and Judgement declaring the quitclaim deed null and void. The Bureau of Assessment was not made aware of the Order and Judgement and the properties remained on the tax roll for 2019-20.

If these cancellations are approved, total cancellations thus far for 2019-20 will be as follows:

	<u>Accounts</u>	
City Council	8	\$133,969.08
Administrative	<u>6</u>	<u>\$3,693.52</u>
Total	14	\$137,662.60

These cancellations represent 0.0529% of the tax receivables as of July 1, 2019.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-174

Ordinance No. 2019-299
 (Int. No. 329)

Authorizing the cancellation or refund of erroneous taxes and charges

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

Section 1. The City Treasurer is authorized to cancel the following taxes and charges:

	S.B.L. #	Class	Address	Tax Year	Amount Cancelled	Subtotal
(A)	105.44-1-3	N	1009 St. Paul St	2020	\$ 4,723.22	\$ 4,723.22
(B)	105.44-1-2	N	1015 St. Paul St	2020	\$15,275.61	\$15,275.61
TOTAL						\$19,998.83

(A) and (B) Both properties are owned by Free Deliverance Church of God in Christ (Church), a religious not-for-profit corporation for a house of worship and parsonage, and, therefore, are exempt are from real property taxation. A deed recorded with the Monroe County Clerk on December 20, 2018, purported to transfer the properties to an individual person not entitled to a real property tax exemption. On May 13, 2019, State Supreme Court Justice Evelyn Frazee entered an order declaring the deed null and void because it was executed by a person not authorized to act on behalf of the Church and without the court approval required under the state Religious Corporations Law. Therefore, the Church remains the owner of the properties. However, the Bureau of Assessment was not made aware of the court order when it placed the properties on the tax rolls for the 2020 tax year. The tax cancellations are necessary to reflect the fact that the properties have remained in the ownership of the Church and are exempt from real property taxation.

Section 2. If full or partial payment of the afore-said taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Re: Ordinance No. 2019-300
 Amending the 2017-18 Annual Action Plan of the 2015-2020 Consolidated Community Development 5-year Strategic Plan and Authorizing a Professional Services Agreement

Council Priority: Rebuilding and Strengthening Neighborhoods

Transmitted herewith for your approval is legislation to:

- 1) Amend the 2017-18 Annual Action Plan of the 2015-2020 Consolidated Community Development 5-year Strategic Plan to rename Project #31 from "Fair Housing Study" to "Planning and Studies," and change its description to "Preparation of the required Analysis of Impediments to Fair Housing Choice and other community development plans and studies, including but not limited to the next Consolidated Community Development 5-year Strategic Plan."

- 2) Establish maximum compensation for an agreement as follows for services related to the HUD-required Analysis of Impediments to Fair Housing Choice and the preparation of the 2020-2025 Consolidated Community Development 5-year Strategic Plan. The cost of this agreement will be financed from the funds appropriated herein.

Firm	Amount	Con Plan Year	Purpose
Northeast & Bucks Co. (aka Mullin & Lonergan Associates) CEO, Michael Kearney	\$60,000	2017-18	Preparation of the Update to the Analysis of Impediments to Fair Housing Choice as well as the City's 2020-2025 Consolidated Community Development 5-year Strategic Plan.

This firm was selected through a request for proposal process described in the attached summary. The term of the agreement will be for one year.

A public hearing on amending the 2017-18 Annual Action Plan is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-175

Ordinance No. 2019-300
(Int. No. 330)

Amending the Consolidated Community Development/2017-18 Annual Action Plan and authorizing an agreement for fair housing and community development studies and plans

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

Section 1. The Council hereby approves amending the Consolidated Community Development Plan/2017-18 Annual Action Plan (2017-18 Consolidated Plan), approved in Ordinance No. 2017-206, by changing the name of Project #31 on page 60 from "Fair Housing Study" to "Planning and Studies" and by changing the Project #31 description to read: "Preparation of the required Analysis of Impediments to Fair Housing Choice and other community development plans and studies, including but not limited to the next Consolidated Community Development 5-year Strategic Plan."

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with Northeast & Bucks Co., aka Mullin & Lonergan Associates, for the preparation of an updated Analysis of Impediments to Fair Housing Choice study and for the preparation of the City's 2020-2025 5-year Strategic Plan. The maximum compensation for the agreement shall be \$60,000, which amount is hereby appropriated for that purpose from the Community Development Block Grant funds allocated to Project #31 of the 2017-18 Consolidated Plan as amended herein.

Section 3. The agreement shall contain such other terms and conditions as the Mayor deems appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re Ordinance No. 2019-301
Amendatory Agreement - Kronos Incorporated, Enterprise Process and System Solution for Scheduling, Time and Attendance

Transmitted herewith for your approval is legislation authorizing an amendatory agreement to extend the term by Six months with Kronos Incorporated for services related to the implementation of an Enterprise Process and System Solution for Scheduling, Time and Attendance. The original agreement, authorized in October 2015 via Ordinance No. 2015-315, established maximum compensation of \$1,880,000 for a term of two years. An amendment, authorized in September 2017 via Ordinance No. 2017-288 extended the term by two additional years to October 28, 2019. An amendment authorized is September 2018 via ordinance NO 2018-315 increased funding by \$350,000 for a total of \$2,230,000. This amendment will extend the term for six months from October 28, 2019 ending April 30, 2020 at no additional cost.

Kronos is providing software, hardware and implementation services to replace existing scheduling legacy systems and automate existing manual processes for time entry, attendance tracking and reporting.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-301
(Int. No. 331, as amended)

Authorizing an amendatory agreement with Kronos Incorporated

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 Kronos Incorporated related to the implementation of an Enterprise Process and System Solution for Scheduling, Time and Attendance. The term of the agreement originally authorized in Ordinance 2015-315 and as amended in Ordinance No. 2017-288 and in Ordinance No. 2018-315, is hereby extended from October 28, 2019 for up to an additional six months.

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

Section 3. This ordinance shall take effect immediately.

Underlining indicates new text.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-302
Re: Intermunicipal Agreement and Budget Amendment Monroe County and Monroe County Sheriff, Unarraigned Prisoners

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an intermunicipal agreement with Monroe County and the Monroe County Sheriff for the confinement of unarraigned prisoners.

Persons arrested by officers of the Rochester Police Department are confined in the Monroe County Jail while awaiting arraignment or an initial court appearance. This agreement establishes the responsibilities of each party, and the amounts to be paid per unarraigned prisoner by the City to the County for a term of two years ending on June 30, 2021, with options for three one-year renewals. An intermunicipal agreement for this purpose is authorized by Section 500-a of the Correction Law.

The most recent agreement between the City and the County for this service was authorized by Ordinance 2014-366 and expired June 30, 2019. Under the terms of that agreement, the City paid \$109.92, or 90% of the rate as defined by the Detention Services Intergovernmental Agreement per unarraigned prisoner, with a minimum annual payment of \$1,000,000.

Under the terms of the proposed agreement, the City will pay 100% of the rate as defined by the Detention Services Intergovernmental Agreement, currently \$122.13 per unarraigned prisoner, in the period July 1, 2019 through June 30, 2021. There will be no minimum annual amount.

With bail reform legislation taking effect January 1, 2020, it is expected that the number of unarraigned prisoners will decline. The term of the proposed agreement is two years with options for renewal to allow both the City and the County to evaluate the impacts of bail reform before entering into a longer-term arrangement.

The cost of the agreement will be funded from the 2019-20 Budget of the Police Department, and from future years' Budgets of the Police Department, contingent upon adoption.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-302
(Int. No. 354)

Authorizing an intermunicipal agreement with Monroe County and the Monroe County Sheriff for the confinement of unarraigned prisoners

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 Monroe County and the Monroe County Sheriff for the confinement of unarraigned prisoners.

Section 2. The agreement shall obligate the City to pay a fee per prisoner equivalent to the rate set in the U. S. Marshal Service's Detention Services Intergovernmental Agreement with the County (Intergovernmental Agreement), which is currently \$122.13 but subject to change for future prisoners in accordance with the Intergovernmental Agreement. The agreement shall have a term of two years from July 1, 2019 through June 30, 2021, with the option to extend for up to three additional years. The cost of the agreement for the first year shall be funded from the 2019-20 Budget of the

Police Department and the costs in future years shall be funded from future years' budgets of the Police Department, contingent upon the adoption thereof.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-303
Appropriation – Insurance Reserve Fund

Council Priority: Deficit Reduction and Long Term Financial Stability

Transmitted herewith for your approval is legislation appropriating \$7 million from the Insurance Reserve Fund to finance the payment of general liability claims.

The City is self-insured against all general liability, auto and personal claims, for which purpose the Insurance Reserve Fund is maintained. All claims are paid from this fund.

The monies maintained as reserves are invested until needed for disbursement. The interest earned on these investments is added to the fund balance. Interest income for fiscal year 2018-19 was \$266,055.

As of June 30, 2019, the fund balance was \$8,001,274; of that amount \$0 is appropriated for disbursement. Under the proposed legislation, \$7 million will be appropriated for the payment of claims, leaving an unappropriated balance of \$1,001,274.

The most recent appropriation was for \$5 million and was approved by City Council in September 2018.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-303
(Int. No. 355)

Appropriation from the Insurance Reserve Fund

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

Section 1. There is hereby appropriated from the Insurance Reserve Fund the sum of \$7 million, or so much thereof as may be necessary, to finance the payment of general liabilities and claims against the City.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Patterson
October 15, 2019

To the Council:

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

- Int. No. 332 Authorizing the sale of real estate, as amended
- Int. No. 333 Authorizing funding and agreements for historic resource survey
- Int. No. 338 Amending Ordinance No. 2018-321 as it relates to the acquisition of real estate to effectuate the Bull's Head Urban Renewal Plan
- Int. No. 339 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,000,000 Bonds of said City to finance costs of the acquisition of a property to effectuate the Bull's Head Urban Renewal Plan

- Int. No. 340 Amending Ordinance No. 2019-24 relating to the sale of 125 Howell Street
- Int. No. 353 Amending Ordinance No. 2019-117 relating to the sale of
1000 Driving Park Avenue

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

- Int. No. 336 Amending the Zoning Map by changing the zoning classification of 834-840 East Main Street
- Int. No. 337 Amending the Zoning Map by changing the zoning classification of properties on Dr. Samuel McCree
Way and Wooden Street to C-1 Neighborhood Center Commercial District

The following entitled legislation is being **HELD** in committee:

- Int. No. 334 Amending the Zoning Code, Chapter 120 of the Municipal Code with regard to entertainment
- Int. No. 335 Amending Chapter 29 of the Municipal Code with regard to entertainment

Respectfully submitted,
Michael A. Patterson
LaShay D. Harris
Jacklyn Ortiz
Willie J. Lightfoot
Loretta C. Scott
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-304
 Sale of Real Estate

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation approving the sale of seven properties. City records have been checked to ensure that 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 two properties are a single-family residence and a two-family residence that were sold at auction to the high bidder subject to an approved development plan. Both purchasers intend to be owner-occupants.

The next two properties are vacant lots being sold by negotiated sale to expand the adjoining owner’s green space.

The remaining three properties are unbuildable vacant lots, being sold for \$1.00 (as per City policy) to the adjacent owners who will combine the lots with their existing properties for additional green space/garden usage.

The first year projected tax revenue for these seven properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$7,291.

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-176

Ordinance No. 2019-304
(Int. No. 332, as amended)

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 of the sale of the following improved parcels that were sold at auction to the highest bidder with proposal:

Address	SBL#	Lot Size	Use	Price	Purchaser
224 Barrington St	121.52-1-40	50 x 150	Single Family	\$301,000	Giuseppe Battisti
145 Seneca Pkwy	090.59-3-15	55 x 140	Two Family	\$83,000	Uannapa Klinkaewnarong

Section 2. The Council hereby approves of the negotiated sale of the following parcels of vacant land:

Address	SBL#	Lot Size	Sq. Ft.	Price	Purchaser
46-48 Council St	106.42-3-12	40 x 122	4,930	\$425	AJR Real Estate Holdings, LLC
57 Miller St	106.34-2-24.1	42 x 115	4,835	\$425	AJR Real Estate Holdings, LLC

Section 3. The Council hereby approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address	SBL#	Lot Size	Sq. Ft.	Purchaser
300 Campbell St	120.26-1-43	33 x 165	5,388	Francisco Miranda
812 Joseph Ave	091.79-3-81	33 x 199	6,567	Warwick Full Gospel Deliverance Assembly Church of God in Christ
North portion of 202 Seward St (also known as 57 Bartlett St)	121.61-2-5.3	38 x 60	2,300	Shaina D. Anthony

Section 4. 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 5. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-305
Re: Agreement – The Landmark Society of Western New York, Inc. Northeast Quadrant Historic Resource Survey

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the implementation of the Northeast Quadrant Historic Resource Survey, which is the fourth and final phase of the citywide survey to identify properties eligible for listing in the National Register of Historic Places. The Southeast Quadrant was surveyed in 2016; the Southwest Quadrant was surveyed in 2017, and given the limited amount of funds that were available last year, only half of the properties in the Northwest Quadrant were surveyed in 2018. The rest of the properties in the Northwest along with all of the properties in the Northeast will be surveyed during this final phase.

This legislation will:

- 1) Authorize the receipt and use of a \$23,600 grant from the State Historic Preservation Office (SHPO);
- 2) Allocate \$15,000 from the 2019-20 Budget of the Department of Neighborhood and Business Development as a partial grant match;
- 3) Establish \$38,600 as maximum compensation for an agreement with The Landmark Society of Western New York, Inc. (LSWNY), Wayne Goodman, Executive Director, to manage the grants, solicit and hire consultants to conduct the survey work, and coordinate the findings with SHPO. The cost of the agreement will be funded from the allocations listed above and supplemented with in-kind staff time from both LSWNY and the City. The term of the agreement will be for one year.

The Landmark Society was also awarded a \$10,000 grant from the Community Foundation to assist with this effort and to prepare the final survey report. The last city-wide survey of this kind was completed in 1986. Pursuant to an agreement with SHPO, the City of Rochester is required to maintain an up-to-date inventory of historic resources.

LSWNY is uniquely qualified to oversee this work and to manage this contract, as it is one of the oldest and most active preservation organizations in the nation. LSWNY is a not-for-profit membership organization dedicated to protecting the unique architectural heritage of our region and promoting preservation and planning practices that foster healthy, livable and sustainable communities. As such, a justification for not issuing a request for proposals is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-177

Ordinance No. 2019-305
(Int. No. 333)

Authorizing funding and agreements for historic resource survey

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 Historic Preservation Office (SHPO) for the receipt and use of \$23,600 to fund a historic resource survey of properties in the City’s Northeast Quadrant and of properties in a portion of the Northwest Quadrant (Project).

Section 2. The Mayor is hereby authorized to enter into an agreement with The Landmark Society of Western New York, Inc. to implement the Project by managing the grants, soliciting and hiring consultants, and coordinating findings with the SHPO. The maximum compensation for the agreement shall be \$38,600. That amount, or so much thereof as may be necessary, shall be funded from the grant authorized and appropriated herein and by \$15,000 from the 2019-20 Budget of the Department of Business and Neighborhood Development.

Section 3. The agreements shall be for a term of one year.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-306
Zoning Map Amendment - 834 – 840 East Main Street

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning the property at 834 – 840 East Main Street from Marketview Heights Urban Renewal District/ C-2 Community Center District to C-2 Community Center District, thereby removing the property from the Urban Renewal District.

The last legal use of the property was minor auto repair (Midas Muffler) and was constructed for this use in 1987. The property has been vacant since 2018 and has been marketed since then in search of a tenant who would like to establish a permitted or specially permitted use. However, to date, no such uses have been established. Therefore, the applicants, Lou and Mark Fico, are proposing to rezone the above property to remove it from the Urban Renewal District so that they can establish a collision shop. They currently own Sal’s Collision at 511 West Avenue, which has been a family owned and operated business in the City for almost 67 years. Since collision (body work) shops are not permitted or specially permitted in the C-2 District; the property needs to be rezoned to remove it from the Urban Renewal District so that the applicants may then apply for a use variance to establish this use.

The Planning Commission held an informational meeting on September 9, 2019. The applicant spoke in support of the rezoning, and two spoke in opposition. We also received two letters/emails in support. By a vote of 7-0-0, the Planning Commission recommended approval.

A public hearing is required for the Zoning Map Amendment.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-178

Ordinance No. 2019-306
(Int. No. 336)

Amending the Zoning Map by changing the zoning classification of 834-840 East Main Street

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 property from Marketview Heights Urban Renewal District/C-2 Community Center District to C-2 Community Center District:

Address	SBL #
834-840 East Main Street	106.74-2-17.001

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. 2019-307
Re: Zoning Map Amendment – 260-278 Dr. Samuel McCree Way, 69-71 Wooden Street

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning the properties at 260-278 Dr. Samuel McCree Way and 69-71 Wooden Street from R-1 Low Density Residential District to C-1 Neighborhood Center Commercial District to facilitate the construction of a 2-3 story senior housing apartment building with commercial space.

The proposed project includes the demolition of existing buildings and construction of a 2-3 story senior housing apartment building with first floor commercial space. The proposed building will include a total of 44 apartment units (two, 2-bedroom units and 42, 1-bedroom units). The site also includes an 11 space parking lot which will be accessed via one-way drives in from Wooden Place and out onto Dr. Samuel McCree Way.

The Planning Commission held an informational meeting on September 9, 2019. The applicant spoke in support of the rezoning, and no one spoke in opposition. By a vote of 7-0-0, the Planning Commission recommended approval.

A public hearing is required for the Zoning Map Amendment.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-179

Ordinance No. 2019-307
(Int. No. 337)

Amending the Zoning Map by changing the zoning classification of properties on Dr. Samuel McCree Way and Wooden Street to C-1 Neighborhood Center Commercial District

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 R-1 Low Density Residential District to C-1 Neighborhood Center Commercial District:

Addresses	SBL #
260-266 Dr. Samuel McCree Way	120.50-2-24
270 Dr. Samuel McCree Way	120.50-2-26.1
272 Dr. Samuel McCree Way	120.50-2-29
276 Dr. Samuel McCree Way	120.50-2-30
278 Dr. Samuel McCree Way	120.50-2-31
69-71 Wooden Street	120.50-2-23

and including the areas extending from those parcels 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. 2019-308
Ordinance No. 2019-309
Re: Amendment – Ord. No. 2018-321 Bull’s Head Revitalization Project

Council Priorities: Rebuilding and Strengthening Neighborhood Housing; Jobs and Economic Development

Transmitted herewith for your approval is legislation amending Ordinance No. 2018-321 to adjust the compensation amount, authorize bonds, and appropriate funding for one of the property acquisitions associated with the Bull’s Head Revitalization Project. The changes are detailed below:

Property Addresses	Owner	Just Compensation	Adjusted Compensation
160 Clifton Street	Rochester Clifton LLC	\$1,000,000	\$1,055,000

The owner of the property has contested the indicated approved just compensation amount and asserts that their property has greater value. The owner provided the City’s appraiser with an independent appraisal, including a higher appraised value, which was reviewed for consideration as permitted under the Eminent Domain Procedure Law.

The total acquisition amount of \$1,055,000 will be funded by \$55,000 in 2019-20 Cash Capital and the issuance of \$1,000,000 in bonds authorized and appropriated herein.

All City taxes and other current-year charges against each 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 a parcel, shall also be canceled.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-180

Ordinance No. 2019-308
(Int. No. 338)

Amending Ordinance No. 2018-321 as it relates to the acquisition of real estate to effectuate the Bull’s Head Urban Renewal Plan

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

Section 1. Section 1 of Ordinance No. 2018-321 authorizing the acquisition of up to 15 parcels of real estate to effectuate the Bull’s Head Urban Renewal Plan is hereby amended by increasing the maximum acquisition amount of one of those parcels by \$55,000 as follows:

Property Address	Owner	SBL#	Original Comp.	Max	Adjusted Comp	Max.
160 Clifton St	Rochester Clifton LLC	120.50-2-2.003	\$1,000,000		\$1,055,000	

Section 2. The adjusted maximum compensation amount shall be funded in the amounts of \$55,000 from 2019-20 Cash Capital and \$1,000,000 from bonds to be authorized and appropriated for said acquisition.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2019-309
(Int. No. 339)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,000,000 Bonds of said City to finance costs of the acquisition of a property to effectuate the Bull’s Head Urban Renewal Plan

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 acquisition of 160 Clifton Street to effectuate the Bull’s Head Urban Renewal Plan (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 \$1,055,000. The plan of financing includes the issuance of \$1,000,000 bonds of the City which are hereby appropriated to said Project, \$55,000 in 2019-20 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 \$1,000,000 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 \$1,000,000. 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. 11-c. of the Law, is 15 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. 2019-310
Re: Amending Ordinance No. 2019-24 – Sale of Land: 125 Howell Street

Council Priorities: Creating and Sustaining a Culture of Vibrancy; Rebuilding and Strengthening Neighborhood Housing.

Transmitted herewith for your approval is legislation amending Ordinance No. 2019-24. The original ordinance approved the sale of one City-owned property at 125 Howell Street, Rochester, NY (the "Property") to Capstone Development LLC (Principal: Don Lasher) (the "Developer"). This amendment will amend the Developer to an entity formed by Capstone Development LLC. Specifically, this legislation will amend Ordinance 2019-24 by:

- 2) Amending the Developer to 125 Howell Street LLC (Principals: Don Lasher and Aaron C. Allen) or an entity to be formed by Don Lasher or Capstone Real Estate Development LLC.

The change is because 125 Howell Street LLC had not yet been formed at the time of City Council's approval of Ordinance No. 2019-24.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-310
(Int. No. 340)

Amending Ordinance No. 2019-24 relating to the sale of 125 Howell Street

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

Section 1. Section 1 of Ordinance No. 2019-24 is hereby amended to read as follows:

Section 1. The Council hereby approves the negotiated sale with proposal of 125 Howell Street (SBL# 121.41-2-31), comprising approximately 0.13 acres of vacant land that has been assembled from the Inner Loop East Transformation Project, to ~~Capstone Real Estate Development LLC-125 Howell Street LLC, or to an entity to be formed by Capstone Real Estate Development LLC or by Dan Lasher,~~ to construct multifamily dwellings. The sale price shall be \$65,000.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-311
Re: Amending Ordinance No. 2019-117 – Sale of Real Estate: 1000 Driving Park

Transmitted herewith for your approval is legislation amending Ordinance No. 2019-117. The original ordinance approved the sale of City-owned property at 1000 Driving Park Avenue, Rochester NY (the “Property”) to Imburgia Brothers Holdings LLC (Frank S. Imburgia Jr., Manager) (the “Purchaser”). This amendment will amend the Purchaser to an entity formed by the Purchaser. Specifically, this legislation will amend Ordinance 2019-117 by:

- 1. Amending the Purchaser to FSI Driving Park LLC

The change is because FSI Driving Park LLC had not yet been formed at the time of City Council’s approval of Ordinance No. 2019-117.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-311
(Int. No. 353)

Amending Ordinance No. 2019-117 relating to the sale of 1000 Driving Park Avenue

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

Section 1. Section 1 of Ordinance No. 2019-117 is hereby amended to read as follows:

Address	SBL#	Size	Price	Purchaser
1000 Driving Park Avenue	090.63-1-1	Approximately 11.5 acres	\$520,000	Imburgia Brothers Holdings LLC <u>FSI Driving Park LLC</u>

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 334
Introductory No. 335

Re: Amendments to Chapter 29, Amusements and Chapter 120, the Zoning Code

Council Priorities: Creating and Sustaining a Culture of Vibrancy; Public Safety

Transmitted herewith for your approval is legislation amending Chapter 120, the Zoning Code, related to entertainment uses, and Chapter 29, Amusements, related to licensing. With respect to the Zoning Code Amendments, this legislation will add new definitions for Entertainment to the Zoning Code which include: Background Entertainment, Limited Entertainment, and Public Entertainment. The purpose of these changes is to differentiate between the various types of entertainment being offered in establishments ranging from low intensity background music, to full scale nightclub entertainment. Background and Limited Entertainment will be permitted in C-1 Districts, and all classifications of entertainment will be permitted in C-2, C-3, Village Center Districts and the Marina District. These changes will also more closely align the requirements of the Zoning Code with those of the Licensing Unit of the Rochester Police Department (RPD).

Accordingly, the Police Department's entertainment business licensing provisions in Chapter 29 are revised to line up with the Zoning Code's new definitions of Background Entertainment, Limited Entertainment, and Public Entertainment. Establishments will be required to obtain licenses to offer either Limited Entertainment or Public Entertainment. Prior experience with the licensing of entertainment and amusement establishments under Chapter 29 indicates that the Police Department's supervision combined with the annual relicensing process are more effective than Zoning's special permit process for enforcing operating standards that protect public safety and compatibility with the surrounding neighborhood. Establishments offering Background Entertainment will not be required to obtain a license provided that they limit themselves to providing pre-recorded background music.

The Planning Commission held one informational meeting on July 15, 2019 to review the proposed Zoning Code Amendments. The applicants spoke in support of the application; no one spoke in opposition. By a vote of 7-0, the Planning Commission recommended approval. No Planning Commission review is required for the Chapter 29 Amendments.

A State Environmental Quality Review (SEQR) was completed, and a Negative Declaration was issued on July 23, 2019.

A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

INTRODUCTORY NO. 334

AMENDING THE ZONING CODE, CHAPTER 120 OF THE MUNICIPAL CODE WITH REGARD TO ENTERTAINMENT

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

Section 1. Chapter 120 of the Municipal Code, the Zoning Code, as amended, is hereby further amended as follows:

A. Amending Section 120-208 Definitions as follows:

ENTERTAINMENT (PUBLIC)

~~Entertainment shall include, but not be limited to, a~~ Any public or private theatrical or musical performance (live or recorded), concerts, athletic contests or games, exhibitions, or shows, including a disc jockey or a dedicated dance floor, ~~or dance floors~~ which is offered, operated, presented or exhibited to the public. This definition does not include municipal or school auditoriums, athletic fields, playgrounds or public parks, background limited entertainment/music, or background entertainment.

BACKGROUND ENTERTAINMENT/MUSIC (LIMITED)

~~Any live or recorded Entertainment/~~ or music other than background entertainment, including but not limited to karaoke, that is completely incidental and secondary to the principal use and that meets the following criteria:

A. The entertainment/ ~~or~~ music must be accessory to the principal use and may not in any way constitute the primary function of the operation.

B. The specific type of entertainment/ ~~or~~ music must be listed on the ~~certificate of zoning compliance~~ limited entertainment center license that is issued pursuant to Chapter 29, Amusements and Entertainment, of the Municipal Code.

~~C. No advertising of the entertainment/music through newspapers, magazines, radio ads, banners, etc., will be permitted.~~

~~D. C.~~ There will be only one performer or performance group.

~~E. No dance area will be provided nor will dancing be allowed.~~

F. ~~A stage area will not be provided.~~

D. No dedicated stage nor dance area will be provided, nor will any permanent or temporary change to the approved floor plan be made to accommodate the use. For purposes of this section, "approved floor plan" is defined as the floor plan, seating plan, or other drawings and information that served as the basis for the establishment's latest building permit and maximum occupancy determinations issued pursuant to Chapter 39 Building Code of the Municipal Code.

G. E. No cover charge or fees will be collected.

F. The entertainment or music must end no later than one hour prior to closing time.

ENTERTAINMENT (BACKGROUND)

Pre-recorded music played as a matter of routine and completely secondary to the principal use of a nonresidential establishment, which is not audible beyond the property line of the establishment premises between the hours of 10:00 p.m and 8:00 a.m. and not audible at a distance of 50 feet beyond such property line between the hours of 8:00 a.m. and 10:00 p.m.

B. Amending Section 120-137 Entertainment as follows:

§ 120-137. Entertainment.

Establishments offering public entertainment, excluding all sexually oriented uses, shall be subject to the following requirements:

...

C. Amending the following items listed in the chart contained in Subsection C(1) of § 120-173, Off-street parking:

(1) Vehicular parking. For the following uses, the number of off-street parking spaces shall include:

Use	Minimum
...	...
Cultural and Recreational	
Public Entertainment	0.5 per allowable occupancy
...	
Services	
...	...
Bar, tavern, nightclub restaurant (without entertainment)	10 per 1,000 square feet net floor area
Bar, tavern, restaurant, nightclub (with <u>limited</u> entertainment)	<u>10 per 1,000 square feet net floor area</u> 1 per 2 persons maximum occupancy

D. Amending Subsection B(1) of § 120-163 Accessory Uses and Structures as follows:

B. For nonresidential uses, the following accessory uses and structures are permitted:

(1) Background entertainment/~~music~~.

E. Adding Subsection L to § 120-34, Permitted uses and structures, as follows:

The following uses are permitted in the C-1 District when conducted entirely within an enclosed building:

...

L. Limited entertainment, not including sexually oriented uses.

F. Amending Subsections O through R of § 120-42, Permitted uses and structures, as follows:

The following uses are permitted in the C-2 District, when conducted entirely within an enclosed building with hours of operation limited to 6:00 a.m. to 2:00 a.m. Hours of operation limitations do not apply to residential uses.

...

O. ~~(Reserved)~~ Public entertainment, not including sexually oriented uses, subject to the additional requirements for public entertainment in § 120-137.

P. Limited entertainment, not including sexually oriented uses.

PQ. Limited adult retail store when conducted entirely within an enclosed building.

~~QR. (Reserved)~~ Health clubs and similar facilities.

G. Deleting Subsection K from § 120-43, Special permit uses, as follows:

The following uses are allowed as special permit uses in the C-2 District:

...

~~K. Entertainment, not including sexually oriented uses, subject to the additional requirements for specified uses in § 120-137. (Reserved)~~

H. Adding Subsections BB and CC to § 120-50, Permitted uses and structures, as follows:

The following uses are permitted in the C-3 District:

...

~~BB. Public entertainment, not including sexually oriented uses, subject to the additional requirements for public entertainment in § 120-137.~~

~~CC. Limited entertainment, not including sexually oriented uses.~~

I. Deleting Subsection F from § 120-51, Special permit uses, as follows:

The following uses are allowed as special permit uses in the C-3 District:

...

~~F. Entertainment, not including sexually oriented uses, subject to the additional requirements for specified uses in § 120-137. (Reserved)~~

J. Adding Subsections A(16) and A(17) to § 120-76, PMV Public Market Village District, as follows:

A. Permitted uses and structures. The following uses are permitted in the PMV District:

...

~~(16) Public entertainment, not including sexually oriented uses, subject to the additional requirements for public entertainment in § 120-137.~~

~~(17) Limited entertainment, not including sexually oriented uses.~~

K. Adding Subsections A(7)(n) and A(7)(o) to § 120-77, H-V Harbortown Village District, as follows:

(7) The following uses are permitted as of right in the H-V Harbortown Village District if located 30 feet or more from the edge of the Genesee River, subject to site plan approval:

...

~~(n) Public entertainment, not including sexually oriented uses, subject to the additional requirements for public entertainment in § 120-137.~~

~~(o) Limited entertainment, not including sexually oriented uses.~~

L. Adding Subsections B(1)(f) and B(1)(g) to § 120-77, H-V Harbortown Village District, as follows:

B. Special permit uses. The following uses are allowed as special permit uses in the H-V District:

(1) The following uses when located within 30 feet of the edge of the Genesee River:

...

~~(f) Public entertainment, not including sexually oriented uses, subject to the additional requirements for public entertainment in § 120-137.~~

~~(g) Limited entertainment, not including sexually oriented uses.~~

M. Deleting Subsection B(11) and renumbering Subsections B(12) and B(13) of § 120-77, H-V Harbortown Village District, as follows:

B. Special permit uses. The following uses are allowed as special permit uses in the H-V District:

...

~~(11) Public entertainment, subject to the additional requirements for specified uses in § 120-137.~~

~~(12)(11) Vehicle service stations, subject to the additional requirements for specified uses in § 120-154.~~

~~(13)(12) Outdoor storage, subject to the additional requirements set forth in § 120-175.~~

N. Adding Subsection A(1)(n) to § 120-81, Permitted Uses and Structures, as follows:

A. The following uses are permitted in the M-1 District:

(1) The following uses are permitted when conducted in a fully enclosed building:

...

~~(n) Limited entertainment, not including sexually oriented uses.~~

O. Amending Subsection B(6) of § 120-81 Permitted Uses and Structures as follows:

B. The following uses are permitted in the M-1 District when located in any existing multistory building or a single-story building not originally designed for industrial purposes:

...

(6) ~~Public Entertainment~~, subject to the additional requirements for specified uses in § 120-137.

P. Amending Subsection A(9) of §120-83, Special permit uses, as follows:

The following uses are allowed as special permit uses in the M-1 District:

A. The following uses, when located in a single-story building originally designed for industrial purposes or a vacant lot, subject to a marketability analysis as set forth in § 120-192. The Planning Commission may, in approving a special permit, waive or modify the off-street parking requirements if it finds such action is warranted by reason of the nature of the occupancy, location of the property or availability of shared or public parking facilities.

...

(9) ~~Public Entertainment~~, subject to the additional requirements for specified uses in § 120-137.

Q. Amending Subsections B and C of § 120-106 Special Permit Uses as follows:

§ 120-106. Special permit uses.

The following uses are allowed as special permit uses in the O-B District in existing structures only:

...

B. Bar, cocktail lounge and tavern, excluding dancing, limited entertainment and public entertainment, not exceeding 650 square feet of floor area devoted to customer seating and service, operating between the hours of 6:00 a.m. and 11:00 p.m.

C. Restaurants, excluding dancing, limited entertainment, public entertainment and drive-through facilities, not exceeding 650 square feet of net floor area devoted to customer seating and service, operating between the hours of 6:00 a.m. and 11:00 p.m., including outdoor seating/assembly areas.

...

R. Adding Subsections N(1)(i) and (j) to § 120-120 Zoning Designations and Modifications (La Marketa North Clinton Avenue Urban Renewal District) as follows:

(1) All of the requirements of the C-2 Zoning District shall apply except as follows:

Permitted uses:

(i) ~~Limited entertainment, not including sexually oriented uses.~~

(j) In any public or semi-public plaza, open space or community gathering space: public entertainment, festivals, neighborhood parties, and other events that are either sponsored by the City or a community organization or issued a special event permit.

S. Amending Subsection N(2)(b) of § 120-120 Zoning Designations and Modifications (La Marketa North Clinton Avenue Urban Renewal District) as follows:

(2) Special permit uses:

...

(b) ~~Public Entertainment~~ not including sexually oriented uses, subject to the additional requirements for specified uses in § 120-137 of the Rochester Zoning Code.

T. Adding Subsections B(10) and B(11) to § PDD-4, Planned Development District No. 4 - Rochester Museum & Science Center, as follows:

B. Permitted uses. Permitted uses include, but are not limited to, the following uses when consistent with the above purpose:

...

(10) Public entertainment, not including sexually oriented uses, subject to the additional requirements for specified uses in § 120-137.

(11) Limited entertainment, not including sexually oriented uses.

U. Amending Subsections B(1)(o) and (s), inserting Subsection B(1)(t) and relettering Subsections B(1)(t) and (u) in § PDD-8, Planned Development District No. 8 – Mid-Town Athletic Club, as follows:

B. Uses and structures.

(1) The following uses are allowed as permitted uses within Planned Development District No. 8, provided that such principal uses are made within the interior of the existing building:

...

(o) ~~Amusement centers and live entertainment~~ provided therein, provided such use(s) may only be made between the hours of 6:00 a.m. and 2:00 a.m.

(p) Accessory parking lots.

(q) Motels and hotels.

(r) Private clubs.

(s) ~~Public Entertainment~~ not including sexually oriented uses, subject to the additional requirements for specified uses in Zoning Code § 120-137.

(t) Limited entertainment, not including sexually oriented uses.

~~(u)~~ Drive-thru facilities as accessory to permitted uses or special permit.

~~(v)~~ Research laboratories including testing facilities.

V. Amending Subsection B(1)(k), inserting Subsection B(1)(l) and relettering Subsections B(1)(l) through (v) in § PDD-9, Planned Development District No. 9 – Canalside Business Center, 1555 Lyell Avenue, as follows:

B. Permitted uses and structures.

(1) The following uses are permitted in Sub-Area 1 when located in an enclosed building:

...

~~(k) Live Public entertainment, not including sexually oriented uses, subject to the additional requirements for specified uses in § 120-137.~~

(l) Limited entertainment, not including sexually oriented uses.

~~(m)~~ Manufacturing uses, high-tech or light industrial when conducted within an enclosed building.

~~(n)~~ Motels and hotels.

~~(o)~~ Offices or clinics.

~~(p)~~ Production of chemical, rubber, leather, clay, bone, plastic, stone, paper and glass materials or products.

~~(q)~~ Public and semipublic uses, including but not limited to schools, library, police stations and fire stations.

~~(r)~~ Public utilities, subject to additional requirements for specified uses in § 120-144.

~~(s)~~ Recycle centers, subject to additional requirements for specified uses in § 120-145.

~~(t)~~ Research laboratories, including testing facilities.

~~(u)~~ Retail sales and service.

~~(v)~~ Technical and vocational schools.

~~(w)~~ Warehouse and distribution facilities.

W. Adding Subsection B(2)(h) to § PDD-9, Planned Development District No. 9 – Canalside Business Center, 1555 Lyell Avenue, as follows:

(2) The following uses are permitted in Sub-Area 2 when located in an enclosed building:

(h) Limited entertainment, not including sexually oriented uses.

X. Amending Subsection C(1)(b) of § PDD-9, Planned Development District No. 9 – Canalside Business Center, 1555 Lyell Avenue, as follows:

(1) The following uses are allowed as special permit uses in Sub-Area 1:

...

(b) Outdoor Entertainment uses, parks, playgrounds, stadiums, and outdoor recreation.:

Y. Amending Subsection C(2)(a) of § PDD-9, Planned Development District No. 9 – Canalside Business Center, 1555 Lyell Avenue, as follows:

(2) The following uses are allowed as special permit uses in Sub-Area 2:

(a) Live Public entertainment, not including sexually oriented uses, subject to the additional requirements for public entertainment in § 120-137.

Z. Adding Subsections D(1)(e) and (f), D(2)(g) and (h), and D(3)(e) and (f) to §PDD-11, Planned Development District No. 11 – CityGate, as follows:

D. Permitted

(1) Central Commercial Subarea.

...

(e) Limited entertainment, not including sexually oriented uses.

(f) Limited entertainment conducted outdoors or in partially enclosed or screened facilities, not including sexually oriented uses.

...

(2) Canal Front Mixed-Use Subarea.

...

(g) Limited entertainment, not including sexually oriented uses.

(h) Limited entertainment, not including sexually oriented uses, conducted outdoors or in partially enclosed or screened facilities.

...

(3) Perimeter Commercial Subarea.

...

(e) Limited entertainment, not including sexually oriented uses.

(f) Limited entertainment conducted outdoors or in partially enclosed or screened facilities, not including sexually oriented uses.

AA. Amending Subsection F(3), inserting Subsection F(4) and renumbering Subsections F(4) through F(6) of § PDD-11, Planned Development District No. 11 – CityGate, as follows:

F. The following uses, unless otherwise expressly permitted or prohibited in a subarea, are specially permitted in PD No. 11:

...

(3) ~~Indoor and outdoor~~ Public entertainment, not including sexually oriented uses, subject to the additional requirements for specified uses in § 120-137.

(4) Public entertainment conducted outdoors or in partially enclosed or screened facilities, not including sexually oriented uses, subject to all but the enclosed space requirements for specified uses in § 120-137.

(4)(5) Outdoor markets.

(5)(6) Wind energy conversion systems.

(6)(7) Drive-through facilities in the Perimeter Commercial Subarea, and only when located in the rear yard of buildings that front on perimeter streets, except that the City Planning Commission may waive this location requirement in its consideration of any individual special permit application.

BB. Amending Subsections B(1) and B(4) and of § PDD-14, Planned Development District No. 14 – George Eastman House, as follows:

B. Permitted uses. Permitted uses include the following when consistent with the above purpose:

...

(1) ~~Exhibit, and limited~~ entertainment and special event uses supporting the institutions, including museums, galleries, theaters, exhibition spaces, and auditoriums.

...

(4) Restaurant and banquet facilities supporting the institutions, including accessory limited entertainment and accessory outdoor seating and assembly areas, provided that the regular operating hours of the facilities are between the hours of 6:00 a.m. and 12:00 p.m.

...

DD. Adding Subsection B(1)(k) to § PDD-15, Planned Development District No. 15 – Culver Road Armory, as follows:

(1) All of the following uses are permitted in Buildings I, II and III. For nonresidential uses, all activities shall occur within a completely enclosed building, and the hours of operation shall be limited to 6:00 a.m. to 2:00 a.m.:

...

(k) Limited entertainment, not including sexually oriented uses.

EE. Deleting Subsection B(2)(b) and amending Subsection B(3) of § PDD-15, Planned Development District No. 15 – Culver Road Armory, as follows:

(2) In addition to the uses permitted above, the following uses are also permitted in Buildings I and II:

...

(b) ~~Entertainment, subject to additional requirements for specified uses in § 120-137(A) of the Zoning Code.~~

(3) Outdoor seating areas and activities accessory to a nonresidential use in Buildings I, II and III, excluding public and limited entertainment, operating between the hours of 6:00 a.m. and 12:00 a.m. (midnight).

FF. Amending Subsection D(1) and deleting Subsection D(4) of § PDD-15, Planned Development District No. 15 – Culver Road Armory, as follows:

D. Special permit uses.

(1) Outdoor, partially enclosed or screened seating areas and activities, including limited entertainment and excluding public entertainment, that are accessory to a nonresidential use, ~~excluding entertainment~~, operating between the hours of 12:00 a.m. (midnight) and 2:00 a.m.

...

~~(4) Entertainment in Building III.~~

GG. Amending Subsections B(1)(c) and B(3)(e) of § PDD-16, Planned Development District No. 16 Century-Strathallan, as follows:

B. Permitted uses. Permitted uses in PD No. 16 are specified for each of the three subareas comprising the district:

(1) Subarea 1: 550 (546) East Avenue (hotel).

...

(c) Bars, restaurants, conference and banquet facilities, with limited entertainment, or with public entertainment subject to the additional requirements for public entertainment uses in § 120-137A.

...

(3) Subarea 3: 566 East Avenue (main building and carriage house) and 586 East Avenue (parking lot).

...

(e) Restaurant, conference, banquet and catering facilities, with limited entertainment, or with public entertainment subject to the additional requirements for public entertainment uses in § 120-137A, except for a principal use in the carriage house that is not part of or an accessory use to the principal use of another building in the district

...

HH. Amending Subsections C(1) and C(5) of § PDD-16, Planned Development District No. 16 Century-Strathallan, as follows:

C. Special permit uses.

(1) ~~Outdoor~~ Public entertainment, not including sexually oriented uses, associated with outdoor or partially enclosed or screened seating areas and outdoor activities.

...

(5) Restaurant, conference, banquet and catering facilities, with limited entertainment, or with public entertainment subject to the additional requirements for public entertainment uses in § 120-137A, when located within the existing carriage house at 566 East Avenue, when not accessory to a permitted principal use in Subarea 1, Subarea 3.

II. Amending Subsection B(1)(a) of § PDD-18, Planned Development District No. 18, 1201 Elmwood Avenue:

(1) The Commercial Frontage, Subarea 1: The following uses are permitted. All nonresidential uses shall operate between the hours of 6:00 a.m. to 2:00 a.m., unless otherwise noted:

(a) Hotels, including amenities such as bars, restaurants, conference and banquet facilities, meeting rooms, and outdoor seating areas open to the public on a twenty-four-hour basis; events with live public entertainment or limited entertainment when located within a completely enclosed building shall only operate until 2:00 a.m., and events with live public entertainment or limited entertainment offered in the outdoor seating and assembly area shall only operate until 12:00 midnight.

JJ. Amending Subsection B(1)(a) of § PDD-18, Planned Development District No. 18, 1201 Elmwood Avenue:

(2) The Mixed Use Core, Subarea 2: The following uses are permitted. All nonresidential uses shall operate between the hours of 6:00 a.m. to 2:00 a.m.:

(i) Limited entertainment, not including sexually oriented uses, as an accessory to one of the foregoing listed community center, bar, restaurant, retail, public and semipublic uses.

Section 2. This ordinance shall take effect January 1, 2020.

Strikeout indicates deleted text, new text is underlined.

HELD IN COMMITTEE

INTRODUCTORY NO. 335

AMENDING CHAPTER 29 OF THE MUNICIPAL CODE WITH REGARD TO ENTERTAINMENT

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

Section 1. Chapter 29 of the Municipal Code, as amended, is hereby further amended as follows:

A. Amending the title of Chapter 29 as follows:

Chapter 29. Amusements and Entertainment

B. Amending § 29-1 Terms Defined by amending the definitions of Adult Entertainment, Entertainment Center and Public Entertainment and adding definitions for the additional terms Limited Entertainment, Background Entertainment and Limited Entertainment Center as follows:

ADULT ENTERTAINMENT

Any motion picture, limited entertainment or public entertainment which is characterized by emphasis on the description or depiction of specific anatomical areas or specified sexual activities as defined in Chapter 120 of the Municipal Code, Zoning Code.

ENTERTAINMENT CENTER (PUBLIC)

The premises, including a theater, hall, auditorium, tent, structure, building or enclosure of any type, yard or lot, on or within which is offered, operated, presented or exhibited to the public any motion picture or public entertainment. This definition shall not include municipal or school auditoriums, athletic fields or playgrounds or public parks.

PUBLIC-ENTERTAINMENT (PUBLIC)

Any theatrical or musical performance, concert, athletic contest or game, exhibition, or show or entertainment, including a disc jockey and or a dedicated dance floors, which is offered, operated, presented or exhibited to the public, but excluding This definition does not include municipal or school auditoriums, athletic fields, playgrounds, or public parks; nor does it include background limited entertainment/music, or background entertainment as defined in Chapter 120 of the Municipal Code, Zoning Code this Section.

ENTERTAINMENT (LIMITED)

Any live or recorded entertainment or music, other than background entertainment, including but not limited to karaoke, that is completely secondary to the principal use and that meets the following criteria:

- A. The entertainment or music must be accessory to the principal use and may not in any way constitute the primary function of the operation.
- B. The specific type of entertainment must be listed on the limited entertainment center license that is issued pursuant to this chapter.
- C. There will be only one performer or performance group.
- D. No dedicated stage nor dance area will be provided, nor will any permanent or temporary change to the approved floor plan be made to accommodate the use. For purposes of this section, "approved floor plan" is defined as the floor plan, seating plan, or other drawings and information that served as the basis for the establishment's latest building permit and maximum occupancy determinations issued pursuant to Chapter 39 Building Code of the Municipal Code.
- E. No cover charge or fee will be collected.
- F. The entertainment or music must end one hour prior to closing time.

ENTERTAINMENT (BACKGROUND)

Pre-recorded music played as a matter of routine and completely secondary to the principal use of a nonresidential establishment, which is not audible beyond the property line of the establishment premises between the hours of 10:00 p.m. and 8:00 a.m. and not audible at a distance of 50 feet beyond such property line between the hours of 8:00 a.m. and 10:00 p.m.

ENTERTAINMENT CENTER (LIMITED)

The premises, including a tent, structure, building or enclosure of any type, yard or lot, on or within which is offered, operated, presented or exhibited to the public any limited entertainment. This definition shall not include municipal or school auditoriums, athletic fields or playgrounds or public parks.

C. Amending § 29-13 as follows:

29-13 License required

- A. No person shall maintain or operate an public entertainment center within the City of Rochester without first having obtained an entertainment center license.
- B. No person shall maintain or operate a limited entertainment center within the City of Rochester without first having obtained a limited entertainment center license.

D. Amending § 29-14 as follows:

29-14 Application procedures; inspections; license requirements

- A. An application for ~~an~~ public entertainment center license ~~or a limited entertainment center license~~ shall be made to the City Clerk. The application shall contain the name and address of the owner and operator of the entertainment center. If the owner or operator is a partnership, corporation or other business association, the application shall contain the names and addresses of all partners, officers or principals. All addresses of persons involved shall be home addresses, listing street and number. The application shall contain the address of the public or limited entertainment center and the type of entertainment to be offered.
- B. The premises to be licensed must meet all applicable Zoning, Building, Fire, Health and Safety Codes. Upon receipt of an application for ~~an~~ public entertainment center ~~or limited entertainment center~~ license and after approval for Zoning Code compliance by the Director of Planning and Zoning, the Commissioner of Neighborhood and Business Development and the Fire Chief shall cause an inspection of the premises to be made to determine whether the applicant is complying with the applicable Building and Fire Codes, and said Commissioner and Fire Chief and members of their staff shall have the right to enter upon any premises for which ~~an~~ entertainment center ~~the~~ license is sought for the purpose of making such an inspection during normal business hours.
- C. No public entertainment center license shall be denied, suspended or revoked based upon the content of any public entertainment or motion picture or type of public entertainment or motion picture offered. No limited entertainment center license shall be denied, suspended or revoked based upon the content of any limited entertainment or type of limited entertainment offered, except to the extent that the content or type is contrary to the definition and criteria for limited entertainment set forth in section 29-1. Nothing contained herein shall be construed to affect in any way the institution or prosecution of obscenity charges involving any public entertainment or motion picture.
- D. ~~An~~ public entertainment center license ~~or limited entertainment center license~~ shall be issued or continued despite a guilty plea to or conviction of a crime by the owner or operator of a center offering, operating, presenting or exhibiting any motion picture or public entertainment ~~or limited entertainment~~ protected by the First Amendment to the United States Constitution, unless the granting or continuation of the license presents a clear and present danger of serious, substantive evil.
- E. Amending Subsections A through F of § 29-15 as follows:

29-15 Operation of centers

- A. The owner and operator of any public entertainment center ~~or limited entertainment center~~ shall comply with all provisions of federal, state and local laws and ordinances relating to the conduct of the business and the use and maintenance of the premises.
- B. The owner and operator of any public entertainment center ~~or limited entertainment center~~ shall comply with all the notices, orders, decisions and rules and regulations made by the Chief of Police, Fire Chief, Commissioner of Neighborhood and Business Development and the Director of Planning and Zoning governing the occupation and use of said premises.
- C. The owner and operator of any public entertainment center ~~or limited entertainment center~~ shall cause the applicable entertainment center license to be posted in a conspicuous place on the premises ~~of the entertainment center~~.
- D. The owner and operator of any public entertainment center ~~or limited entertainment center~~ shall not permit at any time a greater number of persons on the premises than the capacity approved by the Department of Neighborhood and Business Development and set forth on the applicable entertainment center license.
- E. The owner and operator of any public entertainment center ~~or limited entertainment center~~ shall maintain good order on the premises at all times. The lack of good order on the premises shall include, but not be limited to, the following:
- (1) Fighting and rowdy behavior.
 - (2) Illegal or excessive consumption of alcoholic beverages.
 - (3) Gambling.
 - (4) Prostitution.
 - (5) Sale, possession or use of any controlled substances, marijuana, hypodermic instrument or drug paraphernalia.
- F. The Chief of Police may promulgate rules and regulations to govern the operation of public entertainment centers ~~and limited entertainment centers~~ so as to provide for the orderly operation of the centers and to ensure the public safety and the peace and tranquility of the neighborhood where the centers are located. Such rules and regulations shall deal solely with specific public health and safety concerns, and no rule or regulation shall govern the content of any public entertainment, limited entertainment or motion picture.

- F. Amending § 29-16 as follows:

29-16 License fees

- A. The annual fees ~~for an~~ entertainment center licenses shall be as follows:
- (1) ~~Public~~ Entertainment centers ~~and limited entertainment centers~~ which offer or operate only those individual mechanical motion-picture machines commonly known as "peep shows" shall pay a fee of \$325.

(2) ~~Public Entertainment centers~~ and limited entertainment centers which offer or present any public entertainment or motion picture other than or in addition to those individual mechanical motion-picture machines commonly known as "peep shows" shall pay in accordance with the following schedule:

Occupancy (number of persons)	Annual Fee
0 to 49	\$100
50 to 99	\$275
100 to 249	\$425
250+	\$500

In addition to the above fee, ~~public Entertainment centers~~ and limited entertainment centers with any New York State license allowing for the consumption of ~~liquor~~ alcoholic beverages on the premises shall be charged an extra annual fee of \$100.

B. Payment of the fee shall be due upon application for the license.

C. The fee for replacement of an entertainment center license which has been lost or destroyed shall be \$10.

G. Amending § 29-17 as follows:

§ 29-17. Expiration of license.

~~Public Entertainment center~~ and limited entertainment center licenses shall expire on January 31 of each year. Fees for renewal of an entertainment center license expiring in 1996 shall be prorated on a semiannual basis.

Section 2. Chapter 13A Municipal Code Violations Bureau of the Municipal Code, as amended, is hereby further amended as follows:

A. Amending the third item on the list contained in Subsection A of Section 13A-2 Jurisdiction as follows:

The Municipal Code Violations Bureau is hereby authorized to dispose of charges involving violations of the following parts of the Municipal Code:

Code Reference	Type of Regulation
...	
Chapter 29	Amusements <u>and entertainment</u>
...	

B. Amending the first sentence of Subsection G of § 13A-11 as follows:

Fines and penalties for any violation of Chapter 29, Amusements and Entertainment; Chapter 46, Dance Halls; Chapter 62, Commercial Travelers, Solicitors and Special Promotional Events; Chapter 96, Secondhand Dealers; Chapter 98, Sexually Oriented Businesses; Chapter 108, Taxicabs; and Chapter 108A, Towing, of the Municipal Code shall be as follows:
...

Section 3. Chapter 68 Licenses – Businesses and Trade of the Municipal Code, as amended, is hereby further amended as follows:

A. Amending the first item on the list contained in § 68-1 Licenses and Permits as follows:

No person shall engage in any of the businesses and trades described in the following chapters of this Code without having procured a license or permit as herein provided:

Chapter 29	Amusements <u>and Entertainment</u>
------------	-------------------------------------

B. Amending Subsection B of § 68-10 Revocation of Licenses and Permits as follows:

However, entertainment center licenses for centers offering, operating, presenting or exhibiting any motion picture, limited entertainment or public entertainment protected by the First Amendment to the United States Constitution and amusement game licenses for those individual mechanical motion-picture machines commonly known as "peep shows" shall only be suspended or revoked due to a guilty plea or conviction of a crime upon a showing, after a hearing, of a clear and present danger of serious, substantive evil.

Section 4. Article II Business Permits in Chapter 90 Property Code of the Municipal Code, as amended, is hereby further amended in Subsection A of § 90-38 Fees as follows:

The annual fee for a business permit shall be \$25; the fee for the replacement of a lost permit shall be \$10. The annual fee for renewal applications which are submitted within 30 days after the mailing of a renewal notice by the City shall be waived. The fee for a conditional business permit as set forth in § 90-41B shall be \$300. The fee for a business permit shall be waived for any business that possesses either a current public or limited entertainment center license, a secondhand dealer license, an amusement center license, or a pawnbroker license, but there shall be no waiver of fees for a conditional business permit.

Section 5. Chapter 98 Sexually Oriented Businesses of the Municipal Code, as amended, is hereby further amended in § 98-7 as follows:

§ 98-7. Public and limited ~~E~~entertainment centers and amusement licenses.

A licensee holding a sexually oriented business license shall not also be required to obtain an public entertainment center license, limited entertainment center license or a dance license for the same premises, but shall obtain any necessary amusement center and amusement game licenses.

Section 6. This ordinance shall take effect January 1, 2020.

Strikeout indicates deleted text, new text is underlined.

HELD IN COMMITTEE

By Councilmember Gruber
October 15, 2019

To the Council:

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

- Int. No. 341 Authorizing an engineering design services agreement for the 2019 Preventive Maintenance Northwest Group 5 Project
- Int. No. 342 Authorizing agreements and funding for the Waring Road Improvement Project
- Int. No. 343 Authorizing an agreement for an On-site Energy Manager program
- Int. No. 344 Authorizing agreements with Excellus Health Plan, Inc. and Common Ground Health and amending the 2019-20 Budget relating to the Play Walk project, as amended

Respectfully submitted,
Mitch Gruber
Malik Evans
Elaine M. Spaul (Absent)
Willie Lightfoot
Loretta C. Scott
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-312
 Agreement – CSX Transportation, Inc., Design Services 2019 Preventive Maintenance NW Group 5 Project

Transmitted herewith for your approval is legislation which will establish \$25,000 as maximum compensation for an agreement with CSX Transportation Inc., Jacksonville, Florida, for engineering design services. The cost of the agreement will be funded from 2014-15 Cash Capital.

The agreement with CSX is required to provide for engineering design services for an at-grade railroad crossing on Dewey Avenue. The term of the agreement will be five years after project completion.

Construction is anticipated to begin in the spring of 2020 and completed in fall 2020. The project will result in the creation and/or retention of the equivalent of .3 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-181

Ordinance No. 2019-312
(Int. No. 341)

Authorizing an engineering design services agreement for the 2019 Preventive Maintenance Northwest Group 5 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 CSX Transportation, Inc. to provide engineering design services for an at-grade railroad crossing as part of the 2019 Preventive Maintenance Northwest Group 5 Project. The maximum annual compensation for the agreement shall be \$25,000 and said amount, or so much thereof as may be necessary, shall be funded from 2014-15 Cash Capital. The term of the agreement shall extend to 5 years after completion of the work covered by the agreement.

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. 2019-313
Re: Waring Road Improvement Project (Norton Street – Culver Road)

Transmitted herewith for your approval is legislation related to the Waring Road Improvement Project. This legislation will:

3. Authorize the Mayor to enter into an agreement with the New York State Department of Transportation (NYSDOT) necessary to participate in and administer the Project;
4. Appropriate \$166,617 in anticipated reimbursements from New York State to finance design services, right of way incidentals and acquisitions for the Project, and;
5. Establish \$175,000 as maximum compensation for a professional services agreement with CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. (Todd M. Liebert, Rochester, N.Y.), for the reevaluation of the Project including preliminary design, final design, right of way incidentals and acquisitions. The term of the agreement will be until six (6) months after final acceptance of the project. The cost of the agreement will be funded from Prior Years' Cash Capital (\$8,383) and New York State funds appropriated herein.

CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. began design of the Project in 2011. Design was placed on hold in 2013 pending future identification of construction funding. In 2019, New York State funds were designated to the Project to complete final design, right of way acquisitions, construction, and RPR services.

This Project will include pavement reconstruction, new curbs and bump-outs, realignment of intersecting streets, sidewalks, street lighting improvements, water main installation, water services and hydrants, catch basins, manhole frames and covers, bio-retention areas, landscaping, bicycle lanes and restoration of all disturbed lawn areas. Improvements to pedestrian and bicycle facilities in accordance with the Rochester Complete Streets Policy have been integrated into the design. Minor right of way corner takings will be included as part of the Project.

Final design and right of way acquisitions will begin in fall of 2019 with construction anticipated to begin in spring of 2021.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-182

Ordinance No. 2019-313
(Int. No. 342)

Authorizing agreements and funding for the Waring Road Improvement Project

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 Transportation (NYSDOT) necessary to participate in and administer the Waring Road Improvement Project (Project).

Section 2. The Mayor is hereby authorized to accept and use \$166,617 in anticipated reimbursements from the NYSDOT, which amount is hereby appropriated to fund design services, right-of-way incidentals and acquisitions for the Project.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement with CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. for evaluation of the Project's preliminary design, final design, right-of-way incidentals, and acquisition plan. The term of the agreement shall continue until 6 months after final acceptance of the Project. The maximum compensation for the agreement shall be \$175,000 and said amount, or so much thereof as may be necessary, shall be funded from \$8,383 in Prior Years' Cash Capital and the NYSDOT funds appropriated herein.

Section 4. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-314
Re: Grant Acceptance – New York State Energy Research and Development Authority – On-site Energy Manager Program

Transmitted herewith for your approval is legislation related to the implementation of an On-site Energy Manager program for the City of Rochester. This legislation will:

- 3. Authorize the Mayor to enter into a grant agreement with the New York State Energy Research and Development Authority (NYSERDA); and
- 4. Authorize the receipt and use of \$207,714.39 in anticipated grant funds from NYSERDA to finance the project.

In June 2019 the City applied to the NYSERDA On-site Energy Manager (OsEM) program, which provides funding to dedicate staff and/or consultant resources to perform energy management and energy improvement services for facilities. The OsEM program is designed to demonstrate the value of dedicating staff to plan and implement energy and cost saving improvements and provides a 75% cost share for staff and consultant services utilized under the program, as well as potential bonus incentive payments for participants that meet certain energy reduction goals. In September 2019, the City was notified that NYSERDA selected Rochester to participate in the OsEM program.

The NYSERDA OsEM grant funds will be used for activities including developing an energy management plan for City facilities, implementing systems for tracking and monitoring results, managing facility energy audits to identify energy conservation measures for potential implementation, managing energy improvement projects and installation of municipal energy efficiency upgrades. The work performed under this program will assist the City in achieving the goals set forth in our Climate Action Plan as well as provide energy cost savings.

The City’s OsEM program will be implemented utilizing existing City staff and our current energy program support services consultant, PMD Energy and Environments, LLC (authorized under Ordinance No. 2018-406). The required 25% City cost share will be funded with in-kind City staff time and energy program income. The term of the grant is up to four years.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-314
(Int. No. 343)

Authorizing an agreement for an On-site Energy Manager 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 Energy Research and Development Authority for the receipt and use of anticipated grant funds in the amount of \$207,714.39 to implement an On-site Energy Manager program. The term of the agreement shall be for up to four years.

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. 2019-315
Re: Play Walk Easement Acceptance and Agreement

Transmitted herewith for your approval is legislation related to the Play Walk project. This legislation will:

- 1. Authorize the acceptance of an easement at 165 Court Street to provide for sidewalk trail markers as part of the Play Walk. Excellus Health Plan, Inc. has agreed to grant a three-year temporary sidewalk easement along their office building on Court Street between South Avenue and St. Mary’s Place. The cost to the City is one (1) dollar, which will be paid from the 2019-20 Budget of the Department of Environmental Services.

- 2. Authorize an agreement between Common Ground Health and the City. Common Ground Health has agreed to transfer ownership of any equipment, material, or structure that Common Ground Health installed in the Play Walk area using grant funding and located on either City-owned property or in the right-of-way. In exchange, the City has agreed to take responsibility for maintaining Play Walk. Common Ground Health (Wade Norwood, CEO) has also agreed to provide the City with \$1,000 to assist with maintenance costs for the Play Walk corridor.
- 3. Authorize a budget amendment to amend the 2019-20 Budget of the Department of Environmental Services to reflect the \$1,000 authorized herein.

Play Walk is a playful sidewalk connection along Chestnut and Court Streets between the Strong Museum and the Central Library. When complete, Play Walk will include trail markers, murals, colorful site furnishings, little libraries, large format games, and musical instruments. The project was initiated by Common Ground Health and was funded by KaBOOM and the Ralph C. Wilson Foundation with in-kind support from the City of Rochester.

Local teens participated in the process with landscape architect Sue Steele and local artist Shawn Dunwoody. The teens were compensated with a stipend for their assistance with site design, community outreach, and painting. Construction started in August and was completed in September 2019.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-183

Ordinance No. 2019-315
 (Int. No. 344, as amended)

Authorizing agreements with Excellus Health Plan, Inc. and Common Ground Health and amending the 2019-20 Budget relating to the Play Walk project

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

Section 1. The Council hereby approves the acquisition of a temporary easement at 165 Court Street from the current owner, Excellus Health Plan, Inc., to provide for sidewalk trail markers as part of the Play Walk project. The term of the temporary easement shall be three years. The acquisition shall obligate the City to pay an amount not to exceed \$1.00, which shall be funded from the 2019-20 Budget of the Department of Environmental Services.

Section 2. The Mayor is hereby authorized to enter into an agreement with Common Ground Health, ~~whereby for the City to provide maintenance of the Play Walk. The term of the agreement shall be three years and~~ Common Ground Health shall pay the City \$1,000 and transfer ownership of any equipment, material or structure that has been installed in the Play Walk area, on either City-owned property or in the right-of-way, to the City for maintenance purposes.

Section 3. Ordinance No. 2019-161, the 2019-20 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 Environmental Services by the sum of \$1,000.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

By Vice-President Lightfoot
 October 15, 2019

To the Council:

The **PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

- Int. No. 345 Authorizing an amendatory agreement for the STOP Violence Against Women Grant Program
- Int. No. 346 Authorizing a terrorism prevention grant agreement with the New York State Division of Homeland Security and Emergency Services
- Int. No. 347 Authorizing a targeted tactical team grant agreement with the New York State Division of Homeland Security and Emergency Services

- Int. No. 348 Authorizing an explosive detection canine team enhancement grant agreement with the New York State Division of Homeland Security and Emergency Services
- Int. No. 349 Authorizing an intermunicipal agreement with the School District for traffic and crowd control services and amending the 2019-20 Budget
- Int. No. 350 Authorizing a grant agreement for the 2019 State Homeland Security Program

Respectfully submitted,
 Willie J. Lightfoot
 Mitch Gruber
 LaShay D. Harris (*Abstained on Int. 349*)
 Jacklyn Ortiz
 Loretta C. Scott
 PUBLIC SAFETY YOUTH & RECREATION COMMITTEE

Received filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2019-316
 Re: Agreement Amendment – New York State Division of Criminal Justice Services, STOP Violence Against Women Act Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the New York State Division of Criminal Justice Services for the receipt and use of up to \$35,600 for the STOP Violence Against Women Act (VAWA) grant.

The Rochester Police Department was informed that the STOP Violence Against Women Grant that was authorized in Ordinance No. 2015-19 is being funded for an additional year. Therefore, the agreement is being extended through December 31, 2020.

This award will partially reimburse the salaries of staff in the Family and Victim Services Section of the Police Department who help ensure the immediate safety of victims of domestic violence and help them find safe housing. Services include contacting victims prior to the arraignment of the perpetrators, and offering legal advocacy and follow-up services to ensure their continued safety.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Ordinance No. 2019-316
 (Int. No. 345)

Authorizing an amendatory agreement for the STOP Violence Against Women 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 amendatory agreement with the New York State Division of Criminal Justice Services relating to the STOP Violence Against Women grant program. The amendment shall increase the term of the agreement originally authorized in Ordinance No. 2015-19 for one additional year through December 31, 2020. All other terms and conditions shall remain the same, including the grant amount.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2019-317
 Ordinance No. 2019-318
 Ordinance No. 2019-319
 Re: Grant Agreements – New York State Division of Homeland Security and Emergency Services

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing agreements with the New York State Division of Homeland Security and Emergency Services for the receipt and use of three grants described below.

2019 State Law Enforcement Terrorism Prevention Program Grant, September 1, 2019 – August 31, 2022

This \$120,000 grant will be used to purchase equipment to enhance and maintain the capabilities of the Police Department's Special Teams. The purchase plan includes digital Harris radios for the SWAT team, a vehicle to transport the existing long-range audio device for crowd notifications and control, and SCUBA equipment. RPD has received this grant for 11 years.

2018 Targeted Tactical Team Program Grant, October 1, 2019 – August 31, 2021

This \$100,000 grant will be used to enhance and maintain the capabilities of the Police Department's SWAT team. The grant budget includes funds for equipment and training. Low/no light vision equipment, a robot system to aid in surveillance and detection of explosive devices or armed subjects, and medical supplies will be purchased. Training for command and leadership as well as sniper, breacher, and munitions training will be included. This is the fourth year RPD has received this grant.

2018 Explosive Detection Canine Team Enhancement Grant, October 1, 2019 – August 31, 2021

This \$8,400 grant will be used for the purchase of equipment to enhance the interoperability of the Police Department's Canine Team with the SWAT and Bomb Teams for tactical events. The grant budget includes lockable storage magazines for explosive materials, vehicle docking stations for personal radiation detectors, and LED marking lights. RPD has received this grant three times previously.

No matching funds are required.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-317
(Int. No. 346)

Authorizing a terrorism prevention grant agreement with the New York State Division of Homeland Security and Emergency 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 agreement with the New York State Division of Homeland Security and Emergency Services for receipt and use of 2019 State Law Enforcement Terrorism Prevention Program Grant funding to the Rochester Police Department in the amount of \$120,000, which funds are hereby appropriated for said purpose. The term of the agreement shall be from September 1, 2019 through August 31, 2022.

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.

Ordinance No. 2019-318
(Int. No. 347)

Authorizing a targeted tactical team grant agreement with the New York State Division of Homeland Security and Emergency 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 agreement with the New York State Division of Homeland Security and Emergency Services for receipt and use of 2018 Targeted Tactical Team Program Grant funding for the Rochester Police Department in the amount of \$100,000, which funds are hereby appropriated for said purpose. The term of the agreement shall be from October 1, 2019 through August 31, 2021.

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.

Ordinance No. 2019-319
(Int. No. 348)

Authorizing an explosive detection canine team enhancement grant agreement with the New York State Division of Homeland Security and Emergency 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 agreement with the New York State Division of Homeland Security and Emergency Services for receipt and use of 2018 Explosive Detection Canine Team Enhancement Grant Program funding for the Rochester Police

Department in the amount of \$8,400, which funds are hereby appropriated for said purpose. The term of this agreement shall be October 1, 2019 through August 31, 2021.

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. 2019-320
Re: Agreement – Rochester City School District, Traffic and Crowd Control Services

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an Inter-municipal Agreement with the Rochester City School District (RCSD) for the receipt and use of \$50,000 for reimbursement of the cost of traffic and crowd control services provided by the Rochester Police Department, and amending the 2019-20 Budget of the Police Department by \$25,700 to reflect a portion of these funds.

RCSD has requested assignment of Police Officers on a reimbursable overtime basis for traffic and crowd control, or an events sponsored in part or in full by RCSD, such as football games, basketball games, graduation ceremonies, proms, and school dances. The agreement will provide for reimbursement by RCSD of the cost of these services, up to a maximum of \$50,000 during fiscal year 2019-20.

The term of the agreement is July 1, 2019 through June 30, 2020.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-320
(Int. No. 349)

Authorizing an intermunicipal agreement with the School District for traffic and crowd control services and amending the 2019-20 Budget

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”) in the maximum amount of \$50,000 for the reimbursement of traffic and crowd control services provided by the Rochester Police Department at events sponsored by the RCSD. The term of the agreement shall be from July 1, 2019 through June 30, 2020. The anticipated reimbursements under the agreement are hereby appropriated for the costs of providing such traffic and crowd control services.

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

Section 3. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Police Department by \$25,700 to reflect the receipt of a portion of the reimbursement funds appropriated in Section 1 herein.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes – President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, Ortiz, Patterson, Spaul -8

Nays – None – 0

Councilmember Harris abstained due to a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-321
Re: Grant Agreement – 2019 State Homeland Security Program (SHSP)

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Homeland Security and Emergency Services (NYS DHSES) for the receipt and use of \$259,500 from the 2019 State Homeland Security Program (SHSP) grant and amending the 2019-20 Budgets of the Fire Department by \$40,000 and Undistributed Expenses by \$13,200 for related personnel expenses. The remaining non-personnel expenses will be funded directly from a Special Revenue Fund specific to this grant. Since this is a multi-year grant, any remaining personnel expenses will be appropriated in the 2020-21 Budget of the Fire Department, contingent upon its approval.

This grant is provided to support building, sustainment and delivery of core capabilities for achieving preparedness and resilience in the event of terrorist attacks, severe weather and other significant events in the Rochester/Monroe County region. Grantees are required to build capabilities that relate to the prevention of, protection from, or response to significant events. The program period is September 1, 2019 through August 31, 2022, and no matching funds are required.

The 2019 allocation will be used for equipment, such as: rescue task force personal protective gear, search and rescue equipment (\$115,500). Funding will also support overtime back-fill for building collapse training, elevator rescue training and Community Emergency Response Training (CERT) (\$91,500); registrations and travel for elevator rescue training (\$20,000); and fringe benefits for all personnel expenses included in the funding allocation (\$32,500).

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-321
(Int. No. 350)

Authorizing a grant agreement for the 2019 State Homeland Security 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 Division of Homeland Security and Emergency Services for the receipt and use of a \$259,500 grant from the 2019 State Homeland Security Program. Said funds are hereby appropriated to support preparedness and resilience in the event of terrorist attacks, severe weather and other emergency events.

Section 2. The term of the agreement shall be from September 1, 2019 through August 31, 2022.

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

Section 4. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Fire Department by \$40,000 and to the Budget of Undistributed Expenses by \$13,200, which amounts are hereby appropriated from the Program grant authorized herein for related personnel expenses.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Spaul
October 15, 2019

To the Council:

The **ARTS AND CULTURE COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

Int. No. 351 Authorizing agreements for the 2019 Step Jam.

Respectfully submitted,
Elaine Spaul
Molly Clifford
Michael A. Patterson
Willie J. Lightfoot
Loretta C. Scott
ARTS & CULTURE COMMITTEE

Received filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-322
Agreements Related to the 2019 Step Jam

Transmitted herewith for your approval is legislation related to the 2019 Step Jam event. This legislation will:

1. Authorize the Mayor to enter into an agreement with Rochester Arena, LLC for facility rental of the Blue Cross Arena for the event. The amount of the agreement will not exceed \$26,000. The facility rental fees will cover box office services, stage hands, security, ushers, ticket-takers, cleaning, and other related services inside the arena. Any Step Jam ticket revenue sold at the Blue Cross Arena box office will be applied as a credit to off-set the City’s expenses at the arena. Funding for the agreement is available in the 2019-20 Budget of the Bureau of Communications, and the term of the agreement will be for one year.
2. Authorize the Mayor to enter into a memorandum of agreement with Monroe County Broadcasting Company, Limited, for the production and the promotion of the event. The term of the agreement will be for one year.

The Step Jam will take place on December 14, 2019. It is a competition for county-wide step teams that fosters school spirit, community pride, and a sense of unity and belonging for participants. The event focuses on positive dance, step and music experiences for the entire family. Parents are given a chance to see their children showcase their talents and students get to interact in a positive way with City of Rochester police officers, school sentries, and Pathways to Peace personnel. Monroe County Broadcasting Company, Limited has produced the Step Jam for more than a decade and is uniquely suited to continue to do so. The event has consistently been a positive experience for the community and is an important part of the City’s youth programming.

A justification for not issuing a request for proposals is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-184

Ordinance No. 2019-322
(Int. No. 351)

Authorizing agreements for the 2019 Step Jam

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 Arena, LLC for facility rental of the Blue Cross Arena for the 2019 Step Jam. The maximum compensation for the agreement shall be \$26,000, which shall be funded from the 2019-20 Budget of the Bureau of Communications. The term of the agreement shall be one year.

Section 2. The Mayor is hereby authorized to enter into an agreement with Monroe County Broadcasting Company, Limited for the production and promotion of the 2019 Step Jam. The term of the agreement shall be one year.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 7:52 p.m.

HAZEL L. WASHINGTON
City Clerk

ROCHESTER CITY COUNCIL

REGULAR MEETING

November 12, 2019

Present –President Scott, Councilmembers Clifford, Evans, Gruber, Harris, Lightfoot, Ortiz, Patterson, Spaul – 9.

President Scott requested the Council to rise for a Moment of Silence.

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

Retirement:

DES:

*Edmund Kelley IV

ECD:

Christopher Martin

RFD:

*Thomas Teresi

**Not attending meeting*

APPROVAL OF THE MINUTES

By Councilmember Ortiz

RESOLVED, that the minutes of the Regular Meeting on October 15, 2019 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

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

- Quarterly Reports – Delinquent Receivables – September 30, 2019 - 4315-19
- Quarterly Reports – NBD Loans & Grants Report - September 30, 2019 - 4316-19
- Quarterly Reports – Schedule of Revenues and Expenditures – September 30, 2019 - 4317-19

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

Councilmember Spaul presented 47 signatures supporting the enforcement of healthy conditions at Manhattan Square Apartments – Petition No. 1765

Councilmember Clifford presented 162 signatures supporting speed humps on Avery St. – Petition No. 1766

THE COUNCIL PRESIDENT --- RECEIVED AND FILED.

THE COUNCIL PRESIDENT --- REPORTS OF STANDING COMMITTEES AND ACTION THEREON.

THE COUNCIL PRESIDENT --- RECEIVED AND FILED.

PUBLIC HEARINGS.

Pursuant to law, public hearings were held on November 7, 2019 on the following matters:

Amending the Zoning Map by changing the zoning classification of 498 Conkey Avenue Int. No. 363
No Speakers

Authorizing pavement width changes and a change in traffic flow for the Cottage-Magnolia Street Rehabilitation project Int. No. 367

No Speakers

Local Law establishing a Community Choice Aggregation program in the City of Rochester Int. No. 374
7 Speakers

Adopting *Rochester 2034* as the City’s Comprehensive Plan, adopting a new Municipal Code Chapter 130, Comprehensive Plan, to incorporate the *Rochester 2034* Policy Principles, Placemaking Principles, Goals and Placemaking Plan and determining the foregoing actions to be consistent with the Local Waterfront Revitalization Program Int. No. 386
19 Speakers

REPORTS OF STANDING COMMITTEES
AND ACTION THEREON

By Councilmember Evans
November 12, 2019

To the Council:

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

Int. No. 356 Amending Section 5-7 of the Municipal Code to waive marriage fees for active duty members of the armed forces

Int. No. 357 Amending the 2019-20 Budget for full-year operation of Crossroads and Mortimer Street parking garages

Respectfully submitted,
Malik Evans
Molly Clifford
Michael A. Patterson
Willie J. Lightfoot
Loretta C. Scott
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-323
Marriage License Fees–Waiver for Active Duty Military

Transmitted for your approval is legislation amending Municipal Code section 5-7, Marriage licenses, to waive the marriage license and certificate fee in the City of Rochester, New York for active duty members of the United States armed forces.

New York State Legislature recently waived the State’s portion of the fee for a marriage license or a certificate of marriage when either of the parties applying for a marriage license or certificate is a member of the armed forces of the United States on active duty. As part of the same law, the Legislature also provided city clerks with the option to waive their share of marriage license and certificate fees pursuant to New York State Domestic Relations Law Section 14-a(3)(b) and 15(4) when the applicant presents proof that he or she is a member of the armed forces of the United States on active duty.

The amendment will give the City Clerk discretion regarding what proof will be accepted from an individual that is an active member of the armed forces. The required proof will be reasonable and the same documentation standard will apply equally to all applicants who apply for the fee waiver.

This legislation shall take effect immediately.

Respectfully submitted,
Loretta C. Scott
President

Willie J. Lightfoot
Vice President

Ordinance No. 2019-323
(Int. No. 356)

Amending Section 5-7 of the Municipal Code to waive marriage fees for active duty members of the armed forces

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

Section 1. Municipal Code Section 5-7, Marriage licenses, is hereby amended to read as follows:

§ 5-7 Marriage licenses.

A. The Council hereby approves of the designation by the City Clerk, pursuant to § 15 of the Domestic Relations Law, of the Deputy City Clerk as a person to receive applications for, examine applications, investigate and issue marriage licenses in the absence or inability of the City Clerk to act. The Council hereby further approves of the revocation of the designation of other persons to perform these aforesaid duties in the office of the City Clerk.

B. The City Clerk shall be entitled to the fee established by the State of New York for a marriage license, a fee of \$10 for a certificate of marriage issued at the time of issuance of the marriage license and a fee of \$10 for a duplicate certificate of marriage issued upon the request of any person whose name appears on a certificate indexed and recorded in the office of the City Clerk.

C. The fee for a marriage license or a certificate of marriage shall be waived when either of the parties making application for such license or certificate is a member of the armed forces of the United States on active duty. Proof that the applicant is a member of the armed forces of the United States on active duty shall be furnished to the satisfaction of the official issuing the marriage license or certificate.

Section 2. This ordinance shall take effect immediately.

New text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-324
Re: 2019-20 Budget Amendment – Full Year Operation of Crossroads and Mortimer Street Parking Garages

Council Priority: Deficit Reduction and Long Term Financial Stability

Transmitted herewith for your approval is legislation amending the 2019-20 Budget of the Finance Department by \$326,400 to reflect the full year of operation of Crossroads and Mortimer Street parking garages.

The 2019-20 Budget anticipated the sale of Crossroads and Mortimer Street parking garages by the end of the second quarter. The garages have not sold. Expenses for security, utilities, cleaning and other services for six months of operation of each garage were included in the operating budget. This legislation will increase expense and corresponding revenue for the remaining six months of operation.

Garage	2019-20 Budget Amendment
Crossroads	\$211,800
Mortimer	\$114,600
Total	\$326,400

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-324
(Int. No. 357)

Amending the 2019-20 Budget for full-year operation of Crossroads and Mortimer Street parking garages

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

Section 1. Ordinance No. 2019-161, the 2019-20 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 Finance by \$326,400, to reflect the City's revenue and expenses for owning and operating the Crossroads and Mortimer parking garages for the entire fiscal year.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Patterson
November 12, 2019

To the Council:

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

- Int. No. 334 Amending the Zoning Code, Chapter 120 of the Municipal Code with regard to entertainment
- Int. No. 335 Amending Chapter 29 of the Municipal Code with regard to entertainment
- Int. No. 358 Authorizing the sale of real estate
- Int. No. 359 Authorizing a lease agreement with Hillside Children’s Center
- Int. No. 360 Amending Ordinance No. 2019-79 related to the square footage of 5353 St. Paul Boulevard
- Int. No. 361 Local Law relating to the composition of the Elevator Examining Board
- Int. No. 362 Resolution approving appointments to the Electrical Examining Board
- Int. No. 364 Authorizing the sale of real estate, an amended loan agreement, and a payment in lieu of taxes agreement for the Jefferson Wollensack Housing Creation project
- Int. No. 365 Resolution extending the CHOICE Tax Abatement Program for Owner-Occupied Housing beyond Downtown
- Int. No. 366 Amending the Municipal Code to require business permits for smoking goods establishments

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

- Int. No. 363 Amending the Zoning Map by changing the zoning classification of 498 Conkey Avenue

Respectfully submitted,
Michael A. Patterson
LaShay D. Harris
Jacklyn Ortiz
Willie J. Lightfoot
Loretta C. Scott
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

Introductory 334 and 335 was introduced on September 17, 2019 and appears in its original transmittal letter on page 508 of the 2019 Council Proceedings

Ordinance No. 2019-325
(Int. No. 334)

AMENDING THE ZONING CODE, CHAPTER 120 OF THE MUNICIPAL CODE WITH REGARD TO ENTERTAINMENT

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

Section 1. Chapter 120 of the Municipal Code, the Zoning Code, as amended, is hereby further amended as follows:

A. Amending Section 120-208 Definitions as follows:

ENTERTAINMENT (PUBLIC)

~~Entertainment shall include, but not be limited to, a~~ Any public or private theatrical or musical performance (live or recorded), concerts, athletic contests or games, exhibitions, or shows, including a disc jockey or a dedicated dance floor, ~~or dance floors~~ which is offered, operated, presented or exhibited to the public. This definition does not include municipal or school auditoriums, athletic fields, playgrounds, or public parks, ~~background limited entertainment/music, or background entertainment.~~

BACKGROUND ENTERTAINMENT/MUSIC (LIMITED)

Any live or recorded entertainment or music other than background entertainment, including but not limited to karaoke, that is completely incidental and secondary to the principal use and that meets the following criteria:

A. The entertainment or music must be accessory to the principal use and may not in any way constitute the primary function of the operation.

B. The specific type of entertainment or music must be listed on the ~~certificate of zoning compliance~~ limited entertainment center license that is issued pursuant to Chapter 29, Amusements and Entertainment, of the Municipal Code.

~~C. No advertising of the entertainment/music through newspapers, magazines, radio ads, banners, etc., will be permitted.~~

~~D. C. There will be only one performer or performance group.~~

~~E. No dance area will be provided nor will dancing be allowed.~~

~~F. A stage area will not be provided.~~

D. No dedicated stage nor dance area will be provided, nor will any permanent or temporary change to the approved floor plan be made to accommodate the use. For purposes of this section, "approved floor plan" is defined as the floor plan, seating plan, or other drawings and information that served as the basis for the establishment's latest building permit and maximum occupancy determinations issued pursuant to Chapter 39 Building Code of the Municipal Code.

G. E. No cover charge or fees will be collected.

F. The entertainment or music must end no later than one hour prior to closing time.

ENTERTAINMENT (BACKGROUND)

Pre-recorded music played as a matter of routine and completely secondary to the principal use of a nonresidential establishment, which is not audible beyond the property line of the establishment premises between the hours of 10:00 p.m and 8:00 a.m. and not audible at a distance of 50 feet beyond such property line between the hours of 8:00 a.m. and 10:00 p.m.

B. Amending Section 120-137 Entertainment as follows:

§ 120-137. Entertainment.

Establishments offering public entertainment, excluding all sexually oriented uses, shall be subject to the following requirements:
...

C. Amending the following items listed in the chart contained in Subsection C(1) of § 120-173, Off-street parking:

(1) Vehicular parking. For the following uses, the number of off-street parking spaces shall include:

Use	Minimum
...	...
Cultural and Recreational	
Public Entertainment	0.5 per allowable occupancy
...	
Services	
...	...
Bar, tavern, nightclub restaurant (without entertainment)	10 per 1,000 square feet net floor area
Bar, tavern, restaurant, nightclub (with limited entertainment)	<u>10 per 1,000 square feet net floor area</u> 1 per 2 persons maximum occupancy

D. Amending Subsection B(1) of § 120-163 Accessory Uses and Structures as follows:

B. For nonresidential uses, the following accessory uses and structures are permitted:

(1) Background entertainment/~~music~~.

E. Adding Subsection L to § 120-34, Permitted uses and structures, as follows:

The following uses are permitted in the C-1 District when conducted entirely within an enclosed building:
...

L. Limited entertainment, not including sexually oriented uses.

F. Amending Subsections O through R of § 120-42, Permitted uses and structures, as follows:

The following uses are permitted in the C-2 District, when conducted entirely within an enclosed building with hours of operation limited to 6:00 a.m. to 2:00 a.m. Hours of operation limitations do not apply to residential uses.

...

~~O. (Reserved) Public entertainment, not including sexually oriented uses, subject to the additional requirements for public entertainment in § 120-137.~~

~~P. Limited entertainment, not including sexually oriented uses.~~

~~PQ. Limited adult retail store when conducted entirely within an enclosed building.~~

~~QR. (Reserved) Health clubs and similar facilities.~~

G. Deleting Subsection K from § 120-43, Special permit uses, as follows:

The following uses are allowed as special permit uses in the C-2 District:

...

~~K. Entertainment, not including sexually oriented uses, subject to the additional requirements for specified uses in § 120-137. (Reserved)~~

H. Adding Subsections BB and CC to § 120-50, Permitted uses and structures, as follows:

The following uses are permitted in the C-3 District:

...

~~BB. Public entertainment, not including sexually oriented uses, subject to the additional requirements for public entertainment in § 120-137.~~

~~CC. Limited entertainment, not including sexually oriented uses.~~

I. Deleting Subsection F from § 120-51, Special permit uses, as follows:

The following uses are allowed as special permit uses in the C-3 District:

...

~~F. Entertainment, not including sexually oriented uses, subject to the additional requirements for specified uses in § 120-137. (Reserved)~~

J. Adding Subsections A(16) and A(17) to § 120-76, PMV Public Market Village District, as follows:

A. Permitted uses and structures. The following uses are permitted in the PMV District:

...

~~(16) Public entertainment, not including sexually oriented uses, subject to the additional requirements for public entertainment in § 120-137.~~

~~(17) Limited entertainment, not including sexually oriented uses.~~

K. Adding Subsections A(7)(n) and A(7)(o) to § 120-77, H-V Harbortown Village District., as follows:

(7) The following uses are permitted as of right in the H-V Harbortown Village District if located 30 feet or more from the edge of the Genesee River, subject to site plan approval:

...

~~(n) Public entertainment, not including sexually oriented uses, subject to the additional requirements for public entertainment in § 120-137.~~

~~(o) Limited entertainment, not including sexually oriented uses.~~

L. Adding Subsections B(1)(f) and B(1)(g) to § 120-77, H-V Harbortown Village District, as follows:

B. Special permit uses. The following uses are allowed as special permit uses in the H-V District:

(1) The following uses when located within 30 feet of the edge of the Genesee River:

...

~~(f) Public entertainment, not including sexually oriented uses, subject to the additional requirements for public entertainment in § 120-137.~~

~~(g) Limited entertainment, not including sexually oriented uses.~~

M. Deleting Subsection B(11) and renumbering Subsections B(12) and B(13) of § 120-77, H-V Harbortown Village District, as follows:

B. Special permit uses. The following uses are allowed as special permit uses in the H-V District:

...

~~(11) Public entertainment, subject to the additional requirements for specified uses in § 120-137.~~

~~(12)~~(11) Vehicle service stations, subject to the additional requirements for specified uses in § 120-154.

~~(13)~~(12) Outdoor storage, subject to the additional requirements set forth in § 120-175.

N. Adding Subsection A(1)(n) to § 120-81, Permitted Uses and Structures, as follows:

A. The following uses are permitted in the M-1 District:

(1) The following uses are permitted when conducted in a fully enclosed building:

...

(n) Limited entertainment, not including sexually oriented uses.

O. Amending Subsection B(6) of § 120-81 Permitted Uses and Structures as follows:

B. The following uses are permitted in the M-1 District when located in any existing multistory building or a single-story building not originally designed for industrial purposes:

...

(6) Public Entertainment, subject to the additional requirements for specified uses in § 120-137.

P. Amending Subsection A(9) of §120-83, Special permit uses, as follows:

The following uses are allowed as special permit uses in the M-1 District:

A. The following uses, when located in a single-story building originally designed for industrial purposes or a vacant lot, subject to a marketability analysis as set forth in § 120-192. The Planning Commission may, in approving a special permit, waive or modify the off-street parking requirements if it finds such action is warranted by reason of the nature of the occupancy, location of the property or availability of shared or public parking facilities.

...

(9) Public Entertainment, subject to the additional requirements for specified uses in § 120-137.

Q. Amending Subsections B and C of § 120-106 Special Permit Uses as follows:

§ 120-106. Special permit uses.

The following uses are allowed as special permit uses in the O-B District in existing structures only:

...

B. Bar, cocktail lounge and tavern, excluding dancing, limited entertainment and public entertainment, not exceeding 650 square feet of floor area devoted to customer seating and service, operating between the hours of 6:00 a.m. and 11:00 p.m.

C. Restaurants, excluding dancing, limited entertainment, public entertainment and drive-through facilities, not exceeding 650 square feet of net floor area devoted to customer seating and service, operating between the hours of 6:00 a.m. and 11:00 p.m., including outdoor seating/assembly areas.

...

R. Adding Subsections N(1)(i) and (j) to § 120-120 Zoning Designations and Modifications (La Marketa North Clinton Avenue Urban Renewal District) as follows:

(1) All of the requirements of the C-2 Zoning District shall apply except as follows:

Permitted uses:

(i) Limited entertainment, not including sexually oriented uses.

(j) In any public or semi-public plaza, open space or community gathering space: public entertainment, festivals, neighborhood parties, and other events that are either sponsored by the City or a community organization or issued a special event permit.

S. Amending Subsection N(2)(b) of § 120-120 Zoning Designations and Modifications (La Marketa North Clinton Avenue Urban Renewal District) as follows:

(2) Special permit uses:

...

(b) Public Entertainment not including sexually oriented uses, subject to the additional requirements for specified uses in § 120-137 of the Rochester Zoning Code.

T. Adding Subsections B(10) and B(11) to § PDD-4, Planned Development District No. 4 - Rochester Museum & Science Center, as follows:

B. Permitted uses. Permitted uses include, but are not limited to, the following uses when consistent with the above purpose:

...

(10) Public entertainment, not including sexually oriented uses, subject to the additional requirements for specified uses in § 120-137.

(11) Limited entertainment, not including sexually oriented uses.

U. Amending Subsections B(1)(o) and (s), inserting Subsection B(1)(t) and relettering Subsections B(1)(t) and (u) in § PDD-8, Planned Development District No. 8 – Mid-Town Athletic Club, as follows:

B. Uses and structures.

(1) The following uses are allowed as permitted uses within Planned Development District No. 8, provided that such principal uses are made within the interior of the existing building:

...

(o) Amusement centers ~~and live entertainment~~ provided therein, provided such use(s) may only be made between the hours of 6:00 a.m. and 2:00 a.m.

(p) Accessory parking lots.

(q) Motels and hotels.

(r) Private clubs.

(s) ~~Public Entertainment~~ not including sexually oriented uses, subject to the additional requirements for specified uses in Zoning Code § 120-137.

(t) Limited entertainment, not including sexually oriented uses.

~~(u)~~ Drive-thru facilities as accessory to permitted uses or special permit.

~~(v)~~ Research laboratories including testing facilities.

V. Amending Subsection B(1)(k), inserting Subsection B(1)(l) and relettering Subsections B(1)(l) through (v) in § PDD-9, Planned Development District No. 9 – Canalside Business Center, 1555 Lyell Avenue, as follows:

B. Permitted uses and structures.

(1) The following uses are permitted in Sub-Area 1 when located in an enclosed building:

...

~~(k) Live Public entertainment, not including sexually oriented uses, subject to the additional requirements for specified uses in § 120-137.~~

(l) Limited entertainment, not including sexually oriented uses.

~~(m)~~ Manufacturing uses, high-tech or light industrial when conducted within an enclosed building.

~~(n)~~ Motels and hotels.

~~(o)~~ Offices or clinics.

~~(p)~~ Production of chemical, rubber, leather, clay, bone, plastic, stone, paper and glass materials or products.

~~(q)~~ Public and semipublic uses, including but not limited to schools, library, police stations and fire stations.

~~(r)~~ Public utilities, subject to additional requirements for specified uses in § 120-144.

~~(s)~~ Recycle centers, subject to additional requirements for specified uses in § 120-145.

~~(t)~~ Research laboratories, including testing facilities.

~~(u)~~ Retail sales and service.

~~(v)~~ Technical and vocational schools.

~~(w)~~ Warehouse and distribution facilities.

W. Adding Subsection B(2)(h) to § PDD-9, Planned Development District No. 9 – Canalside Business Center, 1555 Lyell Avenue, as follows:

(2) The following uses are permitted in Sub-Area 2 when located in an enclosed building:

(h) Limited entertainment, not including sexually oriented uses.

X. Amending Subsection C(1)(b) of § PDD-9, Planned Development District No. 9 – Canalside Business Center, 1555 Lyell Avenue, as follows:

(1) The following uses are allowed as special permit uses in Sub-Area 1:

...

(b) ~~Outdoor Entertainment uses,~~ parks, playgrounds, stadiums, and outdoor recreation.:

Y. Amending Subsection C(2)(a) of § PDD-9, Planned Development District No. 9 – Canalside Business Center, 1555 Lyell Avenue, as follows:

(2) The following uses are allowed as special permit uses in Sub-Area 2:

(a) ~~Live Public entertainment, not including sexually oriented uses, subject to the additional requirements for public entertainment in § 120-137.~~

Z. Adding Subsections D(1)(e) and (f), D(2)(g) and (h), and D(3)(e) and (f) to §PDD-11, Planned Development District No. 11 – CityGate, as follows:

D. Permitted

(1) Central Commercial Subarea.

...

(e) ~~Limited entertainment, not including sexually oriented uses.~~

(f) ~~Limited entertainment conducted outdoors or in partially enclosed or screened facilities, not including sexually oriented uses.~~

...

(2) Canal Front Mixed-Use Subarea.

...

(g) ~~Limited entertainment, not including sexually oriented uses.~~

(h) ~~Limited entertainment, not including sexually oriented uses, conducted outdoors or in partially enclosed or screened facilities.~~

...

(3) Perimeter Commercial Subarea.

...

(e) ~~Limited entertainment, not including sexually oriented uses.~~

(f) ~~Limited entertainment conducted outdoors or in partially enclosed or screened facilities, not including sexually oriented uses.~~

AA. Amending Subsection F(3), inserting Subsection F(4) and renumbering Subsections F(4) through F(6) of § PDD-11, Planned Development District No. 11 – CityGate, as follows:

F. The following uses, unless otherwise expressly permitted or prohibited in a subarea, are specially permitted in PD No. 11:

...

(3) ~~Indoor and outdoor Public~~ entertainment, not including sexually oriented uses, subject to the additional requirements for specified uses in § 120-137.

(4) ~~Public entertainment conducted outdoors or in partially enclosed or screened facilities, not including sexually oriented uses, subject to all but the enclosed space requirements for specified uses in § 120-137.~~

~~(4)(5)~~ Outdoor markets.

~~(5)(6)~~ Wind energy conversion systems.

~~(6)(7)~~ Drive-through facilities in the Perimeter Commercial Subarea, and only when located in the rear yard of buildings that front on perimeter streets, except that the City Planning Commission may waive this location requirement in its consideration of any individual special permit application.

BB. Amending Subsections B(1) and B(4) and of § PDD-14, Planned Development District No. 14 – George Eastman House, as follows:

B. Permitted uses. Permitted uses include the following when consistent with the above purpose:

...

(1) ~~Exhibit, and limited entertainment and special event~~ uses supporting the institutions, including museums, galleries, theaters, exhibition spaces, and auditoriums.

...

(4) Restaurant and banquet facilities supporting the institutions, including accessory limited entertainment and accessory outdoor seating and assembly areas, provided that the regular operating hours of the facilities are between the hours of 6:00 a.m. and 12:00 p.m.

...

DD. Adding Subsection B(1)(k) to § PDD-15, Planned Development District No. 15 – Culver Road Armory, as follows:

(1) All of the following uses are permitted in Buildings I, II and III. For nonresidential uses, all activities shall occur within a completely enclosed building, and the hours of operation shall be limited to 6:00 a.m. to 2:00 a.m.:

...

(k) Limited entertainment, not including sexually oriented uses.

EE. Deleting Subsection B(2)(b) and amending Subsection B(3) of § PDD-15, Planned Development District No. 15 – Culver Road Armory, as follows:

(2) In addition to the uses permitted above, the following uses are also permitted in Buildings I and II:

...

~~(b) Entertainment, subject to additional requirements for specified uses in § 120-137(A) of the Zoning Code.~~

(3) Outdoor seating areas and activities accessory to a nonresidential use in Buildings I, II and III, excluding public and limited entertainment, operating between the hours of 6:00 a.m. and 12:00 a.m. (midnight).

FF. Amending Subsection D(1) and deleting Subsection D(4) of § PDD-15, Planned Development District No. 15 – Culver Road Armory, as follows:

D. Special permit uses.

(1) ~~Outdoor, partially enclosed or screened seating areas and activities, including limited entertainment and excluding public entertainment, that are~~ accessory to a nonresidential use, ~~excluding entertainment~~, operating between the hours of 12:00 a.m. (midnight) and 2:00 a.m.

...

~~(4) Entertainment in Building III.~~

GG. Amending Subsections B(1)(c) and B(3)(e) of § PDD-16, Planned Development District No. 16 Century-Strathallan, as follows:

B. Permitted uses. Permitted uses in PD No. 16 are specified for each of the three subareas comprising the district:

(1) Subarea 1: 550 (546) East Avenue (hotel).

...

~~(c) Bars, restaurants, conference and banquet facilities, with limited entertainment, or with public entertainment subject to the additional requirements for public entertainment uses in § 120-137A.~~

...

(3) Subarea 3: 566 East Avenue (main building and carriage house) and 586 East Avenue (parking lot).

...

~~(e) Restaurant, conference, banquet and catering facilities, with limited entertainment, or with public entertainment subject to the additional requirements for public entertainment uses in § 120-137A, except for a principal use in the carriage house that is not part of or an accessory use to the principal use of another building in the district~~

...

HH. Amending Subsections C(1) and C(5) of § PDD-16, Planned Development District No. 16 Century-Strathallan, as follows:

C. Special permit uses.

~~(1) Outdoor Public entertainment, not including sexually oriented uses, associated with outdoor or partially enclosed or screened seating areas and outdoor activities.~~

...

~~(5) Restaurant, conference, banquet and catering facilities, with limited entertainment, or with public entertainment subject to the additional requirements for public entertainment uses in § 120-137A, when located within the existing carriage house at 566 East Avenue, when not accessory to a permitted principal use in Subarea 1, Subarea 3.~~

II. Amending Subsection B(1)(a) of § PDD-18, Planned Development District No. 18, 1201 Elmwood Avenue:

(1) The Commercial Frontage, Subarea 1: The following uses are permitted. All nonresidential uses shall operate between the hours of 6:00 a.m. to 2:00 a.m., unless otherwise noted:

(a) Hotels, including amenities such as bars, restaurants, conference and banquet facilities, meeting rooms, and outdoor seating areas open to the public on a twenty-four-hour basis; events with live public entertainment or limited entertainment when located within a completely enclosed building shall only operate until 2:00 a.m., and events with live public entertainment or limited entertainment offered in the outdoor seating and assembly area shall only operate until 12:00 midnight.

JJ. Amending Subsection B(1)(a) of § PDD-18, Planned Development District No. 18, 1201 Elmwood Avenue:

(2) The Mixed Use Core, Subarea 2: The following uses are permitted. All nonresidential uses shall operate between the hours of 6:00 a.m. to 2:00 a.m.:

(i) Limited entertainment, not including sexually oriented uses, as an accessory to one of the foregoing listed community center, bar, restaurant, retail, public and semipublic uses.

Section 2. This ordinance shall take effect January 1, 2020.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

Ordinance No. 2019-326
(Int. No. 335)

AMENDING CHAPTER 29 OF THE MUNICIPAL CODE WITH REGARD TO ENTERTAINMENT

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

Section 1. Chapter 29 of the Municipal Code, as amended, is hereby further amended as follows:

A. Amending the title of Chapter 29 as follows:

Chapter 29. Amusements and Entertainment

B. Amending § 29-1 Terms Defined by amending the definitions of Adult Entertainment, Entertainment Center and Public Entertainment and adding definitions for the additional terms Limited Entertainment, Background Entertainment and Limited Entertainment Center as follows:

ADULT ENTERTAINMENT

Any motion picture, ~~limited entertainment~~ or public entertainment which is characterized by emphasis on the description or depiction of specific anatomical areas or specified sexual activities as defined in Chapter 120 of the Municipal Code, Zoning Code.

ENTERTAINMENT CENTER (PUBLIC)

The premises, including a theater, hall, auditorium, tent, structure, building or enclosure of any type, yard or lot, on or within which is offered, operated, presented or exhibited to the public any motion picture or public entertainment. This definition shall not include municipal or school auditoriums, athletic fields or playgrounds or public parks.

PUBLIC-ENTERTAINMENT (PUBLIC)

Any theatrical or musical performance, concert, athletic contest or game, exhibition, or show or entertainment, including a disc jockey and or a dedicated dance floors, which is offered, operated, presented or exhibited to the public, but excluding This definition does not include municipal or school auditoriums, athletic fields, playgrounds, or public parks; nor does it include background limited entertainment/music, or background entertainment as defined in Chapter 120 of the Municipal Code, Zoning Code this Section.

ENTERTAINMENT (LIMITED)

Any live or recorded entertainment or music, other than background entertainment, including but not limited to karaoke, that is completely secondary to the principal use and that meets the following criteria:

A. The entertainment or music must be accessory to the principal use and may not in any way constitute the primary function of the operation.

B. The specific type of entertainment must be listed on the limited entertainment center license that is issued pursuant to this chapter.

C. There will be only one performer or performance group.

D. No dedicated stage nor dance area will be provided, nor will any permanent or temporary change to the approved floor plan be made to accommodate the use. For purposes of this section, "approved floor plan" is defined as the floor plan, seating plan, or other drawings and information that served as the basis for the establishment's latest building permit and maximum occupancy determinations issued pursuant to Chapter 39 Building Code of the Municipal Code.

E. No cover charge or fee will be collected.

F. The entertainment or music must end one hour prior to closing time.

ENTERTAINMENT (BACKGROUND)

Pre-recorded music played as a matter of routine and completely secondary to the principal use of a nonresidential establishment, which is not audible beyond the property line of the establishment premises between the hours of 10:00 p.m and 8:00 a.m. and not audible at a distance of 50 feet beyond such property line between the hours of 8:00 a.m. and 10:00 p.m.

ENTERTAINMENT CENTER (LIMITED)

The premises, including a tent, structure, building or enclosure of any type, yard or lot, on or within which is offered, operated, presented or exhibited to the public any limited entertainment. This definition shall not include municipal or school auditoriums, athletic fields or playgrounds or public parks.

C. Amending § 29-13 as follows:

29-13 License required

A. No person shall maintain or operate a public entertainment center within the City of Rochester without first having obtained an entertainment center license.

B. No person shall maintain or operate a limited entertainment center within the City of Rochester without first having obtained a limited entertainment center license.

D. Amending § 29-14 as follows:

29-14 Application procedures; inspections; license requirements

B. An application for ~~a public~~ public entertainment center license or a limited entertainment center license shall be made to the City Clerk. The application shall contain the name and address of the owner and operator of the entertainment center. If the owner or operator is a partnership, corporation or other business association, the application shall contain the names and addresses of all partners, officers or principals. All addresses of persons involved shall be home addresses, listing street and number. The application shall contain the address of the public or limited entertainment center and the type of entertainment to be offered.

B. The premises to be licensed must meet all applicable Zoning, Building, Fire, Health and Safety Codes. Upon receipt of an application for ~~a public~~ public entertainment center or limited entertainment center license and after approval for Zoning Code compliance by the Director of Planning and Zoning, the Commissioner of Neighborhood and Business Development and the Fire Chief shall cause an inspection of the premises to be made to determine whether the applicant is complying with the applicable Building and Fire Codes, and said Commissioner and Fire Chief and members of their staff shall have the right to enter upon any premises for which ~~a~~ entertainment center the license is sought for the purpose of making such an inspection during normal business hours.

C. No public entertainment center license shall be denied, suspended or revoked based upon the content of any public entertainment or motion picture or type of public entertainment or motion picture offered. No limited entertainment center license shall be denied, suspended or revoked based upon the content of any limited entertainment or type of limited entertainment offered, except to the extent that the content or type is contrary to the definition and criteria for limited entertainment set forth in section 29-1. Nothing contained herein shall be construed to affect in any way the institution or prosecution of obscenity charges involving any public entertainment or motion picture.

D. ~~A public~~ public entertainment center license or limited entertainment center license shall be issued or continued despite a guilty plea to or conviction of a crime by the owner or operator of a center offering, operating, presenting or exhibiting any motion picture or public entertainment or limited entertainment protected by the First Amendment to the United States Constitution, unless the granting or continuation of the license presents a clear and present danger of serious, substantive evil.

E. Amending Subsections A through F of § 29-15 as follows:

29-15 Operation of centers

A. The owner and operator of any public entertainment center or limited entertainment center shall comply with all provisions of federal, state and local laws and ordinances relating to the conduct of the business and the use and maintenance of the premises.

B. The owner and operator of any public entertainment center or limited entertainment center shall comply with all the notices, orders, decisions and rules and regulations made by the Chief of Police, Fire Chief, Commissioner of Neighborhood and Business Development and the Director of Planning and Zoning governing the occupation and use of said premises.

C. The owner and operator of any public entertainment center or limited entertainment center shall cause the applicable entertainment center license to be posted in a conspicuous place on the premises ~~of the entertainment center~~.

D. The owner and operator of any public entertainment center or limited entertainment center shall not permit at any time a greater number of persons on the premises than the capacity approved by the Department of Neighborhood and Business Development and set forth on the applicable entertainment center license.

E. The owner and operator of any public entertainment center or limited entertainment center shall maintain good order on the premises at all times. The lack of good order on the premises shall include, but not be limited to, the following:

- (1) Fighting and rowdy behavior.
- (2) Illegal or excessive consumption of alcoholic beverages.
- (3) Gambling.
- (4) Prostitution.
- (5) Sale, possession or use of any controlled substances, marijuana, hypodermic instrument or drug paraphernalia.

F. The Chief of Police may promulgate rules and regulations to govern the operation of public entertainment centers and limited entertainment centers so as to provide for the orderly operation of the centers and to ensure the public safety and the peace and tranquility of the neighborhood where the centers are located. Such rules and regulations shall deal solely with specific public health and safety concerns, and no rule or regulation shall govern the content of any public entertainment, limited entertainment or motion picture.

F. Amending § 29-16 as follows:

29-16 License fees

B. The annual fees for ~~an~~ entertainment center licenses shall be as follows:

- (2) ~~Public~~ Public entertainment centers and limited entertainment centers which offer or operate only those individual mechanical motion-picture machines commonly known as "peep shows" shall pay a fee of \$325.
- (2) ~~Public~~ Public entertainment centers and limited entertainment centers which offer or present any public entertainment or motion picture other than or in addition to those individual mechanical motion-picture machines commonly known as "peep shows" shall pay in accordance with the following schedule:

Occupancy (number of persons)	Annual Fee
0 to 49	\$100
50 to 99	\$275
100 to 249	\$425
250+	\$500

In addition to the above fee, ~~public~~ public entertainment centers and limited entertainment centers with any New York State license allowing for the consumption of ~~liquor~~ alcoholic beverages on the premises shall be charged an extra annual fee of \$100.

B. Payment of the fee shall be due upon application for the license.

C. The fee for replacement of an entertainment center license which has been lost or destroyed shall be \$10.

G. Amending § 29-17 as follows:

§ 29-17. Expiration of license.

~~Public~~ Public entertainment center and limited entertainment center licenses shall expire on January 31 of each year. Fees for renewal of an entertainment center license expiring in 1996 shall be prorated on a semiannual basis.

Section 2. Chapter 13A Municipal Code Violations Bureau of the Municipal Code, as amended, is hereby further amended as follows:

A. Amending the third item on the list contained in Subsection A of Section 13A-2 Jurisdiction as follows:

The Municipal Code Violations Bureau is hereby authorized to dispose of charges involving violations of the following parts of the Municipal Code:

Code Reference	Type of Regulation
...	
Chapter 29	Amusements <u>and entertainment</u>
...	

B. Amending the first sentence of Subsection G of § 13A-11 as follows:

Fines and penalties for any violation of Chapter 29, Amusements and Entertainment; Chapter 46, Dance Halls; Chapter 62, Commercial Travelers, Solicitors and Special Promotional Events; Chapter 96, Secondhand Dealers; Chapter 98, Sexually Oriented Businesses; Chapter 108, Taxicabs; and Chapter 108A, Towing, of the Municipal Code shall be as follows:

...

Section 3. Chapter 68 Licenses – Businesses and Trade of the Municipal Code, as amended, is hereby further amended as follows:

A. Amending the first item on the list contained in § 68-1 Licenses and Permits as follows:

No person shall engage in any of the businesses and trades described in the following chapters of this Code without having procured a license or permit as herein provided:

Chapter 29	Amusements <u>and Entertainment</u>
------------	-------------------------------------

B. Amending Subsection B of § 68-10 Revocation of Licenses and Permits as follows:

However, entertainment center licenses for centers offering, operating, presenting or exhibiting any motion picture, limited entertainment or public entertainment protected by the First Amendment to the United States Constitution and amusement game licenses for those individual

mechanical motion-picture machines commonly known as "peep shows" shall only be suspended or revoked due to a guilty plea or conviction of a crime upon a showing, after a hearing, of a clear and present danger of serious, substantive evil.

Section 4. Article II Business Permits in Chapter 90 Property Code of the Municipal Code, as amended, is hereby further amended in Subsection A of § 90-38 Fees as follows:

The annual fee for a business permit shall be \$25; the fee for the replacement of a lost permit shall be \$10. The annual fee for renewal applications which are submitted within 30 days after the mailing of a renewal notice by the City shall be waived. The fee for a conditional business permit as set forth in § 90-41B shall be \$300. The fee for a business permit shall be waived for any business that possesses either a current public or limited entertainment center license, a secondhand dealer license, an amusement center license, or a pawnbroker license, but there shall be no waiver of fees for a conditional business permit.

Section 5. Chapter 98 Sexually Oriented Businesses of the Municipal Code, as amended, is hereby further amended in § 98-7 as follows:

§ 98-7. Public and limited ~~E~~entertainment centers and amusement licenses.

A licensee holding a sexually oriented business license shall not also be required to obtain an ~~an~~ public entertainment center license, limited entertainment center license or a dance license for the same premises, but shall obtain any necessary amusement center and amusement game licenses.

Section 6. This ordinance shall take effect January 1, 2020.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-327
Sale of Real Estate

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation approving the sale of nine properties. City records have been checked to ensure that 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 five properties are two parking lots and three vacant lots that are being sold to an adjoining business owner to legalize and expand the parking for his warehouse. The properties were sold subject to request for proposal.

The next two properties are vacant lots being sold by negotiated sale to expand the adjoining owner's green space.

The remaining two properties are unbuildable vacant lots, being sold for \$1.00 (as per City policy) to the adjacent owners who will combine the lots with their existing properties for additional green space/garden usage.

The first year projected tax revenue for these nine properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$3,115.

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-186

Ordinance No. 2019-327
(Int. No. 358)

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 negotiated sale of the following parcels of vacant land or parking lots with proposal for \$15,000 to MP Warehouse LLC:

Address	S.B.L.#	Lot Size	Sq. Ft.
26 Craig St	120.32-1-14	40 x 103	4,120
68 Craig St	120.32-1-13	40 x 103	4,120
83 Sherer St	120.32-1-25	40 x 103	4,120
87 Sherer St	120.32-1-24	40 x 103	4,120
91 Sherer St	120.32-1-23	40 x 103	4,120

Section 2. The Council hereby approves of the negotiated sale of the following parcels of vacant land:

Address	SBL#	Lot Size	Sq. Ft.	Price	Purchaser
31 Aab St	105.49-3-31	40 x 125	5,000	\$425	Karelys Martinez Sanchez
880 Jefferson Av	120.84-1-43	42 X 100	4,200	\$425	Lance Robinson

Section 3. The Council hereby approves the sale of each of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address	SBL#	Lot Size	Sq.Ft.	Purchaser
9 Carl St	106.30-2-5	38 x 93	3,637	Gracie Mae Gray
120 Whitney St	105.82-2-60	40 x 53	2,120	Marlena Mickle

Section 4. 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 because 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 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-328
Re: Lease Agreement – Hillside Children’s Center 8-12 Leighton Avenue

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation authorizing a lease agreement with Hillside Children’s Center (Maria Cristalli, Chief Executive Officer, 1183 Monroe Avenue, Rochester, NY) for the continued use (by the city for greenspace) of approximately 1.1 +/- acres of vacant land for at its property known as 8-12 Leighton Avenue. The term of the lease will be for five years and will have no monetary consideration. City Council originally approved the lease agreement via Ordinance No. 2014-315 on October 14, 2014.

The vacant land will continue to be used as a neighborhood green-space area for sports activities, community engagement, picnics and other various recreational activities. Picnic tables, community grills, benches and raised garden beds are some of the features that are situated on the premises.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-187

Ordinance No. 2019-328
(Int. No. 359)

Authorizing a lease agreement with Hillside Children’s Center

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 to lease from the Hillside Children’s Center approximately 1.1 acres of vacant land located at 8-12 Leighton Avenue to be used for various neighborhood recreational activities. The lease agreement shall not obligate the City to pay any amount in rent. The term of the lease agreement shall be five years.

Section 2. The lease 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:

Re: Ordinance No. 2019-329
Technical Amendment – Ordinance No. 2019-79, Sale of Real Estate (5353 St. Paul Boulevard)

Council Priority: Rebuilding and Strengthening Neighborhoods

Transmitted herewith for your approval is legislation amending Ordinance No. 2019-79 to revise the legal description of the parcel known as 5353 St. Paul Boulevard (a portion of the premises).

A portion of the vacant commercial parking lot and ancillary structure was originally sold by negotiated sale to the adjoining owner, The County of Monroe, for the continued maintenance and use by the Monroe County Sheriff’s Marine Operations. A new Instrument Survey dated September 9, 2019 provided by the County of Monroe, describes the lands to be conveyed as 1,169 square feet not 1,159 square feet as previously described. There is no impact to any of the terms and conditions of the purchase and sale agreement.

All City taxes and other current-year charges against each 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 a parcel, shall also be canceled

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-188

Ordinance No. 2019-329
(Int. No. 360)

Amending Ordinance No. 2019-79 related to the square footage of 5353 St. Paul Boulevard

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

Section 1. The first portion of Section 2 of Ordinance 2019-79 is hereby amended to read as follows:

Section 2. The Council hereby approves the negotiated sale of the following described portion of a parcel comprised of a vacant parking lot and ancillary structure to the owner of the adjoining lot located at 5351 St. Paul Boulevard for use as part of the facilities of the Sheriff’s Office Marine Unit:

Address	SBL#	Sq. Ft.	Price	Purchaser
5353 St. Paul Blvd	047.560-02-005.001 (portion)	1158 <u>1169</u>	\$14,000	County of Monroe

Section 2. This ordinance shall take effect immediately.

Strikethrough indicates deleted text, new text is underline.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Local Law # 5
Text Amendment – City Charter, Article XII – Commissions and Boards

Transmitted herewith for your approval is legislation amending Article XII of the Rochester City Charter, Commissions and Boards, to reduce the number of members on the Elevator Examining Board from nine to seven. Currently, the Elevator Board is comprised of nine members. No other Board or Commission for the City has more than seven members. Members of the Elevator Board are highly specialized, and therefore, difficult to find. In an effort to keep the Board fully staffed on a continual basis, and to also bring them in line with the other City Boards, we would like to reduce the number of members from nine to seven.

The positions are as follows:

- ONE commercially oriented architect registered in the State of New York;
- ~~THREE-TWO~~ THREE members of the elevator industry;
- ONE representative from a liability insurance company;
- ONE representative of the local elevator construction union;
- ONE licensed elevator inspector, and

- ~~TWO~~ ONE representatives of building owners.

Based on the above list, we are recommending reducing the number of members from the elevator industry from three to two, and the number of building owners from two to one, resulting in a total of seven members.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-189

Local Law # 5
 (Int. No. 361)

Local Law relating to the composition of the Elevator Examining Board

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended in Section 12-42, Elevator Examining Board, so that subsection A, B and C thereof read as follows:

- A. Composition. There shall be established an Elevator Examining Board, to consist of ~~nine~~ seven members as provided herein, who shall serve with compensation and who shall be appointed by the Mayor, subject to confirmation by City Council. The Board shall include one commercially oriented architect registered in the State of New York; ~~three~~ two members of the elevator industry; one representative from a liability insurance company; one representative of the local elevator construction union; one licensed elevator inspector and ~~two~~ one representatives of building owners. The members of the Board shall elect each year a Chairperson and a Secretary to serve at the pleasure of the Board.
- B. Quorum of the Board. ~~Five~~ Four voting members of the Board shall constitute a quorum, and the votes of a majority of the whole Board shall be necessary for any official action.
- C. Appointment, term and compensation. ~~Of the nine members first appointed to the Board hereby created, three shall be appointed for terms of one year, and three shall be appointed for two years, and three shall be appointed for three years. Thereafter, a~~ All members of the Board shall be appointed and shall serve for three-year terms or until their successors are appointed. Members shall be residents of the County of Monroe. Members shall serve without compensation, but shall be entitled, to the extent of available funds appropriated therefor, to reimbursement for reasonable expenses necessarily incurred in the performance of their duties.

Section 2. This local law shall take effect upon its filing in the Office of the Secretary of State as provided by Section 27 of the NYS Municipal Home Rule Law.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Resolution No. 2019-15
 Re: Appointments to the City of Rochester Electrical Examining Board

Transmitted herewith for your approval is legislation confirming the appointment of two new members to the City's Electrical Examining Board. The two new Board members, John Greene and Michael J. Bader, will replace David Dunwoody and Robert DeNoto, respectively, who have recently resigned from the Board. As required, the new members are residents of Monroe County and will serve out the remainder of their predecessors' terms which expire on March 31, 2022.

New Members:

<u>Name</u>	<u>Address</u>	<u>Board Qualification</u>
John Greene	2562 Culver Road, Irondequoit, 14609	General Electrician
Michael J. Bader	64 Town Pump Circle, Spencerport, 14559	Electrical Installations

Resumes for all individuals are on file with the City Clerk

Respectfully submitted,
 Lovely A. Warren
 Mayor

Resolution No. 2019-15
(Int. No. 362)

Resolution approving appointments to the Electrical Examining Board

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

Section 1. The Council hereby approves the appointment of the following members to the Electrical Examining Board, each for a term which shall expire on March 31, 2022.

Name	Address
John Greene	2562 Culver Road, Irondequoit, NY 14609
Michael J. Bader	64 Town Pump Circle, Spencerport, NY 14559

The appointments are intended to fill out the remainder of the terms of the previous Board members, Robert DeNoto and David Dunwoody, who have resigned.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-330

Re: Zoning Map Amendment - 498 Conkey Avenue

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning the property at 498 Conkey Avenue from R-1 Low Density Residential District to M-1 Industrial District to facilitate construction of a building addition and a seven space employee parking lot.

The subject property is located on Conkey Avenue, near the intersection of Saranac Street. Currently, a single family home is located on the site. The applicant, Terrence Brown, owns the property, as well as the adjoining property at 480 Conkey Avenue where his steel fabrication business is located. Mr. Brown is proposing to demolish the home at 498 Conkey Avenue to construct a seven space employee parking lot in conjunction with a proposed addition to his building at 480 Conkey Avenue. Should the rezoning be approved, the applicant will combine 498 Conkey Avenue with 480 Conkey Avenue. Since this property will abut a residential use, the applicant is proposing to install a fence and landscaping between the proposed parking area and the residential property. These improvements will provide screening and also ensure that vehicle headlights do not impact neighboring properties.

Mr. Brown has operated Steel Tech Fabricators for almost 15 years. Steel Tech Fabricators began in a small space in Webster, New York in 2005, but relocated to its present location on Conkey Avenue within six months of opening. Steel Tech Fabricators has been involved in projects for the Monroe County Hall of Justice, Rochester International Airport, several SUNY schools and numerous local businesses.

The Planning Commission held an informational meeting on October 7, 2019. The applicant's representative spoke in support of the rezoning; no one spoke in opposition. By a vote of 7-0, the Planning Commission recommended approval.

A public hearing is required for the Zoning Map Amendment.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-190

Ordinance No. 2019-330
(Int. No. 363)

Amending the Zoning Map by changing the zoning classification of 498 Conkey 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 property from R-1 Low Density Residential District to M-1 Industrial District:

Address	SBL #
498 Conkey Avenue	091.69-2-20

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. 2019-331
Re: Jefferson Wollensack Housing Project

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the Jefferson Wollensack rehabilitation and new construction project, a mixed-use, low-income project at 872, 886, and 892 Hudson Avenue in the 14621 neighborhood and 663-687 Jefferson Avenue in the Genesee-Jefferson neighborhood being undertaken by Urban League of Rochester Economic Development Corporation (ULREDC) (Carolyn Vitale, Vice-President and COO).

This legislation will:

1. Authorize the sale of City-owned land at 663-687 Jefferson Avenue for \$8,000 and 892 Hudson Avenue in the amount of \$1,000, their appraised values, to ULREDC or an affiliated partnership or housing development fund corporation to be formed by ULREDC.
2. Amend Section 2 of Ordinance No. 2019-178, approved at the June 18, 2019 City Council Meeting, which authorized a \$300,000 HOME funded loan for the project, to include the above described parcels in the Project Loan.
3. Authorize property tax exemptions and payment-in-lieu of taxes agreements for the Jefferson Wollensack 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).
4. Authorize the Mayor to execute such agreements and other documents as may be necessary to effectuate the agreement authorized herein.

The Jefferson Wollensack project involves the rehabilitation and new construction of 41 rental units. The Wollensack Building, 872-886 Hudson Avenue, a long vacant former factory, will become 22 rental units and the Jefferson Avenue site at 663-687 Jefferson Avenue, currently vacant city-owned land, will be redeveloped into 19 rental units for low-income households. All 41 units will be targeted to households with income at or below 50% of the Area Median Income for the Greater Rochester Median Statistical Area (per HUD, chart attached), including 7 units that will be Supported Housing, specifically targeted for households with intellectual or developmental disabilities, with assistance from the Office of Persons with Developmental Disabilities (OPWDD).

Both sites will complement significant development and interest that has occurred in the Northeast and Southwest quadrants of the City in the past decade. Through this development project, presently blighting/vacant properties will be converted into safe and positive neighborhood anchors. The project's two sites are located in HUD Qualified Census Tracts in the Northeast and Southwest quadrants of the City. The Wollensack building has been listed as one of the Landmark Society of Western New York's Five-to-Revive due to its historic import and transformative potential. Further, it is located on a main artery of the City of Rochester's Northeast Quadrant within the Finger Lakes Economic Development Council's Opportunity Agenda area, and ties to the City's Housing Policy and regional and state plans.

The Jefferson Wollensack communities will provide and maintain their units as affordable for the duration of their PILOT. The project was awarded funding through New York State Homes and Community Renewal's competitive application for 9% low-income housing tax credits (LIHTC). Other sources of funding include New York State Energy Research and Development (NYSERDA), Federal Home Loan Bank of NY (FHLB NY) and OPWDD, as well as deferred developer fees and expenses.

The sources and uses for the project are summarized below:

Uses		Permanent Sources	
Land/Building	\$15,000	9% LIHTC (NYS Housing Trust Fund)	\$2,000,000
Soft Costs and Working Capital	\$2,159,533	Limited Partnership Equity	\$9,849,387
Hard Costs	\$9,642,098	OPWDD	\$961,262
		FHLB NY	\$512,500
Contingency	\$668,562	City of Rochester	\$300,000
Development Fee	\$1,288,122	Deferred Developer Fee	\$286,944
Reserves	\$177,778	NYSERDA Energy Grant	\$41,000
TOTAL	\$13,951,093	TOTAL	\$13,951,093

Workforce goals for the project are 6.9% women and 20% minorities and 25% City residents, along with a combined goal of 30% for MBE/WBE firms.

A National Environmental Policy Act or NEPA review has been completed with a Finding of No Significant Impact. SEQR review has been completed, and a Negative Declaration was issued for the Jefferson Wollensack project on October 3, 2019.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-191

Ordinance No. 2019-331
(Int. No. 364)

Authorizing the sale of real estate, an amended loan agreement, and a payment in lieu of taxes agreement for the Jefferson Wollensack Housing Creation 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 of City-owned property to the Urban League of Rochester Economic Development Corporation or an affiliated partnership or housing development fund corporation to be formed for the purpose (the Developer) to include in affordable housing developments to be located in the Wollensack Building at 872 and 886 Hudson Avenue and on vacant land located at 663-687 Jefferson Avenue (collectively, the Project):

Address	S.B.L.#	Lot Size	Sale Price
892 Hudson Ave	091.81-2-12	± 0.08 acre	\$1,000
663-687 Jefferson Ave	120.76-1-2.001	± 0.52 acre	\$8,000

The Mayor is hereby authorized to enter into any agreement that may be necessary to implement the sales transaction authorized herein and such agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 2. Section 2 of Ordinance No. 2019-178 is hereby amended to include the above described parcels in the Project loan and which as follows:

Section 2: The Mayor is hereby authorized to enter into a loan agreement with the Urban League of Rochester Economic Development Corporation or an affiliated partnership or housing development fund corporation to be formed for the purpose (the Developer) to provide \$300,000 in pre-development, construction and permanent financing for the construction of affordable housing units in the Wollensack Building and adjacent parcels located at 872, and 886 and 892 Hudson Avenue and on vacant land located at 663-667 663-687 Jefferson Avenue (the Project). The Project shall consist of 41 housing units that are affordable to households with incomes at or less than 50% of the Area Median Income and include 7 units of supported housing targeted for residents with intellectual or developmental disabilities.

Section 3. The Mayor is hereby authorized to enter into a payment in lieu of taxes agreement (PILOT agreement) for the Project with the Developer. The PILOT agreement shall provide that the Project shall remain entitled to a real property tax exemption for 30 years, provided that the Developer makes annual payments in lieu of taxes to the City of Rochester equal 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. Said agreement and the associated real property tax exemption shall cease prior to the end of the 30-year term if and when the Project is no longer operated for the purpose of providing affordable housing in substantial compliance with Article 11 of the NYS Private Housing Finance Law.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2019-16
Re: Amending Resolution 2017-3 – CHOICE Tax Abatement Program for Newly Constructed Owner-Occupied Housing

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation amending Resolution 2017-3 to change the CHOICE tax abatement program area from the Center City District (CCD) to citywide and to include newly constructed one-, two- and three-family structures in which the owner uses one unit as his/her primary residence. The CHOICE program is a partial nine-year tax abatement program for newly created owner-occupied residential units in the Center City District that was originally authorized by City Council in 2007.

This amendment will:

- 1) Expand the CHOICE tax abatement program area from the CCD to citywide;
- 2) Include newly constructed one-, two- and three-family structures in which the owner resides in one of the units; and,
- 3) Introduce a cap, so that the CHOICE program abatement will apply only to the first \$500,000 of increased assessment.

New owner-occupied units created through new construction would continue to be eligible for a partial nine-year property tax exemption. A change to expand the CHOICE program citywide was presented to and approved by Imagine Monroe. The actual exemption would be realized through a payment-in-lieu-of-tax (PILOT) agreement approved by the City’s PILOT Committee.

The intent of the program expansion is to facilitate more owner-occupied housing in all city neighborhoods and to encourage wealth-building in the case of the construction of new one-, two- and three-family structures in which the owner resides in one of the units. Providing additional owner-occupied housing will stabilize neighborhoods citywide and encourage the creation of more residences that will contribute to a vibrant, more active public realm.

The current resolution No. 2017-3 will expire on May 31, 2022. It is the third authorization of the CHOICE program beginning with Resolution No. 2007-14, renewed via Resolution No. 2012-15 and then Resolution 2017-3. Each time the program is authorized it has a sunset provision of five years. Since its inception 56 owner-occupied units have been completed with the assistance of the partial tax exemption for a current total assessed value of \$18,737,100. An additional three (3) units are planned or under construction and will rely on the partial tax exemption; this number is expected to increase if the program area is expanded citywide.

Imagine Monroe receives applications and considers PILOT agreements for qualified projects. New owner-occupied residential units will have partial abatements of taxation and special *ad valorem* levies. The CHOICE abatement is applied to the increase in assessed value attributable to the newly created owner-occupied residential unit. The structure of the partial tax abatement will be as follows:

<u>Year</u>	<u>Percent of Increased Assessment Abated</u>	<u>Year</u>	<u>Percent of Increased Assessment Abated</u>
1	90%	6	40%
2	80%	7	30%
3	70%	8	20%
4	60%	9	10%
5	50%	10	0%

The tax abatement will be available to the residential portion of projects creating new owner-occupied units throughout the city. The property owner is required to file an application for the abatement with Imagine Monroe for initial approval, and then the City receives the PILOT application for final approval.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-192

Resolution No. 2019-16
 (Int. No. 365)

Resolution extending the CHOICE Tax Abatement Program for Owner-Occupied Housing beyond Downtown

WHEREAS, the City has established and continued to facilitate the construction of new residential, owner-occupied units in the Center City Zoning District through the Downtown Tax Abatement Program for Owner-Occupied Housing, known as CHOICE and as set forth in Resolution Nos. 2007-14, 2012-15 and 2017-3;

WHEREAS, the City desires to extend the CHOICE tax abatement program beyond Downtown to the rest of the City and to limit the application of the abatement to no more than \$500,000 of increased assessed value for each eligible project; and

WHEREAS, the County of Monroe Industrial Development Agency (COMIDA) has approved a policy providing for tax abatements through the use of payment in lieu of tax agreements for qualified projects, upon the City’s approval of such a policy.

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

Section 1. The Council hereby approves the continuation by COMIDA of the CHOICE tax abatement policy, as modified herein, so as to use payment in lieu of tax agreements for qualified projects whereby newly constructed or renovated owner-occupied residential units in the City of Rochester will be eligible for a partial, nine year, real property tax abatement applicable to the increase in assessed value which is attributed to the newly created owner-occupied residential units as follows:

Year	Abatement in Assessment Increase
1	90%
2	80%
3	70%
4	60%
5	50%

6	40%
7	30%
8	20%
9	10%
10	0%

provided, however, that the application of the abatement shall be limited to no more than a \$500,000 increase in assessed value for each eligible project.

Section 2. This resolution shall take effect immediately and shall remain in full force and effect until May 31, 2022.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-332
Amending Chapter 90, Article II –Business Permit, Section 90-32 – Definitions

Transmitted herewith for your approval is legislation amending Section 90-32 of the Property Code to add an additional business category titled “Smoking Goods Establishment” to those businesses that are required to have business permits.

The business permit program ensures that certain businesses are operating in accordance with the laws, do not have a serious negative impact upon surrounding residential neighborhoods, or do not endanger the health, and safety or welfare of persons in the City of Rochester.

Currently, City Code Chapter 90, Article II relating to business permits requires automobile service facilities, bars, restaurants and salons, as those businesses are defined in City Code Section 90-32, to obtain business permits.

The proposed amendment to Section 90-32 of the City Code would add the following business definition titled “Smoking Goods Establishment” and would require those businesses that are considered Smoking Goods Establishments to obtain business permits:

“A premises where tobacco products, hookah products, vaping products, or related accessories are sold for on or off-premises use. Such products include but are not limited to cigarettes, cigars, herbal cigarettes, snuff, chewing tobacco, pipe tobacco, dissolvable tobacco, bidis, gutka, shisha, roll-your-own/loose tobacco, e-cigarettes, vaping devices, electronic nicotine delivery systems, hookahs and related products, rolling papers, cartridges for electronic cigarette and vapor devices regardless of nicotine or tobacco content, and any other smoked or smokeless tobacco or nicotine-containing product. This definition does not include smoking cessation medication expressly approved by the United States Food and Drug Administration for use in smoking cessation programs or the sale of tobacco products by wholesale dealers as defined in New York State Tax Law.”
NSC held citywide informational meetings in each Quadrant and one in City Hall. NSC provided one hour meetings and a Frequently Asked Questions (FAQ) document to the participants and on the NSC Web page.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-193

Ordinance No. 2019-332
(Int. No. 366)

Amending the Municipal Code to require business permits for smoking goods establishments

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

Section 1. Municipal Code Section 90-32, Definitions, within Article II, Business Permits, of Chapter 90 is hereby amended to read as follows:

§ 90-32 Definitions.
As used in this chapter, the following terms shall have the meanings indicated:

AUTOMOBILE SERVICE FACILITY

A premises where motor vehicles are sold, leased, repaired or serviced. This definition shall include gasoline stations and car wash facilities.

BAR

A premises where alcoholic beverages are sold for consumption on the premises; or a premises operated for profit or pecuniary gain or as a place of assembly where alcoholic beverages are provided by the operator of the premises, his or her agents, servants or employees, or are brought onto said premises by persons assembling there.

BUSINESS

An automobile service facility, bar, smoking goods establishment, restaurant or salon as defined herein.

SMOKING GOODS ESTABLISHMENT

A premises where tobacco products, hookah products, vaping products, or related accessories are sold for on or off-premises use. Such products include but are not limited to cigarettes, cigars, herbal cigarettes, snuff, chewing tobacco, pipe tobacco, dissolvable tobacco, bidis, gutka, shisha, roll-your-own/loose tobacco, e-cigarettes, vaping devices, electronic nicotine delivery systems, hookahs and related products, rolling papers, cartridges for electronic cigarette and vapor devices regardless of nicotine or tobacco content, and any other smoked or smokeless tobacco or nicotine-containing product. This definition does not include smoking cessation medication expressly approved by the United States Food and Drug Administration for use in smoking cessation programs or the sale of tobacco products by wholesale dealers as defined in New York State Tax Law.

RESTAURANT

A premises where food and/or beverages are sold to be consumed on the premises. This definition shall not include a premises where a nonalcoholic beverage or snack is available but is incidental to the conduct of the business at the premises.

SALON

An establishment where a hairdresser, barber or beautician conducts his or her trade, or a body piercing studio or a tattoo studio, other than a home occupation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Gruber
November 12, 2019

To the Council:

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

- Int. No. 368 Authorizing an amendatory agreement for Gardiner Firehouse upgrades
- Int. No. 369 Authorizing an agreement for a planning study for redesign of the Inner Loop North Expressway corridor
- Int. No. 370 Authorizing an agreement for resident project representation services for the La Marketa at the International Plaza
- Int. No. 371 Authorizing an agreement for Mt. Hope Cemetery 1912 Chapel Tower Repairs
- Int. No. 372 Amending Ordinance No. 2014-100 relating to land acquisition for the Portland Avenue Revitalization project
- Int. No. 373 Appropriating funds and authorizing an agreement for the Priority Bicycle Boulevards Implementation Project
- Int. No. 375 Authorizing an amendatory agreement to develop means for Highland Reservoir to comply with the federal Long Term Enhanced Surface Treatment Rule
- Int. No. 376 Authorizing an intermunicipal agreement for the Monroe County Stormwater Coalition
- Int. No. 377 Authorizing an agreement for maintenance of Hemlock-Canadice State Forest property
- Int. No. 378 Authorizing an intermunicipal agreement for the Eastman Trail Phase I Project

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

- Int. No. 367 Authorizing pavement width changes and a change in traffic flow for the Cottage-Magnolia Street Rehabilitation project, **as amended**
- Int. No. 374 Local Law establishing a Community Choice Aggregation program in the City of Rochester

Respectfully submitted,
 Mitch Gruber (Absent)
 Malik Evans
 Elaine M. Spaul
 Willie Lightfoot
 Loretta C. Scott
 PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Re: Ordinance No. 2019-333
 Cottage-Magnolia Street Rehabilitation

Transmitted herewith for your approval is legislation authorizing changes required for the Cottage-Magnolia Street Rehabilitation project as follows:

1. For Cottage Street, an increase in pavement width of 2 feet, from 24 feet to 26 feet, beginning at South Plymouth Avenue continuing to Magnolia Street; and
2. For Magnolia Street as follows:
 - a. A decrease in pavement width of 5 feet, from 38 feet to 33 feet, beginning at South Plymouth Ave continuing to Seward Street; and
 - b. Remove the eastbound slip ramp from Magnolia Street to Seward Street; and
 - c. An increase in pavement width of 7 feet, from 26 feet to 33 feet, beginning approximately 17 feet west of Seward Street continuing 160 feet west; and
3. For Seward Street as follows:
 - a. Authorize a change in direction of Seward Street from two-way between Reynolds Street and Magnolia Street to one-way westbound between Reynolds Street and Magnolia Street; and
 - b. A decrease in pavement width of 3 feet, from 25 feet to 22 feet, beginning at Magnolia Street and continuing 126 feet east;
 - c. A decrease in pavement width of 6 feet, from 35 feet to 29 feet, beginning 126 feet east of Magnolia Street and continuing 101 feet eastward; and
 - d. A decrease in pavement width of 6 feet, from 25 feet to 19 feet, beginning 227 feet east of Magnolia Street and continuing 80 feet eastward.

In addition to pavement width changes, this project includes milling and resurfacing of the roadway, spot sidewalk replacement, new granite curbing, driveway aprons, water services, updating and installing sidewalk accessible ramps. No additional right-of-way is required to accommodate the changes in pavement width.

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.

Public meetings were held on April 10, 2018, June 21, 2018, and October 2, 2019; copies of the meeting minutes are attached. In addition, Street Design presented a brief overview of the project to PLEX at their August 14, 2018 meeting. Letters of support for the one-way southbound conversion of Seward Street are attached. Additional letters of supported from the RCSD, et al. are anticipated in the coming weeks. The pavement width changes were presented for endorsement at the October 16, 2019 Traffic Control Board meeting.

It is anticipated the design will be completed in late 2019 with construction planned for the 2020 construction season, with substantial completion by fall 2020.

A public hearing is required.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-194

Ordinance No. 2019-333
 (Int. No. 367, as amended)

Authorizing pavement width changes and a change in traffic flow for the Cottage-Magnolia Street Rehabilitation project

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

Section 1. Council hereby approves the following pavement width changes for the Cottage-Magnolia Street Rehabilitation project:

- A) on Cottage Street, an increase in pavement width of 2 feet, from 24 feet to 26 feet, from South Plymouth Avenue to Magnolia Street
- B) on Magnolia Street:
- 1) a decrease in pavement width of 5 feet, from 38 feet to 33 feet, from South Plymouth Avenue to Seward Street;
 - 2) removing the eastbound slip ramp from Magnolia Street to Seward Street; and
 - 3) an increase in pavement width of 7 feet, from 26 feet to 33 feet, beginning approximately 17 feet west of Seward Street and continuing 160 feet westward; and
- C) on Seward Street:
- 1) a decrease in pavement width of 3 feet, from 25 feet to 22 feet, beginning at Magnolia Street and continuing ~~196~~ 126 feet eastward; ~~and~~
 - 2) ~~a decrease in pavement width of 6 feet, from 25 feet to 19 feet, beginning 196 feet east of Magnolia Street and continuing 104 feet eastward~~ a decrease in pavement width of 6 feet, from 35 feet to 29 feet, beginning 126 feet east of Magnolia Street and continuing 101 feet eastward; and
 - 3) ~~a decrease in pavement width of 6 feet, from 25 feet to 19 feet, beginning 227 feet east of Magnolia Street and continuing 80 feet eastward.~~

Section 2. Council hereby approves a change in the direction of the traffic flow on Seward Street between Reynolds Street to Magnolia Street from two-way to one-way westbound.

Section 3. The changes authorized herein shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications.

Section 4. This ordinance shall take effect immediately.

Strikethrough indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-334
Amendatory Agreement –
Bergmann Associates, Architects,
Engineers, Landscape Architects & Surveyors, D.P.C.,
Gardiner Firehouse Upgrades

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Pietro Giovenco, P.E., President and CEO, Principal - Rochester, NY) to provide additional services related to the upgrades of Gardiner Firehouse. The original agreement, authorized in March 2018 and subsequent agreement in August 2018 established maximum compensation at \$140,000. This amendment will increase the compensation by \$30,000, to a maximum total of \$170,000. The cost of the amendatory agreement will be financed from bonds authorized in Ordinance No. 2018-271. The term of the agreement shall extend until three (3) months after completion of a two (2) year guarantee inspection of the project.

The project includes the design and construction for the heating, ventilation, air conditioning systems, kitchen renovations, roof restoration, apparatus bay floor replacement, overhead door enlargement and replacement.

Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. will provide additional design and construction administration services for an expanded scope of work that includes abatement and replacement of firehouse flooring, entry vestibule floor slab replacement, added apparatus bay destratification fans and drainage improvements.

Construction is anticipated to be completed in spring 2020. The agreement will result in the creation and/or retention of the equivalent of 0.32 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-195

Ordinance No. 2019-334
(Int. No. 368)

Authorizing an amendatory agreement for Gardiner Firehouse upgrades

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 Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for additional design and construction administration services for Gardiner Firehouse upgrades. The maximum compensation for the agreement originally authorized in Ordinance 2018-71 and as amended in Ordinance No. 2018-270, is hereby increased by \$30,000 to a total amount of \$170,000. The amendatory compensation amount shall be funded from bonds authorized in Ordinance No. 2018-271.

Section 2. The amendatory 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. 2019-335
Re: Agreement – Bergmann Associates Inner Loop North Transformation Planning Study

Council Priority: Jobs and Economic Development and Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Inner Loop North Transformation Planning Study. This legislation will establish \$1,000,000 as maximum compensation for a professional services agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., (Pietro Giovenco, P.E., President and Chief Executive Officer) 280 East Broad Street, Suite 200, Rochester, NY 14604 for study related planning, public engagement, engineering, and design services.

The purpose of the Planning Study is to evaluate alternatives for redesign of the Inner Loop North expressway corridor between the expressway’s new terminus at North Union Street and I-490. Options for the redesign of the corridor include full highway removal, similar to the recently-completed and highly successful Inner Loop East Transformation project. The cost of the agreement will be funded from a grant administered by the New York State Department of Transportation appropriated by City Council in July 2018 (Ordinance No. 2018-240).

Components of the study include, but are not limited to, community outreach and engagement. Bergmann Associates was selected through a request for proposal and interview process which is described in the attached summary. The agreement shall extend until three (3) months after delivery and acceptance of final documents.

The Inner Loop North Transformation Planning Study is anticipated to begin in January 2020 and to be completed in summer 2021. The project will result in the creation and/or retention of the equivalent of 10.9 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-196

Ordinance No. 2019-335
(Int. No. 369)

Authorizing an agreement for a planning study for redesign of the Inner Loop North Expressway corridor

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 Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. to evaluate alternatives for redesign of the Inner Loop North Expressway corridor between the expressway’s new terminus of North Union Street and I-490. The maximum compensation for the agreement shall be \$1,000,000, which shall be funded from a grant appropriated in Ordinance No. 2018-240. The agreement shall extend until three months after delivery and acceptance of final documents.

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. 2019-336
Re: Agreement – Passero Associates,
Engineering, Architecture & Surveying, D.P.C. La Marketa at the International Plaza Resident Project Representation Services (RPR)

Transmitted herewith for your approval is legislation related to the La Marketa at the International Plaza project located at 828 N. Clinton Avenue. This legislation will establish \$200,000 as maximum compensation for a professional services agreement with Passero Associates, Engineering, Architecture & Surveying, D.P.C (John Caruso, P.E., CEO), Rochester, NY 14614 for Resident Project Representation (RPR) services. The cost of the agreement will be financed from 2017 Community Development Block Grant funds appropriated in Ordinance No. 2018-327 (\$34,692.35) and 2018-19 Cash Capital (\$165,307.65).

The project includes installation of an outdoor plaza to support community and economic development in the North Clinton Avenue neighborhood. The new multipurpose plaza includes, but is not limited to, concrete access paths and hardscapes, a raised performance stage and band shelter, a public restroom and storage building and public parking and site lighting. The project will also provide utilities connections and concrete pads for converted shipping containers for leasable retail space. The shipping containers will be provided under a separate contract.

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

Construction is anticipated to begin late 2019 and be completed in the summer of 2020. The agreement will result in the creation and/or retention of the equivalent of 2.1 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-197

Ordinance No. 2019-336
(Int. No. 370)

Authorizing an agreement for resident project representation services for the La Marketa at the International Plaza

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 Passero Associates, Engineering, Architecture & Surveying, D.P.C. in the maximum amount of \$200,000 to provide resident project representation services for the La Marketa at the International Plaza project. The agreement shall be funded in the amounts of \$34,692.35 in Community Development Block Grant funds appropriated in Section 3 of Ordinance No. 2018-327 and \$165,307.65 from 2018-19 Cash Capital. The term of the agreement shall continue to 3 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. 2019-337
Re: Mt. Hope Cemetery 1912 Chapel Tower Repairs

Council Priority: Jobs and Economic Development and Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to Mt. Hope Cemetery 1912 Chapel Tower Repairs. This legislation will establish \$59,000 as maximum compensation for a professional services agreement with Bero Architecture, PLLC (Jennifer Ahrens, R.A., Principal), 32 Winthrop Street, Rochester, NY, 14607 for design and construction administration services.

The project includes masonry repairs, including restoration, securing and repointing of the deteriorated areas of the stone face and stone trim to the tower. The design will require approval by the Preservation Board. The cost of the agreement will be funded from 2018-19 Cash Capital.

The design team will be coordinating all work to be in compliance with the Preservation Board requirements.

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

Design phase services will commence in early 2020. Construction is anticipated to begin in spring 2021. The agreement will result in the creation and/or retention of the equivalent of 0.6 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-198

Ordinance No. 2019-337
(Int. No. 371)

Authorizing an agreement for Mt. Hope Cemetery 1912 Chapel Tower Repairs

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 Bero Architecture, PLLC in the maximum amount of \$59,000 to provide design and construction administration services for the Mt. Hope Cemetery 1912 Chapel Tower Repairs project. The agreement shall be funded from 2018-19 Cash Capital. The term of the agreement shall continue to 3 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. 2019-338
Re: Amend Ordinance No. 2014-100 Portland Avenue Revitalization (Lux Street - Norton Street)

Transmitted herewith for your approval is legislation amending Ordinance No. 2014-100 which authorized acquisition, by negotiation or condemnation, of a portion of one parcel, 852-854 Portland Avenue, funded by Bond Ordinance No. 2012-449 for the Portland Avenue Revitalization project.

This amendment will change the funding from bonds authorized for the project by Ordinance No. 2012-449 to 2014-15 Cash Capital and allow for the closure of the bond fund that was originally borrowed in February of 2013 as part of the accelerated debt issue.

The project was completed in 2016. Street improvements included the design and construction of gateway features, decorative sidewalks, crosswalks and street lighting system, as well as, banners, street trees, curb bump-outs, accessible curb ramps, pavement markings for designated bicycle lanes, safety improvements and new water main, water services and hydrants.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-338
(Int. No. 372)

Amending Ordinance No. 2014-100 relating to land acquisition for the Portland Avenue Revitalization project

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

Section 1. Section 3 of Ordinance No. 2014-100 is hereby amended to read as follows:

Section 3. The Council hereby authorizes the acquisition by negotiation or condemnation of a portion of one parcel described below at a cost including closing costs not to exceed \$1200 to be funded from ~~Bond Ordinance No. 2012-449~~ 2014-15 Cash Capital:

Address	Property Owner	Sq. Ft	Est. Value
852-854 Portland	Community Mutual Inc.	10.6	\$100

Section 2. This ordinance shall take effect immediately.

Strikethrough indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-339
Re: Agreement – T.Y. Lin International Engineering & Architecture, P.C. – Priority Bicycle Boulevards Implementation Project

Council Priority: Jobs and Economic Development and Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Priority Bicycle Boulevards Implementation Project. This legislation will:

1. Establish \$195,000 as maximum compensation for a professional services agreement with T.Y. Lin International Engineering & Architecture, P.C. (Robert J. Radley, CEO), 255 East Avenue, Rochester, NY 14604, for engineering and design services;
2. Authorize the receipt and use of \$250,000 in anticipated grant funds from the New York State Department of Environmental Conservation (NYSDEC) to partially finance the project. This grant agreement was authorized by Ordinance No. 2018-239.

The purpose of the Priority Bicycle Boulevards Implementation Project is to design and install approximately twenty centerline miles of neighborhood Bicycle Boulevard routes throughout the City. This investment will enable the City to accelerate implementation of the Bicycle Boulevard Master Plan. Bicycle Boulevards are local, residential streets that are optimized for bicycle travel through the use of pavement markings, directional signage, and traffic calming features.

Bicycle Boulevards provide a low-stress alternative to busy arterial streets and a cost-effective technique for improving the overall bike-friendliness of our city. The project will also conduct milling and resurfacing of certain Bicycle Boulevard streets to be determined through the design process.

The cost of the agreement will be financed as follows:

Source	Amount
2016 NYSDEC CSC Grant (Ordinance No. 2017-334)	\$22,000
2018 NYSDEC CSC Grant (Authorized Herein)	\$37,000
2019-20 Cash Capital	\$38,000
2017-18 Cash Capital	\$23,000
2014-15 Cash Capital	<u>\$75,000</u>
TOTAL	\$195,000

The agreement shall extend until three (3) months after completion of the two (2) year guarantee inspection of the project. Design of the project is anticipated to begin in December 2019 with construction is anticipated to begin in spring 2021 and complete by fall 2021. The agreement will result in the creation and/or retention of the equivalent of 2.1 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-199

Ordinance No. 2019-339
(Int. No. 373)

Appropriating funds and authorizing an agreement for the Priority Bicycle Boulevards Implementation Project

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

Section 1. The Mayor is hereby authorized to accept and use grant funds in the amount of \$250,000 from the New York State Department of Environmental Conservation to partially finance the Priority Bicycle Boulevards Implementation Project (Project) in accordance with the agreement authorized by Ordinance No. 2018-239.

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with T.Y. Lin International Engineering & Architecture, P.C. for engineering and design services for the Project. The maximum compensation for the agreement shall be \$195,000, which shall be funded from \$22,000 in grant funds authorized in Ordinance No. 2017-334, \$37,000 of the grant funds authorized in Section 1 herein, \$38,000 in 2019-20 Cash Capital, \$23,000 in 2017-18 Cash Capital, and \$75,000 in 2014-15 Cash Capital. The term of the agreement shall extend until three months after completion of the two year guarantee inspection of the Project.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 6
Re: Authorizing a Local Law – Community Choice Aggregation

Transmitted herewith for your approval is legislation authorizing the establishment of a Community Choice Aggregation (CCA) program in the City of Rochester.

CCA allows participating local governments to procure energy supply for eligible energy customers (residential and small commercial) in the community. CCA shifts the control of selecting the default supplier of electricity from the state to the community, while leaving the role of the local utility unchanged. Leveraging the bulk purchasing power of the community, CCA communities benefit from reduced electricity rates, reduced price volatility, and increased local renewable energy development and clean energy jobs. Currently, more than five million customers nationwide are served by Community Choice Aggregation programs in seven states: New York, California, Illinois, Massachusetts, Ohio, New Jersey, and Rhode Island.

Community Choice Aggregation was authorized in New York State by the Public Service Commission (PSC) in April, 2016. Since then, several communities across New York State have CCA programs or are in the process of establishing one, including Geneva, Brockport, Brighton, Irondequoit and Pittsford.

The City's Office of Energy and Sustainability (OES) will lead the development and implementation of the CCA, working with local stakeholders and other interested municipalities where appropriate. In addition to the City adopting a local law authorizing CCA, the Public Service Commission requires the following steps be taken by the municipality: selection of a CCA Administrator, development of a CCA implementation plan and data protection plan, and at least two months of public outreach and engagement. The CCA implementation plan and data protection plan require PSC approval. Subsequent to these steps, energy supply contract procurement will be initiated. OES will develop an RFP for a CCA Administrator, whose role will be to work with the City to fully develop and manage the CCA. There is no cost to the City for the CCA; fees for the CCA Administrator are remitted by the selected energy supplier, not by the City, and is not additive over and above the supply rate. Additionally, the City is not obligated to implement the CCA program until the energy supply contract procurement is initiated.

CCA been identified as an implementation action in the City of Rochester Community-wide Climate Action Plan (CAP), endorsed by City Council in May, 2017. A local CCA program will provide city residents and small businesses with clean, renewable energy, save money on utility bills, foster economic development through increased energy efficiency and clean energy jobs, and provide significant greenhouse gas emissions reductions in Rochester.

A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Local Law establishing a Community Choice Aggregation program in the City of Rochester

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by adding to the end of Article VII, Department of Environmental Services, a new Part to read as follows:

PART E Community Choice Aggregation Energy Program

§ 7-50. Legislative Findings; Intent and Purpose; Authority.

- A. It is the policy of both the City of Rochester and the State of New York to reduce costs and provide cost certainty for the purpose of economic development, to promote energy efficiency and renewable energy resources such as wind and solar, and wider deployment of distributed energy

resources as well as to examine the retail energy markets and increase participation of and benefits for Eligible Consumers in those markets. One of the way to advance those policies in New York is Community Choice Aggregation (“CCA”), which allows local governments to determine the default supplier of electricity on behalf of Eligible Consumers.

- B. The purpose of CCA is to allow participating local governments to procure energy supply service for Eligible Consumers, who will have the opportunity to opt out of the procurement, while maintaining transmission and distribution service from the existing Distribution Utility. This part establishes a program (the “CCA Program”) that will allow the City and other local governments to work together through a shared purchasing model to put out for bid the total amount of electricity being purchased by Eligible Consumers within the jurisdictional boundaries of participating municipalities. Eligible consumers will have the opportunity to have more control to lower their overall energy costs, to spur clean energy innovation and investment, to improve customer choice and value, and to protect the environment; thereby, fulfilling the purposes of this and fulfilling an important public purpose.
- C. The City is authorized to implement this CCA Program pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law; and State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs (issued April 21, 2016) as may be amended, including subsequent orders of the Public Service Commission (PSC) issued in connection with or related to Case No. 14-M-0224, to the extent that orders related to Case No. 14-M-0224 enable actions by the City.
- D. This part shall be known and may be cited as the Community Choice Aggregation Energy Program Law of the City of Rochester.

§ 7-51. Definitions.

For purposes of this part, and unless otherwise expressly stated or unless the context otherwise requires, the terms in this part shall have the meanings employed in the State of New York Public Service Commission’s Uniform Business Practices or, if not so defined there, as indicated below:

AGGREGATED DATA

Aggregated and anonymized information including the number of consumers by service class, the aggregated peak demand (kW) for electricity by month for the past 12 months, by service class to the extent possible, and the aggregated energy (kWh) for electricity by month for the past 12 months by service class.

CCA ADMINISTRATOR

City of Rochester or a third-party CCA administrator duly authorized to put out for bid the total amount of electricity being purchased by Participating Consumers. CCA Administrator is responsible for Program organization, administration, procurement, and communications, unless otherwise specified.

CUSTOMER SPECIFIC DATA

Customer specific information, personal data and utility data for all consumers in the City eligible for opt-out treatment based on the terms of PSC CCA Order and the CCA Program design including the customer of record’s name, mailing address, telephone number, account number, and primary language, if available, and any customer-specific alternate billing name, address, and phone number.

DATA SECURITY AGREEMENT

An agreement between the Distribution Utility and the City that obligates each party to meet, collectively, (i) all national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual Eligible Consumer with respect to the CCA Administrator or its representative’s processing of confidential utility information; (ii) the Distribution Utility’s internal requirements and procedures relating to the protection of information that identifies or can be used to identify individual Eligible Consumer with respect to the CCA Administrator or its representative’s processing of confidential utility information; and (iii) the PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.

DEFAULT SERVICE

Supply service provided by the Distribution Utility to consumers who are not currently receiving service from an ESCO. Eligible Consumers within the City that receive Default Service, and have not opted out, will be enrolled in the CCA Program as of its effective date.

DISTRIBUTED ENERGY RESOURCES (DER)

Local renewable energy projects, shared renewables like community solar, energy efficiency, demand response, energy management, energy storage, microgrid projects, and other innovative approaches of the State’s Reforming the Energy Vision (REV) regulatory initiative that optimize system benefits, target and address load pockets/profile within the CCA’s zone, and reduce cost of service for Participating Consumers.

DISTRIBUTION UTILITY

Owner or controller of the means of distribution of electricity that is regulated by the Public Service Commission.

ELIGIBLE CONSUMERS

Eligible customers of electricity who receive Default Service from the Distribution Utility as of the CCA Program’s effective date, or New Consumers that subsequently become eligible to participate in the CCA Program, at one or more locations within the geographic boundaries of the City, except those consumers who receive Default Service and have requested not to have their account information shared by the Distribution Utility. For the avoidance of doubt, all Eligible Consumers must reside or be otherwise located at one or more locations within the geographic boundaries of the City, as such boundaries exist on the effective date of the ESA.

ENERGY SERVICES COMPANY (ESCO)

An entity duly authorized to conduct business in the State of New York as an Energy Services Company.

ENERGY SUPPLY AGREEMENT (ESA)

An agreement between an energy customer and an ESCO to provide electricity to the customer for a fixed or variable price.

NEW CONSUMERS

Consumers of electricity that become Eligible Consumers after the effective date of the ESA, including those that opt in or move into the City.

PARTICIPATING CONSUMERS

Eligible Consumers enrolled in the CCA Program, either because they are consumers who receive Default Service from the Distribution Utility as of the CCA Program's effective date and have not opted out, or are New Consumers.

PROGRAM ORGANIZER

The group responsible for initiating and organizing the CCA Program. This group will typically secure buy-in from local governments and engage in preliminary outreach and education around CCA. The Program Organizer may be a non-profit organization, local government, or other third party. The Program Organizer and the CCA Administrator may be the same.

PSC CCA ORDER

The PSC's Order Authorizing Framework for Community Choice Aggregation Opt-Out Program, issued on April 21, 2016 in Case 14-M-0224, "Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs."

PUBLIC SERVICE COMMISSION or PSC

The New York State Public Service Commission.

SUPPLIERS

ESCOs that procure electric power for Eligible Consumers in connection with this part or, alternatively, generators of electricity or other entities who procure and resell electricity.

§ 7-52. Establishment of a Community Choice Aggregation (Energy) Program.

- A. A Community Choice Aggregation (Energy) Program is hereby authorized to be established by the City, whereby the City may implement a CCA Program to the full extent permitted by the PSC CCA Order, as set forth more fully herein.
- B. The City may act as aggregator or broker for the sale of electric supply to Eligible Consumers and may enter into contracts with one or more Suppliers for energy supply and other services on behalf of Eligible Consumers.
- C. The City may enter into agreements and contracts with other municipalities, non-profits, consultants, and/or other third parties to (i) develop and implement the CCA Program, (ii) act as CCA Administrator, and/or (iii) develop offers of opt-in Distributed Energy Resources (DER) products and services to Participating Consumers, including opportunities to participate in local renewable energy projects, shared solar, energy efficiency, microgrids, storage, demand response, energy management, and other innovative Reforming the Energy Vision (REV) initiatives and objectives designed to optimize system benefits, target and address load pockets/profile within the CCA zone, and reduce costs for CCA customers.
- D. The operation and ownership of the utility service shall remain with the Distribution Utility. The City's participation in a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The City shall not take over any part of the electric transmission or distribution system and will not furnish any type of utility service, but will instead negotiate with Suppliers on behalf of Participating Consumers.

§ 7-53. Eligibility.

- A. All consumers within the City, including residential and non-residential, regardless of size, shall be eligible to participate in the CCA Program.
- B. All consumers who are customers of the Rochester Gas and Electric Corporation shall be enrolled on an opt-out basis except for consumers i) that are already taking service from an ESCO, ii) that have placed a freeze or block on their account, or iii) for whom inclusion in the CCA Program will interfere with a choice the customer has already made to take service pursuant to a special rate. Those consumers may be enrolled on an opt-in basis.
- C. New Consumers shall be enrolled on an opt-out basis.

§ 7-54. Opt-Out Process.

- A. An opt-out letter, printed on municipal letterhead, shall be mailed to Eligible Consumers at least 30 days prior to customer enrollment. The opt-out letter shall include information on the CCA Program and the contract signed with the selected ESCO including specific details on rates, services, contract term, cancellation fee, and methods for opting-out of the CCA Program. The letter shall explain that consumers that do not opt out will be enrolled in ESCO service under the contract terms and that information on those consumers, including energy usage data and APP status, will be provided to the ESCO.
- B. All consumers shall have the option to opt out of the CCA Program at any time without penalty.
- C. Termination fees shall not be charged to consumers that cancel their CCA service as a result of moving out of the premises served.

§ 7-55. Customer Service.

Participating Consumers shall be provided customer service including a toll-free telephone number available during normal business hours (9:00 A.M.-5:00 P.M. Eastern Time, Monday through Friday) to resolve concerns, answer questions, and transact business with respect to the service received from the Supplier.

§ 7-56. Data Protection Requirements.

- A. The City may request Aggregated Data and Customer Specific Data from the Distribution Utility provided, however, that the request for Customer Specific Data is limited to only those Eligible Consumers who did not opt out once the initial opt-out period has closed.
- B. Customer Specific Data shall be protected in a manner compliant with, collectively, (i) all national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the City or its representative's processing of confidential utility information; (ii) the utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the City or its representative's processing of confidential utility information; and (iii) the PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.
- C. The City must enter into a Data Security Agreement with the Distribution Utility for the purpose of protecting customer data.

§ 7-57. Administration Fee.

The City may collect, or cause to be collected, funds from customer payments to pay for administrative costs associated with running the CCA Program.

§ 7-58. Reporting.

- A. Annual reports shall be filed with the City Council by March 31 of each year and cover the previous calendar year.
- B. Annual reports shall include, at a minimum: number of consumers served; number of consumers cancelling during the year; number of complaints received; commodity prices paid; value-added services provided during the year (e.g. installation of DER or other clean energy services); and administrative costs collected. The first report shall also include the number of consumers who opted out in response to the initial opt-out letter or letters.
- C. If a CCA supply contract will expire less than one year following the filing of the annual report, the report must identify current plans for soliciting a new contract, negotiating an extension, or ending the CCA Program.

§ 7-59. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections in this part, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 2. This local law shall take effect upon its filing in the Office of the Secretary of State as provided by Section 27 of the NYS Municipal Home Rule Law.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-340
Re: Amending Agreement – Bergmann Associates for Highland Reservoir LT2 Compliance Project – Phase 1

Transmitted herewith for your approval is legislation establishing \$650,000 as maximum compensation for an amending agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., (Pietro Giovenco, P.E., President and Chief Executive Officer) 280 East Broad Street, Suite 200, Rochester, NY 14604. Under this amending agreement, Bergmann will provide additional professional services required to develop concepts and evaluate options for bringing Highland Reservoir into compliance with the US Environmental Protection Agency's Long Term Enhanced Surface Treatment Rule (LT2), and satisfying other water quality and site specific concerns.

The original agreement was authorized by Ordinance No. 2018-42. This amendment will increase the maximum compensation by \$280,000 to a total of \$650,000. The additional cost shall be funded from 2014-15 Cash Capital. The term of the agreement will be extended to December 31, 2020.

The City is obligated, through a bilateral compliance agreement with the New York State and Monroe County Health Departments, to meet the requirements of LT2 at the Highland Reservoir by September 2023. Evaluation and conceptual design commenced in the spring of 2018. In March 2019, the City was notified by the NYS Environmental Facilities Corporation of its eligibility to receive a \$3 million grant and \$4.2 million in interest-free financing from the Drinking Water State Revolving Fund for Highland Reservoir LT2 compliance. Several feasible alternatives have been identified, including: a floating cover, buried concrete tanks and an ultraviolet treatment facility. The increase in the maximum compensation is required to perform additional work associated with completing the State Environmental Quality Review (SEQR) process, which will include a comprehensive Environmental Impact Statement, and other additional work as necessary to satisfy the requirements of the grant.

The amendatory agreement will result in the creation and/or retention of approximately 3 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-200

Ordinance No. 2019-340
(Int. No. 375)

Authorizing an amendatory agreement to develop means for Highland Reservoir to comply with the federal Long Term Enhanced Surface Treatment Rule

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 Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. to develop and evaluate options for bringing the Highland Reservoir into compliance with the United States Environmental Protection Agency’s Long Term Enhanced Surface Treatment Rule (LT2). The amendment shall increase the maximum compensation of the existing agreement, which was originally authorized by Ordinance No. 2018-42, by \$280,000 to a total maximum amount of \$650,000. The additional compensation shall be funded from 2014-15 Cash Capital. The term for the amendatory agreement shall be extended to December 31, 2020.

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. 2019-341
Re: Inter-municipal Agreement – Monroe County Stormwater Coalition

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the City’s participation in the Monroe County Stormwater Coalition. This legislation will authorize the Mayor to enter into a new inter-municipal agreement (IMA) between Monroe County and the Monroe County Stormwater Coalition organization members (which includes the City of Rochester). This IMA allows the Monroe County Stormwater Coalition members to work together collaboratively to:

1. Reduce stormwater pollution and improve water quality;
2. Facilitate the use of existing or future resources, organizations and programs for the provision of the services to reduce stormwater pollution, to protect water quality and to restore natural hydrology while enhancing efficiency;
3. Share resources, including staff time, equipment, supplies, technology and services; and
4. Facilitate Coalition Members’ compliance with New York State Municipal Separate Storm Sewer System (MS4) general permit requirements.

The Division of Environmental Quality represents the City of Rochester on the Monroe Stormwater Coalition and works collaboratively with the Bureau of Engineering and Architecture in the Department of Environmental Services and the Bureau of Buildings and Zoning in the Department of Neighborhood and Business Development to implement the requirements of the City’s MS4 permit and reduce stormwater pollution in the city.

The existing IMA authorized under Ordinance No. 2014-348 expires December 31, 2019. The term of the new IMA is four (4) years.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-341
(Int. No. 376)

Authorizing an intermunicipal agreement for the Monroe County Stormwater 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 intermunicipal agreement with the County of Monroe and the Monroe County Stormwater Coalition members for participation in the Monroe County Stormwater Coalition. The term of the agreement shall be four years.

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. 2019-342
Re: Agreement - New York State Department of Environmental Conservation, Upland Watershed Maintenance

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of Environmental Conservation (NYSDEC) to reimburse the City for maintenance activities to be performed within the Hemlock-Canadice State Forest property. This State Forest is located within the City’s Upland Watershed, on property that was sold to NYSDEC in 2010. The term of this agreement will be three years and total reimbursement to the City is not to exceed \$120,000 for the three year period.

Services requested by NYSDEC and performed by the City include maintenance of unpaved roads, trails, fields, parking areas and trail heads within the Hemlock-Canadice State Forest. These maintenance activities not only benefit those using the State Forest, but also improve overall water quality in the City’s source water supplies of Hemlock and Canadice Lakes.

The original maintenance agreement with NYSDEC was authorized by Ordinance No. 2010-69 for an initial term of two years with three, one-year renewals. A subsequent agreement was authorized by Ordinance No. 2015-401, with a term of three years. This agreement was amended by Ordinance 2018-199 for an erosion project. These agreements have resulted in a total reimbursement amount of \$481,445.

Sale of this property to NYSDEC in 2010 had multiple, positive benefits for the City. The property continues to remain undeveloped, protecting the unique, natural environment. The agreement contains requirements for property maintenance and preservation that meet or exceed the City’s standards, continuing the City’s legacy of good stewardship. NYSDEC continues to assume the property tax burden, thus protecting the finances of the watershed towns and agencies.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-342
(Int. No. 377)

Authorizing an agreement for maintenance of Hemlock-Canadice State Forest property

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 Environmental Conservation to reimburse the City for maintenance activities performed within the Hemlock-Canadice State Forest property. The total reimbursement to the City shall not exceed \$120,000. The term of the agreement shall be three years.

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. 2019-343
Re: Intermunicipal Agreement – Town of Greece, Eastman Trail Phase I Project

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Eastman Trail Phase I Project. This legislation will:

1. Authorize an intermunicipal agreement with the Town of Greece for an initial term of ten years for the City to construct and maintain the Eastman Trail, portions of which will be located in the Town of Greece;
2. Authorize the acquisition of seven parcels of real property that the Eastman Kodak Company is donating to the City, including: 1762 Ridgeway Avenue, 1632 Ridgeway Avenue, 1626 Ridgeway Avenue, 1596 Ridgeway Avenue, 1510 Ridgeway Avenue, 1306 Ridgeway Avenue, and 1290 Ridgeway Avenue (the “Kodak Parcels”); and
3. Authorize the granting of a permanent, nonexclusive easement to the Eastman Kodak Company over the Kodak Parcels for pedestrian and vehicle access.

Phase I entails the City’s construction of a two-way, shared-use path on the former Erie Canal bed that parallels Ridgeway Avenue, as well as an on-street local bike route along Ridgeway Avenue, extending from Route 390 to Mt. Read Boulevard. When all phases are complete, the trail will provide an east/west connection between the City’s Genesee Riverway Trail at Kings Landing and the State’s proposed Route 390 Trail in the Town of Greece. In order to accomplish this, the Eastman Kodak Company is donating seven parcels of real property to the City, and retaining a permanent, non-exclusive easement for access over all of the donated parcels.

A map of the trail route and descriptions and diagrams of the parcels and easements proposed to be acquired are attached.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-201

Ordinance No. 2019-343
 (Int. No. 378)

Authorizing an intermunicipal agreement for the Eastman Trail Phase I Project

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 Town of Greece to administer the Eastman Trail Phase I Project.

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

Section 3. The Council hereby approves the acquisition by donation of the five parcels from the Eastman Kodak Company, described below. The transaction costs, including title insurance and recording fees, shall not exceed \$25,000, and shall be funded from 2014-15 Cash Capital.

Address	S.B.L.#	Lot Size
1762 Ridgeway Avenue	089.11-5-5	±2.04 acres
1632 Ridgeway Avenue	089.12-1-2	±4.64 acres
1626 Ridgeway Avenue	089.12-2-1.1	±1.11 acres
1596 Ridgeway Avenue	089.12-2-2	±0.21 acres
1510 Ridgeway Avenue	089.12-1-5	±3.84 acres
1306 Ridgeway Avenue	089.12-1-7	±5.6 acres
1290 Ridgeway Avenue	090.37-1-2.003	±0.93 acres

Section 4. The Council hereby approves the granting of a permanent, nonexclusive easement to the Eastman Kodak Company for the donated parcels.

Section 5. The Director of Real Estate is hereby authorized to make technical modifications to the legal descriptions contained herein in order to correct mistakes or modify boundaries to be consistent with the purposes of the land and easement conveyances described herein

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

By Vice-President Lightfoot
 November 12, 2019

To the Council:

The **PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

- Int. No. 379 Authorizing an agreement for a Bomb Squad Initiative grant
- Int. No. 380 Authorizing agreements for the 2019 Justice Assistance Grant program
- Int. No. 381 Authorizing a grant agreement and budget amendment for the Motor Vehicle Theft and Insurance Fraud Prevention program
- Int. No. 382 Appropriating federal forfeiture funds and amending the 2019-20 Budget to rent evidence storage
- Int. No. 383 Authorizing an intermunicipal agreement to provide photo lab services
- Int. No. 384 Authorizing a grant agreement and budget amendment for security camera upgrades at the Rochester Public Market
- Int. No. 385 Amending Ordinance No. 2019-275 related to license agreements for the use of the Danforth Community Center

Respectfully submitted,
 Willie J. Lightfoot
 Mitch Gruber (Absent)
 LaShay D. Harris
 Jacklyn Ortiz
 Loretta C. Scott
 PUBLIC SAFETY YOUTH & RECREATION COMMITTEE

Received filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Re: Ordinance No. 2019-344
 Agreement – New York State Division of Homeland Security and Emergency Services, 2018 Bomb Squad Initiative Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Homeland Security and Emergency Services for the receipt and use of \$100,000 for the 2018 Bomb Squad Initiative Grant.

These funds will be used to purchase breathing apparatus for hazardous materials situations, personal protection equipment (helmets and armor plates), training in the use of the Bomb Squad’s Total Containment Vessel (TCV), and travel expenses for the FBI Hazardous Devices School.

The Police Department has received this grant for more than 10 years. The term of the grant is October 1, 2019 through August 31, 2021. No matching funds are required.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Ordinance No. 2019-344
 (Int. No. 379)

Authorizing an agreement for a Bomb Squad Initiative 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 the New York State Division of Homeland Security and Emergency Services for the Rochester Police Department’s receipt and use of a 2018 Bomb Squad Initiative grant in the amount of \$100,000. The term of the agreement shall be October 1, 2019 through August 31, 2021.

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. 2019-345
Re: Agreement – US Department of Justice 2019 Justice Assistance Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation related to the 2019 Justice Assistance Grant. This legislation will:

1. Authorize an agreement with the US Department of Justice for the receipt and use of the 2019 Justice Assistance Grant in the amount of \$163,600; and
2. Authorize an agreement with the County of Monroe for the distribution and use of \$71,400 of the grant for support of the “Operation Nightwatch” program.

The County intends to use its share of this grant to support “Operation Nightwatch,” a program of the Probation Department which follows up on probationers’ evening curfews.

The City’s share (\$92,200) will be used to fund salaries (\$61,900) and fringe (\$25,300) for two part-time Counseling Specialists in the Police Department’s Family and Victims Services Section. These funds were anticipated and included in the 2019-20 Budget of the Police Department. Additionally, funds in the amount of \$5,000 are allocated toward reaching compliance in crime reporting to standards established by the National Incident-Based Reporting System (NIBRS); this is a requirement in this year’s award process.

The term of this grant is October 1, 2018 through September 30, 2022. No matching funds are required.

RPD has received this grant for over 10 years.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-345
(Int. No. 380)

Authorizing agreements for the 2019 Justice Assistance 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 United States Department of Justice for the receipt and use of funding from the 2019 Justice Assistance Grant program in the amount of \$163,600. The term of the agreement shall be October 1, 2018 through September 30, 2022.

Section 2. The Mayor is hereby authorized to enter into an intermunicipal agreement with the County of Monroe in the maximum amount of \$71,400 to fund the Monroe County Probation Department’s Nightwatch program. Said amount shall be funded from the amount appropriated in Section 1 herein. The term of the agreement shall be October 1, 2018 through September 30, 2022.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-346
Re: Agreement – New York State Division of Criminal Justice Services, Motor Vehicle Theft and Insurance Fraud Prevention Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Criminal Justice Services for the receipt and use of \$49,600 for the Motor Vehicle Theft and Insurance Fraud Prevention (MVTIFP) grant, and amending the 2019-20 Budget of the Police Department by \$23,000 to reflect a portion of this grant.

This award, for the reduction of auto theft and insurance fraud, will provide overtime in the amount of \$43,500 to support Police Department deployment in high-theft areas and increased investigations of insurance fraud. The grant also provides \$6,100 to train police officers in specialized anti-theft techniques and technology. This grant does not cover fringe which is estimated at \$13,800.

The previous MVTIFP award was authorized by Ordinance No. 2018-344. The term of this agreement is January 1, 2020 through December 31, 2020.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-346
(Int. No. 381)

Authorizing a grant agreement and budget amendment for the Motor Vehicle Theft and Insurance Fraud Prevention 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 Division of Criminal Justice Services for receipt and use of grant funds from the Motor Vehicle Theft and Insurance Fraud Prevention program in the amount of \$49,600. The term of the agreement shall be January 1, 2020 through December 31, 2020.

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

Section 3. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Police Department by the sum of \$23,000 to reflect the receipt of the funds authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-347
Re: Appropriation of Forfeiture Funds – Storage for Evidence

Council Priority: Public Safety

Transmitted herewith for your approval is legislation appropriating \$5,000 from federal forfeited funds generated by the Police Department, and amending the 2019-20 Budget of the Police Department to reflect this amount.

These funds will be used to rent up to three storage containers to store evidence. RPD anticipates having a large seizure in the upcoming months with no space in the Property Clerk Office to store all of the evidence. These containers will be used for long-term, temporary storage.

The appropriations requested this month will result in a balance of approximately \$851,000 in the federal forfeiture Justice fund.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-347
(Int. No. 382)

Appropriating federal forfeiture funds and amending the 2019-20 Budget to rent evidence storage

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

Section 1. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Police Department by \$5,000 from funds to be received from the Federal Government from seized and forfeited assets. Said funds are hereby appropriated to rent storage containers to store evidence.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-348
Re: Agreement – Monroe County, Police Photo Processing

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with Monroe County and the Monroe County Sheriff's Office (MCSO) for the receipt and use of funding for photo lab services provided to the MCSO.

The City will provide photo processing services, upon request, for MCSO and will invoice the County for these services. MCSO utilizes the lab only when they need prints for court or other essential purposes. The County will pay the City up to \$2,000 annually for these services.

The previous agreement, authorized via Ordinance No. 2014-357, expires on December 31, 2019.

The term of this agreement is January 1, 2020 through December 31, 2024.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-348
(Int. No. 383)

Authorizing an intermunicipal agreement to provide photo lab 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 intermunicipal agreement with the County of Monroe for the receipt and use of funding for photo lab services provided to the Monroe County Sheriff's Office. The maximum annual amount to be paid by the County of Monroe shall be \$2,000. The term of the agreement shall be January 1, 2020 through December 31, 2024.

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:

Re: Ordinance No. 2019-349
Grant Agreement - State of New York, Division of Homeland Security and Emergency Services, Public Market Security Cameras

Council Priority: Public Safety

Transmitted herewith for your approval is legislation related to the receipt and use of a FY 2018 Critical Infrastructure Grant Program of the US Department of Homeland Security's State Homeland Security Grant Program and administered through the New York State Division of Homeland Security and Emergency Services for security camera upgrades at the Rochester Public Market. This legislation will:

1. Authorize an agreement with the New York State Division of Homeland Security and Emergency Services (DHSES) for the receipt and use of a \$42,982 grant award. The term of the grant is from October 1, 2019 to August 31, 2021; and
2. Amend the 2019-20 Cash Capital allocation of the Department of Recreation and Youth Services in the amount of \$43,000 to reflect receipt of the grant.

The goal of the DHSES grant program is to enhance security measures at government-owned mass gathering sites. The grant will be utilized for installation of a new, outdoor camera surveillance system to enhance the operational efficiency, rule enforcement and public safety of the Market. The new system will be compatible with the City's integrated Genetec system and will provide real-time access to images to Market staff as well as police and emergency responders. This improvement is part of an on-going project to ensure the Market continues to be a safe and enjoyable destination and an economic engine for our community.

The project is anticipated to be completed by April 2020.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-349
(Int. No. 384)

Authorizing a grant agreement and budget amendment for security camera upgrades at the Rochester Public Market

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 Division of Homeland Security and Emergency Services for receipt and use of 2018 Critical Infrastructure Grant Program funding in the amount of \$42,982 for security camera upgrades at the Rochester Public Market. The term of the agreement shall be from October 1, 2019 through August 31, 2021.

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

Section 3. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended to increase the 2019-20 Cash Capital allocation in the amount of \$43,000 to reflect the funds appropriated in Section 1 herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-350
Amend Ordinance No. 2019-275 –License Agreement – Danforth Community Center, Exercise Express

Transmitted herewith for your approval is legislation amending Ordinance No. 2019-275 which authorized a license agreement with Exercise Express, LLC (Karen Rogers, principal), Rochester, New York, to utilize a portion of Danforth Community Center (200 West Ave., Rochester, NY 14611) (the Community Center) for agency office space and the delivery of exercise and wellness programming for senior citizens. This amendment will increase the square footage of the licensed area from 1,800 square feet to 3,200 square feet.

The term of this license agreement will be for five years, beginning upon execution, and shall be renewable for one additional five-year term. The space will be licensed at a rate \$10.00 per square foot for a total annual cost of \$32,000, including the cost of utilities. This rate was determined by an appraisal conducted by Bruckner, Tillet, Rossi, Cahill & Associates as of July 2019. This amount will be adjusted by the City annually based on the CPI-U (Consumer Price Index-Urban Market), as determined by the Department of Neighborhood and Business Development Real Estate Division.

For each year of the agreement, Exercise Express will be charged \$18,000 in rent and provide the remaining \$14,000 license fee will be in the form of free programming and services to City of Rochester senior citizens and other residents in the licensed space. The organization's activities include health education, diabetes/hypertension screenings, nutrition, and fitness programming. Programs and services will be offered 3-5 days per week during day time hours and will serve at least 100 Rochester residents ages 55 and older. Services will be overseen by the Director of Recreation.

Exercise Express will provide all custodial and cleaning services for the licensed space. The City will provide heating, plumbing and electrical repairs, as well as maintain the structural integrity of the Community Center.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-350
(Int. No. 385)

Amending Ordinance No. 2019-275 related to license agreements for the use of the Danforth Community Center

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

Section 1. Section 1 of Ordinance No. 2019-275 is hereby amended to read as follows:

Section 1. The Mayor is hereby authorized to enter into a license agreement with Exercise Express for the use of a portion of the premises in the Danforth Community Center consisting of ~~1,800~~ 3,200 square feet for agency office space and the delivery of exercise and wellness programming for senior citizens. The term of the license agreement shall be five years with the option to extend up to one additional five year term. Exercise Express shall be obligated to pay an annual license fee of ~~\$18,000~~ \$32,000, which includes the cost of utilities, provided, however, that Exercise Express shall be allowed to satisfy up to \$14,000 of its fee obligation for each year by providing an equivalent value of health education, diabetes/hypertension screenings, nutrition, and fitness programming for free to City senior citizens and other residents in accordance with a schedule of services and their respective dollar values that is approved by the Commissioner of Recreation and Youth Services and overseen by the Director of Recreation. After the first year, the fee shall be adjusted for each subsequent year based on the Consumer Price Index for All Urban Consumers (CPI-U).

Section 2. This ordinance shall take effect immediately.

Strikethrough indicates deleted text, new text is underlined.

Passed unanimously.

By President Scott
November 12, 2019

To the Council:

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

Int. No. 386	Adopting <i>Rochester 2034</i> as the City’s Comprehensive Plan, adopting a new Municipal Code Chapter 130, Comprehensive Plan, to incorporate the <i>Rochester 2034</i> Policy Principles, Placemaking Principles, Goals and Placemaking Plan and determining the foregoing actions to be consistent with the Local Waterfront Revitalization Program
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Respectfully submitted,

Molly Clifford
 Malik Evans
 Mitch Gruber (Absent)
 LaShay D. Harris
 Jacklyn Ortiz
 Michael A. Patterson
 Elaine Spaul
 Willie J. Lightfoot
 Loretta C. Scott
 COMMITTEE OF THE WHOLE

Received filed and published.

President Scott moved to discharge Int. No. 386 from committee.

The motion was seconded by Vice President Lightfoot.

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-351
 Re: Adopting *Rochester 2034* as the City of Rochester’s Comprehensive Plan and amending Chapter 130 of the City Code to adopt the Policy Principles, Placemaking Principles, Goals, and Placemaking Plan.

Council Priorities: Deficit reduction and long-term financial stability, Rebuilding and strengthening neighborhoods, Public safety, Creating and sustaining a culture of vibrancy, Jobs and economic development, Support the creation of effective educational systems

Transmitted herewith for your approval is legislation to:

- 1) Adopt *Rochester 2034* as the City of Rochester’s Comprehensive Plan (“Plan”).
- 2) Amend Chapter 130, Comprehensive Plan, to adopt the Policy Principles, Placemaking Principles, Goals, and Placemaking Plan.
- 3) Issue a Local Waterfront Revitalization Program (“LWRP”) Consistency Determination.

General City Law §28-a, authorizes the development and enactment by city government of a comprehensive plan which can be readily identified, and is available for use by the public, is in the best interest of the people of the city.

A comprehensive plan is a means to promote and protect the general health, safety, and welfare of the people in a community and to establish a course of action for the future physical and social development of that community. The plan provides guidance for making public and private sector decisions on land use regulation, development, future investment, programming, and the allocation of critical resources. An overarching objective of the Plan is to re-establish a strong connection between the city’s comprehensive plan, budget, and capital improvement program. Comprehensive plans typically provide guidance for a 15- to 20-year window for a municipality. The year 2034 is 15 years from 2019 and coincides with the City of Rochester’s 200th birthday.

One of the objectives of *Rochester 2034* is to celebrate the city’s assets in order to promote living, visiting, and doing business in Rochester. It is intended to change the narrative around the future of Rochester to one of hope, excitement, and positivity. *Rochester 2034* tells the story of who we are as a community, our history, and our vision for a thriving and hopeful future.

Rochester 2034 presents five Policy Principles: healthy living, equity, resilience, prosperity, and partnership. These are broad, overarching principles, or lenses, to guide decisions, policies, and programming in City government. Additionally, the Plan presents six Placemaking Principles: to design at the pedestrian scale, create beautiful spaces, provide diverse housing options, celebrate assets, strengthen multi-modal travel, and focus growth. These are

intended to help us to cultivate a strong and unique sense of place for Rochester and make it a place where people want to live, work, and play. It is hoped that the larger community will also embrace all 11 of these principles to guide their work as well.

While most comprehensive plans include a land use plan, *Rochester 2034* features an innovative holistic approach to land use planning called the Placemaking Plan. The Placemaking Plan is a people-centered approach to activating our community and creating vibrancy for all people in Rochester. It ties many factors that influence placemaking into a unified plan and will serve as a guide for the Zoning Code/Map update and all future zoning decisions.

In the other sections of *Rochester 2034* a variety of topics are explored through data analysis, goal-setting, and a review of best practices. Sections, such as housing, transportation, urban agriculture, community beautification, and economic development, each has a set of goals and strategies aimed at advancing the community towards those goals, and moving Rochester toward the Plan's vision. The goals and strategies comprise action plans for each section and present a variety of broad and specific actionable steps for implementation.

The Plan was the subject of an extensive community engagement process that consisted of surveys, neighborhood meetings, popup meetings, stakeholder meetings, and a website. Thousands of people were engaged over the course of Plan preparation and, as a result, the Plan is well known throughout the community.

Rochester 2034 was prepared with implementation in mind and each Plan strategy is intended to be actionable. The Plan implementation includes the creation of an oversight committee, led by the Mayor's Office. The Implementation Action Plan also includes a strategy to prepare a forum, online or otherwise, for routinely updating the community on the incremental progress of *Rochester 2034*, including a biennial report to update the community and City leaders on the status of prioritized goals and strategies.

On October 9, 2019, the City Planning Commission conducted a public information meeting and, following their deliberations, voted unanimously to recommend approval of the Plan subject to two conditions. The first recommends that the Planning Office prepare a document that clarifies and explains some common misconceptions about the plan. The second recommends that, once the Plan is approved, the Planning Office continue community engagement on the Plan and periodically provide reports on its implementation status. The full City Planning Commission recommendation is attached.

Lastly, in accordance with Municipal Code Chapter 112, Waterfront Consistency Review Ordinance, Council must make a consistency determination confirming that adoption of *Rochester 2034* will not substantially hinder the achievement of any of the City's LWRP policy standards or conditions and, whenever practicable, will advance one or more of them. As required by Chapter 112, the NBD Commissioner rendered a recommendation indicating that the proposed action is consistent, to the maximum extent practicable, with the applicable LWRP policies. The recommendation is attached.

A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-202

Ordinance No. 2019-351
(Int. No. 386)

Adopting *Rochester 2034* as the City's Comprehensive Plan, adopting a new Municipal Code Chapter 130, Comprehensive Plan, to incorporate the *Rochester 2034* Policy Principles, Placemaking Principles, Goals and Placemaking Plan and determining the foregoing actions to be consistent with the Local Waterfront Revitalization Program

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

Section 1. The Council hereby adopts *Rochester 2034* as submitted herewith, which is on file in the Office of the City Clerk, as the City's Comprehensive Plan in accordance with City Charter § 14-1, The Comprehensive Plan, and as provided for in Municipal Code Chapter 130, Comprehensive Plan.

Section 2. Chapter 130 of the Municipal Code, Comprehensive Plan, as last amended by Ordinance No. 2008-91, is hereby repealed.

Section 3. The Council hereby adopts a new Municipal Code Chapter 130, Comprehensive Plan, which shall read in its entirety as follows:

Chapter 130. Comprehensive Plan

§ 130-1. Comprehensive Plan: definition.

For the purpose of this chapter, the Comprehensive Plan shall consist of Rochester's physical, social, cultural, and environmental goals and aspirations as contained in the adopted portions of *Rochester 2034*.

§ 130-2. Comprehensive Plan: purpose and effect.

The Comprehensive Plan, or any part thereof, shall be considered an official statement of the City of Rochester with respect to the existing and developing character of various areas of the City; the proper objectives, standards and direction for the future maintenance, growth and development of the City; the means to be employed to protect existing character or development and to encourage future development that will be in the best interest of

the City; and the actions and programs to be undertaken by the City with respect to its future maintenance and development. The Comprehensive Plan shall serve as a guide and resource for City officials and agencies in the performance of their duties but, except as otherwise provided in this chapter and the codes and ordinances of the City, shall not be binding upon them.

§ 130-3. Comprehensive Plan: amendment.

Because the Comprehensive Plan consists of a number of related ordinances and documents, it shall be deemed to be amended as its subsidiary parts are amended or otherwise changed. Such amendments shall be adopted in accordance with the procedures set forth in other parts of the Code of the City of Rochester, such as Chapter 120 and Chapter 128 of the Code. In those instances where an amendment procedure is not otherwise provided in the Code of the City of Rochester, amendments to the Comprehensive Plan shall be adopted in accordance with the procedures set forth in § 120-190.

§ 130-4. Review of public projects; scope of review.

A. In addition to the authority set forth in Chapter 120 of the Zoning Code, and Section 12-13A. of the City Charter, the City Planning Commission shall review and report on all matters relating to the location of any roadway, park, square, playground or recreation ground or public open space within the City; the discontinuance, closing or abandonment of a public roadway; and any other land use matters of City-wide impact and importance referred to it by the Mayor, City Council, or a Commissioner.

(1) Procedure for review and construction.

- a) Within 45 days of any such submission, the Planning Commission shall review such plans for conformity to the Comprehensive Plan and, if necessary, shall confer with the submitting agency with regard to suggested alterations and shall transmit either its recommendation for approval or disapproval of such plans to the submitting agency, stating in detail the reasons for such recommendation.
- b) If the Planning Commission has issued its recommendation for approval or has failed to act with respect to a submission within 45 days or such longer period as may have been agreed to by the submitting agency, the submitting agency may then, but not before, proceed with work on the proposed project. If the Planning Commission has recommended disapproval, then the submitting agency shall undertake no work with respect to the proposed project unless it shall have first obtained express approval therefor from the City Council by ordinance duly adopted.
- c) No City official, agency or department shall issue any permit, approval or authorization necessary in conjunction with any public project subject to this provision, nor issue or authorize any funds or expenditures for such project, unless the agency responsible for such project shall have first obtained a recommendation for approval from the Planning Commission or the City Council as herein required.
- d) In addition, the Mayor shall, before submitting the capital improvement program to the City Council, submit such program to the Planning Commission for its review and comments. The Mayor shall submit any comments of the Planning Commission to the City Council at the same time as the capital improvement program is submitted.

§ 130-5. *Rochester 2034*

The codified portion of the Comprehensive Plan of the City of Rochester shall consist of the Policy Principles, Placemaking Principles, Goals, and Placemaking Plan as follows:

A. Policy Principles

(1) Healthy Living

We will strive to be a city where all residents, regardless of age, income, and ability, live active lives in a healthy environment, have access to community-based health services, healthy food, and healthy housing, and where they have equitable economic and social opportunities.

(2) Equity

We will promote equity, inclusion, and environmental justice by working to reduce disparities, extend community benefits, ensure access to housing, and include traditionally under-represented populations.

(3) Resilience

We will reduce risk and improve the ability of individuals, communities, economic systems, and the natural and built environments to withstand, recover from, and adapt to natural hazards, human-made disasters, climate change, and economic shifts.

(4) Prosperity

We will support a diverse, low-carbon economy, and foster employment growth, competitive advancement, and equitable prosperity.

(5) Partnership

We will join with neighborhood, government, business, not-for-profit, and institutional partners to implement this plan and enjoy the results of reaching our goals together.

B. Placemaking Principles

(1) Design at the Pedestrian Scale

We will prioritize development and design that is pedestrian-scaled and generates street-level activity in order to promote walkability and healthy lifestyles, and to create an attractive and welcoming built environment.

(2) Create Beautiful Spaces

We will design our streetscapes and public spaces to be vibrant, playful, and environmentally sustainable, to reflect, cultivate, and celebrate the unique identities of our city and neighborhoods.

- (3) Provide Diverse Housing Options
We will work to preserve our existing housing stock while also providing more diverse options within all neighborhoods that expand our range of housing types, densities, and prices.
- (4) Celebrate Assets
We will capitalize on our existing unique assets, including natural and scenic amenities, cultural heritage, and distinctive historic structures and landscapes, recognizing that these assets enhance neighborhood pride, foster a strong cultural identity, and attract visitors, new residents, and investment.
- (5) Strengthen Multi-modal Travel
We will strengthen multiple modes of transportation and promote more sustainable transit options by improving walkability and increasing bus and bicycle access throughout the city.
- (6) Focus Growth
We will focus population growth and commercial development along key transportation corridors and within mixed-use centers in order to capitalize on existing infrastructure and a critical mass of activity.

C. Rochester 2034 Goals

- (1) Placemaking
 - a) Create a comprehensive placemaking approach that goes beyond traditional land use planning, with a particular emphasis on aligning land use and transportation planning efforts.
 - b) Foster growth in the City's population and business community in order to restore the critical mass needed to support local businesses, deconcentrate poverty, grow the tax base, and address housing affordability.
 - c) Employ a "zoning for jobs" approach whereby greater flexibility and efficiency of land use regulations fosters emerging business trends and creative re-use of buildings while not compromising the historic character and stability of neighborhoods.
 - d) Protect the existing character of neighborhoods while allowing room for evolution into more vibrantly urban, inclusive, and resilient design and character.
 - e) Continue to elevate the importance of the pedestrian and bicyclist experience through infrastructure, policies, traffic safety enforcement, and education.
 - f) Improve public parks, open spaces, public facilities, and waterfront access.
 - g) Support capacity building and creative programs, both organic and formal, that enable more localized participation in placemaking.
- (2) Housing
 - a) Implement existing housing plans, initiatives, and policies.
 - b) Improve understanding and monitoring of local housing and community development issues, needs, opportunities, and impacts.
 - c) Improve collaborative planning and coordination to promote more holistic housing policy and community development.
 - d) Pursue new housing development that grows the city's population and fosters the creation of vibrant, equitable neighborhoods.
 - e) Pursue additional housing strategies that support innovative and equitable housing and community development.
 - f) Develop and implement middle neighborhoods strategies that expand homeownership and build community wealth.
- (3) Vacant Lands
 - a) Strategically position vacant sites for redevelopment.
 - b) Turn vacant lots in areas of low housing market demand into vibrant community spaces.
 - c) Facilitate community gardening on vacant lots.
 - d) Create the City Hall administrative infrastructure to allow creative and flexible options for repurposing vacant lots.
- (4) Arts + Culture
 - a) Support, grow, and sustain the creative economy.
 - b) Support Rochester's local arts and cultural organizations through community collaboration and joint fundraising.
 - c) Increase access to public art and cultural resources in an equitable and culturally sensitive way.
- (5) Historic Preservation
 - a) Promote and preserve Rochester's rich history through preservation of its historic and cultural resources.
 - b) Promote the benefits of the NYS tax credit programs for rehabilitation of homes and businesses in historic districts.
 - c) Reduce barriers to rehabilitating buildings in Preservation Districts and foster enthusiasm for owning homes in these areas of the city.
 - d) Use local regulations and programs to supplement the State and federal government's protection of historic resources.
- (6) Schools + Community Centers
 - a) Improve conditions for students to ensure a healthy and nurturing environment for learning that is targeted at key success indicators.
 - b) Nurture a culture of positivity around public school options and benefits in order to encourage current residents and students and to help rebuild the city's population.
 - c) Reposition public facilities to serve as, or support, multi-purpose community centers.

- d) Provide educational facilities and programs of the highest quality, enriching the student experience through stronger connections to their community, the arts, and the natural environment.
- (7) Public Health + Safety
- a) Continue building connections and partnerships with the community to enhance public safety efforts and impacts.
 - b) Incorporate preventative public safety and active design principles into the built environment through development projects and infrastructure.
 - c) Increase the capabilities of the RPD and RFD through collaboration, data analysis, technology, and new or improved resources.
 - d) Maintain and seek out accreditations and standards for the RFD that allow it to best do its job, and benefit the whole community.
 - e) Improve understanding of community health conditions, needs, service provision and access in the city, and use to improve access and overall community health.
 - f) Increase access to healthy foods and decrease the proliferation of establishments that only offer unhealthy, highly-processed, low-nutrient food.
- (8) Community Beautification
- a) Continue and expand community beautification efforts.
 - b) Continue and expand existing efforts to decrease the accumulation of litter in the community.
- (9) Natural Resources
- a) Invest in infrastructure, policy, and advocacy efforts that protect and enhance Rochester's water resources.
 - b) Provide ongoing upgrades and modernization of water distribution, storage, and treatment systems and facilities.
 - c) Protect and expand Rochester's urban forest.
 - d) Promote and protect Rochester's natural resources as assets for attracting residents, businesses, and tourists.
 - e) Protect natural resources and promote long-term sustainability through increased environmental awareness and education.
- (10) Parks, Recreation + Open Space
- a) Reclaim the Genesee River and the City parks and recreation system as foundational assets that help achieve cross-cutting community goals.
 - b) Enhance parks and recreation planning capacity.
 - c) Ensure high quality maintenance, operations, and safety of parks and trails.
 - d) Increase community awareness, pride, and engagement with our parks and recreation system.
 - e) Extend the reach of our parks and recreation system through innovative programming and strategic infrastructure investments.
- (11) Climate Change Mitigation + Adaptation
- a) Mitigate and adapt to climate change through coordinated planning, plan implementation, and performance monitoring.
 - b) Use City authority, facilities, policies, operations, and investment to help achieve climate action planning goals.
 - c) Work with property owners and community development partners to improve building energy performance and sustainability.
 - d) Develop broad outreach campaigns and community programs that educate people and support them living more sustainable lives.
- (12) Urban Agriculture + Community Gardens
- a) Support urban agriculture as a valid reuse option for vacant land and vacant buildings.
 - b) Facilitate community gardening on City-owned vacant lots.
 - c) Explore innovative urban agriculture initiatives.
- (13) Transportation
- a) Expand and strengthen Rochester's multi-modal planning, policy, programming, and infrastructure maintenance.
 - b) Improve quality, connectivity, accessibility, and safety in order to achieve a fully accessible network for pedestrians of all ages and people with disabilities.
 - c) Develop a "minimum grid" dedicated bicycle network and work to increase bicycle mode share.
 - d) Implement a high-frequency transit network and work to grow its impact and reach.
 - e) Achieve safe, multi-modal streets and eliminate traffic injuries and deaths through strategic traffic calming, community outreach and education, and enforcement.
 - f) Develop transportation demand management (TDM) and transportation access policies and initiatives that help encourage people to reduce drive-alone trips, particularly for workers and large employers.
- (14) Economic Growth
- a) Attract businesses to Downtown Rochester.
 - b) Support existing and help/incentivize new neighborhood businesses.
 - c) Support entrepreneurship as the foundation of business development.
 - d) Continue to support and attract job-generating economic development.

- e) Improve opportunities for historically disadvantaged businesses through business development programming and by providing access to contracting opportunities with the City of Rochester.
- f) Establish a culture of collaboration among Anchor Institutions and other regional partners in order to better drive positive economic change locally.
- g) Focus on market research, data, and analysis to drive economic development decisions and programming.

(15) Workforce Development

- a) Help build the capacity of workforce development programs and encourage collaboration to better serve program participants.
- b) Work with partner organizations to build connections between workforce programs and employers to help bridge the gap between training and employment.
- c) Focus workforce development efforts on vulnerable populations.
- d) Provide support for individuals starting their own businesses.

(16) Tourism

- a) Expand opportunities to attract new visitors to the city.
- b) Enhance the visitor experience.
- c) Increase tourism dollars spent within the city.

(17) City + Neighborhood Promotion

- a) Support neighborhood efforts around branding and promotion.
- b) Continue to promote the City of Rochester as a premier place to live, work, and visit.
- c) Work with the Rochester City School District to promote innovative school programming and successes.

(18) Smart City Innovations

- a) Implement the Dig-Once/Right-of-way Management Program.
- b) Increase access to high-speed internet and cellular technologies.
- c) Improve Transportation Systems using Smart Technologies.
- d) Improve municipal technology to better serve the city, residents, stakeholders, and others.

(19) Implementation and Stewardship of *Rochester 2034*

- a) Implement *Rochester 2034* through City Code and procedures.
- b) Use *Rochester 2034* to inform City budgets and programming.
- c) Implement *Rochester 2034* through collaboration and organization.

(20) Building Community Capacity

- a) Build the capacity of community organizations and associations.
- b) Continuously improve City Hall public outreach and communication of City services.
- c) Improve City Hall systems to make them more inclusive and accessible
- d) Increase resident engagement in City decision-making processes.
- e) Increase youth engagement and empowerment.

D. Placemaking Plan –The Placemaking Plan, Initiative Area 2 of *Rochester 2034*, shall inform an update to the Zoning Code and map, as codified in Section 120 of the City Code, as well as future projects, programs, and policies related to community development, including, but not limited to, transportation, community building, parks and recreation, and arts and culture. The approximate boundaries and land use categorization of the Character Areas depicted on the Placemaking Plan Map shall guide any updated Zoning Map. The permitted uses and associated dimensional requirements of any updated Zoning Code shall be consistent with the general vision and objectives expressed in the Character Area descriptions and associated imagery, as well as other principles and recommendations expressed throughout the Initiative Area.

§ 130-6. Implementing documents.

A. The following studies and plans and any amendments thereto shall constitute implementing documents of the Comprehensive Plan:

- (1) *Rochester 2034*
- (2) Zoning Code and Official Zoning Map
- (3) Adopted Urban Renewal Plans
- (4) Subdivision Ordinance
- (5) Official Map
- (6) Capital Improvement Program
- (7) Housing Market Study

- (8) Transit Supportive Corridor Study
- (9) ROC the Riverway Vision Plan
- (10) Brownfield Opportunity Area Plans
- (11) Local Waterfront Revitalization Program
- (12) Center City Master Plan
- (13) Climate Action Plan
- (14) Rochester Public Library Branch Facilities Plan

§ 130-7. Adopted policies.

A. The following policies shall constitute implementing policies for the Comprehensive Plan:

- (1) Housing Policy.
- (2) Complete Streets Policy.

Section 4. The Council hereby determines that the adoption of *Rochester 2034* and of a new Municipal Code Chapter 130, Comprehensive Plan (collectively, the Action), is consistent to the maximum extent practicable with the applicable policy standards and conditions of the City's Local Waterfront Revitalization Program (LWRP) in accordance with Municipal Code §112-4. The Council makes this determination based on the following facts and findings:

- a) The Action encompasses the Local Waterfront Area portion of the City, as delineated in the LWRP and, therefore, is subject to consistency review under §112-4 of the Municipal Code;
- b) The Commissioner of Neighborhood and Business Development has provided the Council with an LWRP consistency recommendation for the Action dated October 15, 2019, which concludes that the Action specifically references and promotes the implementation of certain LWRP policies and, if approved, would advance 20 LWRP policies in specified ways; and
- c) Council concurs with the recommendation and finds that the Action will promote increased and improved access to the waterfront while protecting and improving water quality and preserving the waterfront's other unique features.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 7:53 p.m.

HAZEL L. WASHINGTON
City Clerk

ROCHESTER CITY COUNCIL

REGULAR MEETING

December 17, 2019

Present –President Scott, Councilmembers Clifford, Evans, Gruber, Harris, Lightfoot, Ortiz, Patterson – 8.

Absent- Councilmember Spaul-1

President Scott requested the Council to rise for a Moment of Silence.

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

Retirement:

COUNCIL:

Molly Clifford

DES:

- *Juana Delgado
- *Richard Koss

RPD:

- *Cheryl Fridley
- *Barbara Locke
- *John Muller
- Marvin Patterson Jr.
- *Stacey Winter

Special Recognition:

- Ramique Hill
- Matt Ochs
- Lydell Weatherspoon

**Not attending meeting*

APPROVAL OF THE MINUTES

By Councilmember Patterson

RESOLVED, that the minutes of the Regular Meeting on November 12, 2019 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

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

- Quarterly Reports – Refund of Erroneous Taxes and Charges – November 2019 – 4318-19
- Quarterly Reports – NBD Grants Report – September 30, 2019 – 4319-19.

The Council submits Disclosure of Interest Forms from Councilmember Harris on Int. No. 395.

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

Councilmember Patterson presented 800 signatures from the Rochester Hispanic Youth Baseball League supporting no more medical waste in form of needles in park areas – Petition No. 1767

Community presented 3,300 signatures supporting renaming the International Plaza to Officer Manuel Ortiz International Plaza. – Petition No. 1768

THE COUNCIL PRESIDENT --- RECEIVED AND FILED.

PUBLIC HEARINGS.

Pursuant to law, public hearings were held on December 12, 2019 on the following matters:

- Authorizing pavement width changes and the acquisition of property takings for the Mt. Hope Avenue Phase 2 Improvements Project Int. No. 402
No Speakers
- Amending the Official Map by abandoning an unnamed alley located off of Wiley Street between Canal Street and Litchfield Street Int. No. 403
No Speakers
- Determinations and findings relating to the acquisition of a permanent easement in furtherance of the West River Wall Project Int. No. 408
No Speakers
- Authorizing the acquisition by negotiation or condemnation of a permanent easement in furtherance of the West River Wall Project Int. No. 409
No Speakers

REPORTS OF STANDING COMMITTEES
AND ACTION THEREON

By Councilmember Evans
December 17, 2019

To the Council:

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

- Int. No. 387 Authorizing an amendatory agreement for a rental vacancy study
- Int. No. 388 Authorizing an amendatory agreement with Tyler Technologies, Inc.
- Int. No. 389 Authorizing an agreement for State lobbying services
- Int. No. 390 Authorizing an agreement with MVP Select Care, Inc. for health insurance administration services
- Int. No. 391 Authorizing an agreement with The Guardian Life Insurance Company of America for dental plan administration services
- Int. No. 392 Authorizing an agreement with Lifetime Benefit Solutions, Inc. for the administration of flexible benefit plans
- Int. No. 393 Authorizing an agreement with MVP Health Care, Inc. for COBRA administration services
- Int. No. 394 Authorizing administrative tax cancellations and refunds of \$1,000 or less for 2020
- Int. No. 395 Local Law amending the Charter of the City of Rochester with respect to budget requirements for the City School District

Respectfully submitted,
Malik Evans
Molly Clifford
Michael A. Patterson
Willie J. Lightfoot
Loretta C. Scott
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-352
Re: Amendatory Agreement - Northeast & Bucks Co.

Council Priority: Rebuilding and Strengthening Neighborhoods

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum additional compensation for an amendatory agreement with Northeast & Bucks Co. (aka Mullin & Lonergan Associates) (CEO, Michael Kearney) for the purposes of adding a rental vacancy study to the scope of work.

The original agreement with Northeast & Bucks Co. for \$60,000 was authorized in October, 2019 (Ordinance No. 2019-300). The proposed amendment will increase the maximum compensation by \$40,000 for a total of \$100,000. The amendatory amount will be funded from the Planning and Studies allocation for Project #31 of the Consolidated Community Development/2017-18 Annual Action Plan, as amended in Section 1 of Ordinance No. 2019-300.

The agreement authorized in October includes the preparation of the HUD-required Analysis of Impediments to Fair Housing Choice and the 2020-2025 Consolidated Community Development 5-year Strategic Plan. Because this agreement was already authorized for work that includes analyzing various aspects of the housing stock in the City of Rochester, including vacancy status, we are asking the consultant to go further in exploring the vacancy rate for rental units that qualify for rent stabilization under the ETPA. This will enable us to gather this information as quickly as possible.

The rental vacancy study will be conducted pursuant to the state Emergency Tenant Protection Act of 1974 (ETPA). The information gathered through this study will indicate whether there is a level of vacancy sufficient under the ETPA to allow the City to implement rent stabilization and will inform the programming for the 2020-2025 Consolidated Community Development 5-year Strategic Plan.

This work will help to inform development of future housing policies and aligns with Goal HSG-2 of Rochester 2034, which is focused on improving understanding and monitoring of local housing and community development issues, needs, opportunities, and impacts. Strategies under that goal include conducting research, including research into the private rental market.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-352
(Int. No. 387)

Authorizing an amendatory agreement for a rental vacancy study

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 Northeast & Bucks Co., aka Mullin & Lonergan Associates, to complete a rental vacancy study. The maximum compensation for the agreement originally authorized in Ordinance 2019-300 is hereby increased by \$40,000 to a total amount of \$100,000. The amendatory compensation amount shall be funded from the Planning and Studies allocation for Project #31 of the Consolidated Community Development/2017-18 Annual Action Plan, as amended in Section 1 of Ordinance No. 2019-300.

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. 2019-353
Re: Amendatory Agreement – Tyler Technologies, Inc., Enterprise Process and System Solution for Cashiering

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Tyler Technologies, Inc. for additional services related to the Enterprise Process and System Solution for Cashiering project.

The original agreement for \$180,000 was authorized in October, 2015 via Ordinance No. 2015-285. An amendment authorized in February 2019 via Ordinance No. 2019-19 extended the term for one year to February 25, 2020. This amendment will extend the term for one additional year to February 24, 2021 at no additional cost. The additional year will allow Tyler Technologies to continue to assist with implementation of Tyler Cashiering and Munis enhancements in support of City business needs/processes.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-353
(Int. No. 388)

Authorizing an amendatory agreement with Tyler Technologies, Inc.

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 Tyler Technologies, Inc. to provide additional services related to the Enterprise Process and System Solution for Cashiering project. The term of the original agreement authorized in Ordinance No. 2015-285 and as amended in Ordinance No. 2019-19 is hereby extended for one additional year.

Section 2. The amendatory 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. 2019-354
Re: Agreement – Ostroff Associates, Inc. State Lobbying Services

Transmitted herewith for your approval is legislation establishing \$62,500 as maximum annual compensation for an agreement with Ostroff Associates, Inc. (President and CEO, Rick Ostroff) to research, track, and advocate for the City’s legislative and administrative agenda with New York State. The cost of the agreement will be funded from the 2019-20 (\$31,250) and 2020-21 (\$31,250) Budgets of the Mayor’s Office contingent upon approval of said budgets. The term will be for one year (January 1 – December 31, 2020) with the option of three, one-year renewals.

The \$62,500 includes \$60,000 annually for services and no more than \$2,500 annually for reimbursable expenses, including travel. Until this year, the City engaged Ostroff Associates primarily to advocate for ROC the Riverway and other capital priorities, while engaging Capitol Hill Management Services on other State priorities. With the expiration of Capitol Hill’s contract, Ostroff Associates will become the City’s sole State lobbyist and provide the following services:

- Present and explain the City’s legislative proposals to State officials and staff,
- Arrange for introduction, consideration, and approval of specific bills,
- Identify, review, and present comments on legislation affecting the City,
- Review of the State budget with respect to its impact on the City,
- Arrange and coordinate meetings between State and City officials,
- Coordinate Rochester’s activities with the NY State Conference of Mayors and the other large cities in New York, and
- General guidance on legislative matters.

Ostroff Associates, Inc. was selected through a request for proposal process as described in the attached summary.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-203

Ordinance No. 2019-354
(Int. No. 389)

Authorizing an agreement for State lobbying services

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 Ostroff Associates, Inc. for the provision of State lobbying services. The term of the agreement shall be one year with the option for up to three extensions of one year each. The maximum annual compensation for the agreement shall be \$62,500. The compensation for the first year shall be funded in the amounts of \$31,250 from the 2019-20 Budget of the Office of the Mayor and \$31,250 from the 2020-21 Budget of the Office of the Mayor, contingent upon approval of the latter Budget. The compensation for subsequent years, if any, shall be funded from subsequent years’ Budgets of the Office of Mayor, contingent upon their 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. 2019-355
Re: Agreement – MVP Select Care, Inc.

Council Priority: Deficit Reduction and Long Term Financial Stability

Transmitted herewith for your approval is legislation authorizing an agreement with MVP Select Care, Inc. (MVP) for administration of health insurance plans for City of Rochester employees and retirees. Maximum annual compensation for the administrative charge has been established at \$1,800,000. Health plan “premium-equivalent rates” include this administrative charge, therefore, no separate encumbrance is required. The term of this agreement will be for three years, from January 1, 2020 through December 31, 2022, with the option for 2 one-year renewals.

The City’s health insurance plan has been self-funded since January 2013. The transition from a fully-insured plan reduced the costs of administrative fees paid to health insurers and provided the City with control over plan design and clinical edits. MVP Select Care, the City’s sole health insurance provider since September 2009, assisted with implementation of this significant funding change and has continued to work with the City by providing third-party administration and medical management services.

A Request for Proposal process was facilitated by the City’s health insurance broker, Lawley Benefits Group. The process is described in the attached summary.

Following extensive review by the Labor Management Health Care Committee, MVP was selected to continue administration of the City’s health plans. Their services include the review and payment of health care claims for medical and pharmacy benefits received by City employees, retirees, and eligible dependents.

MVP has provided exemplary service to the City of Rochester over the past several years. Ongoing focus toward cost control strategies and fiscal responsibility has fostered the expansion of employee health promotion, well-being initiatives and medical case management. MVP excels in these areas of health plan administration and has provided a part-time employee to exclusively work with the City’s well-being program.

The consultant has been informed of the Living Wage requirements and the Department of Human Resource Management will ensure compliance.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-204

Ordinance No. 390
(Int. No. 355)

Authorizing an agreement with MVP Select Care, Inc. for health insurance administration services

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 MVP Select Care, Inc. for administration of health insurance plans for City employees and retirees. The term of the agreement shall be three years with an option to renew for two additional one-year periods. The maximum annual compensation shall be \$1,800,000, which shall be funded from the Budget of Undistributed Expenses out of the payments made to MVP Select Care, Inc. as part of the City’s self-insured monthly premium equivalent charges

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. 2019-356
Re: Agreement – Guardian Dental Plan Administration Services

Council Priority: Deficit Reduction and Long Term Financial Stability

Transmitted herewith for your approval is legislation establishing \$270,000 as maximum compensation for an agreement with The Guardian Life Insurance Company of America for administration of the Dental Insurance Plan for all City employees. The agreement shall be in effect for three (3) years (1/1/20 – 12/31/22). Of said amount, \$45,000 shall be funded from the 2019-2020 Budget for Undistributed Expense, \$90,000 shall be funded from the 2020-2021 Budget for Undistributed Expense, \$90,000 shall be funded from the 2021-2022 Budget for Undistributed Expense, and \$45,000 shall be funded from the 2022-2023 Budget for Undistributed Expense, contingent upon approval of future budgets.

Guardian has provided dental benefits for City employees on both a fully-insured and self-insured basis since 2005. This recommendation provides the designation of Guardian as plan administrator for the self-funded dental plan that is offered to all benefit-eligible employees.

Guardian was selected through a Request for Proposal process described in the attached summary.

An annual maximum benefit per participant limits the City’s self-insurance liability with regard to large claims.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-205

Ordinance No. 2019-356
(Int. No. 391)

Authorizing an agreement with The Guardian Life Insurance Company of America for dental plan administration services

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 The Guardian Life Insurance Company of America for administration of dental insurance plans for all benefit-eligible City employees. The maximum compensation for the agreement shall be \$270,000, which shall be funded from \$45,000 from the 2019-20 Budget of Undistributed Expenses, \$90,000 each from the 2020-21 and 2021-22 Budgets of Undistributed Expenses, and \$45,000 from the 2022-23 Budget of Undistributed Expenses, contingent upon the latter three budgets’ approval. The term of the agreement shall be three years.

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. 2019-357
Re: Agreement – Lifetime Benefit Solutions, Inc. - Flexible Benefit Plans

Council Priority: Deficit Reduction and Long Term Financial Stability

Transmitted herewith for your approval is legislation establishing \$120,000 as maximum compensation for an agreement with Lifetime Benefit Solutions, Inc. for administration of the Flexible Spending Accounts (FSA), Parking/Transit Reimbursement Accounts (PTRA) and remaining balances in previously-funded Health Reimbursement Accounts (HRA) for City employees. The agreement shall be in effect for three (3) years (1/1/20 – 12/31/22). Of said amount, \$20,000 shall be funded from the 2019-2020 Budget for Undistributed Expense, \$40,000 shall be funded from the 2020-2021 Budget for Undistributed Expense, \$40,000 shall be funded from the 2021-2022 Budget for Undistributed Expense and \$20,000 shall be funded from the 2022-2023 Budget for Undistributed Expense, contingent upon approval of future budgets.

Lifetime Benefit Solutions, Inc. has provided FSA and PTRA services for the City since 1992 and HRA services since 2009. The recommendation to continue with Lifetime Benefit Solutions is based on the following:

The proposed rates per enrollee/per month for administration of FSA, HRA and PTRA are substantially lower than rates received from competitors; effective systems have been developed with Lifetime Benefit Solutions with reference to administration of the FSA and PTRA programs including the establishment of funding accounts, ongoing transfer of funds, production of reports and online administrative capabilities;

Lifetime Benefit Solutions includes the provision of a debit card for payment of expenses at the time of service, rather than paying out of pocket and waiting for reimbursement.

Lifetime Benefit Solutions, Inc. was selected through a request for proposal process described in the attached summary.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-206

Ordinance No. 2019-357
(Int. No. 392)

Authorizing an agreement with Lifetime Benefit Solutions, Inc. for the administration of flexible benefit plans

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

Section 1. The Mayor is hereby authorized to enter the City into a professional services agreement with Lifetime Benefit Solutions, Inc. for administration of the Flexible Spending Accounts, Parking/Transit Reimbursement Accounts and for the remaining balances in previously-funded Health Reimbursement Accounts for City employees. The agreement shall have a term of three years from January 1, 2020 to December 31, 2022.

Section 2. The maximum compensation for the agreement shall be \$120,000. The cost of the agreement shall be funded in the amounts of \$20,000 from the 2019-20 Budget of Undistributed Expenses, \$40,000 from the 2020-21 Budget of Undistributed Expenses, \$40,000 from the 2021-22 Budget of Undistributed Expenses, and \$20,000 from the 2022-23 Budget of Undistributed Expenses, contingent upon the approval of the future budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-358
Re: Agreement – MVP Health Care COBRA Administration Services

Council Priority: Deficit Reduction and Long Term Financial Stability

Transmitted herewith for your approval is legislation for a professional services agreement with MVP Health Care, Inc. for administration services to comply with the Consolidated Omnibus Budget Reconciliation Act (COBRA). The maximum compensation for the agreement shall be funded by the 2019-20 Budget of Undistributed Expenses and subsequent Budgets of Undistributed, contingent upon their approval, and be limited to the amount of premiums collected from separated employees and retirees which include an administrative fee for COBRA continuation coverage. The term of the agreement shall be three years.

COBRA (Consolidated Omnibus Budget Reconciliation Act) is regulated by both Federal and State law and provides continuation rights for group health coverage that otherwise might be terminated. COBRA ensures certain former employees, retirees, spouses, former spouses, and dependent children the right to temporary continuation of health coverage at group rates.

Administration of COBRA includes compliance with guidelines that require mailing a variety of notifications to potential and covered participants. These notifications inform participants of their rights to continuation coverage and are mailed when initially enrolled, when making changes to coverage and if/when coverage is lost. In addition, regulations include very specific guidelines regarding the billing and premium collection process for enrollees.

The recommendation to select MVP Health Care, Inc. is based on the following:

- MVP proposed the lowest rates and rates are guaranteed for three years.
- MVP's rates include full administration of the Federally-mandated COBRA process, including notifications, invoicing, collecting premiums and maintaining required logs of activity.
- MVP has developed integrated systems that work with City data in order to provide seamless COBRA administration.

MVP was selected through a request for proposal process described in the attached summary.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-207

Ordinance No. 2019-358
(Int. No. 393)

Authorizing an agreement with MVP Health Care, Inc. for COBRA administration services

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 MVP Health Care, Inc. for administration services to comply with the Consolidated Omnibus Budget Reconciliation Act (COBRA). The maximum compensation for the agreement shall be funded by the 2019-20 Budget of Undistributed Expenses and subsequent Budgets of Undistributed, contingent upon their approval, and be limited to the amount of premiums collected from separated employees and retirees which include an administrative fee for COBRA continuation coverage. The term of the agreement shall be three years.

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. 2019-359
Re: Authorization – 2020 Administrative Tax Cancellations and Refunds

Transmitted herewith for your approval is legislation authorizing the Director of Finance to cancel or refund certain erroneous *ad valorem* taxes, charges and fees up to \$1,000 per account during the 2020 calendar year.

Each year, approximately 63,000 tax bills are issued by the City. In 2018-19 these bills contained a total of \$242,844,025.06 in City and School taxes, charges and fees, and delinquencies. Of that amount, taxes and charges totaling \$1,837,441.15, or 0.76 % of the total billed amount, were subsequently determined to be erroneous and were canceled. These cancellations involved 198 accounts or 0.31 % of the total number.

Pursuant to Section 556 of the New York State Real Property Tax Law, the City Council is required to approve all cancellations. Under the provisions of Chapter 383 of the Laws of 1984, however, it may delegate to the Director of Finance the authority to approve such cancellations, under certain conditions. Additionally, under Chapter 515 of the Laws of 1997, the State allows administrative cancellations of up to \$2,500 per account.

Delegation of this authority was initially approved by the Council in March 1987. Annual authorization is required. In December 2018, Council re-authorized the Director of Finance to cancel up to \$1,000 per account during 2019 (Ord. No. 2018-383). Such delegation reduces the amount of time required to correct a taxpayer's account and, in some instances, to issue a refund.

The following conditions will continue to apply:

1. A report summarizing all cancellations approved by the Director of Finance during any month will be submitted to the Council by the fifteenth day of the subsequent month; and
2. The total cancellations approved by the Director for any fiscal year will not exceed the amount of the tax reserve (provision for uncollected or delinquent amounts) established by the Council for that year.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 359
(Int. No. 394)

Authorizing administrative tax cancellations and refunds of \$1,000 or less for 2020

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

Section 1. The Director of Finance is hereby authorized to approve the cancellation of real property taxes and/or charges or fees added to those taxes subject to the following conditions:

- a. The amount to be cancelled for any year for any particular account shall be \$1,000 or less.
- b. A report summarizing all cancellations approved by the Director during any month shall be submitted to the City Council by the 15th day of the subsequent month.
- c. The total amount of cancellations approved by the Director for any fiscal year shall not exceed the amount of the tax reserve (provisions for uncollected or delinquent amounts) established by the City Council for that year.

Section 2. This ordinance shall be in effect for calendar year 2020.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law #1
Re: Authorizing an exception to Cash Capital Requirement for RCSD

Council Priority: Deficit Reduction and Long Term Financial Stability

Transmitted herewith for your approval is legislation authorizing a temporary, one-year exception for the Rochester City School District from the requirement per Section 3-9.1 D. of the City Charter that the RCSD Budget contain an amount of at least \$10,000,000 for Cash Capital.

By approving this temporary exception, the City is authorizing the District to amend its 2019-20 Budget to repurpose up to \$10,000,000 in Cash Capital for operating purposes. This is proposed as a temporary measure to provide RCSD with additional budgetary flexibility to manage its 2019-20 budget deficit. This is proposed only for the current fiscal year, as RCSD is expected to comply with the requirement as a part of its 2020-2021 Budget.

Despite this exception, the City will remain well within its Constitutional operating tax limit for the 2019-20 fiscal year. Upon RCSD action to amend its Budget, the City will file an updated calculation of the 2019-20 Constitutional operating tax limit with the Office of the State Comptroller.

Respectfully submitted,
Lovely A. Warren
Mayor

Local Law # 1
(Int. No. 395)

Local Law amending the Charter of the City of Rochester with respect to budget requirements for the City School District

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester," as amended, is hereby further amended by adding Subsection D(3) to Section 3-9.1, Allocation of funding and debt-incurring power between City and City School District, to read in its entirety as follows:

- 3. Notwithstanding § 3-9.1D(2) of the City Charter, there shall be no minimum cash capital requirement for the 2019-20 fiscal year budget of the City School District.

Section 2. This local law shall take effect upon its filing in the Office of the Secretary of State as provided by Section 27 of the NYS Municipal Home Rule Law.

Passed by the following vote:

Ayes – President Scott, Councilmember Clifford, Evans, Gruber, Lightfoot, Ortiz, Patterson – 7

Nays – 0.

Councilmember Harris abstained due to a professional relationship.

By Councilmember Patterson
December 17, 2019

To the Council:

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

- Int. No. 396 Authorizing the sale of real estate and amending Ordinance No. 2016-359
- Int. No. 397 Authorizing funding and agreements for the 2019 Lead Hazard Control Grant Program, **as amended**
- Int. No. 398 Authorizing an agreement with Nextcorps, Inc. for economic development services
- Int. No. 399 Authorizing an agreement for economic development services
- Int. No. 400 Authorizing an amendatory lease agreement for 200 East Main Street

Respectfully submitted,
Michael A. Patterson
LaShay D. Harris
Jacklyn Ortiz
Willie J. Lightfoot
Loretta C. Scott
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-360
 Sale of Real Estate

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation approving the sale of 29 properties. City records have been checked to ensure that 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 24 properties are listed on the attached spreadsheet under the heading, I. Regular Auction – Improved Property. These properties were sold to the respective highest bidder at a surplus auction. All purchasers will be required to rehabilitate the structures within 12 months.

The next property is a four-family structure listed under the heading, II. Request for Proposal. It was sold by request for proposal and must be rehabilitated within 12 months.

The next property is an improved lot listed under the heading III. Negotiated Sale Vacant Land. It was sold by negotiated sale to the adjacent owner to cure a title defect. The purchasers will combine the lot with their existing parcel.

The remaining three properties are unbuildable vacant lots listed under the heading, IV. Unbuildable Vacant Land. Each is being sold for \$1.00 (as per City policy) to the adjacent owners who will combine the lots with their existing properties.

The first year projected tax revenue for these 29 properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$23,520.

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-208

Ordinance No. 2019-360
(Int. No. 396)

Authorizing the sale of real estate and amending Ordinance No. 2016-359

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 regular auction:

Address	SBL#	Lot Size	Use	Price	Purchaser
30 Ave A	105.28-2-25	40 x 120	2 Fam	\$ 7,300	Aamir Waqar
26 Cady St	121.53-1-79	42 x 117	1 Fam	\$ 7,600	Muhammad Raza
278 Champlain St	120.60-2-83	33 x 148	1 Fam	\$ 4,900	Al Langlais & Willina Price
469 Colvin St	105.81-2-52	35 x 100	1 Fam	\$ 8,400	Morningnights Realty, LLC
‡ 465 Colvin St	105.81-2-51	35 x 100	Vacant		
3 Emanon St	091.61-1-79	40 x 117	2 Fam	\$ 12,300	Shmaria Thomas
25 Epworth St	120.51-4-13	39 x 80	1 Fam	\$ 500	Richard A. Holmes
20-22 Fair Pl	106.60-1-40	40 x 109	3 Fam	\$ 5,500	Miguel Remigio Vazquez
195 Grand Av	107.61-2-17	40 x 128	1 Fam	\$ 6,500	Marvalyn Napier
1396 Jay St	105.78-1-63	40 x 120	1 Fam	\$ 16,500	Kenny Chonge
58 Ketchum St	106.23-1-36	35 x 92	1 Fam	\$ 3,600	Lawrence Campbell
106 Lincoln St	106.42-1-61	30 x 110	1 Fam	\$ 15,200	Aamir Waqar
‡ 110 Lincoln St	106.42-1-62	30 x 110	Vacant		
170 Lincoln St	106.34-3-24	40 x 110	2 Fam	\$ 13,000	Ajay S. Fadia
6 Lorraine Pl	105.73-1-17	35 x 110	1 Fam	\$ 3,600	Shontell Williams
42 Malvern St	105.35-1-31	33 x 77	1 Fam	\$ 3,900	Emmanuel Perez
304 Orange St	105.82-2-48	53 x 64	3 Fam	\$ 8,400	Lyfe Unlimited, LLC
858 Portland Av	091.83-2-92	45 x 103	1 Fam	\$ 13,400	Muhammad Raza
38 Radio St	106.30-4-46	35 x 127	1 Fam	\$ 500	Anthony Diaz
276 Ravine Av	105.34-2-42	50 x 121	1 Fam	\$ 12,100	Andrew Cardot
17 Second St	106.59-1-23.1	40 x 120	3 Fam	\$ 4,100	Lawrence Campbell
202 Seward St	121.61-2-5.3	73 x 138	1 Fam	\$ 12,700	Alda Asef
71-73 Thurston Rd	120.64-1-5	40 x 145	2 Fam	\$ 36,000	Muhammad Raza
26 Weyl St	091.71-3-53	38 x 103	1 Fam	\$ 9,000	Miguel Remigio Vazquez

‡ Sold together with adjacent property listed above.

Section 2. The Council hereby approves the negotiated sale of the following parcel of improved property with proposal:

Address	SBL#	Lot Size	Use	Price	Purchaser
151-153 Wilkins St	106.23-3-26	43 x 102	Apartment	\$ 2,777	Emma Lovett

Section 3. The Council hereby approves the negotiated sale of the following parcel of vacant land:

Address	SBL#	Lot Size	Sq. Ft.	Price	Purchaser
25 Pool St	105.79-1-61	40 x 120	4,805	\$1,000	Tien Tran and Huy Tran

Section 4. The Council hereby approves the sale of each of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address	SBL#	Lot Size	Sq.Ft.	Purchaser
1227 N. Clinton Ave	091.78-2-17	38 x 130	4,975	Brian E. Abramson
424 Maple St	120.26-2-53	33 x 214	7,062	Paul Birch
4 Parker Pl	105.84-3-71	28 x 44	1,246	NSRE Holdings, LLC

Section 5. 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 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-361
2019 Lead Hazard Control Grant Program

Council Priority: Creating and Sustaining a Culture of Vibrancy; Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the City’s 2019 Lead Hazard Control Grant Program. This legislation will:

1. Appropriate \$5,600,000 from the U.S. Department of Housing and Urban Development to fund the program;
2. Appropriate \$5,207,704 from the appropriation made in Section 1 for the City’s use to operate the program. Of this amount, \$485,330 will be used for personnel, \$12,720 for travel and \$4,709,654 will be used for lead hazard control projects.
3. Authorize an agreement with Yehl Environmental Incorporated dba Cornerstone Training, LLC, Darren Yehl, President and Training Director, 460 State Street, Rochester, NY 14608 in the amount of \$63,000 to provide lead training to be funded from the appropriation made in Section 1. The term will be for one year with the option to extend for two additional one year terms if funds remain in the agreement;
4. Authorize an agreement with Environmental Testing & Consulting, Inc., Susan Majewski, President, PO Box 466, Batavia, NY 14020 and Environmental Education Associates, Inc dba UNYSE, Andrew McLellan, President, 346 Austin St, Buffalo, NY 14207 as a maximum aggregate compensation of \$235,000 to be funded from the appropriation made in Section 1. The term of the agreements will be for one year with the option to extend for two additional one year terms if funds remain in the agreement;
5. Authorize an agreement with Causewave Community Partners, Inc. Todd Butler, President and CEO, 274 N. Goodman St, Suite B269, Rochester, NY 14607 in the amount of \$94,296 to provide education and outreach to be funded from the appropriation made in Section 1. The term of the agreement will be for one year with the option to extend for two additional one year terms if funds remain in the agreement.

It should be noted, that Ordinance No. 2019-220 provided authorization for the Mayor to accept the grant award and enter into agreement with HUD.

The City applied to HUD’s Office of Healthy Homes and Lead Hazard Control for funding in August 2019 and was awarded \$5.6 million on October 2. The award will allow the City to provide financial assistance to eligible property owners of 1-4 residential housing units to remediate lead-based paint hazards and other environmental health hazards. Typical work activities will include: window/door replacement; porch repair/replacement; siding; minor rehabilitation work; and bare soil treatment.

The program will concentrate on serving rental properties where lead-poisoned children are most prevalent. Owner-occupants must earn income at or below 80% of the area median income and must have a child occupant or visiting child occupant under age six. Owners will be required to sign a five-year program agreement and note and mortgage with the City to ensure residency. Rental property owners will be required to produce a 10% funding match. They will also be required to sign a five-year program agreement and note and mortgage with the City to ensure affordable rents (per HUD guideline) and that assisted units are offered to tenants with income at or below 80% of the area median income.

A series of request for proposals were posted to the City’s website on September 13, 2019 to invite businesses and organizations to submit proposals for various services sought by the City to operate the program. These included outreach and education, lead hazard evaluations and property owner/contractor training. All proposals were reviewed and scored by a review team. The following vendors received the highest points and are being proposed for consideration:

Lead Hazard Evaluation Services - It is being proposed to enter into agreements with Environmental Testing and Consulting, Inc. and UNYSE Environmental Consultants. These consultants will be responsible for producing a combined lead based paint inspection/risk assessment for units enrolled in the program. Both consultants have worked for the City in the past and have performed to the City’s satisfaction.

Training - It is being proposed to enter into an agreement with Yehl Environmental Incorporated dba Cornerstone Training, LLC to provide training services. Cornerstone will offer courses to include “Lead Abatement Supervisor” and “Lead Abatement Worker” to allow contractors to obtain EPA certification to carry out lead abatement activities for the program. Cornerstone will also offer the “Renovator, Remodeler and Painting” course to allow property owners and contractors certification to carry out lead interim control activities.

Outreach and Education Services - It is being proposed to enter into an agreement with Causewave Community Partners, Inc. to carry out a City-wide media and community education campaign to raise community awareness of child lead poisoning. The program will include the production of materials (brochures, posters, flyers, placards), print advertisements, website advertisements, media buys for TV and radio advertisements,

The City will provide matching funds for the program in the amount of \$754,183 over three years. The program will allow us to complete approximately 310 units of lead safe residential housing units by November 2022.

The HUD program budget is as follows:

Personnel	\$ 485,330
Travel	\$ 12,720
Training	\$ 63,000
Outreach & Education	\$ 94,296
Lead evaluations	\$ 235,000
Healthy Homes Supplement	\$ 600,000
Lead Hazard Control	<u>\$ 4,109,654</u>
Total	\$ 5,600,000

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-209

Ordinance No. 2019-361
(Int. No. 397, as amended)

Authorizing funding and agreements for the 2019 Lead Hazard Control Grant Program

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

Section 1. The Council hereby authorizes the receipt and use of \$5,600,000 from the U.S. Department of Housing and Urban Development (HUD) to fund the City’s 2019 Lead Hazard Control Grant Program (Program) and authorizes the Mayor to enter into an agreement with HUD and to execute such other documents as may be necessary for the City to participate in and administer the use of HUD funding for the Program.

Section 2. The Council hereby appropriates \$5,207,704 from the funds authorized by Section 1 herein for the City’s use to operate the Program. Of this amount, \$485,330 shall be used for personnel, \$12,720 for travel and \$4,709,654 for lead hazard control projects.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement with Yehl Environmental Incorporated to provide lead abatement and interim control worker training. The maximum compensation for the agreement shall be \$63,000, which shall be funded from the funds authorized by Section 1 herein. The term of the agreement shall be one year with the option to extend for up to 2 additional years if funds within the authorized maximum compensation remain.

Section 4. The Mayor is hereby authorized to enter into professional services agreements with the following consultants for lead hazard evaluation services for the Program. The agreement shall have an aggregate maximum compensation of \$235,000, which shall be funded from the appropriation authorized by Section 1 herein:

- a. Environmental Testing & Consulting, Inc., Batavia, NY; and
- b. Environmental Education Associates, Inc., Buffalo, NY.

The term of each agreement shall be one year with the option to extend for up to 2 additional years if funds within the authorized aggregate maximum compensation remain.

Section 5. The Mayor is hereby authorized to enter into a professional services agreement with Causewave Community Partners, Inc. to provide community education and outreach to raise awareness of child lead poisoning. The maximum compensation for the agreement shall be ~~\$63,000~~ \$94,296, which shall be funded from the funds authorized by Section 1 herein. The term of the agreement shall be one year with the option to extend for up to 2 additional years if funds within the authorized maximum compensation remain.

Section 6. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City shall enter into agreements for Program only with organizations that are in compliance with federal regulations.

Section 7. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-362
Re: Agreement – Nextcorps, Inc. - Economic Development Services

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation establishing \$10,000 as maximum compensation for an agreement with Nextcorps, Inc. to provide services related to assisting businesses within the city of Rochester. The agreement will be financed from the City’s 2019-20 budget of Neighborhood and Business Development and have a term of six months, beginning January 1, 2020, and ending June 30, 2020. The amount of \$10,000 was arrived at from the term of the agreement being six months as opposed to a full year which would be \$20,000.

Nextcorps is a non-profit organization whose mission is to be a catalyst for entrepreneurship and innovation-based economic development. This is accomplished by applying business expertise and network connections to assist in the formation and growth of business in the Greater Rochester and Finger Lakes Region. Nextcorp, Inc. provides assistance through technology commercialization for early stage organizations, business incubation for high growth potential startups, and access to venture capital for high technology. Also, they provide services to existing manufacturing companies.

Terms of the agreement will include the following expectations, among others:

- Work with Rochester businesses to retain 10 positions and create 8, and produce a minimum \$1 million investment.
- Host two collaborative business outreach event to entrepreneurs where City programs, services and opportunities to grow within the city of Rochester may be presented.
- Serve 10 manufacturing companies through the Manufacturing Extension Partnership program (MEP) within the city.

The most recent annual agreement was authorized by City Council on November 20, 2018 via Ordinance No. 2018-361.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-210

Ordinance No. 2019-362
(Int. No. 398)

Authorizing an agreement with Nextcorps, Inc. for economic development services

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 Nextcorps, Inc. to provide economic development services relating to assisting businesses within the City of Rochester. The maximum compensation for the agreement shall be \$10,000, which shall be funded from the 2019-20 Budget of the Department of Neighborhood and Business Development. The term of the agreement shall be six months.

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. 2019-363
 Re: Agreement – Greater Rochester Enterprise, Inc. Economic Development Services

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with Greater Rochester Enterprise, Inc. (GRE) to provide services related to business attraction and retention in the City of Rochester. The agreement will be financed from the City's 2019-20 budget of Neighborhood and Business Development and have a term of six months, beginning January 1, 2020, and ending June 30, 2020. The amount of \$25,000 was arrived at from the term of the agreement being six months as opposed to a full year which would be \$50,000.

This past year, GRE has worked with 51 organizations who considered locating and/or expanding to the city of Rochester during a shorter agreement term of eight months. GRE assisted with several significant projects within the city of Rochester, including: Hickey Freeman, Zweigle's Inc., and Monroe, Inc. which combined projects to create up to 139 new jobs within our community.

Efforts continue to attract businesses to the Eastman Business Park as well as other sites found within our community. GRE collaborates with government leaders, businesses, universities, as well as not-for-profit organizations through a team approach to economic development in the city and the Greater Rochester/Finger Lakes region. GRE acts as an ambassador to promote the City, and to connect businesses to City resources.

Terms of the agreement include the following goals:

- Work with the Rochester region's economic development partners to attract businesses located outside the region to the city of Rochester.
- Deliver at least 8 out-of-region business attraction opportunities that include sites located within the city of Rochester, and City's Science and Industrials parks.
- Include and actively promote the City of Rochester prominently in all marketing content it develops to promote the Greater Rochester Finger Lakes region, including but not limited to www.RochesterBiz.com, quarterly newsletters, presentations delivered to local business groups, and capstone presentations delivered to out-of-region companies.
- GRE will assist the City of Rochester with activities designed to increase business retention, expansion and acceleration of startup businesses. This involves collaboration with colleges and universities, High Tech Rochester (HTR) and others to promote the City of Rochester as an outstanding entrepreneurial location. A closer collaboration for business retention will include meetings with existing employers as well as the provision of comprehensive data analysis to identify opportunities for loss and/or expansion of businesses currently located in the City of Rochester. The focus of this effort may begin with companies headquartered out of the region or other large employers as agreed to by the City of Rochester and GRE.

The most recent annual agreement was authorized by City Council on November 20, 2018 with ordinance 2018-360.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-211

Ordinance No. 2019-363
 (Int. No. 399)

Authorizing an agreement for economic development services

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 Greater Rochester Enterprise, Inc. to provide economic development services for attracting and retaining businesses in the City of Rochester. The maximum compensation for the agreement shall be \$25,000, which shall be funded from the 2019-20 Budget of the Department of Neighborhood and Business Development. The term of the agreement shall be six months.

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. 2019-364
Re: Amended Lease Agreement- Geddes Rochester LLC - 200 East Main Street

Council Priority: Creating and Sustaining a Culture of Vibrancy; Deficit Reduction and Long Term Financial Stability

Transmitted herewith for your approval is legislation further amending the lease agreement with Geddes Rochester LLC (Chris Hill and Lewis Nory) for 200 East Main Street where the City’s Traffic Violations Agency, Parking and Municipal Code Violations Bureau and now the County Department of Motor Vehicles are located. The lease was initially authorized by ordinance 2017-263 and subsequently amended by ordinance 2018-259. This amendment will increase the maximum amount that the City will reimburse to Geddes Rochester LLC for Supplemental Space improvements from \$325,125 to \$341,598, an increase of \$16,473. The additional cost of the improvements will be funded by the Dormitory Authority of the State of New York (DASNY) grant also authorized by ordinance 2018-259.

Once the improvements were underway, it was determined that additional work was required to meet the requirements of Monroe County for the DMV office. This additional work was approved by the City and will be reimbursable under the terms of the DASNY grant. No other changes to the terms of the lease agreement are needed.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-364
(Int. No. 400)

Authorizing an amendatory lease agreement for 200 East Main Street

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 lease agreement with Geddes Rochester LLC (Geddes) for the lease of space in the building located at 200 East Main Street agreement. The maximum amount that the City shall reimburse to Geddes for Supplemental Space improvements under the lease agreement that was originally authorized in Ordinance No. 2017-263 and subsequently amended by Ordinance No. 2018-259 is hereby increased by \$16,473 to a total amount of \$341,598. The amendatory amount shall be funded by a Dormitory Authority of the State of New York grant that was appropriated for the purpose in Ordinance No. 2018-259.

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.

By Councilmember Gruber
December 17, 2019

To the Council:

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

- Int. No. 401 Authorizing reimbursement agreement for abandonment of areaway at 23-27 East Main Street
- Int. No. 404 Accepting a donation for the Petten Street Boat Launch project
- Int. No. 405 Authorizing the implementation, and funding in the first instance 100% of the federal-aid and State “Marchiselli” Program-aid eligible costs, of the Pedestrian Safety Action Plan Phase III transportation federal-aid project, and appropriating funds therefore
- Int. No. 406 Approving funds for the Rundel Library Structural Terrace Improvements Phase IV Project
- Int. No. 407 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,070,000 Bonds of said City to finance the costs of the Rundel Library Structural Terrace Improvements Phase IV Project
- Int. No. 410 Authorizing agreements for motor vehicle collision repair services
- Int. No. 411 Authorizing agreements for an Environmental Workforce Development and Job Training Program

Int. No. 418 Authorizing an application and agreement for the Resiliency and Economic Development Initiative, as amended

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

- Int. No. 402 Authorizing pavement width changes and the acquisition of property takings for the Mt. Hope Avenue Phase 2 Improvements Project
- Int. No. 403 Amending the Official Map by abandoning an unnamed alley located off of Wiley Street between Canal Street and Litchfield Street
- Int. No. 408 Determinations and findings relating to the acquisition of a permanent easement in furtherance of the West River Wall Project
- Int. No. 409 Authorizing the acquisition by negotiation or condemnation of a permanent easement in furtherance of the West River Wall Project, as amended

Respectfully submitted,
Mitch Gruber
Malik Evans
Elaine M. Spaul (Absent)
Willie Lightfoot
Loretta C. Scott
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-365
Re: Reimbursement Agreement – Rochesterville 2 LLC 23-27 East Main Street Areaway Abandonment – Basin Street

Transmitted herewith for your approval is legislation establishing \$60,000 as maximum compensation for a reimbursement agreement with Rochesterville 2 LLC (Myles S. Webster – Member) Rochester NY 14620 for the City’s portion of the cost for areaway abandonment on Basin Street. The cost of the agreement will be financed with 2014-15 Cash Capital and the term shall extend until three (3) months after completion and final acceptance of construction.

In accordance with Ordinance No. 81-104 that establishes a City policy whereas it is in the City’s interest to promote public safety and eliminate public hazards by encouraging property owners to abandon their areaways/vaults.

The City of Rochester encourages the removal of underground areaways and vaults by sharing in a portion of the owner’s costs. The project includes infill of the existing 74 foot long areaway, located behind 23-27 East Main Street on Basin Street, and replacement of the sidewalk above.

It is anticipated that construction will begin in winter 2019/20 with scheduled completion in spring 2020. The project will result in the creation and/or retention of the equivalent of 0.8 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-212

Ordinance No. 2019-365
(Int. No. 401)

Authorizing reimbursement agreement for abandonment of areaway at 23-27 East Main Street

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

Section 1. The Council hereby authorizes the Mayor to enter into an agreement with Rochesterville 2 LLC wherein the City shall reimburse up to \$60,000 as a portion of the costs that Rochesterville 2 LLC incurs to abandon and remove the areaway at 23-27 East Main Street, and the construction or reconstruction of the necessary incidentals thereto. The reimbursement shall be funded from 2014-15 Cash Capital and the term of the agreement shall extend until 3 months after completion and final acceptance of construction.

Section 2. The work described in Section 1 shall be performed and constructed in accordance with the provisions of Chapter 10 of the Municipal Code and City Standards and Specifications.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-366
Re: Mt. Hope Avenue Improvements – Phase 2

Transmitted herewith for your approval is legislation related to the Mount Hope Avenue Phase 2 Improvements Project. This legislation will:

1. Authorize changes in pavement width required as listed below; and
2. Authorize acquisition and transfer of property takings from the State of New York to the City of Rochester.

This is a Federal Aid Project that is administered by the City under agreement with the NYSDOT.

This project includes street reconstruction of Mt. Hope Avenue from Rossiter Road to Westfall Road/Westmoreland Drive. Side streets will be slightly realigned at their intersections with Mt. Hope Avenue. Improvements will also include new sidewalk, curb ramps, driveway aprons, receiving basins, water main, water services, hydrants, lighting, signals, signing, pavement markings, parking bump outs, tree plantings, and other various streetscape improvements. Utility poles will be relocated to accommodate the pavement widening. The project is being designed by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Pietro Giovenco, P.E., President and CEO, Principal - Rochester, NY) (Ordinance No. 2015-243, Ordinance No. 2016-2043 and Ordinance No. 2016-268).

Changes in pavement width are summarized as follows:

- A. On Mt. Hope Avenue:
 - a) An increase in pavement width of 2 feet, from 40 feet to 42 feet, from Rossiter Road to Irvington Road; and
 - b) A tapered variable increase in pavement width of 2 to 12 feet, from 40 feet to 42 - 52 feet, beginning at Irvington Road and continuing 102 feet southward; and
 - c) An increase in pavement width of 12 feet, from 40 feet to 52 feet, beginning 102 feet south of Irvington Road to Brighton Park; and
 - d) A tapered variable increase in pavement width of 2 to 12 feet, from 40 feet to 42 - 52 feet, beginning at Brighton Park and continuing approximately 65 feet southward; and
 - e) An increase in pavement width of 2 feet, from 50 feet to 52 feet, beginning approximately 65 feet south of Brighton Park to Westfall Road/Westmoreland Drive.
- B. On Westfall Road:
 - a) An increase in pavement width of 7 feet, from 44 feet to 51 feet, beginning at Mt. Hope Avenue and continuing approximately 125 feet eastward; and
 - b) A tapered variable increase in pavement width of 7 to 4 feet, from 44 feet to 51 - 48 feet, beginning approximately 125 feet east of Mt. Hope Avenue and continuing approximately 61 feet eastward; and
 - c) An increase in pavement width of 4 feet, from 44 feet to 48 feet, beginning approximately 186 feet east of Mt. Hope Avenue and continuing approximately 139 feet eastward; and
 - d) A tapered variable increase in pavement width of 4 to 0 feet, from 44 feet to 48 - 44 feet, beginning approximately 325 feet east of Mt. Hope Avenue and continuing approximately 79 feet eastward.
- C. On Westmoreland Drive, a tapered variable increase in pavement width of 0 to 20 feet, from between 26 feet to 35 feet wide to between 26 feet to 45 feet wide, beginning at Mt. Hope Avenue and continuing approximately 120 feet westward.
- D. On Irvington Road, an increase in pavement width of 8 feet, from 26 feet to 34 feet, beginning at a point approximately 5 feet west of Mt. Hope Avenue and continuing approximately 65 feet westward.

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

- A. New York State Department of Transportation is performing property takings through an agreement the City of Rochester has with the State (Ordinance No. 2017-185 and Ordinance No. 2019-133). The property takings for dedication are needed primarily for the pavement widening and replacing the 8 foot wide sidewalk with a 5 foot curb park and a 5 foot sidewalk. The takings are also needed on Westfall Road and Westmoreland Drive for the addition of turning lanes at the intersection approach with Mt. Hope Avenue. Property acquisition information for the permanent and temporary

easements the State is obtaining for this project was not previously provided when the agreement with the State was authorized. The property acquisition information can be found in the attached table.

- 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.

A public workshop was held on September 14, 2017 and a public meeting was held on March 18, 2019. Copies of the public meeting minutes are attached. The pavement width changes were presented for endorsement at the September 5, 2019 Traffic Control Board meeting. A public hearing on the pavement width changes is required.

It is anticipated the design and property acquisitions will be completed in December 2019/January 2020 and construction will begin in spring 2020, with substantial completion by fall 2021.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-213

Ordinance No. 2019-366
(Int. No. 402)

Authorizing pavement width changes and the acquisition of property takings for the Mt. Hope Avenue Phase 2 Improvements Project

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

Section 1. Council hereby approves the following pavement width changes for the Mt. Hope Avenue Phase 2 Improvements Project (the Project):

- A. On Mt. Hope Avenue:
1. An increase in pavement width of 2 feet, from 40 feet to 42 feet, from Rossiter Road to Irvington Road;
 2. A tapered variable increase in pavement width of 2 to 12 feet, from 40 feet to 42 - 52 feet, beginning at Irvington Road and continuing 102 feet southward; and
 3. An increase in pavement width of 12 feet, from 40 feet to 52 feet, beginning 102 feet south of Irvington Road to Brighton Park; and
 4. A tapered variable increase in pavement width of 2 to 12 feet, from 40 feet to 42 - 52 feet, beginning at Brighton Park and continuing approximately 65 feet southward; and
 5. An increase in pavement width of 2 feet, from 50 feet to 52 feet, beginning approximately 65 feet south of Brighton Park to Westfall Road/Westmoreland Drive.
- B. On Westfall Road:
1. An increase in pavement width of 7 feet, from 44 feet to 51 feet, beginning at Mt. Hope Avenue and continuing approximately 125 feet eastward; and
 2. A tapered variable increase in pavement width of 7 to 4 feet, from 44 feet to 51 - 48 feet, beginning approximately 125 feet east of Mt. Hope Avenue and continuing approximately 61 feet eastward; and
 3. An increase in pavement width of 4 feet, from 44 feet to 48 feet, beginning approximately 186 feet east of Mt. Hope Avenue and continuing approximately 139 feet eastward; and
 4. A tapered variable increase in pavement width of 4 to 0 feet, from 44 feet to 48 - 44 feet, beginning approximately 325 feet east of Mt. Hope Avenue and continuing approximately 79 feet eastward.
- C. On Westmoreland Drive, a tapered variable increase in pavement width of 0 to 20 feet, from between 26 feet to 35 feet wide to between 26 feet to 45 feet wide, beginning at Mt. Hope Avenue and continuing approximately 120 feet westward.
- D. On Irvington Road, an increase in pavement width of 8 feet, from 26 feet to 34 feet, beginning at a point approximately 5 feet west of Mt. Hope Avenue and continuing approximately 65 feet westward.

Section 2. The 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 City to accept and take title to all permanent property interests that the State of New York has acquired for the Project in accordance with Ordinance Nos. 2017-185 and 2019-133 and authorizes the Mayor to execute such deeds, agreements or other instruments as may be necessary to effectuate the acquisitions authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-367
Re: Unnamed Alley Official Map Amendment

Transmitted herewith for your approval is legislation related to the abandonment of the unnamed alley located off of Wiley Street between Canal Street and Litchfield Street. This legislation will allow the applicant to utilize the parcel as part of their project to provide pedestrian and vehicular access for the proposed Canal Street Apartments located at 67 and 89 Canal Street. Since the City has no record of the fee title to this alley, upon abandonment the parcel would revert to the adjoining property owners.

The City Planning Commission, at its October 7, 2019 meeting recommended approval of this abandonment by a vote of 7-0-0. Minutes of that meeting, along with the application, are attached.

A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-214

Ordinance No. 2019-367
(Int. No. 403)

Amending the Official Map by abandoning an unnamed alley located off of Wiley Street between Canal Street and Litchfield Street

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

Section 1. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by changing and deleting therefrom the following described property, heretofore dedicated to provide pedestrian and vehicular access for the proposed Canal Street Apartments.

**Legal Description of the Unnamed Alley
to be Abandoned**

All that tract or parcel of land containing 660 square feet, more or less, situate in Town Lot 50 in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows:

Commencing at the point of intersection of the easterly right-of-way line of Litchfield Street (33' wide R.O.W.) and the southerly right-of-way line of Wiley Street (36' wide); thence

A. Easterly, along the said southerly right-of-way line of Wiley Street, a distance of 120 feet to a point at its intersection with the west line of an unnamed alley (10' wide R.O.W.), said point being the Point of Beginning; thence

1. Southerly, along the west line of said unnamed alley, a distance of 66 feet to the southerly end of said unnamed alley; thence

2. Easterly along the southerly end of said unnamed alley, a distance of 10 feet to the east line of said un-named alley; thence

3. Northerly, along the east line of said un-named alley, a distance of 66 feet to its intersection with the aforementioned southerly right-of-way line of Wiley Street; thence

4. Westerly, along the north end of said unnamed alley and the aforementioned southerly right-of-way line of Wiley Street extended, a distance of 10 feet to the Point of Beginning.

Hereby intending to describe a parcel of land to be abandoned in the City of Rochester, New York.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-368
Re: Agreement – Genesee RiverWatch for the Petten Street Boat Launch

Transmitted herewith for your approval is legislation related to the Petten Street Boat Launch project. This legislation will:

1. Authorize the receipt and use of a one-time donation of \$17,700 from Genesee RiverWatch to aid the City in financing the project; and,
2. Authorize a budget amendment to amend the 2019-20 Budget of the Department of Environmental Services to reflect the \$17,700 authorized herein.

The Petten Street Boat Launch project involves the creation of a hand-carried boat launch at 110 Petten Street adjacent to the Genesee Riverway Trail and the River Street Marina. It is anticipated that the Genesee RiverWatch donation will aid in financing construction costs for the boat launch.

Genesee RiverWatch (700 West Metro Park, Rochester, NY 14623) was launched in 2014 as a project of the Center for Environmental Initiatives (CEI). Genesee RiverWatch works to champion solutions that improve the water quality of the Genesee and collaborate on initiatives that connect people to the river. The organization accomplishes its work through a Board of Directors, a small part-time staff, and dedicated volunteers. George Thomas is the Executive Director and C. Michael Haugh is the President of the Board of Directors.

City staff worked in partnership with representatives from Genesee RiverWatch to select an appropriate waterfront site. LaBella Associates, D.P.C. has developed a preliminary design for an ADA-accessible launch for hand-carried boats such as canoes and kayaks. The launch will make use of the existing parking lot and sidewalks and will be adjacent to existing boat docks at the River Street Marina.

The development of the Petten Street Boat Launch complements the City’s current ROC the Riverway efforts that are focused on areas closer to downtown.

Construction is anticipated to be completed in spring 2020.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-215

Ordinance No. 2019-368
(Int. No. 404)

Accepting a donation for the Petten Street Boat Launch project

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

Section 1. The Council hereby authorizes the receipt and use of a donation in the amount of \$17,700 from the Center for Environmental Initiatives, Inc. to help fund the Petten Street Boat Launch project.

Section 2. Ordinance No. 2019-161, the 2019-20 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 Environmental Services by the sum of \$17,700 to reflect the receipt of the funds authorized in Section 1 herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-369
Pedestrian Safety Action Plan – Phase III Project

Transmitted herewith for your approval is legislation related to the Pedestrian Safety Action Plan – Phase III project. This legislation will:

1. Authorize an agreement with the New York State Department of Transportation (NYSDOT) to participate in and administer the project; and,
2. Appropriate \$486,000 in anticipated reimbursements from the Federal Highway Administration (FHWA) to finance the engineering and design of the project.

This project entails installation of pedestrian safety treatments at hundreds of signalized intersections and midblock crosswalks throughout the city. Treatments include, but are not limited to, upgraded pavement markings, improved signage, traffic signal modifications, curb extensions, raised crosswalks, and pedestrian-activated rectangular rapid flashing beacons.

The design consultant selection process is currently underway. Design services will begin in late winter 2020. Construction is anticipated to begin in 2021.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-369
(Int. No. 405)

Authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of the Pedestrian Safety Action Plan Phase III transportation federal-aid project, and appropriating funds therefor

WHEREAS, a Project for the Pedestrian Safety Action Plan Phase III (City of Rochester), P.I.N. 40PS.04 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the Project costs to be borne at the ratio of 100% Federal funds and 0% non-federal funds; and

WHEREAS, the City of Rochester desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the preliminary engineering and detailed design phases.

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

1. The Council hereby approves the above described Project.
2. The Council hereby authorizes the City of Rochester to pay in the first instance 100% of the federal and non-federal share of the costs of the preliminary engineering and detailed design work for the Project or portions thereof.
3. The sum of \$486,000 in anticipated reimbursements from the Federal Highway Administration is hereby appropriated and made available to cover the cost of participation in the above described Project.
4. In the event the full federal and non-federal share costs of the Project exceed the amount appropriated above, this Council shall convene as soon as possible to vote on an appropriation of said excess amount immediately upon notification by the City Engineer.
5. The Mayor is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Rochester with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the City's first instance funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible.
6. A certified copy of this ordinance shall be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project.
7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-370
Ordinance No. 2019-371
Re: Rundel Library Structural Terrace Improvements Phase IV Project

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Rundel Library Structural Terrace Improvements Phase IV project. This legislation will:

1. Authorize the issuance of bonds totaling \$1,070,000 and the appropriation of the proceeds thereof to partially finance the costs of the Rundel Library Structural Terrace Improvements Phase IV project.
2. Authorize the receipt and use of of \$1,500,000 from anticipated reimbursements from ROC the Riverway (RTR) / Upstate Revitalization Initiative (URI) funding administered by the New York State Urban Development Corporation, doing business as Empire State Development (ESD).

The estimated total cost of the project including construction, engineering and design services, resident project representation services, and a public art installation as part of the project is \$8,277,000 and will be funded as follows:

Funding Source:	Design and RPR	Construction & Site Preparation	Total:
Bonds - Ordinance No. 2016-344	1,300,000	2,157,000	\$ 3,457,000
DASNY grants - Ordinance No. 2018-53		2,000,000	\$ 2,000,000
Bonds - Ordinance No. 2018-313		250,000	\$ 250,000
RTR / URI /ESD funding - authorized herein		1,500,000	\$ 1,500,000
Bonds - authorized herein		1,070,000	\$ 1,070,000
Total:	1,300,000	6,977,000	\$ 8,277,000

The project will reconstruct the closed Rundel north terrace and provide needed structural repairs to the substructure supporting the terrace over the former subway tunnel. The project will create a more vibrant north terrace that celebrates the library and the history of the Erie Canal and aqueduct. The renovated terrace will improve visibility and public access to the riverfront and provide enhanced outdoor public space for gathering and library programming. Amenities will include an ADA accessible river theater and tiered seating overlooking the Genesee River, new guardrails, pavements bands (interpretive of the canal and subway rails below) landscaping features, street and terrace lighting, and a public art installation at the intersection of Broad St. and South Ave.

Ordinances No. 2016-343 and 2018-300 authorized and agreement with LaBella Associates, D.P.C. for engineering, planning and landscape architectural services in a maximum amount of \$1,300,000. Ordinance No. 2019-9 authorized an agreement with Rochester District Hearing Cooperative, Inc. for the relocation of existing steam pipe in preparation for the project in a maximum amount of \$35,000.

\$1,500,000 of the funding appropriated herein was awarded by the Honorable Governor Andrew Cuomo through the ROC the Riverway initiative.

Bids for construction were received in fall 2019. It is anticipated that construction will begin in spring 2020 with scheduled completion in fall 2021. The project will result in the creation and/or retention of the equivalent of 90.0 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-370
(Int. No. 406)

Appropriating funds for the Rundel Library Structural Terrace Improvements Phase IV Project

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

Section 1. The sum of \$1,500,000 in anticipated reimbursements from the ROC the Riverway/Upstate Revitalization Initiative administered by the New York State Urban Development Corporation, doing business as Empire State Development, is hereby appropriated to fund a portion of the Rundel Library Structural Terrace Improvements Phase IV Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2019-371
(Int. No. 407)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,070,000 Bonds of said City to finance the costs of the Rundel Library Structural Terrace Improvements Phase IV 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 the costs of the Rundel Library Terrace Improvements Phase IV project that will perform priority repairs and improvements to extend the structures' serviceable life (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 \$8,277,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,070,000 in bonds of the City to finance a portion of said appropriation, the issuance of \$3,457,000 in bonds authorized in Ordinance No. 2016-344, \$2,000,000 in anticipated reimbursements from the Dormitory Authority of the State of New York authorized in Ordinance No. 2018-53, the issuance of \$250,000 in bonds authorized in Ordinance No. 2018-313, \$1,500,000 in ROC the Riverway/Upstate Revitalization Initiative grant funds appropriated by Ordinance No. 2019-370 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 \$1,070,000 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 \$1,070,000. 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. 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, pay-able 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. 2019-372
Ordinance No. 2019-373

Re: West River Wall Project – 300 Exchange Boulevard

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation authorizing the acquisition by donation, negotiation or condemnation of a portion of 300 Exchange Boulevard to provide for construction activities for the West River Wall Project - Segment 1 (Corn Hill).

The property is currently owned by Corn Hill Landing, LLC, (Anthony DiMarzo – 301 Exchange Boulevard Suite 201 Rochester, NY 14608). The City has requested a permanent easement to allow for modification of this portion of the property and to allow for improvements to occur at the wall segment located immediately adjacent on the New York State Canal Corporation's (NYSCC) property.

A temporary easement on this property is valued at \$26,000 as established by an independent appraisal performed by Midland Appraisal Associates, Inc. The permanent easement has been negotiated for an additional \$40,000, for a total acquisition cost of \$66,000. The acquisition costs will be funded with \$26,000 of bonds authorized in Ordinance No. 2017-333 and \$40,000 of 2014-15 Cash Capital.

The project site is located along the west bank of the Genesee River occupying a 4+/- acre site that extends approximately 2,200 LF in the north-south direction from Ford Street to the Corn Hill Landing Development and approximately 80 LF in the east-west direction from the Genesee River to Exchange St. The existing river wall, constructed in 1918 as part of the Barge Canal System, has functioned to protect the surrounding area from flooding. The current wall is in poor condition and displays significant deterioration.

The overall project budget for design and construction is \$6,450,000. The project is partially funded by two separate grants with the New York State Conservation Council, Inc. (NYSCC) and New York State Department of State (NYSDOS).

Project objectives include improving flood protection, enhancement of the public recreational area and trail, and improving connections to the riverfront area and to the Genesee Riverway Trail from the adjacent Corn Hill neighborhood.

Details of the project were presented to Council in transmittal letters accompanying Ordinance No. 2015-179 and Ordinance No. 2017-332.

The project is currently in design with construction anticipated to begin spring 2020.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-216

Ordinance No. 2019-372
(Int. No. 408)

Determinations and findings relating to the acquisition of a permanent easement in furtherance of the West River Wall Project

WHEREAS, the west wall of the Genesee River between Corn Hill Landing and the Ford Street Bridge (“West River Wall Segment 1” or “Wall”) is a flood control wall constructed in or about 1918 that is crumbling, obscures the river view, and is overgrown with vegetation;

WHEREAS, the City has authorized and appropriated funds in the amount of \$6,450,000, including very substantial grants provided by the State of New York, for the design and construction of a new wall that will improve flood protection, enhance the riverside public recreational area and trail, and improve connections between the Corn Hill neighborhood to the riverfront area and Genesee Riverway Trail (the “Project”);

WHEREAS, an approximately 295-foot long segment of the Wall is set on State-owned riverside land that adjoins the Corn Hill Landing property at 300 Exchange Boulevard (the “Landing”);

WHEREAS, in order to implement the Project plan, the City needs to obtain a permanent easement over the southern portion of Landing, which comprises an approximately 0.436 acre portion (the “Easement Parcel”) of the approximately 6.18-acre Landing, in order to make modifications to the said parcel and to construct a new Wall and associated improvements on the adjoining State-owned;

WHEREAS, the City of Rochester proposes to acquire a permanent easement over the Easement Area in order to complete a Project that will provide flood protection and recreational and aesthetic improvements that will benefit the Landing and the Corn Hill neighborhood most directly, and also provide recreational and scenic benefits for the rest of the Rochester community and for those who visit from elsewhere; and

WHEREAS, the Council of the City of Rochester held a public hearing on December 12, 2019 pursuant to Article 2 of the Eminent Domain Procedure Law to consider the Project and _0_ speakers testified at the hearing.

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

Section 1. The Council hereby makes the following determinations and findings concerning the Project:

- A. Project description – acquire a permanent easement over approximately 0.436 acre of the Corn Hill Landing property, 300 Exchange Boulevard, described as follows in order to construct improvements and obtain the access necessary to reconstruct the West River Wall Segment 1:

All that tract or parcel of land, situate in City of Rochester, County of Monroe and State of New York, all as shown on maps entitled “Corn Hill Landing – Resubdivision of Lot 2” prepared by Sear-Brown having drawing numbers 1571801 SU13 and SU14, being filed in the Monroe County Clerk’s Office in Liber 316 of Maps, Page 48 & 49, and being more particularly bounded and described as follows:

Beginning at the southwest corner of Lot R-2A, said point being marked by an iron pin on the easterly right-of-way line of Exchange Boulevard (width varies); thence

1. N 21°29’20” E, along the easterly right-of-way line of Exchange Boulevard, a distance of 316.52 feet to a point; thence
2. S 68°30’40” E, thru Lot R-2A, a distance of 72.03 feet to a point on the westerly boundary line of the Land Now and Formerly of the State of New York; thence
3. Southerly, along a non-tangent curve to the left, having a radius of 5741.65 feet, through a central angle of 02°56’29”, a distance of 294.75 feet to a point, said non-tangent curve having a chord length of 294.72 feet along a bearing of S 24°42’31” W, said point also being on the southerly right-of-way line of former Edinburgh Street (49.5’ Wide); thence
4. S 89°37’25” W, along said southerly right-of-way line, a distance of 59.78 feet to the point of beginning.

Hereby intending to describe a parcel of land to be conveyed containing 19,007 sq.ft. (0.436 Acre) of land, more or less.

- B. Project purpose – To replace a riverside flood control wall that is structurally deficient, obscures the river view, and is overgrown with vegetation with a new wall that provides reliable flood protection and recreational and aesthetic improvements that will benefit the Landing, the Corn Hill neighborhood and the rest of the Rochester community
- C. Relocation benefits and compensation – No need is anticipated because the Easement Parcel is comprised of a public recreational area traversed by the Genesee Riverway Trail and accessed by a driveway and small parking area for recreational patrons. The Easement Parcel will be restored to and improve upon its present recreational uses once the Project construction is completed.
- D. Project effect – The use of the easement and the overall Project will have no significant adverse environmental effects on the environment. The Project has been reviewed under the State Environmental Quality Review Act (“SEQR”) and Chapter 48 of the Municipal Code, a SEQR Environmental Assessment Form has been completed, and the Project has been determined to have no potential significant adverse environmental impacts, pursuant to a Negative Declaration issued by the City of Rochester on December 2, 2019.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2019-373
(Int. No. 409, as amended)

Authorizing the acquisition by negotiation or ~~condemnation~~ donation of a permanent easement in furtherance of the West River Wall Project

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

Section 1. The Council hereby approves the acquisition of a permanent easement over a parcel (the “Easement Parcel”) comprised of the following described portion of 300 Exchange Boulevard (S.B.L # 121.39-1-8.004) by donation or for the maximum acquisition amount \$66,000:

All that tract or parcel of land, situate in City of Rochester, County of Monroe and State of New York, all as shown on maps entitled “Corn Hill Landing – Resubdivision of Lot 2” prepared by Sear-Brown having drawing numbers 1571801 SU13 and SU14, being filed in the Monroe County Clerk’s Office in Liber 316 of Maps, Page 48 & 49, and being more particularly bounded and described as follows:

Beginning at the southwest corner of Lot R-2A, said point being marked by an iron pin on the easterly right-of-way line of Exchange Boulevard (width varies); thence

- 1. N 21°29’20” E, along the easterly right-of-way line of Exchange Boulevard, a distance of 316.52 feet to a point; thence
- 2. S 68°30’40” E, thru Lot R-2A, a distance of 72.03 feet to a point on the westerly boundary line of the Land Now and Formerly of the State of New York; thence
- 3. Southerly, along a non-tangent curve to the left, having a radius of 5741.65 feet, through a central angle of 02°56’29”, a distance of 294.75 feet to a point, said non-tangent curve having a chord length of 294.72 feet along a bearing of S 24°42’31” W, said point also being on the southerly right-of-way line of former Edinburgh Street (49.5’ Wide); thence
- 4. S 89°37’25” W, along said southerly right-of-way line, a distance of 59.78 feet to the point of beginning.

Hereby intending to describe a parcel of land to be conveyed containing 19,007 sq.ft. (0.436 Acre) of land, more or less.

The acquisition amount set forth herein shall be funded in the amount of \$26,000 from the proceeds of bonds authorized in Ordinance No. 2017-333 and \$40,000 from 2014-15 Cash Capital.

~~Section 2. In the event that said permanent easement cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings to acquire the Easement Parcel. In the event of condemnation, the amount set forth herein for the acquisition shall be the amount of the offer. Nothing in this ordinance shall be deemed to limit in any way the liability of the City for further claims arising from the acquisition of the Easement Parcel pursuant to the Eminent Domain Procedure Law.~~

Section ~~2~~ 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No.2019-374
Re: Agreement – Collision Repair Services

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing agreements with (2) vendors (listed below) for the provision of collision repair services on City vehicles.

In the past, the City of Rochester has sublet collision repair services in addition to completing repair work on-site by City employees. Currently, 81% of collision repairs are completed at the Central Vehicle Maintenance Facility and the remainder of the repair are sent to licensed repair shops.

The most recent agreement was approved by City Council on October 14, 2014 (Ordinance No. 2014-321). The term of this agreement will be for one (1) year, with the option of up to four (4) additional one-year renewals.

The agreements will provide for collision repair services in accordance with estimates of repair as prepared by Environmental Services personnel according to a fee schedule established by the 2018 Motor Collision Estimating Guide. The maximum compensation for these agreements will not exceed the funds available for this purpose in the 2019-20 Department of Environmental Services operating budget. Subsequent year costs will be funded from the annual operating budget of DES contingent upon Council approval.

The below vendors were selected through a Request for Proposal process described in the attached summary.

<u>Vendor</u>	<u>Address</u>
Alliance Collision, Inc. (Daniel Tantalo)	532 North St. Rochester, NY 14605
Sofia Automotive Center, Inc. (Christopher Hefke)	20 Palmer St. Rochester, NY 14609

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-217

Ordinance No. 2019-374
(Int. No. 410)

Authorizing agreements for motor vehicle collision repair services

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

Section 1. The Mayor is hereby authorized to enter into professional service agreements with the following companies to provide collision repair services for City vehicles for a term of one year, with options for up to four one-year renewals:

Alliance Collision, Inc., 532 North Street, Rochester, NY 14605
Sofia Automotive Center, Inc., 20 Palmer Street, Rochester, NY 14609

Section 2. The fee charged for each repair shall be in accordance with a cost estimate prepared by Environmental Services personnel according to a fee schedule established by the 2018 Motor Collision Estimating Guide. The maximum compensation for these agreements for the first year shall be funded by, and shall not exceed the funds available for this purpose in, the 2019-20 Budget of Department of Environmental Services. The fees for each optional subsequent year, if any, shall be funded by future Budgets of DES, contingent upon their approval of sufficient funds.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-375
Re: Grant Acceptance and Professional Services Agreement - USEPA Environmental Workforce Development & Job Training Program

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation related to an Environmental Workforce Development and Job Training Program (EWDJT) funded by the United States Environmental Protection Agency (USEPA).

This legislation will:

1. Authorize the Mayor to enter into a grant agreement with the USEPA; and
2. Authorize the receipt and use of \$200,000 in anticipated USEPA grant funds for the purpose of financing an Environmental Workforce Development & Job Training program; and
3. Establish \$85,400 as maximum compensation for an agreement with Yehl Environmental Incorporated dba Cornerstone Training Institute (Darren Yehl, President – 460 State Street (Rear), Rochester, NY 14608) to provide occupational health and safety training services as part of the City's Rochester Environmental (REJob 2.0) training program.

The EWDJT grant funding will allow the City to continue its successful Rochester Environmental Job (REJob) Training Program with "REJob 2.0" which will include key employment-oriented enhancements over the initial program. Many of Rochester's disadvantaged residents live in our proposed target area which has a legacy of environmental impairments, including more than 408 confirmed brownfields that inhibit investment and economic opportunities. We will focus on those areas of the City by helping the residents gain employment associated with brownfield cleanup and redevelopment. In REJob 2.0 we will once again target dislocated workers, underemployed and unemployed individuals including low income and minority residents, veterans, and those with little or no advanced education.

The objectives of the REJob Program are to recruit and train a minimum of 60 unemployed or underemployed City residents in core occupational and environmental areas that provide certifications toward work in the asbestos abatement, hazardous waste remediation, and environmental cleanup fields. Cornerstone Training, LLC will provide core training to all students as well as additional training for certifications for high achieving students after the core training is completed.

The cost of the training agreement will be financed from \$85,400 in USEPA Environmental Workforce Development & Job Training grant funds appropriated above. The training has been designed based on substantial input of environmental employers and the Workforce Advisory Council.

The City issued a request for proposal (RFP) for training services on November 5, 2019 and received three (3) proposals. Cornerstone Training, LLC was selected based on the experience and expertise of the proposed project team, its ability to meet the City's schedule, and the quality and cost of its proposal.

The balance of the grant will be used for city staff time, travel, and other supply costs required to manage the program.

The proposed agreement will have an initial term of three years with a provision for a one-year extension based on mutual written agreement. It is anticipated that the project will begin in the winter of 2020 and will train 60 participants in the first two years of the program. The third year of the grant will be dedicated to participant tracking and follow-up employment placement services as needed.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-218

Ordinance No. 2019-375
(Int. No. 411)

Authorizing agreements and funding for an Environmental Workforce Development and Job Training 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 United States Environmental Protection Agency (USEPA) for the receipt and use of \$200,000 in grant funds for the purpose of financing an Environmental Workforce Development and Job Training Program.

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with Yehl Environmental Incorporated to provide occupational health and safety training services as part of the Rochester Environmental Job (REJob 2.0) Training Program. The maximum compensation for the agreement shall be \$85,400 which shall be funded from USEPA funds authorized in Section 1 herein. The term of the agreement shall be three years with the option to extend for one additional year upon mutual agreement.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-376
Re: Agreements – Resiliency and Economic Development Initiative (REDI)

Council Priority: Jobs and Economic Development and Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the New York State Resiliency and Economic Development Initiative (REDI). This legislation will:

1. Authorize the City’s application for funding through the REDI process: and,
2. Authorize any necessary agreements with the State as necessary, to participate in and administer the projects.

Governor Andrew M. Cuomo launched the Resiliency and Economic Development Initiative (REDI) this past May in order to meet the needs of New Yorkers living in the eight counties impacted by Lake Ontario and St. Lawrence River flooding. In June, Governor Cuomo committed up to \$300 million to improve coastal communities. With deliberate urgency, five Regional Planning Committees were tasked with identifying projects to secure critical assets and to sustain economic vitality along the shoreline.

The City of Rochester is requesting a total of \$5,385,000 in REDI grant funding for Genesee River shoreline stabilization, river wall extension and marina and infrastructure upgrades. These grant funds will require a City funded 5% match. If all funding requests are awarded the City 5% match would total \$269,250.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-376
(Int. No. 418, as amended)

Authorizing an application and agreement for the Resiliency and Economic Development Initiative

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

Section 1. The Mayor is hereby authorized to submit an application to, and enter into an agreement with, New York State for the receipt and use of ~~\$3,289,000~~ \$5,385,000 through the Resiliency and Economic Development Initiative (REDI) for projects that will secure critical assets and sustain economic vitality along the shorelines impacted by Lake Ontario flooding.

Section 2. City match funding shall be provided through Budget funds allocated for REDI project purposes.

Section 3. The application and agreement shall contain such terms and conditions as the Mayor deems appropriate.

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

By Vice-President Lightfoot
December 17, 2019

To the Council:

The **PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

- | | |
|--------------|--|
| Int. No. 412 | Authorizing agreements and funding for the Comprehensive Adolescent Pregnancy Prevention Program |
| Int. No. 413 | Authorizing an agreement for a Recreation Programs and Facility Access software solution |
| Int. No. 414 | Appropriating Complex Coordinated Terrorist Attack Grant funds |

- Int. No. 415 Authorizing an Intermunicipal agreement with the County of Monroe for funding of firearms instruction
- Int. No. 416 Appropriating federal forfeiture funds to purchase a Canine Unit dog
- Int. No. 417 Authorizing an agreement for expert services in support of the Community Policing Development Micro-grant program

Respectfully submitted,
 Willie J. Lightfoot
 Mitch Gruber
 LaShay D. Harris
 Jacklyn Ortiz
 Loretta C. Scott
 PUBLIC SAFETY YOUTH & RECREATION COMMITTEE

Received filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-377
 Re: Agreements – New York State Department of Health, Comprehensive Adolescent Pregnancy Prevention Grant

Transmitted herewith for your approval is legislation related to the Comprehensive Adolescent Pregnancy Prevention (CAPP) Grant program to address teen pregnancy. This legislation will:

1. Authorize an agreement with the New York State Department of Health (NYSDOH) for the receipt and use of \$598,407 for the January 1 through December 31, 2020 program period.
2. Establish \$243,168 as total maximum compensation for the following agreements, funded from the grant authorized herein, for a term of one year:

Baden Street Settlement, Inc.	\$83,242
Highland Hospital of Rochester / Family Planning	\$49,523
Rochester Society for the Prevention of Cruelty to Children, Inc.	\$60,044
YWCA of Rochester and Monroe County, N.Y.	\$50,359
TOTAL	\$243,168

The \$139,020 of grant funds apportioned to personnel costs and benefits for four full-time employees for January 1, 2020 through June 30, 2020, was anticipated and included in the 2019-20 Budgets of the Department of Recreation and Youth Services and Undistributed Expenses. The remaining \$144,070 apportioned to personnel costs and benefits for those grant-funded employees for July 1, 2020 through December 31, 2020, will be anticipated and included in the 2020-2021 Budgets of the Department of Recreation and Youth Services and Undistributed Expenses, contingent upon approval. The remaining \$72,149 will be accounted for in the Teenage Pregnancy Prevention Special Revenue Fund to cover non-personnel expenses such as educational supplies, printing, and office supplies, as well as indirect expenses.

The NYSDOH CAPP Grant program is for a five-year term, from January 1, 2017 through December 31, 2021. This will be year four of the five year grant. The grant was last authorized by City Council Ordinance No. 2018-412. The goal of this program is to significantly reduce the rate of pregnancy among teenagers in targeted areas. The primary goals of the program are to:

- Provide evidence-based curricula in the Rochester City School District
- Reduce adolescent pregnancy rates in the city of Rochester
- Improve high school graduation rates in the city of Rochester

The program will be locally promoted as RISE and will serve a total of 810 unduplicated youth and 200 parents each year. Rochester teen birth rates have steadily declined since 2008 (from 80 births per 1000 to 29 births per 1000 girls ages 14-19). Please see the attachment for additional information on Rochester youth health trends over time.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-219

Ordinance No. 2019-377
 (Int. No. 412)

Authorizing agreements and funding for the Comprehensive Adolescent Pregnancy Prevention 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 (NYSDOH) for the receipt and use of \$598,407 in funding for the Comprehensive Adolescent Pregnancy Prevention Program (Program) for the January 1, 2020 to December 31, 2020 program period.

Section 2. The Mayor is hereby authorized to enter into professional service agreements to provide Program services with the following organizations up to the maximum amount specified therein for a term of one year:

Baden Street Settlement of Rochester, Inc.	\$83,242
Highland Hospital of Rochester	49,523
Rochester Society for the Prevention of Cruelty to Children, Inc.	60,044
YWCA of Rochester and Monroe County, N.Y.	50,359
TOTAL	\$243,168

provided that, in the event that all funds for any listed provider are not expended, the Mayor is authorized to enter into amendatory agreements with one or more of the other above providers to use the unexpended funds to provide additional Program services.

Section 3. The provider agreements shall obligate the City to pay an aggregate amount not to exceed \$243,168, and said amount, or so much thereof as may be necessary, is hereby appropriated from the funds to be received from NYSDOH under the grant agreement authorized in Section 1 herein.

Section 4. Funds from that grant agreement in the amount of \$72,149 are hereby appropriated to the Teenage Pregnancy Prevention Special Revenue Fund to pay for non-personnel and indirect expenses relating to the Program.

Section 5. The grant agreement and provider agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-378
Re: Agreement – PerfectMind Inc., Recreation Programs and Facility Access Software Solution

Transmitted herewith for your approval is legislation authorizing maximum annual compensation of \$150,000 for an agreement with PerfectMind Inc. (Farid Dordar, Principal; Burnaby, British Columbia, Canada) for a new Recreation Programs and Facility Access software solution. PerfectMind Inc. will provide hosting for the application and services to include project management, data migration, system integration and implementation services. The term of this agreement will be for one year with the option to renew for one additional one-year renewal period. The cost of this agreement will be funded from the 2019-20 Cash Capital allocation of the Department of Information Technology (\$100,000) and the 2019-20 Budget of the Department of Recreation and Youth Services (\$50,000).

Currently, the Department of Recreation and Youth Services (DRYS) has an internally developed R-Center registration and attendance tracking system that doesn't offer a public interface or functionality. This new software solution will provide DRYS a public interface and customer service experience similar to other modern Recreation and youth-serving agencies. Through the agreement, PerfectMind Inc. will implement a new easily accessible, integrated comprehensive software solution that will allow the public to:

- Create individual and family accounts and register as a R-Center member online
- Search a comprehensive catalog of DRYS programs, camps, and activities, and register online
- View athletic league standings, schedules, and other team information (if registered participant)
- Search and view select Recreation facilities available for permit
- Make online payments for programs and facility permits

The software solution will also enhance DRYS ability to promote programs and activities to the public, manage programmatic offerings, communicate to users via email, text, or account notifications, track facility attendance, and collect and analyze other data which will be utilized for continuous quality improvements.

PerfectMind Inc. was selected through a request for proposal process, described in the attached summary. DRYS will conduct a promotional campaign informing the public about this new capability in preparation for a summer roll-out.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-220

Ordinance No. 2019-378
(Int. No. 413)

Authorizing an agreement for a Recreation Programs and Facility Access software solution

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 PerfectMind Inc. to provide hosting and implementation services for a new Recreation Programs and Facility Access software solution for the Department of Recreation and Youth Services (DRYS). The term of the agreement shall be one year with the option to renew for one additional year. The maximum compensation for the agreement shall be \$150,000, which shall be funded in the amount of \$100,000 from 2019-20 Cash Capital and \$50,000 from the 2019-20 Budget of DRYS.

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. 2019-379
Re: Budget Amendment – 2019-20 Budget of the Police Department

Council Priority: Public Safety

Transmitted herewith for your approval is legislation amending the 2019-20 Budget of the Police Department by \$3,800 and Undistributed by \$1,200 to reflect the balance of carryover funds from the FY2016 Complex Coordinated Terrorist Attack (CCTA) grant provided by Monroe County. These funds were not fully expended in FY2018-19 and will be used for their original intended purpose.

Approved by Ordinance No. 2019-102, Monroe County will reimburse costs of up to \$20,000 in overtime, fringe benefits, and travel expenses for Police Officers for the purpose of planning and applicable training that is focused on building or enhancing capabilities to improve the ability to prepare for, prevent, and respond to complex coordinated terrorist attacks.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-379
(Int. No. 414)

Appropriating Complex Coordinated Terrorist Attack Grant funds

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

Section 1. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations of the Budget of the Police Department by the sum of \$3,800, and by increasing the revenue estimates and appropriations of the Budget of Undistributed Expenses by the sum of \$1,200. Said amounts are hereby appropriated from unspent grant funds appropriated by the fiscal year 2016 Complex Coordinated Terrorist Attack Grant authorized in Ordinance No. 2019-102. Said funds shall be used for their original purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-380
Re: Inter-Municipal Agreement - Monroe County, Firearms Instruction

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing the continuation of the inter-municipal agreement with Monroe County for the receipt and use of funding for the Firearms Instruction Program in the amount of \$55,675. The term of the agreement is January 1, 2020 through December 31, 2020.

The County provides reimbursement for a portion of the salary and benefits of Rochester Police Department firearms instructors to train officers in Monroe County police agencies. No budget amendment is needed as the positions and the associated funding were anticipated and included in the 2019-20 Budget of the Police Department.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-380
(Int. No. 415)

Authorizing an intermunicipal agreement with the County of Monroe for funding of firearms instruction

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 County of Monroe in the amount of \$55,675 to reimburse the City for providing firearms instruction to Monroe County police agencies for the 2020 Firearms Instruction Program. The term of the agreement shall be January 1, 2020 through December 31, 2020.

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:

Re: Ordinance No. 2019-381
Federal Forfeiture Funds – Purchase of K-9 Dog

Council Priority: Public Safety

Transmitted herewith for your approval is legislation appropriating \$8,500 from federal forfeiture funds generated by the Police Department and amending the 2019-20 Budget of the Police Department by this amount.

The Police Department needs to purchase a dog for its Canine Unit to replace one that has retired. These requested federal forfeiture funds will be used to purchase this replacement dog.

The appropriations requested this month will result in a balance of approximately \$838,100 in the federal forfeiture Justice fund.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-381
(Int. No. 416)

Appropriating federal forfeiture funds to purchase a Canine Unit dog

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

Section 1. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Police Department by \$8,500 from funds to be received from the Federal Government from seized and forfeited assets. Said funds are hereby appropriated to purchase a dog for the Police Department’s Canine Unit.

Section 2. This resolution shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-382
Re: Agreement – Dr. Ernest Fokoué

Council Priority: Public Safety

Transmitted herewith for your approval is legislation establishing \$27,000 as maximum compensation for an agreement with Dr. Ernest Fokoué relating to a U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) Community Policing Development Micro-grant. The term of this agreement is December 1, 2019 through August 31, 2020.

Dr. Ernest Fokoué is an Associate Professor of Mathematical Sciences with an extensive background in Statistical Machine Learning, Computational Statistics, and Statistical Data Mining. Dr. Fokoué is widely considered an authority in the field of statistical machine learning and data science. He will be responsible for the data conversion of the unstructured narrative text to a machine-readable format, primarily utilizing optical character recognition procedures. The data conversion is essential to the project to prepare the data for the application of the natural language processing techniques in the analysis phase.

The COPS Grant was authorized in Ordinance No. 2017-400 and extended for one-year each in Ordinance No. 2018-277 and 2019-235. This grant was awarded to the Rochester Police Department to:

- Improve the understanding of the scope and nature of text mining through natural language processing techniques, especially as it relates to criminal justice data.
- Design text mining algorithms that create new datasets from previously unstructured narratives.
- Create a product suite that operationalizes the data collected from algorithms to drive decision making.
- Create, test, evaluate, and document a process for utilizing natural language processing techniques in a law enforcement agency which can be extensible to other departments.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-221

Ordinance No. 2019-382
(Int. No. 417)

Authorizing an agreement for expert services in support of the Community Policing Development Micro-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 a professional services agreement with Dr. Ernest Fokoué to establish a system to convert the Police Department's unstructured narrative text into a machine-readable format in support of the Community Policing Development Micro-grant program (the Program). The term of the agreement shall be December 1, 2019 through August 31, 2020.

Section 2. The maximum compensation for the agreement shall be \$27,000, which shall be funded by the Program grant from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS), which was appropriated in Ordinance No. 2017-400 and extended by Ordinance No. 2018-277 and Ordinance No. 2019-235.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:12 p.m.

HAZEL L. WASHINGTON
City Clerk

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ABBREVIATIONS

Acq. - Acquire, Acquisition	L.L. - Local Law
Adj. - Adjourned	Lftd. - Lifted
Admin. - Administration, Administrative	Litig. - Litigation
Adpt. - Adopt, Adopted	Maint. - Maintenance
Amend. - Amendatory, Amending, Amendment	Max. - Maximum
Appl. - Application(s)	Mgr. - Manager
Approp. - Appropriate, Appropriating	Mkt. - Market
Approv. - Approving	Mun. - Municipal
Appt(s). - Appoint, Appointment(s)	Ofc. - Office
Assist. - Assistance	Off. - Official
Auth. - Authority, Authorize	Ord. - Ordinance
Bldg. - Building	Pav. - Pavement
CHDO - Community Housing Development	Pk. - Park
Organization	Proj. - Project
Class. - Classification	Pssd. - Passed
Comm. - Commercial, Commission, Committee,	Pub. - Public
Community	Purch. - Purchase
Comp. - Compensation	R.E. - Real Estate
Constr. - Construction	R.O.W. - Right-of-Way
Ctr. - Center	Rec. - Recreation
Demon. - Demonstration	Rehab. - Rehabilitate, Rehabilitation
Dev. - Development	Rej. - Reject
Dist. - District	Renew. - Renewal
Est(s). - Estimate(s)	Resi. - Residential
Ext. - Extension	Reso. - Resolution
Facil. - Facilities	Rev. - Revenue
FY - Fiscal Year	Roch. - Rochester
Gar. - Garage	Svs. - Services
Gov. - Government, Governmental	Tbld. - Tabled
Hear. - Hearing	Tech. - Technology
Incr. - Increase	Tr. - Transmittal
Indus. - Industrial	Var. - Various
Int. - Introductory	Wid. - Width
L.I.O. - Local Improvement Ordinance	Zon. - Zoning

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Auth. appropriations and agreement for Play Streets ROC proj., Tr. letter, 421, Pssd., 422

Auth. agreement for Southwest Youth Organizing Proj., Tr. letter, 422, Pssd., 423

Auth. agreement and funding for Summer Literacy Program, Tr. letter, 423, Pssd., 424

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Auth. agreements for 2019 Step Jam, Tr. letter, 526, Pssd., 526

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Auth. agreement with MVP Health Care, Inc. for COBRA administration svcs., Tr. letter, 581, Pssd., 582

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Auth. agreement with Lifetime Benefit Solutions, Inc. for administration of flexible benefit plans, Tr. letter, 580, Pssd., 581

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Auth. agreement with Rochester Philharmonic Orchestra, Inc. for public music performances, Tr. letter, 363, Pssd., 363

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C-2 COMMUNITY CENTER DISTRICT

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CAMERON STREET

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Auth. sale of real estate and grant agreement with Flower City Habitat for Humanity, Inc. for construction of affordable housing, Tr. letter, 184, Pssd., 185

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CARTER STREET/NORTH STREET MILLING AND RESURFACING PROJECT

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Auth. amend. intermunicipal agreement for Highland Park/Canalway Trail Improvements Proj., Tr. letter, 198, Pssd., 198

Auth. agreement and amend. funding for Scottsville Road – Elmwood Avenue (West City Line to Mt. Hope Avenue) proj., Tr. letter, 321, Pssd., 322

CASH CAPITAL, 2012-13

Auth. amend. intermunicipal agreement for Highland Park/Canalway Trail Improvements Proj., Tr. letter, 198, Pssd., 198

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CASH CAPITAL, 2013-14

Auth. agreement for Geographic Information System capability upgrades, Tr. letter, 17, Pssd., 18

Auth. amend. intermunicipal agreement for Highland Park/Canalway Trail Improvements Proj., Tr. letter, 198, Pssd., 198

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Auth. intermunicipal agreement for Eastman Trail Phase I Proj., Tr. letter, 562, Pssd., 563

Auth. reimbursement agreement for abandonment of areaway at 23-27 East Main Street, Tr. letter, 591, Pssd., 592

Auth. acq. by negotiation or donation of permanent easement in furtherance of West River Wall Proj., Tr. letter, 598, Pub. hear., 576, Pssd., 600

CASH CAPITAL, 2015-16

Auth. agreement for Geographic Information System capability upgrades, Tr. letter, 17, Pssd., 18

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Auth. agreement and appropriations and amend. funding ord. related to East Henrietta Road Improvement Proj. (South City Line to Stan Yale Drive), Tr. letter, 317, Pssd., 319

Auth. agreement and amend. funding for Scottsville Road – Elmwood Avenue (West City Line to Mt. Hope Avenue) proj., Tr. letter, 321, Pssd., 322

Auth. appropriations and agreement for Carter Street/North Street Milling and Resurfacing Proj., Tr. letter, 408, Pssd., 409

Bond Ord. of City of Roch., New York auth. issuance of \$258,000 Bonds of said City to finance portion of costs of Carter Street/North Street Milling and Resurfacing Proj., Tr. letter, 408, Pssd., 409

Amend. Ord. No. 2017-231 as it relates to agreement with Clark Patterson Engineers, Surveyor, Architects and Landscape Architect, D.P.C., Tr. letter, 413, Pssd., 413

Auth. agreement for organics composting feasibility study, Tr. letter, 479, Pssd., 479

CASH CAPITAL, 2016-17

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Auth. amend. agreement with C & S Engineers, Inc. for Elmwood Avenue/Collegetown Cycle Track Proj., Tr. letter, 251, Pssd., 252

Auth. amend. agreement with Transmap Corporation relating to Pav. Management System, Tr. letter, 255, Pssd., 255

Auth. agreement and appropriations and amend. funding ord. related to East Henrietta Road Improvement Proj. (South City Line to Stan Yale Drive), Tr. letter, 317, Pssd., 319

Auth. agreement and amend. funding for Scottsville Road – Elmwood Avenue (West City Line to Mt. Hope Avenue) proj., Tr. letter, 321, Pssd., 322

Auth. agreements and approp. funds for Preventive Maintenance Northwest Group 12 Proj., Tr. letter, 445, Pssd., 446

Auth. professional svcs. agreement for 121-123 Reynolds Street brownfield cleanup proj., Tr. letter, 450, Pssd., 451

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Auth. agreement for Edgerton R-Center renovations, Tr. letter, 326, Pssd., 327

Auth. agreement for two new Roch. Police Department Section Offices, Tr. letter, 337, Pssd., 338

Auth. agreements for East Main Street Bridge over CSXT Preventive Maintenance Project, Tr. letter, 403, Pssd., 404

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Approp. funds and auth. agreement for Priority Bicycle Boulevards Implementation Proj., Tr. letter, 555, Pssd., 556

CASH CAPITAL, 2018-19

Auth. acq. by negotiation of properties for new Goodman Section office for Rochester Police Department and new Southeast Quadrant Neighborhood Service Center, Tr. letter, 7, Pssd., 9

Auth. agreements for Body Worn Camera Program, Tr. letter, 105, Pssd., 106

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Auth. payment in lieu of taxes and loan agreements for the Southeast Towers Rehabilitation Proj., Tr. letter, 189, Pssd., 191

Auth. agreement and funding for construction of Adventure Place, Tr. letter, 245, Pssd., 246

Auth. amend. agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. regarding Clinton & Emerson Firehouses HVAC Replacement, Tr. letter, 250, Pssd., 251

Auth. amend. agreement with Transmap Corporation relating to Pav. Management System, Tr. letter, 255, Pssd., 255

Auth. agreement and amend. funding for Scottsville Road – Elmwood Avenue (West City Line to Mt. Hope Avenue) proj., Tr. letter, 321, Pssd., 322

Amend. Ord. No. 2019-99 as it relates to an agreement with Passero Associates, Engineering, Architecture & Surveying, D.P.C. for Clinton-Baden Community Center Renovations, Tr. letter, 331, Pssd., 332

Auth. agreement for two new Roch. Police Department Section Offices, Tr. letter, 337, Pssd., 338

Amend. Ord. Nos. 2019-5, 2019-21 and 2019-81 as they relate to acq. of real estate for new Goodman Section office for Police Department and for new Southeast Quadrant Neighborhood Service Ctr., Tr. letter, 400, Pssd., 401

Auth. agreement for Genesee Valley Park Pool and Ice Rink upgrades, Tr. letter, 477, Pssd., 477

Auth. agreement for resident project representation services for La Marketa at the International Plaza, Tr. letter, 553, Pssd., 554

Auth. agreement for Mt. Hope Cemetery 1912 Chapel Tower Repairs, Tr. letter, 554, Pssd., 554

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Auth. amend. agreement for Promenade at Erie Harbor Park proj., Tr. letter, 449, Pssd., 450

Amend. Ord. No. 2018-321 as it relates to acq. of real estate to effectuate Bull's Head Urban Renewal Plan, Tr. letter, 505, Pssd., 505

Approp. funds and auth. agreement for Priority Bicycle Boulevards Implementation Proj., Tr. letter, 555, Pssd., 556

Auth. grant agreement and budget amend. for security camera upgrades at Roch. Public Market, Tr. letter, 566, Pssd., 567

Auth. agreement for Recreation Programs and Facility Access software solution, Tr. letter, 605, Pssd., 606

CASH CAPITAL, PRIOR YEARS'

Auth. amend. agreement and funding for Brewery Line Trail, Tr. letter, 197, Pssd., 198

Auth. agreement for dredging svcs. in Genesee River, Tr. letter, 214, Pssd., 215

Auth. amend. agreement and amend. Ord. No. 2016-268 relating to Mt. Hope Avenue Phase 2 Improvements Proj., Tr. letter, 252, Pssd., 253

Auth. agreement and appropriations and amend. funding ord. related to East Henrietta Road Improvement Proj. (South City Line to Stan Yale Drive), Tr. letter, 317, Pssd., 319

Approp. funds and auth. agreement for South Avenue and Elmwood Avenue Street Improvement Project design svcs., Tr. letter, 335, Pssd., 336

Auth. agreements and funding for Waring Road Improvement Proj., Tr. letter, 519, Pssd., 520

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Auth. sale of real estate, Tr. letter, 434, Pssd., 435

CATHOLIC CHARITIES OF THE DIOCESE OF ROCHESTER D/B/A CATHOLIC FAMILY CENTER

Approp. funds and auth. agreements for Emergency Solutions Grant Program, Tr. letter, 311, Pssd., 313

Approp. funds and auth. agreement for Housing Opportunities for Persons with AIDS Program, Tr. letter, 314, Pssd., 315

CAUSEWAVE COMMUNITY PARTNERS, INC.

Auth. funding and agreements for 2019 Lead Hazard Control Grant Program, Tr. letter, 586, Pssd., 588

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CB-EMMANUEL REALTY, LLC

Auth. loan agreements and payments in lieu of taxes agreement for St. Bernard's affordable senior rental development, Tr. letter, 473, Pssd., 475

CELEBRATION OF YOUTH SUMMER ARTS INTERNSHIP PROGRAM

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CENTER FOR DISPUTE SETTLEMENT, INC.

Auth. agreement for hear. officer svcs. related to City demolition program, Tr. letter, 372, Pssd., 373

CENTER FOR ENVIRONMENTAL INITIATIVES, INC.

Accepting donation for Petten Street Boat Launch proj., Tr. letter, 594, Pssd., 595

CENTER FOR TEEN EMPOWERMENT, INC.

Auth. agreement for Southwest Youth Organizing Proj., Tr. letter, 422, Pssd., 423

CENTER FOR YOUTH SERVICES, INC.

Approp. funds and auth. agreements for Emergency Solutions Grant Program, Tr. letter, 311, Pssd., 313

Auth. agreements for Teenage Pregnancy Prevention Program, Tr. letter, 357, Pssd., 358

Auth. Councilmember designations for agreements to support various community programs and services, Tr. letter, 431, Pssd., 433

CHAMPLAIN STREET

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CHARLES CARROLL PLAZA AND GENESEE CROSSROADS PARKING GARAGE ROOF SLAB RECONSTRUCTION PROJECT

Auth. amend. agreement and funding for Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Proj., Tr. letter, 205, Pssd., 206

CHARLES SETTLEMENT HOUSE, INC.

Auth. Councilmember designations for agreements to support various community programs and services, Tr. letter, 431, Pssd., 433

CHASE FARM PARTNERSHIP

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CHESTNUT STREET

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CHESTNUT STREET FIREHOUSE

Bond Ord. of City of Roch., New York auth. issuance of \$1,842,000 Bonds of said City to finance replacement of one Rescue Truck at

Chestnut Street Firehouse, one Engine Pumper at Monroe Avenue Firehouse and one Engine Pumper at Ridgeway and Dewey Avenues Firehouse, Tr. letter, 418, Pssd., 419

CHESTNUT STREET FIREHOUSE ENGINE 17 KITCHEN RENOVATION AND EXHAUST HOOD REPLACEMENT PROJECT

Auth. agreement for Chestnut Firehouse Engine 17 Kitchen Renovation and Exhaust Hood Replacement proj., Tr. letter, 206, Pssd., 207

Bond Ord. of City of Roch., New York auth. issuance of \$246,000 Bonds of said City to finance costs of Chestnut Firehouse Engine 17 Kitchen Renovation and Exhaust Hood Replacement proj., Tr. letter, 206, Pssd., 207

CHIEF OF POLICE

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CHILD PASSENGER SAFETY GRANT

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CHILDREN'S INSTITUTE, INC.

Auth. agreement with Children's Institute, Inc. for GROW Rochester, Tr. letter, 227, Pssd., 228

CHILI AVENUE

Auth. payments in lieu of taxes agreement for Thurston Chili Affordable Housing Proj., Tr. letter, 151, Pssd., 152

CHOICE TAX ABATEMENT PROGRAM FOR OWNER-OCCUPIED HOUSING

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CHONGE, KENNY

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CITIES FOR FINANCIAL EMPOWERMENT FUND, INC.

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CITY ASSET ADVERTISING PILOT PROGRAM

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CITY CHARTER

L.L. amend. City Charter with respect to creation of Police Accountability Board, Tr. letter, 49, Held, 58

Amend. City Charter with respect to establishing Roch. Police Accountability Board, Tr. letter, 113, Held, 123

L.L. amend. City Charter with respect to establishing Rochester Police Accountability Board, Tr. letter, 266, Adpt., 276

L.L. amend. City Charter relating to Information Technology Department, Tr. letter, 285, Pssd., 292

L.L. entitled "Our Children, Our Future," amend. City Charter with regard to Commissioners of Schools, Tr. letter, 365, Pssd., 366

L.L. relating to composition of Elevator Examining Board, Tr. letter, 542, Pssd., 543

L.L. establishing a Community Choice Aggregation program in City of Roch., Tr. letter, 556, Pub. hear., 528, Pssd., 559

L.L. amend. Charter of City of Roch. with respect to budget requirements for City School Dist., Tr. letter, 583, Pssd., 583

CITY COUNCIL

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CITY DEVELOPMENT FUND

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CITY PLANNING COMMISSION

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Auth. agreements for motor vehicle collision repair svcs., Tr. letter, 601, Pssd., 601

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Approp. Community Development Block Grant funds to infrastructure and playground improvements, Tr. letter, 201, Pssd., 201

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COMPLEX COORDINATED TERRORIST ATTACK

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Auth. payment in lieu of taxes and loan agreements for the Southeast Towers Rehabilitation Proj., Tr. letter, 189, Pssd., 191

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Auth. sale of real estate, Tr. letter, 232, Pssd., 233

Amend. Zoning Map by changing zoning classification of 498 Conkey Avenue, Tr. letter, 544, Pub. hear., 527, Pssd., 545

CONSOLIDATED COMMUNITY DEVELOPMENT PLAN. *See* "Community Development Program Plans"

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Reso. endorsing Consolidated Funding Appl. for renovation and adaptive reuse of historic Wollensack Bldg., Tr. letter, 399, Adpt., 400

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Auth. funding and agreement for Joseph A. Floreano Roch. Riverside Convention Center Escalator Replacement proj., Tr. letter, 204, Pssd., 205

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Auth. amend. agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. regarding Clinton & Emerson Firehouses HVAC Replacement, Tr. letter, 250, Pssd., 251

Auth. agreement for two new Roch. Police Department Section Offices, Tr. letter, 337, Pssd., 338

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Auth. grant agreement with New York State Office of Victim Svcs., Tr. letter, 457, Pssd., 458

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Auth. agreement for resident project representation services for La Marketa at the International Plaza, Tr. letter, 553, Pssd., 554

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Auth. agreement for Bomb Squad Initiative grant, Tr. letter, 563, Pssd., 564

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Auth. acq. of real estate for Roch. City School District Facilities Modernization Program, Tr. letter, 188, Pssd., 189

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Auth. agreement for maintenance of Hemlock-Canadice State Forest property, Tr. letter, 561, Pssd., 562

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Amend. Zoning Map by changing zoning classification of 990-1000 South Avenue to Planned Development District No. 17 - Highland Hospital, Tr. letter, 140, Pub. hear., 125, Pssd., 151

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Auth. amend. intermunicipal agreement for Highland Park/Canalway Trail Improvements Proj., Tr. letter, 198, Pssd., 198

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Auth. sale of real estate and grant agreement with Flower City Habitat for Humanity, Inc. for construction of affordable housing, Tr. letter, 184, Pssd., 185

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Auth. loan agreements and payments in lieu of taxes agreement for St. Bernard's affordable senior rental development, Tr. letter, 473, Pssd., 475

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Auth. license agreement for portion of 101 Hollywood Street, Tr. letter, 136, Pssd., 136

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**JOSEPH A. FLOREANO ROCHESTER
RIVERSIDE CONVENTION CENTER**

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Auth. intermunicipal agreement with County of Monroe for Rochester-Monroe County Youth Bureau, Tr. letter, 487, Pssd., 487

Auth. intermunicipal agreement with Monroe County and Monroe County Sheriff for confinement of unarraigned prisoners, Tr. letter, 499, Pssd., 500

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Auth. intermunicipal agreement to provide photo lab svcs., Tr. letter, 566, Pssd., 566

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Auth. amend. agreement for operation of South Avenue Garage, Tr. letter, 181, Pssd., 181

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Auth. amend. agreement and funding for Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Proj., Tr. letter, 205, Pssd., 206

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Auth. amend. agreement with R.K. Hite & Co., Inc. relating to Uniform Relocation Act compliance svcs., Tr. letter, 228, Pssd., 229

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Amend. Ord. No. 2018-321 as it relates to acq. of real estate to effectuate Bull's Head Urban Renewal Plan, Tr. letter, 234, Pssd., 235

Auth. amend. agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. regarding Clinton & Emerson Firehouses HVAC Replacement, Tr. letter, 250, Pssd., 251

Auth. amend. agreement with C & S Engineers, Inc. for Elmwood Avenue/Collegetown Cycle Track Proj., Tr. letter, 251, Pssd., 252

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Auth. additional funding and amend. agreement for Joseph A. Floreano Roch.

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Amend. Ord. No. 2019-63 relating to Official Map Amendment abandoning portion of Pitkin Street, Tr. letter, 255, Pub. hear., 222, Pssd., 257

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Author. amend. agreement with Collaborative Solutions, LLC, Tr. letter, 428, Pssd., 429

Auth. amend. agreement with SourceLink, Tr. letter, 430, Pssd., 431

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Auth. amend. agreement for Promenade at Erie Harbor Park proj., Tr. letter, 449, Pssd., 450

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Amend. Ord. No. 2019-85 relating to loan agreement for Southeast Towers Rehabilitation Proj., Tr. letter, 472, Pssd., 473

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Auth. amend. agreement with Kronos Incorporated, Tr. letter, 498, Pssd., 499

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Auth. amend. agreement for Gardiner Firehouse upgrades, Tr. letter, 551, Pssd., 552

Amend. Ord. No. 2014-100 relating to land acquisition for Portland Avenue Revitalization proj., Tr. letter, 554, Pssd., 555

Auth. amend. agreement to develop means for Highland Reservoir to comply with federal Long Term Enhanced Surface Treatment Rule, Tr. letter, 559, Pssd., 560

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Auth. amend. agreement with R.K. Hite & Co., Inc. relating to Uniform Relocation Act compliance svcs., Tr. letter, 228, Pssd., 229

UNION SQUARE PROJECT

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UNITED STATES ARMY CORPS OF ENGINEERS

Auth. agreement for dredging svcs. in Genesee River, Tr. letter, 214, Pssd., 215

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES

Auth. agreements for Teenage Pregnancy Prevention Program, Tr. letter, 357, Pssd., 358

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Auth. submission of Consolidated Comm. Dev. Plan/2019-20 Annual Action Plan and execution of grant agreements with United States Department of Housing and Urban Development, Tr. letter, 297, Pssd., 299

Auth. appl. and agreement for Lead Hazard Control Program, Tr. letter, 400, Pssd., 400

Auth. funding and agreements for 2019 Lead Hazard Control Grant Program, Tr. letter, 586, Pssd., 588

UNITED STATES DEPARTMENT OF JUSTICE

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UNITED STATES DEPARTMENT OF JUSTICE'S OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS)

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Auth. agreement for expert services in support of Community Policing Development Micro-grant program, Tr. letter, 608, Pssd., 608

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Auth. professional svcs. agreement for 121-123 Reynolds Street brownfield cleanup proj., Tr. letter, 450, Pssd., 451

Bond Ord. of City of Roch., New York auth. issuance of \$109,500 Bonds of said City to finance costs of remediation of environmental contamination of 121-123 Reynolds Street in City, Tr. letter, 450, Pssd., 452

Auth. amend. agreement to develop means for Highland Reservoir to comply with federal Long Term Enhanced Surface Treatment Rule, Tr. letter, 559, Pssd., 560

Auth. agreements and funding for Environmental Workforce Development and Job Training Program, Tr. letter, 601, Pssd., 602

UNITED STATES MARSHALS SERVICE

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UNITED STATES SECRET SERVICE

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URBAN LEAGUE OF ROCHESTER, NEW YORK, INC.

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URBAN LEAGUE OF ROCHESTER ECONOMIC DEVELOPMENT CORPORATION

Auth. loan agreement for Jefferson Wollensack Housing Creation proj., Tr. letter, 310, Pssd., 311

Reso. endorsing Consolidated Funding Appl. for renovation and adaptive reuse of historic Wollensack Bldg., Tr. letter, 399, Adpt., 400

Auth. sale of real estate, an amend. loan agreement, and payment in lieu of taxes agreement for Jefferson Wollensack Housing Creation proj., Tr. letter, 545, Pssd., 546

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VANAUKER STREET

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VANGUARD ENGINEERING, P.C.

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Auth. agreement for Linden Street (South Avenue – Mt. Vernon Avenue) and Oakland Street (Rockingham Street – Caroline Street) Improvement Proj., Tr. letter, 324, Pssd., 325

Auth. amend. agreement for Residential Curb Ramps (Culver Road East to City Line) proj., Tr. letter, 328, Pssd., 329

VAZQUEZ, MIGUEL REMIGIO

Auth. sale of real estate and amend. Ord. No. 2016-359, Tr. letter, 584, Pssd., 586

VEHICLE PURCHASE

Bond Ord. of City of Roch., New York auth. issuance of \$1,842,000 Bonds of said City to finance replacement of one Rescue Truck at Chestnut Street Firehouse, one Engine Pumper at Monroe Avenue Firehouse and one Engine Pumper at Ridgeway and Dewey Avenues Firehouse, Tr. letter, 418, Pssd., 419

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VETERAN'S OUTREACH CENTER, INC.

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VETERINARY SERVICES

Auth. agreement for veterinary svcs., Tr. letter, 415, Pssd., 416

VICTOR ASSOCIATION OF CULTURAL AND PERFORMING ARTS, INC.

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VILLA STREET

Auth. acq. by negotiation or condemnation of permanent easement over 167-183 Villa Street for water main, Tr. letter, 235, Pssd., 236

VOLUNTEER LEGAL SERVICES**PROJECT OF MONROE COUNTY, INC.**

Approp. funds and auth. agreement for Helping Elders Law Program, Tr. letter, 313, Pssd., 314

Auth. appropriations and agreements for Zombie and Vacant Property Remediation and Prevention Initiative – Round II, Tr. letter, 470, Pssd., 471

VOLUNTEERS OF AMERICA OF WESTERN NEW YORK, INC.

Approp. funds and auth. agreements for Emergency Solutions Grant Program, Tr. letter, 311, Pssd., 313

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WALTBERT COMPANY, LLC

Auth. sale of real estate, Tr. letter, 469, Pssd., 470

WAQAR, AAMIR

Auth. sale of real estate and amend. Ord. No. 2016-359, Tr. letter, 584, Pssd., 586

WARING ROAD IMPROVEMENT PROJECT

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WARWICK FULL GOSPEL DELIVERANCE ASSEMBLY CHURCH OF GOD IN CHRIST

Auth. sale of real estate, Tr. letter, 501, Pssd., 502

WATER

Bond Ord. of City of Roch., New York auth. issuance of \$1,050,000 Bonds of said City to finance portion of City's 2019 Water Main Cleaning and Cement Lining Proj. of Distribution System Water Main Renewal Program, Tr. letter, 19, Pssd., 22

Bond Ord. of City of Roch., New York auth. issuance of \$607,000 Bonds of said City to finance portion of City's 2019 Cured in Place Pipe Proj. of the Distribution System Water Main Renewal Program, Tr. letter, 22, Pssd., 24

Bond Ord. of City of Roch., New York auth. issuance of \$1,250,000 Bonds of said City to

finance water main extensions for City's 2019 Water Main Extensions and Improvements Proj. of the Distribution System Water Main Renewal Program, Tr. letter, 24, Pssd., 26

Auth. intermunicipal lease agreement for radio transmitting equipment, Tr. letter, 82, Pssd., 83

Auth. agreement for water main valve box adjustments and replacements, Tr. letter, 163, Pssd., 164

Amend. Mun. Code with respect to water rates, Tr. letter, 285, Pssd., 292

Bond Ord. of City of Roch., New York auth. issuance of \$250,000 Bonds of said City to finance water improvements on Scottsville Road – Elmwood Avenue (West City Line to Mt. Hope Avenue) proj., Tr. letter, 321, Pssd., 324

Bond Ord. of City of Roch., New York auth. issuance of \$448,000 Bonds of said City to finance water improvements on the Linden Street (South Avenue – Mt. Vernon Avenue) and Oakland Street (Rockingham Street – Caroline Street) Improvement Project, Tr. letter, 324, Pssd., 326

Approp. funds from Rochester Pure Waters District, Tr. letter, 326, Pssd., 326

Bond Ord. of City of Roch., New York auth. issuance of \$181,000 bonds of said City to finance costs of an environmental remediation project at Andrews Street Site in City, Tr. letter, 333, Pssd., 335

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WATER MAIN CLEANING AND CEMENT LINING PROJECT

Bond Ord. of City of Roch., New York auth. issuance of \$1,050,000 Bonds of said City to finance portion of City's 2019 Water Main Cleaning and Cement Lining Proj. of Distribution System Water Main Renewal Program, Tr. letter, 19, Pssd., 22

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Bond Ord. of City of Roch., New York auth. issuance of \$1,250,000 Bonds of said City to finance water main extensions for City's 2019 Water Main Extensions and Improvements Proj. of the Distribution System Water Main Renewal Program, Tr. letter, 24, Pssd., 26

WATER TESTING SERVICES

Auth. intermunicipal agreement with County of Monroe for water testing services at Durand Eastman Beach, Tr. letter, 109, Pssd., 110

WAVERLY PLACE

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WEBSTER AVENUE

Auth. sale of real estate, Tr. letter, 232, Pssd., 233

WEST MAIN STREET

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WEST RIDGE ROAD

Amend. Official Map to dedicate additional right-of-way on West Ridge Road, Tr. letter, 242, Pub. hear., 222, Pssd., 243

WEST RIVER WALL PROJECT

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WESTFALL ROAD

Auth. pav. width changes and acq. of property takings for Mt. Hope Avenue Phase 2 Improvements Proj., Tr. letter, 592, Pub. hear., 576, Pssd., 593

WESTMORELAND DRIVE

Auth. pav. width changes and acq. of property takings for Mt. Hope Avenue Phase 2 Improvements Proj., Tr. letter, 592, Pub. hear., 576, Pssd., 593

WEYL STREET

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WILCOX, RONALD CARLTON D/B/A CARLTON WILCOX LIVE

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WILEY STREET

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WILLIAMS, SHONTELL

Auth. sale of real estate and amend. Ord. No. 2016-359, Tr. letter, 584, Pssd., 586

WILLOW DOMESTIC VIOLENCE CENTER OF GREATER ROCHESTER, INC.

Approp. funds and auth. agreements for Emergency Solutions Grant Program, Tr. letter, 311, Pssd., 313

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Auth. sale of real estate, an amend. loan agreement, and payment in lieu of taxes agreement for Jefferson Wollensack Housing Creation proj., Tr. letter, 545, Pssd., 546

WOODEN STREET

Amend. Zoning Map by changing zoning classification of properties on Dr. Samuel McCree Way and Wooden Street to C-1 Neighborhood Center Commercial Dist., Tr. letter, 504, Pub. hear., 496, Pssd., 504

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Auth. agreement for bond counsel services, Tr. letter, 369, Pssd., 370

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ZOMBIE AND VACANT PROPERTY REMEDIATION AND PREVENTION INITIATIVE

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Amend. Zoning Map by changing zoning classification of 990-1000 South Avenue to Planned Development District No. 17 - Highland Hospital, Tr. letter, 140, Pub. hear., 125, Pssd., 151

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Amend. Zoning Code for technical corrections to Planned Development District No. 17 - Highland Hospital, Tr. letter, 239, Pub. hear., 222, Pssd., 240

Amend. Zoning Code map and text in relation to Planned Development District No. 12 - Eastman Business Park, Tr. letter, 373, Pub. hear., 368, Pssd., 398

Amend. Zoning Code by adding Planned Development District No. 21 — The Vistas at Highland, Tr. letter, 437, Pub. hear., 426, Pssd., 443

Amend. Zoning Map by changing zoning classification of 1100-1120 South Goodman Street to Planned Development District No. 21 — The Vistas at Highland, Tr. letter, 437, Pub. hear., 426, Pssd., 444

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Amend. Zoning Map by changing zoning classification of properties on Dr. Samuel McCree Way and Wooden Street to C-1 Neighborhood Center Commercial Dist., Tr. letter, 504, Pub. hear., 496, Pssd., 504

Amend. Zoning Map by changing zoning classification of 498 Conkey Avenue, Tr. letter, 544, Pub. hear., 527, Pssd., 545

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