



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **January 19, 2016** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **February 4, 2016** in accordance with the applicable provisions of law.

Local Law No. 2

Amending Section 5-6 of the City Charter with regard to meetings

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 5-6 to read as follows:

The Council shall fix the time of its regular meetings. Special meetings may be called at any time by the Mayor, the President of the Council or any three members of Council. The City Clerk shall cause a written notice thereof, specifying the object of the meeting, to be served upon each member personally or to be delivered at the member's usual place of residence at least 24 hours before the time fixed for such meeting, except that, if such notice is served prior to 5:00 p.m., the time for the special meeting may be fixed at any time after 9:00 a.m. the following day. Council members may waive service of such notice in writing. At such special meeting no business other than that named in the notice of meeting shall be transacted. When the City Council is required by law to hold a public hearing on legislation or other matters, the President of the City Council may determine that said public hearing shall be held on the same day as the meetings of regularly scheduled and standing City Council's committees. Notice of such a hearing shall be delivered to all members of the City Council at least twenty-four hours before the hearing and any member of the City Council may attend

and participate in the hearing. A majority of City Council members shall be present to constitute a valid public hearing.

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

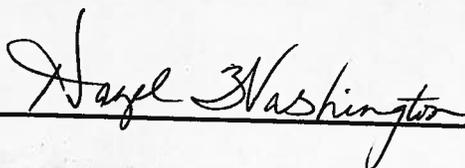
New text is underlined

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest



City Clerk



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Local Law No. 3

Local Law amending Section 6-33 of the City Charter with regard competition of purchases and sales

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 6-33 to read as follows:

It shall be the duty of the Purchasing Agent to give opportunity for competition on all sales of City property except when the nature of the sale is such that competition is impossible or impracticable and unless the Council, by ordinance, determines that it is impossible or impracticable to sell in such manner. It shall further be the duty of the Purchasing Agent to give opportunity for competition on purchase contracts. The Purchasing Agent may award non-public works contracts based on best value, as set forth in the General Municipal Law.

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

New text is underlined

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

Aazel Washington

City Clerk



City of Rochester

City Clerk's Office

Certified Resolution

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that at a meeting of the Council of the City of Rochester, held in the City Hall, on **January 19, 2016**, a resolution was **Adopted**, of which the following is a true copy; and at the time said resolution was adopted, the Council consisted of nine (9) members.

Resolution No. 2016-5

Resolution Approving Reappointments to the 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 the following individuals as members of the Rochester Public Library Board of Trustees:

John Lovenheim
24 Grove Street
Rochester, New York 14605

Sharon Salluzzo
211 Royal View
Pittsford, New York 14534

The current terms of the above Trustees expire on December 31, 2015; their new terms shall expire on December 31, 2020.

Section 2. This resolution shall take effect immediately.

Adopted by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest Hazel Washington
City Clerk



City of Rochester

City Clerk's Office

Certified Resolution

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that at a meeting of the Council of the City of Rochester, held in the City Hall, on **January 19, 2016**, a resolution was **Adopted**, of which the following is a true copy; and at the time said resolution was adopted, the Council consisted of nine (9) members.

Resolution No. URA-1

Resolution approving the 2014-15 Annual Report of the Rochester Urban Renewal Agency

BE IT RESOLVED, by the Rochester Urban Renewal Agency as follows:

Section 1. The Agency hereby approves the Rochester Urban Renewal Agency Annual Report for July 1, 2014 through June 30, 2015 as submitted by the Secretary, and authorizes its submission to the State of New York.

Section 2. This resolution shall take effect immediately.

Adopted by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest *Hayel Washington*
City Clerk



City of Rochester

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Ordinance No. 2016-2

Authorizing a lease for the multi-purpose stadium parcels

WHEREAS, the City of Rochester has received a proposal from David M. and Wendy Dworkin (hereinafter called the "Dworkins"), for the lease of 524 Oak Street, 900 West Broad Street and 480 Smith Street, together with an abandoned portion of Oak Street (hereinafter collectively called the "Stadium") for the use, maintenance and operation of the multi-purpose stadium currently known as Sahlen's Stadium, and for the lease of the building at 448 Smith Street (the "Maguire Building"); and

WHEREAS, the Dworkins are the contract purchasers of the United Soccer League franchise "Rochester Rhinos"; and

WHEREAS, the City desires to the lease the Stadium and the Maguire Building to an operating entity to be formed and wholly owned by the Dworkins ("Dworkin LLC") to accommodate operation of two (2) professional soccer teams, the Rochester Rhinos and the Western NY Flash, and a variety of community events (collectively, the "Lease") on the terms and conditions described herein; and

WHEREAS, use of the property, as a portion of the Erie Canal Urban Renewal Project, was approved for use as a soccer stadium and related activities by City Council Ordinance No. 2008-130, adopted April 15, 2008, and City Council Ordinance No. 2012-142, adopted April 24, 2012.

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

Section 1. The Council hereby approves the Lease for the Stadium and the Maguire Building for the period from February 1, 2016 until December 31, 2025 on the following terms and conditions:

- 1) Dworkin LLC shall be obligated to immediately provide replacement artificial turf for the soccer field, according to standards prescribed by the Federation Internationale de Football Association ("FIFA"), at a current estimated cost of \$600,000;**
- 2) Dworkin LLC shall pay the City annual rent equal to \$50,000 per year for the period February 1, 2016 through January 31, 2019. Commencing February 1, 2019 the lease payment shall be the higher of \$50,000 per year or 15% of the net profits of special events held at the Stadium during the course of the year;**
- 3) To secure payment of its lease obligations and other defined operating expense liabilities, Dworkin LLC shall be obligated to post a \$100,000 letter of credit with the City, on terms and conditions satisfactory to Corporation Counsel, until specified revenue benchmarks have been achieved;**
- 4) The City shall be entitled to designate special City sponsored events at the Stadium without charge;**
- 5) City Workforce Goals shall apply to Stadium employees and contractors upon terms and conditions set forth in the Lease;**

Section 2. In accordance with City Code Section 21-23,

- 1) The term of the proposed Lease is reasonable and the public will benefit throughout the term of the Lease;**
- 2) The Lease shall contain two (2) five (5) year renewal options with rent increases. Extension of the lease term shall be subject to the approval of City Council, evidenced by the affirmative vote of three-quarters (3/4) of all members of City Council, no more than 90 days and no less than 30 days prior to expiration of the existing Lease. The conditions of the option to renew the Lease shall be set forth in the Lease;**
- 3) The Lease shall be subject to default and termination by the City in the event the City determines there has been a substantial change in the authorized use of the Stadium or the Maguire Building. Specified criteria to define "substantial change" shall be set forth in the Lease.**
- 4) The leased premises shall be subject to periodic inspection and review by the Director of Real Estate to determine compliance with the authorized use of the leased premises.**

Section 3. The Mayor is authorized to enter into the Lease and such agreements and documents as may be necessary to effectuate the Lease. Such documents 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, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

Aazel Washington

City Clerk



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Ordinance No. 2016-3

Authorizing an agreement for firefighter physical agility test

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 Personal Energy, Inc. to develop and administer a physical agility test to be taken as part of the Firefighter Civil Service Examination. The term of the agreement shall be for two years with one option to renew for an additional term of up to two years. The maximum compensation for the initial term of the agreement shall be \$7,500 and shall be funded from the budgets of the Department of Human Resources Management for 2015-16 and future years, 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.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

Hazel Washington

City Clerk



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Ordinance No. 2016-4

Authorizing cancellation of 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 274 Bay Street was ticketed for an unapproved parking lot. The property transferred in an arm's length transaction on March 26, 2014. Since the purchase, the new owner has brought the property into compliance. The fines should not have been added to the 2015 tax bill. Neighborhood and Business Development has requested the Municipal Code Violations Bureau to initiate a judgment against the prior owner for the settlement of the charges.

<u>S.B.L. #</u>	<u>Class</u>	<u>Address</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>	<u>Subtotal</u>
106.43-4-31	N	274 Bay Street	2015	\$6,000.00	\$6,000.00
Grand Total					\$6,000.00

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 by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

Hazel Washington

City Clerk



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Ordinance No. 2016-5

Authorizing agreements for auctioneer 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 Reynolds Auction Co., Inc. for the provision of auctioneer services for the disposal of surplus City equipment and materials. The agreement shall authorize the firm to conduct the following types of auction for the compensation specified:

- (a) live City Impound auction: 7.5% of gross proceeds, plus City reimbursement of the firm's direct costs for newspaper advertising that is requested by the City;
- (b) live City auction of light vehicles and miscellaneous surplus: 7% of gross proceeds, plus City reimbursement of the firm's direct costs for newspaper advertising that is requested by the City; and
- (c) live and/or internet auction of Police Property Clerk items: 20% of gross proceeds, plus 8% buyer's fee on internet sales.

Section 2. The Mayor is hereby authorized to enter into an agreement with Roy Teitsworth, Inc. for the provision of auctioneer services for the disposal of surplus City equipment and materials. The agreement shall authorize the firm to conduct the following type of auction for the compensation specified:

- (a) live and/or internet City auction of Heavy Vehicles and Miscellaneous Surplus: 10% of gross proceeds, plus 3% buyer's fee for internet sales.

Section 3. The Mayor is hereby authorized to enter into an agreement with PropertyRoom.com, Inc. for the provision of auctioneer services for the disposal of surplus City equipment and materials. The agreement shall authorize the firm to conduct the following types of auction for the compensation specified:

- (a) internet auctions: 2.5% to 12.5% of gross proceeds, depending on level of service provided; and
- (b) live and/or internet auction of Police Property Clerk items: 50% of gross proceeds, plus fuel surcharge if transport is requested.

Section 4. The Mayor is hereby authorized to enter into an agreement with Municibid.com, LLC for the provision of auctioneer services for the disposal of surplus City equipment and materials. The agreement shall authorize the firm to conduct the following type of auction for the compensation specified:

- (a) internet auction: 8% buyer's fee, reduced to 5% to the extent that an individual buyer's total purchases at the auction exceeds \$100,000.

Section 5. The term of each agreement authorized herein shall be one year from February 1, 2016 to January 31, 2017, with the option for up to four renewals of up to one year each.

Section 6. The agreements shall give the City the flexibility to allocate its auctionable property among the various companies and among the various methods of auction in the manner that the City deems best for maximizing revenue and efficiency.

Section 7. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 8. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest Angela Washington
City Clerk



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Ordinance No. 2016-6

Amending Chapter 8A of the Municipal Code as it relates to purchasing and property management

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

Section 1. Chapter 8A of the City of Rochester Municipal Code as amended, is hereby amended as follows:

Chapter 8A. Purchasing and Property Management

§ 8A-1. Declaration of policy.

It is the intent of the City Council in enacting this Purchasing and Property Management Chapter to provide for the City an economical and efficient system for the procurement and supply of personal property and nonpersonal services, including related functions such as contracting, inspection, storage, specifications, property identification and classification, repairing and converting, establishment of inventory levels and establishment of forms and procedures, the utilization of available property and the disposal of surplus property and records management.

§ 8A-2. Definitions.

As used in this chapter, the following terms shall have the meaning given herein. When not inconsistent with the context, words in the singular number include the plural, words in the plural number include the singular, and words in the present tense include the future.

AGENCY HEADS

The head or the deputy head of any City department, agency or commission, and shall mean the head or the deputy head of any bureau reporting directly to the Mayor.

CITY

The City of Rochester, New York.

CITY COUNCIL or COUNCIL

The Council of the City of Rochester.

CONTRACTS

All types of agreements and orders for the procurement or sale of supplies or services. It includes awards, notices of award, letter contract, purchase orders, leases, rentals and bills of sale.

CONTRACTUAL SERVICES

All public works, including the construction, repair and maintenance of buildings, roadways, equipment, machinery and other City-owned real and personal property, and also all telephone, gas, water, electric light, power, cleaning and similar services. The term shall not include professional or other personal services which are in their nature unique and not subject to competition.

EXCESS PROPERTY

Any property under the control of any using agency which is not required for its needs and the discharge of its responsibilities as determined by the head thereof.

INVITATION FOR BIDS

Includes the advertisement for bids and all of the proposed contract documents, including any plans and specifications, instructions to bidders, proposals, contract agreements and addenda thereto.

MINOR INFORMALITY OR IRREGULARITY IN A BID

An informality or irregularity which is merely a matter of form and not of substance or which pertains to some immaterial or inconsequential defect or variation of a bid from the exact requirements of the invitation for bids, the correction or waiver of which would not be prejudicial to other bidders. The defect or variation in the bid is "immaterial and inconsequential" when its significance as to price, quantity, quality or delivery is trivial or negligible when contrasted with the total cost or scope of the supplies or services being procured.

PERSON (and the masculine pronoun as used throughout this chapter)

Includes any individual, association, partnership, corporation, firm, trust, estate or other entity.

PURCHASING AGENT

The designated purchasing agent of the City of Rochester.

SUPPLIES

All supplies, materials and equipment and other personal property.

SURPLUS PROPERTY

Any excess personal property not required for the needs and the discharge of the responsibilities of all using agencies in the City government, as determined by the Purchasing Agent.

USING AGENCY

Any department, agency, commission, bureau, establishment or other unit in the City government which derives its support wholly or in part from the City and which uses supplies or procures contractual services.

§ 8A-3. Purchasing Agent; powers and duties.

A. The Purchasing Agent shall have the powers and duties prescribed by law, by this chapter and by any rules or regulations as may be prescribed by the Mayor.

B. Scope of purchasing authority. The Purchasing Agent shall have the power and it shall be his or her duty to enter into purchase, rental and lease contracts for supplies and to enter into contracts for public work and other contractual services, except professional and other personal services which are in their nature unique and not subject to competition, needed by any using agency in the City government and to sell surplus property and other personal property owned by the City.

C. The Purchasing Agent shall assume charge and control of, and be responsible for, the general conduct of the business of his or her office and for the faithful discharge of the duties of his or her deputy and other persons under his or her direct supervision and control. Provided he or she remains so responsible, the Purchasing Agent may designate persons under his or her direct supervision and control to place orders for the purchase of supplies and contractual services.

D. Except as herein provided and except for persons under the direct supervision and control of the Purchasing Agent, it shall be unlawful for any City officer or employee or any using agency to order the purchase of any supplies or make any contract within the purview of this chapter other than through the Purchasing Agent. Any purchase ordered or contract made contrary to the provisions hereof shall not be approved by the City officials, and the City shall not be bound thereby.

E. Other powers and duties. In addition to the purchasing authority conferred in Subsection B of this section, and in addition to any other powers and duties conferred by this chapter, the Purchasing Agent shall:

- (1) Act to procure for the City the highest quality in supplies and contractual services at the least expense or best value to the City.

- (2) Seek to establish uniform specifications for the City where practical, so that the City may obtain favorable quantity and volume pricing. supplies and contractual services may be purchased in as large quantities as may be practicable.
- (3) Discourage uniform bidding and endeavor to obtain as full and open competition ~~as possible~~ on all purchases and sales.
- (4) Prescribe rules and regulations for the implementation of this chapter, including policies and methods relating to procurement, storage and use of goods and services. ~~of supplies and contractual services and related functions such as contracting, inspection, storage, issue, property identification and classification, and repairing and converting.~~
- (5) Prescribe and maintain such forms as he or she shall find reasonably necessary to the operation of this chapter.
- (6) Cooperate with the Department of Finance so as to secure for the City the maximum efficiency in budgeting and accounting.
- (7) Maintain a list of bidders from which to seek bids for supplies, products and services. ~~Establish a bidder's list who shall be sent invitations to bid for commodities that are similar in character and ordinarily handled by the trade group to which the invitations are sent.~~

§ 8A-4. Requisitions and estimates.

A. The Purchasing Agent shall have the power to require any using agency to file with him or her detailed estimates of its requirements for supplies and contractual services in such manner, at such times and for such future periods as he or she shall prescribe. A using agency shall not be prevented from filing, in the same manner, with the Purchasing Agent at any time a revised estimate for any supplies and contractual services, the need for which was not foreseen when the detailed estimates were filed.

B. The Purchasing Agent shall examine each requisition or estimate and shall have the authority to return it for revision as to quantity, quality or estimated costs.

§ 8A-5. Encumbrance of funds.

Except in the event of a public emergency requiring immediate action which cannot await certification, the Purchasing Agent shall not make any contract nor issue any order for delivery or performance on a contract unless it has been approved by the Director of Finance or Deputy Director of Finance of the City.

§ 8A-6. Competitive bidding required for purchases.

Except in an emergency and except as otherwise authorized by law, including any provision of the Charter or the Code of the City, all contracts for public work and all purchase contracts involving expenditures above the limits established by § 103 of the General Municipal Law of the State of New York shall be entered into pursuant to the formal contract procedure set forth in this chapter.

§ 8A-7. Formal contract procedure.

A. Specifications.

- (1) Unless the City Council shall have stated a need for standardization, all invitations for bid shall be based upon specifications which are definite and certain and which shall permit competition.
- (2) All invitations for bid shall be approved by the head of the using agency for which the contract is to be made, or, for contracts used by multiple city agencies, by one or more agency heads as requested by the Purchasing Agent or designated by the Mayor, and by such other departments of the City as may be designated by the Mayor.

B. Advertisement for bids.

- (1) Advertisement for bids shall be published by the Purchasing Agent in an official newspaper of the City in accordance with the requirements of § 103 of the General Municipal Law of the State of New York. ~~once in at least one official newspaper of the City. At least one such publication shall be made on a day other than a Saturday, Sunday or public holiday. At least five days shall elapse between the first publication of such advertisement and the date so specified for the opening and reading of bids. Such advertisement shall contain a general description of the supplies to be purchased or sold or the contractual services to be procured, shall state where the invitation for bids, including bid forms and specifications, may be obtained, and shall contain a statement of the time when and place where all bids received pursuant to such notice will be publicly opened and read.~~
- (2) Bulletin board. The Purchasing Agent shall also publish all advertisements for public bids by notices posted on a public bulletin board and on the City's web site. ~~all pending advertisements for bids by notices posted on a public bulletin board which he or she shall designate.~~

C. Bid security.

- (1) When deemed necessary by the Purchasing Agent, he or she shall prescribe a bid security of a certified check, money, bonds or other obligations as a condition precedent to the consideration of a bid. Such bid security shall be set forth in the invitation for bids. No bond shall be submitted to the City having as surety thereon, either as coinsurer or as reinsurer, any surety

company not authorized to do business in the State of New York. All bid securities shall be subject to approval by the City as to form and sufficiency of surety.

- (2) The Purchasing Agent, after the bids have been opened, shall retain the bid security of the three lowest bidders, and may in his or her discretion return the bid security of all other bidders. The Purchasing Agent shall also retain the bid securities of the three lowest bidders for 10 days following an award of a contract, notwithstanding that such award shall be the first or any subsequent award. A bidder may withdraw his or her bid security not less than 10 days after an award of the contract within the time specified, or if no award of the contract be made, within 45 days after the date of opening bids therefore, whichever date is later, and upon such withdrawal his or her bid security shall be forthwith returned. The Purchasing Agent shall forthwith return all bid securities in the event all bids are rejected, and he and she may return any bid security which a bidder is entitled to withdraw.
- (3) A bidder shall forfeit any bid security required upon failure on his or her part to execute a contract in a form approved by the City and to furnish the required insurance and security within 10 days after the award, or within such other time as may be specified in the invitation for bids. A bidder shall be deemed to have failed to execute any contract upon failure on his or her part to provide or make available any materials or documents required to be so made by the invitation for bids or by law within 10 days after request therefor by the City, or within such other time as may be specified in the invitation for bids or by law.

D. Bid opening procedure. Sealed bids and sealed offers, as that term applies to contracts, shall be submitted to the Purchasing Agent and Bids shall be submitted in sealed envelopes to the Purchasing Agent and shall be identified as bids on the envelope. All bids shall be publicly opened and read at the time and place stated in the advertisement for bids. The Purchasing Agent is authorized to accept sealed bids and sealed offers submitted in an electronic format pursuant to the requirements of § 103 of the General Municipal Law of the State of New York. A tabulation of all bids received shall be prepared and made available for public inspection.

E. Rejection of bids. The Purchasing Agent is authorized to reject any or all bids or parts of all bids when the interests of the City will be served thereby. ~~The Purchasing Agent may also reject any bid unless the bid contains an adequate and reasonable price for all items for which a bid is required.~~

F. Bid modifications and mistakes.

- (1) Late modification. A late modification of the otherwise successful bid shall be opened at any time it is received; and if in the judgment of the Purchasing Agent it makes the terms of the bid more favorable to the City, it shall be considered.

- (2) **Minor informalities or irregularities in bids.** The Purchasing Agent shall either give a bidder an opportunity to cure any deficiency resulting from a minor informality or irregularity in a bid or waive such deficiency, whichever is to the advantage of the City.
- (3) **Mistakes in bids.** Where a mistake in a bid is alleged prior to award and where the bid, as submitted is responsive to the invitation for bids, the Purchasing Agent, with the approval of, the Corporation Counsel, may:
 - (a) Determine that the bidder may withdraw his or her bid where the bidder requests permission to do so and clear and convincing evidence establishes the existence of a mistake; however, if the evidence is clear and convincing both as to the existence of a mistake and as to the bid actually intended, and if the bid, both as uncorrected and corrected, is the one most favorable to the City, the Purchasing Agent may correct the bid and not permit its withdrawal.
 - (b) Determine that the bidder may correct his or her bid where the bidder requests permission to do so and clear and convincing evidence establishes both the existence of a mistake and the bid actually intended, provided that such correction shall not be made where it would result in displacing one or more bids, unless the existence of the mistake and the bid actually intended are ascertainable substantially from the invitation and the bid itself.
- (4) When a determination is made concerning an alleged bid mistake, a full and complete statement of the reasons for making the determination shall be prepared by or under the direction of the Purchasing Agent, which statement shall be filed with the other papers relating to the transaction.
- (5) Unless the Purchasing Agent determines, as provided in this section, that a bid may be withdrawn or corrected, no plea of mistake in a bid shall be available to the bidder for the recovery of his or her bid security or as a defense to any action based upon such bid, except with the approval of 3/4 of the City Council.

G. Award of contract.

- (1) The Purchasing Agent is authorized to award and execute contracts within the purview of this chapter with the lowest responsible bidder whose proposal shall conform to the invitation for bids. The Purchasing Agent is further authorized to award and execute purchase contracts for supplies and contractual services (except for purchase contracts necessary for the completion of public works pursuant to article eight of the labor law), on the basis of best value pursuant to the requirements of § 103 of the General Municipal Law of the State of New York.

- (2) **Determination of responsibility and nonresponsibility.** No purchase shall be made from, and no contract shall be awarded to, any bidder unless the Purchasing Agent first determines that the bidder is responsible. The bidder shall demonstrate affirmatively responsibility, including, when necessary, that of proposed subcontractors. Any failure by a bidder to supply or to make available any materials or documents required by the Purchasing Agent or by any other officers of the City for the purpose of determining the bidder's responsibility shall subject the bidder to forfeiture of any bid security. In determining the responsibility of a bidder, the Purchasing Agent shall consider:
- (a) The adequacy of the bidder's financial resources or ability to obtain such resources. The Purchasing Agent may require that any bidder submit verified statements as to financial responsibility and experience, which statements shall be made on forms prescribed by the Purchasing Agent. Supplemental statements may be required at any time.
 - (b) The ability of the bidder to comply with the required or proposed delivery or performance schedule.
 - (c) The record of performance of the bidder and any proposed subcontractors on other contracts, and particularly on similar contracts had with the City.
 - (d) The record of integrity of the bidder.
 - (e) The availability to the bidder of the necessary organization, experience, operational controls and technical skills, and the necessary production, construction and technical equipment and facilities required for performance of the contract.
 - (f) The compliance by the bidder with any special or general standards of responsibility set forth in the invitation for bids.
 - (g) The compliance by the bidder with any other standards which may be established by the Purchasing Agent pursuant to rule or regulation.
 - (h) No bidder shall be determined to be responsible who is in default on the payment of any taxes, licenses or other moneys due the City, or who has defaulted within two years for any reason on a contract had with the City.
 - (i) The Purchasing Agent shall inform a bidder in writing of a nonresponsibility determination and the reasons therefor.

(j) Upon making a nonresponsibility determination, the Purchasing Agent may bar the bidder and affiliated organizations, as further set forth herein, from bidding on City contracts for a period of not to exceed two years. If a corporation is found to be a nonresponsible bidder, that finding may be applied to a parent, affiliate or subsidiary corporation, if the Purchasing Agent finds that an officer, director or person directly or indirectly controlling 10% or more of the stock of the corporation found to be nonresponsible is an officer, director or person directly or indirectly controlling 10% or more of the stock of the parent, affiliate or subsidiary corporation. If an unincorporated association is found to be nonresponsible, that finding may be extended to other related associations upon a finding by the Purchasing Agent that the related associations have substantially the same ownership, management or operating personnel.

(3) Guidelines for responsibility determinations for the award of public works contracts and contracts for services.

(a) In determining the responsibility of a bidder for a public works contract or a contract for services in excess of \$50,000, or a contract for services that is not in a fixed amount if in either of the prior two years a substantially similar contract was in excess of \$50,000, the Purchasing Agent shall consider the following items in addition to the requirements already established in Subsection G(2) above. In the case of a contract for services that is bid in two or more parts, this section shall apply if the combined total of all such parts exceeds \$50,000:

[1] Lack of adequate expertise, prior experience with comparable projects or financial resources to perform the work of the contract in a timely, competent and acceptable manner. Evidence of such a lack of ability to perform may include, but shall not be limited to, evidence of suspension or revocation for cause of any professional license of any director or officer, or any holder of 5% or more of the bidder's stock or equity; failure to submit satisfactory evidence of insurance, surety bonds or financial responsibility; the status of bankruptcy petitions; suspension or debarment by state or federal government; or a history of termination of prior contracts for cause.

[2] Criminal conduct in connection with government contracts or business activities. Evidence of such conduct may include a judgment of conviction or information obtained as a result of a formal grant of immunity in connection with a criminal prosecution of the bidder, any director or officer, or holder of

5% or more of the shares or equity of the bidder or any affiliate of the bidder.

- [3] Violations of safety and/or training standards as evidenced by a pattern of OSHA violations or the existence of willful OSHA violations.
 - [4] Willful noncompliance with the prevailing wage and supplements payment requirements of the Labor Law by the bidder or any affiliate of the bidder.
 - [5] Any other significant Labor Law violations, including but not limited to Child Labor Law violations, failure to pay wages or unemployment insurance tax delinquencies.
 - [6] Any significant violation of the Workers' Compensation Law, including but not limited to the failure of a bidder to provide proof of workers' compensation or disability benefits coverage.
 - [7] Any criminal conduct involving violations of the Environmental Conservation Law or other federal or state environmental statutes, or repeated or significant civil violations of federal or state environmental statutes or regulations.
 - [8] Any criminal conviction concerning formation of, or any business association with, an allegedly false or fraudulent women's or minority business enterprise (W/MBE), or any denial, decertification, revocation or forfeiture of W/MBE status by New York State.
 - [9] Any other cause of so serious or compelling a nature that it raises questions about the responsibility of a bidder, including but not limited to submission to the City of a false or misleading statement on a sworn statement of bidder qualifications, or in some other form, in connection with a bid for or award of a contract.
 - [10] In addition to the factors specified above, the Purchasing Agent may also give due consideration to any other factors considered to bear upon bidder responsibility, including but not limited to, any mitigating factors brought to the City's attention by the bidder.
- (b) The Director of Finance shall develop rules and regulations to implement these guidelines, including a sworn statement of bidder qualifications to gather the information set forth above in the guidelines. Said sworn statement shall be completed by the apparent

low bidder and the second low bidder on public works contracts in excess of \$50,000. The Purchasing Agent shall use the information contained in the response to the sworn statement in making a determination of bidder responsibility before awarding the contract.

- (4) A nonresponsibility determination by the Purchasing Agent may be appealed by the bidder to the Director of Finance by delivery to the Director of Finance of a written notice of appeal within 10 days after receipt of the determination of the Purchasing Agent. The Director of Finance shall offer the bidder an opportunity to be heard, at which the Director of Finance or the Director's designee shall preside. Such hearing shall be scheduled as soon as possible after a request. The bidder shall be permitted to be represented by counsel, to submit evidence and summon witnesses on his or her behalf and to inspect documents and cross-examine opposing witnesses. Compliance with the technical rules of evidence shall not be required. The hearing officer, if other than the Director of Finance, shall make a recommendation to the Director of Finance. The Director of Finance shall make the final determination in writing, based upon evidence produced at the hearing. In the final determination, the Director of Finance may accept, reject or modify the determination and penalty imposed by the Purchasing Agent. The determination of the Director of Finance shall be subject to review pursuant to Article 78 of the Civil Practice Law and Rules.
- (5) Award to other than low bidder. When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the award elsewhere shall be prepared by or under the direction of the Purchasing Agent, which statement shall be filed with the other papers relating to the transaction.
- (6) Tie bids. In cases where two or more responsible bidders furnishing the required security submit identical bids as to price, the Purchasing Agent may award the contract to any of such bidders.

H. Prohibition against subdivision. No contract, purchase or sale shall be subdivided to avoid the requirements of this section.

§ 8A-8. Open market procedure for purchases and sales.

All contracts for public work, and all purchase contracts, rentals and leases of supplies, and all sales of personal property of the City which may be purchased or sold without the formal contract procedure shall be made on the open market. ~~are required to be purchased or sold by the open market procedure may be made without newspaper advertisement and without observing the formal contract procedure.~~ All open-market purchases shall, wherever feasible, be based on at least three competitive bids, and shall be awarded to the bidder who shall satisfy the Purchasing Agent as to his or her responsibility and whose bid is most advantageous to the City, price and other factors considered. All open-market sales shall, wherever feasible, be based on at least two

competitive bids, or through a public or internet auction process, or if such bids cannot reasonably be obtained, on such other form of evaluation as the Purchasing Agent shall deem reasonable, and shall be awarded to the responsible bidder whose bid is most advantageous to the City, price and other factors considered. The Purchasing Agent shall solicit bids by such method or methods as he or she deems suitable to insure open and fair competition, including but not limited to direct mail, electronic mail, and telephone and the internet marketplace ~~as he or she shall deem suitable~~.

§ 8A-9. Negotiated contracts.

A. Except as provided in Subsection B of this section, contracts negotiated on behalf of the City by the Purchasing Agent may be of any type which in the opinion of the Purchasing Agent will promote the best interests of the City. The Purchasing Agent shall determine that the method of contracting for a negotiated contract is likely to be less costly than other methods, that the prospective vendor is responsible, that the supplies or contractual services to be provided are of the kind and quality required by the City and that the price is fair and reasonable.

B. The cost-plus-a-percentage-of-cost system of contracting shall not be used, and in the case of a cost-plus-a-fixed-fee contract, the fee shall not exceed 15% of the estimated cost of the contract, exclusive of the fee, as determined by the Purchasing Agent at the time of entering into such contract. The Purchasing Agent, or his or her designate, shall have the right to inspect the plans and to audit the books and records of any prime contractor or subcontractor engaged in the performance of a cost or cost-plus-a-fixed-fee contract.

C. All contracts negotiated pursuant to authority contained in this section shall include a clause to the effect that the Purchasing Agent or his or her duly authorized representative shall until the expiration of three years after final payment have access to and the right to examine any directly pertinent books, documents, papers and records of the contractor or any of his or her subcontractors engaged in the performance of and involving transactions related to such contracts or subcontracts. Such clause may be omitted from contracts where the Purchasing Agent determines, after taking into account the price and availability of the property of services from other sources, that the public interest would be best served by the omission of such clause.

§ 8A-10. Performance and payment security.

A. The Purchasing Agent shall have the authority to require on any and all contracts a performance bond for the faithful performance of the contract and a payment bond for the protection of all persons supplying labor and material in the prosecution of the work provided in the contract in such amounts as he or she shall find reasonably necessary to protect the best interests of the City. The Purchasing Agent shall require such performance and payment bonds having a penal sum at least equal to 50% of the total amount payable by the terms of the contract on all contracts for contractual services involving an expenditure of \$100,000 or more. The Purchasing Agent may require such performance or payment bonds at any time, notwithstanding that the invitation for bids shall not specifically require performance or payment bonds.

B. The Purchasing Agent or the Director of Finance may require additional performance or payment bond protection in the event that a modification or aggregate of modifications to a contract may be expected to increase the contract price by \$50,000 or 25% of the basic contract price, whichever is less, or if a modification is for new or additional work which is beyond the scope of the existing contract.

C. Notwithstanding the provisions of Subsection A of this section, where the contract is not for the construction, alteration or repair of any public building or other public work, the Purchasing Agent, with the approval of the Director of Finance, may defer the filing and execution of a performance or payment bond, provided that at least 50% of the contract price shall be withheld until acceptance of the work under the contract, and provided further that the bid security shall be retained in lieu of all or any part of the performance and payment security. Upon completion and acceptance of such work, the Purchasing Agent may waive the execution and filing of the performance or payment bond.

D. All bonds submitted pursuant to this section shall be subject to approval by the City as to form and sufficiency of surety. No bond shall be submitted to the City having as surety thereon, either as coinsurer or as reinsurer, any surety company not authorized to do business in the State of New York.

§ 8A-11. Storerooms.

Storerooms and storage places may be established by the Purchasing Agent to facilitate buying for future needs, in which case a store's revolving fund of a fixed amount shall be provided by the City Council. All such storerooms, store places and stores therein contained shall be under the direction and control of the Purchasing Agent. The Purchasing Agent may arrange for the operation by any using agency of warehouses, supply centers, repair shops, fuel yards and other similar facilities.

§ 8A-12. Emergency purchases.

A. By Purchasing Agent. In case of an apparent emergency which requires the immediate purchasing of supplies or contractual services, and with the approval of the Mayor, the Purchasing Agent may secure by open market procedure set forth in this chapter, at the lowest obtainable price, any supplies or contractual services regardless of the amount of the expenditure. A full report of the circumstances of an emergency purchase, including the dates upon which any officer or employee of the City and the Purchasing Agent became aware of the need for the purchase and an explanation setting forth the reasons why the purchase was required to be made immediately, shall be filed by the Purchasing Agent with the Director of Finance.

B. By heads of using agencies. In the case of a public emergency requiring immediate action, and with the consent of the Purchasing Agent and with the approval of the Mayor, the head of any using agency may purchase directly any supplies whose immediate procurement is essential to protect the life, health, safety or property of the

inhabitants of the City. The Purchasing Agent shall prescribe by rules and regulations the procedure under which emergency purchases by heads of using agencies may be made. The head of such using agency shall send to the Purchasing Agent a requisition and a copy of the delivery record together with a full written report of the circumstances of the emergency, which report shall conform to the requirements of and shall be filed in the manner provided in Subsection A of this section.

§ 8A-13. Inspections and testing.

A. The Purchasing Agent shall inspect or supervise the inspection of all deliveries of supplies or contractual services to determine their conformance with the specifications set forth in the order or contract.

B. The Purchasing Agent may authorize using agencies having the staff and facilities for adequate inspection to inspect all deliveries made to such using agencies under such rules and regulations as the Purchasing Agent may prescribe.

C. The Purchasing Agent is authorized in his or her discretion to require chemical, physical or other tests of samples submitted with bids and samples of deliveries to determine their quality and conformance with the specifications. In the performance of such tests, the Purchasing Agent shall have the authority to make use of the laboratory and other testing facilities of any agency of the City government and of any outside laboratory.

§ 8A-14. Cooperative purchasing.

~~A. The Mayor shall have the authority to join with other units of government in cooperative purchasing plans when the best interests of the City would be served thereby. The Purchasing Agent shall have the authority to purchase or lease materials, supplies and equipment through contracts of the Rochester City School District, the County of Monroe and the State of New York, when the best interests of the City would be served thereby.~~

B. The Purchasing Agent shall have the authority to purchase apparatus, materials, equipment or supplies, or to contract for services related to the installation, maintenance or repair of apparatus, materials, equipment or supplies through the use of a contract let by the United States of America or any agency thereof, any state or other political subdivision or district therein in accordance with the requirements of § 103 of the General Municipal Law of the State of New York, when the best interest of the City would be served thereby. The Purchasing Agent may exercise this authority for purchases subject to the formal contract procedure and for purchases and sales subject to the open market procedure.

§ 8A-15. Excess property.

A. Reports. All using agencies shall submit to the Purchasing Agent at such times and in such form as he or she shall prescribe reports showing all excess property with a reportable value of \$5,000 or more that is under the control of such using agency.

B. The Purchasing Agent is authorized to transfer excess property to other using agencies.

§ 8A-16. Exchange of surplus property.

In acquiring personal property, the Purchasing Agent may exchange or sell similar items with the approval of the head of the using agency in which said items may be located, and may apply the exchange allowance or proceeds of sale in such cases in whole or in part payment for the property acquired, provided that any transaction carried out under the authority of this section shall be evidenced in writing.

§ 8A-17. Disposal of surplus property.

A. The Purchasing Agent shall have supervision and direction over the disposition of surplus property. The Purchasing Agent is authorized to dispose of surplus property by sale, exchange, lease, permit or transfer, for cash, credit or other property, with or without warranty, and upon such other terms and conditions as the Purchasing Agent deems proper, and he or she may execute such documents for the transfer of title or other interest in property and take such other action as he or she deems necessary or proper to dispose of such property under the provisions of this chapter. Any transaction carried out under the authority of this section shall be evidenced in writing. The Purchasing Agent shall not dispose of any surplus property unless such property has been designated as excess property by the head of the using agency in which such property is located; nor shall the Purchasing Agent dispose of any individual item of surplus property, other than as an exchange of surplus property included in a bid obtained through the formal contract procedure, nor shall the Purchasing Agent dispose of any surplus property having an estimated value exceeding \$10,000~~1,000~~, unless the Mayor shall have authorized the disposition of such property.

B. A deed, bill of sale, lease or other instrument executed by the Purchasing Agent purporting to transfer title or any other interest in surplus property under this chapter shall be conclusive evidence of compliance with the provisions of this chapter insofar as concerns title or other interest of any bona fide grantee or transferee for value and without notice of lack of such compliance.

C. The care and handling of surplus property pending its disposition may be performed by the Purchasing Agent or, when so determined by the Purchasing Agent, by the using agency in possession thereof or by any other using agency consenting thereto.

D. All disposals or contracts for disposals of surplus property shall be made by the Purchasing Agent using auctioneer services authorized as professional services agreements, or by soliciting competitive bids in conformance with the formal contract procedure for surplus property having an estimated value exceeding \$10,000 or the open

~~market procedure for surplus property having an estimated value of \$10,000 or less, except as provided in Subsection E of this section, only after soliciting competitive bids in conformance with the formal contract procedure for surplus property having an estimated value exceeding \$1,000 or the open market procedure for surplus property having an estimated value of \$1,000 or less, as such procedures are prescribed in this chapter, except as provided in Subsection E of this section.~~

E. Disposals and contracts for disposal may be negotiated, but subject to obtaining such competition as is feasible under the circumstances, if:

- (1) The public health, safety or welfare requires a particular disposal of personal property;
- (2) Public exigency will not admit of the delay incident to advertising certain personal property;
- (3) Bid prices after advertising therefor are not reasonable, either as to all or some part of the property, or have not been independently arrived at in open competition;
- (4) The personal property involved is exchanged or sold for similar items pursuant to this Purchasing Chapter;
- (5) The personal property involved is abandoned, destroyed or donated, provided that the approval of the Mayor shall be obtained for any donation; or
- (6) Otherwise authorized by this chapter or other law, including the Charter or Code of the City.

F. Personal property and movable fixtures and equipment purchased by the City or contractors and subcontractors of the City with funds received by the City from the federal government pursuant to federal grants or programs, title to which property or fixtures and equipment either has remained with the City or reverts to the City upon termination of the grant, program or contract, ~~may shall~~ be deemed excess and surplus property and shall be disposed of as set forth in this chapter, ~~for adequate consideration in any manner deemed appropriate by the Purchasing Agent with the approval of the Mayor.~~ Prior to disposition as surplus, the Purchasing Agent shall obtain the legal opinion of the Corporation Counsel regarding title.

§ 8A-18. Rochester Living Wage Ordinance.

A. Title and purpose. This section shall be known as the "Rochester Living Wage Ordinance." The purpose of this section is to ensure that employees of substantial City contractors and subcontractors earn an hourly wage that is sufficient for a family to live at or above the federal poverty guideline.

B. Definitions. The following definitions shall apply throughout this section:

BUSINESS ASSISTANCE

Any grant or loan of at least \$50,000 realized by or through the authority or approval of the City, excluding welfare-to-work, job training or youth employment programs.

BUSINESS ASSISTANCE BENEFICIARY

Any direct recipient of at least \$50,000 of business assistance.

CASUAL EMPLOYEE

An occasional employee without regular or set hours, or an employee regularly working fewer than 20 hours a week.

CITY

The City of Rochester.

CONTRACTOR

Any person who enters into a service contract with the City, except other governmental units.

COVERED EMPLOYEE

A person employed either part-time or full-time by the covered employer who directly expends his or her time on a service contract with the City, for the time said person actually spends on the service contract, or a person employed either part-time or full-time by a business assistance beneficiary at a workplace which has received business assistance from the City; provided, however, that persons who are employed in construction work covered pursuant to federal or state prevailing wage laws shall be exempt from this section, as shall participants in welfare-to-work, job training or youth employment programs, and workers with disabilities, full-time students, messengers, learners, student-learners and apprentices for whom the covered employer has received a certificate to pay special minimum wages pursuant to Section 14 of the Federal Fair Labor Standards Act (FLSA) (29 U.S.C. § 214). "Covered employee" shall not include a casual employee or seasonal employee.

COVERED EMPLOYER

Any person who is a contractor or subcontractor directly involved in providing a service to the City pursuant to a service contract as defined herein.

PERSON

One or more of the following or their agents, employees, representatives and legal representatives: individuals, corporations, partnership, joint ventures, associations, labor organizations, educational institutions, mutual companies, joint-stock companies, trust, unincorporated organizations, trustees in bankruptcy, receivers, fiduciaries and all other entities recognized at law by the City.

SEASONAL EMPLOYEE

An employee hired temporarily for a period not to exceed 90 days at any given time within a six-month period.

SERVICE CONTRACT

A contract awarded to a contractor by the City primarily for furnishing services to or for the City (excluding the purchase of goods or other property, the leasing of property or the development, redevelopment or rehabilitation of real property) and that involves an expenditure by the City to the contractor of at least \$50,000, or the retention by the contractor of fees of at least \$50,000, during a period of one year. Said threshold of \$50,000 shall not include funds provided by the City to be passed through to eligible participants in federal- or state-funded programs. For the purposes of this section "service contract" shall not include any contract awarded through competitive bidding pursuant to General Municipal Law § 103.

"Service contract" shall include unit price contracts that are designated by the City, where, based on experience or expected level of work, the City anticipates an expenditure to the contractor of at least \$50,000 during a period of one year.

"Service contract" shall not include separate contracts in amounts of less than \$50,000 with the same contractor for different services which may involve a total expenditure by the City to the contractor of more than \$50,000 during a period of one year. However, contracts may not be segmented to fall under the threshold, and multiple contracts with the same contractor for the same services shall be aggregated to determine the total expenditure for purposes of application of this section. Where an amendatory agreement or additional agreement with the same contractor causes the total expenditure to exceed \$50,000 during a period of one year, this section shall apply to the amendatory agreement or additional agreement.

SUBCONTRACTOR

Any person other than an employee that enters into a contract with a contractor to assist the primary contractor in performing a service contract, including any temporary employment agency that enters into a contract with a contractor or business assistance beneficiary to provide employees to assist the primary contractor in performing a service contract or to perform services for a business assistance beneficiary at a workplace which has received business assistance from the City.

C. Living wage.

- (1) **Applicability.** Covered employers and business assistance beneficiaries shall pay no less than a living wage to their covered employees, which, for covered employees working on a service contract, shall be for the time directly expended on the service contract.
- (2) **Amount of wage.** The living wage shall be calculated on an hourly basis as paying \$8.52 to covered employees who are offered health insurance benefits by the covered employer or business assistance beneficiary and \$9.52 to

covered employees who are not offered health insurance benefits by the covered employer or business assistance beneficiary.

- (3) **Revision process.** This section shall be reviewed and evaluated two years after adoption in order to evaluate the effectiveness of the legislation in terms of its policy goals, and monitoring and enforcement procedures. The amount of the living wage shall be increased annually to reflect inflation as captured by the unadjusted consumer price index for all urban consumers (CPI-U), United States city average, as published by the Bureau of Labor statistics of the United States Department of Labor. The first indexing adjustment shall occur July 1, 2002, in proportion to the increase of the United States city average of the CPI-U at the immediately preceding April 30 over the year earlier April 30, and shall be adjusted every July 1 thereafter.
- (4) **No reduction in wage rates or hours.** Nothing in this section shall require or authorize any covered employer or business assistance beneficiary to reduce wages or work hours of any covered employee, and a covered employer or business assistance beneficiary shall not reduce wages or work hours as a result of coverage by this section, and this section shall not be construed so as to reduce wages required under any prevailing wage law.
- (5) **Notifying employees of their potential right to the federal earned income credit.** Covered employers and business assistance beneficiaries shall inform employees making less than \$12 per hour of their possible right to the Federal Earned Income Credit (EIC) under section 32 of the Internal Revenue Code of 1954, 26 U.S.C. § 32, and shall make available to employees information about the EIC and how to obtain forms required to secure advance EIC payments from the employer.
- (6) **Tipped employees.** Covered employers who elect to receive credit for tips received by covered employees in accordance with the provisions of the FLSA may also include as wages under this section an additional amount on account of tips received by a covered employee, provided that the tip amount is at least equal to the difference between the wages paid the covered employee and the living wage. The additional amount on account of tips may not exceed the value of the tips actually received by the covered employee. This subsection shall not apply to any covered employee unless such employee has been informed by the covered employer that his or her direct wages shall be less than the living wage, provided that the amount of tips plus direct wages received by such employee at least equals the living wage, and provided that all tips received by such employee have been retained by the employee. This subsection shall not be construed to prohibit the pooling of tips among employees who customarily and regularly receive tips. If a covered employee's tips combined with the covered employer's direct wages do not equal the living wage, the covered employer must make up the difference. It is the responsibility of the covered employer to prove,

upon request by the City, the payment of at least a living wage in combined direct wages and tips to the covered employee. FLSA requirements shall be applied to determine eligibility for including tips as wages and calculating the total amount of wages and tips.

D. Employer responsibility, compliance and sanctions.

- (1) **Application for contract or business assistance.** Every proposal or application for a service contract or business assistance shall include a written commitment by the applicant to pay all covered employees a living wage as defined by this section and shall include a list of job titles and wage levels of all covered employees in each of the years for which the contract or business assistance is sought.
- (2) **Reports from covered employers and business assistance beneficiaries.** Covered employers and business assistance beneficiaries shall provide to the City publicly available annual reports of job titles and wage rates of covered employees during the term of the service contract or business assistance. For service contracts or business assistance of less than one year, covered employers and business assistance beneficiaries shall provide such reports at the beginning and end of the contract or business assistance.
- (3) **Compliance, enforcement and sanctions.**
 - (a) **Covered employer and business assistance beneficiary cooperation.** The covered employer or business assistance beneficiary shall permit representatives from the City to observe the work being performed at its place of work; furthermore, the covered employer or the business assistance beneficiary shall permit said representatives to interview employees and to examine its books and records relating to employment and payroll to determine if the covered employer or the business assistance beneficiary is in compliance with the provisions of this section. Covered employers and business assistance beneficiaries shall maintain for a period of at least three years all necessary records to document the wages paid to each covered employee, and the time expended by each covered employee on a service contract.
 - (b) **Posting.** Every covered employer and business assistance beneficiary shall post and keep in conspicuous places on their premises, where notices to employees and applicants for employment are customarily posted, a notice supplied by the City informing employees of their rights under this section. Included in this posting shall be a phone number at the City that covered employees may call to lodge complaints. If the covered employer or subcontractor is a temporary employment agency, this notice shall be mailed to all covered employees before or in conjunction with the receipt of the covered employees' first paycheck.

- (c) **Grievance procedure.** A covered employee who believes that his or her employer is not complying with requirements of this section has the right to file a complaint with the City. Complaints by covered employees of alleged violations shall be made within one year of the date of the violation and shall be investigated promptly by the City. Written and oral statements made by a covered employee shall be treated as confidential and shall not be disclosed to the covered employer or business assistance beneficiary without the consent of the employee. While protection of the employee's confidentiality shall be a priority for the City, this provision shall not prevent the City from informing the covered employer of the name of the covered employee and the basis of the complaint in order to access information necessary to investigate the complaint.
- (d) **Duties of the City.**
- [1] It shall be the responsibility of the City to create guidelines for investigating and handling grievances under this section; to examine the pay rolls, as necessary, to determine compliance and cause investigations to be made, as necessary, to monitor compliance with the provisions of this section.
- [2] The City shall promptly investigate complaints alleging noncompliance by covered employers and business assistance beneficiaries. The contracting agency may, in accordance with the powers herein granted, require the production by the employer of such evidence as required to determine compliance.
- (e) **Covered employer or business assistance beneficiary may dispute finding of noncompliance.** A covered employer or business assistance beneficiary may dispute a finding of noncompliance by requesting a hearing with a representative of the City. A covered employer or business assistance beneficiary must request such a hearing within 60 days after receiving notice of a finding of noncompliance.
- (f) **Sanctions.** A covered employer or business assistance beneficiary found to be in violation of any provision in this section shall be sanctioned as follows:
- [1] The City shall withhold payment of so much of any amount due in business assistance or on a service contract or on any other contract in effect with the same covered employer or business assistance beneficiary which is equal to the alleged underpayment to a covered employee, order wage restitution for each affected employee and serve a written notice of

violation on the covered employer or business assistance beneficiary.

[2] For willful or repeated violations, the City shall additionally impose a fine not to exceed \$100 per day on the covered employer or business assistance beneficiary for each employee found to be paid less than the living wage, and may order the covered employer or business assistance beneficiary to repay business assistance awarded by the City and any amounts paid on service contracts for services not yet rendered terminate ongoing service contracts or business assistance and declare the covered employer or business assistance beneficiary ineligible for further City service contracts or business assistance for three years, after which time the covered employer or business assistance beneficiary may be eligible for reinstatement if all underpayments and fines are paid.

[3] All sanctions will be a matter of public record.

(g) Retaliation and discrimination barred. A covered employer or business assistance beneficiary shall not discharge, reduce compensation or otherwise discriminate against any employee because that employee made a complaint or otherwise asserted his or her rights under this section, or participated in any of its proceedings. The contracting agency shall investigate allegations of retaliation or discrimination and shall, if found to be true, after notice and hearing, order appropriate relief, including restitution and reinstatement of the discharged employee with back pay to the date of the violation.

(h) Enforcement. The City or any person aggrieved by a violation of this section may bring an action in any court of competent jurisdiction, and in the event that the City or aggrieved person prevails in such action, the court may award damages and reasonable costs and attorney fees, and if said action is brought by an individual for underpayment of wages, the court shall also award said individual an additional amount as liquidated damages equal to 25% of the wages found to be due.

E. Exemptions.

(1) Service contracts and business assistance in existence prior to the effective date of this section shall be exempt from this section, except that any amendment or modification of such service contracts and business assistance occurring on or after the effective date of this section shall be subject to the conditions specified in this section.

- (2) Welfare-to-work, youth employment programs and job training programs shall be exempt from this section as they relate to the pay scale of participating youth workers aged 21 or younger, or to participants in a bona fide job-training program or welfare-to-work program.
- (3) This section shall not apply to covered employees compensated in accordance with the terms of a collective bargaining agreement.

F. Severability. In the event that any provision of this section shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions hereof.

Section 2. This ordinance shall take effect immediately.

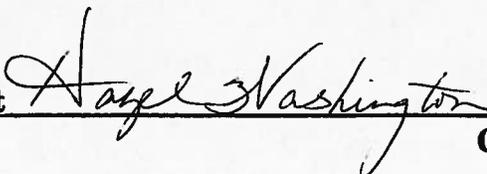
Strike out indicates deleted text, new text is underlined.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest



City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

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Ordinance No. 2016-7

Authorizing the exchange of real estate with Curtis LLC

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

Section 1. The Council hereby approves an exchange of real estate with Curtis LLC whereby the City will exchange a fee interest in the portion of the City owned parcel at 280 North Union Street, SBL #106.67-1-1.001, that is described as Parcel 1 in the Legal Descriptions contained herein, for a fee interest in the portion of the parcel owned by Curtis LLC at 248 North Union Street, SBL #106.66-1-14, that is described as Parcel 2 in said Legal Descriptions.

**LEGAL DESCRIPTIONS OF LANDS
TO BE EXCHANGED BETWEEN
THE CITY OF ROCHESTER
AND CURTIS LLC**

Parcel 1

Part of 280 N. Union Street
SBL# 107.67-1-1.001

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Rochester, County of Monroe. State of New York, being part of Lot 58, Second Division, Township 13, Range 7 and more particularly described:

Commencing at the northeast corner of a parcel of land conveyed to Curtis, LLC by deed recorded in the Monroe County Clerk's Office in Liber 11237 of Deeds, Page 372, said point being the Point of Beginning; thence

- 1) S 50° 10' 05" E, through a parcel of land conveyed to the City of Rochester by deed recorded in Liber 694 of Deeds, Page 330 a distance of 146.28 feet to the west line of a parcel of land conveyed to Joseph Capizzi, Scott Stanton, and Anthony Calogero by deed recorded in Liber 6926 of Deeds, Page 345; thence
- 2) S 79° 53' 52" W. along the west line of Capizzi, Stanton, and Calogero, a distance of 39.21 feet to a point in the west line of Capizzi, Stanton, and Calogero; thence
- 3) S 35° 59' 10" W, along the west line of Capizzi, Stanton, and Calogero, a distance of 23.22 feet to the northeast corner of a parcel of land conveyed to Stanton-Capizzi Partnership by deed recorded in Liber 10485 of Deeds, Page 610; thence
- 4) N 48° 15' 32" W, along the north line of the lands of Stanton-Capizzi Partnership, a distance of 122.67 feet to the east line of Curtis, LLC; thence
- 5) N 39° 49' 55" E along the east line of Curtis, LLC, a distance of 49.09 feet to the Point of Beginning.

Intending to describe and convey a 6,583 square foot parcel of land, being part of the same premises conveyed to the City of Rochester by deed recorded in the Monroe County Clerk's Office in Liber 694 of Deeds, Page 330.

Parcel 2

Part of 248 N. Union Street
SBL 106.66-1-14

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Rochester, County of Monroe. State of New York, being part of Lot 58, Second Division, Township 13, Range 7 and more particularly described:

Commencing at the northwest corner of a parcel of land conveyed to Curtis, LLC by deed recorded in the Monroe County Clerk's Office in Liber 11237 of Deeds, Page 372, said point being the Point of Beginning; thence

- 1) S 50° 10' 05" E, along the north line of Curtis, LLC a distance of 69.93 feet to a point; thence
- 2) S 39° 46' 55" W, along the west wall of a one story masonry building, a distance of 63.58 feet to a point; thence

- 3) N 50° 10' 05" W a distance of 11.50 feet to a point; thence
- 4) S 39° 46' 55" W a distance of 45.30 feet to a point on the south line of Curtis, LLC and the north line of New York Central Lines, LLC; thence
- 5) N 50° 40' 49" W along the south line of Curtis, LLC and north line of New York Central Lines, LLC, a distance of 23.70 feet to the southwest corner of Curtis, LLC; thence
- 6) N 22° 07' 33" E along the west line of Curtis, LLC, a distance of 114.52 feet to the Point of Beginning.

Intending to describe and convey a 5,209 square foot parcel of land, being part of the same premises conveyed to Curtis, LLC by deed recorded in the Monroe County Clerk's Office in Liber 11237 of Deeds, Page 372.

Section 2. For the parcel to be acquired by the City, any taxes levied after the date of closing, while the City still owns such parcel, shall be cancelled.

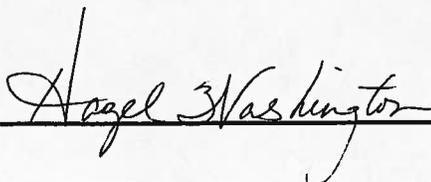
Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest



City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2016-8

Authorizing agreements and funding for Sibley Building Redevelopment – Phase I and Phase II

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) with Sibley Affordable LLC, or an affiliated Limited Liability Corporation, partnership or housing development fund company, for Phase I of the redevelopment of the Sibley Building (the Project) located at 228-280 East Main Street. The PILOT agreement shall provide that the Project will remain entitled to a real property tax exemption for up to 30 years, provided that Sibley Affordable LLC or its affiliate makes annual payments in lieu of real property 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.

Section 2. The Mayor is hereby authorized to enter into a loan agreement with Sibley Affordable LLC, or an affiliated LLC, partnership or housing development fund company to be formed by Winn Development, LLC for construction financing and permanent financing for Phase I of the Project. The loan agreement shall be in the amount of \$1,995,000 at 2% interest with interest only to be paid annually. When the loan is converted to permanent financing, it shall be in the amount of \$1,995,000 and for a term of 30 years with interest at 2% paid annually. Principal payment shall be deferred to the end of the term of the loan. The loan agreement amount shall be funded as specified below, which funds are hereby appropriated for said purpose:

Amount

Year/Source

\$ 115,995.29	2014-15 HOME Program - Affordable Housing Fund allocation of the Housing Development Fund
665,649.00	2015-16 HOME Program - Affordable Housing Fund allocation of the Housing Development Fund
<u>1,213,355.71</u>	Prior Years' Cash Capital
\$1,995,000.00	Total

Section 3. The Mayor is hereby authorized to enter into a loan agreement with Sibley Mixed Use LLC, or an affiliated LLC, partnership or housing development fund company to be formed by Winn Development, LLC for construction financing and permanent financing for Phase II of the Project. The loan agreement shall be in the amount of \$1,000,000 at 1% interest with interest only to be paid annually. When the loan is converted to permanent financing, it shall be a non-recourse loan in the amount of \$1,000,000 and for a term of 30 years with interest at 1% paid annually. Principal payment shall be deferred to the end of the term of the loan. The loan agreement amount shall be funded as specified below, which funds are hereby appropriated for said purpose:

<u>Amount</u>	<u>Year/Source</u>
\$ 186,791.00	Loan repayment from High Falls Development Corp.
150,000.00	Loan repayment from Fitzhugh Associates, LLC
225,000.00	Loan fees from CT Rochester, LLC - HUD Collections Account
34,916.15	2012-13 Cash Capital - Acquisition/Economic Development
62,150.60	2013-14 Cash Capital - Acquisition/Economic Development
<u>341,142.25</u>	Prior Years' Cash Capital
\$1,000,000.00	Total

Section 4. The Mayor is hereby authorized to enter into an amendatory agreement with Sibley Redevelopment Limited Partnership, amending the \$3.1 million loan agreement authorized by Ordinance No. 2012-361 so as to forgo the borrower's payment of 1% interest for the remainder of the first 5 years of the loan's term.

Section 5. The Director of Finance shall record all transfers authorized 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 6. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The Mayor is authorized to execute such agreements and other documents as may be necessary to effectuate the loans and agreements authorized or amended herein and to adjust the interest rates and other terms and conditions of the loans in order to conform to legal and other requirements for the Project.

Section 7. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, McFadden, Miller, Ortiz, Patterson, Spaul - 8.

Nays - None - 0.

Councilmember Haag abstained because of a professional relationship.

Attest Hayzel Washington
City Clerk



City of Rochester

City Clerks Office

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Rochester, N.Y., _____

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Ordinance No. 2016-9

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 with proposal:

<u>Address</u>	<u>S.B.L. #</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>	<u>Purchaser</u>
1322 N Clinton Av	091.70-3-24	44 x 133	5,992	\$450	Jerry Fletcher
48 Fillmore St	120.48-2-45	40 x 128	5,120	\$450	John D. Williams
401 Orange St E/H	105.82-3-44.1	29 x 129	3,824	\$400	Abundant Life Faith Ministry*
401 Orange St W/H	105.82-3-44.1	29 X 129	3,822	\$400	Yolanda Jones
312 Wilkins St E/H	106.24-1-60	17 x 102	1,815	\$150	Roosevelt Williams
314 Wilkins St	106.24-1-59	35 x 102	3,631	\$300	Roosevelt Williams

* Trustee Board Members: Steven Carter, Ulysses Colson, Ann McIntyre, Eddie Robinson, Marie Robinson

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

<u>Address</u>	<u>S.B.L. #</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Purchaser</u>
109 Flower St	106.30-4-31	32 x 145	4,726	Antonio Colon
113 Flower St	106.30-4-32	32 x 145	4,726	Antonio Colon

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 because either the City has agreed to convey said properties

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

Hazel Washington

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2016-10

Authorizing funding and amendments to service agreements for the Emergency Solutions Grant program for the homeless

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

Section 1. Unspent funds in the amount of \$29,090.86 that were previously appropriated for the 2014-15 Emergency Solutions Grant (ESG) program of the 2014-15 Consolidated Community Development Plan are hereby re-appropriated to fund the increases in compensation that are set forth in the amendatory agreements authorized herein.

Section 2. The Mayor is hereby authorized to enter into an amendatory agreement with Salvation Army of Western New York, Inc. to provide services to homeless individuals under the ESG. Said amendatory agreement shall increase the maximum compensation under the agreement authorized in Ordinance Nos. 2015-181 and 2015-227 by \$13,225.76 to a total of \$76,535.37.

Section 3. The Mayor is hereby authorized to enter into an amendatory agreement with The YWCA of Rochester and Monroe County, Inc. to provide services to homeless individuals under the ESG. Said amendatory agreement shall increase the maximum compensation under the agreement authorized in Ordinance No. 2015-181 by \$11,630.54 to a total of \$61,630.54.

Section 4. The Mayor is hereby authorized to enter into an amendatory agreement with Volunteers of America, Inc. to provide services to homeless individuals under the

ESG. Said amendatory agreement shall increase the maximum compensation under the agreement authorized in Ordinance No. 2015-181 by \$4,234.56 to a total of \$33,469.56.

Section 5. Each amendatory agreement shall be for a term of one year with the option to renew for one additional year if funds appropriated for the agreement remain.

Section 6. The amendatory agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City shall only enter into amendatory agreements with organizations that are in compliance with Federal regulations.

Section 7. 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 8. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest *Angel Washington*
City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2016-11

Authorizing appropriation and agreements for Buyer Assistance 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 Prior Years Cash Capital to fund the Buyer Assistance Program agreements authorized herein.

Section 2. The Mayor is hereby authorized to enter into Buyer Assistance Program agreements with income-eligible, qualified first time homebuyers to provide financial assistance of up to \$6,000 toward each homebuyer's closing costs and down-payment on the purchase of a one- or two-family owner-occupied residence in the City of Rochester. This authorization shall extend through June 30, 2017 and for agreements amounting to a maximum aggregate sum of \$200,000 in Buyer Assistance funds.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

Amye Washington

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2016-12

Authorizing agreements for the Asset Control Area/Home Rochester 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 Housing and Urban Development (HUD) to permit the continued participation of the City in the Asset Control Area/Home Rochester (ACA) Program, which consists of the acquisition and development of vacant single family properties. The term of the agreement may extend through February 28, 2018.

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 updated Business Plan for the ACA Program, a copy of which is on file with the City Clerk.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

Angela Washington

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2016-13

Amending Ordinance No. 2013-281 relating to Agreements for Phase 3 Exterior and Security Rehabilitation Program for Owner-Occupants, as amended

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

Section 1. Ordinance No. 2013-281, relating to agreements for implementing Phase 3 of the Exterior and Security Rehabilitation Program for Owner-Occupants ("Program"), is hereby amended at Sections 1 and 5 thereof to extend to June 30, 2016 the term for NCS Community Development Corp., and North East Area Development, Inc. and the South Wedge Planning Committee, Inc. to complete their obligations under each of their respective Program agreements.

Section 2. In the event that the Department of Neighborhood and Business Development (NBD) determines that any one or more of the above named community agencies is unable or unwilling to extend a Program agreement or to complete all of the projects provided for under an agreement, NBD is authorized to assume the duties of such agency or agencies to complete any project that remains unfinished. In order to effectuate the NBD's assumption of Program responsibilities pursuant to this section, Ordinance No. 2013-281 is hereby further amended at Sections 1 and 2 thereof to authorize the reallocation ~~reallocate~~ for the City's use of \$69,900, or so much thereof as may be necessary, of the ~~\$1,900,000 in total~~ Program funds that were allocated ~~to four community agencies~~ for Program projects. The funds so reallocated shall defray the City's costs to complete ~~three~~ any unfinished Program projects already under construction by or before June 30, 2016, ~~and~~ The amount of up to \$69,900 so reallocated shall consist of: (a) up to \$17,200 from the Improving the Housing Stock of the General Property Conditions Objective, Neighborhood and Asset Based Planning allocation (Focused Investment Strategy Account) of the 2012-13 Community Development Block

Grant; and (b) up to \$52,700 from 2012-13 Cash Capital allocation for the Focused Investment Strategy program.

Section 3. The Mayor is hereby authorized to enter into an amendatory agreement with each of NCS Community Development Corp., ~~and~~ North East Area Development, Inc., and the South Wedge Planning Committee, Inc. for the extended term authorized in Section 1 hereof.

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

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

Strikeout indicates deleted text, new text is underlined

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

Aazel Washington

City Clerk



City of Rochester

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Ordinance No. 2016-14

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 a parcel of real estate from Wells Fargo Bank, NA and/or US Bank, National Association as follows:

<u>Address</u>	<u>SBL No.</u>	<u>Purpose</u>
90 Nichols Street	106.28-2-31	Surplus Auction Sale

Section 2. Upon transfer of title to the City, any City taxes or other charges levied against said property after the date of closing shall be cancelled.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest *Nazel Washington*
City Clerk



City of Rochester

City Clerks Office

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Rochester, N.Y., _____

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Ordinance No. 2016-15

Agreement for hearing officer services for administrative nuisance abatement hearings

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 Paul A. Marasco, Esq. to serve as hearing officer during administrative nuisance abatement hearings initiated by the City pursuant to Section 3-15 of the City Charter. The sum of \$14,300, or so much thereof as may be necessary, is hereby established as the compensation to be paid for such services. Said compensation shall be funded from the 2015-16 and 2016-17 Budgets of the Department of Neighborhood and Business Development, contingent upon adoption of the latter budget.

Section 2. The term of the agreement shall be for 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 by the following vote:

Ayes - President Scott, Councilmembers Clifford, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 8.

Nays - Councilmember Conklin - 1.

Attest Hazel Washington
City Clerk



City of Rochester

City Clerks Office

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Rochester, N.Y., _____

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Ordinance No. 2016-16

Amending the Zoning Code text and concept plan/site plan for Culver Road Armory, Planned Development District No. 15, as amended

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 amending the text and concept plan/site plan for Planned Development District No. 15 - Culver Road Armory, to read in its entirety as follows:

Planned Development District No. 15 Culver Road Armory

A. Purpose. The intent of the Culver Road Armory Planned Development District is to provide a plan for the unified and integrated development of the Culver Road site. The district is intended to protect and sustain the viability of the historic Armory building, create a campus that promotes a mixed-use environment distinctive to urban areas and protect the residential and pedestrian character of the adjacent neighborhood and the recreational character of Cobbs Hill Park.

B. Permitted uses. The Culver Road Armory Planned Development District is comprised of three separate buildings as depicted on the development concept plan/site plan (Building I, Building II and Building III).

- (1) All of the following uses are permitted in Buildings I, ~~and 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.

- (a) Multifamily dwellings.
- (b) Dwelling units when part of a mixed-use development with other permitted commercial uses.
- (c) Live-work space subject to the additional requirements for specified uses in § 120-142.1 of the Zoning Code.
- (d) Offices.
- (e) Retail sales and services, low-impact, specialty and full-line food.
- ~~(f) Bars, restaurants and banquet facilities~~
- ~~(g) Entertainment.~~
- (~~h~~ f) Arts and cultural displays and sales.
- (i g) Garage, storage, and maintenance space, ~~decks and patios~~ accessory to the uses permitted in the district.
- (j ~~h~~) Health clubs and similar facilities.
- (~~k~~ i) Day-care centers subject to the additional requirements for specified uses in § 120-135 of the Zoning Code.
- (~~l~~ j) Banks.

~~(2) The following uses are permitted in Building III:~~

- ~~(a) Multifamily dwellings.~~
- (2) In addition to the uses permitted above, the following uses are also permitted in Buildings I and II.
 - (a) Bars, restaurants and banquet facilities
 - (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 entertainment, operating between the hours of 6:00 a.m. and 12:00 a.m. (midnight).

C. Temporary uses.

- (1) Temporary uses shall be subject to the requirements listed in § 120-149 of the Zoning Code, with the exception that the Director of Planning and Zoning may approve up to five temporary uses per calendar year.

D. Special permit uses.

- (1) Outdoor seating areas and activities accessory to a nonresidential use, excluding entertainment, operating between the hours of 12:00 a.m. (midnight) and 2:00 a.m.
- (2) Retail sales and services, high-impact, operating between the hours of 6:00 a.m. and 2:00 a.m.
- (3) Any temporary use which exceeds five occurrences per calendar year.
- (4) Bars, restaurants and banquet facilities in Building III.
- (5) Entertainment in Building III.

E. Lot, area, yard and building coverage, open space and height requirements.

- (1) Lot frontage: Not applicable. coverage and open space shall be determined as set forth in the development concept plan/site plan.
- (2) Lot area: Not applicable.
- (3) Building height.
 - (a) Maximum building height for Buildings I and II shall be two stories.
 - (b) Maximum building height for Building III shall be one story six stories.

F. Parking and loading requirements.

- (1) Parking.
 - (a) Maximum number of on-site parking spaces is established at the cap of for all uses in the district shall be 600 610. This cap is based on the uses presented in the development concept plan/site plan for Buildings I, II and III. Any requested increase in the parking cap will shall require the submission of a parking demand analysis, and is subject to require site plan review approval. Any changes to the uses presented in the development concept plan/site plan for Buildings I and II will require a parking demand analysis to substantiate that the parking available is sufficient to accommodate the new uses.

- (b) **Parking shall be restricted to the parking areas shown on the development concept plan/site plan. Parking shall not be constructed in areas proposed for building construction and/or open space.**
- (c) **Parking shall comply with the parking lot design and maintenance standards set forth in § 120-173 of the Zoning Code.**

(2) Loading.

- (a) **Loading shall comply with the requirements set forth in § 120-172 of the Zoning Code.**

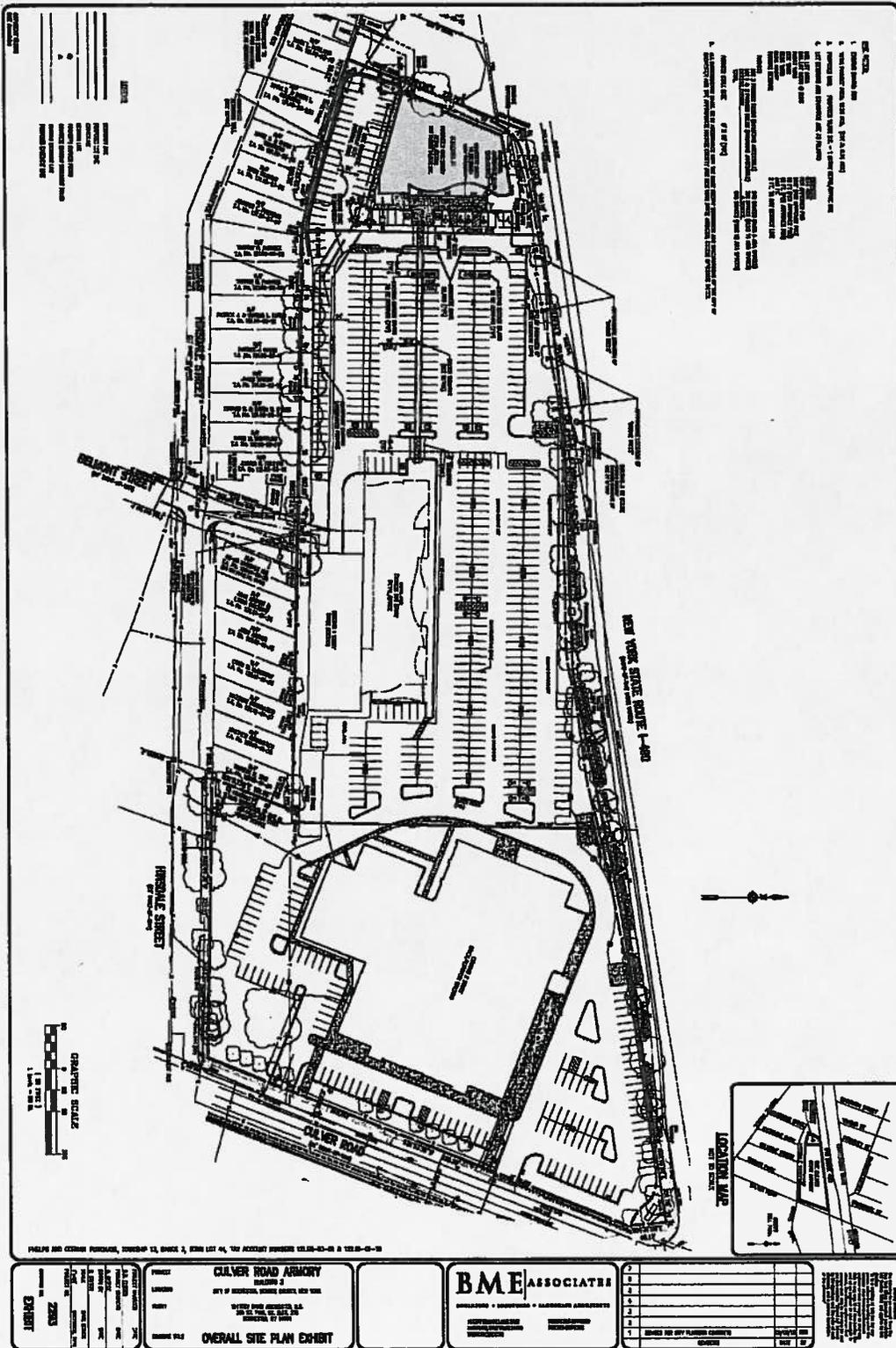
G. Signage.

- (1) **A sign program shall be developed for the district which will include building and/or tenant identification, way finding and event promotion. The sign program shall be subject to site plan review approval by the Director of Planning and Zoning.**

H. Other.

- (1) **This planned development is subject to the requirements set forth in Article XVII of the Zoning Code regarding planned development districts.**
- (2) **Uses in PD No. 15 are subject to requirements applying to all districts (Article XX) except where they are superseded by the regulations set forth in this district.**

Section 2. This ordinance shall take effect immediately.



Strikeout indicates deleted text, new text is underlined

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest *Aazel Washington*
City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **January 19, 2016** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **January 20, 2016** in accordance with the applicable provisions of law.

Ordinance No. 2016-17

Authorizing an agreement for a review of the Nuisance Abatement Ordinance, as amended

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 Strategic Community Intervention LLC to review the City's Nuisance Abatement Ordinance. The term of the agreement shall be for one year. The maximum compensation for the agreement shall be \$63,887, which shall be funded from the 2015-16 Budget of Undistributed Expenses. The agreement shall not be executed unless the Board of Ethics issues an opinion finding that this contract does not violate the City's Code of Ethics.

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 by the following vote:

Ayes - President Scott, Councilmembers Clifford, Haag, Miller, Ortiz, Patterson, Spaul - 7.

Nays - Councilmembers Conklin, McFadden - 2.

Attest

Aazel Washington

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2016-18

Appropriating funds related to infrastructure and playground improvements

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

Section 1. There is hereby appropriated from the Infrastructure Improvements allocation of the General Needs Fund of the 2013-14 Community Development Block Grant in the sum of \$250,000, to fund infrastructure improvements to the little league concession stands at the Baden Park fields, Roxie Ann Sinkler Recreation Center site improvements, Ryan Center field improvements and other infrastructure and playground improvements.

Section 2. Ordinance 2015-237, is hereby amended by substituting a portion of the funds appropriated herein for Prior Years' Cash Capital funding of the amendatory agreement with Stantec Consulting Services.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

Hazel Washington

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2016-19

Authorizing an amendatory agreement with Clark Patterson Engineers, Surveyor, Architect and Landscape Architect, DPC

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 Clark Patterson Engineers, Surveyor Architect and Landscape Architect, DPC, for additional architectural services related to the renovation of the public hearing and payments areas of the Parking and Municipal Code Violations Bureau. Said amendment shall increase the maximum compensation by \$250,000, to a total of \$310,000, as well as include design development, contract documents, bidding and award, construction administration, and resident project representation.

Section 2. Said agreement shall be funded from Dormitory Authority of the State of New York funds appropriated for capital projects in Ordinance No. 2015-120, and shall extend until three (3) months after the 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 by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest Hazel Washington
City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2016-20

Authorizing the receipt and use of funds and an agreement with related to the Broad Street Bridge Preventive Maintenance Project, as amended

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 T.Y. Lin International Engineering, Architecture & Land Surveying, P.C. in an amount not to exceed \$700,000, for resident project representation services related to the Broad Street Bridge Preventive Maintenance Project. Said agreement shall extend until two years after final acceptance of the project.

Section 2. The Mayor is hereby further authorized to enter into any necessary agreements with the New York State Department of Transportation for the receipt and use of Marchiselli Aid to be used for future costs related to the project.

Section 3. The Mayor is hereby authorized to enter into an agreement with the Federal Highway Administration for the receipt and use of anticipated reimbursements in an amount totaling \$2,205,680. Said funds shall be used to finance the Federal portion of the construction and project administration phases of the project.

Section 4. The Mayor is hereby authorized to enter into an agreement with the New York State PIT Bridge Initiative for the receipt and use of anticipated reimbursements in an amount totaling \$1,300,000. Said funds shall be used to finance the local portion of the construction and project administration phases of the project.

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.

New text is underlined

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest Hayel Washington
City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2016-21

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,220,000 Bonds of said City to finance costs of the 2016 Broad Street Bridge Preventative Maintenance Project, as amended

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 2016 Broad Street Bridge Preventative Maintenance Project, including costs of design, repaving and structural rehabilitation of the Broad Street Bridge crossing the Genesee River (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 ~~\$5,296,896~~ **\$5,035,059**, and said amount is hereby appropriated therefor. The plan of financing includes receipt of \$2,205,680 from the Federal Highway Authority, the receipt of \$1,300,000 from the New York State PIT Bridge Initiative, application of ~~\$365,649~~ **\$309,379** of the City's 2015-2016 Cash Capital and the issuance of \$1,220,000 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 \$1,220,000 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 \$1,220,000. 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. 10. 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.

Strikeout indicates deleted text, new text is underlined

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

Aysel Washington

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

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Ordinance No. 2016-22

Authorizing an intermunicipal agreement with Monroe County for parking signs

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 for the fabrication, installation, and maintenance of parking signs on roads within the jurisdiction of the City.

Section 2. The term of said agreement shall be for five (5) years, with the option of up to five (5) additional five (5) year terms.

Section 3. Said agreement shall have an approximate annual cost of \$155,000. The first year of said agreement shall be funded from the 2015-16 Budgets of the Department of Environmental Services and Cash Capital; subsequent years shall be funded from both budgets for subsequent years, contingent upon approval of said budgets.

Section 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

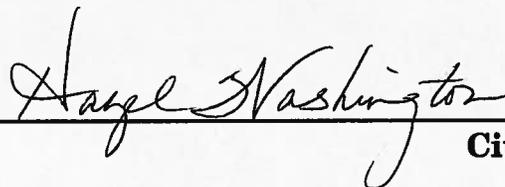
Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest



City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2016-23

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$224,000 Bonds of said City to finance costs of the Broad & Allen Firehouse Fuel Tank Replacement

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 fuel tank replacement for the City's Broad & Allen Firehouse, including costs of site remediation and removal and replacement of the existing 1,000 gallon underground storage tank (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 \$240,867, and said amount is hereby appropriated therefor. The plan of financing includes application of \$8,582 of bond proceeds previously authorized under Ordinance 12-105, 2012-2013 Cash Capital of \$8,285 and the issuance of \$224,000 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 \$224,000 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 \$224,000. 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. 88. 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.

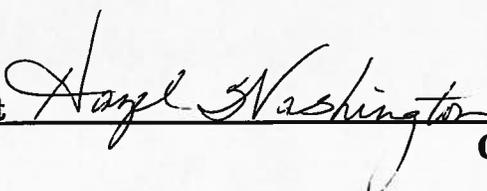
Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published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

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest



City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2016-24

Authorize agreement and appropriate funds related to the environmental restoration program at ~~345~~354 Whitney Street and 415 Orchard Street, as amended

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, Environmental Restoration Program (ERP) for the receipt and use of anticipated reimbursements in an amount totaling \$341,406, to finance asbestos abatement and demolition at ~~345~~ 354 Whitney Street and 415 Orchard Street (collectively, the Site). Said funds are hereby appropriated for the purpose set herein.

Section 2. Said funds shall be in addition to ERP grant funding in the amount of \$885,010, approved and authorized for previous environmental restoration work at the Site pursuant to Ordinance Nos. 2006-107, 2006-149, 2007-353, and 2011-42.

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.

Strikeout indicates deleted text, new text is underlined

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

Hazel Washington

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2016-25

Authorizing a lead agency agreement between the City Council and the Mayor regarding Environmental Review

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

Section 1. The President of the Council is hereby authorized to enter into an agreement with the Mayor for a term of two years, to create a coordinated environmental lead agency review procedure pursuant to Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Municipal Code, for actions which involve discretionary decisions by the City Council and the Mayor.

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

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest *Hazel Washington*
City Clerk



City of Rochester

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Rochester, N.Y., _____

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Ordinance No. 2016-26

Authorizing an Operations and Maintenance Agreement related to the Port of Rochester Marina

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 S-G Marina for the operation and maintenance of the Port of Rochester Marina. Said agreement shall be for a term of three (3) years with the option of two (2) one (1) year renewals. Said agreement shall obligate the City to pay a fee of 18% of the gross revenue of the marina operations but no less than \$2,500 per month, for the first year of said 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 by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest *Hazel Washington*
City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2016-27

Authorizing pavement width changes related to the Broad Street Bridge Preventive Maintenance Project

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

Section 1. In furtherance of the Broad Street Bridge Preventive Maintenance Project authorized in Ordinance No. 2014-350, Council hereby approves the following pavement width changes on Broad Street:

- o From Exchange Boulevard to approximately 185 feet to the east of the intersection, the pavement shall be narrowed 10 feet to provide a pavement width of 72 feet. From that point extending 290 feet to the east, the pavement shall be narrowed between 12 feet and 6 feet to provide a pavement width of 48 feet. Such 48-foot width shall extend to approximately 365 feet from the South Avenue intersection. From that point, the pavement width shall taper as it approaches the South Avenue intersection with the existing and proposed width remaining approximately the same.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest Hazel Washington
City Clerk



City of Rochester

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Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2016-28

Authorizing a change in traffic flow on Lenox Street

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 Lenox Street between Genesee Street and Epworth Street from one-way eastbound to one-way westbound traffic.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

Hazel Washington

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2016-29

Approving geometric changes related to the Kilmar Street Group reconstruction, rehabilitation, and curb replacement

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 Kilmar Street Group reconstruction, rehabilitation, and curb replacement:

1. **Changes to pavement width of Shady Lane:**

An increase of 4 feet, from 20 feet to 24 feet, from Hudson Avenue to Kilmar Street.

2. **Changes to pavement width of Kilmar Street:**

An increase of 4 feet, from 20 feet to 24 feet, beginning at Rexford Street and northward to Dunn Street.

3. **Changes to pavement width of Rexford Street:**

An increase of 2 feet, from 20 feet to 22 feet, beginning at Kilmar Street and eastward to Northlane Drive.

4. Changes to pavement width of Le Frois Street:

A decrease of 1 foot, from 23 feet to 22 feet, beginning at Kilmar Street and eastward to Northlane Drive.

5. Changes to pavement width of Milan Street:

A decrease of 2 feet, from 26 feet to 24 feet, beginning at Northlane Drive and eastward to Baird 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.

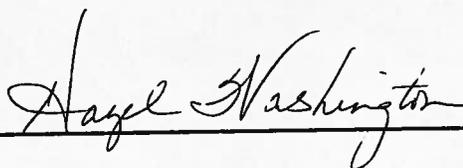
Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest



City Clerk



City of Rochester

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Rochester, N.Y., _____

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Ordinance No. 2016-30

Amending the Official Map by dedicating Celebration Drive

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 the following parcel to street purposes and naming said parcel Celebration Drive:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, more particularly described as follows:

Beginning at a point in the Westerly Right of Way for Mt Hope Avenue, said point being the Northeast corner of Lot 5 as shown on a subdivision map filed at the Monroe County Clerk's office under Map Liber 346 at page 24; thence

- 1) N 29°09'29" W along the Northerly boundary of said Lot 5 a distance of 19.42 feet to a point; thence
- 2) N 80°25'10" W along the Northerly boundary of said Lot 5 a distance of 29.58 feet to a point; thence
- 3) S 85°57'25" W along the Northerly boundary of said Lot 5 and the Northerly boundary of Lot's 6 and 9 a distance of 487.40 feet to a

point, said point being in the Easterly boundary of Tax Parcel 136.53-1-8.1; thence

- 4) N 3°27'42" W along the Easterly boundary of Tax Parcel 136.53-1-8.1 a distance of 34.98 feet to a point; thence
- 5) S 86°32'18" W along the Northerly boundary of Tax Parcel 136.53-1-8.1 a distance of 206.04 feet to a point; thence
- 6) N 4°02'35" W a distance of 28.93 feet to a point, said point being the Southwest corner of Lot 10 as shown on a subdivision map filed at the Monroe County Clerk's office under Map Liber 346 at page 24; thence
- 7) N 85°57'25" E along the Southerly boundary of said Lot 10 and the Southerly boundary of Lot's 2, 3, 4, and 8 a distance of 764.35 feet to a point in the Westerly Right of Way for Mt Hope Avenue; thence
- 8) S 16°41'46" W along the said Westerly Right of Way of a distance of 96.83 feet to the POINT OF BEGINNING.

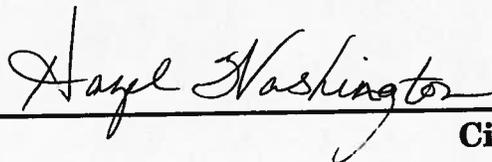
Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest



City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **January 19, 2016** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **January 20, 2016** in accordance with the applicable provisions of law.

Ordinance No. 2016-31

Authorizing an agreement for a Tactical Team 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 receipt and use of funds for a Tactical Team Grant Program in the amount of \$99,980, for the Rochester Police Department.

Section 2. The term of this agreement shall be from December 7, 2015, through August 31, 2018.

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

Section 4. The sum of \$99,980 is hereby appropriated from funds to be received under the grant agreement authorized herein to fund the purchase of equipment and supplies related to the Program.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest Hayel Washington
City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **January 19, 2016** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **January 20, 2016** in accordance with the applicable provisions of law.

Ordinance No. 2016-32

Authorizing an agreement for the Motor Vehicle Theft and Insurance Fraud Prevention Program and amending the 2015-16 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 agreement with the New York State Division of Criminal Justice Services for receipt and use of funds for the Motor Vehicle Theft and Insurance Fraud Prevention Program in the amount of \$44,336 and such funds are hereby appropriated for said purpose. The term of this agreement shall be January 1, 2016 through December 31, 2016.

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

Section 3. Ordinance No. 2015-167, the 2015-16 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$23,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

Ayge Washington

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

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Ordinance No. 2016-33

Authorizing an 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 agreement with the Rochester City School District (RCSD) for the receipt and use of funds in an amount not to exceed \$1,068,337, from the RCSD as partial reimbursement for the cost to provide sworn City of Rochester Police Officers to serve as School Resource Officers at RCSD facilities.

Section 2. The term of said agreement shall extend from July 1, 2015, through June 30, 2016.

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 by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest *Hazel Washington*
City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2016-34

Authorizing the loaned use of a foam trailer and equipment for fire suppression

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 loaned use of a foam trailer and fire suppression equipment in order to enhance the capabilities of the Rochester Fire Department to respond to and support fire suppression at incidents involving crude oil and other ignitable liquids.

Section 2. The term of the agreement shall be for two years, commencing with the approval of the agreement by the Office of State Comptroller, with an option to renew for an additional term of up to two years.

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 by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

Hazel Washington

City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

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Ordinance No. 2016-35

Authorizing an agreement related to body worn cameras

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 Municipal Emergency Services Inc., for the provision of body worn cameras, docking stations, and other associated items. This agreement shall obligate the City to pay an amount not to exceed \$856,300.

Section 2. Ordinance No. 2015-167, the 2015-16 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$356,300 from the Contingency to Cash Capital to finance a portion of the agreement authorized herein. The remaining costs of said agreement shall be funded by \$500,000, from the Body Worn Cameras Pilot Implementation Program established by Ordinance No. 2015-377. Said agreement shall have a term of five (5) years.

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 by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest Angel Washington
City Clerk



City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **January 19, 2016** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **January 20, 2016** in accordance with the applicable provisions of law.

Ordinance No. 2016-36

Authorizing agreement for Rochester Police Department camera system

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 Hitachi Data Systems Corporation (SDS) to maintain, install and manage the overt camera system for the Rochester Police Department. The sum of \$250,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for such services. Said amount shall be funded from the operating budgets of the Rochester Police Department and the Department of Information Technology, contingent upon adoption of such budgets.

Section 2. The term of the agreement shall be for one year with an option of up to four one-year renewals.

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 by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Nays - None - 0.

Attest

Aazel Washington

City Clerk