

ROCHESTER CITY COUNCIL

REGULAR MEETING

March 22, 2016

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

Absent - None - 0.

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

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

Recognition Ceremony

Retirement:

**DES:**

\*Kenneth J. Lindsay

**FINANCE:**

\*James M. Collins

**RPD:**

\*Marian T. Gaudio

*\*Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Spaul

RESOLVED, that the minutes of the Regular Meeting of February 25, 2016 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

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

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Quarterly Report - Schedule of Revenue and Expenditures 4222-16

Public Disclosure - HOME Participation (3) 4223-16, 4224-16, 4225-16

Administrative Cancellation or Refund of Erroneous Taxes and Charges 4226-16

Public Disclosure - CDBG Participation 4227-16

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The Council submits Disclosure of Interest Forms from President Scott on Int. No. 88, Vice President Miller on Int. No. 88, and Councilmember Conklin on Int. Nos. 75 & 76.

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

Councilmember Conklin submits 2,177 signatures in favor of expanding approved food truck locations to all City streets. Petition No. 1725

**REPORTS OF STANDING COMMITTEES  
AND ACTION THEREON**

By Councilmember Conklin  
March 22, 2016

To the Council:

The Finance Committee recommends for Adoption the following entitled legislation:

Int. No. 71 - Establishing maximum compensation for a professional services agreement for ticket sales and box office management of City-produced events

Int. No. 72 - Authorizing an agreement for fireworks displays

Int. No. 73 - Resolution approving re-appointment to the Civil Service Commission

Int. No. 74- Authorizing the bulk sale of delinquent tax liens

Int. No. 75 - Resolution approving appointment to the Board of Trustees of the Rochester Public Library

Int. No. 76 - Authorizing a lease agreement with Hillside Family of Agencies

Int. No. 77 - Amending the 2015-16 Budget and the funding source for architectural services

Int. No. 103 - Authorizing an amendatory professional services agreement for expert witness services for the Law Department

Int. No. 104 - Bond Ordinance of the City of Rochester, New York, authorizing the issuance of ~~\$13,000,000~~ \$12,592,000 bonds of said City to finance the cost of construction and renovation of various public school buildings within the City, as amended

Respectfully submitted,

Carolee A. Conklin  
Adam McFadden  
Dana K. Miller  
Loretta C. Scott

March 22, 2016

FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Re: Ordinance No. 2016-60  
Agreement - SMG/Blue Cross Arena at  
the War Memorial, City-Produced  
Events Box Office and Ticket Sales  
Management Services

Council Priority: Creating and Sustaining a  
Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$17,800 as maximum compensation for an agreement with SMG/Blue Cross Arena at the War Memorial (Jeff Calkins, Manager) for box office management services and on-site ticket sales during Windstream Party in the Park and ROC the Park events. The term of the agreement is for one year and will be funded from the 2015-16 Budget of the Bureau of Communications.

SMG will provide on-site ticket sales and dedicated, licensed security personnel for such sales during nine Windstream Party in the Park events and three ROC the Park events. Services will include printing tickets, setting up an online Ticketmaster outlet for their purchase, staffing, handling cash on site, managing the box office, producing weekly reports, and providing the City with the revenue from the ticket sales.

A similar agreement with SMG was authorized in May 2015 (Ord. No. 2015-148) at a cost of \$17,800.

A justification statement for not issuing a request for proposals is attached.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-40

Ordinance No. 2016-60  
(Int. No. 71)

**Establishing maximum compensation for a professional services agreement for ticket sales and box office management of City-produced events**

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

Section 1. The sum of \$17,800, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and SMG/Blue Cross Arena at the War Memorial for the Windstream Party in the Park and ROC the Park Event ticket sales and box office management. Said agreement shall be funded from the 2015-16 Budget of the Bureau of Communications. The agreement shall have a term of one year.

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

Section 3. This ordinance shall take effect immediately.

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Passed unanimously.

TO THE COUNCIL:  
Ladies and Gentlemen:

Ordinance No. 2016-61  
Re: Agreement - Young Explosives  
Corporation, Fireworks Displays

Council Priority: Creating and Sustaining a  
Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$52,000 as maximum compensation for an agreement with Young Explosives Corporation, Brighton, New York, to provide fireworks displays. The term of the agreement is for one year and will be funded from the 2016-17 Budget of the Bureau of Communications, contingent upon adoption of said budget.

The firm will provide large aerial fireworks displays for the City's July 4<sup>th</sup> celebration, New Year's Eve celebration, and smaller fireworks displays at the season opening of the Martin Luther King, Jr. Park ice skating rink and the Lakeside Winter Celebration at Ontario Beach Park.

Young Explosives will be responsible for obtaining the necessary permits from the Fire Department and for acquiring the necessary liability insurance. To be licensed in the United States, all fireworks manufacturers and dealers must meet state and federal regulations stating that no persons under the age of 18 are employed; Young Explosives does not employ any persons below the age of 18. The company also has assured us that their domestic purchases come solely from licensed vendors.

The most recent agreement for similar services was authorized in May 2015 (Ord. No. 2015-149).

A justification statement for not issuing a request for proposals is attached.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-41

Ordinance No. 2016-61  
(Int. No. 72)

**Authorizing an agreement for fireworks displays**

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

Section 1. The sum of \$52,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Young Explosives Corporation for fireworks displays. Said amount shall be funded by \$52,000 from the 2016-17 Budget of the Bureau of Communications, contingent upon adoption of said budget. The term of the agreement shall be one year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

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TO THE COUNCIL  
Ladies and Gentlemen:

Resolution No. 2016-6  
Re: Reappointments - Civil Service  
Commission

Transmitted herewith for your approval is legislation confirming the reappointments of John R. Feola, 273 Dorchester Road, Rochester, New York 14610, and Leslie B. Smith, 1860 Culver Road, Rochester, New York 14609, to the Civil Service Commission for the City of Rochester.

Mr. Feola has served one term on the Commission; he was originally appointed in November 2011. Of the 51 regular meetings held during his current term, Mr. Feola attended 49 or 96%. Mr. Feola is a Democrat whose current term expires on May 31, 2016. His new term will extend to May 31, 2022.

Ms. Smith was originally appointed to the Commission in May 2014 to serve the remainder of Elizabeth Ortiz's term upon her resignation. Of the 21 regular meetings held during her current term, Ms. Smith attended 18 or 86%. Ms. Smith is a Democrat whose current term expires on May 31, 2016. Her new term will extend to May 31, 2022.

Resumes for Mr. Feola and Ms. Smith are available for review in the City Clerk's Office.

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

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-42

Resolution No. 2016-6  
(Int. No. 73)

**Resolution approving reappointment to the Civil Service Commission**

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

Section 1. The Council hereby approves reappointment to the Civil Service Commission of the following persons for a term that expires on May 31, 2022:

<u>Name</u>	<u>Address</u>
John R. Feola	273 Dorchester Road
Leslie B. Smith	1860 Culver Road

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-62

Re: Bulk Sale of Delinquent Tax Liens

Council Priority: Deficit Reduction and Long-Term Financial Stability; Rebuilding and Strengthening Neighborhoods

Transmitted herewith for your approval is legislation authorizing the sale of 2014-15 and prior delinquent tax liens, in bulk, to American Tax Funding, LLC (ATF).

Local Law No. 8 of 2008 amended the City Charter to allow the City to conduct bulk sales of delinquent tax liens. Ordinance No. 2008-379 authorized three lien sales with the option for two subsequent sales. The table below summarizes the results of the sales related to the original contract term:

<u>Sale Date</u>	<u>Number Of liens</u>	<u>Number Of Parcels</u>	<u>Original Value (principal + interest)</u>	<u>Sale Price</u>	<u>% of Original Value</u>
Feb 2009	5,675	3,327	\$13,976,777	\$6,036,829	43.19
Sept 2009	5,444	4,864	\$11,443,795	\$4,981,986	43.53
Dec 2010	5,249	4,780	\$10,999,275	\$5,342,778	48.57
Feb 2012	4,580	4,274	\$10,336,100	\$4,578,407	44.30
Feb 2013	4,616	4,405	\$9,966,089	\$4,524,150	45.40

Ordinance No. 2013-398 authorized a one-year agreement with ATF. The result of the sale is summarized below:

<u>Sale Date</u>	<u>Number Of liens</u>	<u>Number Of Parcels</u>	<u>Original Value (principal + interest)</u>	<u>Sale Price</u>	<u>% of Original Value</u>
Mar 2014	2,033	1,977	\$4,396,376	\$2,531,023	57.57

Ordinance No. 2015-3 authorized a one-year agreement with ATF. The result of the sale is summarized below:

<u>Sale Date</u>	<u>Number Of liens</u>	<u>Number Of Parcels</u>	<u>Original Value (principal + interest)</u>	<u>Sale Price</u>	<u>% of Original Value</u>
Mar 2015	2,041	1,837	\$3,659,724	\$2,172,334	59.36

The City classifies liens into one of three categories, as follows:

- New Liens - Liens on properties for which ATF has not previously purchased any liens.
- Unsettled Liens- Liens on properties for which ATF had previously purchased liens that are unpaid.
- Settled Liens- New liens on properties for which any previous liens sold to ATF have been paid.

Under the previous agreements, ATF was granted a right of first refusal through the 2017 delinquent tax year, on New and Unsettled Liens; ATF does not have a right of first refusal on Settled Liens.

In 2013, ATF began assigning some of its liens purchased from the City to Cheswold LLC. On January 26, 2016, Cheswold LLC was purchased by Alterna Tax Asset Group. Cheswold is now a wholly owned subsidiary of Alterna. The liens owned by Cheswold LLC will be serviced by MTAG Services, LLC, and those liens retained by ATF will be serviced by ATF.

In order to increase delinquent tax collection revenue, enhance redevelopment efforts, reduce the presence of blighted property, and offer flexibility to homeowners, the City is proposing to remove

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certain properties from the lien sale based on community input and review by the Department of Neighborhood and Business Development. The City will sell high value liens and liens on owner-occupied property to ATF. Properties removed are subject to foreclosure and collection efforts with potential future ownership by the Rochester Land Bank Corporation.

For this year, based on a bulk lien sale list having an aggregate lien amount of \$4,024,223, ATF has proposed to purchase a pool of high value Unsettled Liens having a value of \$1,937,194 at a price of \$1,273,701, representing 65.75% of the original lien amount. ATF has also proposed to purchase a pool of high value New Liens having a value of \$1,843,349, at a price of \$1,329,947, representing 72.15% of the original lien amount. In addition, ATF has proposed to purchase a pool of high value Settled Liens having a value of \$243,679, at a price of \$180,249, representing 73.97% of the original lien amount.

In the aggregate, ATF is offering \$2,783,897 or 69.18% of the original lien amount of \$4,024,223 for these three lien pools.

The City would retain approximately \$3.8 million of low valued liens for which ATF does not wish to purchase. The City would also retain liens on approximately 1,300 properties requested by the City's Department of Neighborhood and Business Development. Both categories of retained liens will be included in the City's 2016 foreclosure auction. The foreclosure action is scheduled to commence in spring 2016 and culminate with a fall 2016 foreclosure auction.

As required by Ordinance No. 2008-379, the Administration will file a list of the properties with liens to be sold to ATF and the properties with liens removed from the sale along with a map showing both categories.

This legislation approves the sale of this year's delinquent tax liens to ATF based upon this initial estimated dollar value and percentage amounts. The final sale dollar amount and percentage will reflect changes to the delinquent tax liens finally sold.

This agreement will have a term of one year. Subsequent tax lien sales are subject to City Council approval.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2016-62  
(Int. No. 74)

**Authorizing the bulk sale of delinquent tax liens**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with American Tax Funding, LLC (ATF) for the bulk sale of delinquent tax liens. The Council hereby approves the bulk sale of 2014-2015 and prior years tax liens.

Section 2. The agreement shall have a term of year, and shall obligate ATF to pay to the City an amount based upon the ATF offer of \$1,273,701, for high value unsettled liens, \$1,329,947, for high value new liens, and \$180,249, for high value settled liens.

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

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Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays – Councilmember McFadden - 1.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2016-7

Re: Appointment- Rochester Public  
Library Board of Trustees

Transmitted herewith for your approval is legislation confirming the following appointment to the Rochester Public Library Board of Trustees:

Daniel B. Karin  
191 Highland Parkway  
Rochester, New York 14620

Mr. Karin was unanimously nominated by the Rochester Public Library Board of Trustees at its February 24, 2016 meeting; his term expires on December 31, 2017. Mr. Karin will fill the seat most recently held by Justin Stevens, who left the board prior to his term's expiration due to his relocation to a residence outside the city limits.

Mr. Karin's resume is available for review in the City Clerk's Office.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Resolution No. 2016-7  
(Int. No. 75)

**Resolution approving appointment to the Board of Trustees of the Rochester Public Library**

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

Section 1. The Council hereby approves the appointment of Daniel B. Karin, 191 Highland Parkway, Rochester, NY 14620, to the Rochester Public Library Board of Trustees for a term which shall expire on December 31, 2017.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-63

Re: Lease Agreement - Hillside Family of  
Agencies, Lincoln Branch Library, 851

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Joseph Avenue

Council Priority: Support the Creation of  
Effective Educational Systems; Creating and  
Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation authorizing a lease agreement with Hillside Family of Agencies for the use of 4,000 square feet of the Lincoln Branch Library building. The term of the agreement will be for five years with the option of one five-year renewal. The annual rental amount for the initial term will be \$24,000, which was established through an independent appraisal prepared by Kevin Bruckner, MAI as of February 2016. For the first year, the rental rate will be reduced to \$10,000 to reflect improvements made to the facility by Hillside. The agreement will commence on May 1, 2016.

Hillside will continue to operate the Peter Castle Family Resource Center at 555 Avenue D, which is co-located with the Lincoln Branch Library. The City has leased this space for the Family Resource Center since May 1996. The most recent lease for this space was executed on May 1, 2006 (Ord. No. 2006-251).

The Rochester Public Library Board of Trustees will review authorization of a sub-lease agreement at its meeting on March 23, 2016.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2016-63  
(Int. No. 76)

**Authorizing a lease agreement with Hillside Family of Agencies**

WHEREAS, the Rochester Public Library has received a proposal for the lease of space in the Lincoln Branch Library Building; and

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is required to follow additional procedures due to the length of the proposed lease; and

WHEREAS, the terms of the lease are reasonable and necessary in light of their intended purpose and the public will benefit throughout the term of the lease.

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

Section 1. The Mayor is hereby authorized to enter into a lease agreement with Hillside Family of Agencies for use of 4,000 square feet of the Lincoln Branch library building for a term of 5 years, commencing on May 1, 2016, with the option for a 5 year renewal.

Section 2. The annual rental amount for the initial term will be \$24,000. For the first year, the rental rate shall be reduced to \$10,000 to reflect improvements made to the facility by Hillside.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

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TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-64  
Re: Mid-Year Budget Amendment

Council Priorities: Deficit Reduction and Long-Term Financial Stability

Transmitted herewith for your approval is legislation amending the 2015-16 Budget. This legislation will:

1. Amend the 2015-16 Budget for Cash Capital by transferring a total of \$2,896,800 from the Budget of Undistributed Expenses; and
2. Amend Ordinance No. 2016-19 to change the funding source for architectural services related to renovations of the Municipal Code Violations Bureau (MCVB) from Dormitory Authority of the State of New York (DASNY) grant funds to 2015-16 Cash Capital.

This amendment is possible due to savings generated by a change in the method that the New York State and Local Retirement System (NYSLRS) uses to calculate the City's annual required contribution and the delay in the settlement of the collective bargaining agreement for Local 1071 of the International Association of Fire Fighters, Inc. (IAFF) in 2014-15. Legislation enacted by NYS in July of 2015 changed the method of calculation of the City's required annual contribution to NYSLRS to be based on actual salaries from the prior year rather than projected salaries. The financial impact of the IAFF settlement on the City's annual contribution has been delayed until the bill is due in February 2017. This was unknown at the time that the 2015-16 Budget was adopted in June 2015, and resulted in approximately \$2,900,000 in savings.

Several of the projects to be funded by the DASNY grant funds authorized by Ordinance No. 2015-120 have been held up due to a delay in DASNY approval for the projects funded by the State and Municipal Facilities Capital Program portion of the grant. Some of the projects that have been impacted need these additional funds to continue momentum and to take advantage of the upcoming construction season.

The proposed increase to the Cash Capital allocation will be used to fund capital projects as follows:

1. \$250,000 towards architectural services for the renovation of the MCVB. Ordinance No. 2016-19 authorized an amendatory agreement for architectural services to be funded by the DASNY grant. This Cash Capital will replace that funding;
2. \$389,000 in additional construction funds for the Library Master Space Plan;
3. \$400,000 for design and construction of the City Hall Roof Replacement;
4. \$564,000 for construction of a Midtown Pedestrian Corridor; and
5. \$1,293,800 to replace approximately 33 marked police vehicles.

The City will work with DASNY to reallocate the grant funds freed up by this budget amendment to other projects that fall within the scope of the grant, including Charlotte Street (\$533,100) and police vehicles (\$2,113,700) scheduled for replacement in 2016-17. It is anticipated that there will be adequate time for DASNY approval such that the other projects can proceed with in their planned timeframe.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-43

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Ordinance No. 2016-64  
(Int. No. 77)

**Amending the 2015-16 Budget and the funding source for architectural services**

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

Section 1. Ordinance No. 2015-167, the 2015-16 Budget of the City of Rochester, as amended, is hereby further amended by transferring a total of \$2,896,800 from Undistributed Expenses to Cash Capital.

Section 2. Ordinance No. 2016-19 is hereby amended to change the funding source for additional architectural services related to the renovation of the public hearing and payments areas of the Parking and Municipal Code Violations Bureau from Dormitory Authority of the State of New York grant funds to 2015-16 Cash Capital.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Re: Ordinance No. 2016-65  
Agreement - Marc A. Martinez, PhD,  
ABPP, Clinical and Forensic  
Psychology Services, PLLC, Expert  
Witness Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Marc A. Martinez, PhD, ABPP, Clinical and Forensic Psychology Services, PLLC for the continued provision of expert witness services. The maximum amount of the amendatory agreement shall be \$20,000, for a total of \$30,000. Said amount shall be funded from the 2015-16 Budget of the Law Department. The term of the agreement may extend until completion of the cases for which the consultant's services are requested.

Every year, the City of Rochester is named as a defendant in various lawsuits. Plaintiffs in certain of these suits claim to have suffered mental, emotional, or psychological damages. In order to defend against such claims, the City of Rochester requires the services of an expert to review treatment and therapy records, consult with City attorneys, and, when necessary, testify in the City's defense.

In late 2015, the Law Department found that it needed such an expert on short notice to defend a lawsuit involving a large claim for psychological damages supported by a plaintiff's expert. Therefore, the Law Department conducted a search for a qualified expert who is locally-based. After having initial discussions with four candidates who were located through referral from other law offices, medical offices, or by internet search, the Law Department decided to enter into an agreement with Dr. Martinez for these expert services in the amount of \$10,000. Dr. Martinez charges a flat rate of \$250 an hour for his services, which was the lowest rate of the four candidates consulted. A justification statement for not issuing a request for proposals is attached.

Dr. Martinez has proven to be thorough and detail-oriented. He is open to inquiry and communicates clearly. In short, he possesses the knowledge, experience, and communication skills required of an expert witness in his field of expertise.

The Law Department anticipates that it may require up to \$20,000 worth of additional services from Dr. Martinez in the present litigation, but desires the flexibility to use his expertise for other pending or future cases in the event that the present case does not end up requiring the entire allotment. Under the amendatory agreement, Dr. Martinez will,

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upon request of the City Law Department as needed, review mental health records, meet with attorneys, prepare expert reports, and provide testimony at deposition and trial.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-44

Ordinance No. 2016-65  
(Int. No. 103)

**Authorizing an amendatory professional services agreement for expert witness services for the Law Department**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Marc A. Martinez, PhD, ABPP, Clinical and Forensic Psychology Services, PLLC to provide expert witness services in conjunction with pending and future litigation.

Section 2. The amendatory agreement shall increase the maximum cost of the original agreement by \$20,000 to a total of \$30,000, which cost shall be funded from the 2015-16 Budget of the Law Department. The term of the agreement may extend until completion of the cases for which the consultant's services are requested.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-66  
Re: Capital Improvement Program -  
Rochester City School District

Council Priority: Deficit Reduction and Long-  
Term Financial Stability; Support the  
Creation of Effective Educational Systems

Transmitted herewith for your approval is legislation related to the Capital Improvement Program of the Rochester City School District (RCSD). This legislation will:

1. Authorize \$12,592,000 as debt to be authorized for the 2015-16 fiscal year for the RCSD; and
2. Authorize the issuance of bonds for \$12,592,000 and the appropriation of the proceeds thereof for capital improvements to existing school buildings in the RCSD.

By City Council Policy, borrowing in any fiscal year may not exceed the principal on outstanding debt redeemed for that year. During fiscal year 2015-16 the RCSD will liquidate \$17,195,000 in principal. *Attachment A* is a projection of the RCSD debt to be repaid over the current and next four fiscal years.

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For cities with dependent school districts, the New York State Constitutional Debt Limit is established at 9.0% of the five-year average full valuation. As specified in the City Charter, Rochester splits this limit into 5.5% for the City and 3.5% for the RCSD. This split provides the RCSD with a remaining borrowing capacity of \$42,213,950 (*Attachment B*).

*Attachment C* is a letter from the RCSD detailing the planned uses of the new bonds and a copy of the Board of Education Resolution No. 356 approving the capital plan at its November 19, 2015 meeting.

The New York State Education Department, by letter dated November 5, 2015, has confirmed the RCSD has met the Maintenance of Effort (MOE) requirement for 2015-16. When the City issues this debt, the repayments will be structured to the extent possible to continue meeting the MOE requirements, while remaining within the constraints of Local Finance Law.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-45

Ordinance No. 2016-66  
(Int. No. 104, as amended)

**Bond Ordinance of the City of Rochester, New York, authorizing the issuance of ~~\$13,000,000~~ \$12,592,000 bonds of said City to finance the cost of construction and renovation of various public school buildings within the City**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance certain costs of construction and renovation of various public school buildings within the City in accordance with a list on file with the Director of Finance. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is ~~\$13,000,000~~ \$12,592,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of ~~\$13,000,000~~ \$12,592,000 bonds of the City, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of ~~\$13,000,000~~ \$12,592,000 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 ~~\$13,000,000~~ \$12,592,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The existing buildings are of Class "A" construction as defined by Section 11.00 a.11(a) of the Local Finance Law, and the period of probable usefulness of said specific objects or purposes for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.12(a)(1) of the Law, is twenty (20) years. A specific list of all such costs of construction and renovation is on file with the City in the Office of the Director of Finance.

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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. The proceeds of these bonds shall be appropriated to pay the cost of such purpose on the condition subsequent that State aid paid to the City or the City School District with respect to such bonds applied solely to meet debt service on such bonds shall not invalidate any obligations issued pursuant to this ordinance or any appropriation of proceeds of such bonds made pursuant to this ordinance.

Section 9. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.  
By Council Vice President Miller  
March 22, 2016

To the Council:

The Business & Economic Development Committee recommends for Adoption the following entitled legislation:

March 22, 2016

Int. No. 79 - Authorizing a lease agreement for space in the Port Terminal Building

Int. No. 80 - Authorizing a lease agreement for space in the Port Terminal Building

Int. No. 81 - Authorizing an agreement with The Democracy Collaborative for consulting services

The Business & Economic Development Committee recommends for Consideration the following entitled legislation:

Int. No. 82 - Local Improvement Ordinance - establishing the cost of the upgrading of street cleaning for the East Avenue/Alexander Street Entertainment District

Respectfully submitted,

Dana K. Miller  
Michael A. Patterson  
Elaine M. Spaul  
Loretta C. Scott  
BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-67  
Re: Lease Agreement - The Jetty at the  
Port, Port Terminal Building, 1000  
North River Street

Council Priority: Jobs and Economic  
Development

Transmitted herewith for your approval is legislation authorizing a lease agreement with The Jetty, LLC d/b/a The Jetty at the Port for the use of Suite 203, which totals 7,003 square feet, in the Port Terminal Building located at 1000 North River Street. The monthly rental amount will be \$5,835 (\$10 per square foot per year), which was established through an independent appraisal prepared by Kevin Bruckner, MAI of Bruckner, Tillett, Cahill & Rossi Inc. as of November 2015. The agreement will be for five years with one five-year renewal option.

Mr. Craig Ristuccia is the principal of The Jetty, LLC and operates another nearby successful restaurant at 56 Stutson Street, known as Hose 22. The Jetty at the Port will be a casual restaurant centered on a Great Lakes nautical theme. In addition to operating Hose 22, Mr. Ristuccia is heavily invested in Charlotte, is an active member of the Charlotte Business Association and a dedicated attendee of the Charlotte Community Association meetings. The leasing of this space is anticipated to create 22 full-time and 30 part-time positions. The restaurant will operate year round; open seven days per week during the summer months, and six days per week during the winter months.

The lease is anticipated to be in place as of April 1, 2016 and will expire on March 31, 2021. The available spaces at the Port Terminal Building were offered through a request for proposals and submissions were received by January 29, 2016.

Respectfully submitted,

March 22, 2016

Lovely A. Warren  
Mayor

Attachment No. AP-46

Ordinance No. 2016-67  
(Int. No. 79)

**Authorizing a lease agreement for space in the Port Terminal Building**

WHEREAS, the City of Rochester has received proposals for the lease of space in the Port Terminal Building located at 1000 North River Street;

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is required to follow additional procedures due to the length and the amount of annual rent of the proposed lease;

WHEREAS, the Council has formally reviewed the independent appraisal of the value of the lease prepared by Kevin Bruckner, MAI of Bruckner, Tillett, Cahill & Rossi Inc.;

WHEREAS, the Council affirmatively finds that the proposed lease authorized herein is in the public interest because it will allow for the establishment and year-round operation of a casual restaurant centered on a Great Lakes theme at the Port Terminal Building by a company whose principal operates a successful nearby restaurant and is heavily invested in the Charlotte neighborhood; and

WHEREAS, the Council affirmatively finds that the term of such proposed lease, which is five years with one five-year renewal option, is reasonable and necessary in light of the lease's intended purpose and that the public will benefit throughout that term.

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

Section 1. The Mayor is hereby authorized to enter into a lease agreement with The Jetty, LLC dba The Jetty at the Port for the lease of approximately 7,003 square feet of commercial space located on the second floor of the Port Terminal Building. The agreement shall extend for a term of five years, with an option to renew for an additional five-year term.

Section 2. The lease agreement shall obligate the lessee to pay monthly rent to the City in the amount of \$5,835.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-68  
Re: Lease Agreement - Mom's Margios  
Diner, Port Terminal Building, 1000  
North River Street

Council Priority: Jobs and Economic

March 22, 2016

Development

Transmitted herewith for your approval is legislation authorizing a lease with GeoMar Holdings, Inc. d/b/a Mom's Margios Diner for the use of Suites 101 and 102, totaling 3,107 square feet, in the Port Terminal Building located at 1000 North River Street. The monthly rental amount will be \$3,885 (\$15 per square foot per year), which was established through an independent appraisal prepared by Kevin Bruckner, MAI of Bruckner, Tillett, Cahill & Rossi Inc. as of November 2015. The agreement will be for three years with two one-year renewal options.

Mr. Jeffrey Scott is the principal of GeoMar Holdings, Inc. and operates another location of Mom's Margios Diner at 3641 Dewey Avenue in the Town of Greece. The restaurant has a 1950s retro theme, and due to the success of the existing location, Mr. Scott is looking to expand to additional locations. The leasing of this space is anticipated to create 30 full-time and part-time positions, and the restaurant will operate seven days per week from 6:00 am - 10:00 pm.

The lease is anticipated to be in place as of April 1, 2016 and will expire on March 31, 2019. The available spaces at the Port Terminal Building were offered through a request for proposals and submissions were received by January 29, 2016.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-47

Ordinance No. 2016-68  
(Int. No. 80)

**Authorizing a lease agreement for space in the Port Terminal Building**

WHEREAS, the City of Rochester has received proposals for the lease of space in the Port Terminal Building located at 1000 North River Street;

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is required to follow additional procedures due to the length of the proposed lease; and

WHEREAS, the Council affirmatively finds that the term of such proposed lease, which is three years with two 1-year renewal options, is reasonable and necessary in light of the lease's intended purpose and that the public will benefit throughout that term.

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

Section 1. The Mayor is hereby authorized to enter into a lease agreement with Geo Mar Holdings Inc. dba Mom's Margios Diner for the lease of approximately 3,107 square feet of commercial space located on the first floor of the Port Terminal Building. The agreement shall extend for a term of three years, with two 1-year options to renew.

Section 2. The lease agreement shall obligate the lessee to pay monthly rent to the City in the amount of \$3,885.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

March 22, 2016

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-69  
Re: Agreement- Democracy Collaborative,  
Market Driven Community  
Cooperative Consulting Services,  
Phase 2

Council Priority: Jobs and Economic  
Development

Transmitted herewith for your approval is legislation establishing \$149,950 as maximum compensation for an agreement with the Democracy Collaborative for consulting services related to the implementation of Phase 2 of the Market Driven Community Cooperative (MDCC) project. The cost of the agreement will be funded from the 2015-16 Budget of Undistributed Expenses and the term will be for one year with an option to renew for an additional year.

The Democracy Collaborative completed Phase 1 of the project, in which they evaluated the feasibility and community support for an economic development strategy centered on the creation of for-profit, worker-owned businesses linked to anchor institutions' procurement needs (Ord. No. 2015-37). The Phase 1 report was submitted to the City and shared with City Council in February and outlined overwhelming anchor and community support for the strategy, plus specific market opportunities for potential businesses. The report includes a detailed action plan to move the project forward in two additional phases, provides information on anchor institutions' commodity prospects and potential MDCC business models, and contains individualized draft letters of intent for each participating anchor institution.

In Phase 2, the Democracy Collaborative will oversee the creation of a non-profit holding company that will in turn launch and support for-profit, worker-owned businesses. The Democracy Collaborative will also oversee deeper market analysis and business planning, fundraising for operational budget and capitalization costs for the initial businesses, site selection and development activities, and the creation of a financing mechanism such as a revolving loan fund.

The vision for the MDCC project is to deploy this strategy in distressed and disinvested neighborhoods to create job opportunities for residents and build community wealth. The Democracy Collaborative is a nationally recognized leader in this field with extensive experience in worker-owned cooperative planning, development, and operations from their ongoing work with the Cleveland Evergreen Cooperatives and other initiatives in cities across the country. A comprehensive background on the project and description of the next phases is attached.

The Democracy Collaborative was selected through a request for proposals (RFP) process for the agreement authorized in 2015. A justification statement for not issuing an RFP for Phase 2 of the project is attached.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-48

Ordinance No. 2016-69  
(Int. No. 81)

**Authorizing an agreement with The Democracy Collaborative for consulting services**

March 22, 2016

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 Democracy Collaborative for consultant services relating to implementing Phase 2 of the Market Driven Community Cooperative project. The maximum compensation shall not exceed \$149,950. The cost of this agreement will be funded from the 2015-16 Budget for Undistributed Expenses. The agreement shall have a term of one year, with one optional one-year renewal.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Local Improvement Ordinance No. 1709  
Re: East Avenue/Alexander Street  
Entertainment District

Council Priority: Creating and Sustaining a  
Culture of Vibrancy

Transmitted herewith for your approval is legislation reauthorizing the East Avenue/Alexander Street Entertainment District and establishing the amount of \$20,800 for special assessments for the District.

This assessment provides for additional trash removal on Saturday and Sunday, from 3:00 am to 5:00 am, from April through October, to address trash resulting from the increased activity in the District during this period. The assessment covers the additional cost of these services and is apportioned among the properties within the District that cater to the patrons of the establishments (e.g., bars, restaurants and parking lots that profit from the patrons).

For 2016-17, the fixed fee for additional street cleaning services is determined by type of establishment and square footage, as agreed upon by the entertainment establishments and property owners in the District. The total annual charge estimate is determined by the Department of Environmental Services.

All affected properties have been examined and any change in use is reflected in the attached list of subject properties. The operating assessment is apportioned among properties based on type and function of their use, using the following schedule:

<u>Code</u>	<u>Use</u>	<u>Annual Charge</u>
1	Parking lot under 2500 Sq Ft	\$217
2	Parking lot 2500-4999 Sq Ft	\$422
3	Parking lot 5000-9999 Sq Ft	\$627
4	Parking lot 10000 Sq Ft or more	\$855
5	Small sit down restaurant	\$217
6	Take out restaurant/Smaller bar	\$422
7	Large bar/Sit down restaurant	\$980

This assessment will be included on the annual tax bill of the affected properties. Residential properties with no entertainment venues or parking lots are not affected. The East Avenue/Alexander Street Entertainment District was last reauthorized in April 2015 via Local Improvement Ordinance No. 1695.

A public hearing is required.

March 22, 2016

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-49

Local Improvement Ordinance No. 1709  
(Int. No. 82)

**Local Improvement Ordinance - establishing the cost of the upgrading of street cleaning for the East Avenue/Alexander Street Entertainment District**

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

Section 1. The 2016 budget for the upgrading of street cleaning and trash removal services for the East Avenue/Alexander Street Entertainment District is established at \$20,800 and the charge per Code shall be as set forth below, and said amount is hereby appropriated from the Special Assessments and shall be assessed and levied on the 2016-17 tax bill in accordance with Local Improvement Ordinance No. 1631 as amended by Local Improvement Ordinance No. 1695.

<u>Code</u>	<u>Use</u>	<u>Annual Charge</u>
1	Parking Lot under 2500 Sq Ft	\$217
2	Parking Lot 2500-4999 Sq Ft	\$422
3	Parking Lot 5000-9999 Sq Ft	\$627
4	Parking Lot 10000 Sq Ft or more	\$855
5	Small Sit Down Restaurant	\$217
6	Take Out Restaurant/Smaller Bar	\$422
7	Large Bar/Sit Down Restaurant	\$980

Section 2. This ordinance shall take effect on July 1, 2016.

Passed unanimously.

By Councilmember Ortiz  
March 22, 2016

To the Council:

The Neighborhood & Community Development Committee recommends for Adoption the following entitled legislation:

Int. No. 83 - Authorizing the sale of real estate

Int. No. 84 - Appropriating funds for Quadrant Planning Support Program

Int. No. 86 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,300,000 Bonds of said City to finance a portion of the costs of continuation of the City Demolition Program

Int. No. 87 - Authorizing funding for Demolition Program

March 22, 2016

Int. No. 88 - Appropriating funds and authorizing agreements for the Owner-Occupant Roofing Program

Int. No. 90 - Authorizing the sale of Former School 22

The Neighborhood & Community Development Committee recommends for Consideration the following entitled legislation:

Int. No. 92 - Appropriating funds and authorizing agreements for the Buyer Assistance Program

The following entitled legislation is being held in committee:

Int. No. 85 - Resolution approving appointment to the Zoning Board of Appeals

Int. No. 89 - Resolution amending the Policy for the Sale of City-Owned Real Property to Tax-Exempt Organizations

Int. No. 91 - Authorizing the sale of Former School 36

Respectfully submitted,

Jacklyn Ortiz  
Carolee A. Conklin  
Dana K. Miller  
Loretta C. Scott  
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-70  
Re: Sale of Real Estate

Council Priority: Rebuilding and  
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation approving the sale of 50 properties and the release of a deed restriction on a prior sale. City records have been checked to ensure that purchasers (except those buying unbuildable vacant lots) do not own other properties with code violations or delinquent taxes, and have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first 47 properties were sold to the respective highest bidder at a surplus auction. All purchasers will be required to rehabilitate the structures within 12 months of City Council approval.

The next three properties are unbuildable vacant lots, being sold for \$1.00 (as per City policy) to their adjacent owners who will combine their respective lot with their existing property.

The first year projected tax revenue for these 50 properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$33,459.

The last item involves a prior sale of real estate. Ordinance No. 2015-122, adopted last May, authorized the sale of an unbuildable vacant lot at 7 Fulton Avenue to Community Facilities, Inc., a tax-exempt organization, in order to combine the lot with Community Facilities' adjoining premises located at 24 Jones Avenue for use as parking and green space. The property deed recorded last July requires the two lots to be combined and also prohibits Community Facilities from conveying the vacant lot to a tax-exempt organization for a period of five years. This second condition is a standard deed restriction that is based on City policy adopted in 2001 (Res. No. 2001-15).

Community Facilities has received New York State approval to sell its premises and the vacant lot to Catholic Family Center, a tax-exempt organization, and has asked the City to release the deed restriction on the sale to a tax-exempt entity. This legislation grants the request. All other terms previously approved by City Council will remain valid and the process to combine the two lots will continue.

All City taxes and other charges, except water charges, against properties being sold by the City will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,  
 Lovely A. Warren  
 Mayor

Attachment No. AP-50

Ordinance No. 2016-70  
 (Int. No. 83)

**Authorizing the sale of real estate**

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

Section 1. The Council hereby approves the sale of the following parcels of improved property by regular auction:

<u>Address</u>	<u>S.B.L. #</u>	<u>Lot Size</u>	<u>Use</u>	<u>Price</u>	<u>Purchaser</u>
290 Alphonse St	106.33-2-16.1	58 X 143	1 Family	\$ 400	Belkis Sanchez
100 Angle St	105.66-2-7	35 X 115	1 Family	6,700	Fernwood First, Inc.*
923 Avenue D	091.81-3-13	36 X 112	1 Family	400	Maximo DeValle/ Christine Arvelo
214 Bartlett St	120.67-2-62	36 X 87	1 Family	6,300	Fernwood First, Inc.*
701 Bay St	107.45-2-3	36 X 120	1 Family	600	George Roba
71 Berlin St	106.24-1-19	32 X 107	1 Family	400	Teriance Amir Hunter
269 Berlin St	106.25-1-4	46 X 107	1 Family	7,600	Jabag Properties, LLC**
‡275 Berlin St	106.25-1-5	34 X 107	Vacant Lot		
155 Breck St	107.77-1-9	40 X 100	2 Family	12,100	EMAJ Enterprises, Inc.***
‡149 Breck St	107.77-1-8	40 X 100	Vacant Lot		
213 Campbell Pk	105.63-3-11	40 X 191	1 Family	12,500	Sinh Van Tran
144 Chamberlain St	107.61-2-49	28 X 90	1 Family	10,200	Elizabeth V. Colon

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‡452 Garson Av	107.61-2-47.1	60 X 78	Vacant Lot		
529 Clifford Av	106.31-4-20	40 X 152	1 Family	700	Yurina Leyva Velazquez
1 Coulton Pl	121.61-2-55	41 X 69	1 Family	5,000	Fernwood First, Inc.*
20 DeJonge St	106.31-2-27	6 X 106	1 Family	400	Robert P. Carlos
85 Eiffel Pl	091.80-4-45	35 X 144	1 Family	400	Ardatha C. Hunter
9 Emanon St	091.61-1-76	40 X 105	2 Family	400	Akeem Solomon
11 Emanon St	091.80-1-75	40 x 102	1 Family	6,500	Jose Raul Martinez
94 Evergreen St	106.30-3-70	41 X 136	1 Family	400	Laura Turner
61 Fair Pl	106.68-1-2	30 X 58	1 Family	400	Raffaele Marcello
382 First St	106.35-2-39	40 X 91	1 Family	8,500	EMAJ Enterprises, Inc.***
204 Flint St	120.76-2-84	36 X 153	2 Family	400	David Mankowski
38 Geneva St	091.62-2-30.1	74 X 112	1 Family	400	Embola E. Ekille
10 Glasser St	105.82-1-26	40 X 76	1 Family	1,600	Ross A. Conley
73 Herald St	106.25-2-15	33 X 148	1 Family	500	Leighton W. Williams, Jr.
151 Hollenbeck St	091.78-1-39	43 X 115	1 Family	400	Eddie L. Harris
‡143 Hollenbeck St	091.78-1-40	40 X 115	Vacant Lot		
68 Lisbon St	105.73-2-11	30 X 158	1 Family	3,600	Sherif S. El-Naggar
434 Maple St	120.26-2-56	36 X 190	2 Family	20,000	Jose Raul Martinez
24-26 Mazda Ter	091.70-2-50	41 X 131	2 Family	2,000	Sherif S. El-Naggar
201 Myrtle St	105.57-4-4	48 X 100	1 Family	400	Maximo DeValle/ Christine Arvelo
‡111 Otis St	105.57-4-3	31 X 48	Vacant Lot		
38 O K Ter	091.78-1-15	42 X 87	1 Family	400	Leighton W. Williams, Jr.
86 Parkway	105.59-2-55	5 X 145	2 Family	700	Johnipha Richardson
120 Ravine Av	105.35-4-25	40 X 82	2 Family	2,000	Maximo DeValle/ Christine Arvelo
47 Ripley St	106.68-2-6	38 X 89	1 Family	19,000	Sheron Marcia Anglin Reynolds
64 Roycroft Dr	091.81-1-48	35 X 74	1 Family	8,000	Semmie Williams
14 Rugraff St	105.82-1-4	40 X 93	1 Family	5,300	Ross A. Conley
18 Sixth St	106.60-2-35	40 X 40	1 Family	400	Elizabeth V. Colon
164 Sixth St	106.52-2-78	40 X 120	2 Family	400	Jose Raul Martinez
107 Thorndale Ter	120.48-3-22	40 X 123	2 Family	3,600	Lorraine Scott
130-132 Weyl St	091.72-4-27	34 X 104	2 Family	400	Jabag Properties, LLC**
19 Woodward St	106.65-3-4.1	45 X 132	2 Family	20,000	Leighton W. Williams, Jr.
37 Woodward St	106.65-3-15.1	65 X 132	1 Family	1,400	Jagaol Property Mgmt, LLC****
‡14 McFarlin St	106.65-3-13	29 X 35	Vacant Lot		
39 Woodward St	106.65-3-16	30 X 132	1 Family	6,000	Rafaele Marcello

\*Artur Kadesh, President & Treasurer

\*\*Antonio Caia, President

\*\*\* Michael Kadysh, President; Jane Kadysh, Treasurer

\*\*\*\* Woubbshet Bekele, Owner

‡Indicates vacant lots sold in conjunction with the structure listed above it.

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>
10 Chapel St	107.77-1-21	38 x 82	3,116	Honest Properties, LLC*
493 Colvin St	105.73-2-79	35 x 101	3,537	Leonard Gingello
108 Fairbanks St	091.73-4-40	40 x 73	2,300	Walter Morehead, Dorothy Pulley, Tawanda Ciccone

\*Paul Kirik, Sole Owner & Proprietor

March 22, 2016

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 4. The Council hereby approves the release of a deed restriction over the property at 7 Fulton Avenue, SBL# 105.60-1-35 that is set forth in a deed dated July 8, 2015 and recorded in the office of the Monroe County in Liber 11562 of Deeds, Page 113, which specifies that "the grantee shall not resell, convey, or transfer the above-described premises to a tax-exempt organization for a period of five years from the date of the recording of this instrument." All other restrictions specified in said deed, which was executed to effect a sale of real estate that was authorized in Section 2 of Ordinance No. 2015-122, shall remain valid.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-71  
Re: Appropriation - Consolidated  
Development Block Grant, Quadrant  
Planning Support Program

Council Priority: Creating and Sustaining a  
Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Quadrant Planning Support Program for the Southeast Quadrant. This legislation will:

Appropriate \$2,000 from 2013-14 Consolidated Development Block Grant, Neighborhood and Asset Planning Fund, Quadrant Planning Support Allocation for Gateway Artwork on the East Main Street and Culver Road four corners.

This appropriation is in addition to \$8,000 approved in December 2015 via Ordinance No. 2015-387, for NeighborWorks to implement the request for proposals and organize a committee representative of the neighborhoods to choose the art design. The \$2,000 requested herein will be used for the Department of Environmental Services to install the completed artwork.

Four neighborhood groups converge at East Main and Culver: EMMA (East Main, Mustard and Atlantic), North Winton, Beechwood and NEMNU (North East Main Neighbors United). In partnership with NeighborWorks, all four organizations are having an artist create a gateway in conjunction with East High School students. NeighborWorks has a \$2,000 grant from NeighborWorks America to contribute to the project, bringing the total maximum cost of implementation to \$10,000.

This funding revision has been approved by the Southeast Quadrant team and the Gateway project is listed in the Quadrant's strategic plan.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-51

Ordinance No. 2016-71  
(Int. No. 84)

**Appropriating funds for Quadrant Planning Support Program**

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

Section 1. There is hereby appropriated from the Quadrant Planning Support allocation of the Neighborhood and Asset Planning Fund of the 2013-14 Community Development Block Grant the sum of \$2,000, or so much thereof as may be necessary, to install the Gateway Artwork in the Southeast Quadrant at the four corners of the intersection of East Main Street and Culver Road in furtherance of the project originally approved in Section 2 of Ordinance No. 2015-387.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-72 &  
Ordinance No. 2016-73  
Re: Demolition Program

Council Priority: Rebuilding and  
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation authorizing the appropriation of \$1,900,000 for the continuation of the City’s demolition program. This legislation will:

1. Authorize the issuance of bonds totaling \$1,300,000 from the 2015-16 Capital Improvement Program and appropriate the proceeds thereof to finance the continuation of the demolition program.
2. Appropriate \$600,000 from the Housing Development Fund of the 2015-16 Community Development Block Grant and authorize the use of said funds for the continuation of the demolition program.

This combined funding of \$1,900,000 will provide for the demolition of approximately 87 structures at an average cost of \$22,000 per structure. Of that total, approximately 80 will be for the demolition of both City and privately-owned vacant structures that have a blighting influence on neighborhoods and seven will be for emergency conditions that pose an immediate threat to public health and safety. Since 2012-13, a total of 730 vacant and deteriorated structures have been removed through the demolition program. The average four-year cost per demolition was \$24,200. A break-down of demolitions by fiscal year and expenditure is as follows:

<u>Fiscal Year</u>	<u>City Contracted Demolitions</u>	<u>Expended</u>
2012-13	272	\$ 6,945,775
2013-14	276	5,537,433
2014-15	101	2,844,504

March 22, 2016

2015-16	<u>81</u> (through Jan. 2016)	<u>2,332,321</u>
Total Demolitions	730	\$17,660,033

The average cost per demolition has declined as the State no longer charges a notification fee for asbestos abatement. This fee ranged in cost from \$2,500-\$3,000. Asbestos abatement, however, continues to be performed.

This funding will allow for the continued removal of vacant, derelict and fire damaged structures that pose a public safety hazard and a blight to surrounding neighborhoods.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2016-72  
(Int. No. 86)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,300,000 Bonds of said City to finance a portion of the costs of continuation of the City Demolition Program**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the costs of continuation of the City Demolition Program (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,900,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,300,000 bonds of the City to finance said appropriation, utilization of \$600,000 from the Housing Development Fund of the 2015-2016 Community Development Block Grant Program and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Said appropriation will provide for the demolition of approximately 87 vacant, derelict and fire damaged structures that pose a public safety hazard and a blight to surrounding neighborhoods at an approximate average cost of \$22,000 per structure.

Section 2. Bonds of the City in the principal amount of \$1,300,000 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 \$1,300,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 12-a. of the Law, is five (5) 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.

March 22, 2016

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

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

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

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

Passed unanimously.

Ordinance No. 2016-73  
(Int. No. 87)

#### **Authorizing funding for Demolition Program**

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

Section 1. The Council hereby appropriates \$600,000 from the Housing Development Fund of the 2015-16 Community Development Block Grant for the Demolition Program. This appropriation, along with \$1,300,000 in proceeds from a bond ordinance that is authorized for the Program, shall be used to continue the removal of vacant, derelict and fire damaged structures in the City of Rochester.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-74  
Re: Owner-Occupant Roofing Program

Council Priority: Rebuilding and  
Strengthening Neighborhood Housing

March 22, 2016

Transmitted herewith for your approval is legislation related to the Owner-Occupant Roofing Program. This legislation will:

1. Appropriate \$42,418 from the Owner-Occupant Roofing Program allocation of the Housing Development Fund of the 2015-16 Community Development Block Grant; and
2. Establish \$42,418 as maximum compensation for an agreement with Action for a Better Community (ABC) to provide customer services for the program. The term of the agreement will for one year and will be funded from the appropriation herein.

The Owner-Occupant Roofing Program provides financial assistance to eligible property owners for roof repairs and replacements. ABC has been providing customer services for the program since it began in 2014; the agreement expires in March (Ord. No. 2014-361).

ABC has effectively served the community by providing application intake assistance to property owners and has provided the necessary technical assistance to those who need additional help with completing the application, particularly the elderly population. The City has been satisfied with the services of ABC and has determined that it is in the City's best interest to continue this partnership. The proposed agreement reflects a 5% increase from the current agreement.

A justification statement for not issuing a request for proposals is attached.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-52

Ordinance No. 2016-74  
(Int. No. 88)

### **Appropriating funds and authorizing agreements for the Owner-Occupant Roofing Program**

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

Section 1. The amount of \$42,418 is hereby appropriated from the Owner-Occupant Roofing Program allocation of the Housing Development Fund of the 2015-16 Community Development Block Grant to fund the Owner-Occupant Roofing Program.

Section 2. The Mayor is hereby authorized to enter into an agreement with Action for a Better Community, Incorporated (ABC) to provide customer services and application processing for the Program. The maximum compensation for the agreement shall be \$42,418 to be funded from the amount appropriated in Section 1 herein. The term of the agreement shall encompass the period from April 1, 2016 through March 31, 2017.

Section 3. The Mayor is hereby authorized to enter into such other agreements as may be necessary to implement the Program.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The agreement with ABC and any other agreement with an organization shall be contingent on the organization's compliance with federal regulations.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

March 22, 2016

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

Nays – None - 0.

Councilmember Miller abstained because of a professional relationship.

**TO THE COUNCIL**

Ladies and Gentlemen:

Ordinance No. 2016-75  
Re: Sale of Real Estate - School No. 22, 27  
and 44 Zimbrich Street

Council Priority: Support the Creation of  
Effective Educational Systems

Transmitted herewith for your approval is legislation authorizing the sale of 27 and 44 Zimbrich Street to Eugenio Maria De Hostos Charter School (EMH) for \$1,500,000. The two parcels form the campus of the former Rochester City School District (RCSD) School No. 22. As of July 2015, the RCSD discontinued use of School No. 22 and the City of Rochester took control of the campus. 27 Zimbrich Street contains the school building and consists of 1.32 acres. 44 Zimbrich Street contains the parking lot and a playground and is 1.03 acres.

EMH has been an educational provider since 2000 and has been granted authority to expand its sessions from two sessions per grade to four sessions per grade level. EMH plans to use School No. 22, which was constructed as an elementary school, to house students in grades K-6. EMH operates another charter school in the immediate area, located at 1069 Joseph Avenue. The Joseph Avenue location will house students in grades 7-12. EMH expects to have approximately 500-550 students attending School No. 22.

EMH indicates their intention to spend approximately \$400,000 initially on facility improvements, and an additional \$425,000 per year on improvements over a 10 year period. These costs will be distributed among general maintenance, painting and cleaning, and replacement of major mechanical components as needed (i.e., HVAC system, plumbing and electrical upgrades and roof maintenance). Other enhancements will be guided by academic priorities.

EMH has estimated that the acquisition of this facility will result in approximately 27 new full-time positions initially, with an estimated 68 additional full-time positions added within a five to seven year period, plus construction jobs during the renovation period. EMH has agreed to comply with the City's MDWBE workforce goals. Construction is expected to begin immediately and will be complete in August 2016, in time for the 2016-17 academic year.

The sale price was determined by an independent appraisal prepared by Jay Loson of Midland Appraisal Associates in May 2015.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-53

Ordinance No. 2016-75  
(Int. No. 90)

**Authorizing the sale of Former School 22**

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

March 22, 2016

Section 1. The Council hereby approves the negotiated sale of the following parcels of property comprising the building and grounds of the former Rochester City School District School 22:

<u>Address</u>	<u>S.B.L. #</u>	<u>Lot Size</u>
27 Zimbrich St	091.71-4-6	± 1.32 acres
44 Zimbrich St	091.71-2-86.001	± 1.03 acres

to the Eugenio Maria de Hostos Charter School for use as an elementary school facility.

Section 2. The sale price shall be \$1,500,000.

Section 3. The Mayor is hereby authorized to enter into any agreement that may be necessary to implement the transaction authorized herein and such agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Re: Ordinance No. 2016-76  
Amending the 2008-09 and 2010-11  
Consolidated Community Development  
Plans and Authorizing Agreements for  
the Buyer Assistance Program

Council Priority: Rebuilding and  
Strengthening Neighborhood housing

Transmitted herewith for your approval is legislation amending the 2008-09 and 2010-11 Consolidated Community Development Plans to support the Buyer Assistance program. This legislation will:

1. Transfer \$1,153.85 from the 2008-09 HOME Rental Market Fund Landlord Service allocation to the Buyer Assistance allocation of the Homeownership Fund and appropriate the amount transferred herein;
2. Transfer \$30,000 from the 2010-11 HOME Housing Development Fund New Construction for Home Ownership allocation of the Housing Development Fund to the Buyer Assistance allocation of the Homeownership Fund and appropriate the amount transferred herein;
3. Transfer \$37,842 from the 2010-11 HOME Housing Development Fund Affordable Housing allocation to the Buyer Assistance allocation of the Homeownership Fund and appropriate the amount transferred herein;
4. Authorize agreements with the recipients of Buyer Assistance funds.

The Buyer Assistance program provides financial assistance of up to \$6,000 to first time homebuyers who purchase houses through the City's housing initiatives (Home Purchase Assistance Program, Employer Assisted Housing Initiative, HOME Rochester and Neighborhood Builders). The financial assistance provided by the program is for closing costs and down payment.

March 22, 2016

Buyer eligibility is based on income, ability to qualify for a conventional mortgage loan for which payments will not exceed 30% of the gross monthly income, and payment of personal funds in the amount of a minimum of \$1,500 towards the purchase of the home. Each homebuyer must complete a pre-purchase education class before closing and attend post-purchase classes as well.

This \$68,995.85 HOME fund appropriation will serve up to 23 income eligible homebuyers with incomes of 80% or below median family income until all funds are expended.

A public hearing is required.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2016-76  
(Int. No. 92)

**Appropriating funds and authorizing agreements for the Buyer Assistance Program**

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

Section 1. The Council hereby approves amending the 2008-09 and 2010-11 Consolidated Community Development Plan - Annual Action Plans as follows:

- a. transfer \$1,153.85 from the 2008-09 HOME Rental Market Fund Landlord Service allocation and appropriate it to the Buyer Assistance allocation of the Homeownership Fund;
- b. transfer \$30,000 from the 2010-11 HOME Housing Development Fund New Construction for Home Ownership allocation of the Housing Development Fund and appropriate it to the Buyer Assistance allocation of the Homeownership Fund; and
- c. transfer \$37,842 from the 2010-11 HOME Housing Development Fund Affordable Housing allocation and appropriate to the Buyer Assistance allocation of the Homeownership Fund.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Buyer Assistance Program, to be funded from the amounts appropriated herein.

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

Section 4. The Director of Finance is authorized to record all transfers herein and to make adjustments to the amounts set forth herein which may have changed prior to the date of this ordinance.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Ortiz moved to discharge Int. No. 91 from committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following vote:

March 22, 2016

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

Nays – None - 0.

Councilmember Ortiz moved to amend Int. No. 91.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

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

Nays – None - 0.

TO THE COUNCIL

Ladies and Gentlemen:

Re: Ordinance No. 2016-77  
Sale of Real Estate - School No. 36,  
85 St. Jacob Street and 75-77 Carter  
Street

Council Priority: Support the Creation of  
Effective Educational Systems

Transmitted herewith for your approval is legislation authorizing the sale of 85 St. Jacob Street and 75-77 Carter Street to Uncommon Schools for \$1,500,000. The two parcels together form the campus of the former Rochester City School District (RCSD) School No. 36. As of July 2015, the RCSD discontinued use of School No. 36 and the City of Rochester took control of the campus. 85 St. Jacob Street contains the school building, parking lot and playground, and consists of 2.12 acres. 75-77 Carter Street contains a small parking lot and is 0.11 of an acre.

Uncommon Schools has been an educational provider since 2005 and has been in the Rochester area since 2006. Uncommon Schools plans to use School No. 36, which was constructed as an elementary school, to house kindergarten initially and then introduce students through grade 4. Uncommon Schools operates charter schools at 875 Martin Street, 1020 Maple Street, 899 Jay Street and 630 Brooks Avenue. Uncommon Schools expects to eventually have approximately 400 students attending School No. 36.

The purchaser proposes a capital improvement plan of approximately \$4,500,000 including repairs and replacements of HVAC, electrical systems, windows, roofing, hazardous materials abatement and general construction items. Other improvements will be guided by academic priorities.

Uncommon Schools has estimated that the acquisition of this facility will result in approximately 50 new full-time positions and additional jobs during the construction period. Uncommon Schools has agreed to make its best effort to comply with the City's MDWBE workforce goals. Construction is expected to begin immediately and completion is anticipated in time for the 2018-19 academic year.

The sale price was determined by an independent appraisal prepared by Jay Loson of Midland Appraisal Associates in May 2015.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-54

March 22, 2016

Ordinance No. 2016-77  
(Int. No. 91, as amended)

**Authorizing the sale of Former School 36**

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

Section 1. The Council hereby approves the negotiated sale of the following parcels of property comprising the building and grounds of the former Rochester City School District School 36:

<u>Address</u>	<u>S.B.L. #</u>	<u>Lot Size</u>
85 St. Jacob St	106.26-3-17.001	± 2.12 acres
75-77 Carter St.	106.26-3-18	± 0.11 acre

to Uncommon Schools, Inc. or a wholly-owned subsidiary of Uncommon Schools, Inc. for use as ~~an elementary~~ a charter school facility. For this transaction only, the Council hereby waives its policy, which was adopted in Resolution No. 2001-15 and amended in Resolution No. 2007-1, not to sell City-owned real property to tax exempt organizations except in certain circumstances.

Section 2. The sale price shall be \$1,500,000.

Section 3. The Mayor is hereby authorized to enter into any agreement and execute all documents that may be necessary to implement the transaction authorized herein and such 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 unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Introductory No. 85  
Re: Appointment - Zoning Board of Appeals

Transmitted herewith for your approval is legislation confirming the appointment of Marcial Morales, Jr., 39 Lynbrook Drive, Rochester, New York 14609 to the Zoning Board of Appeals.

Mr. Morales resides in the Northeast, and is currently employed by LaBella Associates as a Project Manager/Senior Mechanical Engineer. He will fill a long-time vacancy on the Zoning Board and will be the seventh and final member, thereby making the Board complete. Mr. Morales' term will be for two years and will expire on March 31, 2018. Mr. Morales' appointment will be effective immediately.

His resume is available for review in the City Clerk's Office.

A summary description of the Board is attached.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Introductory No. 85

**RESOLUTION APPROVING APPOINTMENT TO THE ZONING BOARD OF APPEALS**

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

Section 1. The Council hereby approves the appointment of Marcial Morales, Jr. to the Zoning Board of Appeals for a term of two years which shall expire March 31, 2018.

Section 2. This resolution shall take effect immediately.

Held in committee.

TO THE COUNCIL

Ladies and Gentlemen:

Introductory No. 89

Re: Code Amendment - Policy for Sales to  
Tax Exempt Organizations

Transmitted herewith for your approval is legislation revising the guidelines concerning sale of real estate to tax-exempt organizations. Under §21-11 of the City Code, the Director of Real Estate is authorized to sell property to a tax-exempt organization in accordance with guidelines adopted by the Council. The current guidelines were adopted on September 25, 2001 pursuant to Resolution No. 2001-15. The proposed revision concerns the sale of City-owned buildings formerly used for school purposes, and associated parcels of land that provided parking or outdoor recreational space. For such properties, a purchaser who will utilize the property for school purposes will not be required to waive its tax-exempt status for five years.

This revision is consistent with a previous change in the guidelines on January 16, 2007 pursuant to Resolution No. 2007-1 which removed the requirement for waiver of tax-exempt status for sale of any City-owned building originally constructed as a house of worship. Although the 2007 revision applied only to structures, this proposed policy revision would extend to parcels of City-owned land sold in conjunction for use with the structure.

These revisions provide a measure of flexibility to facilitate the sale of special use buildings that are not readily adaptable for other uses. While buildings of this type are occasionally retrofitted for taxable uses, in most instances the alternative use is a not-for-profit enterprise. With the exception of properties that were formerly used as schools or as a house of worship, the five-year waiver of tax-exempt status would apply for all categories of structures and vacant land.

The guidelines, as revised, would permit the sale of real estate to tax-exempt purchasers under the following circumstances:

- a. The property is within 500 feet of a tax-exempt property already owned by the organization, and the organization agrees to a deed restriction prohibiting resale of the property for five years without City Council approval, or
- b. The sale is to another governmental agency for a public purpose, or
- c. The sale is an integral part of a program developed by the City and involving the tax-exempt organization, or
- d. The building being purchased was most recently used for school purposes or as a house of worship for a minimum of two consecutive years, and any associated parcels of land were used in association with the former school or house of worship use, and the purchaser will utilize the property as a school or house of worship, or

March 22, 2016

- e. The building being purchased was originally constructed as a house of worship, and any associated parcels of land were previously used in association with the former religious use, or
- f. The organization waives its tax-exempt status for five years and agrees to pay taxes for that period of time.

The revision will support the City's policy, encourage the return of City-owned property to taxable status when possible, and permit the City to consider all reasonable alternatives for repurposing special use structures.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Introductory No. 89

**RESOLUTION AMENDING THE POLICY FOR THE SALE OF CITY-OWNED REAL PROPERTY TO TAX EXEMPT ORGANIZATIONS**

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

Section 1. The Policy for the Sale of City-Owned Real Property to Tax Exempt Organizations adopted by Resolution No. 2001-15 and as last amended by Resolution No. 2007-1 is hereby amended to provide as follows:

Section 1. The Council hereby determines that the City's policy shall be not to sell real property to a tax-exempt organization, unless:

- a. The property is within 500 feet of a tax-exempt property already owned by the organization, and the organization agrees to a deed restriction prohibiting resale of the property for five years without City Council approval, or
- b. The sale is to another governmental agency for a public purpose, or
- c. The sale is an integral part of a program developed by the City and involving the tax-exempt organization, or
- d. The building being purchased was most recently used for a minimum of two consecutive years for school purposes or as a house of worship, and any associated parcels of land were used in association with the former school or house of worship use, and the purchaser will utilize the property as a school or house of worship, or
- e. The building being purchased was originally constructed as a house of worship, and any associated parcels of land were previously used in association with the former house of worship use, or
- ~~f.~~ The organization waives its tax-exempt status for five years and agrees to pay taxes for that period of time.
- e. ~~The building being purchased was originally constructed as a house of worship.~~

Section 2. This ~~resolution shall take effect immediately and~~ policy shall remain in effect until repealed or amended by the Council.

Section 2. This resolution shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

March 22, 2016

Held in committee.

By Councilmember Haag  
March 22, 2016

To the Council:

The Parks & Public Works Committee recommends for Adoption the following entitled legislation:

Int. No. 93 - Amending the funding for the Durand Eastman Beach Outfall and Durand Eastman Utilities and Site Improvement projects

Int. No. 94 - Authorizing an amendatory agreement related to the Dr. Martin Luther King, Jr. Memorial Park Improvement Project, Phase IIIC

Int. No. 95 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$300,000 Bonds of said City to finance a portion of the costs of Phase IIIC of the Dr. Martin Luther King, Jr. Memorial Park Improvement Project

Int. No. 96 - Authorizing agreement with High Falls Development Corporation

Int. No. 101 - Amending Chapter 79 of the Municipal Code as it relates to Dogs and Other Animals in Parks

Int. No. 102 - Amending Chapter 56 of the Municipal Code with regard to Flood Damage Prevention, as amended

The Parks & Public Works Committee recommends for Consideration the following entitled legislation:

Int. No. 97 - Changing the traffic flow on Weider Street from two-way to one-way eastbound

Respectfully submitted,

Matt Haag  
Michael A. Patterson  
Elaine M. Spaul  
Dana K. Miller  
Loretta C. Scott  
PARKS & PUBLIC WORKS COMMITTEE

Received, filed, and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Re: Ordinance No. 2016-78  
Amendments - Durand Eastman Beach  
Outfall and Durand Eastman Utilities

and Site Improvement Project

Transmitted herewith for your approval is legislation related to the Durand Eastman Beach Outfall and Durand Eastman Utilities and Site Improvement Project. This legislation will:

1. Amend Ordinance No. 2015-47 for design services for the Durand Eastman Beach Outfall Improvement Project by reducing the Monroe County share by \$10,525 to match the appropriate construction split; and
2. Amend Ordinance No. 2015-328 for resident project representation for the Durand Eastman Beach Outfall and Durand Eastman Utilities and Site Improvement Project by reducing the Monroe County share by \$17,990 to match the appropriate construction split.

The Durand Eastman Beach Outfall Project includes drainage repairs and site improvements pertaining to the repair or construction of a new system with excavation and backfill storm drain manholes; abandonment of existing storm drain piping; asphalt pavement grind and overlay; utility valve and manhole adjustment; and other activities for complete installation and site restoration. The Durand Eastman Beach Utilities and Site Improvements Project includes the installation of public water and sanitary sewer services to the site to support the current temporary facilities and the potential permanent improvements at Durand Eastman Beach. Construction will include the maintenance and protection of existing utilities, vehicle and pedestrian traffic patterns, adjacent beach operations and the water treatment facility.

Ordinance No. 2015-47 authorized an intermunicipal agreement with Monroe County for payment of a portion of the repairs where the County is responsible for maintenance. The repairs are the responsibility of the County and the City of Rochester. The original estimated share split was a preliminary estimate based on a concept, not actual construction cost from a responsible low bidder; one-third for the City and two-thirds for Monroe County. However, based on the construction bid submitted by the successful low bidder, Ramsey Constructors, Inc., the actual share split calculates to be 52.41% City and 47.59% County. The County shall reimburse the City for repairs in an amount not to exceed \$680,000, as originally stated in the inter-municipal agreement.

Total cost for the project is as follows:

	<u>Design</u>	<u>Construction</u>	<u>RPR</u>	<u>Contingency</u>	<u>Total</u>
Prior Years'					
Cash Capital	\$10,525	\$ 61,818.38	\$ 17,790	\$ 29,866.62	\$ 120,000.00
Bond 2014-224			31,500		31,500.00
Bond 2014-289	18,300	116,255.55	24,400		158,955.55
Monroe County	26,175	349,607.92	38,310	265,907.08	680,000.00
Federal		206,942.90			206,942.90
NYSLWRP*			<u>28,000</u>		<u>28,000.00</u>
Total	<u>\$55,000</u>	<u>\$734,624.75</u>	<u>\$140,000</u>	<u>\$295,773.70</u>	<u>\$1,225,398.45</u>

\*New York State Local Waterfront Revitalization Program

Construction is anticipated to begin in spring 2016, with substantial completion by Memorial Day. The construction phase of this project will result in the creation and/or retention of the equivalent of 7.9 full-time jobs.

Respectfully submitted,  
 Lovely A. Warren  
 Mayor

Ordinance No. 2016-78  
 (Int. No. 93)

**Amending the funding for the Durand Eastman Beach Outfall and Durand Eastman Utilities and Site Improvement projects**

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

Section 1. Section 1 of Ordinance No. 2015-47 is hereby amended to change the allocated shares of funding for the professional services agreement with Lu Engineers for design services for the Durand Eastman Beach Outfall project as follows:

- a. to decrease Monroe County's share of the costs for such design services by \$10,525 to a total County share of \$26,175; and
- b. to add an additional share consisting of Prior Years Cash Capital in the amount of \$10,525.

Section 2. Section 2 of Ordinance No. 2015-328 is hereby amended to change the allocated shares of funding for the professional services agreement with Lu Engineers for construction phase design and resident project representation (RPR) services for the Durand Eastman Beach Outfall and Durand Eastman Utilities and Site Improvement projects as follows:

- a. to decrease Monroe County's share of the costs for such construction phase design and RPR services by \$17,790 to a total County share of \$38,310; and
- b. to add an additional share consisting of Prior Years Cash Capital in the amount of \$17,790.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-79,  
Ordinance No. 2016-80  
Re: Amendatory Agreement - Stantec  
Consulting Services, Inc., Dr. Martin  
Luther King, Jr. Memorial Park  
Improvement Project, Phase IIIC

Council Priority: Creating and Sustaining a  
Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Dr. Martin Luther King, Jr. Memorial Park Improvement Project, Phase IIIC Project. This legislation will:

- 1. Establish \$125,000 as maximum compensation for an amendatory agreement with Stantec Consulting Services, Inc., Rochester, New York, for additional design and resident project representation (RPR) services for the project; and
- 2. Authorize the issuance of bonds totaling \$300,000 and the appropriate the proceeds thereof to finance the additional design, RPR and construction phases.

The original \$150,000 agreement with Stantec was authorized in January 2013 (Ord. No. 2013-20) for design and RPR services and amended in February 2015 (Ord. No. 2015-49) to a total of \$198,000. This amendment will increase maximum compensation by \$125,000 to a total of \$323,000. The cost of the agreement will be financed from the bonds appropriated herein.

This project was originally funded from the Capital Project Acceleration Initiative, and included the restoration of water flow to the existing fountain. In July 2014, an additional \$400,000 was authorized for this project to provide additional mechanical improvements, installation of a signature quote from Dr. King’s “I have a Dream” speech, and night lighting of the fountain (Ord. No. 2014-222).

	<u>Design</u>	<u>General Contractor</u>	<u>Mechanical Contractor</u>	<u>Electrical Contractor</u>	<u>Term Contracts</u>	<u>Contingency</u>	<u>Total</u>
Bond Ord. No. 2005-174		\$ 5,400.00					\$ 5,400.00
Bond Ord. No. 2012-446	\$148,000	48,865.00	\$403,135				600,000.00
Bond Ord. No. 2007-106		1,380.00					1,380.00
Bond Ord. No. 2011-307	50,000						50,000.00
Bonds to appropriate Prior Years' Cash Capital	125,000				\$175,000		300,000.00
FY14 Cash Capital (Ord. No. 2014-222)		249,200.00	120,000	\$30,800			400,000.00
FY15 Cash Capital (Ord. No. 2015-287)		<u>74,052.00</u>	<u>176,565</u>			<u>\$99,383</u>	<u>350,000.00</u>
Total	\$323,000	\$385,823.40	\$699,700	\$30,800	\$175,000	\$99,383	\$1,713,706.40

The remaining \$175,000 bonded herein will be utilized to procure and install sump pumps and fountain lighting. These services will be provided through existing term contracts.

The total cost of improvements to the park is estimated at \$1,713,706, including contingency. Construction will begin in spring 2016, with completion scheduled for fall 2016. The amendatory agreement and additional construction funding will result in the creation and/or retention of the equivalent of three full-time jobs.

Respectfully submitted,  
 Lovely A. Warren  
 Mayor

Attachment No. AP-55

Ordinance No. 2016-79  
 (Int. No. 94)

**Authorizing an amendatory agreement related to the Dr. Martin Luther King, Jr. Memorial Park Improvement Project, Phase IIIC**

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 Stantec Consulting Services, Inc. in an amount not to exceed \$125,000, for additional design and resident project representation services for the Dr. Martin Luther King, Jr. Memorial Park Improvement Project, Phase IIIC.

Section 2. Said amendatory agreement shall be funded by bonds authorized and appropriated for said project.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2016-80  
(Int. No. 95)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$300,000 Bonds of said City to finance a portion of the costs of Phase IIIC of the Dr. Martin Luther King, Jr. Memorial Park Improvement Project**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the costs of additional design and resident project representation and the acquisition and installation of sump pumps and fountain lighting as Phase IIIC of the Dr. Martin Luther King, Jr. Memorial Park Improvement Project (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,713,706. The plan of financing includes the issuance of \$300,000 bonds of the City as contemplated herein, the proceeds of which are hereby appropriated to the project, issuance of \$656,780 of bonds of the City previously authorized under Ordinances 05-174, 12-446, 07-106 and 11-307, \$756,926 cash capital contributions authorized under Ordinances 14-222 and 15-287 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 \$300,000 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 \$300,000. 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. 19 of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

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

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-81  
Re: Agreement - High Falls Development Corporation, Maintenance Services

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation with the High Falls Development Corporation (principal: Ben Kendig) to provide maintenance services in the area previously known as the High Falls Festival Site. The term of the agreement is one-year, retroactive to October 1, 2015 through September 30, 2016, and will be funded from the 2015-16 Budget of the Department of Environmental Services.

The High Falls Development Corporation leased space at 40 Commercial Street from the City until June 2015. The lease was terminated, however maintenance services on the site were continued. In the interim, a cost comparison analysis was requested by the Department of Environmental Services to determine whether the City could provide these services more economically. Upon review, it was determined that the services offered by High Falls Development Corporation were a better value than what could be supplied using in-house resources. High Falls Development Corporation continued to provide the services throughout the cost analysis, thereby requiring the agreement to be retroactive at this time.

Area-wide services include litter and trash removal; routine graffiti removal; repair and resetting of pavers as needed; reseating of pavers every two years; annual fertilizing and mulching of landscape beds; and watering and weeding of landscape beds as needed. Additional services, depending on the specific sub-areas, include cleaning and removal of stains on pavers and concrete surfaces; painting of all metal surfaces; snow plowing, removal and de-icing as needed; repointing of stone walls as needed; repair and painting of plastered walls on terrace as needed; painting of fences and railings as needed; replacement of light bulbs as needed; and weekly cleanup of the "shelf" area contiguous to the terrace.

High Falls Development Corporation was selected to provide maintenance services given its interests in the surrounding area, proximity to the site, and the capability to provide maintenance services. The firm has provided these services since October 2000 (Ord. No. 2000-289), and the most recent agreement was authorized in August 2014 (Ord. No. 2014-256). An internal review determined that

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the agreement is less expensive than the cost of the City to provide the same services. A justification statement for not issuing a request for proposals is attached.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-56

Ordinance No. 2016-81  
(Int. No. 96)

**Authorizing agreement with High Falls Development Corporation**

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 High Falls Development Corporation in the maximum amount of \$15,000, to provide maintenance services in the area previously known as the High Falls Festival Site.

Section 2. Said agreement shall be funded by the 2015-16 Budget of the Department of Environmental Services and shall have a term of one year that commences upon the expiration of the parties' previous maintenance agreement authorized by Ordinance No. 2014-256.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-82  
Re: Authorizing a Traffic Flow Change -  
Weider Street

Council Priority: Rebuilding and  
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation authorizing a change in the direction of traffic flow on Weider Street, between Nicholson and Cayuga Streets, from two-way to one-way eastbound.

The Weider Street eastbound one-way is requested by the residents and property owners on Weider Street in order to discourage cut-through traffic and enhance safety on their street. The street is 18-feet wide with parking on one side, leaving one effective travel lane on the street. By changing to one-way eastbound, conflicts between vehicles traveling in both directions will be eliminated.

A petition with support from more than 80% of the street's residents was reviewed and verified by Department of Environmental Service's staff, as required. The change to eastbound one-way was reviewed and endorsed by the City's Traffic Control Board at its February 2, 2016 meeting.

A public hearing is required.

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Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-57

Ordinance No. 2016-82  
(Int. No. 97)

**Changing the traffic flow on Weider Street from two-way to one-way eastbound**

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 Weider Street, which extends between Nicholson and Cayuga Streets, from two-way to one-way eastbound.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Haag moved to amend Int. No. 101.

The motion was seconded by Councilmember Patterson.

The motion was adopted by the following vote:

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

Nays – None - 0.

**TO THE COUNCIL**

Ladies and Gentlemen:

Ordinance No. 2016-83  
Re: Code Amendment - Parks Code, Dogs  
and Other Animals

Council Priority: Creating and Sustaining a  
Culture of Vibrancy

Transmitted herewith for your approval is legislation amending the City Code, Chapter 79-8, Parks Code, Dogs and Other Animals, with regard to dog leash requirements in City parks.

The proposed amendment will facilitate the development of one or more dog parks in the City of Rochester. Currently, the Code states that dogs are permitted within a park if controlled by a leash. The amendment would permit dogs to be unleashed when located within a fenced and authorized area within a park.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Matt Haag  
Councilmember-at-Large  
Chair, Parks & Public Works Committee

Ordinance No. 2016-83  
(Int. No. 101, as amended)

**Amending Chapter 79 of the Municipal Code as it relates to Dogs and Other Animals in Parks**

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

Section 1. Section 79-8 of Chapter 79 of the Municipal Code, Parks, is hereby amended as follows:

**§ 79-8 Dogs and other animals.**

No person shall bring into, permit, have or keep in a park any household pet or other animal which may be injurious or destructive to birds, fish, animals or other wildlife, plant life or other natural features within a park or which may be dangerous, injurious or offensive to other users of a park, except that dogs shall be permitted within a park if controlled by a leash, or within a fenced and authorized area within a park, and as otherwise regulated by Chapter 31 of the Municipal Code, Animals - Dog Control. Any person who brings into, permits, has or keeps an animal in a park shall be responsible for any damage caused to the park by such animal. For purposes of this section, “a fenced and authorized area” shall be a specified area designated and approved for that purpose by City Council and in accordance with rules and regulations promulgated by the Commissioner.

Section 2. This Ordinance shall take effect immediately.

New text is underlined

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-84

Re: Municipal Code Amendment - Flood  
Damage Prevention

Transmitted herewith for your approval is legislation that incorporates federal revisions to the flood insurance maps and study data that govern the implementation of the National Flood Insurance Program (NFIP) in the City of Rochester.

Under the NFIP, the Federal Emergency Management Agency (FEMA) provides city property owners and mortgage lenders with access to affordable flood insurance, provided that the City maintains and enforces a flood prevention program that complies with federal regulations. Under the City's flood damage prevention program, which is set forth in Chapter 56 of the Municipal Code, certain additional rules pertain and a City permit is required for construction and other activities that are conducted within certain "areas of special flood hazard" designated by FEMA. The special areas are detailed on FEMA's Flood Insurance Rate Maps and in its 2008 Flood Insurance Study of all Monroe County jurisdictions.

In 2008, FEMA released a map that incorrectly depicted portions of the Corn Hill neighborhood as being located in a Special Flood Hazard Area. This inaccuracy was derived in part by ignoring the joint operational effects of the Mount Morris and Court Street Dams on the Genesee River.

In 2015, Bergmann Associates completed a study that included a review of water discharge calculations, the operational effects, statistical analysis of the downstream gages, hydrologic analysis and the development of a hydraulic model for this section of the Genesee River. Based on the study's findings, and further supported by discussions with FEMA, the simulation models demonstrate a

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reduction of up to 2.8 feet in the river's 100-year flood elevation at the Court Street Dam. This reduction is substantiated by the fact that the City has no record of the Corn Hill area experiencing any flooding since the Mount Morris Dam went into operation in 1956.

Based on this information, in December 2015, FEMA issued a Letter of Map Revision that includes a revised map and study information that removes the mistaken designation of a Special Flood Hazard Area within the Corn Hill neighborhood. In order for the City to remain eligible for the NFIP, the City is required to incorporate the revised map and study information into the City's flood prevention program by no later than June 16, 2016. This legislation satisfies that requirement by incorporating FEMA's revised flood insurance map and study information into the definition of special flood hazard areas in Chapter 56 of the Municipal Code.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-58

Ordinance No. 2016-84  
(Int. No. 102, as amended)

**Amending Chapter 56 of the Municipal Code with regard to Flood Damage Prevention**

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

Section 1. Section 56-3 of the Municipal Code is hereby amended to read in its entirety as follows:

§ 56-3. General provisions.

- A. Lands to which this chapter applies. This chapter shall apply to all areas of special flood hazard ~~within the jurisdiction of the City of Rochester, Monroe County.~~
- B. Basis for establishing the areas of special flood hazard.

~~(1)~~—The areas of special flood hazard for the City of Rochester, Community Number 360431, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

~~(1)~~ ~~(a)~~ Flood Insurance Rate Map Panel Numbers:

36055C0088G, 36055C0179G, 36055C0182G, 36055C0183G, 36055C0184G,  
36055C0191G, 36055C0192G, 36055C0193G, 36055C0194G, 36055C0201G,  
36055C0202G, 36055C0203G, 36055C0204G, 36055C0206G, 36055C0208G,  
36055C0211G, 36055C0212G, 36055C0213G, 36055C0214G, 36055C0216G,  
36055C0218G, 36055C0331G, 36055C0332G, 36055C0351G

whose effective date is August 28, 2008, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

~~(2)~~ ~~(b)~~ A scientific and engineering report entitled "Flood Insurance Study, Monroe County, New York, All Jurisdictions" dated August 28, 2008.

~~(3)~~ Letter of Map Revision Case Number 15-02-1699P, effective June 16, 2016, amending Flood Insurance Rate Map Panel 36055C0213G, Flood Insurance Study Profile 94P.

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Flood Insurance Study Floodway Data Table 9 and Flood Insurance Study Summary of Discharges Table 6.

(2)–The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at:

~~City Clerk's Office~~  
City Director of Flood Plain Management  
Room 300-A 125-B  
City Hall  
30 Church Street  
Rochester, New York 14614

C. Interpretation and conflict with other ordinances.

- (1) This chapter includes all revisions to the National Flood Insurance Program through October 27, 1997, and shall supersede all previous laws adopted for the purpose of flood damage prevention.
- (2) In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

D. Severability. The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof.

E. Penalties for noncompliance. No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days, or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the City of Rochester from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this chapter for which the developer and/or owner has not applied for and received an approved special permit under § 56-6 will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

F. Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Rochester, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

March 22, 2016

By Councilmember McFadden  
March 22, 2016

To the Council:

The Public Safety, Youth & Recreation Committee recommends for Adoption the following entitled legislation:

Int. No. 98 - Authorizing an intermunicipal agreement with the Rochester City School District

Int. No. 99 - Authorizing an agreement with Wegmans Food Markets, Inc. to provide prescription medication for firefighters injured on the job

Int. No. 100 - Authorizing an agreement for job skills training and landscape maintenance in City parks and green spaces

Respectfully submitted,

Adam McFadden  
Matt Haag  
Dana K. Miller  
Loretta C. Scott  
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed, and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-85  
Re: Intermunicipal Agreement - Rochester  
City School District, Data Sharing

Council Priority: Support the Creation of  
Effective Educational Systems

Transmitted herewith for your approval is legislation authorizing an intermunicipal agreement with the Rochester City School District (District) to share student data with the Department of Recreation and Youth Services (DRYS) and the Rochester Public Library (RPL). This agreement will commence on April 1, 2016 and expire June 30, 2016, with an option to extend for four additional one-year terms.

The agreement will allow the City to efficiently identify and register youth users of DRYS and RPL services; cross-check basic demographic data; analyze youth usage of in-school and out-of-school services; link the usage of services to youth outcomes; and identify areas of need or service gaps. In addition, the agreement will allow youth to access DRYS and RPL services by using their District student identification card, eliminating the burden of managing multiple identification cards.

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No funds are required for this agreement.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2016-85  
(Int. No. 98)

**Authorizing an intermunicipal agreement with the Rochester City School District**

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

Section 1. The Mayor is hereby authorized to enter into an intermunicipal agreement with the Rochester City School District to share student data with the Department of Recreation and Youth Services and the Rochester Public Library.

Section 2. The term of the agreement shall extend from April 1, 2016, through June 30, 2016, with an option to extend for up to four additional one-year terms. No funds are required for this agreement.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-86  
Re: Agreement - Wegmans Food Markets,  
Inc., Firefighter Prescription Medicine

Transmitted herewith for your approval is legislation establishing \$100,000 as maximum annual compensation for an agreement with Wegmans Food Markets, Inc. for the provision of prescription medication, as required, for Firefighters who have been injured on the job. The term of this agreement will be for two years, with the option of two, two-year renewals. The cost of the first year will be funded from the 2015-16 Budget of the Fire Department, and subsequent annual costs will be funded from future budgets of the Fire Department, contingent upon their approval.

Wegmans Food Markets, Inc. has provided this service since 1983. The current agreement expires on April 30, 2016 and was authorized in 2012 via Ordinance No. 2012-117. The proposed agreement provides prices at the average wholesale price (AWP), less 16.75% plus \$1.00 for brand name drugs, and at the AWP less 25% plus \$1.00 for generic drugs. Pricing will be at these rates or the usual and customary charge, whichever is less. The average cost of prescription drugs for injured firefighters for 2014 and 2015 was \$75,000 per year.

Wegmans Food Markets, Inc. was selected through a request for proposals process which is described in the attached summary.

Respectfully submitted,  
Lovely A. Warren  
Mayor

March 22, 2016

Attachment No. AP-59

Ordinance No. 2016-86  
(Int. No. 99)

**Authorizing an agreement with Wegmans Food Markets, Inc. to provide prescription medication for firefighters injured on the job**

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 Wegmans Food Markets, Inc. to provide prescription medication for firefighters injured on the job for a maximum annual compensation of \$100,000.

Section 2. Said agreement shall have a term of two years, with the option for up to two 2-year renewals, and shall be funded from the 2015-16 and subsequent Operating Budgets of the Fire Department, contingent upon approval of future budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Re: Ordinance No. 2016-87  
Agreement - Renewal Services  
Rochester, Inc., Job Skills Training  
and Maintenance of Landscape  
Plantings in City Parks and Green  
Spaces

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

Transmitted herewith for your approval is legislation establishing \$14,000 as maximum compensation for an agreement with Renewal Services Rochester, Inc. for job skills training and the maintenance of landscape plantings in City parks and green spaces. The cost of this agreement will be funded from the 2015-16 (\$5,200) and 2016-17 (\$8,800) Budgets of the Department of Recreation and Youth Services (DRYS), contingent upon approval of the latter budget. The term of this agreement will be for one year with the option of three one-year renewals. Subsequent costs will be funded from the annual budgets of DRYS, contingent upon their approval.

Renewal Services Rochester is a non-profit workforce development agency which focuses on reintegrating ex-offenders into the workforce by providing real life work experiences. They will provide eight months of landscape and garden maintenance services in select City parks and R-Center garden locations.

Services will include, but will not be limited to, ongoing horticultural and landscape maintenance throughout the season, the preparation and planting of various gardens, bulb planting, and fall clean-up.

Renewal Services Rochester was selected for these services based on their workforce development mission and the experience and expertise of their staff. A justification statement for not issuing a request for proposals is attached.

March 22, 2016

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-60

Ordinance No. 2016-87  
(Int. No. 100)

**Authorizing an agreement for job skills training and landscape maintenance in City parks and green spaces**

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 Renewal Services Rochester, Inc. to provide job skills training and maintenance of landscape plantings in City parks and green spaces. The term of the agreement shall be for one year with the option to extend for up to three additional terms of one-year each.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$14,000 per year, and said amount, or so much thereof as may be necessary, shall be funded for the initial term in the amount of \$5,200 from the 2015-16 Budget of the Department of Recreation and Youth Services (DRYS) and in the amount of \$8,800 from the 2016-17 Budget of DRYS, contingent upon approval of the latter budget. Costs for any subsequent extensions of the agreement's term shall be from DRYS' subsequent annual budgets, contingent upon approval.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 7:55 p.m.

HAZEL L. WASHINGTON

City Clerk