

ROCHESTER CITY COUNCIL

REGULAR MEETING

February 25, 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:

- \*Oscar Beasley
- \*Joann D. Beck

RPD:

- Michael Prince
- \*Edward A. Alberto
- \*Mark G. DiBelka
- \*Winifred A. Fuchs
- \*Jeanette M. Sawnor

*\*Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Patterson

RESOLVED, that the minutes of the Regular Meeting of January 19, 2016 be approved as published in the official sheets of the Proceedings.

**THE COUNCIL PRESIDENT --- AYES OR NAYS**

Adopted unanimously.

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

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

February 25, 2016

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges (2) 4215-16, 4219-16  
Public Disclosure – HOME Participation (5) 4216-16, 4217-16, 4218-16, 4220-16, 4221-16

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

Councilmember Haag submits 2,315 signatures in favor of saving the abandoned subway tunnel located in downtown Rochester. Petition No. 1724

**REPORTS OF STANDING COMMITTEES  
AND ACTION THEREON**

By Councilmember Conklin  
February 25, 2016

To the Council:

The Finance Committee recommends for Adoption the following entitled legislation:

Int. No. 44 - Appropriating Firefighters' Insurance Funds

Int. No. 45 - Appropriation from the Insurance Reserve Fund

Int. No. 68 - Resolution nominating various persons for membership on the Rochester-Genesee Regional Transportation Authority

Int. No. 69- Resolution nominating various persons for membership on the Rochester-Genesee Regional Transportation Authority

Int. No. 70 - Resolution nominating various persons for membership on the Rochester-Genesee Regional Transportation Authority

Respectfully submitted,

Molly Clifford  
Dana K. Miller  
Loretta C. Scott  
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-37  
Re: Firefighters' Insurance Fund

February 25, 2016

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

1. Appropriate \$310,000 from the Firefighters' Insurance Fund at the request of the Rochester Firefighters Two Percent Committee to benefit City firefighters.
2. Appropriate \$183,303.17 from the Firefighters' Insurance Fund for uses nominated by the City to benefit City firefighters.

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

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

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

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

- 1) Firehouse items set forth in Section 1G of the original agreement (\$90,000).
- 2) Firehouse items not identified in Section 1G of the agreement, to be approved by the TPC in accordance with New York State Comptroller's Opinions and Insurance Law Sections 9104 and 9105 (\$200,000).
- 3) Legal and accounting expenses (\$20,000).

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

- 1) Snow plow services for apparatus bay driveways at firehouses (\$51,000).
- 2) Linen and laundry expense (\$80,000).
- 3) Small equipment and minor firehouse renovations (\$50,303.17).
- 4) Audit of the Two Percent Fund (\$2,000).

The City of Rochester has engaged Freed Maxick to conduct an audit of the Two Percent Fund held by the City of Rochester and the TPC. The cost of the audit is estimated at \$2,000, of which the City will pay 30% and the TPC will pay 70%, as per Section 1J of the agreement. The cost of the audit will be funded from the respective Two Percent Fund accounts controlled by the City of Rochester.

February 25, 2016

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2016-37  
(Int. No. 44)

**Appropriating Firefighters' Insurance Funds**

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

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

Firefighter Nominated Items:

- 1) Fire house items set forth in Section 1G of the Agreement (\$90,000).
- 2) Fire house items not identified in Section 1G of the Agreement, to be approved by the Rochester Firefighters Two Percent Committee (Two Percent Committee) in accordance with NY State Comptroller's Opinions and Insurance Law Sections 9104 and 9105 (\$200,000).
- 3) Legal and accounting expenses (\$20,000).

Firefighter Total: \$310,000.

City Nominated Items:

- 1) Snow plow services for apparatus bay driveways at firehouses (\$51,000).
- 2) Linen and laundry expense (\$80,000).
- 3) Small equipment and minor firehouse renovations (\$50,303.17).
- 4) Audit of the Two Percent Fund held by the City of Rochester and the Two Percent Committee (\$2,000).

City Total: \$183,303.17.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-38  
Re: Appropriation - Insurance Reserve  
Fund

February 25, 2016

Council Priority: Deficit Reduction and Long  
Term Financial Stability

Transmitted herewith for your approval is legislation appropriating \$4 million from the Insurance Reserve Fund to finance the payment of general liability claims.

The City is self-insured against all general liability, auto and personal claims, for which purpose the Insurance Reserve Fund is maintained. All claims are paid from this fund.

The monies maintained as reserves are invested until needed for disbursement. The interest earned on these investments is added to the fund balance. Interest income for fiscal year 2014-15 was \$38,270.

At present, the fund balance is \$17,364,128; of that amount, \$1,091,827 is appropriated for disbursement. Under the proposed legislation, an additional \$4 million will be appropriated for the payment of claims, leaving an unappropriated balance of \$12,272,301.

The most recent appropriation was for \$3 million and was approved by City Council in July 2012.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-25

Ordinance No. 2016-38  
(Int. No. 45)

**Appropriation from the Insurance Reserve Fund**

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

Section 1. There is hereby appropriated from the Insurance Reserve Fund the sum of \$4 million, or so much thereof as may be necessary, to finance the payment of general liabilities and claims against the City.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Conklin moved to discharge Int. Nos. 68, 69, and 70 from committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following vote:

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

February 25, 2016

Introductory No. 68,  
Introductory No. 69 &  
Introductory No. 70  
Re: RGRTA Appointments

Transmitted herewith for your approval is legislation nominating the following persons for appointment to the Rochester-Genesee Regional Transportation Authority (RGRTA).

Appointment:

|   |   |
|---|---|
| Jerdine L. Johnson<br>45 Crawford Street<br>Rochester, NY 14620 | Willie Joe Lightfoot<br>147 Trafalgar Street<br>Rochester, NY 14619 |
| William P. McDonald<br>76 Elmcroft Road<br>Rochester, NY 14609  | Juanita Ball<br>201 Cedarwood Terrace<br>Rochester, NY 14609        |
| Paul E. Haney<br>424 Broadway<br>Rochester, NY 14607            | Michael L. Mason<br>285 Wellington Avenue<br>Rochester, NY 14619    |

Pursuant to section 1299dd of the NYS Public Authorities Law, the Commissioners of the RGRTA are appointed by the Governor with the advice and consent of the Senate. The persons considered for appointment are nominated by the legislative bodies of the participating municipalities. Two nominations are required for each commissioner position, along with a recommendation of one of the two.

The recommendation of the City Council to the Governor for the Commissioners representing the City of Rochester are Jerdine L. Johnson, William P. McDonald and Paul E. Haney.

The length of term for each Commissioner is five years. The resumé of each nominee is on file with the City Clerk and will be forwarded to the Governor's Office for his further review and consideration.

Respectfully submitted,  
Loretta C. Scott  
President

Introductory No. 68

**RESOLUTION NOMINATING VARIOUS PERSONS FOR MEMBERSHIP ON THE  
ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY**

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

Section 1. The Council of the City of Rochester hereby nominates the following two persons to fill a single vacancy on the Rochester-Genesee Regional Transportation Authority created by the expiration of the term of Thomas R. Argust:

|  |  |
|--|--|
| Jerdine L. Johnson<br>45 Crawford Street | Willie Joe Lightfoot<br>147 Trafalgar Street |
|--|--|

February 25, 2016

Rochester, NY 14620

Rochester, NY 14619

Section 2. Pursuant to section 1299-dd of the Public Authorities Law, the Council hereby requests that the Governor of the State of New York appoint one of the persons named in Section 1 to fill the vacancy on the Rochester-Genesee Regional Transportation Authority. The Council hereby recommends the appointment of Jerdine L. Johnson to such position because of her interest and expertise in the community and regional transit activities of the Rochester-Genesee Regional Transportation Authority.

Section 3. The City Clerk is hereby authorized and directed to transmit copies of the Resolution to the Governor and to the Rochester-Genesee Regional Transportation Authority.

Section 4. This resolution shall take effect immediately.

Held in committee.

Introductory No. 69

**RESOLUTION NOMINATING VARIOUS PERSONS FOR MEMBERSHIP ON THE ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY**

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

Section 1. The Council of the City of Rochester hereby nominates the following two persons to fill a single vacancy on the Rochester-Genesee Regional Transportation Authority created by the expiration of the term of Karen C. Pryor:

William P. McDonald  
76 Elmcroft Road  
Rochester, NY 14609

Juanita Ball  
201 Cedarwood Terrace  
Rochester, NY 14609

Section 2. Pursuant to section 1299-dd of the Public Authorities Law, the Council hereby requests that the Governor of the State of New York appoint one of the persons named in Section 1 to fill the vacancy on the Rochester-Genesee Regional Transportation Authority. The Council hereby recommends the appointment of William P. McDonald to such position because of his interest and expertise in the community and regional transit activities of the Rochester-Genesee Regional Transportation Authority.

Section 3. The City Clerk is hereby authorized and directed to transmit copies of the Resolution to the Governor and to the Rochester-Genesee Regional Transportation Authority.

Section 4. This resolution shall take effect immediately.

Held in committee.

Introductory No. 70

**RESOLUTION NOMINATING VARIOUS PERSONS FOR MEMBERSHIP ON THE ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY**

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

February 25, 2016

Section 1. The Council of the City of Rochester hereby nominates the following two persons to fill a single vacancy on the Rochester-Genesee Regional Transportation Authority created by the expiration of the term of Barbara J. Jones:

Paul E. Haney  
424 Broadway  
Rochester, NY 14607

Michael L. Mason  
285 Wellington Avenue  
Rochester, NY 14619

Section 2. Pursuant to section 1299-dd of the Public Authorities Law, the Council hereby requests that the Governor of the State of New York appoint one of the persons named in Section 1 to fill the vacancy on the Rochester-Genesee Regional Transportation Authority. The Council hereby recommends the appointment of Paul E. Haney to such position because of his interest and expertise in the community and regional transit activities of the Rochester-Genesee Regional Transportation Authority.

Section 3. The City Clerk is hereby authorized and directed to transmit copies of the Resolution to the Governor and to the Rochester-Genesee Regional Transportation Authority.

Section 4. This resolution shall take effect immediately.

Held in committee.

By Council Vice President Miller  
February 25, 2016

To the Council:

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

Int. No. 46 - Authorizing amendatory agreements and appropriating additional funds for real estate appraisal services

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. 2016-39

February 25, 2016

Re: Amending Ordinance No. 2015-224 -  
Appraisal Services

Council Priority: Rebuilding and  
Strengthening Neighborhood Housing, and  
Jobs and Economic Development

Transmitted herewith for your approval is legislation amending Ordinance No. 2015-224 which authorized agreements with Pogel, Schubmehl & Ferrara, LLC, Midland Appraisal Associates, Inc., Bruckner, Tillett, Rossi, Cahill & Associates and Monroe Barrie Corporation d/b/a Metro Appraisal Associates for appraisal services as required by the City during the 2015-16 fiscal year.

This amendment will increase funding for the following agreements:

|                                 | Amt. auth'd via<br><u>Ord. 2015-224</u> | Amendment<br><u>Amount</u> | <u>New Total</u> |
|---------------------------------|---|----------------------------|------------------|
| Pogel, Schubmehl & Ferrara, LLC | \$ 9,500                                | \$5,000                    | \$14,500         |
| Monroe Barrie Corporation       | <u>9,500</u>                            | <u>5,000</u>               | <u>14,500</u>    |
| Total                           | \$19,000                                | \$10,000                   | \$29,000         |

The source of funds for the amendatory amount is 2014-15 Cash Capital.

In October 2015, Ordinance No. 2015-224 was similarly amended, increasing funding by \$5,000 for a total of \$14,500 each for agreements with Midland Appraisal Associates, Inc. and Bruckner, Tillett, Rossi, Cahill & Associates (Ord. No. 2015-323). At that time, the demand for appraisals associated with the City's property acquisitions came to be greater than what was originally anticipated largely due to the redevelopment of Bull's Head.

The additional funding requested herein is also a result of increased acquisitions for Bull's Head, which have proven far greater than anticipated. It is intended that the increased funding will allow appraisal services to continue through the fiscal year.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-26

Ordinance No. 2016-39  
(Int. No. 46)

**Authorizing amendatory agreements and appropriating additional funds for real estate appraisal services**

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

Section 1. Section 1, of Ordinance No. 2015-224, as amended by Ordinance No. 2015-323, is hereby further amended by increasing the compensation for the agreement with Pogel, Schubmehl & Ferrara LLC from \$9,500 to \$14,500, an increase of \$5,000. Said increase in compensation shall be funded from 2014-15 Cash Capital.

Section 2. Section 1, of Ordinance No. 2015-224, as amended by Ordinance No. 2015-323, is hereby further amended by increasing the compensation for the agreement with Monroe Barrie

February 25, 2016

Corp. from \$9,500 to \$14,500, an increase of \$5,000. Said increase in compensation shall be funded from 2014-15 Cash Capital.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Ortiz  
February 25, 2016

To the Council:

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

Int. No. 47 - Authorizing the sale of real estate

Int. No. 48 - Appropriating funds for the Emergency Assistance Repair Program

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

Int. No. 49 - Amending the Zoning Code map, text and concept plan for Rochester General Hospital, Planned Development District No. 6

Int. No. 67 - Amending the Zoning Code map and Urban Renewal Plan for the Marketview Heights Urban Renewal District

Respectfully submitted,

Jacklyn Ortiz  
Molly Clifford  
Dana K. Miller  
Loretta C. Scott  
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-40  
Re: Sale of Real Estate

Council Priority: Rebuilding and  
Strengthening Neighborhood Housing

February 25, 2016

Transmitted herewith for your approval is legislation approving the sale of 11 properties. City records have been checked to ensure that purchasers (except those buying unbuildable vacant lots) do not own other properties with code violations or delinquent taxes, and have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first four properties were sold to the respective highest bidder at on-site real estate auctions. All purchasers will be required to rehabilitate the structures within 12 months of City Council approval.

The next three properties are vacant lots sold by request for proposals. The first two will be used as green space by the purchaser. The third will be used for construction of a new union headquarters and parking lot for the Rochester Firefighters Association Two Percent Committee, Inc.

The next four 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 properties.

The first year projected tax revenue for these 11 properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$8,596.

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-27

Ordinance No. 2016-40  
(Int. No. 47)

**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>       |
|------------------------|-----------------|-----------------|------------|--------------|------------------------|
| 32 Concord St          | 106.49-2-32     | 40 x 100        | 2 Family   | \$7,000      | Sherif Salah El-Naggar |
| ‡ 30 Concord St        | 106.49-2-31     | 40 x 100        | Vacant Lot | NA           | Sherif Salah El-Naggar |
| 327 River Heights Cir. | 060.60-2-44     | 16 x 64         | 1 Family   | \$36,500     | EMAJ Enterprises*      |
| 600 Thurston Rd        | 135.32-2-94     | 39 x 63         | 1 Family   | \$29,000     | Margaret Austin        |

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

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

Section 2. The Council hereby approves the negotiated sale of the following parcels of vacant land with proposal:

February 25, 2016

| <u>Address</u>   | <u>S.B.L. #</u> | <u>Lot Size</u> | <u>Sq. Ft.</u> | <u>Price</u> | <u>Purchaser</u>                           |
|------------------|-----------------|-----------------|----------------|--------------|--|
| 222-224 Breck St | 107.78-1-7      | 35 x 138        | 4,830          | \$425        | Roll Tide, LLC*                            |
| 226-228 Breck St | 107.78-1-8      | 35 x 138        | 4,830          | \$425        | Roll Tide, LLC*                            |
| 65 Hudson Av     | 106.64-2-69.3   | 365 x 286       | 103,673        | \$164,000    | Roch. Firefighters Assoc. 2%<br>Comm Inc** |

\* Officers: John Sidou, President; Dimitrios Karras, Vice President

\*\* Officers: Eddie Santiago, President; Daryll Winter, John Joseph, Johnathan Griffiths, Robert Villa, Scott Jorger, James Smallwood, Alphonse White

Section 3. 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>       |
|------------------|-----------------|-----------------|----------------|------------------------|
| 636 Augustine St | 090.64-1-24     | 19 x 135        | 2,479          | Kevin R. Bland         |
| 169 Desmond St   | 090.34-2-17     | 1 x 140         | 140            | Yvette Sgroi           |
| 19 Rockland Pk   | 120.51-4-64     | 33 x 79         | 2,607          | Henry & Beverly Isaacs |
| 33 Sawyer St     | 135.27-1-59     | 33 x 9*         | 313            | Loren D & Susan Layher |

\* 9.22 feet on north end

Section 4. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-41  
Re: Emergency Assistance Repair Program

Council Priority: Rebuilding and  
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the Emergency Assistance Repair Program (EARP). This legislation will appropriate \$101,801.71 for the City's use from the Emergency Assistance Repair Program allocation of the Housing Development Fund of the 2015-16 Community Development Block Grant.

EARP is an emergency program designed to assist eligible homeowners with furnace, hot water tank and water line service and/or replacement. The last funding authorization for EARP was approved in November 2015 (Ord. No. 2015-352). Additional funding is needed for the following reasons: 1) to meet the rising demand for boiler and associated asbestos abatement work; and 2) to offset the rising cost of hot water tanks.

February 25, 2016

The City has been experiencing a larger demand for boiler replacement and asbestos abatement than expected. These projects are significantly more expensive than a standard furnace replacement (costing approximately \$2,600), and can run between \$5,000-\$10,000. The cost for water tanks has also significantly increased. The City held a public bid to obtain estimates for hot water tanks and the lowest bid was \$1,248 per tank with installation, a 64% increase over the prior vendor amount of \$800.

This proposed funding appropriation will be sufficient to offset the costs discussed above to serve homeowners for the remainder of the fiscal year.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2016-41  
(Int. No. 48)

**Appropriating funds for the Emergency Assistance Repair Program**

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

Section 1. The amount of \$101,801.71 is hereby appropriated from the Emergency Assistance Repair Program allocation of the Housing Development Fund of the 2015-16 Community Development Block Grant for the City's use to operate the Emergency Assistance Repair Program to assist eligible homeowners with repair and/or replacement of furnaces, hot water tanks and water lines.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-42  
Re: Zoning Text and Map Amendment -  
Planned Development District No. 6,  
Rochester General Hospital

Transmitted herewith for your approval is legislation amending the Zoning Text and Map for Planned Development District (PD) No. 6, Rochester General Hospital, by incorporating Institutional Planned Development District (IPD) No. 6, Wilson Health Center, into PD No. 6 and amending the current Development Concept Plan and associated Zoning Regulations. The current hospital campus includes six parcels separated into three zones of campus functions called Parcels A, B and C. Inclusion of the Wilson Health Center into PD No. 6 will create a total of seven parcels. After the rezoning, all seven parcels will be combined into one tax parcel of approximately 47.8 acres.

The revised Development Concept Plan and amended PD District Zoning regulations (to be replaced in their entirety) are attached.

February 25, 2016

The City Planning Commission held an informational meeting on the proposed Text Amendment and Map Amendment on Monday, December 21, 2015. There were no speakers in support of or in opposition to this request. By a vote of 6-0-0, the City Planning Commission recommended approval.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the Director of Planning and Zoning, as lead agency, has determined that the proposed action will not result in any significant effects and has issued a negative declaration.

A public hearing is required for the Zoning Text and Map amendment.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-28

Ordinance No. 2016-42  
(Int. No. 49)

**Amending the Zoning Code map, text and concept plan for Rochester General Hospital, Planned Development District No. 6**

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the property constituting 800 Carter Street (SBL # 091.50-1-9.004) from IPD#6 to Planned Development District No. 6 - Rochester General Hospital (PDD No. 6), so that PDD No. 6 as so amended shall be comprised of:

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

Commencing at a point in the westerly highway boundary line of Portland Avenue 1296.74' North of the centerline of Norton Street as measured along the westerly highway boundary line of Portland Avenue;

- Thence (1) South 86°35'40" West and along the southerly property line of the Rochester General Hospital a distance of 997.94 feet to a point;
- Thence (2) South 03°11'05" East forming an interior angle of 90°13'16" with a course (1) a distance of 145.15 feet to a point;
- Thence (3) South 86°34'55" West forming an interior angle of 90°14'0" with a course (2) distance of 1,007.37 feet to a point;
- Thence (4) North 03°11'45" West forming an interior angle of 89°46'40" with a course (3) distance of 300.00 feet to a point;
- Thence (5) North 86°34'55" west forming an interior angle of 90°13'20" with a course (4) distance of 5.00 feet to a point;

- Thence (6) North 03°11'45" West forming an interior angle of 90°13'20" with a course (5) distance of 518.90 feet to a point;
- Thence (7) North 00°55'44" East forming an interior angle of 175°52'31" with a course (6) distance of 83.89 feet to a point;
- Thence (8) North 69°02'17" East forming an interior angle of 111°53'27" with a course (7) distance of 778.19 feet to a point;
- Thence (9) North 70°52'19" East forming an interior angle of 178°9'58" with a course (8) distance of 601.19 feet to a point;
- Thence (10) North 72°44'29" East forming an interior angle of 79°12'52" with a course (9) distance of 684.69 feet to point;
- Thence (11) South 06°28'23" East forming an interior angle of 176°45'59" with a course (10) distance of 176.25 feet to a point;
- Thence (12) South 03°14'20" East forming an interior angle of 90°10'0" with a course (11) distance of 1142.70 feet to the point and place of beginning. Course 12 forms an interior angle of 90°10'0" with course (1).

Section 2. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by amending the text for Planned Development District No. 6 - Rochester General Hospital, to read in its entirety as follows:

**Planned Development District No. 6  
Rochester General Hospital**

- A. Purpose. The Planned Development District No. 6 (PD #6) is intended to recognize and permit a defined area for the integrated development and delivery of programs and services offered by the Rochester General Hospital. The planned development district will allow the Hospital to deliver its mission to provide nationally recognized community and healthcare services and a quality campus environment, while remaining flexible to ever-changing ways in which health care services are provided.

The area of this PD #6 is approximately 51.8 acres bound by the public rights-of-way of Carter Street (west), Portland Avenue (east), and State Route 104 (north). The southern boundary is the residential and commercial zoning districts on the southern property line, as shown on the attached PD #6 map.

- B. Permitted uses. Permitted uses include, but are not limited to, the following uses when consistent with the above purpose:
  - a. Hospitals, including their buildings, owned or leased, for medical, administrative, and faculty offices, and support facilities for the hospital, its employees, administrators, staff and students of such institution.
  - b. Offices related to providing health care services.
  - c. Health care clinics.
  - d. Hospice.

- e. Nursing home.
  - f. Day-care center.
  - g. Residential-care facilities.
  - h. Community center.
  - i. Public and semipublic uses.
  - j. Warehouse, storage uses and maintenance facilities when related to the purpose stated above.
  - k. Accessory support uses or structures, including parking ramps, surface parking lots, office, retail, and restaurant facilities, bookstores and gift shops and heliports.
- C. Specially permitted uses. Uses that require a special permit from the City Planning Commission include the following:
- a. Solar Energy Systems
  - b. Wind Energy Conversion Systems
- D. Bulk, space and yard requirements.
- a. Building and Lot coverage: N/A
  - b. Maximum building height:
    - i. Within 100 feet of residentially zoned parcels: 60 feet.
    - ii. All other areas of the campus: 130 Feet.
  - c. Minimum yard requirements.
    - i. Along Portland Avenue: 40 feet.
    - ii. Along State Route 104: 20 feet.
    - iii. Along Carter Street: 100 feet.
    - iv. Along residential neighborhoods to the south: 40 feet.
- E. Building standards. Future development shall be subject to the following design sections of the City Zoning Code:
- a. Active facades on street front building elevations: § 120-158A(1).
  - b. Mechanical and electrical equipment and open storage areas: § 120-158E.
  - c. Building materials: § 120-159A.
- F. Open space. The woodlot known as “Buell's Woods” shall be maintained in accordance with a City-approved management plan. That plan is available at the hospital and in the PD-6 file in City Hall.
- G. Off-street parking and loading.
- a. Parking.

- i. Parking for uses within the District may be located anywhere within PD #6, except not within the required front yard setbacks and within the Buell's Woods portion of the property.
- ii. Up to 4,000 parking spaces are permitted on surface lots and in parking garages. The development of additional parking shall be permitted subject to all of the following requirements:
  - 1. A parking demand analysis shall be submitted as set forth in § 120-173B of the City Zoning Code, and approved through a special permit from the City Planning Commission;
  - 2. New Parking shall be limited to the construction of garage structures;
  - 3. No new surface parking lots shall be constructed;
  - 4. Parking complies with the design and maintenance standards set forth in § 120-173F of the City Zoning Code.
- b. Loading shall comply with the requirements set forth in § 120-172 of the City Zoning Code.

H. Permitted signage.

- a. Signs are intended to maximize wayfinding for the public and for emergency services. The intent of these regulations is to minimize the numbers, sizes, types, materials and lighting of signs in order to limit negative visual impacts to the District and adjoining neighborhoods.
- b. Wayfinding signs are permitted at critical intersections, including driveway intersections with public streets. The signs shall be consistent campus-wide in terms of graphics, logos, fonts, colors and illumination. Signs shall be permitted to have up to four faces, with each face not exceeding 80 square feet in size.
- c. Attached signs shall be permitted for each building or main building entrance identifying the use or services according to the following:
  - i. Two attached signs per building or main entrance facing State Route 104, up to a maximum of 250 square feet per sign.
  - ii. One sign attached per building or main entrance facing Carter Street, up to a maximum of 150 square feet per sign.
  - iii. Two attached signs per building or main entrance facing Portland Avenue, up to a maximum of 150 square feet per sign.
  - iv. One attached sign per building or main entrance without street frontage, up to a maximum of 100 square feet per sign.
- d. One detached sign shall be permitted at each driveway at Portland Avenue and Carter Street and State Route 104. Each sign shall not exceed 100 square feet in size per face, and the bottom of each sign shall be posted no higher than 4 feet above the surrounding grade.

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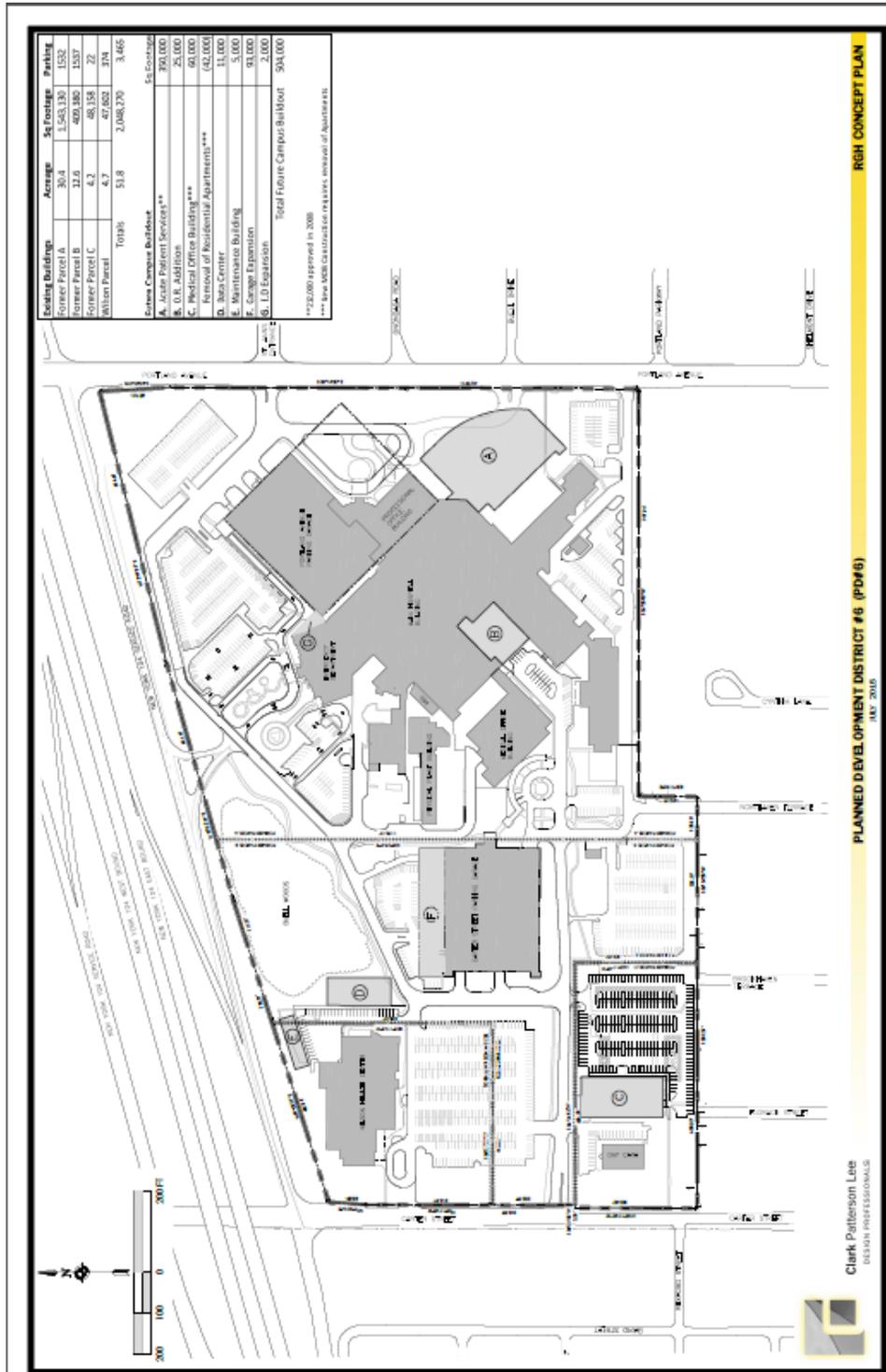
- e. Unless specifically identified above, all signage shall comply with the requirements set forth in § 120-177 of the City Zoning Code.
- I. Specially permitted signage.
  - a. One detached digital sign, subject to Special permit approval in accordance with 120-192B shall be permitted on the State Route 104 frontage. The digital sign shall not exceed 300 square feet in size, a maximum height of 20 feet above the surrounding grade, and shall be limited to one single side. The digital sign may identify on-campus, noncommercial activities, but shall not advertise off-campus activities and/or commercial uses.
- J. PD-6 is subject to the requirements set forth in Article XVII of the City Zoning Code regarding planned development districts.

Section 3. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by replacing the existing map depicting PDD No. 6 with the attached Concept Plan that is consistent with the district boundaries and zoning text as amended in Sections 1 and 2.

Section 4. This ordinance shall take effect immediately.

Attachment

**Planned Development District #6**  
**RGH Concept Plan**



Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-43  
Re: Zoning Map Amendment - East Main  
Street, Delta Sonic

Council Priority: Jobs and  
Economic Development

The proposed Zoning Map amendment will change the underlying zoning for specific properties within the Marketview Heights Urban Renewal District (MHURD). The purpose of this rezoning is to allow for a substantial investment in and expansion of the existing Delta Sonic site, currently located at 718 East Main Street. The properties proposed for rezoning will retain the MHURD designation; only the underlying zoning will change. 21 Kenilworth Terrace is not currently in the urban renewal district and is proposed to be added so that it can be subdivided and a small piece sold to Delta Sonic for this development (see attached site plan). Once all of the approvals are in place, the subject properties will be combined into one parcel. Following are the specific properties to be rezoned:

1. 700, 710, 712, 718, 722, 732-734, 740, 748, 756, 770 East Main Street and 140 N. Union Street will be rezoned from MHURD/CCD-M (Center City District - Main Street) to MHURD/C-2 (Community Center District);
2. 138, 140.5, 142, 144, 146, 148 150-152, 154-156 North Union Street will be rezoned from MHURD/R-2 (Medium Density Residential) to MHURD/C-2; and
3. 21 Kenilworth Terrace will be rezoned from R-2 to MHURD/C-2.

The proposed underlying C-2 zoning is consistent with the objectives of the MHURD Plan to “position key sites for redevelopment.” Under the current CCD-M zoning, outdoor uses such as gasoline sales and car washes are non-conforming uses and face procedural hurdles when seeking to expand. Under the proposed C-2 zoning, these uses are specially permitted, which allows the City Planning Commission to review any expansion and consider neighborhood impacts.

The proposed C-2 zoning is more restrictive with regard to uses and hours than CCD-M (see attached list). Unlike CCD-M, which has its own design standards waivable through Site Plan Review, development in C-2 must comply with the Citywide Design Standards that can only be waived through a variance granted by the Zoning Board of Appeals. C-2’s design, uses and hours offer protection for the neighborhood and will ensure that any development or redevelopment furthers the objectives of the MHURD Plan, specifically action item 9: “Enhance the quality of the built environment through an urban design that preserves neighborhood character, increases density, preserves walkability...”

The low rise, smaller scale, built environment of this section of East Main Street is a better fit for C-2 zoning than CCD-M. It has more of a “neighborhood” feel than a “downtown” feel, a situation that will be enhanced by proposed changes to the public realm of East Main Street as noted in the East Main Arts and Market Initiative Final Report completed in November, 2015.

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The City Planning Commission held an informational meeting on this proposed rezoning on Monday, January 25, 2016. No one spoke in support or opposition of the rezoning. By a vote of 6-0, the Planning Commission recommended approval.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the Director of Planning and Zoning, as lead agency, has determined that the proposed action will not result in any significant effects and has issued a negative declaration.

A public hearing is required for the Zoning Map amendment.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-29

Ordinance No. 2016-43  
(Int. No. 67)

**Amending the Zoning Code map and Urban Renewal Plan for the Marketview Heights Urban Renewal District**

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the property constituting 21 Kenilworth Terrace (SBL # 106.74-2-37) from R-2 Medium Density Residential to U-R Marketview Heights/C-2 Community Center.

Section 2. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classifications of properties located within the Marketview Heights Urban Renewal District (“U-R Marketview Heights” or “District”) as follows:

- a. 700, 710, 712, 718, 722, 732-734, 740, 748, 756, 770 East Main Street and 140 N. Union Street: from U-R Marketview Heights /CCD-M Center City District - Main Street to U-R Marketview Heights/C-2 Community Center; and
- b. 138, 140.5, 142, 144, 146, 148 150-152, 154-156 North Union Street: from U-R Marketview Heights /R-2 Medium Density Residential to U-R Marketview Heights /C-2 Community Center.

Section 3. The Council hereby approves the following amendments to the Marketview Heights Urban Renewal District Plan (Plan) originally approved in Ordinance No. 2014-380 and authorizes the Director of Planning and Zoning to modify the Plan document to:

- a. add 21 Kenilworth Terrace (SBL # 106.74-2-37) to the District under the zoning classification of U-R Marketview Heights/C-2 Community Center as specified in Section 1 hereof;
- b. change to U-R Marketview Heights /C-2 Community Center the zoning classification of the properties specified in Section 2 hereof;

February 25, 2016

- c. change to Commercial the Plan's proposed future land use for 154-156 North Union Street (SBL #106.74-2-36); and
- d. change to Commercial the Plan's proposed future use for the southwestern portion of 21 Kenilworth Terrace (SBL # 106.74-2-37), provided that such use is part of a Commercial use that is located on one or more of the adjacent District properties located at 732-734 East Main Street, and/or 146, 148, or 150-152 North Union Street.

Section 4. With regard to the Marketview Heights Urban Renewal District's boundaries, zoning classifications, and Plan as modified, the Council finds that:

- a. The District is a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area and tends to impair or arrest the sound growth and development of the City.
- b. The addition of 21 Kenilworth Terrace (SBL # 106.74-2-37) to the District is necessary for the effective undertaking of the urban renewal program to permit clearance and redevelopment activities to accomplish economic development objectives.
- c. Financial aid to be provided to the City is necessary to enable the urban renewal program to be undertaken in accordance with the Plan.
- d. The Plan affords maximum opportunity to private enterprise, consistent with the sound needs of the City as a whole, to undertake an urban renewal program.
- e. The Plan conforms to a comprehensive community plan for the development of the City as a whole.
- f. There is a feasible method for relocating families and individuals displaced from the urban renewal area into decent, safe and sanitary dwellings at affordable prices or rents and reasonably accessible to their places of employment.
- g. Undertaking and carrying out the urban renewal Plan activities in stages is in the best public interest and will not cause any additional or increased hardship to the residents of the District.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Haag  
February 25, 2016

To the Council:

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

Int. No. 50 - Authorizing agreements for the Ridgeway Avenue Transportation Improvement Project

February 25, 2016

Int. No. 52 - Authorizing an amendatory agreement with Bergmann Associates, P.C. related to the Promenade at Erie Harbor Park

Int. No. 53 - Authorizing an agreement with Vargas Associates, Inc. for move management term services

Int. No. 54 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$4,076,000 Bonds of said City to finance a portion of the costs of the Public Market Winter Shed Renovation and Expansion Project

Int. No. 55 - Authorizing an agreement with the New York State Department of Transportation for snow removal

Int. No. 56 - Appropriating funds and authorizing an agreement with Vita Nuova LLC related to the Orchard Whitney Redevelopment Feasibility Study

Int. No. 57 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$490,000 Bonds of said City to finance a portion of the City's Cured in Place Pipe Project of the Distribution System Water Main Renewal Program

Int. No. 58 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,000,000 Bonds of said City to finance a portion of the City's 2016 Water Main Cleaning and Lining Project of the Distribution System Water Main Renewal Program

Int. No. 59 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$988,200 Bonds of said City to finance a portion of the City's 2016 Water Mains Extensions and Improvements Project of the Distribution System Water Main Renewal Program, as amended

Int. No. 60 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$158,000 Bonds of said City to finance the cost of the design and construction of replacement of the HVAC system at the City's Indoor Pistol Range

The following entitled legislation is being held in committee:

Int. No. 51 - Authorizing agreement with Crown Castle NG East LLC, Inc.

Int. No. 61 - Authorizing an agreement with Architectura, P.C. Architects, for architectural services

Respectfully submitted,

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

Received, filed, and published.

February 25, 2016

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-44  
Re: Ridgeway Avenue Transportation  
Improvement Project (Ramona Street -  
Minder Street)

Council Priority: Jobs and  
Economic Development

Transmitted herewith for your approval is legislation related to the Ridgeway Avenue  
Transportation Project (Ramona Street - Minder Street). This legislation will:

1. Establish \$600,000 as maximum compensation for an agreement with CSX  
Transportation, Inc. for the construction and inspection of the replacement of the  
existing Ridgeway Avenue at-grade railroad crossing; and
2. Establish \$600,000 as maximum compensation for an agreement with Rochester &  
Southern Railroad, Inc. for the construction and inspection of the replacement of the  
existing Ridgeway Avenue at-grade railroad crossing.

This federal aid project, administered by the City through the New York State Department of  
Transportation (NYSDOT), is identified in the City's 2014-15 Capital Improvement Program. The  
City is qualified to receive up to 80% of the eligible project costs from the Federal Highway  
Administration (FHWA) with up to 75% of the eligible local share project costs through the New  
York State Marchiselli Aid Program.

| <u>Source</u>       | <u>CSX<br/>Transportation</u> | <u>Rochester &amp;<br/>Southern Railroad</u> | <u>Total</u>  |
|---------------------|-------------------------------|--|---------------|
| FHWA                | \$480,000                     | \$480,000                                    | \$ 960,000    |
| NYS Marchiselli Aid | 90,000                        | 90,000                                       | 180,000       |
| Street Bond         | <u>30,000</u>                 | <u>30,000</u>                                | <u>60,000</u> |
| Total               | \$600,000                     | \$600,000                                    | \$1,200,000   |

Project participation and design services were authorized via Ordinance Nos. 2008-179, 2010-333  
and 2014-320. Design agreements with Rochester & Southern and CSX were authorized in  
Ordinance Nos. 2010-17 and 2014-320, respectively.

The project features include: reconstruction of railroad crossing, sidewalk replacement, drainage  
improvements and railroad signal replacement.

The project began construction in summer 2015, and will be substantially complete by the fall of  
2016.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-30

Ordinance No. 2016-44  
(Int. No. 50)

February 25, 2016

**Authorizing agreements for the Ridgeway Avenue Transportation Improvement Project**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with CSX Transportation, Inc., in an amount not to exceed \$600,000, for the construction and inspection of improvements for the replacement of the existing Ridgeway Avenue at grade crossing.

Section 2. The Mayor is hereby further authorized to enter into an agreement with Rochester & Southern Railroad, Inc., in an amount not exceed \$600,000, for the construction and inspection of improvements for the replacement of the existing Ridgeway Avenue at grade crossing.

Section 3. Said agreements may extend until three (3) months after completion of a two year guarantee inspection of the projects for which the services were provided.

Section 4. Said agreements shall be funded by appropriations authorized in Ordinance No. 2015-129.

Section 5. Said agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-45

Re: Amendatory Agreement - Bergmann Associates, Promenade at Erie Harbor Park and Johnson Seymour Mill Race

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation establishing \$250,000 as maximum compensation for an amendatory agreement with Bergmann Associates, Rochester, New York, for additional design phase services related to the Promenade at Erie Harbor and the Johnson Seymour Mill Race. The original agreement with Bergmann Associates established \$480,000 as maximum compensation for planning and engineering services related to the Erie Harbor Promenade (Ord. No. 2012-367). The amendatory agreement will be funded from 2014-15 Cash Capital and may extend until two years after final acceptance of the project.

Erie Harbor Park is a prime riverfront site adjacent to South Avenue on the east side of the Genesee River, opposite Woodbury Boulevard. The land is currently an under-utilized site and is identified in the Center City Master Plan as Erie Harbor Park. Ownership of the property is mixed with the principal parties being the City of Rochester, New York State and the Farash Foundation. Several easements cross the property making private development challenging.

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In 2010, a community-based Master Plan for the site was completed based on a public-private partnership between the City and the Farash Corporation. The Master Plan included public improvements for increased waterfront access, waterfront promenades, a pedestrian bridge with viewing platforms, improvements to the circa 1815 Johnson Seymour Mill Race, lighting upgrades, interpretive signage, benches, bike racks, and landscaping amenities.

The Master Plan envisions and supports mixed-use development intertwined with the public improvements. A majority of the property is currently held in trust by Lehigh Station, LLC (a holding company of the Max M. Farash Trust). Lehigh Station, LLC has partnered with Morgan Management LLC to follow up on the Erie Harbor Park Master Plan's long-term vision of linking this spectacular public waterfront with private development.

Morgan Development, LLC intends to purchase from the Lehigh Station, LLC property known as 103 Court Street and undertake the development and construction of a residential apartment complex on 1.63 acres of land located at the southeast corner of Court Street and South Avenue. The project, known as the 103 Court Street Apartments, will include 119 residential units, 10,000 square feet of commercial/retail space and underground parking.

The Promenade Project and the private development of 103 Court Street are located immediately adjacent to each other along the length of the project boundaries adjacent to the Genesee River. Both Morgan Management LLC and the City have a mutual desire to construct their projects during the same general time period, specifically because the Promenade Project cannot be constructed during or after construction of the 103 Court Street Apartments as there would be either restricted or no access to the Promenade Project site. Alternative access to the Promenade Project site from the river would make the Project cost prohibitive and therefore unable to proceed.

The amendatory agreement will fund the following services:

- o Design coordination meetings required for the collaboration of the two projects
- o Extensive permitting required by the collaboration of the two projects
- o Development of 3d interactive building modeling system for coordination purposes
- o Preparation of construction narrative for funding purposes
- o Extensive coordination with the State Historic Preservation Office (SHPO)
- o Revisions to SEQR submittal based on combined project
- o Review Meetings with Morgan Development's Team
- o Revisions to initial concept to better accommodate building site.
- o Safety personnel staff required by RG&E during wall inspections
- o Additional geotechnical exploration at river pier location
- o Additional landscaping design for south end parcel
- o Development of technical specifications for Master Developer Agreement
- o Quality control/Quality assurance during construction

Construction is anticipated to begin in spring 2016, with substantial completion in fall 2017. The amendatory agreement will result in the creation and/or retention of the equivalent of 2.7 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2016-45  
(Int. No. 52)

February 25, 2016

**Authorizing and amendatory agreement with Bergmann Associates, P.C. related to the Promenade at Erie Harbor Park**

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 Bergmann Associates, P.C., for additional design, personnel, and quality control services related to the Promenade at Erie Harbor Park. Said amendment shall increase the maximum compensation by \$250,000, to a total of \$730,000.

Section 2. Said amendment shall be funded from 2014-15 Cash Capital and shall extend until two years after final acceptance of the project.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-46

Re: Agreement - Vargas Associates,  
Move Management Services

Transmitted herewith for your approval is legislation establishing \$200,000 as maximum compensation for a term agreement with Vargas Associates, Rochester, New York, for the provision of move management services related to building renovation projects and employee relocations coordinated by the Department of Environmental Services Bureau of Architecture and Engineering. The agreement will be for a term of three years (total cost, \$200,000), and will be funded from the 2015-16 and subsequent operating and capital budgets of the City, contingent upon approval of future budgets.

The retention of move management services on a term basis will facilitate services for relocations of various staff for miscellaneous City facility renovations. Services may be required for projects such as the relocation of the Police Department Professional Standards Section to South Clinton Avenue and the temporary relocation of the Municipal Parking Bureau. Move coordination and relocation services will vary by project but may include move plan development, scheduling, communications, inventory, vendor coordination and administration of project budgets. The agreement will provide for said services at specified unit prices.

Vargas Associates was selected for move management services through a request for proposals process, which is described in the attached summary.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-31

February 25, 2016

Ordinance No. 2016-46  
(Int. No. 53)

**Authorizing an agreement with Vargas Associates, Inc. for move management term services**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Vargas Associates, Inc. for move management term services related to building renovation projects and employee relocations coordinated by the Department of Environmental Services, Bureau of Architecture and Engineering.

Section 2. Said agreement shall have a term of three years, and shall obligate the City to pay an amount not to exceed \$200,000, which shall be funded from the 2015-16 and subsequent operating and capital budgets of the City, 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:

Ordinance No. 2016-47  
Re: Public Market Winter Shed  
Renovation and Expansion Project

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

Transmitted herewith for your approval is legislation to authorize the issuance of bonds totaling \$4,076,000 and the appropriation of the proceeds thereof to partially finance the Public Market Winter Shed Renovation and Expansion Project.

The project includes the construction of a new open shed, site and utility work and the demolition and construction of a new winter shed and four food kiosks.

The following is a summary of previous Council authorizations for this project:

| <u>Date</u>    | <u>Ordinance</u>  | <u>Action</u>   |
|----------------|-------------------|---|
| December 2010  | Ord. No. 2010-433 | o \$300,000 for a design services agreement with T.Y. Lin International |
| September 2012 | Ord. No. 2012-374 | o \$630,000 for an amendatory agreement with T.Y. Lin International     |

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- |              |                   |   |
|--------------|-------------------|---|
| January 2012 | Ord. No. 2012-53  | o Grants authorized from the New York State Department of Agriculture and Markets in the amount of \$1,800,000 for the rehabilitation and expansion of the winter shed and \$200,000 for market access and parking improvements   |
| August 2012  | Ord. No. 2012-319 | o Ordinance No. 2012-53 was amended to change the funding allocation from 2011-12 Cash Capital to anticipated reimbursements from the New York State Department of Agriculture and Markets  |
| March 2015   | Ord. No. 2015-73  | o \$580,000 for a construction management agreement with LeChase Construction Services;<br>o \$153,000 for an amendatory agreement with T.Y. Lin International;<br>o \$508,000 bond issuance for the project;<br>o Grants authorized from the Empire State Development Corporation for 2013 and 2014 Consolidated Funding Application awards in the amount of \$500,000 and \$1,500,000, respectively; and<br>o \$500,000 grant from the Dormitory Authority of the State of New York |

Bids for construction were received on January 5, 2016 for four contracts. The apparent low bids were as follows:

| <u>Activity</u>                                 | <u>Company</u>           | <u>Amount</u>  |
|---|--------------------------|----------------|
| General Trades + Kiosk                          | BLM Construction Company | \$5,401,200    |
| Plumbing & Fire Protection                      | T Bell Construction      | 504,600        |
| Heating, Ventilation, & Air Conditioning (HVAC) | T Bell Construction      | 422,400        |
| Electrical                                      | Hewitt Young Electric    | <u>584,300</u> |
|   | Total                    | \$6,912,500    |

Planned funding for the project's construction is shown in the following table:

| <u>Funding Sources</u>                              | <u>General</u> | <u>Electrical</u> | <u>Mechanical/<br/>HVAC</u> | <u>Plumbing</u> | <u>Construction<br/>Management</u> | <u>Contingency</u> | <u>Total</u>   |
|---|----------------|-------------------|-----------------------------|-----------------|------------------------------------|--------------------|----------------|
| NYS Agriculture & Markets Grant<br>Ord. No. 2012-53 | \$ 940,000     | \$120,000         | \$120,000                   | \$120,000       | \$225,000                          |                    | \$1,525,000    |
| Bond Ord. No.<br>2015-74                            |                |                   |                             |                 | 355,000                            |                    | 355,000        |
| Public Market Bond<br>appropriated herein           | 1,961,200      | 464,300           | 302,400                     | 384,600         |                                    | \$ 963,500         | 4,076,000      |
| ESDC Grants Ord.<br>No. 2012-53,<br>2015-73         | 2,000,000      |                   |                             |                 |                                    |                    | 2,000,000      |
| DASNY Grant Ord.<br>No. 2012-53,<br>2015-73         | 500,000        |                   |                             |                 |                                    |                    | 500,000        |
| Prior Year Cash<br>Capital                          |                |                   |                             |                 |                                    | <u>178,284</u>     | <u>178,284</u> |

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|       |             |           |           |           |           |             |             |
|-------|-------------|-----------|-----------|-----------|-----------|-------------|-------------|
| Total | \$5,401,200 | \$584,300 | \$422,400 | \$504,600 | \$580,000 | \$1,141,784 | \$8,634,284 |
|-------|-------------|-----------|-----------|-----------|-----------|-------------|-------------|

Construction is scheduled to begin in spring 2016 with scheduled completion in fall 2017. Funding for the construction (including construction management previously appropriated via Ordinance No. 2015-73) will result in the creation and/or retention of the equivalent of 94 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-32

Ordinance No. 2016-47  
(Int. No. 54)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$4,076,000 Bonds of said City to finance a portion of the costs of the Public Market Winter Shed Renovation and Expansion Project**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the construction of a new 19,480 sq. ft. open shed, the demolition of the existing structures and construction of a new enclosed 14,004 sq. ft. winter shed and four (4) food kiosks, including related site and utility work (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$8,634,284, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$4,076,000 bonds of the City to finance said appropriation, a \$1,525,000 Grant from the NYS Department of Agriculture & Markets (authorized by Ordinance 2012-53), \$355,000 appropriated from Ordinance 2015-74, a \$2,000,000 Empire State Development Grant (authorized by Ordinances 2012-53 and 2015-73), a \$500,000 Grant from the NYS Dormitory Authority, \$178,284 from 2015-2016 cash capital and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$4,076,000 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 \$4,076,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 11(b) of the Law, is twenty five (25) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-48  
Re: Agreement - Snow and Ice Removal  
Services for New York State  
Department of Transportation

Transmitted herewith for your approval is legislation authorizing a one-year extension of an existing agreement with the New York State Department of Transportation (NYSDOT) for the provision by the City of snow and ice removal services on the following State highways:

1. Lake Avenue, from Lyell Avenue to West Ridge Road; and

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2. Plymouth Avenue, from Commercial Street to Troup Street.

The total length of these two streets is 2.7 miles. The City has provided these services since 1978 pursuant to periodic agreements. The most recent agreement was authorized by City Council in April 2015 (Ord. No. 2015-93). This legislation will extend the agreement to June 30, 2018, as required by the NYSDOT.

The requirement for an agreement for snow removal services on Plymouth Avenue will be eliminated in the future, when jurisdiction of the street is formally transferred from the State to the City.

The State will reimburse the City \$72,601.09 for snow and ice removal performed during the 2015-16 winter season, which is \$547.19 more than the prior year.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2016-48  
(Int. No. 55)

**Authorizing an agreement with the New York State Department of Transportation for snow removal**

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

Section 1. The Mayor is hereby authorized to enter into a one-year extension of an agreement with the New York State Department of Transportation for the provision by the City of snow and ice removal services on Lake Avenue, from Lyell Avenue to West Ridge Road, and on Plymouth Avenue, from Commercial Street to Troup Street, through June 30, 2018. The agreement shall obligate the State to reimburse the City for such services in the amount of \$72,601.09, for services during the 2015-16 season.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-49  
Re: Agreement - Vita Nuova LLC,  
Orchard-Whitney Brownfield  
Redevelopment Feasibility Study

Council Priorities: Jobs and Economic  
Development; Deficit Reduction and Long  
Term Financial Stability

February 25, 2016

Transmitted herewith for your approval is legislation authorizing the receipt and use of a \$200,000 United States Environmental Protection Agency (EPA) Brownfield Area-wide Planning Grant and establishing \$168,500 as maximum compensation for an agreement with Vita Nuova LLC, New York, New York, for an area-wide revitalization plan for the Orchard-Whitney brownfield site. The cost of the agreement will be financed from EPA Brownfield Grant funds appropriated herein, and the balance of the grant appropriation, \$31,500, will be used to reimburse the City for staff and supply costs required to manage the project and for travel to EPA brownfield conferences and meetings. The term of the agreement will be two years with a one year renewal option.

The City of Rochester was awarded the grant to develop an area-wide revitalization plan and implementation program focused on brownfield sites in the JOSANA neighborhood. The proposed plan will focus on the City-owned Orchard-Whitney site (415 Orchard Street and 354 Whitney Street), while evaluating the utilization of surrounding private and City-owned parcels in the redevelopment of that site. Community involvement will be emphasized from the inception of the project.

The objective of the proposed study is to evaluate factors that influence site redevelopment, assess potential redevelopment options, analyze the economic impact of those alternatives, and develop a financing strategy for potential end users. More than \$4 million of public funds have already been spent on the Orchard-Whitney site for demolition and environmental cleanup. This study will be instrumental in helping to inform future City decision making, formulate possible marketing efforts, assess site-specific funding alternatives, and encourage interest for site redevelopment.

The City issued a request for proposals (RFP) in September 2015, held a pre-proposal meeting, and received three proposals. It was specified in the RFP and reinforced at the pre-proposal meeting that, because this is a challenging site, a traditional planning study was not desired. Instead, an innovative approach was going to be needed for the eventual advancement of a redevelopment plan at this location.

Vita Nuova is a nationally renowned firm which specializes in the redevelopment of brownfield sites. Their proposal and subsequent interview confirmed that they have a unique approach that is market focused with the intent to seek out an end user of the site and facilitate actual development. Their experience with similar sites in New York State and elsewhere provides a track record of getting sites developed. In addition, they understand the nuances of EPA grant funding and have worked on other EPA-funded studies. The team Vita Nuova put together for this proposal includes three uniquely qualified local firms: Barton and Loguidice, Highland Planning LLC, and Urban Advisors. A summary of the selection process is attached.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-33

Ordinance No. 2016-49  
(Int. No. 56)

**Appropriating funds and authorizing an agreement with Vita Nuova LLC related to the Orchard-Whitney Redevelopment Feasibility Study**

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

February 25, 2016

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Environmental Protection Agency (USEPA) for the receipt and use of \$200,000, in Brownfield Area-wide Planning Grant funds for the purpose of funding an area-wide revitalization plan for the Orchard-Whitney site.

Section 2. The Mayor is hereby further authorized to enter into an agreement with Vita Nuova LLC, in a maximum amount of \$168,500, for planning services. Said agreement shall be funded from grant funds authorized herein. The remaining \$31,500, in appropriated funds shall be used to reimburse the City for staff and supply costs required to manage, and for travel to EPA Brownfield conferences and/or meetings. The term of said agreement shall be for two years with the option for a one year renewal.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-50  
Re: Bond Authorization - 2016 Water Main  
Cured-in-Place Pipe Project

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$490,000 and appropriating the proceeds thereof to fund a portion of the 2016 Cured-in-Place Pipe (CIPP) Project of the Distribution System Water Main Renewal Program. The total cost of this project is estimated to be \$1,200,000. The balance of funding, \$710,000, will be financed from 2012-13, 2013-14, 2014-15 and 2015-16 Cash Capital.

The CIPP project will structurally rehabilitate 1.5 miles of deteriorated water mains. This is a trenchless rehabilitation process where a certified installer inserts a felt tube impregnated with a polymer resin into the existing water main. After the material has cured it forms a fully structural close fitting liner pipe within the existing water main, thus extending its useful life by approximately 50 years.

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

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

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-34

Ordinance No. 2016-50  
(Int. No. 57)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$490,000 Bonds of said City to finance a portion of the City's Cured in Place Pipe Project of the Distribution System Water Main Renewal Program**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of structural rehabilitation of approximately 1.5 miles of deteriorated water mains through the City's 2016 Cured in Place Pipe Project of the Distribution System Water Main Renewal Program, including portions of Emerson Street, Green Knolls Drive, Hague Street, Larch Street, Lynbrook Drive, Mt. Read Boulevard, Norton Village Lane, Schum Lane, Swan Street and Village Way (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,200,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$490,000 bonds of the City to finance said appropriation, \$710,000 of the Department of Environmental Services Cash Capital allocation (Water Fund) 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 \$490,000 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 \$490,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-51  
Re: Bond Authorization - 2016 Water Main  
Cleaning and Lining Project

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$1,000,000 and appropriating the proceeds thereof to fund a portion of the 2016 Water Main Cleaning and Lining Project of the Distribution System Water Main Renewal Program. The total cost of the project is estimated to be \$1,650,000. The balance of funding, \$650,000, will be funded from 2012-13, 2013-14 and 2015-16 Cash Capital.

The project will rehabilitate approximately 6.3 miles of City water mains. This rehabilitation method consists of mechanically cleaning the interior of the existing water mains and installing a corrosion-resistant cement lining to restore hydraulic capacity, improve available fire flows and water quality, and extend the useful life of the mains. The cost to rehabilitate a water main by cement lining is approximately 20% of the cost of replacing a water main. The cement lining also extends the life of the water main by approximately 50 years.

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

This project results in the creation and /or retention of the equivalent of 18 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-35

Ordinance No. 2016-51  
(Int. No. 58)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,000,000 Bonds of said City to finance a portion of the City's 2016 Water Main Cleaning and Lining Project of the Distribution System Water Main Renewal Program**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of rehabilitating and mechanically cleaning approximately 6.3 miles of deteriorated water mains through the City's 2016 Water Main Cleaning and Lining Project of the Distribution System Water Main Renewal Program, including portions of Agnes Street, Bauman Street, Borchard Street, Bremen Street, Cleon Street, Dayton Street, Ernst Street, Fairbanks Street, Geneva Street, Helena Street, Herbert Street, Hoff Street, Klein Street, Kosciusko Street, Lang Street, Laser Street, Ludwig Park, Merrimac Street, Moulson Street, Northeast Avenue, Oakland Street, Orange Street, Peckham Street, Pulaski Street, Remington Street, Roycroft Street, Sobieski Street, St. Casimir Street, St. Stanislaus Street, Townsend Street, Van Stallen Street, Warsaw Street, Weaver Street, Weyl Street, and Wolfert Terrace (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 \$1,650,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,000,000 bonds of the City to finance said appropriation, \$650,000 of the Department of Environmental Services Cash Capital allocation (Water Fund) and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,000,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,000,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1. of the Law, is fifteen (15) years.

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-52  
Re: Bond Authorization - 2016 Water Main  
Extensions and Improvements Project

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$988,200 and appropriating the proceeds thereof to fund a portion of the 2016 Water Main Extensions and Improvements (E&I) Project of the Distribution System Water Main Renewal Program. The total cost of the project is estimated to be \$1,395,200. The balance of the funding, \$407,000, will be funded from 2015-16 Cash Capital.

The E&I project provides for the scheduled replacement of deteriorated and deficient water mains, this year replacing 4,550 feet of City water mains. Of the approximately 600 miles of water mains within the City's distribution system, 380 miles are over 75 years of age, which is the expected useful life of water mains.

This project will replace water mains on the following streets:

| <u>Street Name</u> | <u>Limits</u> | <u>Replacement Reason</u> |
|--------------------|---------------|---------------------------|
|--------------------|---------------|---------------------------|

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|                 |   |                     |
|-----------------|---|---------------------|
| Portland Avenue | North St. - 500 ft. south of Draper St. | 7 water main breaks |
| Carter Street   | Norton St. - Delamaine St.              | 5 water main breaks |
| Fernwood Avenue | Portland Ave. - Renwood St.             | 5 water main breaks |
| Vassar Street   | Canterbury Rd. - Harvard St.            | 4 water main breaks |

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

This project results in the creation/retention of the equivalent of 15 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-36

Ordinance No. 2016-52  
(Int. No. 59, as amended)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$988,200 Bonds of said City to finance a portion of the City's 2016 Water Mains Extensions and Improvements Project of the Distribution System Water Main Renewal Program**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of replacement of approximately 4,550 feet of deteriorated water mains through the City's 2016 Water Mains Extension and Improvements Project of the Distribution System Water Main Renewal Program, including portions of Portland Avenue, Carter Street, Fernwood Avenue and Vassar Street (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,395,200, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$988,200 bonds of the City to finance said appropriation, \$407,000 of the Department of Environmental Services Cash Capital Allocation (Water Fund) 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 \$988,200 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 \$988,200. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1. of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by

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

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

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

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

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

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Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-53  
Re: Bond Authorization - Indoor Pistol  
Range, Heating, Ventilation and Air  
Conditioning

Council Priority: Public Safety

February 25, 2016

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$158,000 and the appropriation of the proceeds thereof to finance the design and construction of the replacement of the heating, ventilation and air conditioning (HVAC) at the Public Safety Training Facility's indoor pistol range.

The HVAC makeup air unit and the roof top unit at the indoor pistol range were manufactured and installed in 1990 with an anticipated design life of 20 years. The equipment is now at the end of its serviceable life. Design, construction administration and commissioning services will be provided under authorized engineering mechanical/electrical/plumbing term contract services (Ord. No. 2014-346).

Construction is scheduled to begin in summer 2016 and be completed by fall 2016. The project will result in the creation and/or retention of the equivalent of 1.7 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2016-53  
(Int. No. 60)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$158,000 Bonds of said City to finance the cost of the design and construction of replacement of the HVAC system at the City's Indoor Pistol Range**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the design and construction of replacement of the heating, ventilation and air conditioning system at the City's Indoor Pistol Range located on Scottsville Road (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 \$158,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$158,000 bonds of the City to finance said appropriation and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$158,000 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 \$158,000. 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. 28. of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by

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

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

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

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

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

Passed unanimously.

Councilmember Haag moved to discharge Int. No. 51 from committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following vote:

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

Nays – None - 0.

February 25, 2016

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-54  
Re: Agreement - Crown Castle NG East  
LLC, Inc., Cellular Wireless  
Equipment

Transmitted herewith for your approval is legislation authorizing an agreement with Crown Castle NG East LLC, Inc., c/o Crown Castle USA, Inc. (Crown Castle), Canonsburg, Pennsylvania, to place small cellular equipment throughout the Beechwood neighborhood in the City of Rochester for an annual fee. Crown Castle is a leading provider of telecommunications facilities and equipment in New York State that provides a distributed network infrastructure to the wireless industry and maintains a Certificate of Public Convenience and Necessity to operate in the State as a facilities-based provider.

In order to provide enhanced wireless services to the Beechwood neighborhood, Crown Castle plans to place their small cellular equipment on approximately 11 street light poles and place fiber on Rochester Gas and Electric-owned wood poles, as needed. Some street light poles will require replacement prior to mounting the equipment, which will require City approval and be undertaken at no cost to the City. The cellular wireless equipment will be operated and maintained by Crown Castle and will generate annual revenue in the amount of \$500 per street light pole used by Crown Castle plus 5% of gross revenue and the installation of a two inch conduit for the City's use. This agreement is expected to generate approximately \$10,000 annually including pole fee and the 5% gross revenue charge. The term of the agreement will be 10 years with three, five-year extensions. At the conclusion of the term, all equipment will be removed from the street light poles.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2016-54  
(Int. No. 51)

**Authorizing agreement with Crown Castle NG East LLC, Inc.**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Crown Castle NG East LLC, Inc. to allow the company to place small cellular wireless communications equipment (Equipment) on approximately 11 City street light poles for an annual fee and subject to the following terms and conditions.

Section 2. The Equipment shall be installed, operated and maintained at no cost to the City. The company may replace some street light poles prior to installation of Equipment, provided that it obtains prior approval from the City to do so and the replacement is undertaken at no cost to the City.

Section 3. Crown Castle shall pay the City an annual fee comprised of five percent (5%) of the gross revenue derived from its rental of the Equipment to cellular communications providers plus \$500 for each street light pole utilized.

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Section 4. The agreement shall be for a term of ten years with the option to extend for up to three additional terms of five years each upon the mutual consent of the parties. At the conclusion of the agreement, Crown Castle shall remove all Equipment from the street light poles at no cost to the City.

Section 5. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Haag moved to discharge Int. No. 61 from committee.

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. 2016-55  
Re: Agreement - Architectura, P.C.  
Architects, Architectural Services  
for Rochester Police Department  
Reorganization

Council Priority: Public Safety

Transmitted herewith for your approval is legislation establishing \$150,000 as maximum compensation for an agreement with Architectura, P.C. Architects, for architectural services supportive of the reorganization of the Rochester Police Department (RPD). The cost of the agreement will be funded from 2014-15 Cash Capital and the term will be for 18 months commencing March 1, 2016 with the option of a six month extension after acceptance of the design and report, at no additional cost.

The RPD has undergone an operational reorganization such that the East, West and Central offices were recently redefined as five sections: Lake, Clinton, Goodman, Genesee and Central. Presently, these sections have shared spaces and require physical division and placement into optimal locations within their respective City section. The consultant will be responsible for evaluating current structures and creating a design proposal conducive to the restructuring of the department. They will provide architecture services that will reflect police programming, perform test fit evaluations, and create a schematic design for the physical reorganization of the RPD. This project will also include programming and test fit evaluations for the Special Operations units located at 261 Child Street.

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Architectura, P.C. Architects was selected through a request for proposal process, which is described in the attached summary.

Program development and schematic design services will begin in spring 2016 with anticipated completion in winter 2017. The architectural services will result in the creation and/or retention of the equivalent of 1.6 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-37

Ordinance No. 2016-55  
(Int. No. 61)

**Authorizing an agreement with Architectura, P.C. Architects, for architectural services**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Architectura, P.C. Architects, for architectural services related to the Rochester Police Department Reorganization in the maximum amount of \$150,000. Said agreement shall be funded from 2014-15 Cash Capital and shall have a term of 18 months commencing March 1, 2016 with the option of a six month extension after acceptance of the design and report, at no additional cost.

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

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays – Councilmember Clifford - 1.

By Councilmember McFadden  
February 25, 2016

To the Council:

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

Int. No. 63 - Authorizing agreement for Summer of Opportunity Youth Program tour of Historically Black Colleges and Universities, as amended

Int. No. 64 - Authorizing lease with Bivona Child Advocacy Center and the receipt and appropriation of Federal asset forfeiture funds for the Rochester Police Department

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Int. No. 65 - Authorizing an inter-municipal agreement with the County of Monroe for funding of firearms instruction

Int. No. 66 - Authorizing an amendatory agreement for veterinary services

The following entitled legislation is being held in committee:

Int. No. 62 – Authorizing inter-municipal agreement for Pathways to Peace program

Respectfully submitted,

Molly Clifford  
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. 2016-56  
Re: Agreement - Town and Country Travel,  
Tour of Historically Black Colleges and  
Universities

Council Priority: Support the Creation of  
Effective Educational Systems

Transmitted herewith for your approval is legislation establishing \$35,000 as maximum compensation for an agreement with Town and Country Travel, Inc. (owned and operated by Teresa Johnson, Pittsford, New York) to conduct a tour of Historically Black Colleges and Universities for city youth. The cost of this agreement, which includes all transportation, hotel, food and fees, will be funded from the 2015-16 Budget of the Department of Recreation and Youth Services (DRYS).

The purpose of the college tour is to expose city youth to college life outside of the city limits and to reinforce the importance of school attendance, good grades and planning for the future. It will also reinforce the connection between education and careers. Approximately 40 youth ages 14-18 who participate in DRYS programs will go on the tour, planned for March 31 - April 2, 2016. They will visit three or four colleges/universities in the Washington, D.C., Maryland and Virginia area and nearby historical sites.

The funding is from the remaining 2015 Summer of Opportunity grant from the New York State Department of Labor (NYSDOL) (Ord. Nos. 2015-79 and 2015-157). The NYSDOL requires that the City expend 30% of the grant funds through utilizing certified M/WBE businesses.

Town and Country Travel was selected to provide the student tour service based on being the only local certified M/WBE travel agencies. A full justification for not issuing a request for proposals is attached.

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Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-38

Ordinance No. 2016-56  
(Int. No. 63, as amended)

**Authorizing agreement for Summer of Opportunity Youth Program tour of Historically Black Colleges and Universities**

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 Town & Country Travel, Inc. of Pittsford, New York to conduct a tour of Historically Black Colleges and Universities on or about March 31 to April 2, 2016, for City youth who participate in Department of Recreation and Youth Services (DRYS) programs. The amount of ~~\$35,000~~ \$30,000, or so much thereof as may be necessary is hereby established as the compensation to be paid under the agreement. Said amount shall be funded from Summer of Opportunity Youth Program funds that were appropriated to the 2015-16 Budget of DRYS in Ordinance Nos. 2015-79 and 2015-157.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-57  
Re: Lease Agreement - Bivona Child  
Advocacy Center

Council Priority: Public Safety

Transmitted herewith for your approval is legislation related to a lease with Bivona Child Advocacy Center. This legislation will:

1. Appropriate up to \$14,400 from federal asset forfeiture funds and amend the 2015-16 Budget of the Police Department by said amount; and
2. Establish \$28,760 as annual maximum compensation for a lease agreement with Bivona Child Advocacy Center. The term of the lease will be January 1, 2016 through December 31, 2018, with a three-year renewal option. The agreement will be funded from the 2015-16 and subsequent budgets of the Police Department, contingent upon approval of future budgets.

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The Rochester Police Department's (RPD's) federal asset forfeiture funds will be used to enter into a lease with Bivona Child Advocacy Center at One Mount Hope Avenue in the City of Rochester commencing January 1, 2016. The leasing of space for use by law enforcement personnel for law enforcement investigations and operations is a permissible use of federal asset forfeiture funds.

The RPD will lease 2,876 square feet of space currently utilized by RPD personnel at Bivona. The lease rate is \$10.00 per square foot, for an annual total of \$28,760. This rental value was established via an independent appraisal performed by Kevin Bruckner, MAI as of December 2015.

Unlike other Bivona partner agencies, the RPD has extensively utilized Bivona facilities and resources even though the City has not paid occupancy costs. Bivona provides training, support staff, equipment and supplies, and data collection at no additional charge. RPD personnel assigned to the IMPACT Team have their offices at Bivona as part of a full-service Children's Advocacy Center. The IMPACT Team is part of the RPD Major Crimes Unit, and is primarily responsible for investigating cases of child death including possible SIDS death, cases involving serious physical injury to an infant or child, and intra-familial physical or sexual child abuse, where the suspect is 16 years of age or older and is "legally responsible" for the child victim. In addition, other RPD personnel utilize Bivona on a case-by-case basis.

The Children's Advocacy Center model, with full co-location of partner agencies under one roof, has been proven to be a much more effective and efficient model, producing better results, and helping to reduce the trauma suffered by children who are the victims of physical and sexual abuse. This progressive approach partners child protective services social workers, law enforcement, prosecutors, medical professionals, therapists, victim advocates, and volunteers. Whenever possible, children participate in only one forensic interview and one medical exam. This streamlined process not only reduces the trauma suffered by the child, it also reduces the time RPD investigators must spend on each case, and preserves the best evidence.

For calendar year 2015, RPD personnel have utilized the Bivona facility and its resources in 281 IMPACT cases, including 14 fatality investigations, 25 physical abuse investigations, and 242 sexual abuse investigations. RPD personnel have also utilized the Bivona facility and its resources in 103 non-IMPACT cases involving child victims or witnesses. Bivona has also provided significant training to RPD personnel at no cost and made its state-of-the art training facility at its new building available to RPD at no cost.

This appropriation will result in a balance of approximately \$1,034,400 in the federal asset forfeiture fund.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2016-57  
(Int. No. 64)

**Authorizing lease with Bivona Child Advocacy Center and the receipt and appropriation of Federal asset forfeiture funds for the Rochester Police Department**

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 increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$14,400, which amount is hereby appropriated from

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funds received from the Federal Government from seized and forfeited assets, to fund programs by the Rochester Police Department, including but not limited to the lease agreement authorized herein, and to fund programs by community organizations.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Bivona Child Advocacy Center, a New York not-for-profit corporation, whereby the City shall lease approximately 2,876 square feet of space in Bivona's facility located at One Mount Hope Avenue in the City of Rochester to house Rochester Police Department (RPD) personnel assigned to RPD's IMPACT Team for an annual rent of \$28,760 and for a term that extends from January 1, 2016 through December 31, 2018, with the option to extend for an additional term of three years. The cost of said lease agreement shall be funded from the 2015-16 and subsequent years' budgets of the RPD with funding of subsequent years contingent upon approval of subsequent budgets.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-58

Re: Intermunicipal Agreement - Monroe  
County, Firearms Instruction

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing the continuation of the intermunicipal agreement with Monroe County for the receipt and use of funding for the Firearms Instruction Program in the amount of \$55,675. The term of the agreement is January 1, 2016 through December 31, 2016.

The County provides reimbursement for a portion of the salary and benefits of Rochester Police Department firearms instructors to train officers in Monroe County police agencies. No budget amendment is needed as the positions and the associated funding were anticipated and included in the 2015-16 Budget of the Police Department.

The County Legislature approved this agreement at its December 8, 2015 meeting via Resolution 367 of 2015.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2016-58  
(Int. No. 65)

**Authorizing an intermunicipal agreement with the County of Monroe for funding of firearms instruction**

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

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Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for reimbursement for the 2016 Firearms Instruction Program in the amount of \$55,675. The term of the agreement shall be January 1, 2016 through December 31, 2016.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-59  
Re: Agreement - Monroe Veterinary  
Associates, Veterinary Services for  
Police K-9 Unit

Council Priority: Public Safety

Transmitted herewith for your approval is legislation related to an amendatory agreement for veterinary services for dogs assigned to the K-9 unit of the Police Department (Ord. No. 2015-212). This legislation will:

1. Establish \$15,000 as maximum compensation for an amendatory agreement with Monroe Veterinary Associates DBA Stone Ridge Veterinary Hospital for a total of \$35,000, for the one-year term that ends on August 31, 2016; and
2. Establish \$35,000 as maximum compensation for three, one-year optional renewals to the amendatory agreement authorized herein.

The current agreement with Stone Ridge Veterinary Hospital provides for maximum annual compensation of \$20,000 for an original term of one year with three optional one-year renewals. The increased compensation in this amendatory agreement is necessary because the K-9 unit dogs' needs for veterinary services have exceeded anticipated demand.

The additional annual cost will be funded in the same manner as was provided for by the original authorization, from the 2015-16 Budget of the Police Department for the term ending on August 31, 2016, and from future budgets of the Police Department, contingent upon their approval.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-39

Ordinance No. 2016-59  
(Int. No. 66)

**Authorizing an amendatory agreement for veterinary services**

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

February 25, 2016

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with Monroe Veterinary Associates DBA Stone Ridge Veterinary Hospital for veterinary services for the K-9 Unit of the Police Department. The amendment shall increase the maximum annual compensation authorized by Section 2 of Ordinance No. 2015-212 by \$15,000 to a total of \$35,000 for the initial one-year term of the agreement and for each one of the up to three optional one-year extensions of the agreement. The amount of such additional compensation shall be funded from the 2015-16 Budget of the Rochester Police Department for the initial term of the agreement and contingent upon the adoption of future budgets for any extensions to the term.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Introductory No. 62  
Re: Intermunicipal Agreement - Rochester  
City School District's Utilization of  
Pathways to Peace

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an intermunicipal agreement with the Rochester City School District (District) for the receipt and use of \$50,800 and amending the 2015-16 Budgets of the Department of Recreation and Youth Services (\$47,500) and Undistributed Expenses (\$3,300) by the funds authorized herein to provide violence intervention and prevention services to District students through the Pathways to Peace (PTP) program. The term of the agreement is February 21, 2016 to June 30, 2016, with a one-year renewal for \$163,000 for the period July 1, 2016 to June 30, 2017, contingent upon approval of the 2016-17 Budgets of the City and District.

Under this agreement, PTP will place five part-time/seasonal Youth Intervention Aides in District schools. Upon the request of District staff, PTP will provide the following services:

1. Student mediation - PTP staff will facilitate student mediation sessions with students involved in disputes (and families as needed).
2. Student re-entry services - PTP staff, in conjunction with the school's parent liaison, will develop and implement a safety plan for students re-entering the school after a period of absence due to violence.
3. Support during emergencies at school - PTP staff will respond to emergency situations to assist in preventing or mitigating the risk of violence among students.
4. Support during special events - PTP staff will monitor entry points at special events and activities and will identify potentially violent individuals.

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The Board of Education is expected to approve this agreement at their January 28 meeting.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Introductory No. 62

**AUTHORIZING INTERMUNICIPAL AGREEMENT FOR PATHWAYS TO PEACE PROGRAM**

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

Section 1. The Mayor is hereby authorized to enter into an inter-municipal agreement that provides for the receipt and use of \$50,800 from the Rochester City School District (RCSD) in return for providing youth intervention services in RCSD schools through the Department of Recreation and Youth Services' (DRYS) Pathways to Peace program. The term of the agreement shall be from February 21 to June 30, 2016, with the option to extend the agreement for an additional term from July 1, 2016 through June 30, 2017 for additional compensation in the amount of \$163,000.

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

Section 3. Ordinance No. 2015-167, the 2015-16 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to:

- a) DRYS by the sum of \$47,500, and
- b) Undistributed Expenses by the sum of \$3,300,

both of which sums are hereby appropriated from funds to be received under the agreement authorized herein. If the parties to the agreement exercise the aforementioned option to extend the term of the agreement, the funding thereof in the amount of \$163,000 shall be contingent upon approval of the 2016-17 Budgets of the RCSD and City.

Section 4. This ordinance shall take effect immediately.

Held in committee.

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

HAZEL L. WASHINGTON

City Clerk