

ROCHESTER CITY COUNCIL

REGULAR MEETING

September 14, 2016

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

Absent – Councilmember Conklin -1

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

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

Recognition Ceremony

Retirement:

**DES:**

\*Peter D. Hudak  
\*Vincent C. Paolotto

**LIBRARY:**

\*Susan M. Meyers

**RPD:**

Robert J. Cortese  
Leo Tydings  
\*Dennis Gonzalez  
\*Daniel B. Graves

*\*Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Ortiz

RESOLVED, that the minutes of the Regular Meeting of August 9, 2016 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

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

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

The Mayor submits the following:

Public Disclosure-CDBG Participation (2) 4237-16, 4238-16

Administrative Cancellation or Refund of Erroneous Taxes and Charges (2) 4239-16, 4240-16

The Council submits Disclosure of Interest Forms from Councilmember Conklin on Int. No. 332, and Councilmember Spaul on Int. No. 361

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

Councilmember McFadden presented 236 signatures of persons for Zoning Code & moratorium for Mt Hope Cemetery. Petition No. 1729

Councilmember Spaul presented 430 signatures of persons to oppose the development of two large 4 story buildings at 645 Norris Dr. Petition No. 1730

Councilmember Spaul presented 44 signatures of persons against the building of a casino. Petition. No. 1731

Councilmember Spaul presented 270 signatures of persons to oppose changes to the city's Washington Grove. Petition No. 1732

**REPORTS OF STANDING COMMITTEES  
AND ACTION THEREON**

By Councilmember McFadden  
September 14, 2016

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

- |              |  |
|--------------|--|
| Int. No. 329 | Authorizing an agreement with Prescod Leadership Enterprise, LLC, for supervisory skills training  |
| Int. No. 331 | Authorizing an agreement for dental insurance  |
| Int. No. 332 | Authorizing a grant agreement with the New York State Archives   |
| Int. No. 333 | Authorizing an amendatory agreement with Tyler Technologies, Inc. for the Rochester Police Department's Record Management System multi-phase replacement program |

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- Int. No. 334      Appropriation of funds to pay for the settlement of litigation pursuant to a court order
- Int. No. 361      Amending the 2015-16 Budget for year-end Budget amendments
- Int. No. 362      Authorizing an intermunicipal agreement with Monroe County for fiber assessment

The following entitled legislation is being held in committee:

- Int. No. 330      Authorizing a professional services agreement for health insurance administration

Respectfully submitted,

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

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-285  
Re:    Agreement – Prescod Leadership  
      Enterprise, LLC, Supervisory  
      Skills Training

Transmitted herewith for your approval is legislation establishing \$50,910 as maximum annual compensation for an agreement with Prescod Leadership Enterprise, LLC for the design and delivery of a supervisory skills training program for 150 City employees either hired or promoted into first and second line supervisory positions. The term of the agreement will be for three-years and the cost will be financed from the 2016-17 Budget of Undistributed Expenses and subsequent budgets, contingent upon their approval.

Since 2012, the City has required all employees in first and second line supervisory positions to attend a supervisory skills training program. To date, 220 individuals have successfully completed this program. The supervisory topics covered in this training program include, but are not limited to, communication, motivation, performance management, delegation, problem solving, and managing a diverse workforce. These training topics are augmented with presentations given by City staff on relevant City policies and procedures on the topics of: grievance and disciplinary procedures, sexual and workplace harassment policy, customer service standards, and safety procedures.

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Prescod Leadership Enterprise, LLC was selected through a request for proposal process which is described in the attached summary.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-154

Ordinance No. 2016-285  
(Int. No. 329)

**Authorizing an agreement with Prescod Leadership Enterprise, LLC, for supervisory skills training**

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Prescod Leadership Enterprise, LLC, for the design and delivery of a supervisory skills training program for a term of three years. The maximum annual compensation shall be \$50,910 per year. Said amounts shall be funded from the 2016-17, 2017-18, and 2018-19 Budgets for Undistributed Expenses, contingent upon the adoption of the latter two budgets.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-286  
Re: Agreement – The Guardian Life  
Insurance Company of America,  
Administration of Dental  
Insurance Plan

Council Priority: Deficit Reduction and  
Long Term Financial Stability

Transmitted herewith for your approval is legislation authorizing an agreement with The Guardian Life Insurance Company of America (Guardian) for administration of the dental insurance plan for City of Rochester employees. Maximum annual compensation for the administrative charge has been established at \$102,000. Dental plan “premium-equivalent rates” include this administrative charge, therefore, no separate encumbrance is required. The term of this agreement will be for two years, from January 1, 2017 through December 31, 2018.

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Guardian has provided a variety of dental benefits for City employees on both a fully-insured and self-insured basis since 2005. Under this agreement, Guardian will be the plan administrator for one, self-funded, collective dental plan that is offered to all benefit-eligible employees. An annual maximum benefit per participant limits the City's self-insurance liability with regard to large claims.

Guardian was selected through a request for proposals process which is described in the attached summary.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-155

Ordinance No. 2016-286  
(Int. No. 331)

**Authorizing an agreement for dental insurance**

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

Section 1. The Mayor is hereby authorized to enter the City into a professional services agreement with Guardian Life Insurance Company of America for administration of dental insurance plans for all benefit-eligible City employees for a term of two years, commencing January 1, 2017. The sum of \$102,000, or so much thereof as may be necessary, is hereby established as the annual maximum compensation for the agreement. Said amount shall be funded from the Budget of Undistributed Expenses out of payments made to Guardian Life Insurance Company of America as part of the City's self-insured monthly premium equivalent charges.

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

Section 3. This ordinance shall take effect immediately

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-287  
Re: Grant Agreement – New York  
State Archives, Enterprise  
Content Management Solution

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State (NYS) Archives for the receipt and use of a \$300,000 Local Government Records Management Improvement Fund (LGRMIF) grant to begin the implementation phase of an Enterprise Content Management Solution.

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These funds will be used to implement an Enterprise Document Management Solution, the initial phase of which will automate the Freedom of Information Law (FOIL) request process. Future phases will address processes in the Police Department, and other City departments.

The IT Department has developed a strong process methodology with standardized deliverables that will be used for the deployment of the Enterprise Content Management Solution. This grant will allow the department to broaden opportunities as they relate to an organization-wide Enterprise Document Management Solution and will include integrating best practices, standards, regulations, NYS Records and Retention Guidelines, security and inventory. As part of the requirements for this grant, the City of Rochester will demonstrate its process for selection of the solution, configuration and implementation to other municipalities within NYS.

The project will include IT employees, the City's Records Management Officer, and appropriate staff from impacted departments. It is anticipated that the phases related to the grant will be completed prior to June 30, 2018.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2016-287  
(Int. No. 332)

**Authorizing a grant agreement with the New York State Archives**

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

Section 1. The Mayor is hereby authorized to enter the City into an agreement with the New York State Archives for receipt and use of \$300,000 in grant funds to begin the implementation phase of an Enterprise Document/Content Management Solution project. The term of the agreement may extend to June 30, 2018.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-288  
Re: Amendatory Agreement –  
Tyler Technologies  
(formerly New World Systems),  
Term Extension

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Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Tyler Technologies (formerly New World Systems) to extend the term of the Standard Software License and Services Agreement for the Police Department's Records Management System, multi-phase replacement program (Ordinance No. 2011-316). The original term of the agreement was for five years; the amendatory agreement extends the term by one year, to December 31, 2017, at no additional cost.

The first phase of the program was successfully implemented on March 24, 2013. This amendment provides for additional time to complete the additional phases of the program. Additional time is required to implement specific requirements to the software modules for Narcotics Case Management and the Sex Offender Registry. Based on the Police Department's requirements and priorities, this extended time will allow implementation of an additional interface to the electronic citation and motor vehicle system, addition of mobile forms, and a software module for tracking gang activity.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2016-288  
(Int. No. 333)

**Authorizing an amendatory agreement with Tyler Technologies, Inc. for the Rochester Police Department's Record Management System multi-phase replacement program**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Tyler Technologies, Inc. (formerly known as New World Systems) for the Rochester Police Department's Record Management System multi-phase replacement program originally authorized in Ordinance No. 2011-316. The amendment shall extend the term of the agreement to December 31, 2017.

Section 2. This amendatory agreement shall contain such other 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. 2016-289  
Re: Court Ordered Settlement  
Payment - Insurance Reserve  
Fund Appropriation

September 14, 2016

Council Priority: Deficit Reduction and  
Long Term Financial Stability

Transmitted herewith for your approval is legislation appropriating \$6,962,374 from the Insurance Reserve Fund to finance the payment of a settlement in the case of Peacock v City of Rochester et al (U.S. District Court Western District of New York Case # 6:13-cv-6046-MAT).

The City is self-insured against all general liability and all claims are paid from the Insurance Reserve Fund. The monies maintained as reserves are invested until needed for disbursement. At present, the fund contains an unappropriated balance of approximately \$12,312,400. The current unencumbered, appropriated fund balance is approximately \$3,357,500. The combined total is \$15,669,900.

Freddie Peacock was convicted of rape in 1976 at the age of 25. He served about 6 years in prison and ten years on parole. Many years later, DNA testing became available and Peacock's conviction was overturned in 2010 after DNA tests excluded him from the crime. In 1976, DNA evidence was not available to police investigators to use as a way of proving identity. DNA evidence was not accepted as evidence in criminal cases until the late 1980's. As a result of the reversal of his conviction, it is clear that Mr. Peacock was wrongfully convicted. Mr. Peacock sued the City in 2013 on federal civil rights claims, alleging that his due process rights were denied and that the actions of City employees caused his wrongful imprisonment. This case is very unusual due to the fact that the key events occurred 40 years ago.

Earlier this year, the City made a motion to dismiss Peacock's claims on various legal grounds. While this motion was successful on certain issues, the Court denied dismissal of certain key claims by Mr. Peacock. At the request of the federal judge, the parties agreed to attempt to settle the case. This was accomplished by agreeing to submit the case to the judge in a summary proceeding, with each party agreeing to accept the Court's determination of the amount of damages to be awarded. The Court has made a finding and has entered an order directing payment of damages in the amount of \$6,962,374.

This appropriation will provide the funds to pay the amount determined by the Court and complete the resolution of this case.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2016-289  
(Int. No. 334)

**Appropriation of funds to pay for the settlement of litigation pursuant to a court order**

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

Section 1. The Council hereby appropriates from the Insurance Reserve Fund the sum of \$6,962,374 to pay as damages pursuant to a court order in settlement of the claims against the City in the United States District Court case entitled *Peacock v City of Rochester et al.*

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-290

Re: 2015-16 Budget Amendment

Council Priority: Deficit Reduction and  
Long Term Financial Stability

Transmitted herewith for your approval is legislation related to the 2015-16 Year End Budget Amendment. This legislation will transfer a total of \$2,934,800 from the following departments to Cash Capital to fund one-time capital expenditures:

- a) \$265,800 from Undistributed;
- b) \$300,000 from Neighborhood & Business Development;
- c) \$669,000 from Contingency;
- d) \$700,000 from the Fire Department; and
- e) \$1,000,000 from the Police Department.

The appropriation transfers are authorized pursuant to Section 6-13 of the City Charter.

The City Council has previously authorized 37 other amendments to the 2015-16 Budget. These amendments reflect 5 appropriation transfers and 33 appropriation increases based upon the receipt of additional revenues.

Actual receipts and expenditures for 2015-16 will be audited by the City's external auditors, Freed, Maxick, and Battaglia. The proposed amendments are required to complete the audit process and ensure adherence to Section 6-16 of the City Charter, which prohibits expenditures in excess of authorized appropriations.

The proposed increase to the Cash Capital allocation is to fund capital projects as follows:

1. \$50,000 for the City's share of a fiber network infrastructure assessment to be completed by Monroe County through a third party vendor;
2. \$100,000 to assess and design escalator replacement for the Joseph A. Floreano Rochester Riverside Convention Center;
3. \$100,000 additional funding needed to complete construction of the concession stand at Ontario Beach Park;
4. \$154,800 funding to replenish funds used for street rehabilitation projects;
5. \$205,000 to provide the City's match towards a grant from the NYS Dormitory Authority for improvements to the Brewery Line Trail;
6. \$225,000 to facilitate the relocation of Operation Transformation Rochester (OTR) within the Rundel Public Library to enhance operations and allow the library to relocate staff;
7. \$250,000 for security upgrades including video cameras and access control systems at City Hall;
8. \$350,000 to replace specific air handlers in City Hall;
9. \$500,000 for land acquisition for the Bull's Head development;

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10. \$500,000 towards facility and information technology needs related to the City's propose management of moving violations; and
11. \$500,000 for additional funding for the City's Owner-Occupied Roofing Program (provides relief in 2017-18 budget development).

The City Senior Management Team effectively managed their 2015-16 operating budgets, with actual spending less than 2015-16 Budget allocations. Significant savings in fuel combined with personnel savings from vacancies and associated fringe benefits allows for the ability to appropriate these additional capital funds.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2016-290  
(Int. No. 361)

**Amending the 2015-16 Budget for year-end Budget amendments**

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

Section 1. Ordinance No. 2015-167, the 2015-16 Budget of the City of Rochester, as amended, is hereby further amended by transferring the total sum of \$2,934,800 from the following departments to Cash Capital:

- a) \$265,800 from Undistributed;
- b) \$300,000 from Neighborhood & Business Development;
- c) \$669,000 from Contingency;
- d) \$700,000 from the Fire Department; and
- e) \$1,000,000 from the Police Department.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote.

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

Nays – None – 0

Councilmember Spaul abtained due to a professional relationship.

September 14, 2016

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-291  
Re: Intermunicipal Agreement –  
Monroe County, Assessment of  
Fiber Infrastructure

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an intermunicipal agreement with Monroe County for a City/County fiber assessment to be completed by Magellan Advisors LLC. The term of the agreement will be for one year and the cost will be funded from 2015-16 Cash Capital as proposed in the year-end budget amendment.

The City will reimburse the County for 50% of the cost of services provided by the Magellan Advisors, however, such reimbursement shall not exceed the total amount of \$50,000, and any amount in excess of \$50,000 that is owed to the consultant shall be the sole responsibility of the County.

Over the past decade, the County and City have independently created extensive fiber network infrastructures which support a variety of municipal functions and services. Both parties plan to work together to develop an assessment of the infrastructures, explore the potential for improvement to and expansion of both infrastructures and consider future uses of the entire fiber network.

The County issued a request for proposals in February 2016; three vendors responded. Staff from the City's Information Technology Department and the Mayor's Office of Innovation participated in the selection process.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2016-291  
(Int. No. 362)

**Authorizing an intermunicipal agreement with Monroe County for fiber assessment**

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

Section 1. The Mayor is hereby authorized to enter the City into an intermunicipal agreement with Monroe County for a City/County fiber assessment to be completed by Magellan Advisors LLC. The agreement shall extend for a term of one year.

Section 2. The agreement shall obligate the City to pay a maximum compensation of \$50,000. Said amount shall be funded from 2015-16 Cash Capital.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 330 from Committee.

The motion was seconded by Councilmember Clifford.

Passed unanimously.

**TO THE COUNCIL**

Ladies and Gentlemen:

Ordinance No. 2016-292  
Re: Agreement – MVP Select Care,  
Administration of Health  
Insurance Plans

Council Priority: Deficit Reduction and  
Long Term Financial Stability

Transmitted herewith for your approval is legislation authorizing an agreement with MVP Select Care for administration of health insurance plans for City of Rochester employees and retirees. Maximum annual compensation for the administrative charge has been established at \$3,750,000. Health plan “premium-equivalent rates” include this administrative charge, therefore, no separate encumbrance is required. The term of this agreement will be for three years, from January 1, 2017 through December 31, 2019.

The City’s health insurance plan has been self-funded since January 2013. The transition from a fully-insured plan reduced the costs of administrative fees paid to health insurers and provided the City with greater control over plan design and clinical edits. MVP Select Care, the City’s sole health insurance provider since September 2009, assisted with implementation of this significant funding change and has continued to work with the City by providing third-party administration and medical management services.

A request for proposals (RFP) was facilitated by the City’s health insurance broker, Lawley Benefits Group, and the RFP process is described in the attached summary.

Following extensive review by the Labor Management Health Care Committee, MVP Select Care was selected to continue administration of the City’s health plans. Their services include the review and payment of health care claims for medical and pharmacy benefits received by City employees, retirees, and eligible dependents.

MVP Select Care has provided exemplary service to the City of Rochester over the past several years. Our on-going focus toward cost control strategies and fiscal responsibility has fostered the expansion of employee health promotion, wellness initiatives and medical case management. MVP Select Care excels in these areas of health plan administration and has provided a part-time employee to exclusively work with the City’s wellness program.

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Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-156

Ordinance No. 2016-292  
(Int. No. 330)

**Authorizing a professional services agreement for health insurance administration**

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

Section 1. The Mayor is hereby authorized to enter the City into a professional services agreement with MVP Select Care, Inc. for administration of health insurance plans for City employees and retirees for a term of three years, commencing January 1, 2017. The sum of \$3,750,000, or so much thereof as may be necessary, is hereby established as the annual compensation for the agreement. Said amounts shall be funded from the Budget for Undistributed Expenses out of the payments made to MVP Select as part of the City's self-insured monthly premium equivalent charges.

Section 2. No surety bond or letter of credit shall be required of MVP Select Care, Inc.

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

Section 4. This ordinance shall take effect immediately

Passed by the following vote:

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

Nays - Councilmember McFadden - 1

By Vice President Miller  
September 14, 2016

To the Council:

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

Int. No. 335          Authorizing a lease agreement for the Court Street Parking Garage

Respectfully submitted,

Dana K. Miller  
Michael A. Patterson

September 14, 2016

Elaine M. Spaul  
Loretta C. Scott  
BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-293  
Re: Lease Agreement – OBuck  
Enterprise Inc., d/b/a/ DiPisa's  
Old World Submarines, Court  
Street Parking Garage

Transmitted herewith for your approval is legislation approving a new, three-year lease agreement with OBuck Enterprise Inc., d/b/a/ DiPisa's Old World Submarines, for the lease of 1,500 square feet of commercial space in the Court Street Parking Garage at 194 Court Street. The lease includes five, one-year renewal options. The lease will begin October 1, 2016 and expire September 30, 2019. City Council last authorized a lease agreement with OBuck Enterprise Inc., d/b/a Di Pisa's Old World Submarines on September 16, 2008 via Ordinance No. 2008-339.

The agreement will obligate the tenant to pay \$1,200 per month and be responsible for all utilities and leasehold improvements.

The rental rate of \$1,200 per month was established by an independent appraisal by Kevin Bruckner, MAI, as of July 2016.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-157

Ordinance No. 2016-293  
(Int. No. 335)

**Authorizing a lease agreement for the Court Street Parking Garage**

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

Section 1. The Mayor is hereby authorized to enter into a lease agreement with OBuck Enterprise Inc. d/b/a DiPisa Old World Submarines for the lease of 1,500 square feet of commercial space in the Court Street Parking Garage, for three years, commencing on October 1, 2016 and to expire on September 30, 2019, with five one-year renewal options contingent on the Director of Real Estate review and finding that the extended term is reasonable, necessary and beneficial to the public.

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Section 2. The Council hereby finds that the term of the proposed lease is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the lease.

Section 3. The monthly rent for said lease shall be \$1,200 for the initial term with renewals based on appraised value at the point of renewal as determined by the Director of Real Estate and the tenant shall be responsible for all utilities and leasehold improvements.

Section 4. The lease shall provide for periodic reviews of the use of the leasehold by the Director of Real Estate to determine and ensure the lessee's compliance with the lease terms.

Section 5. The lease will terminate, at the City's option, upon the occurrence of substantial changes in the use of the leasehold or performance of the lease by the lessee.

Section 6. The lease agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

Council Vice President Miller moved to discharge Int. No. 321 from committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following vote:

Ayes – President Scott, Councilmembers Clifford, Haag, McFadden Ortiz, Patterson, Spaul -7

Nays – None – 0

Vice President Miller abstained due to a professional relationship.

Introductory No. 321 was introduced on August 9, 2016 and appears in its original form with its transmittal letter on page\_\_\_of the current proceedings

Attachment No. AP-158

Ordinance No. 2016-294  
(Int. No. 321)

#### **AUTHORIZING AGREEMENTS FOR THE 2016-17 STREET LIASON PROGRAM**

Passed by the following vote:

Ayes – President Scott, Councilmembers Clifford, Haag, McFadden Ortiz, Patterson, Spaul -7

Nays – None – 0

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Vice President Miller abstained due to a professional relationship.

By Councilmember Ortiz  
September 14, 2016

To the Council:

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

- Int. No. 336      Authorizing the sale of real estate and amending a lease
- Int. No. 337      Authorizing the acquisition of 894-898 West Main Street and 42 York Street
- Int. No. 342      Authorizing an agreement with Coordinated Care Services, Inc. for administrative services of the Rochester/Monroe County Continuum Care, as amended
- Int. No. 343      Authorizing an agreement for the construction of the House of Mercy homeless shelter
- Int. No. 344      Authorizing an amendatory agreement with Schubert Centre, LLC, for the Focused Investment Strategy Vacant Lot Fencing and Greening Program

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

- Int. No. 338      Amending the Zoning Code map for multiple properties located on Hudson Avenue, Merrimac Street, Cleveland Street and Frederick Street, as amended
- Int. No. 340      Amending the Zoning Code map for 1009-1011 Jay Street, as amended
- Int. No. 341      Authorizing an application and agreement for a grant under Round 4 of the Restore NY Communities Initiative, as amended
- Int. No. 363      Amending the Zoning Code, Chapter 120 of the Municipal Code, with regard to retail sales and service in the M-1 Industrial District

The following entitled legislation is being held in committee:

- Int. No. 339      Amending the Zoning Code map for multiple properties located on Merrimac Street, Cleveland Street, Wadsworth Street, Gilmore Street and North Street

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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. 2016-295  
Re: Sale of Real Estate and  
Amendment to Ordinance Nos.  
2016-68 and 2016-99

Council Priority: Rebuilding and  
Strengthening Neighborhood Housing

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

The first two properties are vacant lots sold together by request for proposal. The purchaser will erect a fence around the lots and create a garden space for his restaurant on the adjacent parcel.

The next property is a vacant lot sold by negotiated sale to the adjacent owner. The purchasers will combine the lot with their existing property and utilize it as green space.

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

The first year projected tax revenue for these seventeen properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$4,934.

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.

Amendment to Ordinance Nos. 2016-68 and 2016-99

Ordinance No. 2016-68 authorized the lease of Suites 101 and 102 to GeoMar Holdings, Inc., d/b/a/ Mom's Margios Diner in the Port Terminal Building. The ordinance was subsequently amended to add Suite 103, via Ordinance No. 2016-99.

The tenant has taken on the build-out of the space with his own capital and has spent over \$150,000. This amendment will waive rent payments through July 15, 2016 (a period of three months) to reflect the build-out time. Normal leasing procedures allow for a rent-free build-out period (typically 90 days) if the tenant is providing the capital for the construction while the leased space is not generating income. As this is the case, the amendment will reduce the annual anticipated rent for this agreement by a total of \$15,160.

Respectfully submitted,  
 Lovely A. Warren  
 Mayor

Attachment No. AP-159

Ordinance No. 2016-295  
 (Int. No. 336)

**Authorizing the sale of real estate and amending a lease**

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

Section 1. The Council hereby approves the negotiated sale of the following parcels of vacant land with proposal:

<u>Address</u>	<u>SBL#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>	<u>Purchaser</u>
303 N. Union St	106.58-3-25	34 x 92	3,164	\$1,550	Hieu Long & Asher 7, LLC
305 N. Union St	106.58-3-24	34 x 92	3,150	\$1,550	Hieu Long & Asher 7, LLC

Section 2. The Council hereby approves the negotiated sale of the following parcel of vacant land:

<u>Address</u>	<u>SBL#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>	<u>Purchaser</u>
160 Avenue E	091.77-1-37	40 x 100	4,000	\$400	Rena Kim & Than Mam

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>SBL#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Purchaser</u>
9 1/2 Barlett St	121.61-2-24.1	20 x 71	1,153	Gianniny Brothers, LLC
231 Champlain St	120.60-2-53	36 x 95	3,438	Rudolph & Evadney Lott
46 Durnan St	091.73-3-49.1	70 x 80	5,600	Lascelles Letts
52-54 Durnan St	091.73-3-51.1	70 x 80	5,600	Lascelles Letts
89 Ferncliffe Dr	106.28-1-14	18 x 100	1,245	Donna Antario
34-36 Friederich Pk	106.24-2-50.1	72 x 65	4,698	Johnny Steven Brown
44 Friederich Pk	106.24-2-48	35 x 65	2,283	Johnny Steven Brown
18 Geneva St	091.62-2-26	36 x 108	3,907	22 Geneba Corp.

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7 Glendale Pk	105.35-2-10.1	16 x 132	2,189	Peter Skandera
65 Hempel St	106.43-4-4.3	38 x 91	3,486	Scott Sheldon
937 Joseph Av	091.71-4-27	38 x 100	3,752	Maggie D. Harris
163 Portage St	106.27-1-54	40 x 90	3,600	Angel Alicea
222 Ruff Alley	120.60-2-52	45 x 45	2,077	Rudolph & Evadney Lott
432-434 Webster Av	107.45-4-13	40 x 92	3,389	Robert Salgado

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. The Mayor is hereby authorized to enter the City into an amendatory lease agreement with GeoMar Holdings, Inc. d/b/a Mom's Margios Diner for commercial space located on the first floor of the Port Terminal Building, which shall amend the lease authorized by Ordinance No. 2016-68 and as amended by Ordinance No. 2016-99 to waive the rent authorized in Ordinance No. 2016-99 through July 15, 2016 to reflect the tenant's build-out of the space at its own expense, thereby reducing the amount of anticipated rent payments by \$15,160.

Section 6. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-296  
Re: Real Estate Acquisition-  
894-898 West Main Street  
and 42 York Street,  
Bull's Head Revitalization

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

Transmitted herewith for your approval is legislation authorizing the acquisition by negotiation of the following two properties under common ownership:

- 894-898 West Main Street
- 42 York Street

894-898 West Main Street consists of a 0.11 acre parcel with an existing three-story, 11,700 sq. ft., mixed-use building. The building is currently occupied with first floor commercial tenants and

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residential tenants above. The property is adjacent to two City-owned vacant lots on either side at 900 West Main Street and 888-892 West Main Street (see attached property location map).

42 York Street is a 0.48 acre parcel paved for parking. 42 York Street currently provides parking for the tenants of 894-898 West Main Street. The property is adjacent to City-owned property to the east at 886 West Main Street (see attached property location map).

The current owner of the two referenced properties is Mr. Mohammad Chhipa. Mr. Chhipa approached the City to sell his properties. The properties are situated adjacent to other City-owned properties and within the Bull's Head Revitalization target area. As part of the Bull's Head Revitalization project, the City intends to prepare this property and other adjacent properties for future redevelopment. Activities for such preparation may include tenant relocation, environmental testing, environmental clean-up and demolition.

The following is a breakdown of the appraised value of each of the two properties:

• 894-898 West Main Street:	\$150,000
• 42 York Street:	<u>60,000</u>
TOTAL:	\$210,000

The combined purchase price of \$210,000 was established by an independent appraisal prepared by Midland Appraisal Associates, Inc., on January 13, 2016, and a review appraisal completed by Bruckner, Tillett, Rossi, Cahill & Associates on April 28, 2016. The total cost of \$212,000, which includes the purchase price and closing costs, will be funded from 2016-17 Cash Capital.

The City has hired RK Hite & Co., Inc. to provide relocation and moving assistance related services for the commercial and residential tenants of 894-898 West Main Street. The associated tenant relocation benefits and eligible moving costs will be funded from 2016-17 Cash Capital.

A Phase I Environmental Site Assessment (ESA) dated August 16, 2016, was completed for the property by Day Environmental, Inc. Upon review by the City's Department of Environmental Services Division of Environmental Quality, the Phase I ESA report included evidence of potential environmental contamination consistent with typical developed urban sites. There were no recognized environmental conditions that would preclude the City's acquisition of the properties.

Upon acquisition by the City, the 2016-17 City taxes will be canceled. The property will be conveyed with no other outstanding liens or encumbrances.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment AP-160

Ordinance No. 2016-296  
(Int. No. 337)

**Authorizing the acquisition of 894-898 West Main Street and 42 York Street**

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

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Section 1. The Council hereby approves the acquisition by negotiation of the parcels described below. The acquisition costs shall not exceed \$212,000, including closing costs, and shall be funded from 2016-17 Cash Capital.

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Owner</u>
894-898 West Main St.	120.42-2-62.1	±0.11 acre	Mohammad Chhipa
42 York St.	120.42-2-72.1	±0.48 acres	Mohammad Chhipa

Section 2. City taxes and other current-year charges against said parcels shall be canceled from the date of closing forward. If the present owners have paid any taxes or other current-year charges attributable to the period after the closing, such charges shall be credited to such owners at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcels, shall also be cancelled. The properties shall be conveyed to the City with no other outstanding liens or encumbrances.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Ortiz moved to amend Int. No. 338.

Councilmember Spauld seconded the motion.

Motion passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Re: Ordinance No. 2016-297  
Zoning Map Amendment –  
Multiple properties on Hudson  
Avenue, Merrimac Street,  
Cleveland Street and  
Frederick Street

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning the properties at 396, 402, 404-408 Hudson Avenue from C-1 Neighborhood Center District to R-3 High Density Residential District; and 101, 111, 121, 127, 168-172 Merrimac Street, 26, 30, 36, 37, 42, 43, 47, 48, 54, 58, 59 and 75 Cleveland Street and 8 Frederick Street from R-1 Low Density Residential District to R-3 High Density Residential District.

The purpose of this rezoning is to facilitate the development of multi-family housing and ancillary parking for a DePaul project. DePaul, the applicant for this rezoning request, is proposing to construct a three- and four-story, 114 unit apartment building, as well as a three-story, 36 unit apartment building with associated utilities and parking. If the rezoning is approved, a Special Permit from the City Planning Commission will also be necessary to establish the ancillary parking. The entire project is currently going through the Site Plan Review process.

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The City Planning Commission held an informational meeting on the proposed map amendment on Monday, August 8, 2016, the minutes of which are attached. Two people spoke in favor of the rezoning; one person asked a question, and no one spoke in opposition. By a vote of 5-0-0, the City Planning Commission recommended that the above properties be rezoned to R-2 Medium Density Residential, instead of R-3 High Density Residential, so that multi-family housing and large scale apartment buildings would not be permitted as of right, but would require Special Permit approval from the City Planning Commission. However, the final decision regarding this map amendment is for City Council to determine.

A public hearing is required for the Zoning Map Amendment.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No AP-161

Ordinance No. 2016-297  
(Int. No. 338, as amended)

**Amending the Zoning Code map for multiple properties located on Hudson Avenue, Merrimac Street, Cleveland Street and Frederick Street**

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing from C-1 Neighborhood Center to R-3 High Density Residential the zoning classification of the following properties ~~from C-1 Neighborhood Center to R-3 High Density Residential District:~~

<u>Address</u>	<u>SBL #</u>
396 Hudson Avenue	106.49-1-88.1
402 Hudson Avenue	106.49-1-89
404-408 Hudson Avenue	106.49-1-1

and the area extending from those parcels to the center line of any adjoining street, alley, and right-of-way.

Section 2. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing from R-1 Low Density Residential to R-3 High Density Residential the zoning classifications of the following properties ~~from R-1 Low Density Residential to R-3 High Density Residential District:~~

<u>Address</u>	<u>SBL #</u>
101 Merrimac Street	106.49-1-3.1
111 Merrimac Street	106.49-1-5.1
121 Merrimac Street	106.49-1-7
127 Merrimac Street	106.49-1-8
<del>168-172 Merrimac Street</del>	<del>106.41-4-36.3</del>
26 Cleveland Street	106.49-1-83.4

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30 Cleveland Street	106.49-1-82
36 Cleveland Street	106.49-1-81
37 Cleveland Street	106.49-1-62
42 Cleveland Street	106.49-1-80
43 Cleveland Street	106.49-1-63
47 Cleveland Street	106.49-1-64.1
48 Cleveland Street	106.49-1-79
54 Cleveland Street	106.49-1-78
58 Cleveland Street	106.49-1-77
59 Cleveland Street	106.49-1-66
75 Cleveland Street	106.49-1-68.1
8 Frederick Street	106.49-1-33.2

and the area extending from those parcels to the center line of any adjoining street, alley, and right-of-way.

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-298

Re: Zoning Map Amendment –  
1009-1011 Jay Street

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning the vacant parcel at 1009-1011 Jay Street from R-1 Low Density Residential District to M-1 Industrial District. The applicant, Christopher Brett, owns this property and the adjacent property at 1037 Jay Street, which is already zoned M-1. Mr. Brett is proposing to rezone 1009-1011 Jay Street so that he can combine it with 1037 Jay as part of his proposal to build seven, self-service storage buildings on the parcel. Self-service storage is permitted within fully enclosed buildings in the M-1 District; however, it is not a permitted use in the R-1 District.

The City Planning Commission held an informational meeting on the proposed map amendment on Monday, August 8, 2016; meeting minutes are attached. No one spoke in support of or in opposition to the proposed rezoning. By a vote of 6-0-0, the Planning Commission recommended approval.

A public hearing is required for the Zoning Map Amendment.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-162

Ordinance No. 2016-298  
(Int. No. 340, as amended)

**Amending the Zoning Code map for 1009-1011 Jay Street**

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing from R-1 Low Density Residential to M-1 Industrial the zoning classification of the property located at 1009-1011 Jay Street (SBL # 105.80-1-79) ~~from R-1 Low Density Residential to M-1 Industrial~~, and the area encompassing that property comprised of:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 66, 20,000 Acre Tract, and being more particularly bounded and described as follows: Beginning at a point on the centerline of Jay Street (49.5' ROW) at the northerly extension of the east line of Lot 37 of the Peter Delles Subdivision, as filed in the Monroe County Clerk's Office in Liber 1 of Maps, Page 30, said point being the Point or Place of Beginning; thence

- 1) Southerly, along said extension and the east line of Lot 37, a distance of 130.75 feet to a point; thence
- 2) Westerly, parallel with said Jay Street, a distance of 60.0 feet to a point; thence
- 3) Northerly, along the extension and the west line of said Lot 37, a distance of 130.75 feet to the said centerline of Jay Street; thence
- 4) Easterly, along said centerline, a distance of 60.0 feet to the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-299  
Re: Restore New York Communities  
Initiative - Round 4

Council Priority: Rebuilding and  
Strengthening Neighborhood Housing;  
Jobs and Economic Development;  
Creating and Sustaining a  
Culture of Vibrancy

September 14, 2016

Transmitted herewith for your approval is legislation authorizing an application to the Empire State Development Corporation (ESDC), and a subsequent grant disbursement agreement with the New York State Urban Development Corporation, doing business as ESDC, for the receipt and use of a grant totaling up to \$2 million through Round 4 of the Restore New York Communities Initiative Program (Restore NY).

Restore NY provides financial assistance to municipalities for the demolition, deconstruction, rehabilitation and/or reconstruction of vacant, abandoned, condemned and surplus properties. Restore NY funds may also be used for site development needs to support the rehabilitation of properties, including (but not limited to) water, sewer and parking. Total funding for Restore NY Round 4 is \$50 million statewide. Municipalities with populations of over 100,000 are eligible to apply for one project with a maximum grant request of \$2 million. A single Restore NY project may include multiple properties.

An internal advisory committee composed of staff from the Department of Neighborhood and Business Development, Department of Environmental Services, Department of Finance and Law Department reviewed nearly 30 potential properties for inclusion in the City's 2016 Restore NY application. The advisory committee prioritized a project called the "Center City Commercial and Mixed Use Initiative," which would provide gap funding for the adaptive reuse of properties on several significantly vacant, blighted blocks that are strategically important to downtown Rochester's continued revitalization. A letter of intent to apply for this project was submitted to ESDC on July 13, 2016 and a full application is due to ESDC by no later than October 3, 2016.

The City will request \$2 million in funding for the properties and amounts listed below, or others, if deemed necessary by the Mayor, which would be used to create approximately 78 new housing units and the renovation of approximately 28,750 sq. ft. of commercial space in the following seven downtown buildings:

1. Center City Place  
Developer: Center City Place LLC (Anthony Cilino/Philip Georges) and REO Holding LLC (Antonio Cilino)  
Address: 131-135 and 143-163 State St. (five buildings)  
Type of Activity: Rehabilitation  
Total Development Cost: \$8,260,800  
ESDC Request: \$950,000  
Commercial space to be renovated: seven storefronts (14,000 sq. ft.)  
New housing units to be created: 34 apartments (41,000 sq. ft.)
2. Mi Casa is Su Casa  
Developer: Sobrino Property Group, LLC (Douglas Salgado)  
Address: 113 State St (one building)  
Type of Activity: Rehabilitation  
Total Development Cost: \$7,817,407  
ESDC Request: \$475,000  
Commercial space to be renovated: one restaurant (4,350 sq. ft.)  
New housing units to be created: 12 units in four dorm-style apartments (4,175 sq. ft.)
3. The Hive@155 Phase II  
Developer: Hive Andrews 2 LLC (Dan Morgenstern, Robert Morgan, Buckingham Properties)

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Address: 143-153 St. Paul Street (one building)  
Type of Activity: Rehabilitation  
Total Development Cost: \$7,817,407  
ESDC Request: \$475,000  
Commercial space to be renovated: one retail unit (10,400 sq. ft.)  
New housing units to be created: 35 apartments (24,436 sq. ft.)

In accordance with Restore NY program guidelines, this application is consistent with the following principles:

- The proposed project is consistent with the City's: 1) Comprehensive Plan; 2) Consolidated Community Development Plan/Strategic Plan 2015/16 – 2019/20; 3) Center City Master Plan; 4) Housing Policy; and 5) City-Wide Rochester Housing Market Study Recommendations;
- The proposed financing is appropriate for the identified project; and
- The project will facilitate effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources.
- Where applicable, the project develops and enhances infrastructure and/or other facilities in a manner that will attract, create, and sustain employment opportunities.

A public hearing and three days notification in a local daily newspaper is required.

The City was awarded \$2.3 million, \$6 million and \$9.5 million from ESDC in 2006, 2007 and 2009, respectively, through the first three rounds of the Restore NY program.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-163

Ordinance No. 2016-299  
(Int. No. 341, as amended)

**Authorizing an application and agreement for a grant under Round 4 of the Restore NY Communities Initiative**

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

Section 1. The Mayor is hereby authorized to submit an application to the Empire State Development Corporation (ESDC) and to enter the City into ~~a subsequent~~ agreement with the New York State Urban Development Corporation Doing Business As the ESDC ~~Empire State Development Corporation~~ for the receipt and use of a grant of up to \$2 million under the Round 4 of Restore NY Communities Initiative (Restore NY), which shall be used by the City to assist with the Center City Commercial and Mixed Use Initiative (the Project), which provides for the rehabilitation of Center City properties.

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

Section 3. The Council, having reviewed the ~~projects~~ Project that ~~are~~ is proposed for the application in accordance with Restore NY program guidelines, hereby finds that the application is consistent with the following principles:

- (a) the proposed ~~assisted projects~~ Project ~~are~~ is consistent with:
  - 1) the Comprehensive Plan;
  - 2) the Consolidated Community Development Plan/Strategic Plan for 2015-16 through 2019-20;
  - 3) the Center City Master Plan;
  - 4) the Housing Policy; and
  - 5) the City-Wide Rochester Housing Market Study Recommendations;
- (b) the proposed financing is appropriate for the ~~identified projects~~ Project;
- (c) the ~~projects~~ Project will facilitate effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and
- (d) where applicable, the ~~projects~~ Project develops and enhances infrastructure and/or other facilities in a manner that will attract, create, and sustain employment opportunities.

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-300  
Re: Agreement – Coordinated Care  
Services Incorporated,  
Administration of Rochester  
Monroe County Continuum of  
Care Services

Transmitted herewith for your approval is legislation establishing \$24,000 as maximum compensation for an agreement with Coordinated Care Services Incorporated (CCSI) for administration of the Rochester Monroe County Continuum of Care (CoC) services. The cost of this agreement will be funded from the 2016-17 City Development Fund and the term will be for one year, with the option to extend for one year, if funds remain in the original appropriation.

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CoC is a consortium of funders, providers and formerly homeless representatives that collaboratively plans for the use of federal funds serving individuals and families who are homeless or are at risk of becoming homeless.

Total funding for CCSI to administer the CoC totals \$165,185. Funding is also being provided by Monroe County and the Rochester Housing Authority.

CCSI will provide staff for the planning and development of the Homeless Strategy to be included in the Consolidated Community Development Plan/Annual Action Plan for both the City and County. They will also facilitate the evaluation of proposals for the Housing Choice Fund Emergency Solutions Grant (ESG), other homeless service activities and the continued refinement of a coordinated access system required by U.S. Department of Housing and Urban Development.

CCSI currently administers funding for the CoC. CCSI was first identified as the administrator through a request for proposals process in 2014. The proposed appropriation will fulfill the City's funding commitment to the CoC and will be its last investment for this purpose.

City Council previously approved this activity in November 2014 via Ordinance No. 2014-337.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2016-300  
(Int. No. 342, as amended)

**Authorizing an agreement with Coordinated Care Services, Inc. for administrative services of the Rochester/Monroe County Continuum of Care**

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

Section 1. The Mayor is hereby authorized to enter the City into an agreement with Coordinated Care Service-s, Inc. for administrative services for the Rochester/Monroe County Continuum of Care. The agreement shall have a term of one year, with an option to extend for one year if funds remain in the original appropriation.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$24,000 and said amount, or so much thereof as may be necessary, shall be funded from the 2016-17 City Development Fund.

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

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

September 14, 2016

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-301

Re: House of Mercy

Transmitted herewith for your approval is legislation authorizing an agreement with the House of Mercy in the amount of \$500,000 for the construction of a new shelter. This agreement will be funded with Prior Years' Cash Capital.

The House of Mercy has been a noted, low-barrier shelter in the community for over thirty years. They have outgrown their current location at 725 Hudson Avenue. The current shelter can house up to 19 individuals. The organization also provides food, clothing and shelter for people in need. They have also assisted residents in accessing public assistance, social security, health care treatment for substance abuse and mental health problems, financial assistance for rent and utility bills, educational tutoring, transportation to appointments and burial assistance.

The new House of Mercy will be located at 285 Ormond Street and be able to house up to 82 individuals. They will continue to provide the same services, just in a new and expanded facility. The new facility will be recognized and fully integrated into the Continuum of Care as the low-barrier shelter in the community. Once the new facility is opened, the property at 725 Hudson Avenue will be donated to the City of Rochester and demolished.

The City's funds will be used toward construction only; the project's budget is below.

Costs

Acquisition	\$ 215,000
Construction	3,225,162
Contingency	301,607
Architectural, Engineering & Legal Services	125,900
Equipment, Furniture and Fixtures	150,000
Replacement Reserves	300,000
Capitalized Operating Reserves	<u>189,150</u>
Total	\$4,506,819

Sources

City of Rochester	\$ 500,000
Acquisition Contribution	215,000
NYS Homeless Housing Assistance	3,202,669
Other grants/donations	<u>589,150</u>
Total	\$4,506,819

It is expected that construction will be completed and the shelter open in December of this year.

Respectfully submitted,  
Lovely A. Warren  
Mayor

September 14, 2016

Ordinance No. 2016-301  
(Int. No. 343)

**Authorizing an agreement for the construction of the House of Mercy homeless shelter**

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

Section 1. The Mayor is hereby authorized to enter the City into an agreement with the House of Mercy, Inc. to construct a homeless shelter at 285 Ormond Street. The sum of \$500,000, or so much thereof as may be necessary, is hereby established as the maximum compensation for the agreement which amount shall be funded from Prior Years' Cash Capital.

Section 2. The term of the agreement may extend up to one year.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-302  
Re: Amendatory Agreement –  
Schubert Centre LLC, Focused  
Investment Strategy Vacant Lot  
Fencing and Greening Program

Council Priority: Rebuilding and  
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Schubert Centre LLC for the construction a parking lot as part of the Focused Investment Strategy Vacant Lot Fencing and Greening Program (Ordinance No. 2012-248). The term of the agreement will be extended by one year, with no additional cost.

Schubert Centre LLC, owner of the vacant lot at 143-147 Webster Avenue, was contracted to construct a parking lot at the location, which would be used for ancillary parking by Dazzle Theater. Due to considerable delays with this project, it is necessary to extend the term of agreement. The project is now ready to begin and is expected to be completed within 60 days. A one-year extension is being requested, however, because the asphalt mills are expected to close in October, and should unforeseen circumstances cause the project to fail to commence in September, the earliest possible start date would not be until spring 2017.

Respectfully submitted,  
Lovely A. Warren  
Mayor

September 14, 2016

Ordinance No. 2016-302  
(Int. No. 344)

**Authorizing an amendatory agreement with Schubert Centre LLC for the Focused Investment Strategy Vacant Lot Fencing and Greening Program**

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

Section 1. The Mayor is hereby authorized to enter in an amendatory agreement with Schubert Centre LLC to amend the agreement for the Focused Investment Strategy Vacant Lot Fencing and Greening Program originally authorized in Ordinance No. 2012-248. The amendment shall extend the term of agreement by one year to August 31, 2017.

Section 2. This amendatory agreement shall contain such other 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. 2016-303  
Re: Correcting Prior Zoning Text  
Amendment – M-1 Industrial  
District

Transmitted herewith for your approval is legislation correcting an error in the recently approved zoning text amendment legislation that eliminated the distinctions among “High-Impact” other subcategories of the Retail Sales and Services use classification.

This legislation will correct an inadvertent error in Section 3 of Ordinance No. 2016-263 that classified Retail Sales and Services as a permissible use in all buildings within the M-1 Industrial district. See Zoning Code §120-81(A)(1)(n), as amended by Ordinance No. 2016-263, §3. The present legislation deletes that provision because it is either redundant with or contradicts other provisions of the amended Code that classifies any Retail Sales and Services use in the M-1 district as follows:

- A permitted use when located in an existing multistory building or single-story building not originally designed for industrial purposes; or
- A special permit use when located in a single-story building originally designed for industrial purposes.

See Zoning Code §§120-81(B)(3) and 120-183(A)(1), as amended by Ordinance No. 2016-263, §3. Pursuant to §120-190(C) of the Zoning Code, this zoning text amendment does not require prior review by the City Planning Commission because it involves a minor correction that does not substantially change the meaning of the Code. Similarly, in accordance with Article 8 of the New York State

September 14, 2016

Conservation Law and Chapter 48 of the Rochester City Code, this zoning text amendment has been classified as a Type II action, requiring no further environmental review.

A public hearing is required for this zoning text amendment.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2016-303  
Int. No. 363

**Amending the Zoning Code, Chapter 120 of the Municipal Code, with regard to retail sales and service in the M-1 Industrial district**

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

Section 1. Chapter 120 of the Municipal Code, Zoning, as last amended by Ordinance No. 2016-263, is hereby further amended in Section 120-81, Permitted uses and structures, to delete subsection A(1)(n) as follows:

§ 120-81. Permitted uses and structures.

A. The following uses are permitted in the M-1 District:

(1) The following uses are permitted when conducted in a fully enclosed building:

...

~~(n) Retail sales and service, when in an existing building.~~

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text

Passed unanimously.

Councilmember Ortiz moved to discharge Int. No. 339 from committee.

Councilmember Patterson seconded the motion.

Motion adopted unanimously.

Councilmember Ortiz moved to amend Int. No. 339.

Councilmember Spauld seconded the motion.

Motion adopted unanimously.

September 14, 2016

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-304  
Re: Zoning Map Amendment –  
Multiple properties on  
Merrimac, Cleveland, Wadsworth,  
Gilmore and North Streets

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning the properties at 128 Merrimac Street and 15 Wadsworth Street from R-1 Low Density Residential District to M-1 Industrial District; and 19, 62, 68, 72, 78, 84, and 90 Cleveland Street, 17, 19, 21, 23, 23.5, 25, 27, 29, 31 and 33 Wadsworth Street, 131, 135, 145, 151, and 153 Merrimac Street, 144, 148, 156, 160 and 164 Gilmore Street, and 745, 755, 759, 763 and 769 North Street from R-1 Low Density Residential District to R-3 High Density Residential District. As a result of the rezoning request made by DePaul, the City has requested that the City Planning Commission act as the applicant for this rezoning so that the remaining properties in this area, many of which are City-owned, are ready for the possibility of future development and complement the rezoning being proposed by DePaul.

With the exception of those properties owned by the City of Rochester, certified letters regarding the proposed rezoning were sent to the owners of the properties listed above. A copy of this letter is attached.

The City Planning Commission held an informational meeting on the proposed map amendment on Monday, August 8, 2016; meeting minutes are attached. No one spoke in support of or in opposition to the proposed rezoning. By a vote of 6-0-0, the City Planning Commission recommended approval for the two properties being rezoned to M-1 Industrial District. However, they recommended that the other properties be rezoned to R-2 Medium Density Residential, instead of R-3 High Density Residential, so that multi-family housing and large scale apartment buildings would not be permitted as of right, but would require Special Permit approval from the City Planning Commission. The final decision regarding this map amendment is under the purview of City Council.

A public hearing is required for the Zoning Map Amendment.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-164

Ordinance No. 2016-304  
(Int. No. 339, as amended)

**Amending the Zoning Code map for ~~multiple properties located on 128 Merrimac Street, Cleveland Street, and 15 Wadsworth Street, Gilmore Street and North Street~~**

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing from R-1 Low Density Residential to M-1 Industrial the zoning classification of the following properties ~~from R-1 Low Density Residential to M-1 Industrial~~:

<u>Address</u>	<u>SBL #</u>
128 Merrimac Street	106.41-4-42
15 Wadsworth Street	106.41-4-55

and the area extending from those parcels to the center line of any adjoining street, alley, and right-of-way.

Section 2. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classifications of the following properties from R-1 Low Density Residential to R-3 High Density Residential:

<u>Address</u>	<u>SBL #</u>
<del>19 Cleveland Street</del>	<del>106.49-1-61</del>
<del>62 Cleveland Street</del>	<del>106.49-1-75.3</del>
<del>68 Cleveland Street</del>	<del>106.49-1-75.2</del>
<del>72 Cleveland Street</del>	<del>106.49-1-74</del>
<del>78 Cleveland Street</del>	<del>106.49-1-73</del>
<del>84 Cleveland Street</del>	<del>106.49-1-72</del>
<del>90 Cleveland Street</del>	<del>106.49-1-71</del>
<del>17 Wadsworth Street</del>	<del>106.41-4-56</del>
<del>19 Wadsworth Street</del>	<del>106.41-4-57</del>
<del>21 Wadsworth Street</del>	<del>106.41-4-58</del>
<del>23 Wadsworth Street</del>	<del>106.41-4-59</del>
<del>23.5 Wadsworth Street</del>	<del>106.41-4-60.2</del>
<del>25 Wadsworth Street</del>	<del>106.41-4-60.1</del>
<del>27 Wadsworth Street</del>	<del>106.41-4-61</del>
<del>29 Wadsworth Street</del>	<del>106.41-4-62</del>
<del>30 Wadsworth Street</del>	<del>106.41-4-69.1</del>

<u>Address</u>	<u>SBL #</u>
<del>31 Wadsworth Street</del>	<del>106.41-4-63</del>
<del>33 Wadsworth Street</del>	<del>106.41-4-64</del>
<del>131 Merrimac Street</del>	<del>106.49-1-9</del>
<del>135 Merrimac Street</del>	<del>106.49-1-10.1</del>
<del>145 Merrimac Street</del>	<del>106.49-1-12.2</del>
<del>151 Merrimac Street</del>	<del>106.49-1-14</del>
<del>153 Merrimac Street</del>	<del>106.49-1-15</del>
<del>144 Gilmore Street</del>	<del>106.41-4-52.1</del>
<del>148 Gilmore Street</del>	<del>106.41-4-51.1</del>
<del>156 Gilmore Street</del>	<del>106.41-4-49</del>
<del>160 Gilmore Street</del>	<del>106.41-4-48</del>
<del>164 Gilmore Street</del>	<del>106.41-4-47.1</del>
<del>745 North Street</del>	<del>106.41-4-32</del>
<del>755 North Street</del>	<del>106.41-4-30.1</del>
<del>759 North Street</del>	<del>106.41-4-29</del>
<del>763 North Street</del>	<del>106.41-4-28</del>

~~769 North Street~~ ————— ~~106.41-4-27~~

Section 2 ~~3~~. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

By Councilmember Haag  
September 14, 2016

To the Council:

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

- |              |   |
|--------------|---|
| Int. No. 346 | Authorizing an amendatory agreement with T.Y. Lin International Engineering, Architecture & Land Surveying, P.C., for the Broad Street Bridge Preventive Maintenance Project  |
| Int. No. 347 | Authorizing an amendatory agreement and funding for the Hincer Group Street Improvement Project   |
| Int. No. 348 | Authorizing an amendatory agreement with Passero Associates, Engineering, Architecture & Surveying, D.P.C., for improvements to Charlotte Street and Haags Alley  |
| Int. No. 349 | Authorizing an amendatory agreement and funding for the Vacuum Oil Site remedial investigation and alternatives analysis  |
| Int. No. 350 | Bond Ordinance of the City of Rochester, New York amending Ordinance No. 2014-254 by authorizing the issuance of an additional \$150,000 bonds of said City to finance a professional services agreement with O'Brien & Gere for remedial investigation services relating to contamination of the Vacuum Oil site in the City |
| Int. No. 351 | Authorizing agreements and appropriating funds for the Kilmar Street Group Project  |
| Int. No. 352 | Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$165,000 Bonds of said City to finance the reconstruction of water services along certain portions of Shady Lane related to the 2016 Kilmear Street Group Reconstruction Project, <u>as amended</u>  |

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- Int. No. 353      Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$2,389,000 Bonds of said City to finance certain costs of the 2017 Annual Parking Garage Evaluation and Repair Program
- Int. No. 354      Authorizing a grant agreement with Genesee Region Clean Communities, Inc. to fund the purchase of alternative fuel vehicles
- Int. No. 359      Authorizing the receipt and use of New York State Department of Transportation funds
- Int. No. 360      Authorizing extensions of the existing agreements and entry into new agreements for the a management ~~agreement for~~ of the Blue Cross Arena at the War Memorial and a for the lease of Municipal Lot #10, as amended

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

- Int. No. 345      Approving geometric changes to Arnett Boulevard related to the 2017 Preventive Maintenance Group 5 Project

Respectfully submitted,

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

Received, filed, and published.

Councilmember Haag moved to return Int. No. 345 to committee.

Councilmember McFadden seconded the motion.

Motion adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Introductory No. 345  
Re:    2017 Preventative Maintenance  
      Group 5 Project, Arnett Boulevard  
      (Thurston Road - Genesee Street)

Transmitted herewith for your approval is legislation authorizing geometric pavement width changes to Arnett Boulevard, from Thurston Road to Genesee Street, as part of the 2017 Preventative Maintenance Group 5 Project as follows:

1. A decrease of 12 feet from 40 feet to 28 feet, from 64 feet west to 84 feet east of Post Avenue;

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2. A decrease of 12 feet from 40 feet to 28 feet, from 62 feet west to 61 feet east of Woodbine Avenue;
3. A decrease of 6 feet from 40 feet to 34 feet, from 82 feet west to 48 feet west of Rugby Avenue;
4. A decrease of 12 feet from 40 feet to 28 feet, from the point above to 50 feet east of Rugby Avenue;
5. A decrease of 18 feet from 52 feet to 34 feet, from the point above to 71 feet east of Rugby Avenue;
6. A decrease of 18 feet from 52 feet to 34 feet, beginning 249 feet east of Rugby Avenue to 273 feet east of Rugby Avenue; and
7. A decrease of 12 feet from 40 feet to 28 feet, from 84 feet west to 85 feet east of Wellington Avenue.

The 2017 Preventative Maintenance Group 5 Project is a federally funded project intended to address minor pavement distress, drainage concerns and elongate the life of the pavement by providing a smooth riding surface at an economical cost. The intent of the pavement width changes on Arnett Boulevard is to provide traffic calming and safety by providing shorter crossing distances for pedestrians at intersections.

The improvements on Arnett Boulevard include milling the existing asphalt surface and replacing it with new asphalt pavement, new curb installation for bump-outs at multiple intersections, storm drainage upgrades, accessible curb ramp upgrades to meet Americans with Disabilities Act requirements, and spot sidewalk and curb replacement. Driveway aprons to vacant parcels will also be closed as part of this Project.

Design of the Project is scheduled to be completed in fall 2016. Construction is expected to begin in spring 2017 and be completed by summer 2017.

A public informational meeting was held August 16, 2016; meeting minutes are forthcoming. The pavement width changes were endorsed by the Traffic Control Board on August 2, 2016.

A public hearing on the pavement width changes is required.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Introductory No. 345

**APPROVING GEOMETRIC CHANGES TO ARNETT BOULEVARD RELATED TO THE 2017 PREVENTIVE MAINTENANCE GROUP 5 PROJECT**

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

Section 1. In furtherance of the 2017 Preventative Maintenance Group 5 Project (Project) authorized in Ordinance No. 2014-396, Council hereby approves the following pavement width changes for Arnett Boulevard:

Pavement width changes on Arnett Boulevard from Thurston Road to Genesee Street:

- a) Decrease of 12 feet from 40 feet to 28 feet, from 64 feet west to 84 feet east of Post Avenue;
- b) Decrease of 12 feet from 40 feet to 28 feet, from 62 feet west to 61 feet east of Woodbine Avenue;
- c) Decrease of 6 feet from 40 to 34 feet, from 82 feet west to 48 feet west of Rugby Avenue;
- d) Decrease of 12 feet from 40 feet to 28 feet, from the point above to 50 feet east of Rugby Avenue;
- e) Decrease of 18 feet from 52 feet to 34 feet, from the point above to 71 feet east of Rugby Avenue;
- f) Decrease of 18 feet from 52 feet to 34 feet, beginning 249 feet east of Rugby Avenue to 273 feet east of Rugby Avenue; and
- g) Decrease of 12 feet from 40 feet to 28 feet, from 84 feet west to 85 feet east of Wellington Avenue.

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

Section 3. This ordinance shall take effect immediately.

Held in committee.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-305  
Re: Amendatory Agreement –  
T.Y. Lin International  
Engineering, Architecture &  
Land Surveying, P.C.,  
Broad Street Bridge Preventive  
Maintenance Project

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

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Transmitted herewith for your approval is legislation establishing \$60,000 as maximum compensation for an amendatory agreement with T.Y. Lin International Engineering, Architecture & Land Surveying, P.C., Rochester, New York, for additional design services for the Broad Street Bridge Preventive Maintenance Project, increasing total maximum compensation to \$1,502,000. The cost of the amendatory agreement will be funded from 2014-15 Cash Capital, and the term may extend until six months after completion and acceptance of the construction of the Project.

The original agreement with T.Y. Lin International (formerly FRA Engineering and Architecture, P.C.) was to develop the master plan and provide market analysis, both of which were used to guide the preliminary and final design of the Broad Street Bridge Preventive Maintenance Project (Ordinance No. 2008-56). T.Y. Lin International developed a comprehensive inventory and analysis of the Broad Street corridor, from the Rundel Library to West Main Street, creating a Master Plan that incorporated land use projections, developers' recommendations, professional analysis, community input, parking plans, traffic analysis, historic interpretation, and potential for mixed-use, in-fill development as part of the plan's conceptual design.

Recent bridge inspections, however, indicate that specific bridge-elements have reached a point of deterioration where preventative maintenance activities are warranted to prolong the life of the structure. Included in the project are the following work activities: full removal and replacement of the asphaltic wearing surface, partial and localized deck repairs, removal and replacement of curbs and sidewalks, substructure repairs, expansion joint replacements, and streetscape improvements. The estimated cost of construction for the project is \$5,035,059. Additional, related work by T.Y. Lin International was approved via an amendatory agreement (Ordinance No. 2014-350).

The original agreement and first amendatory agreement provided for the following services:

- Development of a community-based master plan
- Traffic analysis, modeling and identification of mitigating measures
- Environmental investigations
- Assessment of corridor strengths, opportunities and constraints
- Investigation and evaluation of alternative concepts
- Place-making opportunities
- Advocate workshops, visioning workshops, and design charrettes
- Historic interpretation, preservation standards and mitigation strategies
- Economic evaluation and market analysis
- Preliminary and final design
- Structural evaluations
- Additional traffic analysis (lane reduction, parking, bike lanes)
- Streetscape improvements
- Heritage Trail amenities
- Final cost estimates
- Development of special specifications
- Bid and award phase tasks
- Construction phase design services

The proposed, second, amendatory agreement includes the following services:

- Coordination efforts with the Rundel Library Terrace Improvements

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- Utility coordination associated with Morgan Development's 103 Court Street Project
- Load ratings of sidewalk surfaces
- Structural investigations
- Construction investigations and plan detailing

Construction of the Project is underway and expected to be completed in summer 2017. The amendatory agreement will result in the creation and/or retention of the equivalent of 0.7 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-166

Ordinance No. 2016-305  
(Int. No. 346)

**Authorizing an amendatory agreement with T.Y. Lin International Engineering, Architecture & Land Surveying, P.C., for the Broad Street Bridge Preventive Maintenance Project**

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

Section 1. The Mayor is hereby authorized to enter the City into an amendatory professional services agreement with T.Y. Lin International Engineering, Architecture & Land Surveying, P.C. (formerly known as FRA Engineering and Architecture PC) for additional design services related to the Broad Street Bridge Preventive Maintenance Project. The amendment shall increase the maximum compensation in the agreement authorized in Ordinance No. 2008-56 and amended in Ordinance No. 2014-350 by \$60,000 to a total of \$1,502,000. Said amount shall be funded from 2014-15 Cash Capital. The term of the amendatory agreement may extend until 6 months after completion and acceptance of the construction of the project.

Section 2. This amendatory agreement shall contain such other 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. 2016-306  
Re: Amendatory Agreement –  
Bergmann Associates, Architects,  
Engineers, Landscape Architects  
& Surveyors, D.P.C., Hincer

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Group Street Improvement Project

Council Priority: Jobs and  
Economic Development

Transmitted herewith for your approval is legislation establishing \$95,000 as maximum compensation for an amendatory agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Bergmann), Rochester, New York, for resident project representation (RPR) services related to the Hinchler Group Street Improvement Project, increasing total maximum compensation to \$289,000. The amendatory agreement will be funded by 2013-14 Cash Capital.

The Hinchler Group Street Improvement Project consists of work on Corrigan, Hinchler, Estes, Fleming, and Ruggles Streets. The Project includes the reconstruction of pavement with a new reinforced modified or medium-duty asphalt pavement section; new stone curb and underdrain pipe; new sidewalk on the west side of Estes Street; replacement of existing sidewalks, driveway aprons and catch basins; new sanitary sewer, manholes and house laterals on Ruggles Street; replacement of existing sewer manhole frames and covers; new street lights and conduit on Fleming and Hinchler Streets; new PVC water main pipe on Fleming and Hinchler Streets, including polyethylene water services; removal of existing and installation of new trees; re-grading and hydro-seeding of all lawn areas.

Construction began on the Project in August 2015 by JJ Bell Construction. During the construction, it was discovered that additional work is necessary. The work includes: installation of sewer and water services at Hinchler Street for a future City concession stand in an adjacent park area; installation of porous concrete sidewalks, and special drainage detention swales to meet Stormwater Pollution Prevention Plan (SWPPP) requirements; and installation of stamped concrete and exposed aggregate sidewalks along portions of Lake Avenue. The estimated cost of the additional work is \$395,000. Based on the added work, Project completion is now expected for September 2016. The added construction duration requires additional RPR services by Bergmann Associates.

The amendatory agreement will result in the creation and/or retention of the equivalent of 1 full-time job.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-167

Ordinance No. 2016-306  
(Int. No. 347)

**Authorizing an amendatory agreement and funding for the Hinchler Group Street Improvement Project**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for resident project representation services related to the Hinchler Group Street Improvement Project. The

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amendatory agreement shall increase the maximum compensation for the agreement authorized in Ordinance No. 2015-240 by \$95,000, for a total compensation of \$289,000. The increased amount shall be funded from 2013-14 Cash Capital. The term of the amendatory agreement may extend until 3 months after completion of a two year guarantee inspection of the Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-307  
Re: Amendatory Agreement –  
Passero Associates, Engineers,  
Architecture & Surveying, D.P.C.,  
Charlotte Street and Haags  
Alley Improvements

Transmitted herewith for your approval is legislation authorizing \$15,600 as maximum compensation for an amendatory agreement with Passero Associates, Engineers, Architecture & Surveying, D.P.C (Passero), Rochester, New York, for the redesign of Charlotte Street at a different roadway width, preparing a submittal package for a fire code variance and additional design services which may result from the variance decision. This amendment will increase total maximum compensation from \$106,000 (Ordinance No. 2015-299) to \$121,600. The cost of the amendatory agreement will be financed from 2012-13 Cash Capital and the term will be for six months after the completion and acceptance of the construction of the project.

The project includes new asphalt pavement for Charlotte Street and new concrete pavement for Haags Alley. Both streets will have new granite curbs, concrete sidewalk replacement, new driveway aprons, catch basin upgrades, new water main and services, hydrants, and street lighting upgrades. The project will include some enhanced sidewalk and crosswalk materials that will coordinate with the materials used for the development at 14-80 Charlotte Street. Geometric changes were approved by Council at the August 2016 meeting (Ordinance No. 2016-277).

Bids for construction were received on June 13, 2016 and the project is being awarded to the low bidder, Concrete Applied Technologies Corporation d/b/a CATCO. Funding for the project and approval of an agreement with Passero for construction inspection was approved by Council at the July 2016 meeting (Ordinance Nos. 2016-244 and 2016-245).

A public meeting was held on May 31, 2016; copies of the meeting minutes were forwarded to Council for the June 2016 meeting.

It is anticipated that construction will begin in summer 2016, with scheduled completion in fall 2016.

Respectfully submitted,

September 14, 2016

Lovely A. Warren  
Mayor

Attachment No. AP-168

Ordinance No. 2016-307  
(Int. No. 348)

**Authorizing an amendatory agreement with Passero Associates, Engineering, Architecture & Surveying, D.P.C., for improvements to Charlotte Street and Haags Alley**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Passero Associates, Engineering, Architecture & Surveying, D.P.C., for the reconfiguration of Charlotte Street to a different roadway width. The amendment shall increase the maximum compensation in the agreement authorized in Ordinance No. 2015-299 by \$15,600 to a total of \$121,600. Said amount shall be funded from 2012-13 Cash Capital. The term of the amendatory agreement may extend until 6 months after completion and acceptance of the construction of the project.

Section 2. This amendatory agreement shall contain such other 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. 2016-308 and  
Ordinance No. 2016-309  
Re: Amendatory Agreement –  
O'Brien & Gere Engineers, Inc.,  
Remedial Investigation of  
Vacuum Oil Site

Transmitted herewith for your approval is legislation related to the remedial investigation of eight City-owned parcels located on the former Vacuum Oil Site south of Flint Street adjacent to the western bank of the Genesee River. This legislation will:

- (1) Establish \$200,000 as maximum compensation for an amendatory agreement with O'Brien & Gere Engineers, Inc. (OBG) for additional investigation and remedy selection services, for a total cost of \$800,000; and
- (2) Authorize the issuance of \$150,000 bonds and appropriate the proceeds thereof to partially finance the cost of the agreement.

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The balance of the cost of the agreement will be funded from 2012-13 and 2015-16 Cash Capital in the amount of \$40,800 and \$9,200, respectively.

In August 2014, City Council authorized an agreement with OBG (Ordinance No. 2014-254) which established \$600,000 as maximum compensation to complete a New York State (NYS) Brownfield Cleanup Program (BCP) remedial investigation of the eight City-owned parcels located south of Flint Street. OBG has partially completed the BCP remedial investigation work. Investigations completed by OBG to date have documented the presence of soil and groundwater contamination at the site.

Under the proposed amendatory agreement, OBG will complete additional investigations and testing of soil, groundwater and soil vapor that have been required by the NYS Department of Environmental Conservation (NYSDEC) to further characterize the project site at a cost of \$140,000. The firm will also complete an NYS BCP Remedial Alternatives Analysis Report (RAAR) to evaluate a range of potential remedial alternatives, estimate costs, and recommend a remediation plan for submission to the NYSDEC at a cost of \$60,000.

The RAAR is the next step in the BCP process after completion of the remedial investigation. The RAAR will evaluate a range of approaches toward the cleanup of contaminated soil and groundwater at the site, taking into account the potential future uses of the site that have been identified through the Vacuum Oil – South Genesee River Corridor Brownfield Opportunity Area (VOBOA) planning process. The recommended cleanup plan will be protective of both public health and the environment.

The former Vacuum Oil site is approximately 40 acres in size and located in the PLEX neighborhood adjacent to the western bank of the Genesee River near Exchange and Flint Streets. In July 2014, the City submitted an application to the NYS BCP for City-owned properties on and adjacent to the former Vacuum Oil facility. The BCP remedial investigation study area consists of eight City-owned parcels of land approximately 15.4 acres in size and is located within the VOBOA.

Continued use of OBG for the Vacuum Oil Site Remedial Investigation and for the BCP remedy selection process is recommended given its extensive understanding of the site's environmental conditions, knowledge of off-site environmental conditions, and experience with the NYSDEC BCP process.

It is anticipated that the remedial investigation and the remedial alternatives analysis report will be completed by spring 2017. The Department of Environmental Services will work closely with the Department of Neighborhood and Business Development for the cleanup and redevelopment of the BCP site and the larger VOBOA.

The amendatory agreement will result in the creation and/or retention of approximately 2 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment AP-169

Ordinance No. 2016-308  
(Int. No. 349)

**Authorizing an amendatory agreement and funding for the Vacuum Oil Site remedial investigation and alternatives analysis**

September 14, 2016

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with O'Brien & Gere Engineers, Inc. for environmental services related to the former Vacuum Oil site (Site). The amendatory agreement shall amend the agreement authorized in Ordinance No. 2014-254 by providing for the completion of a Brownfield Cleanup Program remedial investigation (RI) and for the preparation a remedial alternatives analysis report (RAAR) for the Site and by increasing the maximum compensation by \$200,000, for a total compensation of \$800,000.

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

Section 3. The increase in compensation provided for herein shall be funded in the amount of \$150,000 from the proceeds of bonds issued for the purpose, \$40,800 from 2012-13 Cash Capital and \$9,200 from 2015-16 Cash Capital.

Section 4. This ordinance shall take effect immediately

Passed unanimously.  
Ordinance No. 2016-309  
(Int. No. 350)

**Bond Ordinance of the City of Rochester, New York amending Ordinance No. 2014-254 by authorizing the issuance of an additional \$150,000 bonds of said City to finance a professional services agreement with O'Brien & Gere for remedial investigation services relating to contamination of the Vacuum Oil site in the City**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance \$150,000 in additional costs of a professional services agreement with O'Brien & Gere to prepare a Brownfield Cleanup Program remedial investigation relating to contamination of the Vacuum Oil site (the "Project"), initially authorized in the amount of \$600,000 by Ordinance No. 2014-254, consisting of City-owned land located on a portion of the Former Vacuum Oil Refinery at 1, 13, 31, 69 and 75 Cottage Street, 100 Riverview Place, 102 Violetta Street and a portion of 1320 South Plymouth Avenue in the City. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$800,000, and the additional \$150,000 is hereby appropriated therefor. The plan of financing includes the total issuance of \$750,000 bonds of the City, \$40,800 from 2012-13 Cash Capital, \$9,200 from 2015-16 Cash Capital and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$750,000 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.

September 14, 2016

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 \$750,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 6-e of the Local Finance Law, is twenty (20) years.

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-310 and  
 Ordinance No. 2016-311  
 Re: Kilmar Street Group  
 Improvement Project

Council Priority: Rebuilding and  
 Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the Kilmar Street Group Improvement Project. This legislation will:

1. Establish \$122,000 as maximum compensation for an agreement with Vanguard Engineering, P.C., Rochester, New York for resident project representation (RPR) services;
2. Authorize the issuance of water bonds totaling \$165,000 and the appropriation of the proceeds thereof to partially finance a new water main on Shady Lane portion of the Project;
3. Appropriate \$400,000 of Community Development Block Grant (CDBG) funds from the Infrastructure Improvements allocation of the General Community Needs fund of the 2013-14 (\$155,943) and 2014-15 (\$244,057) Consolidated Community Development Plan; and
4. Appropriate \$400,000 of 2015-16 CDBG funds from the Residential Street Rehabilitation allocation of General Community Needs fund of the 2015-16 Consolidated Community Development Plan.

The Kilmar Street Group Improvement Project will reconstruct Shady Lane, Rexford Street and Le Frois Street, rehabilitate a portion of Kilmar Street, and replace curbs on Millan Street. A new water main will be installed on Shady Lane. Street width changes were authorized by Council in January 2016 (Ordinance No. 2016-29).

Bids for construction were received on July 19, 2016. The apparent low bid of \$872,373 was submitted by Zoladz Construction Co. Inc., which is 6.2% more than the engineer's estimate. An additional \$98,494 will be allocated for project contingencies, street lighting and trees.

The costs for the categories of work for the project based upon the bid amount are as follows:

<u>Source</u>	<u>Construction</u>	<u>Contingency</u>	<u>RPR</u>	<u>Total</u>
CDBG	\$661,963	\$38,851	\$ 99,186	\$ 800,000
Water Bond	123,000	19,186	22,814	165,000
Rochester Pure Waters District (Ordinance No. 2016-160)	87,410	8,740	0	96,150
2014-2015 Cash Capital	0	30,000	0	30,000
2013-2014 Cash Capital	0	1,717	0	1,717
<b>Total</b>	<b>\$872,373</b>	<b>\$98,494</b>	<b>\$122,000</b>	<b>\$1,092,867</b>

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Vanguard Engineering, P.C. was selected for RPR services through a request for proposals process, which is described in the attached summary. The term of their agreement is for three months after the completion and acceptance of the Project.

A public meeting was held on December 9, 2015; copies of the meeting minutes are attached. The pavement width changes were endorsed at the December 15, 2015 Traffic Control Board meeting.

The Project will begin fall 2016 and be completed in spring 2017. The Project will result in the creation and/or retention of the equivalent of 11.8 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-170

Ordinance No. 2016-310  
(Int. No. 351)

**Authorizing agreements and appropriating funds for the Kilmar Street Group Project**  
BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Vanguard Engineering, P.C. for resident project representation (RPR) services for the Kilmar Street Group Project (Project) in a maximum amount of \$122,000. The agreement may extend until 3 months after completion of a two year guarantee inspection of the Project. The cost of said agreement shall be funded from the Consolidated Community Development Plan/Annual Action Plan funds appropriated herein (\$99,186), and from funds appropriated by a water bond ordinance to be adopted for this Project (\$22,814).

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

Section 3. The sum of \$400,000 is hereby appropriated to the Project from the Infrastructure Improvements allocation of the General Community Needs Fund in the Consolidated Community Development Plan/Annual Action Plans, in the amounts of \$155,943 from the 2013-14 plan and \$244,057 from the 2014-15 plan.

Section 4. The sum of \$400,000 is hereby appropriated to the Project from the Residential Street Rehabilitation allocation of General Community Needs Fund in the Consolidated Community Development Plan/2015-16 Annual Action Plan.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2016-311  
(Int. No. 352, as amended)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$165,000 Bonds of said City to finance the reconstruction of water services along certain portions of Shady Lane related to the 2016 Kilmear Street Group Reconstruction 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 repair and replacement of water mains, water services and hydrants along certain portions of Shady Lane related to the 2016 Kilmear Street Group Reconstruction Project (Shady Lane and Rexford, Le Frois, Kilmear and Milan Streets) in the City (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 \$1,092,867. The plan of financing includes the issuance of \$165,000 bonds of the City to finance said Project, \$800,000 from Community Development Block Grant funds, \$96,150 from the Rochester Pure Waters District (Ordinance No. 2016-160), \$30,000 2014-2015 Cash Capital, \$1,717 2013-2014 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 \$165,000 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 \$165,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

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

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

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

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-312  
Re: Annual Parking Garage  
Evaluation and Repair Program

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$2,389,000, and the appropriation of the proceeds thereof, to finance a portion of the cost of the 2017 Annual Parking Garage Evaluation and Repair Program.

Construction work for the Program includes, but isn't limited to, concrete and structural steel repairs; deck waterproofing and sealing; expansion joint repairs; masonry repairs and waterproofing; mechanical, electrical and plumbing system repairs; and elevator replacements. The parking garages impacted by the Program consist of the following City-owned facilities: Court Street, East End, Genesee Crossroads, High Falls, Mortimer Street, South Avenue, Sister Cities and Washington Square.

The 2017 Parking Garage Evaluation and Repair Program construction contract is scheduled to be bid and awarded in winter 2016-17, with construction beginning in spring 2017 and completed in spring 2018. The estimated total cost of the 2017 program, including contingency, is estimated at \$3,203,000 and will be funded as follows:

	2016-17 Parking Bonds	2016-17 Parking Cash Capital	Total
Design/Resident project representation:	\$0	\$500,000	\$ 500,000
Construction:	2,389,000	314,000	2,703,000
Total:	\$2,389,000	\$814,000	\$3,203,000

Respectfully submitted,  
 Lovely A. Warren  
 Mayor

Ordinance No. 2016-312  
 (Int. No. 353)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$2,389,000 Bonds of said City to finance certain costs of the 2017 Annual Parking Garage Evaluation and Repair Program**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the costs of the 2017 Annual Parking Garage Evaluation and Repair Program, including costs of design, waterproofing and concrete and structural rehabilitation of the Court Street Garage, the East End Garage, the Genesee Crossroads Garage, the High Falls Garage, the Mortimer Street Garage, the South Avenue Garage, the Sister Cities Garage and the Washington Square Garage (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,203,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$2,389,000 bonds, \$814,000 of 2016-2017 Parking Cash Capital and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$2,389,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$2,389,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 13. of the Law, is ten (10) years.

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-313  
Re: Agreement –Genesee Region  
Clean Communities, Alternative  
Fuels Vehicles Grant

Transmitted herewith for your approval is legislation authorizing an agreement with Genesee Region Clean Communities (GRCC) for the receipt and use of a \$109,862 grant for the purchase of alternative fuel vehicles for the City’s fleet. GRCC is the local coalition designated by the United States Department of Energy Clean Cities program to support alternative fuel vehicles. These particular funds, received through a grant from GRCC, are part of the Federal Highway Administration Congestion Mitigation and Air Quality Improvement (CMAQ) program, and are administered by the New York State Energy Research and Development Authority (NYSERDA).

This grant provides reimbursement to the City for a portion of the difference in cost for alternative fuel vehicles, e.g. compressed natural gas (CNG) and electric, instead of the comparable standard gasoline or diesel vehicle. The table below lists the increased cost and grant reimbursements for the alternative fuel vehicles that will replace the planned purchase of traditional vehicles.

<u>Vehicle</u>	<u>Quantity</u>	<u>Est. Increased Cost</u>	<u>Grant Reimbursement</u>
2016 Chevy Volt	3	\$42,000	\$31,500
2016 Chevy Silverado Bi-Fuel	5	\$42,750	\$16,030
2017 Mack CNG Roll off Truck	1	\$39,335	\$29,501
2017 Freightliner CNG Rear-load	1	\$43,772	\$32,829

Note that all of the vehicles, with the exception of the Chevy Silverados, are reimbursable for 75% of the increased cost of the vehicles. The Chevy Silverado Bi-Fuel were determined by GRCC to be reimbursable for 50% of the increased cost due to their anticipated use of both gasoline and CNG.

Fuel for the CNG vehicles will be available at the City’s Green Fuel Station located at 945 Mt. Read Boulevard. The Chevy Volts will plug in at their service locations. Using CNG and electricity instead of gasoline and diesel fuel reduces greenhouse gas emissions produced by the City’s fleet, which is one of the goals set forth in the City’s 2009 Resolution in Support of Environment and Climate Protection Actions, as well as the City’s Municipal Operations Climate Action Plan. The use of these vehicles in the City’s fleet is anticipated to reduce petroleum use by over 8,700 gallons per year and greenhouse gas emissions by approximately 56 tons of carbon dioxide equivalent, and will provide public demonstration of the benefits and practical application of alternative fuel vehicles in the community.

Respectfully submitted,  
 Lovely A. Warren  
 Mayor

Ordinance No. 2016-313  
 (Int. No. 354)

**Authorizing a grant agreement with Genesee Region Clean Communities, Inc. to fund the purchase of alternative fuel vehicles**

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

Section 1. The Mayor is hereby authorized to enter the City into an agreement for the receipt and use of \$109,862 with Genesee Region Clean Communities, Inc. to fund the purchase of alternative fuel vehicles.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-314  
Re: New York State Department of  
Transportation, Marchiselli  
Aid Program

Council Priority: Deficit Reduction and  
Long Term Financial Stability

Transmitted herewith for your approval is legislation related to the appropriation of \$436,566 in New York State (NYS) Marchiselli Aid. The NYS Department of Transportation Marchiselli Aid program provides for the reimbursement of up to 75% of the eligible local share of federal aid project costs. This legislation will:

1. Authorize the receipt and use of \$308,016 in anticipated reimbursements from the Marchiselli Aid Program to finance a portion of the 2015 Preventive Maintenance Group #2 Project (East Avenue, University Avenue, Winton Road and Portland Avenue) construction and resident project representation (RPR) costs;
2. Amend Ordinance No. 2015-247 in the amount of \$71,250 (\$3,808.50 in Cash Capital and \$67,441.50 in bonds) to replace a portion of the City-funded share of the RPR agreement with Erdman Anthony for the 2015 Preventive Maintenance Group #2 Project with the Marchiselli Aid funds appropriated above (1);
3. Authorize the receipt of \$23,550 in anticipated reimbursements from the Marchiselli Aid Program to finance a portion of the 2017 Preventative Maintenance Group #4 project design costs;
4. Amend Ordinance No. 2014-395, Section 3, by reducing 2013-14 Cash Capital by \$23,550 to a total of \$20,957 and replacing the reduction with the Marchiselli Aid appropriated above (2);
5. Authorize the receipt of \$105,000 in anticipated reimbursements from the Marchiselli Aid Program to finance a portion of the Lake Avenue Improvement Project (Merrill Street to 600 feet south of Burley Road) construction and RPR costs; and
6. Amend Ordinance No. 2015-330, as amended by Ordinance No. 2016-159, which established funding for an agreement with T.Y. Lin International Engineering, Architecture & Land Surveying, P.C. for RPR services related to the Lake Avenue Project (Merrill Street to 600 feet south of Burley Road) in the amount of \$19,259.31 to reduce Bond Ordinance Nos. 2015-331

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(\$18,525.28) and 2015-332 (\$135.44), and 2011-12 Cash Capital (\$598.58), and replacing those funds with the Marchiselli Aid appropriated above (5).

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2016-314  
(Int. No. 359)

**Authorizing the receipt and use of New York State Department of Transportation funds**

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

Section 1. The Council hereby authorizes the receipt and use of \$308,016 in anticipated reimbursements from the New York State Department of Transportation Marchiselli Aid program (Marchiselli Aid) to finance a portion of the 2015 Preventive Maintenance Group #2 Project (East Ave., University Ave., Winton Rd., and Portland Ave.) construction and construction resident project representation (RPR) costs.

Section 2. Section 1 of Ordinance No. 2015-247 is hereby amended by allocating \$71,250 of the funds appropriated under Section 1 herein to replace portions of the City funded share of the RPR costs for the same 2015 Preventive Maintenance Group #2 Project so as to reduce by \$3,808.50 the amount of the 2011-12 Cash Capital and to reduce by \$67,441.50 the amount of the bond ordinance proceeds appropriated therein.

Section 3. The Council hereby authorizes the receipt and use of \$23,550 in anticipated Marchiselli Aid to finance a portion of the 2017 Preventive Maintenance Group #4 project design costs.

Section 4. Section 3 of Ordinance No. 2014-395 is hereby amended by allocating the funds appropriated in Section 3 herein to reduce by \$23,550 the City funded share of same 2017 Preventative Maintenance Group #4 project design costs so that the amended total of 2013-14 Cash Capital appropriated therein shall be \$20,957.

Section 5. The Council hereby authorizes the receipt and use of \$105,000 in anticipated Marchiselli Aid to finance a portion of the Lake Avenue Improvement Project (Merrill Street to 600 feet south of Burley Road) construction and RPR costs.

Section 6. Section 2 of Ordinance No. 2015-330, as amended by Section 2 of Ordinance No. 2016-159, is hereby further amended by allocating \$19,259.30 of the funds appropriated under Section 5 herein to replace portions of the City funded shares of the RPR costs for the Lake Avenue Improvement Project (Merrill Street to Burley Road) so as to reduce the street improvement bond funding provided therein by \$18,525.28, reduce the water improvements bond funding provided therein by \$135.44, and reduce 2011-12 Cash Capital funding provided therein by \$598.58.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

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TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-315  
Re: Agreement – SMG, Blue Cross  
Arena at the War Memorial  
Management Agreement and  
Parking Lot Lease

Council Priority: Creating and  
Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the management of the Blue Cross Arena at the War Memorial and the lease of City property for adjacent parking. This legislation will:

- 1) Authorize a three-year agreement with SMG for management of the Blue Cross Arena at the War Memorial (Arena), with optional term extensions of two-years and then five-years; and
- 2) Authorize a three-year lease agreement with SMG for the parking lot at the corner of Court and Exchange Streets, with optional extensions of two-years and then five-years. The lot is comprised of eight parcels: 25 Court Street, and 132, 156, 168, 170, 180, 182 and 200 Exchange Boulevard.

A request for proposals was issued and the City received two responses. The City's Blue Cross Arena Oversight Committee carefully reviewed both proposals and recommends that SMG be retained to manage the facility.

SMG currently manages the facility and parking lot under agreements that were authorized via Ordinance No. 2014-283, which expires on September 30, 2016.

Under the terms of the new agreement, SMG will be paid an all-inclusive Fixed Management Fee of \$110,000 annually, adjusted by annual CPI increases. There will be no additional fees for food and beverage services, advertising and sponsorship sales, ticketing services or other services. In addition, the agreement will also include a Management Incentive Fee of 10% of Operating Profits in excess of \$200,000 annually.

The agreement will also include a \$500,000 Capital Investment by SMG, to be amortized over a ten (10) year period. The Capital Investment will be utilized for revenue enhancement projects and patron experience improvements at the Arena, as well as an Event Development Fund. In addition, SMG will make an annual \$5,000 contribution to create a Community Fund to support community based activities hosted at the Arena or elsewhere in Rochester.

The City will continue to maintain an oversight committee to review all aspects of the management, maintenance, operations and promotion of the Arena. The oversight committee will meet on a regular basis with SMG to obtain necessary information for its reviews, consult with SMG and report the results of its reviews.

Under the parking lot lease agreement, SMG will be responsible for all operating and maintenance costs related to the parking lot, and will make necessary improvements to the property, as approved by

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the City. The parking lot will be operated so as to preserve access to the Genesee Riverfront Trail and the Rochester Gas and Electric facility along the Genesee River. SMG will pay 90% of the net revenue of the parking lot fees to the City in annual rent, after deducting its operating expenses, parking lot debt service, and annual management fee of \$25,000. In the event of an early termination of the lease, the City will reimburse SMG for the unamortized costs of City-approved capital improvements.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2016-315  
(Int. No. 360, as amended)

**Authorizing extensions of the existing agreements and entry into new agreements for the a management agreement for of the Blue Cross Arena at the War Memorial and a for the lease leasing of Municipal Lot #10**

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

Section 1. The Mayor is hereby authorized to extend the City's existing agreement with SMG, a Pennsylvania general partnership, for the management of the Blue Cross Arena at the War Memorial, as authorized by Ordinance Nos. 2013-217, 2014-208, and 2014-283, for a term commencing October 1, 2016 and ending December 31, 2016. The terms and conditions of the existing agreement in effect during the term that commenced October 1, 2014 and ending September 30, 2016 shall remain in full force and effect during the new term.

Section 2. The Mayor is hereby authorized to extend the City's lease agreement with SMG for the lease of a parking lot comprised of 8 land parcels located at the opposite corner of Court Street and Exchange Street and known as Municipal Lot #10, as authorized by Ordinance Nos. 2013-217, 2014-208 and 2014-283, for a term commencing October 1, 2016 and ending December 31, 2016. The terms and conditions of the existing lease agreement shall remain in full force and effect during this new term.

Section ~~3~~ 3. The Mayor is hereby authorized to enter the City into a subsequent agreement with SMG, ~~a Pennsylvania general partnership,~~ for the management, operation and promotion of the Blue Cross Arena at the War Memorial (Arena). The agreement shall be for an initial three-year term commencing ~~October 1, 2016~~ January 1, 2017 and ending ~~September 30~~ December 31, 2019, with the option to extend the agreement for two additional terms of two-years and five-years each. SMG's compensation shall be derived from the Arena's operating profits and for the initial term of the agreement shall consist of a fixed management fee of \$110,000 per year plus an additional management incentive fee comprised of 10% of the Arena's annual operating profits in excess of \$200,000. For the extended term, the fixed management fee and the \$200,000 operating profit threshold for the management incentive fee may be modified to reflect changes in the Consumer Price Index. The agreement shall also require SMG to make a capital investment of \$500,000 in the Arena, which shall be amortized over 10 years, and to make an annual contribution of \$5,000 to create a fund to support community based activities hosted at the Arena or elsewhere in the City.

Section ~~2~~ 4. The Mayor is hereby authorized to enter the City into a subsequent lease agreement with SMG for ~~a parking lot comprised of 8 land parcels located at the opposite corner of~~

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~~Court Street and Exchange Street and known as~~ Municipal Lot #10 (the Lot). The lease agreement shall be for an initial three-year term commencing ~~October 1, 2016~~ January 1, 2017 and ending ~~September 30~~ December 31, 2019, with the option to extend the agreement for two additional terms of two-years and five-years each. Under the lease agreement, SMG shall be responsible for all operating and maintenance costs relating to the Lot and shall make necessary improvements to the Lot as approved by the City. In the event of early termination of the lease, the City shall reimburse SMG for the unamortized costs of City approved capital improvements. The Lot shall be operated so as to preserve access to the Genesee Riverfront Trail and to the Rochester Gas and Electric facility along the Genesee River. SMG shall pay 90% of the net revenue of the Lot to the City in annual rent, after deducting its operating expenses and debt service relating to the Lot and an annual management fee of \$25,000. The City may request the use of the parking spaces for City uses, including for employee parking and special events, at no cost. The City may terminate the agreement upon ninety days' written notice. The City Parking Director shall approve parking rates for the Lot and the City shall reserve the right to install revenue control equipment on the Lot after consultation with the lessee.

Section ~~3~~ 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section ~~4~~ 6. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden  
September 14, 2016

To the Council:

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

- Int. No. 355      Authorizing an agreement for the Flower City AmeriCorps program
- Int. No. 356      Authorizing an agreement and funding for the Child Passenger Safety Program
- Int. No. 357      Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,300,000 Bonds of said City to finance costs of a replacement Platform Ladder Truck for the Broad & Allen Firehouse
- Int. No. 358      Authorizing funding and agreements for the Science, Technology, Engineering, Arts and Mathematics (STEAM) Engine project

Respectfully submitted,

Adam C. McFadden  
Molly Clifford  
Matt Haag  
Dana K. Miller  
Loretta C. Scott

September 14, 2016

PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed, and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-316  
Re: Agreement -New York State  
Office of Children and Family  
Services, AmeriCorps grant

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

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Office of Children and Family Services (NYS OCFS) for receipt and use of a grant award of \$431,600 and any additional future cost of living adjustment funds for the Flower City AmeriCorps program. This is the second of three cycles of funding and the term of the agreement will be for a 15 month grant period of October 1, 2016 to December 31, 2017. This grant was anticipated and included in the 2016-17 Budgets of the Department of Recreation and Youth Services (DRYS), Undistributed Expenses, and the Rochester Public Library (RPL).

The goal of the Flower City AmeriCorps program is to engage individuals and families in childhood literacy, financial literacy, employment readiness, food justice, and teen pregnancy prevention programs, with a focus on service delivery in poverty-stricken areas in each geographic quadrant of the City. Thirty-six AmeriCorps members will be selected (11 or more from the identified high poverty block groups) to provide one year of service to positively impact their neighborhoods through placement in DRYS (22 Corps members), RPL (8 Corps members), and Neighborhood Service Centers and community organizations (6 Corps members).

AmeriCorps members are volunteers and will receive a \$12,530 annual "living allowance," along with childcare benefits provided by NYS upon qualification, assistance navigating the State Health Exchange, if needed, transportation support, and an education award of \$5,775 upon successful completion of the program.

In the second cycle, the program is projected to reach at least 160 families through early childhood development and financial literacy programming, 200 youth through positive youth development and teen pregnancy prevention programming, 200 families through the Raising a Reader program, 125 individuals through Operation Transformation Rochester, 100 youth through youth employment programming, and 770 individuals through food justice and community garden programming. The first cycle was authorized by City Council in October 2015 via Ordinance No. 2015-343.

Oversight of the program will be performed by two DRYS staff and one RPL staff.

A program description and budget are attached.

Respectfully submitted,

September 14, 2016

Lovely A. Warren  
Mayor

Attachment No. AP-171

Ordinance No. 2016-316  
(Int. No. 355)

**Authorizing an agreement for the Flower City AmeriCorps program**

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

Section 1. The Mayor is hereby authorized to enter the City into an agreement with the New York State Office of Children and Family Services (OCFS) for the receipt and use of a grant award of \$431,600 and any additional future cost of living adjustment funds to operate the Flower City AmeriCorps program (Program) established in Ordinance No. 2015-343. The agreement shall have a term of 15 months commencing October 1, 2016 and continuing through December 31, 2017.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Re: Ordinance No. 2016-317  
Governor's Traffic Safety  
Committee, 2017 Child  
Passenger Safety Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing the receipt and use of up to \$900 from the New York State Governor's Traffic Safety Committee for a Child Passenger Safety grant, and amending the 2016-17 Budget of the Police Department by this amount.

The Governor's Traffic Safety Committee provides this funding to support the Police Department's efforts to ensure correct use of car child seats during the period of October 1, 2016 through September 30, 2017. Funding will be used for certification and continuing education of those officers teaching about safety seats at community-based, seat-checking events. This grant no longer funds the cost of child seats, as they will now be distributed by the County only.

This is the fifth year the Police Department has received this grant. During the first half of the current grant period (through March 31, 2016), 22 car seats were inspected and one new seat was given to a resident. No matching funds are required.

September 14, 2016

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2016-317  
(Int. No. 356)

**Authorizing an agreement and funding for the Child Passenger Safety Program**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Governor's Traffic Safety Committee for receipt and use of \$900 in grant funds for the Child Passenger Safety Program. The term of the agreement shall be October 1, 2016 through September 30, 2017.

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

Section 3. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget for the Rochester Police Department by the sum of \$900, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2016-318  
Re: Fire Apparatus Bonding

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$1,300,000 and the appropriation of proceeds thereof to finance the purchase of firefighting apparatus.

The Fire Department periodically replaces firefighting and rescue apparatus based upon a combination of use and age. The platform ladder truck being replaced is a first-line apparatus and is currently located at the Broad and Allen Street fire station. It is 10 years old and responds to an average of 1,700 emergency calls each year. Upon replacement, the existing platform ladder truck will replace a ladder truck that is over 15 years old, and eligible for disposal through the Purchasing Bureau's surplus process.

Respectfully submitted,  
Lovely A. Warren

Mayor

Attachment No. AP-172

Ordinance No. 2016-318  
(Int. No. 357)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,300,000 Bonds of said City to finance costs of a replacement Platform Ladder Truck for the Broad & Allen Firehouse**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the costs of a replacement Platform Ladder Truck for the City's Broad & Allen Firehouse (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 \$1,300,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,300,000 bonds of the City to finance said appropriation 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 \$1,300,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,300,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 27. of the Law, is twenty (20) years.

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

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and

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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. 2016-319  
Re: STEAM Engine Project

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

Transmitted herewith for your approval is legislation related to the science, technology, engineering, arts and math (STEAM) Engine Project. This legislation will:

1. Appropriate \$90,000 from the STEAM Engine allocation of the General Community Needs Fund of the 2016-17 Community Development Block Grant (CDBG).
2. Amend the 2016-17 Budget of the Department of Recreation and Youth Services (DRYS) by \$49,500.

3. Amend the 2016-17 Budget of Undistributed Expenses by \$3,800 for fringe benefits.
4. Establish \$25,000 as maximum compensation for two agreements with Young Audiences of Rochester, Inc., for creative artist residencies. The term of the agreements will be from October 1, 2016 to June 30, 2017. The first agreement, for \$11,700, will be funded from the STEAM Engine allocation of the General Community Needs Fund of the 2016-17 CDBG. The second agreement, for \$13,300, will be funded from the 2016-17 Budget of the Department of Recreation and Youth Services (DRYS). The two agreements are necessitated by the additional contract terms and requirements associated with the funding through CDBG. The most recent agreement for these services was approved by Council in December 2015 via Ordinance No. 2015-421.
5. Establish \$25,000 as maximum compensation for an agreement with the David Hochstein Memorial Music School, Inc. to provide a full-time Program Director/Lead Teacher for the ROCmusic program. The term of the agreement will be October 1, 2016 to June 30, 2017, and the cost will be funded from the STEAM Engine allocation of the General Community Needs Fund of the 2016-17 CDBG.

The STEAM Engine Project funding will be used to develop mobile science, technology, engineering, arts and math enrichment activities that will be integrated into existing Recreation programming. With this funding, the Rec on the Move mobile recreation program will be expanded to include activities with a focus on STEAM through the addition of staff prepared to deliver STEAM activities. The City will partner with Young Audiences of Rochester, Inc. to assist with STEAM-related professional development, curriculum development, and delivery of mobile STEAM programming. Young Audiences was selected through a request for proposals process conducted in the spring of 2015. A Vendor/Consultant Process Selection Summary form is attached.

The STEAM Engine Project funding will also support the delivery of community-based music instruction through the ROCmusic program at the David F. Gantt R-Center and the Edgerton R-Center. ROCmusic is an after-school and summer music education program that offers tuition-free classical music instruction and instrument lessons to approximately 90 Rochester youth in grades one through 12. The CDBG funding will partially fund the salary of the full-time Program Director/Lead Teacher.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AP-173

Ordinance No. 2016-319  
(Int. No. 358)

**Authorizing funding and agreements for the Science, Technology, Engineering, Arts and Mathematics (STEAM) Engine project**

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

September 14, 2016

Section 1. The sum of \$90,000 is hereby appropriated from the STEAM Engine allocation of the General Community Needs Fund of the Consolidated Community Development Plan – 2016-17 Annual Action Plan to the following accounts and purposes:

- a. \$49,500 to the 2016-17 Budget of the Department of Recreation and Youth Services (DRYS) to expand and integrate STEAM enrichment activities into DRYS's existing recreational programs;
- b. \$3,800 to the Budget for Undistributed Expenses for fringe benefits to employees implementing the STEAM Engine project;
- c. \$11,700 as maximum compensation for an agreement authorized herein relating to creative artist residencies; and
- d. \$25,000 as maximum compensation for an agreement authorized herein relating to the ROCmusic program.

Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby further amended to reflect the appropriations made herein by increasing the revenue estimates and appropriations to the Budget of DRYS by \$49,500 and to the Budget for Undistributed Expenses by the sum of \$3,800.

Section 2. The Mayor is hereby authorized to enter the City into two professional services agreements with Young Audiences of Rochester, Inc. to provide creative artists' residencies for DRYS' recreation center programs. The term of each agreement shall be from October 1, 2016 to June 30, 2017. The sum of \$11,700, or so much thereof as may be necessary, is hereby established as compensation for the first agreement with Young Audiences and said amount shall be funded from the funds appropriated in Section 1 herein. The sum of \$13,300, or so much thereof as may be necessary, is hereby established as compensation for the second agreement with Young Audiences and said amount shall be funded from the 2016-17 Budget of DRYS.

Section 3. The Mayor is hereby authorized to enter the City into a professional services agreement with the David Hochstein Memorial Music School, Inc. to provide a program director/lead teacher for the City's ROCmusic program. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as compensation for the agreement. Said amount shall be funded from the funds appropriated in Section 1 herein. The term of the agreement shall be from October 1, 2016 to June 30, 2017.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:05 p.m.

HAZEL L. WASHINGTON

City Clerk