

ROCHESTER CITY COUNCIL

REGULAR MEETING

February 21, 2017

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

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

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

Recognition Ceremony

Retirement:

ECD:

Mary Louise Pettinski
Stephen Wegman

DES:

*Richard T. Craft
*Willis A. Curtis
*Mary A. Gaudio

FIN:

*Amy Jasinski

LAW:

*Linda L. Horne

NBD:

*Antonella Daniels
*Susan Welk

RFD:

*Michael F. Quinlan

RPD:

*Aaron K. Brown
*Thomas J. Colucci

**Did not attend meeting*

APPROVAL OF THE MINUTES

By Councilmember Haag

RESOLVED, that the minutes of the Regular Meeting of January 17, 2017 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

February 21, 2017

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:

Administrative Cancellation or Refund of Erroneous Taxes and Charges Jan. 2017 – 4249-17
Administrative Cancellation or Refund of Erroneous Taxes and Charges Feb. 2017 – 4250-17
Quarterly Report – Schedule of Revenues and Expenditures – 4251-17
Quarterly Report – Professional Services Agreements – 4252-17
Semi-Annual Report of Comida Pilot Billing – 4253-17

The Council submits Disclosure of Interest Forms from Councilmember McFadden on Int. No. 46, and Councilmember Spaul on Int. No. 42 and Int. No. 43.

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

None presented.

REPORTS OF STANDING COMMITTEES
AND ACTION THEREON

By Councilmember Conklin
February 21, 2017

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 26	Amending the 2016-17 Budget
Int. No. 27	Authorizing an agreement for the 2017 Xerox Rochester International Jazz Festival
Int. No. 28	Reducing the amounts authorized in previous bond ordinances
Int. No. 56	Resolution establishing the maximum number of Commissioners of Deeds
Int. No. 58	Authorizing an agreement with Rochester Museum & Science Center for services related to replacing and displaying in context a historic carousel rounding board

Respectfully submitted,
Carolee A. Conklin
Molly Clifford
Dana K. Miller
Loretta C. Scott
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL

February 21, 2017

Ladies and Gentlemen:

Ordinance No. 2017-25
Re: Budget Amendment - Fire Wage
Settlement

Council Priority: Public Safety

Transmitted herewith for your approval is legislation related to the Fire Wage Settlement. This legislation will amend the 2016-17 Budget by:

1. Transferring \$1,313,100 from Contingency to the budget of the Rochester Fire Department (RFD) for salary and wages pursuant to the agreement reached through negotiation and subsequent ratification by the Local 1071 of the International Association of Fire Fighters, Inc. (IAFF); and
2. Transferring \$169,000 from Contingency to Undistributed to fund FICA associated with settlement of the contract and corresponding salary adjustment for disabled fire personnel.

The increase to the RFD budget is necessitated by the settlement with IAFF in August 2016. When the 2016-17 Budget was adopted in June 2016, wage rates had not yet been established for sworn fire personnel as their contract had expired June 30, 2016. Negotiations with IAFF began in February 2016 prior to contract expiration. Multiple sessions were held with IAFF in an attempt to reach consensus on wage adjustments and other operational matters.

Negotiations with IAFF ultimately proved successful in August 2016 when terms of a successor agreement were approved and ratified by the membership of IAFF. The following salary increases were approved:

<u>Effective Date</u>	<u>Percent Increase</u>
July 1, 2016	2.5%
July 1, 2017	2.0%
July 1, 2018	2.5%
July 1, 2019	2.0%
July 1, 2020	2.5%

In addition to the base salary increases, the settlement included the continuation of an additional 1.6% parity allowance effective for the period of July 1, 2016 to June 30, 2021.

The total expected fringe cost for the settlement consisting of FICA is \$105,300 which will be funded by the proposed transfer from Contingency to Undistributed Expenses. No adjustment will be made for pension costs, as the impact of the IAFF settlement will not occur until the City's February 2018 pension bill. Sufficient funds for the pension increase will be accounted for in the proposed 2017-18, 2018-19, 2019-20, and 2020-21 Budgets, respectively, contingent upon City Council approval. Disabled fire personnel paid from Undistributed Expenses are also entitled to the same wage adjustments as active IAFF members, which results in an incremental expense of \$63,700.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2017-25

February 21, 2017

(Int. No. 26)

Amending the 2016-17 Budget

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

Section 1. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$1,482,100, from the Contingency allocation to the following appropriations in the following amounts:

Rochester Fire Department:	\$1,313,100
Undistributed:	<u>169,000</u>
Total:	\$1,482,100

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2017-26
Re: Agreement - Rochester International
Jazz Festival, LLC, Xerox Rochester
International Jazz Festival

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$243,000 as maximum compensation for an agreement with the Rochester International Jazz Festival, LLC to designate the City of Rochester as the lead government sponsor of the 2017 Xerox Rochester International Jazz Festival (XRIJF). The cost of this agreement will be funded from the 2016-17 Budget of the Bureau of Communications. The term of the agreement is one year.

The 16th annual festival will be held from June 23 to July 1, 2017 and will include more than 347 shows at 19 city venues within walking distance of each other in the East End Cultural District. The City's contribution to the festival will underwrite free, outdoor events, including 14 headliner shows that take place on the weekends during the festival at the East Avenue and Chestnut Street stage, and more than 35 regional and local shows that take place daily on the Jazz Street (Gibbs Street) stage. The Jazz Street stage includes performances by local high schools and continuing education music programs. The festival also provides an additional 30 free performances, jam sessions, and children's workshops in both indoor and outdoor venues throughout the course of the nine days. These events are designed to attract approximately 15,000 to 25,000 visitors each night of the festival.

In previous years, the City provided an additional investment through the cost of public safety services and equipment rental, not to exceed \$68,000. Services included traffic control and pedestrian crossing for street closings, fire safety detail, and equipment rental such as barricades, flashers, signage, roll-off dumpsters, containers and trash disposal. This year, in an effort to standardize the way the City manages events funded through the Special Events Funding process and to achieve transparency, these services will no longer be provided as an in-kind contribution. Instead, that cost will be added to the total amount of funding for the festival, which will keep the overall support at the same level. Like all other City-funded special events, the Jazz Festival will be expected to pay all City bills.

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The XRIJF has become one of the nation’s most popular and respected music festivals. The festival’s growing recognition throughout the world further enhances Rochester’s reputation as a major music destination. Founded in 2002, attendance has grown each year, attracting music lovers from around the U.S. and the world. In 2002, attendance for the festival was 15,000. In the last few years, attendance estimates have been close to 180,000.

The Rochester International Jazz Festival, LLC consistently delivers a multi-dimensional festival with something for everyone. From legendary performers and familiar favorites, to rising stars and new discoveries, the festival navigates all genres of creative improvised music from all corners of the world.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AQ-10

Ordinance No. 2017-26
(Int. No. 27)

Authorizing an agreement for the 2017 Xerox Rochester International Jazz Festival

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

Section 1. The Mayor is hereby authorized to enter into an agreement in the maximum amount of \$243,000 with Rochester International Jazz Festival, LLC for the 2017 Xerox Rochester International Jazz Festival. Said amount shall be funded from the 2016-17 Budget of the Bureau of Communications. The agreement shall have a term of one year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2017-27
Re: Rescinding Authorization of Previous
Bonds

Council Priority: Deficit Reduction and Long
Term Financial Stability

Transmitted herewith for your approval is legislation requesting the deauthorization of specific Bond Authorizations. The funds are no longer needed for the specific projects because the actual costs were less than originally estimated. The ordinances to deauthorize are:

<u>Ordinance No.</u>	<u>Original Authorization</u>	<u>Amount to Deauthorize</u>	<u>Original Project</u>
2011-066	\$877,000	\$20,000	Street - Oakwood Rd. Reconstruction
2012-210	\$477,000	\$26,000	Street - Dewey Ave. and Driving Pk.
2012-332	\$755,000	\$4,000	Street - Benton St. Group II Curb Replacement

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2013-015	\$7,600,000	\$700,000	Water - S. Clinton Ave. Conduits
2013-072	\$826,000	\$2,000	Street - Akron St. Group Reconstruction
2013-101	\$544,000	\$59,000	Water - Hemlock Water Filtration
2013-199	\$300,000	\$16,000	Water - Melville St. Group
2013-289	\$150,000	\$60,000	Water - Water Main Ext. and Improvements
2013-316	\$98,000	\$2,000	New Boiler for Edgerton Recreation Center
2013-325	\$268,000	\$85,000	Water - Stutson St. Improvement
2014-046	\$89,000	\$6,000	Water - Brentwood Street Group
2014-088	\$2,100,000	\$100,000	Water - 2014 Water Main Ext. and Improvements
2015-068	\$1,886,000	\$104,000	Water - 2015 Water Main Ext. and Improvements
2015-189	\$283,000	\$15,000	Street - Arlington St. Rehabilitation
2015-190	\$97,000	\$2,750	Water - Arlington St. Rehabilitation
2015-230	\$551,000	\$31,000	Water - Harding Rd.

The “amount to deauthorize” referenced above are the authorized, unissued amounts remaining on the specific Bond Authorizations. The amounts to be deauthorized were provided to the Finance Director’s Office by the Department of Environmental Services. The purpose of the deauthorizations is to allow for the allocation of the funds no longer needed for the current projects to be allocated towards future projects, and thereby remain within each annual debt limit established by Council Ordinance.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Ordinance No. 2017-27
 (Int. No. 28)

Reducing the amounts authorized in previous bond ordinances

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

Section 1. The following bond ordinances are hereby amended by reducing the amount of authorized bonding as follows:

<u>Ordinance</u>	<u>Original Authorization</u>	<u>Amount to Deauthorize</u>	<u>Project</u>
2011-066	\$877,000	\$20,000	Street -Oakwood Rd Reconstruction
2012-210	\$477,000	\$26,000	Street -Dewey Ave & Driving Pk
2012-332	\$755,000	\$4,000	Street -Benton St Grp II Curb Repl
2013-015	\$7,600,000	\$700,000	Water -S. Clinton Ave Conduits
2013-072	\$826,000	\$2,000	Street -Akron St Grp Reconstruction
2013-101	\$544,000	\$59,000	Water -Hemlock Water Filtration
2013-199	\$300,000	\$16,000	Water -Melville St Group
2013-289	\$150,000	\$60,000	Water -Water Main Ext & Improv
2013-316	\$98,000	\$2,000	New Boiler for Edgerton Rec Ctr
2013-325	\$268,000	\$85,000	Water -Stutson St Improvement
2014-046	\$89,000	\$6,000	Water -Brentwood Street Group
2014-088	\$2,100,000	\$100,000	Water -2014 Water Main Ext & Imp
2015-068	\$1,886,000	\$104,000	Water -2015 Water Main Ext & Imp
2015-189	\$283,000	\$15,000	Street -Arlington St Rehabilitation
2015-190	\$97,000	\$2,750	Water -Arlington St Rehabilitation
2015-230	\$551,000	\$31,000	Water -Harding Rd

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Section 2. This ordinance shall take effect immediately

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2017-2

Re: Commissioners of Deeds

Transmitted herewith for your approval is legislation related to the appointment of Commissioners of Deeds. The proposed legislation establishes the number of Commissioners of Deeds at no more than 250 per year during calendar years 2017 and 2018. Since Fiscal Year 2004-05, not more than 175 have been issued per year, so the 250 annual maximum is expected to be sufficient to meet demand.

Respectfully submitted,
Loretta C. Scott
President

Resolution No. 2017-2

(Int. No. 56)

Resolution establishing the maximum number of Commissioners of Deeds

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

Section 1. During calendar years 2017 and 2018, there shall be appointed no more than 250 Commissioners of Deeds annually.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2017-28

Re: Agreement - Rochester Museum &
Science Center, Preservation,
Exhibition and Replacement of
Historic Carousel's Decorative Boards

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$30,663 as maximum compensation for an agreement with the Rochester Museum & Science Center (RMSC) to preserve and exhibit, in historical context, a rounding board depicting a pickaninny-style farm scene (Rounding Board) that has been removed from the historic Ontario Beach Park Carousel (Carousel) and to craft and install a suitable rounding board to replace the Rounding Board on the Carousel. The agreement will be funded from the 2016-17 Budget of Undistributed Expenses, and the term of the agreement will be for one year from March 1, 2017 to February 28, 2018, with the option of three one-year extensions.

The circa 1905 Carousel was designated an official City landmark in 1980. Under a 99-year

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intermunicipal agreement between the City and the County of Monroe, the County is now and will remain in control of the Park and the Carousel for public park purposes through June 5, 2060. Last year, at the City's request, the County granted the City permission to remove the Rounding Board from the Carousel provided that the City obtain permission to do so from the Rochester Preservation Board. In March 2016, the Preservation Board granted the City permission to do so, subject to a number of conditions intended to maintain the cultural and historical integrity and educational value of the Rounding Panel and the Carousel.

One Preservation Board condition requires that the Rounding Board be placed under the stewardship of RMSC to be restored and placed into an interpretive exhibit with the understanding that RMSC will allow the exhibit to go on tour or be loaned to other community organizations for display to the public. The Preservation Board also requires that the Rounding Board be replaced with a new board painted with a new scene that will be compatible with the visual and historic character of the remaining boards on the Carousel (Replacement Board).

Accordingly, in the spring of 2016, the Rounding Board and another board depicting a swan in flight (Swan Board) were removed from the Carousel and moved to RMSC. The Swan Board will be used as a model for the background color and shape of the Replacement Board. Once the Replacement Board is completed, that board and the Swan Board will be installed on the Carousel.

The Preservation Board also requires that the community be engaged in deciding how to display and explain the legacy of the Rounding Board and in choosing the design and subject matter of the Replacement Board. The City already has established and has been consulting with two community advisory groups to implement this requirement. Both groups consist of representatives of a cross-section of the community as well as representatives from the City and RMSC.

Under a Memorandum of Understanding signed in September 2016, the City has authorized and paid RMSC \$6,600 as compensation for services and costs involved in the removal and preservation of the Rounding and Swan Boards.

RMSC has provided the City with a proposal to complete the remaining work for an amount not to exceed \$30,663. The remaining work will include preparing a circulating exhibit cabinet with an accompanying audio and visual component for the Rounding Board, services involved in arranging for the exhibit to be transported to and returned from other community organizations consistent with historic preservation requirements, and crafting a suitable Replacement Board that will be designed in consultation with the City and a community advisory group.

The City has not engaged in a request for proposal (RFP) process for these services because the Preservation Board has designated RMSC to perform the services due to RMSC's unique experience with preserving and displaying local historic artifacts and due to RMSC's commitment to consult closely with the City and local advisory groups on how the services will be performed.

Respectfully submitted,
Lovely Warren
Mayor

Attachment No. AQ-11

Ordinance No. 2017-28
(Int. No. 58)

Authorizing an agreement with Rochester Museum & Science Center for services related to replacing and displaying in context a historic carousel rounding board

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Rochester Museum & Science Center for services related to replacing and displaying in context a rounding board that has been removed from the historic carousel in Ontario Beach Park. The agreement shall have a term of one year with the option to extend the term up to 3 additional periods of one year each subject to the mutual consent of the parties. The maximum compensation for the agreement shall be \$30,663. The cost of the agreement shall be funded from the 2016-17 Budget of Undistributed Expenses.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Ortiz
February 21, 2017

To the Council:

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

- Int. No. 29 Authorizing the sale of real estate
- Int. No. 30 Resolution approving the continuation of the Downtown Tax Abatement Program for Owner-Occupied Housing
- Int. No. 33 Resolution approving appointment to the City Planning Commission
- Int. No. 34 Appropriating funds for the Lead Hazard Control Grant Program
- Int. No. 57 Amendatory agreement for hearing officer services for administrative nuisance abatement hearings

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

- Int. No. 31 Amending the Zoning Code, Chapter 120 of the Municipal Code, with regard to dwelling unit conversions and prohibited variances, as amended

The following entitled legislation is being held in committee:

- Int. No. 32 Amending the Zoning Code map

Respectfully submitted,
Jacklyn Ortiz
Molly Clifford
Carolee A. Conklin
Dana K. Miller
Loretta C. Scott

NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

February 21, 2017

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2017-29

Re: Sale of Real Estate

Council Priority: Rebuilding and Strengthening
Neighborhood Housing

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

Both 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 two properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$687.

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AQ-12

Ordinance No. 2017-29
(Int. No. 29)

Authorizing the sale of real estate

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

Section 1. The Council hereby approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

<u>Address</u>	<u>SBL#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Purchaser</u>
114 Kosciusko St	091.65-3-62	30 x 115	3,455	Ida M. Conley
66 Seward St	121.53-1-40	28 x 132	3,810	Nolia M. Brooks

Section 2. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 3. This ordinance shall take effect immediately.

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Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2017-3

Re: Reauthorization- Downtown Tax
Abatement Program for Owner-
Occupied Housing

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Transmitted herewith for your approval is legislation authorizing a five-year extension of a tax abatement program for new owner-occupied residential units in the Center City District, that was approved by City Council in April 2012 (Res. No. 2012-15). New owner-occupied units, created through new construction or the renovation of an existing building, would continue to be eligible for a partial nine-year property tax exemption. The actual exemption would be realized through a payment-in-lieu-of-tax (PILOT) agreement approved by the County of Monroe Industrial Development Agency (COMIDA).

The intent of the program is to facilitate more owner-occupied housing in the Center City District. A 2015 survey conducted by the Rochester Downtown Development Corporation shows that of the 3,717 residential units located in the downtown area, only 136 are owner-occupied. Providing additional owner-occupied housing will further stabilize the Center City and encourage more residences downtown that will contribute to the creation of a vibrant, more active public realm.

Resolution No. 2012-15 included a sunset provision of five years, expiring May 31, 2017. Since its inception (via Resolution No. 2007-14), 35 owner-occupied units have been completed with the assistance of the partial tax exemption for a total assessed value of \$11,164,500. An additional 85 units are planned or under construction and will rely on the partial tax exemption.

COMIDA receives applications and considers PILOT agreements for qualified projects. New owner-occupied residential units will have partial abatements of taxation and special *ad valorem* levies. The abatement is applied to the increase in assessed value attributable to the newly created, owner-occupied residential unit. The structure of the partial tax abatement will be as follows:

<u>Year</u>	<u>% of Increased Assessment Abated</u>	<u>Year</u>	<u>% of Increased Assessment Abated</u>
1	90%	6	40%
2	80%	7	30%
3	70%	8	20%
4	60%	9	10%
5	50%	10	0%

The tax abatement is restricted to the residential portion of projects located in the area defined in the Zoning Code as the Center City District. A map of the area is attached. The property owner is required to file an application for the abatement with COMIDA for initial approval and then the City receives the PILOT application for final approval.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AQ-13

Resolution No. 2017-3
(Int. No. 30)

Resolution approving the continuation of the Downtown Tax Abatement Program for Owner-Occupied Housing

WHEREAS, the City wishes to continue to facilitate the construction of new residential, owner-occupied units in the Center City Zoning District as set forth in Resolution Nos. 2007-14 and 2012-15; and

WHEREAS, the County of Monroe Industrial Development Agency (COMIDA) has approved a policy providing for tax abatements through the use of payment in lieu of tax agreements for qualified projects, upon the City’s approval of such a policy.

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

Section 1. The Council hereby approves the continuation by COMIDA of a tax abatement policy, using payment in lieu of tax agreements for qualified projects whereby newly constructed or renovated owner-occupied residential units in the Center City Zoning District will be eligible for a partial, nine year, real property tax abatement applicable to the increase in assessed value which is attributed to the newly created owner-occupied residential units as follows:

<u>Year</u>	<u>Abatement in Assessment Increase</u>
1	90%
2	80%
3	70%
4	60%
5	50%
6	40%
7	30%
8	20%
9	10%
10	0%

Section 2. This resolution shall take effect immediately and shall remain in full force and effect until May 31, 2022.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2017-30
Re: Zoning Text Amendment - Dwelling
Unit Conversions and Prohibited
Variances

Transmitted herewith for your approval is legislation revising Chapter 120 of the Municipal Code, the Zoning Code, to allow office space and certain other nonresidential uses in Residential zoning districts to be converted to residential space by means of an area variance. These revisions were inadvertently left out of legislation approved by City Council in August 2016 related to Retail Sales and Services.

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That prior legislation (Ord. No. 2016-263) removed Retail Sales and Services uses from the lists of uses that are either permitted or specially permitted in the City's Residential zoning districts, thereby increasing the number of nonconforming, nonresidential uses existing in those districts. However, it left intact the provisions that designate offices and other types of nonresidential uses in Residential districts as conforming uses via either the permitted or specially permitted use category.

At present, Zoning Code §120-195B(5)(c) prohibits any variance that would increase the number of residential units in the R-1 District, with an exception for "the conversion of *nonconforming* nonresidential floor area to dwelling unit(s)," and Zoning Code §120-166 permits the conversion of *nonconforming*, nonresidential uses to residential space by means of an area variance.

The word "nonconforming" should have been omitted in both of these sections. If the word "nonconforming" were to remain, converting nonresidential space to residential space by means of an area variance would be permissible only for retail and other nonconforming uses. No variance would be allowed to convert office space and other *conforming* nonresidential uses to residential space in the R-1 Residential district, while such a conversion would require a use variance in the R-2 and R-3 Residential districts if the dwelling unit conversion standards are not met. It is much more difficult to satisfy the "unnecessary hardship" criteria required for a use variance, than it is to satisfy the balancing criteria required for an area variance.

This proposed legislation removes the word "nonconforming" from both sections, thereby allowing all nonresidential uses, nonconforming and conforming, to be converted to residential space in Residential districts by means of an area variance. These changes, shown on the next page, will advance the City's goal of maximizing the proportion of residential space within Residential districts.

Pursuant to Zoning Code §120-190, prior review by the City Planning Commission is not required because this legislation is a minor amendment for clarification or correction purposes. Pursuant to Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Municipal Code, this legislation is classified as a Type II action, requiring no further environmental review.

As a Zoning Text Amendment, this legislation requires a public hearing.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AQ-14

Ordinance No. 2017-30
(Int. No. 31, as amended)

Amending the Zoning Code, Chapter 120 of the Municipal Code, with regard to dwelling unit conversions and prohibited variances

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

Section 1. Chapter 120 of the Municipal Code, Zoning, as amended, is hereby further amended so that Section 120-166, Dwelling unit conversions, reads in its entirety as follows:

§ 120-166. Dwelling unit conversions.

The intent of this section is to establish standards to prevent the overcrowding of dwelling units and to ensure satisfactory amenities as conversions take place. Conversion of existing buildings to increase the number of dwelling units contained in them presents issues

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surrounding overcrowding, parking, open space and neighborhood character. Dwelling unit conversions that do not meet the standards established in this section may be permitted only upon a showing of unnecessary hardship in accordance with the provisions of §120-195, unless otherwise prohibited, with the exception that the Zoning Board of Appeals may waive the dwelling unit conversion standards in residential districts for the proposed conversion of all or a portion of ~~nonconforming~~ nonresidential floor area to residential use based on the standards for an area variance.

Section 2. Chapter 120 of the Municipal Code, Zoning, as amended, is hereby further amended in Section 120-195, Permitted uses and structures, to revise subsection B(5)(c), one of the items on a list of prohibited variances, to read as follows:

- (c) Permit conversion of a single-family residential structure to any nonresidential uses or increase the number of residential units in the R-1 District, except that a variance may be approved to permit the reestablishment of a prior legally established nonconforming use in a residential structure which has been abandoned as a result of vacancy or discontinuance; or to permit the conversion of ~~nonconforming~~ nonresidential floor area to a dwelling unit(s).

Section 3. This ~~resolution~~ ordinance shall take effect immediately ~~and shall remain in full force and effect until May 31, 2022.~~

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2017-4
Re: Board Appointments - City
Planning Commission

Transmitted herewith for your approval is legislation confirming the appointment of one full-time member and one alternate member to the City Planning Commission.

Mr. Milton Pichardo, 683 Ridgeway Avenue, Rochester, New York 14615, will be joining the Commission as a full-time member. He will be replacing Mr. Steven Rebholz, who would like to serve as an alternate. Mr. Pichardo is currently an Engineer with Rochester Gas and Electric. He will be serving out the remainder of Mr. Rebholz's term which expires on May 31, 2018. Mr. Rebholz's term as an alternate will also expire on May 31, 2018.

Resumes for both individuals are available in the Office of the City Clerk.

Respectfully submitted,
Lovely A. Warren
Mayor

Resolution No. 2017-4
(Int. No. 33)

Resolution approving appointment to the City Planning Commission

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

February 21, 2017

Section 1. The Council hereby approves the appointment to the City Planning Commission of the following person for a term that expires on May 31, 2018:

<u>Name</u>	<u>Address</u>
Milton Pichardo	683 Ridgeway Avenue

Section 2. The Council hereby approves the appointment to the City Planning Commission of the following person as an alternate for a term that expires on May 31, 2018:

<u>Name</u>	<u>Address</u>
Steven V. Rebholz	92 Westchester Avenue

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2017-31
Re: Lead Hazard Control Grant Program

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation authorizing the appropriation of \$300,000 from the Lead Hazard Control Program allocation of the Housing Development Fund of the 2016-17 Community Development Block Grant (CDBG) for the City's 2016 Lead Hazard Control Grant Program.

The Lead Hazard Control Grant Program was approved by City Council through Ordinance No. 2016-102. This appropriation will complete the City's obligations to the U.S. Department of Housing and Urban Development (HUD) under the terms of HUD's 2015 funding award whereby the City pledged to contribute \$924,000 in matching funds over three years.

The City continues to operate the Lead Hazard Control Grant Program by offering financial assistance to eligible owners of one to four unit privately-held housing units. Approximately \$14,000 is being made available for a single-family residence to correct lead-based paint hazards and other environmental health hazards, with an additional \$6,000 being made available for each additional unit. Typical lead hazard control work activities have included: window/door replacement; porch repair/replacement; siding; minor rehabilitation work; and bare soil treatment.

The program will allow for a minimum production of 220 units of lead safe housing by December 2018.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2017-31
(Int. No. 34)

Appropriating funds for the Lead Hazard Control Grant Program

February 21, 2017

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

Section 1. The Council hereby appropriates \$300,000 from the Lead Hazard Control Program allocation of the Housing Development Fund of the 2016-17 Community Development Block Grant for the City's use to operate the Lead Hazard Control Grant Program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2017-32
Re: Amendatory Agreement - Paul A.
Marasco, Esq., Hearing Officer
Services

Council Priority: Public Safety; Rebuilding
and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Paul A. Marasco, Esq. to provide hearing officer services for the City's administrative nuisance abatement hearings. This agreement will extend by one year the original one-year agreement authorized in Ordinance No. 2016-15 for the same maximum compensation of \$14,300. The second year's compensation will be funded from the 2016-17 and 2017-18 Budgets of the Department of Neighborhood and Business Development, contingent upon approval of the latter budget.

Under Section 3-15 of the Charter of the City of Rochester, the City may initiate abatement proceedings against property owners and tenants of structures that have acquired 12 nuisance points within six months or 18 points within 12 months. An abatement hearing is the method by which the City affords due process prior to rendering a final determination which may impact those with an interest in the real property.

Mr. Marasco has been presiding over the hearings for the past year pursuant to the original agreement, and has done so with fairness and an understanding of all of the legal and practical factors that they involve. Continuing his services will streamline the process and provide consistent decisions.

The nuisance abatement hearing process may change due to the City's on-going consideration of improvements to the system to be recommended by Strategic Community Intervention, LLC and/or due to pending litigation that is challenging the constitutionality of the process.

Mr. Marasco's performance and the upcoming changes to the process make it inappropriate to implement the request for proposals (RFP) process for this one-year extension. A justification statement for not issuing an RFP is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AQ-15

Ordinance No. 2017-32
(Int. No. 57)

February 21, 2017

Amendatory agreement for hearing officer services for administrative nuisance abatement hearings

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Paul A. Marasco, Esq. to serve as hearing officer during administrative nuisance abatement hearings initiated by the City pursuant to Section 3-15 of the City Charter. The amendatory agreement shall increase the maximum compensation for the agreement originally authorized in Ordinance No. 2016-15 by \$14,300 to a new total of \$28,600 and shall extend the original term by one year for a new total of 2 years. The increase in the maximum compensation shall be funded from the 2016-17 and 2017-18 Budgets of the Department of Neighborhood and Business Development, contingent upon adoption of the latter budget.

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:

Introductory No. 32
Re: Zoning Map Amendment - 102 Mt.
Read Boulevard and 75 Independence
Street

Transmitted herewith for your consideration is legislation amending the Zoning Map of the City of Rochester by rezoning 102 Mt. Read Boulevard and 75 Independence Street from R-1 Low Density Residential District to M-1 Industrial District. The applicant, Michael G. Wegman, requested that his proposal for rezoning be brought before City Council per Section 120-190 C.(3)(c)[1] and (d)[1] of the Zoning Code after receiving a negative recommendation from the City Planning Commission.

Mr. Wegman owns both 102 Mt. Read Boulevard and 75 Independence Street in addition to the two adjacent properties at 96 Mt. Read Boulevard and 314 Buffalo Road, which are already zoned M-1. He is proposing to rezone 102 Mt. Read Boulevard and 75 Independence Street so that these four, contiguous parcels are all located in the M-1 Zoning District.

Mr. Wegman's properties are currently being used as follows:

102 Mt. Read Boulevard as a two-family dwelling;
75 Independence Street as a vacant parcel;
96 Mt. Read Boulevard as a gas station; and
314 Buffalo Road as a distribution center and contractor's office.

The City Planning Commission held an informational meeting on the proposed map amendment on Monday, January 9, 2017, the minutes of which are attached. The applicant spoke in support of the rezoning, and no one spoke in opposition. After a lengthy discussion and much deliberation, however, the City Planning Commission recommended denial. The Commission members determined that rezoning 102 Mt. Read Boulevard (a two-family house) and 75 Independence Street (a vacant parcel) would remove the buffer that currently exists on this block between the R-1 Low Density Residential

February 21, 2017

District and the M-1 Industrial District and would further facilitate the encroachment of industrial uses into the adjacent low-density residential neighborhood.

The City Planning Commission voted on each parcel separately, as there was a difference of opinion regarding each property. The City Planning Commission recommended against the rezoning by a vote of 2-4-0 for 102 Mt. Read Boulevard, and by a vote of 1-5-0 for 75 Independence Street.

A public hearing is required for the proposed Zoning Map Amendment.

Respectfully submitted,
Lovely A. Warren
Mayor

Introductory. No. 32

AMENDING THE ZONING CODE MAP

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning district classification of the properties constituting 102 Mt. Read Boulevard (SBL# 120.38-1-4) and 75 Independence Street (SBL# 120.38-1-11) from R-1 Low Density Residential to M-1 Industrial.

Section 2. This ordinance shall take effect immediately.

Held in Committee.

By Councilmember Haag
February 21, 2017

To the Council:

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

- Int. No. 35 Authorizing agreement and appropriations for 2017 Preventive Maintenance Group 5 Project
- Int. No. 36 Bond Ordinance of the City of Rochester, New York, authorizing the issuance of \$331,000 Bonds of said City to finance the rehabilitation of certain portions of Arnett Boulevard, Genesee Park Boulevard and Webster Avenue related to the 2017 Preventive Maintenance Program Group 5
- Int. No. 37 Authorizing an agreement with Popli, Architecture + Engineering & L.S., D.P.C. for design services related to the 2018 Preventive Maintenance Northeast Group 1 Project
- Int. No. 38 Authorizing an agreement with LaBella Associates, D.P.C. for design services related to the 2019 Preventive Maintenance Northwest Group 5 Project
- Int. No. 39 Authorizing agreements and funding for Campbell Street R-Center improvements

February 21, 2017

- Int. No. 40 Bond Ordinance of the City of Rochester, New York, authorizing the issuance of \$500,000 Bonds of said City to finance replacement of windows, HVAC system and gymnasium floor for the Campbell Street Recreation Center
- Int. No. 41 Bond Ordinance of the City of Rochester, New York, authorizing the issuance of \$185,000 Bonds of said City to finance replacement of the main electrical service for the Campbell Street R-Center Water Park Facilities and Playground Improvement Project
- Int. No. 42 Authorizing an agreement with Stantec Consulting Services Inc. for the Joseph A. Floreano Rochester Riverside Convention Center River Terrace Repairs Project
- Int. No. 43 Bond Ordinance of the City of Rochester, New York, authorizing the issuance of \$2,440,000 Bonds of said City to finance a portion of the costs of the Joseph A. Floreano Rochester Riverside Convention Center Terrace Repairs Project
- Int. No. 44 Authorizing agreement to attach streetlight equipment and facilities to utility poles owned by Rochester Gas and Electric Corporation
- Int. No. 46 Authorizing an agreement with Cornerstone Training, LLC for the Rochester Environmental Job Training Program
- Int. No. 47 Authorizing an agreement for dredging services in the Genesee River
- Int. No. 48 Amending the budget and authorizing a dog park at Cobbs Hill Park
- Int. No. 49 Bond Ordinance of the City of Rochester, New York, authorizing the issuance of \$1,000,000 Bonds of said City to finance a portion of the City's 2017 Water Main Cleaning and Lining Project of the Distribution System Water Main Renewal Program
- Int. No. 50 Bond Ordinance of the City of Rochester, New York, authorizing the issuance of \$850,000 Bonds of said City to finance a portion of the City's 2017 Cured in Place Pipe Project of the Distribution System Water Main Renewal Program
- Int. No. 51 Bond Ordinance of the City of Rochester, New York, authorizing the issuance of \$200,000 Bonds of said City to finance water main extensions for the City's 2017 Water Main Extensions and Improvements Project of the Distribution System Water Main Renewal Program
- Int. No. 55 Authorizing amendatory agreement for the Main Street Streetscape and Pedestrian Wayfinding Enhancement Project
- Int. No. 55A Bond Ordinance of the City of Rochester, New York, amending Ordinance No. 2016-410 and authorizing the issuance of ~~\$745,000~~ \$1,299,000 Additional Bonds of said City to finance cost increases in construction inspection services for the City's Main Street Streetscape and Pedestrian Wayfinding Enhancement Project, as amended

February 21, 2017

Int. No. 55B Bond Ordinance of the City of Rochester, New York, authorizing the issuance of \$355,000 Bonds of said City to finance the cost of relocation of water hydrants and water service curb stops for the City's Main Street Streetscape and Pedestrian Wayfinding Enhancement Project

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

Int. No. 45 Amending the Official Map in relation to the Inner Loop East Transformation 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.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2017-33 and

Ordinance No. 2017-34

Re: 2017 Preventive Maintenance Group 5 Project

Transmitted herewith for your approval is legislation related to the 2017 Preventive Maintenance Group 5 Project along portions of Arnett Boulevard, Genesee Park Boulevard, and Webster Avenue. This legislation will:

1. Authorize the issuance of bonds totaling \$331,000 and the appropriation of the proceeds thereof to partially finance construction, inspection and contingencies for the project; and
2. Authorize the appropriation of \$2,072,800 of federal aid and \$379,650 of Marchiselli State Aid from anticipated reimbursements from the Federal Highway Administration (FHWA) and New York State Department of Transportation (NYSDOT), respectively, to finance the project.

The 2017 Preventive Maintenance Group 5 Project was designed by engineering consultant C & S Engineers, Inc., and is intended to address minor pavement distresses, drainage concerns, hazardous sidewalks, and upgrade accessible curb ramps to meet the newest Americans with Disabilities Act (ADA) requirements. The project includes milling and resurfacing three arterial streets; installing bump-outs for traffic calming and pedestrian safety at three intersections along Arnett Boulevard; adjusting catch basin frames and grates, water valves and sewer castings; performing spot street base and sidewalk repair; installing truncated domes at sidewalk ramps; installing new pavement markings; and replacing traffic loops and topsoil and seed on lawn areas disturbed by construction.

Prior actions authorized by City Council in support of this project include: design services by C & S Engineers, Inc. (Ord. No. 2014-396); an amendatory agreement with C & S for Marchiselli Aid (Ord. No. 2015-333); an amendatory agreement with C & S for right of way services, acquisition

February 21, 2017

authorization and Official Map Amendment (Ord. No. 2016-157); and geometric pavement changes (Ord. No. 2016-370).

Bids for construction were received on January 10, 2017. The apparent low bid of \$2,217,000.71 was submitted by Sealand Contractors Corporation which is 2.9% less than the engineer's estimate. An additional \$177,097 will be allocated for project contingencies.

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>RPR</u>	<u>Contingency</u>	<u>Total</u>
FHWA	\$1,769,761	\$303,039	\$ -	\$2,072,800
State Marchiselli Aid	331,830	47,820	-	379,650
Bond issued herein	107,569	46,940	176,491	331,000
2013-14 Cash Capital	1,119	201	90	1,410
Pure Waters (Ord. No. 2016-160)	5,960	-	477	6,437
2014-15 Cash Capital	<u>762</u>	<u>-</u>	<u>38</u>	<u>800</u>
TOTAL	\$2,217,001	\$398,000	\$177,096	\$2,792,097

Meeting minutes for the project's August 16, 2016 public meeting to review geometric changes were provided to Council at their November 2016 meeting. The Planning Commission authorized the Official Map Amendment for the geometric changes at their April 4, 2016 meeting.

Construction is anticipated to commence in the spring of 2017 and be complete by fall of 2017. The project will result in the creation and/or retention of the equivalent of 30.3 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AQ-16

Ordinance No. 2017-33
(Int. No. 35)

Authorizing agreement and appropriations for 2017 Preventive Maintenance Group 5 project

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

Section 1. The sum of \$2,072,800 in anticipated reimbursements from the Federal Highway Administration (FHWA) is hereby appropriated to fund construction and inspection of the 2017 Preventive Maintenance Group 5 project on Arnett Boulevard, Genesee Park Boulevard and Webster Avenue (Project). In addition, the Mayor is hereby authorized to enter into an agreement with the New York State Department of Transportation for the receipt and use of \$379,650 in anticipated reimbursements from the Marchiselli Aid Program, which amount also is hereby appropriated to fund Project construction and inspection.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously

February 21, 2017

Ordinance No. 2017-34
(Int. No. 36)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$331,000 Bonds of said City to finance the rehabilitation of certain portions of Arnett Boulevard, Genesee Park Boulevard and Webster Avenue related to the 2017 Preventive Maintenance Program Group 5

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of milling and resurfacing, including inspection, sidewalk and curb repairs and intersection pedestrian safety measures, along portions of Arnett Boulevard, Genesee Park Boulevard and Webster Avenue related to the 2017 Preventative Maintenance Program Group 5 Project 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 \$2,792,097. The plan of financing includes the issuance of \$331,000 bonds of the City hereby appropriated to finance a portion of said Project, \$2,072,800 in anticipated reimbursements from the Federal Highway Administration to be appropriated in an ordinance accompanying this bond ordinance, \$379,650 in NYS Marchiselli Aid Program reimbursements to be appropriated in an ordinance accompanying this bond ordinance, \$1,410 from 2013-2014 Water Cash Capital, \$6,437 from Rochester Pure Waters District reimbursements authorized in Ordinance No. 2016-160, 2014-2015 Cash Capital in the amount of \$800 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 \$331,000 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 \$331,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 20. of the Law, is fifteen (15) years.

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

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

February 21, 2017

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. 2017-35
Re: Agreement - Popli, Architecture +
Engineering & L.S., D.P.C., Design
Services, 2018 Northeast Preventive
Maintenance Group 1 Project

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

Transmitted herewith for your approval is legislation related to the 2018 Northeast Preventive Maintenance Group 1 Project. This legislation will:

1. Authorize the Mayor to enter into agreements with New York State Department of Transportation (NYSDOT) necessary to participate in and administer the project;
2. Appropriate \$166,262 in anticipated reimbursements from the Federal Highway Administration (FHWA) to finance the federal portion of the project's design services; and
3. Establish \$208,000 as maximum compensation for an agreement with Popli Architecture + Engineering & L.S., D.P.C, Penfield, New York, for design services, which will be financed with \$41,738 from 2016-17 Cash Capital and \$166,262 from

February 21, 2017

anticipated reimbursements from the FHWA. The term of the agreement will be three months after the two-year guarantee inspection that follows project completion.

The FHWA will reimburse the City for 80% of eligible design costs, and local funds will support the balance. This federal aid project, administered by the City under agreement with the NYSDOT includes two locations:

- Upper Falls Blvd (Genesee River to Hudson Avenue), and
- St. Paul Street (Gorham Street to Lowell Street).

Street improvements will include milling and resurfacing of the pavement; spot curb replacements; installation or upgrade of sidewalk curb ramps; adjustment and repair of manholes, receiving basins, and water valve castings; and replacement of traffic markings. These improvements will enhance the surface drainage and riding quality of the roadway, improve handicap accessibility, and expand the useful life of the pavement structure.

Popli was selected for design services through a request for proposals process, which is described in the attached summary.

Design services will begin in spring 2017. It is anticipated that construction will begin in spring 2018 with scheduled completion in fall 2018. The design phase of this project results in the creation and/or retention of the equivalent of 2.2 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AQ-17

Ordinance No. 2017-35
(Int. No. 37)

Authorizing an agreement with Popli, Architecture + Engineering & L.S., D.P.C. for design services related to the 2018 Preventive Maintenance Northeast Group 1 Project

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

Section 1. The Mayor is hereby authorized to enter into agreements with the New York State Department of Transportation (NYSDOT) necessary for the City to participate in and administer the 2018 Preventive Maintenance Northeast Group 1 Project (Project).

Section 2. The Mayor is hereby authorized to accept and appropriate \$166,262 in anticipated reimbursements from the Federal Highway Administration (FHWA) to fund the Project.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement for a maximum compensation of \$208,000 with Popli, Architecture + Engineering & L.S., D.P.C. for design services related to the Project. The agreement shall be funded by \$41,738 from 2016-17 Cash Capital and \$166,262 from the FHWA reimbursements appropriated in Section 2. The term shall extend until 3 months after the two-year guarantee inspection that follows Project completion.

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

Section 5. This ordinance shall take effect immediately.

February 21, 2017

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2017-36
Re: Agreement - LaBella Associates,
D.P.C., Design Services, 2019
Preventive Maintenance Northwest
Group 5 Project

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

Transmitted herewith for your approval is legislation related to the 2019 Preventive Maintenance Northwest Group 5 Project. This legislation will:

1. Authorize the Mayor to enter into agreements with the New York State Department of Transportation (NYSDOT) necessary to participate in and administer the project;
2. Appropriate \$307,200 in anticipated reimbursements from the Federal Highway Administration (FHWA) which will be used to finance the federal portion of the design services; and
3. Establish \$384,000 as maximum compensation for an agreement with La Bella Associates, D.P.C, Rochester, New York, for design services which will be financed with \$76,800 from 2015-16 Cash Capital and \$307,200 from anticipated reimbursements from the FHWA. The term of the agreement will be for three months after the two-year guarantee inspection that follows the project completion.

The FHWA will reimburse the City for 80% of eligible design costs and local funds will support the balance. This federal aid project, administered by the City under agreement with the NYSDOT includes three locations:

- Beach Avenue from Lake Avenue to the West City Line;
- Dewey Avenue from Eastman Avenue to the North City Line; and
- Lake Avenue from the Lake Ontario State Parkway to Beach Avenue.

Street improvements will include milling and resurfacing of the pavement; spot curb replacements; installation or upgrade of sidewalk curb ramps; adjustment and repair of manholes, receiving basins, and water valve castings; and replacement of traffic markings. These improvements will enhance the surface drainage and riding quality of the roadway, improve handicap accessibility, and expand the useful life of the pavement structure.

LaBella Associates, D.P.C, was selected for design services through a request for proposal process, which is described in the attached summary

Design services will begin in spring 2017; it is anticipated that construction will begin in spring 2019 with scheduled completion in fall 2019. The design phase of this project results in the creation and/or retention of the equivalent of 3.8 full-time jobs.

Respectfully submitted,
Lovely A. Warren

February 21, 2017

Mayor

Attachment No. AQ-18

Ordinance No. 2017-36
(Int. No. 38)

Authorizing an agreement with LaBella Associates, D.P.C. for design services related to the 2019 Preventive Maintenance Northwest Group 5 Project

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

Section 1. The Mayor is hereby authorized to enter into agreements with the New York State Department of Transportation (NYSDOT) necessary for the City to participate in and administer the 2019 Preventive Maintenance Northwest Group 5 Project (Project).

Section 2. The Mayor is hereby authorized to accept \$307,200 in anticipated reimbursements from the Federal Highway Administration (FHWA) and said amount is hereby appropriated to fund the Project.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement for a maximum compensation of \$384,000 with LaBella Associates, D.P.C., for design services related to the Project. The agreement shall be funded by \$76,800 from 2015-16 Cash Capital and \$307,200 from the FHWA reimbursements appropriated in Section 2. The term shall extend until 3 months after the two-year guarantee inspection that follows Project completion.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2017-37,
Ordinance No. 2017-38 and
Ordinance No. 2017-39
Re: Amendatory Agreement - Edge
Architecture, PLLC, Campbell Street
R-Center Gym Floor, Windows and
HVAC Replacement Project and
Campbell Street R-Center Water Park
Facilities and Playground
Improvement Project

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

Transmitted herewith for your approval is legislation related to two projects: the Campbell Street R-Center Gym Floor, Windows and HVAC Replacement Project, and the Campbell Street R-Center Water Park Facilities and Playground Improvement Project. This legislation will:

February 21, 2017

1. Establish \$100,000 as maximum compensation for an amendatory agreement with Edge Architecture, PLLC, Rochester, New York, for additional architectural, engineering design and resident project representation (RPR) services for the Campbell Street R-Center Gym Floor, Windows and HVAC Replacement Project, increasing the total maximum compensation to \$200,000. The amendatory agreement will be funded from bonds authorized in Ordinance No. 2016-241 and the term shall extend until three months after the completion of a two-year guarantee inspection of the project; and
2. Authorize the issuance of bonds totaling \$500,000 and the appropriation of the proceeds thereof, to partially finance the Campbell Street R-Center Gym Floor, Windows and HVAC Replacement Project; and
3. Authorize the issuance of bonds totaling \$185,000 and the appropriation of the proceeds thereof, to partially finance the Campbell Street R-Center Water Park Facilities and Playground Improvement Project; and
4. Appropriate \$500,000 from anticipated funding from the Dormitory Authority of the State of New York (DASNY) to partially finance the Campbell Street R-Center Water Park Facilities and Playground Improvement Project.

Ordinance No. 2016-240 authorized the original agreement with Edge Architecture, PLLC for maximum compensation of \$100,000. The project includes gym flooring, windows and HVAC replacement in the gymnasium. Edge will provide additional design and RPR services for replacement of the main electrical service with an upgrade, below-grade waterproofing and perimeter drainage for the gymnasium, and kitchen renovations.

The estimated total cost of the Campbell Street R-Center Gym Floor, Windows and HVAC Replacement Project, including contingency, design and RPR, is estimated at \$1,020,000 and will be funded as follows:

Bonds issued (Ord. No. 2016-241)	\$ 520,000
Bonds issued herein	<u>500,000</u>
TOTAL	\$1,020,000

The estimated total cost of the Campbell Street R-Center Water Park Facilities and Playground Improvement Project, including contingency, design and RPR, is estimated at \$975,000 and will be funded as follows:

2011-12 Cash Capital	\$ 45,317
2013-14 Cash Capital	5,000
2014-15 Cash Capital	114,683
DASNY funds (Ord. No. 2015-120)	125,000
Bonds issued herein	185,000
DASNY funds appropriated herein	<u>500,000</u>
TOTAL	\$975,000

There was a public meeting held on September 22, 2016. See the attached minutes outlining comments from that meeting.

Design began in summer 2016; it is anticipated that construction will begin in summer 2017 with scheduled completion in winter 2018. The amendatory agreement will result in the creation and/or retention of the equivalent of 1.0 full-time job.

February 21, 2017

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AQ-19

Ordinance No. 2017-37
(Int. No. 39)

Authorizing agreements and funding for Campbell Street R-Center improvements

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 Edge Architecture, PLLC for additional architectural design and engineering design and for resident project representation services for the Campbell Street R-Center Gym Floor, Windows and HVAC Replacement Project. The amendatory agreement shall increase the maximum compensation for the agreement originally authorized in Ordinance No. 2016-240 by \$100,000 to a new total of \$200,000. The increase in compensation shall be funded by the bonds authorized in Ordinance No 2016-241. The term of the amendatory agreement may extend until 3 months after completion of a two-year guarantee inspection of said Project.

Section 2. The sum of \$500,000 in anticipated reimbursements from the Dormitory Authority of the State of New York (DASNY) is hereby appropriated to finance a portion of the Campbell Street R-Center Water Park Facilities and Playground Improvement Project. The Mayor is hereby authorized to enter into an agreement with DASNY for the receipt and use of said funds.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2017-38
(Int. No. 40)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$500,000 Bonds of said City to finance replacement of windows, HVAC system and gymnasium floor for the Campbell Street Recreation Center

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the costs of replacing the windows, HVAC system and gymnasium floor for the City's Campbell Street Recreation Center located at 524 Campbell Street (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,020,000. The plan of financing includes the issuance of \$500,000 bonds of the City hereby appropriated to the Project and authorized herein, \$520,000 of City bonds authorized under Ordinance 2016-241, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

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Section 2. Bonds of the City in the principal amount of \$500,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$500,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

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

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Passed unanimously.

Ordinance No. 2017-39
(Int. No. 41)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$185,000 Bonds of said City to finance replacement of the main electrical service for the Campbell Street R-Center Water Park Facilities and Playground Improvement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the costs of replacing the main electrical service, with a below grade waterproofing and perimeter drainage system for the City's Campbell Street R-Center Water Park Facilities and Playground Improvement Project located at 524 Campbell Street (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$975,000. The plan of financing includes the issuance of \$185,000 in bonds of the City hereby authorized and appropriated for the Project, \$45,317 of 2011-12 Cash Capital, \$5,000 of 2013-14 Cash Capital, \$114,683 of 2014-15 Cash Capital, \$125,000 in reimbursements from the Dormitory Authority of the State of New York ("DASNY") authorized under Ordinance No. 2015-120 and hereby appropriated to the Project, \$500,000 of DASNY reimbursements to be appropriated to the Project in an ordinance accompanying this bond ordinance, 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 \$185,000 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 \$185,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 19. of the Law, is fifteen (15) years.

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

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

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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. 2017-40 and
Ordinance No. 2017-41
Re: Agreement- Stantec Consulting
Services Inc., Joseph A. Floreano
Rochester Riverside Convention
Center River Terrace Repairs

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Joseph A. Floreano Rochester Riverside Convention Center River Terrace Repairs. This legislation will:

1. Establish \$630,000 as a maximum compensation for an agreement with Stantec Consulting Services Inc., Rochester, New York, for engineering and landscape architectural services, including inspection, design, bid and award phase services, construction administration and resident project representation services. The cost of the agreement will be financed from bonds to be issued herein and the term will be for three months after the two-year guarantee inspection following project completion; and
2. Authorize the issuance of bonds totaling \$2,440,000 and the appropriation of the proceeds thereof to finance the project.

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The objective of the Joseph A. Floreano Rochester Riverside Convention Center River Terrace Repairs project includes in-depth inspection and verification of existing terrace structural conditions, design and creation of bid documents, and construction oversight for permanent repairs and waterproofing to extend the life of the terrace for decades to come.

Stantec Consulting Services Inc. was selected through a request for proposals process which is described in the attached summary. The project is anticipated to begin in spring 2017, with construction anticipated to begin in spring 2018 with completion in summer 2019.

It's estimated that this agreement results in the creation and/or retention of 6.8 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AQ-20

Ordinance No. 2017-40
(Int. No. 42)

Authorizing an agreement with Stantec Consulting Services Inc. for the Joseph A. Floreano Rochester Riverside Convention Center River Terrace Repairs 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 for a maximum compensation of \$630,000 with Stantec Consulting Services Inc., to provide engineering and landscape architectural services for the Joseph A. Floreano Rochester Riverside Convention Center River Terrace Repairs Project. The agreement shall be funded from bonds to be authorized and appropriated for the project. The term shall extend until 3 months after the two-year guarantee inspection that follows Project completion.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2017-41
(Int. No. 43)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$2,440,000 Bonds of said City to finance a portion of the costs of the Joseph A. Floreano Rochester Riverside Convention Center Terrace Repairs Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the costs of structural inspection, engineering and repair, including waterproofing, of the exterior terrace located at the City's Joseph A. Floreano Rochester Riverside Convention Center (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,440,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$2,440,000

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 \$2,440,000 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 \$2,440,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 12(a)(1) of the Law, is twenty five (25) years.

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

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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. 2017-42

Re: Agreement - Rochester Gas & Electric,
Pole Attachments

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester Gas & Electric Corporation (RG&E), Rochester, New York, to allow the City to attach streetlight and related equipment and facilities to RG&E-owned poles. Annual compensation for pole use is based upon the number of pole attachments the City requires and the Street Light Tariff rate approved by the Public Service Commission (PSC); this amount is typically \$91,200. The term of this agreement will be for ten years and will be funded from the 2016-17 Budget of the Department of Environmental Services, and subsequent budgets, contingent upon their approval.

In order to operate the City's streetlighting system, it is necessary to utilize certain RG&E-owned wooden distribution poles. This practice has been on-going via mutual understanding for decades, and has followed the appropriate regulation consistent with the directive of the PSC Street Light Tariff, Leaf 38.

RG&E has requested to formalize this practice through a pole attachment agreement. Rates are set by the PSC as noted above, and this agreement has no cost change.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2017-42
(Int. No. 44)

Authorizing agreement to attach streetlight equipment and facilities to utility poles owned by Rochester Gas and Electric Corporation

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Rochester Gas and Electric Corporation (RGE) to attach City streetlights and related equipment and facilities to RGE-owned utility distribution poles. The term of the agreement shall be 10 years. The annual compensation for the agreement shall be based on the number of pole attachments that the City requires and the street light tariff rate approved by the Public Service Commission. The annual compensation shall be funded by the 2016-17 Budget of the Department of Environmental (DES) and from subsequent annual Budgets of DES, contingent upon adoption of the subsequent Budgets.

Section 2. The agreements authorized herein 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. 2017-43

Re: Official Map Amendment -
Abandonments and Dedication of
Additional Rights-of-Way, Inner Loop
East Transformation Project

Council Priority: Jobs and Economic
Development

Transmitted herewith for your approval is legislation related to the Inner Loop East Transformation project. This legislation will amend the Official Map by:

- 1. Authorizing the proposed abandonment of portions of the following streets creating surplus City- owned lands:

	<u>Street Name</u>	<u>Map Name</u>	<u>Area</u>
a.	Pitkin Street	Abandonment - 2	4,551 SF
b.	Pitkin Street	Abandonment - 3	1,895 SF
c.	Pitkin Street	Abandonment - 4	3,319 SF
d.	Pitkin Street	Abandonment - 5	12,537 SF
e.	Howell Street	Abandonment - 6	350 SF
f.	Howell Street	Abandonment - 6	2,143 SF
g.	Howell Street	Abandonment - 7	264 SF
h.	Savannah Street	Abandonment - 8	3,574 SF
i.	Broad Street	Abandonment - 9	253 SF

- 2. Dedicating the following seven permanent easements as public rights-of-way for street purposes.

<u>Address</u>	<u>Property Owner</u>	<u>Area</u>	<u>Map/Parcel</u>
216 Monroe Avenue	109 S Union St	48 SF	M1/P1
111 South Union Street	109 S Union St	810 SF	M2/P1
321 East Avenue	Bethel Christian Fellowship, Inc.	2,690 SF	M3/P1
321 East Avenue	Bethel Christian Fellowship, Inc.	59 SF	M3/P2
292 East Avenue	Bethel Christian Fellowship, Inc.	38 SF	M4/P1
1 Manhattan Square Drive	Margaret Woodbury Strong Museum	1,384 SF	M7/P1
1 Manhattan Square Drive	Margaret Woodbury Strong Museum	4,307 SF	M7/P2

The Inner Loop East Transformation project removed the aging 50-year old eastern segment of the Inner Loop expressway between Broadway and Richmond Street and replaced it with appropriately scaled, complete city streets along Howell Street, South Union Street and North Union Street. The project created surplus land above the bed of the former expressway. That surplus land will become available for redevelopment opportunities in the southeast Center City and East End.

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Removing this portion of the Inner Loop will result in approximately 5.8 acres of new sites for redevelopment in the East End, a growing downtown district and destination location for local residents and visitors. A summary of the past legislation is attached.

These amendments will be presented to the City Planning Commission for its February 6, 2017 meeting and minutes of that meeting will be forwarded to the City Clerk.

A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AQ-21

Ordinance No. 2017-43
(Int. No. 45)

Amending the Official Map in relation to the Inner Loop East Transformation Project

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

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by changing and deleting therefrom the following 9 described land parcels heretofore dedicated to street purposes, as more particularly described below and as depicted in maps on file with the City Clerk.

Pitkin Street
Abandonment Map 2

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

Commencing at the point of intersection of the northerly Street Boundary of East Avenue and the westerly Street Boundary of Pitkin Street, said point being 170.15 feet left of and at right angles to station U46+21.60 of the hereinafter described 2012 Survey Baseline; thence northerly along said westerly Street Boundary of Pitkin Street a distance of 1.29 feet to a point, said point being 170.30 feet left of and at right angles to station U46+22.88 of the said Survey Baseline; thence easterly and perpendicular to the westerly Street Boundary of Pitkin Street through the lands now or formerly owned by The City of Rochester a distance of 39.00 feet to the true Point of Beginning, said point being 131.55 feet left of and at right angles to station U46+27.32 of the said Survey Baseline; thence S71°32'15"E along new northerly Street Boundary of East Avenue a distance of 11.00 to a point, said point being 120.62 feet left of and at right angles to station U46+28.56 of the said Survey Baseline; thence N18°22'08"E along Jurisdiction line a distance of 272.41 feet to a point, said point being 151.73 feet left of and at right angles to station U48+99.19 of the said Survey Baseline; thence N21°30'11"E along said jurisdiction line a distance of 104.44 feet to a point, said point being 157.97 feet left of and at right angles to station U50+03.44 of the said Survey Baseline; thence N26°29'00"W along said Jurisdiction line a distance of 23.98 feet to a point on the new easterly Street Boundary of Pitkin Street, said point being 176.71 feet left of and at right angles to station U50+18.39 of the said Survey Baseline; thence southerly along said new easterly Pitkin Street Boundary on a tangent arc to the right, said arc having a radius of 292.00 feet, and a distance of 14.52 feet to the point of tangency, said point being 174.70 feet left of and at right angles to station

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U50+04.01 of the said Survey Baseline; thence S18°23'33"W continuing along said new easterly Pitkin Street Boundary a distance of 379.15 feet to the POINT OF BEGINNING.

Hereby intending to describe a parcel of land containing 4551± square feet and being commonly known as a portion of the right of way limits of Pitkin Street. Subject to any covenants, easements or restrictions of record, if any.

The above mentioned survey baseline is a portion of the 2012 Survey Baselines for the abandonment of City of Rochester property and is described as follows: Beginning at Station U45+78.91; thence N 24°55'38" E to Station U52+40.97.

Pitkin Street
Abandonment Map 3

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

Commencing at the point of intersection of the northerly Street Boundary of East Broad Street and the westerly Street Boundary of Pitkin Street, said point being 182.56 feet left of and at right angles to station U42+32.14 of the hereinafter described 2012 Survey Baseline; thence northerly along said westerly Street Boundary of Pitkin Street a distance of 124.57 to the true Point of Beginning, said point being 177.03 feet left of and at right angles to station U43+56.59 of the said Survey Baseline; thence N77°43'22"E through the lands now or formerly owned by the City of Rochester along the former southerly Street Boundary of a portion of road formerly known as Court Street a distance of 6.31 feet to a point, said point being 171.60 feet left of and at right angles to station U43+59.79 of the said Survey Baseline; thence N50°09'26"E continuing through the lands now or formerly owned by the City of Rochester through the portion of road formerly known as Court Street a distance of 108.05 feet to a point on the former northerly Street Boundary of a portion of road formerly known as Court Street, said point being 114.53 feet left of and at right angles to station U44+51.54 of the said Survey Baseline; thence S77°43'22"W continuing through the lands now or formerly owned by the City of Rochester along the former northerly Street Boundary of a portion of road formerly known as Court Street a distance of 69.50 feet to a point on the westerly Street Boundary of Pitkin Street, said point being 174.38 feet left of and at right angles to station U44+16.21 of the said Survey Baseline; thence S20°49'11"W along said westerly Street Boundary of Pitkin Street a distance of 59.68 feet to the POINT OF BEGINNING.

Hereby intending to describe a parcel of land containing 1,895± square feet and being commonly known as a portion of the right of way limits of Pitkin Street. Subject to any covenants, easements or restrictions of record, if any.

The above mentioned survey baseline is a portion of the 2012 Survey Baselines for the abandonment of City of Rochester property and is described as follows: Beginning at Station U39+44.15; thence N 18°16'19" E to Station U45+78.91.

Pitkin Street
Abandonment Map 4

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

Commencing at the point of intersection of the northerly Street Boundary of Savannah Street

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and the westerly Highway Boundary of the Rochester City Inner Loop Arterial, thence South 21°19'35" West a distance of 30.94 feet to the true Point of Beginning, said point being 170.34 feet left of and at right angles to station U 36+99.70 of the hereinafter described 2012 Survey Baseline; thence South 68°30'40" East through the property now or formerly owned by the City of Rochester, a distance of 7.96 feet to a point, said point being 162.40 feet left of and at right angles to Station U 37+00.29 of said Baseline; thence North 21°19'45" East continuing through the property now or formerly owned by the City of Rochester, a distance of 416.28 feet to a point, said point being 170.46 feet left of and at right angles to Station U 41+39.11 of said Baseline; thence North 68°01'45" West continuing through the property now or formerly owned by the City of Rochester, a distance of 7.98 feet to a point, said point being 178.43 feet left of and at right angles to Station U 41+39.62 of said Baseline; thence South 21°19'35" West continuing through the property now or formerly owned by the City of Rochester, a distance of 38.49 feet to a point on the westerly Street Boundary of Pitkin Street, said point being 180.48 feet left of and at right angles to Station U 41+01.19 of said Baseline; thence South 21°19'35" West along said westerly Street Boundary of Pitkin Street, a distance of 346.91 feet to the point of intersection of the said westerly Street Boundary of Pitkin Street and the northerly Street Boundary of Savannah Street, said point being 172.71 feet left of and at right angles to Station U 37+30.56 of said Baseline; thence South 21°19'35" West continuing through the property now or formerly owned by the City of Rochester, a distance of 30.94 feet to the POINT OF BEGINNING.

Hereby intending to describe a parcel of land containing 3319± square feet and being commonly known as a portion of the right of way limits of Pitkin Street. Subject to any covenants, easements or restrictions of record, if any.

The above mentioned survey baseline is a portion of the 2012 Survey Baselines for the abandonment of City of Rochester property and is described as follows: Beginning at Station U30+73.24; thence N 25°43'35" E to Station U39+44.15 thence N 18°16'19" E to Station U45+78.91.

Pitkin Street
Abandonment Map 5
Abandonment 1

All that tract or parcel of land situated in the City of Rochester, County of Monroe, State of New York, being known as a portion of Pitkin Street, and being more particularly bounded and described as follows:

Commencing at the point of intersection of the southerly Street Boundary of Savannah Street and the westerly Highway Boundary of the Rochester City Inner Loop Arterial, thence South 21°19'35" West a distance of 26± feet to the true Point of Beginning, said point being 166.12 feet left of and at right angles to station U 36+44.86 of the hereinafter described 2012 Survey Baseline; thence South 68°30'40" East through the property now or formerly owned by the City of Rochester, a distance of 7.96 feet to a point, said point being 158.18 feet left of and at right angles to Station U 36+45.45 of said Baseline; thence South 21°19'45" West continuing through said City of Rochester property, a distance of 198.88 feet to a point, said point being 142.93 feet left of and at right angles to Station U 34+47.16 of said Baseline; thence South 68°30'42" East continuing through said City of Rochester property, a distance of 88.10 feet to a point, said point being 55.07 feet left of and at right angles to Station U 34+53.67 of said Baseline; thence South 21°58'15" West continuing through said City of Rochester property, a distance of 50.03 feet to a point, said point being 51.79 feet left of and at right angles to Station U 34+03.75 of said Baseline; thence North 68°35'01" West continuing through said City of Rochester property, a distance of 87.52 feet to a point, said point being 139.07 feet left of and at right angles to Station U 33+97.17 of said Baseline; thence South 21°19'42" West continuing through

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said City of Rochester property, a distance of 455.01 feet to a point on the new northerly Street Boundary of Howell Street, said point being 124.32 feet left of and at right angles to Station U 29+62.65 of said Baseline; thence southwesterly along said northerly Street Boundary along a non-tangent curve to the left, said curve having a radius of 301.50 feet, a distance of 17.32 feet to a point, said point being 140.80 feet left of and at right angles to Station U 29+57.50 of said Baseline; thence North 21°19'39" East through said City of Rochester property, a distance of 268.33 feet to a point on the former westerly Street Boundary of Pitkin Street, said point being 140.15 feet left of and at right angles to Station U 32+03.22 of said Baseline; thence North 26°00'17" East continuing along said former westerly Street Boundary, a distance of 98.01 feet to a point, said point being 139.67 feet left of and at right angles to Station U 33+01.23 of said Baseline; thence North 21°19'35" East continuing along said westerly Street Boundary, a distance of 344.65 feet to the POINT OF BEGINNING.

Hereby intending to describe a parcel of land containing 12,537 +/- square feet and being commonly known as a portion of the right of way limits of Pitkin Street. Subject to any covenants, easements or restrictions of record, if any.

The above mentioned survey baseline is a portion of the 2012 Survey Baselines for the abandonment of City of Rochester property and is described as follows: Beginning at Station U 23+70.62; thence N 16°08'40" E to Station U 30+73.24; thence N 25°43'35" E to Station U 39+44.15.

Howell Street
Abandonment Map 6
Abandonment 1

All that tract or parcel of land situated in the City of Rochester, County of Monroe, State of New York, being known as a portion of Howell Street, and being more particularly bounded and described as follows:

Commencing at the point of intersection of the northerly Highway Boundary of Monroe Avenue (N.Y.S. Route 31) and the easterly Street Boundary of Howell Street, thence North 52°47'05" West a distance of 96.33 feet to a point on the new portion of the northerly Highway Boundary of Monroe Avenue (N.Y.S. Route 31) and the true Point of Beginning, said point being 124.36 feet right of and at right angles to station P 11+13.72 of the hereinafter described 2012 Survey Baseline; thence North 52°47'05" West along said new northerly Highway Boundary a distance of 4.99 feet to a point of curvature, said point being 120.87 feet right of and at right angles to Station P 11+10.15 of said Baseline; thence northeasterly along new southerly Street Boundary of Howell Street along a tangent curve to the right, said curve having a radius of 14.00 feet, and a distance of 31.21 feet to a point of compound curvature, said point being 96.99 feet right of and at right angles to Station P 11+18.00 of said Baseline; thence northeasterly along said southerly Street Boundary along a tangent curve to the right, said curve having a radius of 965.50 feet, and a distance of 11.46 feet to a point on the former easterly Street Boundary of former Manhattan Street, said point being 95.48 feet right of and at right angles to Station P 11+29.36 of said Baseline; thence South 21°17'58" West along said former Street Boundary a distance of 32.84 feet to the POINT OF BEGINNING.

Hereby intending to describe a parcel of land containing 350± square feet and being commonly known as a portion of the right of way limits of Howell Street. Subject to any covenants, easements or restrictions of record, if any.

The above mentioned survey baseline is a portion of the 2012 Survey Baselines for the abandonment of City of Rochester property and is described as follows: Beginning at Station P

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10+00.00; thence N 82°51'44" E to Station P 13+90.92.

Howell Street
Abandonment Map 6
Abandonment 2

All that tract or parcel of land situated in the City of Rochester, County of Monroe, State of New York, being known as a portion of Howell Street, and being more particularly bounded and described as follows:

Commencing at the point of intersection of the former southerly Street Boundary of Howell Street and the westerly Street Boundary of Savannah Street, thence North 21°19'35" East a distance of 8.30 to a point on the New Street Boundary of Savannah Street and the true Point of Beginning, said point being 187.01 feet right of and at right angles to station P 13+43.71 of the hereinafter described 2012 Survey Baseline; thence North 52°47'05" West through the property now or formerly owned by the City of Rochester, a distance of 31.93 feet to a point, said point being 164.69 feet right of and at right angles to Station P 13+20.88 of said Baseline; thence South 37°12'55" West continuing through said property of the City of Rochester, a distance of 7.99 feet to a point on the former southerly Street Boundary of Howell Street, said point being 170.40 feet right of and at right angles to Station P 13+15.30 of said Baseline; thence North 52°51'19" West through the property now or formerly owned by the City of Rochester, a distance of 118.07 feet to a point on the new southerly Street Boundary of Howell Street, said point being 87.96 feet right of and at right angles to Station P 12+30.77 of said Baseline; thence northeasterly along said new southerly Street Boundary along a tangent curve to the right, said curve having a radius of 965.50 feet, and a distance of 22.69 feet to a point, said point being 87.75 feet right of and at right angles to Station P 12+53.45 of said Baseline; thence South 52°49'50" East through the property now or formerly owned by the City of Rochester, a distance of 2.76 feet to a point, said point being 89.68 feet right of and at right angles to Station P 12+55.43 of said Baseline; thence North 21°19'35" East continuing through said property of the City of Rochester, a distance of 2.18 feet to a point on the new southerly Street Boundary of Howell Street, said point being 87.76 feet right of and at right angles to Station P 12+56.47 of said Baseline; thence northeasterly along said new southerly Street Boundary along a tangent curve to the right, said curve having a radius of 965.50 feet, and a distance of 16.84 feet to a point of tangency, said point being 88.00 feet right of and at right angles to Station P 12+73.31 of said Baseline; thence North 84°10'03" East continuing along said new southerly Street Boundary, a distance of 1.22 feet to a point, said point being 88.02 feet right of and at right angles to Station P 12+74.53 of said Baseline; thence South 21°19'35" West through the property now or formerly owned by the City of Rochester, a distance of 15.10 feet to a point, said point being 101.29 feet right of and at right angles to Station P 12+67.33 of said Baseline; thence South 52°49'50" East continuing through said property of the City of Rochester, a distance of 112.26 feet to the POINT OF BEGINNING.

Hereby intending to describe a parcel of land containing 2,143± square feet and being commonly known as a portion of the right of way limits of Howell Street. Subject to any covenants, easements or restrictions of record, if any.

The above mentioned survey baseline is a portion of the 2012 Survey Baselines for the abandonment of City of Rochester property and is described as follows:

Beginning at Station U 23+70.62; thence N 16°08'40" E to Station U 30+73.24.

Howell Street
Abandonment Map 7

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All that tract or parcel of land situated in the City of Rochester, County of Monroe, State of New York, being known as a portion of Howell Street, and being more particularly bounded and described as follows:

Beginning at the point of intersection of the southerly Street Boundary of Howell Street and the westerly Street Boundary of Savannah Street, said point being 194.31 feet right of and at right angles to station P13+39.75 of the hereinafter described 2012 Survey Baseline; thence North 21°19'35" East along the new westerly Street Boundary of Savannah Street a distance of 8.30 feet to a point, said point being 187.01 feet right of and at right angles to Station P 13+43.71 of said Baseline; thence North 52°47'05" West through the lands now or formerly owned by the City of Rochester, a distance of 31.93 feet to a point, said point being 164.69 feet right of and at right angles to Station P 13+20.88 of said Baseline; thence South 37°12'55" West continuing through said lands of the City of Rochester, a distance of 7.99 feet to a point on the existing southerly Street boundary of Howell Street, said point being 170.40 feet right of and at right angles to Station P 13+15.30 of said Baseline; thence South 52°47'05" East along said southerly Street Boundary, a distance of 34.20 feet to the POINT OF BEGINNING.

Hereby intending to describe a parcel of land containing 264± square feet and being commonly known as a portion of the right of way limits of Howell Street. Subject to any covenants, easements or restrictions of record, if any.

The above mentioned survey baseline is a portion of the 2012 Survey Baselines for the abandonment of City of Rochester property and is described as follows: Beginning at Station P 10+00.00; thence N 82°51'44" E to Station P 13+90.92.

Savannah Street
Abandonment Map 8

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

Beginning at the point of intersection of the northerly Street Boundary of Savannah Street and the newly created westerly division line of lands now or formerly owned by the City of Rochester per City of Rochester Subdivision Map 4 Parcel 1, said point being 1.15 feet left of and at right angles to station P 23+37.81 of the hereinafter described 2012 Survey Baseline; thence South 21°19'35" West along the newly created Street Boundary of Savannah Street per City of Rochester Subdivision Map 4 Parcel 1, a distance of 30.95 feet to an angle point in said Street Boundary, said point being 1.11 feet left of and at right angles to Station P 23+06.86 of said Baseline; thence North 68°30'40" West through the existing right of way of Savannah Street, a distance of 115.49 feet to a point, said point being 116.59 feet left of and at right angles to Station P 23+07.02 of said Baseline; thence North 21°19'35" East continuing through the existing right of way of Savannah Street, a distance of 30.95 feet to a point on the existing northerly Street Boundary of Savannah Street, said point being 116.64 feet left of and at right angles to Station P 23+37.97 of said Baseline; thence South 68°30'40" East along said existing northerly street boundary of Savannah Street a distance of 115.49 feet to the POINT OF BEGINNING.

Hereby intending to describe a parcel of land containing 3,574± square feet and being commonly known as a portion of the right of way limits of Savannah Street. Subject to any covenants, easements or restrictions of record, if any.

The above mentioned survey baseline is a portion of the 2012 Survey Baselines for the abandonment of City of Rochester property and is described as follows: Beginning at Station P

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18+70.29; thence N 21°24'28" E to Station P 26+07.16.

Broad Street
Abandonment Map 9

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

Commencing at the point of intersection of the newly created southerly and westerly Street Boundaries of Broad Street per the City of Rochester Subdivision Map 4 Parcel 1, thence South 21°19'35" West along the said westerly Street Boundary of Broad Street a distance of 4.07 feet to the true Point of Beginning, said point being 178.64 feet left of and at right angles to station U 41+35.56 of the hereinafter described 2012 Survey Baseline; thence South 21°19'35" West continuing along said newly created westerly Street Boundary of Broad Street a distance of 34.42 feet to a point of curvature on the existing southerly Street Boundary of Broad Street, said point being 180.48 feet left of and at right angles to station U 41+01.19 of said Baseline; thence northwesterly along said existing southerly Street Boundary of Broad Street along a non-tangent curve to the left, said curve having a radius of 35.00 feet, and a distance of 54.39 feet to a point of tangency, said point being 212.98 feet left of and at right angles to Station U 41+37.97 of said Baseline; thence South 67°42'42" East through the existing right of way of Broad Street, a distance of 34.42 feet to the POINT OF BEGINNING.

Hereby intending to describe a parcel of land containing 253± square feet and being commonly known as a portion of the right of way limits of Broad Street. Subject to any covenants, easements or restrictions of record, if any.

The above mentioned survey baseline is a portion of the 2012 Survey Baselines for the abandonment of City of Rochester property and is described as follows: Beginning at Station U39+44.15; thence N 18°16'19" E to Station U45+78.91.

All bearings refer to True North at the 78°-35'-00" MERIDIAN OF WEST LONGITUDE (N.Y.S.P.C.S. NAD 1983 Datum).

Section 2. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating to street purposes the following 7 described land parcels subject to permanent easements that were acquired as part of the Inner Loop East Transformation Project and by adding said dedications to their respective adjoining streets. The 7 parcels are more particularly described below and are depicted in maps on file with the City Clerk.

Map 1, Parcel 1
Portion of S.B.L # 121.41-2-6

All that piece or parcel of property designated as Parcel No. 1, as shown Map 1 and described as follows:

Beginning at the point of intersection of the northerly Highway Boundary of Monroe Avenue (N.Y.S Route 31) and the westerly Highway Boundary of South Union Street, said point being 59± feet left of and at right angles to station 24+60± of the hereinafter described 2012 Survey Baseline; thence northwesterly along said northerly Highway Boundary of Monroe Avenue (N.Y.S Route 31) a distance of 10± feet to a point, said point being 69± feet left of and at right angles to Station 24+64± of said Baseline; thence N 74°08'10" E through the lands now or

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formerly owned by 109 South Union Street, a New York Partnership, a distance of 12± feet to a point on the westerly Highway Boundary of South Union Street, said point being 58± feet left of and at right angles to Station 24+70± of said Baseline; thence southwesterly along said westerly Highway Boundary of South Union Street a distance of 10± feet to the POINT OF BEGINNING.

The above described parcel contains 48± sq. ft. or 0.001± acre.

The above mentioned survey baseline is a portion of the 2012 Survey Baseline for the reconstruction of a portion of South Union Street as shown on a map and plan on file in the City of Rochester Highway Department and described as follows: Beginning at Station U17+29.58; thence S 52°49'59" E to Station U23+70.62, thence N 16°08'40" E to Station U30+73.24.

Map 2, Parcel 1
Portion of S.B.L # 121.41-2-2

All that piece or parcel of property designated as Parcel No. 1, as shown on Map 2 and described as follows:

Beginning at the point of intersection of the westerly Highway Boundary of South Union Street and the Boundary line of lands now or formerly owned by 109 South Union St., LLC a New York General Partnership, tax map number 121.41-2-2 to the north and lands now or formerly owned by 109 South Union St., LLC a New York General Partnership, tax map number 121.41-2-3 to the south, said point being 35± foot left of and at right angles to station 27+38± of the hereinafter described 2012 Survey Baseline; thence northwesterly along said boundary line a distance of 6± feet to a point, said point being 41± feet left of and at right angles to Station 27+39± of said Baseline; thence N21°03'25"E through the lands now or formerly owned by 109 South Union St., LLC a New York General Partnership a distance of 140± feet to a point on the westerly Highway Boundary of said South Union St., said point being 29± feet left of and at right angles to Station 28+78± of said Baseline; thence southerly along said westerly Highway Boundary of South Union Street a distance of 12± feet to an angle point, said point being 24± feet left of and at right angles to Station 28+68± of said Baseline; thence continuing southerly along said westerly Highway Boundary of South Union Street a distance of 130± feet to the POINT OF BEGINNING.

The above described parcel contains 810± sq. ft. or 0.019± acre.

The above mentioned survey baseline is a portion of the 2012 Survey Baseline for the reconstruction of a portion of South Union Street as shown on a map and plan on file in the City of Rochester Maps and Survey Office and described as follows: Beginning at Station U23+70.62; thence N 16°08'40"E to Station U30+73.24.

Map 3, Parcel 1
Portion of S.B.L. #121.33-1-9.3

All that piece or parcel of property designated as Parcel No. 1, as shown Map 3 and described as follows:

Beginning at the point of intersection of the easterly Highway Boundary of South Union Street and the westerly Highway Boundary of Dryer Alley, said point being 12± feet right of and at right angles to station 40+64± of the hereinafter described 2012 Survey Baseline; thence southeasterly along said northerly Highway Boundary of Dryer Alley a distance of 269± feet to the point of intersection of the northerly Highway Boundary of Dryer Alley and the westerly

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Highway Boundary of Anson Place, said point being 281± feet right of and at right angles to Station 40+55± of said Baseline; thence northeasterly along said northerly Highway Boundary of Anson Place a distance of 10± feet to a point, said point being 281± feet right of and at right angles to Station 40+65± of said Baseline; thence N69°53'20"W through the lands now or formerly owned by Bethel Christian Fellowship, Inc., a distance of 269± feet to a point on the said easterly Highway Boundary of South Union Street, said point being 12± feet right of and at right angles to Station 40+74± of said Baseline; thence southwesterly along said easterly Highway Boundary of South Union Street a distance of 10± feet to the POINT OF BEGINNING.

The above described parcel contains 2,690± sq. ft. or 0.062± acre.

The above mentioned survey baseline is a portion of the 2012 Survey Baseline for the reconstruction of a portion of South Union Street as shown on a map and plan on file in the City of Rochester Highway Department and described as follows: Beginning at Station U39+44.15; thence N 18°16'19" E to Station U45+78.91.

Map 3, Parcel 2
Portion of S.B.L. #121.33-1-9.3

All that piece or parcel of property designated as Parcel No. 2, as shown Map 3 and described as follows:

Beginning at the point of intersection of the southerly Highway Boundary of East Avenue (N.Y.S Route 96) and the easterly Highway Boundary of South Union Street, said point being 45± feet right of and at right angles to station 45+74± of the hereinafter described 2012 Survey Baseline; thence southwesterly along said easterly Highway Boundary of South Union Street a distance of 18± feet to a point, said point being 44± feet right of and at right angles to Station 45+56± of said Baseline; thence northeasterly through the lands now or formerly owned by Bethel Christian Fellowship, Inc. along a non-tangent arc to the right, said arc having a radius of 26± feet, and a distance of 13± feet to the point of compound curvature, said point being 48.28 feet right of and at right angles to station 45+68.23 of the hereinafter described 2012 Survey Baseline; thence continuing through said lands now or formerly owned by Bethel Christian Fellowship, Inc. along a non-tangent arc to the right, said arc having a radius of 15± feet, and a distance of 11± feet to a point on the said southerly Highway Boundary of East Avenue (N.Y.S Route 96), said point being 57± feet right of and at right angles to Station 45+74± of said Baseline; thence northwesterly along said southerly Highway Boundary of South Union Street a distance of 13± feet to the POINT OF BEGINNING.

The above described parcel contains 59± sq. ft. or 0.001± acre.

The above mentioned survey baseline is a portion of the 2012 Survey Baseline for the reconstruction of a portion of South Union Street as shown on a map and plan on file in the City of Rochester Highway Department and described as follows: Beginning at Station U39+44.15; thence N 18°16'19" E to Station U45+78.91, thence N 24°55'38" E to Station U52+40.97.

Map 4, Parcel 1
Portion of S.B.L. #121.25-1-42

All that piece or parcel of property designated as Parcel No. 1, as shown on Map 4 and described as follows:

Beginning at the point of intersection of the northerly Highway Boundary of East Avenue

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(N.Y.S Route 96) and the easterly Highway Boundary of North Union Street, said point being 34± feet right of and at right angles to station 46+45± of the hereinafter described 2012 Survey Baseline; thence southeasterly along said northerly Highway Boundary of East Avenue a distance of 11± feet to a point, said point being 45± feet right of and at right angles to Station 46+46± of said Baseline; thence N38°03'59"W through the lands now or formerly owned by Bethel Christian Fellowship, Inc. a distance of 13± feet to a point on the said easterly Highway Boundary of North Union Street, said point being 34± feet right of and at right angles to Station 46+52± of said Baseline; thence southwesterly along said easterly Highway Boundary of North Union Street a distance of 7± feet to the POINT OF BEGINNING.

The above described parcel contains 38± sq. ft. or 0.001± acre.

The above mentioned survey baseline is a portion of the 2012 Survey Baseline for the reconstruction of a portion of South Union Street as shown on a map and plan on file in the City of Rochester Highway Department and described as follows: Beginning at Station U39+44.15; thence N 18°16'19" E to Station U45+78.91, thence N 24°55'38" E to Station U52+40.97.

Map 7, Parcel 1
Portion of S.B.L. #121.33-1-5.1

All that piece or Parcel of property designated as Parcel No. 1, as shown Map 7 and described as follows:

Beginning at the point of intersection of the northerly Highway Boundary of Pitkin Street and the easterly Highway Boundary of Chestnut Street, said point being 4± feet left of and at right angles to station 9+95± of the hereinafter described 2012 Survey Baseline; thence N 84°10'03" E through the lands now or formerly owned by Margaret Woodbury Strong Museum a distance of 338± feet to a point on the said northerly Highway Boundary of Pitkin Street, said point being 3± feet right of and at right angles to Station 13+33± of said Baseline; thence westerly along said northerly Highway Boundary of Pitkin Street a distance of 339± feet to the POINT OF BEGINNING.

The above described parcel contains 1.384± sq. ft. or 0.032± acre.

The above mentioned survey baseline is a portion of the 2012 Survey Baseline for the reconstruction of a portion of South Union Street as shown on a map and plan on file in the City of Rochester Maps and Survey Office and described as follows: Beginning at Station P9+50.00; thence N 82°51'44" to Station P13+90.92.

Map 7, Parcel 2
Portion of S.B.L. #121.33-1-5.1

All that piece or parcel of property designated as Parcel No. 2, as shown on Map 7 and described as follows:

Beginning at the point of intersection of the southerly Highway Boundary of Savannah Street and the westerly Highway Boundary of Pitkin Street, said point being 1± foot left of and at right angles to station 22+78± of the hereinafter described 2012 Survey Baseline; thence northwesterly along said southerly Highway Boundary of Savannah Street a distance of 166± feet to an angle point in said Highway Boundary of Savannah Street, said point also being the northwesterly boundary corner of lands now or formerly owned by Margaret Woodbury Strong Museum, said point being 167± feet left of and at right angles to Station 22+78± of said Baseline; thence southwesterly along said boundary line of lands now or formerly owned by

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Margaret Woodbury Strong Museum a distance of 26± feet to a point, said point being 167± feet left of and at right angles to Station 22+52± of said Baseline; thence S68°40'25"E through the lands now or formerly owned by Margaret Woodbury Strong Museum a distance of 166± feet to a point on the westerly Highway Boundary of said Pitkin Street, said point being 1± feet left of and at right angles to Station 22+52± of said Baseline; thence northeasterly along westerly Highway Boundary of Pitkin Street a distance of 26± feet to the POINT OF BEGINNING.

The above described parcel contains 4,307± sq. ft. or 0.099± acre.

The above mentioned survey baseline is a portion of the 2012 Survey Baseline for the reconstruction of a portion of South Union Street as shown on a map and plan on file in the City of Rochester Maps and Survey Office and described as follows: Beginning at Station P10+00.00; thence N 82°51'44" to Station P13+90.92; thence N 47°51'18" to Station P18+70.29; thence N 21°24'28" E to Station P26+07.16.

All bearings refer to True North at the 78°-35' Meridian of West Longitude.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2017-44

Re: Agreement - Cornerstone Training,
LLC, Rochester Environmental Job
Training Program

Council Priorities: Jobs and Economic
Development

Transmitted herewith for your approval is legislation establishing \$111,400 as maximum compensation for an agreement with Cornerstone Training, LLC, Rochester, New York, to provide training services as part of the City's Rochester Environmental Job Training Program (REJob). The cost of the agreement will be financed with \$111,400 from the US Environmental Protection Agency's Environmental Workforce Development and Job Training (EPA EWDJT) grant funds, which were previously appropriated by City Council on October 18, 2016 (Ord. No. 2016-350). The agreement will have an initial term of three years with the provision for a one year extension.

REJob is a multi-partner effort designed to lead to sustainable, long-term environmental employment and intended to ensure that City residents share in the economic benefits derived from environmental site cleanup and construction. Recruitment for REJob will specifically target dislocated workers; severely underemployed individuals; and unemployed individuals including low-income and minority residents, veterans, and those with little or no advanced education. The content of the training has been designed based on substantial input of environmental employers canvassed through survey, the Workforce Advisory Council, and consultation with other communities that have had successful EPA EWDJT grant funded programs. Successful applicants to the REJob program will not be required to pay any tuition for the training.

The objectives of REJob are to recruit and train a minimum of 60 unemployed or underemployed City residents in core occupational and environmental areas that provide certifications toward work in the asbestos abatement, hazardous waste remediation, and environmental cleanup fields, and to place

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successful students in full-time employment in these environmental fields. Cornerstone Training, LLC will provide core training to all students as well as additional training for certifications for high achieving students after the core training is completed. Core training will be provided in the spring of 2017 and the spring of 2018, with the potential for a third core training session in 2019, if approved by the EPA and funding allows.

Cornerstone Training, LLC was selected through a request for proposals (RFP) process, which is described in the attached summary.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AQ-22

Ordinance No. 2017-44
(Int. No. 46)

Authorizing an agreement with Cornerstone Training, LLC for the Rochester Environmental Job Training Program

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement for a maximum compensation of \$111,400 with Cornerstone Training, LLC to provide occupational health and safety training services for the Rochester Environmental Job (ReJob) Training Program. The agreement shall be funded from United States Environmental Protection Agency grant funds previously appropriated in Ordinance No. 2016-350. The term of the agreement shall be three years with one optional one-year extension

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

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays – None-0.

Councilmember McFadden abstained due to a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2017-45
Re: Agreement - United States Army
Corps of Engineers, Port of Rochester
Harbor Dredging

Council Priority: Creating and Sustaining a
Culture of Vibrancy

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Transmitted herewith for your approval is legislation establishing \$125,000 as maximum compensation for an agreement with the United States Army Corps of Engineers (USACOE) for maintenance dredging of the Genesee River related to the Port of Rochester. The agreement will be funded from the 2016-17 Budget of the Department of Environmental Services and the term will be for one year.

The City of Rochester owns the Port of Rochester riverfront facilities that periodically require near-shore dredging to provide adequate access from the Genesee River. The facilities are the Port terminal dock wall, the Public Boat Launch, and the River Street Marina. Use of the Port terminal dock wall and the River Street Marina is dependent on water depths that provide adequate draft for docking boats and ships. In the past, the City has entered into funding agreements with the USACOE to have its contractors dredge City Port facilities in order to take advantage of the competitive volume related pricing in the USACOE dredge contracts. The most recent dredging agreement between the City and the USACOE for the Port Terminal dock wall, boat launch area, and River Street Marina was authorized by City Council in March 2008 (Ord. No. 2008-96). It has been eight years since the last dredging of these City facilities and new maintenance dredging is required.

The USACOE has scheduled dredging of the Genesee River federal navigation channel for the spring of 2017. Under the proposed agreement, the USACOE would dredge permitted areas outside the federal navigation channel at the City's facilities. The cost of the dredging is based on the estimated sediment volume to be removed to achieve permitted depths, the USACOE's recent experience with bid pricing for its dredging contracts, and contingency. The proposed agreement obligates the City to secure and provide required New York State and federal permits, and to pay the estimated dredging cost in advance. Upon completion, the USACOE is obligated to return to the City any funds not expended for the dredging.

It is anticipated that the proposed facility maintenance dredging will be complete by June 30, 2017.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2017-45
(Int. No. 47)

Authorizing an agreement for dredging services in the Genesee River

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Army Corps of Engineers to provide dredging services in the Genesee River for a maximum compensation of \$125,000. Said amount shall be funded from the 2016-17 Budget of the Department of Environmental Services. The term of the agreement shall be one year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

February 21, 2017

Ordinance No. 2017-46
Re: Budget Amendment- Establishment of
Dog Park at Cobbs Hill Park

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Transmitted herewith for your approval is legislation authorizing the establishment of the City's first dog park and the allocation of \$40,000 to develop the facility, which will be funded by amending the 2016-17 Budget by transferring \$40,000 from Contingency to the Department of Environmental Services to support the work.

The Parks Code was amended in March 2016 via Ordinance No. 2016-83 to allow unleashed dogs within authorized and enclosed areas at City parks, as designated and approved by City Council for that purpose, and in accordance with rules and regulations to be promulgated for the orderly functioning of dog parks.

The proposed dog park will have a pilot period of six months and will be located on approximately three-quarters of an acre at the Northeast portion of Cobbs Hill Park. The proposed site has been vetted publicly through a series of informational meetings, and the design concept has been adjusted to reflect community input. Upon completion of the pilot period, the dog park's use, operation and impacts will be evaluated.

The dog park will be developed through a combination of work by City staff and contractors, in an effort to secure both quality improvements and financial efficiencies.

Respectfully submitted,
Lovely A. Warren
Mayor

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

Attachment No. AQ-23

Ordinance No. 2017-46
(Int. No. 48)

Amending the budget and authorizing a dog park at Cobbs Hill Park

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

Section 1. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, is hereby amended by transferring \$40,000 from Contingency to the Budget of Department of Environmental Services. The Council hereby appropriates that amount, or so much thereof as is necessary, to develop a dog park facility.

Section 2. Pursuant to Section 79-8 of the Municipal Code, the Council hereby designates an approximately three-quarter acre area located in the northeast portion of Cobbs Hill Park for establishing a dog park for a pilot period of six months. The dog park shall be operated in accordance with rules and regulations promulgated by the Commissioner of the Department of Recreation and Youth Services.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

February 21, 2017

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2017-47

Re: Bond Authorization - 2017 Water Main
Cleaning and Lining Project of the
Distribution System Water Main
Renewal Program

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$1,000,000 and appropriating the proceeds thereof to fund a portion of the 2017 Water Main Cleaning and Lining Project of the Distribution System Water Main Renewal Program. The total cost of the project is estimated to be \$1,800,000, the balance of which (\$800,000) will be financed from 2016-17 Cash Capital.

The project will rehabilitate approximately 6.5 miles of City water mains. This rehabilitation method consists of mechanically cleaning the interior of the existing water mains and installing a corrosion-resistant cement lining to restore hydraulic capacity, improve available fire flows and water quality and to extend the useful life of the mains. The cost to rehabilitate a water main by cement lining is approximately 20% of the cost required to replace a water main.

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

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AQ-24

Ordinance No. 2017-47
(Int. No. 49)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,000,000 Bonds of said City to finance a portion of the City's 2017 Water Main Cleaning and Lining Project of the Distribution System Water Main Renewal Program

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of rehabilitating, mechanically cleaning and installing an anti-corrosion lining for approximately 6.5 miles of deteriorated water mains through the City's 2017 Water Main Cleaning and Lining Project of the Distribution System Water Main Renewal Program, including portions of those streets designated on the attached Schedule A (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,800,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,000,000 bonds of the City to finance said appropriation, \$800,000 of the Department of Environmental Services Cash Capital Allocation (Water Fund) and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

February 21, 2017

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

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

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

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

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

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

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

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

Passed unanimously.

February 21, 2017

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2017-48
Re: Bond Authorization - 2017 Water Main
Cured In Place Pipe Project of the
Distribution System Water Main
Renewal Program

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$850,000 and appropriating the proceeds thereof to fund a portion of the 2017 Cured In Place Pipe (CIPP) Project of the Distribution System Water Main Renewal Program. The total cost of this project is estimated to be \$1,900,000. Council previously authorized the appropriation of \$490,000 in debt (Ord. No. 2016-50), and the balance of funding, \$560,000, will be financed from 2012-13, 2013-14, and 2014-15 Cash Capital.

The CIPP project will structurally rehabilitate 1.4 miles of deteriorated water mains. This is a trenchless rehabilitation process whereby a certified installer inserts a felt tube impregnated with a polymer resin into the existing water main. After the material has cured, it forms a fully structural close fitting liner pipe within the existing water main, thus extending its useful life.

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

This project results in the creation and/or retention of the equivalent of 20 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AQ-25

Ordinance No. 2017-48
(Int. No. 50)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$850,000 Bonds of said City to finance a portion of the City's 2017 Cured in Place Pipe Project of the Distribution System Water Main Renewal Program

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of structural rehabilitation of approximately 1.4 miles of deteriorated water mains through the City's 2017 Cured in Place Pipe Project of the Distribution System Water Main Renewal Program, including designated portions of those streets indicated on the attached Schedule A (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,900,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$850,000 bonds of the City, application of the proceeds of the City's \$490,000 bonds appropriated under Ordinance No. 2016-050, \$560,000 from the 2012-13, 2013-14 and 2014-15 Department of Environmental Services Cash Capital Allocation (Water Fund) and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$850,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$850,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

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

February 21, 2017

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2017-49

Re: Bond Authorization - 2017 Water Main Extensions and Improvements Project of the Distribution System Water Main Renewal Program

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$200,000 and appropriating the proceeds thereof to fund a portion of the 2017 Water Main Extensions and Improvements (E&I) Project of the Distribution System Water Main Renewal Program. The total cost of the project is estimated to be \$1,000,000. Council previously authorized the appropriation of \$510,000 in debt for the Portland Avenue and Carter Street water mains (Ord. No. 2016-52) and the balance of the funding, \$290,000 will be financed from 2015-16 Cash Capital.

The E&I project will replace 3,550 feet of City water mains, and provides for the scheduled replacement of deteriorated and deficient water mains. Of the approximately 600 miles of water mains within the City's distribution system, 378 miles are over 75 years of age, which is the expected useful life of water mains.

This project will replace water mains on the following streets:

Street Name	Limits	Replacement Reason
Portland Avenue	North St. - 500 ft south of Draper St.	7 water main breaks Years: 1983 - 2008
Carter Street	Norton St. - Delamaine Dr.	4 water main breaks Years: 2003 - 2013
Hague Street	Masseth St. to Lyell Ave.	4 water main breaks Years: 1987 - 2013

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

This project results in the creation and/or retention of the equivalent of 10 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AQ-26

Ordinance No. 2017-49
(Int. No. 51)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$200,000 Bonds of said City to finance water main extensions for the City's 2017 Water Main Extensions and Improvements Project of the Distribution System Water Main Renewal Program

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

February 21, 2017

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of replacing approximately 3,550 of City water main and lines along certain portions of Portland Avenue (from North Street to 500' south of Draper Street), Carter Street (between Norton and Delamaine Streets) and Hague Street (from Masseth Street to Lyell Avenue) related to the City's 2017 Water Main Extensions and Improvements Project of the Distribution System Water Main Renewal Program (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,000,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$200,000 bonds of the City, application of \$510,000 authorized under Ordinance No. 2016-052 and \$290,000 appropriated from 2015-16 Department of Environmental Services Cash Capital Allocation (Water Fund) and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$200,000 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 \$200,000. 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. c. 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:

February 21, 2017

- (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. 2017-50,
Ordinance No. 2017-51 and
Ordinance No. 2017-52

Re: Amendatory Agreement - Stantec
Consulting Services Inc., Resident
Project Representation Services, Main
Street Streetscape and Pedestrian
Wayfinding Enhancement Project

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Main Street Streetscape and Pedestrian Wayfinding Enhancement project. This legislation will:

1. Establish \$790,000 as maximum compensation for an amendatory agreement with Stantec Consulting Services Inc., Rochester, New York, for resident project representation (RPR) services for the project, bringing total maximum compensation to \$1,358,000; and
2. Authorize the issuance of bonds totaling \$745,000 and appropriating the proceeds thereof to partially finance the construction of and RPR for the project.

This amendatory amendment will be funded with \$6,900 from 2015-16 Private Contributions (Ord. No. 2015-196); \$170,400 from 2016-17 Federal Transportation Alternatives Program grant (Ord. 2016-374); and \$612,700 from bonds appropriated herein.

This federal and state aid project will result in streetscape enhancements along Main Street between St. Paul Street and South Avenue, and Franklin Street and East Avenue, including the Liberty Pole Plaza. The pedestrian wayfinding signage will extend the length of Main Street from Ford Street to University Avenue.

Stantec Consulting Services Inc was selected through a request for proposals process that solicited for design and RPR. The original agreement, for design only, was authorized in June 2015 (Ord. No.

February 21, 2017

2015-196) for maximum compensation of \$318,000. An amendatory design agreement for \$250,000 was authorized in December 2016 (Ord. No. 2016-410), increasing total maximum compensation to \$568,000.

The term of the original design only agreement extended for a term of six months after completion and acceptance of the project. With the inclusion of RPR, the term of the contract will be modified to extend until three months after completion and acceptance of a two-year guarantee inspection of the project.

Design of the project is underway. Construction is anticipated to begin in spring 2017 with completion in fall 2017. The additional RPR phase funds of this project will result in the creation and/or retention of the equivalent of 8 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AQ-27

Ordinance No. 2017-50
(Int. No. 55)

Authorizing amendatory agreement for the Main Street Streetscape and Pedestrian Wayfinding Enhancement Project

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Stantec Consulting Services Inc. for construction inspection services for the Main Street Streetscape and Pedestrian Wayfinding Enhancement Project. The amendatory agreement shall increase the maximum compensation for the original agreement, which was authorized in Ordinance No. 2015-196 and amended in Ordinance No. 2016-410, by \$790,000 to a new total of \$1,358,000. The increase in compensation shall be funded by \$6,900 in private contributions appropriated in Ordinance No. 2015-196, \$170,400 in anticipated reimbursements from the Federal Highway Administration appropriated in Ordinance No. 2016-374, and \$612,700 from a portion of the \$745,000 in additional City bonds to be authorized and appropriated for the Project. The term of the amendatory agreement may extend until 3 months after completion of a two-year guarantee inspection of said Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2017-51
(Int. No. 55A, as amended)

Bond Ordinance of the City of Rochester, New York amending Ordinance No. 2016-410 and authorizing the issuance of ~~\$745,000~~ \$1,299,000 Additional Bonds of said City to finance cost increases in construction inspection services for the City's Main Street Streetscape and Pedestrian Wayfinding Enhancement Project

February 21, 2017

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"), hereby amends Ordinance No. 2015-197 and authorizes the issuance of ~~\$745,000~~ \$1,299,000 bonds of the City to finance additional costs of construction and inspection services for streetscape improvements along Main Street between St. Paul/South Avenue and Franklin Street/East Avenue, including Liberty Pole Plaza (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 ~~\$4,527,600~~ \$4,581,281. The plan of financing includes the issuance of ~~\$745,000~~ \$1,299,000 bonds of the City, which are hereby appropriated to finance a portion of said costs, application of ~~\$1,551,000~~ \$1,345,400 in funds from the Federal Highway Administration which were authorized, ~~adjusted~~ and appropriated in Ordinance Nos. ~~2015-196, 2016-164 and 2016-374, \$125,600~~ \$93,500 from Private Contributions authorized in Ordinance Nos. 2015-196 and 2016-164, ~~\$106,000 in bonds authorized and appropriated by Ordinance No. 2015-197, \$2,000,000~~ \$1,756,600 in reimbursements from the Dormitory Authority of the State of New York authorized in Ordinance No. 2016-374, ~~\$86,781 in 2014-15 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 ~~\$745,000~~ \$1,299,000 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 ~~\$745,000~~ \$1,299,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 20. of the Law, is fifteen (15) years.

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

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

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.

Ordinance No. 2017-52
(Int. No. 55B)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$355,000 Bonds of said City to finance the cost of relocation of water hydrants and water service curb stops for the City's Main Street Streetscape and Pedestrian Wayfinding Enhancement 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"), hereby authorizes the issuance of \$355,000 bonds of the City to finance the costs of design and construction for relocating water hydrants and water service curb stops to accommodate curb line adjustments and recessed parking areas in the City's Main Street Streetscape Pedestrian Wayfinding Enhancement Project (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$621,712. The plan of financing includes the issuance of \$355,000 bonds of the City which are hereby appropriated for the Project, \$266,712 in reimbursements from Rochester Pure Water District appropriated in Ordinance 2016-376, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$355,000 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

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amount of \$355,000. 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.

Passed unanimously.

By Councilmember McFadden
February 21, 2017

To the Council:

February 21, 2017

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

Int. No. 52 Amending and authorizing agreements with Baden Street Settlement of Rochester, Inc.

Int. No. 53 Authorizing funding and an agreement for expanding adult sport leagues

Respectfully submitted,
Molly Clifford
Matt Haag
Dana K. Miller
Loretta C. Scott
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed, and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2017-53
Re: Agreements - Baden Street Settlement
 of Rochester, Inc.

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

Transmitted herewith for your approval is legislation amending an existing agreement and authorizing a new agreement with Baden Street Settlement of Rochester, Inc. (Baden St. Settlement) for the operation of the Clinton-Baden Community Center and swimming pool. The amendatory agreement will extend the term of the existing agreement (Ord. No. 2012-50) through June 30, 2017 to coincide with the City's fiscal year. The City will reimburse Baden St. Settlement \$4,800 per month for the two month extension, from May 1 to June 30, 2017, and the cost will be funded from the 2016-17 Budget of the Department of Recreation and Youth Services (DRYS).

The new agreement establishes \$50,000 as maximum compensation for Baden St. Settlement to operate the Community Center and pool. The term of the agreement will be for one year, commencing July 1, 2017, with four one-year renewal options. The cost of the agreement will be funded from the 2017-18 and subsequent budgets of DRYS, contingent upon the approval of said budgets.

Baden St. Settlement has operated this City-owned facility since 1977. They provide a full service recreation and aquatics program including all staffing, supplies, and custodial services six-days per week.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2017-53
(Int. No. 52)

Amending and authorizing agreements with Baden Street Settlement of Rochester, Inc.

February 21, 2017

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the Baden Street Settlement of Rochester, Inc. (Baden St. Settlement) for the continued operation of the Clinton-Baden Community Center recreation and aquatic program (Program). The amendatory agreement shall extend the term of the existing agreement, authorized by Ordinance No. 2012-50, to June 30, 2017 and, for the months of May and June, 2017, obligate the City to reimburse Baden St. Settlement amounts not to exceed \$4,800 per month. Those amounts shall be funded from the 2016-17 Budget of the Department of Recreation and Youth Services (DRYS).

Section 2. The Mayor is hereby authorized to enter into an agreement with the Baden Street Settlement of Rochester, Inc. for the continued operation of the Program for a term of one year commencing July 1, 2017, with four one-year renewal options. The agreement shall obligate the City to reimburse Baden St. Settlement a sum not to exceed \$50,000 annually. Said amount shall be funded from the 2017-18 Budget of DRYS for the first year, and from subsequent fiscal year budgets of DRYS for subsequent years, if any, contingent upon the approval of said budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2017-54
Re: Agreement - RocSports, LLC,
Operation of Adult Sports Leagues

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Transmitted herewith for your approval is legislation related to adult sports leagues. This legislation will:

1. Amend the 2016-17 Budget of the Department of Recreation and Youth Services (DRYS) by \$61,000 to reflect additional revenue and expense due to the expansion of adult sports leagues; and
2. Establish \$175,000 as maximum compensation for an agreement with RocSports, LLC, Spencerport, New York, for the operation of adult sports leagues and the maintenance of associated fields. The agreement will be for one year with an option to extend for four additional one-year terms; the cost will be funded from the 2016-17 Budget of DRYS, and subsequent budgets contingent upon their approval.

The City has run an adult softball program for over 40 years. In response to the increasing interest in other sports and fitness, the City issued a request for proposals which included primarily the softball program but also expanded the menu of possible offerings to include sports such as kickball and basketball. A summary of the selection process is attached.

RocSports, LLC will administer the adult sports leagues by coordinating and managing the program in accordance with the policies and procedures established by the Bureau of Recreation; hiring and

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scheduling all umpires; preparing and maintaining nine fields for use by adult and interscholastic league teams, and other users; and will be responsible for all expenses related to operations and maintenance.

This agreement is cost neutral to the City. During the first year, RocSports, LLC will be reimbursed 85% of the net proceeds (after subtracting City authorized reimbursable expenses, as specified in the contract, from the gross revenue). The fees associated with the programs cover all City expenses. In the first year, it is anticipated that the City's share of net proceeds from the programs will be approximately \$16,000. This fee may be adjusted in subsequent years.

The proposed agreement will continue to provide for direct control by the City of all receipts and disbursements.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2017-54
(Int. No. 53)

Authorizing funding and an agreement for expanding adult sport leagues

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

Section 1. 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 of the Budget of the Department of Recreation and Youth Services (DRYS) by the sum of \$61,000, which is the anticipated increase in participant fee revenue due to an expansion of the City's existing recreational adult softball league program into other sports.

Section 2. The Mayor is hereby authorized to enter into an agreement with RocSports, LLC to operate a program of recreational adult sports leagues for a maximum annual compensation of \$175,000. The term of the agreement shall extend for one year, with an option to extend for up to 4 additional terms of one year each. The annual compensation, or so much thereof as may be necessary, shall be funded from the 2016-17 Budget of DRYS for the first year and from subsequent Budgets of DRYS for subsequent years of the agreement, if any, contingent upon approval of the subsequent Budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Spaul
February 21, 2017

To the Council:

The Arts & Culture in the Center City Committee recommends For Adoption The following entitled legislation:

Int. No. 54 Authorizing an agreement with Eskay Concerts, Inc. for event production

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Respectfully submitted,
Elaine M. Spaul
Jacklyn Ortiz
Dana Miller
Loretta C. Scott
ARTS & CULTURE IN THE CENTER CITY COMMITTEE

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2017-55
Re: Agreement - Eskay Concerts, Inc. d/b/a
Up All Night, Event Promotion,
Centennial Anniversary of Women's
Suffrage in New York State

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$150,000 as maximum compensation for Eskay Concerts, Inc. d/b/a Up All Night (principal: Gerard Fisher) for the centennial anniversary celebration of women's suffrage in New York State. The term of the agreement is for one year and the cost will be financed from the Rochester Events Network Trust Fund.

Up All Night will be responsible for booking national and regional artists for a July 2017 event celebrating the centennial anniversary of women's suffrage in New York State. Up All Night will provide artists for all opening and headlining acts. They will also be responsible for providing the stage, lights, and sound; a production manager and hospitality for the artists; internal event security; and vendors. The agreement will contain a revenue sharing component, providing Up All Night with exclusive rights to food and beverage vending in exchange for set rates of food and beverage by the volume sold. The City will retain all ticket revenue.

A request for proposals process was not completed due to the limited amount of time before the event. The City needs a producer to search for and book a national recording artist as soon as possible, and Up All Night was selected because of the time constraint and the existing relationship with the promoter for Party in the Park and Bands on the Bricks. If a woman-centered music festival becomes an ongoing event, a request for proposals will be issued for the selection of a promoter.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AQ-28

Ordinance No. 2017-55
(Int. No. 54)

Authorizing an agreement with Eskay Concerts, Inc. for event production

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

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Section 1. The Mayor is hereby authorized to enter into a professional services agreement in the maximum amount of \$150,000 with Eskay Concerts, Inc. (d/b/a Up All Night) to book artists and produce a July 2017 concert. The agreement shall have a term of one year.

Section 2. The cost of the agreement shall be funded by appropriating \$150,000 from the Rochester Events Network Trust Fund. 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 2016-17 Budget of the Bureau of Communications by said amount.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By President Scott
February 21, 2017

To the Council:

The Committee Of The Whole Recommends for Adoption the following entitled legislation:

Int. No. 59	Resolution affirming that Rochester is a Sanctuary City committed to equal rights for all
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Respectfully submitted,
Molly Clifford
Carolee A. Conklin
Matt Haag
Jacklyn Ortiz
Michael A. Patterson
Elaine M. Spaul
Dana K. Miller
Loretta C. Scott
COMMITTEE OF THE WHOLE

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2017-5
Re: Resolution Affirming that Rochester
is a Sanctuary City

Council Priorities: Creating and Sustaining a
Culture of Vibrancy; Public Safety

Transmitted herewith for your approval is a resolution reaffirming that Rochester is one community that is united and strengthened by our diversity and committed to upholding and protecting the civil and human rights of all individuals that come within its borders, including immigrants and refugees and, therefore, is a Sanctuary City.

On January 19, 2017, the New York State Attorney General, in anticipation of potential changes in federal immigration enforcement practices and priorities, provided local governments and law

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enforcement agencies with guidance for improving public safety by protecting vulnerable immigrant communities. A policy that assures immigrants and refugees that they can contact the police and other City agencies without fear of adverse immigration consequences will enhance public safety and neighborhood conditions for all citizens.

Officials across the state, including the Mayors of Albany, Kingston, White Plains, and Syracuse, have declared their appreciation for the Attorney General's guidance and support and affirmed their continued commitment to welcoming and protecting the rights of immigrant communities in their cities.

As the Council is aware, Rochester, the home of Frederick Douglass and Susan B. Anthony, has a long tradition of support for equal rights for all, including immigrants and refugees. In 1986, this Council passed a resolution declaring Rochester as a "City of Sanctuaries" (Resolution No. 86-29) which stated in part that "[t]he City of Rochester wishes to continue supporting its citizens in their efforts to maintain and further human rights for its citizens and for all who come within its borders." As this Council in the 1986 resolution resolved, and the United States Supreme Court has since confirmed, immigration and refugee policy is a matter of federal jurisdiction. Thus, federal agencies, not local governments, are responsible for implementation and enforcement of such policies.

Furthermore, Chapter 63 of the Rochester City Code requires the City to provide equal access to public services and prohibits discrimination in City services on the basis of age, race, creed, color, national origin, gender identity or expression, sexual orientation, disability or marital status, and existing Rochester Police Department General Orders prohibit bias-based profiling in traffic contacts, field contacts, investigations, or asset seizure and forfeiture efforts. Bias-based profiling is defined to be "[t]he targeting or stopping of an individual based solely on a common trait of the individual, including but not limited to: age, race, creed, color, religion, national origin, gender, sexual orientation, disability, marital status, limited English proficiency, or economic status."

The 1986 resolution recognized that the Rochester Sanctuary Committee had developed a local effort to involve local religious communities in considering offering sanctuary to refugees and that those local communities within Rochester providing shelter to those who were fleeing general conditions of persecution in their homelands had led Rochester to become a "City of Sanctuaries."

Thus, the City's long-standing history, policies and the practices of its local religious communities are consistent with sanctuary policies and the 1986 resolution should be updated to reflect current language usage by officially declaring that Rochester is a Sanctuary City.

This proposed resolution also states that City resources will not be used to create a registry based on a person's national origin, race, religion, or otherwise, and consistent with the 1986 resolution, that City personnel shall not inquire or request proof of immigration status or citizenship when providing services or benefits, unless specifically required to do so by law.

On January 25, 2017, President Trump issued an Executive Order that directs the Attorney General to review the actions of cities that adopt sanctuary policies to determine whether those policies violate federal law and whether federal funds should therefore be withheld. The federal law most relevant is 8 USC § 1373 (a) which says that a local government: *"...may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual."* The law also prohibits local policies that restrict the exchange of information regarding immigration status or maintaining such information.

This resolution does not conflict with that federal law. It does not prohibit City employees from communications with federal immigration agencies regarding citizenship or immigration status. However, the law does not require local governments to collect such information or to engage in

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immigration enforcement. Therefore, this resolution contains language that states that the proposed policies to be adopted by the City are subject to federal, state and local laws and the Constitutions of the United States and the State of New York. This language avoids any conflict between the City's policies and applicable law, while preserving the City's right to control the use of its funds and personnel, and to protect our residents' constitutional rights of equal protection and due process.

Respectfully submitted,

Lovely A. Warren Mayor	Loretta C. Scott Council President	Dana K. Miller Council Vice President	Adam C. McFadden Councilmember
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Carolee A Conklin Councilmember	Elaine M. Spaul Councilmember	Matt Haag Councilmember	Jacklyn Ortiz Councilmember
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Michael A. Patterson Councilmember	Molly Clifford Councilmember
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Attachment No. AQ-29

Resolution No. 2017-5
(Int. No. 59, as amended)

Resolution affirming that Rochester is a Sanctuary City committed to equal rights for all

WHEREAS, The City of Rochester, the home of Frederick Douglass and Susan B. Anthony, has a long tradition of support for equal rights for all people, including immigrants and refugees, as exemplified by City Council Resolution No. 86-29 recognizing Rochester as a City of Sanctuaries;

WHEREAS, Chapter 63 of the City Code requires that the City provide equal access to public services and prohibits discrimination in City services on the basis of age, race, creed, color, national origin, gender identity or expression, sexual orientation, disability or marital status;

WHEREAS, federal immigration enforcement is the responsibility of federal enforcement agencies, not local government agencies;

WHEREAS, federal law does not require local law enforcement or other local service providers to inquire into an individual's immigration status;

WHEREAS, in response to changes in federal immigration enforcement practices and priorities, Cities across the United States have reaffirmed their support for the principle of sanctuary for persons fleeing persecution and on January 19, 2017, the New York State Attorney General provided local governments and law enforcement agencies with guidance for improving public safety by protecting vulnerable immigrant communities; and

WHEREAS, the City of Rochester wishes to join these cities and to reaffirm its continued support to its residents in their efforts to maintain and further human rights for all who come within its borders, including immigrants and refugees; and

WHEREAS, a policy that assures immigrants and refugees that they can contact the police and other City agencies without fear of adverse immigration consequences will enhance public safety for all citizens; and

WHEREAS, the Council finds that it is in the public interest for Rochester to adopt "Sanctuary City" policies.

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

1. That the Mayor and City Council reaffirm the City of Rochester's commitment that it is one community; that is welcoming and inclusive of all, is united and strengthened by our diversity and committed to upholding and protecting the civil and human rights of all individuals that come within its borders, including immigrants and refugees;

2. The City Council hereby requests that the Mayor and the City administration implement policies that further the City's role as a Sanctuary City to ensure compliance with the objectives herein, subject to Federal, state and local laws and the Constitutions of the United States of America and the State of New York;

3. The Police Department shall not engage in certain activities solely for the purpose of enforcing federal immigration laws, including not inquiring about the immigration status of an individual, including a crime victim, a witness, or a person who calls or approaches the police seeking assistance, unless necessary to investigate criminal activity ~~by that individual~~, and shall not stop, question, interrogate, investigate, or arrest an individual based solely on actual or suspected immigration or citizenship status;

4. That City personnel shall not inquire about or request proof of immigration status or citizenship when providing services or benefits, except where the receipt of such services or benefits are contingent upon one's immigration or citizenship status or where inquiries are otherwise lawfully required by federal, state, or local laws, or where such information is needed for a criminal investigation;

5. That the City shall not use its funds or personnel to enforce or to assist in the enforcement of Federal immigration policies or participate in any program requiring registration of individuals on the basis of religion, race, gender, gender identity or expression, sexual orientation, ethnicity, or national origin, except to the extent specifically required by law and subject to the principles embodied in the Constitutions of the United States and the State of New York.

6. This resolution shall take effect thirty days after the date it is adopted.

Strikeout indicates deleted text, new text is underlined

Adopted unanimously.

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

HAZEL L. WASHINGTON
City Clerk