

ROCHESTER CITY COUNCIL

REGULAR MEETING

November 12, 2019

Present –President Scott, Councilmembers Clifford, Evans, Gruber, Harris, Lightfoot, Ortiz, Patterson, Spaul – 9.

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

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

Retirement:

DES:

*Edmund Kelley IV

ECD:

Christopher Martin

RFD:

*Thomas Teresi

**Not attending meeting*

APPROVAL OF THE MINUTES

By Councilmember Ortiz

RESOLVED, that the minutes of the Regular Meeting on October 15, 2019 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

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

THE CITY CLERK—THE FOLLOWING DOCUMENTS ARE HEREBY DIRECTED TO BE RECEIVED AND FILED:

Quarterly Reports – Delinquent Receivables – 4315-19

Quarterly Reports – NBD Loans & Grants Report - 4316-19

Quarterly Reports – Schedule of Revenues and Expenditures – 4317-19

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

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Councilmember Spauld presented 47 signatures supporting the enforcement of healthy conditions at Manhattan Square Apartments – Petition No. 1765

Councilmember Clifford presented 162 signatures supporting speed humps on Avery St. – Petition No. 1766

THE COUNCIL PRESIDENT --- RECEIVED AND FILED.

THE COUNCIL PRESIDENT --- REPORTS OF STANDING COMMITTEES AND ACTION THEREON.

THE COUNCIL PRESIDENT --- RECEIVED AND FILED.

PUBLIC HEARINGS.

Pursuant to law, public hearings were held on November 7, 2019 on the following matters:

Amending the Zoning Map by changing the zoning classification of 498 Conkey Avenue Int. No. 363
No Speakers

Authorizing pavement width changes and a change in traffic flow for the Cottage-Magnolia Street Rehabilitation project Int. No. 367
No Speakers

Local Law establishing a Community Choice Aggregation program in the City of Rochester Int. No. 374
7 Speakers

Adopting *Rochester 2034* as the City's Comprehensive Plan, adopting a new Municipal Code Chapter 130, Comprehensive Plan, to incorporate the *Rochester 2034* Policy Principles, Placemaking Principles, Goals and Placemaking Plan and determining the foregoing actions to be consistent with the Local Waterfront Revitalization Program Int. No. 386
19 Speakers

**REPORTS OF STANDING COMMITTEES
AND ACTION THEREON**

By Councilmember Evans
November 12, 2019

To the Council:

The **FINANCE COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

Int. No. 356 Amending Section 5-7 of the Municipal Code to waive marriage fees for active duty members of the armed forces

Int. No. 357 Amending the 2019-20 Budget for full-year operation of Crossroads and Mortimer Street parking garages

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Respectfully submitted,
Malik Evans
Molly Clifford
Michael A. Patterson
Willie J. Lightfoot
Loretta C. Scott
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-323
Re: Marriage License Fees–
Waiver for Active Duty Military

Transmitted for your approval is legislation amending Municipal Code section 5-7, Marriage licenses, to waive the marriage license and certificate fee in the City of Rochester, New York for active duty members of the United States armed forces.

New York State Legislature recently waived the State's portion of the fee for a marriage license or a certificate of marriage when either of the parties applying for a marriage license or certificate is a member of the armed forces of the United States on active duty. As part of the same law, the Legislature also provided city clerks with the option to waive their share of marriage license and certificate fees pursuant to New York State Domestic Relations Law Section 14-a(3)(b) and 15(4) when the applicant presents proof that he or she is a member of the armed forces of the United States on active duty.

The amendment will give the City Clerk discretion regarding what proof will be accepted from an individual that is an active member of the armed forces. The required proof will be reasonable and the same documentation standard will apply equally to all applicants who apply for the fee waiver.

This legislation shall take effect immediately.

Respectfully submitted,
Loretta C. Scott
President

Willie J. Lightfoot
Vice President

Ordinance No. 2019-323
(Int. No. 356)

Amending Section 5-7 of the Municipal Code to waive marriage fees for active duty members of the armed forces

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

Section 1. Municipal Code Section 5-7, Marriage licenses, is hereby amended to read as follows:

§ 5-7 Marriage licenses.

A. The Council hereby approves of the designation by the City Clerk, pursuant to § 15 of the Domestic Relations Law, of the Deputy City Clerk as a person to receive applications for, examine applications, investigate and issue marriage licenses in the absence or inability of the City Clerk to act. The Council hereby further approves of the revocation of the designation of other persons to perform these aforesaid duties in the office of the City Clerk.

B. The City Clerk shall be entitled to the fee established by the State of New York for a marriage license, a fee of \$10 for a certificate of marriage issued at the time of issuance of the marriage license and a fee of \$10 for a duplicate certificate of marriage issued upon the request of any person whose name appears on a certificate indexed and recorded in the office of the City Clerk.

C. The fee for a marriage license or a certificate of marriage shall be waived when either of the parties making application for such license or certificate is a member of the armed forces of the United States on active duty. Proof that the applicant is a member of the armed forces of the United States on active duty shall be furnished to the satisfaction of the official issuing the marriage license or certificate.

Section 2. This ordinance shall take effect immediately.

New text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-324
Re: 2019-20 Budget Amendment – Full Year
Operation of Crossroads and Mortimer Street
Parking Garages

Council Priority: Deficit Reduction and Long Term Financial Stability

Transmitted herewith for your approval is legislation amending the 2019-20 Budget of the Finance Department by \$326,400 to reflect the full year of operation of Crossroads and Mortimer Street parking garages.

The 2019-20 Budget anticipated the sale of Crossroads and Mortimer Street parking garages by the end of the second quarter. The garages have not sold. Expenses for security, utilities, cleaning and other services for six months of operation of each garage were included in the operating budget. This legislation will increase expense and corresponding revenue for the remaining six months of operation.

Garage	2019-20 Budget Amendment
Crossroads	\$211,800
Mortimer	\$114,600
Total	\$326,400

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Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-324
(Int. No. 357)

Amending the 2019-20 Budget for full-year operation of Crossroads and Mortimer Street parking garages

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

Section 1. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Department of Finance by \$326,400, to reflect the City's revenue and expenses for owning and operating the Crossroads and Mortimer parking garages for the entire fiscal year.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Patterson
November 12, 2019

To the Council:

The **NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

Int. No. 334	Amending the Zoning Code, Chapter 120 of the Municipal Code with regard to entertainment
Int. No. 335	Amending Chapter 29 of the Municipal Code with regard to entertainment
Int. No. 358	Authorizing the sale of real estate
Int. No. 359	Authorizing a lease agreement with Hillside Children's Center
Int. No. 360	Amending Ordinance No. 2019-79 related to the square footage of 5353 St. Paul Boulevard
Int. No. 361	Local Law relating to the composition of the Elevator Examining Board
Int. No. 362	Resolution approving appointments to the Electrical Examining Board

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- Int. No. 364 Authorizing the sale of real estate, an amended loan agreement, and a payment in lieu of taxes agreement for the Jefferson Wollensack Housing Creation project
- Int. No. 365 Resolution extending the CHOICE Tax Abatement Program for Owner-Occupied Housing beyond Downtown
- Int. No. 366 Amending the Municipal Code to require business permits for smoking goods establishments

The **NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE** recommends for **CONSIDERATION** the following entitled legislation:

- Int. No. 363 Amending the Zoning Map by changing the zoning classification of 498 Conkey Avenue

Respectfully submitted,
Michael A. Patterson
LaShay D. Harris
Jacklyn Ortiz
Willie J. Lightfoot
Loretta C. Scott
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

Introductory 334 and 335 was introduced on September 17, 2019 and appears in its original transmittal letter on page___ of the 2019 Council Proceedings

Ordinance No. 2019-325
(Int. No. 334)

AMENDING THE ZONING CODE, CHAPTER 120 OF THE MUNICIPAL CODE WITH REGARD TO ENTERTAINMENT

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

Section 1. Chapter 120 of the Municipal Code, the Zoning Code, as amended, is hereby further amended as follows:

A. Amending Section 120-208 Definitions as follows:

ENTERTAINMENT (PUBLIC)

~~Entertainment shall include, but not be limited to, a Any public or private theatrical or musical performance (live or recorded), concerts, athletic contests or games, exhibitions, or shows, including a disc jockey or a dedicated dance floor, or dance floors which is offered, operated, presented or exhibited to the public. This definition does not include municipal or school auditoriums, athletic fields, playgrounds, or public parks, background limited entertainment, music, or background entertainment.~~

BACKGROUND ENTERTAINMENT/MUSIC (LIMITED)

Any live or recorded entertainment or music other than background entertainment, including but not limited to karaoke, that is completely incidental and secondary to the principal use and that meets the following criteria:

A. The entertainment or music must be accessory to the principal use and may not in any way constitute the primary function of the operation.

B. The specific type of entertainment or music must be listed on the certificate of zoning compliance limited entertainment center license that is issued pursuant to Chapter 29, Amusements and Entertainment, of the Municipal Code.

~~C. No advertising of the entertainment/music through newspapers, magazines, radio ads, banners, etc., will be permitted.~~

~~D. C. There will be only one performer or performance group.~~

~~E. No dance area will be provided nor will dancing be allowed.~~

~~F. A stage area will not be provided.~~

D. No dedicated stage nor dance area will be provided, nor will any permanent or temporary change to the approved floor plan be made to accommodate the use. For purposes of this section, "approved floor plan" is defined as the floor plan, seating plan, or other drawings and information that served as the basis for the establishment's latest building permit and maximum occupancy determinations issued pursuant to Chapter 39 Building Code of the Municipal Code.

~~G. E. No cover charge or fees will be collected.~~

F. The entertainment or music must end no later than one hour prior to closing time.

ENTERTAINMENT (BACKGROUND)

Pre-recorded music played as a matter of routine and completely secondary to the principal use of a nonresidential establishment, which is not audible beyond the property line of the establishment premises between the hours of 10:00 p.m and 8:00 a.m. and not audible at a distance of 50 feet beyond such property line between the hours of 8:00 a.m. and 10:00 p.m.

B. Amending Section 120-137 Entertainment as follows:

§ 120-137. Entertainment.

Establishments offering public entertainment, excluding all sexually oriented uses, shall be subject to the following requirements:

...

C. Amending the following items listed in the chart contained in Subsection C(1) of § 120-173, Off-street parking:

(1) Vehicular parking. For the following uses, the number of off-street parking spaces shall include:

Use	Minimum
...	...
Cultural and Recreational	
Public Entertainment	0.5 per allowable occupancy
...	
Services	
...	...
Bar, tavern, nightclub restaurant (without entertainment)	10 per 1,000 square feet net floor area
Bar, tavern, restaurant, nightclub (with limited entertainment)	<u>10 per 1,000 square feet net floor area</u> 1 per 2 persons maximum occupancy

D. Amending Subsection B(1) of § 120-163 Accessory Uses and Structures as follows:

B. For nonresidential uses, the following accessory uses and structures are permitted:

- (1) Background entertainment/~~music~~.

E. Adding Subsection L to § 120-34, Permitted uses and structures, as follows:

The following uses are permitted in the C-1 District when conducted entirely within an enclosed building:

...

L. Limited entertainment, not including sexually oriented uses.

F. Amending Subsections O through R of § 120-42, Permitted uses and structures, as follows:

The following uses are permitted in the C-2 District, when conducted entirely within an enclosed building with hours of operation limited to 6:00 a.m. to 2:00 a.m. Hours of operation limitations do not apply to residential uses.

...

O. ~~(Reserved)~~ Public entertainment, not including sexually oriented uses, subject to the additional requirements for public entertainment in § 120-137.

P. Limited entertainment, not including sexually oriented uses.

~~PQ.~~ Limited adult retail store when conducted entirely within an enclosed building.

~~QR. (Reserved)~~ Health clubs and similar facilities.

G. Deleting Subsection K from § 120-43, Special permit uses, as follows:

The following uses are allowed as special permit uses in the C-2 District:

...

~~K. Entertainment, not including sexually oriented uses, subject to the additional requirements for specified uses in § 120-137. (Reserved)~~

H. Adding Subsections BB and CC to § 120-50, Permitted uses and structures, as follows:

The following uses are permitted in the C-3 District:

...

BB. Public entertainment, not including sexually oriented uses, subject to the additional requirements for public entertainment in § 120-137.

CC. Limited entertainment, not including sexually oriented uses.

I. Deleting Subsection F from § 120-51, Special permit uses, as follows:

The following uses are allowed as special permit uses in the C-3 District:

...

~~F. Entertainment, not including sexually oriented uses, subject to the additional requirements for specified uses in § 120-137. (Reserved)~~

J. Adding Subsections A(16) and A(17) to § 120-76, PMV Public Market Village District, as follows:

A. Permitted uses and structures. The following uses are permitted in the PMV District:

...

(16) Public entertainment, not including sexually oriented uses, subject to the additional requirements for public entertainment in § 120-137.

(17) Limited entertainment, not including sexually oriented uses.

K. Adding Subsections A(7)(n) and A(7)(o) to § 120-77, H-V Harbortown Village District., as follows:

(7) The following uses are permitted as of right in the H-V Harbortown Village District if located 30 feet or more from the edge of the Genesee River, subject to site plan approval:

...

(n) Public entertainment, not including sexually oriented uses, subject to the additional requirements for public entertainment in § 120-137.

(o) Limited entertainment, not including sexually oriented uses.

L. Adding Subsections B(1)(f) and B(1)(g) to § 120-77, H-V Harbortown Village District, as follows:

B. Special permit uses. The following uses are allowed as special permit uses in the H-V District:

(1) The following uses when located within 30 feet of the edge of the Genesee River:

...

(f) Public entertainment, not including sexually oriented uses, subject to the additional requirements for public entertainment in § 120-137.

(g) Limited entertainment, not including sexually oriented uses.

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M. Deleting Subsection B(11) and renumbering Subsections B(12) and B(13) of § 120-77, H-V Harbortown Village District, as follows:

B. Special permit uses. The following uses are allowed as special permit uses in the H-V District:

...

~~(11) Public entertainment, subject to the additional requirements for specified uses in § 120-137.~~

~~(12)~~(11) Vehicle service stations, subject to the additional requirements for specified uses in § 120-154.

~~(13)~~(12) Outdoor storage, subject to the additional requirements set forth in § 120-175.

N. Adding Subsection A(1)(n) to § 120-81, Permitted Uses and Structures, as follows:

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

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

...

(n) Limited entertainment, not including sexually oriented uses.

O. Amending Subsection B(6) of § 120-81 Permitted Uses and Structures as follows:

B. The following uses are permitted in the M-1 District when located in any existing multistory building or a single-story building not originally designed for industrial purposes:

...

~~(6) Public Entertainment,~~ subject to the additional requirements for specified uses in § 120-137.

P. Amending Subsection A(9) of §120-83, Special permit uses, as follows:

The following uses are allowed as special permit uses in the M-1 District:

A. The following uses, when located in a single-story building originally designed for industrial purposes or a vacant lot, subject to a marketability analysis as set forth in § 120-192. The Planning Commission may, in approving a special permit, waive or modify the off-street parking requirements if it finds such action is warranted by reason of the nature of the occupancy, location of the property or availability of shared or public parking facilities.

...

~~(9) Public Entertainment,~~ subject to the additional requirements for specified uses in § 120-137.

Q. Amending Subsections B and C of § 120-106 Special Permit Uses as follows:

§ 120-106. Special permit uses.

The following uses are allowed as special permit uses in the O-B District in existing structures only:

...

B. Bar, cocktail lounge and tavern, excluding dancing, limited entertainment and public entertainment, not exceeding 650 square feet of floor area devoted to customer seating and service, operating between the hours of 6:00 a.m. and 11:00 p.m.

C. Restaurants, excluding dancing, limited entertainment, public entertainment and drive-through facilities, not exceeding 650 square feet of net floor area devoted to customer seating and

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service, operating between the hours of 6:00 a.m. and 11:00 p.m., including outdoor seating/assembly areas.

...

R. Adding Subsections N(1)(i) and (j) to § 120-120 Zoning Designations and Modifications (La Marketa North Clinton Avenue Urban Renewal District) as follows:

(1) All of the requirements of the C-2 Zoning District shall apply except as follows:

Permitted uses:

(i) Limited entertainment, not including sexually oriented uses.

(i) In any public or semi-public plaza, open space or community gathering space: public entertainment, festivals, neighborhood parties, and other events that are either sponsored by the City or a community organization or issued a special event permit.

S. Amending Subsection N(2)(b) of § 120-120 Zoning Designations and Modifications (La Marketa North Clinton Avenue Urban Renewal District) as follows:

(2) Special permit uses:

...

(b) Public Entertainment not including sexually oriented uses, subject to the additional requirements for specified uses in § 120-137 of the Rochester Zoning Code.

T. Adding Subsections B(10) and B(11) to § PDD-4, Planned Development District No. 4 - Rochester Museum & Science Center, as follows:

B. Permitted uses. Permitted uses include, but are not limited to, the following uses when consistent with the above purpose:

...

(10) Public entertainment, not including sexually oriented uses, subject to the additional requirements for specified uses in § 120-137.

(11) Limited entertainment, not including sexually oriented uses.

U. Amending Subsections B(1)(o) and (s), inserting Subsection B(1)(t) and relettering Subsections B(1)(t) and (u) in § PDD-8, Planned Development District No. 8 – Mid-Town Athletic Club, as follows:

B. Uses and structures.

(1) The following uses are allowed as permitted uses within Planned Development District No. 8, provided that such principal uses are made within the interior of the existing building:

...

(o) Amusement centers ~~and live entertainment~~ provided therein, provided such use(s) may only be made between the hours of 6:00 a.m. and 2:00 a.m.

(p) Accessory parking lots.

(q) Motels and hotels.

(r) Private clubs.

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(s) ~~Public Entertainment~~ not including sexually oriented uses, subject to the additional requirements for specified uses in Zoning Code § 120-137.

(t) Limited entertainment, not including sexually oriented uses.

~~(u)~~ Drive-thru facilities as accessory to permitted uses or special permit.

~~(v)~~ Research laboratories including testing facilities.

V. Amending Subsection B(1)(k), inserting Subsection B(1)(l) and relettering Subsections B(1)(l) through (v) in § PDD-9, Planned Development District No. 9 – Canalside Business Center, 1555 Lyell Avenue, as follows:

B. Permitted uses and structures.

(1) The following uses are permitted in Sub-Area 1 when located in an enclosed building:

...

(k) Live Public entertainment, not including sexually oriented uses, subject to the additional requirements for specified uses in § 120-137.

(l) Limited entertainment, not including sexually oriented uses.

~~(m)~~ Manufacturing uses, high-tech or light industrial when conducted within an enclosed building.

~~(n)~~ Motels and hotels.

~~(o)~~ Offices or clinics.

~~(p)~~ Production of chemical, rubber, leather, clay, bone, plastic, stone, paper and glass materials or products.

~~(q)~~ Public and semipublic uses, including but not limited to schools, library, police stations and fire stations.

~~(r)~~ Public utilities, subject to additional requirements for specified uses in § 120-144.

~~(s)~~ Recycle centers, subject to additional requirements for specified uses in § 120-145.

~~(t)~~ Research laboratories, including testing facilities.

~~(u)~~ Retail sales and service.

~~(v)~~ Technical and vocational schools.

~~(w)~~ Warehouse and distribution facilities.

W. Adding Subsection B(2)(h) to § PDD-9, Planned Development District No. 9 – Canalside Business Center, 1555 Lyell Avenue, as follows:

(2) The following uses are permitted in Sub-Area 2 when located in an enclosed building:

(h) Limited entertainment, not including sexually oriented uses.

X. Amending Subsection C(1)(b) of § PDD-9, Planned Development District No. 9 – Canalside Business Center, 1555 Lyell Avenue, as follows:

(1) The following uses are allowed as special permit uses in Sub-Area 1:

...

(b) ~~Outdoor Entertainment~~–uses, parks, playgrounds, stadiums, and outdoor recreation.:

Y. Amending Subsection C(2)(a) of § PDD-9, Planned Development District No. 9 – Canalside Business Center, 1555 Lyell Avenue, as follows:

(2) The following uses are allowed as special permit uses in Sub-Area 2:

(a) ~~Live Public entertainment, not including sexually oriented uses, subject to the additional requirements for public entertainment in § 120-137.~~

Z. Adding Subsections D(1)(e) and (f), D(2)(g) and (h), and D(3)(e) and (f) to §PDD-11, Planned Development District No. 11 – CityGate, as follows:

D. Permitted

(1) Central Commercial Subarea.

...

(e) Limited entertainment, not including sexually oriented uses.

(f) Limited entertainment conducted outdoors or in partially enclosed or screened facilities, not including sexually oriented uses.

...

(2) Canal Front Mixed-Use Subarea.

...

(g) Limited entertainment, not including sexually oriented uses.

(h) Limited entertainment, not including sexually oriented uses, conducted outdoors or in partially enclosed or screened facilities.

...

(3) Perimeter Commercial Subarea.

...

(e) Limited entertainment, not including sexually oriented uses.

(f) Limited entertainment conducted outdoors or in partially enclosed or screened facilities, not including sexually oriented uses.

AA. Amending Subsection F(3), inserting Subsection F(4) and renumbering Subsections F(4) through F(6) of § PDD-11, Planned Development District No. 11 – CityGate, as follows:

F. The following uses, unless otherwise expressly permitted or prohibited in a subarea, are specially permitted in PD No. 11:

...

(3) ~~Indoor and outdoor~~ Public entertainment, not including sexually oriented uses, subject to the additional requirements for specified uses in § 120-137.

(4) Public entertainment conducted outdoors or in partially enclosed or screened facilities, not including sexually oriented uses, subject to all but the enclosed space requirements for specified uses in § 120-137.

~~(4)(5)~~ Outdoor markets.

~~(5)(6)~~ Wind energy conversion systems.

~~(6)(7)~~ Drive-through facilities in the Perimeter Commercial Subarea, and only when located in the rear yard of buildings that front on perimeter streets, except that the City Planning Commission may waive this location requirement in its consideration of any individual special permit application.

BB. Amending Subsections B(1) and B(4) and of § PDD-14, Planned Development District No. 14 – George Eastman House, as follows:

B. Permitted uses. Permitted uses include the following when consistent with the above purpose:

...

(1) ~~Exhibit, and limited~~ entertainment and special event uses supporting the institutions, including museums, galleries, theaters, exhibition spaces, and auditoriums.

...

(4) Restaurant and banquet facilities supporting the institutions, including accessory limited entertainment and accessory outdoor seating and assembly areas, provided that the regular operating hours of the facilities are between the hours of 6:00 a.m. and 12:00 p.m.

...

DD. Adding Subsection B(1)(k) to § PDD-15, Planned Development District No. 15 – Culver Road Armory, as follows:

(1) All of the following uses are permitted in Buildings I, II and III. For nonresidential uses, all activities shall occur within a completely enclosed building, and the hours of operation shall be limited to 6:00 a.m. to 2:00 a.m.:

...

(k) Limited entertainment, not including sexually oriented uses.

EE. Deleting Subsection B(2)(b) and amending Subsection B(3) of § PDD-15, Planned Development District No. 15 – Culver Road Armory, as follows:

(2) In addition to the uses permitted above, the following uses are also permitted in Buildings I and II:

...

~~(b) Entertainment, subject to additional requirements for specified uses in § 120-137(A) of the Zoning Code.~~

(3) Outdoor seating areas and activities accessory to a nonresidential use in Buildings I, II and III, excluding public and limited entertainment, operating between the hours of 6:00 a.m. and 12:00 a.m. (midnight).

FF. Amending Subsection D(1) and deleting Subsection D(4) of § PDD-15, Planned Development District No. 15 – Culver Road Armory, as follows:

D. Special permit uses.

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(1) Outdoor, partially enclosed or screened seating areas and activities, including limited entertainment and excluding public entertainment, that are accessory to a nonresidential use, excluding entertainment, operating between the hours of 12:00 a.m. (midnight) and 2:00 a.m.

...

(4) ~~Entertainment in Building III.~~

GG. Amending Subsections B(1)(c) and B(3)(e) of § PDD-16, Planned Development District No. 16 Century-Strathallan, as follows:

B. Permitted uses. Permitted uses in PD No. 16 are specified for each of the three subareas comprising the district:

(1) Subarea 1: 550 (546) East Avenue (hotel).

...

(c) Bars, restaurants, conference and banquet facilities, with limited entertainment, or with public entertainment subject to the additional requirements for public entertainment uses in § 120-137A.

...

(3) Subarea 3: 566 East Avenue (main building and carriage house) and 586 East Avenue (parking lot).

...

(e) Restaurant, conference, banquet and catering facilities, with limited entertainment, or with public entertainment subject to the additional requirements for public entertainment uses in § 120-137A, except for a principal use in the carriage house that is not part of or an accessory use to the principal use of another building in the district

...

HH. Amending Subsections C(1) and C(5) of § PDD-16, Planned Development District No. 16 Century-Strathallan, as follows:

C. Special permit uses.

(1) ~~Outdoor~~ Public entertainment, not including sexually oriented uses, associated with outdoor or partially enclosed or screened seating areas and outdoor activities.

...

(5) Restaurant, conference, banquet and catering facilities, with limited entertainment, or with public entertainment subject to the additional requirements for public entertainment uses in § 120-137A, when located within the existing carriage house at 566 East Avenue, when not accessory to a permitted principal use in Subarea 1, Subarea 3.

II. Amending Subsection B(1)(a) of § PDD-18, Planned Development District No. 18, 1201 Elmwood Avenue:

(1) The Commercial Frontage, Subarea 1: The following uses are permitted. All nonresidential uses shall operate between the hours of 6:00 a.m. to 2:00 a.m., unless otherwise noted:

(a) Hotels, including amenities such as bars, restaurants, conference and banquet facilities, meeting rooms, and outdoor seating areas open to the public on a twenty-four-hour basis; events with ~~live public entertainment or limited~~ entertainment when located within a completely enclosed building shall only operate until 2:00 a.m., and events with ~~live public entertainment or limited~~ entertainment offered in the outdoor seating and assembly area shall only operate until 12:00 midnight.

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JJ. Amending Subsection B(1)(a) of § PDD-18, Planned Development District No. 18, 1201 Elmwood Avenue:

(2) The Mixed Use Core, Subarea 2: The following uses are permitted. All nonresidential uses shall operate between the hours of 6:00 a.m. to 2:00 a.m.:

(i) Limited entertainment, not including sexually oriented uses, as an accessory to one of the foregoing listed community center, bar, restaurant, retail, public and semipublic uses.

Section 2. This ordinance shall take effect January 1, 2020.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

Ordinance No. 2019-326
(Int. No. 335)

AMENDING CHAPTER 29 OF THE MUNICIPAL CODE WITH REGARD TO ENTERTAINMENT

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

Section 1. Chapter 29 of the Municipal Code, as amended, is hereby further amended as follows:

A. Amending the title of Chapter 29 as follows:

Chapter 29. Amusements and Entertainment

B. Amending § 29-1 Terms Defined by amending the definitions of Adult Entertainment, Entertainment Center and Public Entertainment and adding definitions for the additional terms Limited Entertainment, Background Entertainment and Limited Entertainment Center as follows:

ADULT ENTERTAINMENT

Any motion picture, limited entertainment or public entertainment which is characterized by emphasis on the description or depiction of specific anatomical areas or specified sexual activities as defined in Chapter 120 of the Municipal Code, Zoning Code.

ENTERTAINMENT CENTER (PUBLIC)

The premises, including a theater, hall, auditorium, tent, structure, building or enclosure of any type, yard or lot, on or within which is offered, operated, presented or exhibited to the public any motion picture or public entertainment. This definition shall not include municipal or school auditoriums, athletic fields or playgrounds or public parks.

PUBLIC-ENTERTAINMENT (PUBLIC)

Any theatrical or musical performance, concert, athletic contest or game, exhibition, or show ~~or entertainment~~, including a disc jockey and or a dedicated dance floors, which is offered, operated, presented or exhibited to the public, but excluding This definition does not include municipal or school auditoriums, athletic fields, playgrounds, or public parks; nor does it include background limited entertainment/music, or background entertainment as defined in ~~Chapter 120 of the Municipal Code, Zoning Code~~ this Section.

ENTERTAINMENT (LIMITED)

Any live or recorded entertainment or music, other than background entertainment, including but not limited to karaoke, that is completely secondary to the principal use and that meets the following criteria:

A. The entertainment or music must be accessory to the principal use and may not in any way constitute the primary function of the operation.

B. The specific type of entertainment must be listed on the limited entertainment center license that is issued pursuant to this chapter.

C. There will be only one performer or performance group.

D. No dedicated stage nor dance area will be provided, nor will any permanent or temporary change to the approved floor plan be made to accommodate the use. For purposes of this section, "approved floor plan" is defined as the floor plan, seating plan, or other drawings and information that served as the basis for the establishment's latest building permit and maximum occupancy determinations issued pursuant to Chapter 39 Building Code of the Municipal Code.

E. No cover charge or fee will be collected.

F. The entertainment or music must end one hour prior to closing time.

ENTERTAINMENT (BACKGROUND)

Pre-recorded music played as a matter of routine and completely secondary to the principal use of a nonresidential establishment, which is not audible beyond the property line of the establishment premises between the hours of 10:00 p.m and 8:00 a.m. and not audible at a distance of 50 feet beyond such property line between the hours of 8:00 a.m. and 10:00 p.m.

ENTERTAINMENT CENTER (LIMITED)

The premises, including a tent, structure, building or enclosure of any type, yard or lot, on or within which is offered, operated, presented or exhibited to the public any limited entertainment. This definition shall not include municipal or school auditoriums, athletic fields or playgrounds or public parks.

C. Amending § 29-13 as follows:

29-13 License required

A. No person shall maintain or operate a ~~an~~ public entertainment center within the City of Rochester without first having obtained an entertainment center license.

B. No person shall maintain or operate a limited entertainment center within the City of Rochester without first having obtained a limited entertainment center license.

D. Amending § 29-14 as follows:

29-14 Application procedures; inspections; license requirements

A. An application for a ~~an~~ public entertainment center license or a limited entertainment center license shall be made to the City Clerk. The application shall contain the name and address of the owner and operator of the entertainment center. If the owner or operator is a partnership, corporation or other business association, the application shall contain the names and addresses of all partners, officers or principals. All addresses of persons involved shall be

home addresses, listing street and number. The application shall contain the address of the public or limited entertainment center and the type of entertainment to be offered.

- B. The premises to be licensed must meet all applicable Zoning, Building, Fire, Health and Safety Codes. Upon receipt of an application for a public entertainment center or limited entertainment center license and after approval for Zoning Code compliance by the Director of Planning and Zoning, the Commissioner of Neighborhood and Business Development and the Fire Chief shall cause an inspection of the premises to be made to determine whether the applicant is complying with the applicable Building and Fire Codes, and said Commissioner and Fire Chief and members of their staff shall have the right to enter upon any premises for which ~~an entertainment center~~ the license is sought for the purpose of making such an inspection during normal business hours.
- C. No public entertainment center license shall be denied, suspended or revoked based upon the content of any public entertainment or motion picture or type of public entertainment or motion picture offered. No limited entertainment center license shall be denied, suspended or revoked based upon the content of any limited entertainment or type of limited entertainment offered, except to the extent that the content or type is contrary to the definition and criteria for limited entertainment set forth in section 29-1. Nothing contained herein shall be construed to affect in any way the institution or prosecution of obscenity charges involving any public entertainment or motion picture.
- D. ~~A~~ public entertainment center license or limited entertainment center license shall be issued or continued despite a guilty plea to or conviction of a crime by the owner or operator of a center offering, operating, presenting or exhibiting any motion picture or public entertainment or limited entertainment protected by the First Amendment to the United States Constitution, unless the granting or continuation of the license presents a clear and present danger of serious, substantive evil.
- E. Amending Subsections A through F of § 29-15 as follows:

29-15 Operation of centers

- A. The owner and operator of any public entertainment center or limited entertainment center shall comply with all provisions of federal, state and local laws and ordinances relating to the conduct of the business and the use and maintenance of the premises.
- B. The owner and operator of any public entertainment center or limited entertainment center shall comply with all the notices, orders, decisions and rules and regulations made by the Chief of Police, Fire Chief, Commissioner of Neighborhood and Business Development and the Director of Planning and Zoning governing the occupation and use of said premises.
- C. The owner and operator of any public entertainment center or limited entertainment center shall cause the applicable entertainment center license to be posted in a conspicuous place on the premises ~~of the entertainment center~~.
- D. The owner and operator of any public entertainment center or limited entertainment center shall not permit at any time a greater number of persons on the premises than the capacity approved by the Department of Neighborhood and Business Development and set forth on the applicable entertainment center license.
- E. The owner and operator of any public entertainment center or limited entertainment center shall maintain good order on the premises at all times. The lack of good order on the premises shall include, but not be limited to, the following:

- (1) Fighting and rowdy behavior.
- (2) Illegal or excessive consumption of alcoholic beverages.
- (3) Gambling.
- (4) Prostitution.
- (5) Sale, possession or use of any controlled substances, marijuana, hypodermic instrument or drug paraphernalia.

F. The Chief of Police may promulgate rules and regulations to govern the operation of public entertainment centers and limited entertainment centers so as to provide for the orderly operation of the centers and to ensure the public safety and the peace and tranquility of the neighborhood where the centers are located. Such rules and regulations shall deal solely with specific public health and safety concerns, and no rule or regulation shall govern the content of any public entertainment, limited entertainment or motion picture.

F. Amending § 29-16 as follows:

29-16 License fees

A. The annual fees for ~~an~~ entertainment center licenses shall be as follows:

- (1) Public Entertainment centers and limited entertainment centers which offer or operate only those individual mechanical motion-picture machines commonly known as "peep shows" shall pay a fee of \$325.
- (2) Public Entertainment centers and limited entertainment centers which offer or present any public entertainment or motion picture other than or in addition to those individual mechanical motion-picture machines commonly known as "peep shows" shall pay in accordance with the following schedule:

Occupancy (number of persons)	Annual Fee
0 to 49	\$100
50 to 99	\$275
100 to 249	\$425
250+	\$500

In addition to the above fee, public Entertainment centers and limited entertainment centers with any New York State license allowing for the consumption of ~~liquor~~ alcoholic beverages on the premises shall be charged an extra annual fee of \$100.

B. Payment of the fee shall be due upon application for the license.

C. The fee for replacement of an entertainment center license which has been lost or destroyed shall be \$10.

G. Amending § 29-17 as follows:

§ 29-17. Expiration of license.

Public Entertainment center and limited entertainment center licenses shall expire on January 31 of each year. Fees for renewal of an entertainment center license expiring in 1996 shall be prorated on a semiannual basis.

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Section 2. Chapter 13A Municipal Code Violations Bureau of the Municipal Code, as amended, is hereby further amended as follows:

A. Amending the third item on the list contained in Subsection A of Section 13A-2 Jurisdiction as follows:

The Municipal Code Violations Bureau is hereby authorized to dispose of charges involving violations of the following parts of the Municipal Code:

Code Reference	Type of Regulation
...	
Chapter 29	Amusements <u>and entertainment</u>
...	

B. Amending the first sentence of Subsection G of § 13A-11 as follows:

Fines and penalties for any violation of Chapter 29, Amusements and Entertainment; Chapter 46, Dance Halls; Chapter 62, Commercial Travelers, Solicitors and Special Promotional Events; Chapter 96, Secondhand Dealers; Chapter 98, Sexually Oriented Businesses; Chapter 108, Taxicabs; and Chapter 108A, Towing, of the Municipal Code shall be as follows:

...

Section 3. Chapter 68 Licenses – Businesses and Trade of the Municipal Code, as amended, is hereby further amended as follows:

A. Amending the first item on the list contained in § 68-1 Licenses and Permits as follows:

No person shall engage in any of the businesses and trades described in the following chapters of this Code without having procured a license or permit as herein provided:

Chapter 29	Amusements <u>and Entertainment</u>
------------	-------------------------------------

B. Amending Subsection B of § 68-10 Revocation of Licenses and Permits as follows:

However, entertainment center licenses for centers offering, operating, presenting or exhibiting any motion picture, limited entertainment or public entertainment protected by the First Amendment to the United States Constitution and amusement game licenses for those individual mechanical motion-picture machines commonly known as "peep shows" shall only be suspended or revoked due to a guilty plea or conviction of a crime upon a showing, after a hearing, of a clear and present danger of serious, substantive evil.

Section 4. Article II Business Permits in Chapter 90 Property Code of the Municipal Code, as amended, is hereby further amended in Subsection A of § 90-38 Fees as follows:

The annual fee for a business permit shall be \$25; the fee for the replacement of a lost permit shall be \$10. The annual fee for renewal applications which are submitted within 30 days after the mailing of a renewal notice by the City shall be waived. The fee for a conditional business permit as set forth in § 90-41B shall be \$300. The fee for a business permit shall be waived for any business that possesses either a current public or limited entertainment center license, a secondhand dealer license, an amusement center license, or a pawnbroker license, but there shall be no waiver of fees for a conditional business permit.

Section 5. Chapter 98 Sexually Oriented Businesses of the Municipal Code, as amended, is hereby further amended in § 98-7 as follows:

November 12, 2019

§ 98-7. Public and limited Entertainment centers and amusement licenses.

A licensee holding a sexually oriented business license shall not also be required to obtain ~~a~~ public entertainment center license, limited entertainment center license or a dance license for the same premises, but shall obtain any necessary amusement center and amusement game licenses.

Section 6. This ordinance shall take effect January 1, 2020.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-327

Re: Sale of Real Estate

Council Priority: Rebuilding and Strengthening
Neighborhood Housing

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

The first five properties are two parking lots and three vacant lots that are being sold to an adjoining business owner to legalize and expand the parking for his warehouse. The properties were sold subject to request for proposal.

The next two properties are vacant lots being sold by negotiated sale to expand the adjoining owner's green space.

The remaining two properties are unbuildable vacant lots, being sold for \$1.00 (as per City policy) to the adjacent owners who will combine the lots with their existing properties for additional green space/garden usage.

The first year projected tax revenue for these nine properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$3,115.

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. AS-186

Ordinance No. 2019-327
(Int. No. 358)

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 vacant land or parking lots with proposal for \$15,000 to MP Warehouse LLC:

Address	S.B.L.#	Lot Size	Sq. Ft.
26 Craig St	120.32-1-14	40 x 103	4,120
68 Craig St	120.32-1-13	40 x 103	4,120
83 Sherer St	120.32-1-25	40 x 103	4,120
87 Sherer St	120.32-1-24	40 x 103	4,120
91 Sherer St	120.32-1-23	40 x 103	4,120

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

Address	SBL#	Lot Size	Sq. Ft.	Price	Purchaser
31 Aab St	105.49-3-31	40 x 125	5,000	\$425	Karelys Martinez Sanchez
880 Jefferson Av	120.84-1-43	42 X 100	4,200	\$425	Lance Robinson

Section 3. The Council hereby approves the sale of each of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address	SBL#	Lot Size	Sq.Ft.	Purchaser
9 Carl St	106.30-2-5	38 x 93	3,637	Gracie Mae Gray
120 Whitney St	105.82-2-60	40 x 53	2,120	Marlena Mickle

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-328
Re: Lease Agreement – Hillside Children’s Center
8-12 Leighton Avenue

Council Priority: Creating and Sustaining a Culture of
Vibrancy

November 12, 2019

Transmitted herewith for your approval is legislation authorizing a lease agreement with Hillside Children's Center (Maria Cristalli, Chief Executive Officer, 1183 Monroe Avenue, Rochester, NY) for the continued use (by the city for greenspace) of approximately 1.1 +/- acres of vacant land for at its property known as 8-12 Leighton Avenue. The term of the lease will be for five years and will have no monetary consideration. City Council originally approved the lease agreement via Ordinance No. 2014-315 on October 14, 2014.

The vacant land will continue to be used as a neighborhood green-space area for sports activities, community engagement, picnics and other various recreational activities. Picnic tables, community grills, benches and raised garden beds are some of the features that are situated on the premises.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-187

Ordinance No. 2019-328
(Int. No. 359)

Authorizing a lease agreement with Hillside Children's Center

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 to lease from the Hillside Children's Center approximately 1.1 acres of vacant land located at 8-12 Leighton Avenue to be used for various neighborhood recreational activities. The lease agreement shall not obligate the City to pay any amount in rent. The term of the lease agreement shall be five years.

Section 2. The lease 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. 2019-329
Re: Technical Amendment –
Ordinance No. 2019-79, Sale of
Real Estate (5353 St. Paul Boulevard)

Council Priority: Rebuilding and Strengthening
Neighborhoods

Transmitted herewith for your approval is legislation amending Ordinance No. 2019-79 to revise the legal description of the parcel known as 5353 St. Paul Boulevard (a portion of the premises).

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A portion of the vacant commercial parking lot and ancillary structure was originally sold by negotiated sale to the adjoining owner, The County of Monroe, for the continued maintenance and use by the Monroe County Sheriff's Marine Operations. A new Instrument Survey dated September 9, 2019 provided by the County of Monroe, describes the lands to be conveyed as 1,169 square feet not 1,159 square feet as previously described. There is no impact to any of the terms and conditions of the purchase and sale agreement.

All City taxes and other current-year charges against each said parcels shall be canceled from the date of acquisition closing forward. If the present owner has paid any taxes or other current-year charges attributable to the period after the closing, such charges shall be credited to such owner at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing while the City owns a parcel, shall also be canceled

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-188

Ordinance No. 2019-329
(Int. No. 360)

Amending Ordinance No. 2019-79 related to the square footage of 5353 St. Paul Boulevard

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

Section 1. The first portion of Section 2 of Ordinance 2019-79 is hereby amended to read as follows:

Section 2. The Council hereby approves the negotiated sale of the following described portion of a parcel comprised of a vacant parking lot and ancillary structure to the owner of the adjoining lot located at 5351 St. Paul Boulevard for use as part of the facilities of the Sheriff's Office Marine Unit:

Address	SBL#	Sq. Ft.	Price	Purchaser
5353 St. Paul Blvd	047.560-02-005.001 (portion)	1158 <u>1169</u>	\$14,000	County of Monroe

Section 2. This ordinance shall take effect immediately.

Strikethrough indicates deleted text, new text is underline.

Passed unanimously.

November 12, 2019

TO THE COUNCIL
Ladies and Gentlemen:

Local Law # 5
Re: Text Amendment – City Charter,
Article XII – Commissions and Boards

Transmitted herewith for your approval is legislation amending Article XII of the Rochester City Charter, Commissions and Boards, to reduce the number of members on the Elevator Examining Board from nine to seven. Currently, the Elevator Board is comprised of nine members. No other Board or Commission for the City has more than seven members. Members of the Elevator Board are highly specialized, and therefore, difficult to find. In an effort to keep the Board fully staffed on a continual basis, and to also bring them in line with the other City Boards, we would like to reduce the number of members from nine to seven.

The positions are as follows:

- ONE commercially oriented architect registered in the State of New York;
- ~~THREE~~ TWO members of the elevator industry;
- ONE representative from a liability insurance company;
- ONE representative of the local elevator construction union;
- ONE licensed elevator inspector, and
- ~~TWO~~ ONE representatives of building owners.

Based on the above list, we are recommending reducing the number of members from the elevator industry from three to two, and the number of building owners from two to one, resulting in a total of seven members.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-189

Local Law # 5
(Int. No. 361)

Local Law relating to the composition of the Elevator Examining Board

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

Section 1. Chapter 755 of the Laws of 1907, entitled “An Act Constituting the Charter of the City of Rochester”, as amended, is hereby further amended in Section 12-42, Elevator Examining Board, so that subsection A, B and C thereof read as follows:

- A. Composition. There shall be established an Elevator Examining Board, to consist of ~~nine~~ seven members as provided herein, who shall serve with compensation and who shall be appointed by the Mayor, subject to confirmation by City Council. The Board shall include one commercially oriented architect registered in the State of New York; ~~three~~ two members of the elevator industry; one representative from a liability insurance company; one representative of the local elevator construction union; one licensed elevator inspector and ~~two~~ one representatives of building

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owners. The members of the Board shall elect each year a Chairperson and a Secretary to serve at the pleasure of the Board.

B. Quorum of the Board. ~~Five~~ Four voting members of the Board shall constitute a quorum, and the votes of a majority of the whole Board shall be necessary for any official action.

C. Appointment, term and compensation. ~~Of the nine members first appointed to the Board hereby created, three shall be appointed for terms of one year, and three shall be appointed for two years, and three shall be appointed for three years. Thereafter, a~~ All members of the Board shall be appointed and shall serve for three-year terms or until their successors are appointed. Members shall be residents of the County of Monroe. Members shall serve without compensation, but shall be entitled, to the extent of available funds appropriated therefor, to reimbursement for reasonable expenses necessarily incurred in the performance of their duties.

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

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2019-15

Re: Appointments to the City of
Rochester Electrical Examining Board

Transmitted herewith for your approval is legislation confirming the appointment of two new members to the City's Electrical Examining Board. The two new Board members, John Greene and Michael J. Bader, will replace David Dunwoody and Robert DeNoto, respectively, who have recently resigned from the Board. As required, the new members are residents of Monroe County and will serve out the remainder of their predecessors' terms which expire on March 31, 2022.

New Members:

<u>Name</u>	<u>Address</u>	<u>Board Qualification</u>
John Greene	2562 Culver Road, Irondequoit, 14609	General Electrician
Michael J. Bader	64 Town Pump Circle, Spencerport, 14559	Electrical Installations

Resumes for all individuals are on file with the City Clerk

Respectfully submitted,
Lovely A. Warren
Mayor

Resolution No. 2019-15
(Int. No. 362)

November 12, 2019

Resolution approving appointments to the Electrical Examining Board

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

Section 1. The Council hereby approves the appointment of the following members to the Electrical Examining Board, each for a term which shall expire on March 31, 2022.

Name	Address
John Greene	2562 Culver Road, Irondequoit, NY 14609
Michael J. Bader	64 Town Pump Circle, Spencerport, NY 14559

The appointments are intended to fill out the remainder of the terms of the previous Board members, Robert DeNoto and David Dunwoody, who have resigned.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-330

Re: Zoning Map Amendment - 498 Conkey Avenue

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning the property at 498 Conkey Avenue from R-1 Low Density Residential District to M-1 Industrial District to facilitate construction of a building addition and a seven space employee parking lot.

The subject property is located on Conkey Avenue, near the intersection of Saranac Street. Currently, a single family home is located on the site. The applicant, Terrence Brown, owns the property, as well as the adjoining property at 480 Conkey Avenue where his steel fabrication business is located. Mr. Brown is proposing to demolish the home at 498 Conkey Avenue to construct a seven space employee parking lot in conjunction with a proposed addition to his building at 480 Conkey Avenue. Should the rezoning be approved, the applicant will combine 498 Conkey Avenue with 480 Conkey Avenue. Since this property will abut a residential use, the applicant is proposing to install a fence and landscaping between the proposed parking area and the residential property. These improvements will provide screening and also ensure that vehicle headlights do not impact neighboring properties.

Mr. Brown has operated Steel Tech Fabricators for almost 15 years. Steel Tech Fabricators began in a small space in Webster, New York in 2005, but relocated to its present location on Conkey Avenue within six months of opening. Steel Tech Fabricators has been involved in projects for the Monroe County Hall of Justice, Rochester International Airport, several SUNY schools and numerous local businesses.

The Planning Commission held an informational meeting on October 7, 2019. The applicant's representative spoke in support of the rezoning; no one spoke in opposition. By a vote of 7-0, the Planning Commission recommended approval.

A public hearing is required for the Zoning Map Amendment.

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Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-190

Ordinance No. 2019-330
(Int. No. 363)

Amending the Zoning Map by changing the zoning classification of 498 Conkey Avenue

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 map classification of the following property from R-1 Low Density Residential District to M-1 Industrial District:

Address	SBL #
498 Conkey Avenue	091.69-2-20

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

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen

Ordinance No. 2019-331
Re: Jefferson Wollensack Housing Project

Council Priority: Rebuilding and Strengthening
Neighborhood Housing

Transmitted herewith for your approval is legislation related to the Jefferson Wollensack rehabilitation and new construction project, a mixed-use, low-income project at 872, 886, and 892 Hudson Avenue in the 14621 neighborhood and 663-687 Jefferson Avenue in the Genesee-Jefferson neighborhood being undertaken by Urban League of Rochester Economic Development Corporation (ULREDC) (Carolyn Vitale, Vice-President and COO).

This legislation will:

1. Authorize the sale of City-owned land at 663-687 Jefferson Avenue for \$8,000 and 892 Hudson Avenue in the amount of \$1,000, their appraised values, to ULREDC or an affiliated partnership or housing development fund corporation to be formed by ULREDC.

2. Amend Section 2 of Ordinance No. 2019-178, approved at the June 18, 2019 City Council Meeting, which authorized a \$300,000 HOME funded loan for the project, to include the above described parcels in the Project Loan.
3. Authorize property tax exemptions and payment-in-lieu of taxes agreements for the Jefferson Wollensack project, which will provide a 30-year exemption for an annual in-lieu payment equal to 10% of the project shelter rents (gross rents minus utility costs).
4. Authorize the Mayor to execute such agreements and other documents as may be necessary to effectuate the agreement authorized herein.

The Jefferson Wollensack project involves the rehabilitation and new construction of 41 rental units. The Wollensack Building, 872-886 Hudson Avenue, a long vacant former factory, will become 22 rental units and the Jefferson Avenue site at 663-687 Jefferson Avenue, currently vacant city-owned land, will be redeveloped into 19 rental units for low-income households. All 41 units will be targeted to households with income at or below 50% of the Area Median Income for the Greater Rochester Median Statistical Area (per HUD, chart attached), including 7 units that will be Supported Housing, specifically targeted for households with intellectual or developmental disabilities, with assistance from the Office of Persons with Developmental Disabilities (OPWDD).

Both sites will complement significant development and interest that has occurred in the Northeast and Southwest quadrants of the City in the past decade. Through this development project, presently blighting/vacant properties will be converted into safe and positive neighborhood anchors. The project's two sites are located in HUD Qualified Census Tracts in the Northeast and Southwest quadrants of the City. The Wollensack building has been listed as one of the Landmark Society of Western New York's Five-to-Revive due to its historic import and transformative potential. Further, it is located on a main artery of the City of Rochester's Northeast Quadrant within the Finger Lakes Economic Development Council's Opportunity Agenda area, and ties to the City's Housing Policy and regional and state plans.

The Jefferson Wollensack communities will provide and maintain their units as affordable for the duration of their PILOT. The project was awarded funding through New York State Homes and Community Renewal's competitive application for 9% low-income housing tax credits (LIHTC). Other sources of funding include New York State Energy Research and Development (NYSERDA), Federal Home Loan Bank of NY (FHLBNY) and OPWDD, as well as deferred developer fees and expenses.

The sources and uses for the project are summarized below:

<u>Uses</u>		<u>Permanent Sources</u>	
Land/Building	\$15,000	9% LIHTC (NYS Housing Trust Fund)	\$2,000,000
Soft Costs and Working Capital	\$2,159,533	Limited Partnership Equity	\$9,849,387
Hard Costs	\$9,642,098	OPWDD	\$961,262
		FHLBNY	\$512,500
Contingency	\$668,562	City of Rochester	\$300,000
Development Fee	\$1,288,122	Deferred Developer Fee	\$286,944
Reserves	\$177,778	NYSERDA Energy Grant	\$41,000
TOTAL	\$13,951,093	TOTAL	\$13,951,093

Workforce goals for the project are 6.9% women and 20% minorities and 25% City residents, along with a combined goal of 30% for MBE/WBE firms.

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A National Environmental Policy Act or NEPA review has been completed with a Finding of No Significant Impact. SEQR review has been completed, and a Negative Declaration was issued for the Jefferson Wollensack project on October 3, 2019.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-191

Ordinance No. 2019-330
(Int. No. 363)

Authorizing the sale of real estate, an amended loan agreement, and a payment in lieu of taxes agreement for the Jefferson Wollensack Housing Creation project

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 City-owned property to the Urban League of Rochester Economic Development Corporation or an affiliated partnership or housing development fund corporation to be formed for the purpose (the Developer) to include in affordable housing developments to be located in the Wollensack Building at 872 and 886 Hudson Avenue and on vacant land located at 663-687 Jefferson Avenue (collectively, the Project):

Address	S.B.L.#	Lot Size	Sale Price
892 Hudson Ave	091.81-2-12	± 0.08 acre	\$1,000
663-687 Jefferson Ave	120.76-1-2.001	± 0.52 acre	\$8,000

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

Section 2. Section 2 of Ordinance No. 2019-178 is hereby amended to include the above described parcels in the Project loan and which as follows:

Section 2: The Mayor is hereby authorized to enter into a loan agreement with the Urban League of Rochester Economic Development Corporation or an affiliated partnership or housing development fund corporation to be formed for the purpose (the Developer) to provide \$300,000 in pre-development, construction and permanent financing for the construction of affordable housing units in the Wollensack Building and adjacent parcels located at 872, and 886 and 892 Hudson Avenue and on vacant land located at 663-667 663-687 Jefferson Avenue (the Project). The Project shall consist of 41 housing units that are affordable to households with incomes at or less than 50% of the Area Median Income and include 7 units of supported housing targeted for residents with intellectual or developmental disabilities.

Section 3. The Mayor is hereby authorized to enter into a payment in lieu of taxes agreement (PILOT agreement) for the Project with the Developer. The PILOT agreement shall provide that the Project shall remain entitled to a real property tax exemption for 30 years, provided that the Developer makes annual payments in lieu of taxes to the City of Rochester equal to no less than 10% of the Project's annual "shelter rent," a phrase which refers to the amount of gross rents less utility costs. Said agreement and the associated real property tax exemption shall cease prior to the end of the 30-year term

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if and when the Project is no longer operated for the purpose of providing affordable housing in substantial compliance with Article 11 of the NYS Private Housing Finance Law.

Section 4. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate. The Mayor is hereby authorized to execute such other agreements and other documents as may be necessary to effectuate the agreement authorized herein.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2019-16
Re: Amending Resolution 2017-3 –
CHOICE Tax Abatement Program
for Newly Constructed Owner-Occupied Housing

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation amending Resolution 2017-3 to change the CHOICE tax abatement program area from the Center City District (CCD) to citywide and to include newly constructed one-, two- and three-family structures in which the owner uses one unit as his/her primary residence. The CHOICE program is a partial nine-year tax abatement program for newly created owner-occupied residential units in the Center City District that was originally authorized by City Council in 2007.

This amendment will:

- 1) Expand the CHOICE tax abatement program area from the CCD to citywide;
- 2) Include newly constructed one-, two- and three-family structures in which the owner resides in one of the units; and,
- 3) Introduce a cap, so that the CHOICE program abatement will apply only to the first \$500,000 of increased assessment.

New owner-occupied units created through new construction would continue to be eligible for a partial nine-year property tax exemption. A change to expand the CHOICE program citywide was presented to and approved by Imagine Monroe. The actual exemption would be realized through a payment-in-lieu-of-tax (PILOT) agreement approved by the City's PILOT Committee.

The intent of the program expansion is to facilitate more owner-occupied housing in all city neighborhoods and to encourage wealth-building in the case of the construction of new one-, two- and three-family structures in which the owner resides in one of the units. Providing additional owner-occupied housing will stabilize neighborhoods citywide and encourage the creation of more residences that will contribute to a vibrant, more active public realm.

The current resolution No. 2017-3 will expire on May 31, 2022. It is the third authorization of the CHOICE program beginning with Resolution No. 2007-14, renewed via Resolution No. 2012-15 and then Resolution 2017-3. Each time the program is authorized it has a sunset provision of five years. Since its inception 56 owner-occupied units have been completed with the assistance of the partial tax exemption for a current total assessed value of \$18,737,100. An additional three (3) units are planned or under

construction and will rely on the partial tax exemption; this number is expected to increase if the program area is expanded citywide.

Imagine Monroe 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 CHOICE 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>Percent of Increased Assessment Abated</u>	<u>Year</u>	<u>Percent 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 will be available to the residential portion of projects creating new owner-occupied units throughout the city. The property owner is required to file an application for the abatement with Imagine Monroe for initial approval, and then the City receives the PILOT application for final approval.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-192

Resolution No. 2019-16
(Int. No. 365)

Resolution extending the CHOICE Tax Abatement Program for Owner-Occupied Housing beyond Downtown

WHEREAS, the City has established and continued to facilitate the construction of new residential, owner-occupied units in the Center City Zoning District through the Downtown Tax Abatement Program for Owner-Occupied Housing, known as CHOICE and as set forth in Resolution Nos. 2007-14, 2012-15 and 2017-3;

WHEREAS, the City desires to extend the CHOICE tax abatement program beyond Downtown to the rest of the City and to limit the application of the abatement to no more than \$500,000 of increased assessed value for each eligible project; 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 the CHOICE tax abatement policy, as modified herein, so as to use payment in lieu of tax agreements for qualified projects whereby newly constructed or renovated owner-occupied residential units in the City of Rochester 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:

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

provided, however, that the application of the abatement shall be limited to no more than a \$500,000 increase in assessed value for each eligible project.

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. 2019-332
Re: Amending Chapter 90, Article II –
Business Permit, Section 90-32 – Definitions

Transmitted herewith for your approval is legislation amending Section 90-32 of the Property Code to add an additional business category titled “Smoking Goods Establishment” to those businesses that are required to have business permits.

The business permit program ensures that certain businesses are operating in accordance with the laws, do not have a serious negative impact upon surrounding residential neighborhoods, or do not endanger the health, and safety or welfare of persons in the City of Rochester.

Currently, City Code Chapter 90, Article II relating to business permits requires automobile service facilities, bars, restaurants and salons, as those businesses are defined in City Code Section 90-32, to obtain business permits.

The proposed amendment to Section 90-32 of the City Code would add the following business definition titled “Smoking Goods Establishment” and would require those businesses that are considered Smoking Goods Establishments to obtain business permits:

“A premises where tobacco products, hookah products, vaping products, or related accessories are sold for on or off-premises use. Such products include but are not limited to cigarettes, cigars, herbal cigarettes, snuff, chewing tobacco, pipe tobacco, dissolvable tobacco, bidis, gutka, shisha, roll-your-own/loose tobacco, e-cigarettes, vaping devices, electronic nicotine delivery systems, hookahs and related products, rolling papers, cartridges for electronic cigarette and vapor devices regardless of nicotine or tobacco content, and any other smoked or smokeless tobacco or nicotine-containing product. This definition does not include smoking cessation medication expressly approved by the United States Food and Drug Administration for use in smoking cessation programs or the sale of tobacco products by wholesale dealers as defined in New York State Tax Law.”

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NSC held citywide informational meetings in each Quadrant and one in City Hall. NSC provided one hour meetings and a Frequently Asked Questions (FAQ) document to the participants and on the NSC Web page.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-193

Ordinance No. 2019-332
(Int. No. 366)

Amending the Municipal Code to require business permits for smoking goods establishments

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

Section 1. Municipal Code Section 90-32, Definitions, within Article II, Business Permits, of Chapter 90 is hereby amended to read as follows:

§ 90-32 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AUTOMOBILE SERVICE FACILITY

A premises where motor vehicles are sold, leased, repaired or serviced. This definition shall include gasoline stations and car wash facilities.

BAR

A premises where alcoholic beverages are sold for consumption on the premises; or a premises operated for profit or pecuniary gain or as a place of assembly where alcoholic beverages are provided by the operator of the premises, his or her agents, servants or employees, or are brought onto said premises by persons assembling there.

BUSINESS

An automobile service facility, bar, smoking goods establishment, restaurant or salon as defined herein.

SMOKING GOODS ESTABLISHMENT

A premises where tobacco products, hookah products, vaping products, or related accessories are sold for on or off-premises use. Such products include but are not limited to cigarettes, cigars, herbal cigarettes, snuff, chewing tobacco, pipe tobacco, dissolvable tobacco, bidis, gutka, shisha, roll-your-own/loose tobacco, e-cigarettes, vaping devices, electronic nicotine delivery systems, hookahs and related products, rolling papers, cartridges for electronic cigarette and vapor devices regardless of nicotine or tobacco content, and any other smoked or smokeless tobacco or nicotine-containing product. This definition does not include smoking cessation medication expressly approved by the United States Food and Drug Administration for use in smoking cessation programs or the sale of tobacco products by wholesale dealers as defined in New York State Tax Law.

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RESTAURANT

A premises where food and/or beverages are sold to be consumed on the premises. This definition shall not include a premises where a nonalcoholic beverage or snack is available but is incidental to the conduct of the business at the premises.

SALON

An establishment where a hairdresser, barber or beautician conducts his or her trade, or a body piercing studio or a tattoo studio, other than a home occupation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Gruber
November 12, 2019

To the Council:

The **PARKS & PUBLIC WORKS COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

- Int. No. 368 Authorizing an amendatory agreement for Gardiner Firehouse upgrades
- Int. No. 369 Authorizing an agreement for a planning study for redesign of the Inner Loop North Expressway corridor
- Int. No. 370 Authorizing an agreement for resident project representation services for the La Marketa at the International Plaza
- Int. No. 371 Authorizing an agreement for Mt. Hope Cemetery 1912 Chapel Tower Repairs
- Int. No. 372 Amending Ordinance No. 2014-100 relating to land acquisition for the Portland Avenue Revitalization project
- Int. No. 373 Appropriating funds and authorizing an agreement for the Priority Bicycle Boulevards Implementation Project
- Int. No. 375 Authorizing an amendatory agreement to develop means for Highland Reservoir to comply with the federal Long Term Enhanced Surface Treatment Rule
- Int. No. 376 Authorizing an intermunicipal agreement for the Monroe County Stormwater Coalition
- Int. No. 377 Authorizing an agreement for maintenance of Hemlock-Canadice State Forest property
- Int. No. 378 Authorizing an intermunicipal agreement for the Eastman Trail Phase I Project

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The **PARKS & PUBLIC WORKS COMMITTEE** recommends for **CONSIDERATION** the following entitled legislation:

- Int. No. 367 Authorizing pavement width changes and a change in traffic flow for the Cottage-Magnolia Street Rehabilitation project, **as amended**
- Int. No. 374 Local Law establishing a Community Choice Aggregation program in the City of Rochester

Respectfully submitted,
Mitch Gruber (Absent)
Malik Evans
Elaine M. Spaul
Willie Lightfoot
Loretta C. Scott
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-333
Re: Cottage-Magnolia Street Rehabilitation

Transmitted herewith for your approval is legislation authorizing changes required for the Cottage-Magnolia Street Rehabilitation project as follows:

1. For Cottage Street, an increase in pavement width of 2 feet, from 24 feet to 26 feet, beginning at South Plymouth Avenue continuing to Magnolia Street; and
2. For Magnolia Street as follows:
 - a. A decrease in pavement width of 5 feet, from 38 feet to 33 feet, beginning at South Plymouth Ave continuing to Seward Street; and
 - b. Remove the eastbound slip ramp from Magnolia Street to Seward Street; and
 - c. An increase in pavement width of 7 feet, from 26 feet to 33 feet, beginning approximately 17 feet west of Seward Street continuing 160 feet west; and
3. For Seward Street as follows:
 - a. Authorize a change in direction of Seward Street from two-way between Reynolds Street and Magnolia Street to one-way westbound between Reynolds Street and Magnolia Street; and
 - b. A decrease in pavement width of 3 feet, from 25 feet to 22 feet, beginning at Magnolia Street and continuing 126 feet east; and
 - c. A decrease in pavement width of 6 feet, from 3 feet to 2 feet, beginning at the previous point continuing 104 feet east.

In addition to pavement width changes, this project includes milling and resurfacing of the roadway, spot sidewalk replacement, new granite curbing, driveway aprons, water services, updating and installing

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sidewalk accessible ramps. No additional right-of-way is required to accommodate the changes in pavement width.

The changes will be in compliance with the City's Complete Streets Policy whereas the streets will enable safe access for all users; pedestrians, bicyclists, transit users, persons with disabilities, and motorists of all ages and abilities are able to safely move along and across City streets.

Public meetings were held on April 10, 2018, June 21, 2018, and October 2, 2019; copies of the meeting minutes are attached. In addition, Street Design presented a brief overview of the project to PLEX at their August 14, 2018 meeting. Letters of support for the one-way southbound conversion of Seward Street are attached. Additional letters of support from the RCSD, et al. are anticipated in the coming weeks. The pavement width changes were presented for endorsement at the October 16, 2019 Traffic Control Board meeting.

It is anticipated the design will be completed in late 2019 with construction planned for the 2020 construction season, with substantial completion by fall 2020.

A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-194

Ordinance No. 2019-333
(Int. No. 367, as amended)

Authorizing pavement width changes and a change in traffic flow for the Cottage-Magnolia Street Rehabilitation project

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

Section 1. Council hereby approves the following pavement width changes for the Cottage-Magnolia Street Rehabilitation project:

- A) on Cottage Street, an increase in pavement width of 2 feet, from 24 feet to 26 feet, from South Plymouth Avenue to Magnolia Street
- B) on Magnolia Street:
 - 1) a decrease in pavement width of 5 feet, from 38 feet to 33 feet, from South Plymouth Avenue to Seward Street;
 - 2) removing the eastbound slip ramp from Magnolia Street to Seward Street; and
 - 3) an increase in pavement width of 7 feet, from 26 feet to 33 feet, beginning approximately 17 feet west of Seward Street and continuing 160 feet westward; and
- C) on Seward Street:
 - 1) a decrease in pavement width of 3 feet, from 25 feet to 22 feet, beginning at Magnolia Street and continuing ~~196~~ 126 feet eastward; ~~and~~

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- 2) ~~a decrease in pavement width of 6 feet, from 25 feet to 19 feet, beginning 196 feet east of Magnolia Street and continuing 104 feet eastward~~ a decrease in pavement width of 6 feet, from 35 feet to 29 feet, beginning 126 feet east of Magnolia Street and continuing 101 feet eastward; and
- 3) ~~a decrease in pavement width of 6 feet, from 25 feet to 19 feet, beginning 227 feet east of Magnolia Street and continuing 80 feet eastward.~~

Section 2. Council hereby approves a change in the direction of the traffic flow on Seward Street between Reynolds Street to Magnolia Street from two-way to one-way westbound.

Section 3. The changes authorized herein shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications.

Section 4. This ordinance shall take effect immediately.

Strikethrough indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-334

Re: Amendatory Agreement –
Bergmann Associates, Architects,
Engineers, Landscape Architects & Surveyors, D.P.C.,
Gardiner Firehouse Upgrades

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Pietro Giovenco, P.E., President and CEO, Principal - Rochester, NY) to provide additional services related to the upgrades of Gardiner Firehouse. The original agreement, authorized in March 2018 and subsequent agreement in August 2018 established maximum compensation at \$140,000. This amendment will increase the compensation by \$30,000, to a maximum total of \$170,000. The cost of the amendatory agreement will be financed from bonds authorized in Ordinance No. 2018-271. The term of the agreement shall extend until three (3) months after completion of a two (2) year guarantee inspection of the project.

The project includes the design and construction for the heating, ventilation, air conditioning systems, kitchen renovations, roof restoration, apparatus bay floor replacement, overhead door enlargement and replacement.

Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. will provide additional design and construction administration services for an expanded scope of work that includes abatement and replacement of firehouse flooring, entry vestibule floor slab replacement, added apparatus bay de-stratification fans and drainage improvements.

Construction is anticipated to be completed in spring 2020. The agreement will result in the creation and/or retention of the equivalent of 0.3 full-time jobs.

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Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-195

Ordinance No. 2019-334
(Int. No. 368)

Authorizing an amendatory agreement for Gardiner Firehouse upgrades

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 Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for additional design and construction administration services for Gardiner Firehouse upgrades. The maximum compensation for the agreement originally authorized in Ordinance 2018-71 and as amended in Ordinance No. 2018-270, is hereby increased by \$30,000 to a total amount of \$170,000. The amendatory compensation amount shall be funded from bonds authorized in Ordinance No. 2018-271.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-335
Re: Agreement – Bergmann Associates
Inner Loop North Transformation Planning Study

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

Transmitted herewith for your approval is legislation related to the Inner Loop North Transformation Planning Study. This legislation will establish \$1,000,000 as maximum compensation for a professional services agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., (Pietro Giovenco, P.E., President and Chief Executive Officer) 280 East Broad Street, Suite 200, Rochester, NY 14604 for study related planning, public engagement, engineering, and design services.

The purpose of the Planning Study is to evaluate alternatives for redesign of the Inner Loop North expressway corridor between the expressway's new terminus at North Union Street and I-490. Options for the redesign of the corridor include full highway removal, similar to the recently-completed and highly successful Inner Loop East Transformation project. The cost of the agreement will be funded from a grant administered by the New York State Department of Transportation appropriated by City Council in July 2018 (Ordinance No. 2018-240).

Components of the study include, but are not limited to, community outreach and engagement.

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Bergmann Associates was selected through a request for proposal and interview process which is described in the attached summary. The agreement shall extend until three (3) months after delivery and acceptance of final documents.

The Inner Loop North Transformation Planning Study is anticipated to begin in January 2020 and to be completed in summer 2021. The project will result in the creation and/or retention of the equivalent of 10.9 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-196

Ordinance No. 2019-335
(Int. No. 369)

Authorizing an agreement for a planning study for redesign of the Inner Loop North Expressway corridor

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 Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. to evaluate alternatives for redesign of the Inner Loop North Expressway corridor between the expressway's new terminus of North Union Street and I-490. The maximum compensation for the agreement shall be \$1,000,000, which shall be funded from a grant appropriated in Ordinance No. 2018-240. The agreement shall extend until three months after delivery and acceptance of final documents.

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. 2019-336
Re: Agreement – Passero Associates,
Engineering, Architecture & Surveying, D.P.C.
La Marketa at the International Plaza
Resident Project Representation Services (RPR)

Transmitted herewith for your approval is legislation related to the La Marketa at the International Plaza project located at 828 N. Clinton Avenue. This legislation will establish \$200,000 as maximum compensation for a professional services agreement with Passero Associates, Engineering, Architecture & Surveying, D.P.C (John Caruso, P.E., CEO), Rochester, NY 14614 for Resident Project Representation (RPR) services. The cost of the agreement will be financed from 2017 Community Development Block

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Grant funds appropriated in Ordinance No. 2018-327 (\$34,692.35) and 2018-19 Cash Capital (\$165,307.65).

The project includes installation of an outdoor plaza to support community and economic development in the North Clinton Avenue neighborhood. The new multipurpose plaza includes, but is not limited to, concrete access paths and hardscapes, a raised performance stage and band shelter, a public restroom and storage building and public parking and site lighting. The project will also provide utilities connections and concrete pads for converted shipping containers for leasable retail space. The shipping containers will be provided under a separate contract.

The agreement shall extend until three (3) months after completion of the two (2) year guarantee inspection of the project.

Construction is anticipated to begin late 2019 and be completed in the summer of 2020. The agreement will result in the creation and/or retention of the equivalent of 2.1 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-197

Ordinance No. 2019-336
(Int. No. 370)

Authorizing an agreement for resident project representation services for the La Marketa at the International Plaza

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 Passero Associates, Engineering, Architecture & Surveying, D.P.C. in the maximum amount of \$200,000 to provide resident project representation services for the La Marketa at the International Plaza project. The agreement shall be funded in the amounts of \$34,692.35 in Community Development Block Grant funds appropriated in Section 3 of Ordinance No. 2018-327 and \$165,307.65 from 2018-19 Cash Capital. The term of the agreement shall continue to 3 months after completion of a two-year guarantee inspection of the project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

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TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-337
Re: Mt. Hope Cemetery 1912
Chapel Tower Repairs

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

Transmitted herewith for your approval is legislation related to Mt. Hope Cemetery 1912 Chapel Tower Repairs. This legislation will establish \$59,000 as maximum compensation for a professional services agreement with Bero Architecture, PLLC (Jennifer Ahrens, R.A., Principal), 32 Winthrop Street, Rochester, NY, 14607 for design and construction administration services.

The project includes masonry repairs, including restoration, securing and repointing of the deteriorated areas of the stone face and stone trim to the tower. The design will require approval by the Preservation Board. The cost of the agreement will be funded from 2018-19 Cash Capital.

The design team will be coordinating all work to be in compliance with the Preservation Board requirements.

The agreement shall extend until three (3) months after the completion of the two (2) year guarantee inspection of the project.

Design phase services will commence in early 2020. Construction is anticipated to begin in spring 2021. The agreement will result in the creation and/or retention of the equivalent of 0.6 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-198

Ordinance No. 2019-337
(Int. No. 371)

Authorizing an agreement for Mt. Hope Cemetery 1912 Chapel Tower Repairs

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 Bero Architecture, PLLC in the maximum amount of \$59,000 to provide design and construction administration services for the Mt. Hope Cemetery 1912 Chapel Tower Repairs project. The agreement shall be funded from 2018-19 Cash Capital. The term of the agreement shall continue to 3 months after completion of a two-year guarantee inspection of the project.

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

Section 3. This ordinance shall take effect immediately.

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Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-338
Re: Amend Ordinance No. 2014-100
Portland Avenue Revitalization
(Lux Street - Norton Street)

Transmitted herewith for your approval is legislation amending Ordinance No. 2014-100 which authorized acquisition, by negotiation or condemnation, of a portion of one parcel, 852-854 Portland Avenue, funded by Bond Ordinance No. 2012-449 for the Portland Avenue Revitalization project.

This amendment will change the funding from bonds authorized for the project by Ordinance No. 2012-449 to 2014-15 Cash Capital and allow for the closure of the bond fund that was originally borrowed in February of 2013 as part of the accelerated debt issue.

The project was completed in 2016. Street improvements included the design and construction of gateway features, decorative sidewalks, crosswalks and street lighting system, as well as, banners, street trees, curb bump-outs, accessible curb ramps, pavement markings for designated bicycle lanes, safety improvements and new water main, water services and hydrants.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-338
(Int. No. 372)

Amending Ordinance No. 2014-100 relating to land acquisition for the Portland Avenue Revitalization project

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

Section 1. Section 3 of Ordinance No. 2014-100 is hereby amended to read as follows:

Section 3. The Council hereby authorizes the acquisition by negotiation or condemnation of a portion of one parcel described below at a cost including closing costs not to exceed \$1200 to be funded from ~~Bond Ordinance No. 2012-449~~ 2014-15 Cash Capital:

Address	Property Owner	Sq. Ft	Est. Value
852-854 Portland	Community Mutual Inc.	10.6	\$100

Section 2. This ordinance shall take effect immediately.

Strikethrough indicates deleted text, new text is underlined.

Passed unanimously.

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TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-339
Re: Agreement – T.Y. Lin International
Engineering & Architecture, P.C. –
Priority Bicycle Boulevards Implementation Project

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

Transmitted herewith for your approval is legislation related to the Priority Bicycle Boulevards
Implementation Project. This legislation will:

1. Establish \$195,000 as maximum compensation for a professional services agreement with T.Y. Lin International Engineering & Architecture, P.C. (Robert J. Radley, CEO), 255 East Avenue, Rochester, NY 14604, for engineering and design services;
2. Authorize the receipt and use of \$250,000 in anticipated grant funds from the New York State Department of Environmental Conservation (NYSDEC) to partially finance the project. This grant agreement was authorized by Ordinance No. 2018-239.

The purpose of the Priority Bicycle Boulevards Implementation Project is to design and install approximately twenty centerline miles of neighborhood Bicycle Boulevard routes throughout the City. This investment will enable the City to accelerate implementation of the Bicycle Boulevard Master Plan. Bicycle Boulevards are local, residential streets that are optimized for bicycle travel through the use of pavement markings, directional signage, and traffic calming features.

Bicycle Boulevards provide a low-stress alternative to busy arterial streets and a cost-effective technique for improving the overall bike-friendliness of our city. The project will also conduct milling and resurfacing of certain Bicycle Boulevard streets to be determined through the design process.

The cost of the agreement will be financed as follows:

<u>Source</u>	<u>Amount</u>
2016 NYSDEC CSC Grant (Ordinance No. 2017-334)	\$22,000
2018 NYSDEC CSC Grant (Authorized Herein)	\$37,000
2019-20 Cash Capital	\$38,000
2017-18 Cash Capital	\$23,000
2014-15 Cash Capital	<u>\$75,000</u>
TOTAL	\$195,000

The agreement shall extend until three (3) months after completion of the two (2) year guarantee inspection of the project. Design of the project is anticipated to begin in December 2019 with construction is anticipated to begin in spring 2021 and complete by fall 2021. The agreement will result in the creation and/or retention of the equivalent of 2.1 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-199

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Ordinance No. 2019-339
(Int. No. 373)

Appropriating funds and authorizing an agreement for the Priority Bicycle Boulevards Implementation Project

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

Section 1. The Mayor is hereby authorized to accept and use grant funds in the amount of \$250,000 from the New York State Department of Environmental Conservation to partially finance the Priority Bicycle Boulevards Implementation Project (Project) in accordance with the agreement authorized by Ordinance No. 2018-239.

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with T.Y. Lin International Engineering & Architecture, P.C. for engineering and design services for the Project. The maximum compensation for the agreement shall be \$195,000, which shall be funded from \$22,000 in grant funds authorized in Ordinance No. 2017-334, \$37,000 of the grant funds authorized in Section 1 herein, \$38,000 in 2019-20 Cash Capital, \$23,000 in 2017-18 Cash Capital, and \$75,000 in 2014-15 Cash Capital. The term of the agreement shall extend until three months after completion of the two year guarantee inspection of the Project.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 6
Re: Authorizing a Local Law –
Community Choice Aggregation

Transmitted herewith for your approval is legislation authorizing the establishment of a Community Choice Aggregation (CCA) program in the City of Rochester.

CCA allows participating local governments to procure energy supply for eligible energy customers (residential and small commercial) in the community. CCA shifts the control of selecting the default supplier of electricity from the state to the community, while leaving the role of the local utility unchanged. Leveraging the bulk purchasing power of the community, CCA communities benefit from reduced electricity rates, reduced price volatility, and increased local renewable energy development and clean energy jobs. Currently, more than five million customers nationwide are served by Community Choice Aggregation programs in seven states: New York, California, Illinois, Massachusetts, Ohio, New Jersey, and Rhode Island.

Community Choice Aggregation was authorized in New York State by the Public Service Commission (PSC) in April, 2016. Since then, several communities across New York State have CCA programs or are in the process of establishing one, including Geneva, Brockport, Brighton, Irondequoit and Pittsford.

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The City's Office of Energy and Sustainability (OES) will lead the development and implementation of the CCA, working with local stakeholders and other interested municipalities where appropriate. In addition to the City adopting a local law authorizing CCA, the Public Service Commission requires the following steps be taken by the municipality: selection of a CCA Administrator, development of a CCA implementation plan and data protection plan, and at least two months of public outreach and engagement. The CCA implementation plan and data protection plan require PSC approval. Subsequent to these steps, energy supply contract procurement will be initiated. OES will develop an RFP for a CCA Administrator, whose role will be to work with the City to fully develop and manage the CCA. There is no cost to the City for the CCA; fees for the CCA Administrator are remitted by the selected energy supplier, not by the City, and is not additive over and above the supply rate. Additionally, the City is not obligated to implement the CCA program until the energy supply contract procurement is initiated.

CCA been identified as an implementation action in the City of Rochester Community-wide Climate Action Plan (CAP), endorsed by City Council in May, 2017. A local CCA program will provide city residents and small businesses with clean, renewable energy, save money on utility bills, foster economic development through increased energy efficiency and clean energy jobs, and provide significant greenhouse gas emissions reductions in Rochester. A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Local Law establishing a Community Choice Aggregation program in the City of Rochester

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by adding to the end of Article VII, Department of Environmental Services, a new Part to read as follows:

PART E Community Choice Aggregation Energy Program

§ 7-50. Legislative Findings; Intent and Purpose; Authority.

- A. It is the policy of both the City of Rochester and the State of New York to reduce costs and provide cost certainty for the purpose of economic development, to promote energy efficiency and renewable energy resources such as wind and solar, and wider deployment of distributed energy resources as well as to examine the retail energy markets and increase participation of and benefits for Eligible Consumers in those markets. One of the way to advance those policies in New York is Community Choice Aggregation ("CCA"), which allows local governments to determine the default supplier of electricity on behalf of Eligible Consumers.
- B. The purpose of CCA is to allow participating local governments to procure energy supply service for Eligible Consumers, who will have the opportunity to opt out of the procurement, while maintaining transmission and distribution service from the existing Distribution Utility. This part establishes a program (the "CCA Program") that will allow the City and other local governments to work together through a shared purchasing model to put out for bid the total amount of electricity being purchased by Eligible Consumers within the jurisdictional boundaries of participating municipalities. Eligible consumers will have the opportunity to have more control to lower their overall energy costs, to spur clean energy innovation and investment, to improve customer choice and value, and to protect the environment; thereby, fulfilling the purposes of this and fulfilling an important public purpose.

- C. The City is authorized to implement this CCA Program pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law; and State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs (issued April 21, 2016) as may be amended, including subsequent orders of the Public Service Commission (PSC) issued in connection with or related to Case No. 14-M-0224, to the extent that orders related to Case No. 14-M-0224 enable actions by the City.
- D. This part shall be known and may be cited as the Community Choice Aggregation Energy Program Law of the City of Rochester.

§ 7-51. Definitions.

For purposes of this part, and unless otherwise expressly stated or unless the context otherwise requires, the terms in this part shall have the meanings employed in the State of New York Public Service Commission's Uniform Business Practices or, if not so defined there, as indicated below:

AGGREGATED DATA

Aggregated and anonymized information including the number of consumers by service class, the aggregated peak demand (kW) for electricity by month for the past 12 months, by service class to the extent possible, and the aggregated energy (kWh) for electricity by month for the past 12 months by service class.

CCA ADMINISTRATOR

City of Rochester or a third-party CCA administrator duly authorized to put out for bid the total amount of electricity being purchased by Participating Consumers. CCA Administrator is responsible for Program organization, administration, procurement, and communications, unless otherwise specified.

CUSTOMER SPECIFIC DATA

Customer specific information, personal data and utility data for all consumers in the City eligible for opt-out treatment based on the terms of PSC CCA Order and the CCA Program design including the customer of record's name, mailing address, telephone number, account number, and primary language, if available, and any customer-specific alternate billing name, address, and phone number.

DATA SECURITY AGREEMENT

An agreement between the Distribution Utility and the City that obligates each party to meet, collectively, (i) all national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual Eligible Consumer with respect to the CCA Administrator or its representative's processing of confidential utility information; (ii) the Distribution Utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify individual Eligible Consumer with respect to the CCA Administrator or its representative's processing of confidential utility information; and (iii) the PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.

DEFAULT SERVICE

Supply service provided by the Distribution Utility to consumers who are not currently receiving service from an ESCO. Eligible Consumers within the City that receive Default Service, and have not opted out, will be enrolled in the CCA Program as of its effective date.

DISTRIBUTED ENERGY RESOURCES (DER)

Local renewable energy projects, shared renewables like community solar, energy efficiency, demand response, energy management, energy storage, microgrid projects, and other innovative

approaches of the State's Reforming the Energy Vision (REV) regulatory initiative that optimize system benefits, target and address load pockets/profile within the CCA's zone, and reduce cost of service for Participating Consumers.

DISTRIBUTION UTILITY

Owner or controller of the means of distribution of electricity that is regulated by the Public Service Commission.

ELIGIBLE CONSUMERS

Eligible customers of electricity who receive Default Service from the Distribution Utility as of the CCA Program's effective date, or New Consumers that subsequently become eligible to participate in the CCA Program, at one or more locations within the geographic boundaries of the City, except those consumers who receive Default Service and have requested not to have their account information shared by the Distribution Utility. For the avoidance of doubt, all Eligible Consumers must reside or be otherwise located at one or more locations within the geographic boundaries of the City, as such boundaries exist on the effective date of the ESA.

ENERGY SERVICES COMPANY (ESCO)

An entity duly authorized to conduct business in the State of New York as an Energy Services Company.

ENERGY SUPPLY AGREEMENT (ESA)

An agreement between an energy customer and an ESCO to provide electricity to the customer for a fixed or variable price.

NEW CONSUMERS

Consumers of electricity that become Eligible Consumers after the effective date of the ESA, including those that opt in or move into the City.

PARTICIPATING CONSUMERS

Eligible Consumers enrolled in the CCA Program, either because they are consumers who receive Default Service from the Distribution Utility as of the CCA Program's effective date and have not opted out, or are New Consumers.

PROGRAM ORGANIZER

The group responsible for initiating and organizing the CCA Program. This group will typically secure buy-in from local governments and engage in preliminary outreach and education around CCA. The Program Organizer may be a non-profit organization, local government, or other third party. The Program Organizer and the CCA Administrator may be the same.

PSC CCA ORDER

The PSC's Order Authorizing Framework for Community Choice Aggregation Opt-Out Program, issued on April 21, 2016 in Case 14-M-0224, "Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs."

PUBLIC SERVICE COMMISSION or PSC

The New York State Public Service Commission.

SUPPLIERS

ESCOs that procure electric power for Eligible Consumers in connection with this part or, alternatively, generators of electricity or other entities who procure and resell electricity.

§ 7-52. Establishment of a Community Choice Aggregation (Energy) Program.

- A. A Community Choice Aggregation (Energy) Program is hereby authorized to be established by the City, whereby the City may implement a CCA Program to the full extent permitted by the PSC CCA Order, as set forth more fully herein.
- B. The City may act as aggregator or broker for the sale of electric supply to Eligible Consumers and may enter into contracts with one or more Suppliers for energy supply and other services on behalf of Eligible Consumers.
- C. The City may enter into agreements and contracts with other municipalities, non-profits, consultants, and/or other third parties to (i) develop and implement the CCA Program, (ii) act as CCA Administrator, and/or (iii) develop offers of opt-in Distributed Energy Resources (DER) products and services to Participating Consumers, including opportunities to participate in local renewable energy projects, shared solar, energy efficiency, microgrids, storage, demand response, energy management, and other innovative Reforming the Energy Vision (REV) initiatives and objectives designed to optimize system benefits, target and address load pockets/profile within the CCA zone, and reduce costs for CCA customers.
- D. The operation and ownership of the utility service shall remain with the Distribution Utility. The City's participation in a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The City shall not take over any part of the electric transmission or distribution system and will not furnish any type of utility service, but will instead negotiate with Suppliers on behalf of Participating Consumers.

§ 7-53. Eligibility.

- A. All consumers within the City, including residential and non-residential, regardless of size, shall be eligible to participate in the CCA Program.
- B. All consumers who are customers of the Rochester Gas and Electric Corporation shall be enrolled on an opt-out basis except for consumers i) that are already taking service from an ESCO, ii) that have placed a freeze or block on their account, or iii) for whom inclusion in the CCA Program will interfere with a choice the customer has already made to take service pursuant to a special rate. Those consumers may be enrolled on an opt-in basis.
- C. New Consumers shall be enrolled on an opt-out basis.

§ 7-54. Opt-Out Process.

- A. An opt-out letter, printed on municipal letterhead, shall be mailed to Eligible Consumers at least 30 days prior to customer enrollment. The opt-out letter shall include information on the CCA Program and the contract signed with the selected ESCO including specific details on rates, services, contract term, cancellation fee, and methods for opting-out of the CCA Program. The letter shall explain that consumers that do not opt out will be enrolled in ESCO service under the contract terms and that information on those consumers, including energy usage data and APP status, will be provided to the ESCO.
- B. All consumers shall have the option to opt out of the CCA Program at any time without penalty.
- C. Termination fees shall not be charged to consumers that cancel their CCA service as a result of moving out of the premises served.

§ 7-55. Customer Service.

Participating Consumers shall be provided customer service including a toll-free telephone number available during normal business hours (9:00 A.M.- 5:00 P.M. Eastern Time, Monday through Friday) to resolve concerns, answer questions, and transact business with respect to the service received from the Supplier.

§ 7-56. Data Protection Requirements.

- A. The City may request Aggregated Data and Customer Specific Data from the Distribution Utility provided, however, that the request for Customer Specific Data is limited to only those Eligible Consumers who did not opt out once the initial opt-out period has closed.
- B. Customer Specific Data shall be protected in a manner compliant with, collectively, (i) all national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the City or its representative's processing of confidential utility information; (ii) the utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the City or its representative's processing of confidential utility information; and (iii) the PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.
- C. The City must enter into a Data Security Agreement with the Distribution Utility for the purpose of protecting customer data.

§ 7-57. Administration Fee.

The City may collect, or cause to be collected, funds from customer payments to pay for administrative costs associated with running the CCA Program.

§ 7-58. Reporting.

- A. Annual reports shall be filed with the City Council by March 31 of each year and cover the previous calendar year.
- B. Annual reports shall include, at a minimum: number of consumers served; number of consumers cancelling during the year; number of complaints received; commodity prices paid; value-added services provided during the year (e.g. installation of DER or other clean energy services); and administrative costs collected. The first report shall also include the number of consumers who opted out in response to the initial opt-out letter or letters.
- C. If a CCA supply contract will expire less than one year following the filing of the annual report, the report must identify current plans for soliciting a new contract, negotiating an extension, or ending the CCA Program.

§ 7-59. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections in this part, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

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

Passed unanimously.

November 12, 2019

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-340
Re: Amendatory Agreement – Bergmann Associates
for Highland Reservoir LT2 Compliance Project – Phase 1

Transmitted herewith for your approval is legislation establishing \$650,000 as maximum compensation for an amendatory agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., (Pietro Giovenco, P.E., President and Chief Executive Officer) 280 East Broad Street, Suite 200, Rochester, NY 14604. Under this amendatory agreement, Bergmann will provide additional professional services required to develop concepts and evaluate options for bringing Highland Reservoir into compliance with the US Environmental Protection Agency's Long Term Enhanced Surface Treatment Rule (LT2), and satisfying other water quality and site specific concerns.

The original agreement was authorized by Ordinance No. 2018-42. This amendment will increase the maximum compensation by \$280,000 to a total of \$650,000. The additional cost shall be funded from 2014-15 Cash Capital. The term of the agreement will be extended to December 31, 2020.

The City is obligated, through a bilateral compliance agreement with the New York State and Monroe County Health Departments, to meet the requirements of LT2 at the Highland Reservoir by September 2023. Evaluation and conceptual design commenced in the spring of 2018. In March 2019, the City was notified by the NYS Environmental Facilities Corporation of its eligibility to receive a \$3 million grant and \$4.2 million in interest-free financing from the Drinking Water State Revolving Fund for Highland Reservoir LT2 compliance. Several feasible alternatives have been identified, including; a floating cover, buried concrete tanks and an ultraviolet treatment facility. The increase in the maximum compensation is required to perform additional work associated with completing the State Environmental Quality Review (SEQR) process, which will include a comprehensive Environmental Impact Statement, and other additional work as necessary to satisfy the requirements of the grant.

The amendatory agreement will result in the creation and/or retention of approximately 3 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-200

Ordinance No. 2019-340
(Int. No. 375)

Authorizing an amendatory agreement to develop means for Highland Reservoir to comply with the federal Long Term Enhanced Surface Treatment Rule

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 Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. to develop and evaluate options for bringing the Highland Reservoir into compliance with the United States Environmental Protection Agency's Long Term Enhanced Surface Treatment Rule (LT2). The amendment shall increase the maximum compensation of the existing agreement, which was originally

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authorized by Ordinance No. 2018-42, by \$280,000 to a total maximum amount of \$650,000. The additional compensation shall be funded from 2014-15 Cash Capital. The term for the amendatory agreement shall be extended to December 31, 2020.

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. 2019-341

Re: Inter-municipal Agreement –
Monroe County Stormwater Coalition

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the City's participation in the Monroe County Stormwater Coalition. This legislation will authorize the Mayor to enter into a new inter-municipal agreement (IMA) between Monroe County and the Monroe County Stormwater Coalition organization members (which includes the City of Rochester). This IMA allows the Monroe County Stormwater Coalition members to work together collaboratively to:

1. Reduce stormwater pollution and improve water quality;
2. Facilitate the use of existing or future resources, organizations and programs for the provision of the services to reduce stormwater pollution, to protect water quality and to restore natural hydrology while enhancing efficiency;
3. Share resources, including staff time, equipment, supplies, technology and services; and
4. Facilitate Coalition Members' compliance with New York State Municipal Separate Storm Sewer System (MS4) general permit requirements.

The Division of Environmental Quality represents the City of Rochester on the Monroe Stormwater Coalition and works collaboratively with the Bureau of Engineering and Architecture in the Department of Environmental Services and the Bureau of Buildings and Zoning in the Department of Neighborhood and Business Development to implement the requirements of the City's MS4 permit and reduce stormwater pollution in the city.

The existing IMA authorized under Ordinance No. 2014-348 expires December 31, 2019. The term of the new IMA is four (4) years.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-341
(Int. No. 376)

November 12, 2019

Authorizing an intermunicipal agreement for the Monroe County Stormwater Coalition

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

Section 1. The Mayor is hereby authorized to enter into an intermunicipal agreement with the County of Monroe and the Monroe County Stormwater Coalition members for participation in the Monroe County Stormwater Coalition. The term of the agreement shall be four years.

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. 2019-342
Re: Agreement - New York State
Department of Environmental
Conservation, Upland Watershed Maintenance

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of Environmental Conservation (NYSDEC) to reimburse the City for maintenance activities to be performed within the Hemlock-Canadice State Forest property. This State Forest is located within the City's Upland Watershed, on property that was sold to NYSDEC in 2010. The term of this agreement will be three years and total reimbursement to the City is not to exceed \$120,000 for the three year period.

Services requested by NYSDEC and performed by the City include maintenance of unpaved roads, trails, fields, parking areas and trail heads within the Hemlock-Canadice State Forest. These maintenance activities not only benefit those using the State Forest, but also improve overall water quality in the City's source water supplies of Hemlock and Canadice Lakes.

The original maintenance agreement with NYSDEC was authorized by Ordinance No. 2010-69 for an initial term of two years with three, one-year renewals. A subsequent agreement was authorized by Ordinance No. 2015-401, with a term of three years. This agreement was amended by Ordinance 2018-199 for an erosion project. These agreements have resulted in a total reimbursement amount of \$481,445.

Sale of this property to NYSDEC in 2010 had multiple, positive benefits for the City. The property continues to remain undeveloped, protecting the unique, natural environment. The agreement contains requirements for property maintenance and preservation that meet or exceed the City's standards, continuing the City's legacy of good stewardship. NYSDEC continues to assume the property tax burden, thus protecting the finances of the watershed towns and agencies.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-342
(Int. No. 377)

November 12, 2019

Authorizing an agreement for maintenance of Hemlock-Canadice State Forest property

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Environmental Conservation to reimburse the City for maintenance activities performed within the Hemlock-Canadice State Forest property. The total reimbursement to the City shall not exceed \$120,000. The term of the agreement shall be three years.

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. 2019-343

Re: Intermunicipal Agreement – Town of Greece,
Eastman Trail Phase I Project

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Eastman Trail Phase I Project. This legislation will:

1. Authorize an intermunicipal agreement with the Town of Greece for an initial term of ten years for the City to construct and maintain the Eastman Trail, portions of which will be located in the Town of Greece;
2. Authorize the acquisition of seven parcels of real property that the Eastman Kodak Company is donating to the City, including: 1762 Ridgeway Avenue, 1632 Ridgeway Avenue, 1626 Ridgeway Avenue, 1596 Ridgeway Avenue, 1510 Ridgeway Avenue, 1306 Ridgeway Avenue, and 1290 Ridgeway Avenue (the “Kodak Parcels”); and
3. Authorize the granting of a permanent, nonexclusive easement to the Eastman Kodak Company over the Kodak Parcels for pedestrian and vehicle access.

Phase I entails the City’s construction of a two-way, shared-use path on the former Erie Canal bed that parallels Ridgeway Avenue, as well as an on-street local bike route along Ridgeway Avenue, extending from Route 390 to Mt. Read Boulevard. When all phases are complete, the trail will provide an east/west connection between the City’s Genesee Riverway Trail at Kings Landing and the State’s proposed Route 390 Trail in the Town of Greece. In order to accomplish this, the Eastman Kodak Company is donating seven parcels of real property to the City, and retaining a permanent, non-exclusive easement for access over all of the donated parcels.

A map of the trail route and descriptions and diagrams of the parcels and easements proposed to be acquired are attached.

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Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-201

Ordinance No. 2019-343
(Int. No. 378)

Authorizing an intermunicipal agreement for the Eastman Trail Phase I 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 intermunicipal agreement with the Town of Greece to administer the Eastman Trail Phase I Project.

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

Section 3. The Council hereby approves the acquisition by donation of the five parcels from the Eastman Kodak Company, described below. The transaction costs, including title insurance and recording fees, shall not exceed \$25,000, and shall be funded from 2014-15 Cash Capital.

Address	S.B.L.#	Lot Size
1762 Ridgeway Avenue	089.11-5-5	±2.04 acres
1632 Ridgeway Avenue	089.12-1-2	±4.64 acres
1626 Ridgeway Avenue	089.12-2-1.1	±1.11 acres
1596 Ridgeway Avenue	089.12-2-2	±0.21 acres
1510 Ridgeway Avenue	089.12-1-5	±3.84 acres
1306 Ridgeway Avenue	089.12-1-7	±5.6 acres
1290 Ridgeway Avenue	090.37-1-2.003	±0.93 acres

Section 4. The Council hereby approves the granting of a permanent, nonexclusive easement to the Eastman Kodak Company for the donated parcels.

Section 5. The Director of Real Estate is hereby authorized to make technical modifications to the legal descriptions contained herein in order to correct mistakes or modify boundaries to be consistent with the purposes of the land and easement conveyances described herein

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

November 12, 2019

By Vice-President Lightfoot
November 12, 2019

To the Council:

The **PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

- | | |
|--------------|---|
| Int. No. 379 | Authorizing an agreement for a Bomb Squad Initiative grant |
| Int. No. 380 | Authorizing agreements for the 2019 Justice Assistance Grant program |
| Int. No. 381 | Authorizing a grant agreement and budget amendment for the Motor Vehicle Theft and Insurance Fraud Prevention program |
| Int. No. 382 | Appropriating federal forfeiture funds and amending the 2019-20 Budget to rent evidence storage |
| Int. No. 383 | Authorizing an intermunicipal agreement to provide photo lab services |
| Int. No. 384 | Authorizing a grant agreement and budget amendment for security camera upgrades at the Rochester Public Market |
| Int. No. 385 | Amending Ordinance No. 2019-275 related to license agreements for the use of the Danforth Community Center |

Respectfully submitted,
Willie J. Lightfoot
Mitch Gruber (Absent)
LaShay D. Harris
Jacklyn Ortiz
Loretta C. Scott
PUBLIC SAFETY YOUTH & RECREATION COMMITTEE

Received filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-344
Re: Agreement – New York State
Division of Homeland Security and
Emergency Services, 2018 Bomb Squad Initiative Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Homeland Security and Emergency Services for the receipt and use of \$100,000 for the 2018 Bomb Squad Initiative Grant.

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These funds will be used to purchase breathing apparatus for hazardous materials situations, personal protection equipment (helmets and armor plates), training in the use of the Bomb Squad's Total Containment Vessel (TCV), and travel expenses for the FBI Hazardous Devices School.

The Police Department has received this grant for more than 10 years. The term of the grant is October 1, 2019 through August 31, 2021. No matching funds are required.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-344
(Int. No. 379)

Authorizing an agreement for a Bomb Squad Initiative grant

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Homeland Security and Emergency Services for the Rochester Police Department's receipt and use of a 2018 Bomb Squad Initiative grant in the amount of \$100,000. The term of the agreement shall be October 1, 2019 through August 31, 2021.

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. 2019-345
Re: Agreement – US Department of Justice
2019 Justice Assistance Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation related to the 2019 Justice Assistance Grant. This legislation will:

1. Authorize an agreement with the US Department of Justice for the receipt and use of the 2019 Justice Assistance Grant in the amount of \$163,600; and
2. Authorize an agreement with the County of Monroe for the distribution and use of \$71,400 of the grant for support of the "Operation Nightwatch" program.

The County intends to use its share of this grant to support "Operation Nightwatch," a program of the Probation Department which follows up on probationers' evening curfews.

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The City's share (\$92,200) will be used to fund salaries (\$61,900) and fringe (\$25,300) for two part-time Counseling Specialists in the Police Department's Family and Victims Services Section. These funds were anticipated and included in the 2019-20 Budget of the Police Department. Additionally, funds in the amount of \$5,000 are allocated toward reaching compliance in crime reporting to standards established by the National Incident-Based Reporting System (NIBRS); this is a requirement in this year's award process.

The term of this grant is October 1, 2018 through September 30, 2022. No matching funds are required.

RPD has received this grant for over 10 years.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-345
(Int. No. 380)

Authorizing agreements for the 2019 Justice Assistance Grant program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Justice for the receipt and use of funding from the 2019 Justice Assistance Grant program in the amount of \$163,600. The term of the agreement shall be October 1, 2018 through September 30, 2022.

Section 2. The Mayor is hereby authorized to enter into an intermunicipal agreement with the County of Monroe in the maximum amount of \$71,400 to fund the Monroe County Probation Department's Nightwatch program. Said amount shall be funded from the amount appropriated in Section 1 herein. The term of the agreement shall be October 1, 2018 through September 30, 2022.

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. 2019-346
Re: Agreement – New York State Division of
Criminal Justice Services, Motor Vehicle
Theft and Insurance Fraud Prevention Grant

Council Priority: Public Safety

November 12, 2019

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Criminal Justice Services for the receipt and use of \$49,600 for the Motor Vehicle Theft and Insurance Fraud Prevention (MVTIFP) grant, and amending the 2019-20 Budget of the Police Department by \$23,000 to reflect a portion of this grant.

This award, for the reduction of auto theft and insurance fraud, will provide overtime in the amount of \$43,500 to support Police Department deployment in high-theft areas and increased investigations of insurance fraud. The grant also provides \$6,100 to train police officers in specialized anti-theft techniques and technology. This grant does not cover fringe which is estimated at \$13,800.

The previous MVTIFP award was authorized by Ordinance No. 2018-344. The term of this agreement is January 1, 2020 through December 31, 2020.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-346
(Int. No. 381)

Authorizing a grant agreement and budget amendment for the Motor Vehicle Theft and Insurance Fraud Prevention program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services for receipt and use of grant funds from the Motor Vehicle Theft and Insurance Fraud Prevention program in the amount of \$49,600. The term of the agreement shall be January 1, 2020 through December 31, 2020.

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

Section 3. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Police Department by the sum of \$23,000 to reflect the receipt of the funds authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-347
Re: Appropriation of Forfeiture Funds
– Storage for Evidence

Council Priority: Public Safety

November 12, 2019

Transmitted herewith for your approval is legislation appropriating \$5,000 from federal forfeited funds generated by the Police Department, and amending the 2019-20 Budget of the Police Department to reflect this amount.

These funds will be used to rent up to three storage containers to store evidence. RPD anticipates having a large seizure in the upcoming months with no space in the Property Clerk Office to store all of the evidence. These containers will be used for long-term, temporary storage.

The appropriations requested this month will result in a balance of approximately \$851,000 in the federal forfeiture Justice fund.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-347
(Int. No. 382)

Appropriating federal forfeiture funds and amending the 2019-20 Budget to rent evidence storage

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

Section 1. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Police Department by \$5,000 from funds to be received from the Federal Government from seized and forfeited assets. Said funds are hereby appropriated to rent storage containers to store evidence.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-348
Re: Agreement – Monroe County,
Police Photo Processing

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with Monroe County and the Monroe County Sheriff's Office (MCSO) for the receipt and use of funding for photo lab services provided to the MCSO.

The City will provide photo processing services, upon request, for MCSO and will invoice the County for these services. MCSO utilizes the lab only when they need prints for court or other essential purposes. The County will pay the City up to \$2,000 annually for these services.

The previous agreement, authorized via Ordinance No. 2014-357, expires on December 31, 2019.

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The term of this agreement is January 1, 2020 through December 31, 2024.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-348
(Int. No. 383)

Authorizing an intermunicipal agreement to provide photo lab services

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

Section 1. The Mayor is hereby authorized to enter into an intermunicipal agreement with the County of Monroe for the receipt and use of funding for photo lab services provided to the Monroe County Sheriff's Office. The maximum annual amount to be paid by the County of Monroe shall be \$2,000. The term of the agreement shall be January 1, 2020 through December 31, 2024.

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. 2019-349
Re: Grant Agreement - State of New York, Division of Homeland Security and Emergency Services,
Public Market Security Cameras

Council Priority: Public Safety

Transmitted herewith for your approval is legislation related to the receipt and use of a FY 2018 Critical Infrastructure Grant Program of the US Department of Homeland Security's State Homeland Security Grant Program and administered through the New York State Division of Homeland Security and Emergency Services for security camera upgrades at the Rochester Public Market. This legislation will:

1. Authorize an agreement with the New York State Division of Homeland Security and Emergency Services (DHSES) for the receipt and use of a \$42,982 grant award. The term of the grant is from October 1, 2019 to August 31, 2021; and
2. Amend the 2019-20 Cash Capital allocation of the Department of Recreation and Youth Services in the amount of \$43,000 to reflect receipt of the grant.

The goal of the DHSES grant program is to enhance security measures at government-owned mass gathering sites. The grant will be utilized for installation of a new, outdoor camera surveillance system to enhance the operational efficiency, rule enforcement and public safety of the Market. The new system will be compatible with the City's integrated Genetec system and will provide real-time access to images to Market staff as well as police and emergency responders. This improvement is part of an on-going

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project to ensure the Market continues to be a safe and enjoyable destination and an economic engine for our community.

The project is anticipated to be completed by April 2020.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-349
(Int. No. 384)

Authorizing a grant agreement and budget amendment for security camera upgrades at the Rochester Public Market

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Homeland Security and Emergency Services for receipt and use of 2018 Critical Infrastructure Grant Program funding in the amount of \$42,982 for security camera upgrades at the Rochester Public Market. The term of the agreement shall be from October 1, 2019 through August 31, 2021.

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

Section 3. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended to increase the 2019-20 Cash Capital allocation in the amount of \$43,000 to reflect the funds appropriated in Section 1 herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-350
Re: Amend Ordinance No. 2019-275 –
License Agreement – Danforth
Community Center, Exercise Express

Transmitted herewith for your approval is legislation amending Ordinance No. 2019-275 which authorized a license agreement with Exercise Express, LLC (Karen Rogers, principal), Rochester, New York, to utilize a portion of Danforth Community Center (200 West Ave., Rochester, NY 14611) (the Community Center) for agency office space and the delivery of exercise and wellness programming for senior citizens. This amendment will increase the square footage of the licensed area from 1,800 square feet to 3,200 square feet.

The term of this license agreement will be for five years, beginning upon execution, and shall be renewable for one additional five-year term. The space will be licensed at a rate \$10.00 per square foot for a total annual cost of \$32,000, including the cost of utilities. This rate was determined by an appraisal

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conducted by Bruckner, Tillet, Rossi, Cahill & Associates as of July 2019. This amount will be adjusted by the City annually based on the CPI-U (Consumer Price Index-Urban Market), as determined by the Department of Neighborhood and Business Development Real Estate Division.

For each year of the agreement, Exercise Express will be charged \$18,000 in rent and provide the remaining \$14,000 license fee will be in the form of free programming and services to City of Rochester senior citizens and other residents in the licensed space. The organization's activities include health education, diabetes/hypertension screenings, nutrition, and fitness programming. Programs and services will be offered 3-5 days per week during day time hours and will serve at least 100 Rochester residents ages 55 and older. Services will be overseen by the Director of Recreation.

Exercise Express will provide all custodial and cleaning services for the licensed space. The City will provide heating, plumbing and electrical repairs, as well as maintain the structural integrity of the Community Center.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-350
(Int. No. 385)

Amending Ordinance No. 2019-275 related to license agreements for the use of the Danforth Community Center

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

Section 1. Section 1 of Ordinance No. 2019-275 is hereby amended to read as follows:

Section 1. The Mayor is hereby authorized to enter into a license agreement with Exercise Express for the use of a portion of the premises in the Danforth Community Center consisting of ~~1,800~~ 3,200 square feet for agency office space and the delivery of exercise and wellness programming for senior citizens. The term of the license agreement shall be five years with the option to extend up to one additional five year term. Exercise Express shall be obligated to pay an annual license fee of ~~\$18,000~~ \$32,000, which includes the cost of utilities, provided, however, that Exercise Express shall be allowed to satisfy up to \$14,000 of its fee obligation for each year by providing an equivalent value of health education, diabetes/hypertension screenings, nutrition, and fitness programming for free to City senior citizens and other residents in accordance with a schedule of services and their respective dollar values that is approved by the Commissioner of Recreation and Youth Services and overseen by the Director of Recreation. After the first year, the fee shall be adjusted for each subsequent year based on the Consumer Price Index for All Urban Consumers (CPI-U).

Section 2. This ordinance shall take effect immediately.

Strikethrough indicates deleted text, new text is underlined.

Passed unanimously.

November 12, 2019

By President Scott
November 12, 2019

To the Council:

The **COMMITTEE OF THE WHOLE** recommends the following entitled legislation to be **HELD** in committee:

Int. No. 386 Adopting *Rochester 2034* as the City's Comprehensive Plan, adopting a new Municipal Code Chapter 130, Comprehensive Plan, to incorporate the *Rochester 2034* Policy Principles, Placemaking Principles, Goals and Placemaking Plan and determining the foregoing actions to be consistent with the Local Waterfront Revitalization Program

Respectfully submitted,

Molly Clifford
Malik Evans
Mitch Gruber (Absent)
LaShay D. Harris
Jacklyn Ortiz
Michael A. Patterson
Elaine Spaul
Willie J. Lightfoot
Loretta C. Scott
COMMITTEE OF THE WHOLE

Received filed and published.

President Scott moved to discharge Int. No. 386 from committee.

The motion was seconded by Vice President Lightfoot.

The motion was adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-351
Re: Adopting *Rochester 2034* as the City of Rochester's Comprehensive Plan and amending Chapter 130 of the City Code to adopt the Policy Principles, Placemaking Principles, Goals, and Placemaking Plan.

Council Priorities: Deficit reduction and long-term financial stability, Rebuilding and strengthening neighborhoods, Public safety, Creating and sustaining a culture of vibrancy, Jobs and economic development, Support the creation of effective educational systems

Transmitted herewith for your approval is legislation to:

- 1) Adopt *Rochester 2034* as the City of Rochester's Comprehensive Plan ("Plan").
- 2) Amend Chapter 130, Comprehensive Plan, to adopt the Policy Principles, Placemaking Principles, Goals, and Placemaking Plan.
- 3) Issue a Local Waterfront Revitalization Program ("LWRP") Consistency Determination.

General City Law §28-a, authorizes the development and enactment by city government of a comprehensive plan which can be readily identified, and is available for use by the public, is in the best interest of the people of the city.

A comprehensive plan is a means to promote and protect the general health, safety, and welfare of the people in a community and to establish a course of action for the future physical and social development of that community. The plan provides guidance for making public and private sector decisions on land use regulation, development, future investment, programming, and the allocation of critical resources. An overarching objective of the Plan is to re-establish a strong connection between the city's comprehensive plan, budget, and capital improvement program. Comprehensive plans typically provide guidance for a 15- to 20-year window for a municipality. The year 2034 is 15 years from 2019 and coincides with the City of Rochester's 200th birthday.

One of the objectives of *Rochester 2034* is to celebrate the city's assets in order to promote living, visiting, and doing business in Rochester. It is intended to change the narrative around the future of Rochester to one of hope, excitement, and positivity. *Rochester 2034* tells the story of who we are as a community, our history, and our vision for a thriving and hopeful future.

Rochester 2034 presents five Policy Principles: healthy living, equity, resilience, prosperity, and partnership. These are broad, overarching principles, or lenses, to guide decisions, policies, and programming in City government. Additionally, the Plan presents six Placemaking Principles: to design at the pedestrian scale, create beautiful spaces, provide diverse housing options, celebrate assets, strengthen multi-modal travel, and focus growth. These are intended to help us to cultivate a strong and unique sense of place for Rochester and make it a place where people want to live, work, and play. It is hoped that the larger community will also embrace all 11 of these principles to guide their work as well.

While most comprehensive plans include a land use plan, *Rochester 2034* features an innovative holistic approach to land use planning called the Placemaking Plan. The Placemaking Plan is a people-centered approach to activating our community and creating vibrancy for all people in Rochester. It ties many factors that influence placemaking into a unified plan and will serve as a guide for the Zoning Code/Map update and all future zoning decisions.

In the other sections of *Rochester 2034* a variety of topics are explored through data analysis, goal-setting, and a review of best practices. Sections, such as housing, transportation, urban agriculture, community beautification, and economic development, each has a set of goals and strategies aimed at advancing the community towards those goals, and moving Rochester toward the Plan's vision. The goals and strategies comprise action plans for each section and present a variety of broad and specific actionable steps for implementation.

The Plan was the subject of an extensive community engagement process that consisted of surveys, neighborhood meetings, popup meetings, stakeholder meetings, and a website. Thousands of people were engaged over the course of Plan preparation and, as a result, the Plan is well known throughout the community.

Rochester 2034 was prepared with implementation in mind and each Plan strategy is intended to be actionable. The Plan implementation includes the creation of an oversight committee, led by the Mayor's

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Office. The Implementation Action Plan also includes a strategy to prepare a forum, online or otherwise, for routinely updating the community on the incremental progress of *Rochester 2034*, including a biennial report to update the community and City leaders on the status of prioritized goals and strategies.

On October 9, 2019, the City Planning Commission conducted a public information meeting and, following their deliberations, voted unanimously to recommend approval of the Plan subject to two conditions. The first recommends that the Planning Office prepare a document that clarifies and explains some common misconceptions about the plan. The second recommends that, once the Plan is approved, the Planning Office continue community engagement on the Plan and periodically provide reports on its implementation status. The full City Planning Commission recommendation is attached.

Lastly, in accordance with Municipal Code Chapter 112, Waterfront Consistency Review Ordinance, Council must make a consistency determination confirming that adoption of *Rochester 2034* will not substantially hinder the achievement of any of the City's LWRP policy standards or conditions and, whenever practicable, will advance one or more of them. As required by Chapter 112, the NBD Commissioner rendered a recommendation indicating that the proposed action is consistent, to the maximum extent practicable, with the applicable LWRP policies. The recommendation is attached. A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-202

Ordinance No. 2019-351
(Int. No. 386)

Adopting *Rochester 2034* as the City's Comprehensive Plan, adopting a new Municipal Code Chapter 130, Comprehensive Plan, to incorporate the *Rochester 2034* Policy Principles, Placemaking Principles, Goals and Placemaking Plan and determining the foregoing actions to be consistent with the Local Waterfront Revitalization Program

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

Section 1. The Council hereby adopts *Rochester 2034* as submitted herewith, which is on file in the Office of the City Clerk, as the City's Comprehensive Plan in accordance with City Charter § 14-1, The Comprehensive Plan, and as provided for in Municipal Code Chapter 130, Comprehensive Plan.

Section 2. Chapter 130 of the Municipal Code, Comprehensive Plan, as last amended by Ordinance No. 2008-91, is hereby repealed.

Section 3. The Council hereby adopts a new Municipal Code Chapter 130, Comprehensive Plan, which shall read in its entirety as follows:

Chapter 130. Comprehensive Plan

§ 130-1. Comprehensive Plan: definition.

For the purpose of this chapter, the Comprehensive Plan shall consist of Rochester's physical, social, cultural, and environmental goals and aspirations as contained in the adopted portions of *Rochester 2034*.

§ 130-2. Comprehensive Plan: purpose and effect.

The Comprehensive Plan, or any part thereof, shall be considered an official statement of the City of Rochester with respect to the existing and developing character of various areas of the City; the proper objectives, standards and direction for the future maintenance, growth and development of the City; the means to be employed to protect existing character or development and to encourage future development that will be in the best interest of the City; and the actions and programs to be undertaken by the City with respect to its future maintenance and development. The Comprehensive Plan shall serve as a guide and resource for City officials and agencies in the performance of their duties but, except as otherwise provided in this chapter and the codes and ordinances of the City, shall not be binding upon them.

§ 130-3. Comprehensive Plan: amendment.

Because the Comprehensive Plan consists of a number of related ordinances and documents, it shall be deemed to be amended as its subsidiary parts are amended or otherwise changed. Such amendments shall be adopted in accordance with the procedures set forth in other parts of the Code of the City of Rochester, such as Chapter 120 and Chapter 128 of the Code. In those instances where an amendment procedure is not otherwise provided in the Code of the City of Rochester, amendments to the Comprehensive Plan shall be adopted in accordance with the procedures set forth in § 120-190.

§ 130-4. Review of public projects; scope of review.

A. In addition to the authority set forth in Chapter 120 of the Zoning Code, and Section 12-13A. of the City Charter, the City Planning Commission shall review and report on all matters relating to the location of any roadway, park, square, playground or recreation ground or public open space within the City; the discontinuance, closing or abandonment of a public roadway; and any other land use matters of City-wide impact and importance referred to it by the Mayor, City Council, or a Commissioner.

(1) Procedure for review and construction.

- a) Within 45 days of any such submission, the Planning Commission shall review such plans for conformity to the Comprehensive Plan and, if necessary, shall confer with the submitting agency with regard to suggested alterations and shall transmit either its recommendation for approval or disapproval of such plans to the submitting agency, stating in detail the reasons for such recommendation.
- b) If the Planning Commission has issued its recommendation for approval or has failed to act with respect to a submission within 45 days or such longer period as may have been agreed to by the submitting agency, the submitting agency may then, but not before, proceed with work on the proposed project. If the Planning Commission has recommended disapproval, then the submitting agency shall undertake no work with respect to the proposed project unless it shall have first obtained express approval therefor from the City Council by ordinance duly adopted.
- c) No City official, agency or department shall issue any permit, approval or authorization necessary in conjunction with any public project subject to this provision, nor issue or authorize any funds or expenditures for such project, unless the agency responsible for such project shall have first obtained a recommendation for approval from the Planning Commission or the City Council as herein required.
- d) In addition, the Mayor shall, before submitting the capital improvement program to the City Council, submit such program to the Planning Commission for its review and comments. The Mayor shall submit any comments of the Planning Commission to the City Council at the same time as the capital improvement program is submitted.

§ 130-5. *Rochester 2034*

The codified portion of the Comprehensive Plan of the City of Rochester shall consist of the Policy Principles, Placemaking Principles, Goals, and Placemaking Plan as follows:

A. Policy Principles

(1) Healthy Living

We will strive to be a city where all residents, regardless of age, income, and ability, live active lives in a healthy environment, have access to community-based health services, healthy food, and healthy housing, and where they have equitable economic and social opportunities.

(2) Equity

We will promote equity, inclusion, and environmental justice by working to reduce disparities, extend community benefits, ensure access to housing, and include traditionally under-represented populations.

(3) Resilience

We will reduce risk and improve the ability of individuals, communities, economic systems, and the natural and built environments to withstand, recover from, and adapt to natural hazards, human-made disasters, climate change, and economic shifts.

(4) Prosperity

We will support a diverse, low-carbon economy, and foster employment growth, competitive advancement, and equitable prosperity.

(5) Partnership

We will join with neighborhood, government, business, not-for-profit, and institutional partners to implement this plan and enjoy the results of reaching our goals together.

B. Placemaking Principles

(1) Design at the Pedestrian Scale

We will prioritize development and design that is pedestrian-scaled and generates street-level activity in order to promote walkability and healthy lifestyles, and to create an attractive and welcoming built environment.

(2) Create Beautiful Spaces

We will design our streetscapes and public spaces to be vibrant, playful, and environmentally sustainable, to reflect, cultivate, and celebrate the unique identities of our city and neighborhoods.

(3) Provide Diverse Housing Options

We will work to preserve our existing housing stock while also providing more diverse options within all neighborhoods that expand our range of housing types, densities, and prices.

(4) Celebrate Assets

We will capitalize on our existing unique assets, including natural and scenic amenities, cultural heritage, and distinctive historic structures and landscapes, recognizing that these assets enhance neighborhood pride, foster a strong cultural identity, and attract visitors, new residents, and investment.

(5) Strengthen Multi-modal Travel

We will strengthen multiple modes of transportation and promote more sustainable transit options by improving walkability and increasing bus and bicycle access throughout the city.

(6) Focus Growth

We will focus population growth and commercial development along key transportation corridors and within mixed-use centers in order to capitalize on existing infrastructure and a critical mass of activity.

C. *Rochester 2034* Goals

(1) Placemaking

- a) Create a comprehensive placemaking approach that goes beyond traditional land use planning, with a particular emphasis on aligning land use and transportation planning efforts.
- b) Foster growth in the City's population and business community in order to restore the critical mass needed to support local businesses, deconcentrate poverty, grow the tax base, and address housing affordability.
- c) Employ a "zoning for jobs" approach whereby greater flexibility and efficiency of land use regulations fosters emerging business trends and creative re-use of buildings while not compromising the historic character and stability of neighborhoods.
- d) Protect the existing character of neighborhoods while allowing room for evolution into more vibrantly urban, inclusive, and resilient design and character.
- e) Continue to elevate the importance of the pedestrian and bicyclist experience through infrastructure, policies, traffic safety enforcement, and education.
- f) Improve public parks, open spaces, public facilities, and waterfront access.
- g) Support capacity building and creative programs, both organic and formal, that enable more localized participation in placemaking.

(2) Housing

- a) Implement existing housing plans, initiatives, and policies.
- b) Improve understanding and monitoring of local housing and community development issues, needs, opportunities, and impacts.
- c) Improve collaborative planning and coordination to promote more holistic housing policy and community development.
- d) Pursue new housing development that grows the city's population and fosters the creation of vibrant, equitable neighborhoods.
- e) Pursue additional housing strategies that support innovative and equitable housing and community development.
- f) Develop and implement middle neighborhoods strategies that expand homeownership and build community wealth.

(3) Vacant Lands

- a) Strategically position vacant sites for redevelopment.
- b) Turn vacant lots in areas of low housing market demand into vibrant community spaces.
- c) Facilitate community gardening on vacant lots.
- d) Create the City Hall administrative infrastructure to allow creative and flexible options for repurposing vacant lots.

(4) Arts + Culture

- a) Support, grow, and sustain the creative economy.

- b) Support Rochester's local arts and cultural organizations through community collaboration and joint fundraising.
- c) Increase access to public art and cultural resources in an equitable and culturally sensitive way.

(5) Historic Preservation

- a) Promote and preserve Rochester's rich history through preservation of its historic and cultural resources.
- b) Promote the benefits of the NYS tax credit programs for rehabilitation of homes and businesses in historic districts.
- c) Reduce barriers to rehabilitating buildings in Preservation Districts and foster enthusiasm for owning homes in these areas of the city.
- d) Use local regulations and programs to supplement the State and federal government's protection of historic resources.

(6) Schools + Community Centers

- a) Improve conditions for students to ensure a healthy and nurturing environment for learning that is targeted at key success indicators.
- b) Nurture a culture of positivity around public school options and benefits in order to encourage current residents and students and to help rebuild the city's population.
- c) Reposition public facilities to serve as, or support, multi-purpose community centers.
- d) Provide educational facilities and programs of the highest quality, enriching the student experience through stronger connections to their community, the arts, and the natural environment.

(7) Public Health + Safety

- a) Continue building connections and partnerships with the community to enhance public safety efforts and impacts.
- b) Incorporate preventative public safety and active design principles into the built environment through development projects and infrastructure.
- c) Increase the capabilities of the RPD and RFD through collaboration, data analysis, technology, and new or improved resources.
- d) Maintain and seek out accreditations and standards for the RFD that allow it to best do its job, and benefit the whole community.
- e) Improve understanding of community health conditions, needs, service provision and access in the city, and use to improve access and overall community health.
- f) Increase access to healthy foods and decrease the proliferation of establishments that only offer unhealthy, highly-processed, low-nutrient food.

(8) Community Beautification

- a) Continue and expand community beautification efforts.
- b) Continue and expand existing efforts to decrease the accumulation of litter in the community.

(9) Natural Resources

- a) Invest in infrastructure, policy, and advocacy efforts that protect and enhance Rochester's water resources.

- b) Provide ongoing upgrades and modernization of water distribution, storage, and treatment systems and facilities.
- c) Protect and expand Rochester's urban forest.
- d) Promote and protect Rochester's natural resources as assets for attracting residents, businesses, and tourists.
- e) Protect natural resources and promote long-term sustainability through increased environmental awareness and education.

(10) Parks, Recreation + Open Space

- a) Reclaim the Genesee River and the City parks and recreation system as foundational assets that help achieve cross-cutting community goals.
- b) Enhance parks and recreation planning capacity.
- c) Ensure high quality maintenance, operations, and safety of parks and trails.
- d) Increase community awareness, pride, and engagement with our parks and recreation system.
- e) Extend the reach of our parks and recreation system through innovative programming and strategic infrastructure investments.

(11) Climate Change Mitigation + Adaptation

- a) Mitigate and adapt to climate change through coordinated planning, plan implementation, and performance monitoring.
- b) Use City authority, facilities, policies, operations, and investment to help achieve climate action planning goals.
- c) Work with property owners and community development partners to improve building energy performance and sustainability.
- d) Develop broad outreach campaigns and community programs that educate people and support them living more sustainable lives.

(12) Urban Agriculture + Community Gardens

- a) Support urban agriculture as a valid reuse option for vacant land and vacant buildings.
- b) Facilitate community gardening on City-owned vacant lots.
- c) Explore innovative urban agriculture initiatives.

(13) Transportation

- a) Expand and strengthen Rochester's multi-modal planning, policy, programming, and infrastructure maintenance.
- b) Improve quality, connectivity, accessibility, and safety in order to achieve a fully accessible network for pedestrians of all ages and people with disabilities.
- c) Develop a "minimum grid" dedicated bicycle network and work to increase bicycle mode share.
- d) Implement a high-frequency transit network and work to grow its impact and reach.
- e) Achieve safe, multi-modal streets and eliminate traffic injuries and deaths through strategic traffic calming, community outreach and education, and enforcement.
- f) Develop transportation demand management (TDM) and transportation access policies and initiatives that help encourage people to reduce drive-alone trips, particularly for workers and large employers.

(14) Economic Growth

- a) Attract businesses to Downtown Rochester.
- b) Support existing and help/incentivize new neighborhood businesses.
- c) Support entrepreneurship as the foundation of business development.
- d) Continue to support and attract job-generating economic development.
- e) Improve opportunities for historically disadvantaged businesses through business development programming and by providing access to contracting opportunities with the City of Rochester.
- f) Establish a culture of collaboration among Anchor Institutions and other regional partners in order to better drive positive economic change locally.
- g) Focus on market research, data, and analysis to drive economic development decisions and programming.

(15) Workforce Development

- a) Help build the capacity of workforce development programs and encourage collaboration to better serve program participants.
- b) Work with partner organizations to build connections between workforce programs and employers to help bridge the gap between training and employment.
- c) Focus workforce development efforts on vulnerable populations.
- d) Provide support for individuals starting their own businesses.

(16) Tourism

- a) Expand opportunities to attract new visitors to the city.
- b) Enhance the visitor experience.
- c) Increase tourism dollars spent within the city.

(17) City + Neighborhood Promotion

- a) Support neighborhood efforts around branding and promotion.
- b) Continue to promote the City of Rochester as a premier place to live, work, and visit.
- c) Work with the Rochester City School District to promote innovative school programming and successes.

(18) Smart City Innovations

- a) Implement the Dig-Once/Right-of-way Management Program.
- b) Increase access to high-speed internet and cellular technologies.
- c) Improve Transportation Systems using Smart Technologies.
- d) Improve municipal technology to better serve the city, residents, stakeholders, and others.

(19) Implementation and Stewardship of *Rochester 2034*

- a) Implement *Rochester 2034* through City Code and procedures.
- b) Use *Rochester 2034* to inform City budgets and programming.
- c) Implement *Rochester 2034* through collaboration and organization.

(20) Building Community Capacity

- a) Build the capacity of community organizations and associations.
- b) Continuously improve City Hall public outreach and communication of City services.
- c) Improve City Hall systems to make them more inclusive and accessible
- d) Increase resident engagement in City decision-making processes.
- e) Increase youth engagement and empowerment.

D. Placemaking Plan –The Placemaking Plan, Initiative Area 2 of *Rochester 2034*, shall inform an update to the Zoning Code and map, as codified in Section 120 of the City Code, as well as future projects, programs, and policies related to community development, including, but not limited to, transportation, community building, parks and recreation, and arts and culture. The approximate boundaries and land use categorization of the Character Areas depicted on the Placemaking Plan Map shall guide any updated Zoning Map. The permitted uses and associated dimensional requirements of any updated Zoning Code shall be consistent with the general vision and objectives expressed in the Character Area descriptions and associated imagery, as well as other principles and recommendations expressed throughout the Initiative Area.

§ 130-6. Implementing documents.

A. The following studies and plans and any amendments thereto shall constitute implementing documents of the Comprehensive Plan:

- (1) *Rochester 2034*
- (2) Zoning Code and Official Zoning Map
- (3) Adopted Urban Renewal Plans
- (4) Subdivision Ordinance
- (5) Official Map
- (6) Capital Improvement Program
- (7) Housing Market Study
- (8) Transit Supportive Corridor Study
- (9) ROC the Riverway Vision Plan
- (10) Brownfield Opportunity Area Plans
- (11) Local Waterfront Revitalization Program
- (12) Center City Master Plan
- (13) Climate Action Plan
- (14) Rochester Public Library Branch Facilities Plan

§ 130-7. Adopted policies.

A. The following policies shall constitute implementing policies for the Comprehensive Plan:

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(1) Housing Policy.

(2) Complete Streets Policy.

Section 4. The Council hereby determines that the adoption of *Rochester 2034* and of a new Municipal Code Chapter 130, Comprehensive Plan (collectively, the Action), is consistent to the maximum extent practicable with the applicable policy standards and conditions of the City's Local Waterfront Revitalization Program (LWRP) in accordance with Municipal Code §112-4. The Council makes this determination based on the following facts and findings:

- a) The Action encompasses the Local Waterfront Area portion of the City, as delineated in the LWRP and, therefore, is subject to consistency review under §112-4 of the Municipal Code;
- b) The Commissioner of Neighborhood and Business Development has provided the Council with an LWRP consistency recommendation for the Action dated October 15, 2019, which concludes that the Action specifically references and promotes the implementation of certain LWRP policies and, if approved, would advance 20 LWRP policies in specified ways; and
- c) Council concurs with the recommendation and finds that the Action will promote increased and improved access to the waterfront while protecting and improving water quality and preserving the waterfront's other unique features.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 7:53 p.m.

HAZEL L. WASHINGTON
City Clerk