

ROCHESTER CITY COUNCIL

REGULAR MEETING

March 17, 2020

Due to the social distancing and other health and safety measures necessary to slow the progress of the COVID-19 pandemic and in accordance with emergency Executive Orders issued by the Governor and Local Emergency Orders issued by the Mayor, the meeting was conducted via a phone conference call and streamed live for public viewing on the Internet via the Council's Facebook and YouTube pages.

Present –President Scott, Councilmembers Evans, Gruber, Harris, Lightfoot, Lupien, Ortiz, Patterson, Peo – 9.

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

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

Retirement:

DRYS:

*Khammong Vilaysak

ECD:

*Stephen Cusenz
*William Jackson
*Roseanne MacMaster
*Ronald Robinson

NBD:

*Zina Lagonegro

RPD:

*Antonio Jorge
*David Lyons
*Robert Nitchman
*David Smith

RPL:

*Alicia Klotzbach

**Not attending meeting*

APPROVAL OF THE MINUTES

By Councilmember Gruber

March 17, 2020

RESOLVED, that the minutes of the Regular Meeting on February 18, 2020 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:

The Council submits Disclosure of Interest Forms from Councilmember Gruber on Int. No. 98 and Int. No. 99 and Councilmember Harris on Int. No. 66, Int. No. 76 and Int. No. 77.

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

None Presented

THE COUNCIL PRESIDENT --- RECEIVED AND FILED.

PUBLIC HEARINGS.

Pursuant to law, public hearings were held on March 12, 2020 on the following matters:

Determinations and findings relating to the acquisition of 78 Potomac Street Int. No. 74
One Speaker

Determinations and findings relating to the acquisition of properties for the Flower City School No. 54 campus modernization project Int. No. 76
Two Speakers

REPORTS OF STANDING COMMITTEES
AND ACTION THEREON

By Councilmember Evans
March 17, 2020

To the Council:

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

Int. No. 66 Approving certain matters and authorizing the execution and delivery of specified documents in conjunction with the 2020 Phase

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of the Rochester Joint Schools Construction Board Facilities
Modernization Program

- Int. No. 67 Local Law amending the City Charter with respect to delinquent tax liens, **as amended**
- Int. No. 68 Authorizing the bulk sale of delinquent tax liens
- Int. No. 69 Authorizing an agreement for firefighter physical agility tests
- Int. No. 70 Authorizing an agreement for the 2020 Puerto Rican Festival
- Int. No. 71 Authorizing an agreement for the 2020 Rochester Twilight Criterium
- Int. No. 72 Authorizing an agreement for Bureau of Architecture and Engineering structure and staffing analysis
- Int. No. 103 Authorizing Councilmember designations for agreements to support community programs and services
- Int. No. 104 Resolution approving appointments to the Board of Ethics
- Int. No. 105 Authorizing agreements and funding for the Census 2020 Complete Count Outreach Grant campaign

Respectfully submitted,
Malik Evans
LaShay D. Harris (*Abstained on Int. No. 66*)
Michael A. Patterson
Willie J. Lightfoot
Loretta C. Scott (*Absent*)
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2020-53
Re: COMIDA Bonding – Phase II 2020
 Rochester Schools Modernization Program

Comprehensive Plan 2034 Initiative:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation authorizing the lease and leaseback of certain school parcels and buildings and other approvals necessary for the issuance of bonds by the County of Monroe Industrial Development Agency (“COMIDA”) in the maximum amount of \$55,466,081 to finance a portion of the Phase II Projects of the Rochester Schools Modernization Program (RSMP).

The Rochester Joint Schools Construction Board (RJSCB) was created by the State’s Rochester School Facilities Modernization Program Act (the “Act”) to manage the design, reconstruction, or

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rehabilitation of existing school buildings for their continued use as schools of the School District, and to create and coordinate efforts to enable compliance with, and monitor and report on, a program-wide diversity plan for the RSMP.

The legislation provided for a maximum cost and bond authorization of up to \$325 Million for Phase I of the project. From 2012 to 2015, COMIDA, at the request and with the cooperation of the School District, the City and the RJSCB, issued three series of bonds totaling \$271,380,000 to finance RSMP Phases 1A, 1B and 1C.

State legislation authorizing Phase II of the RSMP at a total maximum cost of \$435 million was signed into law in December 2014. The Phase II Master Plan completed and adopted by the School District on March 24, 2016 and by the RJSCB on April 4, 2016 provides for 13 schools to be modernized plus provision for District Wide Technology for the schools.

On August 1, 2017, COMIDA issued \$123,670,000 in School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2017 (the "Series 2017 Bonds"). On August 1, 2018, COMIDA issued \$197,295,000 in School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2018 (the "Series 2018 Bonds"). The proceeds of both these series of bonds were applied to finance the development and other costs of Phase II of the RSMP, which entails the rehabilitation of the following thirteen (13) School District schools with the following names (some of which have changed since then) and addresses:

1. James Monroe High School, 164 Alexander Street;
2. East Upper School and East Lower School (formerly known as East High School), 1801 East Main Street;
3. Edison Technology Campus, 655 Colfax Street;
4. Dr. Freddie Thomas Learning Center, 625 Scio Street;
5. School Without Walls Commencement Academy, 480 Broadway Street;
6. Children's School of Rochester 15 (formerly known as Martin B. Anderson School No. 1), 85 Hillside Avenue;
7. Clara Barton School No. 2, 190 Reynolds Street;
8. George Mather Forbes School No. 4, 198 Dr. Samuel McCree Way;
9. Abraham Lincoln School 22, 595 Upper Falls Boulevard;
10. Virgil I. Grissom School No. 7, 31 Bryan Street;
11. Dr. Walter Cooper Academy School No. 10, 353 Congress Avenue;
12. John Walton Spencer School No. 16, 321 Post Avenue; and
13. The Flower City School No. 54 (formerly known as General Elwell S. Otis School No. 30), 36 Otis Street.

The School District now proposes to finance additional costs in connection with the development and other costs of Phase II. Therefore, the School District has requested COMIDA to issue its School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2020 (the "Series 2020 Bonds") in the maximum principal amount of \$55,466,081.

The transactions authorized in this legislation will be contingent upon the approval and execution of an Amended and Restated Sublease by the School District and RJSCB and upon COMIDA's approval of the bonds and of a lease/leaseback arrangement. It is anticipated that these prerequisites will be addressed during the respective board meetings of RJSCB on March 9, the School District on March 12, and COMIDA on March 17.

All costs related to the COMIDA bonds, including issue costs and interest, as well as repayment of the bonds, will be the responsibility of the School District pursuant to an existing Cooperative Agreement between the City, the School District and the RJSCB.

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Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2020-53
(Int. No. 66)

Approving certain matters and authorizing the execution and delivery of specified documents in conjunction with the 2020 Phase of the Rochester Joint Schools Construction Board Facilities Modernization Program

WHEREAS, the City of Rochester, in the County of Monroe, New York (herein called "City") has cooperated with the Rochester City School District (the "School District") and the Rochester Joint Schools Construction Board (the "RJSCB") in furtherance of the School District's Facilities Modernization Program;

WHEREAS, the RJSCB was created by the "Rochester School Facilities Modernization Program Act" (Chapter 416 of the Laws of 2007, as amended by Chapter 533 of the Laws of 2014) (the "Act"), which authorizes the RJSCB to manage the design, reconstruction, or rehabilitation of existing school buildings for their continued use as schools of the School District (the "Facilities Modernization Program" or "Program"), and to create and coordinate efforts to enable compliance with, and monitor and report on, a program-wide diversity plan for the Program;

WHEREAS, the RJSCB, the School District and the City have entered into a Cooperative Agreement dated as of February 22, 2010, and amended as of August 4, 2016 (the "Cooperative Agreement"), in order to clarify the agency arrangement and delegation of authority among the School District, the City and the RJSCB, as well as their respective obligations and expectations to achieve the objectives of the Act;

WHEREAS, on June 20, 2012, the County of Monroe Industrial Development Agency ("COMIDA") issued its \$124,100,000 School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2012 (the "Series 2012 Bonds"), the proceeds of which were applied to development and other costs incurred in connection with Phase 1A of the Program, the rehabilitation of twelve (12) existing School District schools, as well as a district wide technology program (collectively, the "Series 2012 Project");

WHEREAS, on June 1, 2013, COMIDA issued its \$103,055,000 School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2013 (the "Series 2013 Bonds"), the proceeds of which were applied to (i) development and other costs incurred in connection with Phase 1A of the Program which were not financed from the proceeds of the Series 2012 Bonds; (ii) development and other costs incurred in connection with Phase 1B of the Program; and (iii) planning and design costs incurred in connection with Phase 1C of the Program (collectively, the "Series 2013 Project");

WHEREAS, on February 5, 2015, COMIDA issued its \$44,225,000 School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2015 (the "Series 2015 Bonds"), the

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proceeds of which were applied to (i) finance costs incurred in connection with Phase 1C of the Program which were not financed from the proceeds of the Series 2013 Bonds, and (ii) additional Phase I Projects or portions thereof which were eligible under the Act and which were part of the Program (collectively, the "Series 2015 Project");

WHEREAS, on August 1, 2017, COMIDA issued its \$123,670,000 School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2017 (the "Series 2017 Bonds"), the proceeds of which were applied to (i) finance the development and other costs of Phase II of the Program, the rehabilitation of thirteen (13) existing School District schools with the following names (some of which have changed since then) and addresses:

1. James Monroe High School, 164 Alexander Street;
2. East Upper School and East Lower School (formerly known as East High School), 1801 East Main Street;
3. Edison Technology Campus, 655 Colfax Street;
4. Dr. Freddie Thomas Learning Center, 625 Scio Street;
5. School Without Walls Commencement Academy, 480 Broadway Street;
6. Children's School of Rochester No. 15 (formerly known as Martin B. Anderson School No. 1), 85 Hillside Avenue;
7. Clara Barton School No. 2, 190 Reynolds Street;
8. George Mather Forbes School No. 4, 198 Dr. Samuel McCree Way;
9. Abraham Lincoln School No. 22, 595 Upper Falls Boulevard;
10. Virgil I. Grissom School No. 7, 31 Bryan Street;
11. Dr. Walter Cooper Academy School No. 10, 353 Congress Avenue;
12. John Walton Spencer School No. 16, 321 Post Avenue;
13. The Flower City School No. 54 (formerly known as General Elwell S. Otis School No. 30), 36 Otis Street;

(collectively, the "Phase II Program Schools") and (ii) finance the payment of the principal of and a portion of the interest due on the \$32,000,000 Bond Anticipation Notes, 2017 Series I, which were authorized in Ordinance No. 2016-225 and issued by the City to provide short-term financing for Phase II of the Program (collectively, the "Series 2017 Project");

WHEREAS, on August 1, 2018, COMIDA issued its \$197,295,000 School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2018 (the "Series 2018 Bonds"), the proceeds of which were applied to (i) finance the development and other costs of the Phase II of the Program consisting of the rehabilitation of the 13 Phase II Program Schools listed above, (ii) finance capitalized interest for the Series 2018 Bonds, and (iii) finance the cost of issuance of the Series 2018 Bonds; and

WHEREAS, the School District now proposes to finance the development and other costs of Phase II of the Program consisting of the rehabilitation of the 13 Phase II Program Schools listed above, to the extent that such costs were not financed from the proceeds of the Series 2017 Bonds and Series 2018 Bonds, and, therefore, has requested COMIDA to issue its School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2020 (the "Series 2020 Bonds") in the maximum principal amount of \$55,466,081, the proceeds of which are also expected to fund capitalized interest for the Series 2020 Bonds and finance the cost of issuance of the Series 2020 Bonds.

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

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Section 1. The Director of Finance is hereby authorized and directed to enter into such agreements as may be necessary and appropriate to effect issuance of the Series 2020 Bonds, all in form and substance to be approved by the City's Corporation Counsel.

Section 2. The Director of Finance and Corporation Counsel are hereby authorized and directed to comply and evidence compliance with all requirements of the Act necessary and appropriate to ensure that the Series 2020 Bonds are issued in accordance with the New York Local Finance Law and the Act and to ensure that the interest payable on the Series 2020 Bonds is the lowest possible rate obtainable under current market conditions.

Section 3. The actions authorized and directed in this ordinance shall be contingent, as evidenced by the written advice of Corporation Counsel, upon approval of the bonding by the School District and RJSCB.

Section 4. This ordinance shall take effect immediately.

Passed by the following:

Ayes – President Scott, Councilmembers Evans, Gruber, Lightfoot, Lupien, Ortiz, Patterson, Peo -8.

Nays – None- 0.

Councilmember Harris abstained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Local Law # 2

Re: Local Law – Real Property Tax
Foreclosure and the Sale of Tax Liens

Comprehensive Plan 2034 Initiative:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation amending § 9-82 of the Charter to conform the language of the Charter to the current practice of selling delinquent City tax liens.

This legislation would add language to the first sentence in § 9-82 of the Charter so that § 9-82 would now read (new matter underlined):

“The judgment in any action brought under this article shall direct the cancellation or satisfaction of record of all tax liens existing on the date of the granting of the final judgment against the property foreclosed, held by any of the parties to the action, except City of Rochester tax liens levied subsequent to the plaintiff's liens being foreclosed by the action.”

This legislation would also add a new sentence to the end of § 9-104 of the Charter so that § 9-104 would now read (new matter underlined):

“The purchaser of a delinquent tax lien pursuant to an agreement entered into under § 6-123 of this Charter, or the holder of such delinquent tax lien, shall, prior to the commencement of a foreclosure action pursuant to this Title, provide the City Treasurer with a notice of intent to foreclose the delinquent tax lien or liens. Said notice shall set forth the record owner of the property, the SBL number, and the amount of the delinquent

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tax lien, with all accrued interest at the time of the notice. The City may, at its sole option and discretion, elect to repurchase the lien or liens on the property from the tax lien purchaser or holder. The repurchase price shall be the amount of the lien or liens plus all accrued interest. The tax lien purchaser or holder shall provide the notice of intent to foreclose to the City Treasurer by certified mail, return receipt requested, and the City shall have 30 days from receipt of such notice to notify the tax lien purchaser or holder of the City's election to repurchase said lien or liens. If the City elects to repurchase said lien or liens, then the City shall provide payment to the holder thereof within 30 days of the City's exercise of its option to repurchase said lien or liens. If the City shall fail to notify the tax lien purchaser or holder of the City's election to repurchase the lien or liens within said thirty-day period, the tax lien purchaser or holder shall immediately have the right to commence a foreclosure action pursuant to this Title. The plaintiff in any action to foreclose a delinquent tax lien pursuant to this Title shall affirmatively plead compliance with this section. The plaintiff in any action to foreclose a delinquent tax lien pursuant to this Title shall name the City as a party defendant to ensure compliance with this section.

A tax lien purchaser's tax foreclosure action cannot cut off newer City tax liens, because newer City tax liens are always superior to older City tax liens. However, the language of § 9-82 of the Charter, if applied literally, would do exactly that. The current wording of § 9-82 was drafted in 1949, before the sale of delinquent tax liens was authorized. The addition of the new sentence to § 9-104 would ensure that the City obtains timely notice of a tax foreclosure action by a tax lien purchaser.

Respectfully submitted,
Lovely A. Warren
Mayor

Local Law #2
(Int. No. 67, as amended)

Local Law amending the City Charter with respect to delinquent tax liens.

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 amending Section 9-82 thereof to read as follows:

§ 9-82 Cancellation of taxes.

The judgment in any action brought under this article shall direct the cancellation or satisfaction of record of all tax liens existing on the date of the granting of the final judgment against the property foreclosed, held by any of the parties of the action, except City of Rochester tax liens levied subsequent to the plaintiff's liens being foreclosed by the action. The delivery of copies of said final judgment to the Treasurer of the City of Rochester and to the Director of Finance of the County of Monroe shall be authority for each of them to cancel said taxes on the books in their respective offices.

Section 2. 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 amending Section 9-104 thereof to read as follows:

§ 9-104. Option of the City to repurchase.

The purchaser of a delinquent tax lien pursuant to an agreement entered into under § 6-123 of this Charter, or the holder of such delinquent tax lien, shall, prior to the commencement of a foreclosure action pursuant to this Title, provide the City Treasurer with a notice of intent to foreclose the delinquent tax lien or liens. Said notice shall set forth the record owner of the property, the SBL number, and the amount of the delinquent tax lien, with all accrued interest at the time of the notice. The City may, at its sole option and discretion, elect to repurchase the lien or liens on the property from the tax lien purchaser or holder. The repurchase price shall be the amount of the lien or liens plus all accrued interest. The tax lien purchaser or holder shall provide the notice of intent to foreclose to the City Treasurer by certified mail, return receipt requested, and the City shall have 30 days from receipt of such notice to notify the tax lien purchaser or holder of the City's election to repurchase said lien or liens. If the City elects to repurchase said lien or liens, then the City shall provide payment to the holder thereof within 30 days of the City's exercise of its option to repurchase said lien or liens. If the City shall fail to notify the tax lien purchaser or holder of the City's election to repurchase the lien or liens within said thirty-day period, the tax lien purchaser or holder shall immediately have the right to commence a foreclosure action pursuant to this Title. The plaintiff in any action to foreclose a delinquent tax lien pursuant to this Title shall affirmatively plead compliance with this section. The plaintiff in any action to foreclose a delinquent tax lien pursuant to this Title shall name the City as a party defendant to ensure compliance with this section.

~~Section-2 3.~~ This local law shall take effect on April 1, 2020 or immediately upon filing in the Office of the Secretary of State as provided by Section 27 of the NYS Municipal Home Rule Law, whichever occurs later.

Strikeout indicates deleted text, new text is underlined.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-54

Re: Bulk Sale of Delinquent Tax Liens

Council Priority: Deficit Reduction and Long
Term Financial Stability

Comprehensive Plan 2034: Reinforce Strong
Neighborhoods

Transmitted herewith for your approval is legislation authorizing the sale of 2018-2019 and prior delinquent tax liens, in bulk to American Tax Funding, LLC (ATF).

Local Law No. 8 of 2008 amended the City Charter to allow the City to conduct bulk sales of delinquent tax liens. Council Ordinance No. 2008-379 authorized three lien sales with the option

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for two subsequent sales. The table below summarizes the results of the sales relating to the original contract term:

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

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

Sale Date	# of liens	# of parcels	Original value (principal + interest)	Sale price	% of original value
Mar 2014	2,033	1,977	\$4,396,376	\$2,531,023	57.57

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

Sale Date	# of liens	# of parcels	Original value (principal + interest)	Sale price	% of original value
Mar 2015	2,041	1,837	\$3,659,724	\$2,172,334	59.36

Council Ordinance No. 2016-62 authorized a one year agreement with ATF. The result of the sale is summarized below:

Sale Date	# of liens	# of parcels	Original value (principal + interest)	Sale price	% of original value
May 2016	1,372	1,272	\$2,682,810	\$1,863,732	69.47

Council Ordinance No. 2017-77 authorized a one year agreement with ATF. The result of the sale is summarized below:

Sale Date	# of liens	# of parcels	Original value (principal + interest)	Sale price	% of original value
Jun 2017	1,886	1,645	\$3,467,862	\$2,514,348	72.50%

Council Ordinance No. 2018-25 authorized a one year agreement with ATF. The result of the sale is summarized below:

Sale Date	# of liens	# of parcels	Original value (principal + interest)	Sale price	% of original value
Mar 2018	2,449	1,997	\$4,766,377	\$3,240,485	67.99%

Council Ordinance No. 2019-45 authorized a one year agreement with ATF. The result of the sale is summarized below:

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Sale Date	# of liens	# of parcels	Original value (principal + interest)	Sale price	% of original value
Apr 2019	1,381	1,251	\$2,759,582	\$1,580,699	57.28%

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

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

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

In 2013 ATFS began assigning some of its liens purchased from the City to Cheswold LLC. On January 26, 2016 Cheswold LLC was purchased by Alterna Tax Asset Group. Cheswold is now a wholly owned subsidiary of Alterna. The liens owned by Cheswold LLC. are serviced by MTAG, and ATF services the liens it retains. Further, in 2017 ATF consummated the assignment of additional liens to Ebury Street Capital LLC., located in Rye New, York.

In order to increase delinquent tax collection revenue; enhance re-development efforts; reduce the presence of blighted property; and offer flexibility to homeowners, the City has historically removed certain properties from the lien sale based on review by the Department of Neighborhood and Business Development. Over the years, the lien sale has focused on the sale of high value liens and liens on owner-occupied property. Properties removed are subject to foreclosure and collection efforts with potential future ownership by the Rochester Land Bank Corporation.

This is the final year of tax lien sales. This year the city will sell, and ATF has agreed to purchase a pool of high value Unsettled Liens having a value of \$1,284,668 at a price of \$1,078,979 representing 83.99% of the original lien amount. All other lien pools (new, settled, and those unsettled liens ATFS does not wish to purchase) will be included in the City's 2020 foreclosure auction. The foreclosure action is scheduled to commence in the spring of 2020 and culminate with a fall 2020 foreclosure auction. As of December 2019 there were 4,368 liens with delinquent amounts totaling \$6,852,511 eligible for inclusion in the next foreclosure action.

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

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

To reiterate, this sale concludes the sale of tax liens.

Respectfully submitted,
Lovely A. Warren
Mayor

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Ordinance No. 2020-54
(Int. No. 68)

Authorizing the bulk sale of delinquent tax liens

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

Section 1. The Mayor is hereby authorized to enter into an agreement with American Tax Funding, LLC (ATF) for the bulk sale of delinquent tax liens. The Council hereby approves the bulk sale of 2018-2019 and prior years' delinquent tax liens to ATF.

Section 2. The agreement shall have a term of one year and shall obligate ATF to pay to the City an amount based upon the ATF offer of \$1,078,979 for High Value Unsettled Liens.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following:

Ayes: President Scott, Councilmembers Evans, Gruber, Harris, Lightfoot, Ortiz, Patterson -7.

Nays: Councilmembers Lupien, Peo-2.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2020-55
Re: Agreement – Personal Energy, Inc.,
Physical Agility Test for Firefighter Civil
Service Examination

Council Priority: Jobs and Economic
Development

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation establishing \$8,500 as maximum compensation for an agreement with Personal Energy, Inc. (Justin Merriam, President) of Rochester, New York, for the administration of a physical agility test for the Firefighter Civil Service Examination. The term of this agreement will be for two (2) years with the option for a two-year renewal. The cost of this agreement will be funded from the 2019-20 and future budgets of the Department of Human Resource Management, contingent upon approval of said budgets.

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In 2016, Personal Energy, Inc., in collaboration with the Department of Human Resource Management and the Rochester Fire Department, developed a physical agility test to serve as a supplement to the written portion of the Firefighter Civil Service Examination. The purpose of developing this physical agility exam was to ensure that candidates who passed the written portion of the examination possessed a minimal physical ability threshold to better their chances of successfully completing the Fire Academy, which concludes with the rigorous, New York State mandated Candidate Physical Agility Test (CPAT).

Upon the development of this physical agility test, Personal Energy, Inc. was responsible for overseeing its administration to all candidates who passed the written portion of the last Firefighter Civil Service Examination, administered in December of 2015. A justification for not issuing a request for proposals is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AT-36

Ordinance No. 2020-55
(Int. No. 69)

Authorizing an agreement for firefighter physical agility tests

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 Personal Energy, Inc. for the administration of a physical agility test for the Firefighter Civil Service Examination. The term of the agreement shall be two years with the option to renew for one additional two-year period. The maximum two-year compensation for the agreement shall be \$8,500, which shall be funded in the amount of \$4,250 from the 2019-20 Budget of the Department of Human Resource Management (DHRM) and \$4,250 from the 2020-21 Budget of DHRM, contingent upon approval of the latter budget. The compensation for the optional additional two-year term, if so elected, shall be funded at the rate of \$4,250 from each of the 2022-23 and 2023-24 Budgets of DHRM contingent upon their approval.

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. 2020-56
Re: Agreement - Puerto Rican Festival

Council Priority: Creating and Sustaining a
Culture of Vibrancy

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Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation establishing \$80,000 as maximum compensation for an agreement with the Puerto Rican Festival, Inc., (President: Orlando Ortiz) Rochester, for sponsorship of the 2020 Puerto Rican Festival. The cost of the agreement will be funded from the 2020-21 Budget of Communications, contingent on its approval. The term will be for one year.

The Puerto Rican Festival Inc. was established in 1969 for the express purpose of celebrating and recognizing the culture of Puerto Ricans. Puerto Ricans continue to be one of the largest growing Hispanic populations in New York State. This growth now makes Monroe County and the City of Rochester home to the second largest population of Hispanics in the state. The Puerto Rican Festival is the longest-running cultural festival in Monroe County.

In 2020, the 51st Puerto Rican Festival will be held in mid-August at the Frontier Field VIP Parking Lot. Each year, this well-established event draws more than 21,000 people of all cultures and ethnic backgrounds. The City has funded the festival at the \$40,000 level in 2019, 2018, and at the \$35,000 level in 2017 and 2016, and at the \$30,000 in 2015. In previous years, the City's sponsorship supported free admission for only the first two hours on the Friday and Saturday of the festival. The increase in City support this year will add another free hour of admission to Friday and Saturday, and more significantly, add on a Thursday to the festival that will feature completely free admission. This will open up the opportunity to attend the festival to a much wider range of Rochesterians. Removing the cost to enter on Thursday and providing more time to enter for free on Friday and Saturday will encourage those who may have been deterred by the price of admission to visit the festival with their friends and families.

In addition to the direct city funding, the Puerto Rican Festival, Inc. will be given the opportunity to generate additional revenue to support the festival by offering its sponsors advertising opportunities on nearby City assets through the City's pilot asset advertising program. The festival will work closely with the City's Advertising Committee for approval on each potential advertisement and the subsequent terms of the sales. The festival will be required to remit 50% of each advertisement that it sells back to the City.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AT-37

Ordinance No. 2020-56
(Int. No. 70)

Authorizing an agreement for the 2020 Puerto Rican Festival

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Puerto Rican Festival, Inc. for sponsorship of the 2020 Puerto Rican Festival. The maximum compensation for the agreement shall be \$80,000, which shall be funded from the 2020-21 Budget of the Bureau of Communications, contingent upon approval. The term of the agreement shall be one year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-57
Re: Agreement - Full Moon Vista Productions,
Inc., Rochester Twilight Criterium

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum compensation for an agreement with Full Moon Vista Productions, Inc. (Principal: Scott Page), Rochester, New York, to support the 2020 Rochester Twilight Criterium and related competitive bicycling activities. The cost of the agreement will be funded from the 2019-20 Budget of the Bureau of Communications and the term will be for one year.

The 2020 Twilight Criterium will take place in downtown Rochester on Saturday, June 6. This event has been approved by USA Cycling and is part of the U.S. National Criterium Calendar. The Rochester Twilight Criterium is one of only 11 events in the U.S. with competition at this level. Professional athletes from around the globe attend the event, including Olympians and world and national. Unlike many events in professional sports, this one provides an equal prize purse to both the men's and women's winners.

Races are free and open to the public and will take place throughout the afternoon and night. Last year, organizers projected that more than 25,000 spectators attended the event.

Again this year, in the hours before the races start, the City will utilize a portion of the Criterium's course to host a "Play the Riverway" event that includes active play offerings, popular characters, and the popular "Little Kids and Big Rigs," where kids can explore the City's fleet of vehicles. All of the Play the Riverway events prior to the Criterium will be free.

In addition to the direct city funding, Full Moon Vista Productions will be given the opportunity to generate additional revenue to support the free event by offering its sponsors advertising opportunities on nearby City assets through the City's pilot asset advertising program. The event will work closely with the City's Advertising Committee for approval on each potential advertisement and the subsequent terms of the sales. The festival will be required to remit 50% of each advertisement that it sells back to the City.

City Council approved \$30,000 in direct funding for the event in 2019, 2018, 2017, 2016, and 2015.

Respectfully submitted,
Lovely A. Warren

March 17, 2020

Mayor

Attachment No. AT-38

Ordinance No. 2020-57
(Int. No. 71)

Authorizing an agreement for the 2020 Rochester Twilight Criterium

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 Full Moon Vista Productions, Inc. to support the 2020 Rochester Twilight Criterium and related competitive bicycling activities. The maximum compensation for the agreement shall be \$30,000, which shall be funded from the 2019-20 Budget of the Bureau of Communications. The term of the agreement shall be one year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2020-58
Re: Agreement – Center for Governmental
Research Inc. (CGR), Architecture and
Engineering Bureau Structure and Staffing
Analysis

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation establishing \$63,000 as total maximum compensation for an agreement with Center for Governmental Research Inc. (Erika Rosenberg, CEO) of Rochester, NY, for consulting services to review the Bureau of Architecture and Engineering in the City's Department of Environmental Services. The term of the agreement will be for one year and will be funded from the 2019-20 Budget for Undistributed Expense.

The Bureau of Architecture and Engineering's work has changed in recent years. Staff turnover due to retirement, a changing regulatory environment, increased development activity, and an increasing volume of grant-funded initiatives like ROC the Riverway, have affected the Bureau's workflow. The objectives of this study are to assess and evaluate whether the current staffing model is sufficient to meet current workload demands and recommend any specific changes to staffing, hierarchical structure, training and professional development, and processes (both within the

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Bureau and those created/managed by other departments that impact public works projects) to achieve greater efficiency and effectiveness in project completion and services delivery.

Center for Governmental Research Inc. was selected through a request for proposal process described in the attached summary.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AT-39

Ordinance No. 2020-58
(Int. No. 72)

Authorizing an agreement for Bureau of Architecture and Engineering structure and staffing analysis

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 Center for Governmental Research Inc. to review and recommend changes to the structure and staffing of the Department of Environmental Services' Bureau of Architecture and Engineering. The maximum compensation for the agreement shall be \$63,000, which shall be funded from the 2019-20 Budget of Undistributed Expenses. The term of the agreement shall be one year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2020-59
Re: Agreements - Councilmember
Designations

Transmitted herewith for your approval is legislation relating to City Councilmember designations for various community programs and neighborhood groups. This legislation will authorize agreements totaling \$3,500 with the following agencies:

Agency	Amount:
The Center for Teen Empowerment, Inc.	\$2,500
Rochester Careers in Construction, Inc.	\$1,000
	<hr/>
	\$3,500

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City Councilmembers are provided a modest amount of discretionary funds to appropriate to agreements with various community agencies to provide services and programs that promote the general welfare of the city. Several organizations not named herein are eligible to receive funds directly through the administrative contract process because they did not exceed the \$10,000 ordinance threshold set by City Council for this fiscal year. The organizations designated herein require Council authorization because the sum of the compensation for the agreement proposed plus the compensation for another agreement or agreements already authorized would exceed the \$10,000 threshold.

All agreements will be funded from the 2019-20 Budget for Undistributed.

Respectfully submitted,
Loretta C. Scott
President

Willie J. Lightfoot
Vice President

Ordinance No. 2020-59
(Int. No. 103)

Authorizing Councilmember designations for agreements to support community programs and services

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

Section 1. The Mayor is hereby authorized to enter into an agreement with each of the following organizations for maximum compensation in the Councilmember designation amount specified herein to conduct or fund community programs and services:

Agency	Amount
The Center for Teen Empowerment, Inc.	\$2,500
Rochester Careers in Construction, Inc.	\$1,000
TOTAL:	\$3,500

Section 2. The term of each agreement shall be one year.

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:

Resolution No. 2020-14
Re: Appointments to the Board of Ethics

March 17, 2020

Transmitted herewith for your approval is a resolution approving the reappointment of Carl Steinbrenner and the appointments of James Patterson and Kevin Graham to the Board of Ethics. All three are City residents and their eligibility has been verified by staff.

To ensure that terms remain staggered Kevin Graham will serve a term that will expire on January 31, 2022, and Carl Steinbrenner and James Patterson will serve terms to expire on January 31, 2023.

Resumes for Carl Steinbrenner, James Patterson, and Kevin Graham are on file with the City Clerk.

Respectfully submitted,
Loretta C. Scott
President

Resolution No. 2020-14
(Int. No. 104)

Resolution approving appointments to the Board of Ethics

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

Section 1. The Council hereby approves the reappointment of the following City resident to the Board of Ethics for a term that expires on January 31, 2023:

Carl Steinbrenner.

Section 2. The Council hereby approves the appointment of the following City resident to the Board of Ethics to a term that expires on January 31, 2023:

James Patterson.

Section 3. The Council hereby approves the appointment of the following City resident to the Board of Ethics to a term that expires on January 31, 2022:

Kevin Graham.

Section 4. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2020-60
Re: Census 2020 Complete Count Outreach
Grant and 2019-20 Budget Amendments

Council Priority: Deficit Reduction and Long
Term Financial Stability

Transmitted herewith for your approval is legislation related to the Census 2020 Complete Count Outreach Grant. This legislation will:

1. Authorize an agreement with Empire State Development for the receipt and use of \$247,951 in anticipated funding for the 2020 Complete Count outreach campaign.
2. Transfer 75 percent of funds, or \$185,963, as required by NYS from the grant authorized herein for an agreement with the Rochester Area Community Foundation utilizing the One City Fund as a fiduciary to allow for timely disbursement of grant funds to State-approved non-profits.
3. Amend the 2019-20 Budget of the Mayor’s Office by ~~\$61,988~~ \$62,000 (25 percent of NYS funds) to reflect a portion of the grant revenue.

In order to achieve a complete count of Rochester residents, it must be ensured that all residents understand the census is safe, easy, and important. Outreach activities will include radio, television, digital, and print advertising supplemented by door-to-door organizing efforts. Additional investments will be made in interpretation services, social media promotion, technology access, printing and distribution of literature, and more.

New York State’s Census Outreach Grant allocates separate pools of funding to both the City of Rochester and Monroe County. It requires that 75 percent of funds are disbursed to prequalified non-profits, and it allows for 25 percent of funds to remain with the respective municipalities. The City and County worked together to take funding requests from non-profits for outreach strategies for hard-to-reach populations. Together, the City and County plan on funding the following non-profits:

Organization	County	City	Purpose
Causewave Community Partners	\$50,000	\$50,000	Management of marketing campaign and ad placements.
IBERO		\$28,350	Translation, interpretation, and door-to-door outreach to Spanish-speaking population.
Catholic Family Center	\$22,000		Outreach to refugee community through door-to-door outreach and interpretation services.
Center for Disability Rights	\$18,000		Interpretation services for the Deaf community and creation of promotional videos in ASL.
Coalition of Black Trade Unionists		\$25,000	Organizing labor organizations and conducting door-to-door outreach to African-American workers.
Trillium Health		\$15,287	Outreach to LGBTQ+, homeless, and people who use drugs.
Refugees Helping Refugees		\$15,065	Door-to-door outreach to immigrant and refugee populations. Translation and interpretation services.
Literacy Rochester		\$10,000	Staffing public libraries to assist citizens with digital literacy skills to complete the census online.

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Lifespan		\$8,000	Assistance for seniors taking the census.
Urban League	\$27,500		Tabling, census parties, and youth outreach.
CONEA		\$5,000	Organizing in some of the hardest-to-count census tracts. Partnership with local churches to host census parties.
RTS*	\$52,000		Wrapping buses in census advertisements and pushing out promotional material at the Transit Center.
Friends of the Rochester Public Library		\$4,000	Staff overtime to keep libraries open outside of normal hours to assist citizens with the census.
Total	\$169,500	\$160,702	

*RTS funded out of County's municipal share

In addition to these prequalified non-profits, the Complete Count Committee will fund a marketing campaign with RTS that will wrap buses in census messaging and publicize the importance of the census at the Transit Center.

The Budget of the Mayor's Office will be amended in order to hire temporary staff to augment census outreach efforts. These temporary staff will assist in door-to-door outreach, coordinate with non-profits and the US Census Bureau, and help ensure a complete count.

The One City Fund at the Rochester Area Community Foundation has existed for over a decade to assist with socially beneficial programs such as this. The Fund requires authorization from the City before making expenditures but allows for a more nimble disbursement of funds. The timeline for NYS grant disbursement leaves the City vulnerable to an undercount, but leveraging the Community Foundation as a fiduciary will allow partner organizations to receive their funding more promptly so they can begin executing on their complete count outreach strategies as soon as possible.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2020-60
(Int. No. 105, as amended)

Authorizing agreements and funding for the Census 2020 Complete Count Outreach Grant campaign

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

March 17, 2020

Section 1. The Mayor is hereby authorized to enter into an agreement with Empire State Development or one of its constituent agencies (collectively, ESD) for the receipt and use of \$247,951 in funding for the Census 2020 Complete Count Outreach Grant campaign (the Campaign). The Mayor is hereby authorized to enter into any other agreements and to execute such documents as are necessary to implement the Campaign.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Rochester Area Community Foundation to disburse up to \$185,963 to non-profit organizations that are prequalified and selected in accordance with the NYSDOS agreement to conduct outreach activities for the Campaign. The disbursements shall be funded from a portion of the Campaign funds authorized in Section 1 herein, which are hereby appropriated for that purpose.

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 Mayor's Office by ~~\$61,988~~ \$62,000, which amount is hereby appropriated for that purpose from a portion of the Campaign funds authorized in Section 1 herein.

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

Section 5. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

By Councilmember Patterson
March 17, 2020

To the Council:

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

- | | |
|-------------|---|
| Int. No. 73 | Authorizing the sale of real estate |
| Int. No. 75 | Authorizing the acquisition by negotiation or condemnation of
78 Potomac Street |
| Int. No. 78 | Authorizing a license agreement with South Wedge Planning Committee
for the use of City property as a community garden |

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

- | | |
|-------------|---|
| Int. No. 74 | Determinations and findings relating to the acquisition of 78 Potomac
Street |
|-------------|---|

The **NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE** recommends the following entitled legislation to be **HELD** in committee

March 17, 2020

Int. No. 76 Determinations and findings relating to the acquisition of properties for the Flower City School No. 54 campus modernization project

Int. No. 77 Authorizing the acquisition by negotiation or condemnation of properties for the Flower City School No. 54 campus modernization project

Respectfully submitted,
Michael A. Patterson
Mary Lupien
Jacklyn Ortiz
Willie J. Lightfoot
Loretta C. Scott (*Absent*)
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2020-61
Re: Sale of Real Estate

Council Priority: Rebuilding and Strengthening
Neighborhood Housing

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of five 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 (unless noted), and have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first property is listed on the attached spreadsheet under the heading, I. Negotiated Sale – Improved Property. The parcel is a small lot improved by a garage serving the property at 80 Taylor Street. It is being sold to the new owner of 80 Taylor Street. The remaining four properties are listed under the heading, I. Negotiated Sale – Vacant Land. They will be sold to the Greater Rochester Housing Partnership for inclusion in their new construction program, Neighborhood Builders. The purchasers must be first time homebuyers with incomes at or below 80% AMI.

The first year projected tax revenue for these five properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$2,633.

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

March 17, 2020

Mayor

Attachment No. AT-40

Ordinance No. 2020-61
(Int. No. 73)

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 parcel improved with a garage:

Address	S.B.L.#	Lot Size	Sq. Ft.	Price	Purchaser
84 Taylor St	120.34-2-55	33 x 110	3,630	\$1,000	John Glover

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

Address	S.B.L.#	Lot Size	Sq. Ft.	Price	Purchaser
602 Clay Ave	090.48-2-53	40 x 119.5	4,780	\$425	Greater Rochester Housing Partnership
236-238 Magee Ave	090.58-1-51	50 x 119.5	5,975	\$450	Greater Rochester Housing Partnership
31 Pollard Ave	047.69-2-52	66 x 165	10,890	\$600	Greater Rochester Housing Partnership
104 Woodward St	106.66-2-47.4	90x132	11,885	\$600	Greater Rochester Housing Partnership

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

Section 4. This ordinance shall take effect immediately

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2020-62
Ordinance No. 2020-63
Re: Acquisition – 78 Potomac Street

March 17, 2020

Comprehensive Plan 2034 Initiative Area:
Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation authorizing the acquisition by negotiation or condemnation of a vacant residential property necessary to facilitate the relocation of the Forestry Division to the adjacent City-owned property at 965 Maple Street. The acquisition will be funded through 2019-20 Cash Capital. The address is noted below with the appraised value and property use:

Address	Reputed Owner	SBL #	Type	Maximum Acquisition Amount
78 Potomac Street	Frank A. Bianchi	120.32-1-46	1 Family	\$6,000

The maximum acquisition amount is supported through an independent appraisal performed as of March, 2019 and updated January, 2020 by Stephen Ferrara of Midland Appraisal Associates, Inc.

In the event that the property cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for its acquisition. In the event of condemnation, the amount set forth herein for the acquisition shall be the amount of the offer. Nothing in this ordinance shall be deemed to limit in any way the liability of the City for further claims arising from the acquisition pursuant to the eminent domain procedure law.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AT-41

Ordinance No. 2020-62
(Int. No. 74)

Determinations and findings relating to the acquisition of 78 Potomac Street

WHEREAS, the City of Rochester proposes to acquire the parcel at 78 Potomac Street (the "Property") to facilitate the relocation of the City's Forestry Division facilities to share the adjacent City-owned property located at 965 Maple Street with the City's existing Parks Operations facilities (the "Project"), and

WHEREAS, the Council of the City of Rochester held a public hearing on March 12, 2020 pursuant to Article 2 of the Eminent Domain Procedure Law to consider the acquisition of this parcel and 1 speaker appeared at the hearing.

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

Section 1. The Council hereby makes the following determinations and findings concerning the acquisition of the Property for the Project:

- A. Project description – The Project entails the City's acquisition of 78 Potomac Street in order to add it to the adjacent City-owned parcel located at 965 Maple Street.

- B. Project purpose – To expand and situate the City-owned parcel located at 965 Maple Street so that it is sufficient to accommodate the relocation of the City’s Forestry Division facilities to the property, along with the Parks Operations facilities that are already there.

- C. Project effect – The acquisition of the Property and the overall Project will have no significant adverse environmental effects. The acquisition of the Property has been reviewed under the State Environmental Quality Review Act (“SEQR”) and Chapter 48 of the Municipal Code, a SEQR Short Environmental Assessment Form has been completed, and the acquisition has been determined to have no potential significant adverse environmental impacts, pursuant to a Negative Declaration issued by the Mayor on February 3, 2020.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2020-63
(Int. No. 75)

Authorizing the acquisition by negotiation or condemnation of 78 Potomac Street

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

Section 1. The Council hereby approves the acquisition of the following parcel for the maximum acquisition amount indicated to facilitate the relocation of the City’s Forestry Division facilities to share the adjacent City-owned property located at 965 Maple Street with the City’s existing Parks Operations facilities (the “Project”):

Property Address	Reputed Owner	SBL#	Type	Maximum Acquisition Amount
78 Potomac Street	Frank A. Bianchi	120.32-1-46	vacant 1 family	\$6,000

Section 2. The acquisition amount and necessary closing costs shall be funded from 2019-20 Cash Capital.

Section 3. City taxes and other current-year charges against said parcel 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 the parcel, shall also be canceled.

Section 4. In the event that any of said parcels cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings to acquire said parcel. In the event of condemnation, the amount set forth herein for the acquisition shall be the amount of the offer. Nothing in this ordinance shall be deemed to limit in any way the liability of

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the City for further claims arising from the acquisition of said parcel pursuant to the Eminent Domain Procedure Law.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-64
Re: Five Year License Agreement for
Community Garden – South Wedge Planning
Committee

Council Priority: Rebuilding and Strengthening
Neighborhood Housing

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing a license agreement between the City and South Wedge Planning Committee, (Glynis Valenti, Executive Director, 224 Mount Hope Avenue, Rochester, NY) for the continued use of premises located at 122 Hamilton Street. The license agreement has a term of five (5) years, and there is no fee.

South Wedge Planning Committee (SWPC) has a garden at the premises through the City's existing Garden Permit program and has since 2012. SWPC has demonstrated a sustainable gardening operation that is supported by the immediate neighborhood. The garden has been maintained at a high standard and has had no complaints.

The City retains the right to terminate all or part of the license with ninety (90) days written notice. The licensee will then be required to relinquish the site at the end of the prevailing growing season which is defined as December 15th of the notification year.

The Mayor is hereby authorized to enter into this license agreement.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AT-42

Ordinance No. 2020-64
(Int. No. 78)

**Authorizing a license agreement with South Wedge Planning Committee for the use of
City property as a community garden**

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WHEREAS, the City of Rochester has received an application from the South Wedge Planning Committee for the continued use of a City-owned parcel of land as a community garden for a term of five years; and

WHEREAS, consistent with Section 21-23 of the Municipal Code, the Council is following additional procedures due to the length of the proposed use; and

WHEREAS, the term of the use is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the use; and

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

Section 1. The Mayor is hereby authorized to enter into a license agreement with South Wedge Planning Committee for the said committee to maintain a community garden at the City-owned property at 122 Hamilton Street.

Section 2. The license agreement shall have a term of five years, provided that the City shall retain the right to terminate all or part of the license upon 90 days written notice whereupon the licensee shall then be required to relinquish the site designated in such notice at the end of the prevailing growing season which is defined as December 15th of the notification year.

Section 3. The license 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:

Introductory No. 76
Introductory No. 77
Re: Acquisitions – 56 Aab Street, 2 Chace
Street, 12 Chace Street, 291 Sherman Street,
295 Sherman Street, 301 Sherman Street

Council Priority: Support the Creation of
Effective Educational Systems

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing the acquisition by negotiation or condemnation of six properties to expand the campus of Flower City School No. 54. The acquisitions are part of the School Modernization project and will be used for an expansion of the existing playground. These acquisitions will be funded through the Rochester City School District (RCSD) Cash Capital Fund in accordance with RCSD Board Resolution No. 2018-19:753 as passed May 23, 2019. The addresses are noted below with the appraised values and property use:

Flower City School No. 54 Expansion

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Address	Reputed Owner	SBL #	Type	Maximum Acquisition Amount
56 Aab Street	Brenda A. Smith	105.50-1-27	1 Family	\$43,000
2 Chace Street	Eve C. Baker	105.50-1-20	1 Family	\$29,000
12 Chace Street	Kevin P. Burke	105.50-1-25.1	1 Family	\$36,000
291 Sherman Street	VNV Properties, Inc.	105.50-1-18	2 Family	\$53,000
295 Sherman Street	Nicky & Shiloh Labrie	105.50-1-17	1 Family	\$40,000
301 Sherman Street	Nexus Capital Real Estate Specialists, LLC	105-50-1-16	1 Family	\$40,000

The maximum acquisition amounts are supported through independent appraisals performed by Steven V. Ferrara of Midland Appraisal Associates, Inc. as of July, 2019.

In the event that the properties cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for their acquisition. In the event of condemnation, the amounts set forth herein for the acquisitions shall be the amount of the offers. Nothing in this ordinance shall be deemed to limit in any way the liability of the City for further claims arising from the acquisitions pursuant to the eminent domain procedure law. The RCSD will be responsible for the relocation of any existing residential occupants.

Respectfully submitted,
Lovely A. Warren
Mayor

Introductory No. 76

DETERMINATIONS AND FINDINGS RELATING TO THE ACQUISITION OF PROPERTIES FOR THE FLOWER CITY SCHOOL NO. 54 CAMPUS MODERNIZATION PROJECT

WHEREAS, the City of Rochester proposes to acquire the parcels at 56 Aab Street, 2 Chace Street, 12 Chace Street, 291 Sherman Street, 295 Sherman Street, and 301 Sherman Street (the “Properties”) to effectuate the Flower City School No. 54 campus modernization project (the “Project”), and

WHEREAS, the Council of the City of Rochester held a public hearing on March 12, 2020 pursuant to Article 2 of the Eminent Domain Procedure Law to consider the acquisition of said parcels and 2 speakers appeared at the hearing.

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

Section 1. The Council hereby makes the following determinations and findings concerning the acquisition of the Properties for the Project:

- A. Project description – The Project will expand the Flower City School campus to satisfy New York State Education Department standards.

- B. Project purpose – to enhance student safety and wellbeing by providing sufficient space on the school campus for play fields, bus drop-off and pickup areas and parking.
- C. Relocation assistance and compensation – The Project will require the removal of several residential dwellings. In accordance with the City’s rules and regulations for relocation benefits approved in Resolution No. 2002-25, fair notice will be given to the occupants of the Properties and a moving allowance of up to \$1,000 will be provided for each dwelling unit. In addition, those occupants who request it will be provided with professional assistance to find comparable replacement housing before they are required to vacate.
- D. Project effect – The acquisition of the Properties and the overall Project will have no significant adverse environmental effects. The acquisition of the Properties has been reviewed under the State Environmental Quality Review Act (“SEQR”) and Chapter 48 of the Municipal Code, a SEQR Environmental Assessment Form has been completed, and the Project has been determined to have no potential significant adverse environmental impacts, pursuant to an Amended Negative Declaration issued by the Rochester Joint Schools Construction Board on February 10, 2020.

Section 2. This ordinance shall take effect immediately.

Held In Committee.

Introductory No. 77

AUTHORIZING THE ACQUISITION BY NEGOTIATION OR CONDEMNATION OF PROPERTIES FOR THE FLOWER CITY SCHOOL NO. 54 CAMPUS MODERNIZATION PROJECT

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

Section 1. The Council hereby approves the acquisition of the following parcels for the maximum acquisition amounts indicated to effectuate the Flower City School No. 54 campus modernization project:

Property Address	Reputed Owner	SBL#	Type	Maximum Acquisition Amount
56 Aab Street	Brenda A. Smith	105.50-1-27	1 Family	\$43,000
2 Chace Street	Eve C. Baker	105.50-1-20	1 Family	\$29,000
12 Chace Street	Kevin P. Burke	105.50-1-25.1	1 Family	\$36,000
291 Sherman Street	VNV Properties Inc.	105.50-1-18	2 Family	\$53,000
295 Sherman Street	Nicky & Shilo Labrie	105.50-1-17	1 Family	\$40,000
301 Sherman Street	Nexus Capital Real Estate SPE, LLC	105-50-1-16	1 Family	\$40,000

Section 2. The acquisition amounts and necessary relocation and closing costs shall be funded from Rochester Schools Modernization Program funds, which were appropriated on behalf of the City and the Rochester City School District by the Rochester Joint Schools Construction Board on December 9, 2019 in Resolution 2019-20: 68.

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Section 3. City taxes and other current-year charges against 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 the parcels, shall also be canceled.

Section 4. In the event that any of said parcels cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings to acquire said parcel. In the event of condemnation, the amount set forth herein for the acquisition shall be the amount of the offer. Nothing in this ordinance shall be deemed to limit in any way the liability of the City for further claims arising from the acquisition of said parcel pursuant to the Eminent Domain Procedure Law.

Section 5. This ordinance shall take effect immediately

Held In Committee.

By Councilmember Gruber
March 17, 2020

To the Council:

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

- Int. No. 79 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$500,000 Bonds of said City to finance a portion of the costs of the City's 2020 Lead Service Line Replace Program, **as amended**
- Int. No. 80 Authorizing funding for the Brewery Line Trail project
- Int. No. 81 Authorizing the implementation and funding in the first instance of the State-aid Program eligible costs of capital project and appropriating funds thereof: Brewery Line Trail
- Int. No. 82 Authorizing funding and an agreement for the Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Project
- Int. No. 83 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,250,000 Bonds of said City to finance Phase 1 of the Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Project
- Int. No. 84 Local Law establishing a Sustainable Energy Loan Program (OPEN C-PACE) in the City of Rochester

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- Int. No. 85 Authorizing a grant agreement and appropriation for La Marketa at the International Plaza
- Int. No. 86 Authorizing an agreement and funding for the 2020 Preventive Maintenance Group 11 project
- Int. No. 87 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$738,000 Bonds of said City to finance the costs of the 2020 Preventive Maintenance Group 11 project
- Int. No. 88 Authorizing the implementation, and funding in the first instance of 100% of the federal-aid and State “Marchiselli” Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefor: Lyell Avenue Highway Preventive Maintenance (Group 11)
- Int. No. 89 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$783,000 Bonds of said City to finance the Magee Avenue/Raines Park Improvement Project
- Int. No. 90 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$693,000 Bonds of said City to finance the replacement of water mains and services along certain portions of the Magee Avenue/Raines Park Improvement Project
- Int. No. 91 Authorizing appropriations and an agreement for the Magee Avenue/Raines Park Improvement Project
- Int. No. 92 Authorizing an agreement for Maguire Building renovations
- Int. No. 93 Authorizing funding, an agreement, and an amendatory agreement for the Mt. Hope Avenue Phase 2 Improvement Project
- Int. No. 94 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$860,000 Bonds of said City to finance a portion of the costs of the Mt. Hope Avenue Phase 2 Improvement Project
- Int. No. 95 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$770,000 Bonds of said City to finance a portion of the costs of the water service improvements for the Mt. Hope Avenue Phase 2 Improvement Project
- Int. No. 96 Authorizing the implementation, and funding in the first instance of 100% of the federal-aid and State “Marchiselli” Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefor: Mt. Hope Avenue from Rossiter Road to Rochester/Brighton Line
- Int. No. 97 Authorizing an amendatory agreement for Mt. Hope Cemetery Site Enhancements
- Int. No. 98 Authorizing an agreement for the Rundel Memorial Library Exterior Building Envelope Repairs project

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- Int. No. 99 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$744,000 Bonds of said City to finance the costs of the Rundel Memorial Library Exterior Building Envelope Repairs
- Int. No. 100 Authorizing an amendatory agreement with Stantec Consulting Services Inc. related to Tyshaun Cauldwell R-Center for Hope Gateway Improvements

Respectfully submitted,
Mitch Gruber (*Abstained on Int. Nos. 98 & 99*)
Malik Evans
Jose Peo
Willie Lightfoot
Loretta C. Scott (*Absent*)
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2020-65
Bond Authorization - 2020 Lead Service
Line Replacement

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$500,000 and appropriating the proceeds thereof to fund the 2020 Lead Service Line Replacement Program.

The total cost of this project is estimated to be \$600,000. The balance of funding will be \$100,000 from 2019-2020 Cash Capital.

Exposure to lead in the environment has long been known to cause adverse health effects, particularly in young children. Although most lead exposure occurs through the ingestion of chips and dust from lead paint, the Centers for Disease Control, US Environmental Protection Agency, and the New York State Department of Health have recognized that there is no safe level of lead exposure. As such, these agencies have all recommended that the maximum contaminant level goal for lead in drinking water is zero. One source of lead in drinking water is in lead service lines that convey water into customer homes.

Rochester has over 23,000 lead service lines located throughout the City, most of which were installed before World War II. The funds provided by the lead service line replacement program will be used to replace residential lead service lines in an effort to reduce the amount of lead in drinking water. It is anticipated that 122 services will be replaced. The locations for this work have been identified by selecting streets that are scheduled for Chip Seal in 2021. These streets contain water mains that have been previously cleaned and lined and that have an abundance of lead water service.

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The work is expected to be performed during the spring and summer of 2020. This project will result in the creation and/or retention of the equivalent of 6 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor
Attachment No. AT-43

Ordinance No. 2020-65
(Int. No. 79, as amended)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$500,000 Bonds of said City to finance a portion of the costs of the City's 2020 Lead Service Line Replacement Program

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), hereby authorizes the issuance of \$500,000 bonds of the City to finance the costs of design and construction of the City's 2020 Lead Service Line Replacement Program on approximately 122 lead service lines along the streets indicated on the attached Schedule A. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$600,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$500,000 bonds of the City, \$100,000 in 2019-20 Cash Capital, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

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

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

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

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and

interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

SCHEDULE A

2020 Lead Service Line Replacement Program

<u>Street</u>	<u>No. of Service Lines</u>
<u>Daisy Street</u>	<u>5</u>
<u>Marigold Street</u>	<u>9</u>
<u>Electric Avenue</u>	<u>33</u>
<u>Magee Avenue</u>	<u>48</u>
<u>Pierpont Street</u>	<u>27</u>
<u>TOTAL</u>	<u>122</u>

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New text is underlined>.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-66
Resolution No. 2020-15
Re: Grant Acceptance – NYSDOT ROC the
Riverway and RG&E Commercial Corridor/
Main Street Revitalization Assistance
Program, Brewery Line Trail

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation related to the Brewery Line Trail, a Phase 1 project of the ROC the Riverway initiative. This legislation will:

1. Authorize the receipt and use of \$128,000 in awarded funding from the Rochester Gas & Electric (RG&E) Commercial Corridor/Main Street Revitalization Assistance Program, for electrical infrastructure and lighting improvements; and,
2. Appropriate \$500,000 in anticipated reimbursements from ROC the Riverway/Upstate Revitalization Initiative funding administered by the New York State Department of Transportation (NYSDOT) to finance the construction of the project; and,
3. Approve a resolution, in a form that is required by the New York State Department of Transportation (NYSDOT), that will confirm the City's prior authorizations of the Project, commit the City to pay for the State-funded portion of the Project in the first instance before seeking reimbursement from the State, and, if applicable, commit the City Council to meet promptly to consider appropriating money to make up any cost overruns; and,
4. Amend Ordinance No. 2019-87 Section 2 to read "the amendatory compensation shall be funded in the amounts of \$13,000 from the Dormitory Authority of the State of New York grant authorized in Ordinance No. 2018-63 and \$20,000 from RG&E reimbursements authorized herein and \$30,000 from 2011-12 Cash Capital."

The project is being designed by McCord Landscape Architecture, PLLC (Douglas McCord R.L.A., Principal, 2129 Five Mile Line Road, Penfield, NY) authorized by Ordinance No. 2018-63, amended by Ordinance 2019-87.

The project runs between the Pont de Rennes Bridge and the High Falls Overlook includes improvements to the existing trail, trail furnishings, river railing, shoring the gorge edge, opening views by clearing scrub growth, and lighting.

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Construction is anticipated to begin summer 2020 with substantial completion summer 2021. This additional funding will result in the creation and/or retention of the equivalent of 6.8 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AT-44

Ordinance No. 2020-66
(Int. No. 80)

Authorizing funding for the Brewery Line Trail project

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

Section 1. The Council hereby authorizes the receipt and use of \$128,000 in award funding from the Rochester Gas and Electric Corporation (RG&E) Commercial Corridor/Main Street Revitalization Assistance Program for development of the Brewery Line Trail extending along the west side of the Genesee River from the Pont de Rennes Bridge to a High Falls Overlook (the Project).

Section 2. The Council hereby appropriates \$500,000 in anticipated reimbursements from ROC the Riverway/Upstate Revitalization Initiative administered by the New York State Department of Transportation to fund construction of the Project.

Section 3. Ordinance No. 2019-87, authorizing an amendatory agreement and funding for the Brewery Line Trail, is hereby amended in section 2 as follows:

Section 2. The amendatory compensation shall be funded in the amounts of \$13,000 from the Dormitory Authority of the State of New York grant authorized in Ordinance No. 2018-63 ~~and \$50,000 from Prior Years' Cash Capital, \$20,000 from a Rochester Gas and Electric Corporation Commercial Corridor/Main Street Revitalization Assistance Program grant authorized in Ordinance No. 2020-66, and \$30,000 from 2011-12 Cash Capital.~~

Section 4. The Mayor is hereby authorized to enter into any agreements and to execute such documentation as are necessary to effectuate Project funding authorized herein and such agreements and documents shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Resolution No. 2020-15
(Int. No. 81)

March 17, 2020

Authorizing the implementation and funding in the first instance of the State-aid Program eligible costs of a capital project and appropriating funds therefor: Brewery Line Trail

WHEREAS, a Project for Brewery Line Trail. Identified as PIN 4RTR.03 (the "Project") is eligible for funding under a New York State Program administered by the NYS Department of Transportation (NYSDOT);

WHEREAS, a sum not to exceed \$1,075,000.00 in Program funding is available to progress the project; and

WHEREAS, the City of Rochester desires to advance the Project by making a commitment of 100% of the State share of the costs of design and construction works.

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

THAT the Council of the City of Rochester hereby approves the above-subject Project;

THAT the Council of the City of Rochester Board hereby authorizes the City of Rochester to pay in the first instance 100% of the cost of design and construction works for the Project or portions thereof;

THAT the sum of \$1,075,000 is hereby appropriated pursuant to Ordinance No. 2020-66 (\$628,000), Ordinance No. 2018-63 (\$275,000) and Ordinance No. 2016-290 (\$172,000) and made available to cover the cost of participation in the above phase of the Project;

THAT, in the event the state share costs of the Project exceed the amount appropriated above, the Council of the City of Rochester shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the City Engineer thereof;

THAT the Mayor of the City of Rochester be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for State Aid on behalf of the City of Rochester with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible;

THAT a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and

THAT this Resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2020-67
Ordinance No. 2020-68
Re: Grant Authorization - Charles Carroll
Plaza and Genesee Crossroads Parking Garage

March 17, 2020

Roof Slab Reconstruction Project

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

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation related to the Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Project. This legislation will:

- 1) Appropriate \$5,500,000 of awarded funding from Upstate Revitalization Initiative (URI), administered by the New York State Department of State (NYS DOS), to finance a portion of the project; and,
- 2) Establish \$1,250,000 as maximum compensation for a professional services agreement with LiRo Engineers, Inc. (Luis Tormenta, CEO, 85 Allen Street, Suite 300, Rochester, NY) for construction management services for the Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Project. The cost of the agreement will be financed from bonds issued herein; and,
- 3) Authorize the issuance of bonds totaling \$1,250,000 and the appropriation of the proceeds thereof to partially finance the project.

Charles Carroll Plaza is located on the west side of the Genesee River between Main Street and Andrews Street. Much of the plaza is built on top of the Crossroads Parking Garage roof, which is deteriorated and requires waterproofing and structural repairs. The project includes the removal of the plaza to perform structural repairs to the garage roof slab underneath, replace the slab waterproofing system, and the redesign and construction of a new plaza, creating a more natural, flowing space with ADA accessible connections serving as a critical link in the Riverway Trail system.

The project will provide new park amenities, lighting and landscaping, and space for programmed activities. The project will also upgrade the existing Sister Cities Bridge, making it ADA-compliant and bicycle-friendly. The estimated overall cost of the project is \$21,000,000. \$16,000,000 of this project will be funded by ROC the Riverway funds awarded by the Honorable Governor Andrew M. Cuomo.

Planning, engineering inspections, conceptual design and public outreach began in early 2015. The design consultant is T.Y. Lin International Engineering and Architecture, P.C. (Robert J. Radley, CEO, 255 East Avenue, Rochester, NY).

The original professional services agreement was authorized by Ordinance No. 2015-71, with amendatory agreements authorized by Ordinance No. 2016-404 and Ordinance No. 2019-96.

Phase One of the project includes jacking of the existing Sister Cities Bridge span, demolition of the existing abutment, construction of a new abutment, construction of a new ADA accessible span connecting the mid-level of the plaza with the Sister Cities Bridge, removal and replacement of existing deck and railings on the Sister Cities Bridge, removal and replacement of the river railing on the west side of the Genesee River between East Main Street and Andrews Street, removal and replacement of the river railing on the east side of the Genesee River between the Sister Cities Bridge and Andrews Street, construction of an ADA accessible ramp from the east end of the Sister Cities Bridge to Bragdon Place, and removal and replacement of site lighting on the bridge and

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along the west side of the Genesee River. Final development of Phase Two construction documents is underway.

Phase one of the project is financed as follows:

	Construction	CM/RPR	Total
URI / NYSDOS Funding as appropriated herein	5,500,000	0	\$5,500,000
Debt authorized herein	0	1,250,000	\$1,250,000
Total	\$5,500,000	\$1,250,000	\$6,750,000

LiRo Engineers, Inc. was selected for construction management through a Request for Proposal process, which is described in the attached summary. The proposals were reviewed and rated based on construction management of both phases of the project. The agreement will be amended when the next phase is ready for construction. The agreement shall have a term of three (3) months after a two-year guarantee inspection of the project.

Construction is anticipated to begin in spring 2020 with scheduled completion in fall 2022. This phase of the project will result in the creation and/or retention of the equivalent of 73.4 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AT-45

Ordinance No. 2020-67
(Int. No. 82)

Authorizing funding and an agreement for the Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Project

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

Section 1. The Council hereby appropriates \$5,500,000 to fund a portion of the Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Project (the Project). This appropriation shall come from a portion of the \$16,000,000 in Urban Revitalization Initiative grant funds administered by the New York State Department of State that were allocated to the Riverway Main to Andrews West segment of the ROC the Riverway initiative by Ordinance No. 2019-62.

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with LiRo Engineers, Inc. to provide construction management services for the Project. The maximum compensation for the agreement shall be \$1,250,000, which shall be funded from the

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proceeds of City bonds authorized in a concurrent ordinance. The term of the agreement shall continue to 3 months after completion of a 2-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.

Ordinance No. 2020-68
(Int. No. 83)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,250,000 Bonds of said City to finance Phase 1 of the Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the costs of Phase 1 of the Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Project consisting of constructing a new elevated ADA-accessible span connecting the mid-level of the plaza on the west side of the river with the Sister Cities Bridge, constructing an ADA accessible ramp from the east side of the Sister Cities Bridge to Bragdon Place, demolishing the existing abutment, constructing a new abutment, removing and replacing the river railing along the west side of the river between East Main and Andrews streets, and removing and replacing site lighting on the bridge and along the west side of the river (collectively, the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$6,750,000. The plan of financing includes the issuance of \$1,250,000 bonds of the City, which amount is hereby appropriated for the Project, \$5,500,000 in anticipated reimbursements in Urban Revitalization Initiative grant funds administered by the New York State Department of State appropriated to the Project in an ordinance adopted concurrently herewith, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,250,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,250,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a.10 of the Law, is twenty (20) years.

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

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

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

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

March 17, 2020

Local Law #3
Re: Authorizing a Local Law- Energize
NY Open C-PACE Financing Program,
and Authorizing a Municipal Agreement –
Energy Improvement Corporation
Comprehensive Plan 2034 Initiative Area:
Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to the establishment of the Energize NY Open Commercial-Property Assessed Clean Energy (C-PACE) financing program in the City of Rochester. Open C-PACE provides funding for energy improvement and renewable energy projects by qualified property owners. In New York State, PACE loans are administered by the Energy Improvement Corporation (EIC), a State-wide non-profit local development corporation.

This legislation will:

1. Authorize a local law enabling the establishment of Open C-PACE in the City of Rochester
2. Authorize the Mayor to enter into a municipal agreement with EIC for program administration

PACE financing is a New York State Energy Research and Development Authority (NYSERDA) Clean Energy Community High Impact Action. The City of Rochester was designated a NYSERDA Clean Energy Community in 2017.

Under Open C-PACE, financing from EIC-approved capital providers is available for up to 100% of the energy project cost, or can be combined with other project financing and includes customizable loan terms up to the expected life of the improvement(s). Repayment of loans is secured through filing a Benefit Assessment Lien on the property. The benefit assessment lien is subordinate to municipal taxes and senior to other liens (consent from mortgage holder is required) and automatically transfers to a new owner upon sale of the property. Open C-PACE financing is available for energy efficiency and renewable energy measures qualified according to NYSERDA's C-PACE guidelines. In existing building renovations and additions, energy efficiency improvements include HVAC upgrades, lighting, insulation, windows, and building energy controls. Eligible renewable projects include development of solar photovoltaics, solar thermal, energy storage, ground source heat pumps and wood heat for new and existing buildings.

Under Open C-PACE, EIC is responsible for program administration and there is no cost to the City. The City and EIC will provide applications for the program on their websites; all applications will be reviewed by EIC, acting on behalf of the City. The EIC will make a positive or negative determination on the application. If a positive determination is made by EIC, the owner will be deemed a Qualified Property Owner and will be eligible to participate in the program after execution of a finance agreement between the property owner and the financing party. The EIC will be responsible for billing the property owner annually and collecting the loan payments.

If any property owner fails to pay the annual installment amount the lender may redeem the property by paying the amount of any unpaid municipal liens and then collecting delinquent annual installment liens by foreclosure or any other remedy available at law.

PACE Financing was authorized in New York State by Article 5-L in 2009 and amended in 2017. The program was amended in April, 2019 to allow for the newest version, Open C-Pace. Since the last amendment several communities across New York state have adopted Open C Pace or are in the process of establishing an Open C PACE program including: Broome County, Niagara County,

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Oneida County, City of Saratoga Springs, City of New Rochelle, City of Canandaigua, Albany County, City of Geneva, City of Niagara Falls, City of Syracuse and the City of Buffalo..

Adoption of PACE financing was identified as an implementation action in the 2034 Master Plan adopted in November, 2019 and in the City of Rochester Community-wide Climate Action Plan (CAP) endorsed by City Council in May, 2017.

Establishment of an Open C-PACE program will provide eligible property owners with the ability to create energy efficient, sustainable buildings 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.

Respectfully submitted,
Lovely A. Warren
Mayor

Local law #3
(Int. No. 84)

Local Law establishing a Sustainable Energy Loan Program (OPEN C-PACE) 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 Part K to Article VI, Department of Finance, to read as follows:

Part K Energize NY Open C-PACE Financing Program

§ 6-151. Legislative findings, intent and purpose, authority.

- A. It is the policy of both the Municipality and the State of New York (the “State”) to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The Municipality finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This Part, enacted by local law, establishes a program that will allow the Energy Improvement Corporation (as defined below, “EIC”), a local development corporation, acting on behalf of the Municipality pursuant to the municipal agreement (the “Municipal Agreement”) to be entered into between the Municipality and EIC, to make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this Part and accomplishing an important public purpose. This Part provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”).

- B. The Municipality is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including

particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this Part.

- C. This Part, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the “Energize NY Open C-PACE Local Law”.

§ 6-152. Definitions

- A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.
- B. For purposes of this Part, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Annual Installment Amount – shall have the meaning assigned in Section 6-158, paragraph B.

Annual Installment Lien – shall have the meaning assigned in Section 6-158, paragraph B.

Authority – the New York State Energy Research and Development Authority.

Benefit Assessment Lien – shall have the meaning assigned in Section 6-153, paragraph A.

Benefited Property – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

Benefited Property Owner – the owner of record of a Benefited Property.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of the Municipality to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of the Municipality as a charge to be levied on the real property.

Eligible Costs – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC’s Program administration fee, closing costs and fees, title and appraisal fees, professionals’ fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

Enabling Act – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

Finance Agreement – the finance agreement described in Section 6-156, paragraph A of this Part.

Financing Charges – all charges, fees and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys’ fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited

Property to enforce any delinquent Annual Installment Liens.

Financing Parties – Third party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in the Municipality.

Municipality – the City of Rochester, a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL of the State.

Municipal Lien – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

Non-Municipal Lien – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

Program – the Energize NY Open C-PACE Financing Program authorized hereby.

Qualified Project – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

Qualified Property – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of the Municipality that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this Part and the Enabling Act and has become the site of a Qualified Project.

Qualified Property Owner – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

RPTL – the Real Property Tax Law of the State, as amended from time to time.

Secured Amount – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 6-158, paragraph C.

State – the State of New York.

§ 6-153. Establishment of an Energize NY Open C-PACE Financing Program

- A. An Energize NY Open C-PACE Financing Program is hereby established by the Municipality, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this Part, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of the

Municipality, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the "Benefit Assessment Lien") on the land records for the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality.

- B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

§ 6-154. Procedures for eligibility

- A. Any property owner in the Municipality may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the Municipality's offices.
- B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the Municipality, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 6-155 of this Part. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC, acting on behalf of the Municipality, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 6-156 of this Part.

§ 6-155. Application criteria

Upon the submission of an application, EIC, acting on behalf of the Municipality, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;
- C. Sufficient funds are available from Financing Parties to provide financing to the property owner;
- D. The property owner is current in payments on any existing mortgage on the Qualified Property;
- E. The property owner is current in payments on any real property taxes on the Qualified Property; and

- F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, the Municipality, or EIC acting on its behalf, or other Financing Parties may set from time to time.

§ 6-156. Energize NY Finance Agreement

- A. A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of the Municipality, shall be a third-party beneficiary (the “Finance Agreement”). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a “Benefited Property”).
- B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this Part have been met.
- C. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.
- D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

§ 6-157. Terms and conditions of repayment

The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records on which liens are recorded for properties within the Municipality. The special benefit assessment shall constitute a “charge” within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed and collected by EIC, on behalf of the Municipality, and shall be paid to the Financing Party as provided in the Finance Agreement.
- B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of the Municipality.
- C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of the Municipality, as provided in the

Finance Agreement.

§ 6-158. Levy of Annual Installment Amount and Creation of Annual Installment Lien

- A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of the Municipality. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of the Municipality, in the land records for properties in the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by the Municipality.
- B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the "Annual Installment Amount"). The Annual Installment Amount shall be levied by EIC, on behalf of the Municipality, on the Benefited Property in the same manner as levies for municipal charges, shall become a lien on the Benefited Property as of the first day of July of the fiscal year for which levied (the "Annual Installment Lien") and shall remain a lien until paid. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.
- C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or by any other State or local law. No portion of a Secured Amount shall be recovered by the Municipality, EIC, or an assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.
- D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of the Municipality, at the same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of the Municipality, or the Financing Party, as may be provided in the Finance Agreement.
- E. EIC shall act as the Municipality's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the

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amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.

- F.** EIC, on behalf of the Municipality, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as the Municipality would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection.

§ 6-159. Verification and report

EIC, on behalf of the Municipality, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

§ 6-160. Separability.

If any clause, sentence, paragraph, section, or part of this Part shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

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.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2020-69
Re: Grant Acceptance and Appropriation—
Rochester Gas & Electric, La Marketa at
the International Plaza

Council Priority: Creating & Sustaining a
Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation to authorize the receipt and use of \$220,000 in awarded funding from the Rochester Gas & Electric (RG&E) Commercial Corridor/Main Street Revitalization Assistance Program for electrical infrastructure and lighting improvements. The

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grant will reimburse the City up to \$20,000 for development of construction drawings and up to \$200,000 for installation of lighting and electrical infrastructure.

The La Marketa at the International Plaza project is creating a dynamic public event space and marketplace within the heart of the North Clinton Avenue neighborhood. La Marketa will provide a community gathering space to celebrate and build on the tremendous arts and cultural assets of the surrounding neighborhood and a place where local entrepreneurs and/or existing businesses can locate and sell their products and services in a low risk, low cost, flexible environment envisioned to become an incubator for neighborhood economic development.

The project will include permanent restroom and storage building, covered bandstand, dedicated parking lot, central events plaza and access paths, site lighting, perimeter fencing, site amenities, and landscape enhancements. In addition, the project will be providing converted shipping containers for seasonal and year-round retail use.

Project construction is underway with anticipated substantial completion in summer 2020. The grant funding will result in the creation and/or retention of the equivalent of 2.4 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AT-46

Ordinance No. 2020-69
(Int. No. 85)

Authorizing a grant agreement and appropriation for 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 an agreement with Rochester Gas & Electric (RG&E) for the receipt and use of RG&E Commercial Corridor/Main Street Revitalization Assistance Program funds in the amount of \$220,000 to install electrical infrastructure and lighting improvements at La Marketa at the International Plaza (the Project).

Section 2. The Mayor is hereby authorized to enter into any agreement and to execute such documentation as are necessary to effectuate the Project funding authorized herein and such agreements and documents 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:

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Ordinance No. 2020-70
Ordinance No. 2020-71
Resolution No. 2020-16
Re: 2020 Preventive Maintenance Group 11
Lyell Avenue (Mt. Read Boulevard to State
Street)

Council Priority: Jobs and Economic
Development

Comprehensive Plan 2034 Initiative Area:
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation related to the 2020 Preventive Maintenance Group 11 Project. This legislation will:

1. Appropriate \$2,664,000 in anticipated reimbursements from the Federal Highway Administration (FHWA) to finance a portion of the construction and Resident Project Representation (RPR) services for the project; and,
2. Appropriate \$376,050 in anticipated reimbursements from the New York State Marchiselli Aid Program to finance a portion of the construction and RPR services for the project; and,
3. Authorize the issuance of bonds totaling \$738,000 and the appropriation of the proceeds thereof to partially finance a portion of the construction and RPR services for the project; and,
4. Establish \$575,000 as maximum compensation for a professional services agreement with Ravi Engineering and Land Surveying, P.C. (Nagappa Ravindra, P.E., President, 2110 S. Clinton Ave, Suite 1, Rochester, NY) for RPR services for the project; and,
5. Approve a resolution, in a form that is required by the New York State Department of Transportation (NYSDOT), that will confirm the City's prior authorizations of the Project, commit the City to pay for the State-funded portion of the Project in the first instance before seeking reimbursement from the State, and, if applicable, commit the City Council to meet promptly to consider appropriating money to make up any cost overruns.

This is a Federal Aid Project that is administered by the City under an agreement with the NYSDOT.

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

The project was designed by T.Y. Lin International Engineering, Architecture and Land Surveying, P.C. (James Krapf, P.E., Principal, 255 East Avenue, Rochester, NY), as authorized in January 2017 (Ordinance No. 2017-12).

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Ravi Engineering and Land Surveying, P.C. was selected to provide RPR services from the NYSDOT list of pre-approved regional engineering firms, which is described in the attached summary. The term for the agreement shall continue until six (6) months after final completion of the project.

Bids for construction were received on January 17, 2020. The apparent low bid of \$3,351,000.40 was submitted by Sealand Contractors, Corp.

The project will be funded as follows:

	Construction	RPR	Total
Federal Aid appropriated herein	2,273,831.93	390,168.07	\$2,664,000.00
Marchiselli Aid Appropriated herein	320,973.91	55,076.09	\$376,050.00
Bonds authorized herein	657,565.97	80,434.03	\$738,000.00
2016-17 Cash Capital	11,237.95	46,632.35	\$57,870.30
2017-18 Cash Capital	8,422.75	2,689.46	\$11,112.21
2019-20 Cash Capital	10,490.40	0	\$10,490.40
Anticipated Pure Waters Reimbursement authorized Ordinance No. 2016-160	51,170.22	0	\$51,170.22
Anticipated Pure Waters Reimbursement authorized Ordinance No. 2016-376	17,307.27	0	\$17,307.27
Total	\$3,351,000.40	\$575,000.00	\$3,926,000.40

Construction is anticipated to begin in spring 2020 with substantial completion in fall 2020. The project will result in the creation and/or retention of the equivalent of 42.7 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AT-47

Ordinance No. 2020-70
(Int. No. 86)

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Authorizing an agreement and funding for the 2020 Preventive Maintenance Group 11 project

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

Section 1. The sum of \$2,664,000 in anticipated reimbursements from the Federal Highway Administration (FHWA) is hereby appropriated to fund a portion of the construction and Resident Project Representation (RPR) services for the Preventive Maintenance Group 11 project on Lyell Avenue from Mt. Read Boulevard to State Street (Project).

Section 2. The sum of \$376,050 in anticipated reimbursements from the New York State Marchiselli Aid Program is hereby appropriated to fund a portion of the construction and RPR services for the Project.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement with Ravi Engineering and Land Surveying, P.C. to provide RPR services for the Project. The maximum compensation for the agreement shall be \$575,000 which shall be funded by \$390,168.07 from the FHWA reimbursements appropriated in Section 1 herein, \$55,076.09 from Marchiselli Aid reimbursements appropriated in Section 2 herein, \$80,434.03 from the proceeds of City bonds authorized in a concurrent ordinance, \$46,632.35 in 2016-17 Cash Capital, and \$2,689.46 from 2017-18 Cash Capital. The term of the agreement shall continue until six months after final completion of the Project.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2020-71
(Int. No. 87)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$738,000 Bonds of said City to finance the costs of the 2020 Preventive Maintenance Group 11 project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the costs of the milling and resurfacing of street pavement, spot curb replacements, installing or upgrading sidewalk curb ramps, adjusting and repairing manholes, receiving basins and water valve castings, and replacing of traffic markings on Lyell Avenue from Mt. Read Boulevard to State Street for the 2020 Preventive Maintenance Group 11 project (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,926,000. The plan of financing includes the issuance of \$738,000 in bonds of the City, which amount is hereby appropriated therefor, \$2,664,000 in anticipated reimbursements from the Federal Highway Administration appropriated in a concurrent ordinance, \$376,050 in State Marchiselli Aid appropriated in a concurrent ordinance, \$57,870 in 2016-17 Cash Capital, \$11,112 in 2017-18 Cash Capital, \$10,491 in 2019-20 Cash Capital, \$51,170 in anticipated reimbursements from Pure Waters authorized in Ordinance No. 2016-160, and \$17,307 in anticipated reimbursements from

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Pure Waters authorized in Ordinance No. 2016-376 and hereby appropriated therefor, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$738,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$738,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

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

Resolution No. 2020-16
(Int. No. 88)

Authorizing the implementation, and funding in the first instance of 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefor: Lyell Avenue Highway Preventive Maintenance (Group 11)

WHEREAS, a Project for Lyell Avenue Highway Preventive Maintenance (Group 11), P.I.N. 4CR0.04 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80 % Federal funds and 20% non-federal funds; and

WHEREAS, the City of Rochester desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of design, construction and construction inspection services.

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

THAT the Council of the City of Rochester hereby approves the above-subject Project;

THAT the Council of the City of Rochester Board hereby authorizes the City of Rochester to pay in the first instance 100% of the federal and non-federal share of the cost of design, construction and construction inspection works for the Project or portions thereof;

THAT the sum of \$4,279,000 is hereby appropriated pursuant to Ordinance No. 2017-12 (\$328,000), Ordinance No. 2020-38 (\$25,000), and Ordinance Nos. 2020-70 and 2020-71 (\$3,926,000) and made available to cover the cost of participation in the above phase of the Project;

THAT, in the event the full federal and non-federal share costs of the Project exceed the amount appropriated above, the Council of the City of Rochester shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the City Engineer thereof;

THAT the Mayor of the City of Rochester be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Rochester with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible;

THAT a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and

THAT this Resolution shall take effect immediately.

March 17, 2020

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-72
Ordinance No. 2020-73
Ordinance No. 2020-74
Re: Magee Avenue / Raines Park Improvement
Project

Council Priority: Jobs and Economic
Development

Comprehensive Plan 2034 Initiative Area:
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation related to the Magee Avenue/Raines Park Improvement Project. This legislation will:

1. Authorize the issuance of bonds totaling \$783,000 and the appropriation of the proceeds thereof to partially finance construction and Resident Project Representation (RPR) services for the project; and,
2. Authorize the issuance of water bonds totaling \$693,000 and the proceeds to partially finance the water portion of construction and RPR services for the project; and,
3. Appropriate \$400,000 from the Community Development Block Grant (CDBG) Residential Street Rehabilitation allocation of the General Community Needs fund for infrastructure improvements; \$200,000 from 2018-19 and \$200,000 from 2019-20; and,
4. Establish \$250,000 as maximum compensation for a professional services agreement with Passero Associates Engineering & Architecture, PLLC, (John Caruso, P.E., CEO, 242 W. Main Street, Suite 100, Rochester, NY) for RPR services for the project.

The project includes reconstruction/rehabilitation of the pavement and geometric changes at the intersections. Improvements will also include new sidewalk, curb ramps, driveway aprons, receiving basins, water main, water services south of Clay Avenue, relocation of two street lights, and restoration of grass areas.

The project was designed by Department of Environmental Services Bureau of Architecture and Engineering Street Design division staff.

Passero Associates Engineering & Architecture, PLLC was selected for RPR Services through a Request for Proposal process which is described in the attached summary. The agreement shall have a term of three (3) months after completion of a two (2) year guarantee inspection of the project.

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A public meeting was held on February 15, 2018 and March 5, 2019. A copy of the public meeting minutes are attached.

Bids for construction were received on January 21, 2020. The apparent low bid of \$1,698,466.50 was submitted by Seneca Roadways, Inc.

The project will be funded as follows:

	Construction	RPR	Contingency	Total
CDBG funds appropriated herein	400,000.00	0	0	\$400,000
Bonds authorized herein	521,012.46	120,000	141,987.54	\$783,000
Water bonds appropriated herein	541,738.68	70,000	81,261.32	\$693,000
2016-17 Cash Capital	0	50,000	0	\$50,000
2017-18 Cash Capital	0	10,000	0	\$10,000
Anticipated Pure Waters Reimbursement authorized Ordinance No. 2016-160	95,000	0	0	\$95,000
Anticipated Pure Waters Reimbursement authorized Ordinance No. 2016-376	111,874	0	0	\$111,874
Anticipated Pure Waters Reimbursement authorized 2018-367	28,841.36	0	35,700.00	\$64,541.36
Total	\$1,698,466.50	\$250,000	\$258,948.86	\$2,207,415.36

Construction is anticipated to begin in spring of 2020 with substantial completion in summer 2020. The project will result in the creation and/or retention of the equivalent of 24 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AT-48

Ordinance No. 2020-72
(Int. No. 89)

March 17, 2020

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$783,000 Bonds of said City to finance the Magee Avenue/Raines Park Improvement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the cost of reconstructing /rehabilitating the pavement, implementing geometric changes at intersections, installing new sidewalks, curb ramps, driveway aprons, and receiving basins, relocating 2 street lights, and restoring grass areas on and along Magee Avenue (between and encompassing its two offset intersections with Raines Park) and Raines Park (from Flower City Park to and including the easternmost of its two offset intersections with Magee Avenue) comprising the Magee Avenue/Raines Park Improvement Project (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,514,415. The plan of financing includes the issuance of \$783,000 bonds of the City, which amount is hereby appropriated therefor, \$200,000 from the Residential Street Rehabilitation allocation of the Consolidated Community Development Plan/2018-19 Annual Action Plan, which is appropriated in a concurrent ordinance, \$200,000 from the Residential Street Rehabilitation allocation of the Consolidated Community Development Plan/2019-20 Annual Action Plan, which is appropriated in a concurrent ordinance, \$50,000 from 2016-17 Cash Capital, \$10,000 from 2017-18 Cash Capital, the application of \$95,000 in Monroe County Pure Waters reimbursements for sewer work associated with street improvement projects that was appropriated in Ordinance No 2016-160, the application of \$111,874 in Monroe County Pure Waters reimbursements for sewer work associated with street improvement projects that was appropriated in Ordinance No 2016-376, the application of \$64,541 in Monroe County Pure Waters reimbursements for sewer work associated with street improvement projects that was appropriated in Ordinance No 2018-367 and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$783,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$783,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

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

Passed unanimously.

Ordinance No. 2020-73
(Int. No. 90)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$693,000 Bonds of said City to finance the replacement of water mains and services along certain portions of the Magee Avenue/Raines Park Improvement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the replacement of water lines and services along portions of Magee Avenue (between and encompassing its two offset intersections with Raines Park) and Raines Park (from Flower City Park to and including the easternmost of its two offset intersections with Magee Avenue) comprising the Magee Avenue/Raines Park Improvement Project (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$693,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$693,000 bonds of the City to finance said appropriation and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

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Section 2. Bonds of the City in the principal amount of \$693,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$693,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

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

Passed unanimously.

Ordinance No. 2020-74
(Int. No. 91)

Authorizing appropriations and an agreement for the Magee Avenue/Raines Park Improvement Project

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

Section 1. The Council hereby appropriates \$400,000 for construction of the Magee Avenue/Raines Park Improvement Project (the Project), comprised of \$200,000 from the Residential Street Rehabilitation allocation of the Consolidated Community Development Plan/2018-19 Annual Action Plan and \$200,000 from the Residential Street Rehabilitation allocation of the Consolidated Community Development Plan/2019-20 Annual Action Plan.

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with Bergmann Associates Engineering & Architecture, PLLC in the maximum amount of \$250,000 to provide resident project representation services for the Project. Said amount shall be funded in the amounts of \$120,000 in street work bonds issued for the Project in a concurrent ordinance, \$70,000 in water service bonds issued for the Project in a concurrent ordinance, \$50,000 of 2016-17 Cash Capital, and \$10,000 of 2017-18 Cash Capital. The term of the agreement shall extend until three months after completion of the Project's two-year guarantee inspection.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2020-75
Re: Agreement – Stantec Consulting Services
Inc. Maguire Building Renovations

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation establishing \$200,000 as maximum compensation for an agreement with Stantec Consulting Services Inc., (James Hofmann, Principal, 61 Commercial Street, Rochester, NY) for design phase and construction administration services for Maguire Building Renovations. The cost of the agreement will be financed from the 2019-20 Cash Capital.

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The agreement includes design phase and construction administration services for renovations to the Maguire Building for a new indoor sports training facility at the soccer stadium including turf and court sports training areas, classroom training room, weight lifting room, restroom upgrades, new mechanical, heating and air conditioning equipment, and the relocation of scoreboard equipment.

Stantec Consulting Services Inc. was selected for design services through a Request for Proposal process which is described in the attached summary. The agreement shall extend until three (3) months after the two-year guarantee inspection of the project.

Design phase services will begin in spring 2020. Construction is anticipated to begin in late 2020 with anticipated substantial completion in summer 2021. The agreement will result in the creation and/or retention of the equivalent of 2.2 full-time jobs.

The City intends to acquire the Maguire Building, which is currently owned by the Rochester Economic Development Corporation (REDCO), prior to the construction project.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AT-49

Ordinance No. 2020-75
(Int. No. 92)

Authorizing an agreement for Maguire Building renovations

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 Stantec Consulting Services Inc. to provide design phase and construction administration services for renovations to the Maguire Building, 448 Smith Street, to create an indoor Rochester Community and Youth Sports Complex (the Project). The maximum compensation for the agreement shall be \$200,000, which shall be funded from 2019-20 Cash Capital. The term of the agreement shall continue until 3 months after the Project's two-year guarantee inspection.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2020-76
Ordinance No. 2020-77

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Ordinance No. 2020-78
Resolution No. 2020-17
Re: Mt. Hope Avenue Improvement Project –
Phase II

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

Comprehensive Plan 2034 Initiative Area:
Sustaining Green & Active Systems and
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation related to the Mt. Hope Avenue
Improvements – Phase II. This legislation will:

1. Appropriate \$5,400,000 in anticipated reimbursements from the Federal Highway Administration (FHWA) to finance a portion of the construction and Resident Project Representation (RPR) services for the project; and,
2. Appropriate \$1,000,000 in anticipated reimbursements from the New York State Marchiselli Aid Program to finance a portion of the construction and RPR services for the project; and,
3. Appropriate \$26,400 in anticipated reimbursements from the New York State Marchiselli Aid Program to finance a portion of the design services for the project; and,
4. Authorize the receipt and use of \$200,000 in Dormitory Authority of the State of New York (DASNY) funds to finance a portion of the construction for the project; and,
5. Authorize the issuance of bonds totaling \$860,000 and the appropriation of the proceeds thereof to partially finance a portion of the construction and RPR services for the project; and,
6. Authorize the issuance of water bonds totaling \$770,000 and the appropriation of the proceeds thereof to partially finance a portion of the water main, water services, hydrants, and RPR services for the project; and
7. Establish \$1,100,000 as maximum compensation for a professional services agreement with T.Y. Lin International Engineering & Architecture, P.C. (James Krapf, P.E., Principal, 255 East Avenue, Rochester, NY) for RPR services for the project. The cost of the agreement will be funded from the sources outlined in the chart on the following page; and,
8. Authorize an amendatory agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Pietro Giovenco, P.E., CEO, 280 E. Broad Suite 200, Rochester, NY) to provide construction administration support services related to the project. This amendment will increase the compensation by \$100,000 to a maximum total of \$671,027.

The amendatory agreement authorized in June 2017 (Ordinance No. 2017-185) established maximum compensation at \$571,027. This additional cost will be funded with \$26,400 of

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anticipated reimbursements from the New York State Marchiselli Aid Program and \$73,600 of 2018-19 Cash Capital.

This is a Federal Aid Project that is administered by the City under an agreement with the New York State Department of Transportation (NYSDOT).

This project includes street reconstruction of Mt. Hope Avenue from Rossiter Road to Westfall Road/Westmoreland Drive. Side streets will be slightly realigned at their intersections with Mt. Hope Avenue. Improvements will also include new sidewalk, curb ramps, driveway aprons, receiving basins, water main, water services, hydrants, lighting, signals, signing, pavement markings, parking bump outs, tree plantings, and other various streetscape improvements. Utility poles will be relocated to accommodate the pavement widening.

The project was designed by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Ordinance No. 2015-198, Ordinance No. 2016-243, Ordinance No. 2016-268, Ordinance No. 2017-185, and Ordinance No. 2019-133).

T.Y. Lin International Engineering & Architecture, P.C. was selected for RPR services from the NYSDOT list of pre-approved regional engineering firms. The term for the agreement shall continue until six (6) months after completion of the project.

The DASNY Grant for \$200,000 authorized herein was secured through sponsorship by Assemblyman Harry B. Bronson.

Bids for construction were received on February 6, 2020. The apparent low bid of \$7,338,117.60 was submitted by Sealand Contractors Corporation (Daniel Bree, CEO, 85 High Tech Drive, Rush, NY). The project will be funded as follows:

	Rochester Gas & Electric work	Construction	RPR	Total
Federal Aid appropriated herein	0	4,696,051.53	703,948.47	\$5,400,000.00
Marchiselli Aid Appropriated herein	0	869,639.17	130,360.83	\$1,000,000.00
Bonds authorized herein	0	805,428.37	54,571.63	\$860,000.00
Water bonds authorized herein	0	676,966.53	93,033.47	770,000.00
Grant appropriated herein	117,341.26	82,658.74	0	\$200,000.00
2013-14 Cash Capital	0	10,000	5,472.12	\$15,472.12
2017-18 Cash Capital	0		99,621.67	\$99,621.67
2018-19 Cash Capital	0	84,453.49	12,991.81	\$97,445.30
Pure Waters Reimbursement	0	112,919.77	0	\$112,919.77

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authorized Ordinance No. 2018-39				
Total	\$117,341.26	\$7,338,117.60	\$1,100,000.00	\$8,555,458.86

Construction is anticipated to begin in spring 2020 with substantial completion by fall 2021. The project will result in the creation and/or retention of the equivalent of 93 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AT-50

Ordinance No. 2020-76
(Int. No. 93)

Authorizing funding, an agreement, and an amendatory agreement for the Mt. Hope Avenue Phase 2 Improvement Project

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

Section 1. The sum of \$5,400,000 in anticipated reimbursements from the Federal Highway Administration (FHWA) is hereby appropriated to fund a portion of the cost of construction and Residential Project Representation (RPR) services for the Mt. Hope Avenue Phase 2 Improvement Project (the Project). The Mayor is hereby authorized to enter into an agreement with the New York State Department of Transportation to participate in and administer the Project and for the receipt and use of FHWA funding for the Project.

Section 2. The sum of \$1,000,000 in anticipated reimbursements from the New York State Marchiselli Aid Program is hereby appropriated to fund a portion of the cost of construction and RPR services for the Project.

Section 3. The sum of \$26,400 in anticipated reimbursements from the New York State Marchiselli Aid Program is hereby appropriated to fund a portion of the design services for the Project.

Section 4. The receipt and use of a grant in the sum of \$200,000 from the Dormitory Authority of the State of New York (DASNY) is hereby authorized and appropriated to fund a portion of the cost of construction for the Project. The Budget Director and City Engineer are each hereby designated as an Authorized Officer authorized, in the name and on behalf of the City, to negotiate, execute, deliver and/or approve agreements and other documents in connection with performance of the Project and the financing of the costs thereof, as necessary to abide by the DASNY requirements for the City to obtain and use the funding authorized herein.

Section 5. The Mayor is hereby authorized to enter into a professional services agreement with T.Y. Lin International Engineering & Architecture, P.C. to provide RPR services for the Project. The maximum compensation for the agreement shall be \$1,100,000, which shall be funded in the amounts of \$703,948.47 from the FHWA funds appropriated herein in Section 1, \$130,360.83 from the Marchiselli Aid Program appropriated herein in Section 2, \$54,571.63 from the proceeds of street improvement bonds appropriated for the Project in a concurrent ordinance, \$93,033.47 from

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the proceeds of water service bonds appropriated for the Project in a concurrent ordinance, \$5,472.12 from 2013-14 Cash Capital, \$99,621.67 from 2017-18 Cash Capital, and \$12,991.81 from 2018-19 Cash Capital. The term of the agreement shall continue until 6 months after completion of the Project.

Section 6. The Mayor is hereby authorized to enter into an amendatory agreement with Bergman Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. to provide construction administration support services for the Project. The amendatory agreement shall increase the maximum compensation of the agreement originally authorized in Ordinance No. 2015-198 and amended by Ordinances Nos. 2016-243, 2016-268, 2017-185, and 2019-133 by \$100,000 to a new total of \$671,027. Said amendatory amount shall be funded in the amounts of \$26,400 in anticipated reimbursements from the Marchiselli Aid Program appropriated herein in Section 2 and \$73,600 in 2018-19 Cash Capital.

Section 7. Any agreements required to effectuate Project funding and the professional services agreements authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2020-77
(Int. no. 94)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$860,000 Bonds of said City to finance a portion of the costs of the Mt. Hope Avenue Phase 2 Improvement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the costs of street reconstruction, intersection realignments, new sidewalks, curb ramps, driveway aprons, receiving basins, lighting, signals, signage, pavement markings, parking bump outs, tree plantings, and other various streetscape improvements on Mt. Hope Avenue (from Rossiter Road to Westfall Road/Westmoreland Drive) relating to the Mt. Hope Avenue Phase 2 Improvement Project (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$7,785,459. The plan of financing includes the issuance of \$860,000 bonds of the City, which amount is hereby appropriated therefor, \$5,400,000 in anticipated reimbursements from the Federal Highway Administration appropriated in a concurrent ordinance, \$1,000,000 in New York State Marchiselli Aid appropriated in a concurrent ordinance, \$200,000 in Dormitory Authority of the State of New York funds appropriated in a concurrent ordinance, \$15,472 in 2013-2014 Cash Capital, \$99,622 in 2017-2018 Cash Capital, \$97,445 in 2018-2019 Cash Capital, \$112,920 in anticipated reimbursements from Monroe County Pure Waters authorized in Ordinance No 2018-39 and hereby appropriated therefor, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$860,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

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Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$860,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

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

Passed unanimously.

Ordinance No. 2020-78
(Int. No. 95)

March 17, 2020

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$770,000 Bonds of said City to finance a portion of the costs of the water service improvements for the Mt. Hope Avenue Phase 2 Improvement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of water main and service improvements and fire hydrants located Mt. Hope Avenue (from Rossiter Road to Westfall Road/Westmoreland Drive) in connection with the Mt. Hope Avenue Phase 2 Improvement Project (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$770,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$770,000 bonds of the City to finance said appropriation and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$770,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$770,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

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

Passed unanimously.

Resolution No. 2020-17
(Int. No. 96)

Authorizing the implementation, and funding in the first instance of 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefor: Mt. Hope Avenue from Rossiter Road to Rochester/Brighton Line

WHEREAS, a Project for Mt. Hope Avenue from Rossiter Road to Rochester/Brighton Line, P.I.N. 4760.76 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80 % Federal funds and 20% non-federal funds; and

WHEREAS, the City of Rochester desires to advance the Project by making a commitment of 100% of the non-federal share of construction and construction inspection services.

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

THAT the Council of the City of Rochester hereby approves the above-subject Project;

THAT the Council of the City of Rochester Board hereby authorizes the City of Rochester to pay in the first instance 100% of the federal and non-federal share of the cost of construction and construction inspection works for the Project or portions thereof;

THAT the sum of \$8,555,459 is hereby appropriated pursuant to Ordinance Nos. 2020-76, 2020-77 and 2020-78 and made available to cover the cost of participation in the above phase of the Project;

THAT, in the event the full federal and non-federal share costs of the Project exceed the amount appropriated above, the Council of the City of Rochester shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the City Engineer thereof;

THAT the Mayor of the City of Rochester be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Rochester with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of

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the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible;

THAT a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and

THAT this Resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-79
Re: Amendatory Agreement – Martha Lyon
Landscape Architecture, LLC, Mt. Hope
Cemetery Site Enhancements

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Martha Lyon Landscape Architecture, LLC (Martha Lyon, 313 Elm Street, Northampton, MA) to provide additional design and construction administrative services related to the Mt. Hope Cemetery Site Enhancements project. The original agreement, authorized in March 2018 (Ordinance No. 2018-64), established maximum compensation at \$75,000. This amendment will increase the compensation by \$55,000 to a maximum total of \$130,000. The cost of the amendatory agreement will be financed from 2018-19 Cash Capital.

Martha Lyon Landscape Architecture, LLC will provide additional design and construction administration services for an expanded scope of work that includes optimizing interment space, adding columbarium niche walls, and landscape improvements.

Construction is anticipated to begin in summer 2020 with substantial completion in fall 2021. This agreement shall terminate six (6) months after completion and acceptance of the construction of the project. The amendatory agreement will result in the creation and/or retention of the equivalent of .6 full-time jobs.

Respectfully submitted,
Lovely Warren
Mayor

Attachment No. AT-51

Ordinance No. 2020-79
(Int. No. 97)

Authorizing an amendatory agreement for Mt. Hope Cemetery Site Enhancements

March 17, 2020

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with Martha Lyon Landscape Architecture, LLC to provide additional design and construction administrative services related to the Mt. Hope Cemetery Site Enhancements project (the Project). The amendatory agreement shall increase the maximum compensation of the agreement originally authorized in Ordinance No. 2018-64 by \$55,000 to a new total of \$130,000. Said amendatory amount shall be funded from 2018-19 Cash Capital. The term of the amendatory agreement shall extend to 6 months after completion and acceptance of Project construction.

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. 2020-80
Ordinance No. 2020-81
Re: Agreement - Bero Architecture, PLLC,
Rundel Memorial Library Exterior Building
Envelope Repairs

Council Priority: Creating and Sustaining
a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation related to Rundel Memorial Library Exterior Building Envelope Repairs. This legislation will:

1. Establish \$200,000 as maximum compensation for a professional services agreement with Bero Architecture, PLLC (Jennifer Ahrens, Principal, 32 Winthrop Street, Rochester, NY) for architectural and structural engineering inspection and design services; and,
2. Authorize the issuance of bonds totaling \$744,000 and the appropriation of the proceeds thereof to partially finance cost of the Project.

The anticipated total project cost is \$744,000 and will be funded with bonds authorized herein.

The project will repair the building's stone masonry facades, replace original building elements, evaluate the existing conditions and extent of current deterioration, and identify creative solutions for the overall preservation and long term care of the building's exterior envelope.

Bero Architecture, PLLC shall provide architectural and structural engineering inspection and design services.

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Bero Architecture, PLLC was selected through a Request for Proposal process which is described in the attached summary. The agreement shall extend until three (3) months after completion of a two-year guarantee inspection of the project.

Inspection and design services will begin in summer 2020. Construction is anticipated to begin in early 2022 with completion in late 2022. The project will result in the creation and/or retention of the equivalent of 8 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AT-52

Ordinance No. 2020-80
(Int. No. 98)

Authorizing an agreement for the Rundel Memorial Library Exterior Building Envelope Repairs project

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Bero Architecture, PLLC to provide architectural and structural engineering inspection and design services for the Rundel Memorial Library Exterior Building Envelope Repairs project (the Project). The maximum compensation for the agreement shall be \$200,000, which shall be funded from the proceeds of City bonds authorized in a concurrent ordinance. The term of the agreement shall continue to 3 months after completion of a 2-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 by the following vote:

Ayes - President Scott, Councilmembers Evans, Harris, Lightfoot, Lupien, Ortiz, Patterson, Peo -8.

Nays - None-0.

Councilmember Gruber abstained due to a professional relationship.

Ordinance No. 2020-81
(Int. No. 99)

March 17, 2020

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$744,000 Bonds of said City to finance the costs of the Rundel Memorial Library Exterior Building Envelope Repairs

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the costs of the Rundel Memorial Library Exterior Building Envelope Repairs, including repairing the Building's stone masonry facades, replacing original building elements, evaluating existing conditions and deterioration, and identifying solutions for the overall long term preservation and care of the Building's exterior envelope (collectively, the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$744,000. The plan of financing includes the issuance of \$744,000 in bonds of the City, which amount is hereby appropriated therefor, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$744,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$744,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

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

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

Passed by the following vote:

Ayes - President Scott, Councilmembers Evans, Harris, Lightfoot, Lupien, Ortiz, Patterson, Peo -8.

Nays - None-0.

Councilmember Gruber abstained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-82
Re: Amendatory Agreement – Stantec
Consulting Services Inc., Tyshaun Cauldwell
R-Center for Hope Gateway Improvements

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Stantec Consulting Services Inc. (James Hofmann, P.E., Principal, 61 Commercial Street Rochester, NY) to provide additional design services related to the Tyshaun Cauldwell R-Center for Hope Gateway Improvements Project. The original agreement, authorized in July 2018 (Ordinance No. 2018-37), established maximum compensation of \$75,000. This amendment will increase the compensation by \$25,000 to a maximum total of \$100,000. The cost of the amendatory agreement will be financed from the Community Development Block Grant (CDBG) funding authorized by Ordinance No. 2017-69.

The amendatory agreement will fund additional final design and bidding phase services to allow for rebidding and construction phase design services.

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The project includes new little league ballfield with drainage, perimeter fencing, additional gateway paths and lighting, signage, and landscape improvements.

This agreement shall terminate three (3) months after completion of a two-year guarantee inspection of the project.

Construction is anticipated to begin in summer 2020 and be substantially complete fall 2020. The amendatory agreement will result in the creation and/or retention of the equivalent of .3 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AT-53

Ordinance No. 2020-82
(Int. No. 100)

Authorizing an amendatory agreement with Stantec Consulting Services Inc. related to Tyshaun Cauldwell R-Center for Hope Gateway Improvements

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Stantec Consulting Services Inc. for additional design services for the Tyshaun Cauldwell R-Center for Hope Gateway Improvements at the facility formerly known as the Campbell Street R-Center. The amendment shall increase the maximum compensation of the existing agreement, which was authorized by Ordinance No. 2018-37, by \$25,000 to a new total of \$100,000. The amendatory compensation amount shall be funded from the 2014-15 Infrastructure Improvements allocation of the Community Development Block Grant funds that were appropriated in Section 2 of Ordinance No. 2017-69. The term of the agreement shall extend to 3 months after completion of the Project's two-year guarantee inspection.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

March 17, 2020

By Vice-President Lightfoot
March 17, 2020

To the Council:

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

- | | |
|--------------|--|
| Int. No. 101 | Amending the 2019-20 Budget and appropriating federal forfeiture funds to acquire a command vehicle for the Community Affairs Bureau |
| Int. No. 102 | Authorizing an intermunicipal agreement with the County of Onondaga for the Live Scan Program |

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

Received filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2020-83
Appropriation of Forfeiture Funds –
Vehicle for Community Affairs Bureau

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation appropriating \$120,000 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 purchase a command vehicle to be used by the Community Affairs Bureau. This vehicle will replace our current vehicle that is 31 years old and has numerous mechanical issues, some of which are cost prohibitive to repair. The Community Affairs Bureau will use this vehicle during community outreaches and events, as a safe place for clergy members to speak with the families of crime victims, and it will have a work area for our officers to conduct Operation Safe Child identification for kids.

March 17, 2020

The appropriations requested this month will result in a balance of approximately \$729,800 in the federal forfeiture Justice fund.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2020-83
(Int. No. 101)

Amending the 2019-20 Budget and appropriating federal forfeiture funds to acquire a command vehicle for the Community Affairs Bureau

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 \$120,000 from funds to be received from the Federal Government from seized and forfeited assets. The appropriation herein shall be used to acquire a command vehicle for the Community Affairs Bureau.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2020-84
Inter-Municipal Agreement –
Onondaga County, Live Scan
Criminalistic Imaging Data

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with Onondaga County for the continuation of Live Scan, which allows the electronic transmission and storage of fingerprint, mugshot, and related police booking information to the New York State Division of Criminal Justice Services (DCJS). The cost of this agreement is \$1,000 per year, which will be funded from the annual budgets of the Police Department, contingent upon approval.

All agencies in New York State are required to transmit this information electronically rather than use a paper-based system. Contracting with Onondaga County allows the City to avoid the expense of purchasing and maintaining a separate computer server with a connection to the DCJS.

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Onondaga County maintains the Repository for Integrated Criminalistic Imaging (RICI) system server, and will be responsible for all associated hardware and software, backup and restoration of all data, and maintenance of the communication link with DCJS.

The term of the agreement is for five years, from January 1, 2020 through December 31, 2024. This agreement represents the third five year term with Onondaga County for this service.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2020-84
(Int. No. 102)

Authorizing an intermunicipal agreement with the County of Onondaga for the Live Scan 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 intermunicipal agreement with the County of Onondaga for the Live Scan Program, which provides for the electronic transmission and storage of fingerprint, mugshot and booking information. The agreement shall have a term of five years from January 1, 2020 to December 31, 2024. The agreement shall obligate the City to pay a maximum amount of \$1,000 per year, which shall be funded for the first year from the 2019-20 Budget of the Police Department, and continue at the rate of \$1,000 for each of the four subsequent Budgets of the Police Department, contingent upon the approvals thereof.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By President Scott
January 21, 2020

To the Council:

The **COMMITTEE OF THE WHOLE** recommends for **ADOPTION** the following entitled legislation:

Int. No. 30 Approving appointments to the Police Accountability Board

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

Int. No. 28 Resolution confirming the appointment of the Chief Technology Officer

March 17, 2020

Respectfully submitted,

Malik Evans
Mitch Gruber
LaShay D. Harris
Mary Lupien
Jacklyn Ortiz
Michael A. Patterson
Jose Peo
Willie J. Lightfoot
Loretta C. Scott

COMMITTEE OF THE WHOLE

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2020-18
Re: Confirmation of the Chief Technology
Officer

Transmitted herewith for your approval is legislation confirming, as required by the City Charter, the appointment of Albert J. Gauthier as Chief Technology Officer for the Department of Information Technology.

Albert J. Gauthiers' resume is on file in the City Clerk's Office.

Respectfully submitted,
Lovely A. Warren
Mayor

Resolution No. 2020-18
(Int. No. 28)

Resolution confirming the appointment of the Chief Technology Officer

WHEREAS, the Mayor has appointed Albert J. Gauthier to the position of Chief Technology Officer to head the Information Technology Department, subject to confirmation by the City Council, and

WHEREAS, Council has reviewed the qualifications of the appointee and determined that he has the ability and qualifications to execute the duties and responsibilities of the office.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Rochester hereby confirms the appointment of Albert J. Gauthier as Chief Technology Officer.

This resolution shall take effect immediately.

Adopted unanimously.

March 17, 2020

The meeting was adjourned at 8:22 p.m.

HAZEL L. WASHINGTON
City Clerk