

ROCHESTER CITY COUNCIL

REGULAR MEETING

February 15, 2022

Due to the current high transmission rate of the Delta variant of the Covid-19 coronavirus in Monroe County under CDC guidelines and in accordance with the new State law enacted on September 2 (Chapter 417), the meeting was conducted remotely via video conferencing on Zoom and streamed live for public viewing on the Internet via the Council's Facebook and YouTube pages and on City 12, the City's government access channel that is available to Spectrum Cable subscribers – Channel 1303.

Present –President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Lupien, Martin, Patterson, Peo, Smith – 9.

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

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

Retirement:

DES:

Gregory Allison
Joseph Biondolillo
Ralph Mattioli

FIN:

Michelene Marvin

NBD:

Gary Kirkmire

OMB:

Christopher Wagner

RFD:

Anthony Nunez Jr.

RPD:

Charles Gorman
Mark McDonald
Aaron Wilcox
Naser Zenelovic

APPROVAL OF THE MINUTES

By Councilmember Harris

RESOLVED, that the minutes of the Regular Meeting on January 18, 2022 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

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

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges – December 2021

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

The Council submits a Disclosure of Interest Form from **Councilmember Patterson** on Int. No. 54

THE COUNCIL PRESIDENT --- RECEIVED AND FILED.

REPORTS OF STANDING COMMITTEES
AND ACTION THEREON

By Councilmember Gruber
February 10, 2022

To the Council:

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

Int. No. 48 Authorizing the cancellation or refund of erroneous taxes and charges

Int. No. 49 Appropriation from the Insurance Reserve Fund

Int. No. 50 Authorizing an agreement for the 2022 Rochester Twilight Festival

Int. No. 51 Authorizing an agreement for the 2022 Rochester International Jazz Festival

Int. No. 52 Appropriating ARPA funds and amending the 2021-22 Budget to fund IT initiatives

Int. No. 53 Approving the commitment of reserve funds and amending Ordinance No. 2021-397

- Int. No. 54 Authorizing agreements and amending the 2021-22 Budget for the Financial Empowerment Centers Initiative
- Int. No. 55 Resolution approving appointments to the Board of Assessment Review
- Int. No. 56 Resolution approving an appointment to the Board of Directors of Action for a Better Community, Incorporated
- Int. No. 86 Authorizing an amendatory agreement for legal services
- Int. No. 87 Amending Ordinance No. 2021-379 relating to an agreement for the provision of lease accounting software

Respectfully submitted,
 Mitch Gruber
 Michael A. Patterson (*abstained on Int. No. 54*)
 Kimberly Smith
 Mary Lupien
 Miguel Meléndez
 FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2022-36
 Re Cancellation or Refund of
 Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$10,515.08.

The property located at 1313 Scottsville Road / Lease Account 1 is owned by Monroe County, but leased to US Airports Flight Support. US Airports utilizes the property as a Fixed Base Operator (FBO), which performs fueling, de-icing and other services at the Frederick Douglas Greater Rochester International Airport. FBO's are tax exempt. However, two hangers on this lease account had been subleased to a flight school which are not exempt under the FBO. Therefore, a portion of the assessment had been taxable. Monroe County and US Airports had amended the lease on December 1, 2019 to exclude the hangers as they are no longer used as a flight school. The City of Rochester was not notified of the amendment until October 2021.

The property located at 1135 Brooks Avenue / Lease Account 15 was part of a former "fuel farm" located at the Frederick Douglas Greater Rochester International Airport. The property had been taxable and leased to US Airports Flight Support / Costello & Son Development. Prior to 2018, the fuel farm had been relocated to an adjacent parcel. The City of Rochester was not made aware of the change and relocation of the fuel farm.

If these cancellations are approved, total cancellations thus far for 2021-22 will be as follows:

	Accounts	
CityCouncil	9	\$61,365.44
Administrative	29	<u>\$9,307.72</u>
Total	38	\$70,673.16

These cancellations represent 0.0255% of the tax receivables as of July 1, 2021.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-16

Ordinance No. 2022-36
(Int. No. 48)

Authorizing the cancellation or refund of erroneous taxes and charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:
Section 1. The City Treasurer is authorized to cancel the following taxes and charges:

(A) S.B.L. #	Class	Address	Tax Year	Amount Cancelled	Subtotal
135.13-1-1.2/LS01	N	1313 Scottsville Rd	2021	\$4,299.36	\$8,679.84
			2022	\$4,380.48	

The property designated as 1313 Scottsville Road / Lease Account 1 is owned by Monroe County, but leased to US Airports Flight Support, which utilizes the most of the property as a Fixed Base Operator (FBO) to provide fueling, de-icing and other services at the Frederick Douglass Greater Rochester International Airport. FBO's are tax exempt. However, a portion of the property on this lease account previously had been subleased to a private flight school and was taxed because a private flight school is not a tax-exempt use. On December 1, 2019, however, Monroe County and US Airports terminated the sublease for the hangers and that portion of the premises reverted to tax exempt status because it is no longer used as a flight school. The City of Rochester was not notified of the amendment until October 2021. The cancellations account for taxes assessed on the hanger portion of the premises after it became tax exempt.

(B) S.B.L. #	Class	Address	Tax Year	Amount Cancelled	Subtotal
135.13-1-1.2/LS15	N	1135 Brooks Ave	2019	\$493.77	\$1,835.24
			2020	\$473.49	
			2021	\$429.93	
			2022	\$438.05	

The property located at 1135 Brooks Avenue / Lease Account 15 is owned by Monroe County and was previously leased to US Airports Flight Support for use as a "fuel farm" to support operations at the Frederick Douglass Greater Rochester International Airport. That use is not tax exempt and the City taxed the property accordingly. Prior to 2018, however, US Airports relocated the fuel farm facilities elsewhere and the property reverted to tax exempt status. The City of Rochester was not

made aware of the change and relocation of the fuel farm at the time. The cancellations account for taxes assessed on the property after it became tax exempt.

GRAND TOTAL \$10,515.08

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-37
Re Appropriation – Insurance Reserve Fund

Council Priority: Deficit Reduction and Long
Term Financial Stability

Transmitted herewith for your approval is legislation appropriating \$7 million from the Insurance Reserve Fund to finance the payment of general liability claims.

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

The monies maintained as reserves are invested until needed for disbursement. The interest earned on these investments is added to the fund balance. Interest income for fiscal year 2020-21 was \$6,335.

As of December 31, 2021, the fund balance was \$17,741,205; of that amount \$2,531,647 is appropriated for disbursement. Under the proposed legislation, \$7 million will be appropriated for the payment of claims.

The most recent appropriation was for \$7 million and was approved by City Council in October 2019.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2022-37
(Int. No. 49)

Appropriation from the Insurance Reserve Fund

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

Section 1. There is hereby appropriated from the Insurance Reserve fund the sum of \$7 million, or so much thereof as may be necessary, to finance the payment of general liabilities and claims against the City.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-38
Re Agreement - Full Moon Vista
Productions, Inc., Rochester Twilight
Festival

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 2022 Rochester Twilight Festival and related competitive bicycling activities. The cost of the agreement will be funded from the 2021-22 Budget of the Bureau of Communications and the term will be for one year.

The 2022 Rochester Twilight Festival (previously called the Twilight Criterium) will take place on May 21 and feature a thrilling, fast-paced criterium; a bicycle race that takes place on a closed circuit course. In this case, the course weaves right through the heart of Downtown Rochester, with the finish line on the Broad Street Bridge. This event has been approved by USA Cycling and is part of the U.S. Pro Road Tour, the highest level of professional cycling in America. 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 champions. Unlike many events in professional sports, this one provides an equal prize purse to both the men's and women's winners.

New for 2022, the event has been awarded the USA Track & Field National Championships for the Men's and Women's Master's 1-mile running race. Since 2017 the event has showcased elite men and women in the 1-mile running races, for 2022 we will continue that tradition as well as adding amateur 1-mile running races.

Spectator admission is free. In addition to the professional cycling, there will be a kids Big Wheels Race sponsored by The Strong National Museum of Play earlier in the day, and local food and drinks. The event last took place in 2019, and organizers projected more than 20,000 spectators attended.

City Council approved \$30,000 in direct funding for the event in 2020, 2019, 2018, 2017, 2016, and 2015. Funding for the 2020 event, while approved by Council, was never disbursed as the event was later canceled due to COVID-19 restrictions.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-17

Ordinance No. 2022-38
(Int. No. 50)

Authorizing an agreement for the 2022 Rochester Twilight 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 Full Moon Vista Productions, Inc. to support the 2022 Rochester Twilight Festival and related competitive bicycling activities. The maximum compensation for the agreement shall be \$30,000 which shall be funded from the 2021-22 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 appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-39
Re Agreement - Rochester International
Jazz Festival LLC

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$243,000 as the annual maximum compensation for an agreement with Rochester International Jazz Festival LLC (principal: Marc Iacona) to designate the City of Rochester as the lead government sponsor of the 2022 Rochester International Jazz Festival (RIJF). The cost of this agreement will be funded from the 2021-22 Budget of the Bureau of Communications. The term of the agreement is one year.

The 19th annual festival will be 9 days long, from June 17- June 25 and will include more than 347 shows at 17 diverse indoor and outdoor city venues within walking distance of each other in the East End and Center City. The City's sponsorship will help to underwrite upwards of 82 free outdoor concerts- 14 of them featuring internationally renowned headliner acts. The free concerts will take place on multiple outdoor stages. The Gibbs Street (referred to as the "Jazz Street") stage will present performances by local high schools, continuing education music programs, regional, and national acts. The Parcel 5 stage will feature local, regional, national, and international talent. Dr. Martin Luther King, Jr. Park- one of the City's most popular outdoor concert spaces- will host a weekend of free headliner shows as well. In addition to these major City venues, the festival also provides an additional 30 free performances, jam sessions, and jazz workshops, including a free lunch series the Central Library in the heart of Downtown.

The events are designed to attract approximately 15,000-25,000 visitors each night of the festival. In the last few years the festival took place, overall attendance estimates have been close to 200,000.

The festival did not take place in 2021 due to the COVID-19 pandemic. In 2020, 2019, 2018, and 2017, City Council approved agreements with the festival in each year for \$243,000 in direct funding (note that in 2020, Council approved the funding early in the year but nothing was disbursed due to the pandemic canceling all events). In 2016 and 2015, City Council approved agreements with the festival for \$175,000 in direct funding and \$68,000 in in-kind services.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-18

Ordinance No. 2022-39
(Int. No. 51)

Authorizing an agreement for the 2022 Rochester International Jazz Festival

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Rochester International Jazz Festival LLC to designate the City as the lead government sponsor for the 2022 Rochester International Jazz Festival. The maximum compensation for the agreement shall be \$243,000 which shall be funded from the 2021-22 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 appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-40
Re: IT Networking Upgrades - ARPA Funding

Comprehensive Plan 2034 Initiative Area:
Planning for Action

Transmitted herewith for your approval is legislation related to the receipt and use of American Rescue Plan Act (ARPA) funding to upgrade City IT network infrastructure and bandwidth. This legislation will:

1. Appropriate \$3,134,000 in American Rescue Plan Act funding to fund IT initiatives
2. Amend the 2021-22 Budget of the Department of Information Technology by \$36,000 to improve network bandwidth at R-Centers. Additional funds will be anticipated and included in future year budgets contingent upon approval.

The City of Rochester received a \$202.1 million award from the Coronavirus State and Local Fiscal Recovery Fund established by the American Rescue Plan Act (ARPA). The initiative to replace end-of-life and soon-to-be-end-of-life network infrastructure and increase broadband capacity at R-Centers was included in the City of Rochester's Strategic Equity and Recovery Plan, shared with City Council on September 29, 2021. This Project is an eligible use of ARPA funding per the following Treasury Interim Guidelines Expenditure Category (6.1) Provision of Government Services.

The funds will be used to replace and modernize City of Rochester critical technology infrastructure, ensuring the ability to continue to provide sufficient, secure connectivity for residents, stakeholders, and others. Projects include replacing end-of-life video infrastructure, modernizing city network infrastructure, redesigning the City's data center, bringing parking garage networks up to PCI compliance, and an overhaul of Wi-Fi infrastructure at and near City facilities.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2022-40
(Int. No. 52)

Appropriating ARPA funds and amending the 2021-22 Budget to fund IT initiatives

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

Section 1. The Council hereby appropriates the sum of \$3,134,000 provided by the United States Treasury pursuant to the American Rescue Plan Act of 2021 to fund City Information Technology (IT) initiatives (Initiatives). The Mayor is hereby authorized to execute any grant agreement or to provide such other documentation as may be necessary to fund the Initiatives as authorized herein. Any such agreements and documents shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 2. Ordinance No. 2021-174, the 2021-22 Budget of the City of Rochester, as amended, is hereby further amended to increase the revenue estimates and appropriations to the Budget of the Department of Information Technology by \$36,000 to account for the receipt and use of the funds appropriated in Section 1 herein to improve network bandwidth at City R-centers.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-41
Re: Committing Tax Relief and Retirement
Reserves and Amendment to Ordinance
2021-397

Council Priority: Deficit Reduction and Long Term Financial Stability

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation authorizing the commitment of previously assigned funds for Property Tax Relief and Retirement Costs in accordance with Governmental Accounting Standards Board (GASB) Statement 54 Fund Balance Reporting and Government Fund Type Definitions Legislation is also proposed to correct the classification of \$450,000 funds for a Housing Trust Fund via Ordinance No. 2021-397 from committed to restricted.

From the surplus available at the end of fiscal year 2020-21, the Director of Finance, as authorized in the City Charter, assigned \$16,716,000 to Property Tax Relief and \$18,858,000 to Retirement Costs. In order to change the classification from assigned to committed, City Council action is required. The commitment of these balances would bring the total General Fund Balance committed for Property Tax Relief to \$38,164,000 and for Retirement Costs to \$37,360,000. These balances are further reduced by the budgeted appropriations of fund balance for 2021-22 which are \$12,889,400 for Property Tax Relief and \$7,931,000 for Retirement Costs.

The committed fund balance classification includes amounts that can be used only for the specific purposes determined by the action of City Council. Specifically, funds committed for Property Tax Relief (formerly the Tax Relief Reserve) can only be used to address future projected budget deficits; and funds committed to Retirement Costs (formerly the Retirement Reserve) will be used to manage future retirement costs.

These additional funds are available as a result of favorable 2020-21 year-end revenue variances attributable to higher sales tax distributions and one-time restoration of state aid that was withheld in 2019-20 as a result of the pandemic. Favorable expenditure variances resulted from personnel and fringe benefit savings from vacancies and other miscellaneous expense.

Clarification was received from the City's external auditors Freed Maxick that funds committed in Ordinance 2021-397 should carry the higher level fund balance classification of restricted rather

than committed as the constraint has been placed by the grantor Enterprise Community Partners, Inc. and Council may not modify the purpose.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2022-41
(Int. No. 53)

Approving the commitment of reserve funds and amending Ordinance No. 2021-397

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

Section 1. The Council hereby approves the commitment of \$16,716,000 for the purpose of property tax relief to assist in addressing future projected budget deficits. The Council hereby further approves the commitment of \$18,858,000 for the purpose of retirement to assist in managing future retirement costs

Section 2. The funds to be committed shall be funded from the surpluses available from the 2020-21 Budget of the City of Rochester, said funds having previously been assigned to the purpose of property tax relief and to the purpose of retirement by the Director of Finance pursuant to the authority provided by the City Charter.

Section 3. The title and Section 1 of Ordinance No. 2021-397 are hereby amended to read in their entirety as follows:

Approving the ~~commitment~~ restriction of funds for a Housing Trust Fund

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

Section 1. The Council hereby authorizes the ~~commitment~~ restriction of \$450,000 in grant funds to be received from Enterprise Community Partners, Inc. (ECP) for the purpose of establishing a Housing Trust Fund (Trust Fund). The grant funds, which shall be designated by ECP and the City for the Trust Fund from a portion of the Anti-Displacement Learning Network program grant authorized and allocated in accordance with Ordinance No. 2021-8, shall be deposited in the General Fund until such time as they can be appropriated to a Trust Fund approved by this Council.

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-42
Re: Financial Empowerment Center Grant
Acceptance

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation related to funding for the City's Financial Empowerment Center program. This legislation will:

- 1) Authorize an agreement with the Rochester Economic Development Corporation (REDCO) (Baye Muhammad, CEO, 55-67 St. Paul Street, Rochester NY) as fiscal intermediary for receipt and use of a \$10,000 grant originating from Fivestar Bank for the purpose of supporting the Rochester Financial Empowerment Center. REDCO will retain 3% of the grant funds and the remaining \$9,700 will transfer to the City of Rochester. The agreement will have a term of one year.
- 2) Ordinance 2021-284 authorized receipt of 250,000 from REDCO originating from ESL over two years, and the 2021-22 Budget of the Office of the Mayor was amended for part of the funding (\$125,000). This item will amend the 2021-22 Budget of the Office of the Mayor by an additional \$30,000 in funding from REDCO/ESL, and the remaining \$95,000 will be anticipated and included in the 2022-23 Budget of the Office of the Mayor. Amend the 2021-22 Budget of the Office of the Mayor by \$39,700 for the funding from REDCO outlined above.
- 3) Establish \$30,000 as maximum compensation for an agreement with Rochester Housing Authority (Shawn Burr, Interim Executive Director, 675 W Main St, Rochester, NY) to provide FEC clients transitioning from the Section 8 Rental Voucher to the Homeownership Program \$1,000 homeownership grants. This agreement will have a term of one year and will be funded from the 2021-22 Budget of the Office of the Mayor.

The REDCO funding will provide ongoing operating support for the Financial Empowerment Center. The RHA agreement will provide \$1,000 to clients of the Financial Empowerment Center who are currently receiving the Section 8 Rental Voucher and transitioning into the Homeownership Program to support them in their homeownership goals.

Due to the need for financial institutions to donate program funding to a qualified non-profit agency to receive community development credit under the Community Reinvestment Act, REDCO is serving as fiscal sponsor for the City of Rochester and may accept funding for the FEC initiative.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2022-42
(Int. No. 54)

Authorizing agreements and amending the 2021-22 Budget for the Financial Empowerment Centers Initiative

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Economic Development Corporation (REDCO) to serve as fiscal intermediary for the receipt and use of a \$10,000 grant originating from Fivestar Bank to support the Rochester Financial Empowerment Center. The agreement shall have a term of one year.

Section 2. Ordinance No. 2021-174, the 2021-22 Budget of the City of Rochester, as amended, is hereby further amended to increase the revenue estimates and appropriations to the Budget of the Office of the Mayor by \$39,700 to account for funds in the amount of \$30,000 authorized in Ordinance No. 2021-284 and \$9,700 from the funds authorized in Section 1 herein.

Section 3. The Mayor is hereby authorized to enter into an agreement with the Rochester Housing Authority (RHA) to provide FEC clients transitioning from the Section 8 Rental Voucher to the Homeownership Program with \$1,000 grants (Program). The maximum compensation for the agreement shall be \$30,000 and shall be funded from the 2021-22 Budget of the Office of the Mayor. The term of the agreement shall be one year.

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

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes – President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Lupien, Martin, Smith – 7.

Nays – None – 0.

Councilmembers Patterson and Peo abstained due to a professional relationship

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2022-12

Re: Appointment – Board of Assessment Review

Transmitted herewith for your approval is legislation to approve the appointments of the following individuals to the Board of Assessment Review:

Permanent Panel Members (5-year term, through 9/30/2026)

Peter J. Easterly

Temporary Panel Members (1-year term, through 9/30/2022)

Kaitlin Skelton

Temporary Panel Members (1-year term, through 9/30/2022)

Orlando Rivera

Resumes of the above appointees are on file with the City Clerk and all reappointments have maintained perfect attendance when scheduled to serve.

Respectfully submitted,
Miguel A. Meléndez, Jr.
President

Resolution No. 2022-12
(Int. No. 55)

Resolution approving appointments to the Board of Assessment Review

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

Section 1. The Council hereby approves the appointment of Peter J. Easterly to the Board of Assessment Review for a term that will expire on September 30, 2026.

Section 2. The Council hereby approves the appointments of Kaitlin Skelton and Orlando Rivera to the Board of Assessment Review, each for a term that will expire on September 30, 2022.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2022-13
Re: Appointment – Action for a Better Community, Inc.

Transmitted herewith for your approval is legislation making the following appointment to the Action for a Better Community (ABC), Inc. Board of Directors:

Stanley Martin

Councilmember Martin’s ABC Board term will serve a three-year term of office, through December 2024. A copy of her résumé is on file with the City Clerk.

Respectfully submitted,
Miguel A. Meléndez, Jr.
President

Resolution No. 2022-13

(Int. No. 56)

Resolution approving an appointment to the Board of Directors of Action for a Better Community, Incorporated

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

Section 1. The Council hereby approves the appointment of City Councilmember Stanley Martin to the Board of Directors of Action for a Better Community, Incorporated for a term which shall expire on December 31, 2024.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2022-43
Re: Professional Services Agreement
Amendment for Legal Services for
Charter Franchise Renewal

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation authorizing a Professional Services Agreement amendment in the amount of fifty thousand dollars (\$50,000.00), for a total agreement amount of one hundred thousand dollars (\$100,000), with the Cohen Law Group, 100 Gamma Drive, Pittsburgh, Pennsylvania, a law firm that specializes in cable and telecommunications issues. The additional compensation shall come from the 2021-22 Budget of Undistributed Expenses.

The City has worked with the firm for several years, including when they helped us recover a substantial underpayment of our cable franchise fee from our prior cable franchisee, Time Warner Cable, when they submitted comments on our behalf to the FCC opposing new cable regulations that are detrimental to the City, and currently in negotiating the renewal of our cable franchise agreement with Spectrum Northeast, LLC. ("Charter"). The ongoing negotiations with Charter will require additional services from the law firm as well as services relating to pending litigation.

In the February 2021, Charter deducted the amount of \$346,153.93, one half the 2020 PEG fee amount, from its payment of the quarterly franchise fee owed to the City, which they claimed was authorized by recent FCC regulations. This action by Charter was challenged by the Cohen Law Group and Charter reimbursed the City the withheld amount and has since continued to pay us the full franchise fee without deductions. In June 2021, Charter commenced a lawsuit against the City, requesting that the Court uphold their actions with respect to the deduction from our franchise fee and we have brought a motion to dismiss that action. A decision is expected within the next couple

of months. Depending on Court's decision, there may be additional litigation or we may return to the franchise renewal negotiations, all of which will require additional legal services.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2022-43
(Int. No. 86)

Authorizing an amendatory agreement for legal 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 amendatory professional services agreement with the Cohen Law Group to provide additional legal representation of the City with regard to cable television franchise issues. The amendment shall increase the maximum compensation of the present agreement dated July 17, 2020 and amended by Ordinance No. 2021-64 by \$50,000 to a new total of \$100,000. The increase in compensation shall be funded from the 2020-21 Budget of Undistributed Expenses.

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. 2022-44
Re: Amendment to Ord 2021-379 Visual
Lease. LLC GASB 87 Lease Accounting
Software

Transmitted herewith for your approval is legislation amending Ordinance No. 2021-379. This amendment is to authorize the Mayor to enter into an agreement with Vertosoft, LLC, with offices at 1602 Village Market Blvd, Suite 215 Leesburg, VA 20175. Vertosoft, LLC is the authorized reseller and contract administrator for Visual Lease, LLC (Visual Lease). The City will contract with Vertosoft, LLC to provide GASB 87 Lease Accounting software owned by Visual Lease, LLC.

On December 14, 2021, Council authorized the Mayor to enter into an agreement directly with Visual Lease for this provision of software and related services. Subsequently, during contract negotiations, it was discovered that Visual Lease is unable to deviate from its standard form contract, which contained terms which were not favorable to the City or compliant with the legal obligations borne by the City. An agreement with Vertosoft, LLC, as reseller for Visual Lease focusing on government projects, will allow more flexibility in the contract terms, with particular

attention paid to the City's sensitivities as a municipal body. All software licensing and work performed will continue to be provided by Visual Lease, while Vertosoft, LLC will act in an administrative role, and will be the City's point of contact for any issues related to payment or the contract itself.

The only change being requested is the entity with whom the City will be contracting for identical services and software licensing. Pricing pursuant to the request for quotation process attached to the December 2021 transmittal will remain the same.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2022-44
(Int. No. 87)

Amending Ordinance No. 2021-379 relating to an agreement for the provision of lease accounting software

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

Section 1 of Ordinance No. 2021-379, Authorizing an agreement for the provision of lease accounting software, is hereby amended to read as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with ~~Visual Lease, LLC~~ Vertosoft, LLC for the provision of Lease Accounting Software that meets the requirements of Governmental Accounting Standards Board (GASB 87). The term of the agreement shall be three years with two optional extensions of one year each. For each year of the agreement, the maximum annual compensation, and the fiscal year Budget of the Department of Finance (Finance) that will be the source of that compensation, shall be as follows:

Year 1	\$14,300	2021-22 Finance
Year 2	\$11,300	2022-23 Finance
Year 3	\$11,300	2023-24 Finance
Year 4	\$11,300	2024-25 Finance
Year 5	\$11,300	2025-26 Finance
Total	\$59,500	

which amounts and sources are contingent upon the approval of future years' Budgets and upon the parties' election to extend for the fourth and fifth years.

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.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

By Councilmember Patterson
February 10, 2022

To the Council:

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

- Int. No. 57 Authorizing the sale of real estate
- Int. No. 58 Authorizing the acceptance of a portion of 871-875 Joseph Avenue by donation
- Int. No. 59 Authorizing the acquisition of 27 York Street
- Int. No. 60 Local Law modifying the plumbing licensing process
- Int. No. 61 Amending the Municipal Code with respect to Plumbing Licensing, Electrical Licensing, the Licensing of Business and Trades and Stationary Engineers and Refrigeration Operators Licensing
- Int. No. 62 Authorizing a lead agency agreement between the City Council and the Mayor regarding Environmental Review

Respectfully submitted,
Michael A. Patterson
LaShay D. Harris
Kimberly Smith
Mary Lupien
Miguel Meléndez
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed, and published.

TO THE COUNCIL
Ladies and Gentlemen:

 Ordinance No. 2022-45
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 two properties to the adjoining owners. City records have been checked to ensure that the purchasers (except those buying unbuildable vacant lots) do not own other properties with code violations or delinquent taxes, and have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first property – 482-484 Portland Avenue is listed on the attached spreadsheet under the heading I. Request for Proposal – Vacant Land. The purchaser, Eddie Harris, (19 Bleile Terrace, Rochester, NY) intends to combine the parcel with the adjoining property to provide additional parking for the businesses they house.

The second property – 467 Wilkins Street is listed on the attached spreadsheet under the heading II. Negotiated Sale – Vacant Land. The parcel will be partitioned and sold to the four adjoining owners (Karla Bisbee-McGill, 477 Wilkins Street, Rochester, NY; Betty J. Manning, 14 St. Jacob Street, Rochester, NY; Angela Moore, 16 St. Jacob Street, Rochester, NY; and Luis Orlando Rivera, 463 Wilkins Street, Rochester, NY) to be combined with their properties for additional green space.

The first year projected tax revenue for these properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$1,543.

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 property free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-19

Ordinance No. 2022-45
(Int. No. 57)

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 with proposal of the following parcel of vacant land:

Address	SBL#	Lot Size	Sq.Ft	Price	Purchaser
482-484 Portland Av	106.34-2-39	37 x 110	4,075	\$1,200	Eddie Harris

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

Address	SBL#	Lot Size	Sq.Ft	Price	Purchaser
NE Portion 467 Wilkins St	Part of 106.25-2-59.1	38 x 61.72	2,345	\$50	Karla Bisbee-McGill
SE Portion 467 Wilkins St	Part of 106.25-2-59.1	38 x 39.2	1501	\$50	Angela A. Moore
SW Portion 467 Wilkins St	Part of 106.25-2-59.1	38 x 39.5	2345	\$50	Betty J. Manning
NW Portion 467 Wilkins St	Part of 106.25-2-59.1	38 x 61.27	1501	\$50	Luis Orlando Rivera

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. 2022-46
Re: Accepting Real Estate Donation –
871-875 Joseph Ave

Council Priority: Creating and Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing the acceptance of a donation of real property. The residential property located at 871-875 Joseph Ave is contiguous to City-owned properties at 865 Joseph Ave and 552 Avenue D. The property will be subdivided, and a 5,421 square foot portion of the property will be donated to the City to allow for the expansion of the Lincoln Branch Library supplemental parking lot at 865 Joseph Ave from 12 cars to approximately 29 cars. Along with 11 parking spaces on the Library parcel at 555 Avenue D, this will expand total parking to 40 cars. The summary of the donated property is as follows:

Address	Reputed Owner	SBL No.	Type
5,241 SF portion of 871-875 Joseph Ave	Chili Pepper LLC (Jamie Rivera, Owner)	091.79-4-21	Vacant Land Portion

The portion of the property to be donated is vacant with no structures. The remaining portion of the parcel at 871-875 Joseph Ave contains a multi-family structure and will be retained by the owner. The owner will be granted a permanent easement for the parking of 5 cars at the resulting expanded parking lot for the benefit of the tenants residing at the retained portion of 871-875 Joseph Ave.

A map of the donation parcel and surrounding properties is enclosed. The City's acceptance of the donation and the granting of a parking easement will be contingent upon securing the necessary construction, site plan, subdivision and other zoning approvals. Closing costs (deed recording fees and contingencies) will be paid from 2021-2022 Budget of the Library.

Pursuant to the requirements of the New York State Environmental Quality Review Act (SEQRA), a determination regarding the environmental significance of this acquisition will be made prior to the City Council committee meeting.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-20

Ordinance No. 2022-46
(Int. No. 58)

Authorizing the acceptance of a portion of 871-875 Joseph Avenue by donation
BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby authorizes the acceptance of the donation of the following described parcel of real estate from Chili Pepper LLC or its successors and assigns (collectively, the Donor) for the purpose of providing space to expand the adjacent City-owned parking lot located at 865 Joseph Avenue for the benefit of the Lincoln Branch Rochester Public Library. Council hereby authorizes the City to grant to the Donor in return for a permanent easement that provides for the use of 5 parking spaces at the parking lot to be constructed by the City on a combination of the donated parcel and 865 Joseph Avenue for the benefit of the remaining portion of 871-875 Joseph Avenue that is not donated.

LEGAL DESCRIPTION OF LANDS TO BE DONATED
PART OF #871-875 JOSEPH AVENUE

Address	Reputed Owner	SBL #	Lot Size
Portion of 871-875 Joseph Ave	Chili Pepper LLC	091.79-4-21	5,241 sf

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of the 1000 Acre Tract, Township 14, Range 7 and being part of Lots 1 & 2 of the Brewster & Remington Subdivision, as filed in the Monroe County Clerk's Office in Liber 5 of Maps, Page 76 and being more particularly bounded and described as follows: Beginning at a point on the westerly ROW line of Joseph Avenue (66' ROW) at a point 40.91 feet south of the northeast corner of said Lot 2, said point being the Point or Place of Beginning; thence

- 1) S 03° 28' 24" E, along said ROW line, a distance of 25.38 feet to a point; thence
- 2) S 86° 56' 11" W, parallel with the north ROW line of Avenue D (45' ROW), a distance of 128.00 feet to a point; thence
- 3) S 03° 28' 24" E, parallel with said Joseph Avenue, a distance of 38.00 feet to the said ROW line of Avenue D; thence
- 4) S 86° 56' 11" W, along said ROW line of Avenue D, a distance of 10.00 feet to the southwest corner of said Lot 1; thence

- 5) N 03° 28' 24" W, along the west line of said Lots 1 & 2, a distance of 103.90 feet to the northwest corner of said Lot 2; thence
- 6) N 86° 46' 28" E, along the north line of said Lot 2, a distance of 37.92 feet to a point; thence
- 7) S 03° 28' 04" E, a distance of 40.62 feet to a point; thence
- 8) N 86° 56' 11" E, parallel with said Avenue D, a distance of 100.09 feet to the said ROW line of Joseph Avenue, being the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 5,421 square feet, all as shown on a map entitled "Instrument Location Map & Lands To Be Acquired", dated April 19, 2021, prepared by Dennis Rialland, L.S., City Maps & Surveys.

Subject to covenants, easements or restrictions of record, if any.

Being part of the same premises conveyed to Chili Pepper, LLC by a deed dated April 14, 2016 and filed in Liber 11682 of Deeds, Page 361.

Section 2. The necessary closing costs for the conveyances authorized herein shall be funded from the 2021-22 Budget of the Library.

Section 3. Upon the date of closing, any City taxes and other charges owed against said parcel shall be canceled. Any taxes levied after the date of closing, while the City owns the parcel, shall also be cancelled. The property shall be conveyed to the City with no other outstanding liens.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Patterson moved to amend Introductory No. 59, Authorizing the acquisition of 27 York Street; 2nd by Councilmember Harris.

Motion to amend passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2022-47

Re: Acquisition – 27 York St

Council Priority: Rebuilding and Strengthening
Neighborhood Housing

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing the acquisition of real property by negotiation. The vacant residential property located at 27 York Street is contiguous with City-owned

properties in the Bull's Head neighborhood and is a strategic acquisition opportunity to add to the Bulls Head project. The property summary including appraised fair market value, is as follows:

Address	Reputed Owner	SBL No.	Type	Maximum Acquisition Amount
27 York St	AG & QH LLC (Archie Jenkins, Owner)	120.42-1-45	2-Family	\$52,000

The maximum acquisition amount is supported through an independent appraisal performed by Bruckner, Tillet, Rossi, Cahill and Associates in August 2021. The price does not include any consideration for environmental or geotechnical conditions and assumes environmentally clean sites.

The vacant structure will be demolished for future redevelopment. Acquisition of the property and demolition of the vacant structure will be funded through 2015-16 Cash Capital Budget. A property map is included.

Pursuant to the requirements of the New York State Environmental Quality Review Act (SEQRA), a determination regarding the environmental significance of this acquisition will be made prior to the City Council committee meeting.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-21

Ordinance No. 2022-47
(Int. No. 59)

Authorizing the acquisition of 27 York Street, as amended

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

Section 1. The Council hereby approves the acquisition by negotiation of the parcel described below for a maximum purchase price of \$52,000. The purchase price as well as necessary closing costs shall be funded from 2015-16 Cash Capital.

Address	Reputed Owner	SBL #	Lot Size	Type
27 York Street	AG & QH LLC	106.40-4-58 <u>120.42-1-45</u>	40 x 110	2-Family

Section 2. Upon the date of closing, any City taxes and other charges owed against said parcel shall be canceled. Any taxes levied after the date of closing, while the City owns the parcel, shall also be cancelled. The property shall be conveyed to the City with no other outstanding liens.

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Local Law No. 5
Re: Ordinance No. 2022-48
City Code Amendments to Enable
Digital Trade License Applications
Council Priority: Rebuilding and Strengthening
Neighborhood Housing

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to the modernization of the City's trade license application processes and requirements. This legislation will amend the City Charter and Code to modernize the trade license application process, allow digital applications, and support the deployment of phase 1 of the Land Management software implementation.

The bulk of the amendments will amend current "in person" application submission requirements for trade licenses to include online applications. Other amendments include revisions to the plumbing application process to align with current operating practices, and authorizing the City to accept the results of plumbing, electrical, and stationary engineer & refrigeration operator exams from other jurisdictions or a third party provider.

A full summary of the Code changes is attached.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-22

Local Law No. 5
(Int. No. 60)

Local Law modifying the plumbing licensing process

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, (hereinafter, the City Charter) is hereby further amended in Article XII, Part C, Boards, by modifying Section 12-38 thereof to read as follows:

§ 12-38. Examining Board of Plumbers.

In addition to the powers and duties conferred upon the Examining Board of Plumbers

by the General City Law, such Board is hereby designated as the body which shall ~~prepare and issue metal plates or signs to employing or master plumbers; register~~ issue licenses and accompanying certificates to employing or master plumbers and cancel such registration licenses in the event of violation of the Plumbing Code or laws or regulations relating to plumbing; and perform such other duties as may be prescribed by law or by ordinance of the Council.

The members of the Examining Board of Plumbers shall be appointed by the Mayor, subject to confirmation by City Council.

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

Adopted unanimously.

Ordinance No. 2022-48
(Int. No. 61)

Amending the Municipal Code with respect to Plumbing Licensing, Electrical Licensing, the Licensing of Business and Trades and Stationary Engineers and Refrigeration Operators Licensing

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

Section 1. Chapter 40 of the Municipal Code, Plumbing Licensing Ordinance, as amended, is hereby further amended in Article II, Administrative Regulations, for Sections 40-3 and 40-4 to read as follows:

§ 40-3 Definitions.

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

BOARD

The Examining Board of Plumbers.

CERTIFICATE OF COMPETENCY

The certificate issued by the Board after an applicant has passed the plumbing examination.

~~**CERTIFICATE OF REGISTRATION**~~

~~The certificate issued by the Board to a plumber who holds a certificate of competency issued by the Board and who has made application to conduct the business of plumbing in Rochester.~~

COMMISSIONER

The Commissioner of Neighborhood and Business Development of the City of Rochester or his or her authorized representative.

JOURNEYMAN PLUMBER

A person who, through training and experience, has acquired the requisite skill and knowledge necessary for the proper installation of plumbing.

LICENSE

A license which is issued by the Board to a plumber, after obtaining a certificate of competency ~~and registering with the Board~~ to engage in the trade, business or calling of plumbing.

LICENSE CERTIFICATE

A certificate issued by the Board with the license, which contains the words "licensed plumber" and the appropriate license number and which is required to be posted at the licensed plumber's place of business in accordance with Article 4 of the General City Law.

MASTER PLUMBER

One who is qualified and duly licensed to engage in the trade, business or calling of plumbing and gas fitting and/or the business of contracting for the installation of such work, as stipulated by this Code.

PLATE

~~A sign issued by the Board and containing the words "licensed plumber" and the appropriate plate number.~~

PLUMBING

The practice, materials and fixtures used in the installation, maintenance, extension and alterations of all piping, fixtures, appliances and appurtenances, including but not limited to the following: storm or storm drainage facilities, the sanitary venting equipment and the public or private, potable hot- or cold-water supply system, the installation of backflow preventers, within or adjacent to any building, dwelling or structure or conveyance; also the practice and materials used in the installation, maintenance, extension or alteration of the stormwater or sewerage systems of any premises to their connection with any public collection system or other acceptable disposal system. It also includes the primary water supply to and the main wastes and drains from hot-water or steam-heating systems, air-conditioning or refrigerating systems and/or other systems, equipment or apparatus connected with the potable water supply or the building drainage system.

REGISTER

~~When applying for the first time for a certificate of registration, license and plate from the Board. An applicant must appear in person at the permit office of the Department of Neighborhood and Business Development.~~

§ 40-4 Additional duties of the Examining Board of Plumbers.

A. In addition to the powers and duties set forth in Article 4 of the General City Law and § 12-38 of the Charter of the City of Rochester, the Examining Board of Plumbers shall:

(1) Clarify and interpret the meaning and intent of the code of rules regulating

the work of plumbing and drainage, including the materials, workmanship and manner of executing such work.

- (2) Administer and enforce the testing, and licensing and registration of qualified-master plumbers. The Board shall determine whether an examination's subject matter, form (including whether it is written or otherwise), origin (including its date and whether it was prepared and/or administered by the Board, another plumbing licensing jurisdiction or a qualified expert third party), date administered, and the passing score are sufficient to qualify an applicant for a certificate of competency.
 - (3) Grant waivers for any provisions of this code which may result from disputes between an applicant for a permit and the Commissioner of Neighborhood and Business Development.
 - (4) Review, on a specific case basis, applicant appeals resulting from permits denied by the Commissioner. The Board may not initiate a review of a dispute on its own.
- B. An applicant may appeal the Commissioner's decision by requesting a hearing before the Board by filing a written request with the Clerk of the Board at least 10 days prior to the next regularly scheduled meeting of the Board. The Board shall review the appeal at its next regularly scheduled meeting or as soon thereafter as the Board may determine. After hearing the appeal, the Board shall render its decision no later than the next regularly scheduled meeting of the Board, and if no decision is rendered at that time, the appeal is deemed denied. The Board shall notify the applicant, in writing, and furnish a copy of its decision to the Commissioner. If an applicant's appeal resulted from a permit denial and the Board decides for the applicant, any waiver to the Code for the specific case allowed by the Board shall be noted on the approved application and permit.
- C. If the Board decides against the appellant, the appellant may appeal to the Supreme Court, State of New York, pursuant to Article 78 of the Civil Practice Law and Rules.

Section 2. Chapter 40 of the Municipal Code, Plumbing Licensing Ordinance, as amended, is hereby further amended in Article III, Certificates of Competency, Registration and Licenses, in the title and Sections 40-7, 40-8, 40-9, 40-10, 40-11, 40-13 and 40-14 thereof, to read as follows:

Article III
Certificates of Competency, ~~Registration~~ and Licenses

§ 40-7 Unauthorized use of titles and license.

- A. No person shall represent himself or herself as a plumber, employing plumber, master plumber or other similar terms by the use of those words or of the word "plumbing" or other words of similar import or meaning on signs, cards, stationery, telephone directories or in any other manner whatsoever unless

~~registered and/or~~ licensed in accordance with this chapter.

- B. No person shall sell, lend, rent or in any manner transfer or assign a ~~registration and/or~~ license, name or license number to any other person; nor shall a person make use of a ~~registration and/or~~ license, name or license number to which the person is not entitled.
- C. Any violation of these provisions may result in cancellation, suspension or revocation of a ~~registration and/or~~ license, after a hearing by the Board, or other action pursuant to § 55 of the General City Law.

§ 40-8 Certificate of competency required.

- A. Every person, corporation, firm or partnership engaging in the trade, business or calling of employing or master plumber in the City of Rochester or representing themselves to the public as an employing or master plumber by the use of the word "plumber" or words of similar import or meaning on signs, cards, stationery or in any manner whatsoever shall first obtain a certificate of competency from the Examining Board of Plumbers. Such certificate shall be obtained by an examination that is determined by the Board in whatever form, written or otherwise, it shall determine to be qualifying in accordance with § 40-4A(2) of this chapter.
- B. An applicant shall make application for a certificate of competency ~~on by filling out either paper or digital~~ forms provided by the Board and presenting such forms either at the permit office of the Department of Neighborhood and Business Development or remotely by means of online portal provided by said Department. The applicant shall pay a fee, determined by the Board, at the time the application is made. Applications for examinations shall be properly filled out ~~in the applicant's own handwriting and in English,~~ acknowledged and filed with the Clerk to the Board, at least 15 days prior to the examination date. Applications for examinations will be received by the Board at any regular meeting, and the Clerk will notify the candidate of its approval or disapproval and if and when to appear for said examination. The examination fee is refundable only if the application is rejected by the Board.
- C. Qualifications for certificate of competency examination. Applicants must state, ~~in their own handwriting,~~ their full name and address and the names of the persons, firms or corporations in whose service they have been an apprentice and/or journeyman and the number of years they have been engaged in the trade, business or calling of plumbing, as well as their employers while in the trade, business or calling of plumbing. In addition, applicants shall comply with the following requirements:
 - (1) Minimum qualifications to take the examination:
 - (a) Completion of an apprenticeship through a state or federally approved plumbing, heating or air-conditioning apprenticeship program, plus at least

two additional years working in the plumbing, heating or air-conditioning business;

- (b) At least eight years of experience in one or more of the following occupations: plumbing; steamfitting; plumbing design; heating or air conditioning; plumbing or heating or air conditioning estimating;
- (c) Possession of a current New York State license as a professional engineer or registered architect;
- (d) Ten years' experience as a maintenance person working at plumbing, heating, air-conditioning or refrigeration trades;~~or~~
- (e) ~~Any equivalent~~ combination of the above-listed elements of training and experience, as approved deemed by the Examining Board of Plumbers to be substantially equivalent.

The foregoing requirement of minimum qualifications to take the examination shall not apply to an applicant that has passed an examination prepared and administered by another plumbing licensing jurisdiction or qualified expert third party that the Board determines to qualify the applicant for a certificate of competency in accordance with § 40-4A(2) of this chapter.

- (2) Waivers and restrictions.
 - (a) Examining Board members shall not endorse vouchers for applicants, except in cases where the applicant is or has been an employee of such member in any of the occupations as prescribed in the foregoing subsections.
 - (b) The Board shall refuse to accept an application from any person who is found by the Board to be unlawfully engaged in the business of plumbing in the City of Rochester.
- (3) Passing or failing examinations.
 - (a) All applicants passing the requisite examination shall receive a certificate of competency issued by the Board.
 - (b) An applicant failing to pass the requisite examination shall not be entitled to another examination until the next regularly scheduled examination.
- (4) Issuance of permits to connect with sewers and water mains restricted. The Commissioner of Environmental Services shall not issue a permit to anyone to connect with the sewers or with the water mains of or within the City of Rochester unless such person has obtained and shall produce a certificate of competency from the Board.

§ 40-9 Registration required: issuance of license and fees.

- A. Any plumber holding a certificate of competency issued by the Examining Board of Plumbers, who has made application for the first time to conduct the business of plumbing in this City, must register with the Board either personally in the permit office of the Department of Neighborhood and Business Development or remotely by means of the Department's online portal with the Board and, upon the payment of \$5 for a license ~~plate certificate~~, in addition to a license fee of \$45, shall receive a ~~certificate of registration and a license~~ and a license certificate.
- B. The license shall take the form or forms as prescribed by the Board. It shall specify the name of the person licensed, who shall be known as the holder of the license. It shall indicate the number of the license, the expiration date and the issuing date of the license.
- C. The license holder shall receive a ~~plate~~ license certificate of the size and format required for signs by Article IV of the General City Law, which shall be posted conspicuously in the window or in some other prominent and approved place on the premises where business is conducted.
- D. The license holder shall post a certificate of workers' compensation insurance and disability insurance in an amount and form approved by the Commissioner of Neighborhood and Business Development and shall keep such insurance in full force and effect throughout the term of a license.

§ 40-10 License ~~and registration~~ renewals.

- A. ~~Certificates of registration and/or~~ Licenses shall be issued for a maximum period of 24 months, to terminate on the 31st day of December in an even year. The fee for a ~~certificate of registration and/or~~ license shall be \$120, except that the fee for a new ~~certificate of registration or~~ license issued within one year of the expiration date shall be \$60.
- B. Any master plumber who fails to renew a ~~registration and/or~~ license by the January 1 immediately following expiration of such ~~registration and/or~~ license may renew such ~~certificate of registration and/or~~ license upon application and payment of a fee of \$150. A master plumber who fails to renew a ~~certificate of registration and/or~~ license shall not be permitted to perform any new or uncompleted plumbing work until such ~~registration and/or~~ license has been renewed.
- C. All ~~registered and/or~~ licensed plumbers applying for renewal shall be issued wallet-sized cards showing that the plumber holds a current ~~registration and/or~~ license. All ~~registered and/or~~ licensed plumbers shall carry on their person the current year's card and shall produce the card on request of the Commissioner, a City of Rochester licensed plumbing inspector or a property owner. Failure to produce such card upon request may result in action by the Board.

§ 40-11 Charges and hearings: suspension, revocation or cancellation of registration and/or license.

- A. The Commissioner or any person may prefer charges against the holder of a ~~certificate of registration and/or~~ license granted hereunder for violations by the holder or his/her agents or employees of this chapter or any law, ordinance or regulation relating to plumbing work or the conduct of the plumbing business or for any deviation from approved plans and specifications for any plumbing work. Such charges shall be of substantial nature and shall not be arbitrary, petty or capricious. Charges shall be preferred in such manner or form as the Board shall determine.

- B. Whenever charges are preferred against the holder of a license hereunder, the Board shall immediately notify the holder of such charges, by first-class mail with delivery confirmation to the holder's last known mailing address, and shall establish a time and place for a public hearing of such charges, upon at least 10 days' notice.

- C. After a hearing of charges preferred against the holder of a ~~certificate of registration and/or~~ license hereunder, the Board may suspend, revoke or cancel the ~~certificate of registration and/or~~ license of the holder for such time as the Board shall determine. Upon the failure of a holder to appear for such a hearing, the holder's ~~certificate of registration and/or~~ license shall be suspended.

- D. When the Board upholds the charges preferred against the holder of a ~~certificate of registration and/or~~ license, the Board shall impose the following penalties:
 - (1) First violation: one year's suspension.
 - (2) Second violation: two years' suspension.
 - (3) Third violation: permanent license suspension.

~~§ 40-13 Surrender of license plate.~~

~~When any of the following occurs, the plumber shall surrender his or her license plate to the Board:~~

- ~~A. When any person retires from business as a master or employing plumber.~~

- ~~B. When any person fails to renew a registration for a period of more than six months. Failure to renew a registration shall be considered abandonment of the business.~~

- ~~C. When any person ceases engaging in the business of plumbing. However, in cases of any change in the location of a place of business, the master plumber will not be considered to have ceased engaging in business, provided that he or she gives prompt notice of the new location to the Board.~~

~~§ 40-14 Reissuing or replacement of license plate.~~

~~The Examining Board of Plumbers may refuse to reissue or replace a license plate until it has received or obtained satisfactory evidence or proof that the applicant is entitled to such plate.~~

Section 3. Chapter 49 of the Municipal Code, Electrical Licensing Ordinance, as amended, is hereby further amended in Sections 49-4, 49-5, 49-6, 49-7, and 49-9 to read as follows:

§ 49-4. Application for license.

An applicant shall make application for a license by filling out either paper or digital in the office of the Commissioner on forms as prescribed by the Board and presenting such forms either in person at the permit office of the Department of Neighborhood and Business Development or remotely by means of an online portal provided by said Department. The applicant shall specifically state the type of license for which he or she is applying. At the time of application for examination, the applicant shall pay the fee established in § 49-8B(1). The Commissioner shall ~~deliver forward~~ to the Secretary of the Board all applications to be considered by the Board at a time prescribed by the Board. Upon presenting proof of the successful completion of an examination, the applicant shall pay the fee established in § 49-8B(2).

§ 49-5. Qualifications for licensed electricians.

- A. A license shall be granted to an applicant who shall prove to the satisfaction of the Board that he or she is a competent electrician qualified to do electrical contracting, construction, installation work and wiring and that he or she possesses a working knowledge of electricity and the natural laws and functions of electricity and of appliances, apparatuses and devices for electric light, heat and power purposes used and required in the scope of work for which he or she is making application, combined with a practical working knowledge of the City ordinances relating to electrical work and the provisions of the National Electrical Code. Said applicant shall either submit to an examination by the Board or submit the applicant's score on a prior examination administered elsewhere that is determined by the Board to be sufficient to demonstrate competence in accordance with § 49-5B. ~~The~~ For an applicant seeking to qualify by means of an examination administered by the Board, the Secretary of the Board, or his or her designee, shall send a notice of examination to an applicant, postmarked at least five days prior to the date of the examination, to the last known mailing address of the applicant on record. To qualify to take an examination administered by the Board, ~~E~~ each applicant for a residential electrician's license must have at least two years of applicable experience, and each applicant for a master electrician's license shall have at least four years of applicable experience. The Board may specify these experience requirements in more detail in rules and regulations.
- B. ~~Notwithstanding the requirements found in Subsection A above, the Mayor is hereby authorized to enter into reciprocal licensing agreements with other municipalities whereby a holder in good standing of a current master electrician's license in one municipality shall be allowed to perform work in the other municipality without further testing. Such agreements shall be executed only upon a recommendation of the Electrical Examining Board~~

~~made after a review of the examination standards of the other municipality. The licensee shall be responsible for the payment of the license fees in each jurisdiction. For each applicant who seeks to qualify by presenting the result of a prior examination not administered by the Board, the Board shall determine whether the examination's subject matter, form (including whether it was written or otherwise), origin (including its date, and the licensing jurisdiction or expert third party that prepared it), date administered, and passing score, are sufficient to qualify the applicant for the license sought.~~

§ 49-6. Issuance of license.

- A. As soon as possible, but not exceeding 30 days upon presenting proof of the successful completion of the appropriate electrical license examination and after the completion of an investigation or examination of an applicant by the Board, the Secretary of the Board shall report to the Commissioner, in writing, the Board's findings and recommendations in each case. In the case of a successful applicant, the Secretary shall transmit to the Commissioner the applicant's name, his or her address, the type of license to be issued, the fees that have been paid and the effective dates of the license. This information, together with the number of the license, shall be kept by the Commissioner in a book for that purpose. Each license issued pursuant to this chapter shall entitle the holder thereof to engage in the business of electrical work within the City of Rochester to the extent and for the duration of time which may be specified on said license.
- B. The license shall take the form or forms as prescribed by the Board. It shall specify the name of the person licensed, who shall be known as the holder of the license. It shall indicate the type of license issued, the limitations (if any) of electrical work to be performed, the number of the license, the expiration date (if appropriate) and the issuing date of the license.
- C. The successful applicant shall obtain his or her license from the Commissioner after a proof is submitted that the Board has granted him or her a license and that the total fees have been paid. The applicant agrees to notify the Board, or the Commissioner of Neighborhood and Business Development in lieu of the Board, of any change in name or address within 10 days of the time of such change. The holder of a permanent license shall display his or her certificate of license in a conspicuous place and in his or her principal place of business. The replacement of licensing forms for any reason shall be in accordance with the rules and regulations of the Board. The holder of a license shall have on his or her person evidence that he or she is a licensed electrician.
- D. The master electrician's license and the residential electrician's license shall be issued for a maximum period of 24 months, to terminate on the 30th day of June in an even year.

§ 49-7. Renewal of license.

- A. The application for renewal of a license shall take the form or forms prescribed by the Board which may include paper forms to be presented in-person and digital forms to be submitted online in the manner that is provided for initial licensing in § 49-4. The applicant shall make application

for renewal of a license either online or in the permit office of the ~~Commissioner~~ Department of Neighborhood and Business Development no later than May 30 of an even year. The applicant shall specifically state the type of license for which renewal application is made. The applicant shall pay a total license fee for renewal at the time application for renewal is made. The Commissioner shall ~~deliver forward~~ to the Secretary of the Board all applications for renewal to be considered by the Board at a time prescribed by the Board.

- B. All licenses are renewable for a twenty-four-month period. Any person holding a valid license will not be subject to a formal examination to obtain renewal of a license, provided that a renewal application is submitted and all required fees are paid by May 30 of the year of renewal. Late renewal applications (submitted June 1 to June 30) may also be made without examination upon payment of an additional late renewal fee. (See § 49-8G.) Failure to renew a license by the June 30 expiration date will result in automatic revocation of the license. In the event of a disability or serious illness of the licensee, the Board may, in its discretion, extend the renewal date without penalty up to one year beyond the June 30 expiration date.
- C. Licenses which have been suspended or revoked may be renewed with or without examination in accordance with the rules and regulations of the Board. In the event that a license is suspended during the time required for its renewal, the applicant shall apply for renewal on the regular prescribed forms but will be required to pay the additional fee as hereinafter prescribed and be subject to reinstatement at a date different than the normal renewal date. In the event that a license has been revoked, a new application for a license may be made by the applicant, as provided for in §§ 49-4 through 49-6. No portion of previous fees paid are redeemable because of lost time during the suspension or revocation of a license.
- D. The Board shall investigate all renewal applications submitted. It shall call in any applicants for renewal that they deem fit to examine prior to taking action on their application for renewal. As soon as possible, but not exceeding 30 days after the decision of the Board, the Secretary of the Board shall report to the Commissioner, in writing, the Board's findings and recommendations in each case. He or she shall report the successful applicant's name, business address, type of license renewal to be issued and effective dates of the license renewal. This information, together with the number of the license renewal and the fee paid, shall be kept by the Commissioner in a book for that purpose. Each renewal of a license issued pursuant to this chapter shall entitle the holder thereof to continue to engage in the business of electrical work within the City of Rochester to the extent and for the duration of time which may be specified on said renewal. The renewal of a license shall take the form or forms as prescribed by the Board.
- E. The successful applicant shall obtain his or her renewal from the Commissioner after the Board has authorized the Commissioner to do so and has submitted proof that the total renewal fees have been paid. The applicant, upon acceptance of the renewal, reiterates his or her agreement to the conditions of acceptance as outlined in § 49-6C.

- F. Repeated renewals for two years shall be granted in like manner and upon like application and conditions as prescribed above.

§ 49-9. Payments.

Payments of any fee required by this chapter and any other sums shall be made payable to the order of the City Treasurer and shall be paid either in-person at the permitting office of the ~~Commissioner~~ Department of Neighborhood and Business Development or remotely by means of a digital portal prescribed by the Department.

Section 4. Chapter 68 of the Municipal Code, Licenses — Business and Trades, as amended, is hereby further amended in Section 68-3 to read as follows:

§ 68-3. Applications.

Applications for all licenses or permits shall be made to the City Clerk unless otherwise provided in this Code. Applications shall be made in writing and upon forms in either paper or digital format as prescribed by the issuing authority ~~and~~, shall be verified by the applicant, and shall be submitted in person or by means of an on-line portal as prescribed by the issuing authority.

Section 5. Chapter 103 of the Municipal Code, Stationary Engineers and Refrigeration Operators Licensing Ordinance, as amended, is hereby further amended in Sections 103-7, 103-9 and 103-11 to read as follows:

§ 103-7. Application for licenses; fees.

- A. Every applicant for a stationary engineer's or refrigeration operator's license or a custodian's license shall make application for a license on either paper or digital forms as prescribed by the Board. The applicant shall state his or her name, address and experience in operating boiler plants or refrigeration plants sufficient to qualify for the class and type of license applied for.
- B. Fees.
- (1) The applicant shall pay the following application fees at the time the application is ~~made~~ submitted, either in person at the Permit Office of the Department of Neighborhood and Business Development, or remotely by means of a digital portal as prescribed by the Department:
- (a) Application fee for stationary engineers and refrigeration operators: \$60.
- (b) Application fee for custodian's license: \$60.
- (2) Said fee is forfeited in the case of failure of the examination or failure to appear for the examination.

§ 103-9. Examination of applicants.

Every applicant shall submit to an examination approved by the Board. Examinations administered by the Board shall be oral or written, or a combination thereof, as the Board may direct. In the event that an applicant fails his or her examination, a minimum period of 90 days shall elapse before he or she becomes eligible for re-examination. In lieu of an examination administered by the Board, an

applicant may present to the Board the results of an examination prepared and administered in another jurisdiction and/or by a qualified expert third party, provided that the Board, based on the examination's subject matter, form (including whether it is written or otherwise), origin (including its date and author), date administered, and passing score, approves the examination result as being sufficient to demonstrate the applicant's competence and qualifications for the class of license that he or she seeks.

§ 103-11. License fees.

- A. Applicants who have successfully completed an examination and are not currently licensed by the City of Rochester as a stationary engineer or refrigeration operator shall pay the following prorated fee for a license:

Exam Date	Even Year	Odd Year
January to June	\$240	\$120
July to December	\$120	\$60

- B. When renewing a license for stationary engineer or refrigeration operator, the fees shall be as follows:
- (1) One license (all classes): \$ 240.
 - (2) Two or more licenses (all classes): \$ 250.
- C. Upgrades for an existing license from one class to the next require only the exam application fee of \$60 and no prorated fee.
- D. All fees for licenses or renewal of licenses are payable to the City Treasurer. All fees are payable either in person at the Permit Office of the Department of Neighborhood and Business Development, or remotely by means of a digital portal as prescribed by the Department.
- E. An applicant who applies for more than one type of license must pay an application fee for each type of license.

Section 6. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-49
Re: Agreement – Environmental Review
Lead Agency

Transmitted herewith for your approval is legislation authorizing an agreement between the City Council and the Mayor for the coordination of environmental review actions in which both parties are involved.

The requirement for environmental review of certain actions is specified by the New York State Environmental Quality Review Act, and Chapter 48 of the City Code. When more than one governmental body is involved in actions covered under these laws and associated regulations, a lead agency must be designated to conduct the review.

Since 1987 City Council has authorized agreements designating the Administration as the lead agency for such actions, with the provision that gives the Council President 10 days to assume the lead agency designation, if desired.

Under the agreement, the Mayor will continue to notify the Council when an environmental review is required and that the review will be conducted by the Administration as lead agency. Upon receipt of notification, the President will advise the Council in writing of the proposed action and request comments within 10 days. The President may, within the 10-day period, notify the Mayor that the provisions of the lead agency agreement will not apply and that formal consideration of the designation of a lead agency by the Council will instead be required.

Consistent with past practice, the proposed agreement will have a term of two years.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2022-49
(Int. No. 62)

Authorizing a lead agency agreement between the City Council and the Mayor regarding Environmental Review

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

Section 1. The Mayor and the President of the City Council are hereby authorized to enter into an agreement to create a coordinated environmental lead agency review procedure, pursuant to Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Municipal Code, for actions which involve discretionary decisions by the City Council and the Mayor's administration. The agreement shall have a term of two years.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Peo

February 10, 2022

To the Council:

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

- Int. No. 63 Authorizing an amendatory agreement for the Rundel Library Structural Terrace Improvements Phase IV Project
- Int. No. 64 Authorizing an agreement, funding and amending Ordinance No. 2019-89 for the Erie Harbor Enhancements Phase II project
- Int. No. 65 Authorizing an agreement for a public art installation at Brooks Landing
- Int. No. 66 Appropriating funds for the South Avenue and Elmwood Avenue Street Improvement Project
- Int. No. 67 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$5,668,000 Bonds of said City to finance the costs of the South Avenue and Elmwood Avenue Street Improvement Project
- Int. No. 68 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$3,745,000 Bonds of said City to finance water service improvements associated with the South Avenue and Elmwood Avenue Street Improvement Project
- Int. No. 69 Authorizing an agreement for the South Avenue and Elmwood Avenue Street Improvement Project
- Int. No. 70 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,007,000 Bonds of said City to finance certain costs of the Hazardous Sidewalk Replacement Program Northwest Quadrant Contract 2022 - Phase III
- Int. No. 71 Authorizing an agreement for the Hazardous Sidewalk Replacement Program Northwest Quadrant Contract 2022 - Phase III
- Int. No. 72 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$2,705,000 Bonds of said City to finance the costs of the Weaver Street Rehabilitation Project
- Int. No. 73 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$182,000 Bonds of said City to finance water service improvements associated with the Weaver Street Rehabilitation Project
- Int. No. 74 Authorizing an agreement for the Weaver Street Rehabilitation Project
- Int. No. 75 Authorizing an agreement with the New York State Energy Research and Development Authority

Respectfully submitted,
Jose Peo
Mitch Gruber
Willie J. Lightfoot
Mary Lupien
Miguel Meléndez
PARKS & PUBLIC WORKS COMMITTEE

Received filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2022-50
Rundel Library Structural Terrace
Improvements Phase IV Project

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 Rundel Library Structural Terrace Improvements Phase IV project. This legislation will authorize an amendatory agreement with LaBella Associates, D.P.C. (Steve Metzger, CEO, 300 State Street, Suite 201, Rochester, New York). This amendment will increase the maximum total compensation by \$170,000 to a maximum total of \$1,740,000 and will be funded with bonds appropriated for the project (Ordinance No. 21-88).

The project includes the reconstruction of the Rundel Library north terrace and elevated east sidewalk over the former subway tunnel. High priority structural repairs to the substructure are included along with amenities such as a fully accessible river theater, tiered seating overlooking the Genesee River, landscape architectural features, LED accent lighting, and a public art installation with LED lighted gateway and illuminated runnel.

This ROC the Riverway project will create a vibrant terrace that celebrates the library and the history of the Erie Canal and aqueduct, improves visibility and public access to the riverfront and provides enhanced outdoor public space for gathering and library programming.

The amendatory agreement authorized herein will fund additional Resident Project Representation (RPR) and on-site construction inspection services related to the project. The project timeline has been extended due to contractor delays and supply chain issues.

Ordinance No. 2016-343, Ordinance No. 2018-300, Ordinance No. 2020-113 and Ordinance 2021-89 authorized an agreement with LaBella Associates, D.P.C. for engineering, planning and landscape architectural services in a maximum amount of \$1,570,000.

Project construction is underway with anticipated completion in summer 2022. The amended agreement shall extend until three (3) months after completion of a two-year guarantee inspection of the project.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-23

Ordinance No. 2022-50
(Int. No. 63)

Authorizing an amendatory agreement for the Rundel Library Structural Terrace Improvements Phase IV Project

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with LaBella Associates, D.P.C. to provide additional resident project representation and on-site construction inspection services for the Rundel Library Structural Terrace Improvements Phase IV Project (Project). The amendatory agreement shall amend the existing agreement, which was authorized by Ordinance No. 2016-343 and amended in accordance with Ordinance Nos. 2018-300, 2020-113 and 2021-89, to increase the maximum compensation by \$170,000 for a new total of \$1,740,000. The amendatory compensation amount shall be funded from the proceeds of bonds appropriated for the Project by Ordinance No. 2021-88.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2022-51
Agreement – Ravi Engineering and
Land Surveying, P.C., Erie Harbor
Enhancements Phase II

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area:
Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to the Erie Harbor Enhancements phase II project. This legislation will:

1. Establishing \$500,000 as maximum compensation for a professional service agreement with Ravi Engineering and Land Surveying, P.C., (Nagappa Ravindra, C.E.O., 2110 S. Clinton Avenue, Suite 1, Rochester, New York) for Resident Project Representative (RPR) Services for the Erie Harbor Enhancements Phase II project. The cost of the agreement will be financed per the chart below; and,
2. Authorize the receipt and use of \$220,000 in anticipated reimbursements from Rochester Gas and Electric Corporation (RGE) to finance a portion of the design and construction of electrical infrastructure and lighting improvements; and
3. Amend Section 3 of Ordinance No. 2019-89 to change the funding for the amendatory agreement with Stantec Consulting Services Inc. to be \$350,000 from funds appropriated in Ordinance 2019-89 Section 1 and \$20,000 from anticipated reimbursements appropriated in Section 2 above.

The Erie Harbor Enhancements Phase II project will include the rehabilitation of Genesee Gateway Park and the Genesee Riverway Trail within the project area to provide sightlines and access to the waterfront and trail system, and public recreational use of the parkland.

The project will be funded as follows:

Source of Funds	Design	Construction	RPR	Contingency	Total
RG&E grant appropriated herein	20,000	200,000	0	0	\$220,000
Roc the Riverway/URI funds appropriated Ordinance No. 2019-89	350,000	1,490,000	160,000	0	\$2,000,000
2016-17 Cash Capital	100,000	0	0	0	\$100,000
NYS DOS Grant appropriated Ordinance 2017-136	100,000	0	0	0	\$100,000
NYS DOS Grant Appropriated Ordinance No. 2019-89	0	726,250	123,750	0	\$850,000
Bonds appropriated Ordinance No. 2019-90	0	543,750	156,250	150,000	\$850,000
2020-21 Cash Capital	0	0	60,000	340,000	\$400,000
Total	\$570,000	\$2,960,000	\$500,000	\$490,000	\$4,520,000

Ravi Engineering and Land Surveying, P.C. was selected for RPR services through a request for proposal process, which is described in the attached summary.

RGE, through its Look Upstate NY / Commercial Corridor/Main Street Revitalization Assistance Program, offers economic development incentives to encourage business to remain in NYS and to attract new companies to the region. The program provides a matching grant of up to \$20,000 in support of design development and \$200,000 in support of electric infrastructure and lighting construction. RGE accepted the City's application and awarded \$220,000 in support of the project.

It is anticipated that construction will begin in spring 2022 with scheduled completion in spring 2023. The grant funding will result in the creation and/or retention of the equivalent of 2.4 full-time jobs.

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

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-24

Ordinance No. 2022-51
(Int. No. 64)

Authorizing an agreement, funding and amending Ordinance No. 2019-89 for the Erie Harbor Enhancements Phase II 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 Ravi Engineering and Land Surveying, P.C. to provide resident project representative services for the Erie Harbor Enhancements Phase II project (Project). The maximum compensation for the agreement shall be \$500,000, which shall be funded in the amounts of \$160,000 from the ROC the Riverway/Upstate Revitalization Initiative funds appropriated in Ordinance No. 2019-89, \$123,750 from NYS Department of State funds appropriated in Ordinance No. 2019-89, \$156,250 from the proceeds of bonds authorized in Ordinance No. 2019-90, and \$60,000 in 2020-21 Cash Capital. The term of the agreement shall continue to 3 months after completion of the two-year guarantee inspection the Project.

Section 2. The sum of \$220,000 in anticipated reimbursements from Rochester Gas and Electric Corporation is hereby appropriated to fund a portion of the design and construction of electrical infrastructure and lighting improvements for the Project.

Section 3. Section 3 of Ordinance No. 2019-89, Appropriating funds and authorizing an amendatory agreement for the Erie Harbor Enhancements Phase II project, is hereby amended to read as follows:

Section 3. The Mayor is hereby authorized to enter into an amendatory agreement with Stantec Consulting Services Inc. for additional design services for the Project. The amendment shall increase the maximum annual compensation of the original agreement, which was authorized by Ordinance No. 2017-136, by \$370,000 to a total compensation of \$570,000. The amendatory amount shall be funded in the amounts of \$350,000 from the appropriation in Section 1 herein and

\$20,000 from anticipated reimbursements from Rochester Gas and Electric Corporation appropriated to the Project in Section 2 of Ordinance No. 2022-51. The term of the amendatory agreement shall be six months after completion and acceptance of the construction of the Project. In the event construction is not undertaken, the amendatory agreement shall terminate one year after the completion of the contract documents by the Consultant and the acceptance by the City of such contract documents.

Section 4. This ordinance shall take effect immediately.

Underlining indicates new text

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2022-52
Re: Professional Services Agreement –
Dunwoode Visual LLC
Brooks Landing Revitalization Project

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation establishing \$150,000 as maximum compensation for an agreement with Dunwoode Visual LLC (Shawn Dunwoody, Artist, 1500 Plymouth Avenue, Rochester, New York) for design, fabrication, transportation, and installation of public art for the Brooks Landing Revitalization Project. The cost of the agreement will be financed from the Local Waterfront Revitalization Grant from the New York State Department of State previously authorized for this purpose (Ordinance No. 2007-183)

The project includes a public art installation at Brooks Landing. The artist will provide design, fabrication, transportation, and installation of a sculpture comprised of seven polished metal piers set in a 40-foot circle of concrete and tile. The piers will be arranged in the shape of the Bear's Den (Corona Borealis) constellation. The tiles will contain anamorphic images designed to reflect onto the piers.

Artist Shawn Dunwoody was selected to provide a sculptural installation at Brooks Landing through a juried call for public art, which is described in the attached summary.

This installation will complete the Brooks Landing Revitalization Project with an interactive signature artwork that is designed to celebrate the surrounding neighborhoods and the history of the location. The artist will work with residents from adjacent neighborhoods to identify themes to be represented in the anamorphic images.

Design will begin in early 2022 with construction anticipated to be complete during summer 2023. The project will result in the creation and/or retention of the equivalent of 1.63 full-time jobs.

The term of the agreement shall terminate six (6) months after completion and acceptance of the installed work.

Respectfully submitted,
Malik D. Evans
Mayor
Attachment No. AV-25

Ordinance No. 2022-52
(Int. No. 65)

Authorizing an agreement for a public art installation at Brooks Landing

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 Dunwoode Visual LLC to design, fabricate, transport and erect a public art installation at Brooks Landing (Project). The maximum compensation shall be \$150,000, which shall be funded from the NYS Department of State Local Waterfront Revitalization Grant appropriated for the Brooks Landing Revitalization Project in Ordinance No. 2007-183. The term of the agreement shall continue until 6 months after completion and acceptance of the Project.

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:

Re: Ordinance No. 2022-53
Ordinance No. 2022-54
Ordinance No. 2022-55
Ordinance No. 2022-56
South Avenue (Elmwood Avenue to
Bellevue Drive) and Elmwood Avenue
(Mt. Hope Avenue to South Avenue)
Street 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 South Avenue and Elmwood Avenue Street Improvement Project. This legislation will:

1. Appropriate \$5,539,000 in anticipated reimbursements from Monroe County to finance a portion of the construction for the project; and,
2. Authorize the issuance of bonds totaling \$5,668,000 and the appropriation of the proceeds thereof to partially finance a portion of the construction and resident project representation (RPR) services for the project; and,
3. Authorize the issuance of water bonds totaling \$3,745,000 and the appropriation of the proceeds thereof to partially finance the water portion of the construction and RPR services for the project; and,
4. Establish \$1,600,000 as maximum compensation for a professional services agreement with T.Y. Lin International Engineering & Architecture, P.C. (Robert J. Radley, C.E.O., 255 East Avenue, Rochester, New York) 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.

The project will include pavement reconstruction, curbs, sidewalks, curb ramps, catch basins, manhole frames and covers, water main, water services, hydrants, telecommunications conduit, street lighting, signal upgrades, signage, tree plantings, bicycle accommodations, and other various streetscape improvements. These improvements will enhance traffic safety and efficiency, improve the surface drainage and riding quality of the roadway, improve accessibility, and enhance the streetscape.

The project was designed by Erdman, Anthony and Associates, Inc. as authorized by Ordinance No. 2019-200.

T.Y. Lin International Engineering & Architecture, P.C. was selected for RPR services through a Request for Proposal process, which is described in the attached summary.

Bids for construction were received on December 14, 2021. The apparent low bid of \$13,871,000.26 was submitted by Sealand Contractors Corp. (Daniel Bree, C.E.O., 85 High Tech Drive, Rush, New York).

The project will be funded as follows:

Source of Funds	Design, ROW Acquisition & Material Testing	Construction	Street Lighting	RPR	Total
Monroe County appropriated herein	0	\$5,539,000	0	0	\$5,539,000
Monroe County appropriated Ordinance No. 2019-200	361,000	0	0	0	\$361,000
Bonds authorized herein	0	4,871,000	125,000	672,000	\$5,668,000

Water bonds authorized herein	0	3,369,081.96	0	375,918.04	\$3,745,000
Prior Year Cash Capital	85,458.17	0	0	0	\$85,458.17
2013-14 Cash Capital	312,915.62	0	0	0	\$312,915.62
2015-16 Cash Capital	90,626.21	0	0	0	\$90,626.21
2016-17 Cash Capital	0	0	0	12,700.96	\$12,700.96
2017-18 Cash Capital	1,465	0	0	0	\$1,465
2021-22 Cash Capital	40,000	91,918.30	303,000	539,381	\$974,299.30
Total	\$891,465	\$13,871,000.26	\$428,000	\$1,600,000	\$16,790,465.26

Construction is anticipated to begin in spring 2022 with substantial completion in fall 2023. The construction of the project will result in the creation and/or retention of the equivalent of 172.8 full-time jobs.

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

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-26

Ordinance No. 2022-53
(Int. No. 66)

Appropriating funds for the South Avenue and Elmwood Avenue Street Improvement Project

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

Section 1. The sum of \$5,539,000 in anticipated reimbursements from Monroe County is hereby appropriated to fund a portion of the construction of the South Avenue (Elmwood Avenue – Bellevue Drive) and Elmwood Avenue (Mt. Hope Avenue – South Avenue) Street Improvement Project.

Section 2. The Mayor is hereby further authorized to execute any grant agreement with Monroe County or to provide such other documentation as may be necessary to fund and carry out the Project.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2022-54
(Int. No. 67)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$5,668,000 Bonds of said City to finance the costs of the South Avenue and Elmwood Avenue Street 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 the South Avenue (Elmwood Avenue – Bellevue Drive) and Elmwood Avenue (Mt. Hope Avenue – South Avenue) Street Improvement Project, including pavement reconstruction, curbs, sidewalks, curb ramps, catch basins, manhole frames and covers, telecommunications conduit, street lighting, signal upgrades, signage, tree plantings, bicycle accommodations, and other streetscape improvements (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 \$12,803,764.30. The plan of financing includes \$5,539,000 appropriated by a concurrent ordinance from anticipated reimbursements from Monroe County for the reconstruction of arterial streets, \$361,000 in anticipated reimbursements from Monroe County appropriated for the Project in Ordinance No. 2019-200, the issuance of \$5,668,000 in bonds of the City, which amount is hereby appropriated therefor, \$176 in Prior Years' Cash Capital, \$215,347.91 in 2013-14 Cash Capital, \$44,476.09 in 2015-16 Cash Capital, \$1,465 in 2017-18 Cash Capital, \$974,299.30 in 2021-22 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 \$5,668,000 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 \$5,668,000. 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(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, pay-able 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, 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. 2022-55
(Int. No. 68)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$3,745,000 Bonds of said City to finance water service improvements associated with the South Avenue and Elmwood Avenue Street 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 service improvements associated with the South Avenue (Elmwood Avenue – Bellevue Drive) and Elmwood Avenue (Mt. Hope Avenue – South Avenue) Street Improvement Project, including water mains, water services and hydrants (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 \$3,986,700.96. The plan of financing

includes the issuance of \$3,745,000 bonds of the City, which amount is hereby appropriated therefor, \$85,282.17 in Prior Years' Cash Capital, \$97,567.71 in 2013-14 Cash Capital, \$46,150.12 in 2015-16 Cash Capital, \$12,700.96 in 2016-17 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 \$3,745,000 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 \$3,745,000. 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. 2022-56
(Int. No. 69)

Authorizing an agreement for the South Avenue and Elmwood Avenue Street Improvement Project

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with T.Y. Lin International Engineering & Architecture, P.C. for resident project representative services for the construction of the street and water service improvements associated with the South Avenue (Elmwood Avenue – Bellevue Drive) and Elmwood Avenue (Mt. Hope Avenue – South Avenue) Street Improvement Project (Project). The maximum compensation for the agreement shall be \$1,600,000, which shall be funded in the amounts of \$672,000 from the proceeds of street improvement bonds appropriated for the Project in a concurrent ordinance, \$375,918.04 from the proceeds of water service improvement bonds appropriated for the Project in another concurrent ordinance, \$12,700.96 in 2016-17 Cash Capital, and \$539,381 in 2021-22 Cash Capital. The term of the agreement shall continue until 3 months after completion of a two-year guarantee inspection of the Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-57
Re: Ordinance No. 2022-58
Hazardous Sidewalk Replacement
Program Northwest Quadrant Contract
2022 – Phase III

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area:

Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to the Hazardous Sidewalk Replacement Program Northwest Quadrant Contract 2022 – Phase III. The legislation will:

1. Authorize the issuance of bonds totaling \$1,007,000 and the appropriation of the proceeds thereof to partially finance a portion of the construction for the project; and,
2. Establish \$300,000 as maximum annual compensation for a professional services agreement with Vanguard Engineering, P.C. (Joseph C. Ardieta, C.E.O., 133 South Fitzhugh Street, Rochester, New York) for Resident Project Representation (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 any renewals shall be funded from the Cash Capital allocation or a Bond Ordinance adopted and appropriated for said purpose in subsequent budgets, contingent upon the adoption of said budgets.

The project will replace sidewalk flags that are in hazardous condition in the Northwest quadrant of the City. The project will also include the replacement of sidewalk access ramps on Caroline Street that do not meet current standards.

The project was designed by the City of Rochester Bureau of Architecture and Engineering Street Design Division.

Vanguard Engineering, P.C. was selected for RPR services based on its familiarity with hazardous sidewalk projects. A full justification for not issuing a Request for Proposals is attached.

Bids for construction were received on December 14, 2021. The apparent low bid of \$1,848,730 was submitted by Espana Enterprises, LLC (Scott Spring, C.E.O., 174 Colvin Street, Rochester, New York).

The project will be funded as follows:

Source of Funds	Construction	RPR	Contingency	Total
Bonds authorized herein	1,007,000	0	0	\$1,007,000
2013-14 Cash Capital	17,280	0	0	\$17,280
2019-20 Cash Capital	404,000	0	138,000	\$542,000
2020-21 Cash Capital	420,450	300,000	50,000	\$770,450
Total	\$1,848,730	\$300,000	\$188,000	\$2,336,730

Construction is anticipated to begin in spring 2022 with substantial completion in fall 2022. The construction of the project will result in the creation and/or retention of the equivalent of 25.4 full-time jobs.

The agreement will have a term of one (1) year with two (2) optional one-year renewals.

Respectfully submitted,

Malik D. Evans
Mayor

Attachment No. AV-27

Ordinance No. 2022-57
(Int. No. 70)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,007,000 Bonds of said City to finance certain costs of the Hazardous Sidewalk Replacement Program Northwest Quadrant Contract 2022 - Phase III

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 Hazardous Sidewalk Replacement Program Northwest Quadrant Contract 2022 - Phase III along the streets noted on the attached Project Street List (Exhibit A), including costs of replacing hazardous sidewalk segments along the listed streets and the replacement of access ramps on Caroline Street (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,336,730. The plan of financing includes the issuance of \$1,007,000 bonds of the City, which amount is hereby appropriated for the Project, \$17,280 from 2013-14 Cash Capital, \$542,000 from 2019-20 Cash Capital, \$770,450 from 2020-21 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 \$1,007,000 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 \$1,007,000. 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. 24 of the Law, is ten (10) years.

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

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

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

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

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

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

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

Passed unanimously.

Ordinance No. 2022-58
(Int. No. 71)

Authorizing an agreement for the Hazardous Sidewalk Replacement Program Northwest Quadrant Contract 2022 - Phase III

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Vanguard Engineering, P.C. for resident project representative services for the Hazardous Sidewalk Replacement Program Northwest Quadrant Contract 2022 - Phase III (Project). The maximum compensation for the agreement shall be \$300,000, which shall be funded from 2020-21 Cash Capital. The term of the agreement shall be one year with the option to extend for up to two additional periods of one year each.

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:

Re: Ordinance No. 2022-59
Ordinance No. 2022-60
Ordinance No. 2022-61
Weaver Street Rehabilitation Project
(Remington Street to Hudson Avenue)

Council Priority: Jobs and Economic
Development

Comprehensive Plan 2034 Initiative Area:
Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to the Weaver Street Rehabilitation Project. This legislation will:

1. Authorize the issuance of street bonds totaling \$2,705,000 and the appropriation of the proceeds thereof to finance the street portion of the construction and Resident Project Representation (RPR) services for the project; and,
2. Authorize the issuance of water bonds totaling \$182,000 and the appropriation of the proceeds thereof to partially finance the water portion of the construction and RPR services for the project; and,
3. Establish \$400,000 as maximum compensation for a professional services agreement with Vanguard Engineering, P.C. (Joseph C. Ardieta, C.E.O., 133 South Fitzhugh Street, Rochester, New York) 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.

The project includes pavement milling and resurfacing, new curb, spot sidewalk replacement, curb ramp upgrades, new driveway aprons, street lighting improvements, fiber telecommunication conduit, signage, tree removal and planting, and adjustment and/or repair of manholes, catch basins and water valve castings. These improvements will enhance traffic safety and efficiency, improve the surface drainage and riding quality of the roadway, and improve accessibility.

The project was designed by Joseph C. Lu Engineering, P.C. as authorized by Ordinance No. 2020-264.

Vanguard Engineering, P.C. was selected for RPR Services through a Request for Proposal process, which is described in the attached summary.

Bids for construction were received on December 20, 2021. The apparent low bid of \$2,658,148 was submitted by Ramsey Constructors, Inc. (Chris Ramsey, C.E.O., 5711 Gateway Park, Lakeville, New York).

The project will be funded as follows:

Source of Funds	Design	Construction	Street Lighting	RPR	Contingency	Total
Bonds authorized herein	0	2,165,423	54,000	376,000	109,577	\$2,705,000
Water bonds authorized herein	0	150,455	0	24,000	7,545	\$182,000
Pure Waters Reimbursement appropriated Ordinance No. 2022-21	0	341,895	0	0	0	\$341,895
Pure Waters Reimbursement appropriated Ordinance No. 2020-360	0	0	0	0	17,000	\$17,000
2016-17 Cash Capital	125,000	0	0	0	0	\$125,000
2020-21 Cash Capital	250,000	0	0	0	0	\$250,000
2021-22 Cash Capital	0	375	0	0	0	\$375
Total	\$375,000	\$2,658,148	\$54,000	\$400,000	\$134,122	\$3,621,270

Construction is anticipated to begin in spring 2022 with substantial completion in fall 2022. The construction of the project will result in the creation and/or retention of the equivalent of 35.3 full-time jobs.

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

Respectfully submitted,
 Malik D. Evans
 Mayor

Attachment No. AV-28

Ordinance No. 2022-59
 (Int. No. 72)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$2,705,000 Bonds of said City to finance the costs of the Weaver Street Rehabilitation 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 Weaver Street Rehabilitation Project extending from Remington Street to Hudson Avenue, including pavement milling and resurfacing, new curb, spot sidewalk replacement, curb ramp upgrades, new driveway aprons, street lighting improvements, fiber telecommunication conduit, signage, tree removal and planting, and adjustment and/or repair of manholes, catch basin and water valve castings (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 \$3,424,270. The plan of financing includes the issuance of \$2,705,000 in bonds of the City, which amount is hereby appropriated therefor, \$341,895 hereby appropriated from anticipated reimbursements from Pure Waters authorized in Ordinance No. 2022-21, \$17,000 hereby appropriated from anticipated reimbursements from Pure Waters authorized in Ordinance No. 2020-360, \$110,000 in 2016-17 Cash Capital, \$250,000 in 2020-21 Cash Capital, \$375 in 2021-22 Cash Capital and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$2,705,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$2,705,000. 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(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, pay-able 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. 2022-60
(Int. No. 73)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$182,000 Bonds of said City to finance water service improvements associated with the Weaver Street Rehabilitation 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 water service improvements related to the Weaver Street Rehabilitation Project extending from Remington Street to Hudson Avenue, including hydrant replacements, anode installation and adjustment and/or repair of water valve castings (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 \$197,000. The plan of financing includes the issuance of \$182,000 bonds of the City, which amount is hereby appropriated therefor, \$15,000 from 2016-17 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 \$182,000 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 \$182,000. 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. 2022-61
(Int. No. 74)

Authorizing an agreement for the Weaver Street Rehabilitation Project

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Vanguard Engineering, P.C. for resident project representative services for street and water service improvements associated with the Weaver Street Rehabilitation Project extending from Remington Street to Hudson Avenue (the Project). The maximum compensation for the agreement shall be \$400,000, which shall be funded in the amounts of \$376,000 from the proceeds of street improvement bonds appropriated for the Project in a concurrent ordinance and \$24,000 from the proceeds of water service improvement bonds appropriated for the Project in another concurrent ordinance. The term of the agreement shall continue until 3 months after completion of a two-year guarantee inspection of the Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No.2022-62
Re: Grant Acceptance–New York State
Energy Research and Development
Authority Clean Energy Communities
Program.

Comprehensive Plan 2034 Initiative Area:
Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to the implementation of Climate Action Plan related strategies for the City of Rochester. This legislation will:

1. Authorize the Mayor to enter into a grant agreement with the New York State Energy Research and Development Authority (NYSERDA); and
2. Authorize the receipt and use of \$40,000 in anticipated grant funds from NYSERDA to finance the project.

In December 2021, the City was awarded \$40,000 through NYSERDA's Clean Energy Communities Grant Program which provides grants and coordinator technical support to local governments that demonstrate leadership by completing NYSERDA-identified high-impact actions. The grant funds will be used to add publicly-available electric vehicle charging stations at the South Avenue Garage. No City matching funds are required for this grant program.

By investing in electric vehicle infrastructure, the City of Rochester is increasing access to charging stations, facilitating the replacement of gasoline or diesel powered vehicles with electric vehicles

and reducing greenhouse gas emissions. This project directly supports the City of Rochester Community-wide Climate Action Plan's Transportation Strategies and builds on existing efforts towards increasing the number of electric vehicle charging stations and increasing public awareness of the benefits of switching to electric vehicles.

Once the grant agreement with NYSERDA is in place, the City will begin to implement the Project. The term of the grant agreement is through November 23, 2023, at which time the Project is expected to be completed.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2022-62
(Int. No. 75)

Authorizing an agreement with the New York State Energy Research and Development Authority

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Energy Research and Development Authority for the receipt and use of anticipated grant funds in the amount of \$40,000 to fund electric vehicle charging stations that shall be available to the public at the South Avenue Garage (Project). The term of the agreement shall continue through November 23, 2023.

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.2022-63
Re: Funding Appropriation- Summer 2022
Lead Service Line Replacement Program
2B

Council Priority: Deficit Reduction and Long
Term Financial Stability

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to the Summer 2022 Lead Service Line Replacement Program 2B project. The legislation will authorize the receipt and use of \$10,000,000 from the American Rescue Plan Act (ARPA) and appropriate the proceeds thereof to fund the construction for the project.

The City of Rochester received a \$202.1 million award from the Coronavirus State and Local Fiscal Recovery Fund established by the American Rescue Plan Act (ARPA). This project was included in the City of Rochester's Strategic Equity and Recovery Plan, shared with City Council on September 29, 2021. This project, is an eligible use of ARPA funding per the following Treasury Interim Guidelines Expenditure Category: 5.12 - Drinking water: Transmission & Distribution: Lead Remediation

The funds provided will be used to replace residential lead service lines in an effort to reduce the amount of lead in drinking water and will also restore the streets impacted by the work. It is estimated that over 1,460 services will be replaced. The actual number of lead services to be replaced will be determined during the design phase of the project. The funds will also be used to Chip Seal streets where lead services will be replaced.

The total cost of this project is estimated to be \$10,000,000.

Work is expected to be performed during the summer and fall of 2022. Project administration and construction inspection will be performed by Water Bureau staff.

This project results in the creation and/or retention of the equivalent of 108 full-time jobs.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-29

Ordinance No. 2022-63
(Int. No. 76)

Appropriating American Rescue Plan Act funds for the Summer 2022 Lead Service Line Replacement Program 2B

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

Section 1. The Council hereby authorizes the receipt and use of \$10,000,000 provided by the United States Treasury pursuant to the American Rescue Plan Act of 2021 to fund the Summer 2022 Lead Service Line Replacement Program 2B (Program), consisting of the replacement of approximately 1,400 lead water service lines.

Section 2. The Mayor is hereby further authorized to execute any grant agreement or to provide such other documentation as may be necessary to fund and carry out the Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By President Meléndez
February 10, 2022

To the Council:

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

- | | |
|-------------|--|
| Int. No. 77 | Authorizing an agreement for concert series management services |
| Int. No. 78 | Authorizing an agreement and amending the 2021-22 Budget for the Flower City AmeriCorps program |
| Int. No. 79 | Authorizing a license agreement for the use of a water sports facility at Genesee Valley Park |
| Int. No. 80 | Authorizing a funding agreement and amending the 2021-22 Budget for the 2021-22 STOP-DWI High Visibility Engagement Campaign |
| Int. No. 81 | Authorizing an agreement for analysis of EMS service delivery |
| Int. No. 88 | Authorizing sublease for portion of 245 East Main Street |

Respectfully submitted,
Miguel A. Meléndez, Jr.
LaShay D. Harris
Stanley Martin (*Voted no on Int. No. 80*)
Jose Peo
Mary Lupien (*Voted no on Int. No. 80*)
PUBLIC SAFETY, RECREATION & HUMAN SERVICES COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-64
Re: Agreement - Bands on the Bricks
Concert Series, Rochester Public
Market

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

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong neighborhoods

Transmitted herewith for your approval is legislation authorizing \$30,000 as total compensation for an agreement with M. BOYS, INC (Michael P. O'leary, 109 East Avenue Rochester, NY 14604) for the 2022 Bands on the Bricks series at the Rochester Public Market. The cost of this agreement will be funded from the 2021-22 (\$15,000) and 2022-23 (\$15,000) Budgets of the Department of Recreation and Human Services (DRHS) contingent upon approval.

An agreement for these services was last authorized by City Council via Ordinance No. 2019-38. The original agreement was with Eskay Concerts, Inc., who was selected through a Requests for Proposal process for a term of one year with two additional one-year renewal periods. Only two of the three terms were presented due to COVID. This agreement is for the unfulfilled portion of the original agreement. One of the principals has retired and the remaining partner has incorporated as Temple Bar and Grille.

Temple Bar and Grille will provide event management and beverage concession services for the 2022 Bands on the Bricks Concert series to be held at the Rochester Public Market on Friday evenings during July and August 2022. Services include talent booking, production, sound, and beverage services.

The term of the agreement will not exceed one year.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2022-64
(Int. No. 77)

Authorizing an agreement for concert series management services

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 in the maximum amount of \$30,000 with M. Boys, Inc. to provide event management and beverage concession services for the 2022 Bands on the Bricks Concert Series. The agreement shall have a term of one year. The cost of the agreement shall be funded in the amount of \$15,000 from the 2021-22 Budget of the Department of Recreation and Human Services (DRHS) and in the amount of \$15,000 from the 2022-23 Budget of DRHS contingent upon approval.

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. 2022-65
Re: Grant Agreement – New York State
Office of Children and Family Services,
AmeriCorps

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

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation related to a grant award from the New York State Office of Children and Family Services (NYS OCFS) for the Flower City AmeriCorps (FCA) program. The legislation will:

1. Authorize the receipt and use of a \$27,370 grant award from the New York State Office of Children and Family Services (NYS OCFS) for the living allowance of the Flower City AmeriCorps members.
2. Amend the 2021-22 Budget of Undistributed Expenses budget by \$13,700 to account for this additional award for the portion of the grant period that falls within the current fiscal year. The remaining grant funds will be anticipated and included in the 2022-23 Budget of Undistributed Expenses.

The City was originally awarded a NYS OCFS grant for the Flower City AmeriCorps program, approved by Council by Ordinance No. 2021-308, for a period of November 1, 2021 to January 31, 2025. This grant consists of three, overlapping 15-month program periods from November 1, 2021 to January 31, 2023, November 1, 2022 to January 31, 2024, and November 1, 2023 to January 31, 2025.

Following award of the original grant, NYS OCFS received additional funds from federal government's American Rescue Plan Act of 2021 that they in turn made available to grantees in order to increase the AmeriCorps members' annual living allowance. With the additional grant funds, the City increased full-time (serving 40 hours per week) members' annual living allowance from \$15,100 to \$16,000 and part-time (serving 20 hours per week) members' annual living allowance from \$7,550 to \$8,471. The increased rates are currently in effect for Members who began their service this program period, which is January 10, 2022 through December 31, 2022.

The goal of the Flower City AmeriCorps program is to inspire and prepare the next wave of human service professionals by providing the skills, information, and experience needed for success as they serve at local organizations working to mitigate poverty in our community. Thirty-one AmeriCorps members will be selected to provide one year of service through placement at various City departments including in the Department of Recreation and Human Services and Neighborhood and Business Development, as well as several community organizations. Members will engage approximately 800 individuals in youth development, health and wellness, economic opportunity, and community building programming. Oversight of the program will be performed by two full-time DRHS staff.

The term of this agreement will be through January 31, 2025.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-30

Ordinance No. 2022-65
(Int. No. 78)

Authorizing an agreement and amending the 2021-22 Budget for the Flower City AmeriCorps program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Children and Family Services for the receipt and use of a grant of \$27,370, which amount is hereby appropriated to provide a living allowance of the Flower City AmeriCorps members. The term of the agreement shall extend through January 31, 2025.

Section 2. Ordinance No. 2021-174, the 2021-22 Budget of the City of Rochester, as amended, is hereby further amended to increase the revenue estimates and appropriations to the Budget of Undistributed Expenses by \$13,700 to account for the receipt and use of the funds appropriated in Section 1 herein.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-66
Re: License Agreement – Genesee Waterways
Center, Inc.

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation authorizing a license agreement with Genesee Waterways Center, Inc. (GWC) (Shannon Grieve, Director of Operations), a not-for-profit organization, for continued use of a City owned structure and adjoining parcel of land in Genesee Valley Park as a water sports facility.

GWC's mission is to facilitate public opportunities for recreational and competitive rowing and paddling. Since 1989, the City has partnered with the GWC to develop, promote and operate a water sports facility in this location, including a canoe and kayak livery. GWC has invested approximately \$190,000 in improvements to the facility over the course of this partnership in addition to its service to the community through the operation of the facility. The City has continued to license the space to the GWC, with the most recent license agreement expiring in February 2022.

The GWC will pay an annual fee of \$1.00 for the license and will continue to be responsible for all utilities, maintenance and necessary repairs of the property, including docks, ramps, fencing, buildings and structures on the site.

Genesee Waterways Center was selected through a request for proposals process described in the attached vendor selection form.

This license agreement was last authorized by City Council Ordinance No. 2019-39 adopted on February 20, 2019.

The term of the new license agreement is for one year with the option to extend for four additional one-year terms.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-31

Ordinance No. 2022-66
(Int. No. 79)

Authorizing a license agreement for the use of a water sports facility at Genesee Valley Park

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 Genesee Waterways Center, Inc. for the use of a portion of the premises in Genesee Valley Park West, consisting of a maintenance building, an adjacent boat house, and the adjoining area, for the development, promotion and provision of water sports activities. The term of the agreement shall be one year with the option to extend up to four additional periods of one year each. Genesee Waterways Center, Inc. shall be obligated to pay an annual fee of \$1.00 for said license, and shall assume responsibility for all utilities, maintenance and necessary repairs of the licensed property, including docks, ramps, fencing, buildings, structures, and storage areas.

Section 2. The license 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. 2022-67
Re: Agreement – Monroe County, High
Visibility Engagement Campaign Grant

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the receipt and use of up to \$4,600 for the 2021-22 STOP DWI Foundation, Inc. High Visibility Engagement Campaign grant, and amending the 2021-22 Budget of the Police Department by \$2,700 to reflect a portion of this grant. The remaining funds will be included in the 2022-23 Budget of the Police Department.

The grant funds will be used to pay for overtime for police officers and, as necessary, for police experts to detect drug abuse in drivers during Memorial Day, Fourth of July and possibly Labor Day holiday weekends. This grant does not allow fringe expenses, estimated at \$1,700.

The term of this grant is October 1, 2021 through September 30, 2022. This is the ninth time the City has received this grant, previously awarded as the Stop DWI Crackdown grant.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2022-67
(Int. No. 80)

Authorizing a funding agreement and amending the 2021-22 Budget for the 2021-22 STOP-DWI High Visibility Engagement Campaign

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

Section 1. The Mayor is hereby authorized to enter into a grant agreement with the County of Monroe for the City's receipt and use of \$4,600 in funding for the 2021-22 New York State STOP-

DWI Foundation, Inc. High Visibility Engagement Campaign (Program). The term of the agreement shall be October 1, 2021 through September 30, 2022.

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

Section 3. Ordinance No. 2021-174, the 2021-22 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$2,700, which amount is hereby appropriated for the Campaign from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes – President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Patterson, Peo – 6.

Nays – Vice President Mary Lupien, Councilmembers Martin, Smith – 3.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2022-68
Re: Agreement – Fitch & Associates, LLC
Analysis of EMS Service Delivery for the
City of Rochester

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Public Safety

Transmitted herewith for your approval is legislation establishing \$44,995 as maximum compensation for an agreement with Fitch & Associates, LLC (FITCH) (Joseph J. Fitch, PhD, Founding Partner & President, Platte City, MO) for an analysis of the EMS service delivery for the City of Rochester. The cost of this agreement will be funded from the 2021-22 Budget of Undistributed. The term of this agreement will be one year. The final report is expected in the spring.

FITCH will provide an objective data-driven evaluation that will include a full analysis of the current EMS system delivery within the City to include quantitative analyses such as response time, call volume, BLS and ALS availability, temporal distribution of calls and hospital wait times; comparisons of inter-jurisdictional and national best practice models; analysis of the operating and capital costs currently allocated for the provision of EMS; analysis other alternatives with implementation costs and recurring costs and revenues associated with each alternative.

The last EMS evaluation was performed in 2009-10 by TriData, a division of System Planning Corporation. The primary intent and goal of this 2021-22 EMS evaluation is determine whether it is in the best interest of the City and its residents to maintain or alter its current role in the EMS system to increase the effectiveness and efficiency of the system.

Fitch & Associates, LLC was selected through a request for proposal process as described in the attached summary.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-32

Ordinance No. 2022-68
(Int. No. 81)

Authorizing an agreement for analysis of EMS service delivery

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 Fitch & Associates, LLC to analyze the delivery of Emergency Medical Services for the City of Rochester. The maximum compensation for the agreement shall be \$44,995 which shall be funded from the 2021-22 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 appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-69
Re: Police Accountability Board:
Sublease to 245 East Main Street

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing a sublease agreement with Gannett Media Corp. (McLean, Virginia; Paul J Bascobert, CEO and President) to obtain office space at 245 East Main Street (SBL No. 121.24-1-28.006) for the Police Accountability Board.

Gannett Media Corp. leases the premises from the owner Seneca Building Partners LLC pursuant to an agreement that authorizes the subleasing of the premises. The City will sublease up to 19,000 square feet on the first floor of the building that fronts on East Main Street (the Subleased Space) for a term of up to two years. The annual rent payment shall not exceed \$343,140 for the first year

and \$350,003 for the second year. The sublease may also require the City to pay utility expenses for the Subleased Space as well as common area maintenance expenses if and to the extent that the City Corporation Counsel determines that doing so would be legal and appropriate.

The City and Gannett Media Corp. have not yet settled upon the final size of the leased space, the annual rent amounts, the utility charges, whether and how much common area maintenance charges will be assessed, and whether the sublease term will continue for the entire two years. Nevertheless, the City and Gannett Media Corp. want to be able execute the agreement as soon as they can agree upon those terms so that there is no unnecessary delay for the Police Accountability Board to set up its offices on the premises. Therefore, the legislation authorizes the City to execute a final sublease agreement containing such terms and conditions that the Corporation Counsel determines to be legal and appropriate within the parameters spelled out above.

The sublease expenses will be funded from the Police Accountability Board allocations of the 2021-22 Budget of the City Council & Clerk for the first year and from the 2022-23 Budget of the City Council & Clerk for the second year, contingent upon approval of the Budget for the later year.

Respectfully submitted,
Miguel A. Meléndez, Jr.
President

Ordinance No. 2022-69
(Int. No. 88)

Authorizing sublease for portion of 245 East Main Street

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

Section 1. The City is hereby authorized to enter into a sublease agreement with Gannett Media Corp. for up to 19,000 square feet of space located at 245 East Main Street (SBL No. 121.24-1-28.006) for use as offices for the Police Accountability Board. The sublease shall be for a term of up to two years. The subleased space shall be located on the first floor of the building that fronts on East Main Street. The annual rent payment for the sublease shall not exceed \$343,140 for the first year and \$350,003 for the second year. The sublease may also require the City to pay utility expenses for the subleased space as well as to pay for a portion of the shared building's common area maintenance expenses if and to the extent that that doing so would be legal and appropriate.

Section 2. The sublease expenses shall be funded from the 2021-22 Budget of City Council & Clerk for the first year and from the 2022-23 Budget of the City Council & Clerk for the second year, contingent upon approval of the Budget for the later year.

Section 3. The sublease shall contain such terms and conditions as are acceptable to the Corporation Counsel.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes – President Meléndez, Councilmembers Gruber, Harris, Lupien, Martin, Patterson, Smith – 7.
Nays – Councilmembers Lightfoot, Peo – 2.

By President Meléndez
February 10, 2022

To the Council:

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

- Int. No. 82 Resolution confirming the appointment of the Commissioner of Neighborhood and Business Development

- Int. No. 83 Resolution confirming the appointment of the Director of the Bureau of Human Resource Management

- Int. No. 84 Resolution confirming the appointment of the Chief of the Rochester Fire Department

- Int. No. 85 Resolution amending Resolution 2022-4 relating to the Rules of Council

Respectfully submitted,

Mitch Gruber
LaShay D. Harris
Willie J. Lightfoot
Stanley Martin
Michael A. Patterson
Jose Peo
Kimberly Smith
Mary Lupien
Miguel A. Meléndez Jr
COMMITTEE OF THE WHOLE

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2022-14
Re: Confirmation of the Commissioner of
 Neighborhood and Business Development

Transmitted herewith for your approval is legislation confirming, as required by the City Charter, the appointment of Dana K. Miller as Commissioner of the Department of Neighborhood and Business Development.

Dana K. Miller's resume is on file in the City Clerk's Office.

Respectfully submitted,
Malik D. Evans
Mayor

Resolution No. 2022-14
(Int. No. 82)

Resolution confirming the appointment of the Commissioner of Neighborhood and Business Development

WHEREAS, the Mayor has appointed Dana K. Miller to the position of Commissioner of Neighborhood and Business Development, 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 Dana K. Miller as Commissioner of Neighborhood and Business Development.

This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2022-15
Re: Confirmation of the Director of the Bureau
of Human Resource Management

Transmitted herewith for your approval is legislation confirming, as required by the City Charter, the appointment of Rose M. Nichols as Director of the Bureau of Human Resource Management. Rose M. Nichols' resume is on file in the City Clerk's Office.

Respectfully submitted,
Malik D. Evans
Mayor

Resolution No. 2022-15
(Int. No. 83)

Resolution confirming the appointment of the Director of the Bureau of Human Resource Management

WHEREAS, the Mayor has appointed Rose M. Nichols to the position of Director of the Bureau of Human Resource Management, subject to confirmation by the City Council, and

WHEREAS, Council has reviewed the qualifications of the appointee and determined that she 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 Rose M. Nichols as Director of the Bureau of Human Resource Management.

This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2022-16
Re: Confirmation of the Chief of Rochester
Fire Department

Transmitted herewith for your approval is legislation confirming, as required by the City Charter, the appointment of Felipe Hernandez Jr.

Felipe Hernandez Jr.'s resume is on file in the City Clerk's Office.

Respectfully submitted,
Malik D. Evans
Mayor

Resolution No. 2022-16
(Int. No. 84)

Resolution confirming the appointment of the Chief of the Rochester Fire Department

WHEREAS, the Mayor has appointed Felipe Hernandez, Jr. to the position of Chief of the Rochester Fire 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 Felipe Hernandez, Jr. as Chief of the Rochester Fire Department.

This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2022-17

Re: Amendments to Council Rules

Transmitted herewith for your approval is legislation to amend Resolution 2022-4, the Rules of Council as follows:

1. Amending Section 17 to clarify the process for any member of Council who wishes to propose legislation to the body.
2. Amending Section 18 to change the committee structure to dissolve the Public Safety, Recreation, & Human Services Committee and create two separate committees: the Public Safety Committee, and the Recreation & Human Services Committee.
3. Amending Section 22 and creating Section 23 to clarify the process for amending the Rules.

Respectfully submitted,
Miguel A. Meléndez, Jr.
President

Resolution No. 2022-17
(Int. No. 85)

Resolution amending Resolution 2022-4 relating to the Rules of Council

WHEREAS, by Resolution No. 2022-4 adopted at its Organizational Meeting on January 3, 2022, the Council of the City of Rochester adopted the Rules of Council for the years 2022-23 (Original Rules); and

WHEREAS, at its Regular Meeting held on January 18, 2022, the Council was provided with a proposal to amend the Original Rules in the manner specified herein, the President of Council summarized the proposed amendments, and the President announced that such amendments would be proposed for consideration at the next Regular Meeting of Council on February 15, 2022, all in accordance with Section XXII of the Original Rules.

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

Section 1. The Council hereby amends Rules of Council adopted by Resolution No. 2022-4 for the years 2022-23, by modifying Sections XVII, XVIII, and XXII and adding Section XXIII to read in their entirety as follows:

XVII. PROCEDURE ON LOCAL LAWS AND ORDINANCES -- All legislative acts of the Council shall be by local law or ordinance adopted by the affirmative vote of five members of the Council, unless otherwise expressly required by law.

Any member of the Council or the Mayor may introduce a Local Law or Ordinance into the Council. ~~Such by submitting proposed legislation shall be submitted to the President of the Council. Proposed~~ The President shall forward such proposed legislation submitted to the President of City Clerk, at which time the Council by any Councilmember or the Mayor legislation shall be deemed introduced into the Council on the day the President forwards it to the. ~~The City Clerk who shall note on the copy of the legislation the date of its introduction and its sequential introductory number.~~

Proposed legislation shall be similarly distributed to Councilmembers on “Referral Day” which shall be at least nineteen (19) days prior to the date of the Council meeting at which it is scheduled to be considered.

During the week following Referral Day, additional legislation may be submitted to the President of Council for distribution to the appropriate committee(s) at the discretion of the President.

Proposed legislation submitted by the Mayor less than twelve (12) days before the Council Meeting at which it is scheduled to be considered shall be accompanied by a statement of necessity of immediate consideration signed by the Mayor and stating the nature of the emergency. Proposed legislation submitted by any member of Council during this period may be distributed to the appropriate committee(s) at the discretion of the President.

Proposed legislation submitted less than five (5) days before the Council Meeting at which it is scheduled to be considered shall be accompanied by a statement of necessity of immediate consideration stating the nature of the emergency and signed:

- a) by the Mayor and President of the Council, in the case of legislation submitted by the Mayor; or
- b) by the President of the Council, in the case of legislation submitted by a member of Council.

The Clerk shall keep a file of all proposed legislation until it is voted upon by the Council or until the expiration of each two-year term of Council.

A local law or ordinance amended after its introduction shall proceed to consideration by Council in the normal course unless such legislation as amended is ruled to be so substantially different from the original as to constitute a new local law or ordinance that that must be introduced and distributed anew for consideration at a subsequent meeting of Council. A ruling on whether amended legislation constitutes a new local law or ordinance shall be required only upon the motion of a Councilmember and the ruling shall be made by the presiding officer, or the Council on appeal from the presiding officer’s ruling.

The Council shall not vote upon any local law or ordinance until it has been discharged from one or more standing committees of the Council pursuant to Section XIX of these rules, provided, however, that the Council may vote upon proposed legislation without reference to or discharge from a standing committee if:

- a) as to a local law, it is accompanied by a statement of necessity of immediate passage signed by the Mayor, and its adoption is by the affirmative vote of six (6) members of the Council, or
- b) as to an ordinance, (i) it is accompanied by a statement of necessity of immediate passage signed by the Mayor, or (ii) approval to vote upon it is given by six (6) members of the Council.

Whenever a public hearing is required to be held by the Council on an item of proposed legislation, the President may direct the City Clerk to advertise the public hearing in the manner and for the period of time required by law so that such hearing may be held at the end of the final standing Committee Meeting; or if the hearing is to be held before a specific committee, such hearing shall be advertised so that it may be held at the next available regularly scheduled or special meeting of that committee; unless the Council provides otherwise by resolution.

Whenever the Mayor has disapproved a local law or ordinance and the City Clerk has presented the local law or ordinance to the Council with the Mayor's objections, the President or any member of Council may move for reconsideration of the same within thirty (30) days.

XVIII. CONSTITUTION OF COMMITTEES - The following standing committees shall be appointed by the President of the Council at the organization meeting of the Council:

Finance; Neighborhood & Business Development; Parks & Public Works; Public Safety; and Recreation; & Human Services.

The first named member of each committee shall be Chair. The President and the Vice President shall be ex officio voting members of all committees.

A change in the personnel of the foregoing committees, including a change in the Chair thereof, may be effected at any time or times at the pleasure of the President of the Council with the concurrence of a majority of the Council, or in any case by a two-thirds vote of the Council. The President shall be empowered to constitute a Committee of the Whole, in place of any standing committee, to consider Mayoral appointments of Department Heads or for other resolutions, local laws, or ordinances considered to be of sufficient importance as to merit such treatment. Discharge from the Committee of the Whole shall fulfill the requirements variously stated in Sections XVI, XVII, and XIX, which call for the discharge of any proposed legislation from a standing committee before it can be acted upon by the Council.

XXII. AMENDMENT OF RULES - No permanent alteration shall be made in these rules ~~without notice~~ except by means of the proposed change having a resolution that has been given at a previous meeting referred to a committee and adopted in accordance with Section XVI.

XXIII. TIMING OF AMENDMENTS - Nothing in these rules shall prevent Council from choosing to amend any part of these rules during the course of the year, including but not limited to amendments to the structure and/or functioning of its committee system, provided such amendment is presented by means of a resolution in accordance with Section XXII above and is not inconsistent with law.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

The meeting was adjourned at 8:20 p.m.

HAZEL L. WASHINGTON
City Clerk