



City of Rochester

City Hall Room 308A, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

FINANCE
INTRODUCTORY NO.

322

Malik D. Evans
Mayor

August 25, 2022

TO THE COUNCIL

MAYOR 14

Ladies and Gentlemen:

Re: Regulating Cannabis Dispensaries and On-Site
Consumption Lounges

Council Priority: Jobs and Economic
Development

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity + Opportunity

Transmitted herewith for your approval is legislation amending the Code of the City of Rochester to reflect New York State's Marihuana Regulation and Taxation Act (MRTA) and to provide "time, place and manner" regulations for Dispensaries and On-Site Consumption Lounges as authorized by MRTA. With this legislation, the City is adopting zoning requirements and business permit regulations for Dispensaries and On-Site Consumption Lounges prior to the State issuing the first round of Dispensary licenses, which may happen as early as mid-fall 2022.

It is proposed that the following changes be adopted:

- Amending the Zoning Code to define a new use (On-Site Consumption Lounge); identify which districts allow On-Site Consumption Lounges as of right or by special permit; regulate the hours of operation for On-Site Consumption Lounges and Dispensaries; and revise the definition of 'Manufacturing' to ensure that State-licensed Cultivators and Processors of cannabis fit within the definition.
- Amending Article II of Chapter 90 to require a business permit for Dispensaries and On-Site Consumption Lounges; to require security cameras and exterior lighting for both uses; to prohibit odors from being detected outside of the commercial spaces occupied by either use; and to require ventilation measures to prevent the migration of smoke from On-Site Consumption Lounges.

The legislation outlined above will minimize barriers to the cannabis industry while ensuring businesses are a cohesive part of our communities.

Respectfully submitted,

Malik D. Evans
Mayor



BACKGROUND

There is widespread recognition that cannabis prohibition and enforcement of the cannabis prohibition has and continues to have a disproportionate negative impact on people of color. Across the country, cities and states where cannabis is now legal are attempting to address those impacts by creating social equity programs to ensure that people and communities harmed by the so called “war on drugs” have access to opportunities in the formal industry. These programs leverage the cannabis industry to create minority-owned businesses, jobs, and tax revenue dedicated to strengthen specific communities.

Experiences from other cities and states identify many challenges for a successful equity program, as well as difficulty transitioning existing informal cannabis businesses to the formal market. One such challenge is that cannabis remains illegal at the federal level. This presents significant barriers to entry. For example, cannabis business owners are not eligible for traditional business support services or grants; they cannot do business with federally-insured banks; and they cannot use business expenses as a federal tax deduction.

MRTA and the State are attempting to center equity in cannabis licensing. MRTA was signed into law on March 31, 2021, legalizing adult use cannabis in the State of New York. MRTA provides the general framework for licensing with a goal to issue 50% of licenses to qualifying equity applicants. 40% of the tax revenue after covering the cost of the program will be directed into programs supporting the communities that were most impacted by disproportionate enforcement of cannabis prohibition. The first round of dispensary licenses will be awarded to equity applicants only, and those awarded will be eligible for commercial space funding through the \$200M Social Equity Cannabis Investment Program.

The State is currently developing regulations to further define licensing and requirements for adult use cannabis businesses. MRTA and the State regulations will largely govern how these businesses operate. However, the State allows cities to regulate the “time, place, and manner” of Dispensaries and On-Site Consumption Lounges, as long as the regulation does not render the operation of those businesses “impracticable.” Essentially, the State has the authority to review local cannabis regulations to determine whether they are too restrictive.

The City of Rochester opted in to the full set of establishments allowed to be licensed under MRTA in order to maximize the economic opportunities and to further the State law’s intent to make amends for the harm caused by the “war on drugs.” On December 14, 2021, Mayor-Elect Evans announced the creation of a task force to consider, research, and recommend policies that the City can adopt to support the success of the cannabis industry in Rochester. The Cannabis Business Preparation Committee (CBPC) and its subcommittees met 13 times between January and June. Members conducted extensive research and collaboration, including exploring the experiences of other cities and states with adult use cannabis businesses, and maintaining ongoing dialogue with the NY State Office of Cannabis Management, the agency responsible for crafting and refining the State regulations.

The CBPC also conducted extensive outreach. The committee held four public meetings: a virtual information and listening session (April 14, 2022); and three meetings to discuss ideas for zoning and regulations on May 25 (Arnett Library), May 31 (Gantt R-Center) and June 2 (virtual). CBPC members attended various local cannabis industry events to learn more about the industry. Councilmember Mike Patterson and Jennifer Byrnes of the Central Library Business Insight Center (BIC) led an effort to engage members of the existing industry through attendance at a legacy cannabis stakeholder group. The City and the BIC partnered on a cannabis business support open house on July 13th, and are organizing a cannabis workforce development event for October 19th.

The CBPC zoning and regulations recommendations are the foundation for the legislation attached. Other recommendations will be discussed at City Council at a later date.

SUPPLEMENTAL RESOURCES

This information is not required reading for this item. It provides further background on the State law for readers who want to learn more.

Information about the first round of adult use dispensary licenses. *The first round of dispensary licenses is called Conditional Adult-Use Retail Dispensaries (CAURD). The application window will open up on August 25, 2022.*

- [OCM's FAQ sheet about CAURD](#)
- [OCM's webpage about CAURD](#)
- [The draft CAURD application](#)




Office of Cannabis Management (OCM) Fact Sheets

- [What is in the Law: Social and Economic Equity](#). *Specifics on the qualifying criteria for equity applicant status.*
- *MRTA goes beyond cannabis business licensing. See these fact sheets for other components of MRTA:*
 - [Adult-Use Cannabis Legislation: What You Need to Know](#).
 - [What is in the Law: Penal Law](#)
- More fact sheets can be found on the OCM's [webpage on Adult Use Cannabis](#).


The Marihuana Regulation and Taxation Act

- [The full legislation](#)
- ["Assessment of the Potential Impact of Regulated Marijuana in New York State"](#)

Zoning Districts

-  Permitted as of Right (Commercial Districts)
C-1, C-2, C-3, CCD, VC
-  Permitted in Certain Circumstances
R-3*
-  Permitted in Certain Circumstances
M-1**

Sensitive Use Buffers (from NY State)

-  Not Permitted w/ in 500' of Schools or
w/in 200' of Houses of Worship***

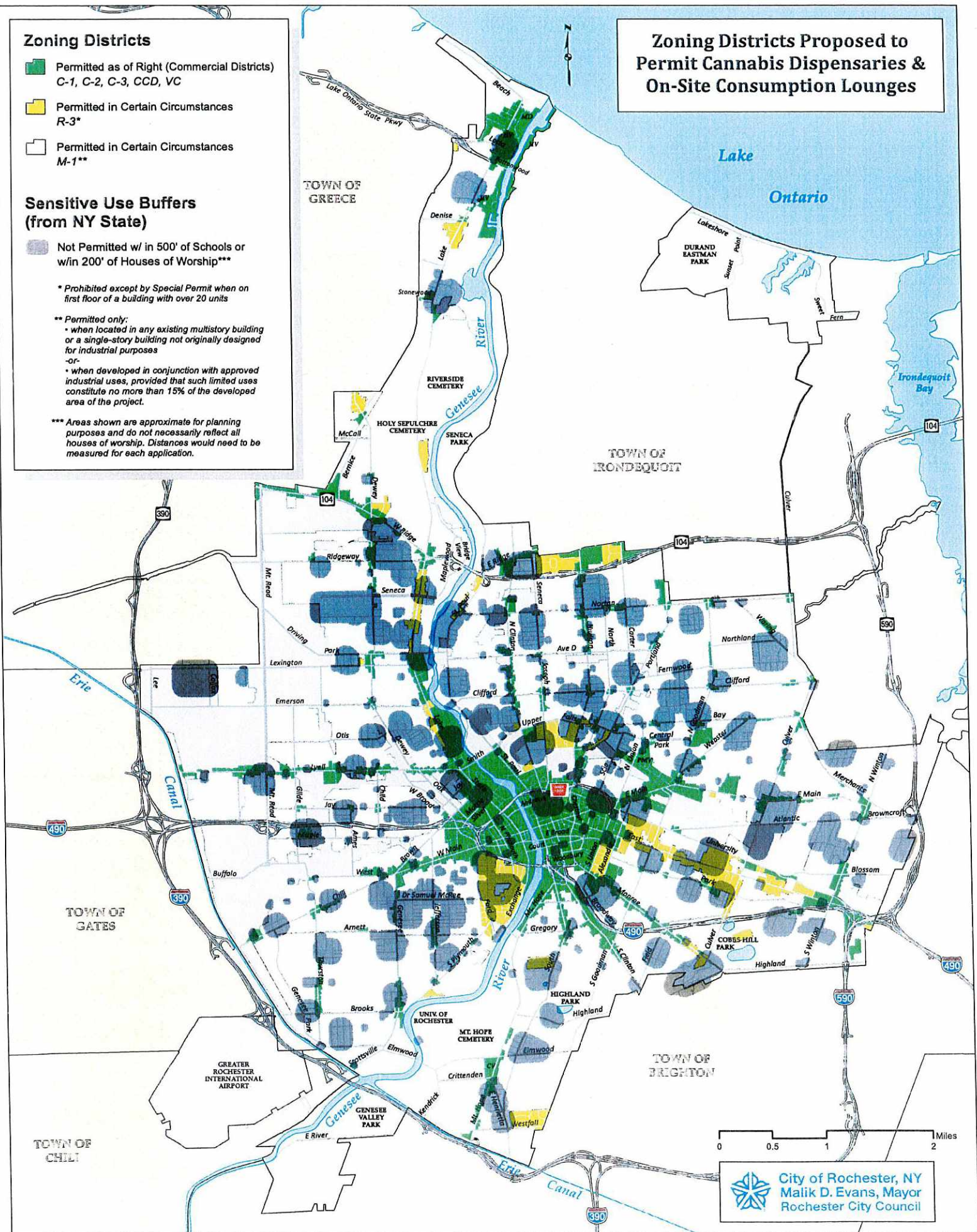
* Prohibited except by Special Permit when on
first floor of a building with over 20 units

** Permitted only:

- when located in any existing multistory building
or a single-story building not originally designed
for industrial purposes
- or-
- when developed in conjunction with approved
industrial uses, provided that such limited uses
constitute no more than 15% of the developed
area of the project.

*** Areas shown are approximate for planning
purposes and do not necessarily reflect all
houses of worship. Distances would need to be
measured for each application.

Zoning Districts Proposed to Permit Cannabis Dispensaries & On-Site Consumption Lounges



City of Rochester, NY
Malik D. Evans, Mayor
Rochester City Council

322

Ordinance No.

Amending the Zoning Code and the Business Permits Code to allow and regulate Adult-Use Dispensaries and Adult-Use Consumption Lounges in some zoning districts in accordance with the State Cannabis Law

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

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

A. Adding subsections J and K to § 120-27, Special permit uses, as follows:

§ 120-27. Special permit uses.

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

.....

J. Establishments licensed by New York State as adult-use cannabis retail dispensaries located entirely within the first floor of an enclosed building that contains more than 20 dwelling units and operating during liquor store hours.

K. On-site cannabis consumption lounges located entirely within the first floor of an enclosed building that contains more than 20 dwelling units and operating during bar hours, but no later than 11:00 p.m.

B. In subsections K, R and S of § 120-34, Permitted uses and structures, as follows:

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

...

K. Retail sales and service operating between the hours of 6:00 a.m. and 11:00 p.m.; provided, however, that retail sales and service establishments;

(1) licensed by New York State to sell alcoholic beverages pursuant to the Alcoholic Beverage Control Law may operate beyond the hours specified herein to the extent that the alcoholic beverage license so provides; and

(2) licensed by New York State as adult-use cannabis retail dispensaries shall be restricted to liquor store hours.

...

R. On-site cannabis consumption lounges operating during bar hours, but no later than 11:00 p.m.

~~R.~~ S. Mixed uses, as listed in this section, not including industrial uses.

C. Adding subsection J to § 120-35, Special permit uses, as follows:

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

...

- J. On-site cannabis consumption lounges operating during bar hours, including bar hours extending after 11:00 p.m.

D. In subsections M and U of § 120-42, Permitted uses and structures, as follows:

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

...

- M. Retail sales and service; provided, however, that retail sales and service establishments licensed by New York State as adult-use cannabis retail dispensaries shall be restricted to liquor store hours.

...

- U. On-site cannabis consumption lounges operating during bar hours, but no later than 11:00 p.m.

E. In subsection U of § 120-43. Special permit uses, as follows:

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

- U. On-site cannabis consumption lounges operating entirely within an enclosed building and during bar hours, including bar hours extending after 11:00 p.m.

F. In subsections K and M of § 120-50, Permitted uses and structures, as follows:

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

...

- K. Retail sales and service; provided, however, that for retail sales and service establishments licensed by New York State as adult-use cannabis retail dispensaries only if operated entirely within an enclosed building and during liquor store hours.

...

- M. ~~(Reserved)~~ On-site cannabis consumption lounges operated entirely within an enclosed building during bar hours, but no later than 11:00 p.m.

G. In subsection F of § 120-51. Special permit uses, as follows:

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

...

F. ~~(Reserved)~~ On-site cannabis consumption lounges operating entirely within an enclosed building and during bar hours, including bar hours extending after 11:00 p.m.

H. In § 120-63, Limited uses, as follows:

§ 120-63. Limited uses in the CCD Center City District.

A. The operating hours of retail sales and service establishments licensed by New York State as adult-use cannabis retail dispensaries shall be restricted to liquor store hours.

B. The operating hours of on-site cannabis consumption lounges shall be restricted to bar hours and no later than 11:00 p.m., provided that the operating hours may be extended to bar hours after 11:00 p.m. if authorized by a special permit.

C. The following limited uses in the CCD Center City District shall meet the requirements set forth in Article XVIII, Additional Requirements for Specified Uses:

~~A.~~(1) Homeless residential facilities.

~~B.~~(2) Personal wireless communication facilities.

~~C.~~(3) Residential care facilities.

~~D.~~(4) Rooming houses.

~~E.~~(5) Surface parking lots when a parking demand analysis is submitted to substantiate the need for the lot.

I. In subsections A and B of § 120-76, PMV Public Market Village, as follows:

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

(1) Outdoor market.

(2) Single-family attached dwelling.

(3) Multifamily dwellings.

(4) Mixed uses.

(5) Live-work spaces.

(6) Offices.

(7) Public and semipublic uses.

(8) Agriculture.

(9) Warehouse uses.

(10) Wholesale uses.

(11) Retail sales and service; provided, however, that for retail sales and service establishments licensed by New York State as adult-use cannabis retail dispensaries, only if operated entirely within an enclosed building and during liquor store hours.

(12) Bars, restaurants and the like including outdoor seating/assembly areas, provided that the outdoor areas only operate between the hours of 6:00 a.m. and 11:00 p.m., but excluding drive-through facilities.

- (13) Manufacturing uses when the products are sold as retail for an individual consumer.
- (14) Parks and recreation uses.
- (15) Places of worship.
- (16) Public entertainment, not including sexually oriented uses, subject to the additional requirements for public entertainment in § 120-137.
- (17) Limited entertainment, not including sexually oriented uses.
- (18) On-site cannabis consumption lounges operated entirely within an enclosed building and during bar hours, but no later than 11:00 p.m.

B. Special permit uses. The following uses are allowed as special permit uses in the PMV District:

- (1) Ancillary parking lots, subject to the additional requirements for specified uses in § 120-131.
- (2) Bed-and-breakfast establishments, subject to the additional requirements for specified uses in § 120-132.
- (3) Community garages and parking lots.
- (4) Public utilities, subject to the additional requirements for specified uses in § 120-144.
- (5) Outdoor storage, subject to the additional requirements set forth in § 120-175.
- (6) On-site cannabis consumption lounges operating entirely within an enclosed building and during bar hours, including bar hours extending after 11:00 p.m.

J. In subsections A and B of § 120-77, H-V Harbortown Village District, as follows:

A. Permitted uses and structures. The following uses are permitted as of right in the H-V Harbortown Village District:

- (1) Public boardwalks, paths, biking trails and outdoor seating/assembly areas.
- (2) Boating and fishing docks.
- (3) Marinas.
- (4) Water passenger transportation terminals.
- (5) Boating and sailing instruction schools.
- (6) Boat sales, rental and charter facilities.
- (7) The following uses are permitted as of right in the H-V Harbortown Village District if located 30 feet or more from the edge of the Genesee River, subject to site plan approval:
 - (a) Single-family attached dwellings.
 - (b) Live-work spaces.
 - (c) Bars and restaurants not exceeding 2,500 square feet and excluding drive-through facilities.
 - (d) Private clubs not exceeding 2,500 square feet.
 - (e) Office space not exceeding 2,500 square feet.

- (f) Retail sales and services not exceeding 2,500 square feet; provided, however, that for retail sales and service establishments licensed by New York State as adult-use cannabis retail dispensaries only if operated entirely within an enclosed building and during liquor store hours.
- (g) Tourist information centers.
- (h) Museums and aquariums.
- (i) Hotels and motels.
- (j) Bed-and-breakfast establishments, subject to the additional requirements for specified uses in § 120-132.
- (k) Mixed uses when limited to residential and commercial uses as permitted under this section.
- (l) Other establishments relating to and supporting waterdependent activities.
- (m) Places of worship.
- (n) Public entertainment, not including sexually oriented uses, subject to the additional requirements for public entertainment in § 120-137.
- (o) Limited entertainment, not including sexually oriented uses.
- (p) On-site cannabis consumption lounges not exceeding 2,500 square feet operated entirely within an enclosed building and during bar hours, but no later than 11:00 p.m.

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

- (1) The following uses when located within 30 feet of the edge of the Genesee River:
 - (a) Museums and aquariums.
 - (b) Private clubs.
 - (c) Bars and restaurants, excluding drive-through facilities.
 - (d) Tourist information centers.
 - (e) Other establishments relating to and supporting waterdependent activities.
 - (f) Public entertainment, not including sexually oriented uses, subject to the additional requirements for public entertainment in § 120-137.
 - (g) Limited entertainment, not including sexually oriented uses.
 - (h) On-site cannabis consumption lounges operated entirely within an enclosed building and during bar hours, but no later than 11:00.
- (2) Single-family detached located no closer than 100 feet of the edge of the Genesee River.
- (3) Boat launches.
- (4) Community garages and parking lots.
- (5) Multifamily dwellings.
- (6) Outdoor entertainment.

- (7) Outdoor markets.
- (8) Parking areas, lots and garages.
- (9) Private and commercial recreation and amusement facilities.
- (10) Public and semipublic uses.
- (11) Vehicle service stations, subject to the additional requirements for specified uses in § 120-154.
- (12) Outdoor storage, subject to the additional requirements set forth in § 120-175.
- (13) On-site cannabis consumption lounges operating entirely within an enclosed building, permitted under §120-77A(7)(p) or specially permitted under §120-77B(1)(h), and operating during bar hours extending after 11:00 p.m.

K. In subsections A(1) and B(1) of § 120-77.1, C-V Collegetown Village District, as follows:

A. Permitted uses.

- (1) All uses are permitted in fully enclosed buildings in the C-V District between the hours of 6:00 a.m. and 2:00 a.m. or subject to the operating hours for particular uses specified below, unless specifically listed as specially permitted or prohibited uses in this article. In addition to any specific requirements listed below, uses shall be subject to the additional requirements for specified uses set forth in Article XVIII of this chapter and the requirements applying to all districts set forth in Article XX of this chapter. The permitted use hours for:
 - (a) Establishments licensed by New York State as adult-use cannabis retail dispensaries shall be limited to liquor store hours; and
 - (b) On-site cannabis consumption lounges shall be limited to bar hours, but no later than 11:00 p.m.

...

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

- (1) Any uses, other than a State licensed adult-use cannabis retail dispensary, open to the public or requiring loading/unloading between the hours of 2:00 a.m. and 6:00 a.m. or, for on-site cannabis consumption lounges operating during bar hours extending after 11:00 p.m.

...

L. In subsection C of § 120-77.2H, Definitions, as follows:

C. Building function (use) standards. ~~Intent.~~ This section establishes permitted, specially permitted and prohibited uses within the Marina District. In order to maximize the liveliness, vitality and pedestrian character of the district, most uses are permitted as of right. Uses that are detrimental to the pedestrian character of the district are generally prohibited. The

building envelope standards contain additional requirements pertaining to mixed uses within buildings.

- (1) Permitted uses. All uses are permitted in fully enclosed buildings in the Marina District unless listed as specially permitted or prohibited uses in this section. In addition to any specific requirements listed below, uses shall be subject to the additional requirements for the specified uses set forth in Article XVIII of this chapter.
- (2) Permitted outdoor uses.
 - (a) Accessory outdoor seating areas without background music or entertainment, but not accessory to retail sales and service establishments licensed by New York State as adult-use cannabis retail dispensaries or as on-site cannabis consumption lounges;
 - (b) Accessory display of merchandise during business hours, but not accessory to retail sales and service establishments licensed by New York State as adult-use cannabis retail dispensaries or as on-site cannabis consumption lounges;
 - (c) Walk-up service windows, but not for retail sales and service establishments licensed by New York State as adult-use cannabis retail dispensaries or as on-site cannabis consumption lounges;
 - (d) Permanent parking constructed in accordance with § 120-77.2E(1).
- (3) Specially permitted uses. The following uses are allowed as special permit uses in the Marina District:
 - (a) Outdoor entertainment;
 - (b) Interim parking constructed in conformance with §§ 120-77.2E(2) and 120-173F. Special permits for interim parking shall be subject to renewal every five years. Each renewal application shall be subject to a marketability analysis demonstrating that the site cannot be developed based on the following standards:
 - [1] The site is not marketable for development in accordance with the intent of the Marina District as demonstrated by at least one of the following factors:
 - [a] The inability to find an interested developer or buyer over an extended period of time;
 - [b] Physical location or locational limitations or deficiencies of the site or public infrastructure.
 - [2] Standards indicating the type of information required to document conformance with each of the aforementioned standards shall be as adopted from time to time by the Planning Commission.
 - (c) On-site cannabis consumption lounges in fully enclosed buildings operating during bar hours after 11:00 p.m.

- (4) Prohibited uses. The following uses are prohibited in the Marina District:
 - (a) Homeless shelters;
 - (b) Rooming houses;
 - (c) Sexually oriented businesses;
 - (d) Uses not in a fully enclosed building or not permitted by § 120-77.2C(2);
 - (e) Any use that would meet the definition of a manufacturing use as per § 120-208 of the Zoning Code;
 - (f) Drive-throughs;
 - (g) Vehicle-related uses, including car washes, vehicle service stations, vehicle sales, vehicle repair, including commercial vehicle repair, and vehicle rental services, except vehicle rental or sharing services in which vehicles are stored in permanent parking facilities constructed in accordance with § 120-77.2E(1), vehicle service takes place outside the Marina District and offices are located in a fully enclosed building;
 - (h) Funeral homes;
 - (i) Warehouses;
 - (j) Recycling centers.
- (5) Operating hours.
 - (a) The operating hours of retail sales and service establishments licensed by New York State as adult-use cannabis retail dispensaries shall be restricted to liquor store hours.
 - (b) The operating hours of on-site cannabis consumption lounges shall be restricted to bar hours and no later than 11:00 p.m., unless extended in accordance with a special permit.

M. In subsections B and C of § 120-81, Permitted uses and structure, as follows:

- B. The following uses are permitted in the M-1 District when located in any existing multistory building or a single-story building not originally designed for industrial purposes:
 - (1) Dwelling unit conversions.
 - (2) Live-work space, subject to the additional requirements for specified uses in § 120-142.1.
 - (3) Retail sales and service; provided, however, that retail sales and service establishments licensed by New York State as adult-use cannabis retail dispensaries shall be restricted to liquor store hours.
 - (4) Offices and clinics.
 - (5) Bars, restaurants and banquet facilities.
 - (6) Public entertainment, subject to the additional requirements for specified uses in § 120-137.

- (7) Public and semipublic uses.
- (8) Day-care centers.
- (9) Funeral parlors and mortuaries.
- (10) Places of worship.
- (11) Pawnbrokers.
- (12) Secondhand dealers.
- (13) On-site cannabis consumption lounges operating during bar hours, but no later than 11:00 p.m.

C. When developed in conjunction with approved industrial uses, the following uses are permitted in the M-1 District, provided that such limited uses constitute no more than 15% of the developed floor area of the project:

- (1) Bars, cocktail lounges and taverns.
- (2) Restaurants.
- (3) Day-care centers when located, arranged and integrated within the development to serve primarily the needs of employees and businesses in and near the M-1 District, and subject to the additional requirements for specified uses in § 120-135.
- (4) Retail sales and services; provided, however, that retail sales and service establishments licensed by New York State as adult-use cannabis retail dispensaries shall be restricted liquor store hours.
- (5) Health clubs and similar facilities.
- (6) On-site cannabis consumption lounges operating during bar hours, but no later than 11:00 p.m.

N. In subsection A of § 120-83, Special permit uses, as follows:

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

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

- (1) Retail sales and services; provided, however, that retail sales and service establishments licensed by New York State as adult-use cannabis retail dispensaries shall be restricted to operating during liquor store hours.
- (2) Offices or clinics.
- (3) Bars and restaurants.
- (4) Motels and hotels.
- (5) Amusement centers.
- (6) Public and semipublic uses.
- (7) Health clubs.
- (8) Mixed uses.

- (9) Public entertainment, subject to the additional requirements for specified uses in § 120-137.
- (10) Places of worship.
- (11) On-site cannabis consumption lounges operating during bar hours but no later than 11:00 p.m. The Planning Commission may extend the permissible operating hours to bar hours later than 11:00 p.m. if it finds such action is warranted by reason of unique conditions of the particular operating space or by reason of the particular character of surrounding tenant spaces and properties.

O. In subsection B(7) of § 120-105, Permitted uses, as follows:

The following uses and structures are permitted in the O-B District in existing structures only. The initial conversion is subject to site plan approval in accordance with the provisions of § 120-191:

- ...
- B. Retail sales and services limited to the sale of the following items, operating between the hours of 6:00 a.m. and 11:00 p.m.:
 - ...
 - (7) Flowers and plants, excluding flowers and plants that require the retailer to be licensed under the Cannabis Law.

P. Adding subsection F to § 120-106, Special permit uses, as follows:

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

- ...
- F. On-site cannabis consumption lounges not exceeding 650 square feet operated entirely within an enclosed building operating during bar hours, but no later than 11:00 p.m. The Planning Commission may extend the permissible operating hours to bar hours later than 11:00 p.m. if it finds such action is warranted by reason of unique conditions of the particular operating space or by reason of the particular character of surrounding tenant spaces and properties.

Q. In subsections B(2) and B(4)(c)[1] of § 120-191, Procedures approved by the Manager of Zoning, as follows:

- (2) Purpose. The certificate of nonconformity shall establish the legality of nonconforming uses, structures, lots and signs established prior to the effective date of this chapter that do not conform to the regulations of this chapter applicable in the zoning districts in which such nonconformities are located. When necessary to establish the legality of a nonconformity, a certificate of nonconformity shall be required for any nonconforming use, structure, lot and sign in the City of

Rochester prior to the approval of additional zoning applications that may be required. A certificate of nonconformity shall not be issued to authorize the operation of a Cannabis Establishment in any of the R-1 Low Density Residential, R-2 Medium Density Residential or R-3 High-Density Residential zoning districts, except in the instance.

...

- (4) Additional approvals required.

...

- (c) In addition to the application for the certificate of nonconformity, the following shall require a special permit from the Planning Commission:

- [1] Reestablishment of a use that is of the same or less intensity than the abandoned previous use in a structure not designed for a permitted use and as defined in Article XXIV, provided that this approval shall not be issued to authorize the commencement of a Cannabis Establishment in any of the R-1 Low Density Residential, R-2 Medium Density Residential or R-3 High-Density Residential zoning districts. In addition to the standards set forth in § 120-192B(3), the Planning Commission shall consider the following:
- [a] The building is a designated building of historic value;
 - [b] The condition and/or economic life of the building or structure;
 - [c] The potential use of the building for neighborhood service uses; or
 - [d] The potential for employment opportunities in the neighborhood.

R. Adding to § 120-208, Definitions, the following phrases:

BAR HOURS

The hours during which premises licensed by the State Liquor Authority to sell alcoholic beverages at retail for on-premises consumption in Monroe County are allowed to operate in accordance with NYS Alcoholic Beverage Control Law § 106.

CANNABIS ESTABLISHMENT

Premises used for the cultivation, processing, distribution, delivery, retail sale, or on-site consumption of cannabis in a manner that requires a license under the NYS Cannabis Law.

LIQUOR STORE HOURS

The hours during which premises licensed by the State Liquor Authority to sell liquor and/or wine for off-premises consumption are allowed to be open pursuant to NYS Alcoholic Beverage Control Law § 105.

ON-SITE CANNABIS CONSUMPTION LOUNGE

Premises used for the on-site consumption of cannabis in a manner that requires a license under the NYS Cannabis Law; a type of Cannabis Establishment.

S. In §120-208, Definitions, modifying the following phrases:

LIGHT INDUSTRIAL

~~Firms~~ Facilities engaged in the repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Light industrial includes the growing and processing of agricultural, hydroponic or aquaponic products, not including any livestock, which are conducted solely within a building or group of buildings. Light industrial uses will generate minimal truck trips, visual emissions, noise, odors or vibrations and have minimal visual impact on an area.

MANUFACTURING

Any factory, shop, yard warehouse, mill or other nonresidential premises utilized in whole or in part for the processing, preparation, production, cultivation, containerizing, storage or distribution of goods, wares, commodities, parts, materials, electricity and the like and includes agricultural, hydroponic and aquaponic activities not involving livestock when conducted solely within a building or group of buildings. The processing, preparation and production activities customarily deal with man-made, manufactured or raw materials and other manufactured items which are altered, restored or improved by the utilization of biological, chemical or physical actions, tools, instruments, machines or other such similar natural, scientific or technological means. "Manufacturing" shall also include the handling of any waste products and materials. Manufacturing processes and treatments include but are not limited to such operations as mixing, crushing, cutting, grinding and polishing; casting, molding and stamping; alloying and refining; assaying, cleaning, coating and printing; and assembling and finishing.

Section 2. Article II of Chapter 90 of the Municipal Code, Business Permits, is hereby amended:

A. In § 90-32, Definitions, to add the following terms:

ADULT-USE CANNABIS RETAIL DISPENSARY

Premises licensed under the New York State Cannabis Law for the retail sale of cannabis to cannabis consumers.

ON-SITE CANNABIS CONSUMPTION LOUNGE

Premises licensed under the New York State Cannabis Law for the on-site consumption of cannabis.

B. In § 90-32, Definitions, to amend the following term:

BUSINESS

An adult-use cannabis retail dispensary, automobile service facility, bar, smoking goods establishment, on-site cannabis consumption lounge, restaurant or salon as defined herein.

C. In § 90-34, Application, to read as follows:

§ 90-34. Application.

- A. An application for a business permit shall be made by the business owner and operator, if other than owner, on forms provided by the Commissioner. The application shall request relevant information relating to the owner and operator, if any, and relating to the operation of the business to be conducted at the premises. Where the owner is not directly involved with the day-to-day operation of said business, the operator must also be included on the application. If a partnership, corporation or other business entity is involved, the application must designate an operator who is involved in the day-to-day operation of the business. In this situation the business permit shall be issued to the operator; the names, addresses and phone numbers of the partners, officers or principals shall be listed on the application. All addresses of persons involved shall be home addresses, listing street and number.
- B. Applications shall only be accepted where all information requested has been supplied and verified for accuracy. Anyone currently serving a period of suspension or revocation, or who has had an application for a business permit denied, is ineligible to apply for a business permit during a period of suspension or for a period of one year from the date of revocation or denial. The applicant(s) must also demonstrate to the Department that he or she has procured all necessary licenses and permits for the business.
- C. The Director shall cause a review of the location to ensure that the operation of the business at that location will be in compliance with the Zoning Code.
- D. The Chief of Police shall cause an investigation to be made of the background of the owner, operator and location of the business, including, but not limited to, a review of all calls for service to the location of the premises in the past year and a criminal records check of the owner and operator, provided, however, that the Chief of Police shall forgo or limit the background investigation to the extent that it would duplicate, or be superseded by, the investigation required for the State licensing of an adult-use cannabis retail dispensary or an on-site cannabis consumption lounge.
- E. Except as provided in New York Correction Law, Article 23-A, the Commissioner reserves the right to deny a business permit

to any person who has pled guilty to or has been convicted of any crime which is related to the operation of the business. The Commissioner shall not deny a business permit to an adult-use cannabis retail dispensary or an on-site cannabis consumption lounge if doing so would constitute unlawful discrimination or violate a social and economic equity plan or other social justice goal established under the New York State Cannabis Law.

- F. The Commissioner shall cause an application to be administratively canceled if the applicant fails, with respect to the business or business premises, upon receipt of written notice and time to cure, to abate code violations, or to pay any outstanding judgments rendered by the Municipal Code Violation Bureau, or to complete a building permit or zoning application, or to provide proof of payment of sales tax.
- G. The applicant shall provide proof of payment of sales tax where the business has been ongoing.
- H. The applicant for an adult-use cannabis retail dispensary or for an on-site cannabis consumption lounge shall provide a plan for the installation and operation of monitoring cameras and exterior lighting for the safety of the establishment's employees, customers and neighbors (Security Plan).
- I. The applicant for an adult-use cannabis retail dispensary or for an on-site cannabis consumption lounge shall provide a description of the measures that will be implemented to prevent detectable cannabis odors from reaching outside the space occupied by the establishment (Odor Control Measures). Such odor control measures may include operational, structural and/or mechanical methods, including but not limited to the places and manner in which cannabis product is stored, handled and consumed, the physical separation of product management and consumption from doors, windows or other places where odors may migrate outside, the use of air handling or filtering devices or the training of staff in odor control strategies.
- J. The applicant for an on-site cannabis consumption lounge that will allow the smoking, vaping or other inhalation of cannabis shall provide a ventilation plan to mitigate smoke and odor exposure for employees and customers within the lounge's interior space and to prevent the dispersion of smoke and odors into other spaces within the same building or outside of the building (Ventilation Plan).

D. In Subsections C, F(8), G and H of § 90-37, Operation of businesses, to read as follows:

- C. The business owner and operator shall not employ any person who has had a business permit revoked or denied within the

past year, where the underlying violations involved dangerous weapons or the illegal sale of illegal drugs, provided, however, that the illegal sale of cannabis shall be limited to that conduct which is prohibited only by the Cannabis Law, Penal Law or other New York State statute.

...

- F. The owner or operator of any business shall maintain good order on and about the premises at all times when the business is open. The premises shall include the building in which the business is located, as well as accessory structures and uses, including parking lots, and the land on which the building is located. The owner or operator of any business shall be responsible to remove refuse and obstructions from the sidewalk in accordance with Municipal Code requirements, and to operate the business so that neither the business nor its patrons become a source of disruption on the sidewalks, streets or other private property in the vicinity of the business. The lack of good order shall include, but not be limited to, suffering or permitting the following:

...

- (8) Illegal Possession, use, gift, sale, or offer for sale of illegal drugs, provided, however, that the illegal possession, use, gift, or sale of cannabis shall be limited to that conduct which is prohibited only by the Cannabis Law, Penal Law or other New York State statute.

...

- G. The owner or operator of an adult-use cannabis retail dispensary or an on-site cannabis consumption lounge shall equip and operate the premises in accordance with any Security Plan, Odor Control Measures or Ventilation Plan approved by the Commissioner as part of the application process under § 90-34.

- G.H. The Commissioner may promulgate rules and regulations to govern the operation of business permit under this chapter so as to provide for the orderly operation of the businesses and to ensure the public safety and the peace and tranquility of the neighborhood where the businesses are located.

- E. In Subsection B of § 90-42, Revocation of business permit, to read as follows:

- B. The Commissioner may revoke, without a hearing, the business permit of any person found guilty of either two or more high-level violations, as determined by and listed in ~~§ 3-15B(1)~~ § 10-12 of the City of Rochester Charter, occurring on separate occasions during any period of one year, or five or more violations occurring within a period of two years. Nothing

herein shall prevent the Commissioner from revoking a business permit of any person on written charges and an opportunity for a hearing thereon.

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined



City of Rochester

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FINANCE INTRODUCTORY NO.

323

Malik D. Evans
Mayor

August 25, 2022 BHRM 20

TO THE COUNCIL

Ladies and Gentlemen:

Re: Agreement – CypherWorx, Inc. Online
Employee Training

Council Priority: Support the Creation of
Effective Educational Systems

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation establishing \$134,306 as maximum compensation for an agreement with CypherWorx, Inc. (Paul Cypher, Chief Executive Officer) headquartered at 343 State Street, Rochester, NY, to provide an online training platform for all City employees. The term of this agreement will be for three years, with an option for one three-year renewal, and will be funded from the 2022-23 (\$44,736), 2023-24 (\$44,736) and 2024-25 (\$44,834) Budgets for Undistributed Expenses, contingent upon approval.

CypherWorx, Inc. has provided this service for City employees since 2019, which was approved by Ordinance No. 2019-47 and later amended by Ordinance No. 2020-285, 2022-71, and 2022-296, and was selected for this contract through a request for proposal process described in the attached summary.

CypherWorx, Inc. provides a hands-on interactive training platform, in English and Spanish, for City employee training programs to include the topics of Diversity/Inclusion, Sexual Harassment, Workplace Harassment, Workplace Violence, Unconscious/Implicit Bias, and Ethics in Government. Additionally, this agreement will provide the City full access to CypherWorx, Inc. catalog/suite of Professional Development Training, Safety, OSHA, and other trainings at no additional cost.

This platform tracks, records, and documents the trainings, and provides progress and verification reports to supervisors regarding their employees' completion of the trainings. This training platform is completely supported and managed by CypherWorx, Inc. and as a result, will require no internal IT resources. In addition, this interactive training platform will ensure the City's compliance with several Federal and State mandated employee trainings.

CypherWorx, Inc. was selected for these services because of their ability to provide employee trainings on a cloud-based software-as-a-service (SAAS) platform that makes them available over the internet and their extensive catalog of training programs which will allow for future growth of online learning opportunities for City employees.

Respectfully submitted,

Malik D. Evans
Mayor



Department: Department of Human Resource Management

Project / Service sought: Learning Management Content Provider

Consultant Selected: Cypherworx, Inc.

Method of selection: X Request for Proposal [Complete 1-6]
 _____ Request for Qualifications [Complete 1-6]
 _____ From the NY State Department of Transportation list of pre-approved Regional engineering firms [Complete 4-5]

1. Date RFP / RFQ issued: 7/15/2022

2. The RFP / RFQ was also sent directly to:

FIRM

Cypherworx
 KnowBe4
 BLR

CITY / ZIP CODE

Rochester, NY/14614
 Clearwater, FL/33755
 Brentwood, TN 37027

3. Proposals were received from:

FIRM

Aspire HR
 Atomic Jolt
 Auzmor
 Breakthrough Technologies Inc.
 Career Learning
 Cogno Ezzely
 Cypherworx
 Enterprise Training Solutions
 GP Strategies
 Infobase
 Infopro/Open Sesame
 KnowBe4
 Olive Media Solutions
 O'Ready
 Phoenix Business Inc.
 Rice Consulting
 Unlock Learn

CITY / ZIP CODE

Dallas, TX/75254
 Millville, OH/84326
 West Des Moines, IA/50266
 Evanston, IL 60201
 Austin, TX/78746
 San Jose, CA/95125
 Rochester, NY/14614
 White Plains, NY/
 Columbia, MD/21044
 New York, NY /10001
 New Jersey
 Clearwater, FL/33755
 Concord, MA/01742
 Las Vegas, NV/89132
 Sarasota, FL/34242
 Cincinnati, OH/45224
 New Jersey

4. Evaluation criteria:

<u>Criteria</u>	<u>Weighting</u>	<u>Points Possible</u>	<u>Points Received by Winning Proposal</u>
Proposal Scope of Services	40%	60	52
Experiences & References	15%	20	17
Cost	25%	15	10
Consultation & Admin Svc.	20%	5	5
TOTAL	100%	100	84

Bonus:

<u>Criteria</u>	<u>Weighting</u>	<u>Points possible</u>	<u>Points received by FIRM</u>
City Business	10% of total	10	8
MWBE Firm	10% of total	10	3

TOTAL POINTS RECEIVED by the Firm: TT + BP = 84 + 11 = 95

5. Review team included staff from: DHRM/Training and Safety (2), DHRM/Staffing (1), IT (1), Workday (1), Finance/OMB (1), Fire (1)

6. Additional considerations/explanations:

7. MWBE Officer has reviewed the recommended firm's proposal for MWBE and Workforce goals. MWBE Officer Initials:

R. Simon Date: 8/16/22

Authorizing an agreement with CypherWorx, Inc. for online employee training

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with CypherWorx, Inc. in the maximum amount of \$134,306 to provide an online training platform for City employees. The term of the agreement shall be three years with the option to extend for one additional period of three years. The agreement shall be funded in the amount of \$44,736 from the 2022-23 Budget of Undistributed Expenses (Undistributed), \$44,736 from the 2023-24 Budget of Undistributed and \$44,834 from the 2024-25 Budget of Undistributed, contingent upon approval of the two latter budgets.

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

Section 3. This ordinance shall take effect immediately.



City of Rochester

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FINANCE
INTRODUCTORY NO.

324

Malik D. Evans
Mayor

August 25, 2022 MAYOR 21

TO THE COUNCIL

Ladies and Gentlemen:

Re: Agreement – SUNY Brockport

Council Priority: Jobs and Economic
Development

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation authorizing an agreement with the State University of New York at Brockport (Dr. Heidi Macpherson, President, Brockport, NY) to support up to five SUNY students working as interns at the City of Rochester. The cost of this agreement is not to exceed \$6,000 annually and will be funded from the 2022-23 Budget of the Office of the Mayor. The term will be for one year with two optional one-year renewals.

Students at SUNY Brockport who are awarded Federal Work-Study aid may participate in a Community Service Work-Study (CSWSP) program. Under this program students must work in a non-profit institution, government agency or school. The CSWSP covers 75% of the student's wages, while the agency pays the remaining 25%. Students from Brockport could be placed in any department within the City, and may work up to 20 hours per week while class is in session and up to 40 weeks during school breaks, earning up to a maximum of \$4,500 per year. SUNY Brockport will pay the students for hours worked and the City of Rochester will reimburse SUNY Brockport for 25% of the expense, or up to \$1,125 for the full academic year for each student.

Respectfully submitted,

Malik D. Evans
Mayor



324

Ordinance No.

Authorizing an agreement providing City internships to SUNY Brockport students

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 College at Brockport, State University of New York (SUNY Brockport) to engage up to five SUNY Brockport students as interns working for the City of Rochester. The term of the agreement shall be one year, with the option to extend for up to two additional 1-year periods. The compensation for each intern shall be paid by SUNY Brockport through the federal Community Service Work-Study Program and the City shall reimburse SUNY Brockport for 25% of each intern's compensation up to an annual limit of \$1,125. The City's total internship reimbursements in an annual amount not exceeding \$6,000 shall be funded from the 2022-23 Budget of the Office of the Mayor for the initial term, and from a future year's Budget of the Office of the Mayor for each extended term, contingent upon approval of said future budget.

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

Section 3. This ordinance shall take effect immediately.



August 25, 2022 MAYOR 25

TO THE COUNCIL

Ladies and Gentlemen:

Re: Agreement – Urban League of
Rochester for oversight of RASE report
recommendations

Council Priority: Jobs and Economic
Development

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with the Urban League of Rochester, N.Y., Inc. (Dr. Seanelle Hawkins, President and CEO, Rochester, NY) to oversee community implementation of the Commission on Racial and Structural Equity (RASE) report recommendations. The term of this agreement is for one year, with two optional one-year renewals. Year one will be funded from the 2022-23 Budget of the Office of the Mayor, with renewal years funded from future year's budgets of the Office of the Mayor, contingent upon approval..

The RASE recommendations are very broad in scope. They include items that fall under the jurisdiction of the City, the County, the School District and the community-at-large. Mayor Evans and County Executive Bello agree that the Urban League of Rochester is the appropriate entity to lead the RASE initiative with a collaborative, community-wide perspective. As a result of their natural role in providing community leadership, the Urban League has participated in monthly meetings on the RASE initiative with the City, County, and RCSD, and will continue to serve as the voice of the community going forward.

Respectfully submitted,

Malik D. Evans
Mayor



NO RFP JUSTIFICATION STATEMENT

Awarding a Professional Services Agreement Without a Request for Proposals

The Procurement of Professional Services Policy (Ord. No. 2012-318) requires an RFP to be issued under most circumstances. If it is determined that an RFP will not be issued, this form must be completed, signed by the Department Head, and kept on file (electronically or hard copy). It must also be submitted:

1. To City Council as an attachment to the transmittal letter for any PSA that exceeds \$10,000, and
2. To the contract record when entered in Munis.

Department: Mayor's Office
with RASE Recommendations

Services(s): Implementation Assistance

Vendor/Consultant selected: Urban League of Rochester

How was the vendor selected? Why was no RFP issued for this service?

The Urban League of Rochester has organically convened a community wide group called the Power Brokers of Rochester since the Racial and Structural Equity (RASE) Commission report was issued in March 2021. This group meets monthly to discuss methods of implementing of the RASE recommendations. The Powerbrokers are focused on understanding how every leader in their respective area of service can lean in and take a leadership role in actualizing the 200 recommendations of the RASE Report. The Powerbrokers represent the Urban League's efforts as a community stakeholder to ensure transparency of the City and County's efforts in implementing the RASE Commission's recommendations, and the group operates as a two-way conduit between community members and elected officials

Compensation Amount: \$50,000

The MWBE Officer has reviewed the proposed Agreement for MWBE and Workforce goals. MWBE Officer Initials: SMD Date: 8/15/2022

Signature: Department Head

Date

325

Ordinance No.

**Authorizing an agreement relating to the Racial and Structural Equity
(RASE) Commission's recommendations**

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 the Urban League of Rochester, N.Y., Inc. to oversee community implementation of the recommendations set forth in the RASE Commission's report. The agreement shall have a term of one year, with the option to extend by up to two additional periods of 1 year each. The maximum annual compensation shall be \$50,000, which shall be funded from the 2022-23 Budget of Office of the Mayor for the initial term and from a future year's Budget of the Office of the Mayor, for each optional 1-year extension, contingent upon approval of the future year's budget.

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

Section 3. This ordinance shall take effect immediately.



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FINANCE
INTRODUCTORY NO.

326

Malik D. Evans
Mayor

August 25, 2022 LAW 26

TO THE COUNCIL

Ladies and Gentlemen:

Re: Outside Conflict Counsel Services:
Amending professional services
agreement

Transmitted herewith for your approval is legislation authorizing an amendatory professional services agreement for Law Offices of Pullano & Farrow PLLC (Managing Member: Brett Farrow) located at 69 Cascade Drive, Rochester, 14614 (Pullano & Farrow) to continue to provide outside counsel conflict representation for any matter or proceeding in which the Law Department has a conflict of interest.

The legislation authorizes the Mayor to amend the existing agreement authorized in Ordinance No. 2022-123 to increase the maximum compensation by \$50,000 to a new total of \$75,000. The additional compensation will be funded from the 2022-23 Budget of Undistributed Expenses.

Respectfully submitted,

Malik D. Evans
Mayor



326

Ordinance No.

Authorizing an amendatory agreement for conflict counsel 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 Law Offices of Pullano & Farrow PLLC to continue providing legal services as conflict counsel for any matter or proceeding in which the Law Department has a conflict of interest. The original agreement authorized by Ordinance No. 2022-123 is hereby authorized to be amended to increase the maximum compensation by \$50,000 to a new total of \$75,000. The amendatory compensation shall be funded from the 2022-23 Budget of Undistributed Expenses.

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.



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FINANCE
INTRODUCTORY NO.

327

Malik D. Evans
Mayor

August 25, 2022 MAYOR 27

TO THE COUNCIL

Ladies and Gentlemen:

Re: Agreement Amendment – Expert Witness
Services

Transmitted herewith for your approval is legislation authorizing an amendatory professional services agreement with Legal Med, LLC (Manager, Gabrielle Kotas) to provide expert witness services necessary to defend the City in lawsuits involving personal injury claims. The original agreement was authorized in April 2018 (Ordinance No. 2018-82) at a maximum fee of \$30,000. Thereafter, the agreement was amended in January 2019 (Ordinance 2019-2), to increase the fee by \$40,000, to an amended total of \$70,000. The City now seeks to increase the fee by an additional \$40,000. The fee shall be paid out of the Law Department's 2022-2023 budget.

This amendatory agreement will allow the Law Department to continue to obtain the services of expert physicians to review treatment and therapy records and to examine and report on the physical and psychological condition of personal injury plaintiffs. The Law Department has used the services of Legal Med since 2016, and Legal Med has consistently provided highly credentialed, practicing physicians in the relevant medical disciplines, including an orthopedic surgery, neurology and psychology, who also excel at explaining the facts on the witness stand.

The Law Department anticipates that it may require up to an additional \$40,000 for the experts' services for pending lawsuits if they proceed through to trials and verdicts. The term of the amendatory agreement may extend until completion of those lawsuits.

Respectfully submitted,

Malik D. Evans
Mayor



327

Ordinance No.

Authorizing an amendatory agreement for expert witness services for the Law Department

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 Legal Med, LLC to provide additional expert witness services for the Law Department. The amendment shall increase the maximum compensation of the existing agreement, which was authorized by Ordinance No. 2018-82 and amended by Ordinance No. 2019-2, by \$40,000 to a total amount of \$110,000. The amendatory compensation shall be funded from the 2022-23 Budget of the Law Department.

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.



August 25, 2022 MAYOR 28

TO THE COUNCIL

Ladies and Gentlemen:

Re: Agreement – National Institute for
Criminal Justice Reform

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation amending an agreement with the National Institute for Criminal Justice Reform (David Muhammad, Executive Director, Oakland, CA) (NICJR) that was approved in June by Ordinance No. 2022-172 to provide training and a study to support the City's Peacemaker Fellowship Program. In June, we proposed \$59,000 to be the maximum compensation for that agreement, but the ordinance set the figure at \$39,000 due to a typographical error. This legislation corrects that error.

In all other respects, the terms of the agreement authorized in June will remain the same, including the scope of services to be provided by NICJR, the one-year term and the budget source of the compensation. Correcting the funding error will provide the \$20,000 in funding necessary for NICJR to conduct a cost of gun violence study. This study will break down the specific governmental costs associated with each injury shooting and gun homicide, including crime scene response, hospital and rehab costs, criminal justice, incarceration, victim support, and lost tax revenue.

The funding source for this NICJR agreement is an appropriation of American Rescue Plan Act (ARPA) funds approved in Ordinance No. 2021-334. This Peacemaker Fellowship Program is an eligible use of those funds, as set forth in the Treasury Final Rule Guidelines for ARPA Fiscal Recovery expenditures under Category No. 1.11 for Community Violence Interventions.

Respectfully submitted,

Malik D Evans
Mayor



328

Ordinance No.

Amending Ordinance No. 2022-172 relating the Peacemaker Fellowship program

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

Section 1. Section 1 of Ordinance No. 2022-172, Authorizing an agreement for the Peacemaker Fellowship program, is hereby amended to read as follows:

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with The National Institute for Criminal Justice Reform to: (a) train the City's Peacemaker Fellowship staff in skills, concepts and methods useful for intervening with at-risk youth and young adults to prevent violence; and (b) conduct a comprehensive study of the governmental costs of gun violence in the Rochester community. The agreement shall have a term of one year. The maximum compensation for the agreement shall be ~~\$39,000~~ \$59,000, which shall be funded from the 2022-23 Budget of the Office of the Mayor, ~~contingent upon approval~~.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined



City of Rochester

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BUSINESS DEVELOPMENT
INTRODUCTORY NO.

329

Malik D. Evans
Mayor

August 25, 2022 NBD 06

TO THE COUNCIL

Ladies and Gentlemen:

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 three 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 parcels are listed on the attached spreadsheet under the heading, I. Negotiated Sale - Unbuildable Vacant Land. The vacant lot at 725R Harvard Street is being sold to James C. Cunningham, Jr., the lot at 201 Orange Street is being sold to Jerone T. Myers, and the lot at 98 Taylor Street is being sold to Kevin Hillman. They are each being sold for \$1.00 (as per City policy) and will be combined with the primary parcel owned by the identified adjoining owner.

The first year projected tax revenue for these properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$625.

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,

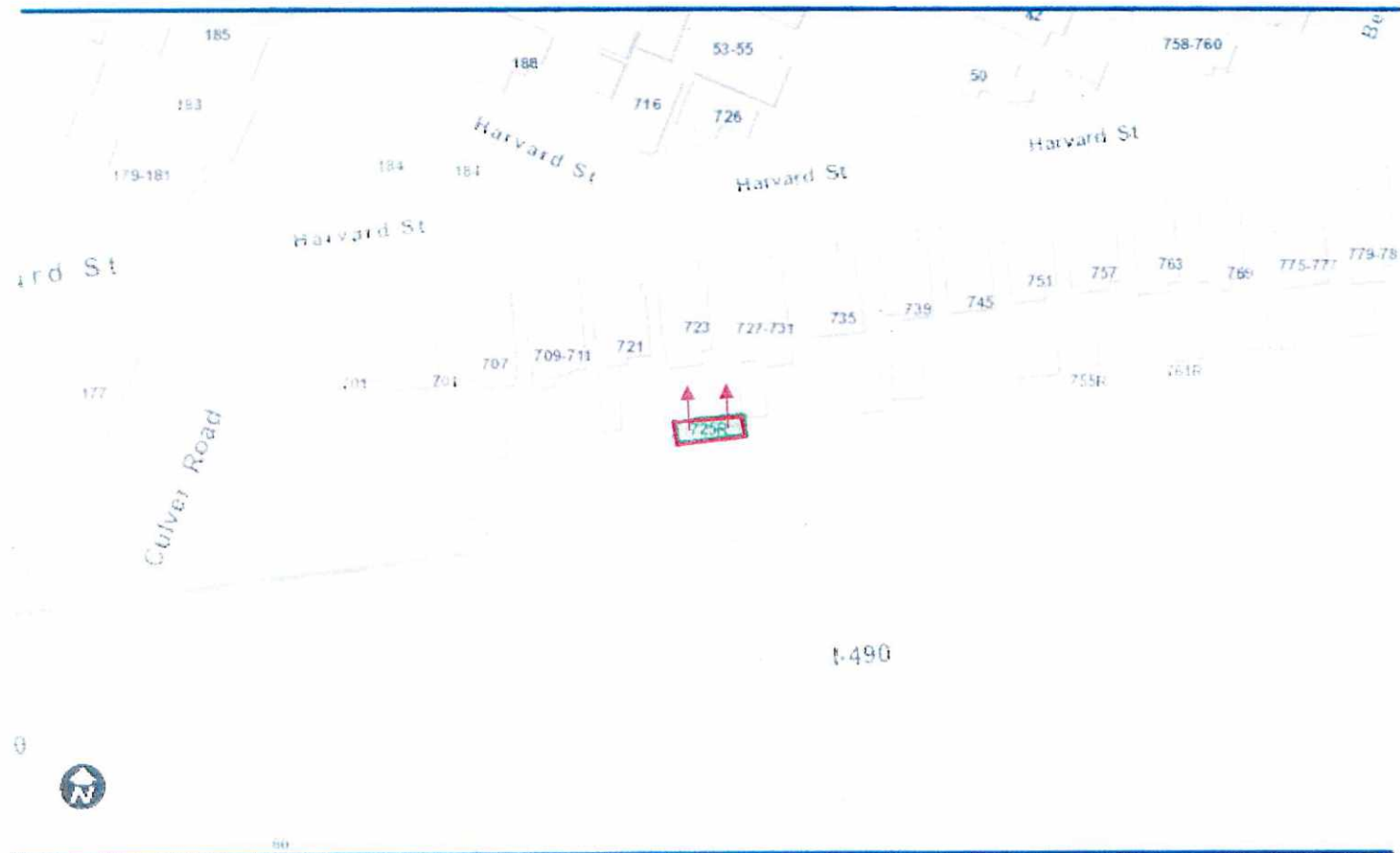
Malik D. Evans
Mayor



NBD 06
ATTACHMENT

II. Negotiated Sale - Unbuildable Vacant Land								
<u>Address</u>	<u>SBL#</u>	<u>Lot Size</u>	<u>Sq.Ft.</u>	<u>Price</u>	<u>Purchaser</u>	<u>Address</u>	<u>Tax Impact</u>	
725R Harvard St	122.53-3-22	44 x 13.9	611	\$1	James C. Cunningham, Jr.	Rochester, NY 14610	\$	4
201 Orange St	105.83-3-50.001	17.5 x 163.7	3,870	\$1	Jerone T. Myers	Rochester, NY 14611	\$	140
98 Taylor St	120.34-2-58	35.5 x 78	2,769	\$1	Kevin Hillman	Rochester, NY 14611	\$	482
						Subtotal	\$	625
						Total Tax Impact	\$	625

725R Harvard St



June 3, 2022

This map is intended for general information only.
The City of Rochester is not responsible for any errors or omissions.
The City of Rochester is not responsible for any errors or omissions.

City of Rochester, NY



City of Rochester, NY
Malik D. Evans, Mayor

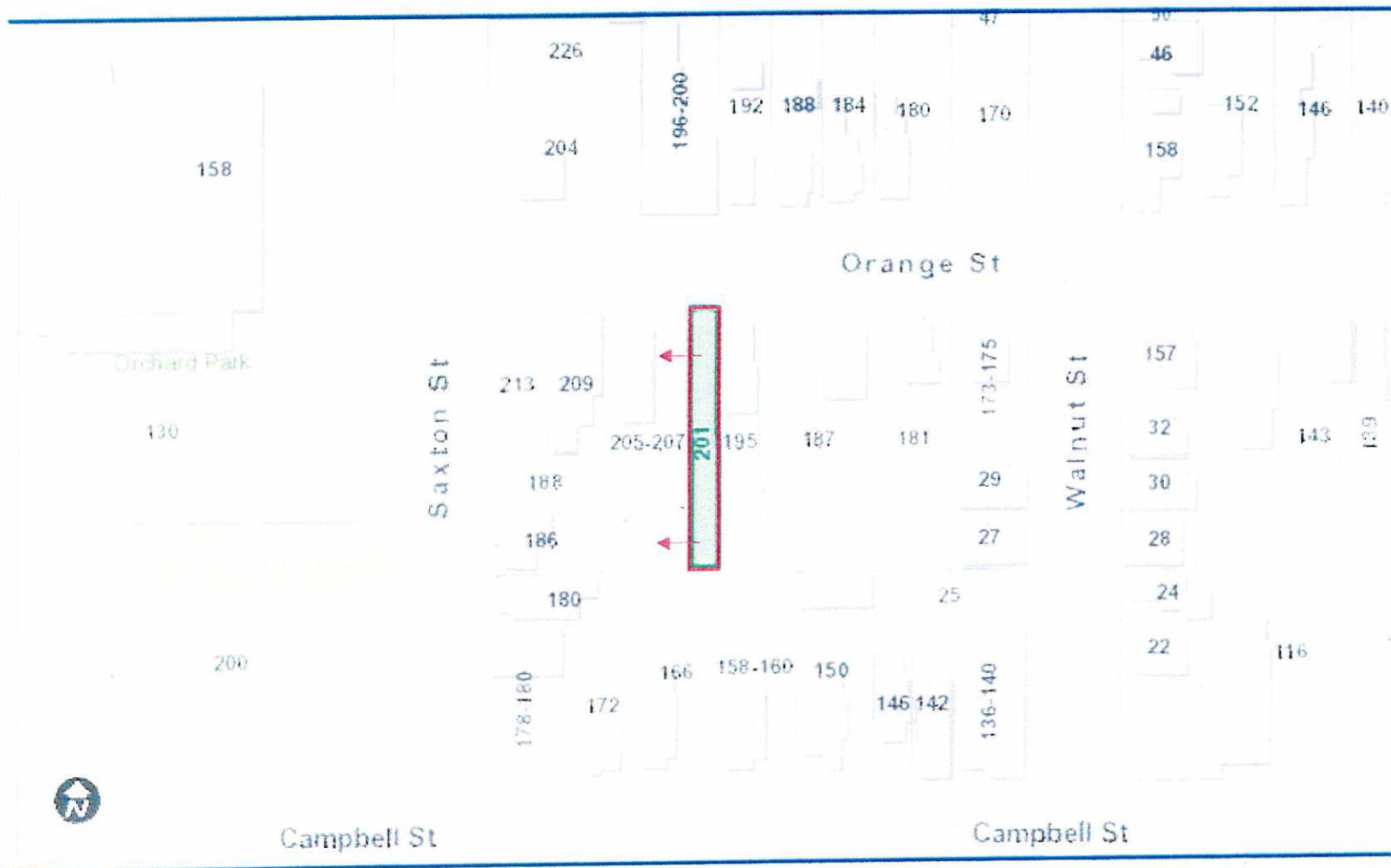
RESIDENTIAL UNBUILDABLE LOT ANALYSISAddress of Lot: 725R Harvard StSBL#: 122.53-3-22Date 8/4/22 Initials: rmBased on criteria below: This is an Un-Buildable Lot ☒

ITEM	YES	NO
Is the lot in an environmentally sensitive area where construction is prohibited?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the lot landlocked and less than 4,000 sq. ft.?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does the lot have severe topographical characteristics that hinder development?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are utilities inaccessible for future development?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the lot encumbered with major easements which prohibit development?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The property has been reviewed to ensure that it does not adjoin a City-owned parcel with which it could be combined to create a development site	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is residentially zoned and has a frontage of less than 40' or a depth of less than 100'	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TOTAL	2	

If the answer to any of the above questions is "Yes", the parcel is considered unbuildable.

4/25/2018

201 Orange St



August 4, 2022

This map is for informational purposes only.
The City of Rochester does not warrant the accuracy of the information shown on this map. The user assumes all responsibility for the use of this map.

City of Rochester, NY



City of Rochester, NY
Maha D. Evans, Mayor

RESIDENTIAL UNBUILDABLE LOT ANALYSIS

Address of Lot: 201 Orange St
SBL#: 105.83-3-50.001

Date: 5/5/2022 Initials: IV

Based on criteria below:

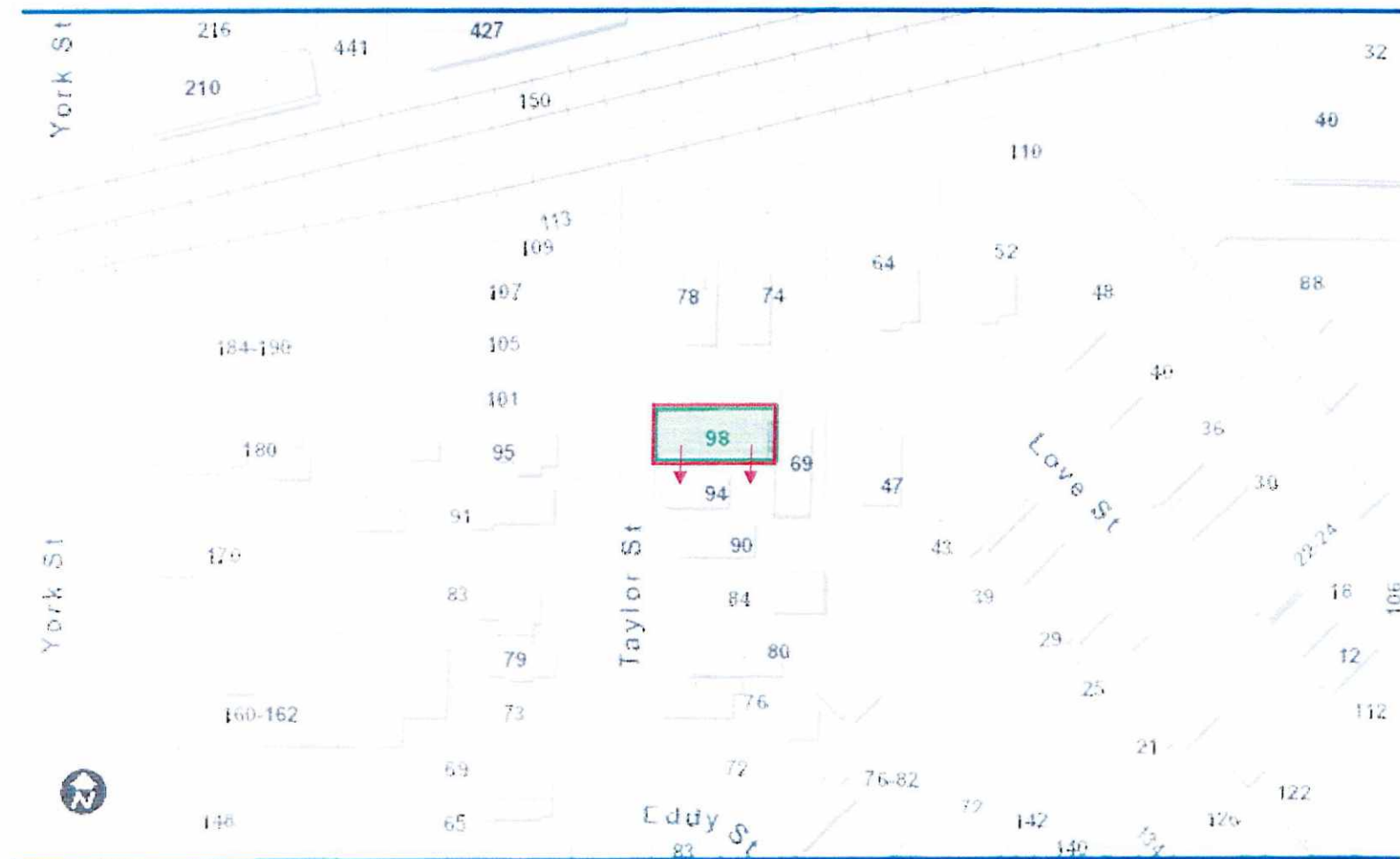
This is an Un-buildable Lot X

ITEM	YES	NO
Is the lot in an environmentally sensitive area where construction is prohibited?		X
Is the lot landlocked or less than 4,000 sq. ft.?	X	
Does the lot have severe topographical characteristics that hinder development?		X
Are utilities inaccessible for future development?		X
Is the lot encumbered with major easements which prohibit development?		X
The property has been reviewed to ensure that it does not adjoin a City-owned parcel with which it could be combined to create a development site		X
Is residentially zoned and has a frontage of less than 40' or a depth of less than 100'	X	
TOTAL	2	

If the answer to any of the above questions is "Yes", the parcel is considered unbuildable.

12/23/2020

98 Taylor St



August 5, 2022

This map is intended for informational purposes only.
The City of Rochester makes no warranty as to the accuracy or timeliness of the data presented.

City of Rochester, NY



City of Rochester, NY
Malik D. Evans, Mayor

RESIDENTIAL UNBUILDABLE LOT ANALYSIS

NBD 06
ATTACHMENT

Address of Lot: 98 Taylor St

SBL#: 120.34-2-58

Date: 7/15/2022 Initials: IV

Based on criteria below:

This is an Un-buildable Lot X

ITEM	YES	NO
Is the lot in an environmentally sensitive area where construction is prohibited?		X
Is the lot landlocked or less than 4,000 sq. ft.?	X	
Does the lot have severe topographical characteristics that hinder development?		X
Are utilities inaccessible for future development?		X
Is the lot encumbered with major easements which prohibit development?		X
The property has been reviewed to ensure that it does not adjoin a City-owned parcel with which it could be combined to create a development site		X
Is residentially zoned and has a frontage of less than 40' or a depth of less than 100'	X	
TOTAL	2	

If the answer to any of the above questions is "Yes", the parcel is considered unbuildable.

12/23/2020

329

Ordinance No.

Authorizing the sale of real estate

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

Section 1. The Council hereby approves the negotiated sale of each of the following unbuildable parcels of vacant land to the owner of an adjoining parcel for \$1:

Address	S.B.L. #	Sq. ft.	Purchaser
725R Harvard St	122.53-3-22	611	James C. Cunningham, Jr.
201 Orange St	105.83-3-50.001	3,870	Jerone T. Myers
98 Taylor St	120.34-2-58	2,769	Kevin Hillman

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

Section 3. This ordinance shall take effect immediately.



City of Rochester

City Hall Room 308A, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

NEIGHBORHOOD & BUSINESS DEVELOPMENT INTRODUCTORY NO.

330

Malik D. Evans
Mayor

August 25, 2022 NBD 07

TO THE COUNCIL

Ladies and Gentlemen:

Re: Lease Agreement - 1099 Jay Street

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 a lease agreement between the City of Rochester and Rochester Colonial Manufacturing Corp. (Anthony Monaco, CEO, 1794 Lyell Ave, Rochester, NY). The City will lease approximately 3,190 square feet of space on the interior of 1099 Jay Street (Water Tower Park) for use as offices and operations for the Rochester Police Department Special Teams Division. The initial term will commence between October 1 and November 1, 2022 upon completion of some minor renovations being made by the landlord, and will end June 30, 2024. The cost for the lease for the first term, as established by an appraisal prepared in June 2022, by Bruckner, Tillet, Rossi, Cahill & Associates, will be payable in monthly installments of \$2,791.25, which is an annualized cost of \$33,495 per year. There are five optional one year renewals, with annual rent adjustments linked to the one year change in the CPI-U (Consumer Price Index-Urban area, all items), not to exceed 3% annually as measured in the most recent available date prior to each July 1st. The initial cost of this lease will be funded by the 2022-23 Budget of the Rochester Police Department. Subsequent annual lease costs will be funded from subsequent budgets of the Rochester Police Department upon approval. The initial lease term expiration is set to align renewal dates with the City Fiscal year.

The City has leased space for a Section office at this facility since 2004, however, this additional lease is for a different division of the RPD. It needs to be a separate lease as future needs for the two divisions at this location may be different from each other, and there is no additional space in the current leased premises at 1099 Jay Street to accommodate the Special Teams Division. There currently is no designated spot in other RPD Locations for the Special Teams and their equipment which is stored at various locations throughout the RPD facilities. The new lease space will serve as a single reporting location for Special Teams Operations where all needed logistics and equipment are readily available. Uses include space for pre-planning, briefings and debriefings, meetings, records storage, equipment storage and repair, and departmental training.

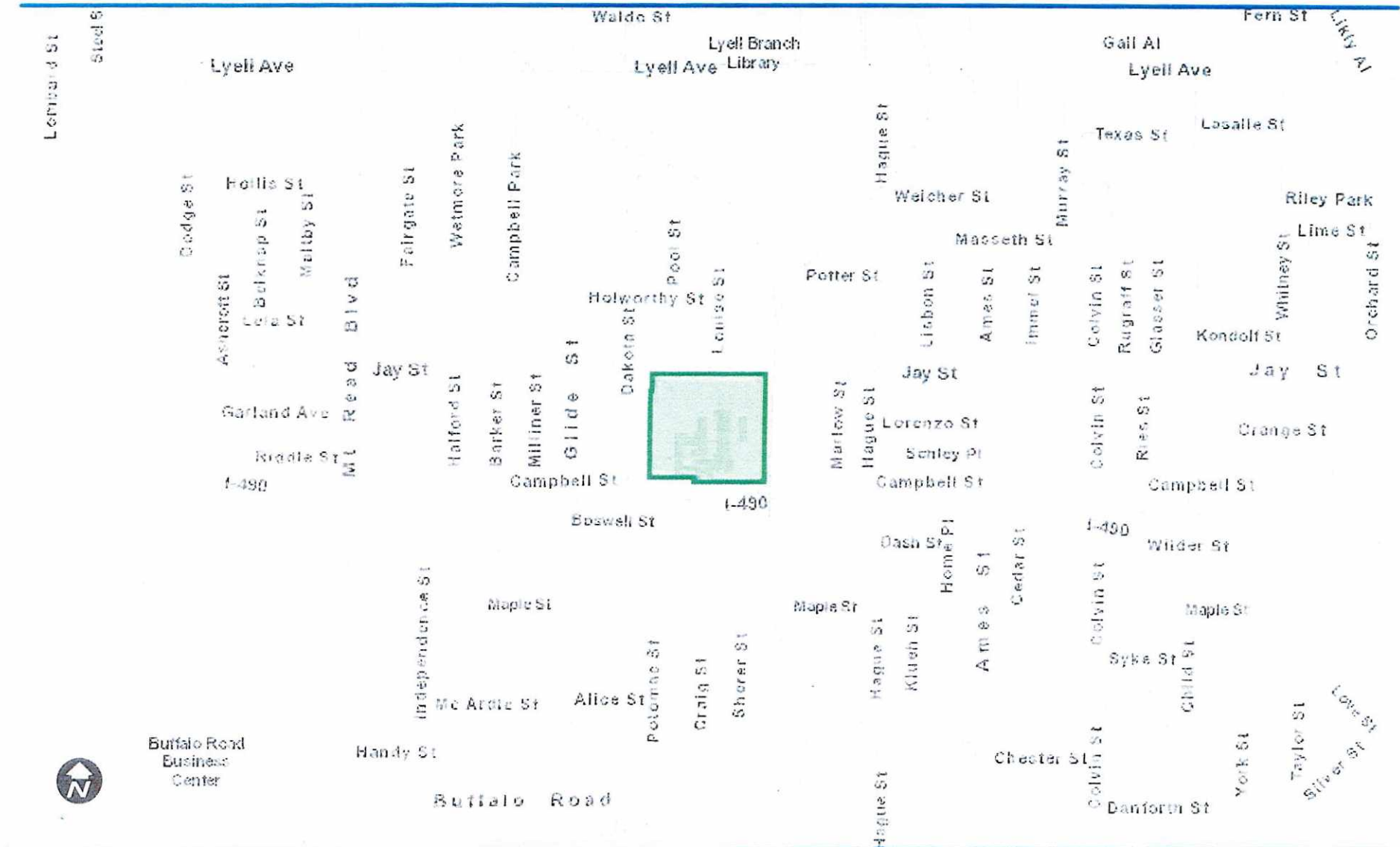
Respectfully submitted,

Malik D. Evans
Mayor



1099 Jay St

NBD 07
ATTACHMENT



August 1, 2022

This map is intended for general reference only.

The City of Rochester makes no representation
as to the accuracy or fitness of the data presented.

City of Rochester, NY



City of Rochester, NY
Malik D. Evans, Mayor

330

Ordinance No.

Authorizing a lease for space located at 1099 Jay Street

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

Section 1. The City is hereby authorized to enter into an agreement with Rochester Colonial Mfg. Corp. for the lease of approximately 3,190 square feet of floor space at 1099 Jay Street for municipal use. The term of the agreement shall commence on a mutually agreed upon date from October 1, 2022 to November 1, 2022 and shall extend to June 30, 2024, with the option to extend for up to five additional periods of 1 year each.

Section 2. The rent payments shall be \$2,791.25 per month for the initial term. For each optional term extension agreed to by the parties, if any, the monthly rent payment shall be based on the rate for the immediately preceding initial or extended term, which may be increased based on the Consumer Price Index for All Urban Consumers (CPI-U), but shall in no event exceed a 3% increase. The rent payments shall be funded from the 2022-23 Budget of the Rochester Police Department (RPD) for the initial term, and from the future years' Budgets of RPD for each optional term extension, contingent upon the approval of the future budgets.

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

Section 4. This ordinance shall take effect immediately.



August 25, 2022 NBD 08

TO THE COUNCIL

Ladies and Gentlemen:

Re: Peace Village Oversight and Management –
Emergency Solutions Grants CARES Act (ESG-CV)
Grants Program

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 provision of enhanced street outreach and engagement services for the continuation and expansion of services for homeless and unhoused persons at Peace Village (97 Industrial Street, Rochester). This legislation will:

- 1) Appropriate \$240,510 from the Emergency Solutions Grants CARES Act (ESG-CV) funds from the 2019-20 Annual Action Plan, ESG allocation; and
- 2) Establish \$250,000 as maximum compensation for a one-year agreement with Person Centered Housing Options Inc. (PCHO) (Charles Albanese, CEO and President, 400 West Ave. Suite 200, Rochester) to provide street outreach services and oversight, as follows:
 - a. 2019-20 Annual Action Plan ESG-CV \$240,510;
 - b. 2019-20 Annual Action Plan ESG-CV (Ord. No. 2020-188) \$9,490.

ESG and ESG-CV funds provide emergency housing and support services for individuals and families who are homeless or at risk of homelessness. Eligible activities include case management, support services, service coordination, shelter operations (staffing and operating costs), financial assistance and related services for prevention of homelessness and rapid re-housing, and street outreach. City of Rochester funded Street Outreach programs are designed to engage unhoused persons and link them with appropriate services, with the ultimate goal of connecting all homeless persons with permanent housing solutions. This proposed agreement expands street outreach and engagement services, with a focus on Peace Village, including the oversight of the homeless camp and outreach to the surrounding areas. This additional funding for services coincides with an increased investment from the Monroe County Department of Human Services (DHS) and Office of Mental Health (OMH) to PCHO. Together these funds are aimed at shortening or reducing episodes of street homelessness and increasing PCHO's capacity and ability to respond to calls for assistance to homeless persons throughout the community.

Over the past six years, PCHO has provided Street Outreach services throughout the City of Rochester supported by funding from a variety of sources, including the City's ESG program. The City and Monroe County Office of Planning annually provide PCHO with approximately \$80,000-100,000 in ESG funding, awarded in response to a Request for Proposal process. Over the past two years, the City has also provided ESG-CV funds to PCHO, to provide similar services to persons living at Peace Village. The outreach at Peace Village and throughout the City has been largely successful, with 70% of households engaged entering housing. During FY 2019-20, PCHO



served 217 unhoused "households", resulting in approximately 150 households securing housing. PCHO also received 425 calls for service from a variety of sources (RPD, Sheriff's Office, City of Rochester, Monroe County, DHS, Neighborhood Groups, etc.). During FY 2020-21, PCHO engaged and served 275 unhoused clients and received 832 calls for service.

Peace Village was established in late 2018, and has been operating as a homeless encampment since inception. The City worked with Spectrum, local homeless services providers, City Roots Community Land Trust, and prospective camp residents to select, design, and develop the site. Those initially living at Peace Village spearheaded the management of the camp, with support provided by local homeless services providers and committed volunteers. The City provides in-kind services including refuse removal, provision of cleaning supplies, and financial management.

Over the past two years, Peace Village has undergone some significant changes. During the height of the COVID pandemic, the majority of residents were transferred to Hotels and referred to permanent housing. This was a positive, but loss of long term residents created an opportunity for illegal activities to spread and quality of life to decrease. PCHO has consistently engaged persons that visit or stay at Peace Village, however a lack of formal oversight at the camp and limited engagement from other community partners has led to a decrease in the quality of life there.

The remaining stakeholders recognized the issues at Peace Village, and, after discussions with the Monroe County Planning Department, DHS, OMH, and PCHO it became clear that additional resources were necessary to address larger issues, such as; a growing number of unhoused persons as well as an increase in both the size and number of illegal camps in the region. The City of Rochester, Monroe County, DHS, and OMH met to discuss how to address the issues at Peace Village and elsewhere, and to consider a proposal that PCHO had submitted to expand outreach, offer enhanced activities at Peace Village, and provide additional services. After proposal review and discussion of funding options, the County and City agreed to work together for the next three years to try to support PCHO's work and determine the long-term viability of the Peace Village approach.

The City's proposed funding will be used for two new full time outreach worker positions, and an increased on-site presence at Peace Village. The proposed budget also includes contracted security, operating expenses, survival/hygienic supplies, and resident storage. The outreach team at Peace Village will be located on-site and will provide services that coordinate care, provide case management and outreach, support access to housing and provide clients with the necessities to survive at Peace Village temporarily. By assisting and supporting the residents of Peace Village, PCHO develops relationships and trust with the greater community of unhoused persons. Their presence and progressive engagement promotes the health and wellbeing of the residents and maintains both the cleanliness and organization of the camp. The improvements to Peace Village may create a more desirable or welcoming space for other unhoused persons, resulting in fewer occurrences of illegal camping in other parts of the City.

Included in PCHO's services will be on-site engagement, transportation to and from free meals in the city, welcoming and completing intake with new residents, assisting with move-outs and transitions to more traditional or permanent housing, coordinating donations, site management, communicating and coordinating with emergency services as necessary to ensure safety, and providing regular reports. Additional services will be offered on site, and PCHO has recently stepped up outreach to other homeless services and healthcare organizations. PCHO will also take the lead with organizing and coordinating the activities of several volunteer groups, service providers, and fundraising efforts.

It is expected that PCHO will be able to serve a greater number of persons, respond to more calls for service and do so more quickly through a better triage system, and successfully house the persons they engage at a rate comparable to prior years (60-70%).

The City has funded PCHO for similar services and for activities Citywide and at this location through a competitive Request for Proposal (RFP) process and is confident that PCHO is the only provider both willing and able to provide the necessary services to Peace Village and the City at

large. They have successfully worked with local neighborhood groups to help problem solve when camps appear, and are able to consider and balance the concerns of residents with the rights and needs of their clients and other homeless persons. Attached is a Justification for No RFP. This legislation supports the City Housing Policy's Section 4: Promote Housing Choice.

If funds are different, not available, or less than anticipated, agreement amounts and terms will be adjusted accordingly. The term of the agreement will be for one year, with the option to extend for one additional year if funds remain in the original appropriation.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Malik D. Evans', with a long horizontal flourish extending to the right.

Malik D. Evans
Mayor

PCHO - HMIS Data 2017-2022

Annual Reporting

Total City Funding (ESG)

Served

Total (Individuals)

Adults

Children

Veterans

Chronically Homeless

Physical/Mental Health at Start

Mental Health Disorder

Alcohol Use Disorder

Drug Use Disorder

Both Alcohol/Drug Use Disorders

Chronic Health Condition

HIV/AIDS

Development Disability

Physical Disability

Domestic Violence History

Yes

No

Persons Fleeing DV

Income at Start

None

\$0-500

\$501-1000

\$1001-2000

\$2001+

Not Given

Exit Destinations

Total Exits

Total Exiting to Positive Housing Destinations

% Total Exits to Positive Housing Destinations

July 2017- June 2018	July 2018- June 2019	July 2019- June 2020	July 2020- June 2021	July 2021- June 2022
\$63,118	\$ 90,000	\$ 62,838	\$ 33,500	\$ 40,000
93	105	32	42	68
81	99	32	42	68
12	6	0	0	0
6	4	0	0	2
32	39	16	21	27
42	63	21	21	23
11	13	6	5	4
7	14	6	5	7
17	12	2	7	9
19	19	8	7	10
2	2	1	0	1
5	8	2	2	2
22	26	9	14	18
17	28	9	14	13
64	71	23	28	55
10	16	6	4	3
33	47	15	20	30
11	7	4	5	6
20	30	12	12	20
13	14	1	3	9
1		1	2	1
3	1	0	0	2
37	83	18	20	51
28	59	13	16	29
76%	71%	72%	80%	57%

NO RFP JUSTIFICATION STATEMENT

Awarding a Professional Services Agreement Without a Request for Proposals

The Procurement of Professional Services Policy (Ord. No. 2012-318) requires an RFP to be issued under most circumstances. If it is determined that an RFP will not be issued, this form must be completed, signed by the Department Head, and kept on file (electronically or hard copy). It must also be submitted:

1. To City Council as an attachment to the transmittal letter for any PSA that exceeds \$10,000, and
2. To the contract record when entered in Munis.

Department: Neighborhood and Business Development - Housing

Services(s): Peace Village Engagement and Oversight

Vendor/Consultant selected: Person Centered Housing Options Inc. (Charles Albanese, CEO and President) (PCHO)

How was the vendor selected? In short, PCHO is the only organization that is willing and able to provide these services to the residents and transient population at Peace Village (PV). Further, of the number of agencies that were involved with Peace Village when it was first established, PCHO is the only homeless services organization that remains an active participant in the Board.

This project came about as a result of ongoing conversations with the County regarding a perceived increase in the number of homeless encampments and unhoused persons within the City of Rochester and surrounding areas. While the number of unhoused persons appears to have risen over the past few years, funding for services required to assist those persons has remained mostly stable. Peace Village is an alternative housing option for those in the community that are unable or unwilling to enter into traditional emergency housing, but PV is less likely to be viewed that way if it is in poor condition or if services are irregular or unavailable. The camp needs better oversight and management, and the camp residents need more consistent and progressive engagement. These services were originally provided by volunteer organizations, but a more focused approach is needed. This project will better serve the residents of the camp, and provide an option to those living outdoors in other areas of the City.

The City has funded PCHO for 6 years, via the Emergency Solutions Grants (ESG) program, to provide Street Outreach services to our community. That funding has been awarded through a competitive Request for Proposal (RFP) process. That RFP is released jointly by the City and County in February each year, and awards are made for Shelter Operations, Homelessness Prevention, Rapid Rehousing, and Street Outreach. Over the past 6 years, PCHO has been selected as the only Street Outreach funding recipient. Often, they submitted the only application for Street Outreach funding (the majority of awards are for Shelter Operations). When the City and County received ESG CARES Act (ESG-CV) funding, additional resources were deployed to the community for all program types. Several RFPs were issued for ESG-CV projects and programs during 2019-2021. In 2020, the City and County issued an RFP to solicit proposals for ESG-CV funded projects, and included a priority category for Street Outreach services at Peace Village. The goal was to provide more intentional outreach

and engagement at the homeless camp, and also conduct general outreach throughout the City. The only submittal seeking Street Outreach funding was from PCHO, and they were subsequently awarded ESG-CV funds to provide those services at Peace Village.

They have successfully operated that program, and have remained a constant resource for persons living at PV. The main objective of Street Outreach programs is to engage homeless persons and connect them with services and housing. PV gives PCHO the ability to connect with a greater number of persons in one location, and provides them with a better environment to build relationships with their clients. It also gives homeless persons a fixed location where they know services will be offered. PCHO has been present in this location for several years, and this consistency greatly increases the likelihood that they will successfully house the people they come in contact with.

Why was no RFP issued for this service? While the City did not issue an RFP specifically for this service, the City issues an RFP for annual ESG funding each year. PCHO's operations and accomplishments have been thoroughly vetted and approved for other funding.

The City has funded PCHO for outreach activities Citywide and at Peace Village through a competitive RFP process numerous times, including most recently for the 2022-23 ESG program year. That RFP was issued in February 2022, and proposals were submitted in March. Council approved the award in August 2022, and grantees will provide those services through June 30, 2023. PCHO was the only organization to submit a proposal for that program type, with the majority of applicants seeking Shelter Operations funding.

While an RFP was not issued specifically for this service, an RFP issued two years ago for similar services at Peace Village produced one response, from PCHO. PCHO is the only organization that has shown the willingness and capacity to help with both the oversight and engagement of the residents of Peace Village, and their continued involvement will provide a greater likelihood of success when engaging and housing homeless persons.

PCHO is the organization that has been most involved with Peace Village and the residents of the camp, and have been successfully engaging and housing residents of the camp for several years.

Compensation Amount: \$250,000 Emergency Solutions Grants CARES Act (ESG-CV)

How was this determined? The City worked closely with PCHO to develop a budget for this project, including how much funding was required for initial start-up costs and for operations. The \$250,000 in ESG-CV funding represents what the City was able to contribute towards the overall project. The County is also supporting PCHO's expanded outreach efforts, and is providing funding for additional outreach workers. The majority of the City's funding is dedicated to outreach worker salaries and general project overhead.

The MWBE Officer has reviewed the proposed Agreement for MWBE and Workforce goals. MWBE Officer Initials: *CMJ* Date: *8/17/22*

Dana K. Miller

August 19, 2022

Signature: Department Head

Date

331

Ordinance No.

Appropriating Emergency Solutions Grant-Coronavirus funds and authorizing agreement for services to the homeless focused on Peace Village

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

Section 1. The sum of \$240,510 is hereby appropriated from the Emergency Solutions Grant-Coronavirus (ESG-CV) allocation of the Consolidated Community Development Plan/2019-20 Annual Action Plan as amended by Ordinance No. 2020-130 and by Ordinance No. 2020-225 to continue and expand services for the homeless and those at risk of homelessness under the Emergency Solutions Grant Program.

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with Person Centered Housing Options Inc. to provide street outreach and engagement services for homeless and unhoused persons with a focus on oversight of the Peace Village homeless camp and outreach to the surrounding areas. The maximum compensation for the agreement shall be \$250,000, which shall be funded in the amounts of \$240,510 from the ESG-CV funds appropriated in Section 1 herein and \$9,490 from ESG-CV funds appropriated to services for the homeless and those at risk of homelessness in Ordinance No. 2020-188. The agreement shall have a term of 1 year with the option to extend for up to one additional year if funds from the original appropriations remain.

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

Section 4. This ordinance shall take effect immediately.



City of Rochester

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NEIGHBORHOOD & BUSINESS DEVELOPMENT INTRODUCTORY NO.

332

Malik D. Evans
Mayor

August 25, 2022 NBD 22

TO THE COUNCIL

Ladies and Gentlemen:

Re: Appointments – Zoning Board of Appeals

Transmitted herewith for your approval is legislation confirming the appointment of two full-time members to the Zoning Board of Appeals. They are filling vacant seats for a term that will expire on May 31, 2024.

<u>Name</u>	<u>District Represented</u>
Janene S. Miller	East (14607)
Heath P. Boice-Pardee, Ed.D.	East (14607)

Resumes are on file with the City Clerk.

Respectfully submitted,

Malik D. Evans
Mayor



Zoning Board of Appeals

Member Name	Zip Code	Council District
Tyrese Bryant	14619	South
Cora Murphy	14606	Northwest
Holly Wheeler	14609	East
Tim Tompkins	14604	Northeast
Eduardo Navarro	14620	East
Janene Miller*	14607	East
Heath Boice-Pardee*	14607	East

*With these appointments, the composition of the Zoning Board will be 28% African American, 58% White, 14% Hispanic.

332

Resolution No.

Resolution approving appointments to the Zoning Board of Appeals

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

Section 1. The Council hereby approves the appointment of the following individuals to the Zoning Board of Appeals, each as a new regular member, for a term which shall expire on May 31, 2024:

Name	District Represented
Janene S. Miller	East (Center City)
Heath P. Boice-Pardee, Ed.D.	East

Section 2. This resolution shall take effect immediately.



City of Rochester

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NEIGHBORHOOD &
BUSINESS DEVELOPMENT
INTRODUCTORY NO.

333

Malik D. Evans
Mayor

August 25, 2022 NBD 23

TO THE COUNCIL

Ladies and Gentlemen:

Re: Appointments – City Planning Commission

Transmitted herewith for your approval is legislation confirming the appointments of two full-time members to the Planning Commission. They are filling vacant seats for a term that will expire on May 31, 2024.

<u>Name</u>	<u>District Represented</u>
Nicholas Carleton	East (14607)
Joan Roby-Davison	NE (14621)

Resumes are on file with the City Clerk.

Respectfully submitted,

Malik D. Evans
Mayor



City Planning Commission

Member Name	Zip Code	Council District
David Watson	14619	South
Eugenio Marlin	14613	Northwest
Bradley Flower	14608	South
Kimberly Harding	14609	East
Milton Pichardo	14604	Northeast
Nicholas Carleton*	14607	East
Joan Roby-Davison*	14621	Northeast

*With these appointments, the composition of the Planning Commission will be 14% African American, 58% White, 28% Hispanic.

333

Resolution No.

Resolution approving appointments to the City Planning Commission

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

Section 1. The Council hereby approves the appointment of the following individuals to the City Planning Commission, each as a regular member, for a term which shall expire on May 31, 2024:

Name	District Represented
Nicholas Carleton	East
Joan Roby-Davison	Northeast

Section 2. This resolution shall take effect immediately.



City of Rochester

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NEIGHBORHOOD & BUSINESS DEVELOPMENT INTRODUCTORY NO.

334

Malik D. Evans
Mayor

August 25, 2022 NBD 24

TO THE COUNCIL

Ladies and Gentlemen:

Re: Appointment – Rochester Preservation Board

Transmitted herewith for your approval is legislation confirming the appointment of one full-time member to the Rochester Preservation Board. She is filling a vacant seat for a term that will expire on May 31, 2024.

<u>Name</u>	<u>District Represented</u>
Falon M. Uloth	East (14609)

Resume is on file with the City Clerk.

Respectfully submitted,

Malik D. Evans
Mayor



Rochester Preservation Board

Member Name	Zip Code	Criteria
Christopher Caretta	14605	Realtor
Karsten Solberg	14610	Architect
Gerlad Gamm	14610	Preservation District Resident
Victor Sanchez	14609	Historic Association Member
Hilary Diodato	14607	Preservation District Resident
Falon M. Uloth*	14609	At-large resident

*With these appointments, the composition of the Preservation Board will be 17% African American, 66% White, 17% Hispanic.

334

Resolution No.

Resolution approving appointment to the Rochester Preservation Board

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

Section 1. The Council hereby approves the appointment of the following individual to the Rochester Preservation Board, as a new regular member, for a term which shall expire on May 31, 2024:

Name

Falon M. Uloth

District Represented

East

Section 2. This resolution shall take effect immediately.



DES01

August 25, 2022

TO THE COUNCIL

Ladies and Gentlemen:

Re: Grant Acceptance – Empire State Development
for Blue Cross Arena at the War Memorial Riverside
Addition

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 amending Ordinance No. 2019-62, which authorized the Mayor to enter into an agreement with New York State Empire State Development (ESD) for \$6 million to participate in, administer and fund the Blue Cross Arena at the War Memorial Riverside Addition Project as part of the Roc the Riverway initiative. The amendment will increase the funding by an additional \$1 million for a revised total of \$7 million.

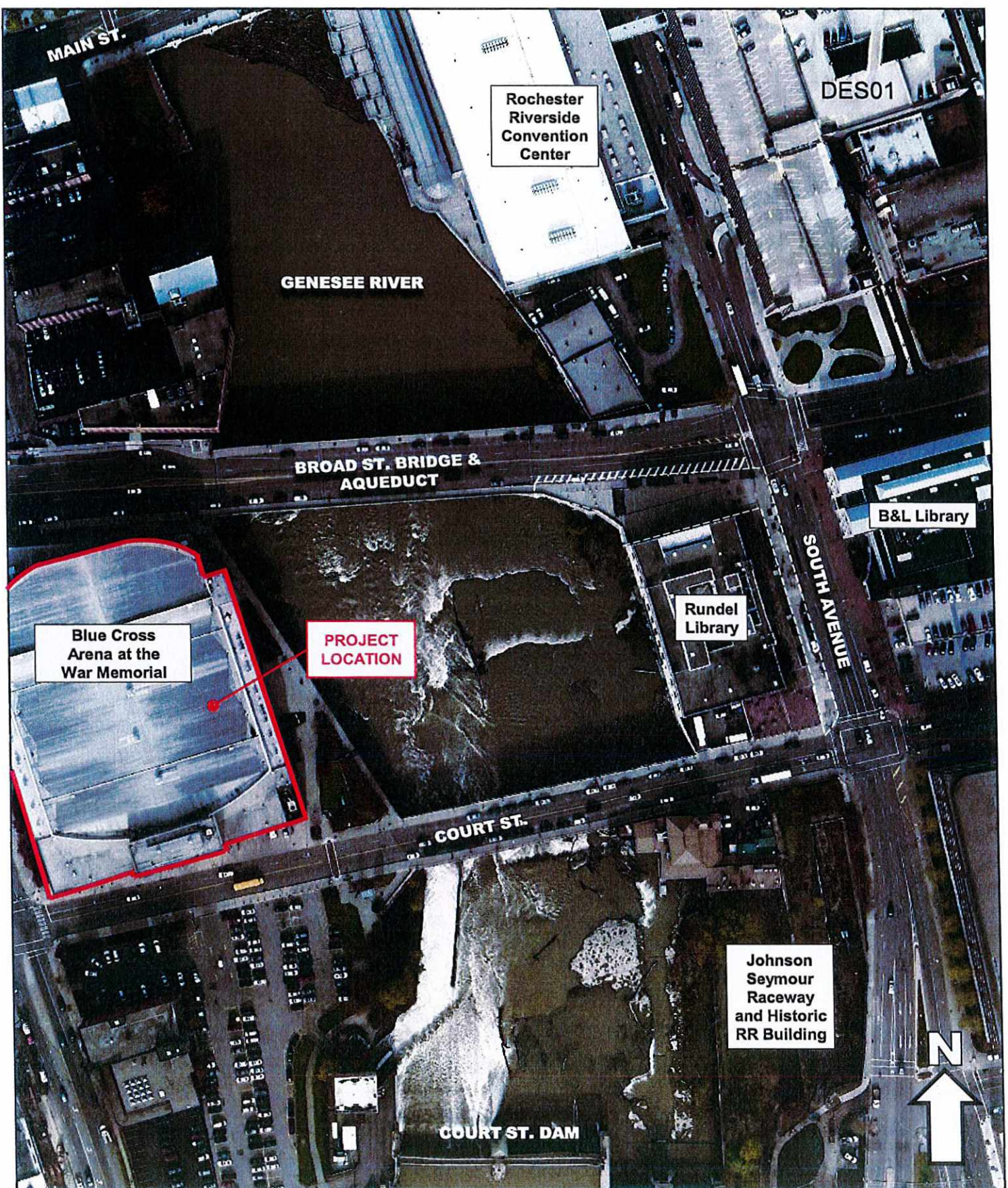
The Blue Cross Arena at the War Memorial Riverside Addition Project will include a multi-story expansion and façade modernization along the Genesee River. The additional ESD funding will support a revised project scope with expanded high quality space intended to be compatible with the functional needs of the arena and to engage arena patrons to view internal events and spectacular river view sheds simultaneously. The project may include, but is not limited to, reconfigured suites and Club Seating on the third level, expanded concession space for additional vendors and expanded viewing areas on the second level, and updated riverside meeting rooms on the first level.

The project is currently under preliminary design per Ordinance 2020-221. Construction is anticipated to begin in the fall 2023 and be completed in the fall of 2025.

Respectfully submitted,

Malik D. Evans
Mayor





Project Location - Aerial Map
Blue Cross Arena
City of Rochester, New York

335

Ordinance No.

Amending Ordinance No. 2019-62 relating to an Empire State Development grant for the Blue Cross Arena at the War Memorial Riverside Addition Project

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

Section 1. Section 1 of Ordinance No. 2019-62, Authorizing agreements for the Roc the Riverway initiative, is hereby amended with regard to the first-listed initiative project to read as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with Empire State Development (ESD), the New York State Department of State (NYSDOS), and the New York State Department of Transportation (NYSDOT) to participate in, administer and fund the following Roc the Riverway initiative projects that were awarded funding through the Upstate Revitalization Initiative (URI):

Project Name	State Agency	URI Funding	Total Cost
Blue Cross Arena	ESD	\$6,000,000	\$6,000,000
		<u>\$7,000,000</u>	<u>\$7,000,000</u>

...

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined



City of Rochester

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PARKS & PUBLIC WORKS
INTRODUCTORY NO.

336

Malik D. Evans
Mayor

DES02

August 25, 2022

TO THE COUNCIL

Ladies and Gentlemen:

Re: Agreement – Labella Associates, D.P.C. -
Genesee Waterways Center Boathouse Schematic
Design

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 establishing \$150,000 as maximum compensation for a professional services agreement with LaBella Associates, D.P.C., (Steven Metzger, C.E.O., 300 State Street, Suite 201, Rochester, New York) for schematic architectural and engineering design services for the Genesee Waterways Center Boathouse project. The cost of the agreement will be financed from 2020-21 Cash Capital.

The project includes the schematic design of a new community boathouse. The consultant will provide investigation and design services through schematic design for a new community boathouse and exterior supportive site elements to be located in Genesee Valley Park, west of the Genesee River.

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

Schematic architectural and engineering design services will begin in fall 2022, with anticipated completion in early 2023. The agreement will result in the creation and/or retention of the equivalent of 1.6 full-time jobs.

The term of the agreement shall extend until 6 months after submission of the schematic design documents.

Respectfully submitted,

Malik D. Evans
Mayor



Vendor / Consultant Selection Process Summary

Department: Department of Environmental Services

Project / Service Title: Genesee Valley Park Waterways Center Boathouse Schematic Design

Consultant Selected: LaBella Associates, DPC

Method of selection: Request for Proposal [Complete 1-7]

1. Date RFP / RFQ issued: Tuesday, April 26, 2022
2. The RFP / RFQ was also sent directly to: see attached list of firms

3. Proposals were received from

Edge Architecture	Rochester, 14607
C&S Companies	Rochester, 14614
Clark Patterson Lee (CPL)	Rochester, 14604
Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, DPC	Rochester, 14604
CJS Architects	Rochester, 14607
LaBella Associates, DPC	Rochester, 14614
T.Y. Lin International	Rochester, 14604

4. Evaluation criteria

<u>Criteria</u>	<u>Weighting Points possible</u>		<u>Points received by LaBella</u>
<i>Experience</i>	40%	40	35
<i>Approach</i>	50%	50	39
<i>Staff</i>	10%	<u>10</u>	<u>8</u>
SUBTOTAL		100	75

<u>Bonus Points</u>	<u>Points received by LaBella</u>
City business:	10
Prime is an MWBE:	0
Prime uses 10% - 20% MWBE subs	0
Prime uses 20%+ MWBE subs	10
Workforce goals for M & W met	<u>0</u>
BONUS POINTS SUBTOTAL	BP = 20

Total = Points + BP = 95

5. Review team included staff from: DES/Arch. & Eng. (3) DRHS (1) GWC (1)
6. Additional considerations/explanations N/A

7. MWBE Officer has reviewed the recommended firm's proposal for MWBE and Workforce goals. MWBE Officer Initials: *SMD* Date: 8/1/2022

Form date 1/4/19



336

Ordinance No.

**Authorizing an agreement for design of a Genesee Waterways Center
Boathouse**

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 Labella Associates, D.P.C. for schematic architectural and engineering design services for a Genesee Waterways Center Boathouse in Genesee Valley Park. The maximum compensation for the agreement shall be \$150,000, which shall be funded from 2020-21 Cash Capital. The term of the agreement shall extend to 6 months after submission of the schematic design documents.

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

Section 3. This ordinance shall take effect immediately.



DES03

August 25, 2022

TO THE COUNCIL

Ladies and Gentlemen:

Re: Grant Authorization - Charles Carroll Plaza and
Genesee Crossroads Parking Garage Roof Slab
Reconstruction 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 Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Project. This legislation will:

1. Authorize the receipt and use of \$220,000 in awarded funding from the Rochester Gas and Electric Corporation (RG&E) Look Upstate NY / Commercial Corridor/Main Street Revitalization Assistance Program for electrical infrastructure improvements and lighting installations for Phase two of the Project; and,
2. Amend Section 5 of Ordinance No. 2021-294 to change the funding for the amendatory agreement with T.Y. Lin International Engineering & Architecture, P.C., which was originally authorized in Ordinance No. 2015-71 and as amended in Ordinance Nos. 2016-404, 2019-96 and 2021-294, by reducing the bond authorized by Ordinance No. 2021-295 by \$20,000 and replacing those funds with funds appropriated herein.

Charles Carroll Plaza is located on the west side of the Genesee River between Main Street and Andrews Street and is built on top of the Genesee Crossroads Parking Garage.

Phase one of this ROC the Riverway project includes renovation and extension of the Sister Cities Bridge to achieve a bicycle friendly, fully ADA accessible link across the Genesee River from Bragdon Place to the Charles Carroll Plaza. Per Ordinance No. 2021-294, RG&E has awarded \$219,129 for this phase.

Phase two includes the removal of the plaza to perform structural repairs to the garage roof slab underneath, replacement of the slab waterproofing system, and construction of a modernized plaza, with an updated, naturally flowing space with ADA accessible connections serving as a critical link in the Genesee Riverway Trail system.

The amendatory agreement with T.Y. Lin International Engineering & Architecture, P.C. shall be financed as follows:



Source of Funds	Amount
2012-13 Cash Capital	\$250,000
2013-14 Cash Capital	300,000
2014-15 Cash Capital	150,000
NYSDOS appropriated Ordinance No. 2016-404	400,000
NYSDOS appropriated Ordinance No. 2019-96	1,100,000
Debt authorized Ordinance No. 2021-294	100,000
RG&E Reimbursement Phase 1 per Ordinance No. 2021-294	20,000
RGE Reimbursement Phase 2 authorized herein	20,000
Total	\$2,340,000

RG&E, through this program, offers economic development incentives to encourage business to remain in New York State 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.

Construction of Phase one is substantially complete, however, the area will remain closed until completion of the plaza renovation under Phase two. Construction of Phase two began in fall 2021 and is anticipated to be complete in summer 2023.

Respectfully submitted,



Malik D. Evans
Mayor



GENESEE CROSSROADS GARAGE AND CHARLES CARROLL PLAZA

69 ANDREWS STREET

337

Ordinance No.

Authorizing funding and amending Ordinance No. 2021-294 relating to the Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Project

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

Section 1. The Council hereby authorizes the receipt and use of \$220,000 in funding from the Rochester Gas and Electric Corporation (RGE) Commercial Corridor/Main Street Revitalization Assistance Program, which amount is hereby appropriated for electrical infrastructure and lighting improvements relating to Phase Two of the Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Project (the Project). The Mayor is hereby authorized to enter into any agreement and to execute such documentation as is necessary to effectuate the Project funding authorized herein and such agreements and documents shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 2. Section 5 of Ordinance No. 2021-294, Authorizing funding and amendatory agreements relating to the Project, is hereby amended to read as follows:

Section 5. The Mayor is hereby authorized to enter into an amendatory professional services agreement with T.Y. Lin International Engineering & Architecture, P.C. to provide additional engineering services for the Project. The amendments shall increase the maximum compensation of the existing agreement, which was authorized in Ordinance No. 2015-71 and as amended in Ordinance Nos. 2016-404 and 2019-96, by \$140,000 to a new total of \$2,340,000. The increase shall be funded in the amounts of ~~\$120,000~~ \$100,000 from the proceeds of bonds authorized for the Project in ~~a concurrent ordinance~~ Ordinance No. 2021-295, \$20,000 in RGE reimbursements appropriated for electrical infrastructure and lighting improvements to Phase Two of the Project in Ordinance No. [once adopted, Council staff to fill in Ordinance No. of this introductory designated DES #3] and \$20,000 in anticipated reimbursements from RGE authorized herein in Section 3.

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined



August 25, 2022

POLICE15

TO THE COUNCIL

Ladies and Gentlemen:

Re: Agreement – LexisNexis, Motor Vehicle
Accident Records Management

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an agreement with LexisNexis Claims Solutions Inc., (LexisNexis), (William S. Madison, Executive Vice President), Alpharetta, GA., for the management of motor vehicle accident records. There is no cost to the City for this service.

Through this agreement, LexisNexis will continue to:

- Process online requests for Rochester Police Department motor vehicle accident (MVA) reports with no charge to the City.
- Provide electronic copies of MVA reports, via the internet, to confirmed involved parties at no cost.
- Provide an electronic copy of the MVA reports, via the internet, to insurance companies and unconfirmed involved parties where the name on the credit card does not match anyone who was involved in the accident.
- Collect a \$5.00 fee from insurance companies and unconfirmed involved parties for each report on behalf of Rochester Police Department and a convenience fee for LexisNexis.
- Remit to the City the \$5.00 fee collected for each MVA report sold.

Paper copies of MVA reports will still be available at \$0.25 per page for citizens that prefer this over electronic versions.

LexisNexis was selected through a request for proposal process, described in the attached summary.

The term of this agreement will be for one year with the option to renew for three additional one-year periods. The previous agreement was approved by Ordinance No. 2018-278 in August 2018.

Respectfully submitted,

Malik D. Evans
Mayor



Vendor / Consultant Selection Process Summary

Department: Rochester Police Department

Project / Service sought: Motor Vehicle Accident Records Management

Consultant Selected: FIRM

Method of selection: ☒ Request for Proposal [Complete 1-6]

☐ Request for Qualifications [Complete 1-6]

☐ From the NY State Department of Transportation list of pre-approved regional engineering firms [Complete 4-5]

1. Date RFP / RFQ issued (and posted on City website) May 6, 2022

2. The RFP / RFQ was also sent directly to:

Access, Cheektowaga, NY

Carfax, Centreville, VA

GLC Business Services, Rochester, NY

LexisNexis Claims Solutions Inc., Alpharetta, GA

3. Proposals were received from

FIRM

City/ST

Carfax

Centreville, VA

GLC Business Services

Rochester, 14607

LexisNexis Coplogic Solutions Inc.

Alpharetta, GA

4. Evaluation criteria

	Weight	Points Possible	Points Received
Import data from TraCS 10	3	15	9
Import MVA if source data changes	3	15	12
Provide crash data analytics and reports	1	5	5
Provide logins to all members of the RPD	2	10	8
Provide MVAs to citizens for zero cost	3	15	9
Make MVA reports available within 3 days after crash data has been submitted	1	5	4
Provide handouts for citizens	1	5	3
Experience in providing MVA reports to consumers	2	10	8
Provide reports to all insurance carriers	3	15	9
Provide funds to City via ETF	1	5	3
Provide financial reports	1	5	3
Retain 5 years of MVA reports	3	15	9
Import 5 years of historical MVA data	3	15	12
Begin the project at the earliest mutually agreeable time	1	5	5

Cost	3	15	15
References	2	10	8
Quality of RFP	1	5	3
Total		170	125

No bonus points

5. Review team included staff from: Dept/Bureau (#) Dept/Bureau (#) Dept/Bureau (#)
 RPD/Administration – 2
 RPD/Chief's Office – 1

6. Additional considerations/explanations [if applicable; e.g. interviews; demonstrations]
 Vendor ranked the highest and is our current vendor so there will be no delay in providing Motor Vehicle Accident Reports to customers.

338

Ordinance No.

Authorizing an agreement for motor vehicle accident records management

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 LexisNexis Claims Solutions Inc. to provide motor vehicle accident records management services. The agreement shall not obligate the City to make any payment. The agreement shall have a term of one year with the option to renew for up to three additional one-year periods.

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

Section 3. This ordinance shall take effect immediately.



City of Rochester

City Hall Room 308A, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

PUBLIC SAFETY
COMMITTEE
INTRODUCTORY NO.

339

Malik D. Evans
Mayor

August 25, 2022

POLICE16

TO THE COUNCIL

Ladies and Gentlemen:

Re: Agreement – Rochester City School
District, Traffic and Crowd Control Services

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong neighborhoods

Transmitted herewith for your approval is legislation authorizing an Inter-municipal Agreement with the Rochester City School District (RCSD) for the receipt and use of \$50,000 for reimbursement of the cost of traffic and crowd control services provided by the Rochester Police Department.

RCSD has requested assignment of Police Officers on a reimbursable overtime basis for traffic and crowd control, or an events sponsored in part or in full by RCSD, such as football games, basketball games, graduation ceremonies, proms, and school dances. The agreement will provide for reimbursement by RCSD of the cost of these services, up to a maximum of \$50,000 during fiscal year 2022-23.

The term of the agreement is July 1, 2022 through June 30, 2023. The previous agreement was approved by Ordinance No. 2021-413 in December 2021.

Respectfully submitted,

Malik D. Evans
Mayor



339

Ordinance No.

Authorizing an intermunicipal agreement with the Rochester City School District for traffic and crowd control services

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

Section 1. The Mayor is hereby authorized to enter into an intermunicipal agreement with the Rochester City School District (RCSD) in the maximum amount of \$50,000 to reimburse the City for traffic and crowd control services provided by the Rochester Police Department at events sponsored by the RCSD. The term of the agreement shall be from July 1, 2022 through June 30, 2023. The anticipated reimbursements from the RCSD under the agreement are hereby appropriated for the costs of providing such traffic and crowd control services.

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

Section 3. This ordinance shall take effect immediately.



City of Rochester

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PUBLIC SAFETY COMMITTEE INTRODUCTORY NO.

340

Malik D. Evans
Mayor

August 25, 2022

POLICE17

TO THE COUNCIL

Ladies and Gentlemen:

Re: Amendatory Agreement – University of
Rochester, Fitness for Duty Clinical Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the University of Rochester, Department of Psychiatry, for additional funding for Dr. Robert Weisman to provide clinical services related to psychological fitness for duty for the Rochester Police Department (RPD). The original agreement was authorized by Ordinance No. 2021-333 for a term of one year, expiring on October 31, 2022, with the option to renew for three additional terms of one year, with a maximum annual compensation of \$50,000. This amendment will increase the maximum annual compensation to \$80,000, which will continue to be funded from the 2022-23 Budget of the Police Department.

Dr. Weisman provides fitness for duty psychological evaluations for law enforcement officers who have experienced a duty-related injury or trauma, as well as non-duty-related mental health issues. Evaluations include an assessment of the officer's psychological ability to return to work, a determination of work-related causality, and management of care for duty-related psychological conditions. Additional funding is needed because of the increased number of Police Officers being evaluated due to high stress levels that negatively impact their physical and mental well-being.

Respectfully submitted,

Malik D. Evans
Mayor



340

Ordinance No.

Authorizing an amendatory agreement relating to fitness for duty clinical services for the Rochester Police Department

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 University of Rochester, Department of Psychiatry, to provide clinical fitness for duty evaluations for personnel of the Rochester Police Department. The amendatory agreement shall modify the existing agreement that was authorized by Ordinance No. 2021-333 to increase the maximum annual compensation by \$30,000 to a new total of \$80,000. The \$30,000 in amendatory compensation for the initial one-year term shall be funded by the 2022-23 Budget of the Police Department. The amendatory compensation for the subsequent optional terms of the agreement shall be funded from the same years' budgets as provided for the original compensation in Ordinance No. 2021-333.

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.



City of Rochester

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**PUBLIC SAFETY
COMMITTEE
INTRODUCTORY NO.**

341

Malik D. Evans
Mayor

August 25, 2022

POLICE18

TO THE COUNCIL

Ladies and Gentlemen:

Re: Governor's Traffic Safety Committee,
2023 Pedestrian Safety Enforcement and
Education Program

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing the receipt and use of \$54,600 from the New York State Governor's Traffic Safety Committee (GTSC) for a New York State Highway Safety grant, and amending the 2022-23 Budget of the Police Department by this amount. The term of the grant is October 1, 2022 through September 30, 2023.

GTSC provides this funding to support the Police Department's Pedestrian Safety Enforcement and Education Program, the goal of which is to reduce the number of vehicle crashes, injuries and deaths, with a focus on pedestrian-involved vehicle accidents. The program includes an educational component which will utilize officers from the Community Relations Unit and Traffic Enforcement Unit to disseminate safety information and inform the public of the program; much of this activity will coincide with the annual GTSC "Operation See! Be Seen!" campaign in June 2023. Traffic enforcement details will be run with a focus on four roadway corridors (10.7 miles of roadway) that have resulted in a disproportionate number of the City's pedestrian-involved crashes in recent years:

- Dewey Avenue, from Driving Park Avenue to Bennington Drive
- Lake Avenue, from Lyell Avenue to Denise Road
- Lyell Avenue, from Mt Read Boulevard to State Street/Lake Avenue
- North Clinton Avenue, from Upper Falls Boulevard to Norton Street

The grant will be used to pay for police overtime for the enforcement details (\$50,600), but does not pay for the associated fringe cost (\$18,616). Travel and registration for conference costs are also covered by the grant (\$4,000).

This is the third time the Police Department has received this grant. No matching funds are required.

Respectfully submitted,

Malik D. Evans
Mayor



341

Ordinance No.

Authorizing a funding agreement and amending the 2022-23 Budget for the 2023 Pedestrian Safety Enforcement and Education Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Governor's Traffic Safety Committee (GTSC) for receipt and use of a 2023 New York State Highway Safety Program grant of \$54,600 to support the 2023 Pedestrian Safety Enforcement and Education program (Program). The term of the agreement shall be from October 1, 2022 through September 30, 2023.

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

Section 3. Ordinance No. 2022-157, the 2022-23 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Police Department by the amount of \$54,600, which amount is hereby appropriated for the Program from the GTSC grant authorized in Section 1 herein.

Section 4. This ordinance shall take effect immediately.



City of Rochester

City Hall Room 308A, 30 Church Street
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PUBLIC SAFETY
COMMITTEE
INTRODUCTORY NO.

342

Malik D. Evans
Mayor

August 25, 2022

POLICE19

TO THE COUNCIL

Ladies and Gentlemen:

Re: Inter-municipal Agreement – Monroe
County, Explosives Storage

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County and the Monroe County Sheriff's Office (MCSO) for the Rochester Police Department's (RPD's) use of the County facilities, at no cost, for storage of explosives.

Monroe County maintains and monitors a secure space in the Town of Chili for the storage of bulk explosives and explosives evidence. Co-locating RPD's storage bunkers, explosives, and explosives evidence at the County site provides several benefits for both agencies, including inter-agency cooperation; the immediate availability to each organizations' inventory in the event of an emergency; and maximized security which ensures greater monitoring of RPD's inventory.

The term of this agreement is October 1, 2022 through September 30, 2023, with the option to renew for two additional one-year periods. The previous agreement was approved by Ordinance No. 2019-290 in September 2019.

Respectfully submitted,

Malik D. Evans
Mayor



INTRODUCTORY NO.

342

Ordinance No.

Authorizing an intermunicipal agreement with the County of Monroe for explosives storage

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

Section 1. The Mayor is hereby authorized to enter into an intermunicipal agreement with the County of Monroe and the Monroe County Sheriff's Office to enable the Rochester Police Department to use the Sheriff's Office's explosives storage facility. The term of the agreement shall be for one year, with the option to extend for up to two 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.



343

August 25, 2022

DRHS 09

TO THE COUNCIL

Ladies and Gentlemen:

Re: Agreement – Greater Rochester Visitors
Association, Inc., Drum Corps Associates World
Championship

Council Priority: Creating and Sustaining a Culture of
Vibrancy

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to the Drum Corps Associates World Championship to be held at the Rochester Community Sports Complex. This legislation will:

1. Authorize an agreement with Greater Rochester Visitors Association, Inc., dba Visit Rochester, NY (Don Jeffries, CEO, Rochester, NY) for the receipt and use of \$18,343 in support of the three-day Drum Corps Associates World Championship event to be held on September 2-4, 2022. The Term of this agreement will be for 6 months.
2. Amend the 2022-23 Budget of the Department of Recreation and Human Services by \$18,400 to reflect this sponsorship.

The funds provided to the City by Visit Rochester will be used to support a portion of the event expenses including box office, security, and emergency medical services. Drum Corps Associates (DCA) is a governing body for modern all-age and senior drum and bugle corps in North America. DCA's responsibilities include sanctioning competitions, certifying adjudicators, maintaining and enforcing rules of competition, and hosting an annual World Championship during Labor Day weekend. Rochester will host this event in 2022 and 2023. The three-day event, will feature a variety of exciting performance mediums and stages across Friday, Saturday and Sunday of Labor Day weekend. In 2016 and 2017 over 10,000 people attended the event throughout the weekend long event.

Visit Rochester is the official tourism promotion agency for Monroe County. Their mission is to sell and market Greater Rochester as a preferred destination—for business and leisure travel—in order to grow and maximize visitor spending and to enhance the economy. Tourism plays a major role in the economy of Monroe County as well as the entire Finger Lakes region. To this end, Visit Rochester builds and maintains relationships with hundreds of organizations and businesses in the community that work to attract visitors to Monroe County, in turn growing the overall economic impact of the tourism and hospitality industry in the county and the Finger Lakes region as a whole. The membership-based organization with more than 400 members that represent local lodging, retail, restaurants, services, and community organizations that all strive to provide the best visitor experience.

Respectfully submitted,

Malik D. Evans

Mayor



Authorizing an agreement and amending the 2022-23 Budget relating to the Drum Corps Associates World Championship

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 Greater Rochester Visitors Association Inc. for the City's receipt and use of a grant of \$18,343 to support the three-day Drum Corps Associates World Championship (Program). The term of the agreement shall extend for six months.

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

Section 3. Ordinance No. 2022-157, the 2022-23 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations of the Budget of the Department of Recreation and Human Services by \$18,400, which amount is hereby appropriated for the Program.

Section 4. This ordinance shall take effect immediately.



RECREATION & HUMAN
SERVICES COMMITTEE
INTRODUCTORY NO.

344

August 25, 2022

DRHS 10

TO THE COUNCIL

Ladies and Gentlemen:

Re: Agreement – Mitchell Harris dba Hoop N Holla –
Athletic Skill Development & Academic Support

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

Comprehensive Plan 2034 Initiative Area: Sustaining
Green and Active Systems

Transmitted herewith for your approval is legislation establishing \$16,000 as maximum annual compensation for an agreement with Mitchell Harris dba Hoop N Holla (Rochester, NY) to provide NCAA Compliance & Academic Monitoring and Support, Sports IQ Training, and Athletic Skill Development for City youth at the Rochester Community Sports Complex. The program will run from September 2022 – June 2023 and the term of the agreement will be one year, with the option to renew for two additional one-year periods. The cost of this agreement will be funded from the 2022 -2023 Budget of the Department of Recreation and Human Services (DRHS) and subsequent renewals will be funded at \$16,000 maximum annual compensation from the future budgets of DRHS contingent upon approval.

Mitchell Harris has more than 20 years of coaching experience in the Rochester area and has provided instruction at DRHS youth sports summer camps and clinics since 2017. Under this agreement, Harris will provide a 15 hour a week curriculum for advanced athletes in grades 6-12 at the Rochester Community Sports Complex. As a pilot, this program served more than a 100 students in the 2021-2022 school year and we anticipate that attendance will increase this year with the assistance of the RCSD and local charter schools.

Mitchell Harris was selected for these services based on our past and current collaborations. This was last authorized by Council via Ordinance No. 2021-366. A full justification for not issuing a request for proposals is attached.

Respectfully submitted,

Malik D. Evans
Mayor



JUSTIFICATION STATEMENT

Awarding a Professional Services Agreement Without a Request for Proposals

The Procurement of Professional Services Policy (Ord. No. 2012-318) requires an RFP to be issued under most circumstances. If it is determined that an RFP process will not benefit the City, this form must be completed, signed by the Department Head, and kept on file (electronically or hard copy). It must also be submitted:

1. To City Council as an attachment to the transmittal letter for any PSA that exceeds \$10,000, and
2. To the contract record when entered in Munis.

Department: DRHS

Service(s): Athletic Training and Academic Support

Vendor/Consultant selected: Mitchell Harris

How was the vendor selected? Mr. Harris has prior experience delivering programs with DRHS and has experience with coaching, mentoring and training several youth in the City of Rochester.

Why was no RFP issued for this service? Is there previous experience with the vendor? Describe why it is in the City's best interest to continue with them and not solicit others.

He has conducted camps and clinics for the Bureau of Athletic and Aquatics since 2017 and thus he is familiar with the culture, staff, participants, and parents; as well as the department's Code of Conduct and Policies and Procedures.

- **Are there unique or emergency circumstances? Describe how an RFP process would jeopardize the success of the project.**

Mitchell Harris has more than 20 years of coaching experience in the Rochester area and provides a curriculum for advanced athletes. He has extended his program year to accommodate our students and an RFP process would jeopardize the start of the program coinciding with the school year and severely delay programming and enrichment for our 6th -12th graders at the Rochester Community Sports Complex after school.

- **Is the service specialized and unique? Is the number of qualified providers limited? Describe the Department's experience with and knowledge of the market and why an RFP would not produce additional qualified consultants.**

There are very few providers that have the coaching credentials and experience coaching elite basketball players in this area. He has a number of local, regional and national connections and resources at his disposal and a program (curriculum) that is geared towards our population.

- **Does the project include multi-year State or Federal funding? Explain why it is in the best interest of the project and the City to continue with the same consultant (e.g. where the design consultant on a project is retained for resident project representation services). No, it does not.**

Compensation: Amount: \$16,000 max annual comp

How was this determined? Explain how it is a reasonable and best value for the City.

The amount was determined based on other PSA's we have done for a similar duration and the Consultant's experience and expertise.

MWBE: 

Signature: Department Head

8/16/2022

8.12.22

Date

Authorizing an agreement for athletic skill development and academic support 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 with Mitchell Harris d/b/a Hoop N Holla to provide NCAA compliance and academic monitoring and support, sports IQ training, and athletic skill development for City youth. The term of the agreement shall extend for one year with the option to extend for two additional periods of one year each. The maximum annual compensation for the agreement shall be \$16,000, which shall be funded from the 2022-23 Budget of the Department of Recreation and Human Services (DRHS) for the initial term and from subsequent years' Budgets of DRHS, contingent upon approval, for any extensions of the term.

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

Section 3. This ordinance shall take effect immediately.



345

August 25, 2022

DRHS 11

TO THE COUNCIL

Ladies and Gentlemen:

Re: Agreements – Veterinary Services for Animal Services

Council Priority: Creating & Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted for your approval is legislation related to veterinary services agreements for Rochester Animal Services (RAS). This legislation will:

1. Authorize \$20,000 as maximum compensation for an agreement with Dr. Andrew Newmark, DVM. The term of the agreement will be for one year. The cost of the agreement will be funded from an appropriation from the Animal Services Gifts Fund.
2. Authorize \$4,000 as maximum compensation for an agreement with Pathway Vet Alliance LLC d/b/a Animal Emergency Services (Stefanie Box, General Counsel, Rochester, NY). The term of the agreement will be for one year. The cost of the agreement will be funded from the 2022-23 Budget of the Department of Recreation and Human Services. Council authorization is required for this agreement as there is an existing \$68,000 agreement for spay and neuter services with this vendor.

RAS maintains a perennial agreement with Pathway Vet Alliance LLC d/b/a Animal Emergency Services for after-hours and emergency veterinary care. Additionally, RAS utilizes agreements with outside veterinarians and veterinary technicians to increase surgical capacity, improve customer service, and provide veterinary coverage during the absence of the regular veterinarian and veterinary technicians. The consultants will provide on-site veterinary services including, but not limited to: examinations, treatments, vaccinations, and the surgical sterilization of animals in custody at the Animal Services Center on Verona Street. The consultants may also provide surgical sterilization on animals owned by city residents. Each consultant will provide services on an as needed basis.

Justifications for not issuing RFPs are attached.

Respectfully submitted,

Malik D. Evans
Mayor



JUSTIFICATION STATEMENT

Awarding a Professional Services Agreement Without a Request for Proposals

The Procurement of Professional Services Policy (Ord. No. 2012-318) requires an RFP to be issued under most circumstances. If it is determined that an RFP will not be issued, this form must be completed, signed by the Department Head, and kept on file (electronically or hard copy). It must also be submitted:

1. To City Council as an attachment to the transmittal letter for any PSA that exceeds \$10,000, and
2. To the contract record when entered in Munis.

Department: DRHS/Animal Services

Services(s): Shelter Veterinary
Services

Vendor/Consultant selected: Andrew Newmark, DVM

How was the consultant selected? Previous experience and contracts with vendor

Why was no RFP issued for this service?

Animal Services is seeking to establish a professional services agreement with Andrew Newmark DVM for periodic veterinary services, public spay and neuter, and accessible vet services without issuing an RFP because the consultant worked as the City's veterinarian at Animal Services nearly eight years and the consultant expressed interest in resuming per diem services.

Animal Services has a Request for Qualifications posted on the City's website and maintains that as an ongoing forum for recruiting local veterinarians interested in getting involved with per diem consulting.

A few other private vets and vet techs have contracted with the City in prior years, however their availability changed beginning in March 2020 as have the City's needs. Dr. Newmark has indicated that he may be available for either regular shifts one day per week or sporadic shifts, as necessary to cover for absences of the City's full-time veterinarian.

- Previous experience

Dr. Newmark was the City's veterinarian from August 2014 until his retirement in July 2022. During his tenure with the City, Dr. Newmark heightened care standards, established the current protocols, and developed the public-facing veterinary care program. Prior to his employment with the City, Dr. Newmark was the head veterinarian at Lollypop Farm, where he also served as the designated veterinarian for the City's professional services agreement with that organization.

- **Emergency circumstances**

The City's full-time veterinarian has scheduled absences for vacations, conference attendance, and other personal circumstances. During such absences, it is critical to have alternate veterinarians available to provide services.

The veterinarian is required for all rabies vaccinations, pre-adoption sterilization surgeries, and for examination and giving treatment orders for all animals presenting medical concerns. In addition to animals entering the shelter system, the veterinarian is also essential to continuing to provide veterinary services for pet owner facing a host of barriers in access to care. Dr. Newmark is one of the few local veterinarians who have expressed interest in providing consulting services for weekday coverage. An RFP would create an unnecessary delay that might jeopardize the City's ability to secure veterinary coverage in a timely manner.

- **Specialized and Unique Services**

There are very few veterinarians who have experience in shelter operations, shelter medicine, and accessible community vet care. Dr. Newmark is an expert in shelter medicine with over 23 years of experience working as a veterinarian at animal shelters.

We are helping provide access to veterinary services for pet owners facing a variety of geographic and systemic barriers. The vendor must share this commitment to that cause, which Dr. Newmark does.

- **Multi-year State or Federal funding? No**

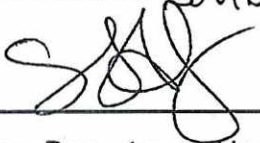
Compensation

Amount: \$20,000

The compensation amount is an estimate based on an hourly rate of \$75 per hour, eight hour shifts, twice per month plus two full weeks of coverage for absences.

MWBE Officer Initials: SMD

8/16/2022



8.12.22

Signature: Department Head

Date

Authorizing agreements for veterinary services

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Andrew Newmark, DVM for veterinary services for Rochester Animal Services. The term of the agreement shall be one year. The maximum compensation for the agreement shall be \$20,000, which amount is hereby appropriated from the Animal Services Gifts Fund for that purpose.

Section 2. The Mayor is hereby authorized to enter into an agreement with Pathway Vet Alliance LLC d/b/a Animal Emergency Services for after-hours emergency veterinary care services for Rochester Animal Services. The maximum compensation for the agreement shall be \$4,000, which shall be funded from the 2022-23 Budget of the Department of Recreation and Human Services. The term of the agreement shall be one year.

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

Section 4. This ordinance shall take effect immediately.



August 25, 2022

DRHS12

TO THE COUNCIL

Ladies and Gentlemen:

Re: Inter-Municipal Agreement – Monroe County
Department of Health, Flower City Public Health
Corps

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

Comprehensive Plan 2034 Initiative Area: Fostering
Prosperity and Opportunity

Transmitted herewith for your approval is legislation authorizing an agreement with the County of Monroe in regards to the Flower City Public Health Corps (FCPHC) program. This agreement will allow two (2) FCPHC members to serve in the Monroe County Department of Public Health. The term of this agreement will be from October 1, 2022 – December 31, 2023, the length of the members' service term. There are no funds exchanged in this agreement.

The Flower City Public Health Corps program, approved by Council on July 19, 2022 via Ordinance No. 2022-227, is a new program with the goal to advance more equitable health outcomes and meet the needs of our community by providing needed capacity and support in various community and governmental locations. Another goal is to provide pathways to public-health related careers by providing exposure through onsite experience, training, and more. Specifically, the members serving in the County of Monroe's Department of Public Health will be serving in the Nurse-Family Partnership program. They will be working with the Nurse Home Visitor and families in that program to help meet the families' health wellness goals by referring families to various community resources.

This is the first time for this agreement.

Respectfully submitted,

Malik D. Evans
Mayor



**Authorizing an intermunicipal agreement relating to the Flower City
Public Health Corps program**

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

Section 1. The Mayor is hereby authorized to enter into an intermunicipal agreement with the County of Monroe to allow two members of the Flower City Public Health Corps program to serve in the Monroe County Department of Public Health. The term of the agreement shall be 15 months. The agreement shall require no exchange of funds between the parties.

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

Section 3. This ordinance shall take effect immediately.



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August 25, 2022

DRHS 13

TO THE COUNCIL

Ladies and Gentlemen:

RE: Agreement – United States Health Resources
and Services Administration, Mobile Unit for Crisis
Intervention Services

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement for the receipt and use of a \$225,000 Congressionally Directed Spending award from the United States Health Resources and Services Administration (HRSA) and appropriating the funds herein. The award will be used for an Emergency Response Outreach mobile unit for the Department of Recreation and Human Services' (DRHS) Crisis Intervention Services (CIS) Unit. DRHS has been given until July 31, 2025 to expend the funds.

This one-time use of funds will be to purchase an Emergency Response Outreach Vehicle, a specially-outfitted bus for use by the CIS Unit when responding to emergencies and providing direct services to victims of crimes, people in crisis, and their families.

Often times, families of homicide victims, victims of violence, and people in crisis need a safe place, away from the elements, media, and/or others, to mourn and process their trauma. This mobile unit will allow for this space, especially with it being mobile, it can be at scenes throughout the City of Rochester to meet residents where they are located at the time of crisis. DRHS may also expand the use of the mobile unit for general use for the department, including for workforce development-related programming.

This is the first time the City has received this one-time use of funds.

Respectfully submitted,

Malik D. Evans
Mayor



Authorizing an agreement relating to the Emergency Response Outreach mobile unit

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Health Resources and Services Administration for the receipt and use of a grant of \$225,000 to fund the purchase of an Emergency Response Outreach mobile unit for the Department of Recreation and Human Services (DRHS) Crisis Intervention Services (CIS) unit. The term of the agreement shall extend to July 31, 2025.

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

Section 3. This ordinance shall take effect immediately.