

ROCHESTER CITY COUNCIL

REGULAR MEETING

May 21, 2019

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

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

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

Retirement:

DES:

- *Vincenzo Giordano
- *Randy E. Jackson
- *Jimmie L. Junious
- *Larry Singleton

DRYS:

Letha Holiday

FIN:

- *AnnMarie Capuano-Keeley

RFD:

- *Gregory W. Borden
- *Michael S. Dupra
- *John Imhof
- *Paul R. Manard
- *John Polimeni
- *Thomas P. Szatko
- *Frederick W. Welch

RPD:

- *Angenette Lawrence
- *Jeremy E. Lindauer

**Not attending meeting*

APPROVAL OF THE MINUTES

By Councilmember Patterson

RESOLVED, that the minutes of the Regular Meeting on April 16, 2019 and the Special Meeting on April 30, 2019 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

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

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The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes – March 2019 – No. 4305-19
Quarterly Reports – Delinquent Receivables – March 31, 2019 – No. 4306-19
Quarterly Reports – Schedule of Revenues and Expenditures – March 31, 2019 – No. 4307-19
Quarterly Reports – Grant Accounting – December 31, 2018 – No. 4308-19
Quarterly Reports – NBD Loans and Grants – March 31, 2019 – No. 4309-19

The Council submits Disclosure of Interest Forms from Councilmember Spaul on Int. No. 150.

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

Councilmember Patterson presented 131 signatures in opposition of rezoning of Hudson Ave. -
Petition No. 1761

THE COUNCIL PRESIDENT --- RECEIVED AND FILED.

PUBLIC HEARINGS.

Pursuant to law, public hearings were held on May 16, 2019 on the following matters:

Local Improvement Ordinance – Establishing the operating and maintenance costs of neighborhood commercial and residential parking areas Int. No. 126
No Speakers

Amending the Zoning Map for a portion of Parcel No. 135.18-2-1 Int. No. 137
No Speakers

Amending the Zoning Code for technical corrections to Planned Development District No. 17 – Highland Hospital Int. No. 138
No Speakers

Amending the Official Map to dedicate additional right-of-way on West Ridge Road Int. No. 139
No Speakers

Authorizing pavement width changes for the Magee Avenue/Raines Park Group Improvement Project
Int. No. 140
1 Speaker

Amending the Official Map to abandon portions of the Exchange Boulevard and East Broad Street rights-of-way that overlap with the Blue Cross Arena Int. No. 141
No Speakers

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Amending Ordinance No. 2019-63 relating to an Official Map Amendment abandoning a portion of Pitkin Street Int. No. 153
No Speakers

REPORTS OF STANDING COMMITTEES
AND ACTION THEREON

By Councilmember Evans
May 21, 2019

To the Council:

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

- | | |
|---------------|--|
| Int. No. 125 | Approving the apportionment of taxes and charges |
| Int. No. 127 | Authorizing an agreement for medical services for non-uniformed employees |
| Int. No. 128 | Cancellation of erroneous taxes and charges |
| Int. No. 129 | Authorizing a grant agreement with the JPMorgan Chase Foundation for the Rochester Financial Empowerment Centers Initiative |
| Int. No. 130 | Authorizing an agreement with Children’s Institute, Inc. for GROW Rochester |
| Int. No. 131 | Authorizing an agreement for an Economic Development Enhancement Study |
| Int. No. 162 | Authorizing an amendatory agreement with R.K. Hite & Co., Inc. relating to Uniform Relocation Act compliance services |
| Int. No. 163 | Amending the 2018-19 Budget <u>of City Council and Clerk for unanticipated revenues and to retain independent legal counsel, as amended</u> |
| Int. No. 164A | Determining and certifying base proportions, current percentages, and base percentages for the 2019 Assessment Roll |
| Int. No. 164B | Determining and certifying adjusted base proportions, assessed value, and net changes in assessed value for the 2019 Assessment Roll |

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

Int. No. 126 Local Improvement Ordinance – Establishing the operating and maintenance costs of neighborhood commercial and residential parking areas, **as amended**

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-106
Re: Apportionment of Taxes and Charges

City Council Priority: Deficit Reduction and
Long Term Financial Stability

Transmitted herewith for your approval is legislation authorizing the apportionment of taxes and charges for 53 properties. This apportionment has been certified by the Assessor and is authorized by §6-78 of the City Charter.

The apportionment consists of City and School taxes and special district charges on properties subdivided or combined in 2018-2019. These taxes and charges, which total \$589,085.20, will be added to the new accounts established by the subdivisions or combinations of the former accounts.

If the proposed apportionment is approved, the taxes and charges will be added to the July 2019 tax bills of the new accounts. Owners of the subdivided or combined properties will be notified in writing of the potential charges in May 2019.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. 69

Ordinance No. 2019-106
(Int. No. 125)

Approving the apportionment of taxes and charges

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

Section 1. The Council hereby approves the apportionment of taxes and charges upon various parcels of land as certified by the Assessor of the City of Rochester, pursuant to Section 6-78 of the Charter of the City of Rochester, in accordance with the list which is available in the Office of the City Clerk.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Local Improvement Ordinance No. 1758
 Re: Special Assessment District Parking Lots

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation to authorize and appropriate special district assessments for the neighborhood commercial and residential parking lots appropriating \$59,938.00 for operation and maintenance of the parking areas during 2019-2020.

Special Assessment District parking lots established by City Council in 1979 include: Culver/Merchants, Monroe Avenue/Oxford Square Lot, North Street, Lyell Avenue and Woodside/Goodwill. A sixth lot was created in 2011-2012 for Mt. Hope in the College town district. Annual operating and maintenance costs of the areas are assessed against all properties within the district according to their respective parking space requirements.

The assessments reflect the cost of snow plowing, cleaning, landscaping, maintenance, lighting and parking regulation enforcement. These services are provided either by City personnel, by private companies under contract to the City or by the property owners themselves. The total assessments required and total appropriation for 2019-2020 is:

Lot Name	19/20 Budget	18/19 Budget	Variance	Reason
Lyell Avenue	\$9,803.00	\$11,221.00	-\$1,418.00	Decrease in lot repairs
Monroe Avenue /Oxford Street	\$16,200.00	\$16,200.00	\$0.00	N/A
Woodside Street/ Goodwill Street	\$14,925.00	\$13,060.00	\$1,865.00	Increase in RG&E and de-icing product
Culver Road/ Merchants Road	\$9,810.00	\$10,010.00	-\$200.00	Decrease in snow removal
North Street	\$11,700.00	\$13,700.00	-\$2,000.00	Decrease in Parking lot repairs
Mt Hope Avenue	\$1,000.00	\$1,000.00	\$0.00	N/A

Sub-total	\$63,438.00	\$65,191.00	-\$1,753.00	
Rollover Untaxed				
Monroe Ave/Oxford St	-\$3,500.00	\$.00	-\$3,500.00	Prior years carry over (did not get the lot seal/coated)
Total	\$59,938.00	\$65,191.00	-\$5,253.00	

A public hearing is required for these local improvements.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Local Improvement Ordinance No. 1758
 (Int. No. 126, as amended)

Local Improvement Ordinance - Establishing the operating and maintenance costs of neighborhood commercial and residential parking areas

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

Section 1. The 2019-20 assessment for operation and maintenance of the special assessment district parking lots listed below shall be \$59,938. The following amounts are hereby authorized and appropriated and shall be allocated and levied against the properties benefited by the special assessment district parking lots, as follows:

Lot Name	<u>2019-20</u> 2018-19 Assessment
Lyell Avenue	\$ 9,803
Monroe/Oxford	\$16,200
Woodside/Goodwill	\$14,925
Culver/Merchants	\$ 9,810
North Street	\$11,700
Mt. Hope	\$ 1,000

Section 2. The 2019-20 budget for the operation and maintenance of the special assessment district parking lots shall be \$63,438, comprised of the assessed amounts specified in Section 1 herein, plus \$3,500 in funds for the Monroe/Oxford district that are left over from that district's prior assessments.

Section 3. This ordinance shall take effect on July 1, 2019.

Strikeout indicates deleted text, new text is underlined.

Adopted unanimously.

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TO THE COUNCIL

Ladies and Gentlemen:

Re: Ordinance No. 2019-107
Agreement – Rochester Regional Health,
Medical Services For Non-Uniformed
Employees

Council Priority: Deficit Reduction and Long Term
Financial Stability

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum annual compensation for an agreement with Rochester Regional Health (Dr. Eric Bieber, Chief Executive Officer) headquartered at 1425 Portland Avenue Rochester, NY to provide medical services for non-uniformed City employees and for the pre-employment screening of individuals extended conditional offers of employment. The term of this agreement will be for three years, with an option for two one-year renewals. The cost of this agreement will be funded from the annual Budgets for Undistributed Expenses, beginning with 2019-20, and is based on a fee-for-service schedule. Service fees for work-related injuries are determined by the New York State Worker's Compensation Board.

Rochester Regional Health was selected for this contract through a request for proposal process described in the attached summary.

Rochester Regional Health will provide the following medical services for non-uniformed employees:

- Evaluations of individuals nominated for City employment to ensure they are physically capable of performing the duties of the jobs which they are being considered;
- Evaluations of current City employees to ensure they are physically capable of performing their job duties; and
- Medical examinations, occupational medical consultation, immunizations, and vaccinations, as needed.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No AS-70

Ordinance No. 2019-107
(Int. No. 127)

May 21, 2019

Authorizing an agreement for medical services for non-uniformed employees

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Rochester Regional Health to provide medical services for non-uniformed employees. The term of the agreement shall be three years, with an option to renew for two additional one-year periods. The maximum annual compensation for the agreement shall be \$20,000, which shall be funded from the 2019-20 and subsequent years' Budgets for Undistributed Expenses, contingent upon their adoption.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-108
Re: Cancellation or Refund of
Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$8,400.00.

The current owner of 611 Bay Street had purchased the property from Federal Home Loan Mortgage Corporation on 6/24/2016. At that time it had more than 83 open violations and was scheduled for demolition. The owner/purchaser was unaware of the tickets that were issued to the prior owner until he received they received the 2017 tax bill. The fines will be referred to the Municipal Codes Violation Bureau to initiate collections from the former owner.

If these cancellations are approved, total cancellations thus far for 2018-19 will be as follows:

	<u>Accounts</u>	
City Council	4	\$20,196.31
Administrative	<u>68</u>	<u>\$23,629.04</u>
Total	72	\$43,825.35

These cancellations represent 0.0169% of the tax receivables as of July 1, 2018.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-71

Ordinance No. 2019-108
(Int. No. 128)

Cancellation of erroneous taxes and charges

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

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

The current owner of 611 Bay Street purchased the property from Federal Home Loan Mortgage Corporation on June 24, 2016, when it had more than 83 open violations and was scheduled for demolition. The owner/purchaser was unaware of the tickets that were issued to the prior owner until he received the 2017 tax bill. The fines will be referred to the Municipal Code Violations Bureau to initiate collections from the former owner.

SBL#	Class	Address	Tax Year	Amount Cancelled
107.45-1-9	H	611 Bay St	2017	\$8,400.00

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Re: Ordinance No. 2019-109
Agreement – JPMorgan Chase Foundation,
Rochester Financial Empowerment Centers

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation authorizing an agreement with the JPMorgan Chase Foundation for the receipt and use of a two year grant for \$200,000 for the Rochester Financial Empowerment Centers Initiative. The funding will be included in the FY 2019-20 Budget of the Office of the Mayor.

The grant from JPMorgan Chase will support the implementation of the Rochester Financial Empowerment Centers Initiative. The program will establish free, professional, individualized financial counseling services as a public service available to all residents without qualification, with a focus on low-to-moderate income individuals and families. Funding from the JPMorgan Chase grant will be used to contract with a primary non-profit financial counseling provider (as required under the program model).), and support City staff costs.

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Please note that the grant agreement will be signed prior to final City Council authorization. The Corporation Counsel engaged with the grantor's counsel to amend the agreement to include a clause which renders final execution contingent upon City Council approval

The term of the agreement is May 1, 2019 to April 30, 2021.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-109
(Int. No. 129)

Authorizing a grant agreement with the JPMorgan Chase Foundation for the Rochester Financial Empowerment Centers Initiative

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the JPMorgan Chase Foundation for the receipt and use of \$200,000 to fund the Rochester Financial Empowerment Centers Initiative. The agreement shall have a term of two years.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-110
Re: Agreement – Children's Institute, Inc.,
GROW Rochester

Council Priority: Support the Creation of Effective
Educational Systems

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with Children's Institute, Inc., Rochester, New York, for the administration of the GROW Rochester program. The cost of the agreement will be funded from the 2018-19 Budget of Undistributed Expenses, and term will be for one year with the option to renew for two one-year renewals. The optional renewals will be funded from the 2019-20 and 2020-21 Budgets of Undistributed Expenses for an amount not to exceed \$50,000 annually, contingent upon approval of the future budgets.

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GROW Rochester is a collaborative of various early childhood agencies created to conduct comprehensive health and developmental screenings of three-year old children in Rochester. The screenings will cover the following areas: vision, hearing, language, and speech, social, emotional, dental and general health. The aim of this project is to develop a system whereby child-serving professionals conduct such screenings, provide referrals to the appropriate health system, and monitor and measure associated outcomes.

Participation in GROW Rochester is a key part of the Mayor's Early Childhood Education Initiative to ensure that all children are ready to learn as they enter Pre-K. Through this agreement, the City will contribute \$50,000 to GROW's budget for its Rochester program. Additional funds will be provided by the Greater Rochester Health Foundation, the University of Rochester Medical Center, the United Way of Greater Rochester, and the Rochester Area Community Foundation and other partners that will give their funding in accordance with their resource sharing.

The Children's Institute will have ultimate programmatic and fiscal responsibility for the day-to-day management of this project. They will provide training to the child-serving professionals (ABVI, Rochester Hearing and Speech, Head Start, Early Childhood Development Initiative, Child Care Council, Perinatal Network, Eastman Dental, and the Mt. Hope Family Center) on how to conduct standardized screenings and to appropriately communicate screening results with parents. The Children's Institute will track referrals and record the various screening outcomes; provide reminders, communicate results to parents and professionals involved; conduct a program evaluation; and, provide various reports to funders and decision-makers.

The Children's Institute is a 501(c)(3) organization that has served communities for 55 years with the mission "to equip and support those who work with children to ensure the success of every child." They have successfully managed numerous community-wide initiatives. The organization's staff and faculty work with schools, early education and Head Start providers, other non-profit organizations, government agencies, policymakers, and providers across the country to improve the lives of children. Through sound research and evaluation, the organization develops and promotes effective prevention and early intervention programs, materials, and best practices for children, families, schools and communities.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-110
(Int. No. 130)

Authorizing an agreement with Children's Institute, Inc. for GROW Rochester

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 not to exceed a maximum annual compensation of \$50,000 with Children's Institute, Inc. for the administration of the GROW Rochester program. The term of said agreement shall be one year, with the option to renew for 2 one-year terms. The compensation for the first year shall be from the 2018-19 Budget for Undistributed Expenses. The funding for the two optional renewal periods, if the options are exercised, shall be funded from the

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2019-20 and 2020-21 Budgets for Undistributed Expenses, respectively, contingent upon the approval of said future budgets.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-111

Re: Agreement – ogilvie & Associates, LLC
Economic Development Strategic Planning
Support and Audit Services

Council Priority: Rebuilding and Strengthening
Neighborhoods

Transmitted herewith for your approval is legislation establishing \$22,500 as maximum compensation for an agreement with ogilvie & Associates, LLC for an Economic Development Enhancement Study. This agreement will be funded from 2018-19 Budget of Undistributed Expenses. The term of the agreement will be for one year.

ogilvie & Associates LLC will assist the City in developing a strategic economic development plan that will evaluate the current activities and future direction of the Department of Neighborhood and Business Development, the Rochester Economic Development Corporation (REDCO), the Office of Community Wealth Building, the Kiva Rochester Program, as well as synergy with other local economic development partners. This work will have a priority focus on supporting REDCO in its launch of the upcoming Revitalize Rochester Fund in summer 2019, and will also involve a detailed audit of REDCO's processes and procedures, activities impact, and organizational and staffing capacity. The final audit report will recommend enhancements to each of these areas, and any potential for alignment of activities and/or resources. Finally, the consultant will assist with the development of a comprehensive marketing strategy for the City of Rochester for the purposes of business attraction and economic development.

Dr. ogilvie is the principal and sole proprietor of ogilvie & Associates LLC which maintains an address at P.O. Box 10066, Newark, NJ 07101. Dr. ogilvie has a long history in Rochester and has unique and extensive experience with economic development strategy and implementation stemming from her tenure with the Rutgers University Business School, Rochester Institute of Technology (RIT), and her body of academic work. She supported the growth of the Newark Community Economic Development Corporation, the Rutgers Center for Urban Entrepreneurship and Economic Development, and the launch of the RIT Center for Urban Entrepreneurship. ogilvie & Associates LLC was chosen due to organizational synergy and cost sharing provided by RIT that could not be found with another vendor. RIT has agreed to allow Dr. ogilvie to take a year of paid sabbatical from her teaching duties at RIT to serve as a 'professor on loan' to the City of Rochester to perform these duties. The City is providing a modest stipend to pay Dr. ogilvie for her work during the summer months when she would normally

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pursue other consulting work. The cost for similar services on the open market would be expected to exceed \$150,000. A No RFP Justification is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-72

Ordinance No. 2019-111
(Int. No. 131)

Authorizing an agreement for an Economic Development Enhancement Study

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement in the maximum amount of \$22,500 with ogilvie & Associates LLC to provide strategic planning support and audit services for an Economic Development Enhancement Study. The maximum compensation for the agreement shall be \$22,500, which shall be funded from the 2018-19 Budget for Undistributed Expenses. The term of the agreement shall be one year.

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

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes – President Scott, Councilmembers Evans, Gruber, Harris, Vice-President Lightfoot, Ortiz, Patterson, Spaul – 8

Nays – Councilmember Clifford – 1

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-112
Re: Amendatory agreement Uniform
Relocation Act services

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

Transmitted herewith for your approval is legislation extending the term of a professional services agreement with R.K. Hite & Co., Inc. (Richard K. Hite, President) headquartered at 87 Genesee Street,

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Avon, New York 14414 (the Consultant). Under the agreement, which was authorized by Ordinance No. 2015-286 and subsequently amended by Ordinance Nos. 2016-256 and 2018-52, the Consultant assists the City to comply with the federal Uniform Relocation Act (URA) as it acquires various parcels of real estate, particularly those properties that Council has authorized to be acquired under the Bull's Head revitalization initiative. Acquisition of the properties will enable the City to remove blight and assemble land for redevelopment in order to reposition the Bull's Head neighborhood as a key western gateway in the city.

The existing agreement with the Consultant will expire on June 28, 2019. Additional time is needed, due to the phased nature of the Bull's Head planning and acquisition process, as well as the time required to provide owners and occupants with their rights to notice and relocation assistance in accordance with the URA. Therefore, this legislation extends the term of the agreement for 18 months with an option to extend for one additional year. It does not add to the maximum compensation that has already been authorized and appropriated under prior ordinances.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-112
(Int. No. 162)

Authorizing an amendatory agreement with R.K. Hite & Co., Inc. relating to Uniform Relocation Act compliance 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 R.K. Hite & Co., Inc. to continue to provide federal Uniform Relocation Act (URA) compliance services when the City acquires real estate. The amendatory agreement shall extend the term of the agreement originally authorized in Ordinance No. 2015-286 and amended by Ordinance Nos. 2016-256 and 2018-52 by 18 months to December 28, 2020, with the option to extend for up to 1 additional year if funds previously authorized and appropriated for the agreement remain.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-113
Re: 2018-19 Budget Amendment

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Council Priority: Deficit Reduction and Long
Term Financial Stability

Transmitted herewith for your approval is legislation amending the 2018-19 Budget to appropriate unanticipated revenues totaling \$51,600 to increase the Budget of City Council and Clerk. The appropriation of unanticipated revenues is authorized by section 6-14 of the City Charter.

The additional expenses in City Council and Clerk resulted from higher than anticipated election inspector expenses for the primary election that occurred in September 2018 and the general election that occurred in November 2018. The costs of these elections have already been reimbursed by Monroe County.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-73

Ordinance No. 2019-113
(Int. No. 163, as amended)

Amending the 2018-19 Budget of City Council and Clerk for unanticipated revenues and to retain independent legal counsel

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

Section 1. Ordinance No. 2018-157, the 2018-19 Budget of the City of Rochester, as amended, is hereby further amended by appropriating unanticipated revenues in the amount of \$51,600 and \$50,000 from the Budget of Undistributed Expenses to the Budget of City Council and Clerk.

Section 2. Pursuant to City Charter § 5-21(D), the Council President is hereby authorized to enter into a professional services agreement with Emery Celli Brinckerhoff & Abady LLP to provide independent legal counsel relating to the establishment and operation of a police accountability board. The maximum compensation for the agreement shall be \$50,000, which shall be funded from the \$50,000 appropriated to the 2018-19 Budget of City Council and Clerk in Section 1 herein. The agreement shall have a term of one year with the option to extend for up to one additional year if budgeted funds remain.

Section ~~2~~ 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

May 21, 2019

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-114
Ordinance No. 2019-115
Re: Tax Apportionment Assessment
Classes – Tax Shift

Council Priority: Deficit Reduction and Long
Term Financial Stability

Transmitted herewith for your approval is legislation certifying certain calculations related to the apportionment of property taxes between the homestead and non-homestead assessment classifications. Such certification is required by Article 19 of the New York State Real Property Tax Law.

The certification involves the determination of the “base proportion.” In general, the base proportion for each class represents the share of the property tax levy to be allocated to that class. This determination involves two computations. The first is the calculation of the current base proportions using 1989 and 2018 data. The second is the calculation of the adjusted base proportions using 2018 and 2019 data. Both calculations are attached.

The current base proportions, as calculated by the formula specified by Article 19, are as follows:

Homestead:	.4207206
Non-Homestead:	<u>.5792794</u>
Total:	1.0000000

In comparison, the new adjusted base proportions are as follows:

Homestead:	.4138823
Non-Homestead:	<u>.5861177</u>
Total:	1.0000000

The new proportions result in the following shifts in the share of the tax levy allocated to each class:

Homestead:	+3.29%
Non-Homestead:	-2.20%

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-74

Ordinance No. 2019-114
(Int. No. 164A)

Determining and certifying base proportions, current percentages, and base percentages for

the 2019 Assessment Roll

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

Section 1. Under Section 1903 of the Real Property Tax Law, the Council determines the current base proportions, current percentages, and base percentages for the City’s 2019 assessment roll to be as follows:

	Homestead Class	Non-Homestead Class
Current base proportions	42.07206%	57.92794%
Current percentage	61.14250%	38.85750%
Base percentage	52.03550%	47.96450%

Section 2. The City Clerk is hereby directed to certify the figures set forth above to the New York State Department of Taxation and Finance, Office of Real Property Tax Services.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2019-115
(Int. No. 164B)

Determining and certifying adjusted base proportions, assessed value, and net changes in assessed value for the 2019 Assessment Roll

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

Section 1. Under Section 1903 of the Real Property Tax Law, the Council determines the adjusted base proportions, assessed value, and net change in assessed value for the City’s 2019 assessment roll to be as follows:

	<u>Homestead Class</u>	<u>Non-Homestead Class</u>
Adjusted base proportion	.4138823	.5861177
Taxable assessed value	3,803,746,023	2,650,078,573
Net change in assessed value from 2018 resulting from physical and quantity changes	+12,110,250	+80,755,800
Net change in assessed value from 2018 resulting from other than physical and quantity changes	-4,976,700	-5,361,958

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Section 2. The City Clerk is hereby directed to certify the figures set forth above to the New York State Department of Taxation and Finance, Office of Real Property Tax Services.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Patterson
May 21, 2019

To the Council:

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

- Int. No. 132 Authorizing the sale of real estate
- Int. No. 133 Authorizing the sale of real estate
- Int. No. 134 Amending Ordinance No. 2018-321 as it relates to the acquisition of real estate to effectuate the Bull's Head Urban Renewal Plan
- Int. No. 135 Authorizing the acquisition by negotiation or condemnation of a permanent easement over 167-183 Villa Street for a water main
- Int. No. 136 Authorizing grant agreement with Empire State Development for the La Marketa project

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

- Int. No. 137 Amending the Zoning Map for a portion of Parcel No. 135.18-2-1
- Int. No. 138 Amending the Zoning Code for technical corrections to Planned Development District No. 17 – Highland Hospital

Respectfully submitted,
Michael A. Patterson
LaShay D. Harris
Jacklyn Ortiz (Absent)
Willie J. Lightfoot

May 21, 2019

Loretta C. Scott
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-116
Re: Sale of Real Estate

Council Priority: Rebuilding and Strengthening
Neighborhood Housing

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

The first three properties were sold by Request for Proposal. The purchaser of the first property will rehabilitate the mixed use building, relocate her existing nail and hair salon business as well as an owner occupant one bedroom apartment in the rear. The purchaser of the second property will rehabilitate the mixed use building to use as offices for his tax service and property maintenance businesses as well as two, 2-bedroom apartments to lease. The purchaser of the third property will demolish the existing blighted single family structure and create a surface parking lot to conform to all zoning requirements. The parking lot will support their apartment building at 2017 East Main Street. All three purchasers will have 12 months after Council approval to complete their plans.

The fourth property is a driveway being sold to the adjoining owner who will continue to utilize as access to their building.

The fifth property is an unbuildable vacant lot, being sold for \$1.00 (as per City policy) to the adjacent owner who will combine the lot with their existing property for additional green space/garden usage.

The first year projected tax revenue for these five properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$7,267.

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-75

Ordinance No. 2019-116
(Int. No. 132)

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 of the negotiated sale of the following improved parcels:

Address	SBL#	Lot Size	Price	Purchaser
200-202 Webster Av	107.53-3-3	83 x 107	\$2,500	Shannon Scott
213-219 Conkey Av	106.21-2-15	51 x 95	\$5,000	Norman Sloan
160 Minnesota St	107.80-3-50	98 x 77	\$8,000	2017 East Main LLC

Section 2. The Council hereby approves the negotiated sale of the following vacant land that consists of a driveway to the owner of the adjoining property to be used for access:

Address	SBL#	Lot Size	Sq. Ft.	Price	Purchaser
175 Newbury St	090.63-1-17	60 x 200	12,035	\$5,000	Pinecrest Associates L.P.

Section 3. The Council hereby approves the negotiated sale of the following parcel of unbuildable vacant land for the sum of \$1.00 to the owner of the adjoining property:

Address	SBL#	Lot Size	Sq. Ft.	Purchaser
535-537 Remington St	091.63-2-5	44 x 43	1,892	Gary J. & Irene M. Knights

Section 4. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance 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 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-117
Re: Sale of Real Estate

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

Transmitted herewith for your approval is legislation approving the sale of the City-owned vacant property located at 1000 Driving Park Avenue to Imburgia Brothers Holdings LLC (Frank S. Imburgia

May 21, 2019

Jr., Manager) Rochester, New York. The approximately 11.5 acre parcel is known as the former Photech Imaging site. An appraisal completed in March 2019 by Bruckner, Tillett, Rossi, Cahill & Associates values the property at \$520,000, which is the proposed sale price.

Photech Imaging operated a large photographic film and paper manufacturing facility on the property until the early 1990s, when it abandoned the facility, leaving behind a contaminated brownfield. The City acquired the property in 1997 through tax foreclosure. The City has remediated the property through an extensive brownfield cleanup process that was assisted by funding from the New York State Department of Environmental Conservation (NYSDEC) and the U.S. Environmental Protection Agency.

In 2014, NYSDEC issued the City a Certificate of Completion, which approved of the cleanup in order to make the property suitable for commercial or industrial use. The Certificate provides an environmental liability indemnification from the State to the City and any subsequent property owners, which will allow commercial and industrial redevelopment of the property to proceed. The Certificate requires the City and any subsequent owner to abide by an Environmental Easement and Site Management Plan, which require compliance with certain use and engineering controls during the development and re-use of the property.

The property's development potential also has been enhanced by the City's installation of a cul-du-sac road and other infrastructure, which was assisted by a matching grant from the U.S. Economic Development Administration. Prior to authorizing the infrastructure improvements in 2013, the City conducted a review under the State Environmental Quality Review Act (SEQR) and issued a Negative Declaration, finding that the construction of the access road and infrastructure in anticipation of future light industrial or office building development will have no significant adverse impact on the environment. The purchaser plans to develop the property for light industrial use.

The internal cul-du-sac road is not included as part of the sale and will be subdivided from the parcel and dedicated to the City at a future date.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-76

Ordinance No. 2019-117
(Int. No. 133)

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 of the negotiated sale of the following parcel of vacant land, as more particularly described below:

May 21, 2019

Address	SBL#	Size	Price	Purchaser
1000 Driving Park Avenue	090.63-1-1	Approximately 11.5 acres	\$520,000	Imburgia Brothers Holdings LLC

Part of ALL THAT CERTAIN plot, piece and parcel of land lying and being in the City of Rochester, County of Monroe, State of New York, being bounded and described as follows:

BEGINNING at a point in the north ROW line of Driving Park Avenue on the east line of premises conveyed to Bell & Howell Company by Trustees Deed dated March 29, 1949 and recorded the same day in Monroe County Clerk's Office in Liber 2539 of Deeds, page 51 which point is 1305.77 feet southeasterly from the intersection of the north line of Driving Park Avenue and the east line of Mt. Read Boulevard; thence

- (1) north along the east line of said Bell & Howell Company's land, a distance of 1270.67 feet to a point; thence
- (2) west at an included angle of 89°58'42" with the said east line of the lands conveyed to Bell & Howell Company a distance of 500 feet to a point: thence
- (3) south on a line parallel with the said east line of the Bell & Howell property a distance of 300 feet to a point; thence
- (4) southwesterly at an included angle with course (3) of 227°31'05" on a line which intersects the northerly line of Driving Park Avenue at a right angle, for a distance of approximately 286.68 feet to the north ROW line of Driving Park Avenue; thence
- (5) southeasterly along the north ROW line of Driving Park Avenue, a distance of 1053.40 feet to the point and place of beginning.

Consisting of approximately 11.5 acres and excluding that certain cul-de-sac road area to be dedicated as right-of-way.

Section 2. City taxes and other City charges, except water charges, against said property 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.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-118

Re: Administrative Adjustment – Ord. No.
2018-321 Bull's Head Revitalization Project

Council Priorities: Rebuilding and Strengthening

May 21, 2019

Neighborhood Housing; Jobs and Economic Development

Transmitted herewith for your approval is legislation amending Ordinance No. 2018-321 to adjust the compensation amounts for some of the property acquisitions associated with the Bull's Head Revitalization Project. The changes are detailed below:

<u>Property Addresses</u>	<u>Owner</u>	<u>Just Compensation</u>	<u>Adjusted Compensation</u>
24 & 32 York Street	Inner Faith Gospel Tabernacle Church Inc.	\$200,000	\$220,000
13 Kensington Street	John R. Gatti	\$24,000	\$29,000

The owner of each property has contested the indicated approved just compensation amounts and asserts that their property has greater value. After some negotiations, the just compensation for each property has been augmented by an administrative adjustment as permitted under the Eminent Domain Procedure Law in return for each owner agreeing to convey their property to the City and to accept the adjusted amount as payment in full. Moreover, the owner of 13 Kensington Street has agreed to accept the just compensation amounts already authorized in Ordinance No. 2018-321 for the properties he owns at 878 and 912-916 West Main Street as full payment as additional consideration for the \$5,000 adjustment for 13 Kensington Street. By these adjustments, the City will obtain five properties promptly and will be saved the legal costs and uncertainty of attempting to acquire them through contested condemnation proceedings.

The total additional cost of \$25,000 will be funded from the issuance of bonds that were authorized for the acquisition of the properties in Ordinance No. 2018-322.

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-77

Ordinance No. 2019-118
(Int. No. 134, as amended)

Amending Ordinance No. 2018-321 as it relates to the acquisition of real estate to effectuate the Bull's Head Urban Renewal Plan

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

Section 1. Section 1 of Ordinance No. 2018-321 authorizing the acquisition of up to 15 parcels of real estate to effectuate the Bull's Head Urban Renewal Plan is hereby amended by increasing the maximum acquisition amounts of three of those parcels by an aggregate amount of \$25,000 as follows:

Property Addresses	Owner	SBL#	Original Max Comp.	Adjusted Max. Comp
24 and 32 York St	Inner Faith Gospel Tabernacle Church Inc.	120.42-2-70 & 120.42-2-71	\$200,000	\$220,000
13 Kensington St	John R. Gatti	120.42-2-60.2	\$ 24,000	\$ 29,000

Section 2. Section 1 of Ordinance No. 2018-321 is hereby further amended by inserting the maximum acquisition amount into the authorization to acquire 932-938 West Main Street as follows:

Address	Reputed Owner	SBL#	Type	Maximum Acquisition Amount
932-938 W. Main St	Francis Winterkorn	120.42-2-69	2 story mixed use	<u>\$160,000</u>

~~Section 2.3.~~ The additional maximum compensation shall be funded from the proceeds of bonds authorized for the acquisitions in Ordinance No. 2018-322.

~~Section 3.4.~~ This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-119
Re: Water Line Easement Acquisition

Council Priority: Rebuilding and Strengthening
Neighborhoods

Transmitted herewith for your approval is legislation approving the acquisition of a permanent easement by negotiation or condemnation over a portion of the property at 167-183 Villa Street. This acquisition will be used for maintenance of an existing 16" water main.

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The property information is noted below:

- 167-183 Villa Street
- Total Site Size: 5.04 Acres
- Easement Size: 20' by 910' or approximately 0.418 acres
- Current Use: Manufacturing/Steel Working Building
- Zoned: M-1: Industrial
- Appraised Value: \$5,000.00

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

A Map of proposed easement is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-78

Ordinance No. 2019-119
(Int. No. 135)

Authorizing the acquisition by negotiation or condemnation of a permanent easement over 167-183 Villa Street for a water main

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

Section 1. The Council hereby approves the acquisition by negotiation or condemnation of a *de minimis* permanent easement for the operation, maintenance and repair of a water main. The easement shall consist of a portion of the following parcel:

Address	Owner	SBL #	Value
167-183 Villa St.	Equipment Credit Corp.	105.48-2-2.003	\$ 5,000

The easement shall be 20 feet wide by approximately 910 feet long, constituting approximately 0.418 acres and comprised of:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of the William Otis Building Lot Association Tract, as filed in the Monroe County Clerk's office in Liber 8 of Maps, Page 91 and Liber 11 of Maps, Page 94, and being a 20 foot wide permanent easement centered along an existing 16" diameter watermain, located within the former ROW of Valentine Street, as previously abandoned

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by the City of Rochester on July 27, 1926 by Ordinance No. 7158. Said permanent easement is intended to begin on the northerly ROW line of Otis Street and proceed northerly approximately 910 feet, more or less, to the southerly ROW line of Villa Street.

Being part of the premises conveyed to Equipment Credit Corp. on May 30, 1997 and filed in Liber 8874 of Deeds, Page 582.

Section 2. The acquisition shall obligate the City to pay an amount not to exceed \$5,200, consisting of the appraised easement value of \$5,000 plus recording fees and any other incidental costs. Said amount, or so much thereof as may be necessary, shall be funded by the 2018-19 Budget of the Department of Environmental Services.

Section 3. In the event that the easement cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcel. In the event of condemnation, the amount set forth herein as the acquisition value shall be the amount of the offer. Nothing in this ordinance shall be deemed to limit in any way the liability of the City for further claims arising from the acquisition of said easements pursuant to the Eminent Domain Procedure Law.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-120
Re: Empire State Development Grant
Acceptance and Agreement for La
Marketa

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

Transmitted herewith for your approval is legislation related to a grant from New York State Empire State Development (“ESD”) for the La Marketa project. This legislation will:

Authorize the receipt and use of \$400,000 in grant funds and an agreement with ESD to support development of the La Marketa project. This grant was awarded to the City in December 2018 and will be used toward infrastructure improvements at the La Marketa site on North Clinton Avenue.

The La Marketa project, once completed, will create a public plaza for retail and outdoor use and will include the construction of a bandstand, a parking lot, a new curb cut on Sullivan Street to provide access to the parking area, and a new restroom facility. It will also include areas for public gathering and the addition of shipping container buildings for seasonal commercial use. Other site amenities to be provided are bicycle parking, landscaping, lighting, and ornamental fencing. The project seeks to promote economic development by offering low cost of entry retail opportunities for small businesses to serve the neighborhood.

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The La Marketa project will be funded through a variety of sources including this ESD grant, CDBG funds, City cash capital, REDCO, and RURA funds. The CDBG and City cash capital funds were previously appropriated and REDCO and RURA have authorized funds for the La Marketa project.

The La Marketa project is anticipated to be completed in 2020. A conceptual site plan is attached.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal has been classified as Unlisted. The Manager of Zoning, as lead agency, issued a Negative Declaration on April 17, 2019.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-79

Ordinance No. 2019-2019-120
(Int. No. 136)

Authorizing grant agreement with Empire State Development for the La Marketa project

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Economic Development and the New York State Urban Development Corporation, jointly doing business as Empire State Development, for the receipt and use of a grant of \$400,000 for the purpose of supporting infrastructure improvements for the La Marketa project on North Clinton Avenue.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-121
Re: Zoning Map Amendment – Rezone a
Portion of Parcel 135.18-2-1

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning a portion of parcel 135.18.-2-1 from O-S Open Space District to M-1 Industrial District as part of the park land trade approved by City Council and the State Legislature to develop the public safety training facility at 1190 Scottsville Road.

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By rezoning the above property to M-1 Industrial District, training uses associated with the Public Safety Training Facility will be permitted.

In 1954, the City constructed a fire and police training academy at 1190 Scottsville Road. Under the agreement authorized by City Council on August 19, 1997, the City leased most of the academy site to Monroe County for renovation and expansion of the training facilities. In preparing the original development plan, it was determined that a portion of the academy facilities was located on land that had been officially dedicated as park land.

Subsequently, on June 11th, 1998, City Council authorized resolution No. 98-19 for the purpose of a home rule message regarding state legislation discontinuing the use of training facility land as park land. Further, on July 22nd, 1998, the Governor signed NY AB 11183 into law which authorized the City to discontinue the park land dedication at the training facility. Therefore, this action completes the process.

The Planning Commission held an informational meeting on the proposed map amendment on Monday, March 5, 2018. The applicant spoke in support, and seven people spoke in opposition. By a vote of 7-0, the Planning Commission recommended approval.

A public hearing is required for the Zoning Map Amendment.
Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-80

Ordinance No. 2019-121
(Int. No. 137)

Amending the Zoning Map for a portion of Parcel No. 135.18-2-1

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing from O-S Open Space M-1 Industrial an approximately 12.466 acre portion of SBL No. 135.18-2-1 comprised of:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York known and distinguished as a part of the Sixth Tract of the 3,000 acre tract and being more particularly bounded and described as follows:

Commencing at a point in the centerline of Scottsville Road and the northwest corner of property conveyed by Willie Britton and wife to James O'Neil on July 7, 1925 by deed filed in Liber 1257 of deeds at page 112 and also being 266.46 feet along said centerline from the south property line of lands owned formerly by the Pennsylvania Railroad; thence S 30° 01' 31" E along the northerly line of said O'Neil's land a distance of 574.97 feet to a point;

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Thence 1) S 30° 01' 31" E a distance of 112.31 feet to a point;
Thence 2) Northerly and curving to the left with a radius of 935.37 feet and forming a central angle of 30° 20' 23" a chord bearing of N 2° 41' 56" E and chord distance of 489.54, a distance of 495.30 feet to a point of tangent;
Thence 3) N 12° 28' 15" W a distance of 236.45 feet to the southerly line of Scottsville Road;
Thence 4) N 59° 58' 29" E along the southerly line of Scottsville Road a distance of 62.93 feet to a point;
Thence 5) S 12° 28' 15" E along the northerly line of lands owned formerly by the Pennsylvania Railroad a distance of 255.43 feet to a point of curvature;
Thence 6) Southerly and curving to the right with a radius of 995.37 feet and forming a central angle of 23° 22' 01" a chord bearing of S 00° 47' 15" E and chord distance of 403.13 feet a distance of 405.94 feet to a point;
Thence 7) Northeasterly and curving to the right with a radius of 562.5 feet and forming a central angle of 9° 38' 32" a chord bearing of N 46° 18' 11" E and a chord distance of 94.55 feet a distance of 94.66 feet to a point;
Thence 8) N 51° 07' 27" E a distance of 138.73 feet to a point;
Thence 9) N 51° 32' 27" E a distance of 571.24 feet to a point;
Thence 10) S 39° 10' 55" E a distance of 146.35 feet to a point;
Thence 11) S 51° 31' 27" W a distance of 326.00 feet to a point;
Thence 12) S 50° 21' 37" W a distance of 64.01 feet to a point;
Thence 13) S 49° 16' 05" W a distance of 66.05 feet to a point;
Thence 14) S 53° 51' 02" W a distance of 64.05 feet to a point;
Thence 15) S 55° 06' 01" W a distance 64.12 feet to a point;
Thence 16) S 52° 34' 52" W a distance of 31.93 feet to the true point or PLACE OF BEGINNING;

Thence 1) S 47°52'57"E a distance of 211.90 feet to a point;
Thence 2) S 34°15'49"W a distance of 653.41 feet to a point;
Thence 3) S 39°53'26"W a distance of 182.17 feet to a point;
Thence 4) S 49°26'57"W a distance of 237.55 feet to a point;
Thence 5) S 55°00'59"W a distance of 205.00 feet to a point;
Thence 6) S 77°24'09"W a distance of 330.00 feet to a point;
Thence 7) S 74°38'03"W a distance of 465.00 feet to a point;
Thence 8) N 18°20'13"W a distance of 122.00 feet to a point on the City line;
Thence 9) N 61°58'27"E along the City line a distance of 228.02 feet to a point;
Thence 10) N 61°57'09"E along the City line a distance of 262.00 feet to a point;
Thence 11) N 59°55'49"E along the City line a distance of 64.51 feet to a point;
Thence 12) N 60°37'24"E along the City line a distance of 68.62 feet to a point;
Thence 13) N 58°13'30"E along the City line a distance of 62.64 feet to a point;
Thence 14) N 65°12'16"E along the City line a distance of 68.04 feet to a point;
Thence 15) N 47°02'32"E along the City line a distance of 67.42 feet to a point;
Thence 16) N 43°13'56"E along the City line a distance of 69.21 feet to a point;
Thence 17) N 44°42'26"E along the City line a distance of 68.61 feet to a point;
Thence 18) N 43°08'44"E along the City line a distance of 192.35 feet to a point;
Thence 19) N 47°04'21"E along the City line a distance of 70.19 feet to a point;
Thence 20) N 42°32'35"E along the City line a distance of 389.70 feet to a point;
Thence 21) N 45°30'27"E along the City line a distance of 71.57 feet to a point;
Thence 22) N 47°27'19"E along the City line a distance of 67.58 feet to a point;

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Thence 23) N 49°30'30"E along the City line a distance of 63.58 feet to a point;
Thence 24) N 55°19'46"E along the City line a distance of 67.72 feet to a point;
Thence 25) N 52°34'52"E along the City line a distance of 31.85 feet to the point or PLACE
OF BEGINNING.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-122
Re: Zoning Text Technical Amendment –
Planned Development District #17
Highland Hospital

Transmitted herewith for your approval is legislation revising Chapter 120 of the Municipal Code, the Zoning Code, Planned Development (PD) District #17 Highland Hospital regulations. PD #17 Highland Hospital was approved by Council on March 19, 2019 and adopted on March 20, 2019 as Ordinance No. 2019-55.

This submitted legislation proposes to modify the prior legislation (Ord. No. 2019-55) so that the regulations are clear and not subject to interpretation. Three revisions are proposed as follows:

- Subsection D(2) will be revised to clearly explain that at the four major street intersections, the more restrictive maximum building height shall prevail.
- Subsection D(2)(f) will be revised to more clearly reflect the distance governed by the regulations for the first 395 feet of Rockingham Street extending from South Avenue, east.
- Exhibit A – Highland Hospital PD Map will be replaced with an updated map to more clearly depict the distances governed by the regulations in Section D(2)f noted above.

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

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

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-122
(Int. No. 138)

**Amending the Zoning Code for technical corrections to Planned Development District No. 17
— Highland Hospital**

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by modifying portions of § PDD-17, Planned Development District No. 17 — Highland Hospital, which was adopted in Ordinance No. 2019-55, as follows:

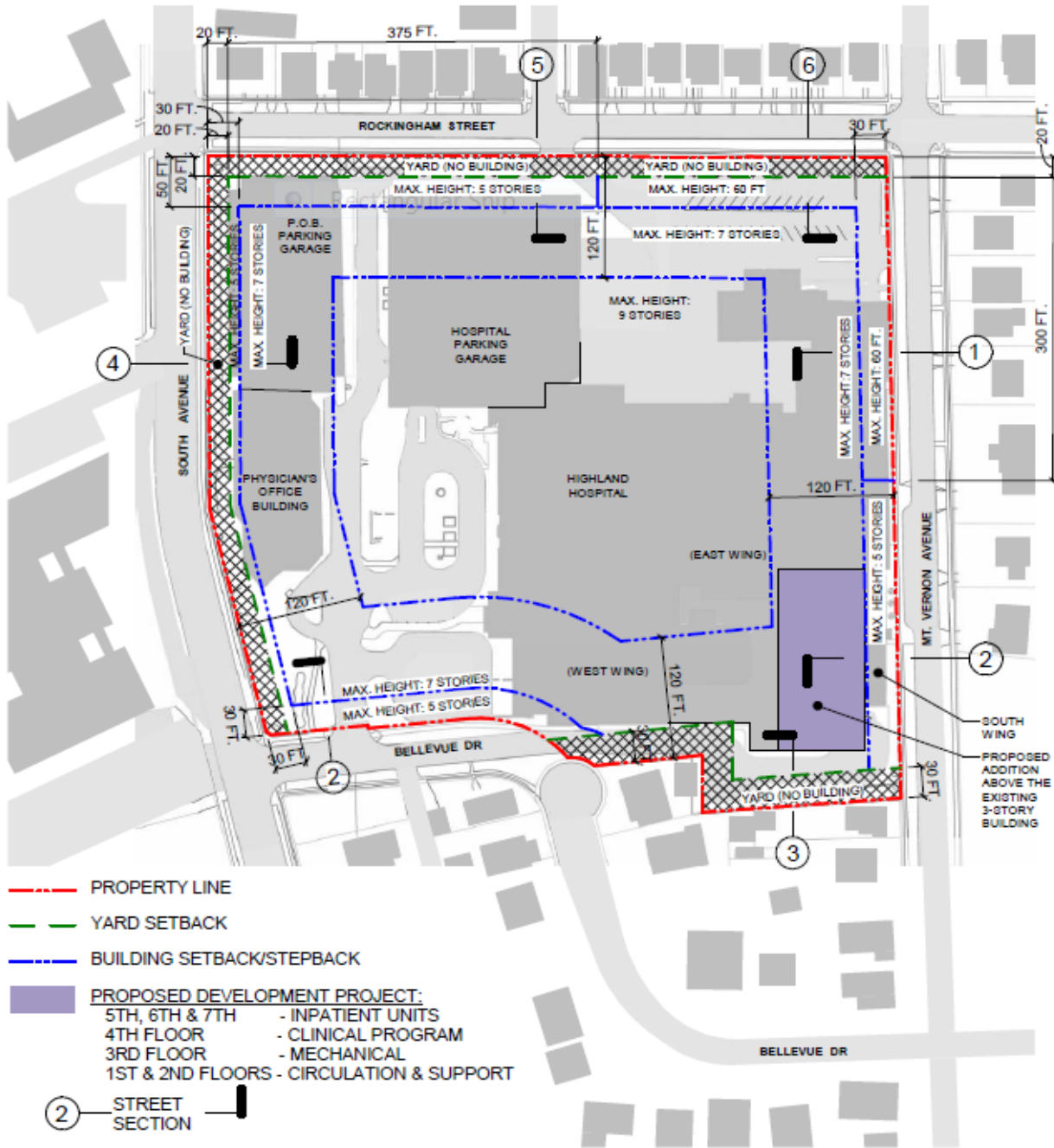
A. Revising subsection D(2) to read in its entirety as follows:

- (2) Maximum building height. Required building heights are based on design parameters that taller first and second floors (up to 18 feet) are required to accommodate equipment for diagnostic procedures, operating rooms, imaging centers, and emergency care; interstitial mechanical floors (up to 18 feet) to serve the floors below and above; and, upper level inpatient units (average 14 feet). The maximum building heights are set based on the setbacks from seven segments of the district's boundary described below and also are depicted in Exhibit A – Highland Hospital PD Map. Where the setback area for one segment overlaps the setback area for an intersecting or adjoining segment, the maximum building height specified in the Highland Hospital PD Map shall control.

B. Revising subsection D(2)(f), to read in its entirety as follows:

- f. Rockingham Street (West). From a point 20 feet east of the east street line of South Avenue extending east ~~395~~ 375 feet. (Figure 5):
- (i) 0' – 20' Setback: No building.
 - (ii) 20' – 50' Setback: 5 stories up to 94 feet maximum building height.
 - (iii) 50' – 120' Setback: 7 stories up to 120 feet maximum building height.
 - (iv) 120' Setback: 9 stories up to 155 feet maximum building height.

C. Deleting the diagram designated as Exhibit A – Highland Hospital PD Map and replacing it with the following diagram:



Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

May 21, 2019

By Councilmember Evans
May 21, 2019

To the Council:

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

- Int. No. 142 Authorizing an agreement and funding for the construction of Adventure Place
- Int. No. 143 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$400,000 Bonds of said City to finance the construction of Adventure Place (Manhattan Square Drive to South Union Street)
- Int. No. 144 Authorizing appropriations and agreement for the 2018 Asphalt Milling and Resurfacing Preventive Maintenance – Group 2 project
- Int. No. 145 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$569,000 Bonds of said City to finance the 2018 Asphalt Milling and Resurfacing Preventive Maintenance – Group 2 project
- Int. No. 146 Authorizing an agreement for Multi-Site Park Improvements
- Int. No. 147 Authorizing an amendatory agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. regarding the Clinton & Emerson Firehouses HVAC Replacement
- Int. No. 148 Authorizing an amendatory agreement with C & S Engineers, Inc. for the Elmwood Avenue/Collegetown Cycle Track Project, **as amended**
- Int. No. 149 Authorizing an amendatory agreement and amending Ordinance No. 2016-268 relating to the Mt. Hope Avenue Phase 2 Improvements Project
- Int. No. 150 Authorizing additional funding and an amendatory agreement for the Joseph A. Floreano Rochester Riverside Convention Center Terrace Repairs Project
- Int. No. 151 Authorizing an intermunicipal agreement with the Village of Fairport for pesticide application to ash trees
- Int. No. 152 Authorizing an amendatory agreement with Transmap Corporation relating to a Pavement Management System
- Int. No. 165 Authorizing an amendatory agreement for a Public Electric Scooter Sharing System and amending Chapter 35 of the Municipal Code with respect to advertisements at System stations

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

- Int. No. 139 Amending the Official Map to dedicate additional right-of-way on West Ridge Road
- Int. No. 140 Authorizing pavement width changes for the Magee Avenue/Raines Park Group Improvement Project
- Int. No. 141 Amending the Official Map to abandon portions of the Exchange Boulevard and East Broad Street rights-of-way that overlap with the Blue Cross Arena
- Int. No. 153 Amending Ordinance No. 2019-63 relating to an Official Map Amendment abandoning a portion of Pitkin Street

Respectfully submitted,
Mitch Gruber
Malik Evans (Absent)
Elaine M. Spaul (Abstained on Int. No 150)
Willie Lightfoot
Loretta C. Scott
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-123
Official Map Amendment Dedication of
City owned Parcels on W Ridge Road for
Right-of-Way Purposes.

Transmitted herewith for your approval is legislation which will amend the Official Map by dedicating the following parcels as public rights-of-way (ROW) for street purposes. In 2007, the City completed a capital improvement project on West Ridge Road. It was a major realignment and required the purchase of properties along the corridor. As part of performing due diligence for a new project in the area, it was determined that map amendments were required to dedicate these parcels as dedicated ROW. This legislation will dedicate the addresses listed below as ROW:

<u>Address</u>	<u>SBL</u>
2 W Ridge Rd	S.B.L. 090.44-1-65
6 W Ridge Rd	S.B.L. 090.44-1-66
10 W Ridge Rd	S.B.L. 090.44-1-67
14 W Ridge Rd	S.B.L. 090.44-1-68.1
16 W Ridge Rd	S.B.L. 090.44-1-69.1

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18 W Ridge Rd	S.B.L. 090.44-1-70
20 W Ridge Rd	S.B.L. 090.44-1-77.8
22 W Ridge Rd	S.B.L. 090.44-1-77.9
24 W Ridge Rd	S.B.L. 090.44-1-71
26 W Ridge Rd	S.B.L. 090.44-1-77.6
28 W Ridge Rd	S.B.L. 090.44-1-72
30 W Ridge Rd	S.B.L. 090.44-1-77.5
32 W Ridge Rd	S.B.L. 090.44-1-73
34 W Ridge Rd	S.B.L. 090.44-1-74
36 W Ridge Rd	S.B.L. 090.44-1-77.18
36.5 W Ridge Rd	S.B.L. 090.44-1-77.19
38 W Ridge Rd	S.B.L. 090.44-1-75
40 W Ridge Rd	S.B.L. 090.44-1-76
42 W Ridge Rd	S.B.L. 090.44-1-78.1
46 W Ridge Rd	S.B.L. 090.44-1-77.13
48 W Ridge Rd	S.B.L. 090.44-1-79
50 W Ridge Rd	S.B.L. 090.44-1-80
50.5 W Ridge Rd	S.B.L. 090.44-1-77.14
52-54 W Ridge Rd	S.B.L. 090.44-1-81.1
56 W Ridge Rd	S.B.L. 090.44-1-82
56.5 W Ridge Rd	S.B.L. 090.44-1-77.3
58 W Ridge Rd	S.B.L. 090.44-1-83.1
64 W Ridge Rd	S.B.L. 090.44-1-84.2
76 W Ridge Rd	S.B.L. 090.44-1-39.3
80 W Ridge Rd	S.B.L. 090.44-1-38.3
35 Lapham St	S.B.L. 090.44-1-39.4
73 Lapham St	S.B.L. 090.44-1-77.15
79 Lapham St	S.B.L. 090.44-1-49.3

The City Planning Commission, in its April 8, 2019 meeting recommended approval of this dedication by a vote of 6-0-0. Minutes of that meeting, along with the application, are attached.

A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-81

Ordinance No. 2019-123
(Int. No. 139)

Amending the Official Map to dedicate additional right-of-way on West Ridge Road

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

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating to street purposes the following 33 described land parcels that were acquired by the City as part of the West Ridge Road Public Improvement Project and by adding said dedications to West Ridge Road. The 33 parcels are depicted in maps which are on file with the City Clerk.

Address	SBL
2 W Ridge Rd	S.B.L. 090.44-1-65
6 W Ridge Rd	S.B.L. 090.44-1-66
10 W Ridge Rd	S.B.L. 090.44-1-67
14 W Ridge Rd	S.B.L. 090.44-1-68.1
16 W Ridge Rd	S.B.L. 090.44-1-69.1
18 W Ridge Rd	S.B.L. 090.44-1-70
20 W Ridge Rd	S.B.L. 090.44-1-77.8
22 W Ridge Rd	S.B.L. 090.44-1-77.9
24 W Ridge Rd	S.B.L. 090.44-1-71
26 W Ridge Rd	S.B.L. 090.44-1-77.6
28 W Ridge Rd	S.B.L. 090.44-1-72
30 W Ridge Rd	S.B.L. 090.44-1-77.5
32 W Ridge Rd	S.B.L. 090.44-1-73
34 W Ridge Rd	S.B.L. 090.44-1-74
36 W Ridge Rd	S.B.L. 090.44-1-77.18
36.5 W Ridge Rd	S.B.L. 090.44-1-77.19
38 W Ridge Rd	S.B.L. 090.44-1-75
40 W Ridge Rd	S.B.L. 090.44-1-76
42 W Ridge Rd	S.B.L. 090.44-1-78.1
46 W Ridge Rd	S.B.L. 090.44-1-77.13
48 W Ridge Rd	S.B.L. 090.44-1-79
50 W Ridge Rd	S.B.L. 090.44-1-80
50.5 W Ridge Rd	S.B.L. 090.44-1-77.14
52-54 W Ridge Rd	S.B.L. 090.44-1-81.1
56 W Ridge Rd	S.B.L. 090.44-1-82
56.5 W Ridge Rd	S.B.L. 090.44-1-77.3
58 W Ridge Rd	S.B.L. 090.44-1-83.1
64 W Ridge Rd	S.B.L. 090.44-1-84.2
76 W Ridge Rd	S.B.L. 090.44-1-39.3
80 W Ridge Rd	S.B.L. 090.44-1-38.3
35 Lapham St	S.B.L. 090.44-1-39.4
73 Lapham St	S.B.L. 090.44-1-77.15
79 Lapham St	S.B.L. 090.44-1-49.3

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

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TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-124
Re: Geometric Changes – Magee Avenue/Raines
Park Group Improvement Project

Transmitted herewith for your approval is legislation authorizing the attached geometric changes for the Magee Avenue/Raines Park Group Improvement Project to update traffic widths and promote the safe and efficient flow of traffic.

The project includes the reconstruction/rehabilitation of the pavement, replacement of curbs, most sidewalks, driveway aprons, and most catch basins. New water mains and services south of Clay Ave., relocation of two street lights and the restoration of grass areas and the proposed geometric changes are also included in the project.

Design of the project is scheduled to be completed in spring of 2019. Construction is expected to begin in late summer 2019 and be completed by 2020.

Public informational meetings were held on February 15, 2018 and March 5, 2019. A copy of the minutes for these meetings are attached. The geometric changes required for the project were endorsed by the Traffic Control Board on April 2, 2019.

A public hearing on the pavement width changes is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-82

Ordinance No. 2019-124
(Int. No. 140)

Authorizing pavement width changes for the Magee Avenue/Raines Park Group Improvement Project

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

Section 1. Council hereby approves pavement width changes for the Magee Avenue/Raines Park Group Improvement Project that include:

- A. On Magee Avenue extending east from Raines Park:
 - 1. A transitional decrease of 5.5 feet, from 40 feet to 34.5 feet wide, beginning at a point 75 feet east of the east edge of pavement of Raines Park northbound and extending west to the intersection with Raines Park northbound.

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B. On Raines Park extending north from Magee Avenue:

1. On Raines Park northbound, a decrease of 5.5 feet, from 24 feet to 18.5 feet wide, starting at the northerly edge of pavement of Magee Avenue and extending north 18 feet north where it begins transition back to 24 feet wide;
2. On Raines Park southbound, a transitional decrease of 4 feet, from 24 feet to 20 feet wide, starting at a point 131 feet north of the north edge of pavement of Magee Ave. and extending south to a point 65 feet north of the north edge of pavement of Magee Ave.

Section 2. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-125
Re: Official Map Amendment – Abandon a
portion of Right-of-way on Exchange
Blvd. and E. Broad St. for the Blue Cross
Arena (BCA) expansion

Transmitted herewith for your approval is legislation amending the Official Map by abandoning a portion of right-of-way (ROW) on Exchange Boulevard and East Broad Street. Review of the proposed Blue Cross Arena (BCA) expansion revealed the need to correct the ROW along E. Broad Street to exclude the existing building footprint within the ROW. The abandonment was referred to the necessary agencies for comment.

The City Planning Commission, at its April 8, 2019 meeting recommended approval of this abandonment by a vote of 6-0-0. Minutes of that meeting, along with the application, are attached.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal is a Type II Action requiring no further environmental review.

A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-83

Ordinance No. 2019-125
(Int. No. 141)

Amending the Official Map to abandon portions of the Exchange Boulevard and East Broad Street rights-of-way that overlap with the Blue Cross Arena

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

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by deleting therefrom the following described property, heretofore constituting portions of the rights-of-way of Exchange Boulevard and East Broad Street that overlap the building footprint of the Blue Cross Arena expansion:

A. Legal Description of Proposed Abandonment of Portion of Exchange Boulevard

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 50, 20,000 Acre Tract, and being more particularly bounded and described as follows: Commencing at the intersection of the northerly ROW line of Court Street (64' ROW) and the easterly ROW line of Exchange Boulevard (ROW Varies), said intersection being the Point of Commencing; thence

A) N 17° 44' 36" W, along said ROW line of Exchange Boulevard, a distance of 127.91 feet to the Point or Place of Beginning; thence

1) S 72° 15' 24" W, at right angles to said ROW line, a distance of 2.00 feet to a point; thence

2) N 17° 44' 36" W, parallel with said ROW line of Exchange Boulevard, a distance of 88.55 feet to a point; thence

3) N 72° 15' 24" E, a distance of 2.00 feet to a point on the existing ROW of said Exchange Boulevard; thence

4) S 17° 44' 36" E, along said ROW line, a distance of 88.55 feet to the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 177 square feet, more or less, all as shown on a map entitled "Map Showing Lands To Be Abandoned", dated February 6, 2019, as prepared by John D. Metzger, L.S., City Surveyor.

B. Legal Description of Proposed Abandonment of Portion of East Broad Street

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 50, 20,000 Acre Tract, and being more particularly bounded and described as follows: Beginning at the intersection of the easterly ROW line of Exchange Boulevard (ROW Varies) and the southerly ROW line of East Broad Street (ROW Varies), said intersection being the Point or Place of Beginning; thence

1) N 17° 44' 36" W, along the northerly extension of said ROW line of Exchange Boulevard, a distance of 4.10 feet to a point; thence

2) N 84° 49' 52" E, parallel with said ROW line of East Broad Street, a distance of 348.61 feet to a point in said ROW; thence

3) S 05° 00' 34" E, along said ROW of East Broad Street, a distance of 4.00 feet to an angle point in said ROW; thence

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4) S 84° 49' 52" W, along the existing southerly ROW line of East Broad Street, a distance of 347.71 feet to the said easterly ROW line of Exchange Boulevard, being the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 1393 square feet, more or less, all as shown on a map entitled "Map Showing Lands To Be Abandoned", dated February 6, 2019, as prepared by John D. Metzger, L.S., City Surveyor.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-126

Ordinance No. 2019-127

Re: Strong Museum of Play – Construction
of Adventure Place

Transmitted herewith for your approval is legislation:

1. Establish \$800,000 as maximum compensation for an agreement with the Adventure Place Development, LLC or an affiliated corporation or partnership to be formed by them (collectively, the Developer) to construct Adventure Place. The three development partners, The Strong (Steven M. Dubnik, President and CEO), Konar Properties (Howard Konar (President) and Rachel Guttenberg, Owners), and Indus Hospitality Group (Jeff Mehta, Principal), formed the LLC to share the cost of constructing the road and the landscape amenities. The agreement will be financed by \$400,000 of bonds appropriated herein and \$400,000 from 2018-19 Cash Capital.
2. Authorize the issuance of bonds totaling \$400,000 and the appropriation of the proceeds to partially finance the agreement.

The Developer has proposed the construction of a mixed used development on a nearly 20 acre portion of Downtown Rochester. The project has three main components: Strong Museum expansion and parking, residential and retail, and a hotel. The development will have two new dedicated streets: Adventure Place ~1,300 linear feet at centerline connecting Manhattan Square Drive and South Union Street and "Street B" ~275 linear feet at centerline connecting Savannah Street and Adventure Place. The developer's estimate is \$1,316,500 for construction of Adventure Place.

Adventure Place will be used to provide access to the site and shall be constructed by the Developer, rather than the City. This decision is based on the nature of the project, which requires concurrent work to adjacent construction sites, including excavation and grading of the whole site, coordinating utilities, paving and other work, and the need to integrate the street construction with the rest of the project. The construction of Adventure Place is expected to begin in fall of 2019 with scheduled completion in summer of 2020.

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Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-126
(Int. No. 142)

Authorizing an agreement and funding for the construction of Adventure Place

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

Section 1. The Mayor is hereby authorized to enter into an agreement in the maximum amount of \$800,000 with Adventure Place Development, LLC or an affiliated corporation or partnership to be formed by its principals (collectively, the Developer) for the Developer to construct and dedicate to the City a new public street to be called Adventure Place (the Project). The Project shall be constructed within the Strong Neighborhood of Play and extend approximately 1,300 linear feet from Manhattan Square Drive to South Union Street. The City's payment of up to \$800,000 to the Developer shall serve to reimburse the Developer for a portion of its Project costs and shall be contingent upon the Developer completing the Project in accordance with the City of Rochester Standards and Specifications to the satisfaction of the City Engineer.

Section 2. The agreement shall be funded in the amounts of \$400,000 from 2018-19 Cash Capital and \$400,000 from the proceeds of bonds to be authorized and appropriated for the purpose.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate. The Mayor is hereby authorized to execute such other agreements and other documents as may be necessary to effectuate the agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2019-127
(Int. No. 143)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$400,000 Bonds of said City to finance the construction of Adventure Place (Manhattan Square Drive to South Union Street)

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the cost of acquiring and constructing a new public street called Adventure Place, to be comprised of a new roadway, curbing and catch basins, sidewalks, and other appurtenances and amenities to be installed within a dedicated right-of-way extending approximately 1300 linear feet from Manhattan Square Drive to South Union Street (the "Project"). The estimated

maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,316,500. The plan of financing includes the issuance of \$400,000 bonds of the City, which amount is hereby appropriated therefor, \$400,000 from 2018-19 Cash Capital, \$516,500 from Adventure Place Development, LLC, or an affiliated corporation or partnership to be formed by its principals, evidenced to the satisfaction of the City following completion of Adventure Place in accordance with the City of Rochester Standards and Specifications and prior to expenditure of any City bond proceeds or Cash Capital, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$400,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$400,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-128
Ordinance No. 2019-129
Re: 2018 Asphalt Milling and Resurfacing
Preventive Maintenance - Group 2
Alexander Street and Scio Street

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation related to the 2018 Milling and Resurfacing Preventive Maintenance Project – Group 2. This legislation will:

1. Appropriate \$2,315,200 in anticipated reimbursements from the Federal Highway Administration (FHWA) to finance a portion of the construction and construction inspection services for the Project; and
2. Appropriate \$434,100 in anticipated reimbursements from the New York State Marchiselli Aid Program to finance a portion of the construction and construction inspection services for the Project; and
3. Authorize the issuance of bonds totaling \$569,000 and the appropriation of the proceeds thereof to finance the street portion of construction and resident project representation (RPR) services of the project; and
4. Establish \$430,000 as maximum compensation for a professional services agreement with T.Y. Lin International Engineering & Architecture, P.C. (Robert Radley, P.E., Senior Vice President & NE Regional Director), Rochester, NY 14604, for resident project representation (RPR) services.

This federal aid project, administered by the City under agreement with the NYSDOT includes two locations:

- Alexander Street (Mt. Hope Ave to East Main Street); and

- Scio Street (East Ave to Central Park).

Street improvements will include milling and resurfacing of the above streets, including repair of the existing pavement base where needed, adjustment of water valve and sewer castings, resetting or installing new granite curbs as needed, replacement of hazardous sidewalks, alteration or replacement of sidewalk handicap ramps to bring into ADA compliance where it is feasible to do within the existing Right of Way, installation of pavement markings and replacement of traffic loops. These improvements will enhance the surface drainage and riding quality of the roadway, improve handicap accessibility, and expand the useful life of the pavement structure.

The project was designed by the C & S Engineers, Inc. as authorized in January 2017 (Ord. No. 2017-10). T.Y. Lin International Engineering & Architecture, P.C was selected to provide RPR services from the NYSDOT list of pre-approved regional engineering firms, which is described in the attached summary. The agreement will extend until three months after completion of a two year guarantee inspection of the project.

Bids for construction were received on Tuesday, March 26, 2019. The low bid of \$2,977,100 was submitted by Villager Construction Inc.

Funding for the project is as follows:

Source	Construction	Contingency	RPR	Total
FHWA (to be appropriated)	\$2,022,593.23	0	\$292,606.77	\$2,315,200.00
Marchiselli Aid (to be appropriated)	\$379,236.24	0	\$54,863.76	\$434,100.00
Bond to be issued	\$491,540.57	\$1,367.26	\$76,092.17	\$569,000.00
2017-18 Cash Capital	\$11,740.42	\$3,058.53	\$1,708.36	\$16,507.31
2013-14 Water Cash Capital	\$8,356.25	\$6,914.81	\$4,728.94	\$20,000.00
2014-15 Water Cash Capital	\$24,217.23	0	0	\$24,217.23
Rochester Pure Waters District (Ord. No. 2018-367)	\$39,416.06	\$10,356.40	0	\$49,772.46
Total	\$2,977,100.00	\$21,697.00	\$430,000.00	\$3,428,797.00

The project will begin construction in spring 2019 and will be substantially complete by winter 2019. The project's construction and RPR services will result in the creation and/or retention of the equivalent of 37 full-time jobs.

Respectfully submitted,

May 21, 2019

Lovely A. Warren
Mayor

Attachment No. AS-84

Ordinance No. 2019-128
(Int. No. 144)

Authorizing appropriations and agreement for the 2018 Asphalt Milling and Resurfacing Preventive Maintenance - Group 2 project

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

Section 1. The sum of \$2,315,200 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration (FHWA) to fund a portion of the construction and construction inspection services for the 2018 Asphalt Milling and Resurfacing Preventive Maintenance - Group 2 project (the Project).

Section 2. The Council hereby authorizes the receipt and use of \$434,100 in anticipated reimbursements from the New York State Department of Transportation's Marchiselli Aid program and appropriates that sum to fund the Project.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement with T.Y. Lin International Engineering & Architecture, P.C. in the maximum amount of \$430,000 for resident project representation services for the Project. Said amount shall be funded in the amounts of: \$292,606.77 from the FHWA reimbursements authorized in Section 1 herein; \$54,863.76 from the Marchiselli Aid reimbursements authorized in Section 2 herein; \$76,092.17 in the proceeds of bonds to be issued for the Project; \$1,708.36 in 2017-18 Cash Capital; and \$4,728.94 in 2013-14 Cash Capital. The term of the agreement shall extend until three months after completion of a two-year guarantee inspection of the Project.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2019-129
(Int. No. 145)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$569,000 Bonds of said City to finance the 2018 Asphalt Milling and Resurfacing Preventive Maintenance - Group 2 project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the costs of the construction and resident project representation services related to 2018 Asphalt Milling and Resurfacing Preventive Maintenance - Group 2 project, including portions of Alexander Street (Mt. Hope Avenue to East Main Street) and Scio Street (East Avenue to Central Park) (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,428,797. The plan of financing includes the issuance of \$569,000 bonds of the City and said amount is hereby appropriated therefor, \$2,315,200 from FHWA reimbursements to be authorized for the Project, \$434,100 from Marchiselli Aid reimbursements to be authorized for the Project, \$16,507.31 in 2017-18 Cash Capital, \$20,000 in 2013-14 Cash Capital, \$24,217.23 in 2014-15 Cash Capital, \$49,772.46 in anticipated reimbursements from the Rochester Pure Waters District (Ordinance No. 2018-367) and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$569,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$569,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-130
 Re: Agreement – Ravi Engineering and
 Land Surveying, P.C. Multi-Site Park
 Improvements

Transmitted herewith for your approval is legislation related to the Multi-Site Park Improvements (Tacoma, 4th & Peck). This legislation will establish \$50,000.00 as maximum compensation for a professional services agreement with Ravi Engineering and Land Surveying, P.C. (Nagappa Ravindra– Chief Executive Officer), 2110 S. Clinton Avenue, Suite 1, Rochester, NY, 14618 for Resident Project Representation (RPR) services. The cost of the agreement will be financed from Community Development Block Grant (CDBG) funds as appropriated in April 2019 (Ordinance No. 2019- 91).

Site	Proposed improvements
4 th and Peck Playground	Replace single water spray feature and safety surface replacement.
Tacoma Park Playground	Replace playground with tot and preteen playsets
Don Samuel Torres Park	Replace basketball court, enhance baseball field, shade trees

Ravi Engineering and Land Surveying, P.C. was selected for RPR services through a request for proposal process, which is described in the attached summary. The agreement shall extend until three (3) months after completion of the two (2) year guarantee inspection of the project.

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Construction duration is anticipated as three (3) months with construction starting in the summer of 2019. The project will result in the creation and/or retention of the equivalent of 0.4 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-85

Ordinance No. 2019-130
(Int. No. 146)

Authorizing an agreement for Multi-Site Park Improvements

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Ravi Engineering and Land Surveying, P.C. in the maximum amount of \$50,000 to provide resident project representation services for the Multi-Site Park Improvements project at the 4th and Peck Playground, Tacoma Park Playground, and Don Samuel Torres Park (the Project). Said amount shall be funded from the Community Development Block Grant funds appropriated to the Project in Ordinance No. 2019-91. The term of the agreement shall continue to 3 months after completion of a 2-year guarantee inspection of the Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-131
Re: Amendatory Agreement – Bergmann
Associates, Architects, Engineers,
Landscape Architects & Surveyors, D.P.C. –
Clinton & Emerson Firehouses HVAC
Replacement

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Pietro Giovenco, P.E., President and CEO), 280 East Broad Street, Suite 200, Rochester, NY for additional construction administration and construction oversight services for this project. The original agreement for \$150,000 was authorized in August, 2016 (Ordinance No. 2016-238). This amendment will increase maximum compensation by \$35,000 to a total of \$185,000. The term of the amendatory agreement shall continue

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until 3 months after completion of the 2-year guarantee inspection of the project. The cost of the agreement will be financed from 2018-19 Cash Capital (\$10,000) and bonds authorized for the project in April 2017 (Ordinance No. 2017-94) (\$25,000).

The project includes the design and construction for the heating, ventilation, air conditioning systems and kitchen exhaust hood replacements at the North Clinton Avenue Firehouse, 1207 N. Clinton Avenue, Rochester NY, and the Emerson Street Firehouse, 1051 Emerson Street, Rochester NY.

Bergmann Associates will provide additional design, construction administration, construction oversight and abatement oversight services due to unforeseen field conditions that differed from the available 1950's drawings, during the construction of Emerson Street Firehouse. North Clinton Avenue Firehouse is currently under construction. Design modifications are being done concurrent with abatement to minimize time involved.

Construction is anticipated to be complete in summer 2019. The amendatory agreement will result in the creation and/or retention of the equivalent of 0.38 full-time job.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-86

Ordinance No. 2019-131
(Int. No. 147)

Authorizing an amendatory agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. regarding the Clinton & Emerson Firehouses HVAC Replacement

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. to provide additional construction administration and construction oversight services for the replacement of the heating, ventilation, air conditioning systems and kitchen exhaust hoods at the North Clinton Avenue and Emerson Street firehouses (the Project). The amendatory agreement shall increase the maximum compensation of the agreement originally authorized in Ordinance No. 2016-238 by \$35,000 to a new total of \$185,000. Said amendatory amount shall be funded by \$10,000 from 2018-19 Cash Capital and \$25,000 from bonds previously authorized for the Project in April 2017 by Ordinance No. 2017-94.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

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TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-132
Re: Amendatory Agreement – C & S
Engineers, Inc., Elmwood Avenue/
Collegetown Cycle Track

Transmitted herewith for your approval is legislation:

1. Authorizing an amendatory agreement with C & S Engineers, Inc. (John D. Trimble, President and CEO), Rochester, NY 14614, for additional right of way incidentals and final design services for this project. This amendment will increase maximum compensation by \$43,000 to a total of \$254,000. The cost of the agreement will be funded from 2015-16 Cash Capital (\$5,586.85) and bonds previously appropriated (\$37,413.15) (Ordinance No. 2018-269). The original agreement for \$190,000 was authorized in June of 2014 (Ordinance No. 2014-182). An amended amount increased the contract by \$21,000 in July of 2017 (Ordinance No. 2017-228) and funded additional right of way incidentals and construction design services, and
2. Amending Ordinance No. 2018-268 Section 2 which authorized a professional services agreement with C & S Engineers, Inc. This amendment will correct the funding source to be funded from FHWA funds appropriated in Section 1 (\$12,029), bonds issued for the purpose (\$274,734.46), and 2016-17 Cash Capital (\$13,236.54).

This project consists of the design and construction of a physically separated bicycle facility (a 10-foot wide path separated by a tree-lawn from the traffic lanes) along Elmwood Avenue between Wilson Boulevard and Mt. Hope Avenue. The project will install new sidewalks and bicycle paths, upgrade street lighting, and modify traffic signals and pavement markings and signage along Elmwood Avenue.

The consultant will provide additional right of way incidentals and final design services, as the design progressed additional services became necessary to secure all of the right of way incidentals agreements, and the additional time required to secure the additional right of way incidentals resulted in several final design iterations, and changes.

Construction began in April 2019 with completion scheduled in the fall of 2019. The amended project will result in the creation and/or retention of the equivalent of 0.4 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-87
Ordinance No. 2019-132

(Int. No. 148, as amended)

Authorizing an amendatory agreement with C & S Engineers, Inc. for the Elmwood Avenue/Collegetown Cycle Track Project

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with C & S Engineers, Inc. for right-of-way incidental phase services for the Elmwood Avenue/Collegetown Cycle Track Project (the "Project"). The amendatory agreement shall increase the maximum compensation of the agreement originally authorized in Ordinance No. 2014-182, and as amended by Ordinance No. 2017-228, by \$43,000 to a new total of \$254,000. Said amendatory amount shall be funded from bonds previously authorized for the project in August 2018 by Ordinance No. 2018-269 (\$37,413.15) and 2015-16 Cash Capital (\$5,586.85).

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

Section 3. Section 2 of Ordinance No. 2018-268, relating to resident project representation services for the Project, is hereby amended to read in its entirety as follows:

The Mayor is hereby authorized to enter into a professional services agreement with C & S Engineers, Inc. in the maximum amount of \$300,000 for resident project representation services for the Project. Said amount shall be funded from FHWA funds appropriated in Section 1 (\$12,029), bonds issued for the purpose ~~(\$287,726.83)~~ (\$274,734.46), and 2016-17 Cash Capital ~~(\$244.17)~~ (\$13,236.54).

~~Section-3~~4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-133
Re: Amendatory Agreement– New York
State Department of Transportation
and Amend Ordinance Mt. Hope
Avenue Phase 2 Improvements

Transmitted herewith for your approval is legislation related to the Mt. Hope Avenue Phase 2 Improvement Project. This legislation will:

1. Authorize an amendatory agreement with New York State Department of Transportation (NYSDOT) to provide ROW acquisition and incidental services for the Project;

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2. Amend Ordinance 2016-268, which originally established funding for the amended agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Pietro Giovenco, P.E., President and CEO), Rochester, NY 14604 for design services related to this project, by reducing the Marchiselli aid (Ord. No. 2016-198) by \$35,169.45 and replacing those funds with \$35,169.45 in 2017-18 Cash Capital.

Mt Hope Avenue Improvements – Phase 2 will reconstruct Mt Hope Avenue from Rossiter Road to the south City line. The project includes street reconstruction, new curbing, sidewalks, water main and services, hydrants, receiving basins, street lighting and tree plantings.

The Project has multiple de minimis property takings. NYSDOT offered to perform these takings and an agreement with them was authorized June 20, 2017 (Ord. No. 2017-185) and funded by the Federal Highway Administration (FHWA) and local funds budgeted for ROW incidentals. Now that the FHWA funds for the ROW acquisitions have been made available the agreement must be amended to add the FHWA funds, the Marchiselli aid and the local funds budgeted for ROW acquisitions. NYSDOT will apply the FHWA funds to themselves. The City is required to deposit the non-Federal aid portion of the ROW acquisitions funds, totaling \$59,205, to the State. This will be financed with \$45,000 in Marchiselli aid (Ordinance No. 2016-198) and \$14,205 in 2017-18 Cash Capital. The NYSDOT contract is now \$476,000, an increase of \$296,027.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-88

Ordinance No. 2019-133
(Int. No. 149)

Authorizing an amendatory agreement and amending Ordinance No. 2016-268 relating to the Mt. Hope Avenue Phase 2 Improvements Project

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the New York State Department of Transportation (NYSDOT) to provide additional Right of Way (ROW) acquisition and incidental services for the Mt. Hope Avenue Phase 2 Improvements Project (Project). The amendatory agreement shall increase the maximum compensation of the agreement originally authorized in Ordinance No. 2017-185 by \$296,027 to a new total of \$476,000. The amendatory amount shall be funded in the amounts of \$45,000 in Marchiselli aid appropriated in Section 2 of Ordinance No. 2016-268, \$14,205 in 2017-18 Cash Capital, and \$236,822 in Federal Highway Administration funds to be retained by NYSDOT for this purpose.

Section 2. Section 2 of Ordinance No. 2016-268, which appropriated a portion of the funding for Project design services, is hereby amended to read in its entirety as follows:

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Section 2. The sum of ~~\$120,000~~ \$103,800 in anticipated reimbursements from the New York State Marchiselli Aid Program is hereby appropriated to finance a portion of the design, ROW acquisition and incidental services for the Project.

Section 3. Section 4 of Ordinance No. 2016-268, which established the funding sources for an amended professional services agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. to provide Project design and bid and award services, is hereby amended to read in its entirety as follows:

Section 4. Said total amount shall be funded from the Federal funds appropriated in Section 1 (\$313,600), Federal funds appropriated by City Council in Ordinance No. 2015-243 (\$160,800), Marchiselli aid funds appropriated in Section 2 ~~(\$93,969.45)~~ (\$58,800), 2017-18 Cash Capital (\$35,169.45), Prior Years' Cash Capital (\$6,900), 2011-12 Cash Capital (\$41,204.71), 2013-14 Cash Capital (\$35,381.29), 2014-15 Cash Capital (\$57,172.34), and 2012-13 Cash Capital (\$41,972.21). The agreement may extend until 6 months after completion and acceptance of the construction of the Project.

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

Section 5. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-134
Re: Amendatory Agreement – Joseph A.
Floreano Rochester Riverside
Convention Center Terrace Repairs

Council Priority: Creating and Sustaining a
Culture of Vibrancy

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

1. Authorize the receipt and use of \$220,000 in awarded funding from the Rochester Gas & Electric (RG&E) Commercial Corridor/Main Street Revitalization Assistance Program, for the terrace electric infrastructure improvements and installation of façade lighting on the convention center.
2. Establish \$20,000 as a maximum compensation for an amendatory agreement with Stantec Consulting Services Inc. (Stantec), 61 Commercial Street, Suite 100, Rochester, New York

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14614 (James R. Hofmann, P.E., Principal), for additional engineering, design and project administration services for the terrace electric infrastructure improvements and installation of façade lighting on the convention center.

The original agreement with Stantec was authorized in February 2017 (Ordinance No. 2017-40) for a maximum compensation of \$630,000. An amendatory agreement increasing the maximum compensation by \$100,000 was authorized in June 2018 (Ordinance No. 2018-205). This amendment will increase the compensation by \$20,000 to a maximum total of \$750,000. The term of the amendatory agreement shall extend until three (3) months after completion of a two-year guarantee inspection of the project. The cost of the agreement will be financed as follows:

Source	Amount
Bonds authorized by Ordinance No. 2017-41	\$ 630,000
2015-16 Cash Capital	\$ 100,000
RG&E Funding Award	<u>\$ 20,000</u>
TOTAL	\$ 750,000

The project includes structural repairs and strategic replacement of select structural slabs and supports to the convention center’s riverfront terrace, waterproofing and insulation, granite and stone veneer repairs, replacement of the terrace railing with a new City standard code compliant railing, terrace drainage system, terrace electric infrastructure improvements and installation of façade lighting on the convention center to illuminate the entire building as a vital nighttime element within the urban City skyline. The estimated overall cost of the project is \$3,328,000 million including the awarded funding from RG&E appropriated herein.

Engineering inspections and design began in 2017. The project was bid and awarded for construction in spring 2018. Construction began in summer 2018 and completion is anticipated in summer 2019. The project will result in the creation and/or retention of the equivalent of 36.2 full-time jobs

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-89

Ordinance No. 2019-134
(Int. No. 150)

Authorizing additional funding and an amendatory agreement for the Joseph A. Floreano Rochester Riverside Convention Center Terrace Repairs Project

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

Section 1. The Council hereby authorizes the receipt and use of \$220,000 in award funding from Rochester Gas and Electric Corporation (RG&E) for installation of terrace electric infrastructure improvements and façade lighting as part of the Joseph A. Floreano Rochester Riverside Convention Center Terrace Repairs Project (Project).

Section 2. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Stantec Consulting Services Inc. to provide engineering and landscape architectural

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services for the Project. The amendatory agreement shall increase the maximum compensation of the agreement originally authorized in Ordinance No. 2017-40 and amended in Ordinance No. 2018-205 by \$20,000 to a total of \$750,000. The amendatory compensation shall be funded from the RG&E award authorized in Section 1 herein and is hereby appropriated for that purpose.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes – President Scott, Councilmembers Clifford, Evans, Gruber, Harris, Vice President Lightfoot, Ortiz, Patterson – 8.

Nays – 0

Councilmember Spaull abstained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-135
Re: Inter-municipal Agreement – Village of
Fairport Ash Tree Pesticide Application
Treatment Services

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with the Village of Fairport to have the City provide pesticide application services for 74 trees of the Village's ash tree population. The City will provide the service on a one-time basis and will furnish all of the necessary resources to complete the project, including labor, equipment, and materials (chemical pesticide, plugs, and notification materials).

In return for these services the Village of Fairport will reimburse the City for the cost of the resources used in the application of the treatment, plus a 15% administrative charge to cover the indirect cost associated with the completion of the project. The total amount of these costs will be \$5,781.95. The term of the agreement will be for one year.

The City last performed similar work in 2016 for the Village of Fairport under Ord. No. 2016-165. Treatment of these 74 trees will protect the trees from an infestation of Emerald Ash Borer (EAB) for a period of three years.

Respectfully submitted,
Lovely A. Warren

Mayor

Ordinance No. 2019-135
(Int. No.151)

Authorizing an intermunicipal agreement with the Village of Fairport for pesticide application to ash trees

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 Village of Fairport to apply pesticides to 74 ash trees in Fairport. The Village of Fairport shall reimburse the City in the amount of \$5,781.95. The term of the agreement shall be one year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-136
Re: Amendatory Agreement – Transmap Corporation, Pavement Management System

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Transmap Corporation, (Craig A. Schorling, GISP, Vice President) Columbus, Ohio 43228, to provide additional services related to the City of Rochester’s Pavement Management System. This amendment will extend the agreement by one year to February 28, 2020 and increase the compensation by \$186,000, to a maximum total of \$428,650. The original agreement, authorized in November 2015 (Ordinance No. 2015-366) established maximum compensation at \$242,650 for a term of three years, with two one-year renewable options. This additional cost will be funded as follows:

2016-17 Cash Capital	\$ 90,000
2018-19 Cash Capital	<u>\$ 96,000</u>
TOTAL	\$186,000

Transmap Corporation will provide an updated inventory of our pavement system, additional pavement management services, updated pavement management tools, and additional inventory data.

Data collection processes will begin in spring 2019. The project will result in the creation and/or retention of the equivalent of 2 full-time jobs.

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Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-90

Ordinance No. 2019-136
(Int. No. 152)

Authorizing an amendatory agreement with Transmap Corporation relating to a Pavement Management System

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 Transmap Corporation for additional services relating to a Pavement Management System. The amendatory agreement shall increase the maximum compensation of the agreement originally authorized in Ordinance No. 2015-366, by \$186,000 to a new total of \$428,650. The amendatory amount shall be funded by \$90,000 from 2016-17 Cash Capital and \$96,000 from 2018-19 Cash Capital.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-137
Re: Amending Ordinance No. 2019-63
Pitkin Street Technical Corrections

Transmitted herewith for your approval is legislation amending Ordinance No. 2019-63 which was adopted in March 2019, to correct the legal description for the portion of former Pitkin Street ROW that the City will be abandoning and selling to the developer of Union Place.

This legislation will amend Ordinance No. 2019-63, Section 1 to correct the legal description of the portion of the former Pitkin Street ROW to be abandoned.

Respectfully submitted,
Lovely A. Warren

Mayor

Ordinance No. 2019-137
(Int. No. 153)

Amending Ordinance No. 2019-63 relating to an Official Map Amendment abandoning a portion of Pitkin Street

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

Section 1. Section 1 of Ordinance No. 2019-63 is hereby amended to read in its entirety as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by changing and deleting therefrom the following described property, heretofore dedicated to street purposes and constituting a portion of Pitkin Street:

**Legal Description of a Portion of Pitkin Street
to be Abandoned**

~~Parcel 3~~

~~All that tract of parcel of land, situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows: Beginning at the southwesterly corner of Tax Map Parcel 121.25 2 43.1, and as described in the deed filed in Monroe County Clerk's Office at Liber 11757 of Deeds, Page 395; thence~~

- ~~1) N 68° 01' 45" W through the lands now or formerly owned by New York State interstate 490 Inner Loop, a distance of 8.02 feet to an angle point; thence~~
- ~~2) N 21° 19' 45" E continuing through the lands now or formerly owned by New York State interstate 490 Inner Loop, a distance of 11.81 feet to angle point; thence~~
- ~~3) S 77° 43' 08" W continuing through the lands now or formerly owned by New York State interstate 490 Inner Loop, a distance of 0.72 feet to angle point; thence~~
- ~~4) N 12° 16' 52" W continuing through the lands now or formerly owned by New York State interstate 490 Inner Loop, a distance of 30.19 feet to a point on the westerly ROW of Pitkin Street; thence~~
- ~~5) N 20° 49' 02" E along said westerly ROW of Pitkin Street, a distance of 154.89 feet to a point; thence~~
- ~~6) N 23° 35' 17" E continuing along said westerly ROW of Pitkin Street, a distance of 81.84 feet to a point; thence~~
- ~~7) N 18° 11' 12" E continuing along said westerly ROW of Pitkin Street, a distance of 67.19 feet to the point of intersection of the southerly ROW of East Avenue and the westerly ROW of Pitkin Street; thence~~

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~~8) S 73° 54' 19" E through the lands now or formerly owned by New York State interstate 490 Inner Loop, a distance of 24.21 feet to the point of intersection of the southerly ROW of East Avenue and the easterly ROW of Pitkin Street; thence~~

~~9) S 20° 49' 02" W along said easterly ROW of Pitkin Street, a distance of 342.67 feet to the Point of Beginning.~~

~~Hereby intending to describe a parcel of land containing 0.179 more or less acres of land, dedicated as Pitkin Street per Ordinance no. 2018-132, all as shown on a map entitled "Portion of Pitkin Street Right of Way to be Abandoned", dated August 9, 2018, as prepared by Passero Associates.~~

All that tract of parcel of land, situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows: Beginning at the southwesterly corner of Tax Map Parcel 121.25-2-43.1, and as described in the deed filed in Monroe County Clerk's Office at Liber 11757 of Deeds, Page 395 (MAP 3-C Parcel 500); thence

1) N 68° 01' 45" W through the lands now or formerly owned by New York State interstate 490 Inner Loop, a distance of 8.02 feet to an angle point; thence

2) N 45° 37' 05" E continuing through the lands now or formerly owned by New York State interstate 490 Inner Loop, a distance of 18.53 feet to point on the westerly ROW of Pitkin Street; thence

3) N 20° 49' 02" E along said westerly ROW of Pitkin Street, a distance of 184.19 feet to a point; thence

4) N 23° 35' 17" E continuing along said westerly ROW of Pitkin Street, a distance of 81.84 feet to a point; thence

5) N 18° 11' 12" E continuing along said westerly ROW of Pitkin Street, a distance of 67.24 feet to the point of intersection of the southerly ROW of East Avenue and the westerly ROW of Pitkin Street; thence

6) S 73° 54' 19" E through the lands now or formerly owned by New York State interstate 490 Inner Loop, a distance of 24.21 feet to the point of intersection of the southerly ROW of East Avenue and the easterly ROW of Pitkin Street; thence

7) S 20° 49' 02" W along said easterly ROW of Pitkin Street, a distance of 342.67 feet to the Point of Beginning.

Hereby intending to describe a parcel of land containing 0.187 more or less acres of land, dedicated as Pitkin Street per Ordinance No. 2018-132, all as shown on a map entitled "Portion of Pitkin Street Right of Way to be Abandoned", dated April 16, 2019, as prepared by Passero Associates.

Section 2. This ordinance shall take effect immediately.

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Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-138
Re: Amendatory Agreement - Zagster,
Public Electric Scooter Share System

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the development of a Public Electric Scooter Share System (Scooter Sharing) similar to the public bikeshare system that is currently being operated in the city. The State Legislature is currently considering legislation to allow the operation of electric scooters under the State Vehicle and Traffic Law and is expected to vote on the legislation prior to the end of its regular session in June. This legislation will:

1. Authorize an amendatory agreement with Zagster, Inc. (Dan Grossman, Chief Executive Officer) for the exclusive rights to develop, install, own, operate, and maintain a Public Electric Scooter Share System within the public rights-of-way and public lands of the City of Rochester, if and when the State legalizes the use of electric scooters on public roads, in conjunction with, and for the same term as, the current bikeshare system; and
2. Amend the Municipal Code to allow the placement of advertising on approved electric scooter stations in the public right-of-way or on public land of the City of Rochester.

Ordinance No. 2016-349 authorized an agreement with Zagster for the establishment of a public bikeshare system. Ordinance No. 2017-15 amended Ordinance No. 2016-349 to change the initial term from two years to three years. Under the amendatory agreement, Zagster will be ready to provide 400 electric scooters for the city's system as soon as the necessary state legislation is enacted, with the ability to expand in the months following the launch. Scooters can be picked up and dropped off at a series of stations at locations approved by the City.

The speed of the shared electric scooters can be regulated remotely by Zagster with a maximum speed of 15 mph in the City of Rochester. On a regular basis, Zagster personnel will repair and maintain the scooters; rebalance their locations among the various stations, just as they have been doing for the bikeshare; and recharge the scooters.

Experiences in other cities have demonstrated that Scooter Sharing, like bikesharing, can reduce the use of traditional automobiles, increase rates of public transit use by addressing the "first-mile/last-mile" gap, and reduce parking demand. The addition of electric scooters into other cities has increased the total number of alternative, shared "micro-mobility" trips nationwide from 35 million in 2017 to 84 million in 2018, demonstrating that many people who will not use bicycles will use electric scooters.

May 21, 2019

Like the bikesharing, affordable Scooter Sharing fares will be sustained primarily through sponsorships and advertising. Accordingly, the Municipal Code will be modified to allow Zagster to display sponsor logos and advertising at approved Scooter Sharing stations.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-138
(Int. No. 165)

Authorizing an amendatory agreement for a Public Electric Scooter Sharing System and amending Chapter 35 of the Municipal Code with respect to advertisements at System stations

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with Zagster, Inc. (the Operator) for exclusive rights to develop, install, operate and maintain a Public Electric Scooter Sharing System (Scooter Share System) in addition to Zagster's rights and obligations in the bikeshare system that was authorized in Ordinance No. 2016-349 and amended by Ordinance No. 2017-15. The Operator's rights and obligations in a Scooter Share System shall be contingent upon the State's enactment of amendments to the Vehicle and Traffic Law to authorize and regulate the operation of electric scooters (State Scooter Law).

Section 2. The amendatory agreement shall provide that, upon the later of (a) the parties' execution of said amendatory agreement, or (b) the effective date of the State Scooter Law (collectively, the Start Date), the Operator shall promptly establish in the City a Scooter Share System capable of providing up to 400 electric scooters and shall maintain the ability to expand the number of electric scooters in the System in the months that follow the Start Date. The Operator's compensation for the amendatory agreement shall be derived from user fees, sponsorships and advertising derived from its operation of the Scooter Share System.

Section 3. The term for the amendatory agreement shall run concurrently with the term of the previously authorized bikeshare system agreement.

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

Section 5. Section 35-1 of the Municipal Code, prohibiting the placement of handbills and signs in or on public places, as amended, is hereby further amended so that Subsection D thereof reads as follows:

D. This section shall not apply to the placement of advertisements on or within a public bikeshare station or a public scooter sharing station that is authorized to be placed within the public right-of-way or public lands pursuant to a duly authorized agreement, ordinance, or Municipal Code provision of the City of Rochester.

Section 6. This ordinance shall take effect immediately.

May 21, 2019

Underlining indicates new text.

Passed unanimously.

By Vice-President Lightfoot
May 21, 2019

To the Council:

The **PUBLIC SAFETY YOUTH & RECERATION** recommends for **ADOPTION** the following entitled legislation:

- Int. No. 154 Amending the Municipal Code with regard to Animal Services
- Int. No. 155 Appropriating federal forfeiture funds and amending the 2018-19 Budget to support an anti-gun violence campaign
- Int. No. 156 Appropriating federal forfeiture funds and amending the 2018-19 Budget to purchase a Canine Unit dog
- Int. No. 157 Authorizing an agreement with Monroe County for the receipt and use of a Tobacco Sales Compliance Grant
- Int. No. 158 Authorizing a professional services agreement for hockey referees
- Int. No. 159 Authorizing an agreement for mural art at the Dr. Martin Luther King Jr. Memorial Park
- Int. No. 160 Authorizing agreements for the 2019 Summer of Opportunity Program

The following entitled legislation is being **HELD** in committee:

- Int. No. 161 Accepting a donation and amending the 2018-19 Budget for Norton Village Playground improvement

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

Received filed and published.

May 21, 2019

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-139
Re: Code Amendment- Section 30 Animal
Regulations and Section 31, Dog Control

Council Priority: Public Safety

Transmitted herewith for your approval is legislation amending Chapters 30 and 31 of the City of Rochester Municipal Code regarding the management of animals who are seized or surrendered to the City's animal shelter:

1. In Chapter 30, revising the definitions of wild animals and pets and revising the animal shelter's obligations with regard to illegally possessed wild animals in order to be consistent with State law requirements in the Environmental Conservation Law and the Agriculture and Markets Law.
2. In Chapter 30, revising the minimum redemption and holding periods for cats to be consistent with revisions to the State Agriculture and Markets Law enacted in December 2018.
3. In Chapter 31, clarifying the minimum redemption and holding periods for dogs.

These changes will go into effect on June 1, and will expedite the adoption of unidentified pets and clarify the City's responsibilities regarding various categories of animals.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-139
(Int. No. 154)

Amending the Municipal Code with regard to Animal Services

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

Section 1. Chapter 30 of the Municipal Code, Animals, is hereby amended at Section 30-25 to read in its entirety as follows:

§ 30-25. Definitions.

When used in this chapter, the following words shall have the following definitions:

WILD ANIMAL

Except for a "pet" as defined in §30-43 of this chapter, wild animal includes, and is limited to, any or all of the following orders

and families:

(1) Nonhuman primates and prosimians,

(2) Felidae and all hybrids thereof, with the exception of the species Felis catus (domesticated and feral cats, which shall mean domesticated cats that were formerly owned and that have been abandoned and that are no longer socialized, as well as offspring of such cats) and hybrids of Felis catus that are registered by the American Cat Fanciers Association or the International Cat Association provided that such cats be without any wild felid parentage for a minimum of five generations,

(3) Canidae (with the exception of domesticated dogs and captive bred fennec foxes (vulpes zerda)),

(4) Ursidae,

(5) All reptiles that are venomous by nature, pursuant to department regulation, and the following species and orders: Burmese Python (Python m. bivittatus), Reticulated Python (Python reticulatus), African Rock Python (Python sabae), Green Anaconda (Eunectes maurinus), Yellow Anaconda (Eunectes notaeus), Australian Amethystine Python (Morelia amethystina and Morelia kinghorni), Indian Python (Python molurus), Asiatic (water) Monitor (Varanus salvator), Nile Monitor (Varanus nilocitus), White Throat Monitor (Varanus albigularis), Black Throat Monitor (Varanus albigularis ionides) and Crocodile Monitor (Varanus salvadori), Komodo Dragon (Varanus komodensis) and any hybrid thereof,

(6) Crocodylia,

(7) Any modification of the foregoing definition enacted on or after May 1, 2019 into the definition of "wild animal" contained in §11-0103(6)(e) of the Environmental Conservation Law.

All types of the following animals

All venomous animals, except fish, including rear fang snakes

Antelope, bighorn sheep, gazelles, impalas, gnus, bison, buffalo, African buffalo, mountain goats, tapirs, topis, waterbucks, warthogs, wildebeests, zebra

Bats

Bears (ursidae)

Camelidae, i.e., camels, llamas, alpacas, vicunas, guanacos

Canids (other than domestic dogs, canis lupus familiaris), i.e., wolves, foxes, coyotes, jackals, dingos, raccoon dogs, or any mix of these animals

Cervidae, i.e., deer, moose, elk, caribou, reindeer

Crocodylians, i.e., alligators, crocodiles, caimans, gavials

Elephants (elephantidae)

Falconiformes, i.e., eagles, hawks, owls, ospreys, vultures, griffons

Felids (other than domestic cats, felis catus), i.e., lions, tigers, bobcats, leopards, cheetahs, jaguars, pumas, lynx, ocelots, or any mix of these animals

Giraffidae, i.e., giraffes, okapis

Herpestidae, i.e., mongooses, meerkats, suricats, fossas

Hippopotamus (hippopotamidae)

~~Hyaenidae, i.e., hyenas, aardwolf~~
~~Komodo dragons (varanus komodoensis)~~
~~Marsupials, i.e., opossums, kangaroos, wallabies, koalas, wombats~~
~~Ostriches, emus, rheas~~
~~Primates (nonhuman), i.e., apes, monkeys, baboons, chimpanzees, gibbons, gorillas, lemurs, orangutans, siamangs, marmosets, tamarins, mandrills, macaques~~
~~Procyonids, i.e., raccoons, coatis, kinkajous, olingos, ring-tailed cats~~
~~Rhinoceros (rhinocerotidae)~~
~~Sciuridae, i.e., squirrels, groundhogs, marmots, prairie dogs, woodchucks~~
~~Viverridae, i.e., civets, linsangs, genets, palm civets, toddy cats, binturongs, fossas~~
~~Weasels, stoats, zorillas, martens, fishers, skunks, tayras, wolverines, grisons, badgers, ratels, otters, muskrats, beavers, gophers, porcupines~~

Section 2. Chapter 30 of the Municipal Code, Animals, is hereby amended at Section 30-26 to read in its entirety as follows:

§ 30-26. Wild animals prohibited.

No person shall own, bring into, possess, harbor or keep any wild animal in the City nor allow or permit any such wild animal so owned, brought, possessed, harbored or kept to run at large upon any street or public place.

Section 3. Chapter 30 of the Municipal Code, Animals, is hereby amended at Section 30-43 to read in its entirety as follows:

§ 30-43. Definitions.

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

FARM ANIMAL Any ungulate, poultry, species of cattle, sheep, swine, goats, llamas, horses or fur-bearing animals, as defined in section 11-1907 of the environmental conservation law, which are raised for commercial or subsistence purposes. Fur-bearing animal shall not include dogs or cats.

FERAL CAT Any free-roaming domestic cat which is not owned, lives in the wild and is not socialized with humans.

OWNER Any person owning, harboring or keeping, or providing care or sustenance for a pet, whether registered or not, or having custody of a pet, whether temporarily or permanently. Pets owned by minors shall be deemed to be in the custody and control of the minor's parents or other head of household where the minor resides.

PET Any cat, other than a feral cat, or any other domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal. "Pet" shall not include a "farm animal" as defined in this section ~~other domesticated animal, including a domesticated wild animal, which is normally maintained in or near the household of the owner, and which is legally owned, permitted, harbored, kept, or otherwise cared for.~~

STERILIZATION Rendering a cat that is at least eight weeks of age unable to reproduce by surgically altering the cat's reproductive organs. Such definition shall include the spaying of a female cat and the neutering of a male cat.

Section 4. Chapter 30 of the Municipal Code, Animals, is hereby amended at Section 30-39 to read in its entirety as follows:

§ 30-39. Seizure and redemption of animals.

A. Any animal may be seized and impounded when found:

- (1) In violation of this chapter or of Article 26 of the Agriculture and Markets Law;
- (2) Constituting a nuisance or danger;
- (3) Sick or injured; or
- (4) Unattended or abandoned, as in including but not limited to situations where the owner is deceased or has been arrested or evicted cannot care for an animal due to the owner's death, emergency health condition, arrest or eviction.

B. Any animal seized pursuant to this chapter shall be held for not less than five days, unless injured or diseased to such an extent that justifies humane euthanasia sooner in accordance with §374(1) of the Agriculture and Markets Law. Any animal which is not reclaimed by its owner within five days of its seizure shall become the property of the City and shall be offered for adoption, euthanized or otherwise disposed of in a lawful manner.

C. Notwithstanding the reclaiming period set forth above in subsection B above, the minimum owner reclaiming period shall be three days for any cat whose owner cannot be identified by a collar, tag, microchip, tattoo or other identifying mark, provided that, for at least two days thereafter, such cat be made available solely for the purposes of adoption and release to an adoptive owner following an examination by a duly-licensed veterinarian, the details of which shall be provided to the adoptive owner.

D. Any wild animal seized or surrendered for a violation of this chapter or for violating §11-0512 of the Environmental Conservation Law shall become the property of the City immediately after five days and shall be euthanized or otherwise disposed of in a lawful manner. Any costs incurred by the City associated with seizing, transferring, recapturing or euthanizing a wild animal shall be borne by the person who owned, harbored or possessed the animal. The owner of a wild animal shall have the opportunity to submit to the Director of the Animal Services Center within five days of the seizure a writing stating the reasons why the wild animal was not in violation of this chapter and should not become the property of the City. The Director may also meet with the owner. The Director shall make a final determination based on the writing or other information provided and records of the wild animal and its seizure. If the Director of the Animal Services Center determines that the wild animal was not in violation of this chapter, the owner shall have five days to reclaim the wild animal without paying the cost of seizure and impoundment, but upon payment of health costs, or it shall become the property of the City and shall be euthanized or otherwise disposed of in a lawful manner.

E. Any other animal seized or surrendered to the City pursuant to this chapter which is not reclaimed by its owner within ~~five~~ three days of its seizure or surrender shall become the property of the City and shall be offered for adoption ~~euthanized~~ or otherwise disposed of in a lawful manner. Any such animal which is not reclaimed by its owner within five days of its seizure or surrender may be humanely euthanized in a lawful manner.

~~C-F.~~ The owner of any animal seized or surrendered pursuant to this chapter shall be responsible for the costs of any seizure, health care, impoundment or other services ~~except as provided otherwise in this section.~~ Except as otherwise provided in the Municipal Code, fees for impoundment, adoption and other services relating to animals at the Animal Services Center shall be established by the Director of ~~the Animal Services Center~~ with the approval of the Mayor. No animal shall be redeemed unless the person seeking the redemption first pays all outstanding animal and dog control fines and penalties owed by that person and the animal owner, and all outstanding animal control fines and penalties relating to the animal to be redeemed.

Section 5. Chapter 31 of the Municipal Code, Animals – Dog Control, is hereby amended at Section 31-18 to read in its entirety as follows:

§ 31-18. Redemption and holding periods.

The owner of record of an identified dog which is seized may redeem such dog within seven days after the date of mailing of the notice of seizure upon payment of the redemption fees and by producing proof that the dog has been licensed. The owner of a seized dog which cannot be identified by a collar, tag, microchip, tattoo or other identifying mark ~~is not identified~~ may redeem such dog within ~~five~~ three days from the date of seizure upon payment of the redemption fees and by producing proof that the dog has been licensed and identified pursuant to the Agriculture and Markets Law. Any seized dog which is not redeemed within the applicable redemption period, shall become the property of the City and may be put up for adoption or otherwise disposed of in a lawful manner. A dog may be humanely euthanized in accordance with §374 of the Agriculture and Markets Law if: (A) it is unidentified and has remained in the City's custody for at least five days since its seizure; or (B) it is identified and it has remained in the City's custody for at least seven days after the mailing of the seizure notice described above.

Section 6. This ordinance shall take effect June 1, 2019.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-140
Re: Federal Forfeiture Funds – Anti-Gun
Violence Campaign

May 21, 2019

Council Priority: Public Safety

Transmitted herewith for your approval is legislation appropriating \$5,100 from federal forfeiture funds generated by the Police Department and amending the 2018-19 Budget of the Police Department by this amount.

The Rochester Police Department will use these funds to support an anti-gun violence media campaign to bring attention to the issue of gun violence. The campaign, which will run during the month of June, will consist of radio, social media, and outdoor advertising. The goal of the campaign is to bring attention to the human toll of gun violence and give members of the community information on how they can help reduce shootings in the City of Rochester.

This appropriations requested this month will result in a balance of approximately \$1,032,000 in the federal forfeiture Justice fund.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-140
(Int. No. 155)

Appropriating federal forfeiture funds and amending the 2018-19 Budget to support an anti-gun violence campaign

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

Section 1. Ordinance No. 2018-157, the 2018-19 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Police Department by \$5,100 from funds to be received from the Federal Government from seized and forfeited assets. Said funds are hereby appropriated to support an anti-gun violence media campaign.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-141
Re: Federal Forfeiture Funds –
Purchase of K-9 Dog

Council Priority: Public Safety

May 21, 2019

Transmitted herewith for your approval is legislation appropriating \$8,500 from federal forfeiture funds generated by the Police Department and amending the 2018-19 Budget of the Police Department by this amount.

The contracted veterinarian for the Canine unit of the Police Department recommends that a dog, who is currently nine years old, be retired due to deteriorating health and discomfort. These requested federal forfeiture funds will be used to purchase a replacement dog.

The appropriations requested this month will result in a balance of approximately \$1,032,000 in the federal forfeiture Justice fund.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-141
(Int. No. 156)

Appropriating federal forfeiture funds and amending the 2018-19 Budget to purchase a Canine Unit dog

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

Section 1. Ordinance No. 2018-157, the 2018-19 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 \$8,500 from funds to be received from the Federal Government from seized and forfeited assets. Said funds are hereby appropriated to purchase a dog for the Police Department's Canine Unit.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-142
Re: Agreement – Monroe County, Tobacco
Sales Compliance Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the receipt and use of up to \$41,000 for a Tobacco Sales Compliance grant. The term of the agreement is April 1, 2019 through March 31, 2020.

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Monroe County will reimburse costs of up to \$41,000 in overtime and fringe benefits (\$31,200 of overtime; \$9,800 fringe) for compliance checks conducted during the contract term. This agreement continues the enforcement program begun in April 1998, under which the Police Department conducts inspections of licensed tobacco outlets in the City. These inspections track compliance with the age restrictions on tobacco sales by using underage "agents" who attempt to buy tobacco products. Police Officers accompanying the purchasers will record and report any illegal underage sales, and will inspect sellers' premises for compliance with restrictions on product placement, and the possession of proper documents and certificates.

The \$31,200 for overtime will be included in the 2019-20 Budget of the Police Department and \$9,800 for fringe will be included in the 2019-20 Budget of Undistributed Expenses, contingent upon approval of the budget. RPD has received this grant for over 10 years.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-142
(Int. No. 157)

Authorizing an agreement with Monroe County for the receipt and use of a Tobacco Sales Compliance Grant

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Monroe County for the receipt and use of \$41,000 of funding for the Tobacco Sales Compliance Grant to be implemented on April 1, 2019 through March 31, 2020.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-143
Re: Agreement - Rochester Ice Hockey
Officials Association, Inc.

Transmitted herewith for your approval is legislation establishing \$14,000 as maximum annual compensation for an agreement with Rochester Ice Hockey Officials Association, Inc. (RIHO) (Mike Carroll, Business Manager, Rochester New York) to provide referees for adult men's and women's hockey leagues at Genesee Valley Park Sports Complex. The term of the agreement will be for one year, with the

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option for three additional one-year renewals. The cost of this agreement will be funded from the 2019-20 Budget of the Department of Recreation and Youth Services contingent upon approval.

RIHO has provided referees for the City since 1993 and also provides all equipment, materials, and supplies required to perform their services. The leagues are fee based and revenue covers all associated costs. RIHO is the only local provider of these services and a full justification for not issuing a request for proposals is attached.

This agreement was last authorized by City Council Ordinance 2014-258 adopted on August 19, 2014.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-91

Ordinance No. 2019-143
(Int. No. 158)

Authorizing a professional services agreement for hockey referees

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 Rochester Ice Hockey Officials Association, Inc. to provide referees for adult men's and women's hockey leagues at the Genesee Valley Park Sports Complex. The agreement shall have a term of one year with three optional one-year renewals. The maximum annual compensation for the agreement shall be \$14,000. The compensation for the first year shall be funded from the 2019-20 Budget of the Department of Recreation and Youth Services (DRYS), contingent upon approval, and the compensation for any subsequent year shall be funded from that subsequent year's budget of DRYS, contingent upon its approval.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-144

Re: Agreement – The Synthesis
Collaborative Incorporated, Mural
Arts

Council Priority: Creating and sustaining a culture of vibrancy

May 21, 2019

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with The Synthesis Collaborative Incorporated (Ian Wilson, Rochester, NY) for the design and installation of a mural at the Dr. Martin Luther King Jr. Memorial Park. The term of the agreement will be for one year and the cost of the agreement will be funded from the 2018-19 (\$5,000) and 2019-20 (\$5,000) Budgets of the Department of Recreation & Youth Services and the 2019-20 (\$15,000) Budget of the Bureau of Communications contingent upon approval.

The Synthesis Collaborative Incorporated, best known locally for their mural arts project Wall/Therapy, is a mural arts and community intervention program that uses public murals as a means to transform the urban landscape, inspire City residents, and build community. Under this agreement, The Synthesis Collaborative Incorporated will work with professional artists to plan, design, and install a large scale mural project at the Dr. Martin Luther King Jr. Memorial Park. As part of the mural process, artists from The Synthesis Collaborative Incorporated will mentor youth artists from the Roc Paint Division mural arts program. Youth artists will shadow the professional artists, and will assist with mural design and installation wherever possible.

The Synthesis Collaborative Incorporated has a proven track record of excellence in the arena of public art, and has proven to be an innovative and reliable partner on several of the City's previous public arts initiatives. The Synthesis Collaborative Incorporated was selected for these services based on their expertise, community connections, and experience working on large scale mural projects in the City of Rochester.

A full justification for not issuing a request for proposals is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-92

Ordinance No. 2019-144
(Int. No. 159)

Authorizing an agreement for mural art at the Dr. Martin Luther King Jr. Memorial Park

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with The Synthesis Collaborative Incorporated to design and install a mural at the Dr. Martin Luther King Jr. Memorial Park. The maximum compensation for the agreement shall be \$25,000, which shall be funded by \$5,000 from the 2018-19 Budget of the Department of Recreation and Youth Services (DRYS), \$5,000 from the 2019-20 Budget of DRYS, and \$15,000 from the 2019-20 Budget of the Bureau of Communications, contingent upon the latter two budgets' approval. The term of the agreement shall be for one year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-145

Re: Summer of Opportunity Program

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation related to the implementation of the 2019 Summer of Opportunity Program (SOOP). This legislation will:

1. Authorize \$27,120 as maximum compensation for an agreement with Victor Association of Cultural & Performing Arts, Inc., also known as Cobblestone Arts Center (Lorene Benson, Executive Director, Farmington, New York) to operate the Celebration of Youth summer arts internship program for youth ages 14 and older. Cobblestone Arts Center will hire 30 youth who will work as classroom assistants providing music, dance, and theatre for adults with disabilities for 20 hours per week for six weeks, and will earn a stipend of \$840 upon completion of the program. The term of the agreement will not exceed one year and the cost of the agreement will be funded from the 2018-19 Budget of Department of Recreation and Youth Services.
2. Authorize \$11,800 as maximum compensation for an agreement with St. Mark's and St. John's Episcopal Church (Reverend Julie Cicora, Rochester, NY) to operate the E.D.E.N. Urban Farm summer youth employment program for youth ages 16 and older. St. Mark's and St. John's will hire 10 youth who will work as Urban Farm Interns for 20 hours per week for seven weeks, and will earn a stipend of \$980 upon completion of the program. The term of the agreement will not exceed one year and the cost of the agreement will be funded from the 2018-19 Budget of Department of Recreation and Youth Services.
3. Authorize \$17,000 as maximum compensation for an agreement with the Friends of GardenAerial, Inc. (GreenTopia) (Lisa Baron, Executive Director, Rochester, NY) to sponsor five youth internships with the Green Visions training and workforce development program for youth ages 16 and older. Green Visions is a twenty-two week program that provides vocational skills development and certifications for youth and young adults seeking employment or career exploration in the "green industry" (horticulture, landscaping, soil remediation, and other neighborhood beautification efforts). Youth will intern for 15 hours per week and receive a stipend of \$3,300. The term of the agreement will not exceed one year and the cost of the agreement will be funded from the 2018-19 (\$13,600) and 19-20 (\$3,400) Budget of Department of Recreation and Youth Services contingent upon approval.

The City's SOOP coordinates with RochesterWorks! Summer Youth Employment Program (SYEP) in order to provide youth employment experiences in a variety of career paths and settings for youth ages 14 to 20 years old. This year, the City is shifting SOOP's focus to youth employment experience opportunities rather than career exploration programs. The change in focus will allow for the direct

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connection to major employers in the community and the ability to include many more youth in the program. In addition to funding the youth employment programs listed above, the City will create a variety of stipend-based summer youth employment experiences for youth at local employers in addition to wage-based opportunities within City departments. As part of this program, youth will complete job readiness training, gain real work experience, and earn a stipend of \$840 or minimum wage.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-93

Ordinance No. 2019-145
(Int. No. 160)

Authorizing agreements for the 2019 Summer of Opportunity 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 Victor Association of Cultural and Performing Arts, Inc. (a/k/a Cobblestone Arts Center) for a maximum compensation of \$27,120 to operate the Celebration of Youth summer arts internship program. The cost of the agreement shall be funded from the 2018-19 Budget of the Department of Recreation and Youth Services (DRYS). The term of the agreement shall be one year.

Section 2. The Mayor is hereby authorized to enter into an agreement with St. Mark's and St. John's Episcopal Church for a maximum compensation of \$11,800 to operate the E.D.E.N. Urban Farm summer youth employment program. The cost of the agreement shall be funded from the 2018-19 Budget of DRYS. The term of the agreement shall be one year.

Section 3. The Mayor is hereby authorized to enter into an agreement with Friends of the GardenAerial, Inc. for a maximum compensation of \$17,000 to sponsor internships with the Green Visions training and workforce development program. The cost of the agreement shall be funded by \$13,600 from the 2018-19 Budget of DRYS and \$3,400 from the 2019-20 Budget of DRYS, contingent upon approval. The term of the agreement shall be one year.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By President Scott
May 21, 2019

May 21, 2019

To the Council:

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

Int. No. 45A Local Law Aamending the City Charter with respect to establishing the Rochester Police Accountability Board, **as amended**

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

Received, filed and published.

President Scott moved to amend Int. No. 45

The motion was seconded Councilmember Patterson.

The motion was adopted by the following vote:

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

Nays – None -0.

TO THE COUNCIL

Ladies and Gentlemen:

Local Law No. 2
Re: Local Law to Create a Police
Accountability Board

Transmitted herewith for your approval is a local law establishing a Police Accountability Board (PAB) in the City of Rochester. The newly created authority will ultimately replace the Civilian Review Board (CRB) that was established in Rochester in 1992 (Resolution 1992-4), and all subsequent legislation amending that resolution.

In 1963, Rochester City Council voted to establish a Police Advisory Board. This was the first time a civilian led body would be given the opportunity to review allegations of police misconduct. Over the years

May 21, 2019

the function and concept of an oversight or advisory board has been changed and modified, including its dissolution in 1970 and reconstitution in 1977 as the Complaint Investigation Committee (CIC).

The model that was put in place in 1992, the Civilian Review Board (CRB), is still in existence today and is operated under contract with the Center for Dispute Settlement. Modifications to the CRB have been made throughout the years. One of the most significant change was the addition of a community advocate through an amendment in 2012.

Today, the City Council is proposing a PAB to replace the CRB, an independent board that will be civilian led and controlled. The PAB will be transparent and accountable to the community, a direct request of the citizens of our City. In response to the community the Council has authored this legislation that will create a Police Accountability Board. This Board will be representative of the community and must have community support through a referendum vote in order to be put in place.

The PAB legislation once passed by the Council calls for a referendum vote on Election Day, November 5, 2019, ultimately giving the City of Rochester electorate the final say on whether the PAB gets established.

If the referendum passes, the PAB will be housed and staffed outside of the Rochester Police Department (RPD), and will consist of 9 community members serving 3 years terms, of which 1 member will be nominated by the Mayor, 4 members will be nominated by the Council, and 4 members will be nominated by the Police Accountability Board Alliance.

The PAB will impartially investigate and adjudicate complaints of misconduct involving officer(s) of the RPD. The PAB will be empowered to utilize independent counsel and conduct independent investigations as they deem necessary and will be provided any information gathered from RPD's internal investigations. The PAB will be granted the power of subpoena by a majority vote of its members for information related to its investigations and deliberations.

The PAB will work with the City of Rochester, the RPD, and the Locust Club to establish a disciplinary matrix that will provide a range of disciplinary actions for RPD sworn employees who are found to be in violation of RPD policies with regard to force, procedure, courtesy, or conduct. The Chief of Police will be compelled to discipline any RPD sworn officer for whom a complaint was sustained by the PAB, using the ranges outlined in the disciplinary matrix.

The PAB will be responsible for reviewing and assessing RPD patterns, practices, policies, and procedures, and make recommendations for changes it deems necessary. In addition to these functions, the PAB shall publish monthly dispositions of complaints and quarterly and annual reports accessible on the City's website.

Respectfully Submitted,

Loretta C. Scott
President
At-Large Member

Willie J. Lightfoot
Vice-President
At-Large Member

Elaine M. Spaul
East District

Jacklyn Ortiz
At-Large Member

Michael A. Patterson
Northeast District

Molly Clifford
Northwest District

Malik D. Evans
At-Large Member

Mitch Gruber
At-Large Member

LaShay D. Harris
South District

Local Law No. 2
(Int. No. 45A, as amended)

Local Law Amending the City Charter with respect to establishing the Rochester Police Accountability Board

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

Section 1. Chapter 755 of the Laws of 1907, entitled “An Act Constituting the Charter of the City of Rochester”, as amended, is hereby further amended by adding the following new Article XVIII Police Accountability Board:

Article XVIII Police Accountability Board

§ 18-1. Purpose.

The Rochester City Council hereby intends to establish a civilian-controlled process to fairly investigate and make determinations respecting complaints of misconduct involving ~~employees~~ sworn officers of the Rochester Police Department. The Police Accountability Board shall be the mechanism to investigate such complaints of police misconduct and to review and assess Rochester Police Department patterns, practices, policies, and procedures. The Police Accountability Board shall ensure public accountability and transparency over the powers exercised by ~~employees~~ sworn officers of the Rochester Police Department. The Police Accountability Board shall provide a non-exclusive alternative to civil litigation.

§ 18-2. Definitions.

The following terms are defined, for purposes of this Article, as follows:

Alliance

The Police Accountability Board Alliance, a group of community organizations that nominate community members to be appointed by City Council to the Police Accountability Board.

Chief

The Chief of Police of the Rochester Police Department.

City

The City of Rochester, New York.

Complaint

A written or oral report regarding police misconduct made by any individual or group of individuals.

Council

The Rochester City Council.

Day(s)

Sequential days according to the calendar unless otherwise specified as “business days.”

Disciplinary Matrix

A written, consistent, progressive, and transparent tool or rubric to determine discipline for misconduct. The disciplinary matrix shall determine a range of disciplinary action options for misconduct. The Chief will be required to impose discipline utilizing the disciplinary matrix based on the Board’s findings and determination.

Executive Director

The highest-ranking staff hired by the Police Accountability Board, with ultimate responsibility for making managerial decisions.

Immediate Family

A parent, sibling, spouse or child of a person or any members of a person’s immediate household.

Misconduct

Any acts or omissions by an ~~employee~~ Officer of the Rochester Police Department that are unlawful, contrary to Rochester Police Department policy, or otherwise inappropriate.

Officers

The sworn officers of the RPD, including but not limited to the Chief, deputies, captains, lieutenants, commanders, and all other sworn law enforcement professionals.

PSS

Professional Standards Section, which is the internal affairs department of the Rochester Police Department.

RPD

Rochester Police Department of the City of Rochester, New York.

Sanction

Disciplinary action for RPD-~~employee~~ Officer misconduct.

The Board

The Police Accountability Board; such Board is a public agency within the meaning of New York Civil Rights Law Section 50-a.

Use of They, Their, Them

A plural term or pronoun that shall be construed to mean the singular and vice versa where appropriate.

§ 18-3. Establishment and Jurisdiction.

- A. The Civilian Review Board, established by Rochester City Council Resolution 92-40 and expanded by Resolution 95-08, will be abolished after and only after the PAB is established and fully functional for sixty (60) days. The PAB shall be deemed to be fully functional as soon as the first Executive Director assumes office and the Board has

adopted rules and procedures in accordance with § 18-6.

- B. There is hereby established an independent office of municipal government to be known as the Police Accountability Board. It shall be an autonomous office of the City separate from the Rochester Police Department and other local, state, and federal law enforcement agencies. The members of the Board, regardless of the original appointee of each member, shall be appointed through legislation approved by the City Council.
- C. The Board shall be independent of the RPD and shall investigate and adjudicate complaints of misconduct against ~~the RPD Officers or any of its officers, staff, administrative and executive professionals, including but not limited to the Chief, deputies, captains, lieutenants, commanders, and all other law enforcement professionals.~~ Officers.
- D. As a condition of employment with the RPD, ~~all employees and personnel~~ Officers, including but not limited to the Chief, shall fully cooperate with the Board and this Article. In cases where ~~employees~~ Officers do not cooperate, the Board shall send a recommendation to City Council to invoke its power under City Charter § 2-19 to remove the ~~RPD employee~~ Officer. This shall not in any way limit the Board's right to invoke other remedies including judicial enforcement of the Article.
- E. The Board shall have the power to conduct independent investigations as further outlined in Section 1-5(G) below, the power to use subpoenas to compel testimony and the production of evidence, and the power to discipline RPD ~~employee(s)~~ Officer(s) if a complaint of misconduct is sustained.
- F. Based on information and belief that an investigation is warranted the Board shall have the power to conduct an investigation, even in the absence of a civilian complaint.
- G. The Board in conjunction with the Chief of the Rochester Police Department and Locust Club President shall establish a disciplinary matrix. The Board shall request input from the Chief, the Community Justice Advisory Board, the Police Accountability Board Alliance, and the President of the Rochester Police Locust Club when developing the matrix.
- H. The RPD and the City shall provide to the Board, as requested: access to all documents and evidence, including but not limited to RPD personnel files, IA Pro database, all other RPD databases, PSS investigative files, criminal and civil case files, disciplinary hearing records, video and audio recordings from body cameras or other sources, all RPD policies, procedures, and practices, the General Manual, and any other documents that pertain to policies, tactics, complaints, or charges against ~~RPD employees~~ Officers and their subsequent investigation and adjudication, or other sources of information deemed appropriate by the Board.
- I. The Board shall have the power to investigate any and all conduct, acts, or omissions by any ~~RPD employee~~ Officer.
- J. The Board shall have the power to review and recommend changes to RPD regarding RPD policies, procedures, patterns, practices and training.

§ 18-4. Board Composition, Appointment, Vacancy, and Removal.

- A. The Police Accountability Board shall consist of nine (9) members.
- B. Members of the Board shall serve terms of three (3) years except for the initial Board, which shall serve staggered terms, pursuant to Section 1-4 (J).
- C. Members of the Board shall be residents of the City of Rochester for a minimum of 12 months at the time of appointment to the Board.
- D. Members of the Board shall reflect the City's diverse community, including, but not limited to: age, race, creed, color, national origin, gender, gender identity or expression, sexual orientation, disability, marital status and source of income.
- E. Members of the Board and their immediate family shall not be currently or formerly employed by the RPD ~~or any other local, state, or federal law enforcement agencies.~~ At the discretion of the nominating and appointing authorities, no more than one (1) member of the Board at a time may be a former law enforcement employee with an agency other than the RPD or an immediate family member of a person formerly employed in non-RPD law enforcement, provided that such employment was three (3) or more years prior to the member's appointment.
- F. Board members shall not be current (or within the immediately preceding three (3) year period) City elected officials or immediate family of any incumbent elected official representing/serving any district or municipality in the State of New York.

No practicing attorney or their immediate family who represents or has represented a plaintiff or defendant in a police misconduct lawsuit initiated against the RPD, the Chief or the Rochester Police Locust Club shall be a member of the Board. Board members may not represent a complainant or an RPD ~~employee~~ Officer at Board hearings.

~~The provisions of Article 23-a of New York State Correction Law shall apply to any appointment to the Board.~~

- G. The provisions of Article 2, Section 5 and Article 3, Section 30 of the Public Officers Law of the State of New York, regarding vacancies, shall apply to all members of the Board.
- H. Appointments to the initial Board shall be made within sixty (60) days from the effective date of this Local Law as follows:
 - 1) The Mayor shall appoint one (1) members.
 - 2) Council shall appoint four (4) members; one (1) appointee from each of the four Council Districts: East District, Northeast District, Northwest District, and South District.
 - 3) The Alliance shall nominate twelve (12) individuals, three (3) for each of ~~its~~ four (4) ~~Board-members seats~~, within thirty (30) days from the effective date of this local law, from which Council shall confirm and appoint one (1) such individual for each of the four (4) member-seats at Council's discretion. If all three (3) nominees for any one member-seat are rejected by Council, then the Alliance will nominate replacement(s) within fifteen (15) days until all four (4) members are confirmed. If necessary this process will repeat until Council has deemed a candidate qualified and capable of

serving the Board.

All appointments will be approved through legislation passed by a majority of Council.

I. Police Accountability Board Alliance Nomination Process

The initial Alliance shall include no more than two (2) representatives from each organization listed in Appendix A. The process used by the Alliance to make initial Board appointments shall be as follows:

- 1) The first Alliance Executive Committee shall consist of five (5) individuals selected by the Alliance.
- 2) The Executive Committee will call for applications for nominees to fill four (4) positions on the Board;
- 3) Each organization represented in the Alliance as well as City residents may submit applications to nominate individuals;
- 4) The Executive Committee shall screen nominee submissions and narrow the field to finalists, then call a meeting of the Alliance to seek input regarding the qualifications of the finalists;
- 5) The Executive Committee shall determine the final twelve (12) names for the four (4) nominees and submit them to Council for confirmation and appointment;
- 6) Should Council reject a nominee, a written rejection will be submitted to the Alliance and the Alliance will resume the nominating process to select a replacement;
- 7) The final list of community appointments shall not be published until all four (4) nominees are confirmed by Council for the initial Board;
- 8) Future Board appointments to fill term-ended and mid-term vacancies shall follow a process determined by ~~Alliance~~ Board by-laws based on the initial selection process.

J. Terms

- 1) The first term of the initial Board commences when all nine (9) Board members are appointed and ends on the following June 30th.
- 2) Except for the initial Board, members shall serve staggered three (3) year terms and may be reappointed for another three (3) year term, for a total of six (6) years, after which, the member shall not be reappointed for at least three (3) years.
- 3) Except for the initial Board, each term shall commence on July 1st and end on June 30th. If a person is appointed to complete the unexpired term of a former Board member, they shall complete the term. The members shall be appointed for terms of three (3) years, except the first nine (9) members appointed. Of the first nine (9) members appointed:
 - a) three (3) members shall be appointed for terms of one (1) year, of whom one (1) shall have been designated by Council, and two (2) shall have been designated by the Alliance;

- b) three (3) members shall be appointed for terms of two (2) years, of whom two (2) shall have been designated by the Council, and one (1) shall have been designated by the Alliance;
- c) three (3) members shall be appointed for terms of three (3) years, of whom one (1) shall have been designated by the Mayor one (1) shall have been designated by the Alliance, and one (1) shall have been designated by Council.

K. Vacancies

After the initial nine (9) member Board has been established, when any member vacates the Board, the Board shall notify the Mayor, Council, and the Alliance. The vacant position shall be filled in the same manner by which it was initially filled, within sixty (60) days of the vacancy.

L. Removal

- 1) A Board member seeking public office shall resign their seat at the time they announce their candidacy or file their petitions, whichever happens first.
- 2) A Board member who no longer resides in the City shall resign immediately.
- 3) By a majority vote, the Board may request that Council remove a Board member for good cause.

§ 18-5. Powers and Duties.

- A. The Board shall have the power to conduct independent investigations as further outlined in Section 1-5(G) below, the power to use subpoenas to compel testimony and the production of evidence, and the power to discipline RPD ~~employees~~ Officers if a complaint of misconduct is sustained.
- B. The Board shall establish a disciplinary matrix in conjunction with the Chief of the Rochester Police Department and Locust Club President. The Board shall request input from the Chief, the Alliance and the President of the Rochester Police Locust Club with respect to the disciplinary matrix. The disciplinary matrix shall include clearly delineated penalty levels with ranges of sanctions which progressively increase based on the gravity of the misconduct and the number of prior sustained complaints. The Board, in consultation with the Chief and the President of the Rochester Police Locust Club, shall review the disciplinary matrix annually, and consider any recommended changes. The Board shall decide the final version of the disciplinary matrix to be used.
- C. The Board shall review and assess RPD policies, procedures, patterns, practices and training and recommend changes to the RPD. Written acknowledgment of receipt of recommendations will be sent to the Executive Director from the Chief of Police within sixty (60) days with a detail listing of what items are and are not being implemented.
- D. The Board and the Chief shall establish a cooperative relationship to ensure the orderly and efficient flow of information.
- E. Accessibility
 - 1) The Board shall provide language access for limited or non-English proficient

complainants and witnesses at all stages of the investigative and adjudicative process. Language access shall be available during all operating hours of the Board.

- 2) The Board shall provide reasonable accommodations in accordance with the federal, state and local law to individuals with disabilities at all stages of the investigative and adjudicative process. Such accommodations shall be available during all operating hours of the Board and shall include but not be limited to: accessible means of egress, accessible means of communication via auxiliary aids or services giving primary consideration to preferences of the individual deserving such services, and access to ASL interpreters.

F. Initiation of Complaints

- 1) Complaints may be received directly by the Board, or upon referral from PSS, the Mayor, the Council, any Councilmember, or the Chief. Any complaint received and accepted by the Board shall be transmitted to PSS, and any complaint received and accepted by PSS shall be transmitted to the Board.
- 2) The Board shall receive complaints by telephone, in person, by mail, email or web form. Complaints shall be received and considered whether submitted under signature or anonymous. Efforts to simplify the procedure shall be made to encourage filing. Professional standards of confidentiality with regard to the written release of information and informed consent will apply to all complaints filed. With respect to the confidentiality of all interested parties, the Board shall comply with all local, state, and federal law, including Civil Rights Law Section 50-a.
- 3) Before proceeding with the complaint process, the complainant shall be made aware of and referred to organizations that advocate for people who have experienced police misconduct and can explain the process of the Board and other options that exist beyond the jurisdiction of the Board.
- 4) Complainants shall be apprised by the Board of legal assistance options and the procedure for filing a Notice of Claim with the Corporation Counsel against the City, pursuant to Article IX of the City Charter.

G. Board Investigation of Complaints

- 1) A City employee assigned to the Police Accountability Board shall interview complainants, witnesses and RPD-~~employees~~ Officers, and gather relevant evidence. PSS shall provide the Board with written notice of the commencement of any investigation and likewise, the Board shall provide PSS with written notice of the commencement of any investigation.
- 2) The Board shall have the power to investigate any and all conduct, acts or omissions by any RPD-~~employee~~ Officer independent of any investigation conducted by PSS.
- 3) Subpoenas may be issued upon the affirmative vote of a majority of the Board at any time during the review and adjudication processes. Such subpoenas may compel

the attendance of witnesses, RPD Officers, RPD employees, and/or persons, and require the production of records and other materials, including records of the RPD, other persons or other agencies. A copy of any subpoena served upon an RPD Officer or employee shall also be delivered to the Chief. Board subpoenas are enforceable pursuant to relevant provisions of Article 23 of the New York Civil Practice Law and Rules. The Chief will use the authority granted by Article VIIIA, Section 8A-1 of the City Charter, to promulgate new rules or utilize existing rules regarding discipline and administration of RPD ~~employees~~ Officers to ensure compliance with Board procedure and applicable law. RPD Officers and employees shall be notified of their rights against self-incrimination under *Garrity v. New Jersey*, 385 U.S. 493 (1967), before any testimony is taken from them.

- 4) Upon receipt of a complaint, within the timeframe allotted in accordance with the police bargaining agreement, PSS shall provide to the Board its entire investigative case file related to the complaint. Thereafter, PSS shall send any newly acquired evidence to the Board within five (5) business days of the acquisition of the evidence. If PSS makes any findings with respect to the complaint, they shall send all such findings to the Board within five (5) business days.
- ~~5)~~ One (1) police officer holding the rank of Captain or higher, shall be made available by the Chief to the Board at the Board's request to serve as a consultant or advisor should questions arise from members of the Board regarding specific police practices, policies, or general orders. The officer so assigned shall be neither from PSS nor the Commanding Officer of the Officer(s) involved in the case being reviewed.
- ~~5)6)~~ A complainant may, at any time, decline to have their complaint investigated and reviewed by the Board. Such declination must be made in writing by the complainant, and shall be forwarded to the Chief by the Board.
- ~~6)7)~~ Statements made by complainants, RPD Officers or employees, or witnesses are subject to the panel's determinations of weight and credibility. Participation or lack of participation in the hearing process may be considered by the Board as one factor in their determination of credibility.
- ~~7)8)~~ The Chief shall take no action on a complaint, whether received directly by the RPD or by the Board, until receipt of the Board findings and decision, or notice that the Board has determined no disciplinary action is appropriate. Nonetheless, the Chief shall retain the authority to suspend an RPD ~~employee~~ Officer during the investigation and adjudication of a complaint against the RPD-~~employee~~ Officer.

H. Reasonable Cause Determination

- 1) Upon completion of the review of the material from the PSS investigation and/or the Board investigation, the Executive Director shall present a report and recommendation to Board members as to whether there is reasonable cause to proceed to a Board hearing on the allegations of misconduct in a complaint.
- 2) Upon review of the report and recommendations from the Executive Director, the Board members may either affirm or reverse the recommendation as to whether or not there is reasonable cause to proceed to a hearing. If there is reasonable cause to proceed, the Board shall direct the Executive Director to schedule a hearing and notify

the complainant and the Chief. If there is not reasonable cause, the Executive Director shall notify the complainant and the Chief of this determination.

I. Hearing Process

- 1) As described in Section 1-6 (A)(3), the Board Chairperson shall establish a rotation of Board members to serve on hearing panels composed of three (3) members. Each panel shall include one (1) Alliance-appointed member, but shall not include more than two (2) Alliance-appointed members. Each panel shall select its own Chairperson on a case-by-case basis.
- 2) As described in Section 1-5 (G) (3), subpoenas may be issued during the hearing process.
- 3) Upon a majority vote of the Board membership in a duly published open meeting, the Board may determine to go into Executive Session so that the panel may conduct its hearing.
- 4) Panel hearings shall be recorded and transcribed by the Board. No other recordings or transcriptions are permitted.
- 5) Decisions made by the hearing panel will be documented in a Notice of Panel Decision delineating the findings of fact, and reasoning of the panel. If a panel member dissents from the majority's decision, the dissenter shall provide a written delineation of their findings of fact and reasoning.
- 6) Notice of Panel Decisions shall be provided to all parties with any confidential information redacted, pursuant to all local, state, and federal law.
- 7) Both complainant(s) and RPD-~~employee(s)~~ Officer(s) subject to a hearing shall have the right to obtain counsel or other representation and call witnesses on their own behalf. All due process rights delineated in NYS Civil Service Law Section 75 shall apply.
- 8) Complainants and RPD-~~employees~~ Officers subject to hearings may be questioned by the panel at the panel's discretion; relevant evidence pertaining to the case before the panel may also be entered into the hearing.
- 9) Statements made by complainants, RPD-~~employees~~ Officers, or witnesses are subject to the panel's determination of weight and credibility. Participation or lack of participation in the hearing process may be considered by the Board as one factor in their determination of credibility.
- 10) Decisions of the panel shall be made by a majority vote pursuant to the substantial evidence standard of proof. Deliberations of the panel shall be confidential and confined to the panel members assigned to that particular hearing, and their legal advisor(s). The decision shall include: (i) findings of fact, (ii) a determination as to whether there is substantial evidence of misconduct, and (iii) the disciplinary action in reference to the RPD ~~employee(s)~~ Officer(s) pursuant to the disciplinary matrix described in Section 1- 5 (B).

- a) If the panel finds that the RPD-~~employee(s)~~ Officer(s) may have engaged in criminal conduct, it shall refer the matter to the Monroe County District Attorney's Office or the New York State Attorney General's Office and request that their office initiate an investigation.
 - b) The Board shall notify the complainant, ~~the RPD-employee(s) who were the subject(s) of the complaint,~~ and the Chief, in writing within five (5) business days of the panel's findings and decision. It shall be the responsibility of the Chief to notify the RPD Officer(s) who were the subject(s) of the panel's findings and decision.
 - c) If a Notice of Panel Decision contains a dissenting opinion, the complainant may appeal to the Board for review of the panel's findings. The complainant's appeal requesting Board review must be in writing and received by the Board no more than 30 days after the Notice of Panel Decision was sent to the complainant. To adjudicate the appeal, all Board members shall review all evidence in the record, including the hearing transcript, and shall determine, by majority vote, whether the majority opinion in the Notice of Panel Decision shall be:
 - (i) Reversed, if the Board decides that the Decision of the panel was wrong, the Board vacates (cancels) the Decision of the panel; or
 - (ii) Modified, if the Board changes part of the panel's Decisions, e.g., the Board decides that the appropriate sanction shall be termination rather than suspension; or
 - (iii) Affirmed, if the Board decides that the panel made the right Decision; the panel Decision remains in effect.
 - d) If there is an appeal by the complainant, the Board shall provide a written Notice of Board Decision to the complainant, ~~RPD-employee(s) who were the subject(s) of the complaint,~~ and the Chief. The Notice of Board Decision shall include: (i) findings of fact, (ii) a determination as to whether there is substantial evidence of misconduct, and (iii) the disciplinary action in reference to the RPD-~~employee(s)~~ Officer(s) pursuant to the disciplinary matrix described in Section 1-5 (B).
 - e) RPD-~~employees~~ Officers shall have the right to appeal pursuant to Section 76 of NYS Civil Service Law.
 - f) Panel Decisions may include disciplinary sanctions including but not limited to counseling, reprimand, retraining, suspension, demotion, or dismissal.
- 11) The panel shall report its findings and decisions to the Board at its next scheduled meeting.
- 12) The actions of the Board shall not preclude action by the criminal or civil justice system.
- 13) Responses from the Chief of Police

Within thirty (30) days of the receipt of a Notice of Panel Decision or Notice of Board Decision, the Chief shall provide the Board with a written explanation of the exact

discipline imposed in accordance with the matrix.

J.) Discipline

- 1) Before conducting any hearings, the Board shall establish a disciplinary matrix per Section 1-5 (B).
- 2) This Article shall not limit the Chief's ability to impose any additional discipline for an RPD-~~employee~~ Officer above and beyond that recommended by the Board.
- ~~3) After the Board receives a written response from the Chief, or after thirty (30) days, whichever comes first, the Board shall make a final decision of discipline per the disciplinary matrix described in Section 1-5 (B).~~
- ~~4)3) The Board shall notify the complainant, the RPD employee(s) who were the subject(s) of the complaint, and the Chief, in writing within five (5) business days of the Board's final decision of discipline.~~
- ~~5)4) The Board's final determination of discipline shall be binding on the Chief, who shall be compelled to impose the discipline determined by the Board in accordance with the matrix within five (5) days of receipt of the Board's final determination of discipline decision. The Chief will provide the Board with a written explanation of the exact discipline imposed in accordance with the matrix within thirty (30) days.~~
- ~~6) The disciplinary matrix shall determine a range of sanctions within which the Board shall determine the specific sanction to impose on the RPD employee(s). The Board may consider mitigating and aggravating circumstances when making a final determination of discipline.~~

K) Policy Assessment

- 1) At least annually, the Board shall review and assess RPD policies, procedures, patterns and practices and recommend changes with input from the community.
- 2) The Board shall send its policy recommendations to the Chief, the Mayor, and City Council. The Board shall publish its policy recommendations on the Board website.
- 3) The Board's recommendations may address, but are not limited to: conduct and policies exhibiting bias against individuals based on race, gender, sexual orientation, perceived sexual orientation, gender identity, disability and perceived disability; use of force both lethal and non-lethal; de-escalation policies; vehicle and foot pursuits; use of canines; failure to acknowledge and/or accommodate the needs of people with disabilities including but not limited to physical disabilities, intellectual and developmental disabilities, psychiatric disabilities, traumatic brain injuries; and human rights issues.
- 4) Within thirty (30) days of receiving the recommendations, the Chief shall provide the Board, the Mayor, and Council with a written explanation of why the Chief agrees or disagrees with the policy recommendations.
- 5) If the Chief agrees with the policy recommendation(s), then the Chief shall provide a timeline to the Board indicating implementation of each recommendation.
- 6) The Board shall publish on its website whether or not the policy recommendation(s) have been implemented.

§ 18-6. Officers and Staff.

- A. At the initial Board's first meeting, the Board shall elect a Chairperson and Vice-Chairperson, by majority vote. Subsequently, the Board shall elect a Chairperson and Vice-Chairperson by majority vote, at the first meeting after July 1 of each year. Each Chairperson and Vice-Chairperson shall serve until the June 30 following their election. No Board member shall serve as Chairperson or Vice-Chairperson for more than three (3) consecutive years. The initial Board shall convene a search committee for an Executive Director and a committee to establish rules of procedure not provided for herein. The search for a new Executive Director shall take place in the first year and whenever there is a vacancy. The Chairperson will also be responsible to:
- 1) facilitate and preside over meetings of the Board;
 - 2) establish committees of Board members as needed; and
 - 3) establish a regular rotation of Board members to serve on hearing panels.
- B. A quorum of five (5) Board members must be present to conduct Board business, regardless of vacancies. No business shall be transacted by the Board without a quorum being present. Board action shall be decided by a simple majority of Board members present.
- C. Police Accountability Board Executive Director
- 1) The PAB shall conduct a search process to hire a full-time Police Accountability Board Executive Director in accordance with the City of Rochester hiring practices. The Executive Director is subject to a Council Confirmation. The Executive Director will report to the Board and shall serve at the discretion of the Board.
 - 2) The Executive Director shall be a resident of the City within twelve (12) months of hiring and shall remain a City resident for the duration of their tenure.
 - 3) The Executive Director shall not be currently or formerly employed by the RPD or any other local, state, or federal law enforcement agency, nor shall any of their immediate family be employed by the RPD. Neither shall the Executive Director be a member of the immediate family of any incumbent elected official of the City, or have litigation pending against the City involving a claim of police misconduct, or be a member of the immediate family of a person, or be an attorney representing a person with such pending litigation.
 - 4) The Council, through the annual budgetary process as set forth in Article VI of the City Charter, as amended, shall provide for the compensation and benefits of the Executive Director.
 - 5) The Board shall conduct an annual review of the performance of the Executive Director and may remove the Executive Director for good cause.
 - 6) The Board shall be responsible, through the Executive Director and staff, for the daily administrative work of the Board.

- 7) The Executive Director shall be responsible for hiring and supervising staff in accordance with the City Charter and the Municipal Code. All such persons and their immediate family shall be free of any conflict of interest, including but not limited to current or former employment with the RPD or any other local, state, or federal law enforcement agency.

§ 18-7. Training and Outreach.

A. Board and Executive Director Training

The Board and staff shall seek and participate in a broad range of training annually. Training resources will be selected by the Board and may include individuals and organizations such as law enforcement entities, attorneys, and any national, state, or local resources with expertise and experience in civilian complaints, investigation, police policies, auditing/monitoring, and other appropriate skills and knowledge. The Board and staff orientation and ongoing training shall include but not be limited to, the following:

- 1) All relevant local, state, and federal law
- 2) implicit bias and anti-racism;
- 3) gender identity and sexuality;
- 4) disability rights, including but not limited to physical disabilities, intellectual and developmental disabilities, psychiatric disabilities and traumatic brain injuries;
- 5) classism, poverty and homelessness;
- 6) trauma-informed policing and crisis intervention, including RPD-~~employee~~ Officer well-being;
- 7) patterns, practices, policies, and procedures of the RPD;
- 8) Police Accountability Board Local Law;
- 9) civilian oversight history, models, trends, theories, standards and best practices;
- 10) how to conduct independent and objective civilian complaint investigations, e.g. interviewing, collection and preservation of evidence;
- 11) community outreach to inform how the ~~Police Accountability~~ Board functions and serves the community and public reporting;
- 12) discipline and remediation, education-based discipline, early warning systems, processes of arbitration/grievance;
- 13) RPD ride alongs;
- 14) access to RPD training; and
- 15) access to RPD manuals.

B) Community Outreach

- 1) The Board shall conduct outreach to community members, groups, and nonprofit organizations. The Board shall provide language access for limited and non-English

proficient individuals. The Board shall provide reasonable accommodations in accordance with the federal, state and local law to individuals with disabilities.

- 2) Complaint forms and instructions shall be made available by RPD Officers and employees and at the Board office, at Board meetings, libraries, recreation centers, PSS office, police stations, public safety building, courts, and all other government buildings, and on the City, RPD, and Board websites.
- 3) In addition to regular monthly business meetings that include review of complaints, the Board shall hold public meetings in each City district a minimum of at least once annually, to invite public input or comment, and to provide information education about the Board process and its work.
- 4) The Board shall, through a standing Board committee, be dedicated to youth and community engagement, establish and pursue ways to interact with and solicit input from youth, present educational programs designed to promote public awareness of the Board process, give the public information about their rights and responsibilities regarding encounters with law enforcement employees, and publicize the procedure for filing a complaint with the Board.
- 5) The City shall provide the Board with a website on which the Board shall post information, including but not limited to: educational materials, links, videos, reports, and forms related to the operation of the Board and its mission.
- 6) The Board shall survey complainants and the public to assess satisfaction and identify concerns with the Board's investigative and adjudicative processes.

§ 18-8. Retaliation Prohibited.

Retaliation by RPD Officers and employees against complainants, witnesses, the Board and its staff, and other RPD Officers and employees, shall be prohibited. Retaliation includes but is not limited to: harassment, intimidation, stalking, threats and assaults. If a complaint of retaliation is sustained by the Board, action will be taken based upon the disciplinary matrix. ~~A formal complaint does not need to be filed with the Board for an investigation of retaliation to occur.~~ The chief will also be notified of the misconduct.

§ 18-9. Conflict of Interest.

- A. No Board member or Board employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of their duties in the public interest. Any conflict of interest prohibited by Article 18 of the General Municipal Law or by the ~~City's~~ Code of Ethics shall disqualify a member. A conflict of interest shall include, but is not limited to: if they have reason to believe or expect that they will derive a direct monetary gain or suffer a direct monetary loss, by reason of their official activity; or if any benefit or detriment accrues to them as a member of a business, profession, occupation, or group to a greater extent than any other member of the business, profession, occupation, or group. Board members may not represent a complainant or an RPD ~~sworn member~~ Officer before PSS or the Board.
- B. If a Board member has a personal, business or other relationship or association with a

party to or a witness in a matter before the Board, the member shall disclose the situation to the Chairperson, and shall recuse themselves from deliberations or action in connection with that case.

- C. Board members and employees shall be subject to the City of Rochester's Code of Ethics.

§ 18-10. Legal Representation.

- A. The Corporation Counsel shall advise and represent the Board as it would other public boards in accordance with the Law Department's duties under Article IX of the City Charter. ~~Provided, however, that upon the determination by the Corporation Counsel that a conflict of interest exists, depending on the facts and circumstances of a particular matter, Corporation Counsel will advise the Board to obtain outside counsel if such counsel is deemed necessary by the Board.~~ The Board may then seek and retain independent legal counsel, ~~provided, however, that compensation for such legal services shall be established through the City's annual budgetary process as set forth in Article VI of the Rochester City Charter for any purpose and may also utilize the City's Corporation Counsel at its discretion.~~
- B. All contracts for outside services (legal or other) shall be procured in accordance with the City of Rochester purchasing requirements and are subject to City Council approval when over \$10,000 or the Police Accountability Board does not have adequate funds in their annual budget to cover the cost of an agreement less than \$10,000.

§ 18-11. Police Accountability Board Reports.

- A. The Board shall publish on its website monthly data on the receipt and dispositions of complaints.
- B. All complaints shall be issued a public tracking number, which shall be included in the quarterly and annual reports.
- C. The Board shall publish on its website for the public and deliver hard copy to the Office of the City Council and Office of the Mayor public quarterly and annual reports that shall document:
- 1) The total number and type of complaints and the City districts in which they happened;
 - 2) The categories of each complaint as defined in Section Three of the local law;
 - 3) The public tracking number of each complaint;
 - 4) Detailing information that is legally available to the Board, including but not limited to: the date, time, and location of each incident, whether there is video of the incident or not, age, race, and gender of adult complainant(s), rank(s), gender(s), section(s), and race(s) of the RPD-~~employee(s)~~ Officer(s) and if there were witnesses, how many, and whether they are employed by any local, state, or federal law enforcement agency and which agency; the Board shall comply with local, state, and federal law and redact any information that may not be disclosed publicly. The number of previous complaints against the RPD-~~employee(s)~~ Officer(s) within ten (10) years of the incident and whether or not those complaints were sustained.

- 5) The number of times and the types of use of force used per complaint and the total number of times and types of use of force used;
 - 6) The number of times pepper spray was deployed per complaint and the total number of times pepper spray was deployed;
 - 7) The number of times and types of pain compliance tactics used per complaint and the totals for each use of pain compliance tactic;
 - 8) The number of times and types of use where a Taser was deployed;
 - 9) Complaint and sustain rates for each RPD section;
 - 10) in the event where an RPD-~~employee~~ Officer uses their firearm:
 - a) the type of weapon used (firearm, brand, type);
 - b) number of shots fired;
 - c) the range from which the firearm was fired;
 - d) injuries sustained by the complainant, animal(s), RPD-~~employee(s)~~ Officer(s), and/or any bystanders;
 - e) any medical care provided and what type; whether the person or animal was killed.
 - f) the number of cases where the panel's disciplinary decision was enforced by the eChief
 - g) the number of cases where the Chief disputed the disciplinary decision of the panel;
 - h) the type of sanctions imposed;
 - i) the type of sanctions decided upon;
 - j) the number of cases reviewed by the Board;
 - k) the number of complaints found not to have reasonable cause to be heard;
 - l) the number of complainants contacting the Board but not following through with a formal signed complaint;
 - m) the length of time each case was pending before the Board;
 - n) the number of complainants who filed a notice of claim against the City while their complaint was being considered by the Board.
- D. The annual report published on the Board's website for the public and deliver hard copy to the Office of the City Council and Office of the Mayor and shall contain:
- 1) The recommendations related to changes in RPD patterns, practices, policies, and procedures;

- 2) Whether the prior year's recommended changes have been implemented;
 - 3) A summary of complainant and public survey data with an assessment of if and how Board policies should change to accommodate concerns.
- E. Quarterly and annual reports shall be publicly available on the Board's website.
 - F. Any video associated with the Complaint that can be made public, shall be made publicly available.
 - G. The Board shall comply with all local, state, and federal law, including Civil Rights Law Section 50-a concerning the release of personnel information.

§ 18-12. Audit and Evaluation.

- A. The Board may, by majority vote, perform an audit, or direct that an audit be performed, to assess the investigation and adjudication of civilian complaints.
- B. An independent organization of Council's choosing shall conduct a formal annual evaluation of the functions, processes, and outcomes of the Police Accountability Board. The evaluator will make specific recommendations to the Council regarding changes to the Board's functions, processes and outcomes.

§ 18-13. Budget.

- A. The annual proposed budget of the Police Accountability Board shall provide for sufficient funding to carry out the powers and duties set forth in the Police Accountability Board Article, including the funding of staff and all necessary operating expenses for the purpose of resolving all complaints within ninety (90) days. The Board shall be funded through the budgetary process of the City, pursuant to Article VI of the City Charter. The Board budget shall be separate from, and independent of, the RPD budget.
- B. The Board shall annually prepare a budget in accordance with the Budget Allocation Level that it deemed appropriate from the Office of Management and Budget. The Board shall submit the proposed budget, along with appropriate financial documentation, to the Mayor and Council, during the City's annual budgetary process.
- C. The Board's first year budget shall include appropriate start-up costs, such as office furnishings, equipment, training for all Board and staff, and a national search for the Executive Director.

§ 18-14. Severability.

The invalidity of any provision or provisions of this chapter shall not affect the validity of the remaining provisions thereof, but such remaining provisions shall continue in full force and effect.

Section 2. This local law shall ~~take effect upon its filing in the Office of the Secretary of State as provided by Section 27 of the NYS Municipal Home Rule Law~~ be submitted for the approval of the electors at the general election to be held on November 5, 2019 and shall take effect only if and when it is certified as having been approved by the affirmative vote of a majority of the qualified electors voting on said proposition.

Strikeout indicates deleted text, new text is underlined.

May 21, 2019

APPENDIX A
Police Accountability Board Supporting Organization

19th Ward Community Association	MK Gandhi Institute
Action for a Better Community	National Lawyers Guild of Rochester
Action Together Rochester	Native American Cultural Center
African American Health Association & Latino Health Coalition	North East Area Development
American Baptist Churches of the Rochester/Genesee Region	Omega Psi Phi
Antioch Missionary Baptist Church	Open Arms Christian Fellowship
Baber AME Church	Out Alliance
Beechwood Neighborhood Association	Ministry
Center for Disability Rights	PLEX Neighborhood Association
Citizen Action of Western New York	Re-entry & Community Development Center
Colgate Rochester Crozer Divinity School	Roc/ACTS
Compeer	Rochester Black Authors
Delta Sigma Theta Sorority Alumna	Rochester Democratic Socialists of America
Dimitri House	ROCitizen
Empire Justice	Safer Monroe Area Reentry Team (SMART)
Enough Is Enough	Shades of Sisterhood
Facing Race, Embracing Equity (FR=EE)	Showing Up for Racial Justice (SURJ)
First Unitarian Church	Sisters of Mercy
First Universalist Church	Social Welfare Action Alliance
Flower City Noir	South West Area Neighborhood Assoc.
Flying Squirrel Community Space	Spiritus Christi Anti-Racism Coalition
Greater Rochester Community of Churches	St. Joseph's House of Hospitality
Green Party of Monroe County	Table 23
Ibero American Action League	Teen Empowerment
Inner Faith Gospel Tabernacle	Trinity Emmanuel Presbyterian Church
Justice For All	Turning Points
	Urban League of Rochester
	Rochester Chapter of VOCAL-NY
	** Organization list is subject to change

Adopted unanimously

The meeting was adjourned at 8:11 p.m

HAZEL L. WASHINGTON
City Clerk