

ROCHESTER CITY COUNCIL

REGULAR MEETING

June 18, 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.

Special Presentation:

Christopher Mahar

Retirement:

DES:

*Richard Paolotto

DHRM:

*Patricia Smith

DRYS:

*Jeanetta Davis-Jackson

RFD:

*John Greico

*Thomas Johnson

*Bart B. Joseph

*James R. Kober

RPD:

Frank Alvarado

**Not attending meeting*

APPROVAL OF THE MINUTES

By Councilmember Spaul

RESOLVED, that the minutes of the Regular Meeting on May 21, 2019 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

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

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes – June 2019 – 4310-19

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The Council submits Disclosure of Interest Forms from Councilmember Gruber on Int. No. 179, Councilmember Harris on Int. No. 217, Int. No. 226, Int. No. 228 and Int. No. 238 and Councilmember Spaul on Int. No. 175, Int. No. 176, Int. No. 177, Int. No. 190, Int. No. 217, Int. No. 226 and Int. No. 228.

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

Councilmember Spaul presented 96 signatures from Lock 66/ Middle Monroe Ave Neighborhood Association in opposition of RFD brownouts. - Petition No. 1762.

Councilmember Spaul presented 223 signatures opposing Brownouts and Dynamic Staffing from ACE Neighborhood Association – Petition No. 1763.

THE COUNCIL PRESIDENT --- RECEIVED AND FILED.

PUBLIC HEARINGS.

Pursuant to law, public hearings were held on June 12, 2019 on the following matters:

Adoption of the Budget estimates for municipal purposes for the 2019-20 fiscal year, appropriation of sums set forth therein and approving commercial refuse fees Int. No. 225
Five (5) Speakers

Adoption of the Budget estimates for school purposes for the 2019-20 fiscal year and appropriation of sums set forth therein Int. No. 226
No Speakers

Local Improvement Ordinance – Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2019 and expiring June 30, 2020 Int. No. 229
One (1) Speaker

Confirming the assessments, amounts and charges to be inserted in the annual tax rolls for the fiscal year commencing July 1, 2019 and expiring June 30, 2020 Int. No. 230
No Speakers

Pursuant to law, public hearings were held on June 13, 2019 on the following matters:

Approving the Consolidated Community Development Plan/2019-20 Annual Action Plan Int. No. 175
No Speakers

**REPORTS OF STANDING COMMITTEES
AND ACTION THEREON**

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By Councilmember Evans
June 18, 2019

To the Council:

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

- | | |
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| Int. No. 166 | Authorizing an agreement with SourceLink |
| Int. No. 167 | Cancellation of erroneous taxes and charges |
| Int. No. 168 | Authorizing competitive grant applications |
| Int. No. 169 | Authorizing an agreement for fireworks displays |
| Int. No. 170 | Authorizing an agreement with Corporate Cost Control, Inc. |
| Int. No. 171 | Amending Chapter 69 of the Municipal Code with regard to smoking near public libraries |
| Int. No. 172 | Revenue Anticipation Note Ordinance Delegating To The Director Of Finance The Powers To Authorize The Issuance Of \$50,000,000 Revenue Anticipation Notes Of The City Of Rochester, New York, Or So Much Thereof As May Be Necessary, In Anticipation Of The Receipt Of Certain Revenues For The Fiscal Year Ending June 30, 2005, And To Prescribe The Terms, Form And Contents, And Provide For The Sale Of Such Notes |
| Int. No. 226 | Adoption of the Budget estimates for school purposes for the 2019-20 fiscal year and appropriation of sums set forth therein |
| Int. No. 227 | Levying taxes for municipal purposes for the fiscal year commencing July 1, 2019 and expiring June 30, 2020 |
| Int. No. 228 | Levying taxes for school purposes for the fiscal year commencing July 1, 2019 and expiring June 30, 2020 |
| Int. No. 229 | Local Improvement Ordinance – Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2019 and expiring June 30, 2020 |
| Int. No. 230 | Confirming the assessments, amounts and charges to be inserted in the annual tax rolls for the fiscal year commencing July 1, 2019 and expiring June 30, 2020 |
| Int. No. 231 | Amending the Municipal Code with the respect to towing and storage fees |
| Int. No. 232 | Amending the Municipal Code with respect to building permit fees |

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| Int. No. 233 | Amending the Municipal Code with respect to water rates |
| Int. No. 234 | Local Law amending the City Charter relating to the Information Technology Department |
| Int. No. 235 | Resolution approving the 2019-20 debt limit for general municipal purposes with an exception for certain Roc the Riverway capital projects |
| Int. No. 236 | Amending the Municipal Code with respect to parking fees |

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

- | | |
|--------------|---|
| Int. No. 225 | Adoption of the Budget estimates for municipal purposes for the 2019-20 fiscal year, appropriation of sums set forth therein and approving commercial refuse fees |
|--------------|---|

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-146
Re: Agreement – SourceLink

Council Priority: Jobs and Economic
Development

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with SourceLink (Maria Meyers, Executive Director) headquartered in Kansas City, MO to implement proprietary software solutions for entrepreneur-serving organizations in the Rochester community. The term of the agreement will be 12 months. The cost of this agreement will be funded from the 2019-20 Budget of the Mayor's Office, contingent on approval.

SourceLink is a non-profit program of the Innovation Center at the University of Missouri-Kansas City, and is a recognized industry leader in developing inclusive entrepreneurial ecosystems. As part of the City Accelerator Entrepreneurial Ecosystem Development Initiative, the Office of Community Wealth Building, in partnership with the Rochester Institute of Technology Center for Urban Entrepreneurship

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will work with SourceLink to implement proprietary software solutions that will create greater connectivity between entrepreneur-serving organizations in the Rochester community.

The Initiative will allow the City to build a stronger and more inclusive small business ecosystem, with particular focus on minority and women-owned businesses. A cross-departmental team of City staff members will work to engage relevant internal and external stakeholders, business owners, and entrepreneurs to identify strategies to better support new and existing small businesses.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-146
(Int. No. 166)

Authorizing an agreement with SourceLink

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 SourceLink to implement proprietary software solutions for entrepreneur-serving organizations in the Rochester community. The maximum compensation for the agreement shall be \$25,000 and said amount shall be funded from the 2019-20 Budget of the Mayor's Office, contingent upon approval. 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. 2019-147
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 \$24,008.91.

The property located at 665 Maple Street was purchased on 5/12/2017. The decision to add the demolition charges to tax by the Neighborhood and Business Development occurred on 5/15/2017. At that time Bureau of Assessment did not have the recent deed and the new owner of record was not reflected on the assessment system.

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

	<u>Accounts</u>	
City Council	5	\$44,205.22
Administrative	<u>73</u>	<u>\$24,580.63</u>
Total	78	\$68,785.85

These cancellations represent 0.0266% of the tax receivables as of July 1, 2018.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-94
Ordinance No. 2019-147
(Int. No. 167)

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 property located at 665 Maple Street was purchased on May 12, 2017. On May 15, 2017, Neighborhood and Business Development added demolition charges to the taxes on the property. At that time, Bureau of Assessment did not have the recent deed and the new owner of record was not reflected on the assessment system.

SBL#	Class	Address	Tax Year	Amount Cancelled
120.33-2-7	N	665 Maple Street	2018	\$24,008.91

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.

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TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-148
Re: Competitive Grant Applications –
Fiscal Year 2019-20

Council Priority: Deficit Reduction and Long
Term Financial Stability

Transmitted herewith for your approval is legislation authorizing certain competitive grant applications for the 2019-20 fiscal year. This legislation helps streamline the application process. Council has approved such grant applications annually since 2007.

There are hundreds of federal, state, regional, and private grant opportunities that the City qualifies for as a municipality. Frequently, granting agencies require City Council endorsement as part of the application process. Providing this “up front” approval will enable staff to respond to funding opportunities more quickly.

Grant applications will continue to require individual Council endorsement when:

- The City is required to pay more than \$250,000 of the cost of the project;
- The award exceeds \$1,000,000; or
- For capital projects, completion is required in one calendar year or less.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-148
(Int. No. 168)

Authorizing competitive grant applications

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

Section 1. The Mayor is hereby authorized to submit applications to Federal, State, and regional governments, agencies and authorities, as well as private foundations and other funding sponsors, for funding that will support City programs, services and capital operations.

Section 2. For successful award applications, the Mayor shall obtain City Council approval to enter into agreements for receipt of the funding and necessary professional services agreements for performance of the work, and for appropriation of the funds.

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

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Section 4. Grant applications which obligate the City of Rochester to pay more than \$250,000 in City funding shall require City Council authorization.

Section 5. Applications for grants exceeding \$1,000,000 and awards for capital projects that require project completion in one calendar year or less shall require City Council authorization.

Section 6. The Director of Finance shall submit quarterly reports to Council for grants received through applications authorized herein, detailing dollar amounts received and expended.

Section 7. This ordinance shall be in effect for the 2019-20 fiscal year

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Re: Ordinance No. 2019-149
Agreement - Young Explosives Corp.,
Fireworks Displays

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum compensation for an agreement with Young Explosives Corp. (Jim Young, Principal), Brighton, New York, to provide fireworks displays. The term of the agreement is one year, and the cost will be funded from the 2019-20 Budget of the Bureau of Communications, contingent upon adoption of said budget.

The firm will provide a large aerial fireworks display for the City's 4th of July celebration, and depending on event programming, other smaller displays as needed.

Young Explosives Corp. will be responsible for obtaining the necessary permits from the Fire Department and for acquiring the necessary liability insurance. To be licensed in the United States, all fireworks manufacturers and dealers must meet state and federal regulations stating that no persons under the age of 18 are employed; Young Explosives Corp. does not employ any persons below the age of 18. The company also has assured us that their domestic purchases come solely from licensed vendors.

An agreement for the same amount was authorized by Ordinance 2018-151 in May 2018.

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-95

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Ordinance No. 2019-149
(Int. No. 169)

Authorizing an agreement for fireworks displays

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 Young Explosives Corp. for fireworks displays. The maximum compensation for the agreement shall be \$30,000 and said amount, or so much thereof as may be necessary, shall be funded from the 2019-20 Budget of the Bureau of Communications, contingent upon approval. 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:

Re: Ordinance No. 2019-150
Agreement – Corporate Cost Control
Unemployment Claims Administration

Council Priority: Deficit Reduction and Long
Term Financial Stability

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for an agreement with Corporate Cost Control to provide third-party administration services for Unemployment Claims and Employment Verifications for the City of Rochester. The term of this agreement will be for three (3) years and \$5,000 shall be equally funded from the 2019-20, 2020-21, and 2021-22 Budgets for Undistributed Expense, contingent upon approval of future budgets.

Bids for services were solicited and a Request for Proposals, which is described in the attached summary, was placed on the City of Rochester's website. Proposals were received from 4 (four) vendors including, Corporate Cost Control (NH), ValeU (Floral Park, NY), HIREtech (TX) and Equifax (MO).

Based on a thorough review of the proposals, including a comparison of services, costs, experience, and City-specific requirements, Corporate Cost Control (CCC) has been recommended to provide services for the City based on the following:

- CCC submitted a proposal with the lowest cost for services
- CCC offers an electronic file transfer process that will support data files from the current City payroll system;

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- CCC provides a highly secure web-based reporting system that is available 24 hours a day, 7 days a week, from which the City may retrieve individual and aggregate information regarding claims, liabilities, hearings, and other unemployment activity;
- CCC provides an online Resource Center for clients that offers webinars, videos and continuous training opportunities in unemployment cost control strategies;
- CCC Verify provides secure, instant employment verifications for employees, private verifiers and government verifiers. This service is offered at no additional cost to the City.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-96

Ordinance No. 2019-150
(Int. No. 170)

Authorizing an agreement with Corporate Cost Control, Inc.

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 Corporate Cost Control, Inc. to provide third-party administration services for Unemployment Claims and Employment Verifications for the City of Rochester. The term of the agreement shall be three years. The maximum annual compensation for the agreement shall be \$5,000 and said amount shall be funded by \$5,000 from each of the 2019-20, 2020-21, and 2021-22 Budgets of Undistributed Expenses, contingent upon approval of said 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. 2019-151
Re: Code Amendment- Chapter 69
Smoking Near Public Libraries

Council Priority: Public Health

Transmitted herewith for your approval is legislation amending Section 69-9 of the Municipal Code to extend the outdoor no-smoking zones around public libraries.

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In Ordinance No. 2015-30, when the State had no comparable law, the City established an outdoor no-smoking area that extends 50 feet from the entrances to public libraries. In December, 2018, the State amended its Public Health Law to prohibit smoking within 100 feet of the entrances, exits and outdoor areas of public libraries, except to the extent that the 100-foot radius extends onto a residential property. The State law goes into effect on June 19, 2019.

The legislation extends the no-smoking zone around each public library to be consistent with the new State law.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-151
(Int. No. 171)

Amending Chapter 69 of the Municipal Code with regard to smoking near public libraries

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

Section 1. Section 69-9 of the Municipal Code, Smoking near public libraries, is hereby amended to read as follows:

§ 69-9. Smoking shall not be permitted, and no person shall smoke within 100 feet of the entrance, exit or in any outdoor area ~~within fifty feet from the entrance to~~ of a public library; provided, however, that the provisions of this section shall not apply to smoking within the boundary lines of a residential property. For the purposes of this section smoking shall be defined as in Article 13-E of the Public Health Law.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

Councilmember Evans moved to amend Int. No. 172

The motion was seconded by Councilmember Clifford

The motion was adopted unanimously.

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TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-152
Re: Revenue Anticipation Note – City
School District

City Council Priority: Deficit reduction and
long term financial stability

Transmitted herewith for your approval is legislation authorizing the issuance of revenue anticipation notes for the City School District totaling \$50 million. This legislation is proposed in anticipation of an authorizing resolution to be enacted by the Rochester City School District Board of Education.

The City periodically issues revenue anticipation notes for the District because of the difference between the times the District expends funds and when it receives funds from the State. The District usually expends funds at a fairly uniform rate over its fiscal year, however, it receives its allocation of state education aid, its major source of revenue, later in the fiscal year. In the years since the City's last RAN borrowing (2004), the City has covered School District deficiencies with interfund borrowings.

The District will continue to experience interim cash flow deficiencies until State aid is received. At present, a cash deficiency is projected for late August. In order to avoid a negative fund balance, a revenue anticipation note in the amount of \$50 million is required.

A note sale will be scheduled in August in order to maintain an adequate cash balance.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-97

Ordinance No. 2019-152
(Int. No. 172, as amended)

Revenue Anticipation Note Ordinance Delegating To The Director Of Finance The Powers To Authorize The Issuance Of \$50,000,000 Revenue Anticipation Notes Of The City Of Rochester, New York, Or So Much Thereof As May Be Necessary, In Anticipation Of The Receipt Of Certain Revenues For The Fiscal Year Ending June 30, ~~2005~~ 2020, And To Prescribe The Terms, Form And Contents, And Provide For The Sale Of Such Notes

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), the power to authorize the issuance of Revenue Anticipation Notes (herein called "Notes") of the City of Rochester, in the State of New York (the

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“City” and “State”, respectively), in the aggregate principal amount of not to exceed \$50,000,000, and any notes in renewal thereof, is hereby delegated to the Director of Finance, as chief fiscal officer of the City.

Section 2. The Notes shall be issued in anticipation of the collection or receipt of revenues due and payable to the Rochester City School District in the current fiscal year from New York State Education Grants and Basic Formula Aid to Education; and the proceeds of such Notes shall be used only for the purposes of paying the current expenses of the City School District for said fiscal year payable from the revenues in anticipation of which they are issued.

Section 3. The Notes shall mature within one year of the date of issuance thereof and may be renewed from time to time, but each renewal shall be for a period of not exceeding one year and in no event shall such Notes, or the renewals thereof, extend beyond June 30, 2022.

Section 4. The Notes shall contain the recital of validity prescribed by Section 52.00 of the Law and shall be general obligations of the City, and the faith and credit of the City shall be pledged to the punctual payment of the principal of and interest on the Notes and, unless the Notes are otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget of the City School District and a tax sufficient to provide for the payment thereof shall be levied and collected by the City.

Section 5. Subject to the provisions of this ordinance and the Law, and pursuant to Sections 50.00, 56.00, 60.00 and 168.00 of the Law, the powers to prescribe the terms, form and contents, and all other powers or duties pertaining or incidental to the sale and issuance of the Notes authorized pursuant hereto, or any renewals thereof, and the power to enter into agreements for credit enhancement for the Notes, are hereby delegated to the Director of Finance, as chief fiscal officer of the City.

Section 6. The validity of the Notes authorized by this Ordinance 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 7. 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.

Councilmember Evans moved to discharge Int. No. 225 from committee.

The motion was seconded by Councilmember Lightfoot.

The motion was adopted unanimously.

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TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-153	Ordinance No. 2019-154
Ordinance No. 2019-155	Local Improvement Ordinance No. 1759
Ordinance No. 2019-156	Ordinance No. 2019-157
Ordinance No. 2019-158	Ordinance No. 2019-159
Local Law No. 3	Ordinance No. 2019-160
Ordinance No. 2019-161	Resolution No. 2019-8

Re: 2019-20 Budget

Council Priority: Deficit Reduction and Long Term Financial Stability

Transmitted herewith for your approval is legislation related to the 2019-20 Budget. This legislation will:

1. Approve appropriations and establish revenue estimates for the City and City School District;
2. Authorize the tax levies required to finance appropriations for the City and City School District;
3. Authorize the budgets and related assessments for the Local Works program;
4. Confirm the assessments required for the following programs:
 - a. Street mall maintenance
 - b. Neighborhood parking lot operation
 - c. Public Market snow removal and security services
 - d. Street lighting and streetscape districts
 - e. Downtown Enhancement District
 - f. High Falls Improvement District
 - g. St. Paul Street Streetscape
 - h. South Ave. Alexander St. Streetscape
 - i. Mt. Hope Streetscape
 - j. Upper East Alexander Entertainment-Refuse
5. Confirm the addition to the tax roll of various assessments, fees, and unpaid charges; and
6. Authorize certain fee increases and Charter and Code changes.

Details of the above actions related to the 2019-20 proposed budget of the City submitted to City Council on May 17, 2019 are summarized below:

1. Total appropriations of \$1,483,346,075 allocated for the City and the School District

	<u>Proposed 2019-20</u>	<u>Amended 2018-19</u>	<u>\$ Difference</u>	<u>% Difference</u>
City	\$ 552,047,000	\$ 542,255,700	\$ 9,791,300	+1.8
School	<u>931,299,075</u>	<u>921,876,906</u>	<u>9,422,169</u>	+1.0
Total	\$1,483,346,075	\$1,464,132,606	\$19,213,469	+1.3

Total non-tax revenue distributed between the City and the District:

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	<u>Proposed 2019-20</u>	<u>Amended 2018-19</u>	<u>\$ Difference</u>	<u>% Difference</u>
City	\$ 495,188,783	\$ 485,397,483	\$ 9,791,300	+2.0
School	<u>817,558,575</u>	<u>808,136,406</u>	<u>9,422,169</u>	<u>+1.2</u>
Total	\$1,312,747,358	\$1,293,533,889	\$19,213,469	+1.5

2. Total tax levies of \$178,637,400 for the City and City School District

	<u>Proposed 2019-20</u>	<u>Amended 2018-19</u>	<u>\$ Difference</u>	<u>% Difference</u>
Tax Revenue	\$170,598,717	\$170,598,717	\$0	+ 0.00
Tax Reserve	<u>8,038,683</u>	<u>8,038,683</u>	<u>0</u>	<u>+ 0.00</u>
Tax Levy	\$178,637,400	\$178,637,400	\$0	+ 0.00

3. Total appropriations for the Local Works fund of \$22,393,500 and total assessments of \$20,489,000

	<u>Proposed 2019-20</u>	<u>Amended 2018-19</u>	<u>\$ Difference</u>	<u>% Difference</u>
Street Maintenance	\$ 5,474,580	\$ 4,526,837	\$ 947,743	20.9
Sidewalk Repair	3,211,155	4,399,658	-1,188,503	-27.0
Roadway Plowing	8,794,402	8,582,206	212,196	2.5
Sidewalk Plowing	<u>3,008,863</u>	<u>2,611,899</u>	<u>396,964</u>	<u>15.2</u>
Total	\$20,489,000	\$20,120,600	\$368,400	1.8

4. Program Assessments

On April 16, 2019, the following budgets were approved: street lighting and streetscapes; street malls; Downtown Enhancement District; security and snow removal at the Public Market; East Avenue/Alexander Street Entertainment District; High Falls Business Improvement District; and the South Avenue/Alexander Street Open Space District. The budget for the special assessment district parking lots was approved on May 21, 2019. The assessments required are as follows:

	<u>Proposed 2019-20</u>	<u>Amended 2018-19</u>	<u>\$ Difference</u>	<u>% Difference</u>
Street Malls	\$ 35,411	\$31,644	3,767	11.9
Parking Lots	59,938	64,191	-4,253	-6.6
Public Market	49,687	47,049	2,638	5.6
Lighting and Streetscapes	42,261	41,944	317	0.8
Downtown Enhancement	646,900	640,000	6,900	1.1
High Falls	25,000	25,000	0	0.0
St. Paul Street Streetscape	20,649	20,649	0	0.0
South Ave Alexander Streetscape	8,900	8,900	0	0.0
Mt. Hope Streetscape	30,000	30,000	0	0.0
East/Alexander Entertainment	20,800	20,800	0	0.0

5. Proposed additions to the tax roll consist of the following charges:

	<u>Proposed 2019-20</u>	<u>Amended 2018-19</u>	<u>\$ Difference</u>	<u>% Difference</u>
Delinquent Refuse	\$ 554,801	\$ 630,017	\$ -75,216	-11.9
Delinquent Water	5,835,825	5,640,292	195,533	3.5
Code Enforcement	116,679	118,915	-2,236	- 1.9
Supplemental and Omitted Taxes	631,918	472,364	159,554	33.8
Local Improvements	1,494	1,798	-304	-16.9

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Demolitions	631,023	1,458,599	-827,576	-56.7
Encroachments	3,975	4,050	-75	-1.9
Rehabilitation	232,481	234,375	-1,894	-0.8
Code Violations	2,218,190	1,783,318	434,872	24.4

6. Fee increases and Charter and Code changes

6A. Amend Section 8E-1 of the City Charter to reflect changes to the management and operational focus of the Information Technology Department as proposed in the 2019-20 Budget. These changes are the result of an organizational assessment conducted by Baker Tilly Virchow Krause, LLP. The Charter will be revised to reflect the position of Chief Technology Officer as head of the Information Technology Department.

6B. A water rate increase to base rates is proposed to balance the Water Fund. The proposed increases are expected to result in \$258,400 additional revenue. Increases are proposed for the 5/8", 3/4", 8" and 10" base meter charge, however the 1" through 6" base meter charges will remain the same.

6C. A rate increase of 2% is proposed to balance the Local Works Fund. The proposed increase is expected to result in \$336,000 additional revenue.

6D. Amend Section 39-221 (A) to correct the building permit schedule to include the fee for projects between the value of \$14,001 and \$16,000. When the fees were last updated in 2003 the schedule omitted a bracket for this cost range. The permit fees were correctly programmed into the Building Information System (BIS) and customers have been charged based on the correct fee schedule since 2003.

6E. Increases in parking garage rates are necessary to balance the Parking Fund, resulting in approximately \$266,800 additional revenue over declining participation. Monthly general parking rates increase \$5 at Court Street, East End, Mortimer, South Avenue, Crossroads, and Washington Square (excluding the Wadsworth Lot); \$7 for High Falls; and \$8 for Sister Cities. Premium rates increase \$5 at Court Street and \$8 at Sister Cities. Increases to the reserved monthly parking rates are \$5 for Court Street, High Falls and Washington Square. The residential rates increase \$9 at High Falls and \$10 at East End. The rate for the Kodak surface lot at 231 State Street increases \$7. The monthly student rate for East End increases \$1.30 while the short term student rate is eliminated as it is no longer in use. The daily rate in use at Mortimer Street Garage is corrected to a \$10 maximum in alignment with the other parking garages, excluding East End.

6F. Amend Section 111-72 of the City Code to increase the fee to redeem passenger vehicles (pickup truck-ups, passenger vans, minibikes, mopeds and motorcycles) from the Auto Pound from \$130 to \$140; the fee to redeem trucks with a gross vehicle weight up to 26,000 pounds from \$195 to \$210, and the fee to redeem trucks with a gross vehicle weight over 26,000 pounds from \$270 to \$290. The daily storage rate in section 111-72G is also proposed to change from \$25 per day to \$40. The additional revenue offsets the cost of increased fees paid to the City's contracted tow companies. Subsection B of Section 108A-7 which dictates the maximum fee that private towers can charge would also be amended to increase the maximum fee from \$130 to \$140.

Respectfully submitted,
Lovely A. Warren
Mayor

June 18, 2019

Ordinance No. 2019-153
(Int. No. 226)

Adoption of the Budget estimates for school purposes for the 2019-20 fiscal year and appropriation of sums set forth therein

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

Section 1. The budget estimate for school purposes for the fiscal year July 1, 2019 to June 30, 2020, providing for the expenditure of \$931,299,075, is in all respects adopted, confirmed, fixed, and determined.

Section 2. The sums of money designated in the budget estimate for school purposes for the fiscal year 2019-20 are hereby authorized to be expended and the sum of \$931,299,075 is hereby appropriated by the Board of Education for the following purposes:

Operations		\$832,943,321
Cash Capital		13,286,521
Debt Service		<u>85,069,233</u>
	Subtotal	931,299,075
Tax Reserve		<u>5,359,500</u>
	Total	\$936,658,575

Section 3. The budget estimate of the current revenues and other receipts, other than real estate taxes, for school purposes for the fiscal year 2019-20 is hereby fixed and determined at \$817,558,575 and said sum is hereby appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2019-20 providing for raising the sum of \$119,100,000 in taxation on real estate for school purposes is hereby adopted.

Section 5. This ordinance shall take effect on July 1, 2019.

Passed by the following vote:

Ayes – President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, Ortiz, Patterson -7.

Nays – None -0

Councilmembers Harris and Spauld abstained due to a professional relationship.

Ordinance No. 2019-154
(Int. No. 227)

Levying taxes for municipal purposes for the fiscal year commencing July 1, 2019 and expiring June 30, 2020

June 18, 2019

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

Section 1. The sum of \$59,537,400, which sum is deemed by the Council sufficient with other revenues to produce from collection during the fiscal year commencing July 1, 2019 and expiring June 30, 2020 the amount required to meet the budget estimates for municipal purposes, is hereby levied on all taxable real property in the City of Rochester, as set forth in the assessment rolls, for the fiscal year commencing July 1, 2019 and expiring June 30, 2020.

Section 2. The Director of Finance shall cause the taxes levied above to be inserted in the assessment rolls for the fiscal year commencing July 1, 2019 and expiring June 30, 2020.

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

Passed by the following vote:

Ayes – President Scott, Councilmembers Clifford, Evans, Gruber, Harris, Lightfoot, Patterson -7.

Nays – Councilmembers Ortiz, Spaul -2.

Ordinance No. 2019-155
(Int. No. 228)

Levying taxes for school purposes for the fiscal year commencing July 1, 2019 and expiring June 30, 2020

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

Section 1. The sum of \$119,100,000, which sum is deemed by the Council sufficient with other revenues to produce from collection during the fiscal year commencing July 1, 2019 and expiring June 30, 2020 the amount required to meet the budget estimates for school purposes, is hereby levied on all taxable real property in the City of Rochester, as set forth in the assessment rolls, for the fiscal year commencing July 1, 2019 and expiring June 30, 2020.

Section 2. The Director of Finance shall cause the taxes levied above to be inserted in the assessment rolls for the fiscal year commencing July 1, 2019 and expiring June 30, 2020.

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

Passed by the following vote:

Ayes – President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, Ortiz, Patterson -7.

Nays – None -0

Councilmembers Harris and Spaul abstained due to a professional relationship.

June 18, 2019

Local Improvement Ordinance No. 1759
(Int. No. 229)

Local Improvement Ordinance - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2019 and expiring June 30, 2020

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

Section 1. The Council finds and declares (1) that it is in the public interest to provide street cleaning, snow removal services on the streets and sidewalks, and the repair of hazardous sidewalks in the City of Rochester during the fiscal year from July 1, 2019 to June 30, 2020; (2) that the provision of such service benefits the properties abutting on such streets and sidewalks, and (3) that the cost of providing such services should be borne by the benefitted properties according to the benefit received by such properties.

Section 2. The Commissioner of Environmental Services shall cause the following improvements and work to be provided on streets, sidewalks and lots in the City of Rochester during the fiscal year July 1, 2019 to June 30, 2020:

- A. The removal of snow from such sidewalks and the repair of such hazardous sidewalks as the Commissioner may direct.
- B. The removal of snow and ice from the roadway of such streets as the Commissioner may direct, including the use of sodium chloride, calcium chloride, and other chemicals or abrasives for the treatment of slippery or icy pavement as deemed necessary by the Commissioner.
- C. The cleaning and/or flushing of such streets as the Commissioner may direct, including hand-cleaning, tank flushing, mechanical sweeping, and the collection and removal of brush, leaves, and debris.

Section 3. Such work shall be done by competitive contract, or by the Department of Environmental Services, as the Commissioner of Environmental Services deems appropriate.

Section 4. The cost of providing such street cleaning and street snow removal services for the 2019-20 fiscal year shall be assessed against all parcels of property that abut a street, reflecting the benefit to be derived by such parcels from such services. The cost of providing such sidewalk repair and snow removal services for the 2019-20 fiscal year shall be assessed against all parcels of property that abut a sidewalk, reflecting the benefit to be derived by such parcels from such services.

Section 5. The amount assessed shall be allocated among all benefitted parcels in direct proportion to each parcel's street or sidewalk footage, defined for purposes of this ordinance as the full footage of the parcel along the street or sidewalk upon which it fronts, plus one-third of the footage along any other abutting streets or sidewalks. The Council hereby determines that such street or sidewalk footage represents the relative amount of benefit received by each such parcel.

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Section 6. The total cost of such services to be assessed on July 1, 2019 shall be \$20,489,000.00 consisting of \$5,474,579.84 for street and lot maintenance, \$3,211,155.14 for sidewalk repair, \$8,794,401.72 for roadway snow removal and \$3,008,863.30 for sidewalk snow removal services. Such total amount constitutes an estimate of the amount necessary to pay contractors to provide services and to cover the costs of providing services with City crews between July 1, 2019 and June 30, 2020, less any miscellaneous revenues estimated to be collected during the same period, plus a reasonable reserve for uncollected assessments. All assessments collected shall be paid into the Local Works Fund, and all costs incurred shall be paid from such fund. The amounts assessed herein are appropriated for that purpose.

Section 7. The amount assessed on July 1, 2019 shall be billed on the tax bill and shall be due in one installment. Delinquent assessments collected more than 60 days into a fiscal year subsequent to the fiscal year billed shall be credited as revenue in the year collected and applied against costs in that fiscal year.

Section 8. This ordinance shall take effect on July 1, 2019.

Passed unanimously.

Ordinance No. 2019-156
(Int. No. 230)

Confirming the assessments, amounts and charges to be inserted in the annual tax rolls for the fiscal year commencing July 1, 2019 and expiring June 30, 2020

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

Section 1. The following assessments, amounts and charges, and the allocation of said amounts against properties in the City, as set forth in roll or rolls on file in the City Clerk's Office, to be inserted into the annual tax rolls for the fiscal year commencing July 1, 2019 and expiring June 30, 2020 are hereby in all respects confirmed:

Street and Lot Maintenance	\$5,474,579.84
Roadway Snow Removal	8,794,401.72
Sidewalk Snow Removal	3,008,863.30
Hazardous Sidewalk Repair	3,211,155.14
Delinquent Refuse	554,801.40
Delinquent Water Charges	5,835,825.31
Supplemental Taxes	631,918.04
Street Malls	35,411.00
Parking Lots	59,938.00
Code Enforcements	116,679.00
Code Violations	2,218,190.00
Downtown Enhancement	646,900.00
Public Market Plowing	5,888.07
Public Market Security	43,799.37
Encroachment Fees	3,975.00
Rehabilitation Charges	232,481.35
Wilson Blvd. Street Lights	563.71

Monroe Avenue Lights I	1,265.73
Monroe Avenue Lights and Sidewalk II	627.62
Norton Street Lights	1,377.07
Norton Street Streetscape	2,815.00
Cascade Lights	1,562.58
Cascade Streetscape	8,000.00
Lake Avenue Lights	4,068.34
High Falls Business Improvement District	25,000.00
St. Paul Street Streetscape	20,649.38
St. Paul Street Lighting	528.76
Rundel Park Lighting	3,168.68
Upper East Alexander Refuse	20,800.00
East Main Street Lights	325.18
Browncroft Lighting	9,508.99
Nunda Boulevard Lighting	8,449.38
Mt. Hope Streetscape	30,000.00
South Avenue Open Space 1	4,441.33
South Avenue Open Space 2	4,458.67
Demolition	631,022.98
Local Improvements	1,494.42

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2019-157
(Int. No. 231)

Amending the Municipal Code with respect to towing and storage fees

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

Section 1. Section 108A-7 of the Municipal Code, Towing from private property without the vehicle owner’s permission, as amended is hereby further amended so that the first sentence of subsection B shall read as follows:

- B. In no event shall a towing company charge a fee in excess of ~~\$130~~ \$140 for towing, without permission of the vehicle owner, of passenger vehicles, including cars, pickup trucks and passenger vans, or motorcycles or minibikes, from privately owned property in the City.

Section 2. Section 111-72 of the Municipal Code, Illegal parking and towing of vehicles, as amended is hereby further amended:

- a. in subsection B thereof to change the fee for the redemption of passenger vehicles, including pickup trucks and passenger vans, minibikes, mopeds and motorcycles from \$130 to \$140; the fee for the redemption of all trucks, single and tandem axles, with a gross vehicle weight up to 26,000 pounds from \$195 to \$210; and the

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fee for heavy trucks/truck tractor-trailer units, with a gross vehicle weight in excess of 26,000 pounds from \$270 to \$290; and

- b. in subsection G to change the fee for storage of vehicles from \$25 to \$40 for each twenty-four-hour period or fraction thereof, beginning after the first twenty-four-hour period.

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

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

Ordinance No. 2019-158
(Int. No. 232)

Amending the Municipal Code with respect to building permit fees

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

Section 1. Section 39-221 of the Municipal Code, Fees for permits, as amended, is hereby further amended by modifying subsection A thereof to read in its entirety as follows:

A. The fee for a permit to construct, enlarge, alter, improve, relocate, convert, maintain use, establish use, legalize use or change the occupancy of a building or structure, or for the installation or replacement of a heating appliance or system, shall be based on the actual cost of such work, per the following schedule:

Actual Cost	Fee	Plus Incremental Fee
\$0 to \$2,000	\$50	None
\$2,001 to \$4,000	\$70	None
\$4,001 to \$6,000	\$90	None
\$6,001 to \$8,000	\$110	None
\$8,001 to \$10,000	\$130	None
\$10,001 to \$12,000	\$150	None
\$12,001 to \$14,000	\$170	None
<u>\$14,001 to \$16,000</u>	<u>\$190</u>	<u>None</u>
\$16,001 to \$18,000	\$190 <u>\$210</u>	None
\$18,001 to \$20,000	\$210 <u>\$230</u>	None
\$20,001 to \$22,000	\$230 <u>\$250</u>	None
\$22,001 to \$24,000	\$250 <u>\$270</u>	None
\$24,001 to \$26,000	\$270 <u>\$290</u>	None
\$26,001 to \$28,000	\$290 <u>\$310</u>	None
\$28,001 to \$30,000	\$310 <u>\$330</u>	None
\$30,001 to \$32,000	\$330 <u>\$350</u>	None
\$32,001 to \$34,000	\$350 <u>\$370</u>	None
\$34,001 to \$36,000	\$370 <u>\$390</u>	None
\$36,001 to \$38,000	\$390 <u>\$410</u>	None

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\$38,001 to \$40,000	\$410 <u>\$430</u>	None
\$40,001 to \$42,000	\$430 <u>\$450</u>	None
\$42,001 to \$44,000	\$450 <u>\$470</u>	None
\$44,001 to \$46,000	\$470 <u>\$490</u>	None
\$46,001 to \$48,000	\$490 <u>\$510</u>	None
\$48,001 to \$50,000	\$510 <u>\$530</u>	None
\$50,001 to \$52,000	\$530 <u>\$550</u>	None
\$52,001 to \$54,000	\$550 <u>\$570</u>	None
\$54,001 to \$56,000	\$570 <u>\$590</u>	None
\$56,001 to \$58,000	\$590 <u>\$610</u>	None
\$58,001 to \$60,000	\$610 <u>\$630</u>	None
\$60,001 to \$100,000	\$150	.009 x Actual Cost
\$100,001 to \$500,000	\$375	.007 x Actual Cost
\$500,001 to \$1,000,000	\$1,475	.005 x Actual Cost
\$1,000,001 and Over	\$3,675	.003 x Actual Cost

Section 2. This ordinance shall take effect on July 1, 2019.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

Ordinance No. 2019-159
(Int. No. 233)

Amending the Municipal Code with respect to water rates

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

Section 1. Section 23-37 of the Municipal Code, relating to fees for water, as amended, is hereby further amended by modifying subsection A (2) to read in its entirety as follows:

(2) Base Charge.

Size of Meter (inches)	Charge per Month
5/8	\$8.31 8.66
3/4	\$12.46 13.00
1	\$37.62
1 1/2	\$55.72
2	\$74.53
3	\$186.25
4	\$372.15
6	\$557.90
8	\$1,106.46 1,213.07
10	\$1,615.68 1,819.61

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Section 2. This ordinance shall take effect on July 1, 2019.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

Local Law No. 3
(Int. No. 234)

Local Law amending the City Charter relating to the Information Technology Department

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

Section 1. Chapter 755 of the Laws of 1907, entitled “An Act Constituting the Charter of the City of Rochester”, as amended, is hereby further amended by amending Section 8E-1, Information Technology Department, to read as follows:

§ 8E-1 Information and Technology Department.

The head of the Information Technology Department shall be the Chief Technology Officer. The Chief Technology Officer shall be responsible for directing and managing the development, deployment, and support of information technology services provided to City Departments. He or she shall maintain effective communication between the City's information technology service groups so as to maximize operating efficiencies and provide highly effective information technology services. The Chief Technology Officer shall be the appointing authority for employees of the Information Technology Department.

Section 2. Chapter 755 of the Laws of 1907, entitled “An Act Constituting the Charter of the City of Rochester”, as amended, is hereby further amended by amending Section 2-18 Code of Ethics as follows:

- A. In Subsection B(8), definition of Senior Management, delete the phrase “Chief Information Officer” and insert in its place “Chief Technology Officer”; and
- B. In Subsection G(1), which specifies the City officers and employees who are required to file annual financial disclosure statements, delete the following positions: “Chief Information Officer, IT Relationship Manager, Technical Infrastructure Service Manager, Business Process Services Manager, Application Services Manager”; and insert in their place the following positions: “Chief Technology Officer, Director of IT Operations, Application & Systems Manager, Infrastructure & Operations Manager, Security & Networking Manager, Systems Architect, Director of Project Management (Mayor’s Office)”.

Section 3. This local law shall take effect immediately the latter of July 1, 2019 or upon filing in the Office of the Secretary of State as provided by Section 27 of the NYS Municipal Home Rule Law.

Passed unanimously.

June 18, 2019

Resolution No. 2019-8
(Int. No. 235)

Resolution approving the 2019-20 debt limit for general municipal purposes with an exception for certain Roc the Riverway capital projects

WHEREAS, an important component of the City's expense budget and tax levy is debt; and

WHEREAS, the amount of debt outstanding is one of the major factors evaluated by credit agencies in the determination of bond rating; and

WHEREAS, control of the debt service expense and the amount of outstanding debt must necessarily be exercised through restrictions on bond and note authorizations;

WHEREAS, bond ratings influence the rate of interest which must be paid on indebtedness and therefore the amount of debt service; and

WHEREAS, pursuant to the Debt Authorization Policy adopted by Council in Resolution No. 81-4, exceptions to the debt limit policy are to be approved only for projects and purposes which could not reasonably be foreseen and, if not approved, would result in an obvious public danger or economic loss.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester, that it is the intent and policy of the City to limit the amount of bonds and notes authorized in fiscal year 2019-20 to \$19,031,000 for general municipal purposes.

BE IT FURTHER RESOLVED, unused authorizations from the debt limits for fiscal years 2017-18 and 2018-19 shall continue to be available, but no authorization included in the debt limit for a prior fiscal year, if not actually approved by the City Council, shall be carried-over and included in the limit for this fiscal year. By this resolution, the Council specifically approves inclusion for this fiscal year of unused authorizations from the debt limit for 2016-17 relating to environmental investigation and remediation at contaminated City sites and the Vacuum Oil Brownfield Opportunity Area sites, street rehabilitation and improvements including but not limited to Scottsville Road and Elmwood Avenue, and municipal facility improvements; 2015-16 relating to environmental investigation and remediation at contaminated City sites and the Vacuum Oil Brownfield Opportunity Area sites, street rehabilitation and resurfacing, including but not limited to the Residential Street Rehabilitation; 2013-14 relating to environmental investigation and remediation at contaminated City sites, focused development investment, and street lighting; 2012-13 relating to environmental investigation and remediation at contaminated City sites; and 2010-11 relating to environmental investigation and remediation at contaminated City sites.

BE IT FURTHER RESOLVED, that exceptions to this policy are to be approved only for projects and purposes which could not reasonably be foreseen and, if not approved, would result in an obvious public danger or economic loss; and for projects and purposes for which the debt issued therefor would be self-supporting.

BE IT FURTHER RESOLVED, that the sum of \$3,900,000 is hereby approved as an exception to the 2019-20 debt limit of the City established herein in order to fund the a portion of the costs of the Riverway Main to Andrews – West Side project and the extension of the Sister Cities Bridge project and

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that this action is being taken to allow the City to leverage approximately \$16 million in New York State Roc the Riverway funds that could be lost without the City's contribution to the funding of the two aforementioned projects.

BE IT FURTHER RESOLVED, that to insure continued awareness of an adherence to this policy, each separate request for authorized debt shall be accompanied by a report in which the amount of debt actually authorized is compared to the amount of debt herein established as a limit.

BE IT FURTHER RESOLVED, that the redemption of any debt issued as an exception to a debt limit shall be excluded from the calculation of subsequent debt limits.

This resolution shall take effect immediately.

Adopted unanimously.

Ordinance No. 2019-160
(Int. No. 236)

Amending the Municipal Code with respect to parking fees

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

Section 1. Subsection A(1) of Section 111-119 of the Municipal Code, Fees for use of space in parking garages and hours of operation, as amended, is hereby further amended in subsection A(1) to read in its entirety as follows:

- (1) Short-term rates, which shall apply from 6:00 a.m. or 6:30 a.m. to garage closing, depending upon the garage schedule: \$2 for the first two hours, and \$2 for each hour thereafter, or any part thereof, up to the daily maximum. ~~There shall be a student rate of \$1 per hour in the East End Garage, up to the daily maximum.~~

Section 2. Subsection A(4) of Section 111-119 of the Municipal Code is hereby further amended to read in its entirety as follows:

- (4) Maximum daily charge. The maximum amount chargeable per entry to a garage for parking during any weekday parking shall be as follows:
 - (a) High Falls Garage, Court Street Garage, Midtown Garage, Genesee Crossroads Garage, Sister Cities Garage, South Avenue Garage, ~~and~~ Washington Square Garage, and Mortimer Street Garage: \$10.00.
 - ~~(b) Mortimer Street Garage: \$7~~
 - ~~(c) East End Garage: \$8~~

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Section 3. Subsection A(6)(a)-(h) of Section 111-119 of the Municipal Code is hereby further amended to read in its entirety as follows:

- (a) Court Street Garage: ~~\$95~~ \$100 for parking in the general area, ~~\$120~~ \$125 for parking in the ~~premium reserved~~ area, and ~~\$150~~ \$155 for parking in the ~~reserved~~ premium area.
- (b) Genesee Crossroads Garage: ~~\$95~~ \$100.
- (c) High Falls Garage ~~\$90~~ \$97 for parking in the general area, ~~\$125~~ \$130 for parking in the reserved area, ~~\$76~~ \$85 for reserved residential parking, and ~~\$70~~ \$77 for parking in the Kodak surface lot located at 231 State Street.
- (d) South Avenue Garage: ~~\$95~~ \$100
- (e) Sister Cities Garage: ~~\$99~~ \$107 for parking in the general area and ~~\$124~~ \$132 for parking in the premium area.
- (f) Mortimer Street Garage: ~~\$75~~ \$80 for parking in the garage.
Notwithstanding the parking rates established in this subsection, the Parking Director, subject to the approval of the Mayor, is authorized to establish a program allowing a parking discount reducing the monthly rate to \$25 in the Mortimer Street Garage for up to 50 members of the High Tech Rochester program.
- (g) Washington Square Garage: ~~\$95~~ \$100 for parking in the general area of the garage, ~~\$120~~ \$125 for parking in the reserved area of the garage, and \$33 for parking in the Wadsworth Square Lot.
- (h) East End Garage: ~~\$85~~ \$90 for general parking, ~~\$69~~ \$79 for residential parking, and ~~\$43.50~~ \$44.80 for student parking.

Section 2. This ordinance shall take effect on July 1, 2019.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

Ordinance No. 2019-161
(Int. No. 225)

Adoption of the Budget estimates for municipal purposes for the 2019-20 fiscal year, appropriation of sums set forth therein and approving commercial refuse fees

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

June 18, 2019

Section 1. The budget estimate for municipal purposes for the fiscal year July 1, 2019 to June 30, 2020, providing for the expenditure of \$552,047,000, is in all respects adopted, confirmed, fixed, and determined.

Section 2. The sums of money designated in the budget estimate for municipal purposes for the fiscal year 2019-20 are hereby authorized to be expended and the sum of \$552,047,000 is hereby appropriated for the current expenses of the departments and agencies; cash capital; debt service; and for the other purposes therein, in the manner provided by law, as listed below:

City Council and Clerk	\$2,273,100
Administration	10,989,400
Neighborhood and Business Development	11,621,600
Environmental Services	89,092,600
Finance	11,800,900
Information Technology	7,426,600
Law	2,121,900
Library	12,296,300
Recreation and Youth Services	12,458,700
Emergency Communications	14,915,300
Police	98,618,600
Fire	52,175,300
Undistributed Expenses	148,042,100
Contingency	4,317,500
Cash Capital	36,361,000
Debt Service	37,536,100
Sub-total	\$552,047,000
Tax Reserve	2,679,183
Total	\$554,726,183

Section 3. The budget estimate of the current revenues and other receipts, other than real estate taxes and the School Tax Relief (STAR) funds, for municipal purposes for the fiscal year 2019-20 is hereby fixed and determined at \$495,188,783 and said sum is appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2019-20 providing for raising the sum of \$59,537,400 in taxation on real estate for municipal purposes is hereby adopted.

Section 5. Pursuant to subsection 20-24B(1) of the Municipal Code, the Council hereby approves the fees for collection of commercial refuse and recyclables as proposed by the Mayor for fiscal year 2019-20.

Section 6. This ordinance shall take effect on July 1, 2019.

Passed by the following vote:

Ayes – President Scott, Councilmembers Evans, Gruber, Harris, Lightfoot, Patterson -6

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Nays – Councilmembers Clifford, Ortiz, Spaul – 3

By Councilmember Patterson
June 18, 2019

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

- | | |
|--------------|---|
| Int. No. 173 | Authorizing the sale of real estate |
| Int. No. 174 | Authorizing agreements for appraisal services |
| Int. No. 176 | Authorizing submission of the Consolidated Community Development Plan/2019-20 Annual Action Plan and execution of grant agreements with the United States Department of Housing and Urban Development |
| Int. No. 177 | Appropriation of funds for the City Development Fund |
| Int. No. 178 | Appropriating funds and authorizing agreements for business development programs |
| Int. No. 179 | Authorizing appropriations and an agreement for application intake services for the City's housing repair programs |
| Int. No. 180 | Authorizing funding for the Demolition Program |
| Int. No. 181 | Appropriating funds for the Emergency Assistance Repair Program |
| Int. No. 182 | Authorizing funding and an amendatory agreement for housing repair and rehabilitation programs |
| Int. No. 183 | Appropriating funds and authorizing agreements for Lead Hazard Control Grant Program |
| Int. No. 184 | Appropriating funds and authorizing agreements for the HOME Rochester Program |
| Int. No. 185 | Appropriating funds and authorizing an agreement for landlord tenant services |
| Int. No. 186 | Appropriating funds and authorizing agreements for foreclosure prevention services |
| Int. No. 187 | Appropriating funds and authorizing agreements for the Buyer Assistance Program |

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- Int. No. 188 Appropriating funds and authorizing amendatory agreements for the Homebuyer Training Program
- Int. No. 189 Authorizing loan agreement for the Jefferson Wollensack Housing Creation project
- Int. No. 190 Appropriating funds and authorizing agreements for the Emergency Solutions Grant Program
- Int. No. 191 Appropriating funds and authorizing an agreement for the Helping Elders Law Program
- Int. No. 192 Appropriating funds and authorizing an agreement for the Housing Opportunities for Persons with AIDS Program
- Int. No. 193 Authorizing an agreement and appropriation for the Aging in Place Home Modification Program

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

- Int. No. 175 Approving the Consolidated Community Development Plan/2019-20 Annual Action Plan

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-162
Re: Sale of Real Estate

Council Priority: Rebuilding and Strengthening
Neighborhood Housing

Transmitted herewith for your approval is legislation approving the sale of three properties. City records have been checked to ensure that purchasers (except those buying unbuildable vacant lots) do not own

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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 two properties are vacant lots sold by negotiated sale to the adjoining owners who will combine the lots with their existing properties for additional green space.

The last property is a vacant lot sold by request for proposal. The purchaser will construct a parking lot per zoning guidelines which will provide additional employee parking for the existing tenant at 1645 St. Paul Street, Catholic Family Center.

The first year projected tax revenue for these three properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$2,191.

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-98

Ordinance No. 2019-162
(Int. No. 173)

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 vacant lots:

Address	SBL#	Lot Size	Price	Purchaser
116 Cameron St	105.58-1-32	40 x 100	\$425	Damaris Olmeda
55 Hollister St	106.42-1-43.1	60 x 100	\$450	Alexander King

Section 2. The Council hereby approves the sale of the following vacant lot sold by request for proposal:

Address	SBL#	Lot Size	Sq. Ft.	Price	Purchaser
1646-1652 St Paul St	091.61-3-1	66 x 98	7,840	\$5,000	DRE Properties, LLC

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the

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reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-163

Re: Appraisal Services

Council Priority: Rebuilding and Strengthening
Neighborhood Housing

Transmitted herewith for your approval is legislation establishing maximum compensation for agreements with the following firms for appraisal services. The cost of these agreements will be funded from the 2019-20 Budget of the Department of Neighborhood and Business Development upon approval. The term of these agreements will be for one year.

Firm	Maximum Compensation
Midland Appraisal Associates, Inc. Jay J. Loson, Principal 349 W. Commercial St, Suite 2290, East Rochester, NY	\$30,000

Bruckner, Tillett & Rossi, Inc. d/b/a Bruckner, Tillett, Rossi, Cahill & Associates Kevin L. Bruckner, Principal 500 Linden Oaks, Suite 130, Rochester, NY	\$30,000
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These agreements are for Appraisal Services for commercial, industrial and residential property related to acquisitions, sales, easements and other property transactions.

These firms were selected through a Request for Qualifications process. The RFQ was issued March 9, 2019 and published in the *Democrat & Chronicle*, posted on the City website, emailed and mailed directly to firms.

The selection of firms was based on experience with the typical and specialized work required for the City and their familiarity with and location within the Rochester Metropolitan Statistical Area.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-99

Ordinance No. 2019-163
(Int. No. 174)

Authorizing agreements for appraisal services

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

Section 1. The Mayor is hereby authorized to enter into professional services agreements with the following firms for appraisal services as needed by the Department of Neighborhood and Business Development (the Department) in the amounts not to exceed the stated maximum compensation as follows:

Firm	Maximum Compensation
Midland Appraisal Associates, Inc.	\$30,000
Bruckner, Tillett & Rossi, Inc.	\$30,000

Section 2. The cost of the agreements shall be funded from the 2019-20 Budget of the Department, contingent upon approval, and the agreements shall have a term of one year.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-164

Ordinance No. 2019-165

Ordinance No. 2019-166

Re: 2019-20 Annual Action Plan,
Consolidated Community
Development Plan

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

Transmitted herewith for your approval is legislation relating to the 2019-20 Annual Action Plan. The legislation will:

1. Approve the 2019-20 Annual Action Plan, Consolidated Community Development.
2. Authorize the submission of the plans to the U.S. Department of Housing and Urban Development (HUD).
3. Authorize agreements with HUD for the receipt and use of grants to fund the Plan.
4. Appropriate \$500,000 in Urban Development Action Grant principal and interest repayments projected to be received during the 2019-20 program year for the City Development Fund.

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5. Authorize the Director of Finance to record all transfers herein and to make adjustments to the amounts set forth below which may have changed prior to the date of this ordinance.

The Consolidated Community Development Plan consists of a strategic plan and annual action plans. The plan addresses the U.S. Department of Housing and Urban Development's planning and application requirements for their formula grant programs, which include: the Community Development Block Grant, HOME Investment Partnerships, Emergency Solutions Grants Program, and Housing Opportunities for Persons with AIDS. HUD requires jurisdictions to prepare multi-year strategies and one year action plans for use of federal funds. The annual action plan covers the period July 1, 2019 through June 30, 2020.

The annual action plan describes specific projects and activities that will be undertaken in the coming year with federal funds to address priority needs. Community input was solicited at a public meeting held on March 20, 2019.

The total of funds available for 2019-20 is \$13,369,170 from the following sources:

CDBG	\$8,068,554
HOME	2,316,190
Emergency Solutions Grant	685,960
HOPWA	958,466
CDF	500,000
CDBG Program Income	750,000
HOME Program Income	<u>90,000</u>
Total	\$13,369,170

The amount of federal allocations, program income, and City Development funds available will be used for the following purposes: Promote Economic Stability, Improve the Housing Stock, General Community Needs, and Other.

Significant allocation highlights include:

- \$1,004,493 for Housing Repair/Rehab Program
- \$488,000 for the Buyer Assistance Program
- \$400,000 for Job Creation and Youth Development

Approval by the City Council of the Annual Action Plan is required by HUD. Approval of the City Development Fund is required by Resolution 83-26 (adopted May 24, 1983).

A public hearing on the 2019-20 Annual Action Plan is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-164
(Int. No. 175)

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Approving the Consolidated Community Development Plan/2019-20 Annual Action Plan

WHEREAS, there is pending before this Council the Draft Consolidated Community Development Plan/2019-20 Annual Action Plan (the Plan) to be financed with \$13,369,170 available to the City of Rochester from the federal Community Development Block Grant, HOME Investment Partnerships, Emergency Solutions Grant Program, Housing Opportunities for Persons with AIDS Program, City Development Fund, Urban Development Action Grant loan and interest repayments, and other program income;

WHEREAS, the Plan was prepared according to an approved Citizen Participation Plan and reflects public comments and consultations;

WHEREAS, notice of the Plan was published in the legal notices section of the Democrat and Chronicle on February 19, 2019;

WHEREAS, the Plan was the subject of a general public hearing on March 20, 2019, as specified in the February 19th newspaper notice;

WHEREAS, in another notice published in the legal notices section of the Democrat and Chronicle on May 13, 2019, citizens, public agencies and other interested parties were invited to submit comments by June 13, 2019, either in writing or at public hearing scheduled for June 13, 2019;

WHEREAS, on June 13, 2019, the City Council conducted a public hearing on the Plan and on the needs, strategies, proposed actions and annual performance report;

WHEREAS, the City Council has reviewed the needs, strategies and proposed actions with City staff; and

WHEREAS, the City Council has reviewed the public comments and recommendations.

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

Section 1. The Council hereby adopts the Draft Consolidated Community Development Plan/2019-20 Annual Action Plan.

Section 2. The Mayor is hereby directed to prepare detailed programs and specifications for the various actions and to submit said plans to City Council for approval prior to implementation.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays – None- 0

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Councilmember Spauld abstained due to a personal relationship.

Ordinance No. 2019-165
(Int. No. 176)

Authorizing submission of the Consolidated Community Development Plan/2019-20 Annual Action Plan and execution of grant agreements with the United States Department of Housing and Urban Development

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

Section 1. The Mayor is hereby authorized to submit the Consolidated Community Development Plan/2019-20 Annual Action Plan (the Plan) to the United States Department of Housing and Urban Development.

Section 2. The Mayor is hereby further authorized to provide any such information that may be required and to execute all necessary grant agreements with the United States Department of Housing and Urban Development for the Program Year beginning July 1, 2019.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes – President Scott, Councilmembers Clifford, Evans, Gruber, Harris, Lightfoot, Ortiz, Patterson – 8
Nays – None- 0

Councilmember Spauld abstained due to a personal relationship.

Ordinance No. 2019 166
(Int. No. 177)

Appropriation of funds for the City Development Fund

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

Section 1. As part of the Consolidated Community Development Plan/2019-20 Annual Action Plan, the Council hereby appropriates the sum of \$500,000 in anticipated Urban Development Action Grant loan repayment funds and reversionary interest payments and interest, to be utilized as capital for the City Development Fund.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary for the implementation of programs funded by the appropriation made herein.

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

Section 4. The Director of Finance shall record all transfers herein and shall have the authority to make adjustments to the amounts set forth which may have changed prior to the adoption of this ordinance.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays – None- 0

Councilmember Spauld abstained due to a personal relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-167
Re: 2019-20 Consolidated Community
Development Plan – Business
Development Financial Assistance
Program –
Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation related to the City of Rochester's Business Programs as described in the 2019-20 Consolidated Community Development Annual Action Plan. This legislation will:

1. Appropriate a total of the estimated CDBG funds of \$500,000 from the Business Development Assistance Program of the Promote Economic Stability allocation of the 2019-20 Consolidated Community Development Annual Action Plan.
2. Authorize agreements necessary to implement the programs.

An additional \$200,000 in City Development Funds (CDF) will be appropriated for the Development Fund for Business Development Financial Assistance at the June 2019 City Council meeting.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-167
(Int. No. 178)

June 18, 2019

Appropriating funds and authorizing agreements for business development programs

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

Section 1. The sum of \$500,000 in Community Development Block Grant (CDBG) funds is hereby appropriated from the Business Development Financial Assistance Program project of the Consolidated Community Development Plan/2019-20 Annual Action Plan, contingent upon the adoption of said Plan, to implement a Business Development Financial Assistance loan and grant program (Program).

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Program authorized herein.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City shall only enter into agreements with organizations that are in compliance with federal regulations.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-168

Re: Housing Repair Programs - Application
Intake Services

Council Priority: Creating and Sustaining a
Culture of Vibrancy; Rebuilding and
Strengthening Neighborhood Housing.

Transmitted herewith for your approval is legislation related to application intake services for the City's housing repair programs. This legislation will:

1. Appropriate \$60,132 from the Housing Repair Programs – Application Intake Services allocation of the 2019-20 Annual Action Plan;
2. Appropriate \$34,256 from the Housing Repair Programs – Application Intake Services allocation of the 2018-19 Annual Action Plan
3. Establish \$94,388 as maximum compensation for an agreement with Action for a Better Community, Incorporated (ABC), Jerome H. Underwood, President & CEO, 400 West Avenue, Rochester, NY 14611, to provide application intake services for the City's housing repair programs to be funded from the appropriation made in Section 1 and 2 above for a term of one year with the option to extend for an additional year if funds remain from the amount allocated herein.

A Request for Proposal was posted to the City’s website to solicit agencies that are interested in providing application intake services for the City’s housing repair programs. Two agencies responded: PathStone and ABC.

ABC received the higher score on the attached Vendor Selection Process Summary Sheet and was therefore chosen to act as the central point of contact for property owners to obtain information about the City’s housing repair programs. ABC will be responsible for marketing the programs to the community, accepting applications for the housing repair program, providing technical assistance, and submitting completed applications to the City for review.

Budget

Salaries	\$70,000
Fringe (21% of salaries)	\$13,048
Indirect (16.2% of salaries)	<u>\$11,340</u>
Total	\$94,388

Attachment No. AS-100

Ordinance No. 2019 – 168
(Int. No. 179)

Authorizing appropriations and an agreement for application intake services for the City’s housing repair programs

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

Section 1. The Council hereby appropriates \$60,132 from the Housing Repair Programs-Application Intake Services project of the Consolidated Community Development Plan/2019-20 Annual Action Plan, contingent upon the adoption of said Plan, to provide application intake services for the City’s housing repair programs.

Section 2. The Council hereby appropriates \$34,256 from the Housing Repair Programs-Application Intake Services project of the Consolidated Community Development Plan/2018-19 Annual Action Plan to provide application intake services for the City’s housing repair programs.

Section 3. The Mayor is hereby authorized to enter into an agreement with Action for a Better Community, Incorporated to provide application intake services for the City’s housing repair programs. The maximum compensation for the agreement shall be \$94,388, which shall be funded from the appropriations in Sections 1 and 2 above. The agreement shall have a term of 1 year with the option to extend for up to one additional year if funds remain from the amount allocated herein.

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.

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Passed by the following vote:

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

Nays – None – 0

Councilmember Gruber abstained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-169
Re: Demolition Program

Council Priority: Creating and Sustaining a
Culture of Vibrancy; Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the continuation of the City's Demolition Program. This legislation will appropriate \$1,400,000 from the Demolition allocation of the 2019-20 Annual Action Plan.

These funds will allow the City to continue its demolition program. Demolition includes City-owned and privately-owned structures. These funds will remove approximately 56 structures over the next twelve months.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-169
(Int. No. 180)

Authorizing funding for the Demolition Program

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

Section 1. The Council hereby appropriates \$1,400,000 from the Demolition project allocation of the Consolidated Community Development Plan/2019-20 Annual Action Plan, contingent upon the adoption of said Plan, for the Demolition Program to continue the removal of vacant, derelict and fire damaged structures in the City of Rochester.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

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TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-170
Re: Housing Development Fund –
Emergency Assistance Repair Program

Council Priority: Creating and Sustaining a
Culture of Vibrancy; Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the City’s Emergency Assistance Repair Program. This legislation will appropriate \$200,000 from the Housing Development Fund -Emergency Assistance Repair Program allocation of the 2019-20 Annual Action Plan for the City’s use to operate the program.

The City’s Emergency Assistance Repair Program will provide assistance to eligible owner occupants for furnace, hot water tank and/or other emergency repairs. The funds will serve approximately 100 households. The City will continue to use existing agreements with Betlem Residential Heating and Air Conditioning and Mr. Rooter Plumbing to perform the necessary work.

Since the beginning of the fiscal year (7/01/18 – 5/15/19), a total of 51 furnaces were repaired or replaced and 43 water tanks were replaced. Owners must be current with City and Monroe County property taxes and not be subject to mortgage foreclosure. Household incomes must be at or below 80% of the Housing and Urban Development (HUD) area median income.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-170
(Int. No. 181)

Appropriating funds for the Emergency Assistance Repair Program

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

Section 1. The amount of \$200,000 is hereby appropriated from the Housing Development Fund - Emergency Assistance Repair Program (EARP) project of the Consolidated Community Development Plan/2019-20 Annual Action Plan, contingent upon the adoption of said Plan, for the City’s use to operate the EARP to assist eligible homeowners with repair and/or replacement of furnaces, hot water tanks and/or other emergency repairs.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

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TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-171
Re: Housing Repair/Rehabilitation
Program

Council Priority: Creating and Sustaining a
Culture of Vibrancy; Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the City's housing rehab programs. This legislation will:

1. Appropriate \$1,004,493 from the Housing Repair/Rehabilitation Program allocation of the 2019-20 Annual Action Plan for the City's use to operate the Housing Rehab program;
2. Amend an agreement with Environmental Testing & Consulting, Inc. (ETC), David P. Majewski, owner, PO Box 466, Batavia, NY 14021, authorized by Ordinance No. 2017-296 to increase the maximum amount of compensation by \$70,000 to a new total of \$100,000 to provide lead based paint evaluation services for the City's housing rehab programs to be funded from the appropriation made in No. 1 above. The term of the agreement will be extended through June 30, 2020 with the option to extend for 2 additional years if funding remains in the agreement.

The program will offer financial assistance to owner-occupants of 1-4 family residential structures. These funds will be allocated in the following manner: to support areas where housing development projects are located, areas where the most gain can be achieved as per the Housing Market Study, and to mitigate blight and hazards city-wide. The program will be combined with \$500,000 in funding received from New York State. It is expected that 62 property owners will be served.

Owners must be current with City and Monroe County property taxes and not be subject to tax or mortgage foreclosure. Household incomes must be at or below 80% of the Housing and Urban Development (HUD) area median income to be adjusted annually.

ETC was selected through an RFP that was completed in March 2016 and has since performed to the City's satisfaction. To maintain the services of ETC a new RFP was not initiated. A justification for no RFP is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-101

Ordinance No. 2019-171
(Int. No. 182)

June 18, 2019

Authorizing funding and an amendatory agreement for housing repair and rehabilitation programs

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

Section 1. The Council hereby appropriates \$1,004,493 from the Housing Repair/Rehabilitation Program project of the Consolidated Community Development Plan/2019-20 Annual Action Plan, contingent upon the adoption of said Plan, for the City's use to operate its housing repair and rehabilitation programs (collectively, the Housing Rehab Program).

Section 2. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Environmental Testing & Consulting, Inc. to provide lead based paint evaluation services for the Housing Rehab Program. The amendment shall increase the maximum compensation of the existing agreement, which was originally authorized by Ordinance No. 2017-296, by \$70,000 to a total amount of \$100,000. The amendatory compensation amount shall be funded from the appropriation in Section 1 above. The amendatory agreement shall terminate on June 30, 2020, with the option to extend the term for up 2 years if any of the funding allocated herein remains.

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

Section 4. The Mayor is hereby authorized to enter into agreements with recipients and to execute such other documents as may be necessary to implement the Housing Rehab Program. All such agreements shall be contingent on compliance with federal regulations and shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-172
Re: Lead Hazard Control Program

Council Priority: Creating and Sustaining a
Culture of Vibrancy; Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation authorizing the appropriation of \$300,000 from the Lead Hazard Control allocation of the 2019-20 Annual Action Plan for the City's Lead Hazard Control Grant Program for the City's use.

The Lead Hazard Control Grant Program was approved by City Council through Ordinance No. 2017-296. A total of \$1 million in HUD funding was appropriated. This appropriation represents the City's matching funds that are required for the program.

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The City continues to operate the Lead Hazard Control Grant Program by offering financial assistance to eligible owners of one to four unit privately-owned residential units. Typical lead hazard control work activities include: window/door replacement; porch repair/replacement; siding; minor rehabilitation work; and bare soil treatment.

The City's Lead Hazard Control Program operates for 3 years (2018-2021) which will produce a total of 100 units of lead safe housing for the entire program. This appropriation will allow for a minimum of 60 units to be produced by December 2020.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-172
(Int. No. 183)

Appropriating funds and authorizing agreements for Lead Hazard Control Grant Program

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

Section 1. The sum of \$300,000 is hereby appropriated from the Lead Hazard Control project of the Consolidated Community Development Plan/2019-20 Annual Action Plan, contingent upon the adoption of said Plan, to implement the City's Lead Hazard Control Grant Program (Program).

Section 2. The Mayor is hereby authorized to enter into agreements with recipients and to execute such other documents as may be necessary to implement the Program. All such agreements and documents shall be contingent on compliance with federal regulations and 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. 2019-173
Re: Agreement – Rochester Housing
Development Fund Corporation,
HOME Rochester Program; Housing
Development Fund

Council Priority: Rebuilding and Strengthening
Neighborhood Housing

Transmitted herewith for your approval is legislation related to the 2019-20 Annual Action Plan of the Consolidated Community Development Plan (Con Plan) Housing Development Fund for the continuation of the HOME Rochester Program. This legislation will:

- (1) Appropriate a total of \$806,429 from the Housing Development Fund allocation of the 2019-20 Annual Action Plan of the Consolidated Community Development Plan as follows:

Amount	Source	Purpose
\$174,000	2019-20 Housing Development Fund: Housing Development Support [Community Development Block Grant (CDBG)]	Program Operation
\$347,429	2019-20 Housing Development Fund: Community Housing Development Organization (CHDO) (HOME funds)	Development subsidies – incomes no more than 80% of Area Median Income (AMI)
\$285,000	2019-20 Cash Capital dollars	Development subsidies – incomes no more than 120% of AMI

- (2) Establish \$174,000 as maximum compensation for an agreement with Rochester Housing Development Fund Corporation (RHDFC; Principal Theodora Finn) for operation of the HOME Rochester program. The cost of the agreement will be financed from the CDBG funds appropriated herein.
- (3) Authorize an agreement with the RHDFC, a qualified CHDO, for the administration of development subsidies totaling \$347,429 for families whose incomes are no more than 80% of AMI. The cost of the agreement will be financed from the HOME funds appropriated herein.

The City is required to reserve at least 15% of its annual HOME award to fund the development of affordable housing by non-profit CHDOs that must demonstrate to the City that they continue to meet U.S. Department of Housing and Urban Development (HUD) requirements pertaining to CHDOs.

- (4) Authorize an agreement with RHDFC for the administration of development subsidies totaling \$285,000 for families whose incomes are no more than 120% of Area Median Income. These subsidies will be financed from Cash Capital funds.

The HOME Rochester Program provides for the acquisition and rehabilitation of vacant, single-family houses for resale to income-eligible households. RHDFC operates the HOME Rochester Program in partnership with the City, the Greater Rochester Housing Partnership, Inc. (GRHP; Principal Theodora Finn), and neighborhood based, non-profit developers. RHDFC buys vacant homes and oversees home rehabilitation for sale to first-time homebuyers. Since its inception in 2001, 771 properties have been rehabilitated and sold to first-time homebuyers. Rehabilitation includes efforts to provide and improve ‘green’ and energy efficiency activities to promote sustainability as well as cost savings for the low-moderate income households who reside in the home.

The total of \$ \$632,429 proposed for development subsidies will provide an average of \$45,000 each for the acquisition and rehabilitation of approximately 14 vacant structures. The funds are a required match for the City’s agreement with HUD for its Asset Control Area program as well as NYS’s Affordable

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Housing Corporation subsidy program, both of which are used to mitigate the costs of acquisition and rehabilitation and reduce blight in the City of Rochester.

Properties rehabilitated through HOME Rochester will be marketed to families with incomes not exceeding 120% of AMI and the subsidy funds authorized herein will be used to support buyers with incomes at or below 80% of AMI for HOME-funded houses and at or below 120% of MFI for CIP-funded properties. All purchasers are required to attend pre- and post-purchase homebuyer training classes and to reside in the properties for a minimum of 10 years.

These programs support the Housing Development Fund objective of the City Housing Policy.

Agreement term for the Operating Agreement will be for one year. The subsidy agreement term will be for two years, with an option to extend for an additional year if funds remain in the original appropriation.

Respectfully submitted,
Lovely A. Warren
Mayor
Ordinance No. 2019-173
(Int. No. 184)

Appropriating funds and authorizing agreements for the HOME Rochester Program

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

Section 1. A total of \$806,429 is hereby appropriated from various Housing Development Fund projects of the Consolidated Community Development Plan/2019-20 Annual Action Plan, contingent upon the adoption of said Plan, or from Cash Capital contingent upon the approval of the 2019-20 City Budget, to continue the HOME Rochester Program (Program) as follows:

Amount	Source	Purpose
\$174,000	Housing Development Fund - Housing Development Support	Program Operation
\$347,429	Housing Development Fund - Community Housing Development Organization (CHDO)	Development subsidies – incomes no more than 80% of the Area Median Income (AMI)
\$285,000	2019-20 Cash Capital	Development subsidies – incomes no more than 120% of AMI

Section 2. The Mayor is hereby authorized to enter into an agreement with Rochester Housing Development Fund Corporation (RHDFC) in the maximum amount of \$174,000 to administer the

Program. The agreement shall have a term of one year and shall be funded from the Housing Development Support funds appropriated in Section 1.

Section 3. The Mayor is hereby authorized to enter into an agreement with RHDFC, a qualified CHDO, for the administration of housing development subsidies totaling \$347,429 for families whose incomes are no more than 80% of AMI. The agreement shall be funded from the CHDO funds appropriated in Section 1. The term of this agreement shall be two years with the option to extend for up to 1 additional year if funds remain from the allocation provided for herein.

Section 4. The Mayor is hereby authorized to enter into an agreement with RHDFC for the administration of housing development subsidies totaling \$285,000 for families whose incomes are no more than 120% of AMI. The agreement shall be funded from the Cash Capital funds appropriated in Section 1. The term of this agreement shall be two years with the option to extend for up to 1 additional year if funds remain from the allocation provided for herein.

Section 5. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City and RFDFC shall enter into agreements for this program only with organizations that are in compliance with federal regulations.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-174
Re: Agreement - Legal Aid Society of
Rochester, New York, Inc., 2019-20
Consolidated Community Development
Plan; Rental Market Fund-Landlord
Tenant Services

Council Priority: Rebuilding and Strengthening
Neighborhood Housing

Transmitted herewith for your approval is legislation related to the 2019-20 Annual Action Plan of the Consolidated Community Development Plan (Con Plan) Landlord Tenant Services Program, contingent upon adoption of the Con Plan. This legislation will:

1. Appropriate \$95,000 from the Rental Market Fund-Landlord Tenant Services allocation of the 2019-20 Con Plan for implementation of the Landlord Tenant Services Program; and
2. Establish \$95,000 as maximum compensation for an agreement with the Legal Aid Society of Rochester, New York, Inc. (Principal: Carla Palumbo) to provide housing stabilization services to tenants and landlords. The term of the agreement will be one year and the cost will be financed from the appropriation herein.

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The Legal Aid Society of Rochester New York, Inc. will serve as lead agency in partnership with Legal Assistance of Western New York Inc. (Principal: C. Ken Perry) and The Housing Council at PathStone, Inc. (Principal: Susan Boss). Services for both landlords and tenants include:

- Training for landlords on operating rental property as a business, and compliance with fair housing quality standards; and
- Eviction prevention services for tenants to re-establish or maintain stable housing situations.

The City will enter into agreements for this program only with organizations that are in compliance with federal regulations. If funds are different, not available, or are less than anticipated, the agreement amounts and terms will be adjusted accordingly. A justification statement for not issuing a request for proposals is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-102

Ordinance No. 2019-174
(Int. No. 185)

Appropriating funds and authorizing an agreement for landlord tenant services

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

Section 1. The sum of \$95,000 is hereby appropriated from the Rental Market Fund-Landlord/Tenant Services allocation of the Consolidated Community Development Plan/2019-20 Annual Action Plan (the Plan) for the provision of housing stabilization services to tenants and landlords, contingent upon adoption of the Plan.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Legal Aid Society of Rochester, New York in a maximum amount of \$95,000 to provide housing stabilization services to tenants and landlords. The amount of said agreement, or so much thereof as may be necessary, shall be funded from the sum appropriated in Section 1. If funds are not available or are less than anticipated, the agreement amounts and terms shall be adjusted accordingly.

Section 3. The agreement shall be for a term of one year.

Section 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City shall enter into agreements for these services only with organizations that are in compliance with federal regulations.

Section 5. This ordinance shall take effect immediately.

June 18, 2019

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-175
Re: Agreements - The Housing Council at
PathStone, Inc. and Empire Justice
Center, 2019-20 Consolidated
Community Development Plan;
Homeownership Fund – Foreclosure
Prevention Program

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the 2019-20 Annual Action Plan of the Consolidated Community Development Plan (Con Plan) Foreclosure Prevention Program, contingent upon adoption of the Con Plan. This legislation will:

1. Appropriate a total of \$165,000 from the 2019-20 Homeownership Fund-Foreclosure Prevention allocation of the Community Development Block Grant (CDBG) of the Con Plan for implementation of the Foreclosure Prevention Program.
2. Establish \$143,500 and \$21,500 as maximum compensation for The Housing Council at PathStone, Inc. (Principal: Susan Boss) and Empire Justice Center (Principal: Anne Erickson), respectively, to provide foreclosure prevention services. The term of these agreements will be one year and the cost will be financed from the funds appropriated herein.

These two organizations are uniquely qualified. The Housing Council at PathStone, Inc. is a U.S. Housing and Urban Development-approved Housing Counseling Agency with the capacity to handle a large volume of cases. The Housing Council's services include the review of households' financial circumstances and negotiation with lenders to resolve mortgage arrears. The Empire Justice Center is a leader in developing statewide standards for foreclosure prevention legal services. The Empire Justice Center will provide legal advice and litigation services when required by analysis of clients' circumstances.

The City will enter into agreements for this program only with organizations that are in compliance with federal regulations. A justification statement for not issuing a request for proposals is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-103

Ordinance No. 2019-175
(Int. No. 186)

Appropriating funds and authorizing agreements for foreclosure prevention services

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

Section 1. The sum of \$165,000 is hereby appropriated from the Homeownership Fund-Foreclosure Prevention allocation of the Consolidated Community Development Plan/2019-20 Annual Action Plan (the Plan) for the provision of foreclosure prevention services, contingent upon adoption of the Plan.

Section 2. The Mayor is hereby authorized to enter into an agreement with The Housing Council at PathStone, Inc. in a maximum amount of \$143,500 to provide foreclosure prevention services.

Section 3. The Mayor is hereby authorized to enter into an agreement with Empire Justice Center in a maximum amount of \$21,500 to provide foreclosure prevention services.

Section 4. The amounts of said agreement, or so much thereof as may be necessary, shall be funded from the sum appropriated in Section 1. If funds are not available or are less than anticipated, the agreement amounts and terms shall be adjusted accordingly.

Section 5. The agreements shall be for a term of one year.

Section 6. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City shall enter into agreements for these services only with organizations that are in compliance with federal regulations.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-176
Re: Homeownership Promotion - Buyer
Assistance Program, 2019-20
Consolidated Community Development Plan

Council Priority: Rebuilding and
Strengthening Neighborhoods

Transmitted herewith for your approval is legislation related to the Buyer Assistance Program of the 2019-20 Annual Action Plan of the Consolidated Community Development Plan (Con Plan), contingent upon its adoption. This legislation will:

1. Appropriate \$398,000 from the Buyer Assistance allocation of the Homeownership Promotion Fund - HOME funds, of the 2019-20 Con Plan;

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2. Authorize agreements with the recipients of Buyer Assistance Funds for up to \$8,000 to purchase houses through the City's housing initiatives; and
3. Authorize the Director of Finance to record all transfers herein and to make adjustments to the amounts set forth below which may have changed prior to the date of this ordinance.

The Buyer Assistance Program provides financial assistance up to \$8,000 to eligible homebuyers who purchase houses through the City's housing initiatives, as described in the Con Plan. The financial assistance provided by the Buyer Assistance Program is for closing costs and down payment.

Homebuyer eligibility is based on income, ability to qualify for a conventional mortgage loan for which payments will not exceed 30% of the gross monthly income, and payment of personal funds in the amount of a minimum of \$1,500 towards the purchase of the home. Each buyer must complete a pre-purchase education class before closing and attend post-purchase classes as well.

The 2019-20 HOME allocation will serve approximately 67 eligible homebuyers with incomes of no more than 80% median family income (MFI).

The Homeownership Promotion Fund supports the City Housing Policy objective to promote the rehabilitation, redevelopment and new construction of housing.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-176
(Int. No. 187)

Appropriating funds and authorizing agreements for the Buyer Assistance Program

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

Section 1. The sum of \$398,000 is hereby appropriated for the City's Buyer Assistance Program (Program) from the HOME funds within the Homeownership Promotion Fund - Buyer Assistance allocation of the Consolidated Community Development Plan/2019-20 Annual Action Plan, contingent upon the adoption of said Plan.

Section 2. The Mayor is hereby authorized to enter into such agreements with recipients of Buyer Assistance funds as may be necessary to implement the Program, with each having a maximum amount of up to \$8,000 to be funded from the funds appropriated herein.

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

Section 4. The Director of Finance is hereby authorized to record all transfers herein and to make adjustments to the amounts set forth herein.

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Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-177
Re: Homebuyer Training Program, 2019-20
Consolidated Community Development
Plan

Council Priority: Rebuilding and Strengthening Neighborhoods

Transmitted herewith for your approval is legislation related to the Homebuyer Training Program of the 2019-20 Annual Action Plan of the Consolidated Community Development Plan (Con Plan), contingent upon its adoption. This legislation will:

1. Appropriate \$50,000 of HOME funds from the Homebuyer Training allocation of the Homeownership Promotion Fund of the 2019-20 Con Plan;
2. Appropriate \$50,000 of the City Development Fund (CDF) from the Homebuyer Training allocation of the Homeownership Promotion Fund of the 2019-20 Con Plan;
3. Amend agreements with the following organizations by increasing aggregate funding by the amounts appropriated herein to continue providing Homebuyer training for a one-year term with the option to extend for one more year:
 - Neighborhood Housing Services of Rochester Inc. DBA NeighborWorks Rochester. (Principal: Joanne Panarisi-Bottone)
 - Urban League of Rochester, NY, Inc. a/k/a The Home Store (Principal: William G. Clark)
 - Consumer Credit Counseling Service of Rochester, Inc. (Principal: Jason Tracy)
 - The Housing Council at PathStone, Inc. (Principal: Susan Boss)

These four organizations were first engaged via Ordinance No. 2015-184, which was amended by Ordinance Nos. 2015-256, 2016-149, 2017-223, 2018-185 and 2018-358 to provide additional funds to continue to provide pre- and post-purchase training to all recipients of City closing cost grants. The proposed amendatory agreements will allow at least 180 households to receive the training described above.

These providers were selected through a request for proposals process in spring 2015. The City enters into agreements with organizations that are in compliance with federal regulations.

The Homeownership Promotion Fund supports the City Housing Policy objective to promote the rehabilitation, redevelopment and new construction of housing.

June 18, 2019

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-104

Ordinance No. 2019-177
(Int. No. 188)

Appropriating funds and authorizing amendatory agreements for the Homebuyer Training Program

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

Section 1. The following amounts are hereby appropriated for the Homebuyer Training Program (Program) from the Consolidated Community Development Plan/2019-20 Annual Action Plan (the Plan):

- a. \$50,000 from the HOME fund portion of the Homeownership Promotion Fund – Homebuyer Training allocation; and
- b. \$50,000 from the City Development Fund portion of the Homeownership Promotion Fund – Homebuyer Training allocation

Both appropriations shall be contingent upon the adoption of the Plan.

Section 2. The Mayor is hereby authorized to enter into amendatory agreements with the following providers for homebuyer training services so as to modify the agreements that were authorized by Ordinance No. 2015-184, as amended by Ordinance Nos. 2015-256, 2016-149, 2017-223, 2018-185, and 2018-358, to add the funds appropriated in Section 1 to their aggregate compensation in order for the providers to continue providing services for additional terms of one year with the option to extend for one additional year:

Neighborhood Housing Services of Rochester Inc. d/b/a NeighborWorks Rochester

Urban League of Rochester, NY, Inc. a/k/a The Home Store

Consumer Credit Counseling Service of Rochester, Inc.

The Housing Council at PathStone, Inc.

Section 3. The amendatory agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City and training providers shall enter into agreements for the Program only with organizations that are in compliance with federal regulations.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

June 18, 2019

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-178
Re: Jefferson Wollensack Housing Creation
Assistance, Affordable Housing Fund

Council Priority: Rebuilding and Strengthening
Neighborhood Housing

Transmitted herewith for your approval is legislation related to the Jefferson Wollensack rehabilitation and new construction project, a mixed-use, low-income housing project at 872 and 886 Hudson Avenue and 663-667 Jefferson Avenue being undertaken by Urban League of Rochester Economic Development Corporation (ULREDC) (Carolyn Vitale, Vice-President and COO).

This legislation will:

1. Authorize a pre-development loan agreement for \$300,000 with ULREDC or an affiliated partnership or housing development fund corporation to be formed by ULREDC, and appropriate \$300,000 in HOME funds from the Affordable Housing Fund allocation of the 2018-19 Housing Development Fund to fund the loan.

The loan will serve initially as a 2% pre-development/construction loan payable annually. If the project is deemed feasible, at conversion to permanent financing it will become a 30 year, 1% interest-only loan payable annually with the principal payment due at the end of the 30 year term.

2. Authorize the Mayor to execute such agreements and other documents as may be necessary to effectuate the agreement authorized herein; and
3. Authorize the Director of Finance to adjust the interest rate and other terms and conditions of the loan in order to conform to legal and other requirements for the Project.

The Jefferson Wollensack project involves the rehabilitation and new construction of 41 rental units. The Wollensack Building, 872-886 Hudson Avenue, a dilapidated former factory, will become 22 rental units and the Jefferson Avenue site at 663-667 Jefferson Avenue, currently vacant city-owned land, will be redeveloped into 19 rental units for low-income households. All 41 units will be targeted to households with income at or below 50% of the Area Median Income, including 7 units of Supported Housing, specifically targeted for households with intellectual or developmental disabilities, with assistance from the Office of Persons with Developmental Disabilities (OPWDD).

The Hudson Avenue site is currently part of a NYS DEC Brownfield Cleanup Program, which involves intensive investigation and then remediation of environmental concerns. While the regulated materials abatement and BCP investigation is ongoing, up to 90% of the City's HOME funds will be provided to the developer as pre-development. Interest will accrue annually at 2%. The pre-development and site preparation costs are estimated at \$1,200,000, paid for with funds from the investor and deferred development fee, as well as the City's HOME funds. If the project moves ahead as expected, the Total Development Cost is estimated to be \$14,017,161 with funding from NYS Housing and Community Renewal (HCR), Office of Persons with Developmental Disabilities (OPWDD), NYS Energy Research and

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Development (NYSERDA), and tax credits from the DEC's Brownfield Cleanup Program, among others. At that time, request will be made for the sale of land and approval of a PILOT.

Loan Committee Review and recommendation for approval occurred on May 15, 2019. Workforce goals for the project are 6.9% women and 20% minorities and 25% City residents, along with a combined goal of 30% for MBE/WBE firms.

This is considered a Type II action for SEQR so no action is needed. A full SEQR Coordinated Review will be completed prior to any sale of land or PILOT approval. A National Environmental Policy Act or NEPA review has been completed with a Finding of No Significant Impact.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-105

Ordinance No. 2019-178
(Int. No. 189)

Authorizing loan agreement for the Jefferson Wollensack Housing Creation project

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

Section 1. The sum of \$300,000 from the Housing Development Fund – Affordable Housing Fund allocation of the Consolidated Community Development Plan/2018-19 Annual Action Plan is hereby appropriated as principal for the loan authorized herein.

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

Section 3. The loan shall be in the amount of \$300,000, which shall be funded from the amount appropriated in Section 1 herein. The loan agreement shall have a term that extends to 30 years following completion of Project construction. The loan shall function initially as a 2% pre-development and construction loan with interest-only payments due annually until construction is complete, whereupon it shall convert to 1% permanent financing with a term of 30 years during which interest-only payments shall be due annually. The repayment of the loan principal shall be due at the end of the loan term.

Section 4. The Director of Finance is hereby authorized to adjust the loan interest rate and other terms and conditions in order to conform to requirements for Project tax credits and other legal requirements.

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Section 5. The agreement authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate. The Mayor is hereby authorized to execute such other agreements and other documents as may be necessary to effectuate the agreement authorized herein.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-179
Re: 2019-20 Consolidated Community
Development Plan - Emergency
Solutions Grants Program

Council Priority: Rebuilding and
strengthening neighborhood housing

Transmitted herewith for your approval is legislation related to authorizing thirteen (13) agreements with twelve (12) not-for-profit providers of services for homeless individuals and families for Emergency Solutions Grant Program (ESG) services; and establishing \$634,513 as the maximum compensation for the agreements to be funded from the Housing Choice Fund of the 2019-20 Consolidated Community Development Block Grant Consolidated Plan/Emergency Solutions Grants Program as follows, contingent upon adoption of the 2019-20 Consolidated Community Development Plan (Con Plan):

Organization	Principal	Award
Spiritus Christi Prison Outreach, Inc.	Jim Smith	34,000
Rochester Area Interfaith Hospitality Network, Inc.	Kim Hunt-Uzelac	43,000
Volunteers of America of Western New York, Inc.	Barbara Banaszynski	34,000
The Salvation Army of Greater Rochester	Major Douglas Hart	43,000
Catholic Charities of the Diocese of Rochester, dba Catholic Family Center	Marlene Bessette	86,000
Coordinated Care Services Inc. (Coordinated Entry)	Anne Wilder	29,675
The Center for Youth Services, Inc.	Elaine Spaul	35,000
The YWCA of Rochester and Monroe County, N.Y.	Angela Panzarella	42,000
Willow Domestic Violence Center of Greater Rochester, Inc.	Meaghan de Chateauvieux	25,000
Coordinated Care Services Inc. (Rapid ReHousing)	Anne Wilder	165,000
Veteran's Outreach Center, Inc.	Laura Stradley	20,000
Saving Grace Ministries of Rochester, Inc.	James Crowley	15,000
Providence Housing Development Corporation	Mark Greisberger	62,838
TOTAL		\$634,513

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This program was last authorized by City Council on June 19, 2018 via Ordinance No. 2018-189. ESG provides housing and support services for individuals and families who are homeless or at risk of homelessness. Eligible activities include case management, support services, service coordination, shelter operations (staffing and operating costs) and addition of beds, financial assistance and related services for prevention of homelessness and rapid re-housing. The appropriation will fund street outreach, essential services and emergency shelter operations, homelessness prevention, and rapid rehousing.

The Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH) Emergency Solution Grants Program require grantees (City and County) collaborate with the community of homelessness service providers. To that end, funding priorities were jointly determined with the Rochester/Monroe County Continuum of Care (CoC). 2019-20 providers were selected through a Request for Proposal (RFP) process. The RFP development and funding distribution decisions were conducted jointly with Monroe County. The RFP was issued February 21, 2019.

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

Attached are summaries of the RFP process and agency services. This legislation supports the City Housing Policy's Section 4: Promote Housing Choice.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-106

Ordinance No. 2019-179
(Int. No. 190)

Appropriating funds and authorizing agreements for the Emergency Solutions Grant Program

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

Section 1. The sum of \$634,513, or so much thereof as may be necessary, is hereby appropriated to the Emergency Solutions Grant Program (Program) from the Housing Choice Fund – Emergency Solutions Grants allocation of the Consolidated Community Development Plan/2019-20 Annual Action Plan, contingent upon the adoption of said Plan.

Section 2. The Mayor is hereby authorized to enter into agreements with the following thirteen providers for services to homeless individuals and families under the Program. The agreements shall obligate the City to pay an aggregate amount not to exceed \$634,513 with the maximum amount for each agreement being as follows:

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Organization	Amount
Spiritus Christi Prison Outreach, Inc.	\$ 34,000
Rochester Area Interfaith Hospitality Network, Inc.	\$ 43,000
Volunteers of America of Western New York, Inc.	\$ 34,000
The Salvation Army of Greater Rochester	\$ 43,000
Catholic Charities of the Diocese of Rochester, d/b/a Catholic Family Center	\$ 86,000
Coordinated Care Services Inc. (Coordinated Entry)	\$ 29,675
The Center for Youth Services, Inc.	\$ 35,000
The YWCA of Rochester and Monroe County, N.Y.	\$ 42,000
Willow Domestic Violence Center of Greater Rochester, Inc.	\$ 25,000
Coordinated Care Services Inc. (Rapid ReHousing)	\$ 165,000
Veteran's Outreach Center, Inc.	\$ 20,000
Saving Grace Ministries of Rochester, Inc.	\$ 15,000
Providence Housing Development Corporation	\$ 62,838
TOTAL	\$ 634,513

Section 3. The amounts of said agreements, or so much thereof as may be necessary, shall be funded from the sum appropriated in Section 1. If funds are not available or are less than anticipated, the agreement amounts and terms shall be adjusted accordingly.

Section 4. The agreements shall be for one year, with an option to extend for an additional year if funds remain in the original appropriation.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City and the providers shall only enter into agreements with organizations that are in compliance with federal regulations.

Section 6. This ordinance shall take effect immediately.

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Passed by the following vote:

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

Nays- None-0

Councilmember Spauld abstained due to professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-180
Re: 2019-20 Consolidated Community
Development Plan - CDBG, Seniors
Program-Legal Services

Council Priority: Rebuilding and Strengthening
Neighborhood Housing

Transmitted herewith for your approval is legislation related to the Consolidated Community
Development Plan 2019-20 Annual Action Plan for the Seniors Program/Legal Services, CDBG funds.
This legislation will:

1. Appropriate \$20,000 from the Seniors Program/Legal Services allocation of the General
Community Needs Goal for program implementation.
2. Establish \$20,000 maximum compensation for an agreement with the Volunteer Legal
Services Project of Monroe County, Inc. (Tina M. Foster, Executive Director) to administer
and manage the Helping Elders Law Project (HELP Project) utilizing pro bono services of
local attorneys. Attorneys will deliver services to elderly low-income city residents on-site
at Rochester Housing Authority developments and other senior-centered meeting spaces
in order to create wills, healthcare proxies / living wills, powers of attorney and funerary
plans. The cost of the agreement will be financed from the appropriation herein, and the
term will be for one year.

Seniors Program-Legal Services related legislation was last authorized on June 19, 2018 via Ordinance
No. 2018-191. A Justification Statement for Awarding a Professional Services Agreement without a
Request for Proposals is enclosed.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-107

Ordinance No. 2019-180
(Int. No. 191)

June 18, 2019

Appropriating funds and authorizing an agreement for the Helping Elders Law Program

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

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby appropriated to the Helping Elders Law Project (Project) from the Seniors Program - Legal Services allocation of the Consolidated Community Development Plan/2019-20 Annual Action Plan (the Plan), contingent upon the adoption of the Plan.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Volunteer Legal Services Project of Monroe County, Inc. to implement and manage the the Project for a maximum compensation of \$20,000.

Section 3. The compensation for the agreement, or so much thereof as may be necessary, shall be funded from the sum appropriated in Section 1. If funds are not available or are less than anticipated, the agreement amounts and terms shall be adjusted accordingly.

Section 4. The agreement shall have a term of one year.

Section 5. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City and the providers shall only enter into agreements with organizations that are in compliance with federal regulations.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Re: Ordinance No. 2019-181
2019-20 Consolidated Community
Development Plan - Housing Choice
Fund - Housing Opportunities for
Persons with AIDS

Council Priority: Rebuilding and
strengthening neighborhood housing - Stable,
decent and affordable housing

Transmitted herewith for your approval is legislation related to the 2019-20 Housing Opportunities for Persons with AIDS (HOPWA) program as described in the 2019-20 Consolidated Community Development Plan (Con Plan), contingent upon the adoption of the plan. This legislation will:

1. Appropriate a total of the estimated \$929,713.00 from the 2019-20 Housing Choice Fund, Housing Opportunities for Persons with AIDS account of the Consolidated Community Development Plan for program implementation.

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2. Establish maximum compensation for agreements with the agencies below for program implementation. The cost of these agreements will be financed from the funds appropriated herein.

Trillium Health, Inc. (Andrea DeMeo, CEO)	\$557,828.00
Catholic Charities of the Diocese of Rochester d/b/a Catholic Charities Community Services (Lori VanAuken, Executive Director)	<u>371,885.00</u>
	\$929,713.00

3. Authorize the Director of Finance to record all transfers herein and to make adjustments to the amounts set forth below which may have changed prior to the date of this ordinance.

HOPWA provides housing assistance and services to prevent homelessness for individuals with HIV/AIDS and related complications, and their families. Assistance includes both long-term (over 21 weeks) and short-term services and financial assistance in the form of payments of mortgage, rent, and utilities. Both providers maximize HOPWA assistance through the coordination of other funding sources and service providers. The HOPWA grant from HUD is awarded to the City to serve Livingston, Monroe, Ontario, Orleans, and Wayne counties. Trillium Health provides service to the five-county area, Catholic Charities Community Services serves the City and Monroe County.

These two organizations are uniquely qualified for this special needs population. Both receive additional State and Federal HIV/AIDS- targeted funds, which provide for additional case management, housing placement, and other critical services. Both are active within the Rochester Area Task Force on AIDS that involves medical and support service providers and have a long-standing, close working relationship with each other.

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

The City will enter into agreements for this program only with organizations that are in compliance with Federal regulations.

HOPWA related legislation was last authorized on June 19, 2018 via Ordinance No. 2018-190. This legislation supports Section 4 of the City of Rochester Housing Policy: *Promote Housing Choice*. A Justification Statement for Awarding a Professional Services Agreement without a Request for Proposals is enclosed.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-108

Ordinance No. 2019-181
(Int. No. 192)

Appropriating funds and authorizing an agreement for the Housing Opportunities for Persons with AIDS Program

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

Section 1. The sum of \$929,713, or so much thereof as may be necessary, is hereby appropriated to the Housing Opportunities for Persons with AIDS (HOPWA) program from the Housing Choice Fund – HOPWA allocation of the Consolidated Community Development Plan/2019-20 Annual Action Plan (the Plan), contingent upon the adoption of the Plan.

Section 2. The Mayor is hereby authorized to enter into agreements with the following organizations for the specified maximum compensation amounts to implement the HOPWA program:

Organization	Amount
Trillium Health, Inc.	\$ 557,828
Catholic Charities of the Diocese of Rochester d/b/a Catholic Charities Community Services	\$ 371,885
TOTAL	\$ 929,713

Section 3. The amounts of said agreements, or so much thereof as may be necessary, shall be funded from the sum appropriated in Section 1. If funds are not available or are less than anticipated, the agreement amounts and terms shall be adjusted accordingly.

Section 4. The agreements shall be for one year, with an option to extend for an additional year if funds remain in the original appropriation.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City and implementing organizations shall only enter into agreements for the HOPWA program with organizations that are in compliance with federal regulations.

Section 6. The Director of Finance is authorized to record all transfers herein and to make adjustments to the amounts set forth herein which may have changed prior to the date of this ordinance.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-182
 Re: Agreement for the Aging in Place Home
 Modification Program - 2019-20
 Consolidated Community Development
 Plan – Housing Development Fund

Council Priority: Rebuilding and strengthening neighborhood housing - Stable, decent and affordable housing

June 18, 2019

Transmitted herewith for your approval is legislation for the Aging in Place Home Modification Program. This legislation will:

1. Appropriate \$30,000 from the Housing Development Fund, Aging In Place Program allocation of the 2019-20 Consolidated Community Development Plan (Con Plan), contingent upon adoption of the plan, to address home safety modifications for income-eligible owner occupants, and
2. Establish maximum compensation for the agreement with Lifespan of Greater Rochester, Inc. (Anne Marie Cook, President / CEO) in the amount of \$30,000.

The Steering Committee for Aging in Place in Rochester identified home modification as a key and economical method for helping older residents with changing needs to remain independent and safe at home in 2006. Elderly City homeowners at 80% or less than the median area income as established and updated by HUD are eligible for the program.

The Aging in Place Home Modification Program conducts residential safety evaluations to identify adaptations needed to support continued residence in a safe and comfortable environment. Further, the program provides selected home modifications and/or repairs which directly increase livability options in one's own home.

Aging in Place Home Modification Program related legislation was last authorized on June 19, 2018 via Ordinance No. 2018-192. The term of the agreement will be for one year. A Justification Statement for Awarding a Professional Services Agreement without a Request for Proposals is enclosed.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-109

Ordinance No. 2019-182
(Int. No. 193)

Authorizing an agreement and appropriation for the Aging in Place Home Modification 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 Lifespan of Greater Rochester, Inc. to implement the Aging in Place Home Modification Program (the Program).

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$30,000, and said amount, or so much thereof as may be necessary, is hereby appropriated for that purpose from the Housing Development Fund-Aging in Place project of the Consolidated Community Development Plan/2019-20 Annual Action Plan, contingent on the adoption of said Plan. The term of the agreement shall be one year.

June 18, 2019

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Evans
June 18, 2019

To the Council:

The **PARKS & PUBLIC WORKS committee** recommends for **adoption** the following entitled legislation:

- Int. No. 194 Authorizing an agreement and appropriations and amending a funding ordinance related to the East Henrietta Road Improvement Project (South City Line to Stan Yale Drive)
- Int. No. 195 Amending the Bond Ordinance in Ordinance No. 2018-334 to authorize the issuance of \$1,005,000 Bonds of the City of Rochester to finance construction and construction inspection services related to the East Henrietta Road Improvement Project (South City Line to Stan Yale Drive)
- Int. No. 196 Authorizing an agreement and amending the funding for the Scottsville Road – Elmwood Avenue (West City Line to Mt. Hope Avenue) project
- Int. No. 197 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,729,000 Bonds of said City to finance a portion of the costs of street improvements in the Scottsville Road – Elmwood Avenue (West City Line to Mt. Hope Avenue) project
- Int. No. 198 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$250,000 Bonds of said City to finance water improvements on the Scottsville Road – Elmwood Avenue (West City Line to Mt. Hope Avenue) project
- Int. No. 199 Authorizing an agreement for the Linden Street (South Avenue – Mt. Vernon Avenue) and Oakland Street (Rockingham Street – Caroline Street) Improvement Project
- Int. No. 200 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$448,000 Bonds of said City to finance water improvements on the Linden Street (South Avenue – Mt. Vernon Avenue) and Oakland Street (Rockingham Street – Caroline Street) Improvement Project

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- Int. No. 201 Appropriating funds from the Rochester Pure Waters District
- Int. No. 202 Authorizing an agreement for Edgerton R-Center renovations
- Int. No. 203 Amending Ordinance No. 2013-294 to authorize the acquisition of a portion of 80-110 Manor Parkway for the Manor Parkway Improvement Project
- Int. No. 204 Authorizing an amendatory agreement for the Residential Curb Ramps (Culver Road East to City Line) project
- Int. No. 205 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$580,000 Bonds of said City to finance the Residential Curb Ramps (Culver Road East to City Line) project
- Int. No. 206 Amending Ordinance No. 2019-94 relating to additional right-of-way on Boxart Street
- Int. No. 207 Amending Ordinance No. 2019-99 as it relates to an agreement with Passero Associates, Engineering, Architecture & Surveying, D.P.C. for Clinton-Baden Community Center Renovations
- Int. No. 208 Authorizing agreements for services related to the Brownfield Opportunity Area Site Assessment Program
- Int. No. 209 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$181,000 bonds of said City to finance the costs of an environmental remediation project at the Andrews Street Site in the City
- Int. No. 210 Amending the Municipal Code with regard to wholesale water rates
- Int. No. 211 Appropriating funds and authorizing an agreement for the South Avenue and Elmwood Avenue Street Improvement Project design services
- Int. No. 212 Authorizing agreements and appropriation for the State Street Reconstruction Project
- Int. No. 224 Authorizing an agreement for two new Rochester Police Department Section Offices
- Int. No. 237 Amending the Municipal Code with respect to electric scooter requirements

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

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-183
Ordinance No. 2019-184
Re: East Henrietta Road Improvement
Project(South City Line to Stan Yale
Drive)

Transmitted herewith for your approval is legislation related to East Henrietta Road Improvement Project. This legislation will:

1. Establish \$525,000 as maximum compensation for a professional services agreement with Labella Associates, D.P.C. (Sergio Esteban, Chief Executive Officer), Rochester, NY 14614 for resident project representation (RPR) services.
2. Appropriate \$5,000 from anticipated reimbursements from the Federal Highway Administration (FHWA) to finance a portion of the construction and construction inspection services for the project.
3. Appropriate \$53,700 from anticipated reimbursements from anticipated New York State (NYS) Marchiselli Aid to fund a portion of the construction and construction inspection services for the project.
4. Amend Ordinance 2018-333, which appropriated \$168,000 in anticipated reimbursements from the Federal Highway Administration (FHWA) to the Project, to delete the reference to FHWA funds previously authorized in Ordinance 2014-391. This will clarify that the \$168,000 in FHWA funds authorized for the project in Ordinance 2018-333 are in addition to the \$571,000 in FHWA funds previously authorized in Ordinance No. 2014-391.
5. Authorize the issuance and appropriate an additional \$775,000 in bonds to finance the construction and RPR services for the project by amending Ordinance No. 2018-334, which previously authorized the issuance of \$230,000 of bonds, to increase the bond amount by \$775,000 to a new total of \$1,005,000.

In October 2018, Council action (Ordinance no 2018-333) was required by the grant agreement with the NYS Department of Transportation to show funds committed to the project based on a construction cost of

\$2,829,727. The total project cost, with contingency, is now projected to be \$3,545,030. The legislation herein provides the funding for that amount. With the legislation, the updated plan of financing for the project broken down by categories of work will be as follows:

Source of Funds	Construction	RPR	Street Lighting	Contingency	Total
FHWA (Ord. No. 2014-391)	571,000	--	--	--	571,000
FHWA (Ord. No. 2018-333)	168,000	--	--	--	168,000
FHWA appropriated herein	5,000	--	--	--	5,000
NYS Marchiselli Aid (Ord. No. 2018-333)	85,650	--	--	--	85,650
NYS Marchiselli Aid appropriated herein	53,700	--	--	--	53,700
Rochester Pure Waters (Ord. No. 2018-333)	1,051,735	48,265	--	--	1,100,000
Rochester Pure Waters (Ord. No. 2018-367)	--	144,195	--	30,000	174,195
Bonds authorized (Ord. No. 2018-334)	230,000	--	--	--	230,000
Bonds authorized herein	499,870	200,000	75,000	130	775,000
Prior year cash capital	38,000	88,000	--	--	126,000
2013-14 Cash Capital	22,927	37,780	--	--	60,707
2014-15 Cash Capital	52,537	--	11,000	--	63,537
2015-16 Cash Capital	90,481	660	--	--	91,141
2016-17 Cash Capital	--	6,100	--	15,000	21,100
2017-18 Cash Capital	--	--	--	20,000	20,000
Total	2,868,900	525,000	86,000	65,130	3,545,030

The East Henrietta Road Improvement Project is designed by Stantec Consulting Services, Inc. (James R. Hofmann, Jr., Principal), as authorized in Ordinance No. 2016-113 and amended by Ordinance No. 2018-399.

Bids for construction were received on May 2, 2019. The apparent low bid of \$ 2,868,900 was submitted by Villager Construction, Inc. An additional \$ 65,130 will be allocated for project contingencies and \$86,000 will be allocated for street lighting.

Labella Associates, D.P.C. was selected for RPR services through a Request for Proposal process, which is described in the attached summary. Labella's compensation, in the maximum amount of \$525,000, will be funded from \$200,000 of the bond proceeds appropriated herein, \$144,195 in anticipated reimbursements from the Rochester Pure Waters District (Ordinance No. 2018-367), \$48,265 in anticipated reimbursements from the Rochester Pure Waters District (Ordinance No. 2018-333), \$88,000 from Prior Years' Cash Capital, \$37,780 from 2013-14 Cash Capital, \$660 from 2015-16 Cash Capital,

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\$6,100 from 2016-17 Cash Capital. The agreement shall have a term of six (6) months after completion and final acceptance of the project.

The project is anticipated to begin construction in summer 2019 and complete in fall 2020. The project will result in the creation and/or retention of the equivalent of 42.6 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-110

Ordinance No. 2019-183
(Int. No. 194)

Authorizing an agreement and appropriations and amending a funding ordinance related to the East Henrietta Road Improvement Project (South City Line to Stan Yale Drive)

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 LaBella Associates, D.P.C. in the maximum amount of \$525,000 to provide resident project representation services for the East Henrietta Road Improvement Project (South City Line to Stan Yale Drive) (the Project). Said amount shall be funded from \$200,000 in bonds to be appropriated for the Project, \$144,195 in anticipated reimbursements from the Rochester Pure Waters District (Ordinance No. 2018-367), \$48,265 in anticipated reimbursements from the Rochester Pure Waters District (Ordinance No. 2018-333), \$88,000 from Prior Years' Cash Capital, \$37,780 from 2013-14 Cash Capital, \$660 from 2015-16 Cash Capital, and \$6,100 from 2016-17 Cash Capital. The term of the agreement shall continue to 6 months after completion and final acceptance of the Project.

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

Section 3. The sum of \$5,000 in anticipated reimbursements from the Federal Highway Administration (FHWA) is hereby appropriated to fund a portion of the construction and construction inspection services for the Project.

Section 4. The sum of \$53,700 in anticipated New York State Marchiselli Aid is hereby appropriated to fund a portion of the construction and construction inspection services for the Project.

Section 5. Ordinance No. 2018-333, which authorizes appropriations for the Project, is hereby revised in Section 1 to clarify that the \$168,000 in FHWA funds appropriated therein is in addition to the \$571,000 in FHWA funds previously authorized in Ordinance No. 2014-391, so as to read in its entirety as follows:

Section 1. The sum of \$168,000 in anticipated reimbursements from the Federal Highway Administration ~~authorized by Ordinance No. 2014-391~~ is hereby appropriated to

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fund the East Henrietta Road Improvements Project (Rochester City Line to Stan Yale Drive), hereinafter, the "Project."

Section 6. This ordinance shall take effect immediately.

Strikeout indicates deleted text.

Passed unanimously.

Ordinance No. 2019-184
(Int. No. 195)

Amending the Bond Ordinance in Ordinance No. 2018-334 to authorize the issuance of \$1,005,000 Bonds of the City of Rochester to finance construction and construction inspection services related to the East Henrietta Road Improvement Project (South City Line to Stan Yale Drive)

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

Section 1. Ordinance No. 2018-334, which authorized the issuance of \$230,000 in bonds to finance construction and construction inspection services related to the East Henrietta Road Improvement Project (South City Line to Stan Yale Drive), is hereby revised to increase that authorization by \$775,000 in additional bonds, so as to read in its entirety as follows:

Bond Ordinance of the City of Rochester, New York authorizing the issuance of ~~\$230,000~~ \$1,005,000 Bonds of said City to finance construction and construction inspection services related to the East Henrietta Road Improvement Project (South City Line to Stan Yale Drive)

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 the construction and construction inspection services costs, related to the East Henrietta Road Improvement Project (Rochester City Line to Stan Yale Drive) (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 ~~\$3,079,727~~ \$3,545,030, and said amount is hereby ~~appropriated therefor~~. The plan of financing includes the issuance of \$1,005,000 bonds which are hereby appropriated therefor, \$571,000 in anticipated reimbursements from FHWA (authorized in Ordinance No. 2014-391), \$168,000 in anticipated reimbursements from FHWA (Ordinance No. 2018-333), \$5,000 in FHWA funds to be appropriated therefor, \$85,650 in NYS Marchiselli Aid (Ordinance No. 2018-333), \$53,700 in NYS Marchiselli Aid to be appropriated therefor, \$1,100,000 in anticipated reimbursements from the Rochester Pure Waters District (Ordinance No. 2018-333), \$174,195 in anticipated reimbursements from the Rochester Pure Waters District (Ordinance No. 2018-367), \$126,000 from Prior Years' Cash Capital; \$60,707 from 2013-14 Cash Capital;

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~~\$63,537 from 2014-15 Cash Capital; \$91,141 from 2015-16 Cash Capital; \$21,100 from 2016-17 Cash Capital, \$20,000 from 2017-18 Cash Capital the issuance of \$230,000 bonds of the City to finance a portion of said appropriation, \$250,000 in private funding (Ordinance No. 2014 391), \$571,000 in anticipated reimbursements from the Federal Highway Administration (Ordinance No. 2014 391), \$168,000 in anticipated reimbursements from the Federal Highway Administration appropriated as of the date of this Ordinance, \$85,650 in NYS Marchiselli Aid Program reimbursements appropriated as of the date of this Ordinance, \$1,100,000 in anticipated reimbursements from the Rochester Pure Waters District appropriated as of the date of this Ordinance; \$126,000 from Prior Years' Cash Capital; \$10,857 from 2013-14 Cash Capital; \$251,560 from 2014-15 Cash Capital; \$55,660 from 2015-16 Cash Capital; \$31,000 from 2016-17 Cash Capital and \$200,000 from 2017-18 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 ~~\$230,000~~ \$1,005,000 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 ~~\$230,000~~ \$1,005,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 20. 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~~2~~ 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

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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.

Section 2. 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.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-185

Ordinance No. 2019-186

Ordinance No. 2019-187

Re: Scottsville Road - Elmwood Avenue
(West City Line - Mt. Hope Avenue)

Transmitted herewith for your approval is legislation related to Scottsville Road-Elmwood Avenue WCL - Mt. Hope Avenue. This legislation will:

1. Establish \$385,000 as maximum compensation for a professional services agreement with Erdman, Anthony and Associates, Inc. (Curt Helman, Chief Executive Officer), Rochester, NY, 14620 for resident project representation (RPR) services;
2. Authorize the issuance of bonds totaling \$1,979,000 and the appropriation of the proceeds thereof to partially finance the street and water improvements of the Project, and;
3. Amend Ordinance No. 2018-97 which authorized a professional services agreement with Joseph C. Lu Engineering, P.C. for design services for the project. This amendment will decrease the funding from the appropriation of Dormitory Authority of the State of New York funds that was authorized pursuant to Ordinance No.2015-120 by \$28,486.20 and replace it with Prior Years' Cash Capital (\$6,108.46), 2011-12 Cash Capital (\$1,669.42), 2013-14 Cash Capital (\$5,515.49), 2015-16 Cash Capital (\$10,052.24), and 2016-17 Cash Capital (\$5,140.59).

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

Bids for construction were received on Tuesday, April 23, 2019. The apparent low bid of \$2,344,344 was submitted by Villager Construction, Inc. An additional \$241,246.21 will be allocated for project contingencies.

The costs for the categories of work for the project based upon the bid amount are as follows:

Source of Funds	Construction	RPR	Contingency	Total
Bonds appropriated herein	1,466,330.90	336,155.57	176,513.53	1,979,000.00
DASNY funds appropriated (Ordinance No. 2015-120)	542,486.20	--	--	542,486.20
2016-17 Cash Capital	71,387.20	9,424.42	5,738.72	86,550.34
Rochester Pure Waters District (Ordinance No. 2018-367)	264,139.70	--	26,413.97	290,553.67
2018-19 Cash Capital	--	39,420.01	32,579.99	72,000.00
Total	2,344,344.00	385,000.00	241,246.21	2,970,590.21

Erdman, Anthony and Associates, Inc. was selected for RPR services through a Request for Proposal process, which is described in the attached summary. The cost of the agreement will be funded with \$336,155.57 of bonds appropriated herein, \$9,424.42 of 2016-17 Cash Capital and \$39,420.01 of 2018-19 Cash Capital. The term of the agreement will be three (3) months after completion of the two (2) year guarantee inspection of the project.

Construction will begin in summer 2019 with scheduled completion spring 2020. The project will result in the creation and/or retention of the equivalent of 32.3 full-time jobs.

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Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-111

Ordinance No. 2019-185
(Int. No. 196)

Authorizing an agreement and amending the funding for the Scottsville Road – Elmwood Avenue (West City Line to Mt. Hope Avenue) project

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Erdman, Anthony and Associates, Inc. to provide resident project representation services for the Scottsville Road – Elmwood Avenue (West City Line to Mt. Hope Avenue) project (the Project). The maximum compensation for the agreement shall be \$385,000, and said amount or so much thereof as may be necessary, shall be funded by \$336,155.57 in bonds to be appropriated for the Project, \$9,424.42 in 2016-17 Cash Capital and \$39,420.01 in 2018-19 Cash Capital. The term for the agreement shall continue until 3 months after completion of a 2-year guarantee inspection of the Project work.

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

Section 3. Section 1 of Ordinance No. 2018-97 is hereby revised to read as follows:

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Joseph C. Lu Engineering, P.C. for design services for the Scottsville Road-Elmwood Avenue Improvement Project (Western City Line-Mt. Hope Avenue), hereinafter, the "Project." The maximum compensation for the agreement shall be \$210,000, which shall be funded ~~from~~ by \$181,513.80 from the appropriation of Dormitory Authority of the State of New York funds that was authorized pursuant to Ordinance No. 2015-120, \$6,108.46 in Prior Years' Cash Capital, \$1,669.42 in 2011-12 Cash Capital, \$5,515.49 in 2013-14 Cash Capital, \$10,052.24 in 2015-16 Cash Capital and \$5,140.59 in 2016-17 Cash Capital. The term of the agreement may extend to 6 months after completion and acceptance of the Project.

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

Ordinance No. 2019-186
(Int. No. 197)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,729,000 Bonds of said City to finance a portion of the costs of street improvements in the Scottsville Road – Elmwood Avenue (West City Line to Mt. Hope Avenue) project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the costs of street improvements in the Scottsville Road – Elmwood Avenue (West City Line to Mt. Hope Avenue) project, in including milling and resurfacing of the pavement, spot curb replacements, installation or upgrade of sidewalk curb ramps, and replacement of traffic markings (the "Project"). The estimated maximum cost of this portion of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,720,590.21. The plan of financing includes the issuance of \$1,729,000 bonds of the City which amount is hereby appropriated therefor, \$542,486.20 in anticipated reimbursements from the Dormitory Authority of the State of New York appropriated in Ordinance No. 2015-120, \$86,550.34 in 2016-17 Cash Capital, \$290,553.67 in anticipated reimbursements from the Rochester Pure Waters District appropriated in Ordinance No. 2018-367, \$72,000 in 2018-19 Cash Capital and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,729,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,729,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 20. 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

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

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

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

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

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

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

Passed unanimously.

Ordinance No. 2019-187
(Int. No. 198)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$250,000 Bonds of said City to finance water improvements on the Scottsville Road – Elmwood Avenue (West City Line to Mt. Hope Avenue) project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the costs of replacing the lead and galvanized water service pipes throughout the length of the Scottsville Road – Elmwood Avenue (West City Line to Mt. Hope Avenue) project (the "Project"). The estimated maximum cost of this portion of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$250,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$250,000 bonds of the City to finance said appropriation and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

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

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

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

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

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

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

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

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

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

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in

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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. 2019-188
Ordinance No. 2019-189
Re: Linden Street (South Avenue - Mt. Vernon Avenue)
and Oakland Street (Rockingham Street - Caroline Street)
Improvement Project

Transmitted herewith for your approval is legislation related to Linden Street and Oakland Street Improvement Project. This legislation will:

1. Establish \$174,500 as maximum compensation for a professional services agreement with Vanguard Engineering, P.C., (Joseph Ardieta, P.E., Chief Executive Officer), Rochester, NY 14610 for resident project representation (RPR) services, and;
2. Authorize the issuance of bonds totaling \$448,000 and the appropriation of the proceeds thereof to partially finance water improvements of the Project.

The Linden Street and Oakland Street Improvement Project is a street rehabilitation project.

The project includes milling and resurfacing, new stone curb, replacement of most concrete sidewalks, installation of ADA compliant accessible curb ramps, new driveway aprons, catch basin replacements and adjustments, manhole frame and cover replacements and adjustments, replacement of all lead and galvanized water services on Oakland Street, some carriage walk removal and restoration of all disturbed areas.

Bids for construction were received on May 14, 2019. The apparent low bid of \$1,417,00.80 was submitted by Sealand Contractors Corp. An additional \$145,468 will be allocated for project contingencies.

The costs for the categories of work for the project based upon the bid amount are as follows:

Source of Funds	Construction	RPR	Contingency	Total
DASNY (Ordinance 2015-120)	938,532.80	130,000.00	97,500.00	1,166,032.80
Pure Waters Reimbursement (to be appropriated in June 2019 Council)	112,436.00		10,500.00	122,936.00
Bond Appropriated herein	366,032.00	44,500.00	37,468.00	448,000.00
Total	1,417,000.80	174,500.00	145,468.00	1,736,968.80

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Vanguard Engineering 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.

A public informational meeting was held on August 9, 2018. A copy of the minutes for this meeting is attached.

Construction is expected to begin in summer 2019 and be completed by spring 2020. The project will result in the creation and/or retention of the equivalent of 18.9 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-112

Ordinance No. 2019-188
(Int. No. 199)

Authorizing an agreement for the Linden Street (South Avenue – Mt. Vernon Avenue) and Oakland Street (Rockingham Street – Caroline Street) Improvement Project

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Vanguard Engineering, P.C. to provide resident project representation services for the Linden Street (South Avenue – Mt. Vernon Avenue) and Oakland Street (Rockingham Street – Caroline Street) Improvement Project. The maximum compensation for the agreement shall be \$174,500, and said amount or so much thereof as may be necessary, shall be funded by \$130,000 in anticipated reimbursements from the Dormitory Authority of the State of New York appropriated in Ordinance No. 2015-120 and by \$44,500 from bonds to be appropriated by a separate ordinance. The term for the agreement shall continue until 3 months after completion of a 2-year guarantee inspection of the Project work.

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.

Ordinance No. 2019-189
(Int. No. 200)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$448,000 Bonds of said City to finance water improvements on the Linden Street (South Avenue – Mt.

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Vernon Avenue) and Oakland Street (Rockingham Street – Caroline Street) Improvement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the costs of water improvements on the Linden Street (South Avenue – Mt. Vernon Avenue) and Oakland Street (Rockingham Street – Caroline Street) Improvement Project, including replacements of the lead or galvanized pipe water service at approximately 59 locations, 31 of which will be transferred from vintage 4" water main to a 8" main which was cleaned and lined recently, abandonment of the 4" water mains including removal of valves, installation of insertion sleeves and tapping sleeves, the transfer of the water service for Blakeney Place from a 4" to a 8" main, and the installation of anodes and a cathodic protection test stations (the "Project"). The estimated maximum cost of this portion of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$448,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$448,000 bonds of the City to finance said appropriation 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 \$448,000 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 \$448,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds

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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. 2019-190

Re: Appropriation – Rochester Pure Waters
District, Street Improvement Projects

Transmitted herewith for your approval is legislation authorizing the receipt and use of up to \$750,000 in anticipated reimbursements from the Rochester Pure Waters District (RPWD) to fund eligible portions of sewer costs on street improvement projects in accordance with the agreement authorized between the City and RPWD via Ordinance No. 2010-438.

Street improvements can require ancillary repairs to the sewer system including adjustments, repairs, replacements, and improvements to the sewer system manholes and catch basins. In the agreement referenced above, RPWD assumed responsibility for these maintenance costs and agreed to reimburse the City annually for the work.

The sewer improvements will result in the creation and/or retention of the equivalent of 8.2 full-time jobs.

Respectfully submitted,
Lovely A. Warren

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Mayor

Ordinance No. 2019-190
(Int. No. 201)

Appropriating funds from the Rochester Pure Waters District

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

Section 1. The Mayor is hereby authorized to accept and use reimbursement funds in the amount of \$750,000 from the Rochester Pure Waters District for sewer improvements associated with the City's street improvement program in accordance with the agreement authorized by Ordinance No. 2010-438.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-191
Re: Edgerton R-Center Renovations

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

Transmitted herewith for your approval is legislation related to Edgerton R-Center Renovations. This legislation will establish \$90,000 as maximum compensation for a professional services agreement with Edge Architecture, PLLC. (Allen Rossignol, Chief Executive Office), Rochester, NY, 14607 for design services.

The agreement includes design services from building conditions assessment through schematic design for the renovation of Edgerton R-Center. These renovations may include structural rehabilitation, ADA upgrades, window, lighting, and electrical upgrades, masonry repairs, kitchen and basement renovations and reprogramming and HVAC make-up air unit replacement and site work. The cost of the agreement will be funded from 2017-18 Cash Capital.

Edge Architecture, PLLC was selected for design services through a request for proposal process, which is described in the attached summary. The agreement shall extend until six (6) months after acceptance of the design and report.

Design phase services will begin in summer 2019. An implementation plan and construction schedule will be created upon completion of the report. The agreement will result in the creation and/or retention of the equivalent of 0.9+ full-time jobs.

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Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-113

Ordinance No. 2019-191
(Int. No. 202)

Authorizing an agreement for Edgerton R-Center renovations

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Edge Architecture, PLLC for design services for the renovation of the Edgerton R-Center. The maximum compensation for the agreement shall be \$90,000, which shall be funded from 2017-18 Cash Capital. The term of the agreement shall continue until six months after acceptance of the design and report.

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. 2019-192
Re: Manor Parkway - Amend Ordinance
No. 2013-294

Transmitted herewith for your approval is legislation amending Ordinance No. 2013-294 which authorized acquisition by donation of a 236 square foot parcel at 80-110 Manor Parkway. This amendment will allow acquisition by negotiation or condemnation.

S & P Developers, Inc., located at 80-110 Manor Parkway, is one of three parcels within the Manor Parkway Street Improvement Project that has City-maintained sidewalks on private lands requiring a portion of the parcel to be acquired for street purposes. Donations were requested and later received for two of the three parcels within the project. As part of the closeout process, it has been determined that the third parcel now needs to be acquired by negotiation or condemnation. The street project, including sidewalk replacement along 80-110 Manor Parkway, was constructed in 2014.

The proposed acquisition on 80-110 Manor Parkway will allow the improvements to be located in a uniform 58-foot wide right of way for the entire length of Manor Parkway. The value of this property was established by an independent appraisal performed by Bruckner, Tillett & Rossi, Inc. The total

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acquisition costs, including closing costs, will not exceed \$1,700 and will be financed from 2017-18 Cash Capital.

<u>Address</u>	<u>Property Owner</u>	<u>Sq. Ft.</u>	<u>Value</u>
80-110 Manor Parkway	S & P Developers, Inc.	236	\$200

The associated Official Map Amendment was presented to the City Planning Commission on 7/15/2013. The Commission recommended approval by a vote of 5-0-0. The related application, minutes and recommendation were previously forwarded.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-114

Ordinance No. 2019-192
(Int. No. 203)

Amending Ordinance No. 2013-294 to authorize the acquisition of a portion of 80-110 Manor Parkway for the Manor Parkway Improvement Project

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

Section 1. Ordinance No. 2013-294 is hereby revised in its title, in Sections 4 and 5, and by the addition of new Sections 4 and 5 to authorize the acquisition of the Parcel “C” portion of 80-110 Manor Parkway for Manor Parkway right-of-way by negotiation or condemnation instead of by donation:

Amending The Official Map By Dedicating Parcels As Manor Parkway For The Manor Parkway Improvement Project, Authorizing Acquisition And Accepting Donations

...

Section 4. The Mayor is hereby authorized to acquire for dedication as Manor Parkway right-of-way the de minimus parcel comprising approximately 236 square feet as set forth in Section 3 from S & P Developers, Inc. by negotiation or condemnation in conjunction with improvements for the Manor Parkway Improvement Project. The cost of the acquisition shall not exceed \$200 plus necessary closing costs, which shall be funded from 2017-18 Cash Capital.

~~Section 4~~5. The Council hereby approves the acceptance of the donation of the parcels set forth in Sections 1 and 2 from Highland Manor, LLC ~~and the parcel set forth in Section 3 from S&P Developers, Inc.~~ in conjunction with improvements for the Manor Parkway Improvement Project.

~~Section 5~~6. This ordinance shall take effect immediately, except that Sections 1, 2 and 3 shall take effect upon acquisition of the parcels by the City.

Section 2. The amendments provided for herein shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-193
Ordinance No. 2019-194
Re: Residential Curb Ramps
(Culver Road East to City Line)

Transmitted herewith for your approval is legislation related to Residential Curb Ramps (Culver Road East to City Line) Project. This legislation will:

1. Authorizing an amendatory agreement with Vanguard Engineering, P.C. (Joseph Ardieta, Chief Executive Officer) to provide additional resident project representation (RPR) services related to Residential Curb Ramps (Culver Road East to City Line) Project. The original agreement, authorized in March, 2018 established maximum compensation at \$540,000 for a term of three (3) years and may extend until three (3) months after completion and acceptance of a two (2) year guarantee inspection of the work covered by the agreement. This amendment will increase the compensation by \$155,000, to a maximum total of \$695,000 and add curb ramp improvements to the agreement. This additional cost will be funded from 2013-14 Cash Capital, and;
2. Authorize the issuance of bonds totaling \$580,000 and the appropriation of the proceeds thereof to partially finance the installation of sidewalk curb ramps of the Project.

The Project will upgrade sidewalk accessible ramps at intersections to be in compliance with the latest ADA guidelines. One hundred and two ramps will be constructed at various locations from Culver Road east to the city line.

The project consists of new concrete sidewalk accessible curb ramps, detectable warning systems at curb ramps, new granite stone curb and underdrain as needed for ramp reconfigurations, catch basin adjustments and/or replacements as needed, water valve box adjustments, signage relocations as needed, restoration of all disturbed lawn areas with topsoil and seed.

Bids for construction were received on April 30, 2019. The apparent low bid of \$760,714.20 was submitted by Hewitt Young Electric, LLC. An additional \$152,143 will be allocated for project contingencies.

The costs for the categories of work for the project based upon the bid amount are as follows:

Source of Funds	Construction	RPR	Contingency	Total
Bonds to be issued	580,000.00	--	--	580,000.00

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Pure Waters Reimbursement (To be appropriated in June 2019 Council)	171,231.03	--	34,246.00	205,477.03
2013-14 Cash Capital	1,413.36	155,000.00	61,025.81	217,439.17
2015-16 Cash Capital	8,069.81	--	1,614.00	9,683.81
2017-18 Cash Capital	--	--	55,257.19	55,257.19
Total	760,714.20	155,000.00	152,143.00	1,067,857.20

Vanguard Engineering, P.C. will be utilized for RPR services through an existing term contract.

Construction is anticipated to commence in summer of 2019 with anticipated completion in fall of 2019. The project will result in the creation and/or retention of the equivalent of 11.6 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-114

Ordinance No. 2019-193
(Int. No. 204)

Authorizing an amendatory agreement for the Residential Curb Ramps (Culver Road East to City Line) project

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Vanguard Engineering, P.C. to provide resident project representation (RPR) services for the Residential Curb Ramps (Culver Road East to City Line) project (Project). The amendment shall add Project-related RPR services to the scope and increase the maximum compensation for the existing agreement, which was originally authorized by Ordinance No. 2018-67, by \$155,000 to a total maximum amount of \$695,000. The amendatory compensation amount shall be funded from 2013-14 Cash Capital. The term for the amendatory agreement shall continue until 3 months after completion and acceptance of a 2-year guarantee inspection of the Project work.

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.

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Ordinance No. 2019-194
(Int. No. 205)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$580,000 Bonds of said City to finance the Residential Curb Ramps (Culver Road East to City Line) 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 Residential Curb Ramps (Culver Road East to City Line) project, consisting of upgrades to 122 sidewalk accessible curb ramps located at intersections along Culver Road from East Main Street to McKinley Street and extending east to the City line, including the ramps, detectable warning systems and, where necessitated by the reconfiguration of a ramp, new or adjusted stone curbing, underdrains, catch basins, and water valve boxes (collectively, the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,067,857.20. The plan of financing includes the issuance of \$580,000 bonds of the City and said amount is hereby appropriated therefor, \$205,477.03 in anticipated reimbursements from the Rochester Pure Waters District to be authorized to fund eligible portions of the sewer costs on street improvement projects, \$217,439.17 in 2013-14 Cash Capital, \$9,683.81 in 2015-16 Cash Capital, \$55,257.19 in 2017-18 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 \$580,000 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 \$580,000. 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. 24. of the Law, is ten (10) years.

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

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

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-195
Re: Amending Ordinance No. 2019-94
Boxart Street
Technical Corrections

Transmitted herewith for your approval is legislation amending Ordinance No. 2019-94, adopted in April 2019, which widens portions of the Boxart Street right-of-way (ROW) by incorporating 16.5 foot wide strips of adjacent City-owned land. The amendments clarify that only a 16.5 foot wide portion of 304 Boxart Street will be dedicated to the ROW and adds an overall legal description of all of the lands to be dedicated to the ROW.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-195
(Int. No. 206)

Amending Ordinance No. 2019-94 relating to additional right-of-way on Boxart Street

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

Section 1. Section 1 of Ordinance No. 2019-94 is hereby amended to read in its entirety as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map, is hereby further amended by dedicating the following parcels as public rights-of-way:

Address	SBL#	Type	Sq. Ft.
98 Boxart Street	060.76-2-2	Vacant Industrial Land	4,172
120 Boxart Street	060.76-2-7	Vacant Industrial Land	1,742
202 Boxart Street	061.69-1-2	Vacant Commercial Land	14,470
304 Boxart Street <u>(16.5' wide south portion)</u>	061.69-1-8	Vacant Industrial Land	825
330 Boxart Street	061.69-1-7	Vacant Industrial Land	3,763

The parcels so dedicated are comprised of:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, known and described as part of Town Lots 32 & 59, Township 2, Short Range, and being more particularly bounded and described as follows: Beginning at a point at the northeasterly terminus of existing Boxart Street (49.5' ROW), at its intersection with the westerly line of the former Buffalo, Rochester & Pittsburgh Railroad, said intersection being the Point or Place of Beginning; thence

1) Westerly, along the existing northerly line of said Boxart Street (49.5' ROW), a distance of 1407.9 feet to an angle point in said ROW; thence

2) Northerly, continuing along said ROW line, a distance of 16.5 feet to an angle point; thence

3) Easterly, parallel with and 16.5 feet north of the existing ROW line of Boxart Street (49.5' ROW), a distance of 1406.2 feet, more or less, to the said westerly line of the Buffalo, Rochester & Pittsburgh Railroad; thence

4) Southerly, along said westerly line of the BR&P Railroad, a distance of 16.58 feet to the Point or Place of Beginning.

Also all that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, known and described as part of Town Lot 59, Township 2, Short

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Range, and being more particularly bounded and described as follows; Beginning at a point on the northerly ROW line of existing Boxart Street (33' ROW), 132.05 feet east of the easterly line of the former New York Central Railroad, said point being the Point or Place of Beginning; thence

1) Easterly, along said northerly ROW line of Boxart Street, a distance of 166.0 feet, more or less, to an angle point in said ROW; thence

2) Northerly, continuing along said ROW line, a distance of 16.5 feet to an angle point; thence

3) Westerly, parallel with and 16.5 feet north of the existing ROW line of Boxart Street (33' ROW), a distance of 47.56 feet to a point of curvature; thence

4) Westerly and southerly, along a curve to the left, having a radius of 433.0 feet and a central angle of 15°52'05", a distance of 119.92 feet to the Point or Place of Beginning.

Hereby intending to describe two parcels of land, 16.5 feet in width, to be added to the existing Boxart Street right of way (ROW).

Section 2. This ordinance shall take effect immediately.

Underlining indicates new text.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-196
Re: Amending Ordinance No. 2019-99
Clinton Baden Recreation Center
Renovations

Transmitted herewith for your approval is legislation amending Ordinance No. 2019-99, adopted in April 2019 which authorized an agreement with Passero Associates, Engineering, Architecture & Surveying, D.P.C. to provide resident project representation services to the above listed project. The amendments modifies the funding source from 2016-17 Cash Capital to 2018-19 Cash Capital.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-196
(Int. No. 207)

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Amending Ordinance No. 2019-99 as it relates to an agreement with Passero Associates, Engineering, Architecture & Surveying, D.P.C. for Clinton-Baden Community Center Renovations

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

Section 1. Section 1 of Ordinance No. 2019-99 authorizing the professional services agreement with Passero Associates, Engineering, Architecture & Surveying, D.P.C. is hereby amended to read in its entirety as follows:

The Mayor is hereby authorized to enter into a professional services agreement with Passero Associates, Engineering, Architecture & Surveying, D.P.C. in the maximum amount of \$175,000 to provide resident project representation services for renovations to the Clinton-Baden Community Center (the Project). Said amount shall be funded from ~~2016-17~~ 2018-19 Cash Capital. The term of the agreement shall run to 3 months after completion of a one year guarantee inspection of the Project.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-197

Re: Professional Services Agreements –
EPA BOA Site Assessment Program

Transmitted herewith for your approval is legislation related to environmental assessment and investigation services under a US EPA Brownfield Assessment grant. This legislation will authorize professional services agreements with the following companies for environmental assessment and investigation services within the City’s Brownfield Opportunity Areas:

Company	Principal	Address
Day Environmental, Inc.	David D. Day, Principal	1563 Lyell Avenue, 14606
LaBella Associates, D.P.C.	Sergio Esteban, CEO	300 State Street, 14614
Joseph C. Lu Engineering, P.C.	Cletus O. Ezenwa, CEO	339 East Avenue, 14604
Stantec Consulting Services Inc.	James Hofmann, Principal	61 Commercial Street, 14614

The cost of the agreements will be financed from \$188,200 in US EPA Brownfield Assessment Grant funds previously appropriated in Ordinance 2018-403. The balance of the grant appropriation, \$11,800,

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will be used to reimburse the City for staff and travel costs required to manage the program and oversee individual projects.

The BOA Site Assessment Program (BOA SAP) provides environmental assessments for priority and targeted sites identified through the community-based BOA planning process. Four BOA areas have been established in the City: the Lyell, Lake and State Street (LYLAKS) BOA, the Vacuum Oil-South River Corridor BOA, the 14621 BOA, and the Bull's Head BOA.

The four BOA areas cover 2,214 acres and represent areas of the City highly impacted by poverty, as well as neighborhoods most affected by brownfields. The City will attempt to balance the number of sites assessed across all four BOA's. Under this program consultants will complete Phase I assessments, sampling plans, environmental management plans, health and safety plans, Phase II investigations, and develop remedial and reuse concept plans. Specific assessment activities will be based on project needs and site conditions.

The Department of Environmental Services solicited proposals in February 2019 and 13 firms responded. Agreements are recommended with four of these firms. Proposals from one or more of the selected firms will be requested for site-specific project services. The selection of a specific company will depend upon the type of environmental investigation required, the company's experience and expertise, its ability to meet the City's schedule, and the quality and cost of its proposal. The cost of the project specific proposals will be based on the unit prices specified in each company's agreement with the City.

Each of the agreements will have an initial term of three years with provisions for annual renewals for an additional two-year period based on mutual written agreement. Adjustment to the specific unit prices during the second year and third years will be permitted subject to the City's approval.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-115

Ordinance No. 2019-197
(Int. No. 208)

Authorizing agreements for services related to the Brownfield Opportunity Area Site Assessment Program

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following companies for services related to the Brownfield Opportunity Area Site Assessment Program:

Day Environmental, Inc.
LaBella Associates, D.P.C.

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Joseph C. Lu Engineering, P.C.
Stantec Consulting Services Inc.

Section 2. The agreements shall obligate the City to pay unit prices for services on an as needed basis in an aggregate amount not to exceed \$188,200, and that sum, or so much thereof as may be necessary, shall be funded from the United States Environmental Protection Agency Brownfield Assessment Grant funds appropriated in Ordinance No. 2018-403. After the first year of the agreement, the unit prices may be adjusted with the approval of the City.

Section 3. Each of the agreements shall have a term of 3 years with the option to extend for up to two additional years.

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.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-198
Re: Environmental Cleanup Andrews
Street Site

Transmitted herewith for your approval is legislation related to the continued environmental cleanup of the Andrews Street Site located at 300, 304-308 and 320 Andrews Street and 25 Evans Street (Site). This legislation will authorize the issuance of bonds totaling \$181,000 and appropriate the proceeds thereof to finance the cost of the project.

The project will be completed under an existing Professional Services Agreement with Day Environmental, Inc. (DAY) for Phase I and II Environmental Site Assessments and Remediation Services authorized under Ordinance # 2018-133.

To complete the project, DAY will perform additional environmental remediation of a small localized area of soil and groundwater near the center of the Andrews Street Site that is contaminated with Perchloroethene (PCE). The remediation will entail excavation and off-site disposal of PCE-contaminated soils that are present beneath the groundwater table, removal of groundwater as the excavation progresses, and amending subsurface soil with a chemical oxidant remediation product. The cleanup of the site is being conducted under the NYS Environmental Restoration Program with technical oversight by the NYS Department of Environmental Conservation (NYSDEC).

The Site is comprised of four contiguous parcels totaling approximately 1.5 acres and is located in the Center City District (CCD). The City acquired the Site between 1990 and 1997 and is the current owner. Historic uses of the Site included a dry cleaning equipment distributor, a gasoline station, a commercial bus depot and bus repair garage, a fuel oil contractor, a plumbing supplier, an electrical supplier, a bakery, a printer, warehousing.

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Previous remedial investigations at the Site completed on behalf of the City by DAY have identified a number of environmental conditions requiring remediation, the most significant of which consisted of PCE contamination that appears to be attributable to the former dry cleaning equipment distributor that occupied a building near the center of the Site. The on-site buildings were demolished in 2010 and in 2012 six Interim Remedial Measures (IRMs) were completed to address the environmental conditions above the groundwater table at the Site. Two of the IRMs included the combined removal and off-site disposal of over 1,900 tons of PCE-contaminated soil. In 2014 and 2015, supplemental IRMs were completed, which included the removal and off-site disposal of an additional 76 tons of near-surface PCE-contaminated soil, the application of over 37,000 pounds of potassium permanganate to facilitate chemical oxidation and remediation of PCE within the groundwater table, the installation of a cover system engineering control, and the preparation of a Site Management Plan and an Environmental Easement as institutional controls. The interim cleanup resulted in a significant reduction of PCE in soil and groundwater at the Site. This cleanup has resulted in the City receiving a Certificate of Completion (COC) in 2015 for future Restricted Residential Use (e.g., townhouses, apartment complex, mixed use) at the Site. After obtaining the COC, DAY, on behalf of the City, has conducted groundwater monitoring and continued groundwater remediation via the use of chemical oxidation to treat residual PCE contamination at the Site.

The results of this work identified a small localized area (approximate 600 square foot in size) of relatively high concentration of PCE-contaminated soil that continues to act as a secondary source of PCE detected in groundwater at one or more nearby monitoring wells. The PCE contamination is present in a hard and very dense glacial till deposit which appears to be a primary factor that contributed to incomplete remediation of PCE area. This small 600 square foot area is located near the center of the Site, and encompasses approximately less than 1% of the 1.5-acre Site, however, if not addressed the PCE contamination will likely be encountered as part of any typical future redevelopment of the Site and will require costly remediation at that time. To better position the Site for future marketing, sale and redevelopment, it is recommended that this small localized area of PCE contamination be addressed while the City has full access, ownership and control of the Site.

Since 2009, DAY has been technically and administratively involved with the investigation, cleanup and understanding of the complex environmental conditions at this brownfield site, and has extensive understanding of current Site conditions.

The work is anticipated to begin in summer 2019 and take several months to complete.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-116

Ordinance No. 2019-198
(Int. No. 209)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$181,000 bonds of said City to finance the costs of an environmental remediation project at the Andrews Street Site in the City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the costs of an environmental remediation, consisting of the remediation of a localized area of soil and groundwater contaminated with Perchloroethene at the Andrews Street Site (the "Project"). The Andrews Street Site consists of the four parcels listed below, comprising approximately 3.5 acres. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$181,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$181,000 bonds of the City and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Andrews Street Site Address	SBL #
300 Andrews St	106.72-1-86
304-308 Andrews St	106.72-1-85.001
320 Andrews St	106.72-1-84.001
25 Evans St	106.72-1-87.001

Section 2. Bonds of the City in the principal amount of \$181,000 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 \$181,000. 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 specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 6-e of the Local Finance Law, is **twenty (20) years**.

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-199
Re: Town of Lima - Water District 1 Rates

Transmitted herewith for your approval is legislation related to a wholesale water supply agreement with the Town of Lima Water District 1. This legislation will amend Section 23-37 of the Municipal Code to raise the wholesale water rate by \$0.03 from \$1.68 to \$1.71 per 1,000 gallons for water supplied through

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the City's Martin Road connection. This new rate will be effective July 1, 2019 and will be subject to change on July 1 of each year thereafter.

The current agreement with Lima Water District 1, was authorized in September 2017 for a 20 year term (Ord. No. 2017-305). The Town of Lima Water District No. 1 purchases approximately 4 million gallons annually. This rate increase will result in increased revenue of \$120.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-199
(Int. No. 210)

Amending the Municipal Code with regard to wholesale water rates

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

Section 1. Chapter 23, Section 37 of the Municipal Code, relating to water fees, as amended, is hereby further amended by amending subsection F(9) thereof to read in its entirety as follows:

(9) Wholesale rate: ~~\$1.68~~ \$1.71 per 1,000 gallons for water drawn from a City water main connection for Water District 1 of the Town of Lima.

Section 2. This ordinance shall take effect immediately.
Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-200
Re: South Avenue (Elmwood Avenue –
Bellevue Drive) and Elmwood Avenue
(Mt Hope Avenue - South Avenue)
Street Improvement Project

Transmitted herewith for your approval is legislation related to the South Avenue (Elmwood Avenue - Bellevue Drive) and Elmwood Avenue (Mt Hope Avenue - South Avenue) Street Improvement Project. This legislation will:

1. Appropriate \$361,000 in anticipated reimbursements from Monroe County to finance a portion of the design for the project, and;

- 2. Establish \$850,000 as maximum compensation for a professional services agreement with Erdman, Anthony and Associates, Inc., (Curt Helman, Chief Executive Officer) Rochester, NY 14620, for design services related to this project. The term of the agreement will be until three (3) months after completion of a two (2) year guarantee inspection of the project. The cost of the agreement will be funded from:

Source of Funds	Amount
Monroe County appropriated herein	361,000
Prior Year Cash Capital	77,108
2011-12 Cash Capital	8,350
2013-14 Cash Capital	312,916
2015-16 Cash Capital	90,626
Total	850,000

Street improvements will include pavement rehabilitation/reconstruction, new curb, sidewalks, street lighting, water main and landscaping.

Erdman, Anthony and Associates, Inc. was selected for design services through a request for proposal process, which is described in the attached summary.

Design services will begin in summer 2019. It is anticipated that construction will begin in spring 2021 with scheduled completion in fall 2022. The design phase of this project results in the creation or retention of the equivalent of 9.2 full-time jobs.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-117

Ordinance No. 2019-200
 (Int. No. 211)

Appropriating funds and authorizing an agreement for the South Avenue and Elmwood Avenue Street Improvement Project design services

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

Section 1. The sum of \$361,000, or so much thereof as may be necessary, is hereby appropriated from anticipated reimbursements from Monroe County to the South Avenue and Elmwood Avenue Street Improvement Project (Project).

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with Erdman, Anthony and Associates, Inc. for Project design services. The maximum compensation for the

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agreement shall be \$850,000. That amount, or so much thereof as may be necessary, shall be funded by \$361,000 from the anticipated reimbursements from Monroe County appropriated herein, \$77,108 from Prior Years' Cash Capital, \$8,350 from 2011-12 Cash Capital, \$312,916 from 2013-14 Cash Capital, and \$90,626 from 2015-16 Cash Capital.

Section 3. 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.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-201
Re: State Street Reconstruction Project
(Basin Street - Inner Loop)

Transmitted herewith for your approval is legislation related to the State Street Reconstruction Project (Basin Street - Inner Loop). This legislation will:

1. Authorize an agreement with New York State Department of Transportation (NYSDOT);
2. Appropriate \$203,200 in anticipated reimbursements from the Federal Highway Administration (FHWA) to finance a portion of the design and right of way incidentals for the project, and;
3. Establish \$265,000 as maximum compensation for a professional services agreement with LaBella Associates, D.P.C., (Sergio Esteban, Chief Executive Officer) Rochester, NY 14614, for scoping and preliminary design services related to this project. The term of the agreement will be until six (6) months after final acceptance of the project. The cost of the agreement will be funded from:

Source of Funds	Amount
FHWA funds appropriated herein	203,200
2014-15 Cash Capital	61,800
Total	265,000

Street improvements will include full depth reconstruction, a minor widening to enhance traffic safety and efficiency, curb modifications, improved drainage, new enhanced sidewalks as well as context sensitive street lighting and landscaping.

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LaBella Associates, D.P.C. was selected to provide design services from the NYSDOT list of pre-approved regional engineering firms, which is described in the attached summary.

Design services will begin in summer 2019. Construction is anticipated to begin in 2021. The design phase of this project results in the creation or retention of the equivalent of 2.9 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-118

Ordinance No. 2019-201
(Int. No. 212)

Authorizing agreements and appropriation for the State Street Reconstruction 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 Transportation (NYSDOT) necessary for the City to complete the State Street Reconstruction Project (Project).

Section 2. The Mayor is hereby authorized to accept and appropriate \$203,200 in anticipated reimbursements from the Federal Highway Administration (FHWA) to fund a portion of the design and right-of-way incidentals for the Project.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement with LaBella Associates, D.P.C. for scoping and preliminary design services related to this Project. The maximum compensation for the agreement shall be \$265,000. The agreement shall be funded by \$203,200 from the FHWA reimbursements appropriated in Section 2 and \$61,800 from 2014-15 Cash Capital. The term of the agreement shall extend until six months after final acceptance 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.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-202
Re: Agreement – LaBella Associates, D.P.C.
Rochester Police Department Section
Offices

June 18, 2019

Transmitted herewith for your approval is legislation establishing \$1,600,000 as maximum compensation for an agreement with LaBella Associates, D.P.C. (Sergio Esteban, Principal) 300 State Street, Suite 201, Rochester, New York 14614 for design and construction administration services for Rochester Police Department Section Offices at Lake and Goodman Sections. The cost of the agreement will be financed from 2017-18 (\$1,100,000) and 2018-19 Cash Capital (\$500,000).

This project includes the design of two (2) new police section offices and neighborhood service centers for the Lake and Goodman Sections. The agreement shall extend until three (3) months after the completion of a two (2) year guarantee inspection of the project.

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

The development of each office has been reviewed in accordance with the State Environmental Quality Review Act and Chapter 48 of the Rochester City Code, and a Negative Declaration was issued on October 12, 2018 for the Lake Section and on January 14, 2019 for the Goodman Section.

Design phase services will begin in summer 2019 and construction will begin in summer 2020. The project will result in the creation and/or retention of the equivalent of 17.3 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-119

Ordinance No. 2019-202
(Int. No. 224)

Authorizing an agreement for two new Rochester Police Department Section Offices

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 LaBella Associates, D.P.C. for design and construction administration services for the erection of two new Rochester Police Department Section Offices for the Lake and Goodman sections (the Project). The maximum compensation for the agreement shall be \$1,600,000 and said amount, or so much thereof as may be necessary, shall be funded from \$1,100,000 in 2017-18 Cash Capital and \$500,000 in 2018-19 Cash Capital. The term of the agreement shall continue to 3 months after completion of a two-year guarantee inspection of the Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

June 18, 2019

Councilmember Gruber motioned to return Int. No. 237 to committee.

The motion was seconded by Councilmember Spaul.

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:

INTRODUCTORY NO. 237

Re: Municipal Code Changes Related to
Public Electric Scooter Share System

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Transmitted herewith for your approval is legislation amending the Municipal Code to support the regulation of the proposed public electric scooter share system.

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 this month. In May, Council authorized (in Ordinance No. 2019-138) an amendatory agreement with Zagster for the establishment of a public electric scooter share system if and when the State legalizes the use of electric scooters on public roads.

This legislation will amend the Municipal Code to regulate the use of electric scooters similar to that of bicycles; require bike and electric scooter riders use bike lanes when available and safe; and prohibit vehicle parking in bike lanes to ensure public safety with the introduction of the electric scooter share system in the City of Rochester. The Traffic Control Board was notified of these changes on June 5, 2019. Additional safety, maintenance, and usage measures related to the electric scooter share system will be established through the amendatory agreement with Zagster.

Respectfully submitted,
Lovely A. Warren
Mayor

INTRODUCTORY NO. 237

AMENDING THE MUNICIPAL CODE WITH RESPECT TO ELECTRIC SCOOTER REQUIREMENTS

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

Section 1. Chapter 34 of the Municipal Code, Bicycles, as amended, is hereby further amended to:

- a. Revise the title of Chapter 34 to read as follows:

Bicycles and Electric Scooters

- b. Add to Section 34-1, Definitions, definitions of bike lane, Central Traffic District, cycle track and electric scooter to read as follows:

BIKE LANE

The portion of a roadway that has been delineated and marked for the use of bicycles, not including any lane specifically marked for the shared use of bicycles and motor vehicles.

CENTRAL TRAFFIC DISTRICT

The area bounded by the Inner Loop, North Union Street, South Union Street, Howell Street and Interstate 490, but shall exclude the Inner Loop, Interstate 490 and their respective frontages.

CYCLE TRACK

A pathway in the public right-of-way that is physically separate from motor vehicle traffic and distinct from the sidewalk and that is marked for the use of bicycles. A cycle track may be configured for one-way or two-way traffic.

ELECTRIC SCOOTER

A wheeled device that has handlebars and a floorboard that is designed to be stood upon while riding, is powered by an electric motor, and qualifies to be operated on public roadways as an “electric scooter” as defined and regulated in the New York State Vehicle and Traffic Law.

- c. Revise Section 34-6, Regulations, to read as follows:

- A. (Reserved)

- B. Bicycles and electric scooters shall not be ridden two or more abreast.

- C. Unless accompanied by a person over 18 years of age, ~~Children under 12~~ years of age or under shall ride bicycles, ~~velocipedes or tricycles, other lightweight wheeled devices propelled by the rider or electric scooters~~ only on the sidewalk and must walk ~~velocipedes or trieycles~~ such devices across all streets. ~~Children under 12 years of age shall ride bicycles only on the sidewalk unless accompanied by a person over 18 years of age. Bicycle and electric scooter riding by children 12 years of age and under is forbidden in the Central Traffic District, unless~~

accompanied by a person over 18 years of age. Outside of the Central Traffic District, persons over 12 years of age may ride bicycles or electric scooters upon any multi-use trail or sidewalk but may not ride bicycles or electric scooters on any plot in the roadway planted with grass, flowers or shrubs or on any ornamental parkway in any roadway. Within the Central Traffic District, riding a bicycle or electric scooter on the sidewalk is prohibited except where the sidewalk is identified as part of the Genesee ~~River~~ Riverway Trail or other multi-use trail system. Both within and outside of the Central Traffic District, bicycle and electric scooter riders over 12 years of age shall ride in the bike lane or cycle track rather than the sidewalk when a bike lane or cycle track and sidewalk run parallel to and adjacent to each other, except when reasonably necessary to avoid conditions that would make it unsafe to continue along said bike lane or cycle track. Conditions to be taken into consideration as potentially unsafe include, but are not limited to, fixed or moving objects, motor vehicles, in-line skates, pedestrians, animals or surface hazards present within the lane or track. The rider of a bicycle or electric scooter on the sidewalk shall yield the right-of-way to pedestrians. The prohibition against riding bicycles or electric scooters upon sidewalks in the Central Traffic District shall not apply to police officers in the performance of their duties.

D. Bicycle and electric scooter riders shall not pull or tow a sled, wagon or another person on skates.

E. Bicycle riders must keep at least one hand on handlebars and both feet on pedals. Electric scooter riders must keep at least one hand on handlebars and both feet on the floorboard, except that the rider may take one foot off the floorboard to assist in propelling the electric scooter.

F. No person shall operate a bicycle or electric scooter equipped with handlebars so raised that the rider must elevate his or her hands above the level of his or her shoulders in order to grasp the normal steering grip area.

~~G. Bicycle riding by children under 12 years of age is forbidden in the Central Traffic District, unless accompanied by a person over 18 years of age.~~

~~H. When riding a bicycle on the sidewalk, bicycle riders shall yield the right of way to pedestrians.~~

The amendments set forth in this section shall be contingent upon the enactment of amendments to the New York State Vehicle and Traffic Law that define, allow and regulate how electric scooters may be operated on public roadways.

Section 2. Chapter 111 of the Municipal Code, Vehicle and Traffic, as amended, is hereby further amended in Section 111-37, Use of coasters and similar devices restricted, to read as follows:

No person riding in or by means of any coaster, sled, non-motorized scooter, toy vehicle or similar device shall go upon any roadway, except while crossing the street upon a crosswalk. Such devices may be used upon a sidewalk, but shall not be used so as to interfere with pedestrian traffic.

June 18, 2019

Section 3. Chapter 111 of the Municipal Code, Vehicle and Traffic, as amended, is hereby further amended to add a new subsection to Section 111-24, Standing or parking prohibited in specified places, to read as follows:

E. Within a bike lane, a cycle track, or a trail designated for bicycles or mixed uses.

Section 4. This ordinance shall take effect immediately; provided, however, that Section 1 shall not take effect unless and until the effective date of amendments to the New York State Vehicle and Traffic Law that are enacted to define, allow and regulate how electric scooters may be operated on public roadways.

Strikeout indicates deleted text, new text is underlined.

RETURNED TO COMMITTEE

By Vice-President Lightfoot
June 18, 2019

To the Council:

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

Int. No. 213 Authorizing agreements for the 2019-20 Gun Involved Violence Elimination Program

Int. No. 214 Authorizing an agreement for emergency veterinary services

Int. No. 215 Amending the Municipal Code with respect to the Fire Prevention Code

Int. No. 216 Authorizing an agreement with All Pro Catalyst, LLC

Int. No. 217 Authorizing agreements for the Teenage Pregnancy Prevention Program

Int. No. 239 Appropriating funds and authorizing agreements for the Sexual Risk Avoidance Education Grant and Program

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

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

Int. No. 218 Authorizing an agreement for the receipt and use of funds for the 2019 Summer Food Service Program

June 18, 2019

Respectfully submitted,
Willie J. Lightfoot
Mitch Gruber
LaShay D. Harris
Jacklyn Ortiz
Loretta C. Scott

PUBLIC SAFETY YOUTH & RECREATION COMMITTEE

Received filed and published.

Introductory 161 was introduced on May 21, 2019 and appears in its original transmittal letter on page ___ of the 2019 Council Proceedings

Ordinance No. 2019-203
(Int. No. 161)

Accepting a donation and amending the 2018-19 Budget for Norton Village Playground improvements

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

Section 1. The Council hereby authorizes the receipt and use of a donation in the amount of \$130,000 from the Rochester Area Community Foundation to make improvements to the Norton Village Playground at 350 Waring Road.

Section 2. 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 Cash Capital Budget by the sum of \$130,000, which amount is hereby appropriated for the purpose and from the donation authorized in Section 1 herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-204
Re: Agreement – New York State Division of
Criminal Justice Services, 2019-20
GIVE Grant

June 18, 2019

Council Priority: Public Safety

Transmitted herewith for your approval is legislation related to a New York State Division of Criminal Justice Services (DCJS) grant. This legislation will:

1. Authorize an agreement with DCJS for the receipt and use of a Gun Involved Violence Elimination (GIVE) grant in the amount of \$676,200 for the term of July 1, 2019 to June 30, 2020;
2. Establish \$31,000 as maximum compensation for an agreement with PathStone Corporation (Principal: Stuart J. Mitchell) to cover the cost of direct service provider case management for focused deterrence participants. The agreement will be funded from the 2019-20 Budget of the Police Department, contingent upon approval, and have a term of one year, from July 1, 2019 to June 30, 2020.

This grant will build on the success of previous GIVE funding and support the continued work of a County-wide criminal justice taskforce to reduce violent crime in Rochester. GIVE strategies are exclusively focused on firearm related crime, primarily shootings and homicides. Methods of reducing firearm violence will be based upon empirically derived best-practices that focus on violent dispute intervention and resolution; deterring access to illegal firearms; and implementing offender-based tactics and place-based tactics. Taskforce priorities and activities are based on crime and crime response data.

The grant includes \$358,196 in overtime, but does not pay for the associated fringe cost of \$113,405. PathStone Corporation will receive \$31,000 as a sub-grantee to cover the cost of direct service provider case management for the focused deterrence participants. PathStone Corporation will employ one part-time case worker (20 hours per week) to manage the coordination of community-based services. Rochester Institute of Technology will receive \$230,950 to employ a GIVE Director, GIVE Analyst, and a Community Engagement Communications Specialist to work with the taskforce (approved in Ordinance 2018-251). The remaining \$56,000 will be used to purchase supplies for custom notifications, rental cars for undercover details, and training required by DCJS. No matching funds are required. This will be the sixth year RPD has received this award.

A Justification statement for not issuing a Request for Proposal for PathStone Corporation is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-120

Ordinance No. 2019-204
(Int. No. 213)

Authorizing agreements for the 2019-20 Gun Involved Violence Elimination Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services for the receipt and use of funding for the 2019-20 Gun Involved Violence Elimination (GIVE) Program in the amount of \$676,200. The term of the agreement shall be from July 1, 2019 to June 30, 2020.

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Section 2. The Mayor is hereby authorized to enter into a professional services agreement with PathStone Corporation to provide direct service provider case management for focused deterrence participants in the GIVE Program. The maximum compensation for the agreement shall be \$31,000, which shall be funded from the 2019-20 Budget of the Police Department, contingent upon approval. The term of the agreement shall be from July 1, 2019 to June 30, 2020.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-205
Re: Agreements – Veterinary Services for
Rochester Animal Services

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

1. Appropriate up to \$15,300 from the Animal Control Gifts Fund for veterinary services agreements for Rochester Animal Services; and
2. Establish \$6,000 as maximum compensation for an agreement with Animal Hospital of Pittsford, P.C. (Principal: Todd Wihlen), 2816 Monroe Avenue, Rochester, for emergency veterinary services. The agreement will be funded partially from the 2019-20 Budget of the Police Department (\$4000), contingent upon approval, and partially from the Animal Control Gifts Funds (\$2000) appropriated above. The term will be from July 1, 2019 to June 30, 2020.

RAS utilizes agreements with outside veterinarians and veterinary technicians to increase surgical capacity, improve customer service, and provide veterinary coverage during the absence of the regular veterinarian and veterinary technicians. RAS does not expect any of these individual agreements to reach the \$10,000 threshold that would require Council approval. Animal Hospital of Pittsford provides emergency and after-hours veterinary services, and performs spay and neuter surgeries when on-site consultants are not available.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-205
(Int. No. 214)

June 18, 2019

Authorizing an agreement for emergency veterinary services

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

Section 1. The sum of \$15,300, or so much thereof as may be necessary, is hereby appropriated from the Animal Control Gifts Fund for veterinary services agreements for Rochester Animal Services.

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with Animal Hospital of Pittsford, P.C. to provide emergency veterinary services. The maximum compensation for the agreement shall be \$6,000. Said amount shall be funded by \$4,000 from the 2019-20 Budget of the Police Department, contingent upon approval, and \$2,000 from the amount appropriated in Section 1. The term of the agreement shall be from July 1, 2019 to June 30, 2020.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-206

Re: Amendments – Municipal Code,
Chapter 54 – Fire Prevention Code

Council Priority: Public Safety

Transmitted herewith for your approval is legislation amending in its entirety Chapter 54 of the Municipal Code, the Fire Prevention Code to ensure consistency with the New York State Uniform Fire Prevention and Building Code, compliance with Federal, State and local laws and to conform to current Rochester Fire Department practices.

Under New York State law, the City is required to follow the New York State Uniform Fire Prevention and Building Code (the “Uniform Code”). Currently, the City’s Fire Prevention Code is duplicative of much of the Uniform Code and is therefore unnecessary given the Uniform Code’s applicability to the City. The City’s Fire Prevention Code was adopted in 1961 and has not been amended in its entirety since 1981 – the year the New York State Uniform Fire Prevention and Building Code Act was added as Article 18 of the Executive Law.

In addition, the Department of State recently adopted rule amendments to require operating permits for carbon dioxide used in beverage dispensing and for parking garages and this legislation would include those two new categories of operating permits. The proposed fee for the carbon dioxide operating permit is \$95 and parking garage operating permit is \$200.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-206
(Int. No. 215)

Amending the Municipal Code with respect to the Fire Prevention Code

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

Section 1. Chapter 54 of the Municipal Code, Fire Prevention Code, as amended, is hereby further amended to read in its entirety as follows:

Article I. New York State Uniform Fire Prevention and Building Code

§ 54-1. Title.

This chapter shall be known and cited as the “Fire Prevention Code.” It is the intent of this code to prescribe regulations consistent with nationally recognized good practices for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the use or occupancy of buildings or premises.

§ 54-2 Definitions.

Department

Shall mean the City of Rochester Fire Department.

Fire Prevention Code

Shall mean the regulations found in Chapter 54 of the Municipal Code, together with the New York State Uniform Fire Prevention and Building Code.

Operating Permit

Shall mean a permit issued pursuant to section seven of this Chapter. The term “Operating Permit” shall also include an operating permit which is renewed, amended or extended pursuant to any provision of this Chapter.

Uniform Code

Shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended.

§ 54-23 Acceptance of State Uniform Fire Prevention and Building Code.

The New York State Uniform Fire Prevention and Building Code shall be applicable ~~in~~ as promulgated by the New York State Building Code Commission pursuant to Article 18 of the New York Executive Law (as added by Chapter 707 of the laws of 1981) and is hereby made a part of the Municipal Code of the City of Rochester.

Article II. Administration and Enforcement

~~§ 54-3 Applicability.~~

~~The provisions of this article shall apply equally to new and existing conditions, except that existing conditions not in strict compliance with the terms of this code shall be permitted to continue where the exceptions, in the opinion of the Fire Marshal, do not constitute a distinct hazard to life or property.~~

§ 54-4 Right of entry for inspections.

~~The Fire Chief, the Fire Marshal, any officer or member of the Fire Safety Division or any inspector thereof may, at all reasonable hours, enter any building or premises, vehicle or conveyance, within the City of Rochester, for the purpose of making any inspection or investigation which he or she or they may deem necessary to be made under the provisions of this article. Any person authorized under this code to make such inspection shall carry proper identification cards and/or badges and shall show them when requested.~~

A. Power and Authority to Inspect.

The Fire Chief, the Fire Marshal, or any member of the Department who is an Officer, Code Enforcement Officer or Building Safety Inspector may cause, in the administration and enforcement of the Fire Prevention Code and all other applicable laws, to make inspections of all premises, as often as may be necessary for the purpose of ascertaining and causing to be corrected any violations of the provisions of the laws, ordinances or rules which the Department enforces.

B. Warrants.

The Fire Chief and the Fire Marshal shall each have the authority to seek inspection warrants, pursuant to Article I, Part B, of the Charter of the City of Rochester, Judicial Warrants for Inspections of Premises, where the same are constitutionally required.

§ 54-5 Inspections for compliance.

A. Inspections required. It shall be the duty of the Fire Marshal or his or her designee to inspect or cause to be inspected; ~~by the Fire Department all buildings and premises, except the interiors of private dwellings, as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violations of the provisions of this article and to ensure compliance in all places of assembly with all laws, regulations and orders dealing with overcrowding, use of decorative materials, maintenance of exitways and maintenance of fire alarm, fire detecting and fire extinguishing systems and appliances.~~

(1) buildings or structures which contain an area of public assembly at an interval not greater than once every twelve (12) months.

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(2) premises required to have an operating permit pursuant to section 54-7, upon receipt of a complete application for said permit and thereafter at an interval not greater than once every twelve (12) months.

(3) multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, at an interval not greater than once every thirty-six (36) months.

(4) buildings or structures being occupied as dormitories at an interval not greater than once every twelve (12) months.

~~B. The Fire Chief, the Fire Marshal, any officer or member of the Fire Department or any inspector thereof, upon the complaint of any person or whenever he or she or they shall deem it necessary, shall inspect any buildings and premises within the City of Rochester. Inspections permitted. In addition to the inspections required by subsection A of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed upon:~~

~~(1) request of the property owner or the authorized agent of such owner;~~

~~(2) receipt of a written statement alleging that conditions or activities fail to comply with the Uniform Code exist; or~~

~~(3) receipt of any other information, reasonably believed to be reliable that there are conditions or activities that fail to comply with the Uniform Code.~~

~~Provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.~~

~~§ 54-6 Adoption of rules and regulations.~~

~~The Fire Marshal may adopt rules and regulations, subject to the approval of the Fire Chief, for carrying into effect the provisions of the code. The Fire Marshal may also issue orders for the enforcement of such rules and regulations as are consistent therewith. In connection with the adoption by the Fire Marshal of rules and regulations for carrying into effect the provisions of the code relating to fire hazards in buildings, the following factors will be considered.~~

~~A. The number of persons who would be physically present in the building at any given time.~~

~~B. The type of construction of the building.~~

~~C. The type of fire protection provided in the building.~~

~~D. With respect to a commercial establishment, the quantity needed for display and normal merchandising purposes.~~

~~E. Any other factors which might have a bearing on the firesafety of the building.~~

~~§ 54-7 Orders.~~

~~A. It shall be sufficient service of an order upon any person, firm or corporation found to be violating any of the provisions of this chapter of the Municipal Code if a copy thereof is served personally in accordance with the provisions of the Civil Practice Law and Rules; or sent by first class mail to either the person's tax mailing address, if the violation relates to a property or building and the owner is the person to be served, or otherwise to the person's last known address; or left with an agent or a person of suitable age and discretion at the place of violation or tax mailing address or last known address.~~

~~B. In the event that changes or additions to the premises themselves are deemed by the Fire Marshal to be necessary to ensure safety, the Fire Marshal shall immediately report such findings to the Director of the Neighborhood Service Centers and/or the Commissioner of Neighborhood and Business Development.~~

~~C. No person having been served with such an order shall fail to comply with the requirements thereof immediately upon being served with the order. In case of emergency, the Fire Marshal or any officer assigned to the Fire Safety Division and any officer assigned to the Fire Suppression Division shall have the authority to order any building or buildings vacated immediately.~~

~~D. Whenever the Fire Marshal causes an order to be issued pursuant to this chapter requiring the owner to remove the existing nuisances or violations, the owner may request a meeting with the Fire Marshal or his or her designee. The meeting shall be held prior to the expiration of the period for compliance so prescribed unless the violation constitutes an immediate danger to human life or health.~~

~~E. Whenever the Fire Marshal has determined that an emergency exists and causes a vacate order to be issued pursuant to this chapter, the owner and/or the tenant may request a hearing before the Fire Marshal or his or her designee. The hearing shall be held within three business days of receiving a written demand for it. The rules of evidence prevailing in courts of record shall not be controlling in the hearings held pursuant to this chapter.~~

~~§ 54-86 Record keeping to be kept of all fires.~~

~~The Fire Marshal shall keep, in the office of the Fire Department official records of all activities and transactions of his or her office. a record of all fires, and of all the facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby and whether such losses were covered by insurance and, if so, in what amount. Such record shall be made daily from all reports made by the Fire Department officers and inspectors.~~

~~§ 54-9 Exceptions to provisions.~~

~~A. Nothing contained in this code shall be construed as applying to the transportation of any article or thing shipped in conformity with the regulations prescribed by the Interstate Commerce Commission, nor as applying to the military forces of the State of New York or United States.~~

~~B. The Fire Chief may waive provisions of this code for any large, integrated industrial area which in his or her opinion maintains adequate fire protection and fire prevention services. The Fire Marshal shall investigate at any time or interval that he or she may deem necessary to~~

~~determine that firesafety standards maintained are substantially equivalent to the waived provisions of the code.~~

§ 54-107 Operating Permits.

A. Operating permits shall constitute permission to maintain, store or handle materials or to conduct processes or to install equipment used in connection with such activities, which materials, processes or equipment if improperly used may produce conditions hazardous to life or property, or to install equipment used in connection with such activities, be required prior to conducting any activities or operating any type of building or structure listed in the New York Codes, Rules and Regulations (NYCRR) as requiring an operating permit (presently 19 NYCRR § 1203.3(g)). Such operating permit does not take the place of any license required by law. It shall not be transferable, and any change in use or occupancy of premises ~~shall~~ may require a new operating permit.

B. ~~Before an operating permit may be issued, the Fire Marshal or his or her assistants shall inspect and approve the receptacles, vehicles, buildings or storage places to be used~~ the premises shall be inspected pursuant to section 54-5. In cases where laws or regulations enforceable by departments other than the Fire Safety Division are applicable, joint approval shall be obtained from all departments concerned.

C. All applications for an operating permit required by this code shall be made to the Fire Safety Division in such form and detail as it shall prescribe. Applications for operating Ppermits shall be accompanied by such plans, drawings, ~~models or samples~~ and condition assessment reports as required by the Fire Safety Division. Operating Ppermits shall be issued by the Fire Marshal.

D. Operating pPermits shall at all times be kept on the premises designated therein and shall at all times be subject to inspection by any officer of the Fire or Police Department or the Department of Neighborhood and Business Development.

E. ~~One permit only shall be required by establishments dealing in or using two or more flammable, combustible or explosive materials to be kept in the establishment at any one time, but the materials shall be listed in the permit, as requested by the Fire Marshal. In accordance with § 54-3, special permits may be issued authorizing the continuance of existing conditions not in strict compliance with the terms of this code, but where the exceptions do not constitute a distinct hazard to life or property or a violation of the New York State Uniform Fire Prevention and Building Code. Such special permits may be revoked by the Chief of the Fire Department and/or the Fire Marshal upon failure to comply with the provisions of this code within the time specified within said permit. A single operating permit may apply to more than one hazardous activity.~~

§ 54-118 Suspension or revocation of operating permits.

~~The Division of Fire Safety~~ Fire Marshal or his or her designee may suspend or revoke an operating Ppermit ~~or approval~~ issued if any violation of ~~this~~ Fire Prevention eCode is found upon inspection or in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the operating permit or approval was based.

§ 54-129 Fees.

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A. Fees for the issuance of operating permits and certificates shall be collected by the City Clerk, and checks and money orders ~~may~~shall be made payable to the City Treasurer.

B. Operating Permits ~~shall be required for the operation and/or maintenance of the following activities. Such permits pursuant to Section 54-7 shall be issued annually, and the annual fees for such permits shall be as follows:~~

- (1) Tire recapping or rebuilding plant: \$200.
- (2) Automobile wrecking yard, junkyard or waste material handling plant: \$200.
- (3) Nitrate motion-picture film stored, kept or had on hand in quantities greater than 25 pounds (about 5,000 feet of thirty-five-millimeter film): \$200.
- (4) Cellulose nitrate plastics (pyroxylin) stored or handled in quantities greater than 25 pounds ~~by jobbers, wholesalers and retailers:~~ \$200.
- (5) Cellulose nitrate plastics (pyroxylin) manufactured into products or used in the manufacture or assembly of other articles: \$200.
- (6) Combustible fibers stored or handled in quantities exceeding 100 cubic feet: \$95.
- (7) Dry-cleaning plants operations:
 - (a) Class I system, liquids having a flash point below 100° F. (37.8° C.): prohibited.
 - (b) Class II system, liquids having a flash point at or above 100° F. (37.8° C.) and below 140° F. (60° C.): \$200.
 - (c) Class IIIA system, liquids having a flash point at or above 140° F. (60° C.) and below 200° F. (93.4° C.): \$200.
 - (d) Class IIIB system, liquids having a flash point at or above 200° F. (93.4° C.): \$160.
 - (e) Class IV system, liquids classified as nonflammable: \$120.
- (8) Dust-producing operation: \$160.
- (9) Explosives or blasting agents manufactured, possessed, stored or sold or otherwise handling or disposing of these compounds: \$200.
 - (a) Transportation of explosives or blasting agents, per vehicle: \$95.
- (10) Flammable and Combustible Liquids ~~"Liquid," which shall mean, for the purpose of this section, any material which has a fluidity greater than that of 300 penetration asphalt when tested in accordance with Test for Penetration for Bituminous Materials ASTM D-5-73. When not otherwise identified, the term "liquid" shall mean both flammable and combustible liquids.~~
 - (a) ~~"Flammable liquid" shall mean a liquid having a flash point below 100° F. (37.8° C.) and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100° F. (37.8° C.) and shall be known as a "Class I liquid."~~

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~~[1] Class IA shall include those having flash points below 73° F. (22.8° C.) and having a boiling point below 100° F. (37.8° C.).~~

~~[2] Class IB shall include those having flash points below 73° F. (22.8° C.) and having a boiling point at or above 100° F. (37.8° C.).~~

~~[3] Class IC shall include those having flash points at or above (73° F.) (22.8° C.) and below 100° F. (37.8° C.).~~

~~(b) "Combustible liquid" shall mean a liquid having a flash point at or above 100° F. (37.8° C.).~~

~~[1] Class II liquids shall include those having flash points at or above 100° F. (37.8° C.) and below 140° F. (60° C.).~~

~~[2] Class IIIA liquids shall include those having flash points at or above 140° F. (60° C.) and below 200° F. (93.4° C.).~~

~~[3] Class IIIB liquids shall include those having flash points at or above 200° F. (93.4° C.).~~

~~(ea) Class I, II, III Flammable liquids and combustible liquids, as defined by NFPA 30, Class II, stored, handled or used (not otherwise covered under Chapter 77, Oil Burners, or gasoline service stations and bulk plants):~~

~~[1] Storage in any building of more than six gallons of flammable liquid or more than 25 gallons of combustible liquid (Class II): \$95.~~

~~[2] Storage outside of a building of more than 10 gallons of flammable liquid or more than 60 gallons of combustible liquid (Class II and Class III): \$95.~~

~~[3] Paints, oils and varnishes stored more than 30 days: \$95.~~

~~(eb) Flammable liquids storage and combustible liquids, Class II, storage in stationary tanks, including bulk plants (not otherwise covered in gasoline service stations, and Chapter 77, Oil Burners, of the Municipal Code):~~

~~[1] First 50,000 gallons: \$95.~~

~~[2] Second 50,000 gallons: \$95.~~

~~[3] Third and fourth 50,000 gallons (each): \$95.~~

~~[4] Each additional 100,000 gallons or fraction thereof: \$95.~~

~~[5] Each dispensing unit: \$40.~~

~~(ec) Flammable liquids and combustible liquids, Class II, manufactured, processed, blended or refined: \$200.~~

~~(fd) Flammable liquids and combustible liquids, Class II, stored in drums for the purpose of manufacture, storage or sale:~~

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[1] Maximum of 10 drums: \$95.

[2] Exceeding 10 drums: \$200.

(ge) Spraying or dipping operations using more than one gallon of flammable or combustible liquids in any one working day: \$95.

(11) Fumigation room, vault or chamber using a toxic or flammable fumigant: \$160.

(12) Hazardous chemical storage or handling:

(a) More than 2,000 cubic feet of flammable compressed gas: \$200.

(b) More than 6,000 cubic feet of nonflammable compressed gas: \$160.

(c) More than 55 gallons of corrosive liquids: \$95.

(d) More than 50 pounds of oxidizing materials: \$95.

(e) More than 10 pounds of organic peroxides: \$95.

(f) More than 50 pounds of nitromethane: \$95.

(g) More than 1,000 pounds of ammonium nitrate, ammonium nitrate fertilizers and fertilizer mixtures: \$200.

(h) Any amount of highly toxic material: \$95.

(i) Any amount of poisonous gas: \$95.

(j) More than 1 microcurie of radium (not contained in a sealed source): \$95.

(k) More than 1 millicurie of radium or other radioactive material (in sealed source): \$95.

(l) Any amount of radioactive material for which a license from the United States Nuclear Regulatory Commission is required: \$95.

(m) More than 100 pounds of carbon dioxide used in beverage dispensing: \$95

(13) Lumber storage in excess of 100,000 board feet: \$200.

(14) Magnesium or similar materials being melted, cast, heat-treated, machined or ground in quantities of more than 10 pounds per working day: \$200.

(15) Matches:

(a) Manufacture of: \$200.

(b) Storage in excess of 25 cases: \$95.

(16) Each oven or kiln (industrial or commercial baking/drying) operation and/or commercial cooking system: \$85 per location.

(17) Combustible material storage in excess of 2,500 cubic feet gross volume: \$120.

- (18) Acetylene and other flammable gas usage in connection with welding or cutting: \$95.
- (19) Calcium carbide storage in excess of 200 pounds: \$200.
- (20) Acetylene generator with carbide capacity exceeding five pounds: \$200.
- (21) ~~Liquified~~Liquefied petroleum gas container(s) installed, handled or used in all buildings, structures or properties (except residential):
 - (a) Water capacity of 1,000 gallons or more: \$145.
 - (b) Less than 1,000 gallons' water capacity: \$95.
- (22) Gasoline service stations:
 - (a) Each 10,000 gallons, or part thereof, of storage capacity: \$95.
 - (b) Each dispensing unit: \$30.
- (23) Private plants:
 - (a) Each 10,000 gallons, or part thereof, of storage capacity: \$95.
 - (b) Each dispensing unit: \$30.
- (24) ~~Central-Supervising~~ stations: no fee.
- (25) Places of assembly (when a City license is not also required):
 - (a) Capacity of 100 to 249: \$30
 - (b) Over capacity of 249: \$60
- (26) Parking garages: \$200

C. Permits shall be required for the following activities, and fees shall be as follows:

- (1) Setting off or discharging explosives (per job, not to exceed one year per permit): \$200.
- (2) Delivering explosives or blasting agents to a terminal between the hours of sunset and sunrise (per delivery): \$95.
- (3) Fumigation or thermal insecticidal fogging (per building): \$200 for commercial buildings and \$40 for residential buildings.
- (4) Bowling pin refinishing, involving use of flammable liquids or materials (per 50 pins): \$95.
- (5) Bowling alley resurfacing operations, involving use of flammable liquids or materials (per alley): \$40.
- (6) Any roof repair or replacement using any form of heat-generating equipment or process (per job): \$95.
- (7) Setting off fireworks: \$145.

D. Certificates of Fitness for individuals and Certificates of Registration for businesses shall be required for the performance of the following activities. Such certificates shall be issued annually, and the annual fees shall be as follows:

(1) For the certificate of fitness required by all persons storing, transporting, setting off or discharging explosives:

- (a) Examination fee: \$35.
- (b) Original certificate: \$135.
- (c) Renewal of certificate: \$80.

(2) Pump and tank installation, removal, alteration or repair:

- (a) Examination fee: \$35.
- (b) Original certificate: \$135.
- (c) Renewal of certificate: \$80.
- (d) Certificate of registration for business: \$145.

(3) Installing, charging, filling, maintaining, recharging, refilling, repairing and testing rechargeable fire extinguishers:

- (a) Examination fee: \$35.
- (b) Original license: \$100.
- (c) Renewal of Certificate license: \$70.
- (d) Apprentice permit: \$70.
- (e) Certificate of registration: \$145.
- (f) Hydrostatic testing: \$70.

~~E. The Fire Marshal may waive the fees for any building or installation occupied by or operated by the City or other division of government.~~

~~FE.~~ For inspections and details on Saturdays, Sundays, holidays or ~~other than~~ outside the regular working hours of inspectors, the rate shall be the overtime pay rate of the inspector. A minimum of four hours may be charged if the inspector was called in and/or has no other inspections during the four hours.

~~GF.~~ Training. The following fees shall be charged for training:

- (1) Fire extinguisher/fire workplace safety training: \$20 per person.
- (2) CPR training: \$35 for Basic, \$45 for AED, and \$65 for Health Care Providers, per person.

~~HG.~~ Alarm Boxes. There shall be an alarm box fee of \$700 per interior box and \$1,000 per exterior box.

H. The Fire Marshal may waive the fees for any building or installation occupied by or operated by the City or other division of government.

~~§ 54-130~~ Applications for certificates.

A. The Fire Marshal shall conduct hearings, proceedings or testing concerning applications for certificates required under the Fire Prevention Code.

B. The Fire Marshal shall require applicants for original certificates to pass an examination. The examination shall be written and may be supplemented by practical tests or demonstrations deemed necessary to establish the applicant's knowledge and ability. Reference materials for such examinations shall be ~~published annually by the Fire Marshal~~ provided with the application. Notice of the time and place of each examination shall be given at least 30 days prior to the examination.

C. Examinations administered by outside agencies shall be approved by the Fire Marshal and once approved shall be accepted for establishing eligibility for certificates of fitness.

~~DC.~~ Applications for renewal of certificates shall be made annually.

~~ED.~~ The provisions of Chapter 68 of the Code of the City of Rochester shall be applicable to all licenses and operating permits issued under this article.

~~FE.~~ The Fire ~~Chief Marshal~~ shall revoke, without a hearing, the ~~certificate license~~ of any business or person found guilty of five or more violations of this article during any period of two years. Nothing herein shall prevent the Fire Chief from revoking a certificate license of any business or person with fewer than five violations, on written charges and an opportunity for a hearing thereon, pursuant to § 68-10 of the Municipal Code.

~~§ 54-14~~ 54-11 Central Supervising stations.

A. Purpose. The purpose of this section is to regulate the operation of ~~central supervising~~ stations in the interest of safeguarding lives and property.

B. Administration. The administration of this section shall be vested in the Fire Chief, who shall have the power to issue the proper rules and regulations to administer this section. The Fire Chief may delegate the administration of any part of this section to the Fire Marshal, as he or she deems necessary.

~~C. The term "person" shall mean any firm, partnership, corporation, association or individual.~~

~~DC.~~ The term "~~central supervising station~~ protective system" or "supervising station" shall mean a system or group of systems operated for their customers by a person, firm or corporation with a operating permit from the City, in which system the operations of electrical protection circuits and devices are transmitted to, recorded in, maintained and supervised from a ~~central supervising~~ station having in attendance at all times a minimum of two trained, competent operators that have the duty to take appropriate action upon receipt of a signal or message, including the relaying of messages by direct line to the communications center of the ~~Fire Department.~~

~~ED~~. Operating-P permits.

(1) The Fire Marshal or his or her ~~designate~~ designee is authorized to grant a revocable operating permit to any person who has established a ~~central supervising station system~~. Such operating permit is required for any ~~central supervising station~~ to operate in the City of Rochester.

(2) Said operating permit shall be granted upon written application to the Fire Marshal of the City of Rochester and upon the determination that:

(a) The ~~central supervising station~~ for which the operating permit application is being made meets all the requirements of the National Fire Protection Association ~~Pamphlet No. 71 72 (1977 Edition)~~.

~~(b) The central station for which the permit application is being made meets such other further mandated rules and regulations as may be adopted by the Fire Marshal or his or her designate for carrying out the provisions and purpose of this section of the code.~~

(3) The Fire Marshal or his or her ~~designate~~ designee is authorized to inspect any ~~central supervising station~~ prior to granting an operating permit in order to determine if all the requirements of this section have been met and is authorized to inspect any ~~central supervising station~~ after an operating permit has been issued at any time, without prior notice to the ~~central supervising station~~, to ensure that all requirements under this section are maintained by the ~~central supervising station~~.

(4) In the event that the Fire Marshal or his or her ~~designate~~ designee determines under Subsection ~~ED~~(3) of this section that the requirements under the Fire Prevention Code of the City of Rochester have not been maintained, the Fire Marshal or his or her ~~designate~~ designee will notify the person who holds the operating permit for the ~~central supervising station~~ that such operating permit will be revoked within 30 days unless the violations are corrected, prior to such thirty-day period, to the satisfaction of the Fire Marshal or his or her ~~designate~~ designee.

~~§-54-15~~ 54-12 Approval of plans.

Plans shall be approved by the Fire Marshal or his or her designee if they comply in all respects with the Fire Prevention Code and the Uniform Code. However, the approval of plans containing omissions or errors shall not relieve the applicant of complying with all requirements of the Fire Prevention Code and the Uniform Code.

~~§-54-16~~ 54-13 Liability for damages.

This code shall not be construed to hold the City of Rochester responsible for any damages to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect for the operating permit issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

~~§-54-17~~ 54-14 Variance or modification of regulations.

The Board of Review established by Chapter 4 of the Municipal Code shall have the power to vary or modify, in whole or in part, any local provision or requirement of the Fire Prevention Code where practical difficulties or unnecessary hardships may result from the enforcement thereof;

provided, however, that any such variance or modification shall be consistent with the spirit of the code and not inconsistent with acts of the New York State Legislature or the ~~New York State Uniform Fire Prevention and Building Code~~. An application for variance or modification of a rule or law shall be made by an aggrieved person within 30 days following the date of the decision sought to be varied or modified. Any action of the Board of Review may be reviewed pursuant to Article 78 of the Civil Practice Law and Rules. Variances, interpretations or modifications to the ~~New York State Uniform Fire Prevention and Building Code~~ must be sought in accordance with Article 18 of the New York State Executive Law.

~~§ 54-18 Survey of premises and specifications of equipment.~~

~~The Fire Marshal shall survey each mercantile and manufacturing establishment, school, place of assembly, hospital, place of detention, hotel, boarding or rooming house and multifamily house and shall specify suitable fire detecting devices or extinguishing appliances which shall be provided in or near boiler rooms, kitchens of restaurants, clubs and like establishments, storage rooms involving considerable combustible material, rooms in which hazardous manufacturing processes are involved, garage sections and other places of a generally hazardous nature. Such devices or appliances may consist of automatic fire alarm systems, automatic sprinkler or water-spray systems, standpipe and hose, fixed or portable fire extinguishers of a type suitable for the probable class of fire or suitable asbestos blankets, manual or automatic covers or carbon dioxide or other inert gas extinguishing systems. In specially hazardous processes or storages, appliances of more than one type or special systems may be required.~~

~~§ 54-19 Tank vehicles.~~

~~A. No tank vehicle shall be left unattended on any street, highway, avenue or alley, provided that this shall not prevent a driver from the necessary absence from the truck in connection with the delivery of his or her load, except that during actual discharge of the liquid some responsible person shall be present at the vehicle, nor shall it prevent stops for meals during the day or night if the street is well lighted at point of parking.~~

~~B. Tank vehicles containing flammable liquids shall not be parked out of doors at any one point for longer than one hour, except off the streets, and shall be at least 25 feet from any building used for assembly, institutional or residential occupancy.~~

~~C. Tank vehicles shall not be parked or garaged in any buildings other than those specifically approved for such use by the Fire Marshal.~~

~~D. Tank trucks are prohibited by § 111-70 of the Municipal Code from being driven or operated in the Central Traffic District between the hours of 7:00 a.m. and 6:00 p.m. on any day except Sunday.~~

~~E. The requirements set forth in the National Fire Protection Association (NFPA) Pamphlet Nos. 385 (1979 Edition) and 407 (1980 Edition) shall apply to tank vehicles to be used for the transportation of stable flammable and combustible liquids with a flash point below 140° F. (60° C.).~~

~~F. Aircraft fuel servicing shall meet the requirements of National Fire Protection Association (NFPA) Pamphlet Nos. 385 (1979 Edition) and 407 (1980 Edition).~~

~~§ 54-20 Safety program for high rise buildings.~~

~~A. This section shall apply to the following:~~

~~(1) Any multistory building or structure where the roof level exceeds 70 feet in height above average grade.~~

~~(2) Any multistory building or structure where the roof level exceeds 55 feet in height above average grade when fire apparatus is unable to gain access to at least a twenty foot wide area located approximately between 10 and 30 feet from the building line, measured perpendicular thereto, on at least two sides of the building.~~

~~(3) Any building three or more stories in height above grade which is used primarily as the living quarters for persons confined, detained, held for correctional purposes, substantially handicapped, semiambulatory, nonambulatory or under medical care so that assistance by others is required or for persons of similar restricted facilities.~~

~~B. The Fire Chief or his or her authorized subordinates shall direct or order all of the following listed items with respect to the functioning of internal services within any building that falls under this section:~~

~~(1) Require the occupants or owner of the building to appoint a safety director and one or more assistant safety directors, such that at least one director is in attendance at all times the building is normally occupied. Such appointees are not required or expected to work full time on such assignments, but are selected from existing personnel to perform these assignments in addition to their regular duties.~~

~~(2) Require the safety director and his or her assistants to perform their duties, as listed in Subsection C of this section.~~

~~(3) Require the safety director to keep such records as are appropriate for his or her operations, which records shall be subject to a review by the Fire Chief at any time.~~

~~(4) Require the safety director to report without undo delay any changes made or to be made in appointments for safety director or change in the normal location within the building for existing appointees.~~

~~(5) Require the safety director to make any necessary changes in his or her operations or in his or her assigned personnel in accordance with the safety director's duties as set forth in Subsection C, as may be deemed proper in the interest of the safety of the occupants and the general public.~~

~~C. The safety director of a building shall perform the following duties:~~

~~(1) Become thoroughly familiar with the operations and equipment installed in the building.~~

~~(2) Instruct assistant directors so that they will gain a thorough knowledge of the building and its operation.~~

~~(3) Appoint floor captains and alternates for each floor and post evacuation instruction placards in accordance with the following provisions:~~

~~(a) When two or more able-bodied persons, 18 years or more in age, employed either by the building management or one of its leased tenants or otherwise normally residing within the building for a period exceeding 90 days are assigned working and/or living space on one particular floor, the safety director shall appoint a floor captain and an alternate floor captain for each floor that has a normal occupancy exceeding six persons. If employees are selected and the building operation extends beyond one working shift per day, then separate captains and alternates must be appointed for each shift. The safety director shall maintain an up-to-date list of all directors, captains and alternates, which shall be posted in the safety director's office. The safety director shall instruct all captains and alternates on the assistance they can offer from their respective floors, including the direction of personnel evacuation.~~

~~(b) The safety director shall post evacuation instruction placards in visible locations within the building. One type of instruction shall be required in each private area, at the point of exiting into a public area. Instructions shall also be mounted in elevator lobbies, on the wall of each elevator group and at all doors entering required stairwells. The wording of each of these types of instruction placards and their location is subject to prior approval of the Fire Chief. The Fire Chief shall not withhold his or her approval unreasonably.~~

~~(4) Within the first four months of building occupancy, hold a simulated fire drill in each of the building's zones. Each floor shall be considered a zone. Thereafter, hold one simulated fire drill at least once every six months.~~

~~(5) Test the coordinated firesafety system of the building at least once each month.~~

~~(6) Conduct meetings of assigned personnel for instructional purposes and/or informational purposes.~~

~~(7) Observe and report any existing hazards, temporary or permanent, that may affect the safety of the occupants in the event of an emergency.~~

~~(8) Following an emergency and with the help of assistants, examine all emergency facilities, reset all activated dampers and generally restore the building to its preemergency condition.~~

~~(9) Perform such other duties or assignments as the Fire Chief may direct.~~

~~D. For existing buildings that fulfill the height requirements of this section, the Fire Chief shall require certain improvements in any existing safety program being conducted within such buildings as he or she deems necessary, taking into account the existing layout of the buildings and the availability of personnel, without causing practical difficulties or unnecessary hardship in the carrying out of such improvements.~~

~~§ 54-21 Bulk plants.~~

~~A. A bulk plant shall include that portion of a property where flammable or combustible liquids are received by tank vessel, pipelines, tank car or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle or container.~~

~~B. Bulk plants shall meet the requirements set forth in the National Fire Protection Association (NFPA) Pamphlet No. 30 (1981 Edition) and the following additional requirements:~~

~~(1) Underground tanks shall meet the requirements for the installation of supply tanks at service stations.~~

~~(2) Aboveground horizontal tanks shall rest on foundations made of concrete, masonry or protected steel.~~

~~(3) Loading and unloading facilities shall be protected by an approved automatic fire-extinguishing system.~~

~~(4) Self service facilities at a bulk plant shall meet the requirements of a self service station.~~

~~§ 54-22 Service stations.~~

~~A. Underground storage tanks containing flammable and combustible liquids and having a maximum individual capacity of up to 10,000 gallons may be installed at gasoline or diesel service stations. The maximum aggregate capacity at any service station shall not exceed 20,000 gallons. The Fire Marshal may increase the requirements established in this subsection if he or she finds that the public safety of the particular area involved will not be jeopardized by such modifications, and he or she may require such further stipulations as he or she may deem necessary in the interest of public safety in the granting of said modification.~~

~~B. Supply tanks.~~

~~(1) Supply tanks greater than 60 gallons in capacity which store flammable and combustible liquids and come under the provisions of this section shall be located underground. The highest point of such tanks shall be below the level of any piping to which they may be connected. Where a tank or tanks may become buoyant due to a rise in the level of the groundwater table or due to being located in an area subject to flooding, suitable precautions shall be observed to properly anchor said tank or tanks in place. Such tanks shall be located at least 15 feet in horizontal distance from all building lines and from all interior lot lines and at least five feet in horizontal distance from all street lot lines, unless specifically authorized or directed to the contrary by the Fire Marshal. The minimum depth at which the top of such tanks, including ribs, is to be placed below the finished surface or grade is as follows:~~

~~(a) In locales where it is highly improbable that vehicular traffic or other heavy loads could be imposed thereon, either:~~

~~[1] A minimum of two feet, six inches in depth, covered by compacted earth; or~~

~~[2] A minimum of one foot, 10 inches in depth, covered by a minimum of one foot, six inches of compacted earth topped with a minimum four-inch thick reinforced concrete slab, extending one foot beyond the tank or tanks in all directions.~~

~~(b) In locales where it is conceivable that vehicular traffic or other loads could be imposed thereon, either:~~

~~[1] A minimum of three feet, zero inches in depth, covered by compacted earth, provided that a reinforced concrete slab at least two feet, six inches square and eight inches thick is installed at the fill pipe; or~~

~~[2] A minimum of two feet, zero inches in depth, covered by a minimum of one foot, six inches of compacted earth topped with a minimum six inch thick reinforced concrete slab, extending one foot beyond the tanks in all directions.~~

~~(2) Only tanks constructed in accordance with specifications of nationally recognized standards shall be used for storage of flammable and combustible liquids at service stations. Nonmetallic tanks require an on-site representative of the manufacturer at the time of installation. No remote fills shall be allowed. Vent pipes shall be provided with noncorrodible flash arresters, completely covering the openings.~~

~~C. Dispensing unit location.~~

~~(1) Dispensing units for the use of supplying vehicles, motorboats or other means of transportation with flammable and combustible liquids may be located in exterior locations, provided that said units and their piping are sufficiently protected against physical damage from vehicles by mounting on a concrete island with sufficient setback from any street line such that the vehicle being served is entirely on private property during the filling operation. Such units shall also be located at least 20 feet away from any interior lot line. The immediate area of dispensing units which are intended for use during night hours shall be equipped with adequate illumination.~~

~~(2) Dispensing units and underground tanks shall not be located inside buildings without the written approval of the Fire Marshal.~~

~~D. Remote or submerged pumping shall be protected with an approved two second delay leak detector.~~

~~E. Aboveground storage tanks of flammable and combustible liquids shall be prohibited.~~

~~F. The Fire Marshal or his or her designated representative is authorized to order the owner or occupants of premises having flammable and combustible liquids storage tanks located thereon to have such tanks tested by methods prescribed by the Fire Marshal to determine if such tanks are leaking, whenever the Fire Marshal has a reasonable belief that such tanks may contain a leak.~~

~~G. Leaking tanks, pumps or piping shall be removed, repaired or replaced immediately, and it shall be within the discretion of the Fire Marshal as to whether the station or facility must cease any and/or all operations while repairs or replacement is being made.~~

~~H. All tanks containing flammable and combustible liquids must be tested weekly for water infiltration, and records shall be kept on the premises showing the date and results of such tests. Whenever water is removed from any tank, the Fire Marshal shall be notified.~~

~~I. Accurate daily inventory records shall be maintained on underground storage tanks, with each tank recorded separately. The records shall be kept on the premises for inspection by the Fire Marshal.~~

~~J. Underground flammable and combustible liquids storage tanks discontinued from service are to be removed from the site within 90 days. The method of removal shall be prescribed by the Fire Marshal. In the event of the discontinuance of a business for which a license has been issued pursuant to the provisions of this article, the licensee shall notify the Fire Marshal at least 24~~

~~hours before the time such discontinuance takes effect. Dispensing units servicing underground tanks shall be removed immediately and all piping capped, and any electrical supply line shall be discontinued at the panel box.~~

~~K. The Fire Marshal or his or her designated representative is hereby authorized to seal a dispensing unit to prohibit the dispensing of flammable or combustible liquids from such unit after one or more violations of this code have not been corrected and after service of an order issued by the Fire Marshal to correct such violations.~~

~~L. The installation and use of coin-operated dispensing devices for flammable and combustible liquids is prohibited.~~

~~M. The dispensing of flammable and combustible liquids into the fuel tank of a vehicle or into a container shall at all times be under the control of a competent person.~~

~~N. Dispensing devices for flammable and combustible liquids shall be of the type approved by the Fire Marshal.~~

~~O. Dispensing of flammable and combustible liquids by persons other than the service attendant or supervisor shall be prohibited.~~

~~P. In the event of accidental spillage of a flammable or combustible liquid, the Fire Department shall be notified immediately.~~

~~Q. Warning signs shall be posted on each island with the following or equivalent wording:~~

~~(1) No smoking.~~

~~(2) Stop motor during fueling operation.~~

~~R. A minimum of five one hundred pound bags of stay-dry absorbent or its equivalent shall be kept on the premises at all times for flammable and combustible liquid spills and should be used for this purpose whenever possible, instead of flushing with water. Contaminated absorbent shall be disposed of in a safe and proper manner.~~

~~S. There shall be no more than one tank truck delivering flammable and combustible liquids on the premises of a service station at any one time. Evertite or O.P.W. fin couplings, or their equivalent, shall be used when unloading flammable and combustible liquids from the tank truck to the storage tank. The brakes of the truck shall be set, and the driver shall remain at the point of delivery. In case of spillage or overflow, the Fire Department shall be notified immediately.~~

~~T. Protective barriers shall be installed at the end of each island to provide protection for the dispensing units.~~

~~§ 54-23 Self-service stations.~~

~~In addition to the rules and regulations governing service stations, the following provisions shall apply to self-service stations:~~

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- ~~A. Each self service station shall have the remote dispensing equipment situated in such a manner as to give the qualified attendant controlling said equipment an optimum view of the dispensing units.~~
- ~~B. Protective barriers shall be installed at the end of each island to provide protection for the dispensing units.~~
- ~~C. Flammable and combustible liquids may be dispensed only by customers possessing a valid motor vehicle operator's license.~~
- ~~D. Heat sensors shall be installed. The exact location shall be determined at the time of plan review.~~
- ~~E. Approved dispensing devices, such as but not limited to key operated, card operated and remote controlled types, are permitted at self service stations.~~
- ~~F. The installation and use of coin operated dispensing devices for flammable and combustible liquids is prohibited.~~
- ~~G. All self service stations shall have at least one attendant on duty while the station is open to the public. The attendant's primary function shall be to supervise, observe and control the dispensing of flammable and combustible liquids while said liquids are actually being dispensed.~~
- ~~H. It shall be the responsibility of the attendant to prevent the dispensing of flammable and combustible liquids into portable containers not in compliance with the provisions of the New York State Uniform Fire Prevention and Building Code; control the source of ignition; and immediately control accidental spills and use fire extinguishing equipment if needed. The attendant or supervisor on duty shall be mentally and physically capable of performing the functions and assuming the responsibility prescribed in this section.~~
- ~~I. The attendant shall at all times be able to communicate with persons in the dispensing area.~~
- ~~J. Dispensing nozzles used at self service stations for the dispensing of flammable and combustible liquids shall be an approved automatic closing type without a latch open device.~~
- ~~K. Self service stations shall be equipped with automatic fire extinguishing systems, installed in conformity with nationally recognized good practices and approved by the Fire Marshal.~~
- ~~L. Emergency controls specified in the New York State Uniform Fire Prevention and Building Code shall be installed at a location acceptable to the Fire Marshal, but the controls shall not be more than 50 feet from the dispensers.~~
- ~~M. Self service stations shall be equipped so that the electrical supply to the dispensing units automatically shuts down whenever the fire extinguishing system is employed.~~

Article ~~IV~~ III. Additional Regulations

§ 54-~~2415~~ Enforcement of violations.

A. It shall be sufficient service of a notice and order issued by the Department if a copy thereof is served personally in accordance with the provisions of the Civil Practice Law and Rules, or sent

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by first class mail to either the person's tax mailing address, if the violation relates to a property or building and the owner is the person to be served, or otherwise to the person's last known address, or left with an agent or a person of suitable age and discretion at the place of violation or tax mailing address or last known address.

AB. Violations of this chapter may be referred to the Municipal Code Violations Bureau, wherein violators shall be subject to the penalties set forth in § 13A-11 of the Municipal Code. Referral to the Municipal Code Violations Bureau shall not preclude subsequent referral to City Court of unabated violations or injunctive relief in State Supreme Court, and in said instances the courts shall have concurrent jurisdiction.

BC. Violations of this chapter may also be enforced pursuant to Chapter 52 of the Municipal Code, and violators shall be subject to the penalties set forth in said chapter. The Fire Marshal shall have all of the powers of the Commissioner of Neighborhood and Business Development when acting pursuant to Chapter 52.

D. In the case of an emergency, the Fire Marshal or any officer assigned to the Fire Safety Division and any officer assigned to the Fire Suppression Division shall have the authority to order any building or buildings vacated immediately, The procedures set forth in 52-5A (3) shall apply.

E. Whenever the Fire Marshal or her or his designee has reasonable grounds to believe that work on any premises is being performed in violation of the provisions of the applicable laws, ordinances or regulations, or not in conformity with the provisions of the accepted application, plans or specifications and revisions thereof, or in an unsafe and dangerous manner, or without a required operating permit, the Fire Marshal or her or his designee shall notify the owner of the property or the owner's agent to suspend all work, and any such persons shall forthwith stop work and suspend all related activities until the stop-work has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served either by delivering it personally or by posting it conspicuously where the work is being performed and sending a copy of it by mail to the address set forth in the operating permit application. Violations of stop-work orders may be referred to the Municipal Code Violations Bureau.

F. In the event that changes or additions to the premises are deemed necessary to ensure safety, the Fire Marshal shall immediately report such findings to the Director of the Neighborhood Service Centers and/or the Commissioner of Neighborhood and Business Development.

~~§ 54-25~~ Conflicting provisions.

~~The Fire Prevention Code shall be construed in accordance with the laws of the State of New York and the City of Rochester. In the event of conflict between this code and any other code applicable in the City of Rochester, that provision that provided a greater level of safety to the occupants, users or beneficiaries shall apply.~~

~~§ 54-26~~16 Severability.

~~The provisions of this Fire Prevention Code and the applicability thereof to any persons, property or circumstances shall be construed to be independent and severable, and if any one or more~~

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~~sections, clauses, sentences, provisions, portions or parts of this code, or the applicability thereof to any persons, properties or circumstances, shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof or the applicability thereof to other persons, properties or circumstances, but shall be confined in its operation to the specific provisions so held unconstitutional and invalid and to the persons, properties and circumstances affected thereby.~~ Should any section, paragraph, sentence, clause or phrase in this chapter be declared unconstitutional or invalid for any reason, the remainder of the chapter shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this chapter are declared to be severable.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-207

Re: Agreement – All Pro Catalyst, LLC,
Football Clinic

Council Priority: Support the Creation of
Effective Educational Systems

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for an agreement with All Pro Catalyst, LLC (Westlake Village, California - Roland Williams, CEO, Rochester, NY) for Block University Lineman Football Clinic facilitated by former and current professional football players and coaches. The cost of this agreement will be funded from the 2019-20 Budget of Department of Recreation and Youth Services contingent upon approval.

All Pro Catalyst will provide a full two day football clinic emphasizing the offensive and defensive linemen positions for 150 - 200 Rochester youth ages 13 to 18. They will also provide support and assistance with the Tony Jordan Youth Football Clinic (July 8, 2019) and the Quentin Gause All Star Football Clinic (July 11 & 12, 2019).

All Pro Catalyst was selected for these services based on Roland Williams and his team's experience as professional football players, coaches and trainers. Williams is a Rochester native who has gone on to become a Super Bowl Champion, ESPN and CBS Sports Analyst, Syracuse University graduate and an award-winning Performance Coach. A full justification for not issuing a request for proposals is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-121

Ordinance No. 2019-207
(Int. No. 216)

Authorizing an agreement with All Pro Catalyst, LLC

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 All Pro Catalyst, LLC to provide a Block University Lineman Football Clinic facilitated by former and current professional football players and coaches. The maximum compensation for the agreement shall be \$15,000 and said amount shall be funded from the 2019-20 Budget of the Department of Recreation and Youth Services, contingent upon approval. 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. 2019-208
Re: Agreements – Federal Dept. of Health
and Human Services, Teenage
Pregnancy Prevention Grant

Council Priority: Support the Creation of
Effective Educational Systems

Transmitted herewith for your approval is legislation related to the Teenage Pregnancy Prevention (TPP) program. This legislation will:

1. Authorize an agreement with the U.S. Department of Health and Human Services for the receipt and use of a \$999,999 grant for year five of the Program.
2. Establish maximum compensation of \$389,214 from the grant authorized herein for agreements with the following organizations to provide related services:

Baden Street Settlement of Rochester, Inc. / Metro Council for Teen Potential	\$188,385
The Center for Youth Services, Inc.	57,341
Highland Hospital of Rochester (Family Planning clinical partner)	73,488
Christopher Sweadner (evaluation partner)	70,000

- 3. Authorize an inter-municipal agreement with the Rochester City School District for the City’s delivery of evidence-based curricula in District schools. The term of the agreement will not exceed one year.

An additional \$420,048 is anticipated in the 2019-20 Budgets of the Department of Recreation and Youth Services (\$301,607) and Undistributed Expenses (\$118,441) for staff costs associated with the City’s role as lead agency, including a Grant Specialist and five Grant Support Associates. The remaining \$190,737 will be accounted for in the Teenage Pregnancy Prevention Special Revenue Fund to cover non-personnel costs such as travel, program, office supplies, printing and indirect costs.

The official name of this federal program is the Teenage Pregnancy Prevention Replication of Evidence-Based Programs to Scale in Communities with the Greatest Need (Tier 1B). This will be year five of a five-year grant spanning from July 1, 2015 to June 30, 2020. The program was last approved by City Council in September 2018 via Ordinance No. 2018-312.

The goals of the TPP program are to: (1) successfully plan, develop, and implement TPP to scale using evidence-based curriculum with fidelity; (2) reduce adolescent pregnancy rates; and (3) improve high school graduation rates. The program, locally promoted as THRIVE (Teens Helping to Reinvent Identity, Values and Empowerment), will serve 1,875 youth each year in the remainder of the grant cycle. Services will be provided in areas with the highest teen birth rates (zip codes 14605, 14608, 14611, 14613 and 14621).

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AS-122

Ordinance No. 2019-208
 (Int. No. 217)

Authorizing agreements for the Teenage Pregnancy Prevention Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Health and Human Services (HHS) for the receipt and use of \$999,999 in funding for the operation of the Teenage Pregnancy Prevention Program (Program).

Section 2. The Mayor is hereby authorized to enter into professional services agreements with the following organizations for the following not-to-exceed amounts to provide Program services:

Baden Street Settlement of Rochester, Inc.	\$188,385
The Center for Youth Services, Inc.	57,341
Highland Hospital of Rochester	73,488
Christopher Sweadner	70,000
TOTAL	\$389,214

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Section 3. The Program service agreements shall obligate the City to pay an amount not to exceed \$389,214, and said amount, or so much thereof as may be necessary, is hereby appropriated from the HHS funds to be received under the grant agreement authorized herein. The agreements shall have a term of one year.

Section 4. The sum of \$190,737 is hereby appropriated from the HHS funds to be received under the grant agreement authorized herein to fund non-personnel expenses of the Program.

Section 5. The Mayor is hereby authorized to enter into an intermunicipal agreement with the Rochester City School District for the City's delivery of evidence-based curricula in District schools. The term of the agreement shall not exceed one year.

Section 6. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays – None – 0

Councilmember Spaull abstained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-209
Re: Agreements – New York State
Department of Health, Sexual Risk
Avoidance Education Grant

Council Priority: Support the Creation of
Effective Educational Systems

Transmitted herewith for your approval is legislation related to a new five-year Sexual Risk Avoidance Education (SRAE) Grant program to address unintended teen pregnancy. This legislation will:

1. Authorize an agreement with the New York State Department of Health (NYSDOH) for the receipt and use of \$275,000 for the July 1, 2019 through June 30, 2020 program period.
2. Establish \$134,750 as total maximum compensation for Baden Street Settlement / Metro Council for Teen Potential funded from the grant authorized herein, for a term of one year.

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An additional \$104,580 is anticipated in the 2019-2020 Budgets of the Department of Recreation and Youth Services and Undistributed Expenses, contingent upon approval, for staff costs associated with the City's role as lead agency, including one full-time employee, one part-time employee, and a portion of a supervisor's time. The remaining \$35,670 will be accounted for in the Teenage Pregnancy Prevention Special Revenue Fund to cover non-personnel expenses such as educational supplies, printing, and office supplies, as well as indirect expenses.

The NYSDOH SRAE Grant program is for a five-year term, from July 1, 2019 through June 30, 2024. The goal of the SRAE initiative is to enhance and/or expand prevention programs aimed at delaying the onset of adolescent sexual activity, decreasing the incidence of adolescent pregnancy, and promoting the optimal transition of youth ages 10-13 living in priority communities from middle childhood to adolescence fostering a transition to a healthy, productive, connected young adulthood. The SRAE initiative will support and enhance children and adolescents' social-emotional development and relationships, reduce racial, ethnic, economic and geographic health disparities while promoting health equity within the selected populations and communities.

The program will be locally promoted as RISE and will serve a total of 300 unduplicated youth and their caregivers each year.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-123

Ordinance No. 2019-209
(Int. No. 239)

Appropriating funds and authorizing agreements for the Sexual Risk Avoidance Education Grant and Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Health (NYSDOH) for the receipt and use of \$275,000 in grant funding for the operation of the Sexual Risk Avoidance Education Program (Program) for the July 1, 2019 through June 30, 2020 Program period.

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with Baden Street Settlement of Rochester, Inc. (Metro Council for Teen Potential) to provide services for the Program. The maximum amount of the agreement shall be \$134,750 and the term of the agreement shall be for one year.

Section 3. The amount of said agreement, or so much thereof as may be necessary, shall be funded from the sum appropriated in Section 1.

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Section 4. Funds from the grant agreement in the amount of \$35,670 are hereby appropriated to the Teenage Pregnancy Special Revenue Fund to pay for non-personnel and indirect expenses relating to the Program.

Section 5. The grant agreement and professional services agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Lightfoot moved to discharge Int. No. 218 from committee.

The motion was seconded by Councilmember Harris

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:

Ordinance No. 2019-210

Re: Summer Food Service Program

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of Education for the receipt and use of \$296,510 in anticipated reimbursements for the 2019 Summer Food Service Program (SFSP). The grant funds were anticipated and included in the proposed 2019-20 Budget of the Department of Recreation and Youth Services (DRYS), contingent upon approval of said budget. The funds will be used for the procurement and delivery of meals, the salaries of City summer staff consisting of one coordinator, two monitors, and a clerk; refuse pickup; mileage; outreach; and supplies. The food service provider contract was awarded to the lowest bidder through the public bidding process as approved by the funder.

SFSP provides free breakfast and lunch to city children aged 18 and under and to disabled persons over 18 who are enrolled in a school year program for children with disabilities. The program is administered

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by the City and reimbursed by the State Education Department, using federal funding. The federal reimbursement rates and projected numbers of meals for this year are as follows:

	<u>Meals</u>	<u>Rate per Meal</u>	<u>Reimbursement</u>
Breakfast	40,000	\$2.255	\$ 90,200
Lunch	<u>52,000</u>	\$3.9675	<u>206,310</u>
	92,000		\$296,510

This year the program will operate from July 1 to August 30 and meals will be served at R-Centers, churches, and not-for-profit youth-serving agencies. Last year’s site list is attached and in 2018, the City of Rochester served 89,931 meals. The District and Foodlink Inc., along with several local agencies, also operate summer food service programs in the Rochester community. As a whole, Rochester-area providers served 338,247 meals in 2018 with the large majority of the meals being served by the District at school-based summer learning programs.

The City continues to collaborate with the District, Foodlink Inc., the Rochester Area Community Foundation, Common Ground Health, and Causewave to promote the program to youth and parents, identify potential new sites, and implement best practices and innovative strategies to increase the number of meals served each year.

The 2018 program was authorized via City Council Ordinance No. 2018-147.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-124

Ordinance No. 2019-210
(Int. No. 218, as amended)

Authorizing ~~an~~ agreements for the receipt and use of funds for the 2019 Summer Food Service Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Education (NYSDOE) for the receipt and use of anticipated reimbursements in the amount of \$296,510 for the 2019 Summer Food Service Program (SFSP). Said amount shall be allocated to the 2019-20 Budget of the Department of Recreation and Youth Services and appropriated for the SFSP, contingent upon adoption of said Budget.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District for the preparation and delivery of meals for the Program at a portion of the Program sites known as community sites, contingent upon receipt of the anticipated funding pursuant to Section 1. The agreement shall obligate the City to pay an amount based on the unit cost of the meals and not to exceed \$120,000, which shall be funded from the money appropriated in Section 1.

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Section 3. The term of both agreements shall be one year.

Section ~~2~~ 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section ~~3~~ 5. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

Ayes – President Scott, Councilmembers Clifford, Evans, Lightfoot, Harris, Patterson – 6

Nays – Councilmember Ortiz – 1

Councilmembers Gruber and Spauld abstained due to a professional relationship.

By Councilmember Spauld
June 18, 2019

To the Council:

The **ARTS AND CULTURE COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

Int. No. 219 Authorizing an agreement for the 2019 KeyBank Rochester Fringe Festival

Int. No. 220 Authorizing an agreement for the Roc Holiday Village event

Int. No. 221 Authorizing an agreement with the Rochester Philharmonic Orchestra, Inc. for public music performances

Int. No. 222 Authorizing an agreement with Puerto Rican Festival, Inc.

Respectfully submitted,

Elaine M. Spauld
Molly Clifford
Michael A. Patterson
Willie J. Lightfoot
Loretta C. Scott

ARTS AND CULTURE COMMITTEE

June 18, 2019

Received, filed and published

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-211
Re: Agreement – Rochester Fringe Festival,
Inc., 2019 KeyBank Rochester Fringe
Festival

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum compensation for an agreement with the Rochester Fringe Festival, Inc. (President: Erica Fee) to provide free, family-friendly programming throughout the event. The cost of the agreement will be funded from the 2019-20 Budget of Communications, contingent on its approval, and the term will be for one year.

The 2019 KeyBank Rochester Fringe Festival (Fringe) brings together venues, performers and artists to engage diverse audiences through an innovative, entertaining and thought-provoking annual multi-arts festival in Rochester. The festival includes theatre, comedy, family entertainment, music, dance, physical theatre, street theatre, musical theatre, opera, and the spoken word.

The 2019 Fringe will be held September 10 to 21 and includes 500 shows in more than 20 downtown venues, as well as free, outdoor entertainment. The City funds appropriated herein will help to defray the costs of a variety of free, family-friendly performances and festival space as follows:

- “Friday and Saturday on the Fringe”- Two large-scale performances by a world-renowned spectacle theatre company, to be held at Parcel 5 (of the former Midtown site) on September 10 and 11.
- “Fringe Street Beat”- A popular urban dance / hip hop dance / breakdance event, drawing participants from within the City of Rochester and throughout the Northeastern US and Canada.
- Two days of free events on Gibbs Street, including music, dance, and participatory chalk art.
- Free, outdoor films in the Spiegelgarden, located on the corner of Main and Gibbs Streets.
- Approximately 150 other free shows in various venues.

An agreement for \$37,500 was executed in June last year via Council Ordinance 2018-215. Since its debut in 2012, the Fringe has put Rochester on the map by becoming one of the top three most highly attended fringe festivals in the US, and one of Rochester’s fastest-growing events, attracting more than 78,000 attendees to more than 500 performances in 2018. Now in its eighth year, the Fringe continues to uniquely celebrate Rochester’s rich multi-arts culture. Its presence enhances the city’s reputation as a respected destination for the arts, joining the ranks of 300 other world-class cities with fringe festivals, such as New York City, Philadelphia, Toronto, Chicago, and Edinburgh, Scotland.

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

Respectfully submitted,
Lovely A. Warren

June 18, 2019

Mayor

Attachment No. AS-125

Ordinance No. 2019-211
(Int. No. 219)

Authorizing an agreement for the 2019 KeyBank Rochester Fringe Festival

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Rochester Fringe Festival, Inc. to provide programming for the 2019 KeyBank Rochester Fringe Festival. The maximum compensation for the agreement shall be \$40,000 and said amount or so much thereof as may be necessary, shall be funded from the 2019-20 Budget of the Bureau of Communications, contingent upon approval. 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. 2019-212
Re: Agreement – Jolly Roc, LLC– Roc
Holiday Village event

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with Jolly Roc, LLC (principals: Jenna Knauf, Kelli Marsh, Sean McCarthy) for the 2019 Roc Holiday Village event. The cost of the agreement will be funded from the 2019-20 Budget of Communications, contingent upon its approval. The term of the agreement will be one year.

This will be the second year of the Roc Holiday Village. It began in 2018 with the goal of capturing the nostalgia many of us remember from holiday seasons past in Downtown Rochester and turn it into a new

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experience of holiday shopping, programming, and activities for Rochesterians in the heart of our city during the winter season. In its inaugural year, Roc Holiday Village attracted more than 100,000 visitors to the heart of downtown Rochester. More than 52,700 of those visitors enjoyed free ice skating and skate rentals at the ice rink in December, compared to only 5,800 the year prior without the village. More than 4,000 children took advantage of the free crafts in the heated tents, and Santa's helpers averaged 1 photo per minute each minute the village was open.

Similarly to 2018, the 2019 Roc Holiday Village will transform Dr. Martin Luther King, Jr. Park into a holiday shopping and entertainment destination complex that will feature a wide range of activities, including large, indoor tents that will house a magical "Santaland," alternating pop-up restaurants, holiday performances and local merchants, holiday craft classes, and more. Admission to the Village will be free. Sustained sponsorships from other community partners will allow for the continuation of free ice skating and skate rentals.

Roc Holiday Village's grand opening will coincide with the City's popular Liberty Pole Lighting event. The Village will be operate Fridays, Saturdays, and Sundays from 12/6-12/29, with an extra day of fun for the weekend before Christmas on Thursday, December 19 and an extra weekend after Christmas. Also new in 2019, the Village will reopen on New Year's Eve, collaborating on a new event with the City's Office of Special Events, to provide the community with a new, unique venue to ring in the New Year.

In addition to the sponsorship, the City will also provide infrastructure support at the park, including port a johns, assistance with electrical needs, and equipment rentals.

A previous agreement for \$20,000 was authorized by Ord. No. 2018-283 in August 2018.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-126

Ordinance No. 2019-212
(Int. No. 220)

Authorizing an agreement for the Roc Holiday Village event

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 Jolly Roc, LLC for the Roc Holiday Village event. The maximum compensation for the agreement shall be \$25,000 and said amount, or so much thereof as may be necessary, shall be funded from the 2019-20 Budget of the Bureau of Communications, contingent upon approval. 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.

June 18, 2019

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-213

Re: Agreement – Rochester Philharmonic
Orchestra, Music Performances

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$70,000 as maximum compensation for an agreement with the Rochester Philharmonic Orchestra (RPO), Rochester, New York, for music performances. The term of the agreement is one year, and cost of the agreement will be funded from the 2019-20 Budget of Communications, contingent upon its approval.

The RPO will provide seven free concerts. One full orchestra concert will be dedicated to youth from the R-Centers and take place inside a theatre, allowing for the young attendees to experience the RPO in a more formal, traditional setting. The other six free concerts will be part of the “Around the Town” concert series that will bring the orchestra directly into city neighborhoods. Two will take place in R-Centers through the coordination of the Department of Recreation and Youth Services. Four additional ensemble concerts, featuring different musical offerings like brass, marimba, jazz, and strings, for example, will be scheduled outdoors on Tuesday nights in July; one in each quadrant throughout the city. All of these concerts will be free of charge.

A similar agreement for the same amount of funding was authorized by Ord. No. 2018-214 in June 2018.

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-127

Ordinance No. 2019-213
(Int. No. 221)

Authorizing an agreement with the Rochester Philharmonic Orchestra, Inc. for public music performances

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

June 18, 2019

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Philharmonic Orchestra, Inc. for public music performances. The maximum compensation for the agreement shall be \$70,000 and said amount, or so much thereof as may be necessary, shall be funded from the 2019-20 Budget of the Bureau of Communications, contingent upon approval. 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. 2019-214

Re: Agreement - Puerto Rican Festival, Inc.

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum compensation for an agreement with Puerto Rican Festival, Inc., (President: Orlando Ortiz) Rochester, for the 2019 Puerto Rican Festival. The cost of the agreement will be funded from the 2019-20 Budget of Communications, contingent upon its approval. The term will be for one year.

The Puerto Rican Festival, Inc. sponsors a variety of events year-around, which serve to share and celebrate Puerto Rican culture. The largest of these events is the Puerto Rican Festival, the longest-running cultural festival in Monroe County.

This year, the festival will celebrate its 50th anniversary on July 28-30 at the Frontier Field VIP Parking Lot. Each year, this well-established event draws than 21,000 people of all cultures and ethnic backgrounds. The City's sponsorship will support free admission for the first two hours on both Friday and Saturday, as well as several free activities during the festival. It provides free children's activities, a boxing exhibition, free youth participation and performance showcase, and a free agency fair on Saturday. Entry to the festival is also free to anyone participating in the Puerto Rican Parade.

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

A previous agreement for the same amount was authorized by Ord. No. 2018-216 in June 2018.

Respectfully submitted,
Lovely A. Warren

June 18, 2019

Mayor

Attachment No. AS-128

Ordinance No. 2019-214
(Int. No. 222)

Authorizing an agreement with Puerto Rican Festival, Inc.

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Puerto Rican Festival, Inc. for the 2019 Puerto Rican Festival. The maximum compensation for the agreement shall be \$40,000 and said amount, or so much thereof as may be necessary, shall be funded from the 2019-20 Budget of the Bureau of Communications, contingent upon approval. 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.

By President Scott
June 18, 2019

To the Council:

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

Int. No. 223 Resolution confirming the appointment of the Chief of Police

Int. No. 238 Local Law, entitled "Our Children, Our Future", amending the City Charter with regard to Commissioners of Schools, **as amended**

Respectfully submitted,

June 18, 2019

Molly Clifford
Malik Evans
Mitch Gruber
LaShay D. Harris (*Abstained against Int. No. 238*)
Jacklyn Ortiz
Michael A. Patterson
Elaine Spaul
Willie J. Lightfoot
Loretta C. Scott
COMMITTEE OF THE WHOLE

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2019-9
Re: Confirmation of Chief, Rochester
Police Department

Transmitted herewith for your approval is legislation confirming, as required by the City Charter, the appointment of La’Ron D. Singletary as Chief, Rochester Police Department.

La’Ron D. Singletary’s resume is on file in the City Clerk’s Office.

Respectfully submitted,
Lovely A. Warren
Mayor

Resolution No. 2019-9
(Int. No. 223)

Resolution confirming the appointment of the Chief of Police

WHEREAS, the Mayor has appointed La’Ron D. Singletary to the position of Chief of Police, subject to confirmation by the City Council, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Rochester hereby confirms the appointment of La’Ron D. Singletary as Chief of Police.

This resolution shall take effect immediately.

Adopted unanimously.

June 18, 2019

TO THE COUNCIL

Ladies and Gentlemen:

Local Law No. 4
Re: Amending the City Charter regarding
the Commissioners of Schools and
Salaries of School Board Members

Transmitted herewith for your approval is legislation amending the City Charter to remove language referencing the Commissioners of Schools and salaries of School Board Members.

Chronic dysfunction and substandard student performance levels have caused the New York State Education Department to investigate the governance of the Rochester City School District.

On November 14, 2018, Dr. Jaime Aquino issued the Distinguished Educator's Report, which details 106 findings and 84 recommendations necessary to support and advance district improvements for the Board of Education and District to provide equitable access to high-quality education for all students.

Prompted by the release of the Distinguished Educator's Report, throughout the month of December 2018, Mayor Lovely Warren hosted a series of forums to discuss the opportunities and challenges facing Rochester's schools. The goal was to identify areas for future community partnerships that will promote our children's success and learning. Hundreds of parents, students and community members took the time to come together and emphasize the urgency of confronting the challenges in our schools. In doing so, they recognized that so much of one's future life experiences—from health to wellbeing to income—depends on the acquisition of a quality education.

Based on the conclusions of the Distinguished Educator's Report and the feedback received during the public forums, it is the intent of the City to ask its citizens, by the affirmative vote of its electors, to determine if removal of the Board of Commissioners of the City School District for a period of not less than five (5) years to allow the State Commissioner of Education to institute necessary processes and procedures would provide a better educational outcome for our City students.

Therefore, amendments to the City Charter are necessary to allow the State Commissioner of Education to institute necessary processes and procedures in furtherance of better educational opportunities for our City students.

Respectfully submitted,
Lovely A. Warren
Mayor

Loretta C. Scott
City Council President

Local Law No. 4
(Int. No. 238, as amended)

Local Law, entitled “Our Children, Our Future,” amending the City Charter with regard to Commissioners of Schools

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 modifying Section 2-1 to read as follows:

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The electors of the City shall elect the Mayor, five Council-members-at-large, ~~the Commissioners of Schools~~ and the Judges of the City Court. The electors of each City district shall elect one District Councilmember.

Section 2. Chapter 755 of the Laws of 1907, entitled “An Act Constituting the Charter of the City of Rochester”, as amended, is hereby further amended by modifying Section 2-8 to read as follows:

The term of each elective officer commences on the first day of January succeeding his or her election, ~~and the term of office of Commissioners of Schools is four years.~~

Section 3. 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 deleting Section 2-13, Salaries of School Board members, in its entirety.

Section 4. The Charter amendments provided for herein shall remain in effect for a period of not less than five (5) years.

~~Section 4.5.~~ This Local Law shall be submitted for the approval of the electors of the City of Rochester 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 and the enactment of appropriate enabling amendments to the Education Law.

Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

Ayes – President Scott, Councilmembers Evans, Gruber, Lightfoot, Patterson -5

Nays – Councilmembers Clifford, Ortiz, Spaul -3

Councilmember Harris abstained due to a professional relationship

The meeting was adjourned at 8:11 p.m.

HAZEL L. WASHINGTON
City Clerk