

ROCHESTER CITY COUNCIL

REGULAR MEETING

August 20, 2019

Present –Councilmembers Clifford, Evans, Gruber, Harris, Lightfoot, Ortiz, Patterson, Spaul – 8.

Absent – President Scott – 1

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

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

Special Recognition

Darius Dillard
Nate Williams

Retirement:

DES:

*Michael Ann Flynn

ECD:

*Sharon M. Alati
*William D. Evans, Jr.
*Richard P. Michelsen

FIN:

*Ava R. Ludwig

RPD:

*Michael R. Eaton
Scott Peters
*Timothy Wright

**Not attending meeting*

APPROVAL OF THE MINUTES

By Councilmember Gruber

RESOLVED, that the minutes of the Regular Meeting on July 23, 2019 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

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

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The Mayor submits the following:

- Quarterly Report – Loans and Grants – August 2019 – 4311-19
- Quarterly Report – Professional Service Agreement – June 2019 – 4312-19

The Council submits Disclosure of Interest Forms from Councilmember Gruber and Councilmember Spaul on Int. No. 303.

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

Councilmember Patterson presented 805 signatures opposing the Planned Development District No. 21 - The Vistas at Highland. – Petition No. 1764

THE COUNCIL PRESIDENT --- RECEIVED AND FILED.

PUBLIC HEARINGS.

Pursuant to law, public hearings were held on August 15, 2019 on the following matters:

Amending the Zoning Code by adding Planned Development District No. 21 – The Vistas at Highland
Int. No. 282
36 Speakers

Amending the Zoning Map by changing the zoning classification of 1100-1120 South Goodman Street to
Planned Development District No. 21 – The Vistas at Highland Int. No. 283
8 Speakers

Amending the Official Map to dedicate additional right-of-way as Phil Banks Way Int. No. 293
No Speakers

**REPORTS OF STANDING COMMITTEES
AND ACTION THEREON**

By Councilmember Evans
August 20, 2019

To the Council:

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

- Int. No. 273 Authorizing a master license agreement with FirstLight Fiber
- Int. No. 274 Cancellation of erroneous taxes and charges
- Int. No. 275 Authorizing an amendatory agreement with Collaborative Solutions, LLC
- Int. No. 276 Authorizing agreements and funding for the Financial Empowerment Centers Initiative

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- Int. No. 277 Authorizing an amendatory agreement with SourceLink
- Int. No. 278 Amending the 2019-20 Budget for the receipt of New York State Extreme Winter Recovery highway funding
- Int. No. 303 Authorizing Councilmember designations for agreements to support various community programs and services
- Int. No. 304 Authorizing an agreement for racial equity training

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-245
Re: Master License Agreement- TVC Albany,
Inc., d/b/a FirstLight Fiber

Transmitted herewith for your approval is legislation authorizing a master license agreement with TVC Albany, Inc., d/b/a FirstLight Fiber (Kurt VanWagenen, CEO) Albany, NY, a telecommunications company that desires to install a fiber based communications network in the City of Rochester right-of-way. FirstLight installs fiber optic cable and provides related telecommunications facilities and services primarily in the Northeast. The terms of the master license agreement will be consistent with the Telecommunications Code of the City of Rochester, Ordinance No. 2019-34, adopted on February 29, 2019, which established the process and standards for master license agreements for telecommunications providers. In accordance with the Telecommunications Code, the master license agreement will include a term of ten years with two five year renewals, a compensation schedule as set forth in Article IV of Code Chapter 106, requirements for insurance, security, and specific references to and inclusion of requirements of Chapter 106, as well as the Rules and Regulations for Work in the Right-of-Way, as adopted by the City Engineer pursuant to Chapter 106.

Although the size and extent of FirstLight's fiber network and the compensation to be paid is not known at this time, as the facilities may be installed over a period of time dependent on FirstLight's customer needs, all fiber and other related facilities will be subject to individual permit approval before installation and the compensation paid to the City will be determined by the amount of facilities in the right-of-way as set forth in Code section 106-15.

Respectfully submitted,
Lovely A. Warren
Mayor

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Ordinance No. 2019-245
(Int. No. 273)

Authorizing a master license agreement with FirstLight Fiber

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

Section 1. The Mayor is hereby authorized to enter into a master license agreement with TVC Albany, Inc. d/b/a FirstLight Fiber for the installation of a fiber based communications network in the City of Rochester right-of-way. The term of the master license agreement shall be ten years, with the option to extend for up to two additional five year renewal terms.

Section 2. The master license agreement shall be consistent with the provisions and requirements of Chapter 106 of the Municipal Code, Telecommunications in the Right-of-Way.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-246
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 \$44,080.66.

For the property located at 1252 E. Main Street, demolition costs were invoiced or added to tax on August 1, 2017 to a prior owner of the property located at 1252 E. Main Street. On 9/18/2017 the property transferred to a new owner. The outstanding demolition charge was added to the property tax bill in accordance with City Code Section 47A-16(F) and City Charter Section 6-94. Notwithstanding the removal of this tax lien, the demolition costs remain a "personal liability" of the prior owner of the property under City Code Section 47A-16(F).

In 2012 the water account for 149 Atkinson Street was inadvertently assigned to 157 Atkinson Street. It was later discovered that 157 Atkinson Street had two water accounts assigned to it; #01116600 01 and #012188 01, the latter being the correct account for 147 Atkinson Street. As a result, the delinquent water charges for 147 Street were added to tax for 157 Atkinson Street.

The properties located at 500 E. Main Street and 163 Scio Street are owned by a not for profit corporation and they are being leased. The Board of Assessment Review granted a 50% tax exemption on the property. Due to a clerical error, the tax exemption was not entered into the assessment system correctly and thus, not reflected on the 2019-20 tax roll.

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If these cancellations are approved, total cancellations thus far for 2019-20 will be as follows:

	<u>Accounts</u>	
City Council	4	\$44,080.66
Administrative	<u>0</u>	<u>\$0.00</u>
Total	4	\$44,080.66

These cancellations represent 0.0169% of the tax receivables as of July 1, 2019.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-147

Ordinance No. 2019-246
(Int. No. 274)

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.

- (A) The demolition costs for the property located at 1252 E. Main Street were invoiced or added to tax on August 1, 2017 to a prior owner. On 9/18/2017 the property transferred to a new owner. The outstanding demolition charge was added to the property tax bill in accordance with City Code Section 47A-16(F) and City Charter Section 6-94. Notwithstanding the removal of this tax lien, the demolition costs remain a personal liability of the prior owner of the property under City Code Section 47A-16(F).

S.B.L. #	Class	Address	Tax Year	Cancelled Amount	Subtotal
107.69-1-899	H	1252 E. Main Street	2019	\$40,004.34	\$40,004.34

- (B) In 2012 the water account for 149 Atkinson Street was inadvertently assigned to 157 Atkinson Street. It was later discovered that 157 Atkinson Street had two water accounts assigned to it; #01116600 01 and #012188 01, the latter being the correct account for 147 Atkinson Street. As a result, the delinquent water charges for 147 Street were added to tax for 157 Atkinson Street incorrectly.

S.B.L. #	Class	Address	Tax Year	Cancelled Amount	Subtotal
121.37-1-20.1	H	157 Atkinson Street	2014	\$138.04	\$138.04
			2015	\$237.40	\$237.40
			2016	\$177.04	\$177.04
			2017	\$150.44	\$150.44
			2018	\$164.02	\$164.02
			2019	\$171.11	\$171.11

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- (C) The property located at 500 E. Main Street is owned by a not for profit corporation and is being leased. The Board of Assessment Review granted a 50% tax exemption on the property. Due to a clerical error, the tax exemption was not entered into the assessment system correctly and thus, not reflected on the 2019-20 tax roll.

S.B.L. #	Class	Address	Tax Year	Cancelled Amount	Subtotal
106.81-1-27	N	500 E. Main Street	2020	\$1,775.62	\$1,775.62

- (D) The property located at 163 Scio Street is owned by a not for profit corporation and is being leased. The Board of Assessment Review granted a 50% tax exemption on the property. Due to a clerical error, the tax exemption was not entered into the assessment system correctly and thus, not reflected on the 2019-20 tax roll.

S.B.L. #	Class	Address	Tax Year	Cancelled Amount	Subtotal
106.81-1-32	N	163 Scio Street	2020	\$1,262.65	\$1,262.65

GRAND TOTAL \$44,080.66

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-247
Re: Amendatory Agreement – Collaborative Solutions, LLC; Optimization Support for Workday Payroll / Personnel System

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Collaborative Solutions, LLC, (Carroll Ross, CEO) Reston, Virginia, to provide ongoing optimization support for Workday, the City's payroll and personnel software solution. The original agreement was authorized by Ordinance No. 2018-223 for a term of one year and maximum compensation of \$200,000. The proposed amendatory agreement will extend the term for one additional year, with an option for two one-year renewals not to exceed \$100,000 per year. The initial one year extension will be paid for by remaining funds appropriated in ordinance 2018-223; the one-year renewal options will be funded by 2020-21 and 2021-22 Cash Capital, respectively, contingent upon approval of said budgets.

The City implemented Workday in February 2018 and entered into a professional service agreement with Collaborative Solutions, LLC in September 2018 to provide post go-live production support of the Workday system. This amendatory agreement will allow for on-going optimization support of the Workday system to include business process analysis and configuration, feature enhancements, product

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troubleshooting, product configuration, integration, data migration, reporting and analytics, quality assurance, testing, and security protocols.

Collaborative Solutions, LLC was selected via a request for proposals (RFP) process in 2018. They have been selected to continue to provide these services because of their firsthand knowledge of the City's Workday configuration and because of the current ongoing support they are providing in the optimization of the City's Workday system.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-247
(Int. No. 275)

Authorizing an amendatory agreement with Collaborative Solutions, LLC

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 Collaborative Solutions, LLC to provide ongoing optimization support for Workday, the City's payroll and personnel software solution. The amendatory agreement shall extend the term of the agreement authorized by Ordinance No. 2018-223 for a term of one year, with two one-year renewal options. The maximum annual compensation for the agreement shall be \$100,000, and said amount shall be funded for the first year by the remaining funds appropriated in Ordinance No. 2018-223, and subsequent years, if opted for, shall be funded by 2020-21 and 2021-22 Cash Capital, 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. 2019-248
Re: Rochester Financial Empowerment
Centers Initiative

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation related to the Rochester Financial Empowerment Centers Initiative This legislation will:

1. Establish \$400,000 as maximum annual compensation for an agreement with Consumer Credit Counseling Services of Rochester, Inc (Jason Tracey, CEO), headquartered in Rochester, NY, to serve as the primary counseling provider for the Rochester Financial Empowerment Centers (FEC) initiative. The term of the agreement will be one (1) year, with the option to renew for two

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(2) additional one-year terms. The cost of the agreement will be funded from the 2019-2020 Budget of the Office of the Mayor. Consumer Credit Counseling Services of Rochester, Inc. was selected through a request for proposal process described in the attached summary.

2. Authorize an agreement with the Cities for Financial Empowerment Fund, Inc. (Jonathan Mintz, CEO), headquartered in New York, NY, for the receipt and use of \$150,000 for implementation of the Financial Empowerment Centers initiative, and amend the 2019-20 Budget of the Office of the Mayor to reflect the grant amount.
3. Authorize an agreement with the Rochester Economic Development Corporation (Baye' Muhammad, CEO), headquartered in Rochester, NY, for the receipt and use of \$25,000 for implementation of the Financial Empowerment Centers Initiative, and amend the 2019-20 Budget of the Office of the Mayor to reflect the funding.

The Rochester Financial Empowerment Centers Initiative will offer free, professional, one-on-one financial counseling as a public service to Rochester residents without qualification. Highly-trained financial counselors will work with clients to drive positive financial outcomes related to banking access, savings and asset building, access to safe and affordable credit, and debt reduction. Counselors will be strategically located onsite with a variety of community partner organizations in order to integrate the counseling services within the existing social service ecosystem.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-148

Ordinance No. 2019-248
(Int. No. 276)

Authorizing agreements and funding for the Financial Empowerment Centers Initiative

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Consumer Credit Counseling Service of Rochester, Inc. to provide counseling services for the Financial Empowerment Centers Initiative (the Initiative). The term of the agreement shall be 1 year with the option to renew for up to two additional terms of 1 year each. The maximum annual compensation for the agreement shall be \$400,000. The compensation for the first year shall be funded from the 2019-20 Budget of the Office of Mayor. The compensation for the second and third years, if any, shall be funded from subsequent years' Budgets of the Office of Mayor contingent upon approval of said budgets.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Cities for Financial Empowerment Fund, Inc. for the receipt and use of \$150,000 in funding to implement the Initiative.

Section 3. The Mayor is hereby authorized to enter into an agreement with the Rochester Economic Development Corporation for the receipt and use of \$25,000 in funding to implement the Initiative.

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Section 4. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Mayor's Office by \$175,000 to reflect the receipt of the funds authorized in Sections 2 and 3 herein.

Section 5. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-249

Re: Amendment to Ordinance No. 2019-146
Authorizing an agreement with SourceLink

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation amending Ordinance No. 2019-146 which authorized an agreement with SourceLink to implement proprietary software solutions that will create greater connectivity among entrepreneur-serving organizations in the Rochester community. SourceLink has indicated that it typically operates under three (3) year agreements with clients to ensure that there is sufficient time dedicated to build a sustainable and effective entrepreneurial ecosystem.

This amendment will change the maximum term of the agreement with SourceLink from one (1) to three (3) years. All other terms and conditions will remain the same, including the maximum compensation of \$25,000.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-249
(Int. No. 277)

Authorizing an amendatory 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 an amendatory professional services agreement with SourceLink to implement proprietary software solutions for entrepreneur-serving organizations in the Rochester community. The amendment shall increase the term of the agreement originally authorized in Ordinance No. 2019-146 to three years. All other terms and conditions will remain the same, including the maximum compensation.

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

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Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-250

Re: 2019-20 Budget Amendment – NYS
Extreme Winter Recovery

Council Priority: Deficit Reduction and Long Term Financial Stability

Transmitted herewith for your approval is legislation amending the 2019-20 Budget for Cash Capital to reflect receipt of additional Consolidated Local Street and Highway Improvement Program (CHIPS) revenues from New York State in the amount of \$535,000. At the time the proposed 2019-20 budget was approved by City Council, the Extreme Winter Recovery portion of the CHIPS program was left out of the enacted state budget. This funding was subsequently restored in the June supplemental capital budget.

This funding helps local governments cover the costs of needed road and bridge maintenance and repair after difficult winters and fluctuating weather patterns. The funds will be used to reinvest in the care and maintenance of the City's road and bridge infrastructure. The City would like to thank Assemblyman David Gantt for his successful efforts in having this funding restored.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-250
(Int. No. 278)

Amending the 2019-20 Budget for the receipt of New York State Extreme Winter Recovery highway funding

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

Section 1. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by appropriating revenues in the amount of \$535,000 to the Budget for Cash Capital from the Extreme Winter Recovery portion of New York State's Consolidated Local Street and Highway Improvement Program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

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TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-251
Re: Agreements - Councilmember
Designations

Transmitted herewith for your approval is legislation relating to City Councilmember designations for various community programs and neighborhood groups. This legislation will authorize agreements totaling \$17,950 with the following agencies:

Agency	Amount:
19th Ward Community Association of Rochester New York, Incorporated	\$2,500
Action for a Better Community, Inc.	\$1,000
Baden Street Settlement of Rochester, Inc.	\$3,000
The Center for Youth Services, Inc.	\$500
Charles Settlement House, Inc.	\$2,250
Ibero-American Action League, Inc.	\$4,200
Ibero-American Development Corporation	\$1,000
North East Area Development Inc.	\$3,000
Rochester Youth Sports Foundation	\$500
	<hr/>
	\$17,950

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

The distribution of the funds within the agreements are as follows:

Agency	Pass-through to:	Amount:
19th Ward Community Association of Rochester New York, Inc.	Westside Farmer's Market	\$1,500
	Square Fair	\$1,000
	Total	<hr/> \$2,500
Action for A Better Community, Inc.	Clarissa Street Festival	\$1,000
Baden Street Settlement - Rochester, Inc.	Supplemental Education Services	\$2,500
	Annual Hanover Reunion - Picnic	\$500
	Total	<hr/> \$3,000

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Center for Youth Services, Inc.	ROC City 48	\$500
Charles Settlement House	Edgerton Area Neighborhood Association	\$1,000
	Westside Neighborhood Association	\$500
	CHNA/JOSANA	\$750
	Total	\$2,250
Ibero-American Action League, Inc.	LAPS Program	\$3,800
	Rochester Latino Theater Company	\$400
	Total	\$4,200
Ibero-American Development Corp.	FLRT Block Club	\$500
	Hope Community Neighborhood Group	\$500
	Total	\$1,000
North East Area Development, Inc.	Alphonse Bernard Neighborhood Group	\$350
	GP4H	\$350
	Keeler Park Tenant Association	\$200
	Hudson Ridge Tower Resident Council	\$300
	Seneca Tower/Seth Green Park Tenant Association	\$300
	Hanover Reunion Committee - Dance	\$500
	Unity NE Block Association	\$500
	Day of Life Summer Camp	\$500
	Total	\$3,000
Rochester Youth Sports Foundation	Gus Macker 3 on 3 Tournament	\$500
	Grand Total:	\$17,950

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

Respectfully submitted,
Loretta C. Scott
President

Willie J. Lightfoot
Vice President

Ordinance No. 2019-251
(Int. No. 303)

Authorizing Councilmember designations for agreements to support various community programs and services

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

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

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Agency	Amount:
19th Ward Community Association of Rochester New York, Incorporated	\$2,500
Action for a Better Community, Inc.	\$1,000
Baden Street Settlement of Rochester, Inc.	\$3,000
The Center for Youth Services, Inc.	\$500
Charles Settlement House, Inc.	\$2,250
Ibero-American Action League, Inc.	\$4,200
Ibero-American Development Corporation	\$1,000
North East Area Development, Inc.	\$3,000
Rochester Youth Sports Foundation	\$500
	<hr/>
	\$17,950

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

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-252
Re: Agreement – St. Joseph’s Neighborhood
Center’s Racial Equity and Justice
Initiative

Transmitted herewith for your approval is legislation establishing \$16,600 as maximum compensation for an agreement with St. Joseph’s Neighborhood Center for racial equity training services. This training will be offered to 83 city employees across twelve departments at a rate of \$200 per participant. The course is 18 months with a start date of September, 2019. The cost of this agreement will be funded from the 2019-20 Budget for Undistributed Expense. The term of the agreement will be two (2) years.

The City of Rochester developed a project charter that provides the framework to implement specific strategies to advance racial equity through smart policy decisions, strong civic engagement, and accurate and complete portrayals of People of Color in our community. The Charter was signed by the Mayor, City Council, and the Greater Rochester Chamber of Commerce. St Joseph’s Neighborhood Center’s Racial Equity and Justice Initiative will provide the City change teams with the tools and training to guide change within departments and develop internal capacity to drive change at all levels of the City.

St. Joseph’s Neighborhood Center’s Racial Equity and Justice Initiative was selected for these services based on them being sanctioned by Governor Cuomo to be the racial equity training arm of the Rochester-Monroe Anti-Poverty Initiative. This allows for alignment with RMAPI’s collective impact model as well as their guiding principles. A full justification for not issuing a request for proposals is attached.

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Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-149

Ordinance No. 2019-252
(Int. No. 304)

Authorizing an agreement for racial equity training

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with St. Joseph's Neighborhood Center, Inc. in the maximum amount of \$16,600 to provide racial equity training services in support of the Let's Get REAL - Race, Equity and Leadership project. The cost of the agreement shall be funded from the 2019-20 Budget for Undistributed Expense and the term of the agreement shall be 2 years.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Patterson
August 20, 2019

To the Council:

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

- Int. No. 279 Authorizing the sale of real estate
- Int. No. 280 Authorizing a lease agreement for the Court Street Parking Garage
- Int. No. 281 Authorizing a license agreement with St. Mark's and St. John's Episcopal Church for the use of City properties as community gardens

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

- Int. No. 282 Amending the Zoning Code by adding Planned Development District No. 21 – The Vistas at Highland
- Int. No. 283 Amending the Zoning Map by changing the zoning classification of 1100-1120 South Goodman Street to Planned Development District No. 21 – The Vistas at Highland

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-253
Re: Sale of Real Estate

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

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

The first two properties are vacant lots sold to adjoining owners for additional green space.

The remaining four properties are unbuildable vacant lots, being sold for \$1.00 (as per City policy) to the adjacent owners who will combine the lots with their existing properties for additional green space/garden usage.

The first year projected tax revenue for these six properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$1,004.

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-150

Ordinance No. 2019-253
(Int. No. 279)

Authorizing the sale of real estate

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

August 20, 2019

Section 1. The Council hereby approves of the negotiated sale of the following parcels of vacant land:

Address	SBL#	Lot Size	Sq. Ft.	Price	Purchaser
30 Myrtle Hill Pk	105.58-3-39	40 x 110	4,400	\$425	Doneen James
259-259.5 Wilkins St	106.24-2-17	40 x 101	4,062	\$425	Eugenio Jr. & Maria Cotto

Section 2. The Council hereby approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address	SBL#	Lot Size	Sq. Ft.	Purchaser
20 Arbutus St	107.29-1-42	34 x 82	2,735	Tinh Nguyen
1 Caves Pl	107.30-1-11	29 x 55	1,595	Mark Scipioni & Susan B. Howard
341 Orange St	105.82-2-71.3	13 x 130	1,691	Waleska Casiano
119 Ravine Ave	105.35-4-51	37 x 63	1,963	Louis Gangemi

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-254
Re: Lease Agreement – Court Street Garage

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Transmitted herewith for your approval is legislation authorizing a lease agreement between the City and Merlo Enterprises LLC (Salvatore Merlo, Sole Member, 1007 Britton Road, Rochester, NY). The applicant will lease approximately 1,500 square feet of space in the Court Street Garage and two designated parking spaces. The monthly rental amount will be \$1,500 calculated at a rate of \$12 per square foot annually which was established through an independent appraisal performed by Kevin Bruckner, MAI, of Bruckner, Tillett, Rossi, Cahill & Associates, Inc. as of June 2019. The term of the lease will be five (5) years with the option of five (5) one-year renewals.

DiPisa's Old World Submarines has been a tenant in the space since 2008. Mr. Merlo has purchased the business and intends to continue the enterprise under the current name.

August 20, 2019

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-151

Ordinance No. 2019-254
(Int. No. 280)

Authorizing a lease agreement for the Court Street Parking Garage

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

Section 1. The Mayor is hereby authorized to enter into a lease agreement with Merlo Enterprises LLC (Tenant) for the lease of 1,500 square feet of commercial space in the Court Street Parking Garage and two designated parking spaces. The term of the lease agreement shall be for five years with five one-year renewal options contingent on the Director of Real Estate's review and finding that the extended term is reasonable, necessary and beneficial to the public.

Section 2. The Council hereby finds that the term of the proposed lease is reasonable and necessary in light of its intended purpose and that the public will benefit throughout the term of the lease.

Section 3. The monthly rent for said lease shall be \$1,500 for the initial term, and the rent for any renewal terms shall be increased by 2% of the monthly rent paid in the preceding lease year.

Section 4. Tenant shall be responsible for all utilities and leasehold improvements.

Section 5. The lease shall provide for periodic reviews of the use of the leasehold by the Director of Real Estate to determine and ensure the Tenant's compliance with the lease terms.

Section 6. The lease will terminate, at the City's option, upon the occurrence of substantial changes in the use of the leasehold or performance of the lease by the Tenant.

Section 7. The lease agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-255
Re: Five Year License Agreement for
Community Garden - St. Mark's and
St. John's Episcopal Church

Council Priority: Rebuilding and Strengthening
Neighborhood Housing

August 20, 2019

Transmitted herewith for your approval is legislation authorizing a license agreement between the City and St. Mark's and St. John's Episcopal Church, (Rev. Cindy Rasmussen, 1245 Culver Road, Rochester, NY) for the continued use of premises located at 1199 Culver Road, 245-247 Hazelwood Terrace and 290 Melville Street, 622 Merchants Road, 366 Parsells Avenue, and 408 Rosewood Terrace. The license agreement has a term of five (5) years, and there is no fee.

St. Mark's and St. John's Episcopal Church has gardens at each of the premises through the City's existing Garden Permit program. All have been maintained at a high standard and have had no complaints. The garden at 622 Merchants Road has been maintained by the Church for more than 35 years. The garden at 245-247 Hazelwood Terrace and 290 Melville Street has been designated as a training garden, and the church employs ten interns through the City's Summer of Opportunity Youth Employment program.

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

This agreement supports an item in the Rochester 2034: Comprehensive Plan (Draft) Vacant Land Action Plan to "Create the administrative infrastructure for long-term (e.g., 5-year) permit/lease arrangements for the sponsor of a community garden on City-owned land who has demonstrated a sustainable gardening operation that is supported by the immediate neighborhood."

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-152

Ordinance No. 2019-255
(Int. No. 255)

Authorizing a license agreement with St. Mark's and St. John's Episcopal Church for the use of City properties as community gardens

WHEREAS, the City of Rochester has received a proposal from the St. Mark's and St. John's Episcopal Church for the continued use of several City-owned parcels of land as community gardens for a term of five years with the option to extend for one additional five year term; and

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

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

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

Section 1. The Mayor is hereby authorized to enter into a license agreement with St. Mark's and St. John's Episcopal Church for the maintenance of community gardens at each of the following City-owned properties:

August 20, 2019

Address	SBL #
1199 Culver Road	107.55-2-30
245-247 Hazelwood Terrace	107.54-2-20
290 Melville Street	107.54-2-55
622 Merchants Road	107.65-1-1
366 Parsells Avenue	107.54-3-54
408 Rosewood Terrace	107.47-3-48

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

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Patterson moved to discharge Int. No. 282 from committee.

The motion was seconded by Councilmember Clifford.

The motion was adopted by the following vote:

Ayes – Councilmembers Clifford, Harris, Lightfoot, Patterson, Spaul – 5.

Nays – Councilmembers Evans, Gruber, Ortiz – 3.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-256

Ordinance No. 2019-257

Re: The Vistas at Highland Planned
Development District #21 – Text and
Map Amendment

Transmitted herewith for your approval is legislation amending the City Zoning Text and Zoning Map by establishing a 22.42 acre Planned Development District by rezoning the above property from IPD-Colgate to The Vistas at Highland Planned Development District (PD) #21; by adopting the proposed development concept plan associated with this PD, and by adding the PD #21 District Regulations to the Zoning Code. This legislation will:

- 1) Amend the Zoning Text by adding PD #21 The Vistas at Highland Planned Development District regulations to Chapter 120, the Zoning Code, and approving the Development Concept Plan/Site Plan; and

August 20, 2019

- 2) Amend the Zoning Map by rezoning 1100-1120 South Goodman Street from IPD-Colgate to The Vistas at Highland Planned Development District #21.

The applicant proposes to rezone the Landmark property from an IPD (Institutional Planned Development) District to a PD (Planned Development) District, with the intent to provide a path forward for the existing historic buildings on site, as well as the breathtaking landscape. The proposed development concept plan associated with this PD and the District Regulations will provide for the long-term sustainability of the historic buildings and landscape, as well as the perpetual preservation and continued upkeep of the south lawn.

The applicant proposes to reuse the five existing buildings and then to construct two, 52-unit, four story buildings, one of which will have 32 underground parking spaces. Two of the existing buildings, Andrews Hall and Saunders Hall will continue to be used as apartments. Permitted and permissible uses on the three other existing buildings will be commercial and residential.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal has been classified as Type I. A Determination of Significance will be made by the Manager of Zoning, as Lead Agency, prior to any Council action.

The Planning Commission held one informational meeting on July 15, 2019. The applicant and four people spoke in support of the application, and 18 people spoke in opposition. Dozens of written comments were received and will be forwarded electronically. If the rezoning is approved, the project will also require Site Plan Review and a Certificate of Appropriateness from the Rochester Preservation Board because the property has been designated as a local landmark.

A public hearing is required for the Zoning Text and Map Amendment. The regulations would take effect immediately upon Council approval.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-153

Ordinance No. 2019-256
(Int. No. 282)

Amending the Zoning Code by adding Planned Development District No. 21 — The Vistas at Highland

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by adding the Planned Development District No. 21 — The Vistas at Highland and approving the text and development concept plan for the district to read in its entirety as follows:

§ PDD-21. Planned Development District No. 21 — The Vistas at Highland

A. Purpose and Intent.

(1) The purpose and intent of Planned Development District No. 21 (PD #21) to be known as "The Vistas at Highland," is to provide for a plan and regulatory framework, for the future use and development of the campus for the Colgate Rochester Crozer Divinity School ("Colgate"), that recognizes the importance of its historic, cultural, and natural features. A protective, yet flexible, regulatory environment will preserve those features while allowing reasonable use and reuse of the historic buildings.

(2) The Development Concept Plan for PD #21 recognizes the historic importance of the Colgate Campus with its highly prominent location on an elevated site, distinctive landscape plan and homogeneous Gothic Revival style buildings.

The property is a designated City Landmark, including interior designation of the Chapel. It has also been determined eligible for individual listing on the National Register of Historic Places by the New York State Historic Preservation Office due to its architectural, landscape, and its cultural significance.

PD #21's historic preservation and conservation efforts are primarily directed toward the safeguarding of the historic buildings, Montgomery Hall, Strong Hall and Trevor Hall; and, the dominant sweeping south lawn, emphasizing the elevations of the buildings; and of materials, with its varied and mature plant palette dramatic forefront

In addition to the existing Local Landmark designation, the zoning text for PD #21 will further protect the three historic buildings through restricted reuse options, as well as by precluding additions to those buildings as well as new construction immediately adjacent to and within the individual lot areas of those buildings. The south lawn, will be further protected by a conservation easement which will proscribe any development within the easement area. The proposed new buildings will be located and designed so as to preserve and protect the existing natural and geologic features of the property.

(3) The PD #21 site is within a Critical Environmental Area designated by the City of Rochester that encompasses the slopes and crests of the following glacial formations: Cobbs Hill, Pinnacle Hill, and the lesser hills, comprised of kames, kettles and eskers, generally situated north of Highland Avenue, and extending from Mount Hope Cemetery to the west and extending eastward through Highland Park, the PD-21 site, Pinnacle and Cobbs Hill. The PD #21 also is distinctive due to the presence of heavily wooded areas along its north, east and west lot lines.

The PD #21 text and development concept plan acknowledge the importance of these features and promote their protection by carefully locating new buildings and parking areas to avoid unnecessary encroachment; limiting the number of trees to be removed; locating the new buildings primarily in previously disturbed portions of the site; providing the ultimate protection and conservation of the south lawn; and, utilizing temporary and permanent stabilization measures and best construction management practices during construction.

(4) The development concept plan subdivides PD #21 into 6 lots. The various lots are designed to allow for site access; the use and reuse of existing historic structures; new residential developments; accessory parking; vehicular and pedestrian circulation elements; and, the protection of the most significant historic and natural elements of the site.

(5) Shared parking is encouraged to promote efficient use of land and resources by allowing users, that may have different peak parking demands and/or different hours of operation, to share proximate parking facilities.

B. Lot and Building descriptions (see Development Concept Plan).

(1) Lot 1 currently is open space and a portion of a parking lot. It is planned for residential development with 2 apartment buildings and accessory underground and surface parking. The remainder of the lot is to be devoted to landscaping, with large setback requirements from the north and west lot lines that will protect substantial wooded areas.

(2) Lot 2 allows for the continuous use of 2 existing apartment buildings, Andrews Hall and Saunders House, along with the provision of accessory surface parking. Both existing buildings have traditionally been used as apartments for student housing.

(3) Lot 3 encompasses Montgomery Hall, its courtyard, driveway, and parking area. Montgomery Hall, has a floor area of 7,916 sf. and has been used as a dwelling and as the home of Colgate's presidents. Lot 3 accommodates the use and reuse of Montgomery Hall, while prohibiting building additions and new construction.

(4) Lot 4 includes Strong Hall with a floor area of 76,123 square feet (sf), an outdoor terrace, and a parking lot. Strong Hall was the main school facility with classrooms, offices, cafeteria, auditorium, chapel and library. The use and reuse of Strong Hall is accommodated, while prohibiting building additions and new construction.

(5) Lot 5 includes Trevor Hall, which has 31,776 sf of floor area. This facility is currently leased to the American Cancer Society for the operation of a facility known as Hope Lodge. It includes offices; 29 transient rooms that vary in size and number of beds; a central kitchen, dining room, and laundry facilities, which are available to visitors. This lot accommodates the use and reuse of the building, while prohibiting building additions and new construction.

(6) Lot 6 consists of 2 subareas. Subarea 1 includes existing site access, open space, parking, accessory uses, certain utilities, and the existing access drive from South Goodman St. Subarea 2 encompasses the historic south lawn landscaped area, arguably the most important landscape open space element of the Local Landmark property. This subarea will be protected, not only by the existing local landmark designation but, also by a preservation easement and will be maintained by the project sponsor. No development, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling will be permitted in this easement area as it will continue to serve as the dramatic forefront to the hilltop historic buildings.

C. Permitted uses.

The following uses are permitted in the various lots and existing buildings in PD #21; uses not expressly permitted are prohibited:

(1) Lot 1 Permitted Uses:

- (a) Multifamily Dwellings
- (b) Independent Living Facilities

(2) Lot 2 Permitted Uses:

- (a) Multifamily Dwellings
- (b) Independent Living Facilities

(3) Lot 3 Permitted Uses: The following uses are permitted only when located within the existing building known as Montgomery Hall; additions and new construction are not permitted on Lot 3:

- (a) Single family dwellings
- (b) Offices
- (c) Bed and breakfast lodging establishments, including accessory outdoor seating areas.

(4) Lot 4 Permitted uses: Except for the use described in clause g, the following uses are permitted only when located within the existing building known as Strong Hall; additions and new construction are not permitted on Lot 4:

- (a) Schools, both public and private, including classrooms, conference rooms, cafeterias, libraries, laboratories, administrative and faculty offices, student and faculty housing, bookstores, coffee shops, and the like
- (b) Banquet & Conference facilities
- (c) Places of worship
- (d) Multifamily dwellings
- (e) Independent living facilities
- (f) Offices
- (g) Outdoor terraces used in conjunction with, and accessory to, any permitted use, with any entertainment use confined to the limited entertainment category only.

(5) Lot 5 Permitted Uses: Except for the use described in clause c, the following uses are permitted only when located within the existing building known as Trevor Hall; additions and new construction are not permitted on Lot 5.

- (a) Independent living facilities
- (b) Hotels
- (c) Outdoor terraces used in conjunction with, and accessory to, any permitted use, with any entertainment use confined to the limited entertainment category only.

(6) Lot 6 Permitted Uses: The following uses are permitted, for Subareas 1 & 2, as follows:

- (a) Subarea 1-
 - (a.1) Driveways
 - (a.2) Parking Lots
 - (a.3) Loading Spaces
 - (a.4) Accessory storage buildings
 - (a.5) Accessory buildings and structures existing on the date of adoption of this development concept plan
- (b) Subarea 2-
 - (b.1) Accessory buildings and structures existing on the date of adoption of this development concept plan.
 - (b.2) Surface or subsurface stormwater detention or retention ponds as allowed according to the preservation easement and as approved by the Rochester Preservation Board.

D. Special permit uses.

The following uses are allowed as special permit uses in PD #21:

(1) Lot 1: Commercial uses in multifamily dwellings over 20 units, subject to the additional requirements specified in § 120-134.

(2) Lot 2: None

(3) Lot 3: The following uses only when located within Montgomery Hall:

- (a) Day care centers
- (b) Health clubs and similar facilities
- (c) Artist Studios and art galleries
- (d) Museums
- (e) Community centers

- (f) Private clubs and lodges
- (g) Retail Sales and Service
- (h) Restaurants, with accessory outdoor seating area, operating only between the hours of 11AM and 11PM, daily; and, with limited entertainment, only
- (i) Live-work space

(4) Lot 4: The following uses only when located within Strong Hall:

- (a) Day care Centers
- (b) Health clubs and similar facilities
- (c) Artist Studios and art galleries
- (d) Museums
- (e) Community centers
- (f) Private clubs and lodges
- (g) Clinics

(5) Lot 5: The following uses only when located within Trevor Hall:

- (a) Community Centers
- (b) Private Clubs and lodges
- (c) Day Care Centers
- (e) Health Clubs and & Similar facilities
- (f) Clinics
- (g) Offices
- (h) Multifamily dwellings

(6) Lot 6: Subarea 1

- (a) Ancillary parking garages

Subarea 2

- (a) None

E. Yard Space and Bulk.

(1) Minimum Building Setbacks:

(a) Lot 1

- [i] Northern most lot line: 100'
- [ii] West lot line: 85'
- [iii] Other Lot lines: 0'

(b) Lot 2

- [i] North Lot line: 75'
- [ii] East Lot line: 70'
- [iii] Other lot lines: 0'

(c) Lot 3: none

(d) Lot 4: none

(e) Lot 5: none

- (f) Lot 6
 - (a) Subarea 1
 - [i] East lot line 50'
 - [ii] West lot line 50'
 - [iii] Other lot lines: none
 - (b) Subarea 2–None

- (2) Lot Coverage: The maximum total district lot coverage permitted in PD #21, including all buildings, structures, private streets, surfaced parking areas, sidewalks and other impervious surfaces, is 50 %.
- (3) Density: The maximum total district residential density permitted in PD #21 is 10 units per acre.
- (4) Height: Other than buildings existing on the date of adoption of this DCP, no building within PD #21 shall exceed 4 stories or 60 feet in height.

F. Parking and Loading

(1) Parking:

- (a) Surface parking spaces for any uses located in PD #21 may be shared by all users within the district and located in any parking lot/area within the district, excluding Lot 6 Subarea 2
- (b) The total number of surface parking spaces on site shall not exceed 330.
- (c) New or expanded surface parking facilities, seeking authorization to exceed the 330 space surface parking cap, shall be accompanied by a parking demand analysis, as set forth in § 120-173B of the Zoning Code, as part of an application for site plan approval for incremental development.
- (d) Parking lots shall be subject to the parking lot design and maintenance standards set forth in § 120-173 of the Zoning Code; except where this PD #21 zoning text provide otherwise or when waived by the Manager of Zoning in the review and approval of a site plan for incremental development.

(2) Loading:

- (a) On-site loading shall comply with the requirements set forth in § 120-172 of the Zoning Code
- (b) On-site loading facilities may be shared by any uses within the district.
- (c) On site loading may occur in any parking lot within the district.

G. Temporary Uses.

Temporary uses shall be subject to the requirements of § 120-149 of the Zoning Code

H. Accessory Uses. The following accessory uses are permitted in PD #21:

- (1) Electric vehicle charging stations when located in a parking lot or parking garage.
- (2) Fences and walls subject to the provisions of § 120-167.
- (3) Minor accessory structures, such as benches, knee walls, retaining walls, gazebos, arbors, water features, pergolas, bus shelters, and the like.
- (4) Solar collectors
- (5) Wind energy conversion systems
- (6) Home occupations, subject to the additional requirements for specified uses in § 120-139.

I. Signage.

- (1) A sign program shall be developed for PD #21 which will include regulations for heritage, building and/or tenant identification, business, way finding and event promotion signs.
- (2) The sign program for PD #21 shall supersede the sign regulations of Section 120-177 of the Zoning Code.
- (3) The sign program shall be subject only to site plan review by the Manager of Zoning and a certificate of appropriateness from the Rochester Preservation Board.
- (4) No signage shall be installed prior to approval of the sign program.

J. Additional Regulations

- (1) Development and redevelopment in PD #21 are subject to Requirements Applying to All Districts (Article XX), except where this PD #21 zoning text provides otherwise or when waived by the Manager of Zoning in the review and approval of a site plan for incremental development.
- (2) Development and redevelopment in PD #21 are subject to additional requirements for specified uses (Article XVIII), except where this PD #21 zoning text provides otherwise.
- (3) Development and redevelopment in PD #21 is subject to the City-Wide Design Guidelines and Standards (Article XIX), except where the PD #21 zoning text provide otherwise or when waived by the Manager of Zoning in the review and approval of a site plan for incremental development.
- (4) The general height and yard exceptions set forth in Article XXIII shall apply to PD #21.
- (5) PD #21 is subject to the requirements set forth in Article XVII of the City Zoning Code regarding establishment, development and modification of planned development districts.
- (6) Development and redevelopment of any area within PD # 21 is subject to the requirement of a certificate of appropriateness from the Rochester Preservation Board pursuant to §120-194, where applicable.

K. Definitions: The following definitions shall apply to PD #21 only.

Independent living facility- multifamily dwellings for seniors who do not require specialized care but where housekeeping and the option for communal meals and social activities are provided for an all-inclusive rental fee.

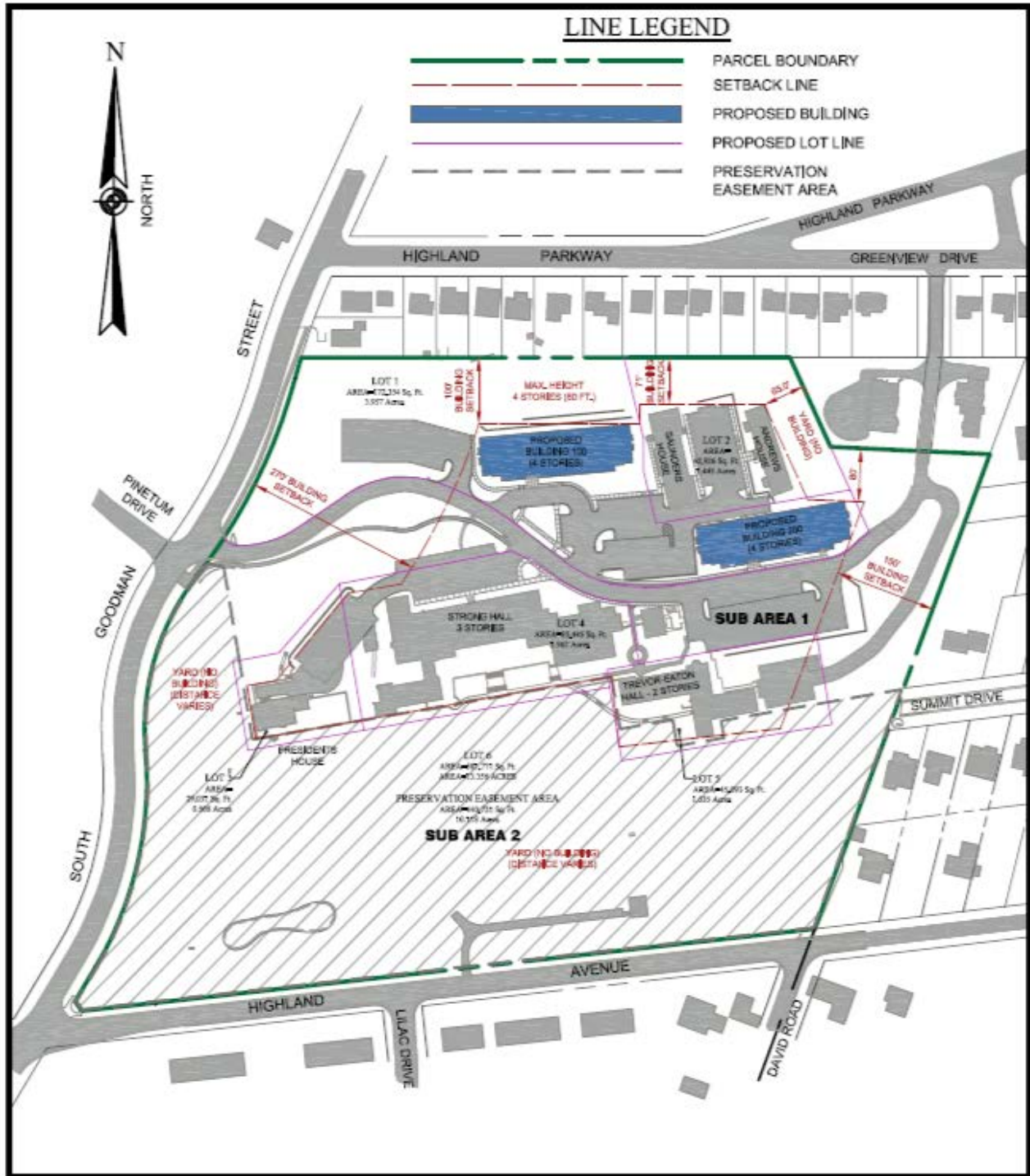
Bed-and-Breakfast lodging establishment- An owner operated dwelling in a single family residential structure where overnight lodging and a breakfast are provided for compensation, subject to no alteration to either the exterior or the interior of any principal or accessory structure which changes the character

and appearance of the residential premises; only rooms originally designed as bedrooms being used for guest lodging; guest parking including one off-street parking space for each bedroom; and signs complying with the approved sign program for this PD#21.

Limited Entertainment – Any live or recorded entertainment or music other than background music, including but not limited to karaoke, that is completely secondary to the principal use and that meets the following criteria:

- A. The entertainment or music must be accessory to the principal use and may not in any way constitute the primary function of the operation.
- B. The specific type of entertainment or music must be listed on the limited entertainment center license that is issued pursuant to Chapter 29, Amusements and Entertainment, of the Municipal Code.
- C. There will be only one performer or performance group.
- D. No dedicated stage nor dance area will be provided, nor will any permanent or temporary change to the approved floor plan be made to accommodate the use. For purposes of this section, “approved floor plan” is defined as the floor plan, seating plan or other drawings and information that served as the basis for the establishment’s latest building permit and maximum occupancy determinations issued pursuant to Chapter 39 Building Code of the Municipal Code.
- E. No cover charge or fee will be collected.
- F. The entertainment or music must end one hour prior to closing time.

L. PD #21 Development Concept Plan



Section 2. This ordinance shall take effect immediately.

August 20, 2019

Passed by the following vote:

Ayes – Councilmembers Clifford, Harris, Lightfoot, Patterson, Spaul – 5.

Nays – Councilmembers Evans, Gruber, Ortiz – 3.

Councilmember Patterson moved to discharge Int. No. 283 from committee.

The motion was seconded by Councilmember Clifford.

The motion was adopted by the following vote:

Ayes – Councilmembers Clifford, Harris, Lightfoot, Patterson, Spaul – 5.

Nays – Councilmembers Evans, Gruber, Ortiz – 3.

Ordinance No. 2019-257
(Int. No. 283)

Amending the Zoning Map by changing the zoning classification of 1100-1120 South Goodman Street to Planned Development District No. 21 — The Vistas at Highland

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning map classification of the following property from Institutional Planned Development —Colgate Divinity School to Planned Development District No. 21 — The Vistas at Highland:

Address	SBL #
1100-1120 South Goodman Street	136.33-1-1.002

and the area extending from that parcel to the center line of any adjoining street, alley, and right-of-way.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes – Councilmembers Clifford, Harris, Lightfoot, Patterson, Spaul – 5.

Nays – Councilmembers Evans, Gruber, Ortiz – 3.

August 20, 2019

By Councilmember Gruber
August 20, 2019

To the Council:

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

- Int. No. 284 Authorizing agreements and appropriating funds for the Preventive Maintenance Northwest Group 12 Project
- Int. No. 285 Appropriating Community Development Block Grant funds for Alpha Street Group infrastructure improvements
- Int. No. 286 Authorizing intermunicipal agreements with the County of Monroe for Traffic Signal Maintenance Services, **as amended**
- Int. No. 287 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$515,000 Bonds of said City to finance certain costs of the 2019 Annual Parking Garage Evaluation and Repair Program
- Int. No. 288 Authorizing an amendatory agreement for the Promenade at Erie Harbor Park project
- Int. No. 289 Authorizing a professional services agreement for 121-123 Reynolds Street brownfield cleanup project
- Int. No. 290 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$109,500 Bonds of said City to finance the costs of the remediation of environmental contamination of 121-123 Reynolds Street in the City
- Int. No. 291 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$288,000 Bonds of said City to finance the costs of a remedial investigation and interim remedial measures for environmental contamination located at 68-92 Genesee Street in the City
- Int. No. 292 Authorizing a grant agreement for Municipal Food Scraps Reduction, Food Donation, and Food Scraps Recycling Program

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

- Int. No. 293 Amending the Official Map to dedicate additional right-of-way as Phil Banks Way

August 20, 2019

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-258
Re: Preventive Maintenance Northwest
Group 12 Driving Park Ave.
(CSX Railroad to Finch St.) Emerson St.
(Mt. Read Blvd. to Sherman St.) Jay St.
(Mt. Read Blvd. to CSX Railroad)

Transmitted herewith for your approval is legislation related to the Preventive Maintenance Northwest Group 12 Project. This legislation will:

1. Authorize the Mayor to enter into an agreement with the New York State Department of Transportation (NYSDOT) necessary to participate in and administer the Project;
2. Appropriate \$228,000 in anticipated reimbursements from the Federal Highway Administration (FHWA) to finance a portion of the design services and right of way incidentals for the Project, and;
3. Authorize an agreement establishing \$285,000 as maximum compensation for a professional services agreement with Joseph C. Lu Engineering, P.C., (Cletus O. Ezenwa, P.E., Chief Executive Officer) Rochester, NY 14604, for design services and right of way incidentals 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	\$228,000
2016-17 Cash Capital	\$ 57,000
Total	\$285,000

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

Street improvements will include milling and resurfacing of existing pavement with areas of full depth base repair, sidewalk replacements, curb replacements, traffic and pedestrian safety enhancements, curb bump-outs, adjustment/repair of utility appurtenances, traffic loops, pavement markings, and accessibility improvements. Improvements to pedestrian and bicycle facilities in accordance with the City of Rochester Complete Streets Policy will be evaluated during preliminary design.

Joseph C. Lu Engineering, P.C. was selected to provide design services and right of way incidentals through a Request for Proposals process from the NYSDOT list of pre-approved regional engineering firms, which is described in the attached summary.

August 20, 2019

Design services will begin in fall 2019. Construction is anticipated to begin in spring 2021. The design phase of this project results in the creation or retention of the equivalent of 3.1 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-154

Ordinance No. 2019-258
(Int. No. 284)

Authorizing agreements and appropriating funds for the Preventive Maintenance Northwest Group 12 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 to participate in and administer the Preventive Maintenance Northwest Group 12 Project for Driving Park Avenue, Emerson Street and Jay Street (Project) and for the receipt and use of Federal Highway Administration (FHWA) funding for the Project.

Section 2. The sum of \$228,000 in anticipated reimbursements from the FHWA is hereby appropriated to finance a portion of the design services and right-of-way incidentals for the Project.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement with Joseph C. Lu Engineering, P.C. to provide design services and right-of-way incidentals for the Project. The maximum compensation for the agreement shall be \$285,000 which shall be funded from the appropriations authorized in Section 2 herein (\$228,000) and \$57,000 from 2016-17 Cash Capital. The term of the agreement shall continue until six months after final acceptance of the Project.

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. 2019-259
Re: Alpha Street Group Project –
Appropriate Community Development
Block Grant Funds

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

August 20, 2019

Transmitted herewith for your approval is legislation appropriating \$200,000 from the 2018-19 Community Development Block Grant (CDBG) Infrastructure Improvements allocation of the General Community Needs fund for infrastructure improvements at various locations. This appropriation will be utilized on the Alpha Street Group Project. The additional funding will allow the project to replace the concrete base on a portion of Alpha Street that was planned to remain, but once milled was found to be deteriorated more than anticipated. It was determined that replacement of the deteriorated base was more efficient and would result in a better overall product. Construction of the improvements began in summer of 2018 with planned completion in summer 2019.

Previous legislation includes Ordinance No. 2017-298 that appropriated CDBG funding for the project, Ordinance No. 2017-300 that authorized changes in pavement width and two de minimus corner acquisitions for street purposes, Ordinance No. 2018-94 that authorized resident project representation, Ordinance No. 2018-95 and Ordinance No. 2018-96 that authorized bonds for the Alpha Street Group Project.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-155

Ordinance No. 2019-259
(Int. No. 285)

Appropriating Community Development Block Grant funds for Alpha Street Group infrastructure improvements

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

Section 1. The Council hereby appropriates \$200,000 from the Residential Street Rehabilitation allocation of the Consolidated Community Development Plan/2018-19 Annual Action Plan to the Alpha Street Group infrastructure improvements project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-260
Re: Agreement – Monroe County, Traffic
Signal Maintenance Services

Transmitted herewith for your approval is legislation:

1. Amending Ordinance No. 2015-265 which authorized intermunicipal agreements with the County of Monroe for traffic signal maintenance services located at the corner of Elmwood and Plymouth Avenues and at the corner of Andrews and Front Streets in front of the Crossroads Garage. This amendment will increase the maximum annual compensation to allow for inflation; and,

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2. Authorizing an intermunicipal agreement with the County of Monroe for the operation and maintenance of a traffic signal at Elmwood Avenue and Moore Road/Wilson Boulevard. Maximum annual compensation is estimated to be \$700 adjusted annually to an amount equal to the increase in the previous year's Consumer Price Index and will be funded by the 2019-20 and future budgets of the Department of Environmental Services, contingent upon their approval. The agreement will have an initial term of five years, with the option to renew for up to three additional five-year terms if both parties agree.

The traffic signals at these intersections provide access to the Genesee Valley Park ice rink and pool (Elmwood and Plymouth Avenues), the Crossroads Garage (Andrews and Front Streets), and to the University of Rochester main campus and Genesee Valley Park (Elmwood Avenue and Moore Road/Wilson Boulevard signal).

The maximum annual compensation amounts for intermunicipal agreements with the County of Monroe for signal maintenance at Elmwood and Plymouth Avenues and at Andrews and Front Streets were authorized by Ordinance No 2015-265 and will be \$920 and \$1,070, respectively. This legislation will increase the maximum annual compensation for the signals at Elmwood and Plymouth Avenues and Andrews and Front Streets to an amount equal to the increase in the previous year's Consumer Price Index.

The County of Monroe has requested an additional intermunicipal agreement for the signal at Elmwood Avenue and Moore Road/Wilson Boulevard intersection since the crossing streets are considered private roads. Therefore, the County is entering into two separate agreements with the city and the University to share 50% of the maintenance cost.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-156

Ordinance No. 2019-260
(Int. No. 286, as amended)

Authorizing intermunicipal agreements with the County of Monroe for Traffic Signal Maintenance Services

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

Section 1. The Mayor is hereby authorized to enter into an amendatory intermunicipal agreement with the County of Monroe for the County to provide maintenance services for the traffic signals located at the intersection of Elmwood and Plymouth avenues and at the intersection of Andrews and Front streets in front of the Crossroads Garage. It shall amend the agreement that was authorized in Ordinance No. 2015-265 to adjust the annual compensation each year ~~going forward~~ after the first year based on the Consumer Price Index for All Urban Consumers (CPI-U).

Section 2. The Mayor is hereby authorized to enter into an intermunicipal agreement with the County of Monroe for the County to operate and maintain the traffic signals located at the intersection of Elmwood Avenue and Moore Road/Joseph C. Wilson Boulevard. The agreement shall have an initial term of five years, with the option to extend up to three additional five-year terms, if both parties agree. The maximum compensation for the first year shall be \$700, which shall be funded from the 2019-20 Budget of the Department of Environmental Services (DES). The compensation for each subsequent

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year shall be adjusted based on the CPI-U and shall be funded from each subsequent year's Budget of DES, contingent upon approval.

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.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-261

Re: Bonds Authorization - Stone Street
Wing of South Avenue Garage Repairs

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$515,000 and the appropriation of the proceeds thereof to finance a portion of the costs of the Stone Street Wing of South Avenue Garage repairs, as part of the 2019 Annual Parking Garage Evaluation and Repair Program.

Construction work in the project includes full-depth repairs and supplemental structural support within the Stone Street Wing of the South Avenue Garage. The estimated total cost of construction in the 2019 Annual Parking Garage Repair Contract is \$3,791,500.

Estimate:	Bonds authorized by Ordinance No. 2018-396	Bonds authorized by Ordinance No. 2018-397	Bonds to be issued herein	2018-2019 Cash Capital	Total:
Design/RPR Services:	0	0	0	783,500	783,500
Construction:	592,000	840,000	515,000	1,844,500	3,791,500
Total:	\$592,000	\$840,000	\$515,000	\$2,628,000	\$4,575,000

The construction of the project is scheduled to start in summer 2019, with completion anticipated in summer 2020. The additional bonds for Stone Street Wing of the South Avenue Garage will create or retain the equivalent of 5.6 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

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Ordinance No. 2019-261
(Int. No. 287)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$515,000 Bonds of said City to finance certain costs of the 2019 Annual Parking Garage Evaluation and Repair Program

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the costs of the 2019 Annual Parking Garage Evaluation and Repair Program for the City's South Avenue, Court Street, East End, High Falls, Sister Cities and Washington Square garages (the "Program"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$4,575,000. The plan of financing includes the issuance of \$515,000 bonds of the City which amount is hereby appropriated therefor, \$592,000 bonds of the City authorized and appropriated in Ordinance No. 2018-396, \$840,000 bonds of the City authorized and appropriated in Ordinance No. 2018-397, \$2,628,000 of 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 \$515,000 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 \$515,000. 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. 13. of the Law, is ten (10) years.

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

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

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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. 2019-262

Re: Promenade at Erie Harbor Park Project

Transmitted herewith for your approval is legislation related to the Promenade at Erie Harbor Park Project. This legislation will authorize an amendatory agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, DPC (Pietro Giovenco, President and CEO) Rochester, NY 14604 to provide additional services related to resident project representation (RPR) services related to the construction of the Project. The original agreement, authorized in July 2016 established maximum compensation at \$600,000 for a term of two years after completion and final acceptance of the Project. This amendment will increase the compensation by \$221,000, to a maximum total of \$821,000. This additional cost will be funded with 2019-20 Cash Capital.

In July 2016, Council authorized (Ord. No. 2016-234) professional service agreements with Morgan Court Street Development, LLC (the Developer) for the construction of the Promenade at Erie Harbor Park, and Bergmann Associates, D.P.C. for RPR services related to the construction. The original anticipated completion date was fall 2017.

The total project cost for construction and RPR has increased to \$5,361,000. The City has made an indemnification claim against the Developer for the additional costs of RPR work caused by the delay due to the Developer's design changes.

The total project cost for construction and RPR has increased to \$5,361,000, however the City has filed a claim with the Developer to recover the additional project costs that are a direct result of the Developer's actions.

With the legislation, the updated plan for financing of the project, broken down by categories of work, will be as follows:

Original Funding Authorized in Ordinance No. 2016-234			
Source of Funds	Construction Morgan Court Street Development	RPR Bergmann Associates	Total
Bonds authorized (Ordinance No. 2016- 234)	\$3,075,000	\$425,000	\$3,500,000
NYS LWRP	\$1,025,000	\$175,000	\$1,200,000
2013-14 Cash Capital	\$440,000	--	\$440,000
Total	\$4,540,000	\$600,000	\$5,140,000

Revised Funding Authorized Herein			
Source of Funds	Construction Morgan Court Street Development	RPR Bergmann Associates	Total
Bonds authorized (Ordinance No. 2016- 234)	\$3,075,000	\$425,000	\$3,500,000
NYS LWRP	\$1,025,000	\$175,000	\$1,200,000
2013-14 Cash Capital	\$440,000	--	\$440,000
2019-20 Cash Capital	--	\$221,000	\$221,000
Total	\$4,540,000	\$821,000	\$5,361,000

Construction is currently anticipated to be complete fall 2019.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-262
(Int. No. 288)

Authorizing an amendatory agreement for the Promenade at Erie Harbor Park 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 Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, DPC to provide resident project representation (RPR) services for the Promenade at Erie Harbor Park project (Project). The amendment shall increase the maximum compensation for the existing agreement, which was originally authorized by Ordinance No. 2016-234, by \$221,000 to a total maximum amount of \$821,000. The amendatory compensation amount shall be funded from 2019-20 Cash Capital. The term for the amendatory agreement shall extend two years after completion and final acceptance of the Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-263

Ordinance No. 2019-264

Re: Bond Authorization and New
Professional Services Agreement
Stantec Consulting Services Inc.,
Reynolds Street Brownfield Cleanup Project

Transmitted herewith for your approval is legislation related to environmental cleanup services at 121-123 Reynolds Street (the Site). This legislation will:

1. Establish \$380,000 as maximum compensation for an agreement with Stantec Consulting Services Inc. (James Hoffmann, Principal) Rochester, New York, 14614, for remedial cleanup services, and
2. Authorize the issuance of bonds totaling \$109,500 and the appropriation of the proceeds thereof to partially finance the project.

The remaining cost of the project will be financed from \$179,000 in USEPA Brownfield Cleanup Grant funds previously appropriated under Ordinance No. 2018-404 and \$91,500 in 2016-17 Cash Capital.

The Site consists of a 0.2 acre parcel of vacant residential land located at 121-123 Reynolds Street ("Site") and is owned by the City. The Site is currently one parcel but was formerly two separate parcels containing a former single family house located on the southern portion of the Site and a former gasoline service station on the northern portion of the Site. Subsequent to the City acquiring the parcels via foreclosure, the parcels were combined into a single parcel.

In June 2011, petroleum-type contaminated soil was encountered during excavation of the basement foundation for a new residential house being constructed on the adjoining 125 Reynolds Street parcel located south of the Site. Historical information indicated that the northern portion of the Site was formerly used as a gasoline station and an auto repair facility, likely source of petroleum contamination encountered at the adjacent property to the south. In June 2011, the City initiated investigative work at the 121-123 Reynolds Street site which resulted in the removal of four abandoned Underground Storage Tanks ("USTs") and approximately 125 tons of petroleum-impacted soil; however, residual petroleum contamination remained on the Site.

The City completed a Phase I Environmental Site Assessment (ESA) in April 2015, a Phase II ESA in January 2016, and supplemental Phase II ESA in January 2017 to further define the extent of the petroleum contamination. The results of the Phase II ESAs determined that a source area of petroleum-contaminated soils associated with the former USTs is present at the Site, and that secondary source of petroleum contamination in the form of a dissolved phase groundwater plume is present on the southern portion of the Site. Urban fill was also encountered in some portions of the Site which contained lead and semi-volatile organic compounds that exceed applicable soil cleanup objectives. In 2017 the City submitted a Brownfield cleanup grant application to the US EPA to remediate the site, and in April 2018

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the EPA awarded the City a \$200,000 Brownfield cleanup grant to fund a portion of the cleanup at the Site.

Under this agreement, Stantec will evaluate potential remedial alternatives, prepare a remedial work plan, assist the City with community outreach activities, retain specialized environmental contractors to remediate the Site, including the removal and disposal of contaminated soil and groundwater, complete post-remediation groundwater monitoring, and restore the Site. After completing the cleanup project and one year of post-cleanup groundwater monitoring, the City will petition the NYSDEC to close the active spill file and issue a No Further Action Letter. The future use of the Site is anticipated to be residential; specifically a single duplex or two-family home which is consistent with the completed Voter's Block LLC In-fill Housing Initiative.

On March 1, 2019, the City's Division of Environmental Quality issued a request for proposal (RFP) for remedial cleanup services at the Reynolds Street site, the summary of which is attached. Stantec submitted a proposal for approximately \$344,000. A 10% contingency is recommended to address additional services for unanticipated tasks, resulting in a total project budget of \$380,000. Stantec was selected based on the quality and scope of its proposal, experience with petroleum cleanup projects, the proposed project team, and reasonableness of its cost.

The term of the agreement is three years and will include a provision for extensions beyond the initial term of the agreement until the NYSDEC closes the open spill file for the Site. It is currently estimated that it will take one year to substantially complete the majority of the cleanup project, and a second year of groundwater monitoring in order to secure NYSDEC spill file closure.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-157

Ordinance No. 2019-263
(Int. No. 289)

Authorizing a professional services agreement for 121-123 Reynolds Street brownfield cleanup 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 Stantec Consulting Services Inc. for remedial program services pertaining to the environmental cleanup of 121-123 Reynolds Street in the City (the Project). The maximum compensation for the agreement shall be \$380,000, which shall be funded in the amounts of \$109,500 from City bonds issued for the Project, \$179,000 in U.S. Environmental Protection Agency Brownfield Cleanup grant funds appropriated in Ordinance No. 2018-404, and \$91,500 from 2016-17 Cash Capital. The term of the agreement shall be 3 years with the option to extend for such additional time, if any, as shall be necessary to obtain a no further action determination from the New York State Department of Environmental Conservation.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2019-264
(Int. No. 290)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$109,500 Bonds of said City to finance the costs of the remediation of environmental contamination of 121-123 Reynolds Street 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 a portion of the costs of the remediation of environmental contamination of the property located at 121-123 Reynolds Street in the City (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$380,000. The plan of financing includes the issuance of \$109,500 bonds of the City which amount is hereby appropriated therefor, \$179,000 in U.S. Environmental Protection Agency Brownfield Cleanup grant funds appropriated in Ordinance No. 2018-404, \$91,500 in 2016-17 Cash Capital, 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.

Section 2. Bonds of the City in the principal amount of \$109,500 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 \$109,500. 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.

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. 2019-265
Re: Bond Authorization
68-92 Genesee Street Remedial
Investigation & Interim Remedial
Measures

Transmitted herewith for your approval is legislation related to a Remedial Investigation (RI) and implementation of Interim Remedial Measures (IRMs) (the Project) at the former United Dry Cleaners property located at 68-92 Genesee Street (Site). This legislation will authorize the issuance of bonds totaling \$288,000 and the appropriation of the proceeds thereof to finance the cost of the Project.

The Site consists of approximately 0.76 acres of land improved with one (1) building (Southern Building) which is occupied by a coin-operated laundromat. The former Northern Building was utilized for automotive sales and repair from approximately 1938 until approximately 1965, and as a dry cleaning plant (United Cleaners) from approximately 1968 until at least 2008. The majority of this building was demolished in 2016, with the exception of the eastern half of the floor slab which was left in place. The Site is located within the Bull's Head Brownfield Opportunity Area (BOA) and borders the Bull's Head Plaza to the south and west.

The City acquired the Site on July 3, 2019 through a tax foreclosure sale. The City has executed an Order on Consent with the New York State Department of Environmental Conservation (NYSDEC) to conduct the Project but does not commit the City to implement the final cleanup remedy.

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The Project will be completed under the existing Assessment and Remediation Professional Services Agreement with LaBella Associates DPC (LaBella) authorized under Ordinance No. 2018-133.

LaBella performed an extensive Phase II ESA and underground tank closures at the Site in 2016. The Phase II ESA also documented that on-site soils and groundwater were contaminated with metals, petroleum products, and chlorinated volatile organic compounds (VOCs) associated with dry cleaning solvents documented to have been used at the Site.

To complete the Project, LaBella will develop a Remedial Investigation Work Plan (RIWP), including: Community Air Monitoring Plan (CAMP); Health and Safety Plan (HASP); and a Quality Control Plan (QCP), to be implemented during the investigative work, and intended to define the nature and extent of soil, groundwater and soil vapor impacts at the Site. Additional off-site investigation will also be conducted as part of the RI. Four (4) IRMs will also be implemented at the Site during the Project including: excavation and removal of mercury impacted soils; excavation and removal of lead impacted soils; excavation and removal of petroleum impacted soils; and installation of a sub-slab depressurization system in the existing on-site coin-operated public laundromat. The Project will be completed in accordance with NYSDEC's DER-10 Technical Guidance for Site Investigation and Remediation (5/2010), and in accordance with a work plan approved by the NYSDEC. Upon completion of the Project, an RI report summarizing the findings will be submitted to the NYSDEC for their review and use in completing a feasibility study to evaluate potential cleanup alternatives.

As the City's primary environmental consultant for the Site, LaBella has a unique understanding of environmental and subsurface conditions at the Site. LaBella has also established professional relationships with impacted property owners through their work at the Site and at the adjacent Bull's Head Plaza property.

The work is anticipated to begin in fall 2019 and take up to two years to complete.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-158

Ordinance No. 2019-265
(Int. No. 291)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$288,000 Bonds of said City to finance the costs of a remedial investigation and interim remedial measures for environmental contamination located at 68-92 Genesee Street 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 a portion of the costs of a remedial investigation and interim remedial measures for environmental contamination of the property located at 68-92 Genesee Street in the City (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$288,000. The plan of financing includes the issuance of \$288,000 bonds of the City which amount is hereby appropriated therefor 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.

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Section 2. Bonds of the City in the principal amount of \$288,000 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 \$288,000. 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.

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.

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Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-266
Re: Grant Acceptance–New York State
Department of Environmental
Conservation–Municipal Food Scraps
Reduction, Food Donation, and Food
Scraps Recycling.

Transmitted herewith for your approval is legislation related to the development of a Municipal Food Scraps Reduction, Food Donation, and Food Scraps Recycling Program (the Project) for the City of Rochester. This legislation will:

1. Authorize the Mayor to enter into a grant agreement with the New York State Department of Environmental Conservation (NYSDEC); and
2. Authorize the receipt and use of \$104,400 in anticipated grant funds from the NYSDEC to finance the Project.

In February 2019, the City applied for a Municipal Food Scraps Reduction, Food Donation, and Food Scraps Recycling Program grant, administered by the NYSDEC Division of Materials Management, Bureau of Waste Reduction & Recycling and was subsequently selected to receive a grant in the amount of \$104,400. This grant is designed to assist municipalities with developing and/or expanding local food waste reduction and recycling programs, and increasing public participation in those programs. With this grant, the City will: (1) develop a public education program to increase awareness of food waste prevention and food donation and (2) conduct a feasibility study to evaluate the implementation of an organics recycling (composting) program in the city. The required match will be \$25,000 from fiscal year 2015-16 and \$25,000 fiscal year 2016-17 cash capital from the Department of Environmental Services, and \$6,100 of in-kind staff support.

This Project will not only help to address food insecurity in the city but also raise community awareness for reducing food waste, donating food, and recycling food waste, as well as provide the City with guidance on the development of an organics recycling program. Implementation of the Project will reduce the amount of landfilled food waste and result in lower greenhouse gas emissions in accordance with strategies and actions outlined in the City of Rochester Community-wide Climate Action Plan and help to create a sustainable community, ready for continued growth and vibrancy.

The City will select a consultant through a request for proposals process to assist in the development and implementation of the Project.

The Project is expected to be completed by June 2022.

Respectfully submitted,
Lovely A. Warren
Mayor

August 20, 2019

Ordinance No. 2019-266
(Int. No. 292)

Authorizing a grant agreement for Municipal Food Scraps Reduction, Food Donation, and Food Scraps Recycling 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 Environmental Conservation for the receipt and use of grant funds in the amount of \$104,400 for the development of a Municipal Food Scraps Reduction, Food Donation, and Food Scraps Recycling Program. The term of the agreement shall be from June 5, 2019 through June 4, 2022.

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. 2019-267
Re: Phil Banks Way – Official Map
Amendment

Transmitted herewith for your approval is legislation related to improvements at 1000 Driving Park Avenue. This legislation will:

1. Amend the Official Map by dedicating 1010 Driving Park Avenue, T.A. No. 090.630-01-001.002 as right-of-way, and;
2. Amend the Official Map by naming the right-of-way Phil Banks Way.

The City Planning Commission will consider this legislation at its August 12, 2019 meeting. Minutes of that meeting, along with the decision will be forthcoming. A public hearing is required.

Phil Banks joined the City in 1993 as Manager of Business Development and was later named Deputy Commissioner of Economic Development. He was committed to Rochester and to helping create employment opportunities for its citizens. As a champion of small business in neighborhoods and in industrial parks, Phil recognized that this site would be perfect for future industrial development that would lead to new jobs for City residents.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Rochester Municipal Code, a negative declaration for this Type 1 Action was issued on September 16, 2013.

A public hearing is required.

August 20, 2019

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-267
(Int. No. 293)

Amending the Official Map to dedicate additional right-of-way as Phil Banks Way

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

Section 1. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by dedicating to street purposes the following described parcel, by naming said dedication "Phil Banks Way," and adding said dedication to its respective adjoining street, Driving Park Avenue. The parcel is more particularly described below and is depicted in maps referenced therein, which are on file with the City Clerk.

PHIL BANKS WAY

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 71 & 72 of the 20,000 Acre Tract, Township 1, Short Range and being Lot 2 as shown on a map entitled 1000 Driving Park Subdivision, dated May 9, 2019, as prepared by Fisher Associates, as filed in the Office of the Monroe County Clerk in Liber 358 of Maps, Page 94, and being more particularly bounded and described as follows:

Commencing at a point on the northerly ROW line of Driving Park Avenue (70' ROW), 252.37 feet east of the easterly ROW line of Mt. Read Boulevard (ROW Varies), said point being the Point or Place of Commencing; thence

- A) S 43° 29' 06" E, along said Driving Park Avenue ROW, a distance of 502.72 feet to the southeast corner of said Lot 2, being the Point or Place of Beginning; thence
- 1) N 46° 30' 54" E, a distance of 106.42 feet to a point of curvature; thence
- 2) Northerly, along a curve to the left, having a radius of 133.00 feet, a distance of 110.30 feet to a point of tangency; thence
- 3) N 01° 00' 11" W, a distance of 245.73 feet to a point of curvature; thence
- 4) Northerly, along a curve to the right, having a radius of 51.00 feet, a distance of 40.56 feet to a point of reverse curvature; thence
- 5) Northerly, westerly and southerly, along a curve to the left, having a radius of 69.00 feet, a distance of 326.54 feet to a point of reverse curvature; thence
- 6) Southerly, along a curve to the right, having a radius of 51.00 feet, a distance of 40.56 feet to a point of tangency; thence
- 7) S 01° 00' 11" E, a distance of 245.73 feet to a point of curvature; thence
- 8) Southerly, along a curve to the right, having a radius of 67.00 feet, a distance of 55.57 feet to a point of tangency; thence

August 20, 2019

- 9) S 46° 30' 54" W, a distance of 94.06 feet to a point; thence
- 10) N 88° 29' 07" W, a distance of 17.48 feet to the said northerly ROW line of Driving Park Avenue and the southwest corner of said Lot 2; thence
- 11) S 43° 29' 06" E, along said ROW line, a distance of 78.36 feet to the said southeast corner of Lot 2, being the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 1.037 Acres, more or less.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Vice President Lightfoot
August 20, 2019

To the Council:

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

- | | |
|--------------|--|
| Int. No. 294 | Appropriating funds and authorizing an agreement with Rochester Area Crime Stoppers, Inc. |
| Int. No. 295 | Authorizing a grant agreement with the New York State Office of Victim Services |
| Int. No. 296 | Amending the 2019-20 Budget by increasing the appropriations for the Rochester Police Department to carry over unspent grant funds |
| Int. No. 297 | Amending the 2019-20 Budget to fund electronic crime investigations |
| Int. No. 298 | Authorizing an intermunicipal agreement for the Pathways to Peace program |
| Int. No. 299 | Authorizing an agreement and funding for the ROCmusic program |
| Int. No. 300 | Authorizing an agreement for Roc Kids Read literacy programming |
| Int. No. 301 | Authorizing license agreements for the use of the Danforth Community Center, <u>as amended</u> |

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

Received filed and published.

August 20, 2019

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-268
Re: Appropriation - Federal Forfeiture
Funds for Crime Stoppers

Council Priority: Public Safety

Transmitted herewith for your approval is legislation related to federal forfeited property revenues attributable to the Rochester Police Department (RPD). This legislation will:

1. Appropriate \$15,000 in RPD federal forfeiture funds to support Rochester Area Crime Stoppers, Inc. and amend the 2019-20 Budget of the Police Department by said amount.
2. Establish \$15,000 as maximum compensation for an agreement with Rochester Area Crime Stoppers, Inc., (Chairperson: Paul Hawkins) an organization that promotes anonymous crime tips and provides rewards for tips that result in arrests. The cost of this agreement will be funded from the 2019-20 Budget of the Police Department and have a term of one year.

Rochester Area Crime Stoppers, Inc. also publishes the *Fugitive Flyer* to assist local law enforcement in arresting known career criminals, and produces public awareness materials geared towards eliminating gun violence.

The appropriations requested this month will result in a balance of approximately \$891,300 in the federal forfeiture Justice fund.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-268
(Int. No. 294)

Appropriating funds and authorizing an agreement with Rochester Area Crime Stoppers, Inc.

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

Section 1. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Police Department by the sum of \$15,000, which amount is hereby appropriated from Federal funds realized from seized and forfeited assets to support the Crime Stoppers program.

Section 2. The Mayor is hereby authorized to enter into an agreement with Rochester Area Crime Stoppers, Inc., an organization that promotes anonymous crime tips and provides rewards for tips that result in arrests. The maximum compensation for the agreement shall be \$15,000, and said amount shall be funded from the 2019-20 Budget of the Police Department. The term of the agreement shall be one year.

August 20, 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.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-269
Re: Grant Agreement – New York State
Office of Victim Services

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an agreement with New York State Office of Victim Services (NYSOVS) for the receipt and use of a grant totaling \$978,503.51. The term of this agreement is October 1, 2019 through September 30, 2022. The amounts for each year are:

Term	Amount
10/1/19 – 9/30/20	\$314,809.04
10/1/20 – 9/30/21	\$325,432.97
10/1/21 – 9/30/22	\$338,261.50
Total	\$978,503.51

These funds will be used to finance salary expenses, including some fringe, for counseling positions in the Police Department's Family and Victim Services Section. The NYSOVS funds were anticipated and included in the 2019-20 Budget of the Police Department. The required 25% local match will be fulfilled with the City's contribution of fringe benefits which were also included in the 2019-20 Budget.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-269
(Int. No. 295)

Authorizing a grant agreement with the New York State Office of Victim Services

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Victim Services for the receipt and use of grant funds in the amount of \$978,503.51 to fund salary expenses for counseling positions in the Police Department's Family and Victim Services Section. The term of the agreement shall be from October 1, 2019 through September 30, 2022.

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. 2019-270
 Re: Budget Amendment – 2019-20 Budget
 of the Police Department and Undistributed

Council Priority: Public Safety

Transmitted herewith for your approval is legislation amending the 2019-20 Budget of the Police Department by \$28,400 and Undistributed by \$4,700 to reflect the balance of carryover funds from existing grants. The funds are itemized below, and will be used for their original intended purpose.

GRANT	RPD Carryover	Undistributed Carryover
2019 Child Passenger Safety Grant	\$500	\$0
FY2016 Complex Coordinated Terrorist Attack	\$4,300	\$1,400
Petco Foundation	\$4,500	\$0
Ranzenhofer Senate Grant	\$3,900	\$0
Sexual Assault, Domestic Violence, Dating Violence & Stalking (SADVS)	\$5,200	\$1,700
2019 Stop DWI	\$10,000	\$1,600
Total	\$28,400	\$4,700

The Child Passenger Safety Grant supports the Police Department’s efforts to ensure correct use of child car seats. These remaining funds will be used for certification and continuing education of those officers teaching about safety seats at community-based, seat-checking events.

Through the FY2016 Complex Coordinated Terrorist Attack grant, Monroe County will reimburse costs of up to \$20,000 in overtime, fringe benefits, and travel expenses for Police Officers for planning and training that is focused on building or enhancing capabilities to improve the ability to prepare for, prevent, and respond to complex coordinated terrorist attacks.

The Petco Foundation grant provides funding for fee-waived adoption events.

The grant secured by Senator Michael H. Ranzenhofer provides overtime for police operational activities including walking beats, bike patrols, anti-violence operations, and community policing in the Genesee Section to address and decrease the incidence of violence.

The SADVS funding is provided by the US Department of Justice through Monroe County to implement a comprehensive collaborative among agencies dealing with domestic violence. These funds are used to support the cost of overtime and associated fringe benefits for the Domestic Violence Response Team, comprised of police officers and police supervisors as needed, to respond to targeted domestic violence situations.

The Stop DWI grant is used for enhanced detection and enforcement of driving while intoxicated and related offenses for the 2019 calendar year. Supported activities include expenses for Stop DWI overtime details and associated fringe costs, training, and underage alcohol enforcement.

August 20, 2019

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-270
(Int. No. 296)

Amending the 2019-20 Budget by increasing the appropriations for the Rochester Police Department to carry over unspent grant funds

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

Section 1. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Police Department by the sum of \$28,400, and by increasing the revenue estimates and appropriations to the Budget of Undistributed Expenses by the sum of \$4,700, which amounts are hereby appropriated from unspent grant funds appropriated in previous budgets as shown below. Said funds shall be used for their original purpose.

Grant	RPD Carryover	Undistributed Carryover
2019 Child Passenger Safety Grant	\$500	\$0
FY2016 Complex Coordinated Terrorist Attack	\$4,300	\$1,400
Petco Foundation	\$4,500	\$0
Ranzenhofer Senate Grant	\$3,900	\$0
Sexual Assault, Domestic Violence, Dating Violence & Stalking (SADVS)	\$5,200	\$1,700
2019 Stop DWI	\$10,000	\$1,600
Total	\$28,400	\$4,700

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-271
Re: Budget Amendment – 2019-20 Budget
of the Police Department

Council Priority: Public Safety

Transmitted herewith for your approval is legislation amending the 2019-20 Budget of the Police Department by up to \$15,000 to reflect the receipt and use of funding from the United States Secret

August 20, 2019

Service (USSS) for the reimbursement of overtime costs and other expenses related to electronic crime investigations.

The USSS provided equipment for use by members of RPD that provides the ability to collect and analyze evidence on electronic devices. The USSS will reimburse the RPD in an amount not to exceed \$15,000 annually for the purchase of office equipment and/or miscellaneous supplies that are in support of the equipment already provided by the USSS, and/or overtime expenses, not including fringe, incurred in support of the USSS Buffalo Electronic Crimes Task Force.

Use of these funds are contingent upon the availability of funds allocated to the USSS through the Department of Treasury.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-271
(Int. No. 297)

Amending the 2019-20 Budget to fund electronic crime investigations

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

Section 1. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Police Department by the sum of \$15,000, which amount is hereby appropriated from funds received from the United States Secret Service for the reimbursement of overtime costs and other expenses related to electronic crime investigations.

Section 2. This ordinance shall take effect immediately

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-272
Re: Inter-Municipal Agreement - Rochester
City School District's Utilization of
Pathways to Peace

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with the Rochester City School District for the receipt and use of \$20,000 and amending the 2019-20 Budget of the Department of Recreation and Youth Services (DRYS) by the funds authorized herein to provide Pathways to Peace (PTP) staff support at District athletic and special events. The term of the agreement will not exceed one year.

Under this agreement, the District will reimburse the City for PTP staff expenses for the following services:

August 20, 2019

1. Emergencies Before or After Athletic Event – at the District’s request, PTP will respond to emergency situations to assist in preventing and mitigating the risk of violence among students and conduct ongoing outreach with the schools to identify and address risks.
2. School District Special Events - At the District’s request, PTP will monitor entry points at special events and activities and will identify potentially violent individuals. PTP will monitor actions of youth at the events, work with District staff and, if applicable, the Rochester Police Department to intervene and prevent violence.

This was last authorized by City Council Ord. No. 2018-372 adopted on November 21, 2018.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-272
(Int. No. 298)

Authorizing an intermunicipal agreement for the Pathways to Peace program

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

Section 1. The Mayor is hereby authorized to enter into an intermunicipal agreement for the receipt and use of \$20,000 from the Rochester City School District (RCSD) in return for the City providing Pathways to Peace staff support at RCSD athletic and special events. The term of the agreement shall be for up to 1 year.

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

Section 3. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations of the Budget of the Department of Recreation and Youth Services by the sum of \$20,000, which amount is hereby appropriated from funds to be received under the agreement and for the purpose authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-273
Re: Agreement – ROCmusic program

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

Transmitted herewith for your approval is legislation related to the science, technology, engineering, arts, and math (STEAM) Engine programming. This legislation will:

August 20, 2019

1. Appropriate \$25,000 from the STEAM Engine allocation of the 2019-20 Consolidated Community Development Plan – Annual Action Plan.
2. Establish \$19,500 as maximum compensation for an agreement with Ronald Carlton Wilcox DBA Carlton Wilcox LIVE, Rochester, NY 14624, for coordination and instruction of the Roc da Roc Music Production and DJ/Emcee components of the ROCmusic program. The term of the agreement will be for the remainder of the fiscal year (June 2020) and the cost will be funded from the appropriation made herein.

ROCmusic is an after-school and summer community-based music education program that offers tuition-free classical music instruction and instrument lessons at the David F. Gantt, Douglass and the Edgerton R-Centers. Under this agreement, the Consultant will provide music instruction instrumentation with a focus on piano, bass guitar, and drums, the art of performance, concert production, disk jockeying, and emceeing. Instruction will be delivered to up to 40 youth ages 10 and older and will culminate with a concert and completion of an audio recording.

Carlton Wilcox LIVE was selected for these services based on his experience as a performer, music director and producer, and extensive involvement in community concerts and performances. A full justification for not issuing a request for proposals is attached. The remaining balance of funds will be utilized for music equipment and program supplies.

This was last authorized by City Council Ordinance No. 2018-411 adopted on December 19, 2018.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-159

Ordinance No. 2019-273
(Int. No. 299)

Authorizing an agreement and funding for the ROCmusic program

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

Section 1. The sum of \$25,000 is hereby appropriated from the STEAM Engine project fund of the Consolidated Community Development Plan/2019-20 Annual Action Plan for science, technology, engineering, arts and math (STEAM) Engine programming.

Section 2. The Mayor is hereby authorized to enter into a professional services agreement in the maximum amount of \$19,500 with Ronald Carlton Wilcox doing business as Carlton Wilcox LIVE for coordination and instruction in the Roc da Roc music production and DJ/Emcee components of the City's ROCmusic program. Said amount shall be funded from the STEAM Engine funds appropriated herein and shall have a term that extends 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.

August 20, 2019

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-274

Re: Agreement – *Roc Kids Read* literacy programming

Council Priority: Supporting the Creation of
Effective Educational Systems

Transmitted herewith for your approval is legislation establishing \$41,500 as maximum annual compensation for an agreement with Sophia Amaxopoulos dba Learning Curve Tutoring and Educational Services (Webster, New York 14580) for afterschool literacy enrichment programming and staff professional development services. The cost of this agreement will be funded from the 2019-20 Budget of Department of Recreation and Youth Services. The term of the agreement will be for one year, with the option to renew for three additional one-year periods. Subsequent costs will be funded from the annual budgets of DRYS contingent upon approval.

Learning Curve Tutoring and Educational Services will implement the *Roc Kids Read* literacy intervention program at R-Centers for 200 youth in grades kindergarten through third. *Roc Kids Reads* includes daily individual and group interactive literacy engagement activities that are research-based and align with New York State curriculum standards, and are designed to improve participants' fluency, comprehension, spelling, phonemic awareness, and penmanship. In addition to the program delivery, Learning Curve will provide professional development for R-Center staff assisting with the facilitation to ensure quality program delivery.

Learning Curve was selected for these services based a successful 2018-19 *Roc Kids Read* pilot program initiated in 2018-19 with 40 R-Center participants. All students who regularly participated in the program showed an increase in their reading fluency, comprehension, and phonemic awareness. A full justification for not issuing a request for proposals is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-160

Ordinance No. 2019-274
(Int. No. 300)

Authorizing an agreement for Roc Kids Read literacy programming

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 Sophia Amaxopoulos, doing business as Learning Curve Tutoring and Educational Services, to provide afterschool literacy enrichment programming and staff professional development services for the Roc Kids Read literacy intervention program. The term of the agreement shall be 1 year with the option to renew for up to three additional terms of 1 year each. The maximum annual compensation for the agreement shall be \$41,500. The compensation for the first year shall be funded from the 2019-20 Budget of the Department of Recreation and Youth Services (DRYS). The compensation for subsequent years, if opted for, shall be funded from subsequent years' Budgets of DRYS contingent upon approval of said budgets.

August 20, 2019

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. 2019-275
Re: License Agreements and Budget
Amendment – Danforth Community
Center

Transmitted herewith for your approval is legislation authorizing license agreements and a budget amendment related to the Danforth Community Center (200 West Ave., Rochester, NY 14611) (the Community Center). This legislation will:

1. Authorize a license agreement with Exercise Express, LLC (Karen Rogers, principal), Rochester, New York, to utilize 1,800 square feet at the Community Center for agency office space and the delivery of exercise and wellness programming for senior citizens. The term of this license agreement will be for five years, beginning upon execution, and shall be renewable for one additional five-year term. In the first year, the annual rent for the use of this space will be \$18,000.
2. Authorize a license agreement with Samaritan Woman, Inc. d/b/a Samaritan Center of Excellence, Inc. (Monica Szymanski, Executive Director), Rochester, New York, to utilize 1,782 square feet at the Community Center for agency office space and the delivery of counseling and referral services for the community. The term of this license agreement will be for five years, beginning upon execution, and shall be renewable for one additional five-year term. In the first year, the annual rent for the use of this space will be \$17,820.
3. Amend the 2019-20 Budget of the Department of Recreation and Youth Services (DRYS) by \$35,800 to reflect this unanticipated revenue.

The agencies partner with each other under the “Reaching Our Community (ROC) HUB” collaborative with the mission to strengthen individuals, families, and the community through the access and availability of co-located services including quality emotional, social, and physical health services. The services offered help Rochester residents in their journey to build healthy lives.

The license-holders will occupy approximately 31 percent of the Community Center’s usable square footage. The space will be licensed at a rate \$10.00 per square foot, including the cost of utilities, in the first year. This rate was determined by an appraisal conducted by Bruckner, Tillet, Rossi, Cahill & Associates as of July 2019. This amount will be adjusted by the City annually based on the CPI-U (Consumer Price Index-Urban Market), as determined by the Department of Neighborhood and Business Development Real Estate Division. Each agency will provide all custodial and cleaning services for their licensed spaces. The City will provide heating, plumbing and electrical repairs, as well as maintain the structural integrity of the Community Center.

The Department of Recreation and Youth Services no longer has a need for the Community Center office space due to the upcoming relocation to the former Chamber of Commerce building (57 St. Paul Street).

August 20, 2019

DRYS will continue to offer programming for senior citizens and the community at the Community Center in addition to the services provided by these agencies.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-275
(Int. No. 301, as amended)

Authorizing license agreements for the use of the Danforth Community Center

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

WHEREAS, the City of Rochester has received a proposal from Exercise Express, LLC (Exercise Express) for a license to use of a portion of the premises in the Danforth Community Center located at 200 West Avenue (Danforth Community Center) for agency office space and for the delivery of exercise and wellness programming for seniors, for a term of five years with the option to extend for one additional five-year term; and

WHEREAS, the City of Rochester has received a proposal from Samaritan Woman, Inc. d/b/a Samaritan Center of Excellence, Inc. (Samaritan Woman) for a license to use of a portion of the premises in the Danforth Community Center for agency office space and the delivery of counseling and referral services for the community, for a term of five years with the option to extend for one additional five-year term, and Exercise Express' and Samaritan Woman's proposals are hereinafter referred to as the License Proposals; and

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

WHEREAS, the term of the use provided for in each License Proposal is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the uses.

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

Section 1. The Mayor is hereby authorized to enter into a license agreement with Exercise Express for the use of a portion of the premises in the Danforth Community Center consisting of 1,800 square feet for agency office space and the delivery of exercise and wellness programming for senior citizens. The term of the license agreement shall be five years with the option to extend up to one additional five year term. Exercise Express shall be obligated to pay an annual license fee of \$18,000, which includes the cost of utilities. After the first year, the fee shall be adjusted for each subsequent year based on the Consumer Price Index for All Urban Consumers (CPI-U).

Section 2. The Mayor is hereby authorized to enter into a license agreement with Samaritan Woman, Inc. for the use of a portion of the premises in the Danforth Community Center, consisting of 1,782 square feet for agency office space and the delivery of counseling and referral services for the community. The term of the license agreement shall be five years with the option to extend up to one additional five year term. Samaritan Woman shall be obligated to pay an annual license fee of \$17,820, which includes the cost of utilities. After the first year, the fee shall be adjusted for each subsequent year based on the Consumer Price Index for All Urban Consumers (CPI-U).

August 20, 2019

Section 3. Ordinance No. 2019-161, the 2019-20 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Department of Recreation and Youth Services by the sum of ~~-\$35,820~~ \$35,800, which consists of the first-year license fees provided for in Sections 1 and 2 hereof.

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

Section 5. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

By Vice President Lightfoot
August 20, 2019

To the Council:

The following entitled legislation is being **HELD** in the **COMMITTEE OF THE WHOLE**:

Int. No. 302 Resolution confirming the appointment of the Commissioner of Neighborhood
and Business Development

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

Received Filed and Published

TO THE COUNCIL
Ladies and Gentlemen:

INTRODUCTORY NO. 302
Re: Confirmation of the Commissioner,
Department of Neighborhood and
Business Development

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

Gary M. Kirkmire's resume is on file in the City Clerk's Office.

August 20, 2019

Respectfully submitted,
Lovely A. Warren
Mayor

INTRODUCTORY NO. 302

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

WHEREAS, the Mayor has appointed Gary M. Kirkmire to the position of Commissioner of Neighborhood and Business Development, subject to confirmation by the City Council, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Rochester hereby confirms the appointment of Gary M. Kirkmire as Commissioner of Neighborhood and Business Development.

This resolution shall take effect immediately.

HELD IN COMMITTEE

The meeting was adjourned at 8:59 p.m.

HAZEL L. WASHINGTON
City Clerk