

ROCHESTER CITY COUNCIL

REGULAR MEETING

September 17, 2019

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

Absent – Councilmember Evans -1

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

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

Retirement:

DES:

- *Peter Koch
- *Dale Willey

ECD:

Creacy Clowers-Coleman

RFD:

- *Andrew Bleier

RPD:

- *Carlos De Jesus

**Not attending meeting*

APPROVAL OF THE MINUTES

By Councilmember Harris

RESOLVED, that the minutes of the Regular Meeting on August 20, 2019 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

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

The Mayor submits the following:

- Quarterly Reports – Delinquent Receivables – June 30, 2019. – 4313-19
- Quarterly Reports – NBD Grants Report – June 30, 2019. – 4314 -19

The Council submits Disclosure of Interest Forms from Councilmember Ortiz on Int. No. 308.

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THE COUNCIL PRESIDENT --- RECEIVED AND FILED.

**REPORTS OF STANDING COMMITTEES
AND ACTION THEREON**

By Councilmember Clifford
September 17, 2019

To the Council:

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

- | | |
|--------------|---|
| Int. No. 305 | Authorizing the cancellation or refund of erroneous taxes charges |
| Int. No. 306 | Amending Local Improvement Ordinance No. 1758 relating to the operation and maintenance of neighborhood commercial and residential parking lots |
| Int. No. 327 | Amending the 2018-19 Budget for year-end Budget transfers. |

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2019-276
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 \$69,886.80.

The demolition charge for 732 Portland Avenue was inadvertently added to tax at the direction of the Law Department. 732 Portland Avenue was sold at the City of Rochester below lien foreclosure sale and at that time the deed had not been recorded to indicate a change of ownership. The demolition charge should have been cancelled in the general billing system after the deed was recorded because the demolition occurred before the sale of the Property.

When determining what fines should be held from being added to the tax bill for 300 Pennsylvania Avenue, we reviewed the 2018 Housing Code and Get Tough ticket report depicting properties with open balances and current ownership. The report advised that a deed change for 300 Pennsylvania Avenue was the result of a deed correction and we were advised that fines should be added when a correction

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deed is filed. In this instance, we were not informed that the correction was merely an address change and that there is no relationship between the former and new owners. Therefore, the fines should have been held from being added to the tax bill for 300 Pennsylvania Avenue. Once the Code Violation charges have been removed, the fines will be sent to the collection agency.

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

	<u>Accounts</u>	
City Council	6	\$113,970.25
Administrative	<u>6</u>	<u>\$3,693.52</u>
Total	12	\$117,663.77

These cancellations represent 0.0452% of the tax receivables as of July 1, 2019.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-161

Ordinance No. 2019-276
(Int. No. 305)

Authorizing the cancellation or refund of erroneous taxes and charges

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

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

	S.B.L. #	Class	Address	Tax Year	Amount Cancelled	Subtotal
(A)	106.27-1-2	N	732 Portland Ave	2020	\$50,236.80	\$50,236.80
(B)	106.60-2-34	H	300-302 Penn- sylvania Ave	2020	\$19,650.00	\$19,650
					TOTAL	\$69,886.80

(A) The City incurred costs to demolish structures at 732 Portland Avenue prior to the sale of the property at a City of Rochester below lien foreclosure sale. At the time of the add-to-tax process that followed the sale, the demolition charges were mistakenly added to the tax bill at the direction of the Law Department because the foreclosure sale deed had not yet been recorded to indicate a change of ownership. The demolition charges should have been cancelled in the general tax billing system after the sale deed was recorded because the demolition charges were incurred under a prior owner.

(B) When the 2018 Housing Code and Get Tough ticket report (HC/GT), which indicates open violation ticket balances and the current ownership, was consulted for 300-302 Pennsylvania Avenue, it indicated that there were outstanding ticket charges and that there had been a deed

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change that was the result of a deed correction. Rather than treat the deed change as indicative of a change in ownership and remove the prior owner's charges, the Municipal Code Violations Bureau added the ticket charges to the bill based on advise to do so when a mere correction deed is filed. In this instance, however, the Bureau had not been informed that the correction deed was correcting a prior deed that had actually transferred the property to a new owner. There is no relationship between the prior and new owner. The violation ticket charges incurred under a prior owner should not have been added to the tax bill for this property and should be removed. Once that occurs, the charges will be sent to the collection agency to seek recovery from the prior owner.

Section 2. If full or partial payment of the afore-said 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:

Local Improvement Ordinance No. 1760
Re: Various Agreements for Operation and
Maintenance of Special District Assessment
Parking Lots

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation authorizing the City to enter into one one-year agreements with various contractors for operation and maintenance of each of the special assessment district parking lots during 2019-2020.

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

LIO 1758 establishes the 2019-20 assessment amounts for each of the six districts but does not authorize agreements for operation and maintenance of each district. The assessments reflect the cost of snow plowing, cleaning, landscaping, maintenance, lighting and parking regulation enforcement. The operation and maintenance services are provided either by private companies under contract to the City or by the property owners themselves. It is impractical to go out to bid due to the direct involvement of each contractor to each respective lot. The total appropriation for 2019-2020 and associated contractors are:

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Lot Name	19-20 Budget	Contractor
Lyell Avenue	\$9,803.00	The Appliance Store
Monroe Avenue/Oxford Street	\$16,200.00	Thomas Adams
Woodside Street/Goodwill Street	\$14,925.00	Dominic C Zicari
Culver Road/Merchants Road	\$9,810.00	Culver Merchants Business Association, Inc.
North Street	\$11,700.00	Domicello
Mt Hope Avenue	\$1,000.00	No contractor
Sub-total	\$63,438.00	
Rollover Untaxed		
Monroe Ave/Oxford St	-\$3,500.00	
Total	\$59,938.00	

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-162

Local Improvement Ordinance No. 1760
(Int. No. 306)

Amending Local Improvement Ordinance No. 1758 relating to the operation and maintenance of neighborhood commercial and residential parking lots

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

Section 1. Local Improvement Ordinance No. 1758 approved in May 2019, which authorized the assessment and appropriation of funds for 6 special assessment district parking lots, is hereby amended so that Sections 3 and 4 thereof shall read as follows:

Section 3. It is hereby determined that it is impracticable to have the work described herein done by competitive contract. Therefore, contracts for the work described herein may be awarded to such qualified persons or neighborhood associations as may be selected from those located in or adjacent to the aforementioned special assessment districts.

Section ~~3~~ 4. This ordinance shall take effect on July 1, 2019.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

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TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-277

Re: 2018-19 Year-End Budget Amendment

Council Priority: Deficit Reduction and Long Term
Financial Stability

Transmitted herewith for your approval is legislation amending the 2018-19 Budget as follows:

1. Transfers of appropriations totaling \$732,900 from the Contingency Account to Cash Capital.
2. Transfers of appropriations totaling \$1,467,100 from Undistributed to Cash Capital.
3. Appropriation of unanticipated revenues totaling \$75,800 to increase the budget of City Council and Clerk.

The appropriation transfers are authorized pursuant to Section 6-13 of the City Charter. The appropriation of unanticipated revenues is authorized by section 6-14.

The City Council has previously authorized 43 other amendments to the 2018-19 Budget. These amendments reflect 2 appropriation transfers and 42 appropriation increases based upon the receipt of additional revenues.

Actual receipts and expenditures for 2018-19 will be audited by the City's external auditors, Freed, Maxick, and Battaglia. The proposed amendments are required to complete the audit process and ensure adherence to Section 6-16 of the City Charter, which prohibits expenditures in excess of authorized appropriations.

The proposed total increase of \$2,200,000 to the Cash Capital allocation is to fund capital projects as follows:

1. \$500,000 in additional funding to purchase equipment in conjunction with changes to the County radio system;
2. \$500,000 for renovations to the McGuire Building to continue the development of the Rochester Community & Youth Sports Complex;
3. \$450,000 for additional funds needed for the construction of the ROC City Skate Park
4. \$350,000 in additional funding to support the La Marketa Project;
5. \$250,000 for additional funds for improvements to the Clinton Baden R-Center; and
6. \$150,000 towards the construction of a boat launch on the West River Wall as part of Roc the Riverway.

The additional expense in City Council and Clerk resulted from the primary that was moved from September, 2019 to June, 2019. The cost of this special election has already been reimbursed by Monroe County.

The City Senior Management Team effectively managed their 2018-19 operating budgets, with actual spending less than 2018-19 Budget allocations. Savings resulted from personnel vacancies and associated fringe benefit expense. There was also savings available from lower than expected motor equipment expense including fuel prices, utility expense, and other costs including professional fees.

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Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-277
(Int. No. 327)

Amending the 2018-19 Budget for year-end Budget transfers

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

Section 1. Ordinance No. 2018-157, the 2018-19 Budget of the City of Rochester, as amended, is hereby further amended by transferring the total sum of \$2,200,000 to Cash Capital from the following accounts:

- a) \$732,900 from Contingency; and
- b) \$1,467,100 from Undistributed Expenses.

Section 2. Ordinance No. 2018-157, the 2018-19 Budget of the City of Rochester, as amended, is hereby further amended by appropriating unanticipated revenues in the amount of \$75,800 to the Budget of City Council and Clerk.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Patterson
September 17, 2019

To the Council:

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

- | | |
|--------------|--|
| Int. No. 307 | Authorizing the sale of real estate |
| Int. No. 308 | Authorizing appropriations and agreements for the Zombie and Vacant Property Remediation and Prevention Initiative – Round II |
| Int. No. 309 | Amending Ordinance No. 2018-263 with regard to the Street Liaison Program |
| Int. No. 310 | Amending Ordinance No. 2019-85 relating to a loan agreement for the Southeast Towers Rehabilitation Project |
| Int. No. 311 | Authorizing the assumption of debt, amending of loan agreements and payments in lieu of taxes <u>agreement</u> for the St. Bernard's affordable senior rental development, <u>as amended</u> |

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-278
Re: Sale of Real Estate

Council Priority: Rebuilding and Strengthening
Neighborhood Housing

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

The five 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 five properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$1,111.

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-163

Ordinance No. 2019-278
(Int. No. 307)

Authorizing the sale of real estate

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

Section 1. The Council hereby approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00 to the owner of an adjoining property:

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Address	SBL#	Lot Size	Sq.Ft.	Purchaser
South Portion 86 Eiffel Pl	091.80-4-60	35 x 87	3,045	Cassandra Flores
577 Frost Ave	120.67-1-6	29 x 115	3,335	King Stephen Real Estate Holdings, LLC
556 Hague St	105.72-1-18	38 x 78	2,964	Betsaida Gonzalez
32 Lenox St	120.67-1-29	35 x 100	3,599	Michael F. Ialeggio
1149 Maple St	120.31-1-5	2 x 130	396	Waltbert Company, LLC

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-279
Re: Agreements with Volunteer Legal Services
Project of Monroe County, Inc., and Flower
City Habitat for Humanity, Inc. (on behalf of
the Monroe County Vacant and Abandoned
Property Task Force) - Local Initiatives Support
Corporation, Zombie and Vacant Property
Remediation and Prevention Initiative –
Round II

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

Transmitted herewith for your approval is legislation related to the City's Zombie and Vacant Property Remediation and Prevention Initiatives. This legislation will:

- 1) Appropriate \$241,000 which represents the non-personnel related expenses of the Local Initiatives Support Corporation (LISC) Grant which was authorized by Ordinance No. 2019-222;
- 2) Establish \$50,000 as maximum compensation for an agreement with Volunteer Legal Services Project of Monroe County, Inc. (Principal, Tina Foster) to provide access to services for households where title issues or the lack of a will may contribute to a property becoming vacant or blighted;
- 3) Establish \$30,000 as maximum compensation for an agreement with Flower City Habitat for Humanity, Inc. (Matthew J. Flanigan, President and CEO) on behalf of the Monroe County Vacant and Abandoned Property Task Force to provide website development support so that the information collected by the Task Force can be used as a public education resource.

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LISC is a national non-profit that helps cities and community partners with housing, economic development, and other community development activities. The closest office is in Buffalo, NY, and the Executive Director is Julie Barrett O'Neill. The proposed agreement with Volunteer Legal Services Project of Monroe County, Inc. will fulfill LISC's expectation for direct assistance to households at risk of probate and potential abandonment concerns for their property. In particular, Volunteer Legal Services Project of Monroe County, Inc. will provide will preparation clinics to assist households who own a home but do not currently have a will. A subgrantee, Empire Justice Center (Principal Kristin Brown), will directly work with households to facilitate the completion and closure of title and estate issues as well as leverage their considerable experience to assist with any related foreclosure concerns.

The proposed agreement with Flower City Habitat for Humanity Inc., on behalf of the Monroe County Vacant and Abandoned Property Task Force, will fulfill LISC's expectation that Monroe County will continue to enhance its efforts to educate and inform residents throughout Monroe County on the subject of vacant and abandoned properties by improving its website. Flower City Habitat for Humanity, Inc. is the fiduciary for the Task Force; therefore the agreement will be with them. The actual website development will be completed by a consultant chosen by the Task Force. A list of the Task Force members is attached.

Both agreements will be funded from the appropriation listed in number one above, and each will have a term of two years. Justification Statements for not issuing Requests for Proposals for these two agreements are also attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-164

Ordinance No. 2019-279
(Int. No. 308)

Authorizing appropriations and agreements for the Zombie and Vacant Property Remediation and Prevention Initiative – Round II

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

Section 1. The sum of \$241,000 in anticipated reimbursements from the Local Initiatives Support Corporation grant authorized in Ordinance No. 2019-222 is hereby appropriated for non-personnel related expenses to implement the Zombie and Vacant Property Remediation and Prevention Initiative – Round II (the Initiative).

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with Volunteer Legal Services Project of Monroe County, Inc. to provide access to legal services for households impacted by property title issues or the lack of a will that may contribute to the blighting or abandonment of real property. The maximum compensation for the agreement in the amount of \$50,000 shall be funded from the Initiative funds appropriated in Section 1 of this ordinance. The term of the agreement shall be for two years.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement with Flower City Habitat for Humanity, Inc. to provide website development support to the Monroe County Vacant and Abandoned Property Task Force so that the information collected by the Task Force can be

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used as a public education resource for the Initiative. The maximum compensation for the agreement in the amount of \$30,000 shall be funded from the Initiative funds appropriated in Section 1 of this ordinance. The term of the agreement shall be for two years.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-280

Re: Street Liaison Program Technical Amendment

Transmitted herewith for your approval is legislation amending Ordinance No. 2018-263, adopted in August 2018, which authorized funding and implementation agreements for the City's Street Liaison Program. At the request of the NYS Department of State, the term of its agreement, to provide \$5,000 in funding for street liaison services for the city's Southeast Quadrant, is extended one additional year to June 30, 2020. The state is requesting the extension because of an unavoidable delay on its end to process payment to the city by the original deadline.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-280
(Int. No. 309)

Amending Ordinance No. 2018-263 with regard to the Street Liaison Program

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

Section 1. Section 2 of Ordinance No. 2018-263, which authorizes agreements for the City's Street Liaison Program, is hereby amended to read as follows:

Section 2. The Mayor is hereby authorized to enter into an agreement with the New York State Department of State for receipt and use a New York State Assembly Member Item grant in the amount of \$5,000, which is hereby appropriated to the Program. The term of the agreement shall continue through June 30, 2020.

Section 2. Section 4 of Ordinance No. 2018-263 is hereby amended to read as follows:

Section 4. The term of each agreement, except for the agreements authorized in Section 2 and Section 3(c), shall continue to June 30, 2019.

Section 3. This ordinance shall take effect immediately.

Underlining indicates new text.

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Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-281

Re: Amending Ordinance No. 2019-85 – Loan Agreement, Southeast Towers

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation amending Ordinance No. 2019-85, to extend the term of the loan authorized therein from thirty years to fifty years, and replace the Cash component of the loan with 2019-20 HOME dollars. Specifically, this legislation will amend Ord. No. 2019-85 as follows, to:

- 1) Cancel the appropriation of \$92,165.68 of Cash Capital (\$51,791.62 of 2015-16 Cash Capital and \$40,374.06 of 2018-19 Cash Capital) and \$288,224.32 from the Housing Revolving Loan Fund (total of \$380,390);
- 2) Appropriate \$380,390 of HOME funds from the Affordable Housing Fund allocation of the 2019-20 Housing Development Fund, to replace the cancelled funding and fully fund the \$1,400,000 City loan with HOME dollars; and,
- 3) Extend the term of the loan from thirty to fifty years. All other terms of the loan will remain the same.

Ordinance No. 2019-85 authorized a loan of \$1,400,000 to Conifer Realty, LLC (Timothy Fournier, Chairman & CEO) or an affiliated partnership or housing development fund corporation formed by Conifer for the rehabilitation of Southeast Towers. A payment in lieu of taxes (PILOT) agreement was also authorized for the project, and all terms of the PILOT remain unchanged. The extended loan term is needed to conform to tax-credit financing requirements, and to prevent a potential loss of capital from tax-credit equity. Changing the loan composition to all HOME funds is necessary as this is the only funding source available to the City that can be loaned for the requested fifty (50) year term. The extended loan term also extends the City's regulatory agreement, ensuring that the units will remain affordable for the same period of time. The modified loan was recommended for approval by the Loan Review Committee on August 21, 2019.

The project will meet the City's Minority and Women Owned Business Enterprises (MWBE) and Workforce goals; with a combined goal of 30% for MBE/WBE firms and workforce attainment of 6.9% women, 20% minorities, and 25% City residents.

A State Environmental Quality Review (SEQR) was completed, and a Negative Declaration was issued on April 16, 2019. The National Environmental Policy Act (NEPA) review is completed, and HUD issued authority to use HOME grant funds on April 19, 2019.

Respectfully submitted,
Lovely A. Warren
Mayor

September 17, 2019

Ordinance No. 2019-281
(Int. No. 310)

Amending Ordinance No. 2019-85 relating to a loan agreement for the Southeast Towers Rehabilitation Project

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

Section 1. Ordinance No. 2019-85 is hereby amended to read in its entirety as follows:

Ordinance No. 2019-85

Authorizing payment in lieu of taxes and loan agreements for the Southeast Towers Rehabilitation Project

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

Section 1. The Mayor is hereby authorized to enter into a payment in lieu of taxes agreement (PILOT agreement) for the Southeast Towers Rehabilitation Project at 463 East Broad Street (SBL # 121.33-1-3.001) (the Project) with Conifer Realty, LLC or an affiliated partnership or housing development fund corporation to be formed by Conifer for the Project (collectively, the Developer). The PILOT agreement shall provide that the Project remain entitled to a real property tax exemption for 30 years, provided that the Developer makes annual payments in lieu of taxes to the City of Rochester equal in total to no less than 10% of the Project's annual "shelter rent," a phrase which refers to the amount of gross rents less utility costs. Said agreement and the associated real property tax exemption shall cease prior to the end of the 30-year term if and when the Project is no longer operated for the purpose of providing affordable housing in substantial compliance with Article 11 of the NYS Private Housing Finance Law.

Section 2. The Mayor is hereby authorized to enter into a loan agreement with the Developer for construction and permanent financing of the Project. The loan shall be in the amount of \$1,400,000, which shall be funded from the amounts appropriated in Section 4.3 herein. The loan agreement shall have a term that extends to ~~30~~ 50 years following completion of Project construction. The loan shall function initially as a 2% construction loan with interest-only payments due annually until construction is complete, whereupon it shall convert to permanent financing with a term of ~~30~~ 50 years that is subject to an annual interest rate of 2% that is payable annually, contingent on the Project having sufficient cash flow. The repayment of the loan principal and any unpaid interest shall be due at the end of the loan term. The Director of Finance is hereby authorized to adjust the loan interest rate and other terms and conditions in order to conform to requirements for Project tax credits and other legal requirements.

~~Section 3. The sum of \$92,165.68 from the following sources is hereby appropriated to the Housing Revolving Loan Fund: \$51,791.62 from 2015-16 Cash Capital and \$40,374.06 from 2018-19 Cash Capital.~~

Section 4.3. The sum of \$1,400,000 from the following sources is hereby appropriated as principal for the Project loan authorized herein:

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- a) \$1,019,610 from the Housing Development Fund - Affordable Housing Fund account in the Consolidated Community Development Plan/2018-19 Annual Action Plan; and
- b) ~~\$380,390 from the Housing Revolving Loan Fund~~ Housing Development Fund - Affordable Housing Fund account in the Consolidated Community Development Plan/2019-20 Annual Action Plan.

Section-~~5~~4. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate. The Mayor is hereby authorized to execute such other agreements and other documents as may be necessary to effectuate the agreements authorized herein.

Section-~~6~~5. This ordinance shall take effect immediately.

Section 2. The sum of \$380,390, which was previously appropriated by Ordinance No. 2019-85 as a portion of the principal for a loan to finance the Southeast Towers Rehabilitation Project, is hereby returned and re-appropriated in the amounts of \$51,791.62 to 2015-16 Cash Capital, \$40,374.06 to 2018-19 Cash Capital, and \$288,224.32 to the Housing Revolving Loan Fund.

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-282

Re: St. Bernard's Apartments – Affordable Senior Rental Project

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the St. Bernard's Apartments development project, an affordable-housing rehabilitation and preservation project of the existing St. Bernard's affordable senior rental project (St. Bernard's I & II) located at 2260, 2280 and 2300 Lake Avenue in northwest Rochester. The project is being undertaken by CB-Emmanuel Realty, LLC (Benathan Upshaw and R. Christopher Bramwell Jr, Principals; located in Queens Village, New York) and their development consultants, Edgemere Development (John Oster Sr. and Stephanie Benson, Principals). In anticipation of the project proposed at this time Ordinance No. 2018-393, approved on December 18, 2018, authorized the assumption of City of Rochester debt, amendment of existing HOME loan agreements, and a payment in lieu of taxes agreement for a three year period. The requirements of that ordinance have been satisfied, and CB-Emmanuel Realty, LLC has applied for funding sufficient to proceed with the project.

This legislation will:

- 1) Authorize a loan agreement in the amount of \$600,000 for a construction/permanent loan with CB-Emmanuel Realty, LLC or an affiliated partnership or housing development fund corporation to be formed for the project, and appropriate the same amount of HOME funds from the Affordable Housing Fund allocation of the 2019-20 Housing Development Fund to fund the loan.

The loan will serve initially as a 2% construction loan payable annually, then at conversion to permanent financing become a 40-year, 2% interest-only, cash-flow contingent loan payable annually with the principal payment and any unpaid accrued interest due at the end of the 40-year term. The City’s Loan Review Committee approved the \$600,000 loan on August 21, 2019.

- 2) Authorize property tax exemptions and a payment-in-lieu of taxes agreement for the St. Bernard’s Apartments project, which will provide a thirty (30) year exemption for an annual in-lieu payment equal to 10% of the project shelter rents (gross rents minus utility costs). The PILOT will have the option to extend for an additional ten years, provided the properties continue to have mortgages on them. The PILOT Review Committee approved the PILOT on August 1, 2019.
- 3) Authorize the Mayor to execute such agreements and other documents as may be necessary to effectuate the agreement authorized herein; and
- 4) Authorize the Director of Finance to adjust the interest rate and other terms and conditions of the loan in order to conform to legal and other requirements for the Project.

St. Bernard’s Phases I and II (St. Bernard’s Apartments) Senior Affordable Housing Development has provided affordable housing since 1998 and 2002, respectively, while being managed as one rental community of 147 apartments, serving households at 40%, 50% and 60% of Area Median Income (AMI). See chart below.

**Fiscal Year (FY) 2019
 HUD Regulations, Median Family Income (MFI) Income Limits
 Rochester, MSA-MFI \$75,700/family of 4**

Family Size	40%	50%	60%
1	21,200	26,500	31,794
2	24,220	30,300	36,336
3	27,260	34,050	40,878
4	30,280	37,850	45,420
5	32,700	40,900	49,054
6	35,120	43,900	52,687
7	37,540	46,950	56,321
8	39,960	49,950	59,954

[For each person in excess of eight, the four-person income limit should be multiplied by an additional eight percent (.08)].

The development team has finalized their plans for St. Bernard’s and have applied for funding sufficient to refinance, rehabilitate and add thirteen (13) additional apartments, bringing the total number of apartments in the community to 160. Upon completion, the unit mix will be comprised of 14 studios, 120 one-bedrooms, and 26 two-bedroom apartments, and will continue to be targeted to households with incomes at up to 40%, 50% or 60% of AMI.

Rehabilitation of St. Bernard’s Apartments will focus on energy efficiency, accessibility, and extending the property’s useful life. The proposed work scope will include conversion of existing commercial space into 13 additional apartments, installation of solar panels; roof replacement; upgrades to kitchens and bathrooms; installation of high-efficiency plumbing and electric fixtures; HVAC optimization, accessibility improvements; universal design elements; and energy efficiency upgrades in general. This work will continue to sustain affordable senior rental housing at this site for an additional 40 years.

The City’s existing HOME Loans for St. Bernard’s phases I and II will be paid off at the time of refinance. The funding sources and uses for the project are summarized below:

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<u>Uses</u>		<u>Permanent Sources</u>	
Land Acquisition	\$5,609,912	HFA/Tax Exempt Bonds	\$1,300,000
Soft Costs	\$3,710,310	HCR/Sr Housing Funds	\$10,341,623
Construction	\$13,727,436	Housing Trust Fund Mortgage	\$2,011,216
Contingency	\$1,372,744	Tax Credit Equity	\$11,813,310
Development Fee	\$2,818,250	City of Rochester	\$600,000
Reserves	\$446,319	Interim Construction Income	\$200,000
Working Capital	\$93,500	Existing Reserves	\$538,666
TOTAL	\$27,778,471	Deferred Developer Fee	\$508,346
		Seller Note	\$345,127
		Accrued Const. Interest	\$64,383
		Solar Grant Incentives	\$55,800
		TOTAL	\$27,778,471

The project is anticipated to begin construction in October 2019 and be completed in the spring of 2021. It will fulfill an obligation of 30% M/WBE contracts (for City and State funds) and workforce goals of 6.9% women and 20% minorities, as well as 25% city residents.

A State Environmental Quality Review for the project was completed July 12, 2019, and it was classified as Type II, with no further action required. A National Environmental Policy Act (NEPA) review is underway and will be completed prior to entering into any agreements for the St. Bernard's Apartments project.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-165

Ordinance No. 2019-282
(Int. No. 311, as amended)

Authorizing the assumption of debt, amending of loan agreements and payments in lieu of taxes agreement for the St. Bernard's affordable senior rental development

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

Section 1. The Mayor is hereby authorized to enter into a loan agreement with CB-Emmanuel Realty, LLC or an affiliated partnership or housing development fund corporation to be formed for the purpose (collectively, the Redeveloper) for construction and permanent financing for rehabilitating and preserving an existing affordable housing rental project for seniors known as St. Bernard's I and II located at numbers 2260, 2280 and 2300 Lake Avenue (collectively, the Project). The loan shall be in the amount of \$600,000, which amount is hereby appropriated for that purpose from the Housing Development Fund - Affordable Housing Fund account in the Consolidated Community Development Plan/2019-20 Annual Action Plan. The loan agreement shall have a term that extends to 40 years following completion of Project construction. The loan shall function initially as a 2% construction loan with interest-only payments due annually until construction is complete, whereupon it shall convert to a 2% permanent financing loan with interest-only payments due annually, contingent on the Project having sufficient cash flow, for a term of 40 years. The repayment of the loan principal and any unpaid

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interest shall be due at the end of the loan term. The Director of Finance is hereby authorized to adjust the loan interest rate and other terms and conditions in order to conform to requirements for Project tax credits and other legal requirements.

Section 2. The Mayor is hereby authorized to enter into a payment in lieu of taxes agreement (PILOT agreement) for the Project with St. Bernard's Associates, L.P., St. Bernard's II Associates, L.P., the Redeveloper, and/or an affiliated partnership or housing development fund corporation formed for the Project. The PILOT agreement shall provide that the Project will be entitled to a real property tax exemption for up to 30 years, provided that the Project remains in use as affordable senior rental housing and provided that there annual payments in lieu of taxes are made to the City of Rochester equal in total to 10% of the Project's annual "shelter rent," a phrase which refers to the amount of gross rents less utility costs. The agreement shall include an option to extend the term of the PILOT up to ten additional years if the Project properties continue to be mortgaged to the New York State Housing Finance Agency.

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

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

By Councilmember Gruber
September 17, 2019

To the Council:

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

- | | |
|--------------|---|
| Int. No. 312 | Authorizing an agreement for the Campbell Street R-Center Gateway |
| Int. No. 313 | Authorizing an agreement for Genesee Valley Park Pool and Ice Rink upgrades |
| Int. No. 314 | Amending Ordinance No. 2018-273 relating to the Mortimer Street Bus Shelter Relocation Project, <u>as amended</u> |
| Int. No. 315 | Authorizing an agreement for an organics composting feasibility study |
| Int. No. 316 | Amending the Municipal Code with respect to bicycle riding and bike lanes |

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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. 2019-283
Re: Agreement – Laland Baptiste, LLC
Campbell Street R-Center Gateway

Transmitted herewith for your approval is legislation related to the Campbell Street R-Center Gateway project located at 524 Campbell Street. This legislation will establish \$90,000 as maximum compensation for a professional services agreement with Laland Baptiste, LLC (Schillivia Baptiste P.E., Chief Executive Officer), Rochester, NY 14614 for Resident Project Representation (RPR) services. The cost of the agreement will be financed from 2014-15 Community Development Block Grant funds as appropriated in Ordinance No. 2017-69.

This project includes landscape improvements and new public pedestrian pathways onto the grounds from adjacent streets. New drainage and sports fields are also incorporated.

Laland Baptiste, LLC was selected through a request for proposal process, which is described in the attached summary. The agreement shall extend until three months after completion of the two year guarantee inspection of the project.

Construction is anticipated to begin in the spring of 2020 and continue until the summer of 2020. The project will result in the creation and/or retention of the equivalent of 1 full-time job.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-166

Ordinance No. 2019-283
(Int. No. 312)

Authorizing an agreement for the Campbell Street R-Center Gateway

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 Laland Baptiste, LLC to provide resident project representation services for the Campbell Street R-Center Gateway project (the Project). The maximum compensation for the agreement shall be \$90,000,

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and said amount or so much thereof as may be necessary, shall be funded from the Infrastructure Improvements allocation of the General Community Needs Fund of the 2014-15 Community Development Block Grant as appropriated in section 2 of Ordinance No. 2017-69. The term for the agreement shall continue until three months after completion of a two year guarantee inspection of the Project work.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-284
Re: Genesee Valley Park Pool and Ice Rink
Upgrades

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

Transmitted herewith for your approval is legislation related to Genesee Valley Park Pool and Ice Rink Upgrades. This legislation will establish \$200,000 as maximum compensation for a professional services agreement with Passero Associates, Engineering, Architecture & Surveying, D.P.C. (John Caruso P.E., Chief Executive Officer) Rochester, NY, for design services.

The agreement includes design services for the renovation of Genesee Valley Park Pool and Ice Rink Building. These renovations include roof restoration, pool deck replacement, site renovations and exterior site lighting upgrades. The cost of the agreement will be funded from 2018-19 Cash Capital.

Passero Associates, Engineering, Architecture & Surveying, D.P.C. was selected for design services through a request for proposal process which is described in the attached summary. The agreement shall extend until three months after the two-year guarantee inspection of the project.

Design phase services will commence in late 2019. Construction is anticipated to begin in 2021. The agreement will result in the creation and/or retention of the equivalent of 2.1 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-167

Ordinance No. 2019-284
(Int. No. 313)

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Authorizing an agreement for Genesee Valley Park Pool and Ice Rink upgrades

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 Passero Associates, Engineering, Architecture & Surveying, D.P.C. for design services for the renovation of the Genesee Valley Park Pool and Ice Rink Building. The maximum compensation for the agreement shall be \$200,000, which shall be funded from 2018-19 Cash Capital. The term of the agreement shall extend until three months after the two-year guarantee inspection of the project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-285
Re: Amending Ordinance No. 2018-273 –
Authorizing the Sale of Easements for the
Mortimer Street Bus Shelter Relocation
Project

Transmitted herewith for your approval is legislation amending Ordinance No. 2018-273, which authorized the sale of a permanent easement over a portion of the Mortimer Street Garage located at 83 Mortimer Street to Rochester Genesee Regional Transportation Authority (RGRTA) to allow RGRTA to relocate three sidewalk bus shelters further away from the street.

This easement is being amended to provide for the installation of drainage piping and incidentals to connect the roof of the bus shelter to the existing drainage system within the Mortimer Street Garage.

The proposed revision to the permanent easement area is de minimis and has no discernable impact to the value of the permanent easement that was previously determined through an independent appraisal prepared by Bruckner, Tillett, Rossi, Cahill & Associates.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-168

Ordinance No. 2019-285
(Int. No. 314, as amended)

Amending Ordinance No. 2018-273 relating to the Mortimer Street Bus Shelter Relocation Project

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

Section 1. Section 1 of Ordinance No. 2018-273, authorizing the sale of a permanent easement over a portion of the Mortimer Street Garage to Rochester Genesee Regional Transportation Authority (RGRTA) in order to relocate three sidewalk bus shelters further away from the street, is hereby amended to provide for the installation of drainage piping to connect the roof of the bus shelter to the existing drainage system within the garage so as to read as follows:

Section 1. The Council hereby approves the sale of a permanent easement over a portion of the City's Mortimer Street Garage property located at 83 Mortimer Street (SBL# 106.79-1-55.42) to Rochester Genesee Regional Transportation Authority (RGRTA) in order to allow RGRTA to relocate three sidewalk bus shelters further away from the street (the "Project"). The sale price shall be \$4,400 and the permanent easement shall encompass:

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Rochester, County of Monroe, State of New York, being more particularly bounded and described as follows:

Commencing at the point of intersection of the southerly bounds of Mortimer Street (~~36~~ 61 Feet Wide) with the westerly bounds of North Clinton Avenue (66 Feet wide); said point having New York State Plane West Zone (NAD 83) coordinates N: 1,152,250.51 E: 1,408,807.72, thence along the said southerly bounds of Mortimer Street South 72°-20'-27" West 15.93 feet to the POINT OF BEGINNING, said point being 5 +/- feet off the easterly face of the column, thence through the land reputedly of The City of Rochester (TA # 106.79-1-55.42) the following courses;

1. South 17°-39'-33" East, a distance of 5.76 feet to a point on a line 2+/- feet off the southerly face of the columns, thence
2. South 72°-20'-27" West, on a line 2+/- feet off the southerly face of the columns, a distance of 7.21 feet to a point on the westerly face of the columns; thence,
- ~~2. South 72°-20'-27" West, a distance of 118.63 feet to a point on a line 5+/- feet off the westerly face of the column, thence~~
3. South 17°-39'-33" East, on the westerly face of the columns, a distance of 50.82 feet to a point; thence.
- ~~3. North 17°-39'-33" West, a distance of 5.76 feet to a point on the southerly bounds of Mortimer Street; thence along said bounds~~
4. South 72°-20'-27" West, a distance of 2.00 feet to a point on a line 2+/- feet off the westerly face of the columns; thence.
- ~~4. North 72°-20'-27" East, a distance of 118.63 to the POINT OF BEGINNING\~~
5. North 17°-39'-33" West, on a line 2+/- feet off the westerly face of the columns, a distance of 50.82 feet to a point on a line 2+/- feet off the southerly face of the columns; thence.

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6. South 72°-20'-27" West, on a line 2+/- feet off the southerly face of the columns, a distance of 109.42 feet to a point on a line 5+/- feet off the westerly face of the columns; thence.
7. North 17°-39'-33" West, a distance of 5.76 feet to a point on the southerly bounds of Mortimer Street; thence.
8. North 72°-20'-27" East, along said southerly bounds, a distance of 118.63 to the POINT OF BEGINNING.

Said parcel containing 0.018 acres ~~0.016+/- acre~~, more or less as shown on a map entitled "Map of Proposed Permanent and Temporary Easements, City of Rochester, County of Monroe, State of New York" prepared by Bergmann Associates, Project No.12636.00, dated March 22, 2018, last revised August 209, 2019. and ~~Project No.012636.00~~

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-286

Re: Professional Services Agreement – Organics
Composting Feasibility Study

Transmitted herewith for your approval is legislation authorizing a professional services agreement in the amount of \$80,000 with LaBella Associates, D.P.C. (Sergio Esteban, Chief Executive Officer) Rochester, NY 14614 for services related to the development of a feasibility study for the collection and composting of source separated organics (food waste) in the city.

The cost of the agreement will be financed from \$40,000 in New York State Department of Environmental Conservation (NYSDEC) Municipal Food Scraps Reduction, Food Donation, and Food Scraps Recycling Program grant funds appropriated in August 2019 via Ordinance No. 2019-266, and \$15,000 fiscal year 2015-2016 and \$25,000 fiscal year 2016-2017 cash capital from the Department of Environmental Services.

Conducting this study will assist the City in evaluating the feasibility, including potential means and methods, of organics recycling (composting) in the city. The composting of organics will reduce the amount of food waste going to the landfill and result in lower greenhouse gas emissions in accordance with the City of Rochester Community-wide Climate Action Plan.

In February 2019, the City's Office of Energy and Sustainability solicited proposals to conduct a feasibility study for the collection and composting of source separated organics and four companies responded. LaBella Associates, D.P.C. was selected based on the experience and expertise of the proposed project team, its ability to meet the City's schedule, and the quality and cost of its proposal.

The agreement will have an initial term of two years with provisions for a renewal for an additional one-year period based on mutual written agreement. The feasibility study is expected to be completed by June 2021.

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Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-169

Ordinance No. 2019-286
(Int. No. 315)

Authorizing an agreement for an organics composting feasibility study

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with LaBella Associates, D.P.C. for development of a feasibility study for the collection and composting of food waste. The maximum compensation for the agreement shall be \$80,000, which shall be funded from \$40,000 appropriated in Ordinance No. 2019-266, \$25,000 from 2016-17 Cash Capital and \$15,000 from 2015-16 Cash Capital. The term of the agreement shall be two years with the option to renew for an additional one-year period upon mutual agreement.

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. 2019-287
Re: Municipal Code Changes Related to Bicycles
and Bike Lanes

Council Priority: Creating and Sustaining a Culture of
Vibrancy

Transmitted herewith for your approval is legislation amending the Municipal Code to update the regulations for bicycles and prohibit vehicle parking and standing in bike lanes.

Work has been underway to establish local regulations for electric bicycles and electric scooters in anticipation of New York State legalizing those modes of transportation. As proposed updates to the Municipal Code were being developed to incorporate regulations for electric bicycles and electric scooters, the need arose to modernize the regulations related to bicycle riding as well to better align with City priorities.

The legislation transmitted here will amend the Municipal Code to update bicycle riding regulations and prohibit vehicle parking and standing in bike lanes. These regulations support the City's efforts to continuously improve our transportation system so that it is safe and accessible for people of all ages and abilities. Stakeholder meetings were held with local organizations that work on transportation issues to review the proposed regulations, and feedback received was incorporated into the legislation.

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The State Legislature approved legislation in June 2019 to regulate electric bicycles and electric scooters through amendments to the State Vehicle and Traffic Law. The legislation is awaiting Governor Cuomo's signature. The proposed local regulations related to electric bicycles and electric scooters will not be submitted to Council until the State legislation is signed since the changes to the Municipal Code will align with the State legislation and are contingent upon it being signed into law.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-287
(Int. No. 316)

Amending the Municipal Code with respect to bicycle riding and bike lanes

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

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

a. Revise Section 34-1, Definitions, to read as follows:

BICYCLE

~~Includes every device propelled by the feet acting upon pedals having wheels, any two of which are more than 16 inches in diameter. Every two or three wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a line or tricycle arrangement.~~

BIKE LANE

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

CENTRAL TRAFFIC DISTRICT

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

CYCLE TRACK

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

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

~~A. (Reserved)~~

~~B. Bicycles shall not be ridden two or more abreast.~~

~~C. Bicycle riding rules for persons 12 years of age or under. Unless accompanied by a rider over 18 years of age, children under 12 years of age or under shall ride bicycles, velocipedes or tricycles only on the sidewalk, cycle track,~~

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~~Genesee Riverway Trail or other multi-use trail, and must walk velocipedes or triicycles across all streets. Children under 12 years of age shall ride bicycles only on the sidewalk unless accompanied by a person over 18 years of age. Outside of the Central Traffic District, persons over 12 years of age may ride bicycles upon any multi use trail or sidewalk but may not ride bicycles on any plot in the roadway planted with grass, flowers or shrubs or on any ornamental parkway in any roadway. Within the Central Traffic District, riding a bicycle on the sidewalk is prohibited except where the sidewalk is identified as part of the Genesee River Trail or other multi-use trail system. The prohibition against riding bicycles upon sidewalks in the Central Traffic District shall not apply to police officers in the performance of their duties.~~

B. Bicycle riding rules for persons over age 12. Persons over 12 years of age shall ride a bicycle either on a usable bike lane or cycle track or, if a usable bike lane or cycle track has not been provided, near the right-hand curb or edge of the roadway or upon a usable right-hand shoulder in such a manner as to prevent undue interference with the flow of traffic except when preparing for a left turn or when reasonably necessary to avoid conditions that would make it unsafe to continue along the bike lane, cycle track or right-hand curb or edge of the roadway. Conditions to be taken into consideration as potentially unsafe include, but are not limited to, fixed or moving objects, motor vehicles, in-line skaters, pedestrians, animals or surface hazards. Within the Central Traffic District, persons over 12 years of age shall not ride a bicycle on the sidewalk except where the sidewalk is identified as part of the Genesee Riverway Trail or other multi-use trail system, or if riding with a child 12 years old or under, or if reasonably necessary to avoid unsafe conditions in a bike lane, cycle track or roadway. Outside of the Central Traffic District, persons over 12 years of age may ride bicycles upon the sidewalk, Genesee Riverway Trail or any multi-use trail. The prohibition against riding bicycles upon sidewalks in the Central Traffic District shall not apply to police officers in the performance of their duties.

C. Yield to pedestrians. The operator of a bicycle shall yield the right-of-way to pedestrians when using the sidewalk.

D. Riding in groups. Bicycles shall not be ridden more than two abreast upon a roadway. Persons operating bicycles upon a shoulder, bike lane, cycle track or sidewalk may ride more than two abreast if sufficient space is available. When passing a vehicle, bicycle, in-line skater or a pedestrian, persons operating bicycles shall ride single file.

~~D~~E. Passengers and towing. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. ~~Bicycle riders~~ The operators of bicycles shall not pull another person on skates, a skateboard or similar device and shall not pull or tow a sled, wagon or ~~another person on skates~~ other item unless by the use of a bicycle trailer, trailing bicycle or other device designed and intended to be connected to a bicycle for that purpose.

~~E~~F. Maintaining control. ~~Bicycle riders~~ Operators of bicycles must keep at least one hand on handlebars and both feet on pedals. The obligation to keep both feet on the pedals shall not apply to an operator who is unable to do so due to a condition or impairment that constitutes a disability within the meaning of federal, state or local law.

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

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

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

Section 2. Chapter 111 of the Municipal Code, Vehicle and Traffic, as amended, is hereby further amended to add a new subsection to Section 111-24, Standing or parking prohibited in specified places, to read as follows:

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

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

By Vice-President Lightfoot
September 17, 2019

To the Council:

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

- Int. No. 317 Amending the 2019-20 Police Department Budget and appropriating federal forfeiture funds to purchase vehicles
- Int. No. 318 Authorizing a grant agreement and budget amendment for the Child Passenger Safety Program
- Int. No. 319 Authorizing an intermunicipal agreement with the County of Monroe for explosives storage
- Int. No. 320 Amending the 2019-20 Budget relating to the Gun Involved Violence Elimination grant
- Int. No. 321 Authorizing a grant agreement and budget amendment for the Flower City AmeriCorps program
- Int. No. 322 Authorizing a license agreement for the use of space in the Public Market
- Int. No. 323 Authorizing an agreement for the joint facility use of Clinton-Baden Community Center

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- Int. No. 324 Authorizing an intermunicipal agreement with the County of Monroe for the Rochester-Monroe County Youth Bureau
- Int. No. 325 Amending Municipal Code §47-4 relating to commercial dealing in firearms, ammunition and explosives
- Int. No. 326 Authorizing an intermunicipal agreement with the Rochester City School District related to School Resource Officers

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

Received filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-288
Re: Appropriation of Forfeiture Funds –Vehicles for
Special Investigations Section

Council Priority: Public Safety

Transmitted herewith for your approval is legislation appropriating \$110,000 from federal forfeited funds generated by the Police Department, and amending the 2019-20 Budget of the Police Department to reflect this amount.

These funds will be used to purchase two transport vans for RPD's Special Investigations Section, which will transport employees to various trainings and work details. These vehicles will replace two vans that the Special Investigations Section currently owns and uses that are over 23 years old, have numerous mechanical issues, and would be extremely costly to repair. The Special Investigations Section is responsible for initiating certain investigations, participating in multi-jurisdictional task forces and coordinating enforcement action including, but not limited to: illegal drug trafficking, organized crime, illegal gambling, organized prostitution and pornography, illegal sale and distribution of alcohol and tobacco, and illegal firearms.

The appropriations requested this month will result in a balance of approximately \$820,000 in the federal forfeiture Justice fund.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-288
(Int. No. 317)

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Amending the 2019-20 Police Department Budget and appropriating federal forfeiture funds to purchase vehicles

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 \$110,000 from funds to be received from the Federal Government from seized and forfeited assets. Said funds are hereby appropriated to purchase two transport vans for the Special Investigations Section.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-289

Re: Governor's Traffic Safety Committee, 2020
Child Passenger Safety Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing the receipt and use of \$2,400 from the New York State Governor's Traffic Safety Committee for a Child Passenger Safety grant, and amending the 2019-20 Budget of the Police Department by this amount.

The Governor's Traffic Safety Committee provides this funding to support the Police Department's efforts to ensure correct use of car child seats during the period of October 1, 2019 through September 30, 2020. Funding will be used for certification and continuing education of those officers teaching about safety seats at community-based, seat-checking events. A portion of the funds (\$200) may be used for the purchase of child safety seats.

This is the eighth year the Police Department has received this grant. During the first half of the current grant period (through March 31, 2019), 10 car seats were inspected. No matching funds are required.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-289
(Int. No. 318)

Authorizing a grant agreement and budget amendment for the Child Passenger Safety Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Governor's Traffic Safety Committee for the receipt and use of \$2,400 in grant funds for the Child

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Passenger Safety Program, which funds are hereby appropriated for said purpose. The term of the agreement shall be from October 1, 2019 through September 30, 2020.

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 Police Department by the sum of \$2,400 to reflect the receipt of the funds authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-290
Re: Inter-municipal Agreement – Monroe County,
Explosives Storage

Council Priority: Public Safety

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

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

The term of this agreement is October 1, 2019 through September 30, 2020, with the option to renew for two additional one-year periods.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-290
(Int. No. 319)

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

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

Section 1. The Mayor is hereby authorized to enter into an intermunicipal agreement with the County of Monroe and the Monroe County Sheriff's Office to enable the Rochester Police Department to use the Sheriff's Office's explosives storage facility. The term of this agreement shall be for one year, with the option of up to 2 extensions for 1 year each.

September 17, 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. 2019-291
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 \$106,700 relating to the 2019-20 Gun Involved Violence Elimination (GIVE) grant.

When preparing the 2019-20 Budget, RPD included funding for the 2019-20 GIVE grant in the amount of \$569,500, the amount that was received for the 2018-19 GIVE grant. However, the actual amount received for 2019-20 was \$676,200, a difference of \$106,700. Therefore, \$106,700 is being added to the Police Department's budget to reflect the addition of these funds, which will be used for the original intended purpose.

The 2019-20 GIVE grant was approved by City Council in June under Ordinance No. 2019-204.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-291
(Int. No. 320)

Amending the 2019-20 Budget relating to the Gun Involved Violence Elimination grant

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 \$106,700 for 2019-20 Gun Involved Violence Elimination grant funds authorized to be received from the New York State Division of Criminal Justice Services by Ordinance No. 2019-204.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

September 17, 2019

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-292
Re: Grant Agreement - New York State Office of
Children and Family Services, AmeriCorps

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

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

1. Authorize the receipt and use of a \$440,568 grant award from the New York State Office of Children and Family Services (NYS OCFS) for the Flower City AmeriCorps program. The term of this grant will be from November 1, 2019 to January 31, 2021.
2. Amend the 2019-20 Budget of the Department of Recreation and Youth Services by \$38,300 to reflect the addition of one full-time position on the grant. The remaining grant funds were anticipated and included in the 2019-20 Budgets of DRYS (for program personnel, training, travel, and other supplies and materials) and Undistributed Expenses (for member living allowances, FICA, and health care expenses).

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

AmeriCorps members are volunteers and, if serving full time (40 hours per week), will receive a \$13,992 annual "living allowance" and an education award of \$6,095 upon successful completion of the program. AmeriCorps members serving half time (20 hours per week) will receive a \$6,996 annual "living allowance" and an education award of \$3,047.50 upon successful completion of the program.

The Flower City AmeriCorps grant was last authorized in October 2018 via Ordinance No. 2018-349.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-292
(Int. No. 321)

Authorizing a grant agreement and budget amendment for the Flower City AmeriCorps program

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

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Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Children and Family Services for the receipt and use of a grant of \$440,568 to operate the Flower City AmeriCorps program. The term of the agreement shall be from November 1, 2019 through January 31, 2021.

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 \$38,300 to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-293

Re: Land License Agreement - Rochester Public
Market/Bottom Line Wholesale of NY, Inc.

Transmitted herewith for your approval is legislation authorizing a land license agreement with Bottom Line Wholesale of NY, Inc., (Diane Frassetto) Rochester, NY (licensee) for the use of 2,425 square feet of City-owned land at the Rochester Public Market (280 North Union Street Rochester, NY 14609) (the Site).

The site will be licensed at a rate of \$1.76 per square foot for an annual rate of \$4,268 to the licensee. The term of the license will be for a period of five years with an option to extend for one additional five-year term. This rate was determined by an appraisal conducted by Bruckner, Tillet, Rossi, Cahill & Associates as of July 2019. This amount may 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. The licensee will be responsible for all maintenance and utilities for the site.

For many years, Bottom Line had a warehouse/cooler structure at another location in the Public Market, however the recent Public Market Winter Shed renovation project required that this structure be demolished. Following the completion of the renovation project, Bottom Line annually licensed land in a different location at the Public Market on which they have installed a new warehouse/cooler structure. Bottom Line has made a considerable investment at the site and seek a longer term license for that site.

A map and photo of the site is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-170

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Ordinance No. 2019-293
(Int. No. 322)

Authorizing a license agreement for the use of space in the Public Market

WHEREAS, the City of Rochester has received a proposal for the use of approximately 2,425 square feet of City-owned space in the City of Rochester Public Market for a term of five years with the option to renew for an additional five years;

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

WHEREAS, the Council hereby finds that the term of the use is reasonable and necessary in light of the licensee's purpose to operate a refrigerated storage building in the licensed area and that the public will benefit throughout the term of the use.

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 Bottom Line Wholesale of NY, Inc. (Bottom Line) to allow the company's use of an approximately 2,425 square foot area located in the northwestern portion of the City of Rochester Public Market at 280 North Union Street, adjacent to the City's pedestrian/trolley parking accessway over Union Street and comprised of a 30 foot by 40 foot refrigerated storage building and an adjoining fenced storage yard. The term of the agreement shall be five years with the option to extend the term an additional five years upon mutual consent.

Section 2. Bottom Line shall pay an annual license fee of \$4,268 for the first year and the annual fee for each subsequent year shall be adjusted based on the Consumer Price Index for All Urban Consumers (CPI-U). Bottom Line shall be responsible for all maintenance and utilities for the licensed area.

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.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-294
Re: Agreement – Joint Facility Use of Clinton-
Baden Community Center

Transmitted herewith for your approval is legislation authorizing a new cooperative agreement with the Rochester City School District (District) for joint use and maintenance of the Clinton-Baden Community Center (Center)/School No. 9. The Center was constructed approximately forty years ago for joint or shared use by the City and District. Previously, the Center was operated through a cooperative agreement between the City, the District, and Baden Street Settlement, Inc. authorized by City Council on May 24, 2017 by Ordinance No. 2017-146. The City has elected not to renew the cooperative agreement with Baden Street Settlement, Inc. The proposed new cooperative agreement between the City and District will continue to indicate the rights and responsibilities of each party with respect to:

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1. Hourly space utilization;
2. Supervision responsibilities;
3. Maintenance and custodial responsibilities;
4. Equipment use, repair and replacement;
5. Sharing of utility costs; and
6. Liability and indemnification responsibilities

In addition, the agreement will specify the hourly fees to be paid by the District for use of the Center, which is estimated not to exceed \$60,000 annually. The term of the agreement will be for the remainder of this fiscal year.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-294
(Int. No. 323)

Authorizing an agreement for the joint facility use of Clinton-Baden Community Center

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District (RCS D) for the joint use and maintenance of property located in the city at 485 Clinton Avenue North, known as the Clinton-Baden Community Center/School No. 9 (the Center). The agreement shall specify the hourly fees to be paid by the RCS D to the City for use of the Center, which is estimated not to exceed \$60,000 annually. The term of the agreement shall extend for the remainder of the 2019-20 fiscal year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2019-295
Re: Grant Acceptance - Monroe County,
Rochester-Monroe County Youth Bureau

Council Priority: Support the Creation of
Effective Educational Systems

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with the County of Monroe, on behalf of the Rochester-Monroe County Youth Bureau, for the receipt and use of \$54,301 to support recreation and positive youth development programming. These funds were anticipated and included in the 2019-20 Budget of the Department of Recreation and Youth Services. The grant must be expended by December 31, 2019.

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The Rochester-Monroe County Youth Bureau annually receives funding from the New York State Office for Children and Family Services (OCFS) for youth development activities and awards a portion of these funds to the City. The County notified the City of the amount of State funding for the 2019 calendar year on July 26, 2019. In 2018, this grant funded part-time positions and supplies for athletics leagues and youth development programs which collectively served 874 city recreation participants. It is anticipated that at least 800 youth will be served in 2019 through these programs.

The Rochester-Monroe County Youth Bureau, jointly established by the City and County, provides a County-wide planning and service delivery system devoted to the welfare and development of children and youth. The most recent Council action on this item was in August 2018 via Ordinance No. 2018-281.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2019-295
(Int. No. 324)

Authorizing an intermunicipal agreement with the County of Monroe for the Rochester-Monroe County Youth Bureau

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 County of Monroe (on behalf of the Rochester-Monroe County Youth Bureau) for the receipt and use of funding from the New York State Office of Children and Family Services (OCFS) in the anticipated amount of \$54,301 for recreation and youth development programming. The agreement shall extend to December 31, 2019.

Section 2. If the amount of funds provided by OCFS is more or less than anticipated, the agreement amounts and terms shall be adjusted accordingly.

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.2019-296
Re: Chapter 47, Commercial Dealing in Firearms,
Ammunition and Explosives

Council Priority: Public Safety

Transmitted herewith for your approval is legislation amending Chapter 47 of the Municipal Code to increase the residential buffer distance for establishments dealing in firearms, ammunition and

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explosives. The legislation also modifies the Code to clarify that the restrictions on such dealers do not apply to the possession and storage of firearms, ammunition and explosives for personal, non-commercial purposes.

When it enacted the firearms, ammunition and explosives dealer rules in 1996, the Council determined that “the location of such activities close to residential uses is not compatible with residential uses and can pose a danger to residents through fire or explosion or as a result of burglaries at such locations.” Code §47-4(A). At that time and to the present, the residential separation was set at 100 feet “which distance shall be measured from the closest point of the building, or portion thereof, used for the storage, possession or display of firearms, ammunition or explosives to the nearest point of the lot line of the property with a residential use.” §47-4(B).

The 100 foot buffer has proven to be inadequate to account for the wide scope of potential adverse safety and criminal impacts on nearby residential neighborhoods. Five hundred feet is a better approximation of that radius of impact and, therefore, the buffer is extended to 500 feet.

In addition, the definition of the residential buffer is revised to delete the requirement to measure the residential buffer from the portion of the building that houses the dealer. This deletion is appropriate because the outer wall of the building that houses a dealership is what actually matters to nearby residents and parsing interior building spaces into portions permitted and forbidden to house dealer activities has proven infeasible as a practical licensing and enforcement matter.

Finally, Chapter 47 is revised to clarify that it applies only to the *commercial* storage, display, exchange and display of firearms, ammunition and explosives. Chapter 47 does not regulate the personal, non-commercial keeping of firearms and ammunition.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-171

Ordinance No. 2019-296
(Int. No. 325)

Amending Municipal Code §47-4 relating to commercial dealing in firearms, ammunition and explosives

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

Section 1. Chapter 47 of the Municipal Code, Dangerous Articles, as amended, is hereby further amended by modifying Subsections A and B of Section 47-4, Storage and display of firearms, ammunition and explosives, to read as follows:

- A. Purpose and intent. The Council finds that it is necessary to regulate the commercial storage, commercial possession, commercial exchange and commercial display of firearms, ammunition or explosives pursuant to § 139-d of the General Municipal Law in order to provide for the public health, safety and welfare of all persons in the City of Rochester. The Council finds that the location of such activities close to residential uses is not compatible with residential uses and can pose a danger to residents through fire or explosion or as a result of burglaries at such locations. The Council therefore intends to regulate the location of such

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activities and to place additional regulations upon those activities in order to assure that such activities ~~are~~ are conducted in a safe manner. The restrictions found herein shall be in addition to restrictions found in Chapter 120 of the Municipal Code, Zoning Code, and whichever regulations are more restrictive shall be applicable to any potential location where such activities are to be conducted.

- B. Location. The commercial storage, commercial possession, commercial exchange or commercial display of firearms, ammunition or explosives within a building occupied by a residential use, or within a building located within ~~100~~ 500 feet of any residential use, which distance shall be measured from the closest point of the building, ~~or portion thereof,~~ used for ~~the such~~ storage, possession, exchange or display of firearms, ammunition or explosives to the nearest point of the lot line of the property with a residential use, is hereby prohibited. The increase in the residential buffer from 100 feet to 500 feet shall not apply to any establishment that is operating in compliance with all other applicable provisions of this section prior to and upon the effective date of the increase and this exemption from the buffer increase shall continue so long as the establishment continues said operation and compliance uninterrupted.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-297

Re: Agreement – Rochester City School District,
School Resource Officers

Council Priority: Public Safety; Support the Creation
of Effective Educational Systems

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with the Rochester City School District (RCSD) for the provision of sworn Police Officers to serve as School Resource Officers (SROs) at school facilities, and establishing \$1,560,032 as partial reimbursement of the City's cost, to be funded by the RCSD. The term of this agreement is from July 1, 2019 through June 30, 2020, with an option to renew for up to 2 additional one-year periods upon mutual consent of the parties. The annual contract amount for any renewal period may be increased from the first year's amount based upon wage increases pursuant to future collective bargaining agreements with the Locust Club. The School Board approved a resolution on August 22, 2019 that authorizes the District to enter into year one of this inter-municipal agreement.

Police Officers have been assigned as SROs since 1999 to assist in maintaining safe school environments. Some of the duties of SROs include functioning as role models for students, providing a police presence in the schools, anti-truancy enforcement, and handling calls for service that originate within the school setting.

Respectfully submitted,
Lovely A. Warren
Mayor

September 17, 2019

Attachment No. AS-172

Ordinance No. 2019-297
(Int. No. 326)

Authorizing an intermunicipal agreement with the Rochester City School District related to School Resource Officers

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

Section 1. The Mayor is hereby authorized to enter into an intermunicipal agreement with the Rochester City School District (RCSD) to provide sworn City of Rochester Police Officers to serve as School Resource Officers at RCSD facilities and for the receipt and use of funds in an amount not to exceed \$1,560,032 from the RCSD as partial reimbursement for the City's cost of providing the officers for the first year.

Section 2. The term of said agreement shall extend from July 1, 2019 through June 30, 2020, with an option to renew for up to 2 additional one-year periods upon mutual consent of the parties. The annual contract amount for any renewal period may be increased from the first year's amount based upon wage increases pursuant to future collective bargaining agreements with the Locust Club.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Spaul
September 17, 2019

To the Council:

The **ARTS AND CULTURE COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

Int. No. 328 Authorizing an agreement for design and fabrication of a mobile "I Love Roc" sign

Respectfully submitted,
Elaine Spaul
Molly Clifford
Michael A. Patterson
Willie J. Lightfoot
Loretta C. Scott
ARTS & CULTURE COMMITTEE
Received filed and published.

September 17, 2019

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2019-298
Re: Agreement – Premier Sign Systems, LLC
Design & Fabrication of an “I Love Roc”
Mobile Sign
Council Priority: Creating and Sustaining a Culture
of Vibrancy

Transmitted herewith for your approval is legislation establishing \$83,000 as maximum compensation for an agreement with Premier Sign Systems LLC, 10 Excel Drive, Rochester, 14621. (Principal: Jeff Sherwood) to design, fabricate, and provide ongoing maintenance for a mobile “I Love Roc” sign. The cost of the agreement will be funded from the 2019-20 Budget of Communications, and the term will be for five years. For the first year of the agreement, the maximum compensation will be \$43,000 for the fabrication of the sign. For the subsequent four years, Premier will provide annual maintenance at a not-to-exceed annual cost of \$10,000, contingent upon the approval of future budgets of the Office of Communications.

Premier was selected after a request for qualifications was issued in July 2019. Two submissions were received and an interdepartmental team with representatives from Communications, Special Events, and the Department of Environmental Services reviewed them. The request for qualifications and ratings sheet is attached. Premier Signs is a Rochester-owned business that is a New York State-certified Minority and/or Women-Owned Business. They were chosen based on their unique ability to both design and fabricate this sign. Premier Sign Systems has been fabricating designs from its 24,000 square foot Northeast Rochester facility where all the materials are cut, welded, painted, and assembled in house.

The “I Love Roc” sign will be affixed to a trailer, making it mobile and allowing the City to bring it to events and festivals throughout the year. The sign will help to create a sense of place and pride in our community.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AS-173

Ordinance No. 2019-298
(Int. No. 328)

Authorizing an agreement for design and fabrication of a mobile “I Love Roc” sign

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 Premier Sign Systems, LLC to design, fabricate, and provide ongoing maintenance for a mobile “I Love Roc” sign (the Sign). The maximum compensation for the agreement shall be \$83,000 and the term of the agreement shall be five years. The compensation for the first year shall be \$43,000 and shall be funded from the 2019-20 Budget of Communications. For the subsequent four years, Premier Sign Systems, LLC will provide annual maintenance for the Sign at a not-to-exceed cost of \$10,000, contingent upon the approval of future Budgets of Communications.

September 17, 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.
By President Scott
September 17, 2019

To the Council:

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

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
COMMITTEE OF THE WHOLE
Received Filed and Published.

Introductory 302 was introduced on August 20, 2019 and appears in its original transmittal letter on page___ of the 2019 Council Proceedings

Resolution No. 2019-13
(Int. 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.

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This resolution shall take effect immediately.

Adopted unanimously.

The meeting was adjourned at 7:47 p.m.

HAZEL L. WASHINGTON
City Clerk