

ROCHESTER CITY COUNCIL

REGULAR MEETING

January 24, 2023

Present –President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Lupien, Martin, Patterson, Peo, Smith – 9.

THE COUNCIL PRESIDENT --- REQUEST COUNCIL TO PAUSE FOR A MOMENT OF SILENCE.

THE COUNCIL PRESIDENT --- PLEDGE OF ALLEGIANCE TO THE FLAG.
Councilmember Harris

THE COUNCIL PRESIDENT --- RECOGNITION CEREMONIES.

Retirement:

COMM:

Tapashi “Paula” Deacon

DES:

Erik Bell
Michael Galletto
David Hummel

ECD:

William Leone, Jr.

LIBRARY:

Jennifer Lenio

APPROVAL OF THE MINUTES

By Councilmember Peo

RESOLVED, that the minutes of the Regular Meeting on December 20, 2022 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

THE CITY CLERK---THE FOLLOWING DOCUMENTS ARE HEREBY DIRECTED TO BE RECEIVED AND FILED:

The Council submits Disclosure of Interest Forms from **President** Meléndez on Int. No. 2; **Councilmember** Patterson on Int. No. 23; **Vice President** Lupien and **Councilmember** Harris on Int. No. 26 and Int. No. 31.

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

THE COUNCIL PRESIDENT --- RECEIVED AND FILED.

PUBLIC HEARINGS.

Pursuant to law, a public hearing was held on January 19, 2023 on the following matters:

Authorizing changes in traffic flow relating to the Aqueduct Street Group Project Int. No. 7

No speakers

Authorizing the alteration of pavement widths relating to the Aqueduct Street Group Project Int. No. 8

No speakers

Amending the Official Map to dedicate a City-owned parcel to right-of-way purposes for the South Avenue and Elmwood Avenue Street Improvement Project Int. No. 9

No speakers

Resolution endorsing Monroe County application for Restore NY Communities Initiative – Round 7 grant to support the Historic Sibley Triangle Building Rehabilitation Project Int. No. 15

Two speakers

Authorizing an application and grant agreement for Restore NY Communities Initiative – Round 7 grant to support the Four Corners/Aqueduct Downtown Initiative, **as amended** Int. No. 16

One speaker

THE COUNCIL PRESIDENT-- INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

By President Meléndez

President Meléndez introduced a motion to consider Int. No. 32 without referring to a committee. Motion to consider passed by the following vote:

Ayes - President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Lupien, Patterson, Smith – 7.

Nays - Councilmembers Lightfoot, Martin - 2.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2023-1
Re: Outside Counsel Services
— labor and employment
legal services

Transmitted herewith for your approval is legislation authorizing the City to enter into an agreement with the law firm of Hancock Estabrook, LLP (lead partner John F. Corcoran, Esq., Syracuse, NY) to provide labor and employment law services with regard to the Police Accountability Board (PAB). The law firm will provide the City with advice and representation for responding to a petition recently filed with the New York State Public Employment Relations Board (PERB) by the Workers United union to represent certain employees of the Police Accountability Board (PAB). The maximum compensation for the agreement will be \$50,000, which will be funded by the 2022-23 Budget of Undistributed Expenses. The term of the agreement will extend to the

conclusion of the PERB proceeding commenced by Workers United or to the conclusion of any related labor and employment law services.

Hancock Estabrook's lead partner on this engagement and his labor and employment practice group have extensive experience representing public employers before the PERB, as well as in collective bargaining, grievance and arbitration procedures. A justification for not issuing a Request for Proposal is attached.

Respectfully submitted,
Miguel A. Meléndez Jr. Malik Evans
President Mayor

Attachment No. AW-1

Ordinance. No. 2023-1
(Int. No. 32)

Authorizing an agreement for labor and employment law services

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Hancock Estabrook, I-LP to provide legal services with regard to a petition submitted to the New York State Public Employment Relations Board (PERB) wherein the Workers United union seeks to represent certain employees of the Police Accountability Board. The term of the agreement shall extend to the conclusion of the PERB proceeding or to the conclusion of any related labor and employment law services. The maximum compensation for the agreement shall be \$50,000, which shall be funded from the 2022-23 Budget of Undistributed Expenses.

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

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Meléndez, Councilmembers Gruber, Harris, Lupien, Patterson, Peo, Smith - 7.

Nays - Councilmembers Lightfoot, Martin - 2

President Meléndez introduced a motion to consider Int. No. 33 without referring to a committee. Motion to consider unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2023-1
Re: Statement of Necessity:
Reappointments to Board
of Assessment Review

Transmitted herewith for your approval is legislation reappointing the following individuals to the Board of Assessment Review for terms that expire as follows:

| Panel Member | Expiration Date |
|---------------------|------------------------|
| Kaitlin Skelton | September 30, 2023 |
| Orlando Rivera | September 30, 2023 |
| Justin R. Martin | September 30, 2027 |

Resumes of the above appointees have been filed with the City Clerk and all appointees have maintained perfect attendance during the previous assessment review cycles when scheduled to serve.

This legislation was prepared in December but was inadvertently overlooked when it came time to submit legislation on January 3, 2023. This legislation cannot be postponed because all Board members must attend annual training to be presented in February by the Monroe County Real Property Tax Director, and Board members will not be admitted to that training unless they submit proof of their reappointment for the upcoming 2023 assessment review cycle.

Respectfully submitted,
Miguel A. Meléndez, Jr.
President

Resolution No. 2023-1
(Int. No. 33)

Resolution approving appointments to the Board of Assessment Review

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

Section 1. The Council hereby approves the reappointment of Kaitlin Skelton to the Board of Assessment Review for the remainder of a term that will expire on September 30, 2023.

Section 2. The Council hereby approves the reappointment of Orlando Rivera to the Board of Assessment Review for a term that will expire on September 30, 2023.

Section 3. The Council hereby approves the reappointment of Justin R. Martin to the Board of Assessment Review for a term that will expire on September 30, 2027.

Section 4. This resolution shall take effect immediately.

Adopted unanimously.

**REPORTS OF STANDING COMMITTEES
AND ACTION THEREON**

By Councilmember Lightfoot
January 24, 2023

To the Council:

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

Int. No. 1 Authorizing an amendatory agreement relating to the City Hall Cooling Tower Replacement and HVAC System Assessment

- Int. No. 2 Amending Ordinance No. 2021-53 relating to the Joseph A. Floreano Rochester Riverside Convention Center South Terrace and Addition
- Int. No. 3 Authorizing an agreement for the Maplewood Park Trail Rehabilitation project
- Int. No. 4 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$500,000 Bonds of said City to finance the costs of the Aqueduct Street Group Project
- Int. No. 5 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$50,000 Bonds of said City to finance water main and water service improvements associated with the Aqueduct Street Group Project
- Int. No. 6 Authorizing an agreement relating to the Aqueduct Street Group Project
- Int. No. 10 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$2,500,000 Bonds of said City to finance the costs of the 2023 Water Main Cleaning & Lining Project

The **PARK AND PUBLIC WORKS COMMITTEE** recommends for **CONSIDERATION** the following entitled legislation:

- Int. No. 7 Authorizing changes in traffic flow relating to the Aqueduct Street Group Project
- Int. No. 8 Authorizing the alteration of pavement widths relating to the Aqueduct Street Group Project
- Int. No. 9 Amending the Official Map to dedicate a City-owned parcel to right-of-way purposes for the South Avenue and Elmwood Avenue Street Improvement Project

Respectfully submitted,
 Willie J. Lightfoot
 Mitch Gruber
 Jose Peo
 Mary Lupien (*voted against Int. Nos. 2, 4, 5, 6, 7, 8*)
 Miguel A. Meléndez, Jr.
PARKS & PUBLIC WORKS COMMITTEE COMMITTEE

Received filed and published

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2023-2
 Re: Amendatory Agreement
 – Erdman Anthony and
 Associates, Inc. – City Hall
 Cooling Tower Replacement
 and HVAC System Assessment

Council Priority: Creating and Sustaining
 a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the City Hall Cooling Tower Replacement and HVAC System Assessment. This legislation will authorize an amendatory agreement with Erdman Anthony

and Associates, Inc. (Curt Helman, C.E.O., 145 Culver Road, Suite 200, Rochester, New York). The original agreement authorized by Ordinance No. 2021-19 established maximum compensation at \$130,000. This amendment will increase the compensation by \$113,600, to a maximum total of \$243,600. The amendatory agreement will be financed from debt authorized by Ordinance No. 2021-18.

The project consists of the replacement of two existing cooling towers and the investigation, assessment, cost estimating and prioritization of additional City Hall mechanical systems for future capital planning. During preliminary design, it was determined that replacing the existing cooling towers in the same location was not feasible due to the need for increased capacity and to comply with current New York State Mechanical Code requirements. The amendment includes, but is not limited to, additional design services related to the change in location of the equipment and for expended assessments of related building systems.

Construction is anticipated to begin in late 2023.

The additional funding for the project will result in the creation and/or retention of the equivalent of 1.2 full-time jobs.

The term of the agreement shall remain unchanged, and shall extend until three (3) months after the completion of the (2) two year guarantee inspection of the project.

Respectfully submitted,
Malik D.
Mayor

Ordinance No. 2023-2
(Int. No. 1)

Authorizing an amendatory agreement relating to the City Hall Cooling Tower Replacement and HVAC System Assessment

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Erdman, Anthony and Associates, Inc. to provide design and construction oversight services for the City Hall Cooling Tower Replacement and HVAC System Assessment (Project). The amendatory agreement shall amend the agreement authorized in Ordinance No. 2021-19 by increasing the maximum compensation by \$113,600 to a new total of \$243,600 and by limiting the scope of services devoted to the cooling tower replacement to professional preliminary design services until such time as environmental impact review of the cooling tower replacement is completed in accordance with the State Environmental Quality Review Act and City Code Chapter 48. The amendatory compensation shall be funded from the proceeds of bonds appropriated to the Project in Ordinance No. 2021-18.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-3
Re: Amendatory Agreement
– Stantec Consulting Services, Inc.,

Joseph A. Floreano Rochester
Riverside Convention Center (RRCC)
South Terrace and Addition

Council Priority: Creating and Sustaining
a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Stantec Consulting Services, Inc. (James Hoffmann Jr, Rochester, NY) related to the Joseph A. Floreano RRCC South Terrace and Addition Project. This legislation will amend Section 2 of Ordinance No. 2021-53, which authorized \$950,000 in anticipated reimbursements from the ROC the Riverway/Upstate Revitalization Initiative administered by Empire State Development (ESD) as maximum compensation for an agreement with Stantec Consulting Services, Inc. for engineering design services for the Project. This amendment will reduce \$475,000 in anticipated reimbursements for design only appropriated in Ordinance No. 2021-53 and replace the funds with \$475,000 in American Rescue Plan Act (ARPA) funds appropriated in Ordinance No. 2022-379. This amendment will not result in any change to the project scope or overall total design and construction project funding.

The anticipated reimbursements from ESD are limited to 50% for both design and construction. This amendment reduces the ESD amount being utilized for the design portion of the project and replaces it with ARPA funds to reflect the required 50% City match.

This ROC the Riverway project encompasses a building addition and modernization to the southwest face of the RRCC along the river to create a new and revitalized event space that directly engages with the downtown riverfront. The expanded space will enable RRCC patrons that participate in convention center events and enjoy the spectacular views of the Genesee River simultaneously. The project will also include, but is not limited to, RRCC building façade and river wall repairs. This project meets essential ROC the Riverway goals including repair and maintenance of critical infrastructure, and re-orientation of internal and external building spaces towards the water and riverfront public spaces.

Consultant services for design of the project began in spring 2021 and are in progress. The final design of project improvements shall not commence until such time as an environmental impact review of the Project, under the State Environmental Quality Review Act, is completed.

Construction is anticipated to begin in spring 2024 and be substantially complete in late 2026.

The term of the agreement shall be amended and shall extend until three (3) months after the completion of the (2) two year guarantee inspection of the Project, provided that the payment terms comply with the requirements of the American Rescue Plan Act of 2021 inclusive of the December, 2026 spending deadline.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-2

Ordinance No. 2022-3
(Int. No. 2)

Amending Ordinance No. 2021-53 relating to the Joseph A. Floreano Rochester Riverside Convention Center South Terrace and Addition

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

Section 1. Sections 1 and 2 of Ordinance No. 2021-53, authorizing funding and an agreement for the Joseph A. Floreano Rochester Riverside Convention Center South Terrace and Addition, is hereby amended as follows:

Section 1. The Council hereby appropriates ~~\$950,000~~ \$475,000 in anticipated reimbursements from the ROC the Riverway/Upstate Revitalization Initiative administered by Empire State Development to fund engineering and design services for the Joseph A. Floreano Rochester Riverside Convention Center South Terrace and Addition (Project). The Mayor is hereby authorized to execute an agreement and such other documents as may be necessary to receive and administer the funding.

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with Stantec Consulting Services Inc. to provide site and engineering surveys, State Environmental Quality Review Act (SEQRA) review, programming, and design for the Project. The maximum compensation shall be \$950,000, which shall be funded from the appropriation authorized in Section 1 herein and from \$475,000 in American Rescue Plan Act funding appropriated for the Project in Ordinance No. 2022-379. The scope of services authorized herein shall be limited to professional preliminary design services until such time as environmental impact review of the Project is completed in accordance with SEQRA and City Code Chapter 48. The term of the agreement shall ~~be two years~~ extend until three months after completion of the two-year guarantee inspection of the Project, provided that the payment terms comply with the requirements of the American Rescue Plan Act of 2021.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed by the following vote:

Ayes - President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Patterson, Peo, Smith - 7.

Nays - Vice President Lupien, Councilmember Martin – 2.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2023-4
Re: Agreement – Barton & Loguidice,
D.P.C. – Maplewood Park Trail
Rehabilitation

Comprehensive Plan 2034 Initiative Area:
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation establishing \$150,000 as maximum compensation for an agreement with Barton & Loguidice, D.P.C. (John F. Brusa, Jr., C.E.O., 443 Electronics Parkway, Liverpool, New York) for design services for the Maplewood Park Trail Rehabilitation project. The cost of the agreement will be financed from 2022-23 Cash Capital.

The project includes trail improvements and enhancements to the Maplewood Park segment of the Genesee Riverway Trail. The existing trail requires repairs and modifications to provide a safe and accessible user experience.

The consultant will provide preliminary engineering, State Environmental Quality Review Act (SEQRA) review, final design, and construction administration services. The final design of project improvements shall not commence until such time as an environmental impact review of the Project, under the State Environmental Quality Review Act, is completed.

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

Consultant services for design will commence in early spring 2023 with construction anticipated to begin in late 2024. The project will result in the creation and/or retention of the equivalent of 1.62 full-time jobs.

The term of the agreement shall extend until three (3) months after the completion of the (2) two year guarantee inspection of the project.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-3

Ordinance No. 2023-4
(Int. No. 3)

Authorizing an agreement for the Maplewood Park Trail 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 professional services agreement with Barton & Loguidice, D.P.C. to provide preliminary engineering, State Environmental Quality Review Act (SEQRA) review, final design and construction administration services for the Maplewood Park Trail Rehabilitation project to improve and enhance Maplewood Park's segment of the Genesee Riverway Trail (Project). The maximum compensation shall be \$150,000, which shall be funded from 2022-23 Cash Capital. The scope of services authorized herein shall be limited to preliminary design services until such time as environmental impact review of the Project is completed in accordance with SEQRA and City Code Chapter 48. The term of the agreement shall extend until three months after completion of the two-year guarantee inspection of the Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-5
Ordinance No. 2023-6
Ordinance No. 2023-7
Ordinance No. 2023-8
Ordinance No. 2023-9

Re: Aqueduct Street Group

Council Priority: Creating and
Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to the Aqueduct Street Group Project. This legislation will:

1. Authorize the issuance of street bonds totaling \$500,000 and the appropriation of the proceeds thereof to finance the street portion of the construction and Resident Project Representation (RPR) services for the project; and,
2. Authorize the issuance of water bonds totaling \$50,000 and the appropriation of the proceeds thereof to finance the water portion of the construction and RPR services for the project; and,
3. Establish \$400,000 as maximum compensation for a professional services agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Joseph Dipico, C.E.O., 280 East Broad Street, Rochester, New York) for RPR services for the project. The cost of the agreement will be funded from the sources outlined in the chart on the following page; and,
4. Authorize a change in the direction of traffic flow on Aqueduct Street between Bank Place and East Main Street from two-way to one-way southbound; and,
5. Authorize a change in the direction of traffic flow on Bank Place between Exchange Boulevard and Aqueduct Street from one-way eastbound to one-way westbound; and,
6. Authorize a change in the direction of traffic flow on Graves Street between Race Street and East Main Street from one-way northbound to two-way; and,
7. Authorize geometric changes in pavement width required as follows:
 - A. On Aqueduct Street:
 - i. A decrease from the existing variable pavement width of approximately 41 feet to 44 feet to a proposed pavement width of 20 feet, beginning at Bank Place and continuing northward approximately 140 feet; and,
 - ii. A decrease from the existing variable pavement width of approximately 43 feet to 28 feet to a proposed pavement width of 12 feet, beginning approximately 140 feet north of Bank Place and continuing northward to Basin Street; and,
 - iii. A decrease in pavement width of approximately 6 feet, from approximately 18 feet to 12 feet, from Basin Street to approximately 25 feet south of East Main Street.
 - B. On Bank Place, a decrease from the existing variable pavement width of 19.3 feet to 23 feet to a proposed variable pavement width of 14.3 feet to 23 feet, beginning at Exchange Boulevard and continuing eastward to Aqueduct Street.
 - C. On Basin Street:
 - iv. An increase in pavement width of 0.4 feet, from 9.6 feet to 10 feet, from Exchange Boulevard to approximately 116 feet eastward; and,
 - v. An increase in pavement width of approximately 0.5 feet from approximately 17 feet to 17.5 feet, from, beginning approximately 116 feet east of Exchange Boulevard and continuing to Aqueduct Street.
 - D. On Race Street

- vi. A decrease from the existing pavement width of approximately 15 feet to a proposed variable pavement width of 12 feet to 10 feet, beginning at Aqueduct Street and continuing approximately 39 feet east; and,
- vii. A decrease in pavement width of approximately 5 feet from approximately 15 feet to 10 feet, beginning approximately 39 feet east of Aqueduct Exchange Boulevard and continuing to Graves Street.

No additional right-of-way is required to accommodate the pavement width changes.

In coordination with the ROC the Riverway Initiative and construction of the Constellation Brands headquarters, the Aqueduct District is being transformed into a more pedestrian friendly environment, while still accommodating needs for vehicular access. Specifically, changes are being made to on-street parking, and the direction of traffic for Aqueduct Street, Graves Street, and Bank Place. Street improvements include, but are not limited to pavement reconstruction, sidewalks, curb ramps, catch basins, and adjustment and repair of manholes and water valve casings. These improvements will enhance the surface drainage and riding quality of the roadway, improve ADA accessibility, and expand the useful life of the pavement structure.

The limits of the Aqueduct Street District Improvements include:

- a) Aqueduct Street (Bank Place to East Main Street)
- b) Bank Place (Exchange Boulevard to Aqueduct Street)
- c) Basin Street (Exchange Boulevard to Aqueduct Street)
- d) Graves Street (Race Street to East Main Street)
- e) Race Street (Aqueduct Street to Graves Street)

A Stakeholder Group Meeting specific to the Aqueduct District Street Improvements was held on November 3, 2022. A copy of the meeting minutes is attached. The pavement width and traffic flow changes were endorsed by the Traffic Control Board at the December 7, 2022 meeting.

The project was designed by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. as authorized by Ordinance No. 2022-211.

Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. was selected for RPR services based on their overall familiarity with the project area, availability of qualified staffing, and the need to expedite this phase of the project in preparation for the opening of Constellation Brands' headquarters. A full justification for not issuing a Request for Proposals is attached.

The project will be funded as follows:

| Source of Funds | Construction | RPR | Amount |
|--|---------------------|------------------|--------------------|
| ARPA funds appropriated Ordinance No. 2022-378 | 2,000,000 | 0 | \$2,000,000 |
| Bonds Appropriated herein | 150,000 | 350,000 | \$500,000 |
| Water bonds authorized herein | 35,000 | 15,000 | \$50,000 |
| 2022-23 Cash Capital | 0 | 35,000 | \$35,000 |
| Total | \$2,185,000 | \$400,000 | \$2,585,000 |

Construction is anticipated to begin in spring 2023 and be substantially complete in late 2023. The funding will result in the creation and/or retention of the equivalent of 28.1 full-time jobs.

The term of the RPR agreement shall extend until three (3) months after completion of a two-year guarantee inspection of the project.

A public hearing on the pavement width and traffic flow changes is required.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-4

Ordinance No. 2023-5
(Int. No. 4)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$500,000 Bonds of said City to finance the costs of the Aqueduct Street Group Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the costs of the Aqueduct Street Group Project, including pavement reconstruction, pavement width changes, new curbs and bump-outs, curb ramps, sidewalks, and catch basins on the following street segments: Aqueduct Street (Bank Place to East Main Street), Bank Place (Exchange Boulevard to Aqueduct Street), Basin Street (Exchange Boulevard to Aqueduct Street), Graves Street (Race Street to East Main Street) and Race Street (Aqueduct Street to Graves Street) (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,495,000. The plan of financing includes the issuance of \$500,000 in bonds of the City, which amount is hereby appropriated therefor, \$1,960,000 in reimbursements of American Rescue Plan Act of 2021 ("ARPA") funds appropriated in Ordinance No. 2022-378, \$35,000 from 2022-23 Cash Capital, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$500,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$500,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

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

Passed by the following vote:

Ayes - President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Patterson, Peo - 6.

Nay – Vice President Lupien, Councilmembers Martin, Smith – 3.

Ordinance No. 2023-6
(Int. No. 5)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$50,000 Bonds of said City to finance water main and water service improvements associated with the Aqueduct Street Group Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of water service improvements, including the installation of new hydrants and new water valve boxes, related to the Aqueduct Street Group Project on the following street segments: Aqueduct Street (Bank Place to East Main Street), Bank Place (Exchange Boulevard to Aqueduct Street), Basin Street (Exchange Boulevard to Aqueduct Street), Graves Street (Race Street to East Main Street) and Race Street (Aqueduct Street to Graves Street) (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$90,000. The plan of financing includes the issuance of \$50,000 bonds of the City, which amount is hereby appropriated therefor, \$40,000 in reimbursements of American Rescue Plan Act of 2021 ("ARPA") funds appropriated in Ordinance No. 2022-378, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$50,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$50,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

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

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

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

Passed by the following vote:

Ayes - President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Patterson, Peo - 6.

Nays - Vice President Lupien, Councilmembers Martin, Smith - 3.

Ordinance No. 2023-7
(Int. No. 6)

Authorizing an agreement relating to the Aqueduct Street Group Project

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. to provide resident project representation services for the Aqueduct Street Group Project (Project). The maximum compensation for the agreement shall be \$400,000, which shall be funded in the amounts of \$350,000 from the proceeds of City street bonds authorized for the Project in a concurrent ordinance, \$15,000 from the proceeds of City bonds authorized for water main and water service improvements related to the Project in a concurrent ordinance, and \$35,000 from 2022-23 Cash Capital. The term of the agreement shall continue until three months after completion of the two-year guarantee inspection of the Project.

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

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Patterson, Peo - 6.

Nays - Vice President Lupien, Councilmembers Martin, Smith - 3.

Ordinance No. 2023-8
(Int. No. 7)

Authorizing changes in traffic flow relating to the Aqueduct Street Group Project

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

Section 1. The Council hereby approves changes in the direction of the traffic flow on the following street segments as part of the Aqueduct Street Group Project:

- a. On Aqueduct Street between Bank Place and East Main Street, from two-way to one-way southbound;
- b. On Bank Place between Exchange Boulevard and Aqueduct Street, from one-way eastbound to one-way westbound; and
- c. On Graves Street between Race Street and East Main Street, from one-way northbound to two-way.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Patterson, Peo - 6.

Nays - Vice President Lupien, Councilmembers Martin, Smith - 3.

Authorizing the alteration of pavement widths relating to the Aqueduct Street Group Project

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

Section 1. Council hereby approves the following pavement width changes to be implemented as part of the Aqueduct Street Group Project:

A. On Aqueduct Street:

1. A decrease from the existing variable pavement width ranging from approximately 41 feet to 44 feet to a pavement width of 20 feet, beginning at Bank Place and continuing northward approximately 140 feet;
2. A decrease from the existing variable pavement width ranging from approximately 28 feet to 43 feet to a pavement width of 12 feet, beginning approximately 140 feet north of Bank Place and continuing northward to Basin Street; and,
3. A decrease in pavement width of approximately 6 feet, from approximately 18 feet to 12 feet, from Basin Street to approximately 25 feet south of East Main Street.

B. On Bank Street, a decrease from the existing variable pavement width ranging from approximately 19.3 feet to 23 feet to a variable pavement width ranging from approximately 14.3 to 23 feet, beginning at Exchange Boulevard and continuing eastward to Aqueduct Street.

C. On Basin Street:

1. An increase in pavement width of 0.4 feet, from 9.6 feet to 10 feet, beginning at Exchange Boulevard and continuing approximately 116 feet eastward;
2. An increase in pavement width of approximately 0.5 feet from approximately 17 feet to 17.5 feet, beginning approximately 116 feet east of Exchange Boulevard and continuing eastward to Aqueduct Street.

D. On Race Street:

1. A decrease from the existing pavement width of approximately 15 feet to a variable pavement width ranging from 10 feet to 12 feet, beginning at Aqueduct Street and continuing approximately 39 feet eastward; and,
2. A decrease in pavement width of approximately 5 feet from approximately 15 feet to 10 feet, beginning approximately 39 feet east of Aqueduct Street and continuing eastward to Graves Street.

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

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Patterson, Peo - 6.

Nays - Vice President Lupien, Councilmembers Martin, Smith - 3.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-10
Re: South Avenue (Elmwood Avenue to
Bellevue Drive) and Elmwood Avenue
(Mt Hope Avenue to South Avenue)
Street Improvement Project

Council Priority: Jobs and
Economic Development

Comprehensive Plan 2034 Initiative Area:
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation which will amend the Official Map by dedicating the following parcel as public right-of-way for street purposes.

| <u>Address</u> | <u>SBL#</u> | <u>Sq. Ft.</u> |
|--------------------|----------------|----------------|
| 955 Elmwood Avenue | 136.540-2-90.2 | 10,760 |

The project will include, but is not limited to pavement reconstruction, curbs, sidewalks, curb ramps, catch basins, manhole frames and covers, water main, water services, hydrants, telecommunications conduit, street lighting, signal upgrades, signage, tree plantings, bicycle accommodations, and other various streetscape improvements. These improvements will enhance traffic safety and efficiency, improve the surface drainage and riding quality of the roadway, improve accessibility, and enhance the streetscape.

City Council approved the acquisition of the parcel from Al Sigl Center for Rehabilitation Agencies, Inc. on October 12, 2021 (Ord No. 2021-322) and the purchase of the parcel was completed by December 10, 2021.

The City Planning Commission recommended approval of this dedication by a vote of 7-0-0 at its November 28, 2022 meeting. Meeting minutes and application are attached.

A public hearing is required.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-5

Ordinance No. 2023-10
(Int. No. 9)

Amending the Official Map to dedicate a City-owned parcel to right-of-way purposes for the South Avenue and Elmwood Avenue Street Improvement Project

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

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by adding thereto the following described property to be dedicated as public right-of-way, subject to such additional conditions and adjustments as the City Engineer deems to be appropriate:

| Address | SBL# | Square Feet |
|--------------------|----------------|--------------------|
| 955 Elmwood Avenue | 136.540-2-90.2 | ± 10,760 |

being the same premises authorized to be acquired in Ordinance No. 2021-322 and conveyed to the City by a deed recorded by the Monroe County Clerk on February 25, 2022 in Deeds Liber 12629, page 274 to facilitate the South Avenue and Elmwood Avenue Street Improvement Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2023-11
Re: Bond Authorization –
2023 Water Main Cleaning
& Lining Project

Council Priority: Deficit Reduction and
Long Term Financial Stability

Comprehensive Plan 2034 Initiative Area:
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$2,500,000 and appropriating the proceeds thereof to fund a portion of the 2023 Water Main Cleaning & Lining Project.

The total cost of the project is estimated to be \$3,000,000. The balance of funding will be \$270,000 from 2019-20 Cash Capital and \$230,000 from 2021-22 Cash Capital.

The project will rehabilitate approximately 6.4 miles of City water mains. This rehabilitation method consists of mechanically cleaning the interior of the existing water mains and installing a corrosion-resistant cement lining to restore hydraulic capacity, improve available fire flows and water quality and to extend the useful life of the mains. The cost to rehabilitate a water main by cement lining is approximately 20% of the cost required to replace a water main.

A list of the affected streets and a map of the area are attached. Construction is anticipated to begin spring 2023, with completion by fall 2023. Project inspection will be performed by Water Bureau personnel.

This project results in the creation and/or retention of the equivalent of 32 full-time jobs.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-6

Ordinance No. 2023-11
(Int. No. 10)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$2,500,000 Bonds of said City to finance the costs of the 2023 Water Main Cleaning & Lining Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), hereby authorizes the issuance of \$2,500,000 bonds of the City to finance a portion of the costs of the 2023 Water Main Cleaning & Lining Project to rehabilitate approximately 6.4 miles of existing water mains along the street segments indicated on the attached Schedule A ("Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,000,000. The plan of financing includes the issuance of \$2,500,000 bonds of the City, which amount is hereby appropriated therefor, \$270,000 from 2019-20 Cash Capital, \$230,000 from 2021-22 Cash Capital and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$2,500,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$2,500,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

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

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

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

SCHEDULE A

2023 Water Main Cleaning & Lining Project

| STREET | FROM | TO | SIZE |
|-----------------|----------------|-----------------|------|
| Alexis St. | Rosewood Ter. | Parkside Av. | 8" |
| Arch St. | E. Main St. | Cedarwood Ter. | 6" |
| Baldwin St. | E. Main St. | Hayward Av. | 6" |
| Beechwood St. | E. Main St. | Hayward Av. | 6" |
| Berwin St. | Hazelwood Ter. | Rosewood Ter. | 6" |
| Chamberlain St. | E. Main St. | Hayward Av. | 6" |
| Chamberlain St. | Hayward Av. | Parsells Av. | 8" |
| Chamberlain St. | Parsells Av. | Melville St. | 6" |
| Ferris St. | Mc Kinster St. | Culver Rd. | 8" |
| Garson Av. | Baldwin St. | Stout St. | 6" |
| Garson Av. | Stout St. | Culver Rd. | 8" |
| Grand Av. | Baldwin St. | Chamberlain St. | 6" |
| Grand Av. | Stout St. | Greeley St. | 8" |
| Hazelwood Ter. | Webster Av. | Berwin St. | 6" |
| Hazelwood Ter. | Berwin St. | Greeley St. | 6" |
| Hazelwood Ter. | Greeley St. | Culver Rd. | 8" |
| Iroquois St. | Parkside Av. | Bay St. | 6" |
| Iroquois St. | Rosewood Ter. | Parkside Av. | 8" |
| Kingston St. | E. Main St. | Cedarwood Ter. | 6" |
| Lampson St. | Hayward Av. | Garson Av. | 8" |
| Laura St. | E. Main St. | Hayward Av. | 6" |
| Netherton Rd. | Parkside Av. | Bay St. | 6" |
| Parkside Av. | Mc Kinster St. | Dead End | 8" |
| Quincy St. | E. Main St. | Cedarwood Ter. | 6" |
| Richland St. | Varden St. | Culver Rd. | 8" |
| Rosewood Ter. | Berwin St. | Culver Rd. | 8" |
| Sidney St. | E. Main St. | Cedarwood Ter. | 6" |
| Stout St. | Garson Av. | Parsells Av. | 8" |
| Stout St. | Parsells Av. | Melville St. | 6" |
| Varden St. | Ferris St. | Bay St. | 8" |
| Vermont St. | Greeley St. | Culver Rd. | 8" |
| Greeley St. | Garson Av. | Vermont St. | 8" |
| Greeley St. | Vermont St. | Bay St. | 6" |
| Baldwin St. | Hayward Av. | Parsells Av. | 6" |
| Denver St. | Cedarwood Ter. | Garson Av. | 6" |
| Denver St. | Grand Av. | Parsells Av. | 8" |
| Denver St. | Parsells Av. | Melville St. | 6" |
| Denver St. | Melville St. | Parkside St. | 8" |

Passed unanimously.

By Councilmember Patterson
January 24, 2023

To the Council:

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

- Int. No. 11 Authorizing the sale of real estate
- Int. No. 12 Authorizing an amendatory agreement with Flower City Habitat for Humanity, Inc.
- Int. No. 13 Resolution approving an appointment to the Examining Board of Plumbers
- Int. No. 14 Resolution approving an appointment to the Board of Examiners of Stationary Engineers and Refrigeration Operators

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

- Int. No. 15 Resolution endorsing Monroe County application for Restore NY Communities Initiative – Round 7 grant to support the Historic Sibley Triangle Building Rehabilitation Project
- Int. No. 16 Authorizing an application and grant agreement for Restore NY Communities Initiative – Round 7 grant to support the Four Corners/Aqueduct Downtown Initiative,
as amended

Respectfully submitted,
Michael A. Patterson
LaShay D. Harris
Kimberly Smith
Mary Lupien
Miguel A. Meléndez, Jr.
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-12
Re: Sale of Real Estate and Easement
– Portions of 25-37 Canal Street

Council Priority: Creating and Sustaining
a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing the sale by negotiation of various portions of 25-37 Canal Street to cure an encroachment, as well as the sale of a permanent easement which will provide access to the building at 9-13 Canal Street owned by the adjoining landowner. The sale of the two irregular shaped pieces of land will cure the encroachment of the building owned by the adjoining owner while the sale of third listed piece will provide permanent access via an easement to the adjoining building. The identified portions of the property and easement will be sold to 9 Cunningham LLC (Matt Drouin, Managing Member, 36 King St, Rochester, NY). Appraisals determining market value were obtained from Midland Appraisal Associates in August 2022.

| <u>Address</u> | <u>SBL#</u> | <u>Lot Size</u> | <u>Sq.Ft.</u> | <u>Appraisal Value</u> | <u>Zoning/</u> |
|--------------------------------------|-------------|-----------------|---------------|------------------------|----------------|
| Sale Portion 1 (25-37 Canal St) | 120.36-2-5 | Irregular | 584 | \$816 | CCD-C |
| Sale Portion 2 (25-37 Canal St) | 120.36-2-5 | Irregular | 146 | \$204 | CCD-C |
| Easement Portion (25-37 Canal St) | 120.36-2-5 | Irregular | 5,667 | \$7,980 | CCD-C |

The Purchaser of the portions of the property noted in the chart above owns both 9-13 Canal Street and 53 Canal Street, adjacent to the City’s land. It was determined through consultation with the City of Rochester Department of Environmental Services that we should only sell the lands that lie under the footprint of the purchaser’s building to cure the encroachment and to convey any additional lands needed for access to the building’s rear loading docks as an easement. The remainder of the parcel shall be held strategically for a potential future development. Pursuant to the requirements of the New York State Environmental Quality Review Act (SEQRA), this is a Type II item.

Respectfully submitted,
 Malik D. Evans
 Mayor

Attachment No. AW-7

Ordinance No. 2023-12
 (Int. No. 11)

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 real property to 9 Cunningham LLC:

| Address | S.B.L. No. | Lot Size |
|-------------------------------------|-------------------|-----------------|
| Parcel 1, portion of 25-37 Canal St | 120.36-2-5 | 584 sq ft. |
| Parcel 2, portion of 25-37 Canal St | 120.36-2-5 | 146 sq ft. |

each of which are described and bounded as follows:

PARCEL 1

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lots 50 & 51, 20,000 Acre Tract, and being more particularly bounded and described

as follows: Beginning at a point being the northwest corner of lands conveyed to 9 Cunningham LLC by a deed filed in Liber 12311 of Deeds, Page 51 and being the Point or Place of Beginning; thence

1. Northerly, along the northerly prolongation of the west property line of said lands conveyed to 9 Cunningham LLC, a distance of 16.5 feet to a point; thence

2. Easterly, parallel with the north line of said lands of 9 Cunningham LLC, a distance of 35.38 feet to a point; thence

3. Southerly, parallel with the west line of said lands of 9 Cunningham LLC, a distance of 16.5 feet to the north line of said lands conveyed to 9 Cunningham LLC; thence

4. Westerly, along said north line of lands of 9 Cunningham LLC, a distance of 35.38 feet to the northwest corner of lands of 9 Cunningham LLC, being the Point or Place of Beginning, containing 584 square feet, or 0.013 acres, more or less

PARCEL 2

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lots 50 & 51, 20,000 Acre Tract, and being more particularly bounded and described as follows: Beginning at a point being the southwest corner of lands conveyed to 9 Cunningham LLC by a deed filed in Liber 12311 of Deeds, Page 51 and being the Point or Place of Beginning; thence

1. Westerly, along the north line of lands conveyed to Michael Macaluso, Jr. by a deed filed in Liber 7273 of Deeds, Page 242, a distance of 9.73 feet to a point; thence

2. Northerly, parallel with the west line of said lands of 9 Cunningham LLC, a distance of 15.00 feet to a point; thence

3. Easterly, along a line at right angles to the last described course, a distance of 9.73 feet to the west line of said lands conveyed to 9 Cunningham LLC; thence

4. Southerly, along said west line of lands of 9 Cunningham LLC, a distance of 15.00 feet to the southwest corner of lands of 9 Cunningham LLC, being the Point or Place of Beginning, containing 146 square feet, or 0.003 acres, more or less.

BOTH PARCELS

All as shown on a map prepared by the City of Rochester Survey Office titled "Instrument Survey and Lands to be Conveyed", Job No.2020-025 and dated January 6, 2021.

Subject to covenants, easements or restrictions of record, if any.

Being part of one of the parcels conveyed to the City of Rochester by a deed dated November 28, 1980 and filed in Liber 5899 of Deeds, Page 32.

Section 2. The Council hereby approves the sale by negotiation of a permanent easement over a portion of 25-37 Canal Street (SBL# 120.36-2-5) to 9 Cunningham LLC, for the purpose of providing access to the purchaser's adjoining property located at 9-13 Canal Street, which is described and bounded as follows:

RIGHT OF WAY AND ACCESS EASEMENT

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lots 50 & 51, 20,000 Acre Tract, and being more particularly bounded and described as follows: Beginning at a point on the westerly ROW line of Canal Street (66' ROW), 171.64 feet north of the northerly ROW line of Berdell Alley (12' ROW), being the northeast corner of lands conveyed to 9 Cunningham LLC by a deed filed in Liber 12311 of Deeds, Page 51 and being the Point or Place of Beginning; thence

1. Northerly, along said ROW line of Canal Street, a distance of 30.0 feet to a point; thence

2. Westerly, parallel with the north line of said lands of 9 Cunningham LLC, a distance of 149.9 feet to a point; thence

3. Southerly, parallel with the west line of said lands of 9 Cunningham LLC and 30.0 feet distant therefrom, a distance of 83.7 feet, more or less, to the north line of lands conveyed to Michael Macaluso, Jr. by a deed filed in Liber 7273 of Deeds, Page 242; thence

4. Easterly, along said north line of Macaluso, a distance of 20.27 feet to an angle point; thence

5. Southerly, continuing along said lands of Macaluso, a distance of 14.72 feet to an angle point; thence

6. Easterly, along a line at right angles to the last described course, a distance of 9.73 feet, more or less, to a point being in the west line of lands of 9 Cunningham LLC; thence
7. Northerly, along the west line of said lands of 9 Cunningham LLC and the northerly prolongation of said west line, a distance of 84.90 feet to a point; thence
8. Easterly, parallel with the north line of said lands of 9 Cunningham LLC, a distance of 35.38 feet to a point; thence
9. Southerly, along a line measured at right angles to the last described course, a distance of 16.5 feet to a point being on the north line of said lands of 9 Cunningham LLC, thence
10. Easterly, along the north line of said lands of 9 Cunningham LLC, a distance of 84.52 feet to the said westerly ROW line of Canal Street, being the Point or Place of Beginning, containing 5667 square feet or 0.130 acres, more or less.

All as shown on a map prepared by the City of Rochester Survey Office titled “Instrument Survey and Lands to be Conveyed”, Job No.2020-025 and dated January 6, 2021.

Subject to covenants, easements or restrictions of record, if any.

Being part of one of the parcels conveyed to the City of Rochester by a deed dated November 28, 1980 and filed in Liber 5899 of Deeds, Page 32.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2023-13
 Re: Amendatory Agreement –
 Flower City Habitat for
 Humanity, Inc.

Council Priority: Rebuilding and
 Strengthening Neighborhood Housing

Comprehensive Plan 2034 Initiative Area:
 Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation amending an existing agreement with Flower City Habitat for Humanity, Inc. (Matthew Flanigan, President and CEO, 755 Culver Road, Rochester) to add additional funding for the construction of single family homes for affordable homeownership. This legislation will:

- 1) Authorize an amendment to an agreement with Flower City Habitat for Humanity, Inc., approved by City Council on April 13, 2022 via Ordinance 2022-100, by increasing the original grant award of \$175,000 by \$100,000 for a total maximum grant amount of \$275,000; and
- 2) Appropriate \$100,000 in HOME funds as described below to fund the amendment:

| Annual Action | | Funding |
|----------------------|---|------------------|
| Plan | Project | Amount |
| 2018-19 | Housing Development Fund – New Housing Construction | \$90,000 |
| 2021-22 | Affordable Housing Fund | \$10,000 |
| TOTAL | | \$100,000 |

The proposed amendment will provide additional development subsidy funding to support the new construction of the seven identified owner-occupied single-family houses to be built in and adjacent to the Beechwood neighborhood. Our non-profit development partners have dealt with challenges throughout the pandemic, and Habitat was impacted in ways unique to their business model. Historically Habitat has relied on a large volunteer force, many of whom are older individuals. This workforce, which was particularly vulnerable due to the COVID pandemic, was unable to participate in their construction model for close to two years, resulting in delays and additional staffing costs. In spite of these challenges, Habitat has continued to produce high quality single-family housing. Through this amendment, the City is attempting to lessen the impact of the COVID-related delays and other outside pressures that greatly increased Habitat's cost of producing homes. The recent inflationary environment has exacerbated the issue, but this vital work continues to provide quality homeownership opportunities for low-income households. The appropriation and amendment help ensure programmatic stability and development continuity for one of the City's largest providers of high-quality homes for low- and very-low income first-time homebuyers.

Habitat has been a valued partner for many years, and has created over 100 new homes in the JOSANA Neighborhood. Habitat's recent efforts have focused on the Northeast, including the Beechwood Neighborhood, where all seven of these homes will be constructed. This new construction activity aligns with the residential goals identified in the *Comprehensive Plan for the EMMA and Beechwood Neighborhoods* (2020), and the City's *Comprehensive Plan: Rochester 2034*. This project will provide much needed homeownership opportunities to the community, and is the first phase of Habitat's planned Beechwood infill effort.

The new houses will be sold to low-income families who currently reside in sub-standard, overcrowded, and/or cost-prohibitive housing situations. These families are selected by an FCHH committee using the following criteria:

- Annual household income between 35% and 70% of the area median income.
- Minimum two years' continuous history of employment or other income source.
- Demonstrated need as current housing is substandard, overcrowded, or a cost burden.
- No bankruptcy or discharge within last two years, and no open judgements or tax liens.
- Willingness to partner by contributing at least 300 hours of "sweat equity" (depending on household size), providing monthly proof of income and savings, providing a down payment and portion of closing costs, attending at least seven required classes on financial literacy and home ownership, and agreeing to live in the house for at least 10 years.

The houses will be sold for appraised value (between \$80,000 and \$120,000), but mortgages are sized to ensure affordability. FCHH typically provides a 30-year mortgage with a 0% interest rate.

A SEQRA review was completed and a negative declaration was issued on 12/16/2021. A NEPA review was also completed on 11/23/2021, and a Finding of No Significant Impact (FONSI) was issued. A Vendor Selection Summary Form was submitted with the original legislation in April, 2022.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-8

Ordinance No. 2023-13
(Int. No. 12)

Authorizing an amendatory agreement with Flower City Habitat for Humanity, Inc.

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

Section 1. The Mayor is hereby authorized to enter into an amendatory grant agreement with Flower City Habitat for Humanity, Inc. to provide additional funding for the construction of single family homes for

affordable homeownership (the Project). The amendatory agreement shall amend the existing agreement authorized by Ordinance No. 2022-100 by increasing the amount of the original grant award by \$100,000 to a new total of \$275,000. The amendatory compensation amount shall be funded in the amounts of \$90,000 hereby appropriated to the Project from the Housing Development Fund – New Housing Construction project allocation of the 2018-19 Action Plan and \$10,000 hereby appropriated to the Project from the Affordable Housing Fund project allocation of the 2021-22 Action Plan.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen

Resolution No. 2023-2
Re: Appointment – Examining
Board of Plumbers

Transmitted herewith for your approval is legislation confirming the appointment of one full-time member to the Examining Board of Plumbers. This will fill the vacant seat of retired member, William Kurtz, for a term that will expire on March 31, 2025.

| <u>Name</u> | <u>Title</u> |
|------------------|----------------|
| Stephen Youngman | Master Plumber |

The current membership of the Examining Board of Plumbers as well as its membership requirements are attached. Stephen Youngman's resume is on file with the City Clerk's Office.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-9

Resolution No. 2023-2
(Int. No. 13)

Resolution approving an appointment to the Examining Board of Plumbers

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

Section 1. The Council hereby approves the appointment of Stephen Youngman, Master Plumber, to the Examining Board of Plumbers for a term which shall expire on March 31, 2025.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2023-3
Re: Appointment – Board of
Stationary Engineers

Transmitted herewith for your approval is legislation confirming the appointment of one full-time member to the Board of Stationary Engineers. This will fill the vacant seat of Michael Kaiser for a term that will expire on March 31, 2025.

| <u>Name</u> | <u>Title</u> |
|-----------------|-------------------------|
| Chance Sullivan | Licensed Chief Engineer |

The current membership of the Examining Board of Plumbers as well as its membership requirements are attached. Chance Sullivan’s resume is on file with the City Clerk’s Office.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-10

Resolution No. 2023-3
(Int. No. 14)

Resolution approving an appointment to the Board of Examiners of Stationary Engineers and Refrigeration Operators

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

Section 1. The Council hereby approves the appointment of Chance Sullivan, Licensed Chief Engineer, to the Board of Examiners of Stationary Engineers and Refrigeration Operators for a term which shall expire on March 31, 2025.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen

Resolution No. 2023-4
Re: Restore New York Communities
Initiative – Round 7 Endorsing
County Application for Historic
Sibley Triangle Building
Rehabilitation Project

Council Priority: Creating and Sustaining
a Culture of Vibrancy – Revitalize Downtown,
and Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation endorsing a grant application by the County of Monroe (County) for up to \$2 million to support the Historic Sibley Triangle Building Rehabilitation Project (Project). The project would adaptively reuse and rehabilitate the Triangle Building located at 20-30 East Avenue (see project location map below) to create approximately 36 housing units and approximately 7,200 square feet of ground-floor commercial space. The grant would be funded by Empire State Development (ESD) through Round 7 of the Restore New York Communities Initiative (Restore NY).

Restore NY provides financial assistance to municipalities for the demolition, deconstruction, rehabilitation and/or reconstruction of vacant, abandoned, surplus and/or condemned residential, commercial and/or mixed-use buildings. Restore NY funds may also be used for site development needs to support the rehabilitation of properties. Total statewide funding for Round 7 is \$150,000,000.

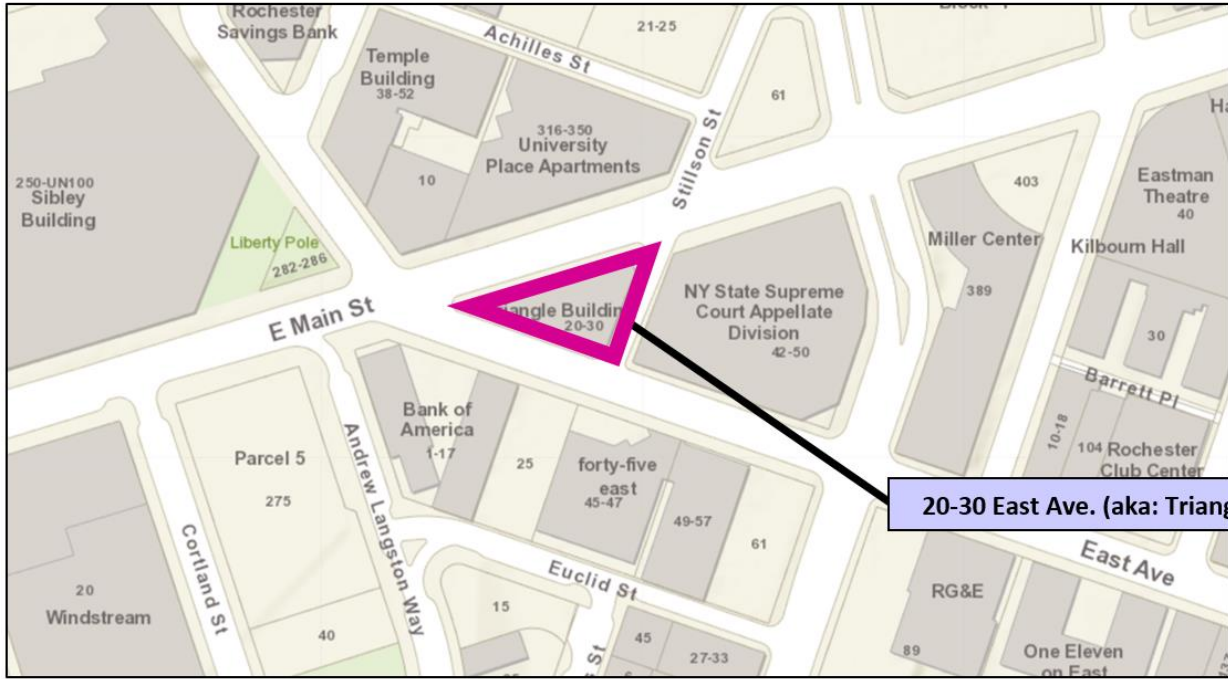
The \$7 million Project is prominently located on the East Main Street corridor on the east side of downtown and includes the rehabilitation of an approximately 36,000 square foot five-story building into 36 residential units and first floor commercial space. The Project developer is Jays Acquisitions II LLC (Angelo Ingrassia, President, Rochester, NY). The County submitted a letter of intent to ESD on November 30, 2022 and intends to submit a full application by the application deadline of January 27, 2023. The City's Neighborhood and Business Development Department has reviewed the proposed Project and endorses the County's application.

ESD's Restore NY program guidelines state that the legislative body of the local municipality that maintains land use control over the proposed project site must pass a resolution finding that: the proposed project is consistent with the municipality's local revitalization or urban development plan; the proposed financing is appropriate for the specific project; the project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and the project develops and enhances infrastructure and/or other facilities in a manner that will attract, create, and sustain employment opportunities where applicable.

In accordance with Restore NY program guidelines, this application is consistent with the following principles:

- The proposed project is consistent with the City's: 1) Comprehensive Plan; 2) Consolidated Community Development Plan 2020-2024; 3) Center City Master Plan; and 4) Housing Policy;
- The proposed financing is appropriate for the specific project;
- The project will facilitate effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and
- Where applicable, the project develops and enhances infrastructure and/or other facilities in a manner that will attract, create, and sustain employment opportunities.

Project location map:



A public hearing and three days’ notification in a local daily newspaper is required.

Respectfully submitted,
 Malik D. Evans
 Mayor

Resolution 2023-4
 (Int. No. 15)

Resolution endorsing Monroe County application for Restore NY Communities Initiative – Round 7 grant to support the Historic Sibley Triangle Building Rehabilitation Project

WHEREAS, the County of Monroe (County) has presented to the City a proposal to apply to the Empire State Development Corporation (ESD) for a grant of up to \$2 million through Round 7 of the Restore NY Communities Initiative (Restore NY) to help fund the adaptive reuse and rehabilitation of the Historic Sibley Triangle Building at 20-30 East Avenue to establish approximately 36 housing units and approximately 7,200 square feet of ground-floor commercial space (the Triangle Building Rehabilitation Project or Project); and

WHEREAS, the Council has reviewed the Triangle Building Rehabilitation Project proposal and has conducted a duly noticed public hearing about it in accordance with Restore NY program requirements and guidelines.

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

Section 1. The Council hereby finds that:

- (a) the proposed Project is consistent with the following principles:
 - 1) the Comprehensive Plan;
 - 2) the Consolidated Community Development Plan for 2020-2024;
 - 3) the Center City Master Plan; and
 - 4) the Housing Policy;

(b) the proposed financing is appropriate for the Project;

(c) the Project will facilitate effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and

(d) where applicable, the Project develops and enhances infrastructure and/or other facilities in a manner that will attract, create, and sustain employment opportunities.

Section 2. The Council hereby does endorse and recommend that ESD approve the County's application for a grant of up to \$2 million through Restore NY to help fund the Triangle Building Rehabilitation Project.

Section 3. This resolution shall take effect immediately.

Adopted by the following vote:

Ayes - President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Patterson, Peo - 6.

Nays - Vice President Lupien, Councilmembers Martin, Smith - 3

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2023-14
Re: Restore New York Communities
Initiative – Round 7 Four Corners/
Aqueduct Downtown Initiative

Council Priority: Creating and Sustaining
a Culture of Vibrancy – Revitalize Downtown,
and Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation relating to the “Four Corners/Aqueduct Downtown Initiative”, a program to reuse and/or rehabilitate up to three underutilized properties at strategic locations (Project). The legislation authorizes an application to Empire State Development (ESD), and a subsequent grant disbursement agreement with the New York State Urban Development Corporation, doing business as ESD, for the receipt and use of a grant totaling up to \$5,000,000 to help fund the Project. The source of the funding would be Round 7 of the Restore New York Communities Initiative (Restore NY).

Restore NY provides financial assistance to municipalities for the demolition, deconstruction, rehabilitation and/or reconstruction of vacant, abandoned, surplus and/or condemned residential, commercial and/or mixed-use buildings. Restore NY funds may also be used for site development needs to support the rehabilitation of properties. Total statewide funding for Round 7 is \$150,000,000. Municipalities with populations over 100,000 are eligible to apply for one project, with a maximum grant request of \$5,000,000. A single Restore NY project may include multiple, geographically-proximate properties. On October 7, 2022 the City previously submitted its Round 6 application for \$5,000,000 towards five properties on the east side of downtown and has recently received notification of award of the full grant amount.

An internal advisory committee composed of staff from the Department of Neighborhood and Business Development reviewed properties for inclusion in the City's 2022 Restore NY Round 7 application. The advisory committee recommended a “Four Corners/Aqueduct Downtown Initiative”, consisting of three underutilized properties that are strategically clustered in proximity to areas of recent and upcoming significant downtown investment such as: Restore NY rounds 4 & 5; ROC the Riverway; Aqueduct District Streets improvements; Charles Carroll Plaza improvements; Blue Cross Arena upgrades; State Street reconstruction; and, the Main

Street Streetscape Enhancements Phase II project. The City would use the Round 7 Restore NY grant to provide gap funding for the adaptive reuse and/or rehabilitation of the three properties in order to further downtown revitalization as recommended in the City’s Rochester 2034 Comprehensive Plan. A letter of intent to apply for this project was submitted to ESD on November 30, 2022 and a full application is due to ESD by January 27, 2023.

The City will request \$5,000,000 in funding for the properties listed (see property table and project location map below), or others, if deemed necessary by the Mayor. The three listed projects represent a total estimated investment of \$112 million, with the creation of up to 264 mixed income housing units and the renovation of up to 449,000 square feet of commercial space. Developers listed are further defined as follows:

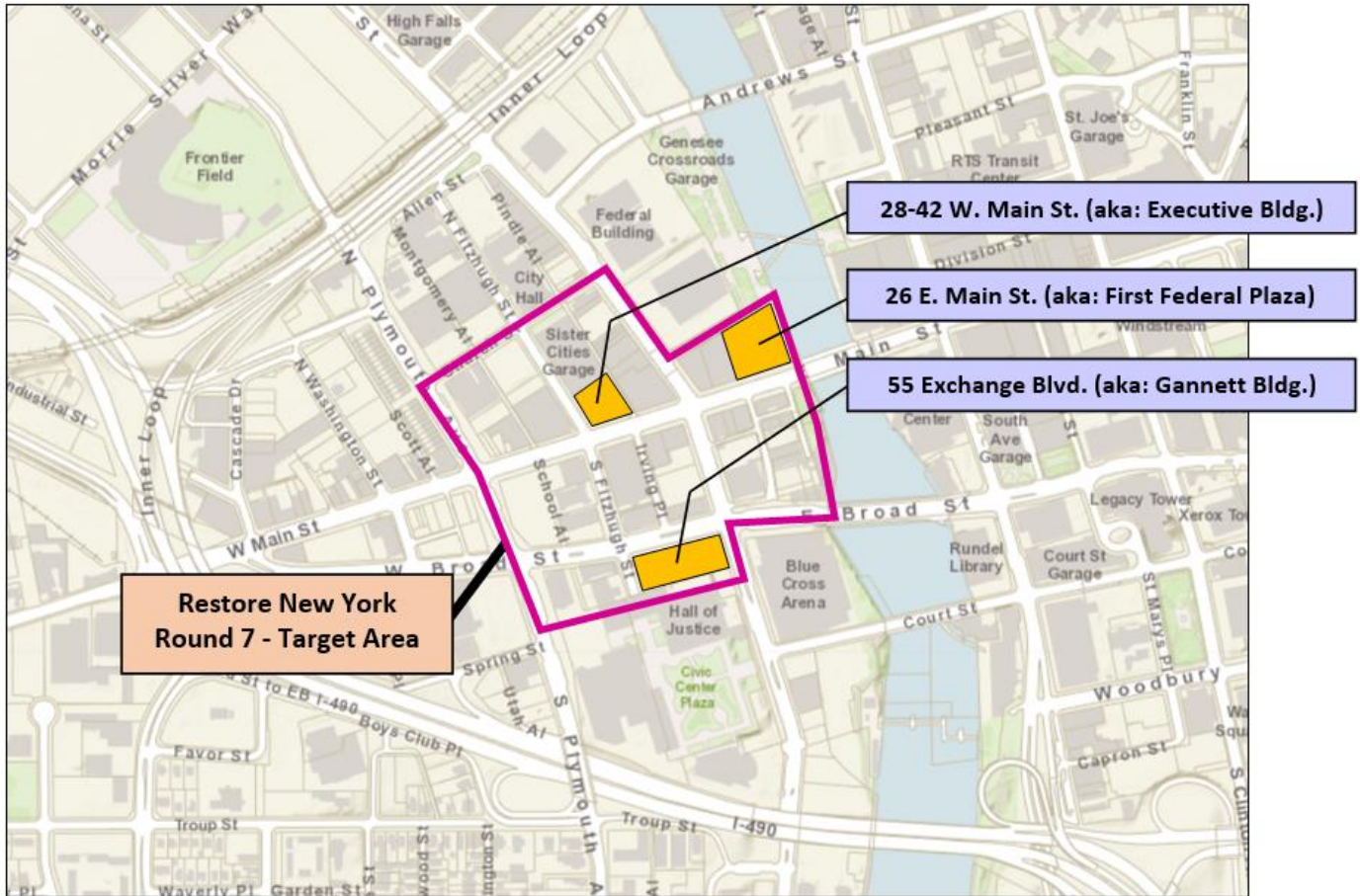
Reynolds II, LP: ~~Chris Hill, Member
Headquartered: 28 East Main Street, Suite 700, Rochester, New York 14614~~

36 West Main St, LLC Milos Vojvodic, Principal
(Itus Properties, LLC) Headquartered: 36 West Main Street, Suite 109, Rochester, New York 14614

55 GB, LLC: Karl Schuler, Partner
Headquartered: 1170 Pittsford Victor Road, Pittsford, New York 14534

| Property | Developer | Total Development Cost | New Residential Units Affordable (A) | Renovated Commercial Space (Square Feet) |
|--------------------------------|----------------------------|-------------------------|--------------------------------------|--|
| 26 East Main Street | Reynolds II, LP | \$17 million | 40 | 292,000 |
| 28-42 West Main Street | 36 West Main St, LLC | \$50 million | 130 | 62,000 |
| 55 Exchange Boulevard | 55 GB, LLC | \$45 million | 75 + 19(A) | 95,000 |

Project Location Map:



As per ESD’s Restore NY program guidelines, the application requires third-party cost estimates, five-year Pro Formas, and sources and uses of funds as indicators of sufficient Project funding. In accordance with Restore NY program guidelines, this application is consistent with the following principles:

- The proposed project is consistent with the City’s: 1) Comprehensive Plan; 2) Consolidated Community Development Plan 2020–2024; 3) Center City Master Plan; and 4) Housing Policy;
- The proposed financing is appropriate for the specific project;
- The project will facilitate effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and
- Where applicable, the project develops and enhances infrastructure and/or other facilities in a manner that will attract, create, and sustain employment opportunities.

A public hearing and three days’ notification in a local daily newspaper is required.

Respectfully submitted,
 Malik D. Evans
 Mayor

Attachment No. AW-11

Ordinance No. 2023 - 14
 (Int. No. 16)

Authorizing an application and grant agreement for Restore NY Communities Initiative – Round 7 grant to support the Four Corners/Aqueduct Downtown Initiative, as amended

WHEREAS, the Mayor has presented to the Council of the City of Rochester a proposal to submit an application to the Empire State Development Corporation (ESD) and to enter into a subsequent agreement with the New York State Urban Development Corporation, doing business as ESD, for the receipt and use of a grant of up to \$5 million through Round 7 of the Restore NY Communities Initiative (Restore NY), for the City to provide funding for the adaptive reuse and/or rehabilitation of ~~two-three~~ Four Corners/Aqueduct Downtown Initiative properties identified as strategically important to the continued revitalization of the Center City (the Project); and

WHEREAS, the Council has conducted a duly noticed public hearing and reviewed the Project that is proposed for the application to ESD in accordance with Restore NY program requirements and guidelines.

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

Section 1. The Council hereby finds that:

(a) the proposed Project is consistent with the following principles:

- 1) the Comprehensive Plan;
- 2) the Consolidated Community Development Plan for 2020-2024;
- 3) the Center City Master Plan; and
- 4) the Housing Policy;

(b) the proposed financing is appropriate for the Project;

(c) the Project will facilitate effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and

(d) where applicable, the Project develops and enhances infrastructure and/or other facilities in a manner that will attract, create, and sustain employment opportunities.

Section 2. The Mayor is hereby authorized to submit the Project application to the Empire State Development Corporation (ESD) and to enter into a subsequent agreement with the New York State Urban Development Corporation, doing business as ESD, for the receipt and use of a grant of up to \$5 million through Round 7 of the Restore NY initiative, to provide funding for the adaptive reuse and/or rehabilitation of the Four Corners/Aqueduct Downtown Initiative properties located at ~~26 East Main Street (aka First Federal Plaza)~~, 28-42 West Main Street (aka Executive Office Building) and 55 Exchange Boulevard (aka Gannett Building) identified as strategically important to the continued revitalization of the Center City (the Project).

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

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed by the following vote:

Ayes - President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Harris, Peo - 6.

Nays - Vice President Lupien, Councilmembers Martin, Smith - 3.

Motion to discharge Int. No. 440

Moved by Councilmember Patterson, 2nd by Councilmember Harris

Motion passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-15
Re: Zoning Map Amendment –
2120 St. Paul Street

Council Priority: 4. Rebuilding and
Strengthening Neighborhood Housing

Comprehensive Plan 2034 Initiative Area:
The Placemaking Plan

Transmitted herewith for your consideration is legislation amending the Zoning Map of the City of Rochester by rezoning the existing developed parcel at 2120 St. Paul Street from R-1 Low-Density Residential District to R-3 High-Density Residential District. The applicant, Rochester Housing Authority (Shawn Burr, Executive Director, 675 West Main Street, Rochester, NY 14611), seeks to renovate the existing nonconforming dwelling units on this parcel, known as Parliament Arms, including the demolition of an existing two-and-a-half-story senior housing apartment building and the construction of a new four-story senior housing apartment building.

2120 St. Paul Street is 2.54 acres containing the Parliament Arms Apartments in the northeast quadrant of the City of Rochester. The existing senior housing multifamily dwellings located on the subject property were constructed circa 1965. The applicant is requesting this action to facilitate the demolition of an existing 8-unit senior residential building and the construction of a new 15-unit apartment building with accessible units.

The current zoning district is R-1 Low-Density Residential District. Properties to the north and south are located within the R-1 Low-Density Residential District. The property to the west is located within the O-S Open Space District and properties to the east reside within the C-2 Community Center District. The applicant originally proposed a change to the C-2 district due to this adjacency. The application was revised to request a change to R-3 High-Density Residential District as a result of the public feedback and the City Planning Commission Recommendation. The subject property resides in the Low-Density Residential Character Area and is proposed to be zoned HDR High-Density Residential in the draft Zoning Alignment Project (ZAP) map.

The R-3 High-Density Residential District protects, preserves and enhances existing residential areas of higher density which include multifamily dwellings mixed with other housing types. The R-3 High-Density Residential District is intended to provide residential areas that accommodate higher-density housing while protecting, maintaining and enhancing existing residential areas. The R-3 High-Density Residential District may include various housing types ranging from single-family detached to high-density apartments.

Notification of the proposed rezoning was provided to the surrounding property owners and the official neighborhood contacts (IADC/ElCamino, The Vineyards Neighborhood Association, Unity NE Block). The City Planning Commission held an informational meeting on October 24, 2022. The applicant and their representatives spoke in support of the proposed action. One letter was received in support of the application. Two letters were received in opposition to the proposed change to a commercial district. (These letters are attached.) No members of the public spoke in support or opposition at the meeting. By a vote of 7-0-0 the City Planning Commission recommended approval of the change to the R-3 High-Density Residential District.

A public hearing is required for the Zoning Map Amendment.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-12

Amending the Zoning Map by changing the zoning classification of 2120 St. Paul Street

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning map classification of 2120 St. Paul Street, S.B.L. # 091.38-1-94, from R-1 Low-Density Residential District to R-3 High-Density Residential District. The change in the parcel's classification shall extend to the center line of any adjoining street, alley, and right of way.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Motion to discharge Int. No. 441

Moved by Councilmember Patterson, 2nd by Councilmember Harris.

Motion to discharge passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2023-16
Re: Zoning Map Amendment –
30, 35, 64, 65, and 68
Luther Circle

Council Priority: 4. Rebuilding and
Strengthening Neighborhood Housing

Comprehensive Plan 2034 Initiative Area:
The Placemaking Plan

Transmitted herewith for your consideration is legislation amending the Zoning Map of the City of Rochester by rezoning the existing developed parcels at 30, 35, 64, 65, and 68 Luther Circle from R-1 Low-Density Residential District to R-3 High-Density Residential District. The applicant, Rochester Housing Authority (Shawn Burr, Executive Director, 675 West Main Street, Rochester, NY 14611), seeks to renovate the existing nonconforming townhouse dwelling units on this parcel, known as Fairfield Village, including the reconfiguration of eight existing nonconforming townhouses to accommodate seven accessible apartments and a new community space. To this end, Rochester Housing Authority is requesting to rezone the subject properties from R-1 Low-Density Residential District to R-3 High-Density Residential District.

30, 35, 64, 65, and 68 Luther Circle are a total of 2.22 acres situated within Fairfield Village off South Plymouth Avenue in the southwest quadrant of the City of Rochester. The existing residential nonconforming townhouses located on the subject properties were constructed circa 1970. The applicant is requesting this action to facilitate the rehabilitation of the Fairfield Village townhouses, including the conversion of seven townhouses to three ADA-accessible apartments, four apartments, and a new community space.

The current zoning district is R-1 Low-Density Residential District. Properties to the north and east are located within the R-1 Low-Density Residential District and properties to the south and west are located within the R-3 High-Density Residential District. The subject properties reside in the High-Density Residential Placemaking Character Area and are proposed to be zoned HDR High-Density Residential in the draft Zoning Alignment Project (ZAP) map.

The R-3 High-Density Residential District protects, preserves and enhances existing residential areas of higher density which include multifamily dwellings mixed with other housing types. The R-3 High-Density Residential District is intended to provide residential areas that accommodate higher-density housing while protecting, maintaining and enhancing existing residential areas. The R-3 High-Density Residential District may include various housing types ranging from single-family detached to high-density apartments.

Notification of the proposed rezoning was provided to the surrounding property owners and the official neighborhood contact (Neighborhood United). The City Planning Commission held an informational meeting on October 24, 2022. The applicant and their representatives spoke in support of the proposed action. No public comment either in support or opposition has been received. By a vote of 7-0-0 the City Planning Commission recommended approval.

A public hearing is required for the Zoning Map Amendment.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-13

Ordinance No. 2023-16
(Int. No. 441)

Amending the Zoning Map by changing the zoning classification of 30, 35, 64, 65 and 68 Luther Circle

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

Section 1. Chapter 120 of the Municipal Code, Zoning, as amended, is hereby further amended by changing the zoning map classification of the following parcels from R-1 Low-Density Residential District to R-3 High-Density Residential District:

| Address | SBL # |
|------------------|-----------------|
| 30 Luther Circle | 135.28-2-58.001 |
| 35 Luther Circle | 135.28-2-62 |
| 64 Luther Circle | 135.28-2-58.002 |
| 65 Luther Circle | 135.28-2-57.001 |
| 68 Luther Circle | 135.28-2-61.001 |

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

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Harris
January 24, 2023

To the Council:

The **RECREATION & HUMAN SERVICES COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

Int. No. 17 Authorizing an intermunicipal agreement with the County of Monroe for recreation and positive youth development programming

Respectfully submitted,
LaShay D. Harris
Willie J. Lightfoot
Stanley Martin
Mary Lupien
Miguel A. Meléndez, Jr
RECREATION & HUMAN SERVICES COMMITTEE

Received filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-17
Re: Grant Agreement - Monroe County,
 Rochester - Monroe County
 Youth Bureau

Council Priority: Support the Creation of
Effective Educational Systems

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

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 a \$54,301 grant to support recreation and positive youth development programming. These funds were anticipated and included in the 2021-22 and 2022-23 Budgets of the Department of Recreation and Human Services. The term of the inter-municipal agreement will be for the 2022 calendar year and the funds will be used to reimburse the City for recreation programming that took place during that period. This grant has received retroactively from the County each year.

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. In 2022, this grant is used to fund part-time Refs on the Move positions and supplies for youth athletics leagues, sports clinics and youth development programs which collectively serve more than 3,500 youth participants. These positions are utilized at the Rochester Community Sports Complex and Genesee Valley Sports Complex sites as well as RCenter locations and help facilitate our youth sports leagues and clinics such as basketball, flag football, softball/baseball, kickball, soccer, and lacrosse.

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 March 2022 via Ordinance No. 2022-91. The City has received this grant for more than 15 years.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-17
(Int. No. 17)

Authorizing an intermunicipal agreement with the County of Monroe for recreation and positive youth development programming

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 for the receipt and use of \$54,301 in funding from the New York State Office of Children and Family Services (OCFS) to support recreation and positive youth development programming (Program). The term of the agreement shall extend to December 31, 2022.

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 appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By President Meléndez
January 24, 2023

To the Council:

The **PUBLIC SAFETY COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

- | | |
|-------------|--|
| Int. No. 18 | Authorizing an amendatory agreement relating to an Awareness and Complaint-Related Communications Implementation project for the Police Accountability Board |
| Int. No. 19 | Authorizing an amendatory agreement relating to the creation of a Comprehensive Program of Onboard and Training for the Police Accountability Board |
| Int. No. 20 | Authorizing agreement and amending the 2022-23 Budget relating to a Lyell Otis Neighborhood Safety Improvement Project grant |
| Int. No. 21 | Authorizing an agreement and amending the 2022-23 Budget for Motor Vehicle Theft and Insurance Fraud Prevention |
| Int. No. 22 | Authorizing an agreement relating to Police and Fire Services for the 2022 Rochester International Jazz Festival |
| Int. No. 31 | Authorizing an intermunicipal agreement with the Rochester City School District related to overtime police services |

Respectfully submitted,
Miguel A. Meléndez Jr.
Mary Lupien (*voted against Int. No. 31*)
Mitch Gruber (*voted on Int. No. 31 only*)
LaShay D. Harris
Willie J. Lightfoot (*voted against Int. No. 18 & Int. No. 19*)
Stanley Martin (*voted against Int. No. 21, Int. No. 22 & Int. No. 31*)
Michael A. Patterson
Jose Peo (*voted against Int. No. 18 & Int. No. 19*)

Kimberly Smith (*voted against Int. No. 31*)

PUBLIC SAFETY COMMITTEE

Received filed and published

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2023-18
Re: Amendatory Agreement –
Ordinance No. 2021-375,
Awareness and Complaint-
Related Communications
Implementation Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Causewave Community Partners, Inc. (Kate Pellet, Chief Operating Officer, Rochester, NY).

The original agreement for an Awareness and Complaint-Related Communications Implementation Project for the Police Accountability Board was executed in November 2021.

This amendment will extend the term of the agreement for six additional months until May 31, 2023, with all other terms of the Agreement remaining the same.

This extension is requested to allow additional time to continue the Awareness and Complaint Campaign.

Respectfully submitted,
Miguel A. Meléndez, Jr.
President

Ordinance No. 2023-18
(Int. No. 18)

Authorizing an amendatory agreement relating to an Awareness and Complaint-Related Communications Implementation project for the Police Accountability Board

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with Causewave Community Partners, Inc. to continue to assist the Police Accountability Board in creating an Awareness and Complaint-Related Communications Implementation project. The amendatory agreement shall amend the existing agreement authorized by Ordinance No. 2021-375 by increasing the term of the agreement by six months until May 31, 2023.

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

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Meléndez, Councilmembers Gruber, Harris, Lupien, Martin, Patterson, Smith - 7.

Nays - Councilmembers Lightfoot, Peo - 2.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-19
Re: Amendatory Agreement –
Ordinance No. 2021-376,
Comprehensive Program of
Onboarding and Training
for the PAB

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Coordinated Care Services, Inc. (Anne Wilder, President, Rochester, NY).

The original agreement for a Comprehensive Program of Onboarding and Training for the Police Accountability Board was executed in November 2021.

This amendment will extend the term of the agreement for four additional months until March 31, 2023, with all other terms of the Agreement remaining the same.

This extension is requested to allow additional time for the Board to complete the training facilitated by CCSI.

Respectfully submitted,
Miguel A. Meléndez, Jr.
President

Ordinance No. 2023-19
(Int. No. 19)

Authorizing an amendatory agreement relating to the creation of a Comprehensive Program of Onboard and Training for the Police Accountability Board

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with Coordinated Care Services, Inc. to continue to assist the Police Accountability Board in creating a Comprehensive Program of Onboard and Training. The amendatory agreement shall amend the existing agreement authorized by Ordinance No. 2021-376 by increasing the term of the agreement by four months until March 31, 2023.

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

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Meléndez, Councilmembers Gruber, Harris, Lupien, Martin, Patterson, Smith - 7.

Nays - Councilmember Lightfoot, Peo - 2.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-20
Re: Grant Agreement – New York State

Division of Criminal Justice Services,
2022 Lyell Otis Neighborhood
Safety Improvement Project

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Criminal Justice Services (DCJS) for the receipt and use of \$35,000 for a Lyell Otis Neighborhood Safety Improvement Project legislative grant facilitated by Senator Jeremy Cooney, and amending the 2022-23 Budget of the Police Department by this amount.

The funds will be used for police overtime (\$3,000) to conduct security surveys with businesses and residents in the neighborhood and fund improvements in lighting and other structural or environmental changes to enhance security (\$32,000).

This grant does not allow fringe expenses, estimated at \$1,062.

The term of this agreement is January 1, 2023 through December 31, 2023. This is the first time the City has received this grant.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-20
(Int. No. 20)

Authorizing agreement and amending the 2022-23 Budget relating to a Lyell Otis Neighborhood Safety Improvement Project grant

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services for the receipt and use of a grant of \$35,000 for a Lyell Otis Neighborhood Safety Improvement Project (Project). The term of the agreement shall be one year.

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

Section 3. Ordinance No. 2022-157, the 2022-23 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Police Department by \$35,000 to reflect the receipt of the funds authorized in Section 1 herein, which funds are hereby appropriated to the Project.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-21

Re: Agreement – New York State
Division of Criminal Justice
Services, Motor Vehicle Theft and
Insurance Fraud Prevention Grant
Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Criminal Justice Services for the receipt and use of \$49,600 for the Motor Vehicle Theft and Insurance Fraud Prevention (MVTIFP) grant, and amending the 2022-23 Budget of the Police Department by \$25,400 to reflect a portion of this grant.

This award, for the reduction of auto theft and insurance fraud, will provide overtime in the amount of \$47,200 to support Police Department deployment in high-theft areas and increased investigations of insurance fraud. The grant also provides \$2,400 to train police officers in specialized anti-theft techniques and technology. This grant does not cover fringe which is estimated at \$16,700.

The term of this agreement is January 1, 2023 through December 31, 2023. RPD has received this grant for over 10 years.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-21
(Int. No. 21)

Authorizing an agreement and amending the 2022-23 Budget for Motor Vehicle Theft and Insurance Fraud Prevention

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services for the receipt and use of grant funds from the Motor Vehicle Theft and Insurance Fraud Prevention program in the amount of \$49,600. The term of the agreement shall be from January 1, 2023 to December 31, 2023.

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

Section 3. Ordinance No. 2022-157, the 2022-23 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Police Department by \$25,400 to reflect the receipt of a portion of the grant funds authorized in Section 1 herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-22
Re: Grant Agreement – New York State

Division of Criminal Justice
Services, 2022 Rochester
International Jazz Festival Police
and Fire Services Grant

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Criminal Justice Services (DCJS) for the receipt and use of \$100,000 for a 2022 Rochester International Jazz Festival Police and Fire Services legislative grant facilitated by Senator Jeremy Cooney, and appropriating said amount.

The grant funds will be used to reimburse the City for police overtime services provided at the 2022 Jazz Festival that ran June 17, 2022 through June 25, 2022. The Grant Award Notice for these funds was not received until October 24, 2022.

The term of this grant is April 1, 2022 through March 31, 2023. This is the first time the City has received this grant.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-22
(Int. No. 22)

Authorizing an agreement relating to Police and Fire Services for the 2022 Rochester International Jazz Festival

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services for the receipt and use of \$100,000 in 2022 Rochester International Jazz Festival Police and Fire Services legislative grant funds to reimburse the City for police overtime services provided for the 2022 Jazz Festival. The term of the agreement shall be from April 1, 2022 to March 31, 2023.

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

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Lupien, Patterson, Peo, Smith - 8.

Nays – Councilmember Martin - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-23
Re: Rochester City School District,

Overtime Police Services

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

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation authorizing an intermunicipal agreement with the Rochester City School District (RCSD) for the provision of sworn Police Officers to provide police services for up to 100 days throughout the school year at the school facilities listed below during student arrival and dismissal times, with reimbursement for costs at the Special Events overtime rate at the time worked, which will be a minimum of \$84 per hour. Four hours of police presence will be provided at arrival times on each of the chosen school days, as well as four hours during dismissal, with one officer provided for each arrival and dismissal. The term of the agreement shall be January 11, 2023 through June 22, 2023. The schools and expected arrival and dismissal times are as follows:

| SCHOOL | ADDRESS | ARRIVAL | DISMISSAL |
|----------------|-----------------------|---------|-----------|
| Franklin | 950 Norton Street | 7:15 AM | 2:30 PM |
| Edison | 655 Colfax Street | 7:15 AM | 2:30 PM |
| Wilson | 501 Genesee Street | 7:15 AM | 2:30 PM |
| Northeast Prep | 4115 Lake Avenue | 8:15 AM | 3:30 PM |
| East | 1801 East Main Street | 7:15 AM | 3:30 PM |

The maximum amount to be reimbursed to the City will be \$336,000.

The intermunicipal agreement was approved by the RCSD Board of Education at the Board’s hearing on January 10, 2023.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-23
(Int. No. 31)

Authorizing an intermunicipal agreement with the Rochester City School District related to overtime police services

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

Section 1. The Mayor is hereby authorized to enter into an intermunicipal agreement with the Rochester City School District (RCSD) to provide sworn City of Rochester Police Officers to provide police services at certain school facilities during student arrival and dismissal times, and to obtain reimbursement for the overtime services from the RCSD at a minimum overtime rate of \$84.00 per hour per officer as partial reimbursement for the City’s cost of providing said officers. The term of said agreement shall extend through June 22, 2023.

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

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Lupien, Patterson, Peo, Smith - 8.

Nays – Councilmember Martin - 1.

By Councilmember Gruber
January 24, 2023

To the Council:

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

- Int. No. 23 Authorizing an agreement and amending the 2022-23 Budget for the Financial Empowerment Center program
- Int. No. 24 Authorizing an agreement and amending the 2022-23 Budget for a Living Cities grant
- Int. No. 25 Authorizing administrative tax cancellations and refunds of \$1,000 or less for 2023
- Int. No. 26 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$15,100,000 Bonds of said City to finance the costs of improvements to specified City School District buildings
- Int. No. 27 Authorizing an amendatory agreement for Freedom of Information Law records request tracking software services
- Int. No. 29 Authorizing an agreement to assist with advertising and promotion of a recruitment campaign advertisement
- Int. No. 30 Authorizing an amendatory agreement relating to securities litigation services

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

- Int. No. 28 Authorizing the grant and renewal of a cable television franchise

Respectfully submitted,
Mitch Gruber
Michael A. Patterson
Kimberly Smith
Mary Lupien (*absent*)
Miguel A. Meléndez, Jr.
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-24
Re: Financial Empowerment Center

Grant Acceptance

Council Priority: Jobs and Economic
Development

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation related to funding for the City's Financial Empowerment Center program. This legislation will:

- 1) Authorize an agreement with the Rochester Economic Development Corporation (REDCO) (Baye Muhammad, CEO, 55-67 St. Paul Street, Rochester NY 14604) as fiscal intermediary for receipt and use of a \$100,000 grant originating from KeyBank for the purpose of supporting the operations of the Rochester Financial Empowerment Center. REDCO will retain 3% of the grant funds and the remaining \$97,000 will transfer to the City of Rochester. The agreement will have a term of two years.
- 2) Amend the 2022-23 Budget of the Office of the Mayor by \$48,500 for the funding from REDCO outlined above. The remaining \$48,500 will be anticipated in the 2023-24 Budget of the Office of the Mayor.

Due to the need for financial institutions to donate program funding to a qualified non-profit agency to receive community development credit under the Community Reinvestment Act, REDCO is serving as fiscal sponsors for the City of Rochester and may accept funding for the FEC initiative.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-24
(Int. No. 23)

Authorizing an agreement and amending the 2022-23 Budget for the Financial Empowerment Center 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 Rochester Economic Development Corporation (REDCO) to serve as fiscal intermediary for the City's receipt and use of a \$100,000 grant from KeyBank to fund a portion of the Financial Empowerment Center program (Program). REDCO may retain up to 3% of the grant amount as a fiscal sponsor fee. The agreement shall have a term of 2 years.

Section 2. Ordinance No. 2022-157, the 2022-23 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Office of the Mayor by \$48,500 to reflect the receipt of the funds authorized in Section 1 herein, which funds are hereby appropriated to the Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-25
Re: Agreement-Living Cities

Council Priority: Jobs and Economic
Development

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation related to a grant agreement with Living Cities. This legislation will:

- 1) Authorize a grant agreement with Living Cities (Joe Scantlebury, 1040 Avenue of the Americas, New York, NY 10018) for receipt and use of a \$500,000 grant to implement strategies to increase access to homeownership and entrepreneurship for residents of color. The agreement will have a term of two years.
- 2) Amend the 2022-23 Budget of the Office of the Mayor by \$300,000 for the funding from Living Cities.
- 3) The remaining \$200,000 will be anticipated and included in the 2023-24 Budget of the Office of the Mayor.

As part of the two-year Living Cities Grant, the City of Rochester has submitted a work plan detailing opportunities for the City to enhance opportunities for residents of color to achieve sustainable homeownership and entrepreneurship. The work plan was largely informed by a Needs Assessment conducted for the City of Rochester by the national research institution FSG.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-14

Ordinance No. 2023-25
(Int. No. 24)

Authorizing an agreement and amending the 2022-23 Budget for a Living Cities grant

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Living Cities for the receipt and use of \$500,000 in funding to increase access to homeownership and entrepreneurship for residents of color. The term of the agreement shall be two years.

Section 2. Ordinance No. 2022-157, the 2022-23 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Office of the Mayor by \$300,000 to reflect the receipt of funds from Living Cities authorized in Section 1 herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-26

Re: Authorization – 2023 Administrative
Tax Cancellations and Refunds

Transmitted herewith for your approval is legislation authorizing the Director of Finance to cancel or refund certain erroneous *ad valorem* taxes, charges and fees up to \$1,000 per account during the 2023 calendar year.

Each year, approximately 63,000 tax bills are issued by the City. In 2021-22 these bills contained a total of \$269,020,732.16 in City and School taxes, charges and fees, and delinquencies. Of that amount, taxes and charges totaling \$153,615.60 or 0.0006% of the total billed amount, were subsequently determined to be erroneous and were canceled. These cancellations involved 105 accounts or 0.0017% of the total number.

Pursuant to Section 556 of the New York State Real Property Tax Law, the City Council is required to approve all cancellations. Under the provisions of Chapter 383 of the Laws of 1984, however, it may delegate to the Director of Finance the authority to approve such cancellations, under certain conditions. Additionally, under Chapter 515 of the Laws of 1997, the State allows administrative cancellations of up to \$2,500 per account.

Delegation of this authority was initially approved by the Council in March 1987. Annual authorization is required. In January 2022, Council re-authorized the Director of Finance to cancel up to \$1,000 per account during 2022 (Ord. No. 2022-2). Such delegation reduces the amount of time required to correct a taxpayer's account and, in some instances, to issue a refund.

The following conditions will continue to apply:

1. A report summarizing all cancellations approved by the Director of Finance during any month will be submitted to the Council by the fifteenth day of the subsequent month; and
2. The total cancellations approved by the Director for any fiscal year will not exceed the amount of the tax reserve (provision for uncollected or delinquent amounts) established by the Council for that year.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-26
(Int. No. 25)

Authorizing administrative tax cancellations and refunds of \$1,000 or less for 2023

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

Section 1. The Director of Finance is hereby authorized to approve the cancellation of real property taxes and/or charges or fees added to those taxes subject to the following conditions:

- a. The amount to be cancelled for any year for any particular account shall be \$1,000 or less.
- b. A report summarizing all cancellations approved by the Director during any month shall be submitted to the City Council by the 15th day of the subsequent month.
- c. The total amount of cancellations approved by the Director for any fiscal year shall not exceed the amount of the tax reserve (provision for uncollected or delinquent amounts) established by the City Council for that year.

Section 2. This ordinance shall be in effect for calendar year 2023.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-27
Re: Capital Improvement Program –
City School District

City Council Priority: Deficit Reduction
And Long-Term Financial Stability,
Support the Creation of Effective
Educational Systems

Transmitted herewith for your approval is legislation relating to the Capital Improvement Program (CIP) of the Rochester City School District. This legislation will:

1. Authorize \$15,100,000 as debt to be authorized for the 2022-23 fiscal year for the RCSD; and
2. Authorize the issuance of bonds for \$15,100,000 and the appropriation of the proceeds thereof for capital improvements to existing school buildings in the District.

By City Council Policy, borrowing in any fiscal year may not exceed the principal on outstanding debt redeemed for that year. During fiscal year 2022-23 the RCSD will liquidate \$15,103,480 in principal. *Attachment A* is a projection of the School District debt to be repaid over the current and next four fiscal years.

For cities with dependent school districts, the NY State Constitutional Debt Limit is established at 9.0% of the 5-year average full valuation. As specified in the City Charter, Rochester splits this limit into 5.5% for the City and 3.5% for the School District. This split provides the District with a remaining borrowing capacity of \$125,579,212 (*Attachment B*).

In accordance with the City Council Policy adopted April 20, 2016, bonding for schools in the CIP will not include schools in a current phase of the Facilities Modernization Program unless for reasons of health and safety; the RCSD will use cash capital as defined by New York State Finance law.

Attachment C is a letter from the School District detailing the planned uses of the new bonds and the use of cash capital as well as a copy of the Board of Education Resolution approving the capital plan.

In addition, the Policy of April 2016 requires the City of Rochester's Engineering and Architecture staff to review the RCSD's request and for the District to provide school closings. *Attachment D* is a memorandum from the Assistant City Engineer confirming said E&A review.

The New York State Education Department, by letter **forthcoming**, has confirmed the RCSD has met the Maintenance of Effort (MOE) requirement for 2022-23. When the City issues this debt the repayments will be structured to the extent possible to continue meeting the MOE requirements, while remaining within the constraints of Local Finance Law.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-15

Ordinance No. 2023-27
(Int. No. 26)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$15,100,000 Bonds of said City to finance the costs of improvements to specified City School District buildings

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance \$15,100,000 of the costs of the City School District 2022-23 Capital Improvement Program, including the costs of the design, renovation and improvements of the City School District buildings indicated on the attached Schedule A (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$15,100,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$15,100,000 bonds of the City to finance said appropriation and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$15,100,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto. The principal of the Bonds authorized by this Ordinance does not exceed the principal of the Bonds being redeemed on behalf of the School District during the City's 2022-23 Fiscal Year. The proceeds of the Bonds authorized herein shall not be applied to any School District facility in the current phase of the School District Facilities Modernization Program.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$15,100,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 12(a)(1) of the Law, is twenty-five (25) years.

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

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

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

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

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

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

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

Schedule A
2022-23 CONSTRUCTION PROJECTS

| Facility Name | Project Description | Budget |
|--------------------------|---|---------------|
| School #28/Henry Hudson | Cafeteria/gymnasium upgrades – Provide cafeteria stage lighting/sound system. Install additional security cameras. Install volleyball poles/sleeves in gym and glass backboards. Remove delaminating monolithic floor finish and install new tile floor finish in toilet rooms. Relocate library circulation desk for better supervision. Provide sun screens for skylight. Replace sealant on exterior precast panels. Widen door to custodial area and complete structural repairs in service area. | \$ 800,000 |
| School #35/Pinnacle | Add a second bottle filling station on the second floor. Provide door between library and music instrument storage room. Reconstruct playground in existing location with playground equipment currently in storage. | \$ 600,000 |
| All City HS @ School #43 | Provide science and toilet room sinks, flooring abatement and other classroom improvements. Remove and replace existing roofing system in selected areas based on testing. Restore areas of roof that are damaged. Replace roof drain. Complete areas of parapet restoration. | \$ 500,000 |
| NE HS @ Charlotte Campus | Provide air conditioning for the entire building (VRF units). | \$ 3,000,000 |

| Facility Name | Project Description | Budget |
|---|---|---------------------|
| Dr. Freddie Thomas Learning Center | Complete roof restoration of existing modified bitumen roofing. Provide continuity of lightning protection system. Complete minor masonry restoration; cleaning efflorescence at the pool and various other locations, minor tuck-pointing and brick replacement. | \$ 2,600,000 |
| School of the Arts | Refurbish windows in classroom areas and replace windows in upper level mechanical rooms. Replace finishes on damaged walls and beams in attic corridor. Replace power control rack for main stage, ensemble theater, Black Box and cafeteria. Construct retaining wall at the dumpster storage area and complete pavement reconstruction of the north parking lot. | \$ 1,600,000 |
| Wilson Foundation Academy | Construct storage addition for athletic equipment. Replace former shop room oversized doors in kindergarten wing to be easier to open for kindergarten age students. Complete roof restoration of original 1999 EPDM membrane. Complete minor masonry repairs and waterproofing on curved masonry wall. Change the entire buildings keying system to match the District's standard LFIC system. | \$ 4,200,000 |
| Service Center-Central Kitchen | Provide cooling for critical areas of the central kitchen. Replace main electrical distribution panel with an exterior panel to support the increase in electrical loads for the HVAC work. | \$ 1,800,000 |
| TOTAL 2022-23 CAPITAL IMPROVEMENT PROGRAM PROJECTS | | \$15,100,000 |

Passed by the following vote:

Ayes - President Meléndez, Councilmembers Gruber, Lightfoot, Martin, Patterson, Peo, Smith - 7.

Nays - None - 0.

Vice President Lupien and Councilmember Harris abstained due to a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2023-28
Upgrade JustFOIA –
FOIL Software

Council Priority: Deficit Reduction
and Long Term Financial Stability

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with JustFOIA, Inc., to upgrade the City of Rochester's FOIL software to "JustFOIA PRO" and increasing the maximum fee from \$91,600.00 to \$101,670.16.

Ordinance No. 2021-383, adopted December 15, 2021, authorized the purchase of JustFOIA software to provide Freedom of Information Law ("FOIL") software and services for the City to track FOIL requests and responses. The JustFOIA software has proven to be more efficient and easier to use than the City's legacy system, LaserFiche.

In fall 2022, JustFOIA released JustFOIA "PRO," which enables a user to more easily open and review files and, most importantly, to efficiently redact sensitive or personal information within the application. This feature takes the current review process from eight (8) steps to two (2). Additionally, Pro provides additional cloud storage space, accommodates unlimited users, and continues to host City documents on Amazon's Azure Cloud. In consideration of the fact that the rollout of Pro comes soon after our original contract with JustFOIA commenced, JustFOIA has agreed to waive the \$1,500 one-time upgrade cost.

Ordinance No. 2021-383, authorized the maximum cost of the agreement as \$91,600.00 for the initial two-year term and three one-year renewal periods. This upgrade would amend the maximum cost of the agreement from \$91,600.00 to \$101,670.16 over the five-year period, as set forth in greater detail below. The remaining years shall be funded from this and from future years' budgets of the Law Department as follows, contingent upon the approval of the future years' budgets and the parties' election to extend the agreement through the three one-year renewal terms:

| Fiscal Year | Original | Amended | Increase |
|-------------|------------------|------------------|-----------------|
| 2021-22 | \$16,600.00 | \$16,600.00 | \$0.00 |
| 2022-23 | 17,400.00 | 20,191.71 | 2,791.71 |
| 2023-24 | 18,300.00 | 20,580.00 | 2,280.00 |
| 2024-25 | 19,200.00 | 21,609.00 | 2,409.00 |
| 2025-26 | <u>20,100.00</u> | <u>22,689.45</u> | <u>2,589.45</u> |
| Total | \$91,600.00 | \$101,670.16 | \$10,070.16 |

The compensation increases shall be contingent upon the City's approval of future years' budgets and the parties' election to extend the term of the agreement through years 3, 4, and 5.

All other terms previously approved by City Council and agreed to in the existing Agreement will remain unchanged.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-28
(Int. No. 27)

Authorizing an amendatory agreement for Freedom of Information Law records request tracking software services

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with JustFOIA, Inc. to provide an upgraded software platform for the City to track requests and responses to Freedom of Information Law (FOIL) requests for public records. The amendatory agreement shall increase the maximum compensation of the original agreement authorized in Ordinance No. 2021-383 by \$10,070.16 to a new maximum total of \$101,670.16. The amendatory compensation shall be funded from the 2022-23 and future years' Budgets of the Law Department as follows contingent upon the approval of future years' Budgets and the parties' election to extend for the optional third, fourth, and fifth years:

2022-23 Law: \$2,791.71;
2023-24 Law: \$2,280.00;
2024-25 Law: \$2,409.00;
2025-26 Law: \$2,589.45.

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

Section 3. This ordinance shall take effect immediately

Passed unanimously.

President Melendez introduced a motion to return Introductory No. 28 to Committee;
Moved by Councilmember Patterson; 2nd by Councilmember Harris.
Motion passed unanimously. Introductory No. 28 returned to Committee.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2023-29
Re: Agreement – Rochester Building &
Construction Trades Council
Advertisement

Council Priority: Jobs and Economic
Development

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation establishing \$100,000 as maximum compensation for an agreement with the Rochester Building & Construction Trades Council to assist with the advertising and promoting of a Recruitment campaign advertisement. The agreement will be funded from the 2022-23 Budget of the Office of the Mayor.

The Rochester Building & Construction Trades Council represents approximately 10,000 construction workers and 18-member unions that are highly skilled in a wide variety of crafts. Such crafts include, but are not limited to, Electrical Workers, Elevator Contractors, Glaziers & Glassworkers, Plumbers & Steamfitters, and Roofers. These funds will assist the Trades Council with the promotion of the new advertisement in an effort to bolster recruitment to a range of Trades which offer long term, stable employment which will assist with long term wealth generation for Rochester families. The Trades Council has already engaged with Jay Advertising to assist with this endeavor which has resulted in the promotional video. In addition to the Trades Council funds used toward the making of and promotion of the campaign video, COMIDA has contributed \$100,000. The investment from the City will assist with increasing the reach and total length of the campaign, including additional months and time to local media such as WDKX and The Beat. Additional platforms to be used are Snapchat and TikTok, as well as others that Jay Advertising's analytics find to be more successful than others.

The promotional video can be viewed here: <https://www.youtube.com/watch?v=eulACaMkCTs>.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-29
(Int. No. 29)

Authorizing an agreement to assist with advertising and promotion of a recruitment campaign advertisement

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 Building & Construction Trades Council in the maximum amount of \$100,000 to assist with the advertising and promoting of a recruitment campaign advertisement. The cost of the agreement shall be funded from the 2022-23 Budget of the Office of the Mayor. The term of the agreement shall be one year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-30
Re: Authorizing an amendatory
Agreement with Harter,
Secret & Emery LLP for legal
services related to securities
litigation

Transmitted herewith for your approval is legislation authorizing an amendatory agreement to increase the maximum compensation established by Ordinance No. 2022-183 relating to an agreement for securities litigation services with Harter, Secret & Emery LLP.

Ordinance No. 2022-183 authorized a Professional Services Agreement with Harter, Secret & Emery related to securities litigation, and established the maximum compensation for said agreement at \$50,000. Since the time that the agreement was authorized, the Law Department has concluded that additional funding is required. The amendatory agreement will increase compensation by \$50,000 to a new total of \$100,000, which will be funded from the 2022-23 Budget of Undistributed Expenses.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-30
(Int. No. 30)

Authorizing an amendatory agreement relating to securities litigation services

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Harter Secrest & Emery LLP to provide additional legal services with regard to securities litigation. The amendatory agreement shall amend the existing agreement authorized by Ordinance No. 2022-183 to increase the maximum compensation by \$50,000 to a new total of \$100,000. The amendatory compensation shall be funded from the 2022-23 Budget of Undistributed Expenses.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 7:42 pm.

HAZEL L. WASHINGTON
City Clerk