

**PROCEEDINGS
OF THE
COUNCIL
OF THE
CITY OF ROCHESTER
2016**

ROCHESTER, NEW YORK

Officials 2016

Lovely A. Warren
Mayor

Leonard E. Redon ⁽¹⁾
Deputy Mayor

R. Carlos Carballada ⁽²⁾
Deputy Mayor

Charles A. Benincasa
Director of Finance

Lisa M. Bobo
Chief Information Officer

Michael Ciminelli
Police Chief

Brian Curran
Corporation Counsel

Tassie R. Demps
Director of Human Resource Management

Norman H. Jones
Commissioner of Environmental Services

John M. Merklinger
Emergency Communications Center Director

Tracey D. Miller
Assistant to the Mayor

Bridget A. Monroe
Executive Staff Assistant IV

Baye M. Muhammad
Commissioner of Neighborhood &
Business Development

Marisol O. Ramos-Lopez
Commissioner of Recreation & Youth Services

John P. Schreiber
Fire Chief

James Smith
Director of Communications

Patricia Uttaro
Library Director

Christopher M. Wagner
Director of Management & Budget

Timothy R. Weir
Director of Office of Public Integrity

(1) Resigned as Deputy Mayor as of June 6, 2016.

(2) As of June 6, 2016.

Members of Council 2016

Members	Residence
Loretta C. Scott President, Councilmember-at-Large	171 Berwick Road, 14609
Dana K. Miller Vice President, Councilmember-at-Large	265 Melrose Street, 14619
Molly Clifford Councilmember, Northwest District	41 Lakeview Park, 14613
Carolee A. Conklin..... Councilmember-at-Large	310 Exchange Boulevard, Apt. 257, 14608
Matt Haag..... Councilmember-at-Large	951 Park Avenue, 14610
Adam C. McFadden Councilmember, South District	351 Inglewood Drive, 14619
Jacklyn Ortiz Councilmember-at-Large	45 Ontario Street, 14605
Michael A. Patterson..... Councilmember, Northeast District	1547 North Goodman Street, 14609
Elaine M. Spaul, Esq..... Councilmember, East District	42 Westminster Road, 14607

City Clerk's Office

2016

Hazel L. Washington.....	City Clerk
Condenessa G. Brown.....	Deputy City Clerk
Birth A. Manigault.....	Chief Legislative Assistant
Rebecca M. McNamara ⁽¹⁾	Senior Legislative Assistant
Paris D. McGruder ⁽²⁾	Senior Legislative Assistant
Joe L. Thomas ⁽³⁾	Legislative Assistant
Curtis Joiner.....	Legislative Aide Part-time
Dee S. Lewis.....	Senior Legislative Clerk
Michael Ann Flynn.....	Receptionist
Lisa M. Alexander.....	Legislative Clerk
Maria D. Ramos.....	Legislative Clerk

(1) Retired May 27, 2016.
(2) Promoted from Legislative Assistant as of May 29, 2016.
(3) As of May 2, 2016.

City Council Office 2016

Andrea M. GuzzettaChief of Staff

Robert J. Scanlon, II..... Senior Legislative Analyst

Carmen L. Aponte-Merced Secretary to City Council

Standing Committees of The City Council 2016

Art & Culture in the Center City

Spaul, McFadden, Ortiz

Business & Economic Development

Miller, Patterson, Spaul

Finance

Conklin, Clifford, McFadden

Neighborhood & Community Development

Ortiz, Clifford, Conklin

Parks & Public Works

Haag, Patterson, Spaul

Public Safety, Youth & Recreation

McFadden, Clifford, Haag

The first Councilmember named after
the designation of the Committee is
Chair thereof.

Regular meetings of the Council shall be held at 7:30 p.m. in the Council Chamber, Room 302-A, City Hall.

Special Meetings may be called at any time by the Mayor or President of Council or any three Councilmembers.

ORGANIZATION MEETING
JANUARY 4, 2016
3:30 P.M.

Present - Presiding Officer Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Absent - 0.

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

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

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS.

By Councilmember Conklin

Resolution No. 2016-1

Resolution for the nomination and selection of a President of the Rochester City Council

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

Section 1. The Council of the City of Rochester hereby nominates and selects Loretta C. Scott as President of the Council for the years 2016-17.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember McFadden

Resolution No. 2016-2

Resolution for the nomination and selection of a Vice President of the Rochester City Council

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

Section 1. The Council of the City of Rochester nominates and selects Dana K. Miller as Vice President of the Council for the years 2016-17.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember Conklin

Resolution No. 2016-3

Resolution for the selection and appointment of the City Clerk

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

Section 1. The Council of the City of Rochester

hereby selects and appoints Hazel L. Washington as the City Clerk for the years 2016-17.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember Ortiz

Resolution No. 2016-4

Resolution adopting the Rules of Council

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

Section 1. The Council hereby adopts the following Rules of Council, for the years 2016-17.

I. REGULAR MEETINGS - Regular meetings of the Council of the City of Rochester shall be held in the Council Chambers, City Hall, at 7:30 P.M., on the following dates in 2016:

- January 19
- February 16
- March 22
- April 20
- May 17
- June 14
- July 12
- August 9
- September 13
- October 18
- November 15
- December 20

and also at such other times as the Council may by adjournment to a day certain appoint. The regular meeting schedule for 2017 shall be established in a resolution adopted in 2016. When the date for a regular meeting falls on a legal holiday the meeting shall be held on the following day.

II. SPECIAL MEETINGS - Special meetings may be called at any time by the Mayor, the President of the Council, or any three Councilmembers. The City Clerk shall cause the written notice thereof, specifying the object of the meeting, to be served upon each member personally or to be delivered at the member's usual place of residence or City email address at least twenty-four hours before the time fixed for such meeting, except that if such notice is served prior to 5:00 P.M., the time for the special meeting may be fixed at any time after 9:00 A.M. the following day. Councilmembers may waive service of such notice in writing. At such special meeting no business other than that named in the notice of the meeting shall be transacted.

- III. EXECUTIVE MEETINGS - Whenever the Council or a duly constituted committee thereof shall determine to transact business in an executive session, it shall do so in accordance with the provisions of the Open Meetings Law, and the presiding officer shall direct all persons except members and designated officers of the City to withdraw.
- IV. QUORUM - The majority of the Councilmembers shall constitute a quorum; but a smaller number may adjourn from day to day.
- V. PRESIDING OFFICER - The President of the Council, and in the President's absence, the Vice President, shall preside over the meetings of the Council. In the absence of both the President and the Vice President, the City Clerk shall call the meeting to order and the Council shall appoint as presiding officer a President pro tempore.
- VI. ORDER OF BUSINESS - The following shall be the order of business at regular meetings:
 - 1. Roll Call.
 - 2. Moment of Silence & Pledge of Allegiance.
 - 3. Approval of the minutes of the preceding meeting or meetings.
 - 4. Communications to the Council from the Mayor, President of the Council, other corporate officers, boards and departments and miscellaneous communications.
 - 5. Presentation and reference of petitions and any other communications.
 - 6. Introduction of and action upon local laws, ordinances and resolutions.
 - 7. Reports of standing committees and action thereon.
 - 8. Reports of special committees.
 - 9. Miscellaneous business.
 - 10. Adjournment.
- VII. PERMISSION FOR PERSONS TO SPEAK BEFORE THE COUNCIL - For one hour prior to roll call at the commencement of a Council meeting, the President of the Council may allow any person to speak to the Council upon the following terms and conditions:
 - 1. In order to speak, a citizen must notify the Clerk's Office before 5:30 p.m. on Council meeting nights.
 - 2. The citizen must specify to the Clerk the subject of his or her remarks.
 - 3. The Clerk will prepare two lists of scheduled speakers:
 - A. Those wishing to speak on items which are on the agenda for that Council meeting (List A).
 - B. Those wishing to speak on items which are not on the agenda for that Council meeting (List B).
 - 4. The lists shall be in the order that citizens notified the Clerk's Office.
 - 5. Each speaker will be allotted no less than two (2) minutes and no more than three (3) minutes. The President will divide sixty (60) minutes by the number of speakers on both lists to determine the amount of time allotted to each speaker.
 - 6. The President will call the speakers in order as listed on List A, and after completing List A, the speakers on List B, giving each the amount of time determined in paragraph 5 above.
 - 7. If there are any speakers on List A not reached by 7:30 p.m., the time for Speak to Council will be extended to allow all speakers on that List to be heard. If there any speakers on List B who have not had the opportunity to speak before the Council Meeting begins, they will be invited either to speak at the conclusion of the Council Meeting or to return to the next Council session when their names will be placed at the top of the appropriate List.
 - 8. Speakers must relinquish the podium at the end of their allotted time.
 - 9. In the event that the President shall determine that any speaker is violating any of the Rules of Council, the President, in the President's discretion, may cause the meeting to be recessed.

Any person may also speak at meetings of duly constituted committees of the Council at the invitation of the Chairperson and upon such terms and conditions as the Chairperson may, from time to time, prescribe.

VIII. PUBLIC HEARINGS - Each person wishing to speak at a public hearing with respect to a specific proposed item of legislation shall be allotted no more than 3 minutes. Speakers must relinquish the podium at the end of their allotted time. Public Hearings will take place at the end of the last scheduled standing Council Committee meeting on the following days:

- January 14
- February 11
- March 17
- April 14
- May 12
- June 9
- July 7
- August 4
- September 8
- October 13
- November 10
- December 15

The President may designate that a specific public hearing shall be held at a regular or special meeting of the Council or at a special meeting of a Council Committee, by giving notice to all Council Members to be served upon each member personally or to be delivered at the member's usual place of residence or City email address at least twenty-four hours before the time fixed for said hearing. The regular committee meeting schedule for 2017 shall be established in a resolution adopted in 2016.

IX. ROLL CALL VOTE - On the passage of every ordinance which is not adopted by unanimous vote, on the passage of any ordinance authorizing the issuance of bonds and notes, on the selection of any officer other than by unanimous vote, and on the enactment of any local law, the individual vote for or against the particular legislation before Council shall be entered in full upon the journal. In the case of an abstention from a vote, any member who abstains from voting shall state publicly the reasons for such abstention; such reasons shall be entered in full upon the journal.

X. PRECEDENCE OF MOTIONS - When a question is before the Council no motion shall be entertained except: First, to adjourn; second, to fix the hour of adjournment; third, for the previous question; fourth, to lay on the table; fifth, to postpone indefinitely; sixth, to postpone to a day certain; seventh, to refer; eighth, to amend. These motions shall have precedence in the order indicated. Any such motion, except a motion to amend, shall be put to vote without debate.

XI. PREVIOUS QUESTION - The previous question shall be put as follows: "Shall the main question be now put?" If this question is decided in the negative, the main question remains before the Council.

XII. DIVISION OF QUESTIONS - If the question contains two or more divisible propositions, the presiding officer shall, upon the request of any member, divide the same, but a motion to strike out a provision and insert a substitute is not divisible.

XIII. RECONSIDERATION - After the decision of any question, a member who voted in the majority may move its reconsideration at the same or a subsequent meeting. If a motion for reconsideration be lost, it shall not be renewed without unanimous consent of the members present and no question shall a second time be reconsidered without similar unanimous consent. After a local law or ordinance has been signed by the Mayor, or has been presented to the Mayor and more than thirty (30) days have expired, during which time the Mayor neither approved it nor returned it to the Clerk with objections, it shall not be reconsidered, but such local law or ordinance may be repealed, or amended.

XIV. WITHDRAWAL OF MOTION - Any motion may be withdrawn by the maker before it has been amended or voted upon, but in such case any other member may renew the motion at that time.

XV. PROCEDURE ON RESOLUTIONS - All resolutions of the Council shall be adopted by the affirmative vote of a majority of the members present at the meeting at which action is taken thereon. Any member of the Council may introduce a resolution into the Council either (a) at any meeting of the Council, at which time the presiding officer shall refer the resolution to the appropriate standing committee, or (b) at any time until 5:00 p.m. the day before a committee meeting by submitting it to the President of the Council who shall promptly forward it to the Chair of the appropriate standing committee. The Council shall not vote upon any resolution until it has been discharged from one or more standing committees pursuant to Section XVII of these rules, provided, however, that the Council may vote upon a resolution without reference to or discharge from a standing committee if it is accompanied by a statement of necessity of immediate passage signed by the Mayor or the President of Council, or these rules are suspended as provided herein.

XVI. PROCEDURE ON LOCAL LAWS AND ORDINANCES - All legislative acts of the Council shall be by local law or ordinance adopted by the affirmative vote of five members of the Council, unless otherwise expressly required by law.

Any member of the Council or the Mayor may introduce a Local Law or Ordinance into the Council. Such proposed legislation shall be submitted to the President of the Council. Proposed legislation submitted to the President of the Council by any Councilmember or the Mayor shall be deemed introduced into the Council on the day the President forwards it to the City Clerk who shall note on the copy the date of its introduction and its sequential introductory number.

Proposed legislation shall be similarly distributed to Councilmembers on "Referral Day" which shall be at least nineteen (19) days prior to the date of the Council meeting at which it is scheduled to be considered. During the week following Referral Day, additional legislation may be submitted to the President of Council for distribution to the appropriate committee(s) at the discretion of the President.

Proposed legislation submitted less than twelve (12) days before the Council Meeting at which it is scheduled to be considered shall be accompanied by a statement of necessity of immediate consideration, stating the nature of the emergency, signed by the Mayor. Proposed legislation submitted less than five (5) days before the Council Meeting at which it is scheduled to be considered shall be accompanied by a statement of necessity of immediate consideration, stating the nature of the emergency, signed by the Mayor and President of the Council. The Clerk shall keep a file of all proposed legislation until it is voted upon by the Council or until the expiration of each two-year term of Council. A local law or ordinance amended after introduction shall not become a new local law or ordinance unless the presiding officer, or the Council on an appeal from the presiding officer's ruling, rules that the amendment is so substantial as to constitute a new local law or ordinance. The Council shall not vote upon any local law or ordinance until it has been discharged from one or more standing committees of the Council pursuant to Section XVII of these rules, provided, however, that the Council may vote upon proposed legislation without reference to or discharge from a standing committee if:

- a) as to a local law, it is accompanied by a statement of necessity of immediate passage signed by the Mayor, and its adoption is by the affirmative vote of six (6) members of the Council, or
- b) as to an ordinance, (i) it is accompanied by a statement of necessity of immediate passage signed by the Mayor, or (ii) approval to vote upon it is given by six (6) members of the Council.

Whenever a public hearing is required to be held by the Council on an item of proposed legislation, the President may direct the City Clerk to advertise the public hearing in the manner and for the period of time required by law so that such hearing may be held at the end of the final standing Committee Meeting; or if the hearing is to be held before a specific committee, such hearing shall be advertised so that it may be held at the next available regularly scheduled or special meeting of that committee; unless the Council provides otherwise by resolution.

Whenever the Mayor has disapproved a local law or ordinance and the City Clerk has presented the local law or ordinance to the Council with the Mayor's objections, the President or any member of Council may move for reconsideration of the same within thirty (30) days.

XVII. CONSTITUTION OF COMMITTEES - The following standing committees shall be appointed by the President of the Council at the organization meeting of the Council:

Finance; Business & Economic Development; Neighborhood & Community Development; Parks & Public Works; Public Safety, Youth & Recreation; Arts & Culture in the Center City.

The first named member of each committee shall be Chair. The President and the Vice President shall be ex officio voting members of all committees.

A change in the personnel of the foregoing committees, including a change in the Chair thereof, may be effected at any time or times at the pleasure of the President of the Council with the concurrence of a majority of the Council, or in any case by a two-thirds vote of the Council. The President shall be empowered to constitute a Committee of the Whole, in place of any standing committee, to consider Mayoral appointments of Department Heads or for other resolutions, local laws, or ordi-

nances considered to be of sufficient importance as to merit such treatment. Discharge from the Committee of the Whole shall fulfill the requirements variously stated in Sections XIV, XV, and XVII, which call for the discharge of any proposed legislation from a standing committee before it can be acted upon by the Council.

XVIII. MEETINGS AND PROCEDURES OF STANDING COMMITTEES - A majority of a committee shall constitute a quorum. Each committee shall meet at the call of its Chair or any other two members, upon reasonable notice to all committee members. Regular meetings of the standing committees shall be scheduled no later than five (5) days before the date of a Council meeting.

A committee may hold a public hearing on any proposed legislation referred to it. A committee may amend any proposed legislation referred to it by majority vote of its members taken at a meeting, and if discharged, the Council shall consider the proposed legislation.

In discharging any proposed legislation referred to it, a committee shall specifically recommend the legislation for adoption, rejection or consideration by the Council in a written report signed by a majority of its members attending the committee meeting. Any proposed legislation discharged by a committee shall be placed by the City Clerk on the agenda of the next regular Council meeting, at which the Council shall vote upon each item of proposed legislation separately, a yes vote to indicate adoption of the legislation, and a no vote to indicate rejection of the legislation.

If a committee fails or refuses to discharge any proposed legislation referred to it, it may be discharged on a motion duly seconded by the affirmative vote of a majority of the Council.

XIX. ROBERT'S RULES OF ORDER - The rules of parliamentary practice comprised in Robert's Rules of Order shall govern the Council in all cases except as herein provided.

XX. SUSPENSION OF RULES - Any rule of the Council, except as otherwise specifically provided in such rule, may be temporarily suspended by a vote of two-thirds of all the members present, unless such rule is prescribed by law.

XXI. AMENDMENT OF RULES - No permanent alteration shall be made in these rules without notice of the proposed change having been given at a previous meeting.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember Spaul

Ordinance No. 2016-1

Designating the Official Newspapers of the City of Rochester for the Years 2016-17

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

Section 1. The following newspapers are hereby designated to be the official newspapers of the City of Rochester for the years 2016-17: the Democrat & Chronicle, the Daily Record, the Rochester Business Journal and City Newspaper.

Section 2. The Mayor is hereby authorized to enter into agreements with the publishers of said newspapers whereby said newspapers shall publish and print such materials as shall be delivered to the newspaper by the City Clerk or other authorized officials or employees of the City. In no event shall any designated newspaper have the right to publish all official notices of the City.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 4:19 P.M.

HAZEL L. WASHINGTON
City Clerk

* * * * *

REGULAR MEETING
JANUARY 19, 2016

Present - President Scott Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Absent - None - 0.

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

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

Recognition Ceremony

None.

APPROVAL OF THE MINUTES
By Councilmember Ortiz

RESOLVED, that the minutes of the Regular

Meeting of December 15, 2015 and the Organization Meeting of January 4, 2016 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

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

The following communications are hereby directed to be received and filed:

- The Mayor submits the following:
 - Administrative Cancellation or Refund of Erroneous Taxes and Charges 4212-16
 - Quarterly Report - NBD Loans & Grants Report 4213-16
 - Quarterly Report - Delinquent Receivables 4214-16

The Council submits Disclosure of Interest Forms from Councilmember Haag on Int. Nos. 14 and 36.

PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.

Councilmember Spaul submits a petition with 46 signatures opposing a new development of a parking lot located on Merchants Road. Petition No. 1723

PUBLIC HEARINGS.

Pursuant to law, public hearing will now be had on the following matter:

Amending the Zoning Code text and concept plan/site plan for Culver Road Armory, Planned Development District No. 15 Int. No. 23 1 Speaker: Chris Stevens.

Authorizing a change in traffic flow on Lenox Street Int. No. 34 No Speakers.

Approving geometric changes related to the Kilmar Street Group reconstruction, rehabilitation, and curb replacement Int. No. 35 No Speakers.

Amending the Official Map by dedicating Celebration Drive Int. No. 36 No Speakers.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

By President Scott

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2016-2 Re: Lease of Sahlen's Stadium

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legisla-

tion authorizing a lease with an entity to be formed by David M. and Wendy Dworkin for operation of the City-owned multi-purpose stadium (now known as Sahlen's Stadium) and the adjacent Maguire Building. The Dworkins have purchased from the United Soccer League the men's league franchise that was previously owned by the defaulted Adirondack Sports Club LLC, the prior Stadium operator. The women's soccer team Western NY Flash also will continue to play in the Stadium.

The term of the lease will be from February 1, 2016 through December 31, 2025 with the option to renew for up to two additional five-year terms with rent increases. The provisions of the lease will include:

- 1) The Dworkins will be obligated to immediately provide replacement artificial turf for the soccer field, according to standards prescribed by the Federation Internationale de Football Association (FIFA), at a current estimated cost of \$600,000.
- 2) The Dworkins will pay the City annual rent equal to \$50,000 per year for the period February 1, 2016 through January 31, 2019. Commencing February 1, 2019 the lease payment shall be the higher of \$50,000 per year or 15% of the net profits of special events held at the Stadium during the course of the year.
- 3) To secure payment of its lease obligations and other defined operating expense liabilities, the Dworkins shall be obligated to post a \$100,000 letter of credit with the City, on terms and conditions satisfactory to Corporation Counsel, until specified revenue benchmarks have been achieved.
- 4) The City will be entitled to designate special City-sponsored events to be held at the Stadium without charge.
- 5) City Workforce Goals will apply to Stadium employees and contractors upon terms and conditions set forth in the Lease.

Respectfully submitted, Lovely A. Warren Mayor

Ordinance No. 2016-2 (Int. No. 43)

Authorizing a lease for the multi-purpose stadium parcels

WHEREAS, the City of Rochester has received a proposal from David M. and Wendy Dworkin (hereinafter called the "Dworkins"), for the lease of 524 Oak Street, 900 West Broad Street and 480 Smith Street, together with an abandoned portion of Oak Street (hereinafter collectively called the "Stadium") for the use, maintenance and operation of the multi-purpose stadium currently known as Sahlen's Stadium, and for the lease of the building at 448 Smith Street (the "Maguire Building"); and

WHEREAS, the Dworkins are the contract purchasers of the United Soccer League franchise "Rochester Rhinos"; and

WHEREAS, the City desires to lease the Stadium and the Maguire Building to an operating entity to be formed and wholly owned by the Dworkins ("Dworkin LLC") to accommodate operation of two (2) professional soccer teams, the Rochester Rhinos and the Western NY Flash, and a variety of community events (collectively, the "Lease") on the terms and conditions described herein; and

WHEREAS, use of the property, as a portion of the Erie Canal Urban Renewal Project, was approved for use as a soccer stadium and related activities by City Council Ordinance No. 2008-130, adopted April 15, 2008, and City Council Ordinance No. 2012-142, adopted April 24, 2012.

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

Section 1. The Council hereby approves the Lease for the Stadium and the Maguire Building for the period from February 1, 2016 until December 31, 2025 on the following terms and conditions:

- 1) Dworkin LLC shall be obligated to immediately provide replacement artificial turf for the soccer field, according to standards prescribed by the Federation Internationale de Football Association ("FIFA"), at a current estimated cost of \$600,000;
- 2) Dworkin LLC shall pay the City annual rent equal to \$50,000 per year for the period February 1, 2016 through January 31, 2019. Commencing February 1, 2019 the lease payment shall be the higher of \$50,000 per year or 15% of the net profits of special events held at the Stadium during the course of the year;
- 3) To secure payment of its lease obligations and other defined operating expense liabilities, Dworkin LLC shall be obligated to post a \$100,000 letter of credit with the City, on terms and conditions satisfactory to Corporation Counsel, until specified revenue benchmarks have been achieved;
- 4) The City shall be entitled to designate special City sponsored events at the Stadium without charge;
- 5) City Workforce Goals shall apply to Stadium employees and contractors upon terms and conditions set forth in the Lease.

Section 2. In accordance with City Code Section 21-23,

- 1) The term of the proposed Lease is reasonable and the public will benefit throughout the term of the Lease;
- 2) The Lease shall contain two (2) five (5) year

renewal options with rent increases. Extension of the lease term shall be subject to the approval of City Council, evidenced by the affirmative vote of three-quarters (3/4) of all members of City Council, no more than 90 days and no less than 30 days prior to expiration of the existing Lease. The conditions of the option to renew the Lease shall be set forth in the Lease;

- 3) The Lease shall be subject to default and termination by the City in the event the City determines there has been a substantial change in the authorized use of the Stadium or the Maguire Building. Specified criteria to define "substantial change" shall be set forth in the Lease;
- 4) The leased premises shall be subject to periodic inspection and review by the Director of Real Estate to determine compliance with the authorized use of the leased premises.

Section 3. The Mayor is authorized to enter into the Lease and such agreements and documents as may be necessary to effectuate the Lease. Such documents shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
January 19, 2016

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 6 - Amending Section 5-6 of the City Charter with regard to meetings

Int. No. 7 - Authorizing an agreement for firefighter physical agility test

Int. No. 8 - Authorizing cancellation of taxes and charges

Int. No. 9 - Authorizing agreements for auctioneer services

Int. No. 11 - Amending Chapter 8-A of the Municipal Code as it relates to purchasing and property management

Int. No. 12 - Resolution approving reappointments to the Rochester Public Library Board of Trustees

The Finance Committee recommends for consideration the following entitled legislation:

Int. No. 10 - Local Law amending Section 6-33 of the City Charter with regard to competition of purchases and sales

Respectfully submitted,
Carolee A. Conklin
Molly Clifford
Adam C. McFadden
Dana K. Miller
Loretta C. Scott
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 2
Re: Local Law - Public Hearing Date
Change

Transmitted herewith for Council approval is legislation for a local law changing the day of public hearings required for specific pieces of legislation to be held on the day of the scheduled standing Council Committee Meetings instead of during the Council Meeting.

Public Hearings are currently held during the same meeting as the legislation is expected to be voted on. This does not allow the Council the time necessary to address the comments or questions raised by constituents relating to a specific piece of legislation.

Addressing the concerns of Rochester residents is a cornerstone of the Council's responsibility and this change will provide the Council time to consider the information presented to them on each matter in a more diligent manner.

Respectfully submitted,
Loretta C. Scott
President

Local Law No. 2
(Int. No. 6)

Amending Section 5-6 of the City Charter with regard to meetings

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending Section 5-6 to read as follows:

The Council shall fix the time of its regular meetings. Special meetings may be called at any time by the Mayor, the President of the Council or any three members of Council. The City Clerk shall cause a written notice thereof, specifying the object of the meeting, to be served upon each member personally or to be delivered at the member's usual place of residence at least 24 hours before the time fixed for such meeting, ex-

cept that, if such notice is served prior to 5:00 p.m., the time for the special meeting may be fixed at any time after 9:00 a.m. the following day. Council members may waive service of such notice in writing. At such special meeting no business other than that named in the notice of meeting shall be transacted. When the City Council is required by law to hold a public hearing on legislation or other matters, the President of the City Council may determine that said public hearing shall be held on the same day as the meetings of regularly scheduled and standing City Council's committees. Notice of such a hearing shall be delivered to all members of the City Council at least twenty-four hours before the hearing and any member of the City Council may attend and participate in the hearing. A majority of City Council members shall be present to constitute a valid public hearing.

Section 2. This local law shall take effect immediately upon filing in the Office of the Secretary of State as provided by Section 27 of the NYS Municipal Home Rule Law.

New text is underlined

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-3
Re: Agreement - Personal Energy, Inc.,
Physical Agility Test for Firefighter
Civil Service Examination

Council Priority: Public Safety; Jobs and
Economic Development

Transmitted herewith for your approval is legislation establishing \$7,500 as maximum compensation for an agreement with Personal Energy, Inc. for the development and administration of a physical agility test for the Firefighter Civil Service Examination. The term of the agreement is for two years with the option for a two-year renewal. The cost will be funded from the 2015-16 and future budgets of the Department of Human Resource Management, contingent upon approval of said budgets.

To supplement the written portion of the examination, the Department of Human Resource Management will be adding a physical agility component to the next Firefighter Civil Service Examination. This physical agility component is intended to ensure that passing candidates possess a minimal physical ability threshold to better their chances of successfully completing the Fire Academy, which concludes with the rigorous, New York State mandated Candidate Physical Agility Test (CPAT).

The recommendation to select Personal Energy, Inc. is based on the fact that this organization has provided physical fitness training services to City of Rochester firefighter recruits since 2012. By adding a minimal physical ability threshold to the exam process, the City will more effectively utilize limited recruit seats and increase the number of

recruits passing the CPAT and completing the Fire Academy. A justification for not issuing a request for proposals is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-1

Ordinance No. 2016-3
(Int. No. 7)

Authorizing an agreement for firefighter physical agility test

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 Personal Energy, Inc. to develop and administer a physical agility test to be taken as part of the Firefighter Civil Service Examination. The term of the agreement shall be for two years with one option to renew for an additional term of up to two years. The maximum compensation for the initial term of the agreement shall be \$7,500 and shall be funded from the budgets of the Department of Human Resources Management for 2015-16 and future years, contingent upon the approval of said future budgets.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-4
Re: Cancellation or Refund of Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$6,000.

The property located at 274 Bay Street was ticketed for an unapproved parking lot. The property was transferred in an arm's length transaction on March 26, 2014. Since the purchase, the new owner has brought the property into compliance. The fines should not have been added to the 2015 tax bill. Neighborhood and Business Development has requested that the Municipal Code Violations Bureau initiate a judgment against the prior owner for settlement of the charges.

If these cancellations are approved, total cancellations thus far for 2015-16 will be as follows:

	<u>Accounts</u>	<u>Amounts</u>
City Council	8	\$ 36,605.44
Administrative	585	82,225.12
Total	593	\$118,830.56

These cancellations represent 0.047% of the taxes receivable as of July 1, 2015.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-2

Ordinance No. 2016-4
(Int. No. 8)

Authorizing cancellation of taxes and charges

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

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

The property located at 274 Bay Street was ticketed for an unapproved parking lot. The property transferred in an arm's length transaction on March 26, 2014. Since the purchase, the new owner has brought the property into compliance. The fines should not have been added to the 2015 tax bill. Neighborhood and Business Development has requested the Municipal Code Violations Bureau to initiate a judgment against the prior owner for the settlement of the charges.

S.B.L. #	106.43-4-31
Class:	N
Address:	274 Bay Street
Tax Year:	2015
Amount Cancelled:	\$6,000.00
Subtotal:	\$6,000.00
Grand Total:	\$6,000.00

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-5
Re: Agreements - Auctioneer Services

Council Priority: Deficit Reduction and Long-Term Financial Stability

Transmitted herewith for your approval is legislation authorizing agreements with Reynolds Auction Co., Inc., Palmyra, New York, Roy Teitsworth Inc., Geneseo, New York, PropertyRoom.com, Inc., Frederick, Maryland, and Municibid.com, LLC,

Philadelphia, Pennsylvania, for auctioneer services. The term of the agreements will be for one year from February 1, 2016 to January 31, 2017, with the option for four one-year renewals.

Costs for these services will be paid either as a fee that the auction company deducts from the gross sales payable to the City based upon the final bid prices, or as a buyer's fee that is added to the final bid price and paid by the buyer to the auction company, or some combination of these two methods, as itemized at the end of this letter.

Traditionally, the City has sold surplus City equipment and materials and Police Department auto impound vehicles through live public auctions. While local live auctions continue to be a viable option where there is sufficient local demand for these items, the City is seeking to take advantage of the new model of selling surplus items over the internet. Therefore, the City solicited proposals from qualified auction services companies for five different groups of items:

<u>Group</u>	<u>Description of Items Included</u>
Group A	Live City Impound Auction
Group B	Live City Light Vehicles and Misc. Surplus
Group C	Live City Heavy Vehicles and Misc. Surplus
Group D	Internet Auctions
Group E	Police Property Clerk Items

Two local companies, who have provided local live auction services to the City for the last decade, are recommended as auctioneers for the live auctions (Groups A, B, C). Two internet companies, who specialize in on-line auctions, are recommended for Groups D and E. The agreements with these companies will provide the City with the flexibility to utilize any of these companies for auctioneer services.

It is possible that more sales will shift to internet auctions over time. However, this will depend on the City's experience with determining the right mix of live and internet auctions. Actual net revenues to the City for any given year are subject to substantial fluctuations based upon the timing of when large equipment is replaced and the impact of auto pound activity. The following is a summary of auction results for the past two years:

CITY SURPLUS AUCTION REVENUES - TWO YEAR HISTORY

	<u>GROSS SALES</u>	<u>FEES AND COMMISSIONS</u>	<u>SALES TAXES AND FEES PAID</u>	<u>NET CITY REVENUES</u>
<u>FY 13-14</u>				
Auto Pound	\$249,688	\$21,092	\$10,978	\$217,618
Live Auctions	147,764	13,134	3,458	131,172
On-Line	<u>40,520</u>	<u>307</u>	<u>-</u>	<u>40,213</u>
Total	\$437,972	\$34,533	\$14,436	\$389,003
<u>FY 14-15</u>				
Auto Pound	\$316,080	\$26,139	\$11,250	\$278,691
Live Auctions	188,412	13,026	12,070	163,316
On-Line	<u>160,735</u>	<u>3,068</u>	<u>-</u>	<u>157,667</u>
Total	\$665,227	\$42,233	\$23,320	\$599,674

The four firms chosen to provide auctioneer services were selected through a request for proposal process that is described in the attached summary. Their fees will be generated as follows:

<u>Auction Company</u>	<u>Fee for Service</u>
Reynolds Auction Co., Inc.	Group A - 7.5% of Gross plus Public Notice Printing
Reynolds Auction Co., Inc.	Group B - 7% of Gross plus Public Notice Printing
Reynolds Auction Co., Inc.	Group E - 20% of Gross plus 8% Buyer's Fee for internet sales
Roy Teitworth Inc.	Group C - 10% of Gross plus 3% Buyer's Fee for internet sales
PropertyRoom.com Inc.	Group D - 2.5% to 12.5% of Gross depending on service selected
PropertyRoom.com Inc.	Group E - 50% of Gross plus fuel surcharge for transport if requested
Municibid.com, LLC	Group D - 8% Buyer's Fee or 5% Buyer's Fee over \$100,000 sales

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AP-3

Ordinance No. 2016-5
 (Int. No. 9)

Authorizing agreements for auctioneer services

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Reynolds Auction Co., Inc. for the provision of auctioneer services for the disposal of surplus City equipment and materials. The agreement shall authorize the firm to conduct the following types of auction for the compensation specified:

- (a) live City Impound auction: 7.5% of gross proceeds, plus City reimbursement of the firm's direct costs for newspaper advertising that is requested by the City;
- (b) live City auction of light vehicles and miscellaneous surplus: 7% of gross proceeds, plus City reimbursement of the firm's direct costs for newspaper advertising that is requested by the City; and
- (c) live and/or internet auction of Police Property Clerk items: 20% of gross proceeds, plus 8% buyer's fee on internet sales.

Section 2. The Mayor is hereby authorized to enter into an agreement with Roy Teitworth, Inc. for the provision of auctioneer services for the disposal of surplus City equipment and materials. The agreement shall authorize the firm to conduct the following type of auction for the compensation specified:

- (a) live and/or internet City auction of Heavy Vehicles and Miscellaneous Surplus: 10% of gross proceeds, plus 3% buyer's fee for internet sales.

Section 3. The Mayor is hereby authorized to enter into an agreement with PropertyRoom.com, Inc. for the provision of auctioneer services for the disposal of surplus City equipment and materials. The agreement shall authorize the firm to conduct the following types of auction for the compensation specified:

- (a) internet auctions: 2.5% to 12.5% of gross proceeds, depending on level of service provided; and
- (b) live and/or internet auction of Police Property Clerk items: 50% of gross proceeds, plus fuel surcharge if transport is requested.

Section 4. The Mayor is hereby authorized to enter into an agreement with Municibid.com, LLC for the provision of auctioneer services for the disposal of surplus City equipment and materials. The agreement shall authorize the firm to conduct the following type of auction for the compensation specified:

- (a) internet auction: 8% buyer's fee, reduced to 5% to the extent that an individual buyer's total purchases at the auction exceeds \$100,000.

Section 5. The term of each agreement authorized herein shall be one year from February 1, 2016 to January 31, 2017, with the option for up to four renewals of up to one year each.

Section 6. The agreements shall give the City the flexibility to allocate its auctionable property among the various companies and among the various methods of auction in the manner that the City deems best for maximizing revenue and efficiency.

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

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 3
Ordinance No. 2016-6
Re: Amendments - City Charter and Code

City Council Priority: Deficit Reduction and Long-Term Financial Stability; Jobs and Economic Development

Transmitted herewith for your approval is legislation authorizing amendments to update Article 6-C-33 of the City Charter and Chapter 8A of the Municipal Code.

- Article 6-C-33 of the City Charter currently sets forth the Purchasing Agent's duty to give opportunity for competition on all sales of City property. The amendment to Article 6-C-33 will update the Charter to reflect an additional duty of the Purchasing Agent, to provide for competition on purchase contracts, and to give the Purchasing Agent authority to award non-public works contracts based on best value.
- Chapter 8A of the Municipal Code sets forth the policies and procedures to be used by the City for purchasing goods and services, and professional services. Chapter 8A was last amended in February 2006 by Ordinance No. 2006-22. The proposed amendment will update Chapter 8A to comply with changes in State law and support improved policies and procedures.

The New York State Legislature has made changes to General Municipal Law §103 that need to be incorporated into the Municipal Code. General Municipal Law § 103 now permits contracts to be awarded on the basis of "best value", in addition to low bid, provided that the determination of best value is based on criteria set forth in §163 of State Finance Law. The State Comptroller has written that "best value is a basis for awarding a contract to an offerer which optimizes quality, cost and efficiency among responsive and responsible offerers, reflecting, whenever possible, objective and quanti-

fiability analysis.” The intention is for municipalities to be able to award contracts to bidders (or offerers) based on other factors in addition to price where low price itself may not result in the lowest total cost.

The State Comptroller provides the following example to demonstrate how “best value” would be used to award a contract. If Bidder A submits a bid price of \$40,000 for a vehicle, but the calculated life cycle cost of that vehicle is \$90,000 (based on adding the cost of fuel and maintaining the vehicle for its projected life to the purchase price) and Bidder B submits a bid price of \$45,000 for a comparable but more fuel efficient vehicle and the calculated life cycle cost of that vehicle is \$82,500, then the contract can be awarded to Bidder B if the award is based on best value rather than simply the lowest purchase bid price.

General Municipal Law § 103 specifically states that public works projects must still be awarded to the lowest responsible bidder who meets the specifications, in other words, they cannot be awarded on the basis of best value. Further, the City will continue to be best served by using low bid as the basis for most City purchase contracts. However, where service or quality or some other set of objective and quantifiable criteria permitted under State Finance Law is determined to be important for insuring that the City gets the best value for the price, bid specifications can be developed to incorporate best value as the method of award. For example, having a percentage of a contractor’s employees who are city residents be a factor in awarding service contracts creates best value for the City of Rochester.

General Municipal Law §103 has also been amended to permit what is known as “piggybacking.” The State Comptroller states that this law was added “to authorize political subdivisions to purchase apparatus, materials, equipment and supplies, and to contract for services related to the installation, maintenance or repair of those items, through the use of contracts let by the United States or any agency thereof, any state or other political subdivision or district therein.”

Two major benefits of piggybacking are that it provides the City with the opportunity to obtain better prices available through national cooperative contracts, and it provides the City with more product options through contracts put in place by other municipalities.

Since Chapter 8A, Purchasing and Property Management, of the Municipal Code was last amended in 2006, the Finance Department has identified several areas that need to be updated to improve administrative efficiencies, clarify ambiguities, eliminate inconsistencies, and reflect the use of the internet to increase competition and reduce costs. One example of how these goals will be achieved is to permit the Purchasing Agent to receive sealed bids in electronic format submitted in accordance with State electronic bidding requirements, creating an administrative efficiency. This and other additions or changes to the Code as proposed in the

legislation are intended to ensure that the City has an economical and efficient system for the procurement and supply of personal property and nonpersonal services, as stated in the Declaration of Policy at Chapter 8A-1.

Respectfully submitted,
Lovely A. Warren
Mayor

Local Law No. 3
(Int. No. 10)

Local Law amending Section 6-33 of the City Charter with regard to competition of purchases and sales

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

Section 1. Chapter 755 of the Laws of 1907, entitled “An Act Constituting the Charter of the City of Rochester”, as amended, is hereby further amended by amending Section 6-33 to read as follows:

It shall be the duty of the Purchasing Agent to give opportunity for competition on all sales of City property except when the nature of the sale is such that competition is impossible or impracticable and unless the Council, by ordinance, determines that it is impossible or impracticable to sell in such manner. It shall further be the duty of the Purchasing Agent to give opportunity for competition on purchase contracts. The Purchasing Agent may award non-public works contracts based on best value, as set forth in the General Municipal Law.

Section 2. This local law shall take effect immediately upon filing in the Office of the Secretary of State as provided by Section 27 of the NYS Municipal Home Rule Law.

New text is underlined

Passed unanimously.

Ordinance No. 2016-6
(Int. No. 11)

Amending Chapter 8A of the Municipal Code as it relates to purchasing and property management

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

Section 1. Chapter 8A of the City of Rochester Municipal Code as amended, is hereby amended as follows:

Chapter 8A. Purchasing and Property Management
§ 8A-1. Declaration of policy.

It is the intent of the City Council in enacting this Purchasing and Property Management Chapter to provide for the City an economical and efficient

system for the procurement and supply of personal property and nonpersonal services, including related functions such as contracting, inspection, storage, specifications, property identification and classification, repairing and converting, establishment of inventory levels and establishment of forms and procedures, the utilization of available property and the disposal of surplus property and records management.

§ 8A-2. Definitions.

As used in this chapter, the following terms shall have the meaning given herein. When not inconsistent with the context, words in the singular number include the plural, words in the plural number include the singular, and words in the present tense include the future.

AGENCY HEADS

The head or the deputy head of any City department, agency or commission, and shall mean the head or the deputy head of any bureau reporting directly to the Mayor.

CITY

The City of Rochester, New York.

CITY COUNCIL or COUNCIL

The Council of the City of Rochester.

CONTRACTS

All types of agreements and orders for the procurement or sale of supplies or services. It includes awards, notices of award, letter contract, purchase orders, leases, rentals and bills of sale.

CONTRACTUAL SERVICES

All public works, including the construction, repair and maintenance of buildings, roadways, equipment, machinery and other City-owned real and personal property, and also all telephone, gas, water, electric light, power, cleaning and similar services. The term shall not include professional or other personal services which are in their nature unique and not subject to competition.

EXCESS PROPERTY

Any property under the control of any using agency which is not required for its needs and the discharge of its responsibilities as determined by the head thereof.

INVITATION FOR BIDS

Includes the advertisement for bids and all of the proposed contract documents, including any plans and specifications, instructions to bidders, proposals, contract agreements and addenda thereto.

MINOR INFORMALITY OR IRREGULARITY IN A BID

An informality or irregularity which is merely a matter of form and not of substance or which pertains to some immaterial or inconsequential defect or variation of a bid from the exact requirements of the invitation for bids, the correction or waiver of which would not be prejudicial

to other bidders. The defect or variation in the bid is "immaterial and inconsequential" when its significance as to price, quantity, quality or delivery is trivial or negligible when contrasted with the total cost or scope of the supplies or services being procured.

PERSON (and the masculine pronoun as used throughout this chapter)

Includes any individual, association, partnership, corporation, firm, trust, estate or other entity.

PURCHASING AGENT

The designated purchasing agent of the City of Rochester.

SUPPLIES

All supplies, materials and equipment and other personal property.

SURPLUS PROPERTY

Any excess personal property not required for the needs and the discharge of the responsibilities of all using agencies in the City government, as determined by the Purchasing Agent.

USING AGENCY

Any department, agency, commission, bureau, establishment or other unit in the City government which derives its support wholly or in part from the City and which uses supplies or procures contractual services.

§ 8A-3. Purchasing Agent; powers and duties.

- A. The Purchasing Agent shall have the powers and duties prescribed by law, by this chapter and by any rules or regulations as may be prescribed by the Mayor.
- B. Scope of purchasing authority. The Purchasing Agent shall have the power and it shall be his or her duty to enter into purchase, rental and lease contracts for supplies and to enter into contracts for public work and other contractual services, except professional and other personal services which are in their nature unique and not subject to competition, needed by any using agency in the City government and to sell surplus property and other personal property owned by the City.
- C. The Purchasing Agent shall assume charge and control of, and be responsible for, the general conduct of the business of his or her office and for the faithful discharge of the duties of his or her deputy and other persons under his or her direct supervision and control. Provided he or she remains so responsible, the Purchasing Agent may designate persons under his or her direct supervision and control to place orders for the purchase of supplies and contractual services.
- D. Except as herein provided and except for persons under the direct supervision and control of the Purchasing Agent, it shall be unlawful for any City officer or employee or any using agency to order the purchase of any supplies or

make any contract within the purview of this chapter other than through the Purchasing Agent. Any purchase ordered or contract made contrary to the provisions hereof shall not be approved by the City officials, and the City shall not be bound thereby.

E. Other powers and duties. In addition to the purchasing authority conferred in Subsection B of this section, and in addition to any other powers and duties conferred by this chapter, the Purchasing Agent shall:

- (1) Act to procure for the City the highest quality in supplies and contractual services at the least expense or best value to the City.
- (2) Seek to establish uniform specifications for the City where practical, so that the City may obtain favorable quantity and volume pricing, supplies and contractual services may be purchased in as large quantities as may be practicable.
- (3) Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales.
- (4) Prescribe rules and regulations for the implementation of this chapter, including policies and methods relating to procurement, storage and use of goods and services, of supplies and contractual services and related functions such as contracting, inspection, storage, issue, property identification and classification, and repairing and converting.
- (5) Prescribe and maintain such forms as he or she shall find reasonably necessary to the operation of this chapter.
- (6) Cooperate with the Department of Finance so as to secure for the City the maximum efficiency in budgeting and accounting.
- (7) Maintain a list of bidders from which to seek bids for supplies, products and services. Establish a bidder's list who shall be sent invitations to bid for commodities that are similar in character and ordinarily handled by the trade group to which the invitations are sent.

§ 8A-4. Requisitions and estimates.

A. The Purchasing Agent shall have the power to require any using agency to file with him or her detailed estimates of its requirements for supplies and contractual services in such manner, at such times and for such future periods as he or she shall prescribe. A using agency shall not be prevented from filing, in the same manner, with the Purchasing Agent at any time a revised estimate for any supplies and contractual services, the need for which was not foreseen when the detailed estimates were filed.

B. The Purchasing Agent shall examine each requisition or estimate and shall have the authority to return it for revision as to quantity, quality or estimated costs.

§ 8A-5. Encumbrance of funds.

Except in the event of a public emergency requiring immediate action which cannot await certification, the Purchasing Agent shall not make any contract nor issue any order for delivery or performance on a contract unless it has been approved by the Director of Finance or Deputy Director of Finance of the City.

§ 8A-6. Competitive bidding required for purchases.

Except in an emergency and except as otherwise authorized by law, including any provision of the Charter or the Code of the City, all contracts for public work and all purchase contracts involving expenditures above the limits established by § 103 of the General Municipal Law of the State of New York shall be entered into pursuant to the formal contract procedure set forth in this chapter.

§ 8A-7. Formal contract procedure.

A. Specifications.

- (1) Unless the City Council shall have stated a need for standardization, all invitations for bid shall be based upon specifications which are definite and certain and which shall permit competition.
- (2) All invitations for bid shall be approved by the head of the using agency for which the contract is to be made, or, for contracts used by multiple city agencies, by one or more agency heads as requested by the Purchasing Agent or designated by the Mayor, and by such other departments of the City as may be designated by the Mayor.

B. Advertisement for bids.

- (1) Advertisement for bids shall be published by the Purchasing Agent in an official newspaper of the City in accordance with the requirements of § 103 of the General Municipal Law of the State of New York, once in at least one official newspaper of the City. At least one such publication shall be made on a day other than a Saturday, Sunday or public holiday. At least five days shall elapse between the first publication of such advertisement and the date so specified for the opening and reading of bids. Such advertisement shall contain a general description of the supplies to be purchased or sold or the contractual services to be procured, shall state where the invitation for bids, including bid forms and specifications, may be obtained, and shall contain a statement of the time when and place where all bids received pursuant to

~~such notice will be publicly opened and read.~~

- (2) Bulletin board. The Purchasing Agent shall also publish all advertisements for public bids by notices posted on a public bulletin board and on the City's web site, all pending advertisements for bids by notices posted on a public bulletin board which he or she shall designate.

C. Bid security.

- (1) When deemed necessary by the Purchasing Agent, he or she shall prescribe a bid security of a certified check, money, bonds or other obligations as a condition precedent to the consideration of a bid. Such bid security shall be set forth in the invitation for bids. No bond shall be submitted to the City having as surety thereon, either as co-insurer or as reinsurer, any surety company not authorized to do business in the State of New York. All bid securities shall be subject to approval by the City as to form and sufficiency of surety.
- (2) The Purchasing Agent, after the bids have been opened, shall retain the bid security of the three lowest bidders, and may in his or her discretion return the bid security of all other bidders. The Purchasing Agent shall also retain the bid securities of the three lowest bidders for 10 days following an award of a contract, notwithstanding that such award shall be the first or any subsequent award. A bidder may withdraw his or her bid security not less than 10 days after an award of the contract within the tinge specified, or if no award of the contract be made, within 45 days after the date of opening bids therefore, whichever date is later, and upon much withdrawal his or her bid security shall be forthwith returned. The Purchasing Agent shall forthwith return all bid securities in the event all bids are rejected, and he and she may return any bid security which a bidder is entitled to withdraw.
- (3) A bidder shall forfeit any bid security required upon failure on his or her part to execute a contract in a form approved by the City and to furnish the required insurance and security within 10 days after the award, or within such other time as may be specified in the invitation for bids. A bidder shall be deemed to have failed to execute any contract upon failure on his or her part to provide or make available any materials or documents required to be so made by the invitation for bids or by law within 10 days after request therefor by the City, or within such other time as may be specified in the invitation for bids or by law.

D. Bid opening procedure. Sealed bids and sealed offers, as that term applies to contracts, shall be

submitted to the Purchasing Agent and Bids shall be submitted in sealed envelopes to the Purchasing Agent and shall be identified as bids on the envelope. All bids shall be publicly opened and read at the time and place stated in the advertisement for bids. The Purchasing Agent is authorized to accept sealed bids and sealed offers submitted in an electronic format pursuant to the requirements of § 103 of the General Municipal Law of the State of New York. A tabulation of all bids received shall be prepared and made available for public inspection.

- E. Rejection of bids. The Purchasing Agent is authorized to reject ~~any or all bids or parts of all bids~~ when the interests of the City will be served thereby. ~~The Purchasing Agent may also reject any bid unless the bid contains an adequate and reasonable price for all items for which a bid is required.~~

F. Bid modifications and mistakes.

- (1) Late modification. A late modification of the otherwise successful bid shall be opened at any time it is received; and if in the judgment of the Purchasing Agent it makes the terms of the bid more favorable to the City, it shall be considered.
- (2) Minor informalities or irregularities in bids. The Purchasing Agent shall either give a bidder an opportunity to cure any deficiency resulting from a minor informality or irregularity in a bid or waive such deficiency, whichever is to the advantage of the City.
- (3) Mistakes in bids. Where a mistake in a bid is alleged prior to award and where the bid, as submitted is responsive to the invitation for bids, the Purchasing Agent, with the approval of, the Corporation Counsel, may:
- (a) Determine that the bidder may withdraw his or her bid where the bidder requests permission to do so and clear and convincing evidence establishes the existence of a mistake; however, if the evidence is clear and convincing both as to the existence of a mistake and as to the bid actually intended, and if the bid, both as uncorrected and corrected, is the one most favorable to the City, the Purchasing Agent may correct the bid and not permit its withdrawal.
- (b) Determine that the bidder may correct his or her bid where the bidder requests permission to do so and clear and convincing evidence establishes both the existence of a mistake and the bid actually intended, provided that such correction shall not be made where it would result in displacing one or more bids, unless the existence of the mistake and the bid actually in-

tended are ascertainable substantially from the invitation and the bid itself.

- (4) When a determination is made concerning an alleged bid mistake, a full and complete statement of the reasons for making the determination shall be prepared by or under the direction of the Purchasing Agent, which statement shall be filed with the other papers relating to the transaction.
- (5) Unless the Purchasing Agent determines, as provided in this section, that a bid may be withdrawn or corrected, no plea of mistake in a bid shall be available to the bidder for the recovery of his or her bid security or as a defense to any action based upon such bid, except with the approval of 3/4 of the City Council.

G. Award of contract.

- (1) The Purchasing Agent is authorized to award and execute contracts within the purview of this chapter with the lowest responsible bidder whose proposal shall conform to the invitation for bids. The Purchasing Agent is further authorized to award and execute purchase contracts for supplies and contractual services (except for purchase contracts necessary for the completion of public works pursuant to article eight of the labor law), on the basis of best value pursuant to the requirements of § 103 of the General Municipal Law of the State of New York.
- (2) Determination of responsibility and non-responsibility. No purchase shall be made from, and no contract shall be awarded to, any bidder unless the Purchasing Agent first determines that the bidder is responsible. The bidder shall demonstrate affirmatively responsibility, including, when necessary, that of proposed subcontractors. Any failure by a bidder to supply or to make available any materials or documents required by the Purchasing Agent or by any other officers of the City for the purpose of determining the bidder's responsibility shall subject the bidder to forfeiture of any bid security. In determining the responsibility of a bidder, the Purchasing Agent shall consider:
 - (a) The adequacy of the bidder's financial resources or ability to obtain such resources. The Purchasing Agent may require that any bidder submit verified statements as to financial responsibility and experience, which statements shall be made on forms prescribed by the Purchasing Agent. Supplemental statements may be required at any time.
 - (b) The ability of the bidder to comply with the required or proposed delivery or performance schedule.

- (c) The record of performance of the bidder and any proposed subcontractors on other contracts, and particularly on similar contracts had with the City.
 - (d) The record of integrity of the bidder.
 - (e) The availability to the bidder of the necessary organization, experience, operational controls and technical skills, and the necessary production, construction and technical equipment and facilities required for performance of the contract.
 - (f) The compliance by the bidder with any special or general standards of responsibility set forth in the invitation for bids.
 - (g) The compliance by the bidder with any other standards which may be established by the Purchasing Agent pursuant to rule or regulation.
 - (h) No bidder shall be determined to be responsible who is in default on the payment of any taxes, licenses or other moneys due the City, or who has defaulted within two years for any reason on a contract had with the City.
 - (i) The Purchasing Agent shall inform a bidder in writing of a nonresponsibility determination and the reasons therefor.
 - (j) Upon making a nonresponsibility determination, the Purchasing Agent may bar the bidder and affiliated organizations, as further set forth herein, from bidding on City contracts for a period of not to exceed two years. If a corporation is found to be a non-responsible bidder, that finding may be applied to a parent, affiliate or subsidiary corporation, if the Purchasing Agent finds that an officer, director or person directly or indirectly controlling 10% or more of the stock of the corporation found to be nonresponsible is an officer, director or person directly or indirectly controlling 10% or more of the stock of the parent, affiliate or subsidiary corporation. If an unincorporated association is found to be non-responsible, that finding may be extended to other related associations upon a finding by the Purchasing Agent that the related associations have substantially the same ownership, management or operating personnel.
- (3) Guidelines for responsibility determinations for the award of public works contracts and contracts for services.
 - (a) In determining the responsibility of a bidder for a public works contract or a contract for services in excess of

\$50,000, or a contract for services that is not in a fixed amount if in either of the prior two years a substantially similar contract was in excess of \$50,000, the Purchasing Agent shall consider the following items in addition to the requirements already established in Subsection G(2) above. In the case of a contract for services that is bid in two or more parts, this section shall apply if the combined total of all such parts exceeds \$50,000:

- [1] Lack of adequate expertise, prior experience with comparable projects or financial resources to perform the work of the contract in a timely, competent and acceptable manner. Evidence of such a lack of ability to perform may include, but shall not be limited to, evidence of suspension or revocation for cause of any professional license of any director or officer, or any holder of 5% or more of the bidder's stock or equity; failure to submit satisfactory evidence of insurance, surety bonds or financial responsibility; the status of bankruptcy petitions; suspension or debarment by state or federal government; or a history of termination of prior contracts for cause.
- [2] Criminal conduct in connection with government contracts or business activities. Evidence of such conduct may include a judgment of conviction or information obtained as a result of a formal grant of immunity in connection with a criminal prosecution of the bidder, any director or officer, or holder of 5% or more of the shares or equity of the bidder or any affiliate of the bidder.
- [3] Violations of safety and/or training standards as evidenced by a pattern of OSHA violations or the existence of willful OSHA violations.
- [4] Willful noncompliance with the prevailing wage and supplements payment requirements of the Labor Law by the bidder or any affiliate of the bidder.
- [5] Any other significant Labor Law violations, including but not limited to Child Labor Law violations, failure to pay wages or unemployment insurance tax delinquencies.
- [6] Any significant violation of the

Workers' Compensation Law, including but not limited to the failure of a bidder to provide proof of workers' compensation or disability benefits coverage.

- [7] Any criminal conduct involving violations of the Environmental Conservation Law or other federal or state environmental statutes, or repeated or significant civil violations of federal or state environmental statutes or regulations.
 - [8] Any criminal conviction concerning formation of, or any business association with, an allegedly false or fraudulent women's or minority business enterprise (W/MBE), or any denial, decertification, revocation or forfeiture of W/MBE status by New York State.
 - [9] Any other cause of so serious or compelling a nature that it raises questions about the responsibility of a bidder, including but not limited to submission to the City of a false or misleading statement on a sworn statement of bidder qualifications, or in some other form, in connection with a bid for or award of a contract.
 - [10] In addition to the factors specified above, the Purchasing Agent may also give due consideration to any other factors considered to bear upon bidder responsibility, including but not limited to, any mitigating factors brought to the City's attention by the bidder.
- (b) The Director of Finance shall develop rules and regulations to implement these guidelines, including a sworn statement of bidder qualifications to gather the information set forth above in the guidelines. Said sworn statement shall be completed by the apparent low bidder and the second low bidder on public works contracts in excess of \$50,000. The Purchasing Agent shall use the information contained in the response to the sworn statement in making a determination of bidder responsibility before awarding the contract.
- (4) A nonresponsibility determination by the Purchasing Agent may be appealed by the bidder to the Director of Finance by delivery to the Director of Finance of a written notice of appeal within 10 days after receipt of the determination of the Purchasing Agent. The Director of Finance shall offer the bidder an opportunity to be heard,

at which the Director of Finance or the Director's designee shall preside. Such hearing shall be scheduled as soon as possible after a request. The bidder shall be permitted to be represented by counsel, to submit evidence and summon witnesses on his or her behalf and to inspect documents and cross-examine opposing witnesses. Compliance with the technical rules of evidence shall not be required. The hearing officer, if other than the Director of Finance, shall make a recommendation to the Director of Finance. The Director of Finance shall make the final determination in writing, based upon evidence produced at the hearing. In the final determination, the Director of Finance may accept, reject or modify the determination and penalty imposed by the Purchasing Agent. The determination of the Director of Finance shall be subject to review pursuant to Article 78 of the Civil Practice Law and Rules.

- (5) Award to other than low bidder. When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the award elsewhere shall be prepared by or under the direction of the Purchasing Agent, which statement shall be filed with the other papers relating to the transaction.
- (6) Tie bids. In cases where two or more responsible bidders furnishing the required security submit identical bids as to price, the Purchasing Agent may award the contract to any of such bidders.

H. Prohibition against subdivision. No contract, purchase or sale shall be subdivided to avoid the requirements of this section.

§ 8A-8. Open market procedure for purchases and sales.

All contracts for public work, and all purchase contracts, rentals and leases of supplies, and all sales of personal property of the City which may be purchased or sold without the formal contract procedure shall be made on the open market. ~~are required to be purchased or sold by the open market procedure may be made without newspaper advertisement and without observing the formal contract procedure.~~ All open-market purchases shall, wherever feasible, be based on at least three competitive bids, and shall be awarded to the bidder who shall satisfy the Purchasing Agent as to his or her responsibility and whose bid is most advantageous to the City, price and other factors considered. All open-market sales shall, wherever feasible, be based on at least two competitive bids, or through a public or internet auction process, or if such bids cannot reasonably be obtained, on such other form of evaluation as the Purchasing Agent shall deem reasonable, and shall be awarded to the responsible bidder whose bid is most advantageous to the City, price and other factors considered. The Purchasing Agent shall solicit bids by such method or methods as he or she deems suitable to insure open and fair

competition, including but not limited to direct mail, electronic mail, and telephone and the internet marketplace as he or she shall deem suitable.

§ 8A-9. Negotiated contracts.

- A. Except as provided in Subsection B of this section, contracts negotiated on behalf of the City by the Purchasing Agent may be of any type which in the opinion of the Purchasing Agent will promote the best interests of the City. The Purchasing Agent shall determine that the method of contracting for a negotiated contract is likely to be less costly than other methods, that the prospective vendor is responsible, that the supplies or contractual services to be provided are of the kind and quality required by the City and that the price is fair and reasonable.
- B. The cost-plus-a-percentage-of-cost system of contracting shall not be used, and in the case of a cost-plus-a-fixed-fee contract, the fee shall not exceed 15% of the estimated cost of the contract, exclusive of the fee, as determined by the Purchasing Agent at the time of entering into such contract. The Purchasing Agent, or his or her designate, shall have the right to inspect the plans and to audit the books and records of any prime contractor or subcontractor engaged in the performance of a cost or cost-plus-a-fixed-fee contract.
- C. All contracts negotiated pursuant to authority contained in this section shall include a clause to the effect that the Purchasing Agent or his or her duly authorized representative shall until the expiration of three years after final payment have access to and the right to examine any directly pertinent books, documents, papers and records of the contractor or any of his or her subcontractors engaged in the performance of and involving transactions related to such contracts or subcontracts. Such clause may be omitted from contracts where the Purchasing Agent determines, after taking into account the price and availability of the property of services from other sources, that the public interest would be best served by the omission of such clause.

§ 8A-10. Performance and payment security.

- A. The Purchasing Agent shall have the authority to require on any and all contracts a performance bond for the faithful performance of the contract and a payment bond for the protection of all persons supplying labor and material in the prosecution of the work provided in the contract in such amounts as he or she shall find reasonably necessary to protect the best interests of the City. The Purchasing Agent shall require such performance and payment bonds having a penal sum at least equal to 50% of the total amount payable by the terms of the contract on all contracts for contractual services involving an expenditure of \$100,000 or more. The Purchasing Agent may require such performance or payment bonds at any time, not-

withstanding that the invitation for bids shall not specifically require performance or payment bonds.

- B. The Purchasing Agent or the Director of Finance may require additional performance or payment bond protection in the event that a modification or aggregate of modifications to a contract may be expected to increase the contract price by \$50,000 or 25% of the basic contract price, whichever is less, or if a modification is for new or additional work which is beyond the scope of the existing contract.
- C. Notwithstanding the provisions of Subsection A of this section, where the contract is not for the construction, alteration or repair of any public building or other public work, the Purchasing Agent, with the approval of the Director of Finance, may defer the filing and execution of a performance or payment bond, provided that at least 50% of the contract price shall be withheld until acceptance of the work under the contract, and provided further that the bid security shall be retained in lieu of all or any part of the performance and payment security. Upon completion and acceptance of such work, the Purchasing Agent may waive the execution and filing of the performance or payment bond.
- D. All bonds submitted pursuant to this section shall be subject to approval by the City as to form and sufficiency of surety. No bond shall be submitted to the City having as surety thereon, either as coinsurer or as reinsurer, any surety company not authorized to do business in the State of New York.

§ 8A-11. Storerooms.

Storerooms and storage places may be established by the Purchasing Agent to facilitate buying for future needs, in which case a store's revolving fund of a fixed amount shall be provided by the City Council. All such storerooms, store places and stores therein contained shall be under the direction and control of the Purchasing Agent. The Purchasing Agent may arrange for the operation by any using agency of warehouses, supply centers, repair shops, fuel yards and other similar facilities.

§ 8A-12. Emergency purchases.

- A. By Purchasing Agent. In case of an apparent emergency which requires the immediate purchasing of supplies or contractual services, and with the approval of the Mayor, the Purchasing Agent may secure by open market procedure set forth in this chapter, at the lowest obtainable price, any supplies or contractual services regardless of the amount of the expenditure. A full report of the circumstances of an emergency purchase, including the dates upon which any officer or employee of the City and the Purchasing Agent became aware of the need for the purchase and an explanation setting forth the reasons why the purchase was required to be made immediately, shall be filed

by the Purchasing Agent with the Director of Finance.

- B. By heads of using agencies. In the case of a public emergency requiring immediate action, and with the consent of the Purchasing Agent and with the approval of the Mayor, the head of any using agency may purchase directly any supplies whose immediate procurement is essential to protect the life, health, safety or property of the inhabitants of the City. The Purchasing Agent shall prescribe by rules and regulations the procedure under which emergency purchases by heads of using agencies may be made. The head of such using agency shall send to the Purchasing Agent a requisition and a copy of the delivery record together with a full written report of the circumstances of the emergency, which report shall conform to the requirements of and shall be filed in the manner provided in Subsection A of this section.

§ 8A-13. Inspections and testing.

- A. The Purchasing Agent shall inspect or supervise the inspection of all deliveries of supplies or contractual services to determine their conformance with the specifications set forth in the order or contract.
- B. The Purchasing Agent may authorize using agencies having the staff and facilities for adequate inspection to inspect all deliveries made to such using agencies under such rules and regulations as the Purchasing Agent may prescribe.
- C. The Purchasing Agent is authorized in his or her discretion to require chemical, physical or other tests of samples submitted with bids and samples of deliveries to determine their quality and conformance with the specifications. In the performance of such tests, the Purchasing Agent shall have the authority to make use of the laboratory and other testing facilities of any agency of the City government and of any outside laboratory.

§ 8A-14. Cooperative purchasing.

- ~~A. The Mayor shall have the authority to join with other units of government in cooperative purchasing plans when the best interests of the City would be served thereby. The Purchasing Agent shall have the authority to purchase or lease materials, supplies and equipment through contracts of the Rochester City School District, the County of Monroe and the State of New York, when the best interests of the City would be served thereby.~~
- B. The Purchasing Agent shall have the authority to purchase apparatus, materials, equipment or supplies, or to contract for services related to the installation, maintenance or repair of apparatus, materials, equipment or supplies through the use of a contract let by the United States of America or any agency thereof, any state or other political subdivision or district therein in

accordance with the requirements of § 103 of the General Municipal Law of the State of New York, when the best interest of the City would be served thereby. The Purchasing Agent may exercise this authority for purchases subject to the formal contract procedure and for purchases and sales subject to the open market procedure.

§ 8A-15. Excess property.

- A. Reports. All using agencies shall submit to the Purchasing Agent at such times and in such form as he or she shall prescribe reports showing all excess property with a reportable value of \$5,000 or more that is under the control of such using agency.
- B. The Purchasing Agent is authorized to transfer excess property to other using agencies.

§ 8A-16. Exchange of surplus property.

In acquiring personal property, the Purchasing Agent may exchange or sell similar items with the approval of the head of the using agency in which said items may be located, and may apply the exchange allowance or proceeds of sale in such cases in whole or in part payment for the property acquired, provided that any transaction carried out under the authority of this section shall be evidenced in writing.

§ 8A-17. Disposal of surplus property.

- A. The Purchasing Agent shall have supervision and direction over the disposition of surplus property. The Purchasing Agent is authorized to dispose of surplus property by sale, exchange, lease, permit or transfer, for cash, credit or other property, with or without warranty, and upon such other terms and conditions as the Purchasing Agent deems proper, and he or she may execute such documents for the transfer of title or other interest in property and take such other action as he or she deems necessary or proper to dispose of such property under the provisions of this chapter. Any transaction carried out under the authority of this section shall be evidenced in writing. The Purchasing Agent shall not dispose of any surplus property unless such property has been designated as excess property by the head of the using agency in which such property is located; nor shall the Purchasing Agent dispose of any individual item of surplus property, other than as an exchange of surplus property included in a bid obtained through the formal contract procedure, nor shall the Purchasing Agent dispose of any surplus property having an estimated value exceeding \$10,000-000, unless the Mayor shall have authorized the disposition of such property.
- B. A deed, bill of sale, lease or other instrument executed by the Purchasing Agent purporting to transfer title or any other interest in surplus property under this chapter shall be conclusive evidence of compliance with the provisions of

this chapter insofar as concerns title or other interest of any bona fide grantee or transferee for value and without notice of lack of such compliance.

- C. The care and handling of surplus property pending its disposition may be performed by the Purchasing Agent or, when so determined by the Purchasing Agent, by the using agency in possession thereof or by any other using agency consenting thereto.
- D. All disposals or contracts for disposals of surplus property shall be made by the Purchasing Agent using auctioneer services authorized as professional services agreements, or by soliciting competitive bids in conformance with the formal contract procedure for surplus property having an estimated value exceeding \$10,000 or the open market procedure for surplus property having an estimated value of \$10,000 or less, except as provided in Subsection E of this section, only after soliciting competitive bids in conformance with the formal contract procedure for surplus property having an estimated value exceeding \$1,000 or the open market procedure for surplus property having an estimated value of \$1,000 or less, as such procedures are prescribed in this chapter, except as provided in Subsection E of this section.
- E. Disposals and contracts for disposal may be negotiated, but subject to obtaining such competition as is feasible under the circumstances, if:
- (1) The public health, safety or welfare requires a particular disposal of personal property;
 - (2) Public exigency will not admit of the delay incident to advertising certain personal property;
 - (3) Bid prices after advertising therefor are not reasonable, either as to all or some part of the property, or have not been independently arrived at in open competition;
 - (4) The personal property involved is exchanged or sold for similar items pursuant to this Purchasing Chapter;
 - (5) The personal property involved is abandoned, destroyed or donated, provided that the approval of the Mayor shall be obtained for any donation; or
 - (6) Otherwise authorized by this chapter or other law, including the Charter or Code of the City.
- F. Personal property and movable fixtures and equipment purchased by the City or contractors and subcontractors of the City with funds received by the City from the federal government pursuant to federal grants or programs, title to which property or fixtures and equipment either has remained with the City or reverts to

the City upon termination of the grant, program or contract, ~~may shall~~ be deemed excess and surplus property and shall be disposed of ~~as set forth in this chapter, for adequate consideration in any manner deemed appropriate by the Purchasing Agent with the approval of the Mayor.~~ Prior to disposition as surplus, the Purchasing Agent shall obtain the legal opinion of the Corporation Counsel regarding title.

§ 8A-18. Rochester Living Wage Ordinance.

A. Title and purpose. This section shall be known as the "Rochester Living Wage Ordinance." The purpose of this section is to ensure that employees of substantial City contractors and subcontractors earn an hourly wage that is sufficient for a family to live at or above the federal poverty guideline.

B. Definitions. The following definitions shall apply throughout this section:

BUSINESS ASSISTANCE

Any grant or loan of at least \$50,000 realized by or through the authority or approval of the City, excluding welfare-to-work, job training or youth employment programs.

BUSINESS ASSISTANCE BENEFICIARY

Any direct recipient of at least \$50,000 of business assistance.

CASUAL EMPLOYEE

An occasional employee without regular or set hours, or an employee regularly working fewer than 20 hours a week.

CITY

The City of Rochester.

CONTRACTOR

Any person who enters into a service contract with the City, except other governmental units.

COVERED EMPLOYEE

A person employed either part-time or full-time by the covered employer who directly expends his or her time on a service contract with the City, for the time said person actually spends on the service contract, or a person employed either part-time or full-time by a business assistance beneficiary at a workplace which has received business assistance from the City; provided, however, that persons who are employed in construction work covered pursuant to federal or state prevailing wage laws shall be exempt from this section, as shall participants in welfare-to-work, job training or youth employment programs, and workers with disabilities, full-time students, messengers, learners, student-learners and apprentices for whom the covered employer has received a certificate to pay special minimum wages pursuant to Section 14 of the Federal Fair Labor Standards Act (FLSA) (29 U.S.C. § 214). "Covered employee" shall not include a casual employee or seasonal employee.

COVERED EMPLOYER

Any person who is a contractor or subcontractor directly involved in providing a service to the City pursuant to a service contract as defined herein.

PERSON

One or more of the following or their agents, employees, representatives and legal representatives: individuals, corporations, partnership, joint ventures, associations, labor organizations, educational institutions, mutual companies, joint-stock companies, trust, unincorporated organizations, trustees in bankruptcy, receivers, fiduciaries and all other entities recognized at law by the City.

SEASONAL EMPLOYEE

An employee hired temporarily for a period not to exceed 90 days at any given time within a six-month period.

SERVICE CONTRACT

A contract awarded to a contractor by the City primarily for furnishing services to or for the City (excluding the purchase of goods or other property, the leasing of property or the development, redevelopment or rehabilitation of real property) and that involves an expenditure by the City to the contractor of at least \$50,000, or the retention by the contractor of fees of at least \$50,000, during a period of one year. Said threshold of \$50,000 shall not include funds provided by the City to be passed through to eligible participants in federal- or state-funded programs. For the purposes of this section "service contract" shall not include any contract awarded through competitive bidding pursuant to General Municipal Law § 103. "Service contract" shall include unit price contracts that are designated by the City, where, based on experience or expected level of work, the City anticipates an expenditure to the contractor of at least \$50,000 during a period of one year. "Service contract" shall not include separate contracts in amounts of less than \$50,000 with the same contractor for different services which may involve a total expenditure by the City to the contractor of more than \$50,000 during a period of one year. However, contracts may not be segmented to fall under the threshold, and multiple contracts with the same contractor for the same services shall be aggregated to determine the total expenditure for purposes of application of this section. Where an amendatory agreement or additional agreement with the same contractor causes the total expenditure to exceed \$50,000 during a period of one year, this section shall apply to the amendatory agreement or additional agreement.

SUBCONTRACTOR

Any person other than an employee that enters into a contract with a contractor to assist the primary contractor in performing a service contract, including any temporary employment agency that enters into a contract with a contractor or business assistance beneficiary to

provide employees to assist the primary contractor in performing a service contract or to perform services for a business assistance beneficiary at a workplace which has received business assistance from the City.

C. Living wage.

- (1) Applicability. Covered employers and business assistance beneficiaries shall pay no less than a living wage to their covered employees, which, for covered employees working on a service contract, shall be for the time directly expended on the service contract.
- (2) Amount of wage. The living wage shall be calculated on an hourly basis as paying \$8.52 to covered employees who are offered health insurance benefits by the covered employer or business assistance beneficiary and \$9.52 to covered employees who are not offered health insurance benefits by the covered employer or business assistance beneficiary.
- (3) Revision process. This section shall be reviewed and evaluated two years after adoption in order to evaluate the effectiveness of the legislation in terms of its policy goals, and monitoring and enforcement procedures. The amount of the living wage shall be increased annually to reflect inflation as captured by the unadjusted consumer price index for all urban consumers (CPI-U), United States city average, as published by the Bureau of Labor statistics of the United States Department of Labor. The first indexing adjustment shall occur July 1, 2002, in proportion to the increase of the United States city average of the CPI-U at the immediately preceding April 30 over the year earlier April 30, and shall be adjusted every July 1 thereafter.
- (4) No reduction in wage rates or hours. Nothing in this section shall require or authorize any covered employer or business assistance beneficiary to reduce wages or work hours of any covered employee, and a covered employer or business assistance beneficiary shall not reduce wages or work hours as a result of coverage by this section, and this section shall not be construed so as to reduce wages required under any prevailing wage law.
- (5) Notifying employees of their potential right to the federal earned income credit. Covered employers and business assistance beneficiaries shall inform employees making less than \$12 per hour of their possible right to the Federal Earned Income Credit (EIC) under section 32 of the Internal Revenue Code of 1954, 26 U.S.C. § 32, and shall make available to employees information about the EIC and how to obtain forms required to secure advance EIC

payments from the employer.

- (6) Tipped employees. Covered employers who elect to receive credit for tips received by covered employees in accordance with the provisions of the FLSA may also include as wages under this section an additional amount on account of tips received by a covered employee, provided that the tip amount is at least equal to the difference between the wages paid the covered employee and the living wage. The additional amount on account of tips may not exceed the value of the tips actually received by the covered employee. This subsection shall not apply to any covered employee unless such employee has been informed by the covered employer that his or her direct wages shall be less than the living wage, provided that the amount of tips plus direct wages received by such employee at least equals the living wage, and provided that all tips received by such employee have been retained by the employee. This subsection shall not be construed to prohibit the pooling of tips among employees who customarily and regularly receive tips. If a covered employee's tips combined with the covered employer's direct wages do not equal the living wage, the covered employer must make up the difference. It is the responsibility of the covered employer to prove, upon request by the City, the payment of at least a living wage in combined direct wages and tips to the covered employee. FLSA requirements shall be applied to determine eligibility for including tips as wages and calculating the total amount of wages and tips.

D. Employer responsibility, compliance and sanctions.

- (1) Application for contract or business assistance. Every proposal or application for a service contract or business assistance shall include a written commitment by the applicant to pay all covered employees a living wage as defined by this section and shall include a list of job titles and wage levels of all covered employees in each of the years for which the contract or business assistance is sought.
- (2) Reports from covered employers and business assistance beneficiaries. Covered employers and business assistance beneficiaries shall provide to the City publicly available annual reports of job titles and wage rates of covered employees during the term of the service contract or business assistance. For service contracts or business assistance of less than one year, covered employers and business assistance beneficiaries shall provide such reports at the beginning and end of the contract or business assistance.

- (3) Compliance, enforcement and sanctions.
- (a) Covered employer and business assistance beneficiary cooperation. The covered employer or business assistance beneficiary shall permit representatives from the City to observe the work being performed at its place of work; furthermore, the covered employer or the business assistance beneficiary shall permit said representatives to interview employees and to examine its books and records relating to employment and payroll to determine if the covered employer or the business assistance beneficiary is in compliance with the provisions of this section. Covered employers and business assistance beneficiaries shall maintain for a period of at least three years all necessary records to document the wages paid to each covered employee, and the time expended by each covered employee on a service contract.
- (b) Posting. Every covered employer and business assistance beneficiary shall post and keep in conspicuous places on their premises, where notices to employees and applicants for employment are customarily posted, a notice supplied by the City informing employees of their rights under this section. Included in this posting shall be a phone number at the City that covered employees may call to lodge complaints. If the covered employer or subcontractor is a temporary employment agency, this notice shall be mailed to all covered employees before or in conjunction with the receipt of the covered employees' first paycheck.
- (c) Grievance procedure. A covered employee who believes that his or her employer is not complying with requirements of this section has the right to file a complaint with the City. Complaints by covered employees of alleged violations shall be made within one year of the date of the violation and shall be investigated promptly by the City. Written and oral statements made by a covered employee shall be treated as confidential and shall not be disclosed to the covered employer or business assistance beneficiary without the consent of the employee. While protection of the employee's confidentiality shall be a priority for the City, this provision shall not prevent the City from informing the covered employer of the name of the covered employee and the basis of the complaint in order to access information necessary to investigate the complaint.
- (d) Duties of the City.
- [1] It shall be the responsibility of the City to create guidelines for investigating and handling grievances under this section; to examine the pay rolls, as necessary, to determine compliance and cause investigations to be made, as necessary, to monitor compliance with the provisions of this section.
- [2] The City shall promptly investigate complaints alleging non-compliance by covered employers and business assistance beneficiaries. The contracting agency may, in accordance with the powers herein granted, require the production by the employer of such evidence as required to determine compliance.
- (e) Covered employer or business assistance beneficiary may dispute finding of noncompliance. A covered employer or business assistance beneficiary may dispute a finding of non-compliance by requesting a hearing with a representative of the City. A covered employer or business assistance beneficiary must request such a hearing within 60 days after receiving notice of a finding of noncompliance.
- (f) Sanctions. A covered employer or business assistance beneficiary found to be in violation of any provision in this section shall be sanctioned as follows:
- [1] The City shall withhold payment of so much of any amount due in business assistance or on a service contract or on any other contract in effect with the same covered employer or business assistance beneficiary which is equal to the alleged underpayment to a covered employee, order wage restitution for each affected employee and serve a written notice of violation on the covered employer or business assistance beneficiary.
- [2] For willful or repeated violations, the City shall additionally impose a fine not to exceed \$100 per day on the covered employer or business assistance beneficiary for each employee found to be paid less than the living wage, and may order the covered employer or business assistance beneficiary to repay business assistance awarded by the City and any amounts paid on service contracts for services not yet rendered terminate ongoing service

contracts or business assistance and declare the covered employer or business assistance beneficiary ineligible for further City service contracts or business assistance for three years, after which time the covered employer or business assistance beneficiary may be eligible for reinstatement if all underpayments and fines are paid.

[3] All sanctions will be a matter of public record.

- (g) Retaliation and discrimination barred. A covered employer or business assistance beneficiary shall not discharge, reduce compensation or otherwise discriminate against any employee because that employee made a complaint or otherwise asserted his or her rights under this section, or participated in any of its proceedings. The contracting agency shall investigate allegations of retaliation or discrimination and shall, if found to be true, after notice and hearing, order appropriate relief, including restitution and reinstatement of the discharged employee with back pay to the date of the violation.
- (h) Enforcement. The City or any person aggrieved by a violation of this section may bring an action in any court of competent jurisdiction, and in the event that the City or aggrieved person prevails in such action, the court may award damages and reasonable costs and attorney fees, and if said action is brought by an individual for underpayment of wages, the court shall also award said individual an additional amount as liquidated damages equal to 25% of the wages found to be due.

E. Exemptions.

- (1) Service contracts and business assistance in existence prior to the effective date of this section shall be exempt from this section, except that any amendment or modification of such service contracts and business assistance occurring on or after the effective date of this section shall be subject to the conditions specified in this section.
- (2) Welfare-to-work, youth employment programs and job training programs shall be exempt from this section as they relate to the pay scale of participating youth workers aged 21 or younger, or to participants in a bona fide job-training program or welfare-to-work program.
- (3) This section shall not apply to covered employees compensated in accordance with the terms of a collective bargaining agreement.

F. Severability. In the event that any provision of this section shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions hereof.

Section 2. This ordinance shall take effect immediately.

Strike out indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2016-5
Re: Reappointments - Rochester Public Library Board of Trustees

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

Transmitted herewith for your approval is legislation confirming the following reappointments to the Rochester Public Library (RPL) Board of Trustees for five-year terms:

John Lovenheim
24 Grove Street
Rochester, New York 14605

Sharon Salluzzo
211 Royal View
Pittsford, New York 14534

The current terms of the above Trustees expire on December 31, 2015; their new terms would expire on December 31, 2020.

Mr. Lovenheim was initially appointed in 2003, and has served as the elected President, Treasurer, and a member of the RPL Board Finance Committee.

Ms. Salluzzo was initially appointed in 2011 to fill the seat previously held by Allen Spencer. She is a Trustee of the Reynolds Library Board and serves as the liaison to the RPL Board, as specified by the RPL's education charter with the New York State Department of Education. Ms. Salluzzo is also a member of the RPL Board Nominating Committee.

Resumes for these individuals have been submitted to the City Clerk.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-4

Resolution No. 2016-5
(Int. No. 12)

Resolution Approving Reappointments to the Rochester Public Library Board of Trustees

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

Section 1. The Council hereby approves the reappointment of the following individuals as members of the Rochester Public Library Board of Trustees:

John Lovenheim
24 Grove Street
Rochester, New York 14605

Sharon Salluzzo
211 Royal View
Pittsford, New York 14534

The current terms of the above Trustees expire on December 31, 2015; their new terms shall expire on December 31, 2020.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

By Council Vice President Miller
January 19, 2016

To the Council:

The Business & Economic Development Committee recommends for adoption the following entitled legislation:

Int. No. 13 - Authorizing the exchange of real estate with Curtis LLC

Int. No. 14 - Authorizing agreements and funding for Sibley Building Redevelopment - Phase I and Phase II

Respectfully submitted,
Dana K. Miller
Michael A. Patterson
Loretta C. Scott
BUSINESS & ECONOMIC DEVELOPMENT
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-7
Re: Agreement - Curtis, LLC, Public
Market Land Exchange

Council Priority: Jobs and Economic
Development

Transmitted herewith for your approval is legislation authorizing the exchange of land with Curtis, LLC whereby a portion of City-owned property at 280 North Union Street will be given to the company in exchange for a portion of their property at 248 North Union Street. Both properties are in the Public Market, similar in acreage, and have the same appraised value. This exchange is recommended to allow the expansion of operations of Big

Apple Deli Products, Inc., and the addition of approximately 50 new jobs for city residents. In return, the parcel received by the City will provide the Public Market with needed additional adjacent parking and a facility for storing maintenance equipment and supplies.

The City property to be exchanged is approximately 0.151 acres of land improved with two small structures. One structure is owned by the City for storage of maintenance tools and equipment, one is owned by Frassetto Produce. The Frassetto structure is on a month to month ground lease of the Public Market land.

The property owned by Curtis, LLC, whose principals are Scott Stanton and Stephen Capizzi, is approximately 0.120 acres of land at the western end of the building at 248 North Union Street, adjacent to the Public Market parking lots on the east side of North Union Street. The parcels are described in the attached schedules. The City acquisition will include a structure to store the maintenance equipment currently housed in the structure which will be conveyed to Curtis, LLC.

An appraisal prepared by Kevin Bruckner has determined that the value of the City parcel is \$43,000 and the value of the land and building from the Curtis, LLC parcel is \$43,000.

Messrs. Stanton and Capizzi (through their entities, Stanton-Capizzi Partnership and Curtis, LLC) own land on both sides of the City parcel. They desire to acquire the City parcel to complete an expansion of the Big Apple Deli Products facilities in both buildings. This exchange will allow Big Apple Deli Products to remain in the City, expand its existing location, add employees and operate more efficiently. The company currently has 75 local employees and distributes food products regionally. Without the proposed exchange, the company would be forced to relocate in order to expand their business.

The City property at 280 North Union Street will be added to the land owned by Stanton-Capizzi Partnership and will be accepted in "as is" condition. The vacant land on the west end of the building at 248 North Union Street is currently configured for parking and will require little effort by the Public Market to incorporate it into its operations. Messrs. Stanton and Capizzi will build out the structure to be conveyed to the City at their expense to meet City specifications for storing maintenance equipment and supplies currently housed at 280 North Union Street.

The proposed action has been classified as a Type II Action pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-5

Ordinance No. 2016-7
(Int. No. 13)

Authorizing the exchange of real estate with Curtis LLC

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

Section 1. The Council hereby approves an exchange of real estate with Curtis LLC whereby the City will exchange a fee interest in the portion of the City owned parcel at 280 North Union Street, SBL #106.67-1-1.001, that is described as Parcel 1 in the Legal Descriptions contained herein, for a fee interest in the portion of the parcel owned by Curtis LLC at 248 North Union Street, SBL #106.66-1-14, that is described as Parcel 2 in said Legal Descriptions.

**LEGAL DESCRIPTIONS OF LANDS
TO BE EXCHANGED BETWEEN
THE CITY OF ROCHESTER
AND CURTIS LLC**

Parcel 1

Part of 280 N. Union Street
SBL# 107.67-1-1.001

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Rochester, County of Monroe. State of New York, being part of Lot 58, Second Division, Township 13, Range 7 and more particularly described:

Commencing at the northeast corner of a parcel of land conveyed to Curtis, LLC by deed recorded in the Monroe County Clerk's Office in Liber 11237 of Deeds, Page 372, said point being the Point of Beginning; thence

- 1) S 50° 10' 05" E, through a parcel of land conveyed to the City of Rochester by deed recorded in Liber 694 of Deeds, Page 330 a distance of 146.28 feet to the west line of a parcel of land conveyed to Joseph Capizzi, Scott Stanton, and Anthony Calogero by deed recorded in Liber 6926 of Deeds, Page 345; thence
- 2) S 79° 53' 52" W, along the west line of Capizzi, Stanton, and Calogero, a distance of 39.21 feet to a point in the west line of Capizzi, Stanton, and Calogero; thence
- 3) S 35° 59' 10" W, along the west line of Capizzi, Stanton, and Calogero, a distance of 23.22 feet to the northeast corner of a parcel of land conveyed to Stanton-Capizzi Partnership by deed recorded in Liber 10485 of Deeds, Page 610; thence
- 4) N 48° 15' 32" W, along the north line of the lands of Stanton-Capizzi Partnership, a distance of 122.67 feet to the east line of Curtis, LLC; thence

- 5) N 39° 49' 55" E along the east line of Curtis, LLC, a distance of 49.09 feet to the Point of Beginning.

Intending to describe and convey a 6,583 square foot parcel of land, being part of the same premises conveyed to the City of Rochester by deed recorded in the Monroe County Clerk's Office in Liber 694 of Deeds, Page 330.

Parcel 2

Part of 248 N. Union Street
SBL 106.66-1-14

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Rochester, County of Monroe. State of New York, being part of Lot 58, Second Division, Township 13, Range 7 and more particularly described:

Commencing at the northwest corner of a parcel of land conveyed to Curtis, LLC by deed recorded in the Monroe County Clerk's Office in Liber 11237 of Deeds, Page 372, said point being the Point of Beginning; thence

- 1) S 50° 10' 05" E, along the north line of Curtis, LLC a distance of 69.93 feet to a point; thence
- 2) S 39° 46' 55" W, along the west wall of a one story masonry building, a distance of 63.58 feet to a point; thence
- 3) N 50° 10' 05" W a distance of 11.50 feet to a point; thence
- 4) S 39° 46' 55" W a distance of 45.30 feet to a point on the south line of Curtis, LLC and the north line of New York Central Lines, LLC; thence
- 5) N 50° 40' 49" W along the south line of Curtis, LLC and north line of New York Central Lines, LLC, a distance of 23.70 feet to the southwest corner of Curtis, LLC; thence
- 6) N 22° 07' 33" E along the west line of Curtis, LLC, a distance of 114.52 feet to the Point of Beginning.

Intending to describe and convey a 5,209 square foot parcel of land, being part of the same premises conveyed to Curtis, LLC by deed recorded in the Monroe County Clerk's Office in Liber 11237 of Deeds, Page 372.

Section 2. For the parcel to be acquired by the City, any taxes levied after the date of closing, while the City still owns such parcel, shall be cancelled.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-8
Re: Sibley Building Redevelopment -
Phase 1 and Phase 2

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Transmitted herewith for your approval is legisla-
tion related to Phases 1 and 2 of the redevelopment
of the Sibley Building (the "Project") located at
228-280 East Main Street. This legislation will:

1. Authorize a property tax exemption and
payment in lieu of taxes (PILOT) agreement
with Sibley Affordable LLC, or an affiliated
LLC, partnership or housing development
fund company to be formed by Winn Devel-
opment, LLC (the "Developer"), for Phase 1
of the Project, which will provide a 30-year
exemption for an annual PILOT equal to
10% of the Project shelter rents (gross rents
minus utilities).
2. Authorize an agreement for a \$1,995,000
construction/permanent loan for Phase 1
with Sibley Affordable LLC, or an affiliated
LLC, partnership or housing development
fund company to be formed by the Develop-
er, and appropriate or re-appropriate the fol-
lowing amounts to fund the loan:

<u>Amount</u>	<u>Year/Source</u>
\$115,995.29	2014-15 HOME Program - Affordable Hous- ing Fund allocation of the Housing Develop- ment Fund
\$665,649	2015-16 HOME Program - Affordable Hous- ing Fund allocation of the Housing Develop- ment Fund
\$1,213,355.71	Prior Years' Cash Capital

The loan will serve as a 2% interest-only
construction loan and then at conversion to
permanent financing will become a 30-year,
2% interest-only loan with principal payment
due at the end of the 30-year term.

3. Authorize an agreement for a \$1,000,000
construction/permanent loan for the re-
tail/residential portion of Phase 2 with Sibley
Mixed Use Investment Fund LLC, or an affil-
iated LLC, partnership or a housing develop-
ment fund company to be formed by the De-
veloper, and appropriate or re-appropriate the
following amounts to fund the loan:

<u>Amount</u>	<u>Year/Source</u>
\$186,791	Loan repayment from High Falls Develop- ment Corp.
\$150,000	Loan repayment from Fitzhugh Associates,

LLC
\$225,000
Loan fees from CT Rochester, LLC/HUD Collections Account
\$34,916.15
2012-13 Cash Capital - Acquisition/Eco- nomic Development
\$62,150.60
2013-14 Cash Capital - Acquisition/Eco- nomic Development
\$341,142.25
Prior Years' Cash Capital

The loan will serve as a 1% interest-only
construction loan and then at conversion to
permanent financing will become a 30-year,
1% interest-only non-recourse loan with prin-
cipal payment due at the end of the 30-year
term.

4. Amend Ordinance No. 2012-361 by foregoing
the 1% interest payments on the \$3,100,000
City loan during the remaining balance of the
first five year period of the loan to Sibley Re-
development LP (there are two years remain-
ing).
5. Authorize the Mayor to execute such agree-
ments and other documents as may be neces-
sary to effectuate the loans and agreements
authorized herein.
6. Authorize the Mayor to adjust the interest rate
and other terms and conditions of the existing
\$3,100,000 loan and the proposed \$1,995,000
and \$1,000,000 loans in order to conform to
legal and other requirements for each phase of
the Project.
7. Authorize the Director of Finance to record
all transfers herein and to make adjustments
to the amounts set forth which may have
changed prior to the date of this ordinance.

In September 2009, Winn Development LLC (a
subsidiary of WinnCompanies) entered into a site
control agreement with Rochwil Associates L.P. to
purchase the historic Sibley Building in downtown
Rochester. Winn formed a new company, Sibley
Redevelopment Limited Partnership (SRLP) to
undertake the project. The project involved a 10-
year plan to renovate the building for a mix of uses
including educational, commercial, retail, and both
market and affordable residential units.

On September 19, 2012, City Council authorized a
number of actions related to the sale and redevel-
opment of the Sibley Building, including the fol-
lowing: 1) Authorizing SRLP to assume \$3.1
million of a City loan to Rochwil Associates L.P.;
and 2) authorizing the release of the City's lien on
the property securing the City's \$1.5 million float
loan. The previous and subsequent City Council
actions related to the Sibley Building are listed on
Attachment One.

On December 28, 2012, SRLP purchased the Sibley
Building from Rochwil Associates L.P. for a price
of \$5 million. Winn subsequently undertook ap-

proximately \$3.75 million in building repairs and tenant improvements, including repairs to bring the property into compliance with the Monroe Community College lease.

The Developer wants to substantially redevelop the Sibley Building in three phases:

1. Phase 1 involves the development of 72 units of senior housing with an affordability period of 50 years;
2. Phase 2 involves two condos as a function of the New Markets Tax Credits (NMTTC): a) 96 apartments, 21 of which will be affordable to households with incomes under 120% Median Family Income (MFI), 39,000 square feet of retail space, and the renovation of the Lifespan Senior Center; and b) 34,000 square feet of office space. The City loan is being provided for the former condo ("Phase 2 City loan"); and
3. Phase 3 includes the development of 68,000 square feet of office space for High Tech Rochester.

The affordability period for the Phase 2 City loan is 30 years; if the Developer refinances on the Phase 2 funding, this City loan will be repaid at the closing on the refinancing. The affordability period will be a minimum of seven years in the event of a refinancing and the simultaneous repayment of the Phase 2 City loan.

Construction on Phase 1 of the Project is anticipated to begin in March 2016, and be completed by August 2017. Construction on Phase 2 of the Project is anticipated to begin in February 2016, and be completed by July 2017.

The sources and uses for Phases 1 and 2 of the Project are summarized below:

PHASE 1

Construction Sources:

Bank Construction Loan	\$ 8,169,261
LIHTC Equity	7,113,600
Federal HRTC	496,810
NYS HCR Loan	9,000,000
City of Rochester	1,077,302
Developer Equity/Note	<u>2,795,712</u>
Total Construction Sources	\$28,652,685

Uses of Funds:

Real Estate Acquisition	\$ 1,306,368
Construction Costs	20,680,335
Soft Costs	3,268,236
Capitalized Reserves	602,034
Deferred Developer Fee	<u>2,795,712</u>
Total Uses of Funds	\$28,652,685

Permanent Sources:

LIHTC Equity	\$11,856,000
Federal HRTC	4,968,096
State HRTC	319,968
NYS HCR Loan	9,000,000
City of Rochester	1,995,000
Developer Equity/Note	<u>513,621</u>
Total Permanent Sources	\$28,652,685

PHASE 2

Construction Sources:

PNC Bank Leverage Loan	\$21,500,000
City Leverage Loan	1,000,000
REDCO RLF Leverage Loan	1,000,000
PNC Bridge Loan	6,481,620
GRB Bridge Loan	3,069,000
Developer Façade Loan	3,000,000
Developer Bridge Loan	5,851,460
NMTC Equity *	13,761,296
Federal HRTC Equity	2,684,700
State HRTC Equity	2,812,500
Developer Equity	<u>9,370,000</u>
Total Construction Sources	\$70,530,576

Uses of Funds:

Real Estate Acquisition	\$ 3,969,520
Construction Costs	48,182,268
Development Soft Costs	8,399,663
NMTC-Related Costs	3,109,125
Developer Overhead/Fee	<u>6,870,000</u>
Total Uses of Funds	\$70,530,576

Permanent Sources:

PNC Leverage Loan	\$21,500,000
City of Rochester Loan	1,000,000
REDCO RLF Loan	1,000,000
NYS ESD Grant	3,500,000
NYS CIF Loan	1,500,000
RGE Brownfield Grant	500,000
Façade Loan	3,000,000
NYS Cleaner Greener Grant	<u>3,069,000</u>

NMTC Equity	13,761,296
Federal HRTC Equity	8,949,000
State HRTC Equity	3,750,000
Developer Equity	<u>9,001,280</u>
Total Permanent Sources	\$70,530,576

*Sibley Phase 2 is being structured as two separate NMTC transactions due to that fact that \$1,814,169 in NMTC equity being provided from Urban Research Park CDE, LLC can only be used for projects consisting solely of commercial space. The two NMTC transactions are combined in the above Phase 2 sources and uses of funds.

The construction goals for Phases 1 and 2 are 6.9% for women and 20% for minority employees. The combined utilization goals for Minority, Women-owned, Small, and Disadvantaged Business Enterprises (MWS-DBEs) are 20%. Phase 1 will be required to comply with the federal Section 3 regulations.

A State Environmental Quality Review Act (SEQR) review has been completed for both Phase 1 and 2; the project was determined to be a Type II action. A National Environmental Policy Act (NEPA) review is underway for Phase 1 and will be completed prior to entering into any agreements for Phase 1 of the Project.

The PILOT Review Committee reviewed and approved the proposed PILOT agreements for Phase 1 and Phase 2 (both condos) on December 11, 2015. The anticipated PILOT payments are listed on Attachment Two.

The proposed 17-year PILOT agreements for Phase 2 will contain the following terms: the annual PILOT obligation will be equal to the product of \$200,000 multiplied by a fraction in which the numerator is the Net Operating Income and the denominator is \$1,925,000, but with a minimum of \$0.75 per leased square foot and a maximum of \$3.50 per leased square foot.

The balance of the Sibley Building is covered by the existing 20-year PILOT agreement that started in tax year 2013-14 as follows:

<u>Year</u>	<u>PILOT Payment</u>
2013 -	\$75,000
2014 -	\$100,000
2015 -	\$125,000
2016 -	\$150,000
2017-2032 -	(see below)

Commencing in 2017 and each year thereafter, the annual PILOT obligation is equal to the product of \$200,000 multiplied by a fraction in which the numerator is the Net Operating Income and the denominator is \$1,925,000, but with a minimum of \$0.75 per leased square foot and a maximum of \$3.50 per leased square foot.

WinnCompanies was established in 1971 and is based in Boston, Massachusetts. Winn has a satellite corporate office at the Sibley Building in Rochester with nearly 40 employees and regional offices nationwide. To date, Winn has developed over 80 projects and currently manages over 550 properties including 95,000 residential units. The Winn portfolio includes a specialization in historic redevelopment, affordable housing, military base management, mixed-use properties and hotels.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AP-6

Ordinance No. 2016-8
 (Int. No. 14)

Authorizing agreements and funding for Sibley Building Redevelopment – Phase I and Phase II

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

Section 1. The Mayor is hereby authorized to enter into a payment in lieu of taxes agreement (PILOT agreement) with Sibley Affordable LLC, or an affiliated Limited Liability Corporation, partnership or housing development fund company, for Phase I of the redevelopment of the Sibley Building (the Project) located at 228-280 East Main Street. The PILOT agreement shall provide that the Project will remain entitled to a real property tax exemption for up to 30 years, provided that Sibley Affordable LLC or its affiliate makes annual payments in lieu of real property taxes to the City of Rochester equal in total to no less than 10% of the Project's annual "shelter rent," a phrase which refers to the amount of gross rents less utility costs.

Section 2. The Mayor is hereby authorized to enter into a loan agreement with Sibley Affordable LLC, or an

affiliated LLC, partnership or housing development fund company to be formed by Winn Development, LLC for construction financing and permanent financing for Phase I of the Project. The loan agreement shall be in the amount of \$1,995,000 at 2% interest with interest only to be paid annually. When the loan is converted to permanent financing, it shall be in the amount of \$1,995,000 and for a term of 30 years with interest at 2% paid annually. Principal payment shall be deferred to the end of the term of the loan. The loan agreement amount shall be funded as specified below, which funds are hereby appropriated for said purpose:

<u>Amount</u>	<u>Year/Source</u>
\$ 115,995.29	2014-15 HOME Program - Affordable Housing Fund allocation of the Housing Development Fund
665,649.00	2015-16 HOME Program - Affordable Housing Fund allocation of the Housing Development Fund
<u>1,213,355.71</u>	
\$1,995,000.00	Prior Years' Cash Capital
Total	

Section 3. The Mayor is hereby authorized to enter into a loan agreement with Sibley Mixed Use LLC, or an affiliated LLC, partnership or housing development fund company to be formed by Winn Development, LLC for construction financing and permanent financing for Phase II of the Project. The loan agreement shall be in the amount of \$1,000,000 at 1% interest with interest only to be paid annually. When the loan is converted to permanent financing, it shall be a non-recourse loan in the amount of \$1,000,000 and for a term of 30 years with interest at 1% paid annually. Principal payment shall be deferred to the end of the term of the loan. The loan agreement amount shall be funded as specified below, which funds are hereby appropriated for said purpose:

<u>Amount</u>	<u>Year/Source</u>
\$ 186,791.00	Loan repayment from High Falls Development Corp.
150,000.00	Loan repayment from Fitzhugh Associates, LLC
225,000.00	Loan fees from CT Rochester, LLC - HUD Collections Account
34,916.15	2012-13 Cash Capital - Acquisition/Economic Development
62,150.60	2013-14 Cash Capital - Acquisition/Economic Development
<u>341,142.25</u>	
\$1,000,000.00	Prior Years' Cash Capital
Total	

Section 4. The Mayor is hereby authorized to

enter into an amendatory agreement with Sibley Redevelopment Limited Partnership, amending the \$3.1 million loan agreement authorized by Ordinance No. 2012-361 so as to forgo the borrower's payment of 1% interest for the remainder of the first 5 years of the loan's term.

Section 5. The Director of Finance shall record all transfers authorized herein and shall have the authority to make adjustments to the amounts set forth which may have changed prior to the adoption of this ordinance.

Section 6. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The Mayor is authorized to execute such agreements and other documents as may be necessary to effectuate the loans and agreements authorized or amended herein and to adjust the interest rates and other terms and conditions of the loans in order to conform to legal and other requirements for the Project.

Section 7. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, McFadden, Miller, Ortiz, Patterson, Spaul - 8.

Nays - None - 0.

Councilmember Haag abstained because of a professional relationship.

By Councilmember Ortiz
January 19, 2016

To the Council:

The Neighborhood & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 15 - Authorizing the sale of real estate

Int. No. 16 - Authorizing funding and amendments to service agreements for the Emergency Solutions Grant program for the homeless

Int. No. 18 - Authorizing appropriation and agreements for Buyer Assistance Program

Int. No. 19 - Authorizing agreements for the Asset Control Area/Home Rochester Program

Int. No. 20 - Amending Ordinance No. 2013-281 Relating to Agreements for Phase 3 Exterior and Security Rehabilitation Program for Owner-Occupants, as amended

Int. No. 21 - Authorizing the acceptance of real estate by donation

Int. No. 22 - Agreement for hearing officer services for administrative nuisance abatement hearings

The Neighborhood & Community Development Committee recommends for consideration the following entitled legislation:

Int. No. 23 - Amending the Zoning Code text and concept plan/site plan for Culver Road Armory, Planned Development District No. 15, as amended

The following entitled legislation is being held in Committee:

Int. No. 17 - Authorizing an agreement for a review of the Nuisance Abatement Ordinance

Respectfully submitted,
Jacklyn Ortiz
Molly Clifford
Carolee A. Conklin
Dana K. Miller
Loretta C. Scott
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-9
Re: Sale of Real Estate

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

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

The first six properties are vacant lots, all of which are being sold to their adjacent owners who will combine the lots with their current parcels to be utilized as green space.

The next two properties are unbuildable vacant lots, being sold for \$1.00 (as per City policy) to their adjacent owners who will combine their respective lot with their existing properties.

The first year projected tax revenue for these eight properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$2,282.

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-7

Ordinance No. 2016-9
(Int. No. 15)

Authorizing the sale of real estate

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

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

<u>Address</u>	<u>S.B.L. #</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>	<u>Purchaser</u>
1322 N Clinton Av	091.70-3-24	44 x 133	5,992	\$450	Jerry Fletcher
48 Fillmore St	120.48-2-45	40 x 128	5,120	\$450	John D. Williams
401 Orange St E/H	105.82-3-44.1	29 x 129	3,824	\$400	Abundant Life Faith Ministry*
401 Orange St W/H	105.82-3-44.1	29 X 129	3,822	\$400	Yolanda Jones

312 Wilkins St E/H	106.24-1-60	17 x 102	1,815	\$150	Roosevelt Williams
314 Wilkins St	106.24-1-59	35 x 102	3,631	\$300	Roosevelt Williams

* Trustee Board Members: Steven Carter, Ulysses Colson, Ann McIntyre, Eddie Robinson, Marie Robinson

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

<u>Address</u>	<u>S.B.L. #</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Purchaser</u>
109 Flower St	106.30-4-31	32 x 145	4,726	Antonio Colon
113 Flower St	106.30-4-32	32 x 145	4,726	Antonio Colon

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-10
Re: 2014-15 Consolidated Community
Development Plan Emergency
Solutions Grant

Transmitted herewith for your approval is legislation related to the 2014-15 Emergency Solutions Grant (ESG) program as described in the 2014-15 Consolidated Community Development Plan. This legislation will:

1. Reprogram \$29,090.86 of unspent 2014-15 ESG funds;
2. Amend agreements authorized via Ordinance Nos. 2015-181 and 2015-227 to increase compensation for ESG program providers. The cost of the amendatory agreements will be financed from the funds appropriated herein.

<u>ESG Recipients</u>	<u>Increased Compensation</u>	<u>Total Amended Compensation</u>
The Salvation Army	\$13,225.76	\$76,535.37
YWCA	\$11,630.54	\$61,630.54
Volunteers of America	\$4,234.56	\$33,469.56

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

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

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

ESG-related legislation was last authorized on June 17, 2015 via Ordinance No. 2015-181. This legislation supports Section 4 of the City of Rochester Housing Policy: *Promote Housing Choice*.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-10
(Int. No. 16)

Authorizing funding and amendments to service agreements for the Emergency Solutions Grant program for the homeless

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

Section 1. Unspent funds in the amount of \$29,090.86 that were previously appropriated for the 2014-

15 Emergency Solutions Grant (ESG) program of the 2014-15 Consolidated Community Development Plan are hereby re-appropriated to fund the increases in compensation that are set forth in the amendatory agreements authorized herein.

Section 2. The Mayor is hereby authorized to enter into an amendatory agreement with Salvation Army of Western New York, Inc. to provide services to homeless individuals under the ESG. Said amendatory agreement shall increase the maximum compensation under the agreement authorized in Ordinance Nos. 2015-181 and 2015-227 by \$13,225.76 to a total of \$76,535.37.

Section 3. The Mayor is hereby authorized to enter into an amendatory agreement with The YWCA of Rochester and Monroe County, Inc. to provide services to homeless individuals under the ESG. Said amendatory agreement shall increase the maximum compensation under the agreement authorized in Ordinance No. 2015-181 by \$11,630.54 to a total of \$61,630.54.

Section 4. The Mayor is hereby authorized to enter into an amendatory agreement with Volunteers of America, Inc. to provide services to homeless individuals under the ESG. Said amendatory agreement shall increase the maximum compensation under the agreement authorized in Ordinance No. 2015-181 by \$4,234.56 to a total of \$33,469.56.

Section 5. Each amendatory agreement shall be for a term of one year with the option to renew for one additional year if funds appropriated for the agreement remain.

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

Section 7. The Director of Finance shall record all transfers herein and shall have the authority to make adjustments to the amounts set forth which may have changed prior to the adoption of this ordinance.

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-11
Re: Buyer Assistance Program

Council Priority: Rebuilding and
Strengthening Neighborhoods

Transmitted herewith for your approval is legislation related to the Buyer Assistance Program. This legislation will:

1. Appropriate \$200,000 from Prior Years' Cash Capital; and
2. Authorize agreements with the recipients of Buyer Assistance Program funds.

The Buyer Assistance Program provides financial assistance of up to \$6,000 to first-time homebuyers who purchase houses through the City's housing initiatives. The financial assistance provided by the program is for closing costs and down payment.

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

The \$200,000 Cash Capital allocation will serve up to 55 income-eligible homebuyers with incomes ranging from 81% to 120% of the median family income through June 30, 2017.

The Buyer Assistance Program supports the City Housing Policy objective to promote the rehabilitation, redevelopment and new construction of housing.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-11
(Int. No. 18)

Authorizing appropriation and agreements for Buyer Assistance Program

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

Section 1. The amount of \$200,000 is hereby appropriated from Prior Years Cash Capital to fund the Buyer Assistance Program agreements authorized herein.

Section 2. The Mayor is hereby authorized to enter into Buyer Assistance Program agreements with income-eligible, qualified first time homebuyers to provide financial assistance of up to \$6,000 toward each homebuyer's closing costs and downpayment on the purchase of a one- or two-family owner-occupied residence in the City of Rochester. This authorization shall extend through June 30, 2017 and for agreements amounting to a maximum aggregate sum of \$200,000 in Buyer Assistance funds.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-12
Re: Agreement - U.S. Department of
Housing and Urban Development,
Asset Control Area Program

Council Priority: Rebuilding and Strengthening
Neighborhood Housing

Transmitted herewith for your approval is legisla-
tion authorizing an agreement with the U.S. De-
partment of Housing and Urban Development
(HUD) for continuation of the Asset Control Area
(ACA) program through February 28, 2018, and
approving the updated Business Plan, which is
available in the Office of the City Clerk.

The ACA program allows local government and
not-for-profit developers to enter into agreements
with HUD to purchase the inventory of HUD-
owned residential properties at a discount in desig-
nated areas. The discount allows the City to ac-
quire properties at lower prices and reduce the
amount of subsidy required for the rehabilitation of
each property. The City's ACA program is a com-
ponent of the Home Rochester Program, for which
a description is attached.

As a condition of the agreement with HUD, the
City must purchase all single-family properties in
the designated census tract areas. Once acquired,
each property must be fully rehabilitated and sold
to owner-occupant, first-time homebuyers. Buyers
of Home Rochester properties are required to have
incomes at or below 120% of the Area Median
Income and must agree to live in the property for a
minimum of 10-15 years.

Since the program began in 2004, 449 properties
have entered the ACA program. Currently, 440
properties have been sold to owner-occupant, first-
time homebuyers with the remaining nine prop-
erties in various stages of development. The City's
ACA program has received excellent program
compliance reviews conducted by independent
auditors.

It is anticipated that approximately 50-100 prop-
erties will be acquired during each year of the agree-
ment. The most recent agreement for this program
was approved by City Council on December 16,
2014 via Ordinance No. 2014-379.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-8

Ordinance No. 2016-12
(Int. No. 19)

**Authorizing agreements for the Asset Control
Area/Home Rochester Program**

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

Section 1. The Mayor is hereby authorized to
enter into an agreement with the United States
Department of Housing and Urban Development
(HUD) to permit the continued participation of the
City in the Asset Control Area/Home Rochester
(ACA) Program, which consists of the acquisition
and development of vacant single family properties.
The term of the agreement may extend through
February 28, 2018.

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

Section 3. The Council hereby approves the
updated Business Plan for the ACA Program, a
copy of which is on file with the City Clerk.

Section 4. This ordinance shall take effect im-
mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-13
Re: Amendatory Agreements - Northeast
Area Development, Inc., Northwest
Community Services CDC, South
Wedge Planning Committee Inc.,
Focused Investment Strategy Program
Exterior Security Rehabilitation
Program

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legisla-
tion related to the Focused Investment Strategy
(FIS) Program, Exterior Security Rehabilitation
Program for Owner-Occupants. This legislation
will:

1. Amend Ordinance No. 2013-281 by extend-
ing the agreements with North East Area De-
velopment, Inc. (NEAD) and Northwest
Community Services CDC (NCS) to June 30,
2016;
2. Reappropriate a total of \$17,200 from the
Improving the Housing Stock of the General
Property Conditions Objective, Neighborhood
and Asset Based Planning allocation (Focused
Investment Strategy Account) of the 2012-13
Community Development Block Grant for the
City's use; and
3. Reappropriate a total of \$52,700 from the
2012-13 Cash Capital allocation for the Fo-
cused Investment Strategy Program for the
City's use.

NCS was funded for \$350,000 to carry out activi-
ties pursuant to the FIS Exterior Security Rehabili-
tation Program for Owner-Occupants. The agree-
ment start date was January 1, 2014 and the end
date was extended to December 31, 2015. NCS was
expected to complete four projects by December

31, however one project will not be completed. This amendment will allow additional time for NCS to complete this project.

NEAD was funded for \$700,000 to carry out activities pursuant to the FIS Exterior Security Rehabilitation Program for Owner-Occupants with an agreement expiration date of December 31, 2015. NEAD currently has nine projects under development, but several of these projects may not be completed by December 31. This amendment will allow additional time for NEAD to complete these projects.

South Wedge Planning Committee (SWPC) was funded for \$350,000 to carry out activities pursuant to the FIS Exterior Security Rehabilitation Program for Owner-Occupants with an agreement expiration date of December 31, 2015. SWPC currently has 3 projects under construction that will not be completed by December 31. Due to staff capacity issues, SWPC has requested that the City complete these projects using funds from the above re-appropriations.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-13
(Int. No. 20, as amended)

Amending Ordinance No. 2013-281 relating to agreements for Phase 3 Exterior and Security Rehabilitation Program for Owner-Occupants

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

Section 1. Ordinance No. 2013-281, relating to agreements for implementing Phase 3 of the Exterior and Security Rehabilitation Program for Owner-Occupants ("Program"), is hereby amended at Sections 1 and 5 thereof to extend to June 30, 2016 the term for NCS Community Development Corp., and North East Area Development, Inc. and the South Wedge Planning Committee, Inc. to complete their obligations under each of their respective Program agreements.

Section 2. In the event that the Department of Neighborhood and Business Development (NBD) determines that any one or more of the above named community agencies is unable or unwilling to extend a Program agreement or to complete all of the projects provided for under an agreement, NBD is authorized to assume the duties of such agency or agencies to complete any project that remains unfinished. In order to effectuate the NBD's assumption of Program responsibilities pursuant to this section, Ordinance No. 2013-281 is hereby further amended at Sections 1 and 2 thereof to authorize the reallocation reallocate for the City's use of \$69,900, or so much thereof as may be necessary, of the \$1,900,000 in total Program funds that were allocated to four community agencies for Program projects. The funds so reallocated shall defray the City's costs to complete three any unfinished Program projects already under con-

struction by or before June 30, 2016, ~~and The amount of up to \$69,900 so reallocated shall consist of: (a) up to \$17,200 from the Improving the Housing Stock of the General Property Conditions Objective, Neighborhood and Asset Based Planning allocation (Focused Investment Strategy Account) of the 2012-13 Community Development Block Grant; and (b) up to \$52,700 from 2012-13 Cash Capital allocation for the Focused Investment Strategy program.~~

Section 3. The Mayor is hereby authorized to enter into an amendatory agreement with each of NCS Community Development Corp., and North East Area Development, Inc., and the South Wedge Planning Committee, Inc. for the extended term authorized in Section 1 hereof.

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

Section 5. The Director of Finance shall record all transfers herein and shall have the authority to make adjustments to the amounts set forth which may have changed prior to the adoption of this ordinance.

Section 6. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-14
Re: Real Estate Donation

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the acceptance by donation of certain real properties from the seller, Wells Fargo Bank, NA and/or US Bank, National Association. Council authorization is necessary to accept the following parcel:

Address	Purpose
90 Nichols Street	Surplus Auction Sale

Accepting this donation will allow the City to continue to manage the disposition of salvageable properties in various neighborhoods. The single-family home at 90 Nichols Street is unoccupied and can be marketed and sold to a buyer who would rehabilitate the property within twelve months and obtain a Certificate of Occupancy.

Upon acquisition by the City, any taxes or charges levied after the date of closing will be canceled. The property is to be conveyed with no other outstanding liens or encumbrances

Respectfully submitted,

Lovely A. Warren
Mayor

Attachment No. AP-9

Ordinance No. 2016-14
(Int. No. 21)

Authorizing the acceptance of real estate by donation

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

Section 1. The Council hereby authorizes the acceptance of the donation of a parcel of real estate from Wells Fargo Bank, NA and/or US Bank, National Association as follows:

<u>Address</u>	<u>SBL No.</u>
<u>Purpose</u>	
90 Nichols Street	106.28-2-31
Surplus Auction Sale	

Section 2. Upon transfer of title to the City, any City taxes or other charges levied against said property after the date of closing shall be cancelled.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-15
Re: Agreement - Hearing Officer Services

Council Priority: Public Safety; Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation establishing \$14,300 as maximum compensation for an agreement with Paul A. Marasco, Esq. for hearing officer services during administrative nuisance abatement hearings for the City of Rochester. Mr. Marasco will handle all the nuisance abatement hearings to streamline the process and provide consistent decisions. This agreement will have a term of one year and will be funded from the 2015-16 and 2016-17 Budgets of Neighborhood and Business Development, contingent upon approval of the latter budget.

As regulated by Section 3-15 of the Charter of the City of Rochester, the City may initiate abatement proceedings against property owners and tenants of structures that have acquired twelve nuisance points within six months or eighteen nuisance points within twelve months. An abatement hearing is the method by which the City affords due process prior to rendering a final determination which may impact those with an interest in the real property.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-10

Ordinance No. 2016-15
(Int. No. 22)

Agreement for hearing officer services for administrative nuisance abatement hearings

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 Paul A. Marasco, Esq. to serve as hearing officer during administrative nuisance abatement hearings initiated by the City pursuant to Section 3-15 of the City Charter. The sum of \$14,300, or so much thereof as may be necessary, is hereby established as the compensation to be paid for such services. Said compensation shall be funded from the 2015-16 and 2016-17 Budgets of the Department of Neighborhood and Business Development, contingent upon adoption of the latter budget.

Section 2. The term of the agreement shall be for one year.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 8.

Nays - Councilmember Conklin - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-16
Re: Zoning Text Amendment - Planned Development District #15, Culver Road Armory

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation amending the Zoning Text and Development Concept Plan for Planned Development District (PD) #15, Culver Road Armory, to allow for the construction of a 14,000 sq. ft., one-story retail/office building at the rear of the site. The initial PD plan included renovations and additions to the main Armory Building (Building 1) at the front of the site, construction of a secondary retail/office building (Building 2) in the middle of the site, and construction of a 10-unit, five-story condominium building (Building 3) at the rear of the site. The condominium building was never constructed. With the strong success of the office, retail and restaurant uses in the first and second buildings, the developer would like to cancel construction of the

condominium building and replace it with a retail/office building similar in type and appearance to Building 2.

The revised Zoning Text regulations and the amended Development Concept Plan are attached.

The City Planning Commission held an informational meeting on this proposed Text Amendment and Revised Development Concept Plan on Monday, December 21, 2015. There was one speaker in support and none in opposition to this request. By a vote of 6-0-0, the City Planning Commission recommends approval of the proposed text amendment.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the Director of Planning and Zoning, as lead agency, has determined that the proposed action will not result in any significant effects and has issued a negative declaration.

A public hearing is required for the zoning text amendment.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-11

Ordinance No. 2016-16
(Int. No. 23, as amended)

Amending the Zoning Code text and concept plan/site plan for Culver Road Armory, Planned Development District No. 15

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 amending the text and concept plan/site plan for Planned Development District No. 15 - Culver Road Armory, to read in its entirety as follows:

**Planned Development District No. 15
Culver Road Armory**

- A. Purpose. The intent of the Culver Road Armory Planned Development District is to provide a plan for the unified and integrated development of the Culver Road site. The district is intended to protect and sustain the viability of the historic Armory building, create a campus that promotes a mixed-use environment distinctive to urban areas and protect the residential and pedestrian character of the adjacent neighborhood and the recreational character of Cobbs Hill Park.
- B. Permitted uses. The Culver Road Armory Planned Development District is comprised of three separate buildings as depicted on the development concept plan/site plan (Building I,

Building II and Building III).

- (1) All of the following uses are permitted in Buildings I, ~~and II and III~~. For nonresidential uses, all activities shall occur within a completely enclosed building, and the hours of operation shall be limited to 6:00 a.m. to 2:00 a.m.
 - (a) Multifamily dwellings.
 - (b) Dwelling units when part of a mixed-use development with other permitted commercial uses.
 - (c) Live-work space subject to the additional requirements for specified uses in § 120-142.1 of the Zoning Code.
 - (d) Offices.
 - (e) Retail sales and services, low-impact, specialty and full-line food.
 - ~~(f) Bars, restaurants and banquet facilities~~
 - ~~(g) Entertainment.~~
 - ~~(h) Arts and cultural displays and sales.~~
 - ~~(i) Garage, storage, and maintenance space, decks and patios accessory to the uses permitted in the district.~~
 - ~~(j) Health clubs and similar facilities.~~
 - ~~(k) Day-care centers subject to the additional requirements for specified uses in § 120-135 of the Zoning Code.~~
 - ~~(l) Banks.~~
- ~~(2) The following uses are permitted in Building III:~~
 - ~~(a) Multifamily dwellings.~~
- (2) In addition to the uses permitted above, the following uses are also permitted in Buildings I and II.
 - (a) Bars, restaurants and banquet facilities
 - (b) Entertainment, subject to additional requirements for specified uses in § 120-137(A) of the Zoning Code.
- (3) Outdoor seating areas and activities accessory to a nonresidential use in Buildings I, II and III, excluding entertainment, operating between the hours of 6:00 a.m. and 12:00 a.m. (midnight).
- C. Temporary uses.
 - (1) Temporary uses shall be subject to the requirements listed in § 120-149 of the

Zoning Code, with the exception that the Director of Planning and Zoning may approve up to five temporary uses per calendar year.

D. Special permit uses.

- (1) Outdoor seating areas and activities accessory to a nonresidential use, excluding entertainment, operating between the hours of 12:00 a.m. (midnight) and 2:00 a.m.
- (2) Retail sales and services, high-impact, operating between the hours of 6:00 a.m. and 2:00 a.m.
- (3) Any temporary use which exceeds five occurrences per calendar year.
- (4) Bars, restaurants and banquet facilities in Building III.
- (5) Entertainment in Building III.

E. Lot, area, yard and building coverage, open space and height requirements.

- (1) Lot frontage: Not applicable. coverage and open space shall be determined as set forth in the development concept plan/site plan.
- (2) Lot area: Not applicable.
- (3) Building height.
 - (a) Maximum building height for Buildings I and II shall be two stories.
 - (b) Maximum building height for Building III shall be one story ~~six stories~~.

F. Parking and loading requirements.

- (1) Parking.
 - (a) Maximum number of on-site parking spaces is established at the cap of for all uses in the district shall be 600 610. This cap is based on the uses ~~presented in the development concept plan/site plan for Buildings I, II and III.~~ Any requested increase in the parking cap will shall require the submission of a parking demand analysis, and is subject to require site plan review approval. ~~Any changes to the uses presented in the development concept plan/site plan for Buildings I and II will require a parking demand analysis to substantiate that the parking available is sufficient to accommodate the new uses.~~
 - (b) Parking shall be restricted to the parking areas shown on the development concept plan/site plan. Parking shall not be constructed in areas proposed for building construction and/or open space.

- (c) Parking shall comply with the parking lot design and maintenance standards set forth in § 120-173 of the Zoning Code.

(2) Loading.

- (a) Loading shall comply with the requirements set forth in § 120-172 of the Zoning Code.

G. Signage.

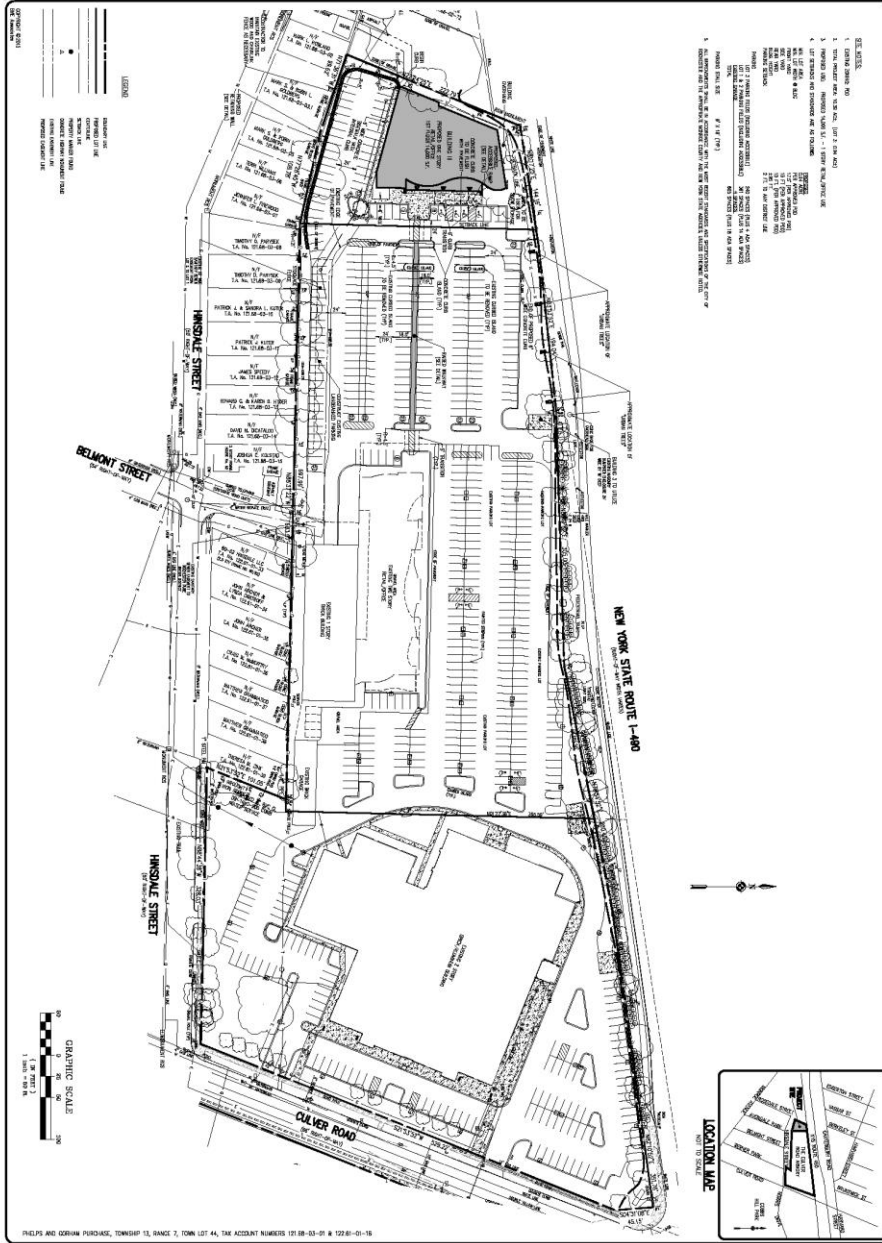
- (1) A sign program shall be developed for the district which will include building and/or tenant identification, way finding and event promotion. The sign program shall be subject to site plan review approval by the Director of Planning and Zoning.

H. Other.

- (1) This planned development is subject to the requirements set forth in Article XVII of the Zoning Code regarding planned development districts.
- (2) Uses in PD No. 15 are subject to requirements applying to all districts (Article XX) except where they are superseded by the regulations set forth in this district.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined



1. EXISTING BUILDING (SEE PLAN SHEET 2)
2. EXISTING DRIVE (SEE PLAN SHEET 2)
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<p>PHILIPS AND CORNWALL PURCHASE, TOWNSHIP 13, RANGE 7, TOWN LOT 44, TAX ACCOUNT NUMBERS 121 08-03-01 & 122 01-01-16</p>	<p>CULVER ROAD ARMORY</p> <p>PROJECT: PHASE 2</p> <p>CLIENT: CITY OF ROCKY HILL, CONNECTICUT, NEW YORK</p> <p>DESIGNER: BME ASSOCIATES, INC.</p> <p>DATE: 12/15/15</p> <p>SCALE: AS SHOWN</p> <p>DATE: 12/15/15</p> <p>SCALE: AS SHOWN</p>	<p>BME ASSOCIATES</p> <p>ARCHITECTS • INTERIORS • LANDSCAPE ARCHITECTS</p> <p>1000 WEST 10TH AVENUE, SUITE 200</p> <p>ROCKY HILL, CONNECTICUT 06067</p> <p>PHONE: 860-261-1111</p> <p>WWW.BMEASSOCIATES.COM</p>	<p>1. REVIEWED FOR CITY PLANNING COMMENTS</p> <p>DATE: 12/15/15</p> <p>BY: [Signature]</p>
	<p>EXHIBIT 2263</p>	<p>OVERALL SITE PLAN EXHIBIT</p>	<p>1. REVIEWED FOR CITY PLANNING COMMENTS</p> <p>DATE: 12/15/15</p> <p>BY: [Signature]</p>

Passed unanimously.

Councilmember Ortiz moved to discharge Int. No. 17 from Committee.

The motion was seconded by Councilmember Patterson.

The motion was adopted unanimously.

Councilmember Ortiz moved to amend Int. No. 17.

The motion was seconded by Councilmember Spaul.

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-17
Re: Agreement - Strategic Community
Intervention LLC, Review of Nuisance
Abatement Ordinance

Transmitted herewith for your approval is legislation establishing \$63,887 as maximum compensation for an agreement with Strategic Community Intervention LLC for a review of Municipal Code Section 3-15 regarding nuisance abatement. The agreement will be funded from the 2015-16 Budget of Undistributed Expenses and have a term of one year.

The Department of Neighborhood and Business Development has three primary goals for this study:

1. Evaluate the City's nuisance point system in order to provide guidance on future policy related to ensuring equitable and effective enforcement involving public nuisances; and
2. Identify national best practices in addressing public nuisances. This includes identifying best practices for effectuating summary closure of nuisance bars and nightclubs; and
3. Provide an analysis and comparison of processes used in other cities in New York State.

Strategic Community Intervention LLC was selected through a request for proposal process described in the attached summary.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-12

Ordinance No. 2016-17
(Int. No. 17, as amended)

Authorizing an agreement for a review of the Nuisance Abatement Ordinance

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 Strategic Community Intervention LLC to review the City's Nuisance Abatement Ordinance. The term of the agreement shall be for one year. The maximum compensation for the agreement shall be \$63,887, which shall be funded from the 2015-16 Budget of Undistributed Expenses. The agreement shall not be executed unless the Board of Ethics issues an opinion finding that this contract does not violate the City's Code of Ethics.

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

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Haag, Miller, Ortiz, Patterson, Spaul - 7.

Nays - Councilmembers Conklin, McFadden - 2.

By Councilmember Haag
January 19, 2016

To the Council:

The Parks & Public Works Committee recommends for adoption the following entitled legislation:

Int. No. 24 - Appropriating funds related to infrastructure and playground improvements

Int. No. 25 - Authorizing an amendatory agreement with Clark Patterson Engineers, Surveyor, Architect and Landscape Architect, DPC

Int. No. 26 - Authorizing the receipt and use of funds and an agreement related to the Broad Street Bridge Preventive Maintenance Project, as amended

Int. No. 27 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,220,000 Bonds of said City to finance costs of the 2016 Broad Street Bridge Preventive Maintenance Project, as amended

Int. No. 28 - Authorizing an intermunicipal agreement with Monroe County for parking signs

Int. No. 29 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$224,000 Bonds of said City to finance costs of the Broad & Allen Firehouse Fuel Tank Replacement

Int. No. 30 - Authorize agreement and appropriate funds related to the environmental restoration program at 345354 Whitney Street and 415 Orchard Street, as amended

Int. No. 31 - Authorizing a lead agency agreement between the City Council and the Mayor regarding Environmental Review

Int. No. 32 - Authorizing an Operations and Maintenance Agreement related to the Port of Rochester Marina

Int. No. 33 - Authorizing pavement width changes related to the Broad Street Bridge Preventive Maintenance Project

The Parks & Public Works Committee recommends for consideration the following entitled legislation:

Int. No. 34 - Authorizing a change in traffic flow on Lenox Street

Int. No. 35 - Approving geometric changes related to the Kilmar Street Group reconstruction, rehabilitation, and curb replacement

Int. No. 36 - Amending the Official Map by dedicating Celebration Drive

Respectfully submitted,
Matt Haag
Michael A. Patterson
Dana K. Miller
Loretta C. Scott
PARKS & PUBLIC WORKS COMMITTEE

Received, filed, and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-18
Re: Appropriation and Amendment -
Community Development Block Grant,
Infrastructure and Playground
Improvements

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Transmitted herewith for your approval is legislation related to infrastructure and playground improvements at various locations. This legislation will:

1. Appropriate \$250,000 of 2013-14 Community Development Block Grant funds from the Infrastructure Improvements allocation of the General Community Needs Fund of the Community Development Plan. The appropriation will fund infrastructure and playground improvements at various locations including, but not limited to, a Youth Baseball Concession Stand at Baden Park, portions of construction of the Roxie Ann Sinkler R-Center site improvements, and field improvements at the Ryan Center; and
2. Amend Ordinance No. 2015-237 to replace the cash capital funding for design and resident project representation services for the Roxie Ann Sinkler R-Center project by Stan-

tec Consulting Services with the funds appropriated herein.

Construction at the Roxie Ann Sinkler R-Center and field improvements at the Ryan Center were completed in fall 2015. Construction of the Baden Park Concession Stand will begin in winter 2016 with planned completion in spring 2016.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-18
(Int. No. 24)

Appropriating funds related to infrastructure and playground improvements

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

Section 1. There is hereby appropriated from the Infrastructure Improvements allocation of the General Needs Fund of the 2013-14 Community Development Block Grant in the sum of \$250,000, to fund infrastructure improvements to the little league concession stands at the Baden Park fields, Roxie Ann Sinkler Recreation Center site improvements, Ryan Center field improvements and other infrastructure and playground improvements.

Section 2. Ordinance 2015-237, is hereby amended by substituting a portion of the funds appropriated herein for Prior Years' Cash Capital funding of the amendatory agreement with Stantec Consulting Services.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-19
Re: Amendatory Agreement - Clark
Patterson Engineers, Surveyor,
Architects and Landscape Architect,
DPC, Parking and Municipal Code
Violations Bureau Renovation

Council Priority: Deficit Reduction and
Long-Term Financial Stability

Transmitted herewith for your approval is legislation establishing \$250,000 as maximum compensation for an amendatory agreement with Clark Patterson Engineers, Surveyor, Architects and Landscape Architect, DPC, Rochester, New York, for additional architectural services for the renovation of the Parking and Municipal Code Violations Bureau. The original agreement for \$60,000 was authorized in April 2015 for program development and schematic design services (Ord. No. 2015-100). The amendment will increase total compensation to \$310,000, and include design development, contract documents, bidding and award, construction

administration and residential project representation. The cost of the agreement will be financed from a portion of the Dormitory Authority of the State of New York State (DASNY) funds appropriated for capital projects via Ordinance No. 2015-120.

The project includes the renovation of the existing public hearing and payment areas, and City office spaces of the Parking and Municipal Code Violations Bureau at 42-50 South Avenue. The office processes payments and conducts hearings related to tickets issued for Municipal Parking violations, Red Light Camera Safety Program violations, and Municipal Code violations including fines for Certificate of Occupancy, "Get Tough" tickets, building permit violations and animal control tickets.

The renovation of the space will address the inadequate layout for its current usage, service, and security demands. The waiting areas are too small, and the facility, restrooms and service counters are not compliant with the Americans with Disabilities Act. The facility requires security upgrades throughout, and the HVAC system is antiquated and requires replacement. Asbestos and mold remediation will be required throughout much of the facility. There remains \$1,612,000 in DASNY funds for the remaining design and construction of the improvements.

The amendatory agreement may extend until three months after completion of a two year guarantee inspection of the project.

Design development will begin in winter 2016, with construction completion anticipated in fall 2016. The amendatory agreement and project construction will result in the creation and/or retention of the equivalent of 20.2 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-13

Ordinance No. 2016-19
(Int. No. 25)

Authorizing an amendatory agreement with Clark Patterson Engineers, Surveyor, Architect and Landscape Architect, DPC

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 Clark Patterson Engineers, Surveyor Architect and Landscape Architect, DPC, for additional architectural services related to the renovation of the public hearing and payments areas of the Parking and Municipal Code Violations Bureau. Said amendment shall increase the maximum compensation by \$250,000, to a total of \$310,000, as well as include design development, contract documents, bidding and award, and construction administration phase services.

Section 2. Said agreement shall be funded from Dormitory Authority of the State of New York funds appropriated for capital projects in Ordinance No. 2015-120, and shall extend until three (3) months after the completion of a two year guarantee inspection of the project.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-20
Ordinance No. 2016-21
Re: Broad Street Bridge Preventive
Maintenance Project

Council Priority: Jobs and Economic
Development

Transmitted herewith for your approval is legislation related to the Broad Street Bridge Preventive Maintenance Project. This legislation will:

1. Establish \$700,000 as maximum compensation for an agreement with TY Lin International, 255 East Avenue, Rochester, NY 14604 for resident project representation (RPR) services;
2. Authorize the receipt and use of \$2,205,680 from anticipated reimbursements from the Federal Highway Administration (FHWA) which will be used to finance the federal portion of the construction and project administration phases;
3. Authorize the receipt and use of \$1,300,000 from anticipated reimbursements from the New York State Personal Income Tax (PIT) Bridge Initiative which will be used to finance the local portion of the construction and project administration phases;
4. Authorize the issuance of bonds totaling \$1,220,000 and the appropriate the proceeds thereof to finance the non-federal and non-State share of the construction and project administration phases; and
5. Authorize the mayor to enter into any necessary agreements with New York State Department of Transportation for any future Marchiselli Aid.

The project is designed by T.Y. Lin International, as authorized in February 2008 (Ord. No. 2008-56) and amended in November 2014 (Ord. No. 2014-350).

Recent bridge inspections indicate that the structural support systems have reached a point of deterior-

ration where preventative maintenance activities are warranted to prolong the life of the structure. Included in the project are the following work activities: full removal and replacement of the asphaltic wearing surface, partial and localized deck repairs, removal and replacement of curbs and sidewalks, substructure repairs, expansion joint replacements, new curbing, sidewalks, pedestrian amenities, landscaping, scenic overlooks, pedestrian refuge and Rochester's Heritage Trail. Rochester's Heritage Trail will be extended across the Genesee River linking heritage sites on both sides of the River. The trail provides overlooks, benches, medallions, landscaping, historic lighting and interpretation panels. Partial removal of the existing concrete parapet will be undertaken and replaced with a historic themed open railing system further enhancing the City's snow plowing operations.

The Broad Street Bridge Preventive Maintenance Project is a federal aid project administered by the City through the New York State Department of Transportation (NYSDOT). The City is eligible to receive a maximum of \$2,205,680 in federal highway transportation funds secured through the High Profile Project Program (HPP) and the Surface Transportation Program (STP). The City is eligible to receive a maximum of \$1,300,000 in Dedicated State Funds secured through the 2015 PIT Bridge Initiative Program. The remainder of the project is locally funded.

The project is eligible under the NYSDOT Marchiselli Aid program for reimbursement of up to 75% of the eligible local share (\$269,887) of the Surface Transportation Program. The Marchiselli Aid will be appropriated once the funds are authorized in the State Budget and will be used to offset the local share.

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

<u>Source</u>	<u>Construction</u>	<u>RPR</u>	<u>Contingency</u>	<u>Total</u>
FHWA (STP)	\$1,439,400	\$ 0	\$ 0	\$1,439,400
FHWA (HPP)	766,280	0	0	766,280
NYS (PIT)	1,073,013	226,987	0	1,300,000
Bridge Bond	746,987	473,013	0	1,220,000
Cash Capital	64,320	0	245,059	309,379
Total	\$4,090,000	\$700,000	\$245,059	\$5,035,059

T.Y. Lin International was selected to provide RPR services from the NYSDOT list of pre-approved regional engineering firms, which is described in the attached summary. The agreement may extend until two years after final acceptance of the project.

Construction is anticipated to begin in spring 2016, with substantial completion in the winter 2016. The construction phase of this project will result in the creation and/or retention of the equivalent of 57.5 full-time jobs.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AP-14

Ordinance No. 2016-20
 (Int. No. 26, as amended)

Authorizing the receipt and use of funds and an agreement related to the Broad Street Bridge Preventive Maintenance Project

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

Section 1. The Mayor is hereby authorized to enter into an agreement with T.Y. Lin International Engineering, Architecture & Land Surveying, P.C. in an amount not to exceed \$700,000, for resident project representation services related to the Broad Street Bridge Preventive Maintenance Project. Said agreement shall extend until two years after final acceptance of the project.

Section 2. The Mayor is hereby further authorized to enter into any necessary agreements with the New York State Department of Transportation for the receipt and use of Marchiselli Aid to be used for future costs related to the project.

Section 3. The Mayor is hereby authorized to enter into an agreement with the Federal Highway Administration for the receipt and use of anticipated reimbursements in an amount totaling \$2,205,680. Said funds shall be used to finance the Federal portion of the construction and project administration phases of the project.

Section 4. The Mayor is hereby authorized to enter into an agreement with the New York State PIT Bridge Initiative for the receipt and use of anticipated reimbursements in an amount totaling \$1,300,000. Said funds shall be used to finance the local portion of the construction and project administration phases of the project.

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

Section 6. This ordinance shall take effect immediately.

New text is underlined

Passed unanimously.

Ordinance No. 2016-21
(Int. No. 27, as amended)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,220,000 Bonds of said City to finance costs of the 2016 Broad Street Bridge Preventive Maintenance 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 2016 Broad Street Bridge Preventive Maintenance Project, including costs of design, repaving and structural rehabilitation of the Broad Street Bridge crossing the Genesee River (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 ~~\$5,296,896~~ \$5,035,059, and said amount is hereby appropriated therefor. The plan of financing includes receipt of \$2,205,680 from the Federal Highway Authority, the receipt of \$1,300,000 from the New York State PIT Bridge Initiative, application of ~~\$365,649~~ \$309,379 of the City's 2015-2016 Cash Capital and the issuance of \$1,220,000 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 \$1,220,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,220,000. 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. 10. 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.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-22
Re: Intermunicipal Agreements - County of Monroe for Parking Signs

Transmitted herewith for your approval is legislation authorizing an intermunicipal agreement with the County of Monroe for the fabrication, installation and maintenance of parking signs on roads within the city. The agreement will have an initial term of five years, with the option of five additional five-year renewals. The annual cost of the agreement is estimated at \$155,000 and will be funded by the 2015-16 Budgets of the Department of Environmental Services and Cash Capital, and by future budgets, contingent upon their approval.

The amount of this agreement is based upon the County's estimated cost for City parking signs during 2013 and 2014. Several times over the past decade, the City has compared the County's cost to that of private vendors and has found that the County sign shop charges 20-40% less per sign. Contracting with the County is more economical and the product is satisfactory.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-22
(Int. No. 28)

Authorizing an intermunicipal agreement with Monroe County for parking signs

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 Monroe County for the fabrication, installation, and maintenance of parking signs on roads within the jurisdiction of the City.

Section 2. The term of said agreement shall be for five (5) years, with the option of up to five (5) additional five (5) year terms.

Section 3. Said agreement shall have an approximate annual cost of \$155,000. The first year of said agreement shall be funded from the 2015-16 Budgets of the Department of Environmental Services and Cash Capital; subsequent years shall be funded from both budgets for subsequent years, contingent upon approval of said budgets.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-23
Re: Broad and Allen Firehouse Fuel Tank Replacement

Transmitted herewith for your approval is legislation related to the Broad and Allen Firehouse Fuel Tank Replacement Project. This legislation will authorize the issuance of bonds totaling \$224,000 to properly close and remove the existing 1,000 gallon underground storage tank (UST) and replace it with a new UST constructed and installed in accordance with Section 6 of the New York Code of Rules and Regulations Part 614. Stantec Consulting Services, Inc. is designing the project under a term agreement authorized via Ordinance No. 2014-346 at a cost of \$29,900 funded from the bonds appropriated herein.

The estimated cost of construction including contingency is \$211,000, and will be financed by the bonds authorized herein and bonds previously authorized via Ordinance No. 2012-105.

The Broad and Allen Firehouse Fuel Tank Replacement Project serves two resident fire companies and provides fueling services to other fire companies and City vehicles, such as snow plows and rescue vehicles. The existing tank is a double-walled 1,000 gallon diesel UST installed in 1993; it no longer meets the fueling needs of the fire house and is in need of upgrades to meet the New York State Department of Environmental Conservation (NYSDEC) UST requirements.

The project includes the following activities:

- Close and remove one 1,000 gallon diesel UST system, including the tank and associated piping and dispenser;
- Properly manage and dispose of contaminated soil that may be excavated at the site and prepare a tank closure report meeting NYSDEC requirements;
- Install a new diesel fueling system consisting of a UST, plus necessary piping and dispenser, and equipped with a tank system monitoring system and fuel management system that is compatible with the City's existing management system. Installation is to meet applicable NYSDEC and United States Environmental Protection Agency (EPA) requirements; and
- Complete various associated site improvements to optimize the functionality of this tightly constrained fueling area.

Design is anticipated to be completed in spring 2016. Construction of the project will begin in summer 2016 with completion by the end of summer 2016. The entire project will result in the creation and/or retention of the equivalent of 3.8 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-15

Ordinance No. 2016-23
(Int. No. 29)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$224,000 Bonds of said City to finance costs of the Broad & Allen Firehouse fuel tank replacement

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the costs of a fuel tank replacement for the City's Broad & Allen Firehouse, including costs of site remediation and removal and replacement of the existing 1,000 gallon underground storage tank (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 \$240,867, and said amount is hereby appropriated therefor. The plan of financing includes application of \$8,582 of bond proceeds previously authorized under Ordinance 12-105, 2012-2013 Cash Capital of \$8,285 and the issuance of \$224,000 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 \$224,000 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 \$224,000. 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. 88. of the Law, is ten (10) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be gen-

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-24
Re: Grant Appropriation - Remedial
Investigation, 354 Whitney and 415
Orchard Streets

Transmitted herewith for your approval is legisla-
tion authorizing the receipt and use of \$341,406
from the New York State Department of Environ-
mental Conservation (NYSDEC) Environmental
Restoration Program (ERP) grant to reimburse
additional remedial investigation activities at the
former AC Delco facility located at 354 Whitney
and 415 Orchard Streets.

This site consists of two parcels totaling approxi-
mately four acres. It was abandoned in the late
1990s, and the City acquired the properties at 354
Whitney and 415 Orchard Streets through tax fore-
closure in 2006 and 2008, respectively. All struc-
tures on these parcels have now been demolished.

Bond Ordinance 2011-305 for \$2,000,000 financed
the removal of asbestos and completion of demoli-
tion of the remaining structure on the 415 Orchard
Street parcel and the remainder of the subsurface
environmental cleanup. The City had previously
anticipated that the recently demolished building at
415 Orchard Street could be retained. Portions of
asbestos abatement and demolition can be ERP
grant eligible. As a result, in 2014, the Department
of Environmental Services (DES) requested addi-
tional grant funds of \$341,406 to offset eligible
asbestos and demolition related costs. DES was
notified in December 2015 that the additional grant
funds were approved.

This new funding will reimburse the City for a
portion of the asbestos abatement and demolition
project that was completed in 2015. Previous
NYSDEC grant funding in the amount of \$885,010
was approved under Ordinance Nos. 2006-107,
2007-353 and 2011-042. The new grant will bring
the total ERP grant amount for the Orchard Whit-
ney site to \$1,226,416.

The 1996 Bond Act Title 5 Environmental Restora-
tion Program provides grants which reimburse
municipalities for 90% of the cost for investigation
and cleanup of municipally-owned brownfield
sites. The program has been closed to new applica-
tions since 2009, but under some circumstances can
still provide additional grant funds for sites already
in the program.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-24
(Int. No. 30, as amended)

**Authorize agreement and appropriate funds
related to the environmental restoration
program at ~~345~~354 Whitney Street and 415 Or-
chard Street**

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

Section 1. The Mayor is hereby authorized to
enter into an agreement with the New York State
Department of Environmental Conservation, Envi-
ronmental Restoration Program (ERP) for the re-
ceipt and use of anticipated reimbursements in an
amount totaling \$341,406, to finance asbestos
abatement and demolition at ~~345~~ 354 Whitney
Street and 415 Orchard Street (collectively, the
Site). Said funds are hereby appropriated for the
purpose set herein.

Section 2. Said funds shall be in addition to
ERP grant funding in the amount of \$885,010,
approved and authorized for previous environmen-
tal restoration work at the Site pursuant to Ordi-
nance Nos. 2006-107,2006-149,2007-353, and
2011-42.

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

Section 4. This ordinance shall take effect im-
mediately.

Strikeout indicates deleted text, new text is under-
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Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-25
Re: Agreement - Environmental Review
Lead Agency

Transmitted herewith for your approval is legisla-
tion authorizing an agreement between the City
Council and the Mayor for the coordination of
environmental review actions in which both parties
are involved. This is an on-going agreement that is
reauthorized every two years, in accordance with
the terms described below. This continues a long-
standing relationship that greatly expedites envi-
ronmental review for projects.

The requirement for environmental review of cer-
tain actions is specified by the New York State
Environmental Quality Review Act and Chapter 48
of the City Code. When, under these regulations,
more than one governmental body is involved in
one of these actions, a lead review agency must be
designated.

To avoid delays resulting from the requirement of
formal approval by a majority of Council members,
since 1987, Council has authorized agreements that
designate the Administration to serve as the lead
agency for all actions in which both parties are
involved, giving the Council President ten days to
assume the lead agency designation, if desired.

Under the subject agreement, for any relevant ac-
tion, the Mayor will continue to notify the Council
that an environmental review is required and will
be conducted by the Administration as lead agency.
Upon receipt of notification, the President will
advise the Council in writing of the proposed action

and request comments within 10 days. The President may, within the 10-day period, advise the Mayor that the provisions of the agreement will not apply and that formal consideration of the designation of a lead agency by the Council will instead be required.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-25
(Int. No. 31)

Authorizing a lead agency agreement between the City Council and the Mayor regarding environmental review

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

Section 1. The President of the Council is hereby authorized to enter into an agreement with the Mayor for a term of two years, to create a coordinated environmental lead agency review procedure pursuant to Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Municipal Code, for actions which involve discretionary decisions by the City Council and the Mayor.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-26
Re: Agreement - S-G Marina, Port of Rochester Marina Operations

Council Priorities: Deficit Reduction and Long-Term Financial Stability; Creating and Sustaining a Culture of Vibrancy; Jobs and Economic Development

Transmitted herewith for your approval is legislation authorizing an agreement with S-G Marina, Milwaukee, Wisconsin, for the promotion, marketing and operation of the Port of Rochester Marina.

Under the proposed agreement S-G Marina will promote, market, operate, and maintain the new Port of Rochester Marina facility including the marina docks, the City's public boat launch, the marina boater services facility in the terminal link building, and the 1,100 foot long terminal dock wall. Construction of the Port of Rochester Marina will be completed in May 2016. The new internal basin will feature 55 seasonal finger slips and 30 broadside transient slips.

The term of this agreement will be three years with

two one-year optional renewals. Under the proposed agreement, each year S-G Marina will submit an annual expense and revenue budget to the City in November for the next fiscal year. The City's expenses for this agreement will be financed from the annual budget of the Department of Environmental Services. Under the proposed agreement structure the City will receive all revenues from the operation of the Port marina facilities and pay S-G Marina for the operating expenses of the marina plus a marina management fee.

As an incentive to achieve high slip occupancy rates and improved usage of the facilities, the management fee will be 18% of the gross revenues of the facility operations, but no less than a minimum of \$2,500 per month. S-G Marina's expense and revenue projections are attached. In addition to an annual evaluation of the operating performance of the marina the City will perform annual financial audits of S-G Marina's operation.

On October 28, 2015, the Department of Environmental Services issued a request for proposals for the marketing, promotion, operation and maintenance of the marina. A site visit was conducted on November 16, 2015. Three proposals were received. The vendor selection form is attached.

S-G Marina is recommended based on its experience in promoting, marketing and operating marinas, the on-going success that their other marinas have exhibited, the hospitality-focused strategy it presented in its proposal and interview, and the competitiveness of the proposed fee and contract price structure. S-G Marina also proposes to hire the current president of the Port of Charlotte Merchants Association as part of its marina management team responsible for customer service, marketing, and promotion. S-G Marina will hire qualified local dock staffing.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-16

Ordinance No. 2016-26
(Int. No. 32)

Authorizing an Operations and Maintenance Agreement related to the Port of Rochester Marina

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 S-G Marina for the operation and maintenance of the Port of Rochester Marina. Said agreement shall be for a term of three (3) years with the option of two (2) one (1) year renewals. Said agreement shall obligate the City to pay a fee of 18% of the gross revenue of the marina operations but no less than \$2,500 per month, for the first year of said agreement.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-27
Re: Broad Street Bridge Preventive
Maintenance Project - Geometric
Changes

Council Priority: Jobs and Economic
Development

Transmitted herewith for your approval is legislation authorizing geometric changes on Broad Street from Exchange Boulevard to South Avenue as part of the Broad Street Bridge Preventive Maintenance Project. The specific changes are detailed in the attached legislation.

The change in pavement width complies with the City's complete street policy (Ord. 2011-356), enhances winter plowing operations across the bridge and provides space for the installation of pedestrian amenities, landscaping, scenic overlooks, pedestrian refuge and the Heritage Trail. The Heritage Trail will be extended across the Genesee River, linking heritage sites on both sides of the river, including the overview of the Main Street bridge (c.1857), Court Street bridge (c.1893), early river walls, Erie Canal Aqueduct (c.1825), Rundel Library (c.1933), remnants of Hervey Ely's c.1828 Red Mill grist mill, the 1905 LVRK Train Station and the Johnson Seymour raceway (c.1820). The Heritage Trail provides overlooks, benches, medallions, landscaping, historic lighting and interpretive panels. Partial removal of the existing concrete parapet (found along the bridge sidewalk) will be undertaken and replaced with an historic themed open railing system that opens up views to the river, provides context of the site and aids in snow removal operations.

The geometric changes were reviewed and approved by the Traffic Control Board on November 17, 2015. The project has also been reviewed and supported by the State of New York, Federal Highway Administration, Monroe County Department of Transportation, the Landmark Society of Western New York and the City's Preservation Board.

The project is designed by T.Y. Lin International, as authorized in February 2008 (Ord. No. 2008-56) and amended in November 2014 (Ord. No. 2014-350).

The Broad Street Bridge Preventive Maintenance Project repurposes funds from the former Erie Canal Aqueduct Redevelopment Project, and is a federal aid project administered by the City through the New York State Department of Transportation.

Construction is anticipated to begin in spring 2016, with substantial completion in the winter 2016.

A public hearing on the pavement width changes was held at the December 2015 Council Meeting.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-17

Ordinance No. 2016-27
(Int. No. 33)

Authorizing pavement width changes related to the Broad Street Bridge Preventive Maintenance Project

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

Section 1. In furtherance of the Broad Street Bridge Preventive Maintenance Project authorized in Ordinance No. 2014-350, Council hereby approves the following pavement width changes on Broad Street:

- From Exchange Boulevard to approximately 185 feet to the east of the intersection, the pavement shall be narrowed 10 feet to provide a pavement width of 72 feet. From that point extending 290 feet to the east, the pavement shall be narrowed between 12 feet and 6 feet to provide a pavement width of 48 feet. Such 48-foot width shall extend to approximately 365 feet from the South Avenue intersection. From that point, the pavement width shall taper as it approaches the South Avenue intersection with the existing and proposed width remaining approximately the same.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-28
Re: Authorizing a Traffic Flow Change -
Lenox Street

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation authorizing a change in the direction of traffic flow on Lenox Street, between Genesee and Epworth Streets, from one-way eastbound to one-way westbound traffic.

The Lenox Street westbound one-way is requested by the Lenox Street Block Club on behalf of the residents and property owners on Lenox Street in order to discourage cut-through traffic from using their street. By reversing the direction of traffic

flow on the street, vehicles would no longer be able to access the street from Genesee Street, which should reduce the amount of cut-through traffic substantially, thereby enhancing safety and quality of life.

A petition with support from 70% of the street's residents was reviewed and verified by Department of Environmental Services staff, as required. The change to westbound one-way was reviewed and endorsed by the City's Traffic Control Board at its November 4, 2015 meeting.

A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-18

Ordinance No. 2016-28
(Int. No. 34)

Authorizing a change in traffic flow on Lenox Street

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

Section 1. The Council hereby approves a change in the direction of the traffic flow on Lenox Street between Genesee Street and Epworth Street from one-way eastbound to one-way westbound traffic.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-29
Re: Kilmar Street Group Project

Transmitted herewith for your approval is legislation authorizing changes in pavement width required for the Kilmar Street Group project as follows:

1. For Shady Lane, an increase of 4 feet, from 20 feet to 24 feet, from Hudson Avenue to Kilmar Street; and
2. For Kilmar Street, an increase of 4 feet, from 20 feet to 24 feet, beginning at Rexford Street northward to Dunn Street; and
3. For Rexford Street, an increase of 2 feet, from 20 feet to 22 feet, beginning at Kilmar Street eastward to Northlane Drive; and
4. For Le Frois Street, a decrease of 1 foot, from 23 feet to 22 feet, beginning at Kilmar Street eastward to Northlane Drive; and
5. For Milan Street, a decrease of 2 feet, from 26

feet to 24 feet, beginning at Northlane Drive eastward to Baird Street.

In addition to pavement width changes, this project includes the reconstruction of Shady Lane, Rexford and Le Frois Streets; rehabilitation of Kilmar Street; and curb replacement on Milan Street. A new water main will also be installed on Shady Lane. The project is being designed by the City's Department of Environmental Services, Bureau of Architecture and Engineering.

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

A public meeting was held on December 9, 2015; copies of the meeting minutes are attached. The pavement width changes were endorsed at the December 15, 2015 Traffic Control Board meeting.

It is anticipated that the design will be completed in early spring of 2016 and construction will begin in late spring of that year with substantial completion by fall of 2016.

A public hearing on the pavement width changes is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-19

Ordinance No. 2016-29
(Int. No. 35)

Approving geometric changes related to the Kilmar Street Group reconstruction, rehabilitation, and curb replacement

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

Section 1. The Council hereby approves the following changes in the pavement width related to the Kilmar Street Group reconstruction, rehabilitation, and curb replacement:

1. Changes to pavement width of Shady Lane:
An increase of 4 feet, from 20 feet to 24 feet, from Hudson Avenue to Kilmar Street.
2. Changes to pavement width of Kilmar Street:
An increase of 4 feet, from 20 feet to 24 feet, beginning at Rexford Street and northward to Dunn Street.
3. Changes to pavement width of Rexford Street:
An increase of 2 feet, from 20 feet to 22 feet, beginning at Kilmar Street and eastward to Northlane Drive.
4. Changes to pavement width of Le Frois Street:

A decrease of 1 foot, from 23 feet to 22 feet, beginning at Kilmar Street and eastward to Northlane Drive.

5. Changes to pavement width of Milan Street:

A decrease of 2 feet, from 26 feet to 24 feet, beginning at Northlane Drive and eastward to Baird Street.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-30
Re: Official Map Amendment - Dedication
of Celebration Drive

Transmitted herewith for your approval is legislation amending the Official Map by dedicating a 770 foot length of 100 foot wide right-of-way created from land formerly known as 1365 Mt. Hope Avenue as right-of-way known as Celebration Drive. This street is situated east of East Drive (a private street owned by the University of Rochester), Elmwood Avenue, Mt. Hope Avenue, and Crittenden Boulevard.

The City Planning Commission, in its December 21, 2015 meeting recommended approval of this dedication by a vote of 6-0. Minutes of that meeting, along with the application, are attached.

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

A public hearing is required.

Respectfully submitted,
Lovely Warren
Mayor

Attachment No. AP-20

Ordinance No. 2016-30
(Int. No. 36)

Amending the Official Map by dedicating Celebration Drive

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

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating the following parcel to street purposes and naming said parcel Celebration

Drive:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, more particularly described as follows:

Beginning at a point in the Westerly Right of Way for Mt Hope Avenue, said point being the Northeast corner of Lot 5 as shown on a subdivision map filed at the Monroe County Clerk's office under Map Liber 346 at page 24; thence

- 1) N 29°09'29" W along the Northerly boundary of said Lot 5 a distance of 19.42 feet to a point; thence
- 2) N 80°25'10" W along the Northerly boundary of said Lot 5 a distance of 29.58 feet to a point; thence
- 3) S 85°57'25" W along the Northerly boundary of said Lot 5 and the Northerly boundary of Lot's 6 and 9 a distance of 487.40 feet to a point, said point being in the Easterly boundary of Tax Parcel 136.53-1-8.1; thence
- 4) N 3°27'42" W along the Easterly boundary of Tax Parcel 136.53-1-8.1 a distance of 34.98 feet to a point; thence
- 5) S 86°32'18" W along the Northerly boundary of Tax Parcel 136.53-1-8.1 a distance of 206.04 feet to a point; thence
- 6) N 4°02'35" W a distance of 28.93 feet to a point, said point being the Southwest corner of Lot 10 as shown on a subdivision map filed at the Monroe County Clerk's office under Map Liber 346 at page 24; thence
- 7) N 85°57'25" E along the Southerly boundary of said Lot 10 and the Southerly boundary of Lot's 2, 3, 4, and 8 a distance of 764.35 feet to a point in the Westerly Right of Way for Mt Hope Avenue; thence
- 8) S 16°41'46" W along the said Westerly Right of Way of a distance of 96.83 feet to the POINT OF BEGINNING.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
January 19, 2016

To the Council:

The Public Safety, Youth & Recreation Committee recommends for adoption the following entitled legislation:

Int. No. 37 - Authorizing an agreement for a

Tactical Team Grant

Int. No. 38 - Authorizing an agreement for the Motor Vehicle Theft and Insurance Fraud Prevention Program and amending the 2015-16 Budget

Int. No. 39 - Authorizing an agreement with the Rochester City School District related to School Resource Officers

Int. No. 41 - Authorizing the loaned use of a foam trailer and equipment for fire suppression

The following entitled legislation is being held in Committee:

Int. No. 40 - Authorizing an agreement related to body worn cameras

Int. No. 42 - Authorizing agreement for Rochester Police Department camera system

Respectfully submitted,
Adam C. McFadden
Molly Clifford
Matt Haag
Dana K. Miller
Loretta C. Scott
PUBLIC SAFETY, YOUTH & RECREATION
COMMITTEE

Received, filed, and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-31
Re: Agreement - New York State Division
of Homeland Security and Emergency
Services, 2015 Tactical Team Grant
Program

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Homeland Security and Emergency Services for the receipt and use of the 2015 Tactical Team Grant Program in the amount of \$99,980.

This grant will be used to enhance and maintain the capabilities of the Police Department's SWAT team and the interoperability between all special teams. The grant budget includes funds for training in leadership, decision-making, breaching, chemical munitions, noise-flash devices, less-than-lethal devices and associated travel expenses. It also funds the following equipment: a low-light device for the canine teams, a system to store and transport food, water and critical equipment for deployments in the region, a reconnaissance throw robot, replacement noise-flash devices, two ATF-certified storage devices for noise-flash devices, and two ballistic shields.

The previous Tactical Team Grant was authorized by City Council in February 2014 (Ord. No. 2014-51). The term of this agreement is December 7,

2015 through August 31, 2018. No matching funds are required.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-31
(Int. No. 37)

Authorizing an agreement for a Tactical Team 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 Homeland Security and Emergency Services for the receipt and use of funds for a Tactical Team Grant Program in the amount of \$99,980, for the Rochester Police Department.

Section 2. The term of this agreement shall be from December 7, 2015, through August 31, 2018.

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

Section 4. The sum of \$99,980 is hereby appropriated from funds to be received under the grant agreement authorized herein to fund the purchase of equipment and supplies related to the Program.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-32
Re: Agreement - New York State Division
of Criminal Justice Services, Motor
Vehicle Theft and Insurance Fraud
Prevention Grant

Council Priority: Public Safety

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 \$44,336 for the Motor Vehicle Theft and Insurance Fraud Prevention (MVTIFP) grant, and amending the 2015-16 Budget of the Police Department by \$23,000 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 \$42,336 to support Police Department deployment in high-theft areas and increased investigations of insurance fraud. The grant also provides funds to train police officers in specialized anti-theft techniques and technology. This grant does not cover fringe which is estimated at \$13,611.

The previous MVTIFP award was authorized by City Council in March 2015 (Ord. No. 2015-77). The term of this agreement is January 1, 2016 through December 31, 2016.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-32
(Int. No. 38)

Authorizing an agreement for the Motor Vehicle Theft and Insurance Fraud Prevention Program and amending the 2015-16 Budget

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 receipt and use of funds for the Motor Vehicle Theft and Insurance Fraud Prevention Program in the amount of \$44,336 and such funds are hereby appropriated for said purpose. The term of this agreement shall be January 1, 2016 through December 31, 2016.

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

Section 3. Ordinance No. 2015-167, the 2015-16 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$23,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-33
Re: Agreement - Rochester City School District, School Resource Officers

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

Transmitted herewith for your approval is legislation authorizing the Mayor to enter into an agreement with the Rochester City School District (RCSD) for funding up to \$1,068,337 as partial reimbursement of the cost to provide sworn City of Rochester Police Officers to serve as School Resource Officers at RCSD facilities. The term of this agreement is from July 1, 2015 through June 30, 2016.

Police Officers have been assigned as School Resource Officers since 1999 to assist in maintaining safe school environments. The cost for the service

then, and through 2003, was supported in part by a federal grant. From 2003 to 2007, the total cost was absorbed by the City. During the development of the 2007-08 City budget, and following extensive negotiations with RCSD, it was agreed that the RCSD would provide annual support for the School Resource Officers. Negotiations for the current school year have just come to completion.

Some of the duties of the School Resource Officers include functioning as role models for students, providing a police presence in the school, anti-truancy enforcement, and handling calls for service that originate within the school setting.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-21

Ordinance No. 2016-33
(Int. No. 39)

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

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District (RCSD) for the receipt and use of funds in an amount not to exceed \$1,068,337, from the RCSD as partial reimbursement for the cost to provide sworn City of Rochester Police Officers to serve as School Resource Officers at RCSD facilities.

Section 2. The term of said agreement shall extend from July 1, 2015, through June 30, 2016.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-34
Re: Agreement - New York State Department of Homeland Security and Emergency Services, Foam Trailer Loan

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Homeland Security and Emergency Services (DHSES) for the loan and use of a foam trailer and equipment for fire suppression. The term of the agreement is two years upon ap-

proval of the Office of State Comptroller, with an option to renew for an additional two years.

The loan of the foam trailer and fire suppression equipment is provided to enhance the ability of the Rochester Fire Department (RFD) to assist in and support fire suppression efforts at incidents involving crude oil and other flammable liquids. In 2014 the State formed a Foam Task Force consisting of local and State representatives to conduct a review of safety procedures and emergency response preparedness related to the shipments of volatile crude oil throughout the state. It was determined that the State would acquire foam trailers, equipment and supplies, and pre-position the equipment at strategic locations with participating agencies to support enhancement of rapid response to crude oil incidents.

While in receipt of the trailer and equipment, the City of Rochester is responsible for the maintenance of the equipment and replacement of expendable supplies, such as foam totes for local responses. New York State DHSES is responsible for equipment maintenance and supplies for state-wide responses. In return for the use of the foam trailer, the RFD must provide a dedicated vehicle to tow the trailer and trained staff for response to a crude oil incident. Existing apparatus is being utilized as the dedicated vehicle and retrofitted with a tow hitch at a cost to the City of approximately \$5,300. The value of the trailer and equipment is \$77,400. The apparatus and trailer will be stationed at the Emerson Street firehouse.

The estimated costs associated with the maintenance and tow vehicle will be absorbed by the current and future budgets of the Fire Department.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-34
(Int. No. 41)

Authorizing the loaned use of a foam trailer and equipment for fire suppression

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 Homeland Security and Emergency Services for the loaned use of a foam trailer and fire suppression equipment in order to enhance the capabilities of the Rochester Fire Department to respond to and support fire suppression at incidents involving crude oil and other ignitable liquids.

Section 2. The term of the agreement shall be for two years, commencing with the approval of the agreement by the Office of State Comptroller, with an option to renew for an additional term of up to two years.

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

deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 40 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-35
Re: Agreement - Municipal Emergency Services, Inc., Body-Worn Cameras

Council Priority: Public Safety

Transmitted here with for your approval is legislation related to the police body-worn cameras. This legislation will:

1. Amend the 2015-16 Budget (Ord. No. 2015-167) by transferring \$356,300 from Contingency to Cash Capital; and
2. Establish \$856,300 as maximum compensation for an agreement with Municipal Emergency Services, Inc. for body-worn cameras, docking stations, and associated items. The term of the agreement will be for five years from the date of contract signature, and will be funded from 2015-16 Cash Capital (\$356,300) and a portion of the US Department of Justice grant (\$500,000) for the Body-Worn Cameras Pilot Implementation Program approved in November 2015 via Ordinance No. 2015-377.

Municipal Emergency Services Inc. was selected through a request for proposals process, which is described in the attached summary.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-22

Ordinance No. 2016-35
(Int. No. 40)

Authorizing an agreement related to body worn cameras

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 Municipal Emergency Services Inc., for the provision of body worn cameras, docking stations, and other associated items. This agreement shall obli-

gate the City to pay an amount not to exceed \$856,300.

Section 2. Ordinance No. 2015-167, the 2015-16 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$356,300 from the Contingency to Cash Capital to finance a portion of the agreement authorized herein. The remaining costs of said agreement shall be funded by \$500,000, from the Body Worn Cameras Pilot Implementation Program established by Ordinance No. 2015-377. Said agreement shall have a term of five (5) years.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 42 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-36
Re: Agreement - Hitachi Data Systems Corporation, Police Camera Maintenance

Council Priority: Public Safety

Transmitted herewith for your approval is legislation establishing \$250,000 as maximum compensation for an agreement with Hitachi Data Systems Corporation (HDS), Santa Clara, California, to provide maintenance and support for the Rochester Police Department (RPD) Overt Camera System. The term of this agreement will be for one year, with the option for four one-year renewals. The cost of the agreement will be funded from the 2015-16 Budgets of RPD and Information Technology Department and their future budgets, contingent upon approval of said budgets.

Camera maintenance support will include, but not be limited to:

- Installation, replacement, and routine maintenance of surveillance cameras
- Installation, replacement, and routine maintenance of the associated video network
- Routine cleaning of camera enclosures, domes and lenses
- Remote management for all internet protocol (IP) enabled components of the system

- Parts inventory maintenance reporting on the status of inventory
- Routine reporting on all issues, repairs and service tickets and current inventory
- Daily camera audits

A request for proposals was issued on September 23, 2015 on the City Website and sent directly to five companies. Responses were received from six companies and two vendors were invited for additional meetings. A vendor consultant selection process summary form is attached.

Additional cameras will be purchased from HDS through New York State Office of General Services contract agreements. The installation and maintenance of all cameras will be performed by HDS as part of this agreement.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-23

Ordinance No. 2016-36
(Int. No. 42)

Authorizing agreement for Rochester Police Department camera system

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 Hitachi Data Systems Corporation (SDS) to maintain, install and manage the overt camera system for the Rochester Police Department. The sum of \$250,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for such services. Said amount shall be funded from the operating budgets of the Rochester Police Department and the Department of Information Technology, contingent upon adoption of such budgets.

Section 2. The term of the agreement shall be for one year with an option of up to four one-year renewals.

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.

The meeting was adjourned at 8:08 p.m.

HAZEL L. WASHINGTON
City Clerk

REGULAR MEETING
FEBRUARY 25, 2016

Present - President Scott Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Absent - None - 0.

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

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

Recognition Ceremony

Retirement:

Environmental Services

*Oscar Beasley

*Joann D. Beck

Police Department

Michael Prince

*Edward A. Alberto

*Mark G. DiBelka

*Winifred A. Fuchs

*Jeanette M. Sawnor

**Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Patterson

RESOLVED, that the minutes of the Regular Meeting of January 19, 2016 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

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

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges (2) 4215-16, 4219-16

Public Disclosure - HOME Participation (5) 4216-16, 4217-16, 4218-16, 4220-16, 4221-16

PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.

Councilmember Haag submits a petition with 2,315 signatures in favor of saving the abandoned subway tunnel located in downtown Rochester. Petition No. 1724

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
February 25, 2016

To the Council:

The Finance Committee recommends for adoption

the following entitled legislation:

Int. No. 44 - Appropriating Firefighters' Insurance Funds

Int. No. 45 - Appropriation from the Insurance Reserve Fund

Int. No. 68 - Resolution nominating various persons for membership on the Rochester-Genesee Regional Transportation Authority

Int. No. 69- Resolution nominating various persons for membership on the Rochester-Genesee Regional Transportation Authority

Int. No. 70 - Resolution nominating various persons for membership on the Rochester-Genesee Regional Transportation Authority

Respectfully submitted,

Molly Clifford

Dana K. Miller

Loretta C. Scott

FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-37
Re: Firefighters' Insurance Fund

Transmitted herewith for your approval is legislation authorizing expenditures from the Firefighters' Insurance Fund ("Two Percent Fund") as per the settlement agreement between the Rochester Firefighters, Inc., Local 1071, IAFF, AFL-CIO and the City of Rochester dated August 7, 2012. This legislation will:

- 1) Appropriate \$310,000 from the Firefighters' Insurance Fund at the request of the Rochester Firefighters Two Percent Committee to benefit City firefighters.
- 2) Appropriate \$183,303.17 from the Firefighters' Insurance Fund for uses nominated by the City to benefit City firefighters.

The Firefighters' Insurance Fund is the City Fund established to collect and distribute monies received from the State pursuant to Sections 9104 and 9105 of the Insurance Law, and is under the custody of the City Treasurer.

Ordinance No. 2012-313 authorized the settlement agreement resulting from litigation brought by Rochester Firefighters Local 1071. These funds must be used in a manner that is consistent with the Court Order and with the provisions of Insurance Law Sections 9104 and 9105. Fund expenditures must be for the benefit of firefighters as provided in statutory law, case law, administrative rules and regulations, and the New York State Comptroller's Opinions.

In accordance with the settlement agreement, the

firefighters have formed a not-for-profit corporation named the Rochester Firefighters Two Percent Committee (TPC) to be the firefighters' representative for purposes of the Fund. Items to be paid from the Fund may be nominated by the firefighters or by the City.

The following are firefighter nominated items submitted by the TPC to be appropriated from the Firefighters' Insurance Fund:

- 1) Firehouse items set forth in Section 1G of the original agreement (\$90,000).
- 2) Firehouse items not identified in Section 1G of the agreement, to be approved by the TPC in accordance with New York State Comptroller's Opinions and Insurance Law Sections 9104 and 9105 (\$200,000).
- 3) Legal and accounting expenses (\$20,000).

The following are City nominated items submitted by the TPC to be appropriated from the Firefighters' Insurance fund:

- 1) Snow plow services for apparatus bay driveways at firehouses (\$51,000).
- 2) Linen and laundry expense (\$80,000).
- 3) Small equipment and minor firehouse renovations (\$50,303.17).
- 4) Audit of the Two Percent Fund (\$2,000).

The City of Rochester has engaged Freed Maxick to conduct an audit of the Two Percent Fund held by the City of Rochester and the TPC. The cost of the audit is estimated at \$2,000, of which the City will pay 30% and the TPC will pay 70%, as per Section 1J of the agreement. The cost of the audit will be funded from the respective Two Percent Fund accounts controlled by the City of Rochester.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-37
(Int. No. 44)

Appropriating Firefighters' Insurance Funds

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

Section 1. The following funds are hereby appropriated from the Firefighters' Insurance Fund (Two Percent Fund) for the following purposes to benefit the firefighters of the City in accordance with the terms of the settlement agreement with Rochester Firefighters Local 1071 dated August 7, 2012 (Agreement) that was authorized in Ordinance No. 2012-313:

Firefighter Nominated Items:

- 1) Fire house items set forth in Section 1G of

the Agreement (\$90,000).

- 2) Fire house items not identified in Section 1G of the Agreement, to be approved by the Rochester Firefighters Two Percent Committee (Two Percent Committee) in accordance with NY State Comptroller's Opinions and Insurance Law Sections 9104 and 9105 (\$200,000).

- 3) Legal and accounting expenses (\$20,000).

Firefighter Total: \$310,000.

City Nominated Items:

- 1) Snow plow services for apparatus bay driveways at firehouses (\$51,000).
- 2) Linen and laundry expense (\$80,000).
- 3) Small equipment and minor firehouse renovations (\$50,303.17).
- 4) Audit of the Two Percent Fund held by the City of Rochester and the Two Percent Committee (\$2,000).

City Total: \$183,303.17.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-38
Re: Appropriation - Insurance Reserve Fund

Council Priority: Deficit Reduction and Long-Term Financial Stability

Transmitted herewith for your approval is legislation appropriating \$4 million from the Insurance Reserve Fund to finance the payment of general liability claims.

The City is self-insured against all general liability, auto and personal claims, for which purpose the Insurance Reserve Fund is maintained. All claims are paid from this fund.

The monies maintained as reserves are invested until needed for disbursement. The interest earned on these investments is added to the fund balance. Interest income for fiscal year 2014-15 was \$38,270.

At present, the fund balance is \$17,364,128; of that amount, \$1,091,827 is appropriated for disbursement. Under the proposed legislation, an additional \$4 million will be appropriated for the payment of claims, leaving an unappropriated balance of \$12,272,301.

The most recent appropriation was for \$3 million

and was approved by City Council in July 2012.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-25

Ordinance No. 2016-38
(Int. No. 45)

Appropriation from the Insurance Reserve Fund

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

Section 1. There is hereby appropriated from the Insurance Reserve Fund the sum of \$4 million, or so much thereof as may be necessary, to finance the payment of general liabilities and claims against the City.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Conklin moved to return Int. Nos. 68, 69, and 70 to Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 68,
Introductory No. 69 &
Introductory No. 70
Re: RGRTA Appointments

Transmitted herewith for your approval is legislation nominating the following persons for appointment to the Rochester-Genesee Regional Transportation Authority (RGRTA).

- Appointment:
- | | |
|---|---|
| Jerdine L. Johnson
45 Crawford Street
Rochester, NY 14620 | Willie Joe Lightfoot
147 Trafalgar Street
Rochester, NY 14619 |
| William P. McDonald
76 Elmcroft Road
Rochester, NY 14609 | Juanita Ball
201 Cedarwood Terrace
Rochester, NY 14609 |
| Paul E. Haney
424 Broadway
Rochester, NY 14607 | Michael L. Mason
285 Wellington Avenue
Rochester, NY 14619 |

Pursuant to section 1299dd of the NYS Public Authorities Law, the Commissioners of the RGR-TA are appointed by the Governor with the advice and consent of the Senate. The persons considered for appointment are nominated by the legislative

bodies of the participating municipalities. Two nominations are required for each commissioner position, along with a recommendation of one of the two.

The recommendation of the City Council to the Governor for the Commissioners representing the City of Rochester are Jerdine L. Johnson, William P. McDonald and Paul E. Haney.

The length of term for each Commissioner is five years. The résumé of each nominee is on file with the City Clerk and will be forwarded to the Governor's Office for his further review and consideration.

Respectfully submitted,
Loretta C. Scott
President

Introductory No. 68

RESOLUTION NOMINATING VARIOUS PERSONS FOR MEMBERSHIP ON THE ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY

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

Section 1. The Council of the City of Rochester hereby nominates the following two persons to fill a single vacancy on the Rochester-Genesee Regional Transportation Authority created by the expiration of the term of Thomas R. Argust:

- | | |
|---|---|
| Jerdine L. Johnson
45 Crawford Street
Rochester, NY 14620 | Willie Joe Lightfoot
147 Trafalgar Street
Rochester, NY 14619 |
|---|---|

Section 2. Pursuant to section 1299-dd of the Public Authorities Law, the Council hereby requests that the Governor of the State of New York appoint one of the persons named in Section 1 to fill the vacancy on the Rochester-Genesee Regional Transportation Authority. The Council hereby recommends the appointment of Jerdine L. Johnson to such position because of her interest and expertise in the community and regional transit activities of the Rochester-Genesee Regional Transportation Authority.

Section 3. The City Clerk is hereby authorized and directed to transmit copies of the Resolution to the Governor and to the Rochester-Genesee Regional Transportation Authority.

Section 4. This resolution shall take effect immediately.

Held in Committee.

Introductory No. 69

RESOLUTION NOMINATING VARIOUS PERSONS FOR MEMBERSHIP ON THE ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY

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

Section 1. The Council of the City of Rochester hereby nominates the following two persons to fill a single vacancy on the Rochester-Genesee Regional Transportation Authority created by the expiration of the term of Karen C. Pryor:

William P. McDonald Juanita Ball
76 Elmcroft Road 201 Cedarwood Terrace
Rochester, NY 14609 Rochester, NY 14609

Section 2. Pursuant to section 1299-dd of the Public Authorities Law, the Council hereby requests that the Governor of the State of New York appoint one of the persons named in Section 1 to fill the vacancy on the Rochester-Genesee Regional Transportation Authority. The Council hereby recommends the appointment of William P. McDonald to such position because of his interest and expertise in the community and regional transit activities of the Rochester-Genesee Regional Transportation Authority.

Section 3. The City Clerk is hereby authorized and directed to transmit copies of the Resolution to the Governor and to the Rochester-Genesee Regional Transportation Authority.

Section 4. This resolution shall take effect immediately.

Held in Committee.

Introductory No. 70

RESOLUTION NOMINATING VARIOUS PERSONS FOR MEMBERSHIP ON THE ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY

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

Section 1. The Council of the City of Rochester hereby nominates the following two persons to fill a single vacancy on the Rochester-Genesee Regional Transportation Authority created by the expiration of the term of Barbara J. Jones:

Paul E. Haney Michael L. Mason
424 Broadway 285 Wellington Avenue
Rochester, NY 14607 Rochester, NY 14619

Section 2. Pursuant to section 1299-dd of the Public Authorities Law, the Council hereby requests that the Governor of the State of New York appoint one of the persons named in Section 1 to fill the vacancy on the Rochester-Genesee Regional Transportation Authority. The Council hereby recommends the appointment of Paul E. Haney to such position because of his interest and expertise in the community and regional transit activities of the Rochester-Genesee Regional Transportation Authority.

Section 3. The City Clerk is hereby authorized and directed to transmit copies of the Resolution to

the Governor and to the Rochester-Genesee Regional Transportation Authority.

Section 4. This resolution shall take effect immediately.

Held in Committee.

By Council Vice President Miller
February 25, 2016

To the Council:

The Business & Economic Development Committee recommends for adoption the following entitled legislation:

Int. No. 46 - Authorizing amendatory agreements and appropriating additional funds for real estate appraisal services

Respectfully submitted,
Dana K. Miller
Michael A. Patterson
Elaine M. Spaul
Loretta C. Scott
BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-39
Re: Amending Ordinance No. 2015-224 - Appraisal Services

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

Transmitted herewith for your approval is legislation amending Ordinance No. 2015-224 which authorized agreements with Pogel, Schubmehl & Ferrara, LLC, Midland Appraisal Associates, Inc., Bruckner, Tillett, Rossi, Cahill & Associates and Monroe Barrie Corporation d/b/a Metro Appraisal Associates for appraisal services as required by the City during the 2015-16 fiscal year.

This amendment will increase funding for the following agreements:

Amt. Auth'd Via <u>Ord. 2015-224</u>	Amendment <u>Amount</u>	<u>New Total</u>
Pogel, Schubmehl & Ferrara, LLC \$ 9,500	\$5,000	\$14,500
Monroe Barrie Corporation <u>9,500</u>	<u>5,000</u>	<u>14,500</u>
Total \$19,000	\$10,000	\$29,000

The source of funds for the amendatory amount is 2014-15 Cash Capital.

In October 2015, Ordinance No. 2015-224 was similarly amended, increasing funding by \$5,000 for a total of \$14,500 each for agreements with

Midland Appraisal Associates, Inc. and Bruckner, Tillet, Rossi, Cahill & Associates (Ord. No. 2015-323). At that time, the demand for appraisals associated with the City's property acquisitions came to be greater than what was originally anticipated largely due to the redevelopment of Bull's Head.

The additional funding requested herein is also a result of increased acquisitions for Bull's Head, which have proven far greater than anticipated. It is intended that the increased funding will allow appraisal services to continue through the fiscal year.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-26

Ordinance No. 2016-39
(Int. No. 46)

Authorizing amendatory agreements and appropriating additional funds for real estate appraisal services

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

Section 1. Section 1, of Ordinance No. 2015-224, as amended by Ordinance No. 2015-323, is hereby further amended by increasing the compensation for the agreement with Pogel, Schubmehl & Ferrara LLC from \$9,500 to \$14,500, an increase of \$5,000. Said increase in compensation shall be funded from 2014-15 Cash Capital.

Section 2. Section 1, of Ordinance No. 2015-224, as amended by Ordinance No. 2015-323, is hereby further amended by increasing the compensation for the agreement with Monroe Barrie Corp. from \$9,500 to \$14,500, an increase of \$5,000. Said increase in compensation shall be funded from 2014-15 Cash Capital.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Ortiz
February 25, 2016

To the Council:

The Neighborhood & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 47 - Authorizing the sale of real estate

Int. No. 48 - Appropriating funds for the Emergency Assistance Repair Program

The Neighborhood & Community Development Committee recommends for consideration the following entitled legislation:

Int. No. 49 - Amending the Zoning Code map, text and concept plan for Rochester General Hospital, Planned Development District No. 6

Int. No. 67 - Amending the Zoning Code map and Urban Renewal Plan for the Marketview Heights Urban Renewal District

Respectfully submitted,
Jacklyn Ortiz
Molly Clifford
Dana K. Miller
Loretta C. Scott
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-40
Re: Sale of Real Estate

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation approving the sale of 11 properties. City records have been checked to ensure that purchasers (except those buying unbuildable vacant lots) do not own other properties with code violations or delinquent taxes, and have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first four properties were sold to the respective highest bidder at on-site real estate auctions. All purchasers will be required to rehabilitate the structures within 12 months of City Council approval.

The next three properties are vacant lots sold by request for proposals. The first two will be used as green space by the purchaser. The third will be used for construction of a new union headquarters and parking lot for the Rochester Firefighters Association Two Percent Committee, Inc.

The next four properties are unbuildable vacant lots, being sold for \$1.00 (as per City policy) to their adjacent owners who will combine their respective lot with their existing properties.

The first year projected tax revenue for these 11 properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$8,596.

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

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AP-27

Ordinance No. 2016-40
 (Int. No. 47)

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 sale of the following parcels of improved property by regular auction:

<u>Address</u>	<u>S.B.L. #</u>	<u>Lot Size</u>	<u>Use</u>	<u>Price</u>	<u>Purchaser</u>
32 Concord St	106.49-2-32	40 x 100	2 Family	\$7,000	Sherif Salah El-Naggar
‡ 30 Concord St	106.49-2-31	40 x 100	Vacant Lot	NA	Sherif Salah El-Naggar
327 River Heights Cir.	060.60-2-44	16 x 64	1 Family	\$36,500	EMAJ Enterprises*
600 Thurston Rd	135.32-2-94	39 x 63	1 Family	\$29,000	Margaret Austin

‡ Indicates vacant lot sold in conjunction with the structure listed above it
 * Officers: Michael Kadysh, President; Jane Kadysh, Treasurer

Section 2. The Council hereby approves the negotiated sale of the following parcels of vacant land with proposal:

<u>Address</u>	<u>S.B.L. #</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>	<u>Purchaser</u>
222-224 Breck St	107.78-1-7	35 x 138	4,830	\$425	Roll Tide, LLC*
226-228 Breck St	107.78-1-8	35 x 138	4,830	\$425	Roll Tide, LLC*
65 Hudson Av	106.64-2-69.3	365 x 286	103,673	\$164,000	Roch. Firefighters Assoc. 2% Comm Inc**

* Officers: John Sidou, President; Dimitrios Karras, Vice President
 ** Officers: Eddie Santiago, President; Daryll Winter, John Joseph, Johnathan Griffiths, Robert Villa, Scott Jorger, James Smallwood, Alphonse White

Section 3. The Council hereby approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

<u>Address</u>	<u>S.B.L. #</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Purchaser</u>
636 Augustine St	090.64-1-24	19 x 135	2,479	Kevin R. Bland
169 Desmond St	090.34-2-17	1 x 140	140	Yvette Sgroi
19 Rockland Pk	120.51-4-64	33 x 79	2,607	Henry & Beverly Isaacs
33 Sawyer St	135.27-1-59	33 x 9*	313	Loren D & Susan Layher

* 9.22 feet on north end

Section 4. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2016-41
 Re: Emergency Assistance Repair Program

Council Priority: Rebuilding and
 Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the Emergency Assistance Repair Program (EARP). This legislation will appropriate \$101,801.71 for the City's use from the Emergency Assistance Repair Program allocation of the Housing Development Fund of the 2015-16 Community Development Block Grant.

EARP is an emergency program designed to assist eligible homeowners with furnace, hot water tank and water line service and/or replacement. The last funding authorization for EARP was approved in November 2015 (Ord. No. 2015-352). Additional funding is needed for the following reasons: 1) to meet the rising demand for boiler and associated asbestos abatement work; and 2) to offset the rising cost of hot water tanks.

The City has been experiencing a larger demand for boiler replacement and asbestos abatement than expected. These projects are significantly more expensive than a standard furnace replacement (costing approximately \$2,600), and can run between \$5,000-\$10,000. The cost for water tanks has also significantly increased. The City held a public bid to obtain estimates for hot water tanks and the lowest bid was \$1,248 per tank with installation, a 64% increase over the prior vendor amount of \$800.

This proposed funding appropriation will be sufficient to offset the costs discussed above to serve homeowners for the remainder of the fiscal year.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-41
(Int. No. 48)

Appropriating funds for the Emergency Assistance Repair Program

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

Section 1. The amount of \$101,801.71 is hereby appropriated from the Emergency Assistance Repair Program allocation of the Housing Development Fund of the 2015-16 Community Development Block Grant for the City's use to operate the Emergency Assistance Repair Program to assist eligible homeowners with repair and/or replacement of furnaces, hot water tanks and water lines.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-42
Re: Zoning Text and Map Amendment -
Planned Development District No. 6,
Rochester General Hospital

Transmitted herewith for your approval is legislation amending the Zoning Text and Map for Planned Development District (PD) No. 6, Rochester General Hospital, by incorporating Institutional Planned Development District (IPD) No. 6, Wilson Health Center, into PD No. 6 and amending the current Development Concept Plan and associated Zoning Regulations. The current hospital campus includes six parcels separated into three zones of campus functions called Parcels A, B and C. Inclusion of the Wilson Health Center into PD No. 6 will create a total of seven parcels. After the rezoning, all seven parcels will be combined into one tax parcel of approximately 47.8 acres.

The revised Development Concept Plan and amended PD District Zoning regulations (to be replaced in their entirety) are attached.

The City Planning Commission held an informational meeting on the proposed Text Amendment and Map Amendment on Monday, December 21, 2015. There were no speakers in support of or in opposition to this request. By a vote of 6-0-0, the City Planning Commission recommended approval.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the Director of Planning and Zoning, as lead agency, has determined that the proposed action will not result in any significant effects and has issued a negative declaration.

A public hearing is required for the Zoning Text and Map amendment.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-28

Ordinance No. 2016-42
(Int. No. 49)

Amending the Zoning Code map, text and concept plan for Rochester General Hospital, Planned Development District No. 6

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 classification of the property constituting 800 Carter Street (SBL # 091.50-1-9.004) from IPD#6 to Planned Development District No. 6 - Rochester General Hospital (PDD No. 6), so that PDD No. 6 as so amended shall be comprised of:

All that tract or parcel of land situate in the City of Rochester, County of Monroe and State of New York, being more particularly bounded and described as follows:

Commencing at a point in the westerly highway boundary line of Portland Avenue

1296.74' North of the centerline of Norton Street as measured along the westerly high-way boundary line of Portland Avenue;

- Thence (1) South 86°35'40" West and along the southerly property line of the Rochester General Hospital a distance of 997.94 feet to a point;
- Thence (2) South 03°11'05" East forming an interior angle of 90°13'16" with a course (1) a distance of 145.15 feet to a point;
- Thence (3) South 86°34'55" West forming an interior angle of 90°14'0" with a course (2) distance of 1,007.37 feet to a point;
- Thence (4) North 03°11'45" West forming an interior angle of 89°46'40" with a course (3) distance of 300.00 feet to a point;
- Thence (5) North 86°34'55" west forming an interior angle of 90°13'20" with a course (4) distance of 5.00 feet to a point;
- Thence (6) North 03°11'45" West forming an interior angle of 90°13'20" with a course (5) distance of 518.90 feet to a point;
- Thence (7) North 00°55'44" East forming an interior angle of 175°52'31" with a course (6) distance of 83.89 feet to a point;
- Thence (8) North 69°02'17" East forming an interior angle of 111°53'27" with a course (7) distance of 778.19 feet to a point;
- Thence (9) North 70°52'19" East forming an interior angle of 178°9'58" with a course (8) distance of 601.19 feet to a point;
- Thence (10) North 72°44'29" East forming an interior angle of 79°12'52" with a course (9) distance of 684.69 feet to point;
- Thence (11) South 06°28'23" East forming an interior angle of 176°45'59" with a course (10) distance of 176.25 feet to a point;
- Thence (12) South 03°14'20" East forming an interior angle of 90°10'0" with a course (11) distance of 1142.70 feet to the point and place of beginning. Course 12 forms an interior angle of 90°10'0" with course (1).

Section 2. Chapter 120 of the Municipal Code,

Zoning Code, as amended, is hereby further amended by amending the text for Planned Development District No. 6 - Rochester General Hospital, to read in its entirety as follows:

**Planned Development District No. 6
Rochester General Hospital**

- A. Purpose. The Planned Development District No. 6 (PD #6) is intended to recognize and permit a defined area for the integrated development and delivery of programs and services offered by the Rochester General Hospital. The planned development district will allow the Hospital to deliver its mission to provide nationally recognized community and healthcare services and a quality campus environment, while remaining flexible to ever-changing ways in which health care services are provided.

The area of this PD #6 is approximately 51.8 acres bound by the public rights-of-way of Carter Street (west), Portland Avenue (east), and State Route 104 (north). The southern boundary is the residential and commercial zoning districts on the southern property line, as shown on the attached PD #6 map.
- B. Permitted uses. Permitted uses include, but are not limited to, the following uses when consistent with the above purpose:
 - a. Hospitals, including their buildings, owned or leased, for medical, administrative, and faculty offices, and support facilities for the hospital, its employees, administrators, staff and students of such institution.
 - b. Offices related to providing health care services.
 - c. Health care clinics.
 - d. Hospice.
 - e. Nursing home.
 - f. Day-care center.
 - g. Residential-care facilities.
 - h. Community center.
 - i. Public and semipublic uses.
 - j. Warehouse, storage uses and maintenance facilities when related to the purpose stated above.
 - k. Accessory support uses or structures, including parking ramps, surface parking lots, office, retail, and restaurant facilities, bookstores and gift shops and heliports.
- C. Specially permitted uses. Uses that require a special permit from the City Planning Commission include the following:

- a. Solar Energy Systems
 - b. Wind Energy Conversion Systems
- D. Bulk, space and yard requirements.
- a. Building and Lot coverage: N/A
 - b. Maximum building height:
 - i. Within 100 feet of residentially zoned parcels: 60 feet.
 - ii. All other areas of the campus: 130 Feet.
 - c. Minimum yard requirements.
 - i. Along Portland Avenue: 40 feet.
 - ii. Along State Route 104: 20 feet.
 - iii. Along Carter Street: 100 feet.
 - iv. Along residential neighborhoods to the south: 40 feet.
- E. Building standards. Future development shall be subject to the following design sections of the City Zoning Code:
- a. Active facades on street front building elevations: § 120-158A(1).
 - b. Mechanical and electrical equipment and open storage areas: § 120-158E.
 - c. Building materials: § 120-159A.
- F. Open space. The woodlot known as “Buell's Woods” shall be maintained in accordance with a City-approved management plan. That plan is available at the hospital and in the PD-6 file in City Hall.
- G. Off-street parking and loading.
- a. Parking.
 - i. Parking for uses within the District may be located anywhere within PD #6, except not within the required front yard setbacks and within the Buell's Woods portion of the property.
 - ii. Up to 4,000 parking spaces are permitted on surface lots and in parking garages. The development of additional parking shall be permitted subject to all of the following requirements:
 - 1. A parking demand analysis shall be submitted as set forth in § 120-173B of the City Zoning Code, and approved through a special permit from the City Planning Commission;
 - 2. New Parking shall be limited to the construction of garage structures;
 - 3. No new surface parking lots shall be constructed;
 - 4. Parking complies with the design and maintenance standards set forth in § 120-173F of the City Zoning Code.
 - b. Loading shall comply with the requirements set forth in § 120-172 of the City Zoning

Code.

H. Permitted signage.

- a. Signs are intended to maximize wayfinding for the public and for emergency services. The intent of these regulations is to minimize the numbers, sizes, types, materials and lighting of signs in order to limit negative visual impacts to the District and adjoining neighborhoods.
- b. Wayfinding signs are permitted at critical intersections, including driveway intersections with public streets. The signs shall be consistent campus-wide in terms of graphics, logos, fonts, colors and illumination. Signs shall be permitted to have up to four faces, with each face not exceeding 80 square feet in size.
- c. Attached signs shall be permitted for each building or main building entrance identifying the use or services according to the following:
 - i. Two attached signs per building or main entrance facing State Route 104, up to a maximum of 250 square feet per sign.
 - ii. One sign attached per building or main entrance facing Carter Street, up to a maximum of 150 square feet per sign.
 - iii. Two attached signs per building or main entrance facing Portland Avenue, up to a maximum of 150 square feet per sign.
 - iv. One attached sign per building or main entrance without street frontage, up to a maximum of 100 square feet per sign.
- d. One detached sign shall be permitted at each driveway at Portland Avenue and Carter Street and State Route 104. Each sign shall not exceed 100 square feet in size per face, and the bottom of each sign shall be posted no higher than 4 feet above the surrounding grade.
- e. Unless specifically identified above, all signage shall comply with the requirements set forth in § 120-177 of the City Zoning Code.

I. Specially permitted signage.

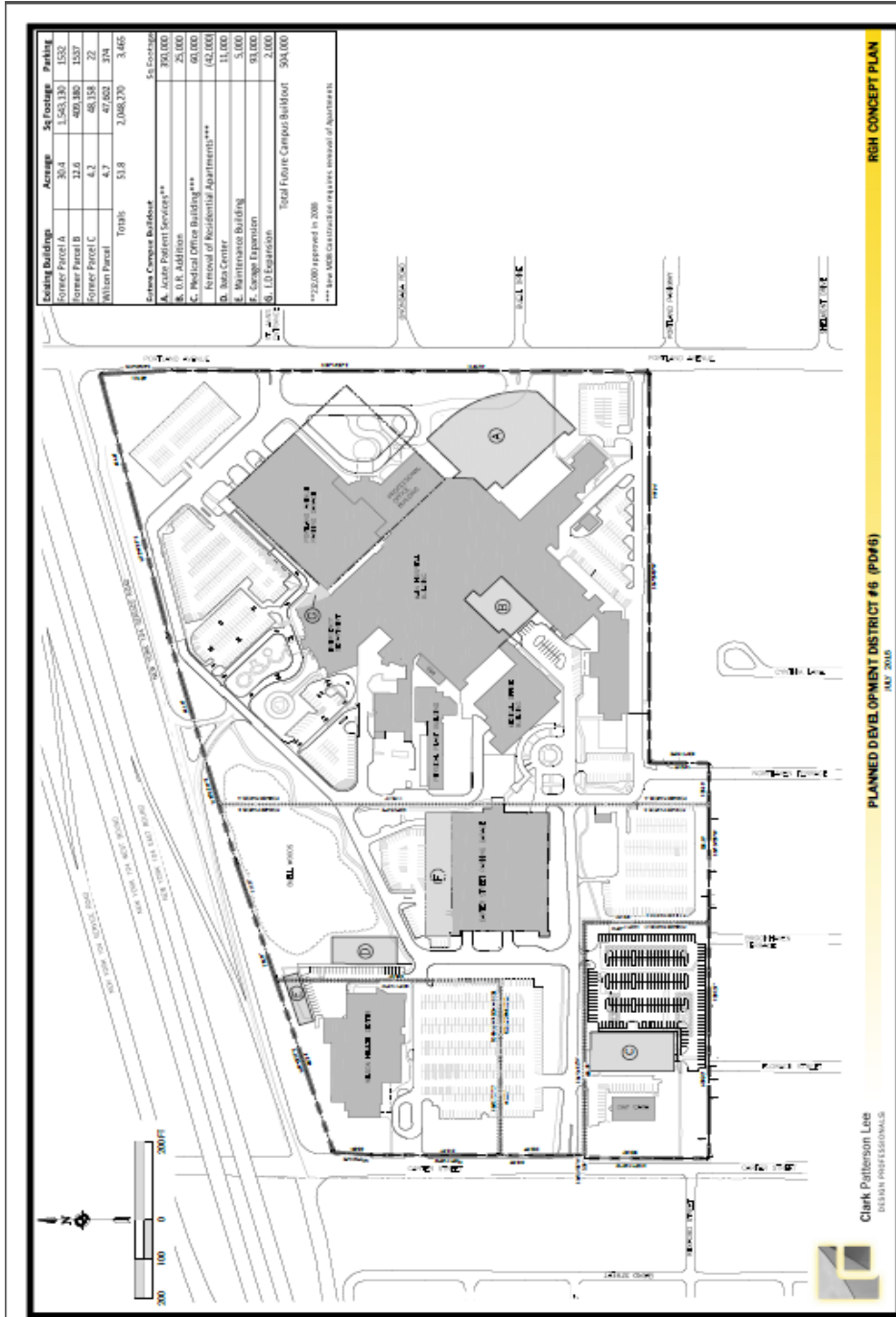
- a. One detached digital sign, subject to Special permit approval in accordance with 120-192B shall be permitted on the State Route 104 frontage. The digital sign shall not exceed 300 square feet in size, a maximum height of 20 feet above the surrounding grade, and shall be limited to one single side. The digital sign may identify on-campus, noncommercial activities, but shall not advertise off-campus activities and/or commercial uses.

- J. PD-6 is subject to the requirements set forth in Article XVII of the City Zoning Code regarding planned development districts.

Section 3. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by replacing the existing map depicting PDD No. 6 with the attached Concept Plan that is consistent with the district boundaries and zoning text as amended in Sections 1 and 2.

Section 4. This ordinance shall take effect immediately.

**Planned Development District #6
RGH Concept Plan**



Clark Patterson Lee
 DESIGN PROFESSIONALS
 JULY 2015
 PLANNED DEVELOPMENT DISTRICT #6 (PD#6)
 RGH CONCEPT PLAN

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-43
Re: Zoning Map Amendment - East Main
Street, Delta Sonic

Council Priority: Jobs and
Economic Development

The proposed Zoning Map amendment will change the underlying zoning for specific properties within the Marketview Heights Urban Renewal District (MHURD). The purpose of this rezoning is to allow for a substantial investment in and expansion of the existing Delta Sonic site, currently located at 718 East Main Street. The properties proposed for rezoning will retain the MHURD designation; only the underlying zoning will change. 21 Kenilworth Terrace is not currently in the urban renewal district and is proposed to be added so that it can be subdivided and a small piece sold to Delta Sonic for this development (see attached site plan). Once all of the approvals are in place, the subject properties will be combined into one parcel. Following are the specific properties to be rezoned:

1. 700, 710, 712, 718, 722, 732-734, 740, 748, 756, 770 East Main Street and 140 N. Union Street will be rezoned from MHURD/CCD-M (Center City District - Main Street) to MHURD/C-2 (Community Center District);
2. 138, 140.5, 142, 144, 146, 148 150-152, 154-156 North Union Street will be rezoned from MHURD/R-2 (Medium Density Residential) to MHURD/C-2; and
3. 21 Kenilworth Terrace will be rezoned from R-2 to MHURD/C-2.

The proposed underlying C-2 zoning is consistent with the objectives of the MHURD Plan to “position key sites for redevelopment.” Under the current CCD-M zoning, outdoor uses such as gasoline sales and car washes are non-conforming uses and face procedural hurdles when seeking to expand. Under the proposed C-2 zoning, these uses are specially permitted, which allows the City Planning Commission to review any expansion and consider neighborhood impacts.

The proposed C-2 zoning is more restrictive with regard to uses and hours than CCD-M (see attached list). Unlike CCD-M, which has its own design standards waivable through Site Plan Review, development in C-2 must comply with the Citywide Design Standards that can only be waived through a variance granted by the Zoning Board of Appeals. C-2’s design, uses and hours offer protection for the neighborhood and will ensure that any development or redevelopment furthers the objectives of the MHURD Plan, specifically action item 9: “Enhance the quality of the built environment through an urban design that preserves neighborhood character, increases density, preserves walkability...”

The low rise, smaller scale, built environment of this section of East Main Street is a better fit for C-2 zoning than CCD-M. It has more of a “neighborhood” feel than a “downtown” feel, a situation that will be enhanced by proposed changes to the public realm of East Main Street as noted in the East Main Arts and Market Initiative Final Report completed in November, 2015.

The City Planning Commission held an informational meeting on this proposed rezoning on Monday, January 25, 2016. No one spoke in support or opposition of the rezoning. By a vote of 6-0, the Planning Commission recommended approval.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the Director of Planning and Zoning, as lead agency, has determined that the proposed action will not result in any significant effects and has issued a negative declaration.

A public hearing is required for the Zoning Map amendment.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-29

Ordinance No. 2016-43
(Int. No. 67)

Amending the Zoning Code map and Urban Renewal Plan for the Marketview Heights Urban Renewal District

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 classification of the property constituting 21 Kenilworth Terrace (SBL # 106.74-2-37) from R-2 Medium Density Residential to U-R Marketview Heights/C-2 Community Center.

Section 2. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classifications of properties located within the Marketview Heights Urban Renewal District (“U-R Marketview Heights” or “District”) as follows:

- a. 700, 710, 712, 718, 722, 732-734, 740, 748, 756, 770 East Main Street and 140 N. Union Street: from U-R Marketview Heights /CCD-M Center City District - Main Street to U-R Marketview Heights/C-2 Community Center; and
- b. 138, 140.5, 142, 144, 146, 148 150-152, 154-156 North Union Street: from U-R Marketview Heights /R-2 Medium Density Residential to U-R Marketview Heights /C-2

Community Center.

Section 3. The Council hereby approves the following amendments to the Marketview Heights Urban Renewal District Plan (Plan) originally approved in Ordinance No. 2014-380 and authorizes the Director of Planning and Zoning to modify the Plan document to:

- a. add 21 Kenilworth Terrace (SBL # 106.74-2-37) to the District under the zoning classification of U-R Marketview Heights/C-2 Community Center as specified in Section 1 hereof;
- b. change to U-R Marketview Heights /C-2 Community Center the zoning classification of the properties specified in Section 2 hereof;
- c. change to Commercial the Plan's proposed future land use for 154-156 North Union Street (SBL #106.74-2-36); and
- d. change to Commercial the Plan's proposed future use for the southwestern portion of 21 Kenilworth Terrace (SBL # 106.74-2-37), provided that such use is part of a Commercial use that is located on one or more of the adjacent District properties located at 732-734 East Main Street, and/or 146, 148, or 150-152 North Union Street.

Section 4. With regard to the Marketview Heights Urban Renewal District's boundaries, zoning classifications, and Plan as modified, the Council finds that:

- a. The District is a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area and tends to impair or arrest the sound growth and development of the City.
- b. The addition of 21 Kenilworth Terrace (SBL # 106.74-2-37) to the District is necessary for the effective undertaking of the urban renewal program to permit clearance and redevelopment activities to accomplish economic development objectives.
- c. Financial aid to be provided to the City is necessary to enable the urban renewal program to be undertaken in accordance with the Plan.
- d. The Plan affords maximum opportunity to private enterprise, consistent with the sound needs of the City as a whole, to undertake an urban renewal program.
- e. The Plan conforms to a comprehensive community plan for the development of the City as a whole.
- f. There is a feasible method for relocating families and individuals displaced from the urban renewal area into decent, safe and sanitary dwellings at affordable prices or rents and reasonably accessible to their places of

employment.

- g. Undertaking and carrying out the urban renewal Plan activities in stages is in the best public interest and will not cause any additional or increased hardship to the residents of the District.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Haag
February 25, 2016

To the Council:

The Parks & Public Works Committee recommends for adoption the following entitled legislation:

Int. No. 50 - Authorizing agreements for the Ridgeway Avenue Transportation Improvement Project

Int. No. 52 - Authorizing an amendatory agreement with Bergmann Associates, P.C. related to the Promenade at Erie Harbor Park

Int. No. 53 - Authorizing an agreement with Vargas Associates, Inc. for move management term services

Int. No. 54 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$4,076,000 Bonds of said City to finance a portion of the costs of the Public Market Winter Shed Renovation and Expansion Project

Int. No. 55 - Authorizing an agreement with the New York State Department of Transportation for snow removal

Int. No. 56 - Appropriating funds and authorizing an agreement with Vita Nuova LLC related to the Orchard Whitney Redevelopment Feasibility Study

Int. No. 57 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$490,000 Bonds of said City to finance a portion of the City's Cured in Place Pipe Project of the Distribution System Water Main Renewal Program

Int. No. 58 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,000,000 Bonds of said City to finance a portion of the City's 2016 Water Main Cleaning and Lining Project of the Distribution System Water Main Renewal Program

Int. No. 59 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$988,200 Bonds of said City to finance a portion of the City's 2016 Water Mains Extensions and Improvements Project of the Distribution System Water Main Renewal Program, as amended

Int. No. 60 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$158,000 Bonds of said City to finance the cost of the design and construction of replacement of the HVAC system at the City's Indoor Pistol Range

The following entitled legislation is being held in Committee:

Int. No. 51 - Authorizing agreement with Crown Castle NG East LLC, Inc.

Int. No. 61 - Authorizing an agreement with Architectura, P.C. Architects, for architectural services

Respectfully submitted,
 Matt Haag
 Michael A. Patterson
 Elaine M. Spaul
 Dana K. Miller
 Loretta C. Scott
 PARKS & PUBLIC WORKS COMMITTEE

Received, filed, and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2016-44
 Re: Ridgeway Avenue Transportation
 Improvement Project (Ramona Street -
 Minder Street)

Council Priority: Jobs and
 Economic Development

Transmitted herewith for your approval is legislation related to the Ridgeway Avenue Transportation Project (Ramona Street - Minder Street). This legislation will:

1. Establish \$600,000 as maximum compensation for an agreement with CSX Transportation, Inc. for the construction and inspection of the replacement of the existing Ridgeway Avenue at-grade railroad crossing; and
2. Establish \$600,000 as maximum compensation for an agreement with Rochester & Southern Railroad, Inc. for the construction and inspection of the replacement of the existing Ridgeway Avenue at-grade railroad crossing.

This federal aid project, administered by the City through the New York State Department of Transportation (NYSDOT), is identified in the City's 2014-15 Capital Improvement Program. The City is qualified to receive up to 80% of the eligible project costs from the Federal Highway Administration (FHWA) with up to 75% of the eligible local share project costs through the New York State Marchiselli Aid Program.

CSX <u>Transportation</u>	Rochester & Southern <u>Railroad</u>	<u>Total</u>
Source		
FHWA		
\$480,000	\$480,000	\$ 960,000
NYS Marchiselli Aid		
90,000	90,000	180,000
Street Bond		
<u>30,000</u>	<u>30,000</u>	<u>60,000</u>
Total		
\$600,000	\$600,000	\$1,200,000

Project participation and design services were authorized via Ordinance Nos. 2008-179, 2010-333 and 2014-320. Design agreements with Rochester & Southern and CSX were authorized in Ordinance Nos. 2010-17 and 2014-320, respectively.

The project features include: reconstruction of railroad crossing, sidewalk replacement, drainage improvements and railroad signal replacement.

The project began construction in summer 2015, and will be substantially complete by the fall of 2016.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AP-30

Ordinance No. 2016-44
 (Int. No. 50)

Authorizing agreements for the Ridgeway Avenue Transportation Improvement Project

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

Section 1. The Mayor is hereby authorized to enter into an agreement with CSX Transportation, Inc., in an amount not to exceed \$600,000, for the construction and inspection of improvements for the replacement of the existing Ridgeway Avenue at grade crossing.

Section 2. The Mayor is hereby further authorized to enter into an agreement with Rochester & Southern Railroad, Inc., in an amount not exceed \$600,000, for the construction and inspection of improvements for the replacement of the existing Ridgeway Avenue at grade crossing.

Section 3. Said agreements may extend until three (3) months after completion of a two year guarantee inspection of the projects for which the services were provided.

Section 4. Said agreements shall be funded by appropriations authorized in Ordinance No. 2015-129.

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

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-45
Re: Amendatory Agreement - Bergmann Associates, Promenade at Erie Harbor Park and Johnson Seymour Mill Race

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation establishing \$250,000 as maximum compensation for an amendatory agreement with Bergmann Associates, Rochester, New York, for additional design phase services related to the Promenade at Erie Harbor and the Johnson Seymour Mill Race. The original agreement with Bergmann Associates established \$480,000 as maximum compensation for planning and engineering services related to the Erie Harbor Promenade (Ord. No. 2012-367). The amendatory agreement will be funded from 2014-15 Cash Capital and may extend until two years after final acceptance of the project.

Erie Harbor Park is a prime riverfront site adjacent to South Avenue on the east side of the Genesee River, opposite Woodbury Boulevard. The land is currently an under-utilized site and is identified in the Center City Master Plan as Erie Harbor Park. Ownership of the property is mixed with the principal parties being the City of Rochester, New York State and the Farash Foundation. Several easements cross the property making private development challenging.

In 2010, a community-based Master Plan for the site was completed based on a public-private partnership between the City and the Farash Corporation. The Master Plan included public improvements for increased waterfront access, waterfront promenades, a pedestrian bridge with viewing platforms, improvements to the circa 1815 Johnson Seymour Mill Race, lighting upgrades, interpretive signage, benches, bike racks, and landscaping amenities.

The Master Plan envisions and supports mixed-use development intertwined with the public improvements. A majority of the property is currently held in trust by Lehigh Station, LLC (a holding company of the Max M. Farash Trust). Lehigh Station, LLC has partnered with Morgan Management LLC to follow up on the Erie Harbor Park Master Plan's long-term vision of linking this spectacular public waterfront with private development.

Morgan Development, LLC intends to purchase from the Lehigh Station, LLC property known as 103 Court Street and undertake the development and construction of a residential apartment complex on 1.63 acres of land located at the southeast corner of Court Street and South Avenue. The project, known as the 103 Court Street Apartments, will

include 119 residential units, 10,000 square feet of commercial/retail space and underground parking.

The Promenade Project and the private development of 103 Court Street are located immediately adjacent to each other along the length of the project boundaries adjacent to the Genesee River. Both Morgan Management LLC and the City have a mutual desire to construct their projects during the same general time period, specifically because the Promenade Project cannot be constructed during or after construction of the 103 Court Street Apartments as there would be either restricted or no access to the Promenade Project site. Alternative access to the Promenade Project site from the river would make the Project cost prohibitive and therefore unable to proceed.

The amendatory agreement will fund the following services:

- Design coordination meetings required for the collaboration of the two projects
- Extensive permitting required by the collaboration of the two projects
- Development of 3d interactive building modeling system for coordination purposes
- Preparation of construction narrative for funding purposes
- Extensive coordination with the State Historic Preservation Office (SHPO)
- Revisions to SEQR submittal based on combined project
- Review Meetings with Morgan Development's Team
- Revisions to initial concept to better accommodate building site.
- Safety personnel staff required by RG&E during wall inspections
- Additional geotechnical exploration at river pier location
- Additional landscaping design for south end parcel
- Development of technical specifications for Master Developer Agreement
- Quality control/Quality assurance during construction

Construction is anticipated to begin in spring 2016, with substantial completion in fall 2017. The amendatory agreement will result in the creation and/or retention of the equivalent of 2.7 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-45
(Int. No. 52)

Authorizing and amendatory agreement with Bergmann Associates, P.C. related to the Promenade at Erie Harbor Park

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 Bergmann Associates, P.C., for additional design, personnel, and quality control services related to the Promenade at Erie Harbor Park. Said amendment shall increase the maximum compensation by \$250,000, to a total of \$730,000.

Section 2. Said amendment shall be funded from 2014-15 Cash Capital and shall extend until two years after final acceptance of the project.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-46
Re: Agreement - Vargas Associates,
Move Management Services

Transmitted herewith for your approval is legislation establishing \$200,000 as maximum compensation for a term agreement with Vargas Associates, Rochester, New York, for the provision of move management services related to building renovation projects and employee relocations coordinated by the Department of Environmental Services Bureau of Architecture and Engineering. The agreement will be for a term of three years (total cost, \$200,000), and will be funded from the 2015-16 and subsequent operating and capital budgets of the City, contingent upon approval of future budgets.

The retention of move management services on a term basis will facilitate services for relocations of various staff for miscellaneous City facility renovations. Services may be required for projects such as the relocation of the Police Department Professional Standards Section to South Clinton Avenue and the temporary relocation of the Municipal Parking Bureau. Move coordination and relocation services will vary by project but may include move plan development, scheduling, communications, inventory, vendor coordination and administration of project budgets. The agreement will provide for said services at specified unit prices.

Vargas Associates was selected for move management services through a request for proposals process, which is described in the attached summary.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-31

Ordinance No. 2016-46
(Int. No. 53)

Authorizing an agreement with Vargas Associates, Inc. for move management term services

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Vargas Associates, Inc. for move management term services related to building renovation projects and employee relocations coordinated by the Department of Environmental Services, Bureau of Architecture and Engineering.

Section 2. Said agreement shall have a term of three years, and shall obligate the City to pay an amount not to exceed \$200,000, which shall be funded from the 2015-16 and subsequent operating and capital budgets of the City, contingent upon approval of future budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-47
Re: Public Market Winter Shed
Renovation and Expansion Project

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

Transmitted herewith for your approval is legislation to authorize the issuance of bonds totaling \$4,076,000 and the appropriation of the proceeds thereof to partially finance the Public Market Winter Shed Renovation and Expansion Project.

The project includes the construction of a new open shed, site and utility work and the demolition and construction of a new winter shed and four food kiosks.

The following is a summary of previous Council authorizations for this project:

<u>Date</u>	<u>Ordinance</u>	<u>Action</u>
December 2010	Ord. No. 2010-433	• \$300,000 for a design services agreement with T.Y. Lin International
September 2012	Ord. No. 2012-374	• \$630,000 for an amendatory agreement with T.Y. Lin International
January 2012	Ord. No. 2012-53	• Grants authorized from the New York State Department of Agriculture and Markets in the amount of \$1,800,000 for the rehabilitation and expansion of the winter shed and \$200,000 for market access and parking improvements
August 2012	Ord. No. 2012-319	• Ordinance No. 2012-53 was amended to change the funding allocation from 2011-12 Cash Capital to anticipated reimbursements from the New York State Department of Agriculture and Markets
March 2015	Ord. No. 2015-73	• \$580,000 for a construction management agreement with LeChase Construction Services; • \$153,000 for an amendatory agreement with T.Y. Lin International; • \$508,000 bond issuance for the project; • Grants authorized from the Empire State Development Corporation for 2013 and 2014 Consolidated Funding Application awards in the amount of \$500,000 and \$1,500,000, respectively; and • \$500,000 grant from the Dormitory Authority of the State of New York

Bids for construction were received on January 5, 2016 for four contracts. The apparent low bids were as follows:

<u>Activity</u>	<u>Company</u>	<u>Amount</u>
General Trades + Kiosk	BLM Construction Company	\$5,401,200
Plumbing & Fire Protection	T Bell Construction	504,600
Heating, Ventilation, & Air Conditioning (HVAC)	T Bell Construction	422,400
Electrical	Hewitt Young Electric	584,300
	Total	\$6,912,500

Planned funding for the project's construction is shown in the following table:

<u>Funding Sources</u>						
<u>General</u>	<u>Electrical</u>	<u>Mechanical/ HVAC</u>	<u>Plumbing</u>	<u>Construction Management</u>	<u>Contingency</u>	<u>Total</u>
NYS Agriculture & Markets Grant Ord. No. 2012-53						
\$ 940,000	\$120,000	\$120,000	\$120,000	\$225,000		\$1,525,000
Bond Ord. No. 2015-74						
				355,000		355,000
Public Market Bond appropriated herein						
1,961,200	464,300	302,400	384,600		\$ 963,500	4,076,000
ESDC Grants Ord. No. 2012-53, 2015-73						
2,000,000						2,000,000
DASNY Grant Ord. No. 2012-53, 2015-73						
500,000						500,000
Prior Year Cash Capital						
					178,284	178,284

Total							
\$5,401,200	\$584,300	\$422,400	\$504,600	\$580,000	\$1,141,784	\$8,634,284	

Construction is scheduled to begin in spring 2016 with scheduled completion in fall 2017. Funding for the construction (including construction management previously appropriated via Ordinance No. 2015-73) will result in the creation and/or retention of the equivalent of 94 full-time jobs.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AP-32

Ordinance No. 2016-47
 (Int. No. 54)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$4,076,000 Bonds of said City to finance a portion of the costs of the Public Market Winter Shed Renovation and Expansion 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 the construction of a new 19,480 sq. ft. open shed, the demolition of the existing structures and construction of a new enclosed 14,004 sq. ft. winter shed and four (4) food kiosks, including related site and utility work (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 \$8,634,284, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$4,076,000 bonds of the City to finance said appropriation, a \$1,525,000 Grant from the NYS Department of Agriculture & Markets (authorized by Ordinance 2012-53), \$355,000 appropriated from Ordinance 2015-74, a \$2,000,000 Empire State Development Grant (authorized by Ordinances 2012-53 and 2015-73), a \$500,000 Grant from the NYS Dormitory Authority, \$178,284 from 2015-2016 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 \$4,076,000 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 \$4,076,000. 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. 11(b) 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.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-48
Re: Agreement - Snow and Ice Removal
Services for New York State
Department of Transportation

Transmitted herewith for your approval is legislation authorizing a one-year extension of an existing agreement with the New York State Department of Transportation (NYSDOT) for the provision by the City of snow and ice removal services on the following State highways:

- 1. Lake Avenue, from Lyell Avenue to West Ridge Road; and
- 2. Plymouth Avenue, from Commercial Street to Troup Street.

The total length of these two streets is 2.7 miles. The City has provided these services since 1978 pursuant to periodic agreements. The most recent agreement was authorized by City Council in April 2015 (Ord. No. 2015-93). This legislation will extend the agreement to June 30, 2018, as required by the NYSDOT.

The requirement for an agreement for snow removal services on Plymouth Avenue will be eliminated in the future, when jurisdiction of the street is formally transferred from the State to the City.

The State will reimburse the City \$72,601.09 for snow and ice removal performed during the 2015-16 winter season, which is \$547.19 more than the prior year.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-48
(Int. No. 55)

Authorizing an agreement with the New York State Department of Transportation for snow removal

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

Section 1. The Mayor is hereby authorized to enter into a one-year extension of an agreement with the New York State Department of Transportation for the provision by the City of snow and ice removal services on Lake Avenue, from Lyell Avenue to West Ridge Road, and on Plymouth Avenue, from Commercial Street to Troup Street, through June 30, 2018. The agreement shall obligate the State to reimburse the City for such services in the amount of \$72,601.09, for services during the 2015-16 season.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-49
Re: Agreement - Vita Nuova LLC,
Orchard-Whitney Brownfield
Redevelopment Feasibility Study

Council Priorities: Jobs and Economic
Development; Deficit Reduction and Long-
Term Financial Stability

Transmitted herewith for your approval is legislation authorizing the receipt and use of a \$200,000 United States Environmental Protection Agency (EPA) Brownfield Area-wide Planning Grant and establishing \$168,500 as maximum compensation for an agreement with Vita Nuova LLC, New York, New York, for an area-wide revitalization plan for the Orchard-Whitney brownfield site. The cost of the agreement will be financed from EPA Brownfield Grant funds appropriated herein, and the balance of the grant appropriation, \$31,500, will be used to reimburse the City for staff and supply costs required to manage the project and for travel to EPA brownfield conferences and meetings. The term of the agreement will be two years with a one year renewal option.

The City of Rochester was awarded the grant to develop an area-wide revitalization plan and implementation program focused on brownfield sites in the JOSANA neighborhood. The proposed plan will focus on the City-owned Orchard-Whitney site

(415 Orchard Street and 354 Whitney Street), while evaluating the utilization of surrounding private and City-owned parcels in the redevelopment of that site. Community involvement will be emphasized from the inception of the project.

The objective of the proposed study is to evaluate factors that influence site redevelopment, assess potential redevelopment options, analyze the economic impact of those alternatives, and develop a financing strategy for potential end users. More than \$4 million of public funds have already been spent on the Orchard-Whitney site for demolition and environmental cleanup. This study will be instrumental in helping to inform future City decision making, formulate possible marketing efforts, assess site-specific funding alternatives, and encourage interest for site redevelopment.

The City issued a request for proposals (RFP) in September 2015, held a pre-proposal meeting, and received three proposals. It was specified in the RFP and reinforced at the pre-proposal meeting that, because this is a challenging site, a traditional planning study was not desired. Instead, an innovative approach was going to be needed for the eventual advancement of a redevelopment plan at this location.

Vita Nuova is a nationally renowned firm which specializes in the redevelopment of brownfield sites. Their proposal and subsequent interview confirmed that they have a unique approach that is market focused with the intent to seek out an end user of the site and facilitate actual development. Their experience with similar sites in New York State and elsewhere provides a track record of getting sites developed. In addition, they understand the nuances of EPA grant funding and have worked on other EPA-funded studies. The team Vita Nuova put together for this proposal includes three uniquely qualified local firms: Barton and Loguidice, Highland Planning LLC, and Urban Advisors. A summary of the selection process is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-33

Ordinance No. 2016-49
(Int. No. 56)

Appropriating funds and authorizing an agreement with Vita Nuova LLC related to the Orchard-Whitney Redevelopment Feasibility Study

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Environmental Protection Agency (USEPA) for the receipt and use of \$200,000, in Brownfield Area-wide Planning Grant funds for the purpose of funding an area-wide revitalization plan for the Orchard-Whitney site.

Section 2. The Mayor is hereby further authorized to enter into an agreement with Vita Nuova LLC, in a maximum amount of \$168,500, for planning services. Said agreement shall be funded from grant funds authorized herein. The remaining \$31,500, in appropriated funds shall be used to reimburse the City for staff and supply costs required to manage, and for travel to EPA Brownfield conferences and/or meetings. The term of said agreement shall be for two years with the option for a one year renewal.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-50
Re: Bond Authorization - 2016 Water Main
Cured-in-Place Pipe Project

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$490,000 and appropriating the proceeds thereof to fund a portion of the 2016 Cured-in-Place Pipe (CIPP) Project of the Distribution System Water Main Renewal Program. The total cost of this project is estimated to be \$1,200,000. The balance of funding, \$710,000, will be financed from 2012-13, 2013-14, 2014-15 and 2015-16 Cash Capital.

The CIPP project will structurally rehabilitate 1.5 miles of deteriorated water mains. This is a trenchless rehabilitation process where a certified installer inserts a felt tube impregnated with a polymer resin into the existing water main. After the material has cured it forms a fully structural close fitting liner pipe within the existing water main, thus extending its useful life by approximately 50 years.

A list of affected streets and a map of the area are attached. Construction is scheduled to begin this spring and be completed by the fall. Project inspection will be performed by Water Bureau personnel.

This project results in the creation and/or retention of the equivalent of 13 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-34

Ordinance No. 2016-50
(Int. No. 57)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$490,000 Bonds of said City to finance a portion of the City's Cured in Place Pipe Project of the Distribution System Water Main Renewal Program

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of structural rehabilitation of approximately 1.5 miles of deteriorated water mains through the City's 2016 Cured in Place Pipe Project of the Distribution System Water Main Renewal Program, including portions of Emerson Street, Green Knolls Drive, Hague Street, Larch Street, Lynbrook Drive, Mt. Read Boulevard, Norton Village Lane, Schum Lane, Swan Street and Village Way (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,200,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$490,000 bonds of the City to finance said appropriation, \$710,000 of the Department of Environmental Services Cash Capital allocation (Water Fund) 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 \$490,000 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 \$490,000. 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 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 ma-

ture in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-51
Re: Bond Authorization - 2016 Water Main
Cleaning and Lining Project

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$1,000,000 and appropriating the proceeds thereof to fund a portion of the 2016 Water Main Cleaning and Lining Project of the Distribution System Water Main Renewal Program. The total cost of the project is estimated to be \$1,650,000. The balance

of funding, \$650,000, will be funded from 2012-13, 2013-14 and 2015-16 Cash Capital.

The project will rehabilitate approximately 6.3 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 extend the useful life of the mains. The cost to rehabilitate a water main by cement lining is approximately 20% of the cost of replacing a water main. The cement lining also extends the life of the water main by approximately 50 years.

A list of the affected streets and a map of the area are attached. Construction is scheduled to begin this spring and be completed by the fall. Project inspection will be performed by Water Bureau personnel.

This project results in the creation and /or retention of the equivalent of 18 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-35

Ordinance No. 2016-51
(Int. No. 58)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,000,000 Bonds of said City to finance a portion of the City's 2016 Water Main Cleaning and Lining Project of the Distribution System Water Main Renewal Program

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of rehabilitating and mechanically cleaning approximately 6.3 miles of deteriorated water mains through the City's 2016 Water Main Cleaning and Lining Project of the Distribution System Water Main Renewal Program, including portions of Agnes Street, Bauman Street, Borchard Street, Bremen Street, Cleon Street, Dayton Street, Ernst Street, Fairbanks Street, Geneva Street, Helena Street, Herbert Street, Hoff Street, Klein Street, Kosciusko Street, Lang Street, Laser Street, Ludwig Park, Merrimac Street, Moulson Street, Northeast Avenue, Oakland Street, Orange Street, Peckham Street, Pulaski Street, Remington Street, Roycroft Street, Sobieski Street, St. Casimir Street, St. Stanislaus Street, Townsend Street, Van Stallen Street, Warsaw Street, Weaver Street, Weyl Street, and Wolfert Terrace (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,650,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,000,000 bonds of the City

to finance said appropriation, \$650,000 of the Department of Environmental Services Cash Capital allocation (Water Fund) and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

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

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,000,000. 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 fifteen (15) years.

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

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

Fiscal Officer of the City.

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-52
Re: Bond Authorization - 2016 Water Main
Extensions and Improvements Project

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$988,200 and appropriating the proceeds thereof to fund a portion of the 2016 Water Main Extensions and Improvements (E&I) Project of the Distribution System Water Main Renewal Program. The total cost of the project is estimated to be \$1,395,200. The balance of the funding, \$407,000, will be funded from 2015-16 Cash Capital.

The E&I project provides for the scheduled replacement of deteriorated and deficient water mains, this year replacing 4,550 feet of City water mains. Of the approximately 600 miles of water mains within the City's distribution system, 380 miles are over 75 years of age, which is the expected useful life of water mains.

This project will replace water mains on the following streets:

<u>Street Name</u>	<u>Limits</u>	<u>Replacement Reason</u>
Portland Avenue	North St. - 500 ft. south of Draper St.	7 water main breaks
Carter Street	Norton St. - Delamaine Dr.	5 water main breaks
Fernwood Avenue	Portland Ave. - Renwood St.	5 water main breaks
Vassar Street	Canterbury Rd. - Harvard St.	4 water main breaks

Construction is scheduled to begin this spring and be completed by the fall. Project inspection will be performed by Water Bureau personnel.

This project results in the creation/retention of the equivalent of 15 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-36

Ordinance No. 2016-52
(Int. No. 59, as amended)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$988,200 Bonds of said City to finance a portion of the City's 2016 Water Mains Extensions and Improvements Project of the Distribution System Water Main Renewal Program

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of replacement of approximately 4,550 feet of deteriorated water mains through the City's 2016 Water Mains Extension and Improvements Project of the Distribution System Water Main

Renewal Program, including portions of Portland Avenue, Carter Street, Fernwood Avenue and Vas-sar Street (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,395,200, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$988,200 bonds of the City to finance said appropriation, \$407,000 of the Department of Environmental Services Cash Capital Allocation (Water Fund) 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 \$988,200 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 \$988,200. 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.

Strikeout indicates deleted text

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-53
Re: Bond Authorization - Indoor Pistol
Range, Heating, Ventilation and Air
Conditioning

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$158,000 and the appropriation of the proceeds thereof to finance the design and construction of the replacement of the heating, ventilation and air conditioning (HVAC) at the Public Safety Training Facility's indoor pistol range.

The HVAC makeup air unit and the roof top unit at the indoor pistol range were manufactured and installed in 1990 with an anticipated design life of 20 years. The equipment is now at the end of its serviceable life. Design, construction administra-

tion and commissioning services will be provided under authorized engineering mechanical/electrical/plumbing term contract services (Ord. No. 2014-346).

Construction is scheduled to begin in summer 2016 and be completed by fall 2016. The project will result in the creation and/or retention of the equivalent of 1.7 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-53
(Int. No. 60)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$158,000 Bonds of said City to finance the cost of the design and construction of replacement of the HVAC system at the City's Indoor Pistol Range

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 the design and construction of replacement of the heating, ventilation and air conditioning system at the City's Indoor Pistol Range located on Scottsville Road (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 \$158,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$158,000 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 \$158,000 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 \$158,000. 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. 28. of the Law, is fifteen (15) years.

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

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

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

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

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

Passed unanimously.

Councilmember Haag moved to discharge Int. No. 51 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-54
Re: Agreement - Crown Castle NG East LLC, Inc., Cellular Wireless Equipment

Transmitted herewith for your approval is legislation authorizing an agreement with Crown Castle NG East LLC, Inc., c/o Crown Castle USA, Inc. (Crown Castle), Canonsburg, Pennsylvania, to place small cellular equipment throughout the Beechwood neighborhood in the City of Rochester for an annual fee. Crown Castle is a leading provider of telecommunications facilities and equipment in New York State that provides a distributed network infrastructure to the wireless industry and maintains a Certificate of Public Convenience and Necessity to operate in the State as a facilities-based provider.

In order to provide enhanced wireless services to the Beechwood neighborhood, Crown Castle plans to place their small cellular equipment on approximately 11 street light poles and place fiber on Rochester Gas and Electric-owned wood poles, as needed. Some street light poles will require replacement prior to mounting the equipment, which will require City approval and be undertaken at no cost to the City. The cellular wireless equipment will be operated and maintained by Crown Castle and will generate annual revenue in the amount of \$500 per street light pole used by Crown Castle plus 5% of gross revenue and the installation of a two inch conduit for the City's use. This agreement is expected to generate approximately \$10,000 annually including pole fee and the 5% gross revenue charge. The term of the agreement will be 10 years with three, five-year extensions. At the conclusion of the term, all equipment will be removed from the street light poles.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-54
(Int. No. 51)

Authorizing agreement with Crown Castle NG East LLC, Inc.

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Crown Castle NG East LLC, Inc. to allow the company to place small

cellular wireless communications equipment (Equipment) on approximately 11 City street light poles for an annual fee and subject to the following terms and conditions.

Section 2. The Equipment shall be installed, operated and maintained at no cost to the City. The company may replace some street light poles prior to installation of Equipment, provided that it obtains prior approval from the City to do so and the replacement is undertaken at no cost to the City.

Section 3. Crown Castle shall pay the City an annual fee comprised of five percent (5%) of the gross revenue derived from its rental of the Equipment to cellular communications providers plus \$500 for each street light pole utilized.

Section 4. The agreement shall be for a term of ten years with the option to extend for up to three additional terms of five years each upon the mutual consent of the parties. At the conclusion of the agreement, Crown Castle shall remove all Equipment from the street light poles at no cost to the City.

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

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Haag moved to discharge Int. No. 61 from Committee.

The motion was seconded by Councilmember Patterson.

The motion was adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-55
Re: Agreement - Architectura, P.C. Architects, Architectural Services for Rochester Police Department Reorganization

Council Priority: Public Safety

Transmitted herewith for your approval is legislation establishing \$150,000 as maximum compensation for an agreement with Architectura, P.C. Architects, for architectural services supportive of the reorganization of the Rochester Police Department (RPD). The cost of the agreement will be funded from 2014-15 Cash Capital and the term will be for 18 months commencing March 1, 2016 with the option of a six month extension after acceptance of the design and report, at no additional cost.

The RPD has undergone an operational reorganization such that the East, West and Central offices were recently redefined as five sections: Lake, Clinton, Goodman, Genesee and Central. Present-

ly, these sections have shared spaces and require physical division and placement into optimal locations within their respective City section. The consultant will be responsible for evaluating current structures and creating a design proposal conducive to the restructuring of the department. They will provide architecture services that will reflect police programming, perform test fit evaluations, and create a schematic design for the physical reorganization of the RPD. This project will also include programming and test fit evaluations for the Special Operations units located at 261 Child Street.

Architectura, P.C. Architects was selected through a request for proposal process, which is described in the attached summary.

Program development and schematic design services will begin in spring 2016 with anticipated completion in winter 2017. The architectural services will result in the creation and/or retention of the equivalent of 1.6 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-37

Ordinance No. 2016-55
(Int. No. 61)

Authorizing an agreement with Architectura, P.C. Architects, for architectural services

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Architectura, P.C. Architects, for architectural services related to the Rochester Police Department Reorganization in the maximum amount of \$150,000. Said agreement shall be funded from 2014-15 Cash Capital and shall have a term of 18 months commencing March 1, 2016 with the option of a six month extension after acceptance of the design and report, at no additional cost.

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

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 8.

Nays - Councilmember Clifford - 1.

By Councilmember McFadden
February 25, 2016

To the Council:

The Public Safety, Youth & Recreation Committee recommends for adoption the following entitled legislation:

Int. No. 63 - Authorizing agreement for Summer of Opportunity Youth Program tour of Historically Black Colleges and Universities, as amended

Int. No. 64 - Authorizing lease with Bivona Child Advocacy Center and the receipt and appropriation of Federal asset forfeiture funds for the Rochester Police Department

Int. No. 65 - Authorizing an inter-municipal agreement with the County of Monroe for funding of firearms instruction

Int. No. 66 - Authorizing an amendatory agreement for veterinary services

The following entitled legislation is being held in Committee:

Int. No. 62 - Authorizing intermunicipal agreement for Pathways to Peace program

Respectfully submitted,

Molly Clifford
Matt Haag
Dana K. Miller
Loretta C. Scott
PUBLIC SAFETY, YOUTH & RECREATION
COMMITTEE

Received, filed, and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-56
Re: Agreement - Town and Country Travel,
Tour of Historically Black Colleges and
Universities

Council Priority: Support the Creation of
Effective Educational Systems

Transmitted herewith for your approval is legislation establishing \$35,000 as maximum compensation for an agreement with Town and Country Travel, Inc. (owned and operated by Teresa Johnson, Pittsford, New York) to conduct a tour of Historically Black Colleges and Universities for city youth. The cost of this agreement, which includes all transportation, hotel, food and fees, will be funded from the 2015-16 Budget of the Department of Recreation and Youth Services (DRYS).

The purpose of the college tour is to expose city youth to college life outside of the city limits and to reinforce the importance of school attendance, good grades and planning for the future. It will also reinforce the connection between education and careers. Approximately 40 youth ages 14-18 who participate in DRYS programs will go on the tour, planned for March 31 - April 2, 2016. They will visit three or four colleges/universities in the Wash-

ington, D.C., Maryland and Virginia area and nearby historical sites.

The funding is from the remaining 2015 Summer of Opportunity grant from the New York State Department of Labor (NYSDOL) (Ord. Nos. 2015-79 and 2015-157). The NYSDOL requires that the City expend 30% of the grant funds through utilizing certified M/WBE businesses.

Town and Country Travel was selected to provide the student tour service based on being the only local certified M/WBE travel agencies. A full justification for not issuing a request for proposals is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-38

Ordinance No. 2016-56
(Int. No. 63, as amended)

Authorizing agreement for Summer of Opportunity Youth Program tour of Historically Black Colleges and Universities

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 Town & Country Travel, Inc. of Pittsford, New York to conduct a tour of Historically Black Colleges and Universities on or about March 31 to April 2, 2016, for City youth who participate in Department of Recreation and Youth Services (DRYS) programs. The amount of ~~\$35,000~~ \$30,000, or so much thereof as may be necessary is hereby established as the compensation to be paid under the agreement. Said amount shall be funded from Summer of Opportunity Youth Program funds that were appropriated to the 2015-16 Budget of DRYS in Ordinance Nos. 2015-79 and 2015-157.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-57
Re: Lease Agreement - Bivona Child
Advocacy Center

Council Priority: Public Safety

Transmitted herewith for your approval is legislation related to a lease with Bivona Child Advocacy Center. This legislation will:

1. Appropriate up to \$14,400 from federal asset forfeiture funds and amend the 2015-16 Budget of the Police Department by said amount; and
2. Establish \$28,760 as annual maximum compensation for a lease agreement with Bivona Child Advocacy Center. The term of the lease will be January 1, 2016 through December 31, 2018, with a three-year renewal option. The agreement will be funded from the 2015-16 and subsequent budgets of the Police Department, contingent upon approval of future budgets.

The Rochester Police Department's (RPD's) federal asset forfeiture funds will be used to enter into a lease with Bivona Child Advocacy Center at One Mount Hope Avenue in the City of Rochester commencing January 1, 2016. The leasing of space for use by law enforcement personnel for law enforcement investigations and operations is a permissible use of federal asset forfeiture funds.

The RPD will lease 2,876 square feet of space currently utilized by RPD personnel at Bivona. The lease rate is \$10.00 per square foot, for an annual total of \$28,760. This rental value was established via an independent appraisal performed by Kevin Bruckner, MAI as of December 2015.

Unlike other Bivona partner agencies, the RPD has extensively utilized Bivona facilities and resources even though the City has not paid occupancy costs. Bivona provides training, support staff, equipment and supplies, and data collection at no additional charge. RPD personnel assigned to the IMPACT Team have their offices at Bivona as part of a full-service Children's Advocacy Center. The IMPACT Team is part of the RPD Major Crimes Unit, and is primarily responsible for investigating cases of child death including possible SIDS death, cases involving serious physical injury to an infant or child, and intra-familial physical or sexual child abuse, where the suspect is 16 years of age or older and is "legally responsible" for the child victim. In addition, other RPD personnel utilize Bivona on a case-by-case basis.

The Children's Advocacy Center model, with full co-location of partner agencies under one roof, has been proven to be a much more effective and efficient model, producing better results, and helping to reduce the trauma suffered by children who are the victims of physical and sexual abuse. This progressive approach partners child protective services social workers, law enforcement, prosecutors, medical professionals, therapists, victim advocates, and volunteers. Whenever possible, children participate in only one forensic interview and one medical exam. This streamlined process not only reduces the trauma suffered by the child, it also reduces the time RPD investigators must spend on each case, and preserves the best evidence.

For calendar year 2015, RPD personnel have utilized the Bivona facility and its resources in 281 IMPACT cases, including 14 fatality investigations, 25 physical abuse investigations, and 242 sexual

abuse investigations. RPD personnel have also utilized the Bivona facility and its resources in 103 non-IMPACT cases involving child victims or witnesses. Bivona has also provided significant training to RPD personnel at no cost and made its state-of-the art training facility at its new building available to RPD at no cost.

This appropriation will result in a balance of approximately \$1,034,400 in the federal asset forfeiture fund.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-57
(Int. No. 64)

Authorizing lease with Bivona Child Advocacy Center and the receipt and appropriation of Federal asset forfeiture funds for the Rochester Police Department

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

Section 1. Ordinance No. 2015-167, the 2015-16 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$14,400, which amount is hereby appropriated from funds received from the Federal Government from seized and forfeited assets, to fund programs by the Rochester Police Department, including but not limited to the lease agreement authorized herein, and to fund programs by community organizations.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Bivona Child Advocacy Center, a New York not-for-profit corporation, whereby the City shall lease approximately 2,876 square feet of space in Bivona's facility located at One Mount Hope Avenue in the City of Rochester to house Rochester Police Department (RPD) personnel assigned to RPD's IMPACT Team for an annual rent of \$28,760 and for a term that extends from January 1, 2016 through December 31, 2018, with the option to extend for an additional term of three years. The cost of said lease agreement shall be funded from the 2015-16 and subsequent years' budgets of the RPD with funding of subsequent years contingent upon approval of subsequent budgets.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-58
Re: Intermunicipal Agreement - Monroe County, Firearms Instruction

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing the continuation of the intermunicipal agreement with Monroe County for the receipt and use of funding for the Firearms Instruction Program in the amount of \$55,675. The term of the agreement is January 1, 2016 through December 31, 2016.

The County provides reimbursement for a portion of the salary and benefits of Rochester Police Department firearms instructors to train officers in Monroe County police agencies. No budget amendment is needed as the positions and the associated funding were anticipated and included in the 2015-16 Budget of the Police Department.

The County Legislature approved this agreement at its December 8, 2015 meeting via Resolution 367 of 2015.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-58
(Int. No. 65)

Authorizing an intermunicipal agreement with the County of Monroe for funding of firearms instruction

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 reimbursement for the 2016 Firearms Instruction Program in the amount of \$55,675. The term of the agreement shall be January 1, 2016 through December 31, 2016.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-59
Re: Agreement - Monroe Veterinary Associates, Veterinary Services for Police K-9 Unit

Council Priority: Public Safety

Transmitted herewith for your approval is legislation related to an amendatory agreement for veterinary services for dogs assigned to the K-9 unit of the Police Department (Ord. No. 2015-212). This legislation will:

- 1. Establish \$15,000 as maximum compensation for an amendatory agreement with Monroe Veterinary Associates DBA Stone Ridge Vet-

erinary Hospital for a total of \$35,000, for the one-year term that ends on August 31, 2016; and

- 2. Establish \$35,000 as maximum compensation for three, one-year optional renewals to the amendatory agreement authorized herein.

The current agreement with Stone Ridge Veterinary Hospital provides for maximum annual compensation of \$20,000 for an original term of one year with three optional one-year renewals. The increased compensation in this amendatory agreement is necessary because the K-9 unit dogs' needs for veterinary services have exceeded anticipated demand.

The additional annual cost will be funded in the same manner as was provided for by the original authorization, from the 2015-16 Budget of the Police Department for the term ending on August 31, 2016, and from future budgets of the Police Department, contingent upon their approval.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-39

Ordinance No. 2016-59
(Int. No. 66)

Authorizing an amendatory agreement for veterinary 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 agreement with Monroe Veterinary Associates DBA Stone Ridge Veterinary Hospital for veterinary services for the K-9 Unit of the Police Department. The amendment shall increase the maximum annual compensation authorized by Section 2 of Ordinance No. 2015-212 by \$15,000 to a total of \$35,000 for the initial one-year term of the agreement and for each one of the up to three optional one-year extensions of the agreement. The amount of such additional compensation shall be funded from the 2015-16 Budget of the Rochester Police Department for the initial term of the agreement and contingent upon the adoption of future budgets for any extensions to the term.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 62
Re: Intermunicipal Agreement - Rochester
City School District's Utilization of
Pathways to Peace

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an intermunicipal agreement with the Rochester City School District (District) for the receipt and use of \$50,800 and amending the 2015-16 Budgets of the Department of Recreation and Youth Services (\$47,500) and Undistributed Expenses (\$3,300) by the funds authorized herein to provide violence intervention and prevention services to District students through the Pathways to Peace (PTP) program. The term of the agreement is February 21, 2016 to June 30, 2016, with a one-year renewal for \$163,000 for the period July 1, 2016 to June 30, 2017, contingent upon approval of the 2016-17 Budgets of the City and District.

Under this agreement, PTP will place five part-time/seasonal Youth Intervention Aides in District schools. Upon the request of District staff, PTP will provide the following services:

- 1. Student mediation - PTP staff will facilitate student mediation sessions with students involved in disputes (and families as needed).
- 2. Student re-entry services - PTP staff, in conjunction with the school's parent liaison, will develop and implement a safety plan for students re-entering the school after a period of absence due to violence.
- 3. Support during emergencies at school - PTP staff will respond to emergency situations to assist in preventing or mitigating the risk of violence among students.
- 4. Support during special events - PTP staff will monitor entry points at special events and activities and will identify potentially violent individuals.

The Board of Education is expected to approve this agreement at their January 28 meeting.

Respectfully submitted,
Lovely A. Warren
Mayor

Introductory No. 62

AUTHORIZING INTERMUNICIPAL AGREEMENT FOR PATHWAYS TO PEACE PROGRAM

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

Section 1. The Mayor is hereby authorized to enter into an inter-municipal agreement that provides for the receipt and use of \$50,800 from the Rochester City School District (RCSD) in return for providing youth intervention services in RCSD schools through the Department of Recreation and

Youth Services' (DRYS') Pathways to Peace program. The term of the agreement shall be from February 21 to June 30, 2016, with the option to extend the agreement for an additional term from July 1, 2016 through June 30, 2017 for additional compensation in the amount of \$163,000.

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

Section 3. Ordinance No. 2015-167, the 2015-16 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to:

- a) DRYS by the sum of \$47,500, and
- b) Undistributed Expenses by the sum of \$3,300,

both of which sums are hereby appropriated from funds to be received under the agreement authorized herein. If the parties to the agreement exercise the aforementioned option to extend the term of the agreement, the funding thereof in the amount of \$163,000 shall be contingent upon approval of the 2016-17 Budgets of the RCS and City.

Section 4. This ordinance shall take effect immediately.

Held in Committee.

The meeting was adjourned at 8:00 p.m.

HAZEL L. WASHINGTON
City Clerk

* * * * *

REGULAR MEETING
MARCH 22, 2016

Present - President Scott Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Absent - None - 0.

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

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

Recognition Ceremony

- Retirement:
 - Environmental Services
 - *Kenneth J. Lindsay
 - Finance Department
 - *James M. Collins
 - Police Department
 - *Marian T. Gaudio
- *Did not attend meeting.

APPROVAL OF THE MINUTES
By Councilmember Spaul

RESOLVED, that the minutes of the Regular Meeting of February 25, 2016 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

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

The following communications are hereby directed to be received and filed:

- The Mayor submits the following:
 - Quarterly Report - Schedule of Revenue and Expenditures 4222-16
 - Public Disclosure - HOME Participation (3) 4223-16, 4224-16, 4225-16
 - Administrative Cancellation or Refund of Erroneous Taxes and Charges 4226-16
 - Public Disclosure - CDBG Participation 4227-16

The Council submits Disclosure of Interest Forms from President Scott on Int. No. 88, Vice President Miller on Int. No. 88, and Councilmember Conklin on Int. Nos. 75 and 76.

PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.

Councilmember Conklin submits petition with 2,177 signatures in favor of expanding approved food truck locations to all City streets. Petition No. 1725

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
March 22, 2016

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 71 - Establishing maximum compensation for a professional services agreement for ticket sales and box office management of City-produced events

Int. No. 72 - Authorizing an agreement for fireworks displays

Int. No. 73 - Resolution approving re-appointment to the Civil Service Commission

Int. No. 74 - Authorizing the bulk sale of delinquent tax liens

Int. No. 75 - Resolution approving appointment to the Board of Trustees of the Rochester Public Library

Int. No. 76 - Authorizing a lease agreement with Hillside Family of Agencies

Int. No. 77 - Amending the 2015-16 Budget and

the funding source for architectural services

Int. No. 103 - Authorizing an amendatory professional services agreement for expert witness services for the Law Department

Int. No. 104 - Bond Ordinance of the City of Rochester, New York, authorizing the issuance of ~~\$13,000,000~~ \$12,592,000 bonds of said City to finance the cost of construction and renovation of various public school buildings within the City, as amended

Respectfully submitted,
Carolee A. Conklin
Adam C. McFadden
Dana K. Miller
Loretta C. Scott
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-60
Re: Agreement - SMG/Blue Cross Arena at the War Memorial, City-Produced Events Box Office and Ticket Sales Management Services

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$17,800 as maximum compensation for an agreement with SMG/Blue Cross Arena at the War Memorial (Jeff Calkins, Manager) for box office management services and on-site ticket sales during Windstream Party in the Park and ROC the Park events. The term of the agreement is for one year and will be funded from the 2015-16 Budget of the Bureau of Communications.

SMG will provide on-site ticket sales and dedicated, licensed security personnel for such sales during nine Windstream Party in the Park events and three ROC the Park events. Services will include printing tickets, setting up an online Ticketmaster outlet for their purchase, staffing, handling cash on site, managing the box office, producing weekly reports, and providing the City with the revenue from the ticket sales.

A similar agreement with SMG was authorized in May 2015 (Ord. No. 2015-148) at a cost of \$17,800.

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-40

Ordinance No. 2016-60
(Int. No. 71)

Establishing maximum compensation for a professional services agreement for ticket sales and box office management of City-produced events

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

Section 1. The sum of \$17,800, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and SMG/Blue Cross Arena at the War Memorial for the Windstream Party in the Park and ROC the Park Event ticket sales and box office management. Said agreement shall be funded from the 2015-16 Budget of the Bureau of Communications. The agreement shall have a term of one year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2016-61
Re: Agreement - Young Explosives Corporation, Fireworks Displays

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$52,000 as maximum compensation for an agreement with Young Explosives Corporation, Brighton, New York, to provide fireworks displays. The term of the agreement is for one year and will be funded from the 2016-17 Budget of the Bureau of Communications, contingent upon adoption of said budget.

The firm will provide large aerial fireworks displays for the City's July 4th celebration, New Year's Eve celebration, and smaller fireworks displays at the season opening of the Martin Luther King, Jr. Park ice skating rink and the Lakeside Winter Celebration at Ontario Beach Park.

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

The most recent agreement for similar services was authorized in May 2015 (Ord. No. 2015-149).

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-41

Ordinance No. 2016-61
(Int. No. 72)

Authorizing an agreement for fireworks displays

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

Section 1. The sum of \$52,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Young Explosives Corporation for fireworks displays. Said amount shall be funded by \$52,000 from the 2016-17 Budget of the Bureau of Communications, contingent upon adoption of said budget. The term of the agreement shall be one year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2016-6
Re: Reappointments - Civil Service
Commission

Transmitted herewith for your approval is legislation confirming the reappointments of John R. Feola, 273 Dorchester Road, Rochester, New York 14610, and Leslie B. Smith, 1860 Culver Road, Rochester, New York 14609, to the Civil Service Commission for the City of Rochester.

Mr. Feola has served one term on the Commission; he was originally appointed in November 2011. Of the 51 regular meetings held during his current term, Mr. Feola attended 49 or 96%. Mr. Feola is a Democrat whose current term expires on May 31, 2016. His new term will extend to May 31, 2022.

Ms. Smith was originally appointed to the Commission in May 2014 to serve the remainder of Elizabeth Ortiz's term upon her resignation. Of the 21 regular meetings held during her current term, Ms. Smith attended 18 or 86%. Ms. Smith is a Democrat whose current term expires on May 31, 2016. Her new term will extend to May 31, 2022.

Resumes for Mr. Feola and Ms. Smith are available for review in the City Clerk's Office.

A summary description of the Civil Service Commission and its current membership is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-42

Resolution No. 2016-6
(Int. No. 73)

Resolution approving reappointment to the Civil Service Commission

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

Section 1. The Council hereby approves reappointment to the Civil Service Commission of the following persons for a term that expires on May 31, 2022:

<u>Name</u>	<u>Address</u>
John R. Feola	273 Dorchester Road
Leslie B. Smith	1860 Culver Road

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-62
Re: Bulk Sale of Delinquent Tax Liens

Council Priority: Deficit Reduction and Long-Term Financial Stability; Rebuilding and Strengthening Neighborhoods

Transmitted herewith for your approval is legislation authorizing the sale of 2014-15 and prior delinquent tax liens, in bulk, to American Tax Funding, LLC (ATF).

Local Law No. 8 of 2008 amended the City Charter to allow the City to conduct bulk sales of delinquent tax liens. Ordinance No. 2008-379 authorized three lien sales with the option for two subsequent sales. The table below summarizes the results of the sales related to the original contract term:

<u>Sale Date</u>	<u>Number Of liens</u>	<u>Number Of Parcels</u>	<u>Original Value (principal + interest)</u>	<u>Sale Price</u>	<u>% of Original Value</u>
Feb 2009	5,675	3,327	\$13,976,777	\$6,036,829	43.19
Sept 2009	5,444	4,864	\$11,443,795	\$4,981,986	43.53
Dec 2010	5,249	4,780	\$10,999,275	\$5,342,778	48.57
Feb 2012	4,580	4,274	\$10,336,100	\$4,578,407	44.30
Feb 2013	4,616	4,405	\$9,966,089	\$4,524,150	45.40

Ordinance No. 2013-398 authorized a one-year agreement with ATF. The result of the sale is summarized below:

<u>Sale Date</u>	<u>Number Of liens</u>	<u>Number Of Parcels</u>	<u>Original Value (principal + interest)</u>	<u>% of Original Sale Price</u>	<u>Value</u>
Mar 2014	2,033	1,977	\$4,396,376	\$2,531,023	57.57

Ordinance No. 2015-3 authorized a one-year agreement with ATF. The result of the sale is summarized below:

<u>Sale Date</u>	<u>Number Of liens</u>	<u>Number Of Parcels</u>	<u>Original Value (principal + interest)</u>	<u>Sale Price</u>	<u>% of Original Value</u>
Mar 2015	2,041	1,837	\$3,659,724	\$2,172,334	59.36

The City classifies liens into one of three categories, as follows:

- New Liens - Liens on properties for which ATF has not previously purchased any liens.
- Unsettled Liens - Liens on properties for which ATF had previously purchased liens that are unpaid.
- Settled Liens - New liens on properties for which any previous liens sold to ATF have been paid.

Under the previous agreements, ATF was granted a right of first refusal through the 2017 delinquent tax year, on New and Unsettled Liens; ATF does not have a right of first refusal on Settled Liens.

In 2013, ATF began assigning some of its liens purchased from the City to Cheswold LLC. On January 26, 2016, Cheswold LLC was purchased by Alterna Tax Asset Group. Cheswold is now a wholly owned subsidiary of Alterna. The liens owned by Cheswold LLC will be serviced by MTAG Services, LLC, and those liens retained by ATF will be serviced by ATF.

In order to increase delinquent tax collection revenue, enhance redevelopment efforts, reduce the presence of blighted property, and offer flexibility to homeowners, the City is proposing to remove certain properties from the lien sale based on community input and review by the Department of Neighborhood and Business Development. The City will sell high value liens and liens on owner-occupied property to ATF. Properties removed are subject to foreclosure and collection efforts with potential future ownership by the Rochester Land Bank Corporation.

For this year, based on a bulk lien sale list having an aggregate lien amount of \$4,024,223, ATF has proposed to purchase a pool of high value Unsettled Liens having a value of \$1,937,194 at a price of \$1,273,701, representing 65.75% of the original lien amount. ATF has also proposed to purchase a pool of high value New Liens having a value of \$1,843,349, at a price of \$1,329,947, representing 72.15% of the original lien amount. In

addition, ATF has proposed to purchase a pool of high value Settled Liens having a value of \$243,679, at a price of \$180,249, representing 73.97% of the original lien amount.

In the aggregate, ATF is offering \$2,783,897 or 69.18% of the original lien amount of \$4,024,223 for these three lien pools.

The City would retain approximately \$3.8 million of low valued liens for which ATF does not wish to purchase. The City would also retain liens on approximately 1,300 properties requested by the City's Department of Neighborhood and Business Development. Both categories of retained liens will be included in the City's 2016 foreclosure auction. The foreclosure action is scheduled to commence in spring 2016 and culminate with a fall 2016 foreclosure auction.

As required by Ordinance No. 2008-379, the Administration will file a list of the properties with liens to be sold to ATF and the properties with liens removed from the sale along with a map showing both categories.

This legislation approves the sale of this year's delinquent tax liens to ATF based upon this initial estimated dollar value and percentage amounts. The final sale dollar amount and percentage will reflect changes to the delinquent tax liens finally sold.

This agreement will have a term of one year. Subsequent tax lien sales are subject to City Council approval.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-62
(Int. No. 74)

Authorizing the bulk sale of delinquent tax liens

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 American Tax Funding, LLC (ATF) for the bulk sale of delinquent tax liens. The Council hereby approves the bulk sale of 2014-2015 and prior years tax liens.

Section 2. The agreement shall have a term of year, and shall obligate ATF to pay to the City an amount based upon the ATF offer of \$1,273,701, for high value unsettled liens, \$1,329,947, for high value new liens, and \$180,249, for high value settled liens.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, Miller, Ortiz, Patterson, Spaul - 8.

Nays - Councilmember McFadden - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2016-7
Re: Appointment- Rochester Public
Library Board of Trustees

Transmitted herewith for your approval is legislation confirming the following appointment to the Rochester Public Library Board of Trustees:

Daniel B. Karin
191 Highland Parkway
Rochester, New York 14620

Mr. Karin was unanimously nominated by the Rochester Public Library Board of Trustees at its February 24, 2016 meeting; his term expires on December 31, 2017. Mr. Karin will fill the seat most recently held by Justin Stevens, who left the board prior to his term's expiration due to his relocation to a residence outside the city limits.

Mr. Karin's resume is available for review in the City Clerk's Office.

Respectfully submitted,
Lovely A. Warren
Mayor

Resolution No. 2016-7
(Int. No. 75)

Resolution approving appointment to the Board of Trustees of the Rochester Public Library

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

Section 1. The Council hereby approves the appointment of Daniel B. Karin, 191 Highland Parkway, Rochester, NY 14620, to the Rochester Public Library Board of Trustees for a term which shall expire on December 31, 2017.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-63
Re: Lease Agreement - Hillside Family of
Agencies, Lincoln Branch Library, 851
Joseph Avenue

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

Transmitted herewith for your approval is legislation authorizing a lease agreement with Hillside Family of Agencies for the use of 4,000 square feet of the Lincoln Branch Library building. The term of the agreement will be for five years with the option of one five-year renewal. The annual rental amount for the initial term will be \$24,000, which was established through an independent appraisal prepared by Kevin Bruckner, MAI as of February 2016. For the first year, the rental rate will be reduced to \$10,000 to reflect improvements made to the facility by Hillside. The agreement will commence on May 1, 2016.

Hillside will continue to operate the Peter Castle Family Resource Center at 555 Avenue D, which is co-located with the Lincoln Branch Library. The City has leased this space for the Family Resource Center since May 1996. The most recent lease for this space was executed on May 1, 2006 (Ord. No. 2006-251).

The Rochester Public Library Board of Trustees will review authorization of a sub-lease agreement at its meeting on March 23, 2016.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-63
(Int. No. 76)

Authorizing a lease agreement with Hillside Family of Agencies

WHEREAS, the Rochester Public Library has received a proposal for the lease of space in the Lincoln Branch Library Building; and

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is required to follow additional procedures due to the length of the proposed lease; and

WHEREAS, the terms of the lease are reasonable and necessary in light of their intended purpose and the public will benefit throughout the term of the lease.

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

Section 1. The Mayor is hereby authorized to enter into a lease agreement with Hillside Family of Agencies for use of 4,000 square feet of the Lincoln Branch library building for a term of 5 years, commencing on May 1, 2016, with the option for a 5 year renewal.

Section 2. The annual rental amount for the initial term will be \$24,000. For the first year, the rental rate shall be reduced to \$10,000 to reflect improvements made to the facility by Hillside.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-64
Re: Mid-Year Budget Amendment

Council Priorities: Deficit Reduction and Long-Term Financial Stability

Transmitted herewith for your approval is legislation amending the 2015-16 Budget. This legislation will:

1. Amend the 2015-16 Budget for Cash Capital by transferring a total of \$2,896,800 from the Budget of Undistributed Expenses; and
2. Amend Ordinance No. 2016-19 to change the funding source for architectural services related to renovations of the Municipal Code Violations Bureau (MCVB) from Dormitory Authority of the State of New York (DASNY) grant funds to 2015-16 Cash Capital.

This amendment is possible due to savings generated by a change in the method that the New York State and Local Retirement System (NYSLRS) uses to calculate the City's annual required contribution and the delay in the settlement of the collective bargaining agreement for Local 1071 of the International Association of Fire Fighters, Inc. (IAFF) in 2014-15. Legislation enacted by NYS in July of 2015 changed the method of calculation of the City's required annual contribution to NYSLRS to be based on actual salaries from the prior year rather than projected salaries. The financial impact of the IAFF settlement on the City's annual contribution has been delayed until the bill is due in February 2017. This was unknown at the time that the 2015-16 Budget was adopted in June 2015, and resulted in approximately \$2,900,000 in savings.

Several of the projects to be funded by the DASNY grant funds authorized by Ordinance No. 2015-120 have been held up due to a delay in DASNY approval for the projects funded by the State and Municipal Facilities Capital Program portion of the grant. Some of the projects that have been impacted need these additional funds to continue momentum and to take advantage of the upcoming construction season.

The proposed increase to the Cash Capital allocation will be used to fund capital projects as follows:

1. \$250,000 towards architectural services for the renovation of the MCVB. Ordinance No. 2016-19 authorized an amendatory agreement for architectural services to be funded by the DASNY grant. This Cash Capital will replace that funding;
2. \$389,000 in additional construction funds for

- the Library Master Space Plan;
- 3. \$400,000 for design and construction of the City Hall Roof Replacement;
- 4. \$564,000 for construction of a Midtown Pedestrian Corridor; and
- 5. \$1,293,800 to replace approximately 33 marked police vehicles.

The City will work with DASNY to reallocate the grant funds freed up by this budget amendment to other projects that fall within the scope of the grant, including Charlotte Street (\$533,100) and police vehicles (\$2,113,700) scheduled for replacement in 2016-17. It is anticipated that there will be adequate time for DASNY approval such that the other projects can proceed with in their planned timeframe.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-43

Ordinance No. 2016-64
(Int. No. 77)

Amending the 2015-16 Budget and the funding source for architectural services

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

Section 1. Ordinance No. 2015-167, the 2015-16 Budget of the City of Rochester, as amended, is hereby further amended by transferring a total of \$2,896,800 from Undistributed Expenses to Cash Capital.

Section 2. Ordinance No. 2016-19 is hereby amended to change the funding source for additional architectural services related to the renovation of the public hearing and payments areas of the Parking and Municipal Code Violations Bureau from Dormitory Authority of the State of New York grant funds to 2015-16 Cash Capital.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-65
Re: Agreement - Marc A. Martinez, PhD,
ABPP, Clinical and Forensic
Psychology Services, PLLC, Expert
Witness Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Marc A. Martinez, PhD, ABPP, Clinical and Forensic Psychology Services, PLLC for the continued provision of expert witness services. The maxi-

imum amount of the amendatory agreement shall be \$20,000, for a total of \$30,000. Said amount shall be funded from the 2015-16 Budget of the Law Department. The term of the agreement may extend until completion of the cases for which the consultant's services are requested.

Every year, the City of Rochester is named as a defendant in various lawsuits. Plaintiffs in certain of these suits claim to have suffered mental, emotional, or psychological damages. In order to defend against such claims, the City of Rochester requires the services of an expert to review treatment and therapy records, consult with City attorneys, and, when necessary, testify in the City's defense.

In late 2015, the Law Department found that it needed such an expert on short notice to defend a lawsuit involving a large claim for psychological damages supported by a plaintiff's expert. Therefore, the Law Department conducted a search for a qualified expert who is locally-based. After having initial discussions with four candidates who were located through referral from other law offices, medical offices, or by internet search, the Law Department decided to enter into an agreement with Dr. Martinez for these expert services in the amount of \$10,000. Dr. Martinez charges a flat rate of \$250 an hour for his services, which was the lowest rate of the four candidates consulted. A justification statement for not issuing a request for proposals is attached.

Dr. Martinez has proven to be thorough and detail-oriented. He is open to inquiry and communicates clearly. In short, he possesses the knowledge, experience, and communication skills required of an expert witness in his field of expertise.

The Law Department anticipates that it may require up to \$20,000 worth of additional services from Dr. Martinez in the present litigation, but desires the flexibility to use his expertise for other pending or future cases in the event that the present case does not end up requiring the entire allotment. Under the amendatory agreement, Dr. Martinez will, upon request of the City Law Department as needed, review mental health records, meet with attorneys, prepare expert reports, and provide testimony at deposition and trial.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-44

Ordinance No. 2016-65
(Int. No. 103)

Authorizing an amendatory professional services agreement for expert witness services for the Law Department

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 Marc A. Martinez, PhD, ABPP, Clinical and Forensic Psychology Services, PLLC to provide expert witness services in conjunction with pending and future litigation.

Section 2. The amendatory agreement shall increase the maximum cost of the original agreement by \$20,000 to a total of \$30,000, which cost shall be funded from the 2015-16 Budget of the Law Department. The term of the agreement may extend until completion of the cases for which the consultant's services are requested.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-66
Re: Capital Improvement Program -
Rochester City School District

Council Priority: Deficit Reduction and
Long-Term Financial Stability; Support
the Creation of Effective Educational
Systems

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

1. Authorize \$12,592,000 as debt to be authorized for the 2015-16 fiscal year for the RCSD; and
2. Authorize the issuance of bonds for \$12,592,000 and the appropriation of the proceeds thereof for capital improvements to existing school buildings in the RCSD.

By City Council Policy, borrowing in any fiscal year may not exceed the principal on outstanding debt redeemed for that year. During fiscal year 2015-16 the RCSD will liquidate \$17,195,000 in principal. *Attachment A* is a projection of the RCSD debt to be repaid over the current and next four fiscal years.

For cities with dependent school districts, the New York State Constitutional Debt Limit is established at 9.0% of the five-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 RCSD. This split provides the RCSD with a remaining borrowing capacity of \$42,213,950 (*Attachment B*).

Attachment C is a letter from the RCSD detailing the planned uses of the new bonds and a copy of the Board of Education Resolution No. 356 approv-

ing the capital plan at its November 19, 2015 meeting.

The New York State Education Department, by letter dated November 5, 2015, has confirmed the RCSD has met the Maintenance of Effort (MOE) requirement for 2015-16. 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,
Lovely A. Warren
Mayor

Attachment No. AP-45

Ordinance No. 2016-66
(Int. No. 104, as amended)

Bond Ordinance of the City of Rochester, New York, authorizing the issuance of ~~\$13,000,000~~ \$12,592,000 Bonds of said City to finance the cost of construction and renovation of various public school buildings within the City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance certain costs of construction and renovation of various public school buildings within the City in accordance with a list on file with the Director of Finance. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is ~~\$13,000,000~~ \$12,592,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of ~~\$13,000,000~~ \$12,592,000 bonds of the City, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of ~~\$13,000,000~~ \$12,592,000 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 ~~\$13,000,000~~ \$12,592,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The existing buildings are of Class "A" construction as defined by Section 11.00 a.11(a) of the Local Finance Law, and the period of probable usefulness of said specific objects or purposes for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.12(a)(1) of the Law, is twenty (20) years. A specific list of all such costs of construction and renovation is on file with the City in the Office of the Director of Finance.

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. The proceeds of these bonds shall be appropriated to pay the cost of such purpose on the condition subsequent that State aid paid to the City or the City School District with respect to such bonds applied solely to meet debt service on such bonds shall not invalidate any obligations issued pursuant to this ordinance or any appropriation of proceeds of such bonds made pursuant to this ordinance.

Section 9. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

By Council Vice President Miller
March 22, 2016

To the Council:

The Business & Economic Development Committee recommends for adoption the following entitled legislation:

Int. No. 79 - Authorizing a lease agreement for space in the Port Terminal Building

Int. No. 80 - Authorizing a lease agreement for space in the Port Terminal Building

Int. No. 81 - Authorizing an agreement with The Democracy Collaborative for consulting services

The Business & Economic Development Committee recommends for consideration the following entitled legislation:

Int. No. 82 - Local Improvement Ordinance - establishing the cost of the upgrading of street cleaning for the East Avenue/Alexander Street Entertainment District

Respectfully submitted,
Dana K. Miller
Michael A. Patterson
Elaine M. Spaul
Loretta C. Scott
BUSINESS & ECONOMIC DEVELOPMENT
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-67
Re: Lease Agreement - The Jetty at the
Port, Port Terminal Building, 1000

North River Street

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation authorizing a lease agreement with The Jetty, LLC d/b/a The Jetty at the Port for the use of Suite 203, which totals 7,003 square feet, in the Port Terminal Building located at 1000 North River Street. The monthly rental amount will be \$5,835 (\$10 per square foot per year), which was established through an independent appraisal prepared by Kevin Bruckner, MAI of Bruckner, Tillett, Cahill & Rossi Inc. as of November 2015. The agreement will be for five years with one five-year renewal option.

Mr. Craig Ristuccia is the principal of The Jetty, LLC and operates another nearby successful restaurant at 56 Stutson Street, known as Hose 22. The Jetty at the Port will be a casual restaurant centered on a Great Lakes nautical theme. In addition to operating Hose 22, Mr. Ristuccia is heavily invested in Charlotte, is an active member of the Charlotte Business Association and a dedicated attendee of the Charlotte Community Association meetings. The leasing of this space is anticipated to create 22 full-time and 30 part-time positions. The restaurant will operate year round; open seven days per week during the summer months, and six days per week during the winter months.

The lease is anticipated to be in place as of April 1, 2016 and will expire on March 31, 2021. The available spaces at the Port Terminal Building were offered through a request for proposals and submissions were received by January 29, 2016.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-46

Ordinance No. 2016-67
(Int. No. 79)

Authorizing a lease agreement for space in the Port Terminal Building

WHEREAS, the City of Rochester has received proposals for the lease of space in the Port Terminal Building located at 1000 North River Street;

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is required to follow additional procedures due to the length and the amount of annual rent of the proposed lease;

WHEREAS, the Council has formally reviewed the independent appraisal of the value of the lease prepared by Kevin Bruckner, MAI of Bruckner, Tillett, Cahill & Rossi Inc.;

WHEREAS, the Council affirmatively finds that the proposed lease authorized herein is in the public interest because it will allow for the establishment and year-round operation of a casual restaurant

centered on a Great Lakes theme at the Port Terminal Building by a company whose principal operates a successful nearby restaurant and is heavily invested in the Charlotte neighborhood; and

WHEREAS, the Council affirmatively finds that the term of such proposed lease, which is five years with one five-year renewal option, is reasonable and necessary in light of the lease's intended purpose and that the public will benefit throughout that term.

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

Section 1. The Mayor is hereby authorized to enter into a lease agreement with The Jetty, LLC d/b/a The Jetty at the Port for the lease of approximately 7,003 square feet of commercial space located on the second floor of the Port Terminal Building. The agreement shall extend for a term of five years, with an option to renew for an additional five-year term.

Section 2. The lease agreement shall obligate the lessee to pay monthly rent to the City in the amount of \$5,835.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-68
Re: Lease Agreement - Mom's Margios
Diner, Port Terminal Building, 1000
North River Street

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation authorizing a lease with GeoMar Holdings, Inc. d/b/a Mom's Margios Diner for the use of Suites 101 and 102, totaling 3,107 square feet, in the Port Terminal Building located at 1000 North River Street. The monthly rental amount will be \$3,885 (\$15 per square foot per year), which was established through an independent appraisal prepared by Kevin Bruckner, MAI of Bruckner, Tillett, Cahill & Rossi Inc. as of November 2015. The agreement will be for three years with two one-year renewal options.

Mr. Jeffrey Scott is the principal of GeoMar Holdings, Inc. and operates another location of Mom's Margios Diner at 3641 Dewey Avenue in the Town of Greece. The restaurant has a 1950s retro theme, and due to the success of the existing location, Mr. Scott is looking to expand to additional locations. The leasing of this space is anticipated to create 30 full-time and part-time positions, and the restaurant

will operate seven days per week from 6:00 a.m. - 10:00 p.m.

The lease is anticipated to be in place as of April 1, 2016 and will expire on March 31, 2019. The available spaces at the Port Terminal Building were offered through a request for proposals and submissions were received by January 29, 2016.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-47

Ordinance No. 2016-68
(Int. No. 80)

Authorizing a lease agreement for space in the Port Terminal Building

WHEREAS, the City of Rochester has received proposals for the lease of space in the Port Terminal Building located at 1000 North River Street;

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is required to follow additional procedures due to the length of the proposed lease; and

WHEREAS, the Council affirmatively finds that the term of such proposed lease, which is three years with two 1-year renewal options, is reasonable and necessary in light of the lease's intended purpose and that the public will benefit throughout that term.

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

Section 1. The Mayor is hereby authorized to enter into a lease agreement with GeoMar Holdings Inc. d/b/a Mom's Margios Diner for the lease of approximately 3,107 square feet of commercial space located on the first floor of the Port Terminal Building. The agreement shall extend for a term of three years, with two 1-year options to renew.

Section 2. The lease agreement shall obligate the lessee to pay monthly rent to the City in the amount of \$3,885.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-69
Re: Agreement- Democracy Collaborative,
Market Driven Community
Cooperative Consulting Services,
Phase 2

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation establishing \$149,950 as maximum compensation for an agreement with the Democracy Collaborative for consulting services related to the implementation of Phase 2 of the Market Driven Community Cooperative (MDCC) project. The cost of the agreement will be funded from the 2015-16 Budget of Undistributed Expenses and the term will be for one year with an option to renew for an additional year.

The Democracy Collaborative completed Phase 1 of the project, in which they evaluated the feasibility and community support for an economic development strategy centered on the creation of for-profit, worker-owned businesses linked to anchor institutions' procurement needs (Ord. No. 2015-37). The Phase 1 report was submitted to the City and shared with City Council in February and outlined overwhelming anchor and community support for the strategy, plus specific market opportunities for potential businesses. The report includes a detailed action plan to move the project forward in two additional phases, provides information on anchor institutions' commodity prospects and potential MDCC business models, and contains individualized draft letters of intent for each participating anchor institution.

In Phase 2, the Democracy Collaborative will oversee the creation of a non-profit holding company that will in turn launch and support for-profit, worker-owned businesses. The Democracy Collaborative will also oversee deeper market analysis and business planning, fundraising for operational budget and capitalization costs for the initial businesses, site selection and development activities, and the creation of a financing mechanism such as a revolving loan fund.

The vision for the MDCC project is to deploy this strategy in distressed and disinvested neighborhoods to create job opportunities for residents and build community wealth. The Democracy Collaborative is a nationally recognized leader in this field with extensive experience in worker-owned cooperative planning, development, and operations from their ongoing work with the Cleveland Evergreen Cooperatives and other initiatives in cities across the country. A comprehensive background on the project and description of the next phases is attached.

The Democracy Collaborative was selected through a request for proposals (RFP) process for the agreement authorized in 2015. A justification statement for not issuing an RFP for Phase 2 of the project is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-48

Ordinance No. 2016-69
(Int. No. 81)

Authorizing an agreement with The Democracy Collaborative for consulting services

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

Section 1. The Mayor is hereby authorized to enter into an agreement with The Democracy Collaborative for consultant services relating to implementing Phase 2 of the Market Driven Community Cooperative project. The maximum compensation shall not exceed \$149,950. The cost of this agreement will be funded from the 2015-16 Budget for Undistributed Expenses. The agreement shall have a term of one year, with one optional one-year renewal.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1709
Re: East Avenue/Alexander Street
Entertainment District

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation reauthorizing the East Avenue/Alexander Street Entertainment District and establishing the amount of \$20,800 for special assessments for the District.

This assessment provides for additional trash removal on Saturday and Sunday, from 3:00 am to 5:00 am, from April through October, to address trash resulting from the increased activity in the District during this period. The assessment covers the additional cost of these services and is apportioned among the properties within the District that cater to the patrons of the establishments (e.g., bars, restaurants and parking lots that profit from the patrons).

For 2016-17, the fixed fee for additional street cleaning services is determined by type of establishment and square footage, as agreed upon by the entertainment establishments and property owners in the District. The total annual charge estimate is determined by the Department of Environmental Services.

All affected properties have been examined and any change in use is reflected in the attached list of subject properties. The operating assessment is apportioned among properties based on type and function of their use, using the following schedule:

Code	Use	Annual Charge
1	Parking lot under 2500 Sq Ft	\$217
2	Parking lot 2500-4999 Sq Ft	\$422
3	Parking lot 5000-9999 Sq Ft	\$627
4	Parking lot 10000 Sq Ft or more	\$855
5	Small sit down restaurant	\$217
6	Take out restaurant/Smaller bar	\$422
7	Large bar/Sit down restaurant	\$980

This assessment will be included on the annual tax bill of the affected properties. Residential properties with no entertainment venues or parking lots are not affected. The East Avenue/Alexander Street Entertainment District was last reauthorized in April 2015 via Local Improvement Ordinance No. 1695.

A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-49

Local Improvement Ordinance No. 1709
(Int. No. 82)

Local Improvement Ordinance - establishing the cost of the upgrading of street cleaning for the East Avenue/Alexander Street Entertainment District

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

Section 1. The 2016 budget for the upgrading of street cleaning and trash removal services for the East Avenue/Alexander Street Entertainment District is established at \$20,800 and the charge per Code shall be as set forth below, and said amount is hereby appropriated from the Special Assessments and shall be assessed and levied on the 2016-17 tax bill in accordance with Local Improvement Ordinance No. 1631 as amended by Local Improvement Ordinance No. 1695.

Code	Use	Annual Charge
1	Parking lot under 2500 Sq Ft	\$217
2	Parking lot 2500-4999 Sq Ft	\$422
3	Parking lot 5000-9999 Sq Ft	\$627
4	Parking lot 10000 Sq Ft or more	\$855
5	Small Sit Down Restaurant	\$217
6	Take Out Restaurant/Smaller Bar	\$422
7	Large Bar/Sit Down Restaurant	\$980

Section 2. This ordinance shall take effect on July 1, 2016.

Passed unanimously.

By Councilmember Ortiz
March 22, 2016

To the Council:

The Neighborhood & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 83 - Authorizing the sale of real estate

Int. No. 84 - Appropriating funds for Quadrant Planning Support Program

Int. No. 86 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,300,000 Bonds of said City to finance a portion of the costs of continuation of the City Demolition Program

Int. No. 87 - Authorizing funding for Demolition Program

Int. No. 88 - Appropriating funds and authorizing agreements for the Owner-Occupant Roofing Program

Int. No. 90 - Authorizing the sale of Former School 22

The Neighborhood & Community Development Committee recommends for consideration the following entitled legislation:

Int. No. 92 - Appropriating funds and authorizing agreements for the Buyer Assistance Program

The following entitled legislation is being held in Committee:

Int. No. 85 - Resolution approving appointment to the Zoning Board of Appeals

Int. No. 89 - Resolution amending the Policy for the Sale of City-Owned Real Property to Tax-Exempt Organizations

Int. No. 91 - Authorizing the sale of Former School 36

Respectfully submitted,
Jacklyn Ortiz
Carolee A. Conklin
Dana K. Miller
Loretta C. Scott
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-70
Re: Sale of Real Estate

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation approving the sale of 50 properties and the release of a deed restriction on a prior sale. City

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

The first 47 properties were sold to the respective highest bidder at a surplus auction. All purchasers will be required to rehabilitate the structures within 12 months of City Council approval.

The next three properties are unbuildable vacant lots, being sold for \$1.00 (as per City policy) to their adjacent owners who will combine their respective lot with their existing property.

The first year projected tax revenue for these 50 properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$33,459.

The last item involves a prior sale of real estate. Ordinance No. 2015-122, adopted last May, authorized the sale of an unbuildable vacant lot at 7 Fulton Avenue to Community Facilities, Inc., a tax-exempt organization, in order to combine the lot with Community Facilities' adjoining premises located at 24 Jones Avenue for use as parking and green space. The property deed recorded last July requires the two lots to be combined and also prohibits Community Facilities from conveying the vacant lot to a tax-exempt organization for a period of five years. This second condition is a standard deed restriction that is based on City policy adopted in 2001 (Res. No. 2001-15).

Community Facilities has received New York State approval to sell its premises and the vacant lot to Catholic Family Center, a tax-exempt organization, and has asked the City to release the deed restriction on the sale to a tax-exempt entity. This legislation grants the request. All other terms previously approved by City Council will remain valid and the process to combine the two lots will continue.

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-50

Ordinance No. 2016-70
(Int. No. 83)

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 sale of the following parcels of improved property by regular auction:

Address	S.B.L. #	Lot Size	Use	Price	Purchaser
290 Alphonse St	106.33-2-16.1	58 X 143	1 Family	\$ 400	Belkis Sanchez
100 Angle St	105.66-2-7	35 X 115	1 Family	6,700	Fernwood First, Inc.*
923 Avenue D	091.81-3-13	36 X 112	1 Family	400	Maximo DeValle/ Christine Arvelo
214 Bartlett St	120.67-2-62	36 X 87	1 Family	6,300	Fernwood First, Inc.*
701 Bay St	107.45-2-3	36 X 120	1 Family	600	George Roba
71 Berlin St	106.24-1-19	32 X 107	1 Family	400	Teriance Amir Hunter
269 Berlin St	106.25-1-4	46 X 107	1 Family	7,600	Jabag Properties, LLC**
‡275 Berlin St	106.25-1-5	34 X 107	Vacant Lot		
155 Breck St	107.77-1-9	40 X 100	2 Family	12,100	EMAJ Enterprises, Inc.***
‡149 Breck St	107.77-1-8	40 X 100	Vacant Lot		
213 Campbell Pk	105.63-3-11	40 X 191	1 Family	12,500	Sinh Van Tran
144 Chamberlain St	107.61-2-49	28 X 90	1 Family	10,200	Elizabeth V. Colon
‡452 Garson Av	107.61-2-47.1	60 X 78	Vacant Lot		
529 Clifford Av	106.31-4-20	40 X 152	1 Family	700	Yurina Leyva Velazquez
1 Coulton Pl	121.61-2-55	41 X 69	1 Family	5,000	Fernwood First, Inc.*
20 DeJonge St	106.31-2-27	6 X 106	1 Family	400	Robert P. Carlos
85 Eiffel Pl	091.80-4-45	35 X 144	1 Family	400	Ardatah C. Hunter
9 Emanon St	091.61-1-76	40 X 105	2 Family	400	Akeem Solomon
11 Emanon St	091.80-1-75	40 x 102	1 Family	6,500	Jose Raul Martinez
94 Evergreen St	106.30-3-70	41 X 136	1 Family	400	Laura Turner
61 Fair Pl	106.68-1-2	30 X 58	1 Family	400	Raffaele Marcello
382 First St	106.35-2-39	40 X 91	1 Family	8,500	EMAJ Enterprises, Inc.***
204 Flint St	120.76-2-84	36 X 153	2 Family	400	David Mankowski
38 Geneva St	091.62-2-30.1	74 X 112	1 Family	400	Embola E. Ekille
10 Glasser St	105.82-1-26	40 X 76	1 Family	1,600	Ross A. Conley
73 Herald St	106.25-2-15	33 X 148	1 Family	500	Leighton W. Williams, Jr.
151 Hollenbeck St	091.78-1-39	43 X 115	1 Family	400	Eddie L. Harris
‡143 Hollenbeck St	091.78-1-40	40 X 115	Vacant Lot		
68 Lisbon St	105.73-2-11	30 X 158	1 Family	3,600	Sherif S. El-Naggar
434 Maple St	120.26-2-56	36 X 190	2 Family	20,000	Jose Raul Martinez
24-26 Mazda Ter	091.70-2-50	41 X 131	2 Family	2,000	Sherif S. El-Naggar
201 Myrtle St	105.57-4-4	48 X 100	1 Family	400	Maximo DeValle/ Christine Arvelo
‡111 Otis St	105.57-4-3	31 X 48	Vacant Lot		
38 O K Ter	091.78-1-15	42 X 87	1 Family	400	Leighton W. Williams, Jr.
86 Parkway	105.59-2-55	5 X 145	2 Family	700	Johnipha Richardson
120 Ravine Av	105.35-4-25	40 X 82	2 Family	2,000	Maximo DeValle/ Christine Arvelo
47 Ripley St olds	106.68-2-6	38 X 89	1 Family	19,000	Sheron Marcia Anglin Reyn-
64 Roycroft Dr	091.81-1-48	35 X 74	1 Family	8,000	Semmie Williams
14 Rugraff St	105.82-1-4	40 X 93	1 Family	5,300	Ross A. Conley
18 Sixth St	106.60-2-35	40 X 40	1 Family	400	Elizabeth V. Colon
164 Sixth St	106.52-2-78	40 X 120	2 Family	400	Jose Raul Martinez
107 Thorndale Ter	120.48-3-22	40 X 123	2 Family	3,600	Lorraine Scott
130-132 Weyl St	091.72-4-27	34 X 104	2 Family	400	Jabag Properties, LLC**
19 Woodward St	106.65-3-4.1	45 X 132	2 Family	20,000	Leighton W. Williams, Jr.
37 Woodward St	106.65-3-15.1	65 X 132	1 Family	1,400	Jagaol Property Mgmt., LLC****
‡14 McFarlin St	106.65-3-13	29 X 35	Vacant Lot		
39 Woodward St	106.65-3-16	30 X 132	1 Family	6,000	Rafaele Marcello

*Artur Kadesh, President & Treasurer

** Antonio Caia, President

*** Michael Kadysh, President; Jane Kadysh, Treasurer

**** Woubbshet Bekele, Owner

‡Indicates vacant lots sold in conjunction with the structure listed above it.

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

Address	S.B.L. #	Lot Size	Sq. Ft.	Purchaser
10 Chapel St	107.77-1-21	38 x 82	3,116	Honest Properties, LLC*
493 Colvin St	105.73-2-79	35 x 101	3,537	Leonard Gingello

108 Fairbanks St 091.73-4-40 40 x 73 2,300 Walter Morehead, Dorothy Pulley, Tawanda Ciccone

*Paul Kirik, Sole Owner & Proprietor

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

Section 4. The Council hereby approves the release of a deed restriction over the property at 7 Fulton Avenue, SBL# 105.60-1-35 that is set forth in a deed dated July 8, 2015 and recorded in the office of the Monroe County in Liber 11562 of Deeds, Page 113, which specifies that "the grantee shall not resell, convey, or transfer the above-described premises to a tax-exempt organization for a period of five years from the date of the recording of this instrument." All other restrictions specified in said deed, which was executed to effect a sale of real estate that was authorized in Section 2 of Ordinance No. 2015-122, shall remain valid.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-71
Re: Appropriation - Consolidated
Development Block Grant, Quadrant
Planning Support Program

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Quadrant Planning Support Program for the Southeast Quadrant. This legislation will:

Appropriate \$2,000 from 2013-14 Consolidated Development Block Grant, Neighborhood and Asset Planning Fund, Quadrant Planning Support Allocation for Gateway Artwork on the East Main Street and Culver Road four corners.

This appropriation is in addition to \$8,000 approved in December 2015 via Ordinance No. 2015-387, for NeighborWorks to implement the request for proposals and organize a committee representative of the neighborhoods to choose the art design. The \$2,000 requested herein will be used for the Department of Environmental Services to install the completed artwork.

Four neighborhood groups converge at East Main and Culver: EMMA (East Main, Mustard and Atlantic), North Winton, Beechwood and NEMNU (North East Main Neighbors United). In partnership with NeighborWorks, all four organizations are having an artist create a gateway in conjunction with East High School students. NeighborWorks has a \$2,000 grant from NeighborWorks America to contribute to the project, bringing the total maximum cost of implementation to \$10,000.

This funding revision has been approved by the Southeast Quadrant team and the Gateway project is listed in the Quadrant's strategic plan.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-51

Ordinance No. 2016-71
(Int. No. 84)

Appropriating funds for Quadrant Planning Support Program

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

Section 1. There is hereby appropriated from the Quadrant Planning Support allocation of the Neighborhood and Asset Planning Fund of the 2013-14 Community Development Block Grant the sum of \$2,000, or so much thereof as may be necessary, to install the Gateway Artwork in the Southeast Quadrant at the four corners of the

intersection of East Main Street and Culver Road in furtherance of the project originally approved in Section 2 of Ordinance No. 2015-387.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-72 &
Ordinance No. 2016-73
Re: Demolition Program

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation authorizing the appropriation of \$1,900,000 for the continuation of the City's demolition program. This legislation will:

1. Authorize the issuance of bonds totaling \$1,300,000 from the 2015-16 Capital Improvement Program and appropriate the proceeds thereof to finance the continuation of the demolition program.
2. Appropriate \$600,000 from the Housing Development Fund of the 2015-16 Community Development Block Grant and authorize the use of said funds for the continuation of the demolition program.

This combined funding of \$1,900,000 will provide for the demolition of approximately 87 structures at an average cost of \$22,000 per structure. Of that total, approximately 80 will be for the demolition of both City and privately-owned vacant structures that have a blighting influence on neighborhoods and seven will be for emergency conditions that pose an immediate threat to public health and safety. Since 2012-13, a total of 730 vacant and deteriorated structures have been removed through the demolition program. The average four-year cost per demolition was \$24,200. A break-down of demolitions by fiscal year and expenditure is as follows:

<u>Fiscal Year</u>	<u>City Contracted Demolitions</u>	<u>Expended</u>
2012-13	272	\$ 6,945,775
2013-14	276	5,537,433
2014-15	101	2,844,504
2015-16	81 (through Jan. 2016)	2,332,321
	Total Demolitions	
	730	\$17,660,033

The average cost per demolition has declined as the State no longer charges a notification fee for asbestos abatement. This fee ranged in cost from

\$2,500-\$3,000. Asbestos abatement, however, continues to be performed.

This funding will allow for the continued removal of vacant, derelict and fire damaged structures that pose a public safety hazard and a blight to surrounding neighborhoods.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-72
(Int. No. 86)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,300,000 Bonds of said City to finance a portion of the costs of continuation of the City Demolition Program

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the costs of continuation of the City Demolition Program (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,900,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,300,000 bonds of the City to finance said appropriation, utilization of \$600,000 from the Housing Development Fund of the 2015-2016 Community Development Block Grant Program 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. Said appropriation will provide for the demolition of approximately 87 vacant, derelict and fire damaged structures that pose a public safety hazard and a blight to surrounding neighborhoods at an approximate average cost of \$22,000 per structure.

Section 2. Bonds of the City in the principal amount of \$1,300,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,300,000. 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 Sec-

tion 1 of this Ordinance, within the limitations of 11.00 a. 12-a. of the Law, is five (5) 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 gen-

eral circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2016-73
(Int. No. 87)

Authorizing funding for Demolition Program

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

Section 1. The Council hereby appropriates \$600,000 from the Housing Development Fund of the 2015-16 Community Development Block Grant for the Demolition Program. This appropriation, along with \$1,300,000 in proceeds from a bond ordinance that is authorized for the Program, shall be used to continue the removal of vacant, derelict and fire damaged structures in the City of Rochester.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-74
Re: Owner-Occupant Roofing Program

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the Owner-Occupant Roofing Program. This legislation will:

1. Appropriate \$42,418 from the Owner-Occupant Roofing Program allocation of the Housing Development Fund of the 2015-16 Community Development Block Grant; and
2. Establish \$42,418 as maximum compensation for an agreement with Action for a Better Community (ABC) to provide customer services for the program. The term of the agreement will for one year and will be funded from the appropriation herein.

The Owner-Occupant Roofing Program provides financial assistance to eligible property owners for roof repairs and replacements. ABC has been providing customer services for the program since it began in 2014; the agreement expires in March (Ord. No. 2014-361).

ABC has effectively served the community by providing application intake assistance to property owners and has provided the necessary technical assistance to those who need additional help with completing the application, particularly the elderly population. The City has been satisfied with the services of ABC and has determined that it is in the City's best interest to continue this partnership. The

proposed agreement reflects a 5% increase from the current agreement.

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-52

Ordinance No. 2016-74
(Int. No. 88)

Appropriating funds and authorizing agreements for the Owner-Occupant Roofing Program

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

Section 1. The amount of \$42,418 is hereby appropriated from the Owner-Occupant Roofing Program allocation of the Housing Development Fund of the 2015-16 Community Development Block Grant to fund the Owner-Occupant Roofing Program.

Section 2. The Mayor is hereby authorized to enter into an agreement with Action for a Better Community, Incorporated (ABC) to provide customer services and application processing for the Program. The maximum compensation for the agreement shall be \$42,418 to be funded from the amount appropriated in Section 1 herein. The term of the agreement shall encompass the period from April 1, 2016 through March 31, 2017.

Section 3. The Mayor is hereby authorized to enter into such other agreements as may be necessary to implement the Program.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The agreement with ABC and any other agreement with an organization shall be contingent on the organization's compliance with federal regulations.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 8.

Nays - None - 0.

Councilmember Miller abstained because of a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-75
Re: Sale of Real Estate - School No. 22, 27

and 44 Zimbrich Street

Council Priority: Support the Creation of Effective Educational Systems

Transmitted herewith for your approval is legislation authorizing the sale of 27 and 44 Zimbrich Street to Eugenio Maria De Hostos Charter School (EMH) for \$1,500,000. The two parcels form the campus of the former Rochester City School District (RCSD) School No. 22. As of July 2015, the RCSD discontinued use of School No. 22 and the City of Rochester took control of the campus. 27 Zimbrich Street contains the school building and consists of 1.32 acres. 44 Zimbrich Street contains the parking lot and a playground and is 1.03 acres.

EMH has been an educational provider since 2000 and has been granted authority to expand its sessions from two sessions per grade to four sessions per grade level. EMH plans to use School No. 22, which was constructed as an elementary school, to house students in grades K-6. EMH operates another charter school in the immediate area, located at 1069 Joseph Avenue. The Joseph Avenue location will house students in grades 7-12. EMH expects to have approximately 500-550 students attending School No. 22.

EMH indicates their intention to spend approximately \$400,000 initially on facility improvements, and an additional \$425,000 per year on improvements over a 10 year period. These costs will be distributed among general maintenance, painting and cleaning, and replacement of major mechanical components as needed (i.e., HVAC system, plumbing and electrical upgrades and roof maintenance). Other enhancements will be guided by academic priorities.

EMH has estimated that the acquisition of this facility will result in approximately 27 new full-time positions initially, with an estimated 68 additional full-time positions added within a five to seven year period, plus construction jobs during the renovation period. EMH has agreed to comply with the City's MDWBE workforce goals. Construction is expected to begin immediately and will be complete in August 2016, in time for the 2016-17 academic year.

The sale price was determined by an independent appraisal prepared by Jay Loson of Midland Appraisal Associates in May 2015.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-53

Ordinance No. 2016-75
(Int. No. 90)

Authorizing the sale of Former School 22

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 property comprising the building and grounds of the former Rochester City School District School 22:

Address	S.B.L. #	Lot Size
27 Zimbrich St	091.71-4-6	± 1.32 acres
44 Zimbrich St	091.71-2-86.001	± 1.03 acres

to the Eugenio Maria de Hostos Charter School for use as an elementary school facility.

Section 2. The sale price shall be \$1,500,000.

Section 3. The Mayor is hereby authorized to enter into any agreement that may be necessary to implement the transaction authorized herein and such agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-76
Re: Amending the 2008-09 and 2010-11 Consolidated Community Development Plans and Authorizing Agreements for the Buyer Assistance Program

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation amending the 2008-09 and 2010-11 Consolidated Community Development Plans to support the Buyer Assistance Program. This legislation will:

1. Transfer \$1,153.85 from the 2008-09 HOME Rental Market Fund Landlord Service allocation to the Buyer Assistance allocation of the Homeownership Fund and appropriate the amount transferred herein;
2. Transfer \$30,000 from the 2010-11 HOME Housing Development Fund New Construction for Home Ownership allocation of the Housing Development Fund to the Buyer Assistance allocation of the Homeownership Fund and appropriate the amount transferred herein;
3. Transfer \$37,842 from the 2010-11 HOME Housing Development Fund Affordable Housing allocation to the Buyer Assistance allocation of the Homeownership Fund and appropriate the amount transferred herein;
4. Authorize agreements with the recipients of Buyer Assistance funds.

The Buyer Assistance program provides financial assistance of up to \$6,000 to first time homebuyers

who purchase houses through the City's housing initiatives (Home Purchase Assistance Program, Employer Assisted Housing Initiative, HOME Rochester and Neighborhood Builders). The financial assistance provided by the program is for closing costs and down payment.

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

This \$68,995.85 HOME fund appropriation will serve up to 23 income eligible homebuyers with incomes of 80% or below median family income until all funds are expended.

A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-76
(Int. No. 92)

Appropriating funds and authorizing agreements for the Buyer Assistance Program

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

Section 1. The Council hereby approves amending the 2008-09 and 2010-11 Consolidated Community Development Plan - Annual Action Plans as follows:

- a. transfer \$1,153.85 from the 2008-09 HOME Rental Market Fund Landlord Service allocation and appropriate it to the Buyer Assistance allocation of the Homeownership Fund;
- b. transfer \$30,000 from the 2010-11 HOME Housing Development Fund New Construction for Home Ownership allocation of the Housing Development Fund and appropriate it to the Buyer Assistance allocation of the Homeownership Fund; and
- c. transfer \$37,842 from the 2010-11 HOME Housing Development Fund Affordable Housing allocation and appropriate to the Buyer Assistance allocation of the Homeownership Fund.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Buyer Assistance Program, to be funded from the amounts appropriated herein.

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

Section 4. The Director of Finance is authorized

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Ortiz moved to discharge Int. No. 91 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted unanimously.

Councilmember Ortiz moved to amend Int. No. 91.

The motion was seconded by Councilmember Conklin.

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-77
Re: Sale of Real Estate - School No. 36,
85 St. Jacob Street and 75-77 Carter
Street

Council Priority: Support the Creation of
Effective Educational Systems

Transmitted herewith for your approval is legislation authorizing the sale of 85 St. Jacob Street and 75-77 Carter Street to Uncommon Schools for \$1,500,000. The two parcels together form the campus of the former Rochester City School District (RCS D) School No. 36. As of July 2015, the RCS D discontinued use of School No. 36 and the City of Rochester took control of the campus. 85 St. Jacob Street contains the school building, parking lot and playground, and consists of 2.12 acres. 75-77 Carter Street contains a small parking lot and is 0.11 of an acre.

Uncommon Schools has been an educational provider since 2005 and has been in the Rochester area since 2006. Uncommon Schools plans to use School No. 36, which was constructed as an elementary school, to house kindergarten initially and then introduce students through grade 4. Uncommon Schools operates charter schools at 875 Martin Street, 1020 Maple Street, 899 Jay Street and 630 Brooks Avenue. Uncommon Schools expects to eventually have approximately 400 students attending School No. 36.

The purchaser proposes a capital improvement plan of approximately \$4,500,000 including repairs and replacements of HVAC, electrical systems, windows, roofing, hazardous materials abatement and general construction items. Other improvements will be guided by academic priorities.

Uncommon Schools has estimated that the acquisition of this facility will result in approximately 50

new full-time positions and additional jobs during the construction period. Uncommon Schools has agreed to make its best effort to comply with the City's MDWBE workforce goals. Construction is expected to begin immediately and completion is anticipated in time for the 2018-19 academic year.

The sale price was determined by an independent appraisal prepared by Jay Loson of Midland Appraisal Associates in May 2015.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-54

Ordinance No. 2016-77
(Int. No. 91, as amended)

Authorizing the sale of Former School 36

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 property comprising the building and grounds of the former Rochester City School District School 36:

Address	S.B.L. #	Lot Size
85 St. Jacob St.	106.26-3-17.001	± 2.12 acres
75-77 Carter St.	106.26-3-18	± 0.11 acre

to Uncommon Schools, Inc. or a wholly-owned subsidiary of Uncommon Schools, Inc. for use as ~~an elementary~~ a charter school facility. For this transaction only, the Council hereby waives its policy, which was adopted in Resolution No. 2001-15 and amended in Resolution No. 2007-1, not to sell City-owned real property to tax exempt organizations except in certain circumstances.

Section 2. The sale price shall be \$1,500,000.

Section 3. The Mayor is hereby authorized to enter into any agreement and execute all documents that may be necessary to implement the transaction authorized herein and such agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 85
Re: Appointment - Zoning Board of Appeals

Transmitted herewith for your approval is legislation confirming the appointment of Marcial Morales, Jr., 39 Lynbrook Drive, Rochester, New York

14609 to the Zoning Board of Appeals.

Mr. Morales resides in the Northeast, and is currently employed by LaBella Associates as a Project Manager/Senior Mechanical Engineer. He will fill a long-time vacancy on the Zoning Board and will be the seventh and final member, thereby making the Board complete. Mr. Morales' term will be for two years and will expire on March 31, 2018. Mr. Morales' appointment will be effective immediately.

His resume is available for review in the City Clerk's Office.

A summary description of the Board is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Introductory No. 85

RESOLUTION APPROVING APPOINTMENT TO THE ZONING BOARD OF APPEALS

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

Section 1. The Council hereby approves the appointment of Marcial Morales, Jr. to the Zoning Board of Appeals for a term of two years which shall expire March 31, 2018.

Section 2. This resolution shall take effect immediately.

Held in Committee.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 89
Re: Code Amendment - Policy for Sales to Tax Exempt Organizations

Transmitted herewith for your approval is legislation revising the guidelines concerning sale of real estate to tax-exempt organizations. Under §21-11 of the City Code, the Director of Real Estate is authorized to sell property to a tax-exempt organization in accordance with guidelines adopted by the Council. The current guidelines were adopted on September 25, 2001 pursuant to Resolution No. 2001-15. The proposed revision concerns the sale of City-owned buildings formerly used for school purposes, and associated parcels of land that provided parking or outdoor recreational space. For such properties, a purchaser who will utilize the property for school purposes will not be required to waive its tax-exempt status for five years.

This revision is consistent with a previous change in the guidelines on January 16, 2007 pursuant to Resolution No. 2007-1 which removed the requirement for waiver of tax-exempt status for sale of any City-owned building originally constructed as a house of worship. Although the 2007 revision applied only to structures, this proposed policy

revision would extend to parcels of City-owned land sold in conjunction for use with the structure.

These revisions provide a measure of flexibility to facilitate the sale of special use buildings that are not readily adaptable for other uses. While buildings of this type are occasionally retrofitted for taxable uses, in most instances the alternative use is a not-for-profit enterprise. With the exception of properties that were formerly used as schools or as a house of worship, the five-year waiver of tax-exempt status would apply for all categories of structures and vacant land.

The guidelines, as revised, would permit the sale of real estate to tax-exempt purchasers under the following circumstances:

- a. The property is within 500 feet of a tax-exempt property already owned by the organization, and the organization agrees to a deed restriction prohibiting resale of the property for five years without City Council approval, or
- b. The sale is to another governmental agency for a public purpose, or
- c. The sale is an integral part of a program developed by the City and involving the tax-exempt organization, or
- d. The building being purchased was most recently used for school purposes or as a house of worship for a minimum of two consecutive years, and any associated parcels of land were used in association with the former school or house of worship use, and the purchaser will utilize the property as a school or house of worship, or
- e. The building being purchased was originally constructed as a house of worship, and any associated parcels of land were previously used in association with the former religious use, or
- f. The organization waives its tax-exempt status for five years and agrees to pay taxes for that period of time.

The revision will support the City's policy, encourage the return of City-owned property to taxable status when possible, and permit the City to consider all reasonable alternatives for repurposing special use structures.

Respectfully submitted,
Lovely A. Warren
Mayor

Introductory No. 89

RESOLUTION AMENDING THE POLICY FOR THE SALE OF CITY-OWNED REAL PROPERTY TO TAX EXEMPT ORGANIZATIONS

BE IT RESOLVED, by the Council of the City

of Rochester, as follows:

Section 1. The Policy for the Sale of City-Owned Real Property to Tax Exempt Organizations adopted by Resolution No. 2001-15 and as last amended by Resolution No. 2007-1 is hereby amended to provide as follows:

Section 1. The Council hereby determines that the City's policy shall be not to sell real property to a tax-exempt organization, unless:

- a. The property is within 500 feet of a tax-exempt property already owned by the organization, and the organization agrees to a deed restriction prohibiting resale of the property for five years without City Council approval, or
- b. The sale is to another governmental agency for a public purpose, or
- c. The sale is an integral part of a program developed by the City and involving the tax-exempt organization, or
- d. The building being purchased was most recently used for a minimum of two consecutive years for school purposes or as a house of worship, and any associated parcels of land were used in association with the former school or house of worship use, and the purchaser will utilize the property as a school or house of worship, or
- e. The building being purchased was originally constructed as a house of worship, and any associated parcels of land were previously used in association with the former house of worship use, or
- d. f. The organization waives its tax-exempt status for five years and agrees to pay taxes for that period of time.
- e. ~~The building being purchased was originally constructed as a house of worship.~~

Section 2. ~~This resolution shall take effect immediately and policy shall remain in effect until repealed or amended by the Council.~~

Section 2. This resolution shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Held in Committee.

By Councilmember Haag
March 22, 2016

To the Council:

The Parks & Public Works Committee recommends for adoption the following entitled legislation:

Int. No. 93 - Amending the funding for the Durand Eastman Beach Outfall and Durand Eastman Utilities and Site Improvement projects

Int. No. 94 - Authorizing an amendatory agreement related to the Dr. Martin Luther King, Jr. Memorial Park Improvement Project, Phase IIIC

Int. No. 95 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$300,000 Bonds of said City to finance a portion of the costs of Phase IIIC of the Dr. Martin Luther King, Jr. Memorial Park Improvement Project

Int. No. 96 - Authorizing agreement with High Falls Development Corporation

Int. No. 101 - Amending Chapter 79 of the Municipal Code as it relates to Dogs and Other Animals in Parks

Int. No. 102 - Amending Chapter 56 of the Municipal Code with regard to Flood Damage Prevention, as amended

The Parks & Public Works Committee recommends for consideration the following entitled legislation:

Int. No. 97 - Changing the traffic flow on Weider Street from two-way to one-way eastbound

Respectfully submitted,
Matt Haag
Michael A. Patterson
Elaine M. Spaul
Dana K. Miller
Loretta C. Scott
PARKS & PUBLIC WORKS COMMITTEE

Received, filed, and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-78
Re: Amendments - Durand Eastman Beach Outfall and Durand Eastman Utilities and Site Improvement Project

Transmitted herewith for your approval is legislation related to the Durand Eastman Beach Outfall and Durand Eastman Utilities and Site Improvement Project. This legislation will:

1. Amend Ordinance No. 2015-47 for design services for the Durand Eastman Beach Outfall Improvement Project by reducing the Monroe County share by \$10,525 to match the appropriate construction split; and
2. Amend Ordinance No. 2015-328 for resident project representation for the Durand Eastman Beach Outfall and Durand Eastman Utilities and Site Improvement Project by reducing the Monroe County share by \$17,990 to match the appropriate construction split.

The Durand Eastman Beach Outfall Project in-

cludes drainage repairs and site improvements pertaining to the repair or construction of a new system with excavation and backfill storm drain manholes; abandonment of existing storm drain piping; asphalt pavement grind and overlay; utility valve and manhole adjustment; and other activities for complete installation and site restoration. The Durand Eastman Beach Utilities and Site Improvements Project includes the installation of public water and sanitary sewer services to the site to support the current temporary facilities and the potential permanent improvements at Durand Eastman Beach. Construction will include the maintenance and protection of existing utilities, vehicle and pedestrian traffic patterns, adjacent beach operations and the water treatment facility.

Ordinance No. 2015-47 authorized an intermunicipal agreement with Monroe County for payment of a portion of the repairs where the County is responsible for maintenance. The repairs are the responsibility of the County and the City of Rochester. The original estimated share split was a preliminary estimate based on a concept, not actual construction cost from a responsible low bidder; one-third for the City and two-thirds for Monroe County. However, based on the construction bid submitted by the successful low bidder, Ramsey Constructors, Inc., the actual share split calculates to be 52.41% City and 47.59% County. The County shall reimburse the City for repairs in an amount not to exceed \$680,000, as originally stated in the inter-municipal agreement.

Total cost for the project is as follows:

	<u>Design</u>	<u>Construction</u>	<u>RPR</u>	<u>Contingency</u>	<u>Total</u>
Prior Years' Cash Capital	\$10,525	\$ 61,818.38	\$ 17,790	\$ 29,866.62	\$ 120,000.00
Bond 2014-224			31,500		31,500.00
Bond 2014-289	18,300	116,255.55	24,400		158,955.55
Monroe County	26,175	349,607.92	38,310	265,907.08	680,000.00
Federal		206,942.90			206,942.90
NYSLWRP*			<u>28,000</u>		<u>28,000.00</u>
Total	<u>\$55,000</u>	<u>\$734,624.75</u>	<u>\$140,000</u>	<u>\$295,773.70</u>	<u>\$1,225,398.45</u>

*New York State Local Waterfront Revitalization Program

Construction is anticipated to begin in spring 2016, with substantial completion by Memorial Day. The construction phase of this project will result in the creation and/or retention of the equivalent of 7.9 full-time jobs.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Ordinance No. 2016-78
 (Int. No. 93)

Amending the funding for the Durand Eastman Beach Outfall and Durand Eastman Utilities and Site Improvement projects

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

Section 1. Section 1 of Ordinance No. 2015-47 is hereby amended to change the allocated shares of funding for the professional services agreement with Lu Engineers for design services for the Durand Eastman Beach Outfall project as follows:

- a. to decrease Monroe County's share of the costs for such design services by \$10,525 to a total County share of \$26,175; and
- b. to add an additional share consisting of Prior Years Cash Capital in the amount of \$10,525.

Section 2. Section 2 of Ordinance No. 2015-328 is hereby amended to change the allocated shares of funding for the professional services agreement with Lu Engineers for construction phase design and resident project representation (RPR) services for the Durand Eastman Beach Outfall and Durand Eastman Utilities and Site Improvement projects as follows:

- a. to decrease Monroe County's share of the costs for such construction phase design and RPR services by \$17,790 to a total County share of \$38,310; and
- b. to add an additional share consisting of Prior Years Cash Capital in the amount of \$17,790.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-79,
Ordinance No. 2016-80
Re: Amendatory Agreement - Stantec
Consulting Services, Inc., Dr. Martin
Luther King, Jr. Memorial Park
Improvement Project, Phase IIC

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Dr. Martin Luther King, Jr. Memorial Park Improvement Project, Phase IIC Project. This legislation will:

1. Establish \$125,000 as maximum compensation for an amendatory agreement with Stantec Consulting Services, Inc., Rochester, New York, for additional design and resident project representation (RPR) services for the project; and
2. Authorize the issuance of bonds totaling \$300,000 and the appropriate the proceeds thereof to finance the additional design, RPR and construction phases.

The original \$150,000 agreement with Stantec was authorized in January 2013 (Ord. No. 2013-20) for design and RPR services and amended in February 2015 (Ord. No. 2015-49) to a total of \$198,000. This amendment will increase maximum compensation by \$125,000 to a total of \$323,000. The cost of the agreement will be financed from the bonds appropriated herein.

This project was originally funded from the Capital Project Acceleration Initiative, and included the restoration of water flow to the existing fountain. In July 2014, an additional \$400,000 was authorized for this project to provide additional mechanical improvements, installation of a signature quote from Dr. King’s “I have a Dream” speech, and night lighting of the fountain (Ord. No. 2014-222).

<u>Design</u>	<u>General Contractor</u>	<u>Mechanical Contractor</u>	<u>Electrical Contractor</u>	<u>Term Contracts</u>	<u>Contingency</u>	<u>Total</u>	
Bond Ord. No. 2005-174	\$ 5,400.00					\$ 5,400.00	
Bond Ord. No. 2012-446	\$148,000	48,865.00				600,000.00	
Bond Ord. No. 2007-106						1,380.00	
Bond Ord. No. 2011-307	50,000					50,000.00	
Bonds to appropriate	125,000			\$175,000		300,000.00	
Prior Years' Cash Capital	6,926.40					6,926.40	
FY14 Cash Capital (Ord. No. 2014-222)	249,200.00	120,000	\$30,800			400,000.00	
FY15 Cash Capital (Ord. No. 2015-287)	<u>74,052.00</u>	<u>176,565</u>			<u>\$99,383</u>	<u>350,000.00</u>	
Total	\$323,000	\$385,823.40	\$699,700	\$30,800	\$175,000	\$99,383	\$1,713,706.40

The remaining \$175,000 bonded herein will be utilized to procure and install sump pumps and fountain lighting. These services will be provided through existing term contracts.

The total cost of improvements to the park is estimated at \$1,713,706, including contingency. Construction will begin in spring 2016, with completion scheduled for fall 2016. The amendatory agreement and additional construction funding will result in the creation and/or retention of the equivalent of three full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-55

Ordinance No. 2016-79
(Int. No. 94)

Authorizing an amendatory agreement related to the Dr. Martin Luther King, Jr. Memorial Park Improvement Project, Phase IIIC

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 Stantec Consulting Services, Inc. in an amount not to exceed \$125,000, for additional design and resident project representation services for the Dr. Martin Luther King, Jr. Memorial Park Improvement Project, Phase IIIC.

Section 2. Said amendatory agreement shall be funded by bonds authorized and appropriated for said project.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2016-80
(Int. No. 95)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$300,000 Bonds of said City to finance a portion of the costs of Phase IIIC of the Dr. Martin Luther King, Jr. Memorial Park Improvement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the costs of additional design and resident project representation and the acquisition and installation of sump pumps and fountain lighting as Phase IIIC of the Dr. Martin Luther King, Jr. Memorial Park Improvement Project (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,713,706. The plan of financing includes the issuance of \$300,000 bonds of the City as contemplated herein, the proceeds of which are hereby appropriated to the project, issuance of \$656,780 of bonds of the City previously authorized under Ordinances 05-174, 12-446, 07-106 and 11-307, \$756,926 cash capital contributions authorized under Ordinances 14-222 and 15-287 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 \$300,000 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 \$300,000. 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. 19 of the Law, is fifteen (15) years.

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

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

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

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-81
Re: Agreement - High Falls Development Corporation, Maintenance Services

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation with the High Falls Development Corporation (principal: Ben Kendig) to provide maintenance services in the area previously known as the High Falls Festival Site. The term of the agreement is one-year, retroactive to October 1, 2015 through September 30, 2016, and will be funded from the 2015-16 Budget of the Department of Environmental Services.

The High Falls Development Corporation leased space at 40 Commercial Street from the City until June 2015. The lease was terminated, however maintenance services on the site were continued. In the interim, a cost comparison analysis was requested by the Department of Environmental Services to determine whether the City could provide these services more economically. Upon review, it was determined that the services offered by High Falls Development Corporation were a better value than what could be supplied using in-house resources. High Falls Development Corporation continued to provide the services throughout the cost analysis, thereby requiring the agreement to be retroactive at this time.

Area-wide services include litter and trash removal; routine graffiti removal; repair and resetting of pavers as needed; reseating of pavers every two years; annual fertilizing and mulching of landscape beds; and watering and weeding of landscape beds as needed. Additional services, depending on the specific sub-areas, include cleaning and removal of stains on pavers and concrete surfaces; painting of all metal surfaces; snow plowing, removal and deicing as needed; repointing of stone walls as needed; repair and painting of plastered walls on terrace as needed; painting of fences and railings as needed; replacement of light bulbs as needed; and week-

ly cleanup of the "shelf" area contiguous to the terrace.

High Falls Development Corporation was selected to provide maintenance services given its interests in the surrounding area, proximity to the site, and the capability to provide maintenance services. The firm has provided these services since October 2000 (Ord. No. 2000-289), and the most recent agreement was authorized in August 2014 (Ord. No. 2014-256). An internal review determined that the agreement is less expensive than the cost of the City to provide the same services. A justification statement for not issuing a request for proposals is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-56

Ordinance No. 2016-81
(Int. No. 96)

Authorizing agreement with High Falls Development Corporation

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 High Falls Development Corporation in the maximum amount of \$15,000, to provide maintenance services in the area previously known as the High Falls Festival Site.

Section 2. Said agreement shall be funded by the 2015-16 Budget of the Department of Environmental Services and shall have a term of one year that commences upon the expiration of the parties' previous maintenance agreement authorized by Ordinance No. 2014-256.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-82
Re: Authorizing a Traffic Flow Change - Weider Street

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation authorizing a change in the direction of traffic flow on Weider Street, between Nicholson and Cayuga Streets, from two-way to one-way east-bound.

The Weider Street eastbound one-way is requested by the residents and property owners on Weider Street in order to discourage cut-through traffic and enhance safety on their street. The street is 18-feet wide with parking on one side, leaving one effective travel lane on the street. By changing to one-way eastbound, conflicts between vehicles traveling in both directions will be eliminated.

A petition with support from more than 80% of the street's residents was reviewed and verified by Department of Environmental Service's staff, as required. The change to eastbound one-way was reviewed and endorsed by the City's Traffic Control Board at its February 2, 2016 meeting.

A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-57

Ordinance No. 2016-82
(Int. No. 97)

Changing the traffic flow on Weider Street from two-way to one-way eastbound

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

Section 1. The Council hereby approves a change in the direction of the traffic flow on Weider Street, which extends between Nicholson and Cayuga Streets, from two-way to one-way eastbound.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Haag moved to amend Int. No. 101.

The motion was seconded by Councilmember Patterson.

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-83
Re: Code Amendment - Parks Code, Dogs and Other Animals

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation amending the City Code, Chapter 79-8, Parks Code, Dogs and Other Animals, with regard to dog leash requirements in City parks.

The proposed amendment will facilitate the development of one or more dog parks in the City of

Rochester. Currently, the Code states that dogs are permitted within a park if controlled by a leash. The amendment would permit dogs to be unleashed when located within a fenced and authorized area within a park.

Respectfully submitted,
Lovely A. Warren Matt Haag
Mayor Councilmember-at-Large
 Chair, Parks & Public Works
 Committee

Ordinance No. 2016-83
(Int. No. 101, as amended)

Amending Chapter 79 of the Municipal Code as it relates to Dogs and Other Animals in Parks

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

Section 1. Section 79-8 of Chapter 79 of the Municipal Code, Parks, is hereby amended as follows:

§ 79-8 Dogs and other animals.

No person shall bring into, permit, have or keep in a park any household pet or other animal which may be injurious or destructive to birds, fish, animals or other wildlife, plant life or other natural features within a park or which may be dangerous, injurious or offensive to other users of a park, except that dogs shall be permitted within a park if controlled by a leash, or within a fenced and authorized area within a park, and as otherwise regulated by Chapter 31 of the Municipal Code, Animals - Dog Control. Any person who brings into, permits, has or keeps an animal in a park shall be responsible for any damage caused to the park by such animal. For purposes of this section, "a fenced and authorized area" shall be a specified area designated and approved for that purpose by City Council and in accordance with rules and regulations promulgated by the Commissioner.

Section 2. This Ordinance shall take effect immediately.

New text is underlined

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-84
Re: Municipal Code Amendment - Flood Damage Prevention

Transmitted herewith for your approval is legislation that incorporates federal revisions to the flood insurance maps and study data that govern the implementation of the National Flood Insurance Program (NFIP) in the City of Rochester.

Under the NFIP, the Federal Emergency Management Agency (FEMA) provides city property own-

ers and mortgage lenders with access to affordable flood insurance, provided that the City maintains and enforces a flood prevention program that complies with federal regulations. Under the City's flood damage prevention program, which is set forth in Chapter 56 of the Municipal Code, certain additional rules pertain and a City permit is required for construction and other activities that are conducted within certain "areas of special flood hazard" designated by FEMA. The special areas are detailed on FEMA's Flood Insurance Rate Maps and in its 2008 Flood Insurance Study of all Monroe County jurisdictions.

In 2008, FEMA released a map that incorrectly depicted portions of the Corn Hill neighborhood as being located in a Special Flood Hazard Area. This inaccuracy was derived in part by ignoring the joint operational effects of the Mount Morris and Court Street Dams on the Genesee River.

In 2015, Bergmann Associates completed a study that included a review of water discharge calculations, the operational effects, statistical analysis of the downstream gages, hydrologic analysis and the development of a hydraulic model for this section of the Genesee River. Based on the study's findings, and further supported by discussions with FEMA, the simulation models demonstrate a reduction of up to 2.8 feet in the river's 100-year flood elevation at the Court Street Dam. This reduction is substantiated by the fact that the City has no record of the Corn Hill area experiencing any flooding since the Mount Morris Dam went into operation in 1956.

Based on this information, in December 2015, FEMA issued a Letter of Map Revision that includes a revised map and study information that removes the mistaken designation of a Special Flood Hazard Area within the Corn Hill neighborhood. In order for the City to remain eligible for the NFIP, the City is required to incorporate the revised map and study information into the City's flood prevention program by no later than June 16, 2016. This legislation satisfies that requirement by incorporating FEMA's revised flood insurance map and study information into the definition of special flood hazard areas in Chapter 56 of the Municipal Code.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-58

Ordinance No. 2016-84
(Int. No. 102, as amended)

Amending Chapter 56 of the Municipal Code with regard to Flood Damage Prevention

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

Section 1. Section 56-3 of the Municipal Code is hereby amended to read in its entirety as follows:

§ 56-3. General provisions.

A. Lands to which this chapter applies. This chapter shall apply to all areas of special flood hazard ~~within the jurisdiction of the City of Rochester, Monroe County.~~

B. Basis for establishing the areas of special flood hazard.

(+) The areas of special flood hazard for the City of Rochester, Community Number 360431, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(1) (a) Flood Insurance Rate Map Panel Numbers:

- 36055C0088G, 36055C0179G,
- 36055C0182G, 36055C0183G,
- 36055C0184G, 36055C0191G,
- 36055C0192G, 36055C0193G,
- 36055C0194G, 36055C0201G,
- 36055C0202G, 36055C0203G,
- 36055C0204G, 36055C0206G,
- 36055C0208G, 36055C0211G,
- 36055C0212G, 36055C0213G,
- 36055C0214G, 36055C0216G,
- 36055C0218G, 36055C0331G,
- 36055C0332G, 36055C0351G

whose effective date is August 28, 2008, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

(2) (b) A scientific and engineering report entitled "Flood Insurance Study, Monroe County, New York, All Jurisdictions" dated August 28, 2008.

(3) Letter of Map Revision Case Number 15-02-1699P, effective June 16, 2016, amending Flood Insurance Rate Map Panel 36055C0213G, Flood Insurance Study Profile 94P, Flood Insurance Study Floodway Data Table 9 and Flood Insurance Study Summary of Discharges Table 6.

(2) The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at:

City Clerk's Office
City Director of Flood Plain Management
Room 300-A 125-B
City Hall
30 Church Street
Rochester, New York 14614

C. Interpretation and conflict with other ordinances.

- (1) This chapter includes all revisions to the National Flood Insurance Program through October 27, 1997, and shall supersede all previous laws adopted for the purpose of flood damage prevention.
- (2) In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.
- D. Severability. The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof.
- E. Penalties for noncompliance. No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days, or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the City of Rochester from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this chapter for which the developer and/or owner has not applied for and received an approved special permit under § 56-6 will be declared noncompliant and notification sent to the Federal Emergency Management Agency.
- F. Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Rochester, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage

es that result from reliance on this chapter or any administrative decision lawfully made thereunder.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

By Councilmember McFadden
March 22, 2016

To the Council:

The Public Safety, Youth & Recreation Committee recommends for adoption the following entitled legislation:

Int. No. 98 - Authorizing an intermunicipal agreement with the Rochester City School District

Int. No. 99 - Authorizing an agreement with Wegmans Food Markets, Inc. to provide prescription medication for firefighters injured on the job

Int. No. 100 - Authorizing an agreement for job skills training and landscape maintenance in City parks and green spaces

Respectfully submitted,
Adam C. McFadden
Matt Haag
Dana K. Miller
Loretta C. Scott
PUBLIC SAFETY, YOUTH & RECREATION
COMMITTEE

Received, filed, and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-85
Re: Intermunicipal Agreement - Rochester
City School District, Data Sharing

Council Priority: Support the Creation of
Effective Educational Systems

Transmitted herewith for your approval is legislation authorizing an intermunicipal agreement with the Rochester City School District (District) to share student data with the Department of Recreation and Youth Services (DRYS) and the Rochester Public Library (RPL). This agreement will commence on April 1, 2016 and expire June 30, 2016, with an option to extend for four additional one-year terms.

The agreement will allow the City to efficiently identify and register youth users of DRYS and RPL services; cross-check basic demographic data; analyze youth usage of in-school and out-of-school services; link the usage of services to youth outcomes; and identify areas of need or service gaps. In addition, the agreement will allow youth to

access DRYS and RPL services by using their District student identification card, eliminating the burden of managing multiple identification cards.

No funds are required for this agreement.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-85
(Int. No. 98)

Authorizing an intermunicipal agreement with the Rochester City School District

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 to share student data with the Department of Recreation and Youth Services and the Rochester Public Library.

Section 2. The term of the agreement shall extend from April 1, 2016, through June 30, 2016, with an option to extend for up to four additional one-year terms. No funds are required for this agreement.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-86
Re: Agreement - Wegmans Food Markets, Inc., Firefighter Prescription Medicine

Transmitted herewith for your approval is legislation establishing \$100,000 as maximum annual compensation for an agreement with Wegmans Food Markets, Inc. for the provision of prescription medication, as required, for Firefighters who have been injured on the job. The term of this agreement will be for two years, with the option of two, two-year renewals. The cost of the first year will be funded from the 2015-16 Budget of the Fire Department, and subsequent annual costs will be funded from future budgets of the Fire Department, contingent upon their approval.

Wegmans Food Markets, Inc. has provided this service since 1983. The current agreement expires on April 30, 2016 and was authorized in 2012 via Ordinance No. 2012-117. The proposed agreement provides prices at the average wholesale price (AWP), less 16.75% plus \$1.00 for brand name drugs, and at the AWP less 25% plus \$1.00 for generic drugs. Pricing will be at these rates or the usual and customary charge, whichever is less. The

average cost of prescription drugs for injured firefighters for 2014 and 2015 was \$75,000 per year.

Wegmans Food Markets, Inc. was selected through a request for proposals process which is described in the attached summary.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-59

Ordinance No. 2016-86
(Int. No. 99)

Authorizing an agreement with Wegmans Food Markets, Inc. to provide prescription medication for firefighters injured on the job

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 Wegmans Food Markets, Inc. to provide prescription medication for firefighters injured on the job for a maximum annual compensation of \$100,000.

Section 2. Said agreement shall have a term of two years, with the option for up to two 2-year renewals, and shall be funded from the 2015-16 and subsequent Operating Budgets of the Fire Department, contingent upon approval of future budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-87
Re: Agreement - Renewal Services Rochester, Inc., Job Skills Training and Maintenance of Landscape Plantings in City Parks and Green Spaces

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

Transmitted herewith for your approval is legislation establishing \$14,000 as maximum compensation for an agreement with Renewal Services Rochester, Inc. for job skills training and the maintenance of landscape plantings in City parks and green spaces. The cost of this agreement will be funded from the 2015-16 (\$5,200) and 2016-17 (\$8,800) Budgets of the Department of Recreation and Youth Services (DRYS), contingent upon approval of the latter budget. The term of this agreement will be for one year with the option of

three one-year renewals. Subsequent costs will be funded from the annual budgets of DRYS, contingent upon their approval.

Renewal Services Rochester is a non-profit workforce development agency which focuses on reintegrating ex-offenders into the workforce by providing real life work experiences. They will provide eight months of landscape and garden maintenance services in select City parks and R-Center garden locations.

Services will include, but will not be limited to, ongoing horticultural and landscape maintenance throughout the season, the preparation and planting of various gardens, bulb planting, and fall clean-up.

Renewal Services Rochester was selected for these services based on their workforce development mission and the experience and expertise of their staff. A justification statement for not issuing a request for proposals is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-60

Ordinance No. 2016-87
(Int. No. 100)

Authorizing an agreement for job skills training and landscape maintenance in City parks and green spaces

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 Renewal Services Rochester, Inc. to provide job skills training and maintenance of landscape plantings in City parks and green spaces. The term of the agreement shall be for one year with the option to extend for up to three additional terms of one-year each.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$14,000 per year, and said amount, or so much thereof as may be necessary, shall be funded for the initial term in the amount of \$5,200 from the 2015-16 Budget of the Department of Recreation and Youth Services (DRYS) and in the amount of \$8,800 from the 2016-17 Budget of DRYS, contingent upon approval of the latter budget. Costs for any subsequent extensions of the agreement's term shall be from DRYS' subsequent annual budgets, contingent upon approval.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 7:55 p.m.

HAZEL L. WASHINGTON
City Clerk

* * * * *

REGULAR MEETING
APRIL 20, 2016

Present - President Scott Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Absent - None - 0.

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

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

Recognition Ceremony

Retirement:

Environmental Services
Mark G. Erdle
*Enrique C. Maisch
*Leonid F. Spivak
Emergency Communications
William D. Martin
Information Technology
Kenneth B. Ehmann
Kumar Thavakumar
Neighborhood and Business Development
*Curt V. Colombo
Fire Department
*Paul K. Hanson
*Mark J. Kolmer
Police Department
*Joseph Wukitsch

Service on Boards and Commissions:

Board of Assessment Review
LaShay Harris

**Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Clifford

RESOLVED, that the minutes of the Regular Meeting of March 22, 2016 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

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

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Quarterly Report - Delinquent Receivables
4228-16
Public Disclosure - HOME Participation (2)
4229-16, 4230-16

The Council submits Disclosure of Interest Forms from President Scott on Int. No. 118, Vice President Miller on Int. No. 118, Councilmember Conklin on Int. No. 110, Councilmember Haag on Int. Nos. 119 and 120, and Councilmember Spaul on Int. No. 109.

PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.

None Presented.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
April 20, 2016

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 105 - Resolution adopting a City of Rochester/Rochester City School District Debt Policy

Int. No. 106 - Authorizing an agreement with the Rochester Philharmonic Orchestra for public concerts

Int. No. 107 - Establishing maximum compensation for an agreement for the 2016 Puerto Rican Festival

Int. No. 108- Authorizing an agreement for the 2016 Rochester Twilight Criterium

Int. No. 109 - Authorizing agreement for the 2016 Rochester Fringe Festival

Int. No. 110 - Authorizing agreement for the 2016 Corn Hill Arts Festival

Int. No. 111 - Authorizing agreement for the 2016 Park Ave Summer Art Fest

Int. No. 112 - Authorizing an intermunicipal lease agreement with Monroe County for court room space in the Hall of Justice, and the County Public Safety Building

Int. No. 146 - Amending Chapter 62 of the Municipal Code with regard to commercial travelers, solicitors and special events

Int. No. 147 - Amending Chapters 60 and 68 of the Municipal Code with regard to food vending

Int. No. 150 - Resolution endorsing Five Star Bank's applications to establish two Banking Development Districts

Int. No. 151 - Amending Municipal Code Chapter 111, Vehicle and Traffic, to remove the fee for a replacement handicapped parking permit

Respectfully submitted,
Carolee A. Conklin

Molly Clifford
Adam C. McFadden
Dana K. Miller
Loretta C. Scott
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2016-8
Re: Resolution - Policy, RCSD Debt

Council Priority: Deficit Reduction and Long-Term Financial Stability

Transmitted herewith for Council approval is legislation for a Resolution to adopt a policy relative to debt for the Rochester City School District (RCSD or the District) for the duration of the Facilities Modernization Project (FMP). The RCSD is not an independent district, therefore the City Council approves their annual budget and borrowing requests.

When the Debt Policy for the District was first adopted in 1981, the restriction of not borrowing more debt than what was retired that year was a prudent and fiscally responsible guideline set by the City Council. It is the duty of the City Council to reevaluate fiscal policies and make adjustments as necessary in order to maintain the City's fiscal stability and health.

Upon review of this policy, and with consideration of the New York State approval in 2007 of the FMP, which annually funds \$325 million in Phase 1 to modernize our school buildings, the Council is setting specific parameters around capital expenditures for the duration of the FMP for the District. The parameters set forth in this legislation are to ensure that public dollars are spent responsibly, while ensuring that safety in school buildings is maintained and the objective of the FMP is achieved.

Respectfully submitted,
Loretta C. Scott Carolee A. Conklin
President Chair, Finance Committee

Resolution No. 2016-8
(Int. No. 105)

Resolution adopting a City of Rochester/Rochester City School District Debt Policy

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

Section 1. The Council adopts the following policy:

City of Rochester/Rochester City School District Debt Policy

Purpose

Current City of Rochester debt policy, established

in 1981 by Resolution No. 81-4, allows the City and the Rochester City School District (RCSD) to authorize tax-supported debt in an amount not to exceed the principal amount retired in the same fiscal year. In addition, the State of New York establishes a debt limit for the City of Rochester equal to 9% of the five year average assessed value of the City. By City Charter this limit is further apportioned at 5.5% for the City and 3.5% for the RCSD.

In 2007, the State of New York approved a Facilities Modernization Program (FMP or Program) with an initial authorization of \$325 million (Phase 1) to modernize the RCSD's school buildings. The FMP is not restricted by the requirements of the NYS Constitutional debt limit or the City's own self-imposed limits set forth in the City Charter. Debt repayment is guaranteed by an intercept of State aid to the RCSD executed by a third-party trustee (currently US Bank).

In December 2014, the State approved Phase 2 of the FMP authorizing \$435 million for up to 26 projects for the City School District. Future phases are anticipated resulting in a total expenditure of approximately \$1.2 billion for the life of the Program and to encompass all operating school buildings.

RCSD annually requests a debt-financed Capital Improvement Program (CIP) from the City of Rochester. The past and current practice of the RCSD is to request an amount equal to the amount retired annually without variation.

It is noted that the sum of RCSD's outstanding debt and authorized unissued debt currently stands at \$169,388,000, leaving a margin of \$42,213,950 to the City Charter's current debt limit of \$211,601,950. The debt margin is at a level that runs precariously close to a significantly diminished debt margin year-over-year. In addition, limits to the accumulation of long term debt are generally viewed favorably by the City's rating agencies.

The RCSD is required by the City Charter to finance capital improvements with cash capital annually in the amount of \$10 million. It is noted that in RCSD's current budget (FY2016) certain planned cash capital expenditures do not conform to the requirements of New York State Local Finance Law with respect to their categorization as a capital item and period of probable usefulness (e.g., textbooks). Additional cash can be made fungible for capital expenditures with the disallowance of expenditures that do not conform to the state requirements.

CIP Request Requirements

Given the level of funding provided by the State of New York with respect to the FMP, the City Council deems it appropriate to place the following restrictions and requirements on the annual CIP requests of the RCSD for the duration of the FMP:

- 1) The annual CIP request from the RCSD

shall not include projects on school facilities that are included as a project under a current Phase of the FMP with the exception of projects presenting an immediate need for repair for reasons of health and safety.

- 2) The RCSD shall utilize its cash capital allocations for capital expenditures as defined by New York State Finance Law and with respect to the requirements of the constitutional tax limit of New York State.
- 3) With each annual CIP request the RCSD shall present a plan for school facility closures and school facility decommissioning. The City will allow the maintenance of planned decommissioned school facilities to the extent it is to preserve the integrity of the building upon its disposal to the City.
- 4) For each facility that is the subject of an annual CIP request or any other borrowing request, the RCSD shall also submit a facilities assessment prepared by RCSD's Engineering and Architecture staff to be reviewed by the City of Rochester's Engineering and Architecture staff.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-88
Re: Agreement - Rochester
Philharmonic Orchestra,
Music Performances

Council Priority: Creating and Sustaining
a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$70,000 as maximum compensation for an agreement with the Rochester Philharmonic Orchestra (RPO), Rochester, New York, for music performances. The term of the agreement is for one year and will be funded from the 2016-17 Budget of the Bureau of Communications, contingent upon approval of said budget.

The RPO will provide seven free concerts. One full orchestra concert will take place on Main Street during the City's 2016 July 4th celebration. In addition, the RPO will present six concerts in the "Around the Town" concert series during the 2016 summer months. Two will take place in City R-Centers and four additional ensemble concerts will be scheduled outdoors; one in each quadrant of the city. All of these concerts will be free of charge.

A similar agreement was authorized in May 2015 for the same amount (Ord. No. 2015-147).

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-62

Ordinance No. 2016-88
(Int. No. 106)

Authorizing an agreement with the Rochester Philharmonic Orchestra for public concerts

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

Section 1. The sum of \$70,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and the Rochester Philharmonic Orchestra for public concerts. Said amount shall be funded by the 2016-17 Budget of the Bureau of Communications, contingent upon adoption thereof. The agreement shall have a term of one year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-89
Re: Agreement - Puerto Rican Festival, Inc., Puerto Rican Festival

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$35,000 as maximum compensation for an agreement with the Puerto Rican Festival, Inc., Rochester, New York, for the 2016 Puerto Rican Festival. The term of the agreement is for one year and will be funded from the 2016-17 Budget of the Bureau of Communications, contingent upon approval of said budget.

This year's festival will be held August 5-7 at the Frontier Field VIP Parking Lot. The event draws more than 20,000 people from all cultures and ethnic backgrounds. The City's sponsorship will support free admission for the first two hours on Friday and Saturday, and several free activities during the festival, including children's activities, a boxing exhibition, a youth participation and performance showcase, and an agency fair on Saturday.

The Puerto Rican Festival, Inc. sponsors a variety of events year-round, which serve to share and celebrate Puerto Rican culture. The largest event is the Puerto Rican Festival, which is in its 47th year and is also the longest running cultural festival in Monroe County.

The Puerto Rican Festival, Inc. was established in 1969 for the express purpose of celebrating and recognizing the culture of Puerto Ricans. Puerto Ricans continue to be one of the largest growing Hispanic populations in New York State, and this area is home to the second largest population of Hispanics in the State.

A similar agreement was authorized in June 2015 via Ordinance No. 2015-216.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-63

Ordinance No. 2016-89
(Int. No. 107)

Establishing maximum compensation for an agreement for the 2016 Puerto Rican Festival

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

Section 1. The sum of \$35,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and Puerto Rican Festival, Inc. for the 2016 Puerto Rican Festival. Said amount shall be funded from the 2016-17 Budget of the Bureau of Communications, contingent on adoption thereof. The term of the agreement shall be one year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-90
Re: Agreement - Full Moon Vista Productions, Rochester Twilight Criterium

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum compensation for an agreement with Full Moon Vista Productions (Principal: Scott Page), Rochester, New York, to support the 2016 Rochester Twilight Criterium and related competitive bicycling activities. The term of the agreement is for one year and will be funded from the 2016-17 Budget of the Bureau of Communications, contingent upon approval of said budget.

The 2016 Twilight Criterium will take place in downtown Rochester on Saturday, August 13, 2016. This event has been approved by USA Cy-

cling and is part of the U.S. National Criterium Calendar for 2016. The Rochester Twilight Criterium is one of only 16 events in the U.S. with competition at this level. Hundreds of athletes from all over the world will be in Rochester the week of the event with most staying in downtown hotels.

Races are free and open to the public and will take place throughout the afternoon and night, with the men's professional race taking place under the street lights of downtown. Last year, organizers projected that more than 20,000 spectators attended the event.

The Rochester Twilight Criterium first brought world-class professional cycling to the City of Rochester in 2004. That first-year, the regional event welcomed 5,000 spectators and more than 300 racers and 500 athletes. Professional athletes attended from around the globe, including Olympians, and world and national champions from Argentina, Australia, Canada, Germany, Italy, Ireland, France, New Zealand, Russia, Uruguay, England and the United States.

The Twilight Criterium is a unique event that aligns with the City's dedication to become a world-class bicycling community.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-64

Ordinance No. 2016-90
(Int. No. 108)

Authorizing an agreement for the 2016 Rochester Twilight Criterium

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

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and Full Moon Vista Productions, Inc. for the 2016 Rochester Twilight Criterium. Said amount shall be funded from the 2016-17 Budget of the Bureau of Communications, contingent on adoption thereof. The agreement shall have a term of one year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-91
Re: Agreement - Rochester Fringe Festival,
Inc., 2016 First Niagara Rochester

Fringe Festival

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with the Rochester Fringe Festival, Inc. The term of the agreement is for one year and will be funded from the 2016-17 Budget of the Bureau of Communications, contingent upon approval of said budget.

The First Niagara Rochester Fringe Festival brings together venues, performers and artists to engage diverse audiences through an innovative, entertaining and thought-provoking annual multi-arts festival in Rochester. The festival includes theatre, comedy, family entertainment, music, dance, physical theatre, street theatre, musical theatre, opera, poetry, and literature.

The 2016 festival will be held September 15-24. The Fringe includes shows in 25 downtown venues, as well as free, outdoor entertainment.

City funds will help support a variety of free, family-friendly performances and festival space, including:

- "Friday on the Fringe", a spectacle performance to be held downtown on September 16
- Four days of free events on Gibbs Street, including music, dance, and participatory chalk art
- Free outdoor films in the Spiegelgarden, located on the corner of Main and Gibbs Streets
- Approximately 120 other free shows in venues

Since its debut in 2012, the First Niagara Rochester Fringe Festival has become one of the most successful fringe festivals in the United States, attracting more than 63,000 attendees in 2015. This 10-day, multi-arts festival now boasts over 500 performances and events - more than a quarter of which are free - in 25 venues in downtown Rochester. Celebrating and inspiring creativity, the Fringe - which is partially curated by the festival and partially by festival venues - includes everything from theatre, music, comedy and dance, to children's entertainment, spoken word, visual arts and more.

The Fringe uniquely celebrates Rochester's rich multi-arts culture. Its presence enhances the City's reputation as a respected destination for the arts and enables Rochester to join the ranks of other world-class cities with fringe festivals, such as: New York City; Philadelphia; Chicago; Toronto, Canada; and Edinburgh, Scotland.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-65

Ordinance No. 2016-91
(Int. No. 109)

Authorizing agreement for the 2016 Rochester Fringe Festival

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

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and Rochester Fringe Festival, Inc. for the 2016 First Niagara Rochester Fringe Festival. Said amount shall be funded from the 2016-17 Budget of the Bureau of Communications, contingent upon the approval thereof. The agreement shall have a term of one year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-92
Re: Agreement - Corn Hill Neighbors Association, Corn Hill Arts Festival

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$10,000 as maximum compensation for an agreement with the Corn Hill Neighbors Association for the 2016 Corn Hill Arts Festival. The term of the agreement is for one year and will be funded from the 2016-17 Budget of the Bureau of Communications, contingent upon approval of said budget.

The Corn Hill Arts Festival was launched in 1969 by a small group of neighbors interested in creating a forum for the arts and hoping to raise funds for their rebuilding efforts in the old Third Ward. Their grassroots efforts evolved into the Corn Hill Neighbors Association, which supported the renaissance of this neighborhood. The Corn Hill Arts Festival has become one of Rochester's signature summer festivals.

Now in its 48th year, the annual festival continues to promote the creation of original art, encourages community cohesiveness and raises funds for the Corn Hill Neighbors Association, which in turn funds a wide variety of community initiatives such as beautification projects, block parties, and a neighborhood newspaper.

The free weekend event will take place July 9 and 10, and is anticipated to welcome up to 150,000

visitors. The festival has space for 350 arts and crafts vendors, 30 food vendors, and four music stages. More than 200 neighbor volunteers spend hundreds of hours preparing for this annual event.

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-66

Ordinance No. 2016-92
(Int. No. 110)

Authorizing agreement for the 2016 Corn Hill Arts Festival

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

Section 1. The sum of \$10,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and Corn Hill Neighbors Association, Inc. for the 2016 Corn Hill Arts Festival. Said amount shall be funded from the 2016-17 Budget of the Bureau of Communications, contingent upon the approval thereof. The agreement shall have a term of one year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-93
Re: Agreement - Park Avenue Merchants Association, Park Ave Summer Art Fest

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$10,000 as maximum compensation for an agreement with Park Avenue Merchants Association (PAMA), Rochester, New York, for the 2016 Park Ave Summer Art Fest. The term of the agreement is for one year and will be funded from the 2016-17 Budget of the Bureau of Communications, contingent upon approval of said budget.

Begun in 1977 as a neighborhood sidewalk arts and craft festival, the Park Ave Summer Art Fest has evolved into the neighborhood's signature summer event. The festival's purpose is two-fold: provide a quality juried arts and craft show that showcases local and regional artists with products that have a

range of prices, and act as a vehicle to introduce and reinforce the Park Avenue neighborhood as a great place to live, shop and play. The festival is hosted by a mix of the local merchants association and the eight neighborhood associations located between Alexander Street and Culver Road. For almost two decades, the Park Avenue neighborhood has contracted with The Springut Group to produce the festival.

The festival showcases 350 artists and exhibitors, 40 food vendors, and three stages of live music featuring 150 performers. Admission to the Park Ave Summer Art Fest is free. In addition, there is no charge for families to attend the Kids Zone presented by the festival at the Rochester Museum and Science Center. In 2015, an estimated 225,000 people attended the festival.

This year's festival will take place August 6-7.

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-67

Ordinance No. 2016-93
(Int. No. 111)

Authorizing agreement for the 2016 Park Ave Summer Art Fest

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

Section 1. The sum of \$10,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and Park Avenue Merchants Association Inc. for the 2016 Park Ave Summer Art Fest. Said amount shall be funded from the 2016-17 Budget of the Bureau of Communications, contingent upon the approval thereof. The agreement shall have a term of one year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-94
Re: Intermunicipal Lease Agreement -
Monroe County for City Court Space

Transmitted herewith for your approval is legislation to authorize a 15-year lease agreement with Monroe County for the use of 18,153 square feet in the County Public Safety Building and 32,605

square feet in the Hall of Justice for a total of 50,758 square feet, for Rochester City Court facilities. The lease will commence on July 1, 2016. The City will pay \$6.25 per square foot for a total of \$26,436.46 per month, due quarterly (\$79,309.38 on each July, October, January and April), for a total of \$317,237.50 per year, and includes all non-State reimbursed cleaning, utility, maintenance, repair, and security costs. The agreement will be funded from future Budgets of Undistributed Expenses, contingent upon adoption of said budgets.

This legislation will also authorize the City to make an advance payment of \$500,000 at the commencement of the lease term. The \$500,000 payment will fund the exclusive use of two additional courtrooms upon completion of County's new fifth floor courtrooms. The City will have a total of 10 courtrooms for its 10 judges. Additionally, this legislation will amend the 2015-16 Budget by transferring \$500,000 from Contingency to Cash Capital to fund the advance payment.

In the past, the City has not paid for courtroom space in the Hall of Justice. However, the City currently has a lease agreement for space in the County Public Safety Building at a rate of \$7.25 per square foot. The County requested, and the City agreed, to pay rent for space in both the Hall of Justice and the County Public Safety Building. The current lease will be terminated and the City will pay a reduced per square foot rate for the County Public Safety Building.

The City has been informed by the New York state Office of Court Administration that providing these court facilities is a local government obligation and is required by Judiciary Law Section 39. This agreement with the County is necessary to fulfill that requirement.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-94
(Int. No. 112)

Authorizing an intermunicipal lease agreement with Monroe County for court room space in the Hall of Justice, and the County Public Safety Building

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 lease agreement with Monroe County for court room space in the Hall of Justice, and the Monroe County Public Safety Building totaling 50,758 square feet. The term of said lease shall be for fifteen (15) years commencing on July 1, 2016.

Section 2. Said lease agreement shall be funded from Undistributed Expense, and obligate the City to pay \$6.25 per square foot of space, a total of \$26,436.46 per month for a total of \$317,237.50

per year.

Section 3. The Mayor is further authorized to make a \$500,000 advance payment to Monroe County at the commencement of the lease. Said \$500,000 shall pay for the exclusive use of two additional courtrooms upon completion of County's new 5th floor courtrooms.

Section 4. Ordinance 2015-167, the 2015-16 Budget of the City of Rochester as amended, is hereby further amended by transferring \$500,000, from Contingency to Cash Capital to fund the advance payment authorized herein.

Section 5. Said agreement shall contain such terms and conditions as the Mayor deems necessary.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-95 and
Ordinance No. 2016-96

Transmitted herewith for your approval is legislation amending Chapters 62 and 60 of the Municipal Code.

Prior to February, 2015, outdoor public vending by food trucks, trailers and carts was licensed and regulated together with solicitors' vending of merchandise under Chapter 62 of the Municipal Code. Ordinance 2015-28 adopted a new Chapter 60 to regulate food trucks, trailers and carts. Therefore it is now necessary to remove from Chapter 62 all references to food vending, since those vendors are now regulated under Chapter 60. Other than that adjustment, the rules for non-food solicitor vendors in the revised Chapter 62 generally follow the rules for food vendors in Chapter 60.

The license fees for solicitor vending trucks, trailers and carts in Chapter 62 are revised to match those applicable to food truck, food trailer and food cart vendors under Chapter 60, as is the exemption from licensing and permitting fees for military veterans who have a Soldiers' and Sailors' Certificate. The solicitor vendor's minimum liability insurance requirement is raised from \$100,000 to \$1,000,000, the same as the requirement for food vendors.

A solicitor vendor who desires to sell non-food merchandise or services from a table may do so only at a special event and must have the permission of the special event's sponsor. Chapter 60 is being amended to allow food vending from tables only at special events with the permission of the sponsor.

Chapter 62 is amended to require documentary proof of the proper credentials from any solicitor applicant who proposes to offer a specialty service

or merchandise that requires a professional, occupational, environmental or health-related governmental license or permit. This is one requirement that is not applicable to food vendors.

The introduction of Chapter 68, Licenses - Business and Trades, is updated to include Chapter 60, Food Trucks, Trailers and Carts, under the general commercial licensing provisions.

These amendments should help vendors by clarifying what rules apply to each type of outdoor vending.

Sincerely
Loretta C. Scott
Council President
Carolee A. Conklin
Chair, Finance Committee
Councilmember-at-Large

Ordinance No. 2016-95
(Int. No. 146)

Amending Chapter 62 of the Municipal Code with regard to commercial travelers, solicitors and special events

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

Section 1. Chapter 62 of the Municipal Code, Commercial Travelers, Solicitors and Special Promotional Events, as amended, is hereby further amended to read in its entirety as follows:

Chapter 62. Commercial Travelers, Solicitors and Special Promotional Events

§ 62-1. Definitions.

For the purposes of this chapter, the terms used herein are defined as follows:

CENTER CITY VENDING DISTRICT
Shall include all of the Center City Zoning District, as established pursuant to Chapter 120, Zoning Code, and in addition, as set forth in a map on file in the City Clerk's office, an area extending generally easterly from the Center City Zoning District which is bounded on the west and north by the Center City Zoning District boundary extending from the southerly side of East Avenue to the center of Alexander Street at approximately 417 Alexander Street, then continuing southerly down the center of Alexander Street to the center of University Avenue, then continuing easterly along the center of University Avenue to the center of Goodman Street, then continuing southerly along the center of Goodman Street to and including the southerly side of East Avenue, then continuing westerly along the southerly side of East Avenue to the Center City Zoning District boundary. The Center City Vending District shall also include both sides of Alexander Street southerly from Gardiner Park to the southerly side of Tracy Street and its extension westerly, as set forth in the map on file in the City Clerk's office.

COMMERCIAL TRAVELER

A person or group of persons doing business through the act of renting a room or suite of rooms in a hotel, motel or inn, commercial building or private dwelling within the City of Rochester for a period of less than 90 consecutive days for the purpose of using said premises to sell, offer for sale or solicit orders for goods, services or merchandise, including vendors of food or food products and persons in the home improvement industry, to or from members of the public. This definition shall not apply to the renting of rooms, halls, auditoriums or open spaces for the sole purpose of demonstrating or exhibiting goods to businesses and/or the public in connection with sales promotions or marketing campaigns or for the purpose of exhibiting and selling works of art.

HARBORTOWN VENDING DISTRICT

Shall include all of the H-V Harbortown Village Zoning District as established pursuant to Chapter 120, Zoning Code, which is north of the new O'Rorke Bridge, and those lands zoned O-S Open Space which border the southern boundary of Ontario Beach Park and are east of Estes Street.

MARINA VENDING DISTRICT

Shall include all of the M-D Marina District as established pursuant to Chapter 120, Zoning Code.

PUBLIC PLACE

Any area or building owned, operated or controlled by or on behalf of any government, municipality or public authority or corporation within the boundaries of the City of Rochester, or portion of such place, which is generally accessible to the public, including but not limited to streets, sidewalks, skywalks, parking garages and lots, parks, playgrounds, recreation areas, cemeteries, places of employment or operations and schools and school grounds; as well as private property, other than inside a building, upon which members of the public are solicited.

SOLICITOR

A person doing business through the acts of vending, selling or offering for sale, soliciting orders for, demonstrating or making estimates of goods, services or merchandise, ~~including vendors of food or food products~~ and persons in the home improvement industry, directly to the public in the public streets, sidewalks or public places from a vending truck, vending trailer, vending cart or special event table, or by going from house to house, whether by appointment, referral, uninvited solicitation, route sales or party plan, within the City of Rochester.

SPECIAL EVENT

A special public event that is either sponsored by the City or granted a permit by the City, including but not limited to, a festival, parade, concert, or celebration.

VENDING CART

A non-motorized, wheeled vending unit that is built and licensed in such a manner that it may

be operated to offer non-food merchandise for sale on a public sidewalk in accordance with Subsection 62-6(A)(5) of this Chapter.

VENDING TRAILER

A non-motorized vending unit not greater than 28 feet in length that is designed to be towed by a motorized vehicle that is built, registered and licensed to be operated on the public streets of New York State and to offer non-food merchandise for sale.

VENDING TRUCK

A motorized vending unit not greater than 28 feet in length that is built, licensed and operated in such a manner that it may be operated to offer non-food merchandise for sale from a public street in accordance with Subsection 62-6(A)(6) of this Chapter.

VENDING UNIT

A cart, vehicle, trailer or table from which a solicitor may lawfully conduct business in accordance with the requirements of this Chapter.

§ 62-2. License required, application.

- A. Commercial traveler. Every person who engages in business as a commercial traveler, as defined herein, is hereby required to apply for and procure a license, to be issued by the City of Rochester, for the purpose of conducting such business, prior to commencing operations within the City of Rochester.
- B. Solicitor. Every person who engages in business as a solicitor, as defined herein, is hereby required to apply for and procure a license, to be issued by the City of Rochester, for the purpose of conducting such business, three days prior to commencing operations within the City of Rochester. This requirement shall not be applicable to any person who applies for and procures a special promotional events license.
- C. ~~Vendors of food or food products must have a current permit from the Monroe County Department of Health and must comply with all laws, rules and regulations of said Department.~~
- ~~D.~~ Nothing contained in this chapter shall authorize a solicitor to engage in business in a park without a permit as required in Chapter 79, Parks.
- D. Outdoor retail displays that comply with the requirements of Section 120-176 of the Zoning Code shall not require a solicitor license.
- E. All license applicants shall be required to consent to a background check by the Rochester Police Department. A license application may be denied by the Chief of Police if the background check demonstrates that the applicant has been convicted of criminal offenses that have a direct relationship to the license or that would involve an unreasonable risk to property or to the safety or welfare of specific

individuals or the general public. Any decision to deny an application for this reason shall be made in compliance with Article 23-A of the New York State Correction Law after considering the factors set forth in that law. An applicant who is denied shall be entitled to a hearing in the manner provided for a revocation of a license by Chapter 68 of the Municipal Code.

F. Application. Every person applying for a license shall be required to submit with the written application, under oath, the following information and material:

- (1) Name of applicant.
- (2) Permanent home residence.
- (3) Name and address of firm represented, if any.
- (4) A description of the goods, wares, commodities or services to be offered for sale or to be used for the purpose of bidding for services.
- (5) If the applicant proposes to offer a specialty service or merchandise that requires a professional, occupational, environmental or health-related license, permit, certificate or other authorization from a federal, state or local authority, documentary proof that the applicant possesses such authorization(s).
- (6) To the application must be appended a copy of a validated certificate of authority issued by the New York State Department of Taxation and Finance empowering the applicant to collect both the New York State sales and compensating use taxes and any similar local taxes, or proof acceptable to the Director of Finance that the applicant is exempt from registering with the state for the collection of sales and compensating use taxes.
- (7) The location at which the solicitor intends to do business.
- (8) Proof of insurance as required by Section 62-4.

§ 62-3. Fees and expiration of license.

- A. License fees shall be as follows:
- (1) Commercial traveler: \$150.
 - (2) Solicitor: \$330 for a vending truck or vending trailer license and \$250 for a vending cart license which is valid outside of the Center City Vending District, the Marina Vending District and the Harbortown

Vending District, and \$1,000 for a vending truck or vending trailer license and \$750 for a vending cart license which includes the Center City Vending District, the Marina Vending District or the Harbortown Vending District, which licenses shall include a solicitor's license and a license for one vending unit. Each additional vending unit shall require payment of a full fee. ~~Persons operating businesses in buildings within the Center City Vending District, the Marina Vending District or the Harbortown Vending District shall be entitled to a discount of 1/3 of the fee for a license to vend in an approved location outside of their business.~~

- (3) Identification: \$24 each, provided, however, that there shall be no charge for the first identification badge that is issued for each license.

B. All licenses shall expire on December 31 after their date of issuance. License fees shall not be prorated.

C. Temporary permit: Any solicitor wishing to conduct business from a vending unit at one or more special events and that does not have a license shall apply to the City Clerk for a temporary vending unit permit and pay a fee of \$100 for a permit valid for the calendar year. Any solicitor wishing to conduct business from a vending unit at a single special event and that does not have a license shall apply to the City Clerk for a three-day temporary vending unit permit and pay a fee of \$56 for a permit valid for that event. Such a permit shall allow vending only during and at the location of a specified special event.

~~D.~~ E. A non-refundable fee of \$7 shall be required for the receipt of application materials. Said fee shall be credited toward the license fee upon submission of an application.

~~D.~~ E. There shall be a fee of \$10 for replacement of a lost license or identification badge.

F. A solicitor who is an eligible veteran and has a Soldiers' and Sailors' Certificate issued by the Monroe County Clerk pursuant to § 32 of the NYS General Business Law or who is a disabled veteran as defined by § 35 of the General Business Law holding such a certificate shall be exempt from the fees contained in this section.

§ 62-4. Insurance.

Before any license authorized herein shall be issued, the applicant shall file with the City proof of insurance, issued by an insurance company licensed to do business in the State of New York and approved by the Director of Finance as to form, which insurance must be kept continuously in force

during the term of the license. At the time of application, applicants shall provide proof of insurance that extends for the entire license period. The insurance shall be not less than ~~\$1,000,000~~ \$100,000 comprehensive/general liability insurance. Such insurance shall not expire, nor be canceled, altered or amended except on 10 days' written notice to the City Treasurer served personally or by certified mail. Municipal operations, employees and property shall not be excluded from coverage. The insurance must name the City as an additional insured party.

§ 62-5. Authorization of agent to receive service of summons.

Before any ~~individual~~, partnership, company or corporation who is a non-resident of the State of New York shall have a commercial traveler's or solicitor's license issued, either to the individual or to the agents or representative of a company, partnership or corporation, proof of authorization of the Secretary of State to receive service pursuant to the Business Corporation Law § 304 ~~must be filed with the city, or a certificate appointing the City Clerk of the City of Rochester as a duly authorized agent for the purpose of accepting service of summons of said nonresident individual, company, partnership or corporation~~ shall be filed with the application for said license. In the case of a company, partnership or corporation, this authorization of an agent to accept service shall be signed by the executive officer(s) with the authority to bind the company, partnership or corporation to a contract.

§ 62-6. General regulations.

A. No person acting, performing, attempting or purporting to act or perform as a commercial traveler or solicitor shall:

- (1) Engage in business as a commercial traveler or solicitor without procuring and prominently displaying on his or her person a license or identification badge therefor issued by the ~~Chief of Police. City Clerk.~~
- (2) Stop, stand or park a non-motorized vending unit on any roadway, except when actually loading or unloading.
- (3) Engage in business or attempt to engage in business as a solicitor on any public street, sidewalk or place so as to obstruct access to or egress from any place or the free flow of vehicular and pedestrian traffic.
- (4) Operate, stop, stand or park any motorized vending unit on any public sidewalk, including that part of the sidewalk between any paved portion of the sidewalk and roadway.
- (5) Place on any public place or sidewalk, including any tree lawn or

other portion of the public right-of-way that is not within the roadway, any goods, tables, blankets, booths or any type of food or merchandise for sale or any vending unit or other equipment used in vending ~~on any public place or sidewalk, including that part of the sidewalk between any paved portion of the sidewalk and roadway,~~ except that a licensed solicitor may sell food or merchandise on a public sidewalk from a non-motorized vending unit or units (hereinafter, referred to as "Vending Cart") for which a license has been procured from the ~~Chief of Police City Clerk~~ and is prominently displayed thereon and upon which all food and merchandise and peripheral equipment is attached or placed, which unit or units meets all the following requirements:

- (a) A vending unit or units when fully opened for business shall not exceed, including all peripheral equipment and food and merchandise for sale, six feet in width by 10 feet in length and five feet in height, excluding only a canopy, awning or umbrella, with the top surface of the vending unit(s) and any seating for the person(s) tending the unit(s) at least 28 inches above the ground. Shopping carts shall not be allowed as vending units.
- (b) Separate units may be used in one operation, provided that when they are fully opened for business the total space occupied by said units does not exceed the maximum set forth in Subsection A(5)(a) above, and provided further that the units are kept adjacent to each other and that each separate unit is at all times tended by at least one person.
- (c) All vending units shall be on rubber-tired wheels, at least four inches in diameter, with a leg or legs or brakes which shall keep the unit stationary when it is not intended to be moved, and which unit is fully mobile and able to be immediately moved by a single person tending the unit.
- (d) Vending units shall have all peripheral equipment attached thereto, including seating, if desired, for the person tending the unit.

- (e) Vending units shall have a self-contained and secure storage place for all ~~food and~~ merchandise and peripheral equipment used in the vending operation, so that the same can be quickly and safely stored if the vending unit has to be moved.
 - (f) No canopy, awning or umbrella shall be placed on a sidewalk in conjunction with vending activities, except that a vending unit may have attached to it a canopy, awning or umbrella which is no greater in size than the maximum size set in Subsection A(5)(a) above for a vending unit, and which is a minimum of 7 1/2 feet above the level of the sidewalk when opened if it extends beyond the sides of the unit itself and a maximum of nine feet above the level of the sidewalk when opened, provided that no canopy, awning or umbrella shall extend into a street tree or within two feet of the curbline.
- (6) Engage in vending from a public street, except that licensed solicitor may engage in vending from a vending truck for which a license has been procured from the City Clerk and is prominently displayed thereon and upon which all merchandise and peripheral equipment is attached or placed, which unit or units meets all the following requirements:
- (a) Is a vehicle licensed and able to be operated on the public streets of New York State.
 - (b) No trailer shall be used for such purpose.
 - (c) No vending unit shall operate within any public right-of-way within 100 feet of any property zoned Low-Density Residential (R-1), Medium-Density Residential (R-2), or High-Density Residential (R-3).
 - (d) No vending unit shall operate in a location that has the effect of obstructing access to or egress from any structure or the free flow of vehicular and pedestrian traffic.
 - (e) Operates in a permissible on-street parking spot where stopping, standing, parking or vending is not prohibited and in compliance with all parking and
- vehicle and traffic laws, ordinances, rules and regulations applicable to the particular location, including but not limited to durational restrictions, for no greater than four consecutive hours between the hours of 7:00 a.m. and 2:00 a.m., provided that the Traffic Control Board may further limit the permissible locations and hours for such vending in particular neighborhoods in accordance with regulations established by the Traffic Control Board.
- (f) When located within the Center City District, Marina, Harbortown or any subsequently designated Vending District, the vending unit shall abide by the additional provisions of Section 62-7 of this Chapter.
 - (g) No vending unit shall operate within 500 feet of the boundary line of any festival, special event or civic event that is permitted or sponsored by the City, except when the vendor has obtained a permit to so operate from the City.
 - (h) Each vending unit shall carry on the vehicle at all times a measuring device with a measuring capacity of no less than 500 feet as a condition of its licensure.
- ~~(6)~~ (7) Place, stop, operate or sell from a vending unit on a public sidewalk, except on the curbside of the sidewalk and at least two feet from the curb.
 - ~~(7)~~ (8) Place, stop, operate or sell from a vending unit on a public sidewalk in such a manner that a portion of the sidewalk at least four feet in width is not maintained free and clear of obstructions to pedestrian traffic.
 - ~~(8)~~ (9) Place, stop, operate or sell from a vending unit on a public sidewalk:
 - (a) Within 10 feet of any other vending unit on a public sidewalk;
 - (b) Within 10 feet of a curb cut;
 - (c) Within five feet of a crosswalk;
 - (d) Within five feet of a fire hydrant;
 - (e) Which abuts or obstructs a bus stop zone or shelter or is locat-

- ed within 60 feet in advance of a bus stop or shelter (on the side of the stop or shelter from which a bus approaches) or within 10 feet beyond a stop or shelter (on the side of the stop or shelter from which a bus leaves the stop or shelter);
- (f) Within 10 feet of a street tree;
 - (g) Within two feet of a trash receptacle;
 - (h) Within two feet of a newspaper vending machine;
 - (i) Within two feet of an historic marker;
 - (j) Within five feet of a pedestrian bench;
 - (k) Within two feet of a sidewalk planter;
 - (l) Within two feet of a sidewalk grate or opening;
 - (m) Within two feet of a fire alarm box; or
 - (n) Within one foot of a light pole.
- (9) (10) Cry out or make loud noises in any public street, sidewalk or place for the purpose of selling any food or merchandise.
- (40) (11) Falsely or fraudulently misrepresent the quality, character or quantity of any article offered for sale or falsely or fraudulently represent services to be rendered or the cost thereof or offer for sale any unwholesome, tainted or diseased food or merchandise.
- (41) (12) Sell or offer for sale any food or merchandise which does not materially conform to any samples or models demonstrated or brochures or pamphlets given to a prospective customer as to size, materials, use, application and quality of workmanship.
- (42) (13) Fail to identify himself or herself as a salesperson upon approaching a citizen in a public place or at a private dwelling or fail to explain one's purpose, whether it be direct sales, solicitation of orders or the demonstration of goods and merchandise, or any combination of such purposes.
- (43) (14) Chain or otherwise attach any signs, goods, merchandise, chairs, stools or vending units or other equipment used in vending to any tree, parking meter, hydrant, sign or post, light pole, telephone pole or other street appurtenance or leave any such items unattended on a public street, sidewalk or place. Items left in violation of this subsection shall be seized by the police.
- (14) (15) Place, stop, operate or sell from a vending unit on a public street, sidewalk or place unless that vending unit, including any canopy, awning or umbrella and all peripheral equipment, is maintained in a clean and neat condition, free of all stains, holes and rust, and with all wood surfaces painted, treated or varnished.
- (15) (16) Dispose of any litter or trash generated from the vending operation in public trash receptacles. Vendors shall store such litter or trash during the day in a trash receptacle firmly attached to the vending unit and carry the same with them at the end of the day. Vendors shall also be responsible for keeping the immediate area of their vending unit free and clear of any litter, trash or spillage from the unit.
- (16) (17) Place, stop, operate or sell from a vending unit which generates heat on a public street, sidewalk or place, unless the following requirements are met:
- (a) ~~On or after January 1, 1991,~~ The all vending units, including all compartments thereof but not including wheels and any awning, canopy or umbrella, shall be made of a noncombustible material, preferably stainless steel. All heating devices using gas shall be equipped with one-hundred-percent shutoff safety devices to automatically stop the flow of gas.
 - (b) For a vending units using propane, the propane shall be stored in the open air or in a properly vented compartment. A propane storage compartment shall be made of a noncombustible material and shall be used only for storing propane, and no food, merchandise, goods or equipment shall be placed therein. Propane tanks shall be securely fastened to the vending unit whether they are stored in the open air or in a vented compartment. Propane tanks shall be kept in an upright position,

unless such tank is designed and approved for horizontal positioning. Compartments in which propane is stored shall be labeled "PROPANE" in letters at least 1 1/2 inches high. All valves shall be easily accessible. Only approved hoses with proper LPG labeling shall be used for the flow of gas, and such hoses shall be properly mounted so as to be free of vibrations, kinks and/or tension and so as to be easily accessible. Propane cylinders shall be stored outdoors at all times.

~~(e)~~ Vending units shall be equipped with holding pans designed and attached to the unit so as to catch all of the grease produced by the heating device. No person shall operate a vending unit in a manner such that grease may be spilled from the vending unit onto a public street, sidewalk or place.

~~(d)~~(c) Vending units with heating devices shall be equipped with a fire extinguisher with a 1A-10BC classification.

~~(e)~~(d) All A vending units with a heating devices shall be inspected by the Fire Safety Division of the City of Rochester for fire safety prior to the issuance of any license or permit therefor. Heating devices shall be free of defects and constructed or positioned so that combustibles will be protected from the heating source. A current annual sticker from the Fire Safety Division shall be procured and prominently displayed on all such vending units. Any modifications and/or repairs to stoves, grills and propane equipment shall require the approval of the Fire Safety Division before such vending unit may be placed on a public street, sidewalk or place.

~~(f)~~(e) The Fire Marshal is hereby authorized to promulgate such additional rules and regulations as may be necessary to assure the fire safety of vending units.

~~(17)~~ (18) Shall request or accept any tip or gratuity where no exchange of food or merchandise is effected or no service is rendered.

~~(18)~~ — Sell or offer for sale food or food

~~products without a current permit from the Monroe County Department of Health.~~

(19) Conduct any vending activities in violation of any rule or regulation promulgated by the Chief of Police, Commissioner of Environmental Services or Fire Marshal pursuant to this chapter or by the Monroe County Health Department with respect to vending of food or food products.

(20) No person shall engage in business as a solicitor or attempt to engage in business as a solicitor except at the location reported by said person to the City.

(21) Sell, offer for sale or deliver goods or services from a sidewalk or alongside a roadway to an operator or occupant of a motor vehicle that is stopped, standing or parked on a street where stopping, standing or parking is prohibited.

~~(22)~~ Sell or offer for sale goods or services from a motorized vending unit stopped, standing or parked on a street where stopping, standing, parking or vending is prohibited.

~~(23)~~ Sell or offer for sale goods from a motorized vending unit on a public street adjacent to a property zoned R-1, R-2 or R-3.

B. Nothing herein contained shall be construed so as to prevent any person having an established place for the transaction of business within said City from soliciting orders in such line of business from customers at such place of business or from taking orders by telephone or other communications device when ~~telephone~~ orders are received at such place of business and from filling and delivering the same nor so as to prevent the sale of newspapers or ~~milk~~ other products, the sale of which shall ~~the latter to be~~ governed by the provisions of the law and ordinances applicable thereto.

C. The owner of a vending unit shall be responsible for the acts of any person working at that vending unit, and a license holder shall be responsible for the acts of any person while engaging in business through an identification badge issued under the license holder's license.

D. A solicitor conducting business from a vending unit on property that is neither public right-of-way, owned by a public agency or authority, a public park, nor being used for a special event shall be regulated in accordance with all applicable provisions of Chapter 120 of the Municipal Code.

D. ~~Application. Every applicant for a license is required to submit with the written application, under oath, the following information and material:~~

- ~~(1) Name of applicant.~~
- ~~(2) Permanent home residence.~~
- ~~(3) Name and address of firm represented, if any.~~
- ~~(4) The length of time for which the license is required.~~
- ~~(5) A description of the goods, wares, commodities or services to be offered for sale or to be used for the purpose of bidding for services.~~
- ~~(6) To the application must be appended a document of authorization from the firm which the applicant purports to represent.~~
- ~~(7) To the application must be appended a copy of a validated certificate of authority issued by the New York State Department of Taxation and Finance empowering the applicant to collect both the New York State sales and compensating use taxes and any similar local taxes, or proof acceptable to the Director of Finance that the applicant is exempt from registering with the state for the collection of sales and compensating use taxes.~~
- ~~(8) The location at which the solicitor intends to do business.~~

§ 62-7. Additional Center City District, Marina and Harbortown provisions.

A. In addition to the general provisions set forth in § 62-6 of the Municipal Code, the following regulations shall also apply to solicitors in the Center City Vending District, the Marina Vending District and the Harbortown Vending District:

- (1) No person shall place, stop, operate or sell from a vending unit or place, sell or attempt to sell any food or merchandise or place any equipment used in vending operations on the public sidewalk or in a public place except in locations specifically designated by the City for vending activities. In order to facilitate pedestrian and bus movement along Main Street, no designated vending space shall be located within 30 feet beyond a bus shelter (on the side of the shelter from which a bus leaves the shelter) or 90 feet in advance of a bus shelter (on the side of the shelter from which a bus approaches).

(2) No person shall place, locate, operate or sell from a vending unit on a public sidewalk or place any food, merchandise or equipment on any public sidewalk in such a manner that a portion of the sidewalk at least eight feet in width is not maintained free and clear of obstructions to pedestrian traffic.

(3) No person shall load or unload a vending unit, or food or merchandise or equipment to be used in vending activities, from a vehicle on Main Street. The commercial loading/unloading zones designated by the Traffic Control Board on intersecting streets must be used for this purpose.

(4) No person shall engage in business as a solicitor or attempt to engage in business as a solicitor on a public street or sidewalk or in a public place in the Center City Vending District, the Marina Vending District or Harbortown Vending District from April 15, 2006, through December 31, 2006, and thereafter throughout each calendar year, without procuring and prominently displaying a Center City or Marina or Harbortown permit license authorizing such activity and without doing business in the location designated by the City. Such permit shall be granted through a lottery to be conducted by the City Clerk each year. The City Clerk is hereby authorized to establish rules and regulations governing such lottery, which rules and regulations shall allow for each licensed solicitor applying for the lottery to have one chance in each round of the lottery. The City Clerk Commissioner of Environmental Services is further authorized to promulgate rules and regulations governing the use of the Center City or Marina or Harbortown vending locations, which rules and regulations may also provide for the implementation of a lottery to determine priority for the use of vending locations and for standards to be met in order to retain a Center City or Marina or Harbortown license permit, which standards may govern the frequency of use of a location and the frequency of violations. The lottery shall determine priority for use of the vending locations. If all vending locations are not filled through the lottery process, locations may be filled through a waiting list established by the City Clerk. The name of a solicitor may appear only once at a time on such list. The designat-

~~ed location may only be used for placement of a vending unit licensed to the successful applicant, and no successful applicant shall sell, lease or transfer a designated location for placement of a vending unit by any other person.~~

- (5) No person shall engage in business as a solicitor or attempt to engage in business as a solicitor from a parking space on a public street except from a motorized vending unit that is not greater than 28 feet in length and which is licensed and able to be operated on the public streets of New York State. No trailers shall be used for such purpose.
- (6) ~~No person shall engage in business as a solicitor or attempt to engage in business as a solicitor.~~ No solicitor shall operate from a parking space on a public street except in parking spaces reviewed by the Traffic Control Board and approved by the City Clerk and in accordance with regulations established by the Traffic Control Board. The Traffic Control Board may establish the hours that each parking space shall be available for a solicitor's use vending, which hours shall not be greater than between the hours of 7:00 a.m. and ~~8:00 p.m.~~ 2:00 a.m. No solicitor shall be parked in a specific parking space for more than four consecutive hours.

§ 62-8. Parades and special events; parks.

- A. The Chief of Police is authorized to promulgate rules and regulations governing vending trucks, trailers, carts, and tables at special events that are operated during parades and special events in the City. Such rules and regulations may require vending activities to be conducted in areas located so that citizens may be able to have unobstructed views of the parade or special event. In conjunction with such activities, including any street closing for a special event, the Chief of Police may suspend the applicability of the regulations found in this chapter to allow for the operation of the special event.
- B. The Commissioner of Recreation and Youth Services shall establish requirements for vending in parks regulated by the City. Any solicitor operating in such a park shall have a valid license pursuant to this Chapter.
- C. The County of Monroe shall establish requirements for vending in parks regulated by the County.

§ 62-9. Vending at Special Events.

- A. Any solicitor vending from a vending truck,

trailer or cart at a special event that is sponsored by the City or granted a permit by the City shall have either a license issued pursuant to this Chapter or a Temporary Permit issued by the City Clerk, or a Three Day Temporary Permit issued by the City Clerk. The solicitor so licensed or permitted may vend at a special event if such vending is approved by the sponsor of said event.

- B. An applicant for a Temporary Permit shall be required to submit a valid copy of all necessary licenses, permits or certificates required by the County of Monroe, or the State of New York or Federal government including, but not limited to, a valid New York State Department of Motor Vehicles registration and certificate of inspection and valid driver's licenses of all vehicle operators, a valid authorization to offer any specialty service or merchandise that requires a professional, occupational, environmental or health-related license, permit, certificate or other governmental authorization, and a copy of a valid certificate of authority issued by the New York State Department of Taxation and Finance empowering the applicant to collect both the New York State sales and compensating use taxes, and shall submit proof of insurance coverage that meets the requirements of Section 62-4.
- C. A solicitor may vend from a table only at a special event. Such vending must be approved by the sponsor of said event and will not require a license or temporary permit pursuant to this Chapter.
- D. Pursuant to Section 62-8(A) of this Chapter, the Chief of Police may suspend some or all of the vendor license, permit and documentation requirements that are set forth in this Section for a special event if such requirements are unnecessary to protect public safety and health.

§ 62-9. License and regulations for special promotional events.

- A. ~~Every person who engages in business by selling or offering for sale goods, services or merchandise, including vendors of food or food products and persons in the home improvement industry, directly to the public in the public streets, sidewalks or public places of the City of Rochester, or by going from house to house, whether by appointment, referral, uninvited solicitation, route sales or party plan, within the City, for a period of three consecutive days or less, shall apply for and obtain a special promotional events license to be issued by the City three days prior to commencing operations within the City of Rochester, unless such person has applied for and obtained a solicitor's license.~~
- B. ~~A license for special promotional events shall be issued for three days only and shall not be issued to the same person or sponsoring or~~

~~ganization more than four times in a year. The fee for the license shall be \$56 for a license for an owner and for one cart, plus \$24 for each identification card or button. Each additional cart shall require the payment of a full fee. There shall be a fee of \$10 for replacement of a lost license.~~

~~C. A holder of a special promotional events license shall comply with the regulations set forth in § 62-6 for commercial travelers and solicitors.~~

~~D. No person engaged in the business of soliciting for any article in any public street or place, for which a license is required by this chapter, shall accept any tip or gratuity where no exchange of merchandise is effected or service rendered.~~

~~E. Application. Every applicant for a special promotional events license is required to submit an application containing the same information as required for a solicitor's license in accordance with § 62-6D of the Municipal Code.~~

§ 62-10. Rules and regulations.

The Chief of Police may promulgate rules and regulations governing solicitors, commercial travelers and special promotional events so as to provide for the orderly operation of their business and to ensure the public safety and the peace and tranquility of the public streets, sidewalks and places.

§ 62-11. General licensing provisions; revocation of licenses.

- A. The provisions of Chapter 68 of the Municipal Code, being general licensing provisions relating to business and trades, shall be applicable to all licenses under this chapter the same as if specifically set forth herein.
- B. The Chief of Police shall revoke, without a hearing, the license of any person found guilty of five or more violations of this chapter during any period of two years. Nothing herein shall prevent the Chief of Police from revoking a license of any person with fewer than five violations, on written charges and an opportunity for a hearing thereon, pursuant to § 68-10 of the Municipal Code.

§ 62-12. Penalties.

A person violating any section of this chapter shall be subject to the penalties set forth in § 13A-11 of the Municipal Code.

§ 62-13. Exemptions.

The following activities shall be exempted from the requirements of this chapter:

- A. Garage sales, basement sales, porch sales, yard sales and other such events at which a person desires to sell or trade his or her per-

sonal used items, household goods, furniture or equipment upon his or her premises, said premises not being a regular place of business for purchase or sale of goods. No more than two such sales shall be conducted by the same person or persons upon the same premises within one calendar year, and each such sale shall not exceed 10 consecutive days.

- B. The sale of homemade food or drinks at a residence by the owner or occupant thereof, provided that a commercial vending unit is not used and the aggregate size of any table or tables or other display, preparation and storage areas shall not exceed four feet wide by eight feet long.

§ 62-14. Severability.

If any provision of this chapter is declared invalid or unconstitutional for any reason, the remaining provisions shall be severable and shall continue in full force and effect.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

Ordinance No. 2016-96
(Int. No. 147)

Amending Chapters 60 and 68 of the Municipal Code with regard to food vending

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

Section 1. Chapter 60 of the Municipal Code, Food Trucks, Trailers and Carts, is hereby amended by adding Article III and sections 60-26 through 60-29 as follows:

Article III. Food Vending from Tables

§ 60-26. General provisions.

A food vendor may vend from a table only at a special event. Such vending must be approved by the sponsor of said event.

§ 60-27. Penalties for offenses.

A person violating this article shall be subject to the penalties set forth in City Code § 13A-11, Penalties for offenses.

§ 60-28. Exemption.

The following activity shall be exempted from the requirements of this article: The sale of homemade food or drinks at a residence by the owner or occupant thereof, provided that a commercial vending unit is not used and the aggregate size of any table or tables or other display, preparation and storage areas shall not exceed four feet wide by eight feet

long.

§ 60-29. Severability.

If any provision of this article is declared invalid or unconstitutional for any reason, the remaining provisions shall be severable and continue in full force and effect.

Section 2. Section 68-1 in Chapter 68 of the Municipal Code, Licenses - Business and Trades, is hereby amended as follows:

§ 68-1. Licenses and permits.

No person shall engage in any of the businesses and trades described in the following chapters of this Code without having procured a license or permit as herein provided:

- Chapter 29 Amusements
- Chapter 32 Auctions and Auctioneers
- Chapter 36 Bingo License Law and Games of Chance
- Chapter 37 Bowling Alleys
- Chapter 40 Plumbing Licensing Ordinance
- Chapter 46 Dance Halls
- Chapter 49 Electrical Licensing Ordinance
- Chapter 54 Fire Prevention Code
- Chapter 60 Food Trucks, Trailers and Carts
- Chapter 62 Commercial Travelers, Solicitors and Special ~~Promotional~~ Events
- Chapter 66 Junkyard Operators
- Chapter 80 Pawnbrokers
- Chapter 85 Poulterers
- Chapter 96 Secondhand Dealers
- Chapter 98 Sexually Oriented Businesses
- Chapter 99 Shooting Galleries
- Chapter 101 Solid Fuel Dealers
- Chapter 103 Stationary Engineers and Refrigeration Operators Licensing Ordinance
- Chapter 108 Taxicabs
- Chapter 108A Towing
- Chapter 109 Transient Merchants

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2016-9
Re: Endorsement - Five Star Bank,
Banking Development District
Applications

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

Transmitted herewith for your approval is legislation endorsing two applications being made by Five Star Bank to the New York State Department of Financial Services Banking Development District (BDD) Program. An endorsement by the City is a requirement of the application.

The New York State Legislature created the BDD program in 1997 to encourage the establishment of bank branches in areas across New York State with a demonstrated need for banking services; to enhance access by consumers to banking services; and, to promote local economic development. Through the program, banks that successfully apply for a BDD designation are eligible to receive below market-rate deposits from the State. These deposits are intended to lower the financial risk that the branch may incur when opening in an underserved community, usually comprised of low- and moderate-income households.

Five Star Bank is proposing to designate two BDDs in areas surrounding their two bank branches. One BDD will comprise areas in the Southeast and Southwest quadrants encompassing the CityGate branch. The other will comprise areas of the downtown, Northeast and Southeast quadrants surrounding Five Star Bank's recently announced Chestnut Street branch, which will also be the site of their new corporate headquarters. These areas were selected in partnership with the Mayor's Office of Innovation and Strategic Initiatives through geographic information system mapping and analysis of demographic data, presence of other existing banking facilities, and the physical locations of Five Star Bank's branches. The latter BDD aligns with the geographic borders and overall vision of a joint pilot district conceived by the City and the Rochester Monroe Anti-Poverty Initiative where new anti-poverty strategies will be launched and evaluated. If approved, the BDDs will be the first in Monroe County. A map of the BDDs' borders is attached.

If successful with their application, Five Star Bank has committed to expand and enhance several programs that they already operate for underserved and underbanked populations. These programs include, but are not limited to, lower-interest mortgages, grants towards closing costs for home purchases, low-interest short-term personal emergency loans, and low-cost checking accounts with fees

waived with a \$10 minimum balance. Five Star Bank is also committed to providing free financial education classes at its branches.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-68

Resolution No. 2016-9
(Int. No. 150)

Resolution endorsing Five Star Bank's applications to establish two Banking Development Districts

WHEREAS, in 1997 the New York State Legislature enacted the Banking Development District (BDD) Program in order to encourage the establishment of bank branches in areas with a demonstrated need for banking services, to enhance access by consumers to banking services and to promote local economic development;

WHEREAS, a bank branch that is granted a BDD designation by the NYS Department of Financial Services becomes eligible to receive below market-rate deposits from the State of New York and other financial incentives in order to lower the financial risk that the branch may incur when operating in an underserved community, usually comprised of low- and moderate-income households;

WHEREAS, during the Program's nearly 20 years of operation approximately 40 BDD's have been established throughout the State, but no BDD has been established in the Rochester area;

WHEREAS, Five Star Bank, a New York State chartered community bank, is proposing to designate two BDDs in areas of the City that surround two of its bank branches: one comprising an area in the City's Southeast and Southwest quadrants surrounding the Bank's CityGate branch and the other comprising an area in Downtown and the Northeast and Southeast quadrants surrounding a recently announced future branch to be placed Downtown on Chestnut Street;

WHEREAS, the City Council has been provided with a map that specifies the boundaries of the Bank's two proposed BDD areas, which areas were selected in partnership with the Mayor's Office of Innovation and Strategic Initiatives through the analysis of geographic information system mapping, demographic, and bank location data;

WHEREAS, the second proposed BDD aligns with the geographic borders and overall vision for a joint pilot district in which the City and the Rochester Monroe Anti-Poverty Initiative will be launching and evaluating new anti-poverty strategies;

WHEREAS, if the State grants its BDD applications, the Bank has committed to expand and enhance several programs it already operates designed for underserved and underbanked populations, including lower interest mortgages, grants

toward closing costs for home purchases, low-interest short-term personal emergency loans, low-cost checking accounts with fees waived for a \$10 minimum balance, and others, and the Bank is committed to providing free financial education classes at its branches; and

WHEREAS, the Program rules require the Bank's BDD applications to include a resolution of endorsement by the City.

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

Section 1. The City Council does hereby approve and endorse the application of Five Star Bank for the designation of the two above described Banking Development Districts within the City of Rochester and authorizes the Bank to provide this Resolution to the NYS Department of Financial Services and the Superintendent of Financial Services in support of the Bank's applications for the designation of both BDDs.

Section 2. The City Council authorizes and encourages the Mayor to provide to the Bank and to the State agencies and officials any research, information, or other support from City officials and agencies that she deems appropriate for obtaining State approval of the Bank's BDD applications and for ensuring that the BDDs function in a manner that maximizes the economic development and opportunity purposes of the BDD Program and the Rochester Monroe Anti-Poverty Initiative.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-97
Re: Code Amendment - Eliminating
Handicapped Parking Permit
Replacement Fee

Transmitted herewith for your approval is legislation that amends the Vehicle and Traffic Code to eliminate the City's requirement of a \$2 fee for replacing a lost handicapped parking permit.

Under Section 1203-a of the New York State (NYS) Vehicle and Traffic Law, the Department of Motor Vehicles distributes handicapped parking permits to municipalities and directs that the permits be issued to qualified residents by a local issuing agent who is designated by each municipality's governing board. The City Clerk is the City's designated issuing agent under the City's Vehicle and Traffic Code. That Code also authorizes the City to charge a \$2 fee for the replacement of a lost permit.

In the course of revising the City Clerk's regulations and procedures to implement the permit program through the City's Neighborhood Service Centers, it was discovered that the Department of

Motor Vehicles prohibits the local collection of a replacement fee because the NYS Vehicle and Traffic Law does not contain any provision that specifically authorizes localities to collect a fee. Therefore, this legislation amends Section 111-76 of the Municipal Code to eliminate the permit replacement fee.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-97
(Int. No. 151)

Amending Municipal Code Chapter 111, Vehicle and Traffic, to remove the fee for a replacement handicapped parking permit

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

Section 1. Chapter 111 of the Municipal Code, Vehicle and Traffic, as amended, is hereby further amended by amending Section 111-76 thereof, to read in its entirety as follows:

§ 111-76. Parking for handicapped persons.

- A. The City Clerk shall issue parking permits to handicapped residents of the City in accordance with rules and regulations adopted by the City Clerk for this purpose. ~~There shall be a fee of \$2 for replacement of a handicapped parking permit.~~
- B. No person shall stop, stand or park a vehicle in an area designated for handicapped parking unless the vehicle bears a valid parking permit for handicapped persons or a special motor vehicle registration for vehicles owned by severely disabled persons and such vehicle is being used for the transportation of a severely disabled or handicapped person.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text

Passed unanimously.

By Council Vice President Miller
April 20, 2016

To the Council:

The Business & Economic Development Committee recommends for adoption the following entitled legislation:

Int. No. 113 - Authorizing amendatory agreement for economic analysis of renovation options for the Blue Cross Arena

Respectfully submitted,
Dana K. Miller
Michael A. Patterson

Elaine M. Spaul
Loretta C. Scott
BUSINESS & ECONOMIC DEVELOPMENT
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-98
Re: Amendatory Agreement - C. H.
Johnson Consulting Inc., Economic
Analysis of Renovation Options for
the Blue Cross Arena at the War
Memorial

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Transmitted herewith for your approval is legislation amending the term of the agreement with C. H. Johnson Consulting Inc. (Johnson Consulting) for the economic analysis of the Blue Cross Arena at the War Memorial by extending it to September 30, 2016. The current agreement was authorized in April 2015 via Ordinance No. 2015-91 and expires on April 28, 2016. There will be no additional compensation.

This term extension will enable Johnson Consulting to assist the City with evaluating responses to the request for proposals for management services at the Blue Cross Arena at the War Memorial, and the subsequent negotiations and development of the operating agreement with the selected operator. It is important to have the specialized expertise of Johnson Consulting available to the City in the event of protracted negotiations.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-98
(Int. No. 113)

Authorizing amendatory agreement for economic analysis of renovation options for the Blue Cross Arena

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with C.H. Johnson Consulting Inc. for the economic analysis of renovation options for the Blue Cross Arena at the War Memorial. The amendatory agreement shall extend to September 30, 2016 the expiration date for the agreement originally authorized by Ordinance No. 2015-91. The compensation amount and funding source for the agreement shall remain unchanged.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Ortiz
April 20, 2016

To the Council:

The Neighborhood & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 114 - Authorizing the sale of real estate and amendment to lease agreement authorized by Ordinance 2016-68

Int. No. 115 - Authorizing the grant of access easement

Int. No. 116 - Authorizing the sale of 630 Hayward Avenue, as amended

Int. No. 118 - Appropriating funds and authorizing agreements for the 2016 Lead Hazard Control Grant Program

Int. No. 119 - Agreement relating to support of a previous AmeriCorps VISTA member

Int. No. 120 - Agreement relating to support of AmeriCorps VISTA Program

Int. No. 153 - Authorizing an intermunicipal agreement with Monroe County for lead paint poisoning prevention inspection services

The following entitled legislation is being held in Committee:

Int. No. 117 - Authorizing special work and services related to the South Avenue/Alexander Street Open Space District LIO No. 1537

Respectfully submitted,

Jacklyn Ortiz
Molly Clifford
Carolee A. Conklin
Dana K. Miller (*Abstained on Int. No. 118*)
Loretta C. Scott
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-99
Re: Sale of Real Estate and Amending
Ordinance No. 2016-68

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation approving the sale of two properties. City

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

The first property is a commercial parking lot, which is being sold by request for proposal (RFP) to the adjacent owner who will combine the lot with their current parcel.

The next property is an unbuildable vacant lot, being sold for \$1.00 (as per City policy) to the adjacent owner who will combine the respective lot with their existing property.

The first year projected tax revenue for these two properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$1,529.

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

Amend Ordinance No. 2016 -68
Ordinance No. 2016-68, adopted March 2016, authorized the lease of Suites 101 and 102 to GeoMar Holdings, Inc. d/b/a Mom's Margios Diner in the Port Terminal Building. The owner of Mom's Margios Diner wants to include the adjoining space of Suite 103 into his lease. This will add 500 square feet to his total leasable area and will result in an additional \$7,500 in annual rental (\$15 per square foot). The rental rates of Suites 101 and 102 are also \$15 per square foot. The total square footage of Mom's Margios Diner, including Suite 103, will be 3,607. The rental rate was established by an independent appraisal prepared by Kevin Bruckner, MAI of Bruckner, Tillett, Cahill & Rossi Inc. as of November 2015. The term will match the original lease and will be for the balance of three years with two, one-year renewal options.

All of the available suites in the Port Terminal Building were offered for lease via RFP. Submissions were received by January 29, 2016, however there were no submissions for Suite 103 at that time.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-69

Ordinance No. 2016-99
(Int. No 114)

Authorizing the sale of real estate and amendment to lease agreement authorized by Ordinance 2016-68

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 commercial parking lot to the adjacent owner with proposal:

Address: 327 Norton St
S.B.L.#: 091.62-1-66.1
Lot Size: 37 x 135
Price: \$1,550
Purchaser: Mision de Dios, Inc.*

*Norma Ortiz, Pastor

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

Address: 579 Post Av
S.B.L.#: 135.24-1-42
Lot Size: 36 x 96
Sq. Ft.: 3,398
Purchaser: Mary Jo-Ann Hurley

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

Section 4. The Mayor is hereby authorized to enter into an amendatory lease agreement with GeoMar Holdings, Inc. d/b/a Mom's Margios Diner for commercial space located on the first floor of the Port Terminal Building. The amendatory agreement shall increase the amount of space that Ordinance No. 2016-68 authorized to be leased by approximately 500 square feet to a total of approximately 3,607 square feet and shall increase the monthly rent authorized by the prior Ordinance by \$625 to a total of \$4510. The permissible term of the lease shall remain unchanged from that authorized in the prior Ordinance.

Section 5. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-100
Re: Sale of Real Estate - Easement,
399-409 Gregory Street

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation authorizing the sale of a permanent easement for the City-owned parcel at 399-409 Gregory

Street, to John T. Trickey, Jr. The easement will allow John T. Trickey, Jr., the adjoining owner, access to and from his property at 389-395 Gregory Street.

The easement will be sold for \$2,000. This amount was established through an independent appraisal prepared by Jay J. Loson, MAI as of December 23, 2015.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-70

Ordinance No. 2016-100
(Int. No. 115)

Authorizing the grant of access easement

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

Section 1. The Council hereby approves the granting of a permanent easement over a portion of a City-owned property located at 399-409 Gregory Street (SBL# 121.65-01-053) comprising approximately 0.011 acres, to John T. Trickey, Jr., for the benefit of the adjoining property located at 389-395 Gregory Street (SBL# 121.65-01-052) in return for the sum of \$2,000.

Section 2. The easement shall contain or be contingent upon such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-101
Re: Sale of Real Estate - Rochester-Genesee
Regional Transportation Authority, 630
Hayward Avenue

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Transmitted herewith for your approval is legislation authorizing the sale of 630 Hayward Avenue to the Rochester-Genesee Regional Transportation Authority (RGRTA) for the amount of \$32,000. The City abandoned a portion of Hayward Avenue comprising 15,728 square feet and known as 630 Hayward Avenue, in August 2015 via Ordinance No. 2015-268. RGRTA wants to purchase the property for the purpose of expanding the RGRTA Transit Center located at 1372 East Main Street.

The sales price was established through an independent appraisal prepared by Kevin L. Bruckner, MAI, CCIM as of June 3, 2015.

Respectfully submitted,

Lovely A. Warren
Mayor

Attachment No. AP-71

Ordinance No. 2016-101
(Int. No. 116, as amended)

Authorizing the sale of 630 Hayward Avenue

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

Section 1. The Council hereby approves the sale 630 Hayward Avenue to the Rochester-Genesee Regional Transportation Authority for the amount of \$32,000. The parcel to be sold is comprised of approximately 15,728 square feet of land formerly part of the right-of-way of Hayward Avenue that was abandoned and removed from the Official Map pursuant to Ordinance ~~No.~~ Nos. 2015-268 and 2015-304.

Section 2. The Mayor is hereby authorized to enter into any agreement and execute all documents that may be necessary to implement the transaction authorized herein and such agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-102
Re: 2016 Lead Hazard Control Grant Program

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

Transmitted herewith for your approval is legislation related to the City's 2016 Lead Hazard Control Grant Program. This legislation will:

1. Appropriate \$3,714,272 from the U.S. Department of Housing and Urban Development (HUD) to fund the program;
2. Appropriate \$3,304,575 from the appropriation made in Section 1 for the City's use to operate the program;
3. Appropriate \$300,000 from the Lead Hazard Control Program allocation of the Housing Development Fund of the 2015-16 Community Development Block Grant (CDBG) for the City's use to operate the program;
4. Establish maximum compensation for the following agreements, to be funded from Sec-

tion 1 of this this appropriation:

PathStone Corporation, Rochester, New York	\$42,000
Action for a Better Community, Inc., Rochester, New York	\$44,957
Environmental Education Associates, Inc., Buffalo, New York	\$98,400
The Housing Council at PathStone, Inc., Rochester, New York	\$39,340

The term of the agreements will be for one year.

5. Establish \$185,000 as maximum aggregate compensation for term agreements with the following consultants to be funded from the appropriation made in Section 1:

Environmental, Testing & Consulting Inc., Batavia, New York
NeighborWorks Rochester, Rochester, New York
UNYSE Environmental Consultants, Buffalo, New York

The term of the agreements will be for one year.

The submission of the Lead Hazard Control Grant Program funding application was approved through Ordinance No. 2015-177. The funding award will allow the City to operate its Lead Hazard Control Grant Program by offering financial assistance to eligible owners of 1-4 unit privately-held housing units. Approximately \$14,000 will be made available for a single-family residence to correct lead-based paint hazards and other environmental health hazards, with an additional \$6,000 to be made available for each additional unit. Typical lead hazard control work activities will include: window/door replacement; porch repair/replacement; siding; minor rehabilitation work; and bare soil treatment. The City will continue to work with its base of certified lead abatement contractors to carry out these efforts. Participating property owners must be up to date with their City property tax payments and/or have a payment plan in place.

The program will concentrate on serving rental properties where lead-poisoned children are most prevalent. Owner-occupants must earn income at or below 80% of the area median income and must have a child occupant or visiting child occupant under age six. Owners will be required to sign a five-year agreement and mortgage with the City to ensure residency. Rental property owners will be required to produce a 10% funding match. They will also be required to sign a five-year agreement and mortgage with the City to ensure affordable rents (per HUD guideline) and that assisted units are offered to tenants with income at or below 50% of the area median income. All assisted landlords will be required to complete the Environmental Protection Agency (EPA) course "Renovator, Remodeling and Painting" (at the City's expense) to ensure that future lead hazard control work is undertaken properly.

Several request for proposals (RFPs) were posted to the City's website to obtain proposals from consultants to carry out the lead hazard control work activities on behalf of the City. Consultants were selected based on scoring criteria established in each RFP. The highest scoring consultants were selected. The results are as follows:

For application intake services, PathStone Corporation and Action for a Better Community (ABC) were selected. Both organizations have extensive experience operating federally-funded housing rehabilitation programs and are expected to be a good fit for the program. ABC currently manages the City's Emergency Assistance Repair Program and Roofing Program and has performed to the City's satisfaction. Each organization will be responsible for delivering a total of 110 completed applications to the City for processing (for a total of 220 applications).

For lead hazard evaluation services, three consultants were selected to include: Environmental Testing and Consulting (ETC), NeighborWorks Rochester and UNYSE Environmental Consultants. Both ETC and NeighborWorks have provided services for the City for several years and have performed to the City's satisfaction. This will be the City's first contract with UNYSE. These consultants will be responsible for producing a combined lead based paint inspection/risk assessment for units enrolled in the program.

For training services, Environmental Education Associates (EEA) was the only consultant to respond to the RFP. EEA will offer courses to include "Lead Abatement Supervisor" and "Lead Abatement Worker" to allow contractors to obtain EPA certification to carry out lead abatement activities. EEA will also offer the "Renovator, Remodeler and Painting" course to allow property owners and contractors certification to carry out lead interim control activities. This training will allow for an expanded base of lead abatement contractors to service the program and for an expanded population of landlords that are educated about how to safely undertake lead hazard control work.

For outreach and education services, The Housing Council was selected. The Housing Council presented a satisfactory plan for how to identify and educate residents and landlords about the dangers of lead-based paint poisoning. They will provide this education at their regularly scheduled tenant training workshops, landlord training workshops and first-time homebuyer workshops which are held on a monthly basis. Education materials will be distributed and instruction concerning proper cleaning habits, identification of lead hazards and the City's Lead Ordinance will be offered.

The CDBG funding to be authorized in Section 2 will be used to support the program by providing assistance to eligible property owners for lead hazard control, property code violations and to address health and safety issues.

The HUD funding authorized in Section 2 will be used by the City to correct lead-based paint hazards

and other environmental health hazards, administrative costs and travel expenses.

The program will allow for a minimum production of 220 units of lead safe housing by December 2018.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-72

Ordinance No. 2016-102
(Int. No. 118)

Appropriating funds and authorizing agreements for the 2016 Lead Hazard Control Grant Program

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

Section 1. The Council hereby appropriates funds for the 2016 Lead Hazard Control grant Program (Program) as follows:

- a. Appropriate \$3,714,272 from the U.S. Department of Housing and Urban Development to fund the Program.
- b. Appropriate \$3,304,575 from the appropriation made in Section 1.a for the City's use to operate the Program.
- c. Appropriate \$300,000 from the Lead Hazard Control Program allocation of the Housing Development Fund of the 2015-16 Community Development Block Grant for the City's use to operate the Program.

Section 2. The Mayor is hereby authorized to enter into professional services agreements between the City and the following consultants for Program services to be funded from the appropriation made in Section 1.a:

- a. PathStone Corporation, 400 East Avenue, Rochester, NY 14607, for application intake in a maximum amount not to exceed \$42,000.
- b. Action for a Better Community, Incorporated, 550 East Main St., Rochester, NY 14604, for application intake in a maximum amount not to exceed \$44,957.
- c. Environmental Education Associates, Inc., 346 Austin St., Buffalo, NY 14207, for training of lead abatement contractors in a maximum amount not to exceed \$98,400.
- d. The Housing Council at PathStone, Inc., 75 College Avenue, Rochester, NY 14607, for lead hazard outreach and education in a maximum amount not to exceed \$39,340.

Section 3. The Mayor is hereby authorized to enter into professional services agreements between the City and the following consultants for lead

hazard evaluation services in an aggregate amount not to exceed \$185,000 to be funded from the appropriation made in Section 1.a:

- a. Environmental Testing & Consulting Inc., PO Box 466, Batavia, NY 14021.
- b. Neighborhood Housing Services of Rochester, Inc. d/b/a NeighborWorks Rochester, 570 South Main St., Rochester, NY 14620.
- c. UNYSE Environmental Consultants, 346 Austin St, Buffalo, NY 14207.

Section 4. The term of each agreement authorized herein shall be one year.

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

Section 6. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Ortiz, Patterson, Spaul - 8.

Nays - None - 0.

Councilmember Miller abstained because of a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-103
Re: Agreement - University of Rochester,
AmeriCorps VISTA

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

Transmitted herewith for your approval is legislation establishing \$5,000 as maximum compensation for the University of Rochester for services performed from 2014-15 outside of an executed contract. The cost of this agreement will be funded through the 2015-16 Budget of the Department of Neighborhood and Business Development (NBD).

From November 2014 - July 2015, NBD hosted an AmeriCorps VISTA member at the Southeast Neighborhood Service Center to work on community engagement and development of the East Main, Mustard, and Atlantic (EMMA) neighborhoods. The University of Rochester provided the services established in a proposed agreement and provided an AmeriCorps VISTA member to work for the City, but the University of Rochester was not compensated for these services. The contract between the City and the University of Rochester and its respective fee was not executed at that time.

This legislation corrects the issue and authorizes the City to execute an agreement with the University of Rochester for these previously performed services.

Similar agreements with the University of Rochester were executed in 2011 and 2012.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-103
(Int. No. 119)

Agreement related to support of a previous AmeriCorps VISTA member

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

Section 1. The sum of \$5,000 is hereby established as the compensation to be paid for an agreement between the City and the University of Rochester to reimburse the University for its support of an AmeriCorps VISTA member who served the City from November 2014 through July 2015. Said amount shall be funded from the 2015-16 Budget of the Department of Neighborhood and Business Development.

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. 2016-104
Re: Agreement - University of Rochester,
AmeriCorps VISTA

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

Transmitted herewith for your approval is legislation establishing \$5,500 as maximum compensation for the University of Rochester as part of a cost-share agreement to host one AmeriCorps VISTA member from July 2016 - July 2017. The term of the agreement is one year and will be funded from the 2016-17 Budget of the Office of Innovation and Strategic Initiatives, contingent upon approval of said budget and funded by an appropriation of the Job Development Fund.

The AmeriCorps VISTA member will serve within the Department of Neighborhood and Business Development (NBD) and work on projects related to the partnership with the Rochester-Monroe Anti-Poverty Initiative. The objectives for this position are to increase the City's ability to strengthen the small business economy and build wealth in low-

income neighborhoods by increasing access to sustainable economic opportunity.

The member will provide strategic planning, capacity-building, community engagement, and resource development services for the launch and growth of the City's new community wealth building initiatives. This includes providing support to the market-driven community co-ops project headed by NBD in partnership with the Democracy Collaborative and also coordinating the City's proposed Kiva Zip program, pending approval of a funding proposal by REDCO in April. The AmeriCorps VISTA member will work closely with NBD and Office of Innovation staff on these projects.

Similar agreements with the University of Rochester were executed in 2011 and 2012.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-104
(Int. No. 120)

Agreement relating to support of AmeriCorps VISTA 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 between the City and the University of Rochester for shared support of the AmeriCorps VISTA program. The sum of \$5,500, or so much thereof as may be necessary, is hereby established as the City's cost share. Said amount shall be funded from the 2016-17 Budget of the Office of Innovation and Strategic Initiatives, contingent upon adoption thereof, with funds appropriated from the Job Development Fund.

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

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.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-105
Re: Intermunicipal Agreement - Monroe County, Lead Paint Poisoning Prevention Inspection Services

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation authorizing an intermunicipal agreement with Monroe County for lead paint poisoning prevention

inspection services in the amount of \$310,000. The term of said agreement is April 1, 2016 through March 31, 2017.

The funds associated with this agreement provide a reimbursement of expenses associated with enforcement of the City's Lead-Based Paint Poisoning Prevention Ordinance. These resources are part of the State's Lead Primary Prevention Grant provided to Monroe County. The \$310,000 covers visual inspections for lead hazards in 2,950 units, 1,332 Lead Dust Wipe Sampling tests and \$30,142 for clerical and information technology support. This agreement has been in place since October 2007 (Ord. No. 2007-342).

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-105
(Int. No. 153)

Authorizing an intermunicipal agreement with Monroe County for lead paint poisoning prevention inspection services

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Monroe County for the receipt and use of \$310,000 for lead paint poisoning prevention inspection and enforcement services.

Section 2. The term of the agreement is April 1, 2016 through March 31, 2017.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Ortiz moved to discharge Int. No. 117 from Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1710
Re: South Avenue/Alexander Street Open Space District LIO No. 1537

Council Priority: Creating and Sustaining a Culture of Vibrancy; Public Safety

Transmitted herewith for your approval is legislation establishing \$8,900 for maintenance of the South Avenue/Alexander Street Open Space Dis-

trict to be funded from the balance of unused assessments from prior years. The original LIO Ordinance No. 1537 in 2004 established the District for a term of ten years expired on June 30, 2015. In 2017, the City will need to petition the property owners of the Local Improvement area to reestablish the ordinance.

This assessment provides for maintenance of the landscaped open space at 62 Alexander Street including cutting grass, trimming shrubs, watering, weeding, trash pick-up and removal, lighting, and fall leaf clean-up. The cost for these services is based on estimates provided by the Business Association of the South Wedge Area (BASWA). The work will be done through an agreement with the South Wedge Area Neighborhood Council, a not-for-profit associated with the BASWA.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-73

Local Improvement Ordinance No. 1710
(Int. No. 117)

Authorizing special work and services related to the South Avenue/Alexander Street Open Space District LIO No. 1537

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

Section 1. The cost of the special work and services for the 2016-17 fiscal year for the South Avenue/Alexander Street Open Space District established by Local Improvement Ordinance No. 1537 is hereby set at \$8,900 and said amount, or so much thereof as may be necessary, is hereby appropriated from unused District assessments from prior years.

Section 2. The Mayor is authorized to enter into an agreement with South Wedge Area Neighborhood Council, Inc. to perform the District's special work and services for the 2016-17 fiscal year.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Haag
April 20, 2016

To the Council:

The Parks & Public Works Committee recommends for adoption the following entitled legislation:

Int. No. 121 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of

\$1,168,000 Bonds of said City to finance certain costs of Southeast Quadrant Hazardous Sidewalk Repairs

Int. No. 122 - Bond Ordinance of the City of Rochester, New York amending Ordinance No. 2015-395 and authorizing the issuance of \$300,000 Bonds of said City to finance certain costs of the 2016 Annual Parking Garage Evaluation and Repair Program

Int. No. 123 - Amending Ordinance Number 2015-128 related to the Annual Parking Garage Evaluation Repair Program

Int. No. 124 - Authorizing an agreement with Konopka, P.C., related to the Rochester Auto Pound Building

Int. No. 125 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$600,000 Bonds of said City to finance the costs of architectural and design services and the construction of a new Rochester Police Department Auto Pound Administration Building

Int. No. 126 - Establishing maximum compensation for a professional services agreement with Passero Associates for Resident Project Representation Services related to the Clinton-Baden Community Center Renovation

Int. No. 127 - Authorizing an amendatory agreement with Bergmann Associates related to the Dewey/Driving Park Avenue Intersection Realignment Project

Int. No. 128 - Authorizing an agreement with Stantec Consulting Services Inc. related to the East Henrietta Road Improvement Project

Int. No. 134 - Authorizing an amendatory agreement with Bergmann Associates, P.C. to provide geographic information system ("GIS") services

Int. No. 135 - Authorizing an agreement with Abundant Life Faith Center, Inc. for a job training and placement program

Int. No. 136 - Authorizing an agreement with North East Area Development, Inc.

Int. No. 137 - Authorizing an agreement with the Center for Employment Opportunities, Inc.

Int. No. 138 - Authorizing an agreement with Baden Street Settlement, Inc.

Int. No. 139 - Authorizing a grant contract, receipt, and use of grant funds from the New York Sea Grant Great Lakes Basin Small Grants Program administered by Stony Brook University

Int. No. 140 - Authorizing an agreement with Stantec Consulting Services Inc. related to the City of Rochester Developer Guidance Incorporating Sustainable Planning and Design Practices

Int. No. 141 - Authorizing agreements with Optimization Technology, Inc. related to the automation controls at the Hemlock Lake Water Filtration Plant

Lovely A. Warren
Mayor

Attachment No. AP-74

The Parks & Public Works Committee recommends for consideration the following entitled legislation:

Ordinance No. 2016-106
(Int. No. 121)

Int. No. 129 - Local Improvement Ordinance - establishing the operating, installation and maintenance costs of street lighting special assessment districts

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,168,000 Bonds of said City to finance certain costs of Southeast Quadrant Hazardous Sidewalk Repairs

Int. No. 130 - Amending Local Improvement Ordinance No. 2012-1658, as last amended by Ordinance No. 2015-75, to correct front footage and remove a parcel in the Browncroft Neighborhood Street Lighting District

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

Int. No. 131 - Local Improvement Ordinance - care and embellishment of street malls for 2016-2017

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 Southeast Quadrant Hazardous Sidewalk Repairs, including along East Main Street, Browncroft Boulevard, Colebourne Road, Merchants Road, Culver Road, Parsells Avenue, Pennsylvania Avenue, North Street and the Inner Loop, including costs of design, repair and replacement of hazardous and failing sidewalks (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,168,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,168,000 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.

Int. No. 132 - Local Improvement Ordinance - establishing the operating and maintenance costs of special assessments for streetscape enhancements

Section 2. Bonds of the City in the principal amount of \$1,168,000 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.

Int. No. 133 - Establishing the cost of the special work and services related to Main Street improvements of the Downtown Enhancement District

Respectfully submitted,
Matt Haag
Michael A. Patterson
Elaine M. Spaul
Dana K. Miller
Loretta C. Scott
PARKS & PUBLIC WORKS COMMITTEE

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,168,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Received, filed, and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-106
Re: Hazardous Sidewalk Appropriation

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. 24. of the Law, is ten (10) years.

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$1,168,000 and the appropriation of the proceeds thereof to finance the replacement of various hazardous and failing sidewalks located predominantly in the southeast quadrant of the City.

The project consists of improving existing sidewalk conditions by removing and replacing, or where possible, repairing sidewalk flags at various locations within the City. Bids for construction are scheduled to be received on April 12, 2016.

Construction is anticipated to begin in spring 2016, with substantial completion in fall 2016. The construction phase of this project will result in the creation and/or retention of the equivalent of 12.7 full-time jobs.

Respectfully submitted,

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 gen-

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-107 &
Ordinance No. 2016-108
Re: Annual Parking Garage Evaluation
and Repair Program

Council Priority: Jobs and Economic
Development

Transmitted herewith for your approval is legislation related to the 2016 Annual Parking Garage Evaluation and Repair Program. This legislation will:

1. Authorize the issuance of bonds totaling \$300,000 and the appropriation of the proceeds thereof to finance a portion of the costs of the 2016 Annual Parking Garage Evaluation and Repair Program; and
2. Amend the funding provision for Ordinance No. 2015-128, which authorized an agreement with T.Y. Lin International for resident project representation (RPR) for the Garage Program, to allow the optional one-year extensions to be paid from future budgets of the Department of Environmental Services, contingent upon approval by Council, or a bond ordinance adopted and appropriated for the purpose.

The \$300,000 in bonds appropriated herein were originally identified in the 2015-16 Capital Improvement Plan for the Mortimer Garage Surface Lot. The City has elected not to move forward with the Mortimer Lot project at this time. The bond, combined with unused contingency from the East End Parking Garage Rehabilitation, will be utilized to support this project.

The 2016 Garage Program construction contract is scheduled to be bid and awarded in spring 2016, with construction beginning in summer 2016 and completion in fall 2017. The estimated total cost of the 2016 Garage Program, including contingency, is estimated at \$3,299,000 and will be funded as follows:

	2015-16 Parking Bonds (Ord. No. 2015-395)	2015-16 Parking Bonds (Mortimer Garage Surface Lot)	2013-14 Parking Cash (East End Parking Garage Rehabilitation)	Total
Design	\$ 500,000	\$ 0	\$ 0	\$ 500,000
Construction	<u>2,099,000</u>	<u>300,000</u>	<u>400,000</u>	<u>2,799,000</u>
Total	\$2,599,000	\$300,000	\$400,000	\$3,299,000

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-107
(Int. No. 122)

Bond Ordinance of the City of Rochester, New York amending Ordinance No. 2015-395 and authorizing the issuance of \$300,000 Bonds of said City to finance certain costs of the 2016 Annual Parking Garage Evaluation and Repair Program

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the costs of the 2016 Annual Parking Garage Evaluation and Repair Program. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,299,000. The plan of financing includes the issuance of \$2,599,000 bonds funded by Ordinance No. 2015-395, \$300,000 bonds of the City to finance this appropriation, \$400,000 2013-14 parking 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 \$300,000 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 \$300,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 13. of the Law, is ten (10) years.

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

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

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

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

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

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

Passed unanimously.

Ordinance No. 2016-108
(Int. No. 123)

Amending Ordinance Number 2015-128 related to the Annual Parking Garage Evaluation and Repair Program

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

Section 1. Ordinance No. 2015-128 is hereby amended by changing the funding provision of the agreement with T.Y. Lin International for resident project representation services for the Annual Parking Garage Evaluation and Repair Program, to allow the optional one (1) year renewals to be paid from subsequent budgets, contingent upon Council approval of said budgets.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-109 and
Ordinance No. 2016-110
Re: Agreement - Konopka Architecture,
PC, Police Auto Pound Administration
Building

Transmitted herewith for your approval is legislation related to the design and construction of a new Police Auto Pound Administration Building. This legislation will:

1. Establish \$110,000 as maximum compensation for an agreement with Konopka Architecture, PC, Rochester, New York, for architec-

tural and engineering design and resident project representation (RPR) services; and

2. Authorize the issuance of bonds totaling \$600,000 and the appropriation of the proceeds thereof to finance the project.

Konopka Architecture will provide architectural and engineering design services including the condition survey and report, program development, schematic and design development, contract documents, bid and award phase services, construction administration and RPR. The project will include replacement of the existing Auto Pound trailer with a new permanent structure at the same location. The term of the agreement will be for three months after the completion of a two-year guarantee inspection of the project.

The firm was selected through a request for proposals process, which is described in the attached summary.

Programming and design will begin in spring 2016 with construction anticipated to begin in spring 2017. The project will result in the creation and/or retention of the equivalent of 6.5 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-75

Ordinance No. 2016-109
(Int. No. 124)

Authorizing an agreement with Konopka, P.C., related to the Rochester Auto Pound Building

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 Konopka, P.C. in an amount not exceed \$110,000 for architectural, engineering design, and resident project representation services related to the Rochester Police Auto Pound Building. Said agreement shall be funded by bond funds authorized for said project.

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

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2016-110
(Int. No. 125)

Bond Ordinance of the City of Rochester, New

York authorizing the issuance of \$600,000 Bonds of said City to finance the costs of architectural and design services and the construction of a new Rochester Police Department Auto Pound Administration Building

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the costs of the design and construction of a new Rochester Police Department Auto Pound Administration Building (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 \$600,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$600,000 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 \$600,000 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 \$600,000. 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. 11 (b) 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 ma-

ture in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-111
Re: Agreement - Passero Associates,
Clinton-Baden Community Center
Renovation

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

Transmitted herewith for your approval is legislation establishing \$60,000 as maximum compensa-

tion for an agreement with Passero Associates, Rochester, New York, for resident project representation (RPR) services for the Clinton-Baden Community Center Renovation Project. The cost of the agreement will be financed from 2014-15 Cash Capital.

The project includes various renovations at the facility including: the toilet room; stair and railing; locker room; plumbing, mechanical, and electrical; plus, curtain wall replacement. Passero Associates will provide RPR services during construction of the improvements at the facility. The agreement may extend until three months after completion of a two-year guarantee inspection of the project for which the services are provided.

Passero Associates was selected through a request for proposals process, which is described in the attached summary.

Ordinance No. 2015-234 authorized \$889,000 for an agreement with the Rochester City School District for design and construction services for this project. The anticipated costs of the project, including design, construction and RPR services, is \$949,000. The project design was completed and advertised for bid in winter/spring 2016. It is anticipated that RPR services will begin with construction of the project in summer 2016, with scheduled completion in fall 2016. The entire project will result in the creation and/or retention of the equivalent of 10.3 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-76

Ordinance No. 2016-111
(Int. No. 126)

Establishing maximum compensation for a professional services agreement with Passero Associates for resident project representation services related to the Clinton-Baden Community Center Renovation

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

Section 1. The sum of \$60,000, or so much thereof as may be necessary, is hereby established as the maximum compensation to be paid for a professional services agreement between the City and Passero Associates for the Resident Project Representation Services related to the Clinton-Baden Community Center Renovation. Said agreement shall be funded from the 2014-15 Cash Capital of the Department of Environmental Services. The agreement shall extend until three (3) months after completion of a two (2) year guarantee inspection of the Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-112
Re: Amendatory Agreement - Bergmann Associates, Dewey/Driving Park Avenue Intersection Realignment Project

Transmitted herewith for your approval is legislation authorizing \$90,000 as maximum compensation for an amendatory agreement with Bergmann Associates, Rochester, New York, for additional preliminary design, detailed design, property acquisition and environmental testing and analysis for the Dewey/Driving Park Avenue Intersection Realignment Project. This amendment will increase maximum compensation from \$433,600 (Ord. No. 2014-16) to a total of \$523,600. The agreement may extend until six months after completion and acceptance of the construction of the project. The cost of the agreement will be financed as follows:

Fiscal Year 2012 Cash Capital	\$ 96,000.00
Fiscal Year 2016 Cash Capital	90,000.00
Federal Highway funds (Ord. Nos. 2014-16, 2014-94)	<u>337,600.00</u>
Total	<u>\$523,600.00</u>

The project includes the design of a locally administered federal aid project to realign the intersection of Dewey and Driving Park Avenues to improve safety, mobility for all users, and meet the community's goals. Federal aid was only provided for design and land acquisition due to federal budget reductions.

Bergmann Associates will provide additional preliminary and final design activities including the development of alternative plans, public outreach, environmental review, right-of-way needs, cost estimating, and accident data and analysis services.

It is anticipated that construction will begin, at the earliest, in late summer or early fall of 2016, with completion scheduled by the end of 2017, pending receipt of New York State funding for the construction phase design, construction, and resident project representative tasks/phases.

The amendatory agreement will result in the creation and/or retention of the equivalent of 1 full-time job.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-112
(Int. No. 127)

Authorizing an amendatory agreement with Bergmann Associates related to the Dewey/Driving Park Avenue Intersection Realignment

ment Project

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with Bergmann Associates for additional preliminary design, detailed design, property acquisition, and environmental testing/analysis for the Dewey/Driving Park Avenue Intersection Realignment Project. Said amendatory agreement shall increase the maximum compensation for the agreement that was authorized in Section 3 of Ordinance No. 2014-16, as amended by Ordinance No. 2014-94, by \$90,000 to a total of \$523,600.

Section 2. Said agreement shall be funded as follows:

\$96,000	2011-2012 Cash Capital
\$90,000	2015-2016 Cash Capital
\$337,600	Federal Highway funds allocated by Ordinance Nos. 2014-16 and 2014-94

Section 3. Said agreement shall extend until six (6) months after completion and acceptance of the construction project.

Section 4. Said agreement shall contain such terms and conditions as the Mayor deems necessary.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-113
Re: Agreement - Stantec Consulting Services, Inc., East Henrietta Road Improvement Project (South City Line to north of Stan Yale Drive)

Transmitted herewith for your approval is legislation establishing \$250,000 as maximum compensation for an agreement with Stantec Consulting Services, Inc., Rochester, New York, for design services for the East Henrietta Road Improvement Project from the South City Line to north of Stan Yale Drive. The source of funds for the agreement are funds to be received from the developer per Ordinance No. 2014-391 which authorized the receipt and use of those funds.

The City will partner with the New York State Department of Transportation (NYSDOT) and Anthony J. Costello & Son Development LLC to reconstruct East Henrietta Road from the South City Line to north of Stan Yale Drive. Ordinance No. 2014-391 authorized agreements with Costello for the project. The improvements will improve access to Costello's CityGate project, a 45 acre mixed-use development located at the southeast corner of East Henrietta and Westfall Roads.

This project will reconstruct East Henrietta Road to create a continuous five-lane road. Presently, there is a five-lane road section at the north entrance (Stan Yale Drive) into CityGate, which transitions to four lanes for a distance of approximately 500' and then returns to five lanes, creating an hourglass effect on traffic flow. To mitigate this situation, the project will include the reconstruction of a new five-lane road with granite curbing, underdrain, driveway aprons, signage and striping, catch basins, concrete sidewalks, Americans with Disabilities Act compliant ramps, and topsoil and seeding.

Total project cost is estimated to be \$1,447,000. Grant proceeds from the Federal Highway Administration in an amount equal to \$571,000 will fund a portion of the construction costs and the balance of construction funds, to the extent of maximum project costs, will be funded by the City. The appropriation of those funds will be requested in future legislation. At project completion, Costello will reimburse the City for the City's share of the construction costs. Costello's obligation to reimburse the City shall be secured by an irrevocable letter of credit in form and substance approved by Corporation Counsel.

This project is being coordinated with the NYSDOT's East Henrietta Road five-lane replacement bridge over the Erie Canal, which will include widening of the road and support the overall I-390 interchange improvements. These two projects will create a continuous five-lane road and improve traffic flow through this area.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-77

Ordinance No. 2016-113
(Int. No. 128)

Authorizing an agreement with Stantec Consulting Services Inc. related to the East Henrietta Road Improvement Project

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Stantec Consulting Services Inc. for design services for the East Henrietta Road Improvement Project from the South City Line to north of Stan Yale Drive in an amount not to exceed \$250,000.

Section 2. Said agreement shall have a term of two years after the final acceptance of the project.

Section 3. Said agreement shall be funded by funds authorized in Ordinance No. 2014-391.

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

Section 5. This ordinance shall take effect im-

mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen

Ordinance No. 2016-114
Re: Amendatory Agreement - Bergmann
Associates, P.C., Geographic
Information System Services

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum compensation for an amendatory agreement with Bergmann Associates, P.C., Rochester, New York, for geographic information system (GIS) services for the City's street lighting program. The original agreement for \$50,000 was authorized via Ordinance No. 2011-106 and was later amended to extend the term via Ordinance No. 2014-217. This amendment will increase maximum compensation by \$20,000 to a total of \$70,000, and extend the term for an additional year. The cost of the agreement will be financed from Prior Years' Cash Capital.

In April 2009, City Council authorized the acquisition of the remainder of the City's street lighting system from the Rochester Gas & Electric Corporation (Ord. No. 2009-95). The transfer was completed in 2010 and the City is updating its lighting asset inventory to an integrated system. The agreement provides for GIS design, consultation and training services at specified unit prices. The Department of Environmental Services, Bureau of Architecture and Engineering will engage Bergmann Associates for specified projects throughout the term of this agreement.

The additional services funded by this amendment will enable completion of data conversion and ongoing training and support.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-114
(Int. No. 134)

Authorizing an amendatory agreement with Bergmann Associates, P.C. to provide geographic information system ("GIS") services

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

Section 1. The Mayor is hereby authorized to amend the term and maximum compensation of a professional services agreement between the City and Bergmann Associates, P.C., authorized by Ordinance No. 2011-106 and amended by Ordinance No. 2014-217, to provide GIS services related to the City's Street Lighting Plan. The prior maximum compensation is hereby increased by \$20,000 for a total maximum compensation of \$70,000 to be financed from Prior Years' Cash Capital. This amendment shall extend the term of the agreement to August 31, 2017.

Section 2. The agreed amendment shall contain such other 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. 2016-115
Re: Agreement - Abundant Life Faith
Center, Inc., Job Training Program

Council Priority: Jobs and Economic
Development

Transmitted herewith for your approval is legislation establishing \$60,000 as annual maximum compensation for an agreement with Abundant Life Faith Center, Inc. to partner with the City in a transitional job training and placement program. The agreement will have a term of one year with the option of three one-year renewals, and will be funded from the 2015-16 (\$18,700) and 2016-17 (\$41,300) Budgets of the Department of Environmental Services (DES) for the first year, and subsequent budgets of DES for optional renewals, contingent upon adoption of future budgets.

Participants in the program are required to live in the City of Rochester. Abundant Life Faith Center, Inc. will provide a work crew comprised of three people and supervision for a period of 52 weeks, commencing on May 2, 2016. The work crew will perform agreed upon services and assignments as determined by City staff and consisting of litter collection and hand-sweeping, and snow and ice control as needed during the winter. Abundant Life Faith Center, Inc. will provide supervision of the crew. The City will provide performance expectations and reviews of the work performed.

Each of the three people comprising the work crew will work five hours a day for five days a week. Litter collection and hand-sweeping will occur on City sidewalks, street corners and curb lanes on: Chili Avenue from Thurston Road to Jefferson Avenue; Genesee Street from Chili Avenue to Congress Avenue; Congress Avenue from Genesee Street to Custer Street; Jefferson Avenue from Cottage Street to Brown Street; and 100 feet along all adjacent cross streets at their intersection in both directions. This work area will be solely assigned to Abundant Life Faith Center, Inc.

Results from last year's program with Abundant Life Faith Center, Inc. were favorable, with neighborhood businesses, merchants and private citizens giving the program positive reviews. There were 10 participants.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-115
(Int. No. 135)

Authorizing an agreement with Abundant Life Faith Center, Inc. for a job training and placement 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 Abundant Life Faith Center, Inc. for a job training and placement program. The maximum compensation to be paid by the City shall be \$60,000 for a one-year term. Said agreement shall be funded by \$18,700 from the 2015-16 Budget of the Department of Environmental Services and by \$41,300 from the 2016-17 Budget of the Department of Environmental Services, contingent upon adoption of said future Budget.

Section 2. The agreement may be renewed for up to three (3) one-year periods, at a maximum annual compensation of \$60,000 contingent upon adoption of future budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-116
Re: Agreement - North East Area Development, Inc., Job Training Program

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation establishing \$60,000 as maximum compensation for an agreement with North East Area Development, Inc. (NEAD) to partner with the City in a transitional job training and placement program. The agreement will have a term of one year with the option of three one-year renewals, and will be funded from the 2015-16 (\$18,700) and 2016-17 (\$41,300) Budgets of the Department of Environmental Services (DES) for the first year and subsequent budgets of DES for optional renewals, contingent upon adoption of future budgets.

Participants in the program are required to live in the City of Rochester. NEAD will provide a work crew comprised of three people and supervision for a period of 52 weeks, commencing on May 2, 2016. The work crew will perform agreed upon services and assignments as determined by City staff and consisting of litter collection and hand-sweeping, and snow and ice control as needed during the winter. NEAD will provide supervision

of the crew. The City will provide performance expectations and reviews of the work performed.

Each of the three people comprising the work crew will work five hours a day for five days a week. Litter collection and hand-sweeping will occur on city sidewalks, street corners and curb lanes on: North Goodman Street from Garson Avenue to Clifford Avenue; Webster Avenue from North Goodman Street to Bay Street; Bay Street from Webster Avenue to Culver Road; Parsells Avenue from Webster Avenue to Culver Road; and 100 feet along all adjacent cross streets at their intersection in both directions. This work area will be solely assigned to NEAD.

Results from last year's program with NEAD were favorable, with neighborhood businesses, merchants and private citizens giving the program positive reviews. There were 8 participants.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-116
(Int. No. 136)

Authorizing an agreement with North East Area Development, Inc.

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with North East Area Development, Inc. for transitional job training and placement. The maximum compensation to be paid by the City shall be \$60,000 for a one-year term. Said amount shall be funded by \$18,700 from the 2015-16 Budget of the Department of Environmental Services and by \$41,300 from the 2016-17 Budget of the Department of Environmental Services, contingent upon adoption of said future Budget.

Section 2. The agreement may be renewed for up to three (3) one-year periods, at a maximum annual compensation of \$60,000 contingent upon adoption of future budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-117
Re: Agreement - Center for Employment Opportunities, Inc., Job Training Program

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation establishing \$137,300 as maximum compensation for an agreement with the Center for Employment Opportunities (CEO) to partner with the City in a transitional job training and placement program. The agreement will have a term of one year with the option of three one-year renewals, and will be funded from the 2015-16 (\$23,800) and 2016-17 (\$113,500) Budgets of the Department of Environment Services (DES) for the first year, and subsequent budgets of DES for optional renewals, contingent upon adoption of future budgets.

Participants in the program have criminal conviction(s), are currently under criminal justice supervision and live in the City of Rochester. CEO will provide a work crew comprised of six people and one supervisor to the City for a period of 52 weeks, commencing on May 2, 2016. The work crews will perform agreed upon services and assignments as determined by City staff and consisting of litter collection and hand-sweeping, and snow and ice control as needed during the winter. CEO will provide supervision of the crews. The City shall provide performance expectations and reviews of the work performed.

Each of the six people comprising the work crew will work six and one-half hours a day for four days a week. Litter collection and hand-sweeping will occur on City sidewalks, street corners and curb lanes on: Norton Street; Upper Falls Boulevard/Cleveland Street/Central Park from North Clinton Avenue to North Street; Clifford Avenue from North Clinton to North Goodman Avenues; Joseph Avenue, Hudson Avenue and North Street from Norton Street to Central Park; and Portland Avenue from Norton to Bay Streets. The area will also include 100 feet along all adjacent cross streets at their intersection in both directions. This work area will be solely assigned to CEO.

Results from last year's program with CEO were favorable, with neighborhood businesses, merchants and private citizens giving the program positive reviews. There were 127 participants in the program.

CEO will submit invoices to the New York State Department of Corrections and Community Supervision (DOCCS) for payment of the services provided, and the City will reimburse DOCCS for the City's use of the CEO crews.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-117
(Int. No. 137)

Authorizing an agreement with the Center for Employment Opportunities, Inc.

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with The Center for Employment Opportunities, Inc. for job training and placement. The maximum compensation to be paid by the City shall be \$137,300 for a one-year term. Said amount shall be funded by \$23,800 from the 2015-16 Budget of the Department of Environmental Services and by \$113,500 from the 2016-17 Budget of the Department of Environmental Services, contingent upon adoption of said future Budget.

Section 2. The agreement may be renewed for up to three (3) one-year periods, at a maximum annual compensation of \$137,300 contingent upon adoption of future budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-118
Re: Agreement - Baden Street Settlement, Inc., Job Training Program

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation establishing \$80,100 as maximum compensation for an agreement with Baden Street Settlement, Inc. to partner with the City in a transitional job training and placement program. The agreement will have a term of one year with the option of three one-year renewals, and will be funded from the 2015-16 (\$27,100) and 2016-17 (\$53,000) Budgets of the Department of Environment Services (DES) for the first year and subsequent budgets of DES for optional renewals, contingent upon adoption of future budgets.

Participants in the program are required to live in the City of Rochester. Baden Street Settlement will provide a work crew comprised of three people and supervision for a period of 52 weeks, commencing on May 2, 2016. The work crew will perform agreed upon services and assignments as determined by City staff and consisting of litter collection and hand-sweeping, and snow and ice control as needed during the winter. Baden Street Settlement will provide supervision of the crew. The City will provide performance expectations and reviews of the work performed.

Each of the three people comprising the work crew will work five hours a day for five days a week. Litter collection and hand-sweeping will occur on city sidewalks, street corners and curb lanes on: Lake Avenue from Driving Park Avenue to Brown Street; Lyell Avenue from Hague Street to Lake Avenue; Smith Street from Lake Avenue to St. Paul

Street; St. Paul Street from Norton Street to St. Bridget's Street; St. Bridget's Street; North Clinton Avenue from Norton Street to Central Park; and 100 feet along all adjacent cross streets at their intersection in both. This work area will be solely assigned to Baden Street Settlement.

Results from last year's program with Baden Street Settlement were favorable, with neighborhood businesses, merchants and private citizens giving the program positive reviews. There were 3 participants.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-118
(Int. No. 138)

Authorizing an agreement with Baden Street Settlement, Inc.

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Baden Street Settlement, Inc. for job training and placement. The maximum compensation to be paid by the City shall be \$80,100 for a one-year term. Said amount shall be funded by \$27,100 from the 2015-16 Budget of the Department of Environmental Services and by \$53,000 from the 2016-17 Budget of the Department of Environmental Services, contingent upon adoption of said future Budget.

Section 2. The agreement may be renewed for up to three (3) one-year periods, at a maximum annual compensation of \$80,100 contingent upon adoption of future budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-119
Re: Agreement - Stony Brook University's
New York Sea Grant Great Lakes
Basin Small Grants Program, City of
Rochester Green Infrastructure
Manual

Transmitted herewith for your approval is legislation related to the creation of a Green Infrastructure Design and Maintenance Manual for the City of Rochester. This legislation will:

1. Authorize the Mayor to enter into a grant agreement with Stony Brook University; and

2. Authorize the receipt and use of \$25,000 in anticipated grant reimbursements from Stony Brook University to finance the project.

In September 2015, the City applied for and was subsequently awarded competitive grant funding through the New York Sea Grant Great Lakes Basin Small Grants Program, administered by Stony Brook University. The grant program is designed to provide communities with funding for projects that will support ecosystem-based efforts to revitalize New York State's Great Lakes region.

Under the awarded grant, Stony Brook University will provide \$25,000 in funding to the City for preparation of a Green Infrastructure Design and Maintenance Manual that is intended to provide best management practices to guide the planning, design, implementation and maintenance of green infrastructure installations for engineers, architects and operations personnel. Examples of green infrastructure installations include rain gardens, porous pavement, green roofs, and bio retention areas that are used to help manage stormwater.

The City is currently partnering with Monroe County and the Monroe County Stormwater Coalition as well as the National Atmospheric and Oceanic Administration (NOAA) to identify information needed to improve green infrastructure design and maintenance in the City and County. This grant will allow the City to use this information to develop green infrastructure design and maintenance best practices that will improve the deployment of effective green infrastructure throughout the community.

The development of the Green Infrastructure Design and Maintenance Manual complements the City's current efforts to prepare a Community Climate Action Plan. It is anticipated that the Green Infrastructure Design and Maintenance Manual will help achieve the climate adaptation and resiliency targets that will be included in the Climate Action Plan.

It is anticipated that the Stony Brook University grant will be used to fund the cost of the consulting services required to prepare the Green Infrastructure Design and Maintenance Manual.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-119
(Int. No. 139)

Authorizing a grant contract, receipt, and use of grant funds from the New York Sea Grant Great Lakes Basin Small Grants Program administered by Stony Brook University

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 Stony Brook University for receipt and use of \$25,000 in grant funds

from the New York Sea Grant Great Lakes Basin Small Grants Program to finance the drafting and preparation of a Green Infrastructure Design and Maintenance Manual, and said amount is hereby appropriated for said purpose.

Section 2. The Mayor is hereby authorized to enter into such additional agreements as appropriate for the operation and implementation of the Program.

Section 3. The agreements 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. 2016-120
Re: Agreement - Stantec Consulting Services, Inc., City of Rochester Developer Guidance Incorporating Sustainable Planning and Design Practices

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for Stantec Consulting Services, Inc., Rochester, New York, for services related to the creation of a City of Rochester Developer Guidance Incorporating Sustainable Planning and Design Practices (Sustainable Guidance Materials). The term of the agreement will be for two years with the option to renew for an additional year; the cost will be funded from the New York State Energy Research and Development Authority (NYSERDA) Cleaner, Greener Communities grant totaling \$50,000, which was appropriated in October 2015 via Ordinance No. 2015-334.

In June 2014, the City applied for and was subsequently awarded grant funding through NYSERDA's Cleaner Greener Communities program. The program is designed to provide communities with funding for planning projects that will align with their region's sustainability goals and lead to a community-wide reduction of greenhouse gas emissions. The Sustainable Guidance Materials will provide developers with guidance intended to inform the design and development of residential, commercial, and mixed-use projects in the city. The materials will put sustainable design into a local context, including local and regional climate change projections, local economy, regulatory processes, and financial resources available for sustainable development. The Sustainable Guidance Materials will describe the benefits of sustainable design and greenhouse gas reduction initiatives and will address such issues as climate adaptation, green building, energy efficiency and renewable energy, water efficiency, storm water management, recycling/reuse of buildings and/or materials, green space and transportation.

The Department of Environmental Services' Division of Environmental Quality will work with the Department of Neighborhood and Business Development's Bureau of Planning and Zoning as well as the Mayor's Office of Innovation and Strategic Initiatives on the development of the Sustainable Guidance Materials.

The Department of Environmental Services solicited proposals in January 2016 and four companies responded. Stantec was selected based on its extensive experience and expertise, its ability to meet the City's schedule, and the quality and cost of its proposal. Stantec will be partnering on the project with the Center for Governmental Research and Dataflow, a woman-owned business enterprise. The Vendor/Consultant Selection Process Summary is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-78

Ordinance No. 2016-120
(Int. No. 140)

Authorizing an agreement with Stantec Consulting Services Inc. related to the City of Rochester Developer Guidance Incorporating Sustainable Planning and Design Practices

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Stantec Consulting Services Inc. related to the creation of the City of Rochester Developer Guidance Incorporating Sustainable Planning and Design Practices in an amount not to exceed \$50,000. Said agreement shall be funded by the New York State Energy Research and Development Authority grant authorized in Ordinance No. 2015-334.

Section 2. The term of said agreement shall be for two (2) years with the option for an additional (1) year renewal.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-121
Re: Agreement - Optimization Technology, Inc., Process and Automation Controls

Transmitted herewith for your approval is legislation related to process and automation controls at

the Holly Pump Station. This legislation will:

1. Authorize \$81,500 as maximum compensation for an amendatory agreement with Optimization Technology, Inc. for additional process and automation controls services, increasing total compensation from \$325,000 to \$406,500 (Ord. No. 2014-390). The amendatory agreement will be funded from Prior Years' Cash Capital; and
2. Authorize \$75,000 as maximum annual compensation for a term agreement with Optimization Technology, Inc. for ongoing maintenance of the automation and control systems. The term of this agreement will be for two years with the option of three one-year renewals and will be funded from subsequent Budgets of the Department of Environmental Services, contingent upon approval of said budget.

The original agreement authorized by City Council on December 16, 2014 (Ordinance No 2014-390) was for a two year term, at the Hemlock Lake Water Filtration Plant. This amendment is to upgrade the process components and automation at the Holly Pump Station. The maximum compensation will increase by \$81,500, from \$325,000, to \$406,500. This work is very similar to the work completed in 2015 at the Hemlock Filtration Plant, and will increase reliability and efficiency at the Holly Pump Station by modifying an existing fire pump and making automation system improvements.

Also included in this transmittal is a request to enter into a term contract with Optimization Technology, Inc., to allow for ongoing maintenance of the automation and control systems associated with the work for this agreement, for a period of two years, with the option of three one-year renewals. Optimization Technology, Inc. was selected in the original agreement, through a Request for Proposal (RFP) process, based on the quality and thoroughness of their proposal, their relevant experience in control systems for water utilities and their schedule and cost of services. The Water Bureau has been extremely satisfied with the work performed by Optimization Technology, Inc. The cost of said agreement will be financed from annual operating budgets of the Department of Environmental Services (Water Fund.), contingent upon adoption.

This will result in the creation of .88 of a full time position.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-79

Ordinance No. 2016-121
(Int. No. 141)

Authorizing agreements with Optimization Technology, Inc. related to the automation controls at the Hemlock Lake Water Filtration Plant

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 Optimization Technology, Inc. for services related to the automation controls at the Hemlock Lake Water Filtration Plant. Said agreement will increase the maximum compensation authorized in Ordinance No. 2014-390 in an amount not exceed \$81,500, from \$325,000, to a total maximum amount of \$406,500. Said agreement shall be funded by Prior Years' Cash Capital.

Section 2. The Mayor is hereby further authorized to enter into an agreement for professional services with Optimization Technology, Inc. for maintenance of the automation and control systems related to services authorized herein in an amount not to exceed \$75,000. Said agreement shall have a term of two (2) years with the option for up to three (3) one (1) year renewals, contingent upon the approval of subsequent budgets and will be funded by subsequent Budgets of the Department of Environmental Services Operating Budget.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1711
Re: Local Improvement Ordinance -
Special Assessment Districts

Council Priority: Public Safety; Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing the 2016-17 budgets for eleven special assessment districts. The districts provide for street lighting enhancements. The districts and assessments are as follows:

<u>Local Imp. Ord.</u>	<u>District</u>	<u>2016-17</u>	<u>2015-16</u>	<u>Variance</u>	<u>Capital/ Operating</u>	<u>Type</u>
1547	Wilson Boulevard	\$536.80	\$477.81	\$58.99	Operating	Street lighting
1502	Lyell Avenue I	\$2,109.87	\$1,845.38	\$264.49	Operating	Street lighting
1503	Lyell Avenue II	\$2,232.85	\$1,952.93	\$279.92	Operating	Street lighting
1413	Monroe I	\$1,381.16	\$1,251.11	\$130.05	Operating	Street lighting
1412	Monroe II	\$602.03	\$545.34	\$56.69	Operating	Street lighting
1429	Cascade Historic	\$1,544.84	\$1,505.51	\$39.33	Operating	Street lighting
1601	Norton Street URD	\$1,331.94	\$1,231.84	\$100.10	Operating	Street lighting
1472	Lake Avenue	\$3,911.88	\$3,564.93	\$346.95	Operating	Street lighting
1552	St. Paul Street	\$505.65	\$454.39	\$51.26	Operating	Street lighting
1627	East Main Street	\$350.08	\$316.79	\$33.29	Operating	Street lighting
1658	Browncroft Neighborhood	\$9,508.99	\$-0-	NA	Capital	Street lighting

The history and purpose of each district are described in the attached summary.

A public hearing on the assessments for all the districts is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-80

Local Improvement Ordinance No. 1711
(Int. No. 129)

Local Improvement Ordinance - establishing the operating, installation and maintenance costs of street lighting special assessment districts

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

Section 1. The following amounts are hereby established and the new assessments shall be allocated and levied against the benefited properties in accordance with the applicable local improvement ordinances for the operation, installation and maintenance of special assessment districts for street lighting enhancements during the 2016-17 fiscal year:

<u>Street Lighting District</u>	<u>Amount</u>	<u>LIO</u>
Wilson Boulevard	\$ 536.80	1547
Lyell Avenue I	2,109.87	1502
Lyell Avenue II	2,232.85	1503
Monroe Avenue I	1,381.16	1413
Monroe Avenue II	602.03	1412
Cascade Historic	1,544.84	1429
Norton Street Urban Renewal	1,331.94	1601
Lake Avenue	3,911.88	1472
St. Paul Street	505.65	1552
East Main Street	350.08	1627
Browncroft Neighborhood	9,508.99	1658

Section 2. This ordinance shall take effect on July 1, 2016.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1712
Re: Amending Local Improvement
Ordinance No. 2012-1658

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation amending Ordinance No. 2012-1658 which authorized the establishment of a lighting district in the Browncroft neighborhood. This amendment will:

- 1. Correct the front footage of eight parcels, as shown below; and

<u>Property Address</u>	<u>Original Front Footage</u>	<u>Corrected Front Footage</u>
124 Croydon Road	59	60
49 Dorchester Road	62	55
90 Dorchester Road	115	155
97 Dorchester Road	116	146
115 Dorchester Road	120	86
215 Dorchester Road	144	145
14 Gramercy Park	193	317
68 Gramercy Park	220	230

- 2. Remove one parcel that has no front footage in the district, as shown below.

<u>Property Address</u>
365 Dorchester Road

This amendment properly states total front footage within the lighting district as 30,430 feet and corrects the special assessment fees.

Respectfully submitted,
Lovely A. Warren
Mayor

Local Improvement Ordinance No. 1712
(Int. No. 130)

Amending Local Improvement Ordinance No. 2012-1658, as last amended by Ordinance No. 2015-75, to correct front footage and remove a parcel in the Browncroft Neighborhood Street Lighting District

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

Section 1. The front footage for eight (8) parcels identified in Local Improvement Ordinance No. 1658 is hereby amended and corrected as follows:

<u>Property Address</u>	<u>SBL Number</u>	<u>Original Front Footage</u>	<u>Corrected Front Footage</u>
124 Croydon Road	12235000010410000000	59	60
49 Dorchester Road	12234000010080000000	62	55
90 Dorchester Road	12226000020380000000	115	155
97 Dorchester Road	12234000010130000000	116	146
115 Dorchester Road	12234000020020010000	120	86
215 Dorchester Road	12235000010010000000	144	145
14 Gramercy Park	12226000020290000000	193	317
68 Gramercy Park	12226000020310000000	220	230

Section 2. The parcel identified as 365 Dorchester Road, SBL# 12235000010110000000, referenced in Ordinance No. 2012-1658 is hereby removed from the Project's special assessment district.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1713
Re: Care and Embellishment of Street Malls

Transmitted herewith for your approval is legislation authorizing the care and embellishment of street malls during 2016-17 and the assessment of the associated costs of \$30,305.81 among the benefitted properties.

Each street mall budget is prepared by a street mall association and is based on actual costs from the previous year and planned maintenance and improvements. Budget items may include: plants (ranging from annual flowering plants to trees and shrubs), mulch, water, grass seed, repair or replacement of decorative signage and spring and fall cleanup. Budgets are reviewed at a neighborhood meeting. Meeting notices are sent by the City to the owners of all affected properties.

The malls and associated budgets are summarized below:

<u>Street Mall</u>	<u>Budget 2016-17</u>	<u>LIO 1700 2015-16</u>	<u>Variance</u>	<u>Reason for Variance</u>
Arnold Park	\$ 1,964.00	\$ 2,116.00	\$ -152.00	Reduced budgeted amounts for lawn care, fall and spring cleanups and plants
Hazelwood Terrace	800.00	800.00	0.00	NA
Hillside Avenue	1,500.00	0.00	1,500.00	Used surplus in 2015-16; did not request funding for that year
Huntington Park	3,600.00	3,600.00	0.00	NA
Lafayette Park	2,509.00	0.00	2,509.00	Discontinued participation in 2015-16; restarts participation for 2016-17
Nunda Boulevard	8,072.00	7,184.00	888.00	Increased budgeted amounts for tree pruning and grass seed <i>Note: performs own mowing, trimming, tree care</i>
Oxford Street	10,469.81	9,336.00	1,133.81	Increased budgeted amounts for tree pruning and grass seed <i>Note: performs own mowing, trimming, tree care, leaf pickup</i>
Rundel Park	200.00	903.00	-703.00	Using surplus from 2015-16 and requesting less funding
Sibley Place	<u>1,191.00</u>	<u>1,386.00</u>	<u>-195.00</u>	No change to annual budget; using surplus from prior year
Total	\$30,305.81	\$25,325.00	\$4,980.81	

The Department of Environmental Services provides mowing and trimming, tree pruning and leaf pickup unless otherwise noted (see Nunda and Oxford).

The costs of the maintenance are apportioned among the benefitted properties on the basis of the specified unit charges for each area. Charges are included on the annual tax bill and are payable in July. Funds are appropriated in the Care and Embellishment Fund.

A public hearing on these assessments is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Local Improvement Ordinance No. 1713
(Int. No. 131)

Local Improvement Ordinance - care and embellishment of street malls for 2016-2017

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

Section 1. It is hereby determined that for 2016-17 the street malls on the following streets shall be main-

tained at least in accordance with minimal standards established by the Department of Environmental Services, in the following amounts:

Arnold Park	\$ 1,964.00
Hazelwood Terrace	800.00
Hillside Avenue	1,500.00
Huntington Park	3,600.00
Lafayette Park	2,509.00
Nunda Boulevard	8,072.00
Oxford Street	10,469.81
Rundel Park	200.00
Sibley Place	<u>1,191.00</u>
Total	\$30,305.81

Section 2. The district of assessment for each street mall shall consist of all the parcels of property that front on the mall, or on any extension of the street or streets containing the mall up to the next intersecting street. The cost of maintenance of each street mall, in the amount set forth in Section 1, shall be apportioned among the parcels in the district based on each parcel's footage along the street containing the mall.

Section 3. Assessments for the cost of such improvements and work shall be due in one payment and shall be added to the tax rolls for the fiscal year commencing July 1, 2016.

Section 4. The total cost of such improvements and work, estimated at \$30,305.81, shall be charged as heretofore described in this ordinance and paid from the Care & Embellishment Fund, and said amount, or so much thereof as may be necessary, is hereby appropriated for the aforesaid purpose.

Section 5. It is hereby determined that it is impracticable to have the work described herein done by competitive contract. Therefore, contracts for the work described herein may be awarded to such qualified persons or neighborhood associations as may be selected from those located in or adjacent to the aforementioned streets and areas.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1714
Re: Local Improvement Ordinance -
Streetscapes

Transmitted herewith for your approval is legislation authorizing the care and embellishment of street malls during 2016-17 and the assessment of the associated costs of \$40,815.00 among the benefitted properties.

The associated budgets are summarized below:

<u>LIO</u>	<u>Streetscape District</u>	<u>2016-17</u>	<u>2015-165</u>	<u>Variance</u>	<u>Type</u>
1430	Cascade Historic	\$8,000	\$8,000	\$0	Capital and Operating
1619	Norton Street Urban Renewal District	\$2,815	\$2,815	\$0	Capital and Operating
1652	Mt. Hope	\$30,000	\$30,000	\$0	Capital and Operating

A public hearing on the assessments for all the districts is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Local Improvement Ordinance No. 1714
(Int. No. 132)

Local Improvement Ordinance - establishing the operating and maintenance costs of special assessments for streetscape enhancements

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

Section 1. The following amounts are hereby established and the new assessments shall be allocated and levied against the benefitted properties in accordance with the applicable local improvement ordinances for the operation and maintenance of special assessment districts for streetscape enhancements during 2016-2017:

<u>Streetscape District</u>	<u>New Amount</u>	<u>LIO</u>
Cascade Historic	\$ 8,000.00	1430
Norton Street Urban Renewal	2,815.00	1619
Mt. Hope	30,000.00	1652

Section 2. This ordinance shall take effect on July 1, 2016.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1715
Re: Downtown Enhancement District
2016-17 Budget

Transmitted herewith for your approval is legislation approving the 2016-17 Budget of the Downtown Enhancement District (District) and authorizing the apportionment of the budget costs among the properties within the District.

The District, established in 1989, and reauthorized regularly since then, provides an enhanced level of care and maintenance in the downtown area. These services may include sidewalk cleaning, sweeping, snow removal and litter removal, as well as installation, repair and maintenance of improvements such as benches, planters and street lighting.

The District includes all properties within the area between Church Street, Bragdon Place and Pleasant Street on the north, Chestnut Street on the east, Broad Street on the south, and Plymouth Avenue on the west; and all other properties within 1,600 feet of Main Street that were included in the original enclosed walkway system. The Downtown Enhancement District Advisory Board, consisting of 11 representatives of property owners or tenants, oversees the administration of the program by City staff.

Unless otherwise approved by the Advisory Board, the annual costs to be assessed are restricted by a formula using the base year (1989-90) cost of \$400,000 adjusted by the cumulative increase in the consumer price index (CPI). The total cost is apportioned among the properties, based equally on assessed valuation and gross area of each property. Also, properties directly on Main Street are weighted at twice the factors of other properties.

The maximum permissible assessment for 2016-17 based upon the 27 year cumulative increase in the CPI (83.3%) is \$735,200. The recommended assessment is \$604,100, the same as last year no increase. Contractual services are reduced by removal of motor vehicle charges. The advisory board agreed to use the fund balance of \$59,700 to partially offset employee benefits.

<u>Category of Expense</u>	<u>2015-16</u>	<u>2016-17</u>	<u>Variance</u>
Personnel Total	\$639,500	\$636,400	\$ -3,100
<i>Salary and wages</i>	<i>425,100</i>	<i>435,100</i>	<i>10,000</i>
<i>Employee Benefits</i>	<i>214,400</i>	<i>201,300</i>	<i>-13,100</i>
Operational Expenses	139,600	82,400	-57,200
<i>Materials and supplies</i>	<i>61,300</i>	<i>61,500</i>	<i>200</i>
<i>Contractual Services</i>	<i>78,300</i>	<i>20,900</i>	<i>-57,400</i>
Contingency (wage increase)	0	0	0
Less: Operating Revenues	<u>-55,000</u>	<u>-55,000</u>	<u>0</u>
Net Expense	724,100	663,800	-60,300
Less: Use of Fund Balance	<u>-120,000</u>	<u>-59,700</u>	<u>60,300</u>
Required Assessment	\$604,100	\$604,100	\$ 0

The proposed budget was approved by the Downtown Enhancement District Advisory Board on March 24, 2016 by a unanimous vote of 7- 0.

A public hearing on the District assessment is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Local Improvement Ordinance No. 1715
(Int. No. 133)

Establishing the cost of the special work and services related to Main Street improvements of the Downtown Enhancement District

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

Section 1. The cost of the special work and services for the 2016-17 fiscal year for the Downtown Enhancement District to be allocated and levied in accordance with Local Improvement Ordinance No. 1291, as continued by Local Improvement Ordinances No. 1355, 1444, 1531, 1597, 1686, and 1705, is established at \$604,100, except that Zone 2 shall continue to include those properties which have been within the District as a result of their previously having enclosed walkway access to Main Street. Said amount, and the sum of \$59,700 from the fund balance and \$55,000.00 from operating revenues, or so much thereof as may be necessary, are hereby appropriated to fund the Downtown Enhancement District for the 2016-17 fiscal year.

Section 2. This ordinance shall take effect on July 1, 2016.

Passed unanimously.

By Councilmember McFadden
April 20, 2016

To the Council:

The Public Safety, Youth & Recreation Committee recommends for adoption the following entitled legislation:

Int. No. 142 - Amending Ordinance No. 2015-376 regarding the STOP DWI Program

Int. No. 144 - Authorizing an agreement with Friends of the GardenAerial, Inc. for youth internships at the Public Market

Int. No. 145 - Authorizing agreements for the Summer Food Service Program

Int. No. 152 - Authorizing an agreement with the Rochester City School District for the receipt and use of funds supporting the Summer Literacy Aide youth employment program

The Public Safety, Youth & Recreation Committee recommends for consideration the following entitled legislation:

Int. No. 148 - Local Improvement Ordinance - snow removal at the Public Market for 2016-17

Int. No. 149 - Local Improvement Ordinance - security services at the Public Market for 2016-17

The following entitled legislation is being held in Committee:

Int. No. 143 - Appropriating federal asset forfeiture funds for the purchase of police vehicles

Respectfully submitted,
Adam C. McFadden
Molly Clifford
Matt Haag
Dana K. Miller

Loretta C. Scott
PUBLIC SAFETY, YOUTH & RECREATION
COMMITTEE

Received, filed, and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-122
Re: Amendment - Ordinance No.
2015-376, Monroe County
STOP DWI Program

Council Priority: Public Safety

Transmitted herewith for your approval is legislation amending Ordinance No. 2015-376 regarding the 2016 STOP DWI Program.

Adopted in November 2015, Section 1 of Ordinance No. 2015-376 authorizes an intermunicipal agreement with the County of Monroe in the amount of \$118,200 for the 2016 STOP DWI Program. The agreement received by the City includes an additional \$5,000 for the Victims Impact Panel's overtime and fringe. The amendment increases the amount authorized in Ordinance No. 2015-376 from \$118,200 to \$123,200 and increases the revenue estimates and appropriations to the 2015-16 Budget of the Police Department by \$5,000.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-122
(Int. No. 142)

Amending Ordinance No. 2015-376 regarding the STOP DWI Program

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

Section 1. Section 1 of Ordinance No. 2015-376 authorizing an intermunicipal agreement with the County of Monroe for the receipt and use of New York State funding for the 2016 STOP DWI Program is hereby revised to increase the funding by \$5,000 to a total of \$123,200.

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

Section 3. Section 4 of Ordinance No. 2015-376 is hereby revised as follows to account for the \$5,000 in additional funding to be obtained and used pursuant to Section 1 herein:

Section 4. The 2015-16 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of ~~\$65,800~~ **\$70,800**, which amount is hereby appropriated from a portion of funds to be received under the grant agreements authorized herein.

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-123
Re: Agreement - Friends of the
GardenAerial, Inc., Youth Internships
at the Public Market

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

Transmitted herewith for your approval is legislation establishing \$7,500 as maximum compensation for an agreement with Friends of the GardenAerial, Inc., for youth internships at the Public Market. The cost of this agreement will be funded from the 2015-16 (\$1,700) and 2016-17 (\$5,800) Budgets of the Department of Recreation and Youth Services, contingent upon approval of the latter budget. The cumulative amount of contracts with this vendor this fiscal year exceeds \$10,000, necessitating Council approval of this agreement per Section 3-4 of the City Charter.

Under the program, three city-resident youth interns will work at the Rochester Public Market, assisting with the "veggie valet" service and acting as docents and ambassadors on Saturdays from June 10 to September 24, 2016. The Friends of the GardenAerial, Inc. will provide job readiness training to the youth, and will monitor their performance.

This organization was selected for these services based on its successful 2015 season at the Public Market (Ord. No. 2015-209). A justification statement for not issuing a request for proposals is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-81

Ordinance No. 2016-123
(Int. No. 144)

Authorizing an agreement with Friends of the GardenAerial, Inc. for youth internships at the Public Market

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 Friends of the GardenAerial, Inc. for youth internships at the Public Market. The maximum compensation to be paid by the City shall be \$7,500 for a one-year term. Said

amount shall be funded by \$1,700 from the 2015-16 Budget of the Department of Recreation and Youth Services and by \$5,800 from the 2016-17 Budget of the Department of Recreation and Youth Services, contingent upon adoption of said latter Budget.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to amend Int. No. 145.

The motion was seconded by Councilmember Patterson.

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-124
Re: Summer Food Service
Program

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of Education for the receipt and use of \$329,500 in anticipated reimbursements for the 2016 Summer Food Service Program (SFSP), and establishing \$270,900 as maximum compensation for an agreement with the Rochester City School District (District) for the preparation and delivery of the breakfasts and lunches. The reimbursement amount will be included in the proposed 2016-17 Budget of the Department of Recreation and Youth Services (DRYS) to fund the agreement and City costs, contingent upon approval of said budget.

SFSP provides free breakfast and lunch to city children aged 18 and under and to disabled persons over 18 who are enrolled in a school year program for children with disabilities. The program will operate June 27 to August 26. Sites will be selected based upon proximity to youth service activities and satisfactory past participation in the program.

The program is administered by the City and reimbursed by the State Education Department, using federal funding. The District will prepare and deliver the meals to the program sites. Federal regulations strongly encourage the City to first consider the local school district as the source for obtaining meal service, and do not require competitive bid procedures when doing so. In recent years, the District has become more responsive to requests to increase the quality and appeal of meals. The federal reimbursement rates and projected numbers of meals for this year are as follows:

	<u>Meals</u>	<u>Rate per Meal</u>		<u>Reimbursement</u>
Breakfast	52,000	\$2.0925		\$108,810
Lunch	<u>59,900</u>	\$3.6850		<u>220,732</u>
	111,900		Rounded Total	\$329,500

In addition to funding the agreement with the District, a total of \$58,600 will be used to fund the salaries of City staff consisting of: one coordinator, two monitors, and a clerk (\$32,400); refuse pickup (\$16,200); mileage (\$2,000); outreach (\$5,000); and supplies (\$3,000).

The 2015 program was authorized via Ordinance No. 2015-111. The number of meals served in past years are provided below:

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Breakfast	39,178	34,725	39,146	49,246	37,810
Lunch	<u>65,737</u>	<u>57,577</u>	<u>58,281</u>	<u>57,368</u>	<u>48,302</u>
Total	104,915	92,302	97,427	106,614	86,112

An assessment in 2012 by the Center for Governmental Research for the Rochester Area Community Foundation (RACF) indicated that there is a greater need for summer meals to be provided to children in the city. In response, there have been increased efforts to publicize the program to older youth, parents, and potential sites. Such promotion will continue this year under the guidance of the Summer Meals Partnership of Rochester, which includes representatives from the three major sponsors of Summer Meals (DRYS, District and Foodlink), RACF and the Finger Lakes Health Systems Agency, with the assistance of Causewave (formerly the Ad Council). In addition to traditional and social media, planned outreach will include automated calls to District parents and print communications sent home by the District at the end of the school year.

Last year’s menu is attached. This will be revised to ensure that meals appeal to youth, based upon the results of a meal tasting by youth (tentatively planned for May). Meals are served at all R-Centers, and at churches and not-for-profit agencies. Last year’s site list is attached. Revisions will be made as a result of outreach efforts. The revised list will then be distributed to parents and agencies, and posted on the City’s and others’ websites.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AP-82

Ordinance No. 2016-124
 (Int. No. 145, as amended)

Authorizing agreements for the Summer Food Service Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Education for the receipt and use of anticipated reimbursements in the amount of \$329,500 for the 2016 Summer Food Service Program. Said amount, or so much thereof as may be necessary and received, shall be allocated to the ~~2015-16~~ 2016-17 Budget of the Department of Recreation and Youth Services, contingent upon adoption of said Budget, and appropriated for the Program.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Rochester City School District for the preparation and delivery of meals for the Program, contingent upon receipt of the anticipated funding pursuant to Section 1. The agreement shall obligate the City to pay an amount based on the unit cost of the meals, not to exceed \$270,900, which shall be funded from the funds appropriated in Section 1.

Section 3. The term of both agreements shall be one year.

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

Section 5. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2016-125
Re: Agreement - Rochester City School
District, Summer Literacy Aide Youth
Employment Program

Council Priority: Support the Creation of
Effective Educational Systems

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester City School District (RCSD) for the receipt and use of \$53,600 to fund a Summer Literacy Aide youth employment program at R-Centers. The funds will be included in the 2016-17 Budget of the Department of Recreation and Youth Services (DRYS), contingent upon approval of said budget. The term of the agreement is for one year.

The grant will be used to employ up to 30 RCSD high school students as Literacy Aides at R-Centers during the summer of 2016. The Literacy Aides will work at least 20 hours per week for eight weeks at R-Centers and summer camps, at a total cost of \$53,600, including wages and benefits.

This will be the second year of the DRYS Summer Literacy Aide youth employment program, modeled after the successful RCSD and Rochester Public Library (RPL) literacy aide employment program aimed at maintaining and improving children's reading skills with the support of youth staff. Eighteen RCSD students were employed as DRYS Literacy Aides in the 2015 pilot program.

This program was last approved by Council in May 2015 via Ordinance No. 2015-144.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-125
(Int. No. 152)

Authorizing an agreement with the Rochester City School District for the receipt and use of funds supporting the Summer Literacy Aide youth employment 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 City School District for the receipt and use of \$53,600 for the Summer Literacy Aide youth employment program (Program) to employ Rochester City School District high school students at R-Centers during the Summer of 2016 to assist children to maintain and improve their reading skills. The term of the agreement shall be one year.

Section 2. The sum of \$53,600 shall be allocated to the 2016-17 Budget of the Department of Recreation and Youth Services and is hereby appropriated to the Program, contingent upon the approval of said budget.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1716 and
Local Improvement Ordinance No. 1717
Re: Public Market Snow Removal and
Security Services

Council Priority: Creating and Sustaining a
Culture of Vibrancy; Public Safety

Transmitted herewith for your approval is legislation authorizing the appropriations and assessments for snow removal and security services at the Public Market for 2016-17. The snow removal and security districts were established in 1990 and 1991, respectively, and include 15 properties adjacent to the Public Market.

The City provides special snow removal services, including plowing and salting, as necessary. The security services include foot patrols from 5:00 p.m. to 5:00 a.m., Monday through Saturday, and all day on Sunday. Part of the cost of these services is apportioned among the properties within the district. For each property,

these assessments include both a fixed fee and a fee per frontage foot.

Snow Removal: For 2016-17 snow removal services, the fixed fee will be \$100 per property, while the footage fee will be \$3.01 per foot. The total amount of the assessment will be \$5,888.07, which is the same as the prior year.

Security Services: For 2016-17 security services, the fixed fee will be \$1,190 per property, while the front footage fee will be \$15.16 per foot. The total amount of the assessment will be \$39,950.70, which is an increase of \$189.52 from the prior year.

	<u>Fixed Fee</u>	<u>Number of Properties</u>	<u>Subtotal</u>	<u>Footage Fee</u>	<u>Footage</u>	<u>Subtotal</u>	<u>Total</u>
Snow							
2015-16	\$100	15	\$1,500.00	\$3.01	1,457.83	\$4,388.07	\$5,888.07
2016-17	\$100	15	\$1,500.00	\$3.01	1,457.83	\$4,388.07	\$5,888.07
						Change	0
Security							
2015-16	\$1,190	15	\$17,850.00	\$15.03	1,457.83	\$21,911.18	\$39,761.18
2016-17	\$1,190	15	\$17,850.00	\$15.16	1,457.83	\$22,100.70	\$39,950.70
						Change	+ \$189.52

Public hearings are required for these assessments.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AP-83

Local Improvement Ordinance No. 1716
 (Int. No. 148)

Local Improvement Ordinance - snow removal at the Public Market for 2016-17

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

Section 1. The Council authorizes special snow plowing and salting services for the Public Market during the fiscal year from July 1, 2016 to June 30, 2017.

Section 2. The Council hereby finds that such services will benefit both the City-owned portions of the Public Market and the privately-owned properties adjacent to the Public Market. The Council directs that a portion of the cost of providing such services be assessed against the privately-owned properties adjacent to the Public Market as listed below, which properties shall constitute the district of assessment. The total amount to be assessed for the 2016-17 year shall be \$5,888.07. The amount to be assessed against each parcel shall include a fee of \$100 per parcel plus \$3.01 per foot of frontage that receives plowing and/or salting services. The frontage may be on more than one side of the parcel. The Council hereby determines that such formula represents the relative amount of benefit received by each such parcel from such services. The parcels to be assessed are as follows:

<u>Property Address</u>	<u>SBL No.</u>	<u>Front Footage</u>
248 N. Union St.	106.660-0001-014	558.27
171 Railroad St.	106.670-0001-078	190.25
60 Public Market	106.590-0003-008	40
64-66 Public Market	106.590-0003-009	40
68-70 Public Market	106.590-0003-010	40
50-52 Public Market	106.590-0003-006	40
55-57 Public Market	106.590-0003-007	40
59 Pennsylvania Ave.	106.590-0003-005.1	81.50
35 Pennsylvania Avenue	106.590.0003-002.1	120
16-18 Public Market	106.590-0003-001	40
25 Pennsylvania Avenue	106.580-0003-026	40
17-23 Pennsylvania Avenue	106.580-0003-027	40
15 Pennsylvania Avenue	106.580-0003-028	40
11 Pennsylvania Avenue	106.580-0003-029	19.57
9 Pennsylvania Avenue	106.580-0003-030	128.24

Section 3. The snow plowing and salting services shall be provided by competitive contract. The special assessments levied hereunder shall be paid into the Public Market Enterprise Fund. The cost of providing such

services shall be paid from the Public Market Enterprise Fund and the amounts assessed herein are hereby appropriated for that purpose.

Section 4. The assessments shall be billed on the tax bill issued on July 1, 2016 and shall be due in one installment.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Local Improvement Ordinance No. 1717
(Int. No. 149)

Local Improvement Ordinance - security services at the Public Market for 2016-17

Section 1. The Council authorizes special security services for the Public Market during the fiscal year from July 1, 2016 to June 30, 2017.

Section 2. The Council hereby finds that such services will benefit both the City-owned portions of the Public Market and the privately-owned properties adjacent to the Public Market. The Council directs that a portion of the cost of providing such services be assessed against the privately-owned properties adjacent to the Public Market as listed below, which properties shall constitute the district of assessment. The total amount to be assessed for the 2016-17 year shall be \$39,950.70. The amount to be assessed against each parcel shall include a fee of \$1,190 per parcel plus \$15.16 per foot of frontage. The frontage may be on more than one side of the parcel. The Council hereby determines that such formula represents the relative amount of benefit received by each such parcel from such services. The parcels to be assessed are as follows:

<u>Property Address</u>	<u>Front Footage</u>
<u>SBL No.</u>	
248 N. Union St. 106.660-0001-014	558.27
171 Railroad St. 106.670-0001-078	190.25
60 Public Market 106.590-0003-008	40
64-66 Public Market 106.590-0003-009	40
68-70 Public Market 106.590-0003-010	40
50-52 Public Market 106.590-0003-006	40
55-57 Public Market 106.590-0003-007	40
59 Pennsylvania Ave. 106.590-0003-005.1	81.50
35 Pennsylvania Avenue 106.590.0003-002.1	120
16-18 Public Market 106.590-0003-001	40
25 Pennsylvania Avenue 106.580-0003-026	40
17-23 Pennsylvania Avenue 106.580-0003-027	40
15 Pennsylvania Avenue 106.580-0003-028	40

11 Pennsylvania Avenue 106.580-0003-029	19.57
9 Pennsylvania Avenue 106.580-0003-030	128.24

Section 3. The security services shall be provided by competitive contract. The special assessments levied hereunder shall be paid into the Public Market Enterprise Fund. The cost of providing such services shall be paid from the Public Market Enterprise Fund and the amounts assessed herein are hereby appropriated for that purpose.

Section 4. The assessments shall be billed on the tax bill issued on July 1, 2016 and shall be due in one installment.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 143
Re: Appropriation - Federal Asset
Forfeiture Fund, Vehicle Purchase

Council Priority: Public Safety

Transmitted herewith for your approval is legislation appropriating up to \$80,000 from federal asset forfeiture funds generated by the Police Department and amending the 2015-16 Budget of the Police Department by said amount for the purchase of unmarked vehicles. This appropriation will result in a balance of approximately \$968,800 in the fund.

These federal forfeiture funds will be used to purchase four unmarked vehicles to be incorporated into the Special Investigations Section's undercover fleet. These will replace vehicles that are from 10 to 15 years old and will be used for investigations into narcotics and violent offenses.

Respectfully submitted,
Lovely A. Warren
Mayor

Introductory No. 143

APPROPRIATING FEDERAL ASSET FORFEITURE FUNDS FOR THE PURCHASE OF POLICE VEHICLES

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

Section 1. Ordinance No. 2015-167, the 2015-16 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$80,000 to be received from the federal asset forfeiture fund from seized and forfeited assets, and such sum is hereby appropriated to fund the Department's purchase of unmarked police vehicles.

Section 2. This ordinance shall take effect immediately.

Held in Committee.

The meeting was adjourned at 8:15 p.m.

HAZEL L. WASHINGTON
City Clerk

* * * * *

REGULAR MEETING
MAY 17, 2016

Present - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson - 8.

Absent - Councilmember Spaul - 1.

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

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

Recognition Ceremony

- Retirement:
 - Environmental Services
 - *Todd C. Hill
 - *Gail A. Letkauskas
 - Finance Department
 - *Lucy M. Collins
 - *Jean Profetta
 - Neighborhood and Business Development
 - *Donna B. Marian
 - Police Department
 - *Susan M. Koehn
 - *Susan E. Sablosky
- *Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Conklin

RESOLVED, that the minutes of the Regular Meeting of April 20, 2016 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

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

The following communications are hereby directed to be received and filed:

- The Mayor submits the following:
 - Quarterly Report - Delinquent Receivables 4231-16
 - Public Disclosure - HOME Participation 4232-16

The Council submits Disclosure of Interest Forms from President Scott on Int. No. 197, Councilmember Clifford on Int. No. 208, Councilmember Haag on Int. Nos. 172 & 200, and Councilmember Spaul

on Int. No. 173.

PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.

None Presented.

PUBLIC HEARINGS.

Pursuant to law, public hearing will now be had on the following matter:

Authorizing pavement width changes for 2016 Preventive Maintenance Contract No. 1 - South Clinton Avenue and South Goodman Street Int. No. 180 No Speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
May 17, 2016

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 154 - Approving the apportionment of taxes and charges

Int. No. 155 - Authorizing an amendatory agreement with DSS Digital Group for electronic document warehouse upgrade

Int. No. 156 - Authorizing an agreement with EOS CCA for the collection of unpaid parking and municipal code violations

Int. No. 157- Authorizing an agreement with Workiva, Inc. for a cloud-based financial data management and reporting solution

Int. No. 158 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of not to exceed \$24,000,000 General Obligation Refunding Serial Bonds of said City to refund the outstanding portion of the City's \$100,120,000 General Obligation Serial Bonds - 2006, Series A & Series B

Int. No. 160 - Authorizing an amendatory agreement with 2Strive Media, Inc. to increase the maximum compensation for booking and production services for the 2016 Rochester SummerFest

Int. No. 199 - Authorizing an amendatory professional services agreement for legal services

Int. No. 206 - Determining and certifying adjusted base proportions, assessed value current percentages, and net changes in assessed value base percentages for the 2016 Assessment Roll, as amended

Int. No. 207 - Determining and Certifying Adjusted Base Proportions, Assessed Value, and Net Changes in Assessed Value for the 2016 Assessment Roll

Int. No. 209 - Amending City Charter with respect to parking permits for handicapped residents

Willie Joe Lightfoot
147 Trafalgar Street
Rochester, NY 14619

Int. No. 210 - Amending Municipal Code Chapter 111, Vehicle and Traffic, with regard to parking permits for handicapped residents and for the Corn Hill Neighborhood

William P. McDonald
76 Elmcroft Road
Rochester, NY 14609

Int. No. 211 - Authorizing an amendatory professional services agreement for expert witness services for the Law Department

Juanita Ball
201 Cedarwood Terrace
Rochester, NY 14609

Int. No. 68 - Resolution nominating various persons for membership on the Rochester-Genesee Regional Transportation Authority, as amended

Paul E. Haney
424 Broadway
Rochester, NY 14607

Int. No. 69 - Resolution nominating various persons for membership on the Rochester-Genesee Regional Transportation Authority

Michael L. Mason
285 Wellington Avenue
Rochester, NY 14619

Int. No. 70 - Resolution nominating various persons for membership on the Rochester-Genesee Regional Transportation Authority, as amended

Pursuant to section 1299dd of the NYS Public Authorities Law, the Commissioners of the RGR-TA are appointed by the Governor with the advice and consent of the Senate. The persons considered for appointment are nominated by the legislative bodies of the participating municipalities. Two nominations are required for each commissioner position, along with a recommendation of one of the two.

The Finance Committee recommends for consideration the following entitled legislation:

The recommendation of the City Council to the Governor for the Commissioners representing the City of Rochester are Jerdine L. Johnson, William P. McDonald and Paul E. Haney.

Int. No. 159 - Local Improvement Ordinance - Establishing the operating and maintenance costs of neighborhood commercial and residential parking areas

The length of term for each Commissioner is five years. The résumé of each nominee is on file with the City Clerk and will be forwarded to the Governor's Office for his further review and consideration.

The following entitled legislation is being held in Committee:

Respectfully submitted,
Loretta C. Scott
President

Int. No. 201 - Amending Chapter 111 of the Municipal Code with regard to Vehicle Traffic

Int. No. 208 - Resolution approving standard work day for retirement purposes

Respectfully submitted,
Molly Clifford
Dana K. Miller
Loretta C. Scott
FINANCE COMMITTEE

Resolution No. 2016-10
(Int. No. 68, as amended)

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution nominating various persons for membership on the Rochester-Genesee Regional Transportation Authority

Resolution No. 2016-10,
Resolution No. 2016-11 and
Resolution No. 2016-12

Re: RGRTA Appointments

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

Transmitted herewith for your approval is legislation nominating the following persons for appointment to the Rochester-Genesee Regional Transportation Authority (RGRTA).

Section 1. The Council of the City of Rochester hereby nominates the following two persons to fill a single vacancy on the Rochester-Genesee Regional Transportation Authority created by the expiration of the term of Thomas R. Argust:

Appointment:

Jerdine L. Johnson
45 Crawford Street
Rochester, NY 14620

Jerdine L. Johnson
45 Crawford Street
Rochester, NY 14620

Alyssa S. Whitfield
595 Wellington Avenue
Rochester, NY 14619

Willie Joe Lightfoot
147 Trafalgar Street
Rochester, NY 14619

Section 2. Pursuant to section 1299-dd of the Public Authorities Law, the Council hereby requests that the Governor of the State of New York appoint one of the persons named in Section 1 to fill the vacancy on the Rochester-Genesee Regional Transportation Authority. The Council hereby recommends the appointment of Jerdine L. Johnson to such position because of her interest and expertise in the community and regional transit activities of the Rochester-Genesee Regional Transportation Authority.

Section 3. The City Clerk is hereby authorized and directed to transmit copies of the Resolution to the Governor and to the Rochester-Genesee Regional Transportation Authority.

Section 4. This resolution shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Adopted unanimously.

Resolution No. 2016-11
(Int. No. 69)

Resolution nominating various persons for membership on the Rochester-Genesee Regional Transportation Authority

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

Section 1. The Council of the City of Rochester hereby nominates the following two persons to fill a single vacancy on the Rochester-Genesee Regional Transportation Authority created by the expiration of the term of Karen C. Pryor:

William P. McDonald
76 Elmcroft Road
Rochester, NY 14609

Juanita Ball
201 Cedarwood Terrace
Rochester, NY 14609

Section 2. Pursuant to section 1299-dd of the Public Authorities Law, the Council hereby requests that the Governor of the State of New York appoint one of the persons named in Section 1 to fill the vacancy on the Rochester-Genesee Regional Transportation Authority. The Council hereby recommends the appointment of William P. McDonald to such position because of his interest and expertise in the community and regional transit activities of the Rochester-Genesee Regional Transportation Authority.

Section 3. The City Clerk is hereby authorized and directed to transmit copies of the Resolution to the Governor and to the Rochester-Genesee Regional Transportation Authority.

Section 4. This resolution shall take effect immediately.

Adopted unanimously.

Resolution No. 2016-12
(Int. No. 70, as amended)

Resolution nominating various persons for membership on the Rochester-Genesee Regional Transportation Authority

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

Section 1. The Council of the City of Rochester hereby nominates the following two persons to fill a single vacancy on the Rochester-Genesee Regional Transportation Authority created by the expiration of the term of Barbara J. Jones:

William J. Ansbrow
410 River Heights
Rochester, NY 14612

Valerie Douglas
236 Flower City Park
Rochester, NY 14615

Paul E. Haney
424 Broadway
Rochester, NY 14607

Michael L. Mason
285 Wellington Avenue
Rochester, NY 14619

Section 2. Pursuant to section 1299-dd of the Public Authorities Law, the Council hereby requests that the Governor of the State of New York appoint one of the persons named in Section 1 to fill the vacancy on the Rochester-Genesee Regional Transportation Authority. The Council hereby recommends the appointment of William J. Ansbrow ~~Paul E. Haney~~ to such position because of his interest and expertise in the community and regional transit activities of the Rochester-Genesee Regional Transportation Authority.

Section 3. The City Clerk is hereby authorized and directed to transmit copies of the Resolution to the Governor and to the Rochester-Genesee Regional Transportation Authority.

Section 4. This resolution shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Adopted unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2016-126
Re: Apportionment of Taxes and Charges

Council Priority: Deficit Reduction and Long-

Term Financial Stability

Transmitted herewith for your approval is legislation authorizing the apportionment of taxes and charges for 76 properties. This apportionment has been certified by the Assessor and is authorized by §6-78 of the City Charter.

The apportionment consists of City and School taxes and special district charges on properties subdivided or combined in 2015-16. These taxes and charges, which total \$202,239.92, will be added to the new accounts established by the subdivisions or combinations of the former accounts.

If the proposed apportionment is approved, the taxes and charges will be added to the July 2016 tax bills of the new accounts. Owners of the subdivided or combined properties will be notified in writing of the potential charges in May 2016.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-84

Ordinance No. 2016-126
(Int. No. 154)

Approving the apportionment of taxes and charges

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

Section 1. The Council hereby approves the apportionment of taxes and charges upon various parcels of land as certified by the Assessor of the City of Rochester, pursuant to Section 6-78 of the Charter of the City of Rochester on April 11, 2016, in accordance with the list which is available in the Office of the City Clerk.

Section 2. This ordinance shall take effect immediately

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-127
Re: Amendatory Agreement - DSS
Digital Group, Electronic Document
Warehouse Upgrade

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with DSS Digital Group, Rochester, New York, for a one year extension for services related to the technical support and upgrade of the Electronic Document Warehouse used by the Departments of Neighborhood and Business Development (NBD) and Fire. The original agreement for support services was executed in July 2015 for \$1,875 and amended in December 2015 via Ordinance No. 2015-382 by \$59,125. The amendment reflected substantially increased duties for the consultant and

brought total maximum compensation to \$61,000. The agreement was for a term of one year; this amendment will extend the term for an additional year to June 30, 2017 at no additional cost.

NBD and Fire currently use a Sharepoint document management system developed by ExtraDev, Inc. (now a division of DSS Digital Group) to store all of the documents associated with code enforcement for the Bureau of Inspection and Compliance, Permit Office, Neighborhood Service Centers and Fire Safety Inspection. The upgrade of the Sharepoint environment is expected to be completed in August 2016, and technical support for that environment will be needed during the 2016-17 fiscal year.

A justification statement for not issuing a request for proposals was provided with Ordinance No. 2015-382.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-127
(Int. No. 155)

Authorizing an amendatory agreement with DSS Digital Group for electronic document warehouse upgrade

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

Section 1. The Mayor is hereby authorized to amend the term of the professional services agreement with DSS Digital Group, also known as Document Security Systems, Inc., of Rochester, NY, authorized by Ordinance No. 2015-382. Such term shall be extended until June 30, 2017. There shall be no change in the maximum compensation.

Section 2. The agreed amendments shall contain such other 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. 2016-128
Re: Agreements - Parking and Municipal
Code Violations Collection Services

Transmitted herewith for your approval is legislation authorizing an agreement with EOS CCA, Rochester, New York, for the collection of unpaid parking and municipal code violations. The cost of the agreement will be financed from the collection of revenues and the term will be three years, with the option of two one-year extensions.

All parking, red light camera and municipal code violations that remain unpaid ninety days after issuance become, by default, civil judgments.

Since 1979, the collection of these judgments has been assigned to private companies.

An agreement with EOS CCA was authorized by City Council in March 2011 via Ordinance No. 2011-54. This agreement expires May 31, 2016. In 2014-15, EOS CCA collected \$2,075,834 thereby earning a commission of \$249,100 (12% of collections), resulting in revenue for the City of \$1,826,734.

In March, the Department of Finance issued a request for proposals (RFP) for collection services, for which the vendor/consultant selection process summary is attached. EOS CCA was selected as they would reduce their commission to 11.49% of total collections, resulting in an estimated annual savings to the City of over \$10,000 compared to the average annual commissions paid in the last year.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-85

Ordinance No. 2016-128
(Int. No. 156)

Authorizing an agreement with EOS CCA for the collection of unpaid parking and municipal code violations

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 EOS CCA, also known as Collecto, Inc., for the collection of unpaid parking and municipal code violations.

Section 2. The cost of such services shall hereby be financed from the collection of revenues generated by the outstanding parking, red-light, and municipal code violations.

Section 3. The term of such agreement shall be three (3) years with the option for two (2) one-year (1) extensions.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-129
Re: Agreement - Workiva, Inc., Cloud-Based Financial Data Management and Reporting Solution

Council Priority: Deficit Reduction and Long-

Term Financial Stability

Transmitted herewith for your approval is legislation establishing \$128,000 as maximum compensation for an agreement with Workiva, Inc. for a Cloud-Based Financial Data Management and Reporting Solution for preparing the City's Comprehensive Annual Financial Report (CAFR). The term of this agreement will be for three years with the provision for two one-year extensions. A one-time set-up cost of \$8,000 will be funded from the 2015-16 Budget of the Department of Finance, and licensing costs of \$24,000 per year will be funded from the 2016-17 and subsequent Budgets of the Department of Finance.

Workiva, Inc. has been providing customers with a cloud-based solution since 2010. Since that time, they have been used by over 2,400 customers including over 65% of the Fortune 500 market. Workiva, Inc. has also acquired 19 new government customers in the last year.

Under this agreement, services will include, but will not be limited to, the following:

- Multiple user capability with various levels of controls
- Capability to edit, create and submit reports internally and externally
- Automated ability to link, tie (increment/decrement) and round numbers between related financial statements
- Ability to manage and import financial data several times throughout the process
- Ability to link financial data to a single source document so that information is always up-to-date and consistent between documents
- Presence of a clear audit trail
- Implementing changes in reporting requirements, particularly changes to reporting under the Governmental Accounting Standards Board (GASB)

A request for proposal (RFP) was issued and Workiva, Inc. was selected based on their knowledge of preparing a CAFR and the experience and expertise of their staff. A summary of the RFP process is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-86

Ordinance No. 2016-129
(Int. No. 157)

Authorizing an agreement with Workiva, Inc. for a cloud-based financial data management and reporting solution

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 Workiva, Inc. for a cloud-based financial data management and reporting solution for preparing the City's Comprehensive Annual Financial Report (CAFR).

Section 2. The maximum cost of the agreement shall be comprised of \$8,000 for initial set-up and \$24,000 per year for licensing. The set-up cost shall be financed with \$8,000 from the 2015-16 Budget for the Department of Finance. The annual licensing cost for the first year shall be funded by \$24,000 from the 2016-17 Budget of the Department of Finance, and the annual licensing cost for subsequent years shall be funded from subsequent budgets of the Department of Finance, contingent upon approval of such budgets.

Section 3. The term of the agreement shall be three (3) years with the option for two (2) one-year (1) extensions.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-130
Re: Refunding of 2006A and 2006B Bonds

Council Priority: Deficit Reduction and Long-Term Financial Stability

Transmitted herewith for your approval is legislation authorizing the refunding of outstanding 2006A and 2006B bonds, in accordance with the redemption provision of those bonds. The redemption provision provides that the Series A Bonds maturing after February 15, 2017 and the Series B Bonds maturing after October 15, 2016 may be redeemed prior to maturity at the option of the City. The Series A Bond redemption will constitute an advance refunding and the Series B Bond redemption will constitute a current refunding. The principal amount of the 2006A and 2006B bonds maturing after that date totals \$21,680,000; this legislation requests the refunding of up to \$24,000,000.

Advance refunding of bonds is regulated by New York State Local Finance Law (Section 90.10), which requires that there must be a demonstrated present value savings, and that the transaction be approved by the State Comptroller's Office, which in turn requires documentation of City Council authorization. The refunding bonds (i.e., the new bonds) must provide proceeds, together with future interest earnings, sufficient to cover the redemption price (principal and interest) of the refunded bonds

(i.e., the original bonds) and bond issue costs. There is no prepayment penalty.

Current municipal bond rates available to the City with its Aa3 (Moody's) rating and the redemption provision of the 2006A and 2006B bonds make it economically attractive to refund these bonds. An analysis dated April 12, 2016 using municipal bond rates at that time, revealed an estimated cash savings on principal and interest payments of \$1,883,825.49, which is an estimated net present value savings of \$1,676,488.75, which will be realized in our annual repayments over the term of the refunding bonds (through October 2024).

A copy of the analysis is on file with the City Clerk.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-130
(Int. No. 158)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of not to exceed \$24,000,000 General Obligation Refunding Serial Bonds of said City to refund the outstanding portion of the City's \$100,120,000 General Obligation Serial Bonds - 2006, Series A & Series B

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") issued \$100,120,000 General Obligation Serial Bonds - 2006, Series A & Series B on March 2, 2006 (the "2006 Bonds"); approximately \$21,680,000 of the 2006 Bonds remain outstanding as of the date hereof. As a result of declining interest rates and optional redemption provisions included in the 2006 Bonds, it now becomes economically advantageous to the City to refinance the 2006 Bonds by issuance and sale of the City's not to exceed \$24,000,000 General Obligation Refunding Serial Bonds - 2016, Series A & Series B (the "2016 Refunding Bonds"), serially maturing from 2007 through 2025. The plan of financing includes the issuance of such not to exceed \$24,000,000 refunding serial bonds of the City to finance redemption of the 2006 Bonds, net escrow costs and costs of issuance, and to secure payment of the 2016 Refunding Bonds with 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 in the manner provided for the 2006 Bonds. Net present value savings based on the refunding are presently estimated to exceed \$1,600,000. The principal amount of the 2016 Refunding Bonds shall not exceed the amount sufficient to pay the sum of (i) the outstanding principal amount of 2006 Bonds, (ii) the aggregate amount of unmatured interest payable on the 2006 Bonds to and including the applicable redemption dates, (iii) costs and expenses incidental to the issuance of the 2016 Refunding Bonds, including development of the refunding financial plan, and of

executing and performing the terms and conditions of the escrow contract and all fees and charges of the escrow holder. The 2006 Bonds are redeemable at par without redemption premiums or penalties.

Section 2. 2016 Refunding Bonds of the City in the principal amount of not to exceed \$24,000,000 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 maximum period of probable usefulness established for the assets financed with the proceeds of the 2006 Bonds was twenty (20) years. The maturity date of the 2016 Refunding Bonds shall not exceed the scheduled final maturity date of the 2006 Bonds.

Section 5. Each of the 2016 Refunding Bonds authorized by this Ordinance shall contain the recital of validity as prescribed by Section 52.00 of the Law and 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 the 2016 Refunding Bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds 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 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 and sale of the 2016 Refunding Bonds herein authorized and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the issuance and sale of the 2016 Refunding Bonds on a negotiated or competitive basis, in accordance with Sections 90 and 90.10 of the Law, as well as the selection of an underwriter, if applicable, and execution of agreements for escrow of bond proceeds and credit enhancement, if any, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. Issuance and sale of the 2016 Refunding Bonds shall be subject to the written authorization of the Comptroller of the State of New York, as provided in the Law.

Section 8. The validity of the bonds authorized by this Ordinance may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of

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

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

Section 9. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Section 10. This Ordinance shall constitute the City's election to call the 2006 Bonds for redemption and the escrow agent selected by the City shall call the 2006 Bonds for redemption in compliance with the financial plan and in accordance with Section 53.00 of the Law, including appropriate publication of notice of such redemption in the City's official newspaper.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1718
Re: Special Assessment District
Parking Lots

Transmitted herewith for your approval is legislation authorizing special assessment districts for neighborhood commercial and residential parking lots and appropriating \$56,585 for the operation and maintenance of the parking areas during 2016-17.

Special Assessment District Parking Lots, established by City Council in 1979, include: Culver/Merchants, Monroe Avenue/Oxford Square Lot, North Street, Lyell Avenue and Woodside/Goodwill. A sixth lot was created in 2011-12 for Mt. Hope in the Collegetown district. Annual operating and maintenance costs of the areas are assessed against all properties within the district according to their respective parking space requirements.

The assessments reflect the cost of snow plowing, cleaning, landscaping, maintenance, lighting and parking regulation enforcement. These services are provided either by City staff, private companies under contract to the City or the property owners themselves.

The total assessments required and total appropriation for 2016-17 is:

<u>Lot Name</u>	<u>2016-17 Budget</u>	<u>2015-16 Budget</u>	<u>Variance</u>	<u>Reason</u>
Lyell Avenue	\$10,345.00	\$10,345.00	\$ 0.00	N/A
Monroe/Oxford	14,800.00	14,800.00	0.00	N/A
Woodside/Goodwill	11,660.00	11,760.00	-100.00	Decrease in beautification expense
Culver/Merchants	9,980.00	9,780.00	200.00	Insurance increase
North Street	8,800.00	12,850.00	-4,050.00	Decrease in repair cost
Mt Hope	<u>1,000.00</u>	<u>1,000.00</u>	<u>0.00</u>	N/A
Total	\$56,585.00	\$60,535.00	-\$3,950.00	

A public hearing is required for a local improvement ordinance.

Respectfully submitted,
Lovely A. Warren
Mayor

Local Improvement Ordinance No. 1718
(Int. No. 159)

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

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

Section 1. The 2016-17 assessment for operation and maintenance of the special assessment district parking lots listed below is \$56,585. The following amounts are hereby authorized and shall be allocated and levied against the properties benefited by the special assessment district parking lots, as follows:

<u>Lot Name</u>	<u>16/17 Budget</u>
Lyell Avenue	\$10,345.00
Monroe/Oxford	14,800.00
Woodside/Goodwill	11,660.00
Culver/Merchants	9,980.00
North Street	8,800.00
Mt Hope	<u>1,000.00</u>
Total	\$56,585.00

Section 2. This ordinance shall take effect on July 1, 2016.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-131
Re: Amendment - Ordinance No. 2015-417,
Rochester SummerFest

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Transmitted herewith for your approval is legislation amending Ordinance No. 2015-417 regarding the 2016 Rochester SummerFest to increase the maximum compensation for the agreement with 2Strive Media, Inc. from \$175,000 to \$200,000. The cost of this amendment will be financed by appropriating \$25,000 from the Rochester Events Network Trust Fund and amending the 2015-16 Budget of the Bureau of Communications by said amount.

Adopted in December 2015, Ordinance No. 2015-417 authorizes an agreement with 2Strive Media, Inc. for booking and production services for the 2016 Rochester SummerFest on July 8-9. This amendment reflects increased costs for production and talent.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-131
(Int. No. 160)

Authorizing an amendatory agreement with 2Strive Media, Inc. to increase the maximum compensation for booking and production services for the 2016 Rochester SummerFest

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 2Strive Media, Inc., increasing the maximum compensation authorized by Ordinance No. 2015-417 for booking and production services for the 2016 Rochester SummerFest by \$25,000, for a total compensation of \$200,000.

Section 2. The cost of this amendatory agreement shall be financed by appropriating \$25,000 from the Rochester Events Network Trust Fund. Ordinance No. 2015-167, the 2015-16 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the 2015-16 Budget of the Bureau of Communications by said amount.

Section 3. The amendatory agreement shall contain such other 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. 2016-132
Re: Amendatory Agreement - Cohen Law Group, Cable Franchise Agreement Renewal

Council Priority: Deficit Reduction and Long Term Financial Stability

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum compensation for an amendatory agreement with the Cohen Law Group, Pittsburgh, Pennsylvania, for legal services in connection with the Time Warner Cable Northeast LLC franchise agreement. The amendment will increase maximum compensation by \$20,000 for a total of \$85,000. The cost of this agreement will be funded by the 2015-16 Budget of Undistributed Expenses and the term remains the same (two years) as per Ordinance No. 2014-369.

The Law Department retained the services of the Cohen Law Group to assist with negotiations with Time Warner and Comcast Corporation in 2014 because cable franchise agreements are unique and complex in nature. Initially authorized for \$10,000, the agreement with Cohen Law Group was later amended to a total of \$65,000 via Ordinance No. 2014-369. However, the anticipated merger of Time Warner Cable Northeast LLC with Comcast was rejected by federal regulators, and Time Warner then entered into a new merger plan with Charter Communications. This delayed the City's ability to

begin negotiations with Time Warner and created additional work reviewing the proposed franchise transfer to Charter Communications. The expertise of the Cohen Law Group is needed for assistance in the next phase of this project, which requires the negotiation of a new franchise agreement with Charter/Time Warner, and therefore necessitating additional funds.

To date, Cohen Law Group has assisted the Law Department in developing an analysis of past compliance, community needs and equipment needs. They are currently working on a draft of a new franchise agreement which will be presented to Time Warner soon.

The Cohen Law Group was originally selected through a request for qualifications process on the basis of cost, special expertise in representing municipalities and absence of conflicts of interest.

Sincerely,
Lovely A. Warren
Mayor

Ordinance No. 2016-132
(Int. No. 199)

Authorizing an amendatory professional services agreement for legal 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 between the City and the Cohen Law Group for legal representation of the City with regard to cable television franchise issues. The amendment shall increase the maximum compensation by \$20,000 to a total of \$85,000. Said additional amount shall be funded from the 2015-16 Budget for Undistributed Expenses. The amended agreement shall have a term of two years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-133 and
Ordinance No. 2016-134
Re: Tax Apportionment Assessment Classes - Tax Shift

Council Priority: Deficit Reduction and Long-Term Financial Stability

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

The certification involves the determination of the

“base proportion.” In general, the base proportion for each class represents the share of the property tax levy to be allocated to that class. This determination process involves two computations. The first is the calculation of the current base proportions using 1989 and 2015 data. The second is the calculation of the adjusted base proportions using 2015 and 2016 data. Both calculations are attached.

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

Homestead:	.4217179
Non-Homestead:	<u>.5782821</u>
Total:	1.0000000

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

Homestead:	.4181205
Non-Homestead:	<u>.5818795</u>
Total:	1.0000000

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

Homestead:	-1.76%
Non-Homestead:	+1.30%

These calculations have been reviewed by the New York State Office of Real Property Tax Services.

The actual tax burden is also determined by the tax levy and final assessment changes. These figures will be detailed in the proposed budget to be released on May 13, 2016.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-87

Ordinance No. 2016-133
(Int. No. 206, as amended)

Determining and certifying adjusted base proportions, assessed value current percentages, and net changes in assessed value base percentages for the 2016 Assessment Roll

Section 1. Pursuant to Section 1903 of the Real Property Tax Law and Section 6-96 of the City Charter, the Council determines the current base proportions, current percentages, and base percentages for the City’s 2016 assessment roll as follows:

Homestead Class	Non-Homestead Class
Current base proportions	
<u>42.17179%</u>	<u>57.82821%</u>
Current percentage	
<u>60.60310%</u>	<u>39.39690%</u>
Base percentage	
<u>52.03550%</u>	<u>47.96450%</u>

~~Section 1. Pursuant to Section 1903 of the Real~~

~~Property Tax Law and Section 6-96 of the City Charter, the Council determines the adjusted base proportions, assessed value, and net change in assessed value for the City’s 2016 assessment roll as follows:~~

Homestead Class	Non-Homestead Class
-----------------	---------------------

Adjusted base proportion	
.4181205	.5818795

Taxable assessed value	
3,788,360,687	2,687,603,470

Net change in assessed value from 2015 resulting from physical and quantity changes	
+5,115,200	-8,297,580

Net change in assessed value from 2015 resulting from other than physical and quantity changes	
+163,702,043	+302,241,808

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

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

Ordinance No. 2016-134
(Int. No. 207)

Determining and certifying adjusted base proportions, assessed value, and net changes in assessed value for the 2016 Assessment Roll

Section 1. Pursuant to Section 1903 of the Real Property Tax Law and Section 6-96 of the City Charter, the Council determines the adjusted base proportions, assessed value, and net change in assessed value for the City’s 2016 assessment roll as follows:

Homestead Class	Non-Homestead Class
-----------------	---------------------

Adjusted base proportion	
<u>.4181205</u>	<u>.5818795</u>

Taxable assessed value	
<u>3,788,360,687</u>	<u>2,687,603,470</u>

Net change in assessed value from 2015 resulting from physical and quantity changes	
<u>+5,115,200</u>	<u>-8,297,580</u>

Net change in assessed value from 2015 resulting from other than physical and quantity changes	+163,702,043	+302,241,808
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Section 2. The City Clerk is hereby directed to certify the figures set forth above to the New York State Department of Taxation and Finance, Office of Real Property Tax Services.

Section 3. This ordinance shall take effect immediately

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No.4 and Ordinance No. 2016-135
Re: Charter and Code Amendments - Transferring Issuance of Parking Permits for Corn Hill and for Handicapped Individuals

Transmitted herewith for your approval is legislation amending the City Charter and Code to transfer parking permit issuing functions between two City offices. This legislation will:

1. Transfer the Corn Hill neighborhood parking permit function to the City Clerk from the Parking and Municipal Codes Violation Bureau (PMCVB) office on South Avenue; and
2. Transfer the handicapped parking permit function to the Neighborhood Service Centers (NSC) from the City Clerk.

The proposed changes are designed to make the permitting process more convenient for applicants and more efficient for City staff. The responsibility for enforcing Corn Hill neighborhood and handicapped parking restrictions will remain with the Rochester Police Department and the PMCVB.

Corn Hill parking permits are renewed annually. Approximately 200 permits are issued each year at \$24 each. Every resident permit includes two guest permits. Each permit takes approximately 7-10 minutes to process. The current annual permit renewal deadline of June 30 would require the processing of Corn Hill permits during the Clerk's Licensing Office busiest time of the year due to taxicab hack plate renewals. The legislation avoids this overlap by changing the annual renewal date for Corn Hill permits to July 31. The legislation also eliminates the option of obtaining a partial-year permit at a prorated fee. No other City permit fees are so prorated and there has not been enough use of this option for the Corn Hill permits to justify the complexity involved in maintaining it.

In order for the City Clerk's Licensing Office to assume the Corn Hill permitting function at its current staffing level, the legislation transfers the processing of handicapped resident parking permits and parking meter waivers (for individuals travel-

ing alone who are unable to reach the parking meter) from the City Clerk to the NSC offices. In 2014, the Licensing Office processed 3,888 handicap parking permits and 283 replacement/lost handicap permits. It also issued organizational handicap permits to approximately 58 organizations that provide transportation for handicapped and/or disabled individuals. The permit tags are ordered from the State, at no cost to the City. There are temporary tags that last up to six months and permanent tags that are renewed every five years. It takes approximately 8-10 minutes to process each application.

The transfer would make the permitting process more convenient by allowing the applicant to obtain a handicapped parking permit at any one of the four NSC offices. The NSC offices are more accessible to handicapped individuals than City Hall both structurally and due to having more off-street parking. The NSC offices also open up at 8 a.m., an hour earlier than the City Clerk's Licensing Office.

The transfer of the handicapped parking permit issuing process will be relatively seamless internally because the NSC offices already have access to the City Clerk's Licensing System and NSC staff will be trained in use of the system for processing permit applications. The City has planned and is ready to execute a public awareness and educational campaign about the changes through office handouts and notices in water bills. During the transition time prior to July 1, 2016, the City Clerk's Licensing Office in City Hall will continue to process handicapped parking applications.

The City will continue to provide customers with the option to obtain and/or renew handicapped parking permits by mail or fax.

Respectfully submitted,
Lovely Warren
Mayor

Local Law No. 4
(Int. No. 209)

Amending City Charter with respect to parking permits for handicapped residents

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending Section 10-5 to read as follows:

§ 10-5. Bureau of Neighborhood Preservation.

The Bureau of Neighborhood Preservation shall be responsible for the operation and management of the Neighborhood Service Centers. The Bureau shall facilitate resolution of neighborhood complaints, reduce nuisance activities, provide technical assistance in community organizing, plan and implement special projects,

monitor City-owned vacant structures, issue Business Permits, issue parking permits for handicapped residents in accordance with Article 32 of the New York State Vehicle and Traffic Law, enforce the provisions of the Property Conservation Code, Zoning Code, Refuse and Sanitation Codes, the Anti-Litter Ordinance and the Streets Code, and promote crime prevention activities.

Section 2. This local law shall take effect on July 1, 2016 or immediately upon filing in the Office of the Secretary of State as provided by Section 27 of the NYS Municipal Home Rule Law, whichever occurs later.

New text is underlined

Passed unanimously.

Ordinance No. 2016-135
(Int. No. 210)

Amending Municipal Code Chapter 111, Vehicle and Traffic, with regard to parking permits for handicapped residents and for the Corn Hill Neighborhood

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

Section 1. Chapter 111 of the Municipal Code, Vehicle and Traffic, as amended, is hereby further amended by amending Subsections C. and D. of Section 111-81 thereof, to read as follows:

- C. The City Clerk shall issue the residential parking permits, employee parking permits and visitor's passes provided for under this Section and shall establish rules and regulations, subject to the approval of the Mayor, relating to the application for and issuance of such parking permits and passes. The Parking Director shall establish rules and regulations, subject to the approval of the Mayor, relating to the ~~issuance and use of residential such~~ parking permits, ~~employee parking permits and visitor's passes, and Either the City Clerk or Parking Director may suspend any parking permit or pass privileges for a period not to exceed 12 months for violation of said rules and regulations. No such suspension shall be effective unless the City Clerk or Parking Director has given the permit or pass holder at least 10 days' written notice of the charges against the holder and offered the holder an opportunity to be heard, either in writing or at a meeting, on said charges.~~
- D. The fee for a residential parking permit with up to two visitor's passes, or an employee parking permit, shall be \$24 per year. The fee for a visitor's pass obtained by a resident without a residential parking permit, or obtained by a business, shall be \$12 per year. All such fees shall be credited to the general fund of the City. Such permits and passes shall expire on ~~June 30~~ July 31 of each year.

~~Such fees may be prorated monthly during the period of transition to this standard end date and for new permits and passes only.~~

Section 2. Chapter 111 of the Municipal Code, Vehicle and Traffic, as amended, is hereby further amended by amending Section 111-76 thereof, to read as follows:

§ 111-76. Parking for handicapped persons.

- A. ~~The City Clerk~~ Bureau of Neighborhood Preservation shall issue parking permits to handicapped residents of the City through its Neighborhood Service Centers in accordance with rules and regulations adopted by the ~~City Clerk~~ Commissioner of Neighborhood and Business Development for this purpose.
- B. No person shall stop, stand or park a vehicle in an area designated for handicapped parking unless the vehicle bears a valid parking permit for handicapped persons or a special motor vehicle registration for vehicles owned by severely disabled persons and such vehicle is being used for the transportation of a severely disabled or handicapped person.

Section 3. This ordinance shall take effect on July 1, 2016.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-136
Re: Amendatory Agreement - Superior Medical Consultants LLC, Expert Witness Services

Transmitted herewith for your approval is legislation establishing \$8,000 as maximum compensation for an amendatory agreement with Superior Medical Consultants LLC (SMC) for the continued provision of expert witness services. This agreement will increase total compensation to SMC from \$10,000 to \$18,000. The cost of the amendatory agreement will be funded from the 2015-16 Budget of the Law Department and the term may extend until completion of the cases for which the consultant's services are requested.

In 2013, the Law Department contracted with SMC for a maximum amount of \$4,000 for the services of Dr. Ellingson, an orthopedic surgeon, to review treatment and therapy records, and examine and report on the physical condition of the plaintiff in the case of *Odum v. City of Rochester*, a lawsuit by a plaintiff who alleges personal injuries arising out of an arrest by the Rochester Police Department. In January 2016, after Dr. Ellingson had reviewed the medical records and examined the plaintiff, the Law Department found it necessary to amend the

agreement to raise maximum compensation to a total of \$10,000 because the case was scheduled for trial in February.

Due to a last-minute postponement of the *Odum* trial due to the illness of the plaintiff's counsel, the City had to pay a substantial cancellation fee for the time that Dr. Ellingson had reserved for the trial. The trial has now been rescheduled for September, and the Law Department anticipates that it may require additional services from Dr. Ellingson, including additional preparation and trial testimony.

Dr. Ellingson is a skilled witness and a practicing surgeon with a national reputation. He has provided excellent service in this litigation to date. Moreover, his familiarity with the facts of this case, as well as the specialized nature of both this matter and the doctor's skill set, makes it inappropriate to issue a request for proposals (RFP) process in the short time that remains before trial. A justification statement for not issuing an RFP is attached.

The Law Department anticipates that it may require up to \$8,000 worth of additional services from Dr. Ellingson for the present litigation, but desires the flexibility to use his expertise for other pending or future cases in the event that the *Odum* case does not end up requiring the entire allotment. Under the amendatory agreement, Dr. Ellingson will, upon request of the Law Department, review health records, meet with attorneys, prepare expert reports, and provide testimony at deposition and trial in other matters as well.

Respectfully submitted,
Lovely Warren
Mayor

Attachment No. AP-88

Ordinance No. 2016-136
(Int. No. 211)

Authorizing an amendatory professional services agreement for expert witness services for the Law Department

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 Superior Medical Consultants LLC to provide expert witness services in conjunction with pending and future litigation.

Section 2. The amendatory agreement shall increase the maximum cost of the existing agreement by \$8,000 to a total of \$18,000, which cost shall be funded from the 2015-16 Budget of the Law Department. The term of the agreement may extend until completion of the cases for which the consultant's services are requested.

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

Section 4. This ordinance shall take effect immediately

Passed unanimously.

Councilmember Conklin moved to discharge Int. No. 201 from Committee.

The motion was seconded by Councilmember Clifford.

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-137
Re: Code Amendment - Section 111-85,
Regarding Fines for Parking Violations

Transmitted herewith for your approval is legislation amending Municipal Code Section 111-85 to delete language that classifies an expired vehicle registration sticker as a parking violation. The Code currently includes an expired registration as a violation that can be adjudicated and a fine imposed by the City's Parking Violations Bureau. After such a ticket was challenged in a recent case, the Law Department reviewed the law and determined that under New York State (NYS) Vehicle and Traffic Law, the Parking Violations Bureau is only authorized to adjudicate "stopping, standing or parking violations." An expired registration is not classified as such a violation under State law and therefore the Parking Violations Bureau is not authorized to adjudicate such cases. This amendment will bring our Code into compliance with State law.

An expired registration remains a violation of NYS Vehicle and Traffic Law and a police officer can issue a ticket, but the adjudication and fine must be handled by the Traffic Violations Bureau of the NYS Division of Motor Vehicles or by City Court.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-137
(Int. No. 201)

Amending Chapter 111 of the Municipal Code with regard to Vehicle and Traffic

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

Section 1. Subsection A, Section 111-85 of the Municipal Code is hereby amended to read as follows:

§ 111-85. Fines and penalties for offenses and fees.

A. The fines and penalties for traffic infractions which constitute a parking violation shall be as follows:

(1) Fine for original charge:

- (a) Overtime or expired time for meter, paystation, or nonmeter parking: \$25.
- (b) Restricted area: \$35.
 - [1] Alternate parking.
 - [2] More than 12 inches from curb.
 - [3] Loading zone.
 - [4] Less than 20 feet from corner.
 - [5] No parking area.
 - [6] Less than five feet from driveway.
 - [7] Keys in vehicle.
 - [8] Motor running.
 - [9] Expired registration or inspection.
 - [10] Left side to curb.
 - [11] Bus stop.
 - [12] No-standing zone.
 - [13] (Reserved)
 - [14] Double parking.
 - [15] On sidewalk.
 - [16] Occupying more than one space (garage or meter).
 - [17] Parking without a permit in residential areas.
 - [18] Parking a compact vehicle in a full-size space in a parking garage.
 - [19] Parking without a valid sticker in spaces designated for rideshare participants.
 - [20] Parking without a valid permit in spaces designated for the judiciary in the Civic Center Garage.
 - [21] Parking without authorization in designated reserved parking spaces in a parking garage.
 - [22] Parking in a designated space in a parking garage during prohibited hours.
 - [23] Hazardous flasher parking zone.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text

Passed unanimously

Councilmember Conklin moved to discharge Int. No. 208 from Committee.

The motion was seconded by Councilmember Haag.

The motion was adopted by the following vote:

Ayes - President Scott, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Patterson - 7.

Nays - None - 0.

Councilmember Clifford abstained because she is affected by the legislation.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2016-13
Re: City Council Standard Work Day and Reporting Resolution

In the July 2010 Regular Meeting of the City Council, passed was the approval of legislation that standardized the City Council workday in accordance with the New York State Comptroller’s Regulation 315.4 in the following ways:

1. City Council members enrolled in the New York State Retirement System will be required to keep a 90 day consecutive log of their daily activities and time spent on City Council business; and
2. This Resolution will set the standard City Council workday for full pension credit at 6 hours per day or a thirty hour work week; and
3. All logs will be kept on file with the City Clerk in accordance with Regulation 315.4; and
4. Going forward, new members that are elected to the City Council will be required to keep a 90 day log within the first 120 days of taking office.

This specific piece of legislation is being submitted for Councilmember Ellen “Molly” Clifford. Councilmember Clifford joined the Council in January 2016. As required, the 90 day log has been submitted and is now on file with the Clerk’s Office.

Respectfully submitted,
Carolee A. Conklin
Chair, Finance Committee

Resolution No. 2016-13
(Int. No. 208)

Resolution approving standard work day for

retirement purposes

WHEREAS, members of the City Council who are enrolled in the New York State and Local Retirement System have maintained a log of work-related activities pursuant to 2 NYCRR 315.4 and desire to establish the standard work day and number of days to be reported to the Retirement System for each member based on the submitted logs, and

WHEREAS, the Council has previously established the standard work day for members of the City Council as six hours in a standard thirty hour work week and the standard work day for the Mayor as eight hours for a standard forty hour work week by Resolution No. 2012-13.

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

Section 1. The Council has established a six hour standard work day and a thirty hour standard work week (the equivalent of five standard work days) for members of the City Council.

Section 2. The Council hereby certifies that it has received logs of work-related activities pursuant to 2 NYCRR 315.4 from Councilmember Ellen M. "Molly" Clifford that form the basis for the number of days to be reported.

Section 3. Based on the logs, the monthly reporting for retirement purposes for Councilmember Ellen M. "Molly" Clifford shall be the total number of work days occurring each month based on working the equivalent of full five day standard work weeks throughout the month.

Section 4. The current term of office of Councilmember Ellen M. "Molly" Clifford began on January 1, 2016 and expires on December 31, 2019.

Section 5. This resolution shall take effect immediately

Adopted by the following vote:

Ayes - President Scott, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Patterson- 7.

Nays - None - 0.

Councilmember Clifford abstained because she is affected by the legislation.

By Council Vice President Miller
May 17, 2016

To the Council:

The Business & Economic Development Committee recommends for adoption the following entitled legislation:

Int. No. 200 - Authorizing an amendatory real estate agreement with the University of Rochester

Int. No. 204 - Authorizing and appropriating funds for the acquisition of multiple parcels for use

in the Inner Loop East Redevelopment Project

The Business & Economic Development Committee recommends for consideration the following entitled legislation:

Int. No. 205 - Local Improvement Ordinance establishing the cost of assessments related to the High Falls Business Improvement District and authorizing an agreement

Respectfully submitted,
Dana K. Miller
Michael A. Patterson
Elaine M. Spaul
Loretta C. Scott
BUSINESS & ECONOMIC DEVELOPMENT
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-138
Re: Amendatory Agreement - University of Rochester, Extension of Real Estate Sale Agreement

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the University of Rochester for the extension of a real estate agreement for a parcel of land measuring approximately 1.47 acres at 420 East Main Street at Gibbs Street (known as "Block F"), near the Eastman School of Music. In 2011, the University of Rochester purchased Block F from the now-defunct Cultural Center Commission for \$640,000 (Ord. No. 2011-208). The sale agreement stipulated that the University of Rochester develop the property for uses compatible with its nearby Eastman School facilities by July 1, 2016. If the University did not commence development of the parcel by said date, the seller would have the option to repurchase the land. The Cultural Center Commission dissolved in 2013, and assigned this option to the City pursuant to Ordinance No. 2013-227.

The University of Rochester has attempted to find a developer for this parcel, but when they circulated a request for proposals they received little interest. Feedback from potential developers indicated that many of the local property development companies already have other downtown projects underway and decided that they needed to complete those before assessing the potential of a new project. As a result, the University has asked for an extension of time to develop the property.

This legislation would amend the sale agreement to extend the time period in which development is to begin by three years, with two optional one year extensions. If development is not commenced within that period, the City would have the option to repurchase the parcel by refunding the purchase price. All other terms remain the same.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-138
(Int. No. 200)

Authorizing an amendatory real estate agreement with the University of Rochester

WHEREAS, pursuant to a real estate agreement authorized by Ordinance No. 2011-208, the University of Rochester purchased from the Cultural Center Commission an approximately 1.47-acre vacant parcel of land located at 420 East Main Street, SBL No. 106.80-2-19.1, also known as Block "F," for \$640,000, with the agreement reserving for the Cultural Center Commission the option to re-purchase the property if it is not developed for uses compatible with the nearby Eastman School of Music facilities on or before July 1, 2016;

WHEREAS, Ordinance No. 2013-227 authorized the dissolution of the Cultural Center Commission and the assignment to the City of Rochester of the Commission's option to re-purchase Block "F"; and

WHEREAS, because its attempts to solicit a suitable development for Block "F" have not yet yielded a suitable proposal, the University of Rochester has requested an extension of time to develop Block "F".

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

Section 1. The Mayor is hereby authorized to enter into an amendatory real estate agreement between the City and the University of Rochester that extends to July 1, 2019, with two additional optional one-year extensions, the deadline by which Block "F" must be re-developed to foreclose the City's option to re-purchase the property.

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

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, McFadden, Miller, Ortiz, Patterson - 7.

Nays - None - 0.

Councilmember Haag abstained because of a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-139
Re: Real Estate Acquisition - Inner Loop
East Redevelopment Project

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$350,000 as maximum compensation for the acquisition, through negotiation, of 13 parcels as part of the Inner Loop East Redevelopment Project. Inclusive in that amount is the fair market value of \$275,625 and other costs associated with the closing, including legal fees, recording fees, title documents and surveys. This legislation will also amend the 2015-16 Budget by transferring \$350,000 from Undistributed Expenses to Cash Capital for the Department of Neighborhood and Business Development to fund the acquisition cost and authorize any agreements necessary to effectuate the land transfer.

The properties represent 13 vacant lots situated along what used to be a portion of the Inner Loop Expressway between East Main Street and Monroe Avenue. The City is exercising its right of first refusal in acquiring what is considered surplus land from the New York State Department of Transportation (NYSDOT). The parcels, along with other City-owned parcels, are the subject of a request for proposals for the sale and development of five development sites.

The acquisition amount was established through an independent appraisal commissioned by the NYSDOT. The final, reconciled, appraised value of the lots is \$551,250, of which the City is responsible for paying only 50% in order to acquire the parcels from NYSDOT.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-89

Ordinance No. 2016-139
(Int. No. 204)

Authorizing and appropriating funds for the acquisition of multiple parcels for use in the Inner Loop East Redevelopment Project

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

Section 1. Pursuant to Ordinance No. 2014-45, the Council hereby approves the acquisition of thirteen (13) parcels from the New York State Department of Transportation along the Inner Loop between E. Main Street and Monroe Avenue, identified below and in the maps entitled "New York State Department of Transportation Conveyance Map," including Map No. 3-C regarding parcel numbers 498-503, totaling 10 pages, and Map No. 7-C regarding parcel numbers 236-242, totaling 11 pages. Both maps were certified by Frank H. Billittier, P.E., Regional Design Engineer, and Michael C. Bogardus, L.S., in May of 2015.

<u>NYS DOT Map Ref.</u>	<u>Size (Sq. Ft.)</u>	<u>Size (Acres)</u>
SBL		
3-C P498		
121.33-1- No ID	17,725	0.407
3-C P499		
121.33-1- No ID	38,762	0.890
3-C P500		
121.25-2- No ID	29,107	0.668
3-C P501		
121.25-1- No ID	55,290	1.269
3-C P502		
106.81-2- No ID	22,746	0.522
3-C P503		
106.81-2- No ID	2,758	0.063
7-C P236		
121.40-2- No ID	11,663	0.268
7-C P237		
121.40-2- No ID	6,165	0.141
7-C P238		
121.41-2- No ID	1,281	0.029
7-C P239		
121.41-2- No ID	5,732	0.132
7-C P240		
121.41-2- No ID	14,994	0.344
121.33-1- No ID		
7-C P241		
121.41-2- No ID	37,643	0.864
121.33-1- No ID		
7-C P242		
121.40-2- No ID	2.55	-

Section 2. The acquisition costs shall not exceed \$350,000, including closing costs. Such funds shall be appropriated by transferring \$350,000 from Undistributed Expenses to Cash Capital.

Section 3. The Mayor is hereby authorized to enter into any agreement necessary to acquire said parcels, and such agreement or agreements 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:

Local Improvement No. 1719
Re: High Falls Business Improvement District

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

Transmitted herewith for your approval is legislation related to the High Falls Business Improvement District (BID) established via Local Law No.1 in December 2003. This legislation will:

1. Approve the 2016-17 budget totaling \$25,000 as submitted by the High Falls BID Management Association, Inc.;
2. Establish \$25,000 as the 2016-17 assessment for the district and authorize the apportion-

ment of the cost among the subject properties; and

3. Authorize an agreement with the High Falls BID Management Association, Inc. for implementation of the services outlined in the BID Plan.

The amount of the annual levy is determined by the budget proposed by the BID. The amount assessed to an individual property is determined by its primary use, which is verified annually. Funds are used for additional clean-up, beautification, landscaping, marketing, advertising and promotional materials. Funds have also been used for special purposes such as historic signage and a lunchtime summer concert series produced in conjunction with the Hochstein School of Music.

The High Falls BID Plan outlines a description of the BID boundaries, and the assessment formula used to determine each building owners' share. The plan is on file in the City Clerk's office.

A public hearing on the assessment is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No AP-90

Local Improvement Ordinance No. 1719
(Int. No. 205)

Local Improvement Ordinance establishing the cost of assessments related to the High Falls Business Improvement District and authorizing an agreement

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

Section 1. The Council hereby approves the continuation of the High Falls Business Improvement District. The 2016-17 Budget for the High Falls Business Improvement District is established at \$25,000, which amount shall be assessed and levied in accordance with Local Law No. 1 of 2004. The Mayor is hereby authorized to enter into an agreement with the High Falls Business Improvement District Management Association, Inc. for implementation of the services outlined in the District Plan.

Section 2. This ordinance shall take effect on July 1, 2016

Passed unanimously.

By Councilmember Ortiz
May 17, 2016

To the Council:

The Neighborhood & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 161 - Authorizing the sale of real estate, as amended

Int. No. 164 - Appropriation of funds for the City Development Fund

Int. No. 165 - Appropriating funds and authorizing agreements for foreclosure prevention services

Int. No. 166 - Authorizing an agreement and appropriating funds for landlord/tenant services

Int. No. 167 - Appropriating funds and authorizing agreements for the HOME Rochester Program, as amended

Int. No. 168 - Authorizing agreement for the HOME Rochester Program

Int. No. 169 - Authorizing agreements and appropriating funds for the Buyer Assistance Program

Int. No. 171 - Authorizing an agreement and appropriating funds for the Aging in Place Home Modification Program

Int. No. 172 - Authorizing agreements and appropriating funds for the Housing Opportunities for Persons with AIDS Program

Int. No. 173 - Authorizing agreements and appropriating funds for the Emergency Solutions Grant Program

Int. No. 174 - Authorizing a grant agreement with The Reinvestment Fund for the receipt and use of \$60,000 in conjunction with the Invest Health program

Int. No. 175 - Approving appointments and reappointments to the Zoning Board of Appeals, as amended

Int. No. 176 - Approving appointments and reappointments to the City Planning Commission

Int. No. 177 - Approving reappointments to the Rochester Environmental Commission, as amended

Int. No. 178 - Approving appointments and reappointments to the Rochester Preservation Board

Int. No. 202 - Authorizing an amendatory agreement for the Street Manager Program

The Neighborhood & Community Development Committee recommends for consideration the following entitled legislation:

Int. No. 162 - Approving the Consolidated Community Development Plan/2016-17 Annual Action Plan

Int. No. 163 - Authorizing submission of the Consolidated Community Development Plan/2016-17 Annual Action Plan and execution of grant agreements with the United States Department of Housing and Urban Development

Int. No. 170 - Authorizing agreements and appropriating funds for the Homebuyer Training Program

Int. No. 179 - Amending the Zoning map, text and adding a development concept map for Century-Strathallan Planned Development District No. 16

Respectfully submitted,
Jacklyn Ortiz
Molly Clifford
Dana K. Miller
Loretta C. Scott
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-140
Re: Sale of Real Estate

Council Priority: Rebuilding and Strengthening Neighborhood Housing

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

The first property is a vacant lot which the purchaser will develop and legalize as a parking area and for right-of-way access, and combine the parcel with their adjoining property.

The next three properties are vacant lots which are being sold to their adjacent owners who will combine the lots with their current parcels to be utilized as green space.

The first year projected tax revenue for these four properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$1,841.

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-91

Ordinance No. 2016-140
(Int. No. 161, as amended)

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 parcel to the adjacent owner with proposal for use as a parking area and right-of-way access:

Address	S.B.L.#	Lot Size	Price	Purchaser
167 Denise Rd	061.29-3-3	100 x 38	\$6,600	Indus Real Estate III, LLC*

*Members - Goonjit S. Mehta, Bhoopinder S. Mehta

Section 2. The Council hereby approves the negotiated sale of the following parcels of vacant land with proposal:

Address	S.B.L.#	Lot Size	Price	Purchaser
<u>489-493 Central Pk</u>	<u>106.60-2-10</u>	<u>40 x 120</u>	<u>\$425</u>	<u>Maxsene B. Hanks</u>
671 Clifford Av	106.32-4-4	50 x 130	\$475	St. Paul Believers Holiness Church of Rochester, Inc.*
75 Flower St	106.30-4-23	32 x 145	\$275	Brian Hardeman
79 Flower St	106.30-4-24	32 x 145	\$275	Brian Hardeman

*Officers - John H. McCullough, Alton McCullough, Cornelius Harrell

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

Section 4. This ordinance shall take effect immediately.

New text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-141,
Ordinance No. 2016-142 and
Ordinance No. 2016-143

Re: 2016-17 Annual Action Plan of the
Consolidated Community Development
Plan

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

Transmitted herewith for your approval is legislation related to the 2016-17 Annual Action Plan of the Consolidated Community Development Plan. This legislation will:

1. Approve the 2016-17 Annual Action Plan of the Consolidated Community Development Plan;
2. Authorize the submission of the plan to the U.S. Department of Housing and Urban Development (HUD);
3. Authorize agreements with HUD for the receipt and use of grants to fund the Plan;
4. Appropriate \$500,000 in Urban Development Action Grant (UDAG) principal and interest repayments projected to be received during the 2016-17 program year for the City Development Fund; and
5. Authorize the Director of Finance to record all transfers herein and to make adjustments to the amounts set forth below which may have changed prior to the date of this ordinance.

The Consolidated Community Development Plan consists of a strategic plan and five Annual Action Plans. The Annual Action Plan addresses HUD's planning and application requirements for its formula grant programs, which include the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grant Program (ESG), and Housing Opportunities for Persons with AIDS (HOPWA).

HUD requires jurisdictions to prepare multi-year strategies and one-year action plans for use of federal funds. The Annual Action Plan covers the period July 1, 2016 through June 30, 2017.

The Annual Action Plan describes specific projects and activities that will be undertaken in the coming year with federal funds to address priority needs. Community input was solicited at public meetings held on March 7, 2016.

The estimated total of funds available for 2016-17 is \$12,466,521 from the following sources:

CDBG	\$ 7,692,971
HOME	1,882,494
ESG	701,419
HOPWA	689,637
CDF	500,000
CDBG Program Income	750,000
HOME Program Income	250,000
Total	<u>\$12,466,521</u>

The amount of federal allocations, program income, and City Development funds available to address the priority needs and strategies is estimated to be \$12,466,521. These funds will be used for the following purposes: Promote Economic Stability, Improve the Housing Stock, General Community Needs, and Other.

Significant allocation highlights include:

- \$950,000 for Business Development Financial Assistance Program
- \$400,000 for Residential Street Rehabilitation
- \$534,000 for the Homeownership Fund
- \$350,000 for Job Creation and Youth Development

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

A public hearing on the 2016-17 Annual Action Plan is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-141
(Int. No. 162)

Approving the Consolidated Community Development Plan/2016-17 Annual Action Plan

WHEREAS, there is pending before this Council the Draft Consolidated Community Development Plan/2016-17 Annual Action Plan to be financed with \$12,466,521 available to the City of Rochester from the federal Community Development Block Grant, HOME Investment Partnerships, Emergency Solutions Grant Program, Housing Opportunities for Persons with AIDS Program, Urban Develop-

ment Action Grant loan and interest repayments, other program income;

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

WHEREAS, notice of the proposed plan was published in the legal notices section of the Democrat and Chronicle on April 12, 2016;

WHEREAS, citizens, public agencies and other interested parties were invited to submit comments by May 12, 2016;

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

WHEREAS, the City Council conducted a public hearing on the Draft Consolidated Community Development Plan/2016-17 Annual Action Plan and the needs, strategies, proposed actions and annual performance; and

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

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

Section 1. The Council hereby adopts the Draft Consolidated Community Development Plan/2016-17 Annual Action Plan.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2016-142
(Int. No.163)

Authorizing submission of the Consolidated Community Development Plan/2016-17 Annual Action Plan and execution of grant agreements with the United States Department of Housing and Urban Development

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

Section 1. The Mayor is hereby authorized to submit the Consolidated Community Development Plan/2016-17 Annual Action Plan to the United States Department of Housing and Urban Development. The Mayor is hereby further authorized to provide any such information that may be required and to execute all necessary grant agreements with the United States Department of Housing and Urban Development for the Program Year beginning July 1, 2016.

Section 2. This ordinance shall take effect im-

mediately.

Passed unanimously.

Ordinance No. 2016-143
(Int. No. 164)

Appropriation of funds for the City Development Fund

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

Section 1. As part of the Consolidated Community Development Plan/2016-17 Annual Action Plan, the Council hereby appropriates the sum of \$500,000 in anticipated Urban Development Action Grant loan repayment funds and reversionary interest payments and interest, to be utilized as capital for the City Development Fund.

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

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

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-144
Re: Agreements - Foreclosure Prevention Program, 2016-17 Consolidated Community Development Plan

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the Foreclosure Prevention Program as described in the 2016-17 Annual Action Plan of the Consolidated Community Development Plan (Con Plan), contingent upon Council adoption of the Con Plan. This legislation will:

1. Appropriate a total of \$200,000 from the 2016-17 Homeownership Fund-Foreclosure Prevention allocation of the Community Development Block Grant (CDBG) of the Con Plan for implementation of foreclosure prevention services.
2. Establish maximum compensation for agreements with two agencies to provide foreclo-

sure prevention services: The Housing Council at PathStone, Inc. (\$173,000) and Empire Justice Center (\$27,000). The term of these agreements will be one year and the cost will be financed from the funds appropriated herein.

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

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-92

Ordinance No. 2016-144
(Int. No. 165)

Appropriating funds and authorizing agreements for foreclosure prevention services

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

Section 1. The sum of \$200,000 is hereby appropriated from the Homeownership Fund-Foreclosure Prevention allocation of the Consolidated Community Development Plan/2016-17 Annual Action Plan for the provision of the foreclosure prevention services, contingent upon its adoption.

Section 2. The Mayor is hereby authorized to enter into an agreement between the City and The Housing Council at PathStone, Inc., formerly known as the Housing Council of the Monroe County Area, Inc., in a maximum amount of \$173,000 to provide foreclosure prevention services.

Section 3. The Mayor is hereby authorized to enter into an agreement between the City and the Empire Justice Center in a maximum amount of \$27,000 to provide foreclosure prevention services.

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

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

Section 6. The agreements shall be for a term of twelve (12) months.

Section 7. This ordinance shall take effect immediately.

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-145
Re: Agreement - Landlord Tenant Services Program, 2016-17 Consolidated Community Development Plan

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the Landlord/Tenant Services Program as described in the 2016-17 Annual Action Plan of the Consolidated Community Development Plan (Con Plan), contingent upon Council adoption of the Con Plan. This legislation will:

1. Appropriate \$100,000 from the Rental Market Fund-Landlord/Tenant Services allocation of the 2016-17 Con Plan for implementation of the Landlord/Tenant Services Program; and
2. Establish \$100,000 as maximum compensation for an agreement with the Legal Aid Society of Rochester, New York, Inc. to provide housing stabilization services to tenants and landlords. The term of the agreement will be one year and the cost will be financed from the appropriation herein.

The Legal Aid Society will serve as lead agency in partnership with Legal Assistance of Western New York and The Housing Council at PathStone, Inc. Services for both landlords and tenants include:

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

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

Respectfully submitted,

Lovely A. Warren
Mayor

Attachment No. AP-93

Ordinance No. 2016-145
(Int. No. 166)

Authorizing an agreement and appropriating funds for landlord/tenant services

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

Section 1. The Mayor is hereby authorized to enter into an agreement between the City and The Legal Aid Society of Rochester, New York in a maximum amount of \$100,000 to implement the Landlord/Tenant Services. The term of the agreement shall be twelve (12) months. The agreement shall be funded by \$100,000 from the Rental Market Fund-Landlord/Tenant Services allocation of the Consolidated Community Development Plan/2016-17 Annual Action Plan, contingent upon approval thereof, which amount is hereby appropriated for the program. If funds are not available or are less than anticipated, the agreement amounts and terms shall be adjusted accordingly.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City will enter into agreements for this program only with organizations that are in compliance with federal regulations.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-146
Re: Agreement - Rochester Housing Development Fund Corporation, Home Rochester Program, 2016-17 Consolidated Community Development Plan

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the continuation of the Home Rochester Program. This legislation will appropriate a total of \$985,358.91, and authorize agreements contingent upon approval of the 2016-17 Annual Action Plan of the Consolidated Community Development Action Plan (Con Plan) as follows:

1. Appropriate \$218,540.91 from the Housing Development Fund, Community Housing Development Organization (CHDO) allocation of the 2012-13 HOME program for development subsidies.
2. Appropriate funds from the Housing Del-

opment Fund allocation of the 2016-17 Annual Action Plan as follows:

<u>Amount</u>	<u>Source</u>	<u>Purpose</u>
\$186,000	2016-17 Housing Development Fund: Housing Development Support (CDBG)	Program Operation
\$282,375	2016-17 Housing Development Fund: Community Housing Development Organization (CHDO) (HOME funds)	Development subsidies - incomes no more than 80% of Area Median Income AMI
\$298,443	2016-17 Homeownership Promotion Fund: Home Rochester (HOME funds)	Development subsidies - incomes no more than 80% of AMI

3. Establish \$186,000 as maximum compensation for an agreement with Rochester Housing Development Fund Corporation (RHDFC) for operation of the Home Rochester program. The cost of the agreement will be financed from the CDBG funds appropriated herein.

4. Authorize an agreement with the RHDFC, a qualified CHDO, for the administration of development subsidies totaling \$500,915.91 for families whose incomes are no more than 80% of AMI. These subsidies will be financed from the 2012-13 (\$218,540.91) and 2016-17 (\$282,375) HOME funds appropriated herein.

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

5. Authorize an agreement with RHDFC for the administration of development subsidies totaling \$298,443 for families whose incomes are no more than 80% of AMI. These subsidies will be financed from the HOME funds appropriated herein.

The Home Rochester Program provides for the acquisition and rehabilitation of vacant, single-family houses for resale to income-eligible households. RHDFC operates the Home Rochester Program in partnership with the City, the Greater Rochester Housing Partnership, Inc. (GRHP), and neighborhood based non-profit developers. RHDFC buys vacant homes and oversees their renovation for sale to first-time homebuyers. Since its inception in 2001, 675 properties have been rehabbed and sold to first-time homebuyers.

The total of \$798,358.91 proposed for development subsidies will provide an average of \$45,000 each for the acquisition and rehabilitation of approximately 18 vacant structures.

Participating agencies who serve as construction managers for the properties developed through the HOME Rochester Program include the following:

- Urban League of Rochester Economic Development Corporation
- Marketview Heights Association
- North East Area Development
- Isla Housing and Development Corporation
- Ibero-American Development Corporation
- PathStone
- NCS Community Development Corporation
- Group 14621
- South Wedge Planning Committee
- CONEA is working to obtain the training necessary to participate in the program.

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

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

The City will enter into agreements for this program only with organizations that are in compliance with federal regulations. Agreement terms will be for two years, with an option to extend for an additional year if funds remain in the original appropriation.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-146
(Int. No. 167, as amended)

Appropriating funds and authorizing agreements for the Home Rochester Program

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

Section 1. There is hereby appropriated from the Housing Development Fund, Community Housing Development Organization (CHDO) allocation of the 2012-13 HOME Program, the sum of \$218,540.91 to the Housing Development Fund: Community Housing Development Organization (CHDO) Consolidated Community Development Plan.

Section 2. There is hereby appropriated from the Housing Development Fund of the Consolidated Community Development Plan/2016-17 Annual Action Plan, contingent upon the adoption thereof, as follows:

Amount	Source	Purpose
\$186,000	2016-17 Housing Development Fund: Housing Development Support (CDBG)	Program Operation
\$282,375	2016-17 Housing Development Fund: Community Housing Development Organization (CHDO) (HOME funds)	Development subsidies - incomes up to no more than 80% of the Area Median Income (AMI)
\$298,443	2016-17 Homeownership Promotion Fund: Home Rochester (HOME funds)	Development subsidies - incomes up to no more than 80% of AMI

Section 3. The Mayor is hereby authorized to enter into an agreement between the City and the Rochester Housing Development Fund Corporation (RHDFC) in a maximum amount of \$186,000 to administer the Home Rochester Program. The agreement shall be funded from the Program Operation funds appropriated in Section 2.

Section 4. The Mayor is hereby authorized to enter into an agreement between the City and RHDFC, a qualified CHDO, for the administration of housing development subsidies totaling \$500,915.91 for families whose incomes are no more than 80% of AMI. The agreement shall be funded from the \$218,540.91 appropriated in Section 1 and the \$282,375 in CHDO HOME funds appropriated in Section 2.

Section 5. The Mayor is hereby authorized to enter into an agreement between the City and RHDFC for the administration of housing development subsidies totaling \$298,443 for families whose incomes are no more than 80% of AMI. The agreement shall be funded from the \$298,443 in HOME funds appropriated in Section 2.

Section 6. The agreements shall be for a term of up to two years, with an option to extend for an additional year if funds remain in the original appropriation.

Section 7. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City shall enter into agreements for this program only with organizations that are in compliance with federal regulations.

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-147
Re: Agreement - Rochester Housing
Development Fund Corporation,
Home Rochester Program

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation establishing \$285,000 as maximum compensation for an agreement with the Rochester Housing Development Fund Corporation (RHDFC) for development subsidies to serve Home Rochester homebuyers with incomes up to and including 120% of area median income (AMI). The agreement will be funded from 2016-17 Cash Capital, contingent upon adoption of said budget, and the term will be for two years with the option to extend for an additional year if funds remain in the original appropriation.

These funds will provide subsidies averaging \$45,000 for the acquisition and rehabilitation of approximately six vacant, single-family houses that will be sold to income-eligible households through the Home Rochester program. The funds allocated through this agreement will allow the program to continue to market properties to buyers with incomes above 80% and up to and including 120% of AMI.

Participating agencies in Home Rochester include the Urban League of Rochester Economic Development Corporation, PathStone, Marketview Heights Association, NCS Community Development Corporation, Group 14621, North East Area Development, ISLA Housing and Development Corporation, South Wedge Planning Committee, and the Ibero-American Development Corporation. CONEA is working to obtain the training necessary to participate in the program.

Prior to 2010, Home Rochester properties were available only to buyers with incomes at or less than 80% of AMI. In 2010, the program secured financing sources that enabled it to expand service to buyers with incomes up to and including 120% of AMI. Since 2010, 38 Home Rochester properties have been purchased by buyers with incomes over 80% and up to and including 120% of AMI. All purchasers are required to attend pre- and post-purchase homebuyer training classes and to reside in the properties for a minimum of 10 years.

This legislation supports the City’s Housing Policy objective to promote the rehabilitation, redevelopment and new construction of housing.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-147
(Int. No. 168)

Authorizing agreement for the Home Rochester 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 between the City and Rochester Housing Development Fund Corporation (RHDFC) for the administration of housing development subsidies totaling \$285,000 for families whose incomes are greater than 80% and no more than 120% of the Area Median Income. The agreement shall be funded from 2016-17 Cash Capital, contingent upon adoption of the 2016-17 Budget.

Section 2. The agreement shall be for a term of up to two years, with an option to extend for an additional year if funds remain in the original appropriation.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-148
Re: Agreement and Appropriations -
Buyer Assistance Program, 2016-17
Consolidated Community
Development Plan

Council Priority: Rebuilding and Strengthening
Neighborhoods

Transmitted herewith for your approval is legislation related to the Buyer Assistance Program as described in the 2016-17 Annual Action Plan of the Consolidated Community Development Plan (Con Plan), contingent upon its adoption. This legislation will:

1. Appropriate \$327,000 from the Buyer Assistance allocation of the Homeownership Promotion Fund - HOME funds, of the 2016-17 Annual Action Plan;
2. Appropriate \$98,285 from the Buyer Assistance allocation of the Homeownership Promotion Fund City Development Fund (CDF) of the 2016-17 Annual Action Plan; and
3. Authorize the Director of Finance to record all transfers herein and to make adjustments to the amounts set forth below which may have changed prior to the date of this ordinance.

This legislation will also authorize agreements with the recipients of Buyer Assistance Funds.

The Buyer Assistance Program provides financial assistance up to \$6,000 to first-time homebuyers who purchase houses through the City’s housing initiatives, as described in the Con Plan. The financial assistance provided by the Homebuyer Assistance Program is for closing costs and down payment.

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

The 2016-17 HOME allocation will serve up to 54 first-time homebuyers with incomes up to and including 80% median family income (MFI). The \$98,285 CDF allocation will serve up to 16 homebuyers with incomes above 120% MFI participating in our Employer Assisted Housing Initiative program.

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

The Homeownership Promotion Fund supports the City Housing Policy objective to promote the reha-

bilitation, redevelopment and new construction of housing.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-148
(Int. No. 169)

Authorizing agreements and appropriating funds for the Buyer Assistance Program

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

Section 1. The following amounts are hereby appropriated for the Buyer Assistance Program: \$327,000 from the Buyer Assistance allocation of the Homeownership Promotion Fund - HOME fund of the 2016-17 Annual Action Plan, contingent upon its adoption; and \$98,285 from the Buyer Assistance allocation of the Homeownership Promotion Fund - City Development Fund of the 2016-17 Annual Action Plan, contingent upon its adoption.

Section 2. The Mayor is hereby authorized to enter into such agreements with recipients of Buyer Assistance funds as may be necessary to implement the Program, to be funded from the amounts appropriated herein.

Section 3. The Director of Finance is hereby authorized to record all transfers herein, make adjustments to the amounts set forth herein, and to enter into agreements with the recipients of the Buyer Assistance Funds.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-149
Re: Agreement and Appropriations -
Homebuyer Training Program,
Consolidated Community
Development Plan

Council Priority: Rebuilding and
Strengthening Neighborhoods

Transmitted herewith for your approval is legislation related to the Homebuyer Training Program as described in the 2016-17 Annual Action Plan of the Consolidated Community Development Plan, contingent upon its adoption. This legislation will:

1. Appropriate \$50,000 of HOME funds from the Homebuyer Training allocation of the Homeownership Promotion Fund of the 2016-

17 Annual Action Plan;

2. Appropriate \$58,715 of the City Development Fund (CDF) from the Homebuyer Training allocation of the Homeownership Promotion Fund of the 2016-17 Annual Action Plan;
3. Transfer \$4,886.84 from the 2002-03 Genesee Street Improvement allocation and re-appropriate to the Homebuyer Training allocation of the 2002-03 CDF;
4. Transfer \$440 from the 2009-10 Focused Investment Strategy allocation of the Neighborhood and Asset-Based Planning Fund and re-appropriate to the Homebuyer Training allocation of the Homeownership Fund of the 2009-10 CDF;
5. Transfer \$40,000 from the 2013-14 Focused Investment Strategy allocation of the Neighborhood and Asset-Based Planning Fund and re-appropriate to the Homebuyer Training allocation of the Homeownership Fund of the 2013-14 CDF;
6. Amend the 2002-03, 2009-10 and 2013-14 Annual Action Plans to reflect the above transfers and appropriate the funds totaling \$45,326.84;
7. Authorize the Director of Finance to record all transfers herein and to make adjustments to the amounts set forth below which may have changed prior to the date of this ordinance; and
8. Authorize agreements with the following organizations to continue to provide Homebuyer training for a three year term which commenced July 1, 2015, and will be funded from the Homebuyer Training funds appropriated herein:
 - NeighborWorks Rochester
 - The Home Store, Urban League of Rochester
 - Consumer Credit Counseling Services of Rochester
 - The Housing Council at PathStone, Inc.

These four organizations will continue to provide pre- and post-purchase training at a cost of \$350 and \$150 per person, respectively to all recipients of City closing cost grants. These agreements will allow up to 308 individuals to receive the training.

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

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

A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-149
(Int. No. 170)

Authorizing agreements and appropriating funds for the Homebuyer Training Program

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

Section 1. The following amounts are hereby appropriated for the Homebuyer Training Program:

1. \$50,000 of HOME funds from the Homebuyer Training allocation of Homeownership Promotion Fund of the 2016-17 Annual Action Plan, contingent upon adoption;
2. \$58,715 of the City Development Fund from the Homebuyer Training allocation of the Homeownership Promotion Fund of the 2016-17 Annual Action Plan, contingent upon adoption.

Section 2. After holding a duly noticed public hearing on the proposed amendments, the Council hereby approves amending the 2002-03, 2009-10, and 2013-14 Annual Action Plans by transferring funds totaling \$45,326.84 as described below and appropriating said funds for the Homebuyer Training Program:

1. Transfer \$440 from the 2009-10 Focused Investment Strategy allocation of the Neighborhood and Asset-Based Planning Fund to the Homebuyer Training allocation of the Homeownership Fund of the 2009-10 City Development Fund;
2. Transfer \$4,886.84 from the 2002-03 Genesee Street Improvement allocation to the Homebuyer Training allocation of the 2002-03 City Development Fund;
3. Transfer \$40,000 from the 2013-14 Focused Investment Strategy allocation of the Neighborhood and Asset-Based Planning Fund to the Homebuyer Training allocation of the Homeownership Fund of the 2013-14 City Development Fund

Section 3. The Mayor remains authorized to enter into agreements pursuant to Ordinance No. 2015-184 to implement the Homebuyer Training Program with the following organizations, to be funded from the amounts appropriated herein:

- NeighborWorks Rochester
- The Home Store, Urban League of Rochester NY Inc.
- Consumer Credit Counseling Services of Rochester

The Housing Council at PathStone

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

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

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-150
Re: Agreement - Lifespan, Aging in Place Home Modification Program, 2016-17 Annual Action Plan of the Consolidated Community Development Plan

Council Priority: Rebuilding and Strengthening Neighborhood Housing

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

1. Appropriate \$30,000 from the Housing Development Fund, Aging in Place allocation of the 2016-17 Annual Action Plan of the Consolidated Community Development Plan, contingent upon its adoption, to address home safety modifications for income-eligible owner occupants; and
2. Establish \$30,000 as maximum compensation for an agreement with Lifespan to implement the Aging in Place Home Modification Program. The cost of the agreement will be financed from the appropriation herein and the term will be for one year.

The last agreement for the Aging in Place Home Safety Modification Program was authorized by City Council on June 18, 2015 via Ordinance No. 2015-182. Seventy-five senior citizen homeowners were served by this program from July 1, 2015 through March 31, 2016.

The City will enter into agreements for this program only with organizations that are in compliance with federal regulations. A description of the Aging in Place Home Modification Program is attached. A justification statement for not issuing a request for proposals is also attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-94

Authorizing an agreement and appropriating funds for the Aging in Place Home Modification Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement between the City and Lifespan of Greater Rochester, Inc. to implement the Aging in Place Home Modification Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$30,000, and said amount, or so much thereof as may be necessary, shall be funded from the Housing Development Fund, Aging in Place allocation of the Consolidated Community Development Plan/2016-17 Annual Action Plan, contingent on adoption of that Plan, which amount is hereby appropriated for the program. The term of the agreement shall be one year.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-151
Re: Agreements - Housing Opportunities
for Persons with AIDS Program,
2016-17 Annual Action Plan of the
Consolidated Community Development
Plan

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the 2016-17 Housing Opportunities for Persons with AIDS (HOPWA) program as described in the 2016-17 Annual Action Plan of the Consolidated Community Development Plan (Con Plan), contingent upon the adoption of the plan. This legislation will:

1. Appropriate a total of the estimated \$637,914 from the 2016-17 Housing Choice Fund, HOPWA allocation of the 2016-17 Annual Action Plan for the program.
2. Establish maximum compensation for agreements with the agencies below for program implementation, to be financed from the funds appropriated herein:

AC Center, Inc. d/b/a Trillium Health	\$382,748.00
Catholic Charities of the Diocese of Rochester d/b/a Catholic Charities Community Services	<u>255,166.00</u>
	\$637,914.00

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

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

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

Services projected and provided, by number of households, are summarized below.

<u>Agency</u>	<u>2014-15 Goal</u>	<u>2014-15 Actual</u>	<u>2015-16 Goal</u>	<u>2015-16 Actual thru March 2015</u>	<u>2016-17 Goal</u>
Trillium Health: Households served with rental assistance and support services	126	79	151	126	102
Catholic Charities Community Services: Households served with rental assistance and support services	<u>73</u>	<u>75</u>	<u>80</u>	<u>86</u>	<u>68</u>
Totals	199	154	231	212	170

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

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

HOPWA related legislation was last authorized on June 16, 2015 via Ordinance No. 2015-180. This legislation supports Section 4 of the City of Rochester Housing Policy: *Promote Housing Choice*.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No AP-95

Ordinance No. 2016-151
(Int. No. 172)

Authorizing agreements and appropriating funds for the Housing Opportunities for Persons with AIDS Program

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

Section 1. The Mayor is hereby authorized to enter into agreements between the City and the following organizations to provide services under the Housing Opportunities for Persons with AIDS Grant Program (HOPWA):

<u>Organization</u>	<u>Amount</u>
AC Center, Inc. d/b/a Trillium Health	\$382,748
Catholic Charities of Diocese of Rochester d/b/a Catholic Charities Community Services	\$255,166

Section 2. The agreements shall obligate the City to pay an aggregate amount not to exceed \$637,914, and said amount shall be funded from the amounts appropriated herein. The agreements shall be for one year, with an option to extend for an additional year if funds remain in the original appropriation.

Section 3. The amount of \$637,914 is hereby appropriated from the Housing Choice Fund, Housing Opportunities for Persons with AIDS allocation of the Consolidated Community Development Plan/2016-17 Annual Action Plan for this purpose, contingent upon adoption.

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

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

Section 6. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, McFadden, Miller, Ortiz, Patterson - 7.

Nays - None - 0.

Councilmember Haag abstained because of a familial relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-152
Re: Agreements - Emergency Solutions Grant Program, 2016-17 Annual Action Plan of the Consolidated Community Development Plan

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation establishing \$648,813 as maximum compensation for a total of 13 agreements with 11 not-for-profit providers of services for homeless individuals and families. The agreements, as detailed below, will be funded from the Housing Choice Fund of the 2016-17 Annual Action Plan of the Consolidated Community Development Plan (Con Plan)/Emergency Solutions Grant (ESG) Program, contingent upon adoption of the Con Plan.

<u>Organization</u>	<u>Amount</u>
Center for Youth Services, Inc.	\$ 35,000
Coordinated Care Services, Inc. - Coordinated Access	143,100
Coordinated Care Services, Inc. - Rapid Re-Housing	138,550
Dimitri House, Inc.	16,290
Mercy Community Services, Inc.	8,000
Providence Housing Development Corp.	103,000
Rochester Area Interfaith Hospitality Network, Inc.	41,331
Salvation Army of Western New York, Inc.	47,842
Spiritus Christi Prison Outreach, Inc. - Jennifer House	20,000
Spiritus Christi Prison Outreach, Inc. - Nielsen House	11,646
Veterans Outreach Center, Inc.	15,000
Volunteers of America, Inc.	31,710
YWCA of Rochester and Monroe County, Inc.	<u>37,344</u>
	\$648,813

This program was last authorized by City Council on June 18, 2015 via Ordinance No. 2015-181. ESG provides housing and support services for individuals and families who are homeless or at risk of homelessness. Eligible activities include case management, support services, service coordination, shelter operations (staffing and operating costs) and addition of beds, financial assistance and related services for the prevention of homelessness and rapid re-housing. ESG will also fund coordinated access, case management, rapid re-housing and shelter operations.

The Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH) ESG Program requires grantees (City and County) to collaborate with the community of homelessness service providers. To that end, funding priorities are jointly determined with the Rochester/Monroe County Continuum of Care (CoC). Providers for 2016-17 were selected through a request for proposals (RFP) process. The development of the RFP and decisions about funding distribution were conducted jointly with Monroe County. Summaries of the process and the agencies' services are attached.

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

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

This legislation supports the City Housing Policy's Section 4: Promote Housing Choice.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-96

Ordinance No. 2016-152
(Int. No.173)

Authorizing agreements and appropriating funds for the Emergency Solutions Grant Program

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

Section 1. The Mayor is hereby authorized to enter into agreements between the City and the following providers for services to homeless individuals under the Emergency Solutions Grant Program. The agreements shall obligate the City to pay an aggregate amount not to exceed \$648,813, with the maximum amount for each agreement being as set forth below. The sum of \$648,813, or so much as may be necessary, is hereby appropriated for this purpose from the Housing Choice Fund, Emergency Solutions Grant Program allocation of the Consolidated Community Development Plan/2016-17 Annual Action Plan, contingent upon adoption of said Plan. The agreements shall be for one year, with an option to extend for an additional year if funds remain in the original appropriation.

<u>Organization</u>	<u>Amount</u>
Center for Youth Services, Inc.	\$ 35,000
Coordinated Care Services, Inc. - Coordinated Access	143,100
Coordinated Care Services, Inc. - Rapid Re-Housing	138,550
Dimitri House, Inc.	16,290
Mercy Community Services, Inc.	8,000
Providence Housing Development Corp.	103,000

Rochester Area Interfaith Hospitality Network, Inc.	41,331
Salvation Army of Western New York, Inc.	47,842
Spiritus Christi Prison Outreach, Inc. - Jennifer House	20,000
Spiritus Christi Prison Outreach, Inc. - Nielsen House	11,646
Veterans Outreach Center, Inc.	15,000
Volunteers of America, Inc.	31,710
YWCA of Rochester and Monroe County, Inc.	<u>37,344</u>
	\$648,813

Section 2. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City shall only enter into agreements with organizations that are in compliance with Federal regulations.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-153
Re: Grant Agreement - Invest Health

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

Transmitted herewith for your approval is legislation authorizing the receipt and use of a \$60,000 grant from The Reinvestment Fund in accordance with the City's proposal to participate in the Invest Health program. The term of this agreement is two years.

Invest Health is a new initiative to create local teams of five organizations that can promote learning and collaboration among community development, built environment, and health sectors in mid-sized cities. It is jointly funded through the Robert Woods Johnson Foundation and The Reinvestment Fund. Rochester's Invest Health team is composed of representatives from the City, United Way, Jordan Health, NeighborWorks Rochester, and the Finger Lakes Performing Provider System.

The City will act as fiduciary for the grant and the project will be managed by the Department of Neighborhood and Business Development. The agreement allows for travel expenses for team representatives (City staff and representatives of the four other agencies on the team) to participate in four national and two to three regional learning conferences over the two-year grant period. It also allows for the purchase of supplies or sub-agreements, as necessary, to support project im-

plementation. Teams are expected to develop new collaborative strategies for addressing health challenges in low-income neighborhoods as a result of participating in the Invest Health program.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-153
(Int. No. 174)

Authorizing a grant agreement with The Reinvestment Fund for the receipt and use of \$60,000 in conjunction with the Invest Health program

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

Section 1. The Mayor is hereby authorized to enter into a grant agreement with The Reinvestment Fund for receipt and use of \$60,000 in grant funds in conjunction with the Invest Health program, and said amount is hereby appropriated for said purpose.

Section 2. The term of the agreement shall be two (2) years.

Section 3. The Mayor is hereby authorized to enter into such additional agreements as appropriate for the operation and implementation of the Program.

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

Section 5. This ordinance shall take effect immediately

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2016-14
Re: Appointments and Reappointments - Zoning Board of Appeals

Transmitted herewith for your approval is legislation confirming the appointment of three full-time members and three alternates to the Zoning Board of Appeals, and the re-appointment of the four remaining full-time members. Since all of the current members are serving in expired terms, it is recommended that all of the members start new, two year terms that will expire on May 31, 2018.

New full-time members:

<u>Name</u>	<u>Address</u>
James Best	55 Gorsline Street, 14613 (NW)
Marcial Morales	39 Lynbrook Drive, 14609 (NE)
LaShana Boose	420 Clay Avenue, 14613 (NW)

New alternates:

<u>Name</u>	<u>Address</u>
Patrick O'Neill	35 Stutson Street, 14612 (NW)
Laurene Jennings	71 Cornhill Place, 14608 (South)
John DeMott	1294 Genesee Park Blvd, 14619 (South)

Reappointments of the remaining four full-time members:

<u>Name</u>	<u>Address</u>	<u>Attendance (2014-2016)</u>
Eric Van Dusen	24 Trafalgar Street, 14619 (South)	21 of 27 meetings
Joseph O'Donnell	150 Versailles Road, 14621 (NE)	20 of 27 meetings
Mimi Freund Tilton, Vice Chair	25 Berkeley Street, 14607 (East)	21 of 27 meetings
David Carr	473 Hudson Avenue, 14605 (NE)	20 of 27 meetings

Resumes for all individuals are on file with the City Clerk.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AP-97

Resolution No. 2016-14
 (Int. No. 175, as amended)

Approving appointments and reappointments to the Zoning Board of Appeals

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

Section 1. The Council hereby approves the appointment to the Zoning Board of Appeals of the following persons as members and alternates, each for a two-year term that shall expire May 31, 2018:

<u>Name</u>	<u>Address (City Council District)</u>
James Best (full member)	55 Gorsline Street, 14613 (NW)
Marcial Morales (full member)	39 Lynbrook Drive, 14609 (NE)
LaShana Boose (full member)	420 Clay Avenue, 14613 (NW)
Patrick O'Neill (alternate)	35 Stutson Street, 14612 (NW)
Laurene Jennings (alternate)	71 Cornhill Place, 14608 (South)
John DeMott (alternate)	1294 Genesee Park Blvd., 14619 (South)

Section 2. The Council hereby approves the re-appointments to the Zoning Board of Appeals of the following persons as full members, each for a two-year term that shall expire May 31, 2018:

<u>Name</u>	<u>Address (City Council District)</u>
Eric Van Dusen	24 Trafalgar Street, 14619 (South)
Joseph O'Donnell	150 Versailles Road, 14621 (NE)
Mimi <u>Mary</u> Freund Tilton	25 Berkeley Street, 14607 (East)
David Carr	473 Hudson Avenue, 14605 (NE)

Section 3. This resolution shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Adopted unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Resolution No. 2016-15
 Re: Appointments and Reappointments -
 City Planning Commission

Transmitted herewith for your approval is legislation confirming the appointment of one full-time member and one alternate to the City Planning Commission, and the re-appointment of the six remaining full-time members and one alternate. Since all of the current members are serving in expired terms, it is recommended that all of the members start new, two year terms that will expire on May 31, 2018.

New full-time member:

<u>Name</u>	<u>Address</u>
Molly Gaudioso	240 S. Goodman St. Apt. 505, 14610 (East)

New alternate:

<u>Name</u>	<u>Address</u>
James Fletcher	32 Vick Park A, 14607 (East)

Reappointments of the remaining six full-time members:

<u>Name</u>	<u>Address</u>	<u>Attendance (2014-2016)</u>
David Watson, Chair	234 Aldine Street, 14619 (South)	26 of 27 meetings
Eugenio Marlin	934 Clifford Avenue, 14621 (NW)	22 of 27 meetings
Steven Rebholz, Vice Chair	92 Westchester Avenue, 14609 (East)	24 of 27 meetings
Helen Hogan	78 Oakland Street, 14620 (East)	22 of 27 meetings
Todd Bruce	349 Arnett Boulevard, 14619 (South)	21 of 24 meetings
Suzanne Mayer	121 University Avenue, 14605 (NE)	11 of 12 meetings

Reappointment of one alternate:

<u>Name</u>	<u>Address</u>	<u>Attendance (as alternate)</u>
Heidi Zimmer-Meyer	288 Rockingham Street, 14620 (East)	4 of 7 meetings

Resumes for all individuals are on file with the City Clerk.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AP-98

Resolution No. 2016-15
 (Int. No. 176)

Approving appointments and reappointments to the City Planning Commission

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

Section 1. The Council hereby approves the appointment to the City Planning Commission of the following persons as member and alternate, each for a two-year term that shall expire May 31, 2018:

<u>Name</u>	<u>Address (City Council District)</u>
Molly Gaudioso (full member)	240 S. Goodman St., Apt. 505, 14610 (East)
James Fletcher (alternate)	32 Vick Park A, 14607 (East)

Section 2. The Council hereby approves the re-appointments to the City Planning Commission of the following persons as members and alternate, each for a two-year term that shall expire May 31, 2018:

<u>Name</u>	<u>Address (City Council District)</u>
David Watson (full member)	234 Aldine Street, 14619 (South)
Eugenio Marlin (full member)	934 Clifford Avenue, 14621 (NW)
Steven Rebholz (full member)	92 Westchester Avenue, 14609 (East)
Helen Hogan (full member)	78 Oakland Street, 14620 (East)
Todd Bruce (full member)	349 Arnett Boulevard, 14619 (South)
Suzanne Mayer (full member)	121 University Avenue, 14605 (NE)
Heidi Zimmer-Meyer (alternate)	288 Rockingham Street, 14620 (East)

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2016-16
Re: Reappointments - Rochester
Environmental Commission

Transmitted herewith for your approval is legislation confirming the re-appointment of all seven members of the Rochester Environmental Commission. Since all but two of the current members are serving in expired terms, it is recommended that all of the members start new, two year terms that will expire on May 31, 2018.

Reappointments of all members:

<u>Name</u>	<u>Address</u>	<u>Attendance (2014-2016)</u>
Rosemary Joneintz, Chair (safety compliance)	379 Broadway, 14607	9 of 11 meetings
Richard Pospula (architect)	63 Elmtree Road, 14612	11 of 11 meetings
Tanya Zwahlen (city planner)	17 Mulberry Street, 14620	7 of 11 meetings
Ian Kuchman (environmental engineer)	155 McKinley Street, 14609	9 of 11 meetings
Leigh McMullen (architect)	299 Marlborough Road, 14619	9 of 11 meetings
Katie Premo (environmental scientist)	91 Richmond Street, 14607	6 of 7 meetings
Robert Schellinger (product designer)	192 Sanford Street, 14620	7 of 7 meetings

Resumes for all individuals are on file with the City Clerk.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-99

Resolution 2016-16
(Int. No. 177, as amended)

Approving reappointments to the Rochester Environmental Commission

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

Section 1. The Council hereby approves the re-appointments to the Rochester Environmental Commission of the following persons as members, each for a two-year term that shall expire May 31, 2018:

<u>Name</u>	<u>Address</u>
Rosemary Joneintz	379 Broadway, 14607
Richard Pospula	63 Elmtree Road, 14612
Tanya Zwahlen	17 Mulberry Street, 14620
Ian Kuchman	155 McKinley Street, 14609
Leigh McMullen	299 Marlborough Road, 14619
<u>Katie Katherine</u> Premo	91 Richmond Street, 14607
Robert Schellinger	192 Sanford Street, 14620

Section 2. This resolution shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2016-17
Re: Appointments and Reappointments -
Rochester Preservation Board

Transmitted herewith for your approval is legislation confirming the appointment of two full-time members and two alternates (former full-time members) to the Rochester Preservation Board and the re-appointment of the five remaining full-time members. Since all but one of the current members are serving in expired terms, it is recommended that all of the members start new, two year terms that will expire on May 31, 2018.

New full-time members:

<u>Name</u>	<u>Address</u>
Gerald Gamm	32 East Boulevard, 14610 (East Ave Pres. Dist.)
David Matthews	432 Frederick Douglass Street, 14608 (architect)

New alternates:

<u>Name</u>	<u>Address</u>	<u>Attendance (2014-2016)</u>
Jon Schick	53 Aberthaw Road, 14610 (architect)	22 of 26 meetings
Bruce McLear	205 Barrington Street, 14607 (architect)	20 of 26 meetings

Re-appointments of the remaining five full-time members:

<u>Name</u>	<u>Address</u>	<u>Attendance (2014-2016)</u>
Deborah Beardslee	24 Trafalgar Street, 14619 (Hist. Assn.)	22 of 26 meetings
Bonita Helen Mayer	48 Atkinson Street, 14608 (Corn Hill)	20 of 26 meetings
Christopher Carretta, Interim Chair	145-G Gibbs Street, 14605 (realtor)	26 of 26 meetings
Jason Dobbs	735 Mt. Hope Avenue, 14620 (Mt. Hope)	26 of 26 meetings
Edward Cain	4 Strathallan Park, 14607 (East Ave.)	13 of 13 meetings

Resumes for all individuals are on file with the City Clerk.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-100

Resolution No. 2016-17
(Int. No. 178)

Approving appointments and reappointments to the Rochester Preservation Board

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

Section 1. The Council hereby approves the appointment to the Rochester Preservation Board of the following persons as members, each for a two-year term that shall expire May 31, 2018:

<u>Name</u>	<u>Address (District/occupational designation)</u>
Gerald Gamm	32 East Boulevard, 14610 (East Ave Pres. Dist.)
David Matthews	432 Frederick Douglass Street, 14608 (architect)

Section 2. The Council hereby approves the appointment to the Rochester Preservation Board of the following persons as alternate members, each for a two-year term that shall expire May 31, 2018:

<u>Name</u>	<u>Address (District/occupational designation)</u>
Jon Schick	53 Aberthaw Road, 14610 (architect)
Bruce McLear	205 Barrington Street, 14607 (architect)

Section 3. The Council hereby approves the re-appointments to the Rochester Preservation Board of the following persons as members, each for a two-year term that shall expire May 31, 2018:

<u>Name</u>	<u>Address (District/occupational designation)</u>
Deborah Beardslee	24 Trafalgar Street, 14619 (Hist. Assn.)
Bonita Helen Mayer	48 Atkinson Street, 14608 (Corn Hill Pres. Dist.)
Christopher Carretta	145-G Gibbs Street, 14605 (realtor)
Jason Dobbs	735 Mt. Hope Avenue, 14620 (Mt. Hope Pres. Dist.)
Edward Cain	4 Strathallan Park, 14607 (East Ave. Pres. Dist.)

Section 4. This resolution shall take effect immediately.

Adopted unanimously.

Councilmember Ortiz moved to amend Int. No. 179.

The motion was seconded by Councilmember Miller.

The motion was adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-154
Re: Zoning Text and Zoning Map
Amendment - Planned Development
District #16, Century - Strathallan

Council Priority: Jobs and
Economic Development

Transmitted herewith for your approval is legislation amending the Zoning Text and Development Concept Plan for Planned Development District (PD) #16, Century-Strathallan to expand the boundaries of the District by adding a 0.42 acre parcel at 600 East Avenue. The current PD was adopted by City Council in November 2014. The District includes four parcels totaling about 3.6 acres with four buildings: the Strathallan Hotel (546 East Avenue), the former Century Club and its Carriage House (566 East Avenue), a former multi-family house that is now guest suites associated with the hotel (7 Strathallan Park), and a parking lot of about 20 spaces (586 East Avenue) that is used for the adjacent Century Club. All of the parcels are under common ownership.

The proposal to expand the boundaries of PD #16 by adding 600 East Avenue (see the attached map) would enable the demolition of the existing two story office/school building which would be replaced with a new building. The new building would be four stories, with 10-12 apartments, about 8,000 square feet of office space, and indoor parking for about 18 vehicles. The building would extend onto 586 East Avenue, eliminating the existing surface parking lot. Additionally, the carriage house at 566 East Avenue would be expanded with a two story addition of about 1,300 square feet and converted to a spa. As a result of this addition, a new sub-area (sub-area 4) is proposed in the PD #16 regulations.

Staff made several recommendations to the District regulations that were submitted by the applicant, and the City Planning Commission accepted those recommendations. These revised regulations and the corresponding Development Concept Plan are attached.

The City Planning Commission held an informational meeting on the proposed Text Amendment and Revised Development Concept Plan on Monday, April 18, 2016. There were two speakers in support of this request and none in opposition. By a vote of 6-0, the City Planning Commission recommended approval of the proposed Text Amendment.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the Director of Planning and Zoning, as lead agency, has determined that the proposed action will not result in any significant effects and has issued a negative declaration.

A public hearing is required for the Zoning Text Amendment.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-101

Ordinance No. 2016-154
(Int. No. 179, as amended)

Amending the Zoning Map, text and adding a development concept map for Century-Strathallan Planned Development District No. 16

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 classification of the property constituting 600 East Avenue (SBL # 121.35-1-6) from R-3 High Density Residential District/O-O Overlay-Office District to Planned Development District #16 Century-Strathallan, and adding it to the existing PDD No. 16, so that such District as so amended shall be comprised of:

**PDD #16 Century-Strathallan
LEGAL DESCRIPTION**

All that tract or parcel of land situated in the City of Rochester, County of Monroe, State of New York and being more particularly described as follows:

Beginning at a point in the centerline line of East Avenue (County Route No. 96) 160.28 feet westerly along the centerline from the intersection with the centerline of Strathallan Park;

Thence northerly on a bearing of N 21° 51' 37" E, a distance of 282.19 feet to a point;

Thence westerly on a bearing of N 68° 14' 33" W, a distance of 40.00 feet to a point;

Thence northerly on a bearing of N 21° 51' 37" E, a distance of 109.60 feet to a point;

Thence westerly on a bearing of N 71° 49' 53" W, a distance of 119.96 feet to a point;

Thence northerly on a bearing of N 21° 51' 37" E, a distance of 300.00 feet to a point;

Thence easterly on a bearing of S 71° 49' 50" E, a distance of 140.00 feet to a point;

Thence southerly on a bearing of S 21° 51' 37" W, a distance of 205.85 feet to a point;

Thence easterly on a bearing of S 68° 14' 33" E, a distance of 180.00 feet to a point, said point being in the centerline of Strathallan Park;

Thence southerly along the centerline of Strathallan Park on a bearing of S 21° 51' 37" W, a distance of 190.03 feet to a point;

Thence easterly on a bearing of S 68° 14' 33" E, a distance of 200.00 feet to a point;

Thence southerly on a bearing of S 21° 51' 37" W, a distance of 62.00 feet to a point;

Thence easterly on a bearing of S 68° 14' 33" E, a distance of 55.98 feet to a point;

Thence northerly on a bearing of N 18° 32' 34" E, a distance of 25.04 feet to a point;

Thence easterly on a bearing of S 68° 14' 33" E, a distance of 134.37 feet to a point, said point being in the centerline of North Goodman Street;

Thence southerly along the centerline of North Goodman Street on a bearing of S 21° 54' 47" W, a distance of 228.63 feet to a point, said point being the intersection of the centerline of North Goodman Street (66.00 ft. wide right of way) with the centerline of East Avenue (75.00 ft. wide right of way);

Thence westerly along the centerline of East Avenue on a bearing of N 71° 31' 58" W", a distance of 549.69 feet to a point, said point being the true point and place of beginning.

Being and hereby intending to describe 5.159 acres of land more or less (centerline) including the following properties: 546 East Avenue (TA # 121.270-0001-052.001), 7 Strathallan Park (TA # 121.270-0001-051.000), 566 East Avenue (TA # 121.350-0001-067.000), 586 East Avenue (TA # 121.350-0001-005.000), and 600 East Avenue (TA # 121.350-0001-006.000) as shown on a survey map prepared by prepared by Fitzgerald Engineering, PLLC, dated January 21, 2016, titled "PDD Zoning Extension Map" and having a project number 15-0480.

Section 2. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by amending the text and the development concept plan for Planned Development District (No. 16) Century-Strathallan, to read in its entirety as follows:

**Planned Development District (No. 16)
Century-Strathallan**

A. Purpose and intent.

- (1) The Century-Strathallan Planned Development District (Planned Development District No. 16, or PD No. 16) is comprised of approximately ~~4.07~~ ~~4.5~~ ~~(3.6~~ acres of private land), including four properties with ~~four~~ five separate buildings as depicted on the Development Concept Plan and labeled as Subareas 1 to 4.

- (2) The intent of Century-Strathallan Planned Development District is to provide a defined area for unified and integrated development. It will allow a diversification in the uses permitted and variation in the relationship of uses, structures, and open spaces. The PD will create more flexible use and development opportunities than would be possible through the strict application of the current R-3 O/O Code regulations. The district will provide flexibility and efficiencies in hotel and club use and operation that will support efforts to meet their needs, those of their customers, and those of travelers visiting the City. The PD is intended to ensure the current and long-range success of both the Strathallan Hotel and the Century Club. The PD will clearly set the parameters of use and growth that will protect the adjacent residential neighborhood. From a Code perspective, the Strathallan Hotel and Century Club will no longer be regulated as intrusions in the district but rather desirable and important elements of the neighborhood. The planned development district regulations will set a clear level of expectation for the future and in doing so will provide more certainty for the ownership and the neighborhood.
- (3) Uses may include housing, retail, commercial, office and other complementary hospitality uses. This planned development district will incorporate appropriate design elements, amenities or treatments that maintain and enhance the design relationships between buildings and uses within the district and beyond the district in order to maintain an ambience that is uniquely urban and pedestrian oriented.
- (4) It is the goal of Planned Development District No. 16 that the entirety of the district may be utilized for the integrated and unified use and development of the Century Club and the Strathallan Hotel. The District will provide for the benefits and efficiencies that come with collaborative use and the synergies that will support the success of both facilities. Generally, uses would be for hospitality and lodging-related purposes while at the same time limiting the future adaptive uses as described herein to those that may be conducted within the existing structures or any expansion thereof. The District will afford protections that limit use, clearly define boundaries, better control parking, preserve important open spaces, and provide for the careful consideration of the construction of new buildings. Any development in the district continues to be subject to Rochester Preservation Board approval and site plan approval for in-

cremental development by the Director of Planning and Zoning.

B. Permitted uses. Permitted uses in PD No. 16 are specified for each of the three subareas comprising the district:

- (1) Subarea 1: 550 (546) East Avenue (hotel).
 - (a) Hotels.
 - (b) Uses as permitted per Article V of the Zoning Code, R-3 High-Density Residential District.
 - (c) Bars, restaurants, conference and banquet facilities, with entertainment.
 - (d) Retail sales and services, accessory to the principal use as a hotel.
 - (e) Health clubs, spas and similar facilities.
 - (f) Grade-level outdoor seating areas and activities, accessory to the principal use as a hotel, operating between the hours of 6:00 a.m. and 12:00 midnight.
 - (g) Rooftop outdoor seating areas and activities, accessory to the principal use as a hotel, operating between the hours of 6:00 a.m. and 2:00 a.m.
- (2) Subarea 2: 7 Strathallan Park (residential structure).
 - (a) Uses as permitted per Article V of the Zoning Code, R-3 High-Density Residential District.
 - (b) Suites and lodging accessory to the hotel use in Subarea 1.
 - (c) Health clubs, spas and similar facilities, accessory to the hotel use in Subarea 1.
- (3) Subarea 3: 566 East Avenue (main building and carriage house) and ~~586 East Avenue (parking lot)~~
 - (a) Private clubs, operating between the hours of 6:00 a.m. and 11:00 p.m.
 - (b) Suites and lodging.
 - (c) Health clubs, spas and similar facilities, operating between the hours of 6:00 a.m. and 11:00 p.m.
 - (d) Uses as permitted per Article V of the Zoning Code, R-3 High Density Residential District, with hours of operation as defined in section 120-26.

(e) Restaurant, conference, banquet and catering facilities, with entertainment, except for a principal use in the carriage house that is not part of or an accessory use to the principal use of another building in the district.

(f) Retail sales and services, specialty and low-impact.

(g) Offices, except for clinics.

(h) Art galleries.

(i) Studios for artists, crafters, photographers, composers, writers and the like.

(j) Parking lots existing at the time of enactment of this planned development, as illustrated on the Development Concept Plan.

(4) Subarea 4: 586 East Avenue and 600 East Avenue

(a) Offices, except for clinics, operating between the hours of 6:00 a.m. and 9:00 p.m.

(b) Art galleries, operating between the hours of 6:00 a.m. and 9:00 p.m.

(c) Multifamily dwellings.

C. Special permit uses.

(1) Outdoor entertainment, associated with outdoor seating areas and outdoor activities.

(2) Any temporary use which exceeds five occurrences per calendar year.

(3) Parking garages, unless built into permitted residential uses as accessory to those uses.

(4) Construction of new buildings other than uses as permitted as per Article V of the Zoning Code, R-3 High-Density Residential District, and not including additions to existing buildings within the district.

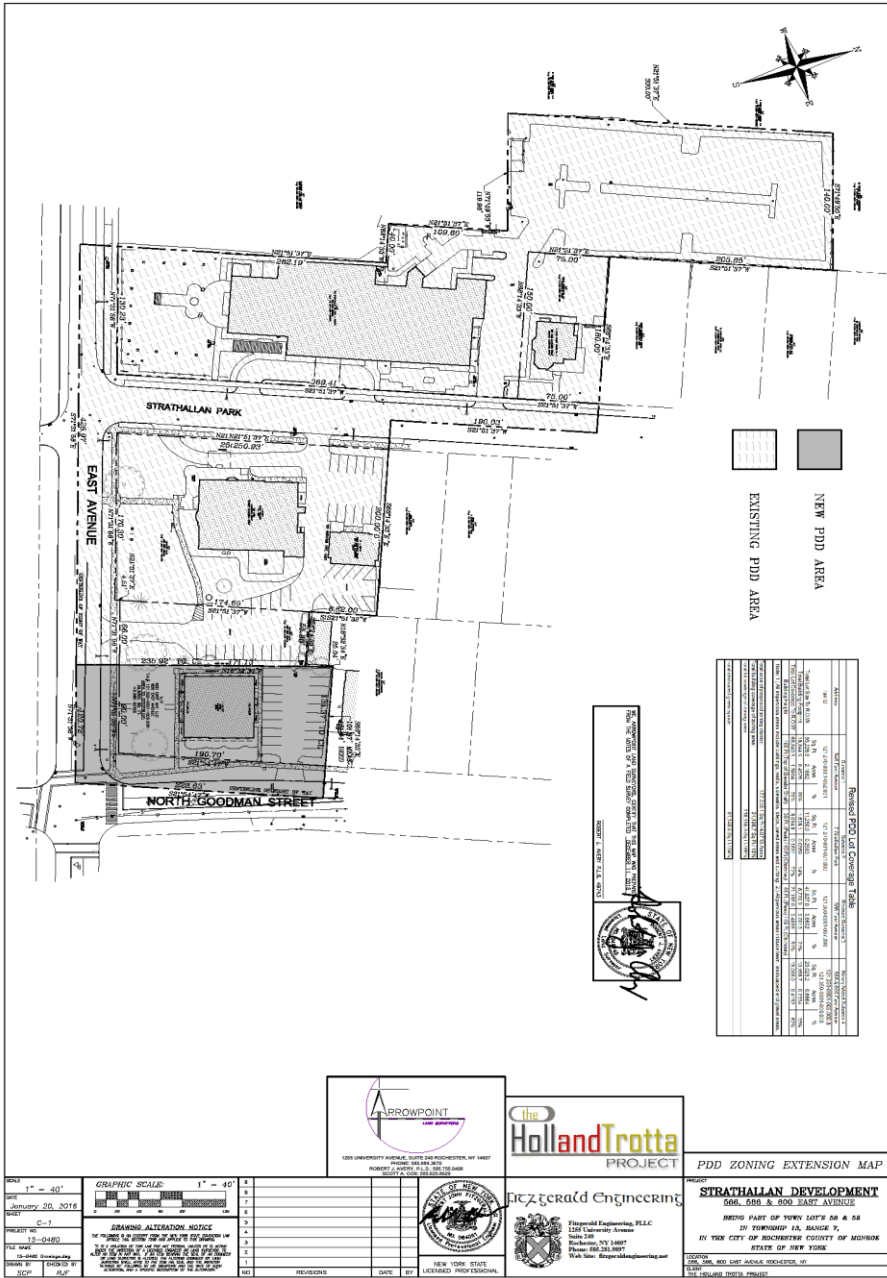
(5) Restaurant, conference, banquet and catering facilities, with entertainment, when located within the existing carriage house at 566 East Avenue, when not accessory to a permitted principal use in Subarea 1, ~~or~~ Subarea 3.

D. Temporary uses. Temporary uses shall be subject to the requirements listed in § 120-149 of the Zoning Code, with the exception that the Director of Planning and Zoning may approve up to five temporary uses per calendar year.

- E. Design.
- (1) Front yard depths existing on the date of the amendment shall be maintained.
 - (2) A landscape maintenance and open space preservation plan shall be filed with the current plan.
 - (3) As per § 120-185 of the Zoning Code, all exterior alterations within PD No. 16 are subject to review and approval by the Rochester Preservation Board.
 - (4) Development, redevelopment, and exterior alterations within PD No. 16 shall be subject to the applicable City-Wide Design Guidelines and Standards (Article XIX).
- F. District setbacks. Setback requirements shall apply only to street frontages and perimeter lot lines. Buildings or parking lots which at the enactment of this PD No. 16 encroach on the prescribed setbacks shall be recognized as nonconforming structures per §§ 120-200 and 120-208 of the Zoning Code.
- (1) Minimum setback on East Avenue frontage in Subarea 1 shall be 100 feet.
 - (2) Minimum setback on East Avenue frontage in Subarea 3 shall be 70 feet.
 - (3) Minimum setback on East Avenue frontage in Subarea 4 shall be 60 feet.
 - ~~(4)~~ (4) Minimum setback on Strathallan Park frontage shall be 20 feet.
 - (5) Minimum setback on North Goodman Street shall be 20 feet.
 - ~~(6)~~ (6) Minimum setbacks along District perimeter lot lines shall be 10 feet.
 - ~~(7)~~ (7) Minimum setbacks for parking lots shall be 10 feet from perimeter lot lines, and parking lots shall not encroach on street front setbacks as per Subsection F(1) and (2) above.
 - ~~(8)~~ (8) Setbacks from interior lot lines: none.
- G. Coverage, open space and height requirements.
- (1) Land coverage within the district as a whole shall be a maximum of 50% for building coverage and 70% for lot coverage.
 - (2) Dedicated open space shall be as defined and illustrated in the Development Concept Plan.
 - (3) Building height.
 - (a) Maximum building height for the existing building in Subarea 1 shall be 10 stories.
 - (b) Maximum height of new buildings in Subarea 1 shall not exceed the maximum height allowed in Subareas 2 and 3.
 - (c) Maximum building height for Subareas 2, ~~and 3~~ and 4 shall not exceed ~~two times the building's frontage~~ 6 stories or 72 feet.
- H. Parking and loading requirements.
- (1) Parking.
 - (a) Parking for uses located in PD No. 16 may be located anywhere in the district, except that new parking facilities shall not be located within required front yard setbacks.
 - (b) Proposals for new or expanded parking facilities shall be accompanied by a parking demand analysis as set forth in § 120-173B of the Zoning Code.
 - (c) Parking within the district is restricted to the parking areas shown on the Development Concept Plan.
 - (d) Shared parking arrangements may be employed with properties located outside the district.
 - (e) On-street parking spaces within the district may be counted towards the district parking supply.
 - (f) A parking management plan shall be filed at the adoption of the district and updated with district expansion or the filing of plans for incremental development or at the request of the City of Rochester Director of Planning and Zoning.
 - (2) Loading.
 - (a) On-site loading shall comply with the requirements set forth in § 120-172 of the Zoning Code.
 - (b) On-site loading facilities may be shared by any uses within the district.
- I. Signage. A sign program shall be developed for the district, which will include building identification, way finding, and event promotion and which will be subject to site plan approval by the Director of Planning and Zoning and certificate of appropriateness approval by the Rochester Preservation Board.

- J. Other.
 - (1) The planned development is subject to the requirements set forth in Article XVII of the Zoning Code regarding planned development districts.
 - (2) New development in PD No. 16 is subject to requirements applying to all districts (Article XX) except when waived by the Director of Planning and Zoning in the review and approval of a site plan for incremental development.
 - (3) The general height exceptions set forth in Article XXIII shall apply.
- K. Accessory structures and uses.
 - (1) Accessory structures, as per § 120-163A and B, are permitted in connection with the established uses within the district and shall not be located in a required front yard. Accessory structures existing at the time of enactment of this section shall be considered as legal, preexisting structures.
 - (2) Minor accessory structures, such as benches, knee walls, gazebos, and the like, and hardscape elements of any landscape plan may be permitted by the Director of Planning and Zoning.
- L. Personal wireless telecommunications facilities (PWTF). Personal wireless telecommunications facilities in the Planned Development District No. 16 shall be regulated pursuant to Zoning Code § 120-143A(6).

Development Concept Plan



Estimated Budget of Contingency Table

NO.	DESCRIPTION	EST. AMOUNT	PERCENTAGE	TOTAL
1	Contingency for Design	100,000	10%	1,000,000
2	Contingency for Construction	200,000	20%	2,000,000
3	Contingency for Professional Fees	50,000	5%	500,000
4	Contingency for Other	25,000	2.5%	250,000
5	Contingency for Unforeseen	125,000	12.5%	1,250,000
6	Contingency for Total	500,000	50%	5,000,000
7	Contingency for Grand Total	1,000,000	100%	10,000,000

100 UNIVERSITY AVENUE, SUITE 200 ROCHESTER, NY 14607
PHONE: 585.488.8100
ROCHESTER OFFICE: 585.488.8100
WEST CHESTER OFFICE: 610.338.2200

HollandTrotta
PROJECT

PDD ZONING EXTENSION MAP

STRATHALLAN DEVELOPMENT
566, 588 & 800 EAST AVENUE

BEING PART OF TOWN LOTS 68 & 69
IN TOWNSHIP 13, RANGE 7,
IN THE CITY OF ROCHESTER COUNTY OF MONROE
STATE OF NEW YORK

DESIGNED BY: [Signature]
DATE: [Date]

GRAPHIC SCALE 1" = 40'

SEAL OF THE STATE OF NEW YORK

NEW YORK STATE
LICENSED PROFESSIONAL ENGINEER

ETZgerald Engineering

ETZgerald Engineering, P.L.L.C.
1260 University Avenue
Suite 200
Rochester, NY 14607
Phone: (585) 331-8997
Web Site: www.etzgeraldengineering.com

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-155
Re: Amendatory Agreement - Highland Planning LLC, Street Manager Program

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Highland Planning LLC to extend the Northwest Development Representative position, which is part of the Street Manager Program. This extension would be through April 23, 2016.

Highland Planning was the primary coordinator of the "Springtime on Dewey" event and its various activities, which occurred on April 23, 2016. In order to successfully complete the project, the term of the agreement needs to be amended. The most recent agreement with Highland Planning LLC expired on March 31, 2016 (Ord. No. 2014-276).

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-155
Int. No. 202

Authorizing an amendatory agreement for the Street Manager Program

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

Section 1. The Mayor is hereby authorized to amend the term of the agreement with Highland Planning LLC for Street Manager Services for the Northwest Quadrant, authorized by Ordinance No. 2014-276. Such term shall be extended to April 23, 2016. There shall be no change in the maximum compensation.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously

By Councilmember Haag
May 17, 2016

To the Council:

The Parks & Public Works Committee recommends for adoption the following entitled legislation:

Int. No. 183 - Authorizing funding for the Dewey Avenue and Driving Park Avenue Intersection Realignment Project

Int. No. 184 - Authorizing funding for the Lake Avenue Improvement Project

Int. No. 185 - Authorizing receipt and use of reimbursement funds from the Rochester Pure Waters District

Int. No. 186 - Authorizing an agreement with Stantec Consulting Services, Inc. for design and RPR services for Campbell Street R-Center water park facilities and playground improvements

Int. No. 187 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$120,000 Bonds of said City to finance a portion of the costs of the Cornerstone Park Improvement Project

Int. No. 188 - Authorizing an agreement with Stantec Consulting Services, Inc. for architectural and engineering design for the Public Safety Building generator upgrade

Int. No. 189 - Amending the source of funds appropriated in Ordinance No. 2015-196 for the Main Street Streetscape and Pedestrian Wayfinding Enhancement Project

Int. No. 190 - Authorizing an intermunicipal agreement with the Village of Fairport for pesticide application to ash trees

Int. No. 191 - Amending the Municipal Code with respect to wholesale water rates

Int. No. 192 - Authorizing a professional services agreement with Joseph C. Lu Engineering and Land Surveying, P.C., for term resident project representation services for City right-of-way permit construction

The Parks & Public Works Committee recommends for consideration the following entitled legislation:

Int. No. 180 - Authorizing pavement width changes for 2016 Preventive Maintenance Contract No. 1 - South Clinton Avenue and South Goodman Street

Int. No. 181 - Authorizing acquisition of 360 Webster Avenue, amendment of the Official Map, and an amendatory agreement with C&S Engineers, Inc., to provide additional right-of-way acquisition services

The following entitled legislation is being held in Committee:

Int. No. 182 - Authorizing pavement width changes to Avis Street

Respectfully submitted,
Matt Haag
Michael A. Patterson
Elaine M. Spaul
Dana K. Miller

Loretta C. Scott
PARKS & PUBLIC WORKS COMMITTEE

Received, filed, and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-156
Re: 2016 Preventive Maintenance
Contract #1, South Clinton Avenue
and South Goodman Street

Transmitted herewith for your approval is legislation authorizing pavement width changes on South Clinton Avenue as part of the 2016 Preventive Maintenance Contract #1 (South Clinton Avenue and South Goodman Street) as follows:

- (a) A 6' reduction in pavement width along the southwesterly side of South Clinton Avenue, beginning approximately 72' northwest of Benton Street and extending to the intersection of Benton Street; and
- (b) A 6' reduction in pavement width along the northeasterly side of South Clinton Avenue, beginning at Benton Street intersection and extending approximately 73' southeast of Benton Street; and
- (c) A 6' reduction in pavement width along the northeasterly side of South Clinton Avenue, beginning at Asbury Street intersection and extending approximately 67' southeast of Asbury Street; and
- (d) A 6' reduction in pavement width along the southwesterly side of South Clinton Avenue, beginning approximately 77' northwest of Bly Street and extending to the intersection of Bly Street; and
- (e) A 6' reduction in pavement width along the southwesterly side of South Clinton Avenue, beginning approximately 82' northwest of Rockingham Street and extending to the intersection of Rockingham Street; and
- (f) A 4' reduction in pavement width along the northeasterly side of South Clinton Avenue, beginning at approximately 116' southeast of Fountain Street and extending approximately 36' to the southeast; and
- (g) A 9' reduction in pavement width along the northeasterly side of South Clinton Avenue, beginning at approximately 66' northeast of Field Street and extending to the intersection of Field Street.

The project's design agreement with Stantec Consulting Services, Inc. was authorized by City Council in December 2014 (Ord. No. 2014-393). This ordinance also appropriated federal funds for project design and authorized agreements with the New York State Department of Transportation (NYSDOT) necessary to participate in and administer the project. State Marchiselli Aid Program funds

were appropriated by City Council in August 2015 (Ord. No. 2015-262).

Additionally, the City has a Multi Modal grant from NYS for enhancements on South Clinton Avenue from South Goodman Street to the south City line.

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

- South Goodman Street (Broadway to East Avenue);
- South Clinton Avenue (Byron Street to South City Line);

The federal aid portion of the project includes: milling and resurfacing of the pavement; spot curb replacements; installation or upgrade of sidewalk curb ramps; adjustment and repair of manholes, receiving basins and water valve castings; and replacement of traffic markings. These improvements will enhance the surface drainage and riding quality of the roadway, improve handicap accessibility, and extend the useful life of the pavement structure.

A public meeting was held on March 21, 2016; copies of the meeting minutes are attached. The pavement width changes were endorsed at the April 19, 2016 Traffic Control Board meeting.

It is anticipated that construction will begin in summer 2016 with scheduled completion in fall 2016.

A public hearing is required for the pavement width changes.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-102

Ordinance No. 2016-156
(Int. No. 180)

Authorizing pavement width changes for 2016 Preventive Maintenance Contract No. 1 - South Clinton Avenue and South Goodman Street

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

Section 1. The Council hereby approves the following changes in the width of South Clinton Avenue:

- (a) A 6-foot reduction in pavement width along the southwesterly side of South Clinton Avenue, beginning approximately 72 feet northwest of Benton Street and extending to the intersection of Benton Street; and
- (b) A 6-foot reduction in pavement width along the northeasterly side of South Clinton Avenue, beginning at Benton Street intersection and extending approximately 73 feet southeast of Benton Street; and

- (c) A 6-foot reduction in pavement width along the northeasterly side of South Clinton Avenue, beginning at Asbury Street intersection and extending approximately 67 feet south-east of Asbury Street; and
- (d) A 6-foot reduction in pavement width along the southwesterly side of South Clinton Avenue, beginning approximately 77 feet north-west of Bly Street and extending to the inter-section of Bly Street; and
- (e) A 6-foot reduction in pavement width along the southwesterly side of South Clinton Avenue, beginning approximately 82 feet north-west of Rockingham Street and extending to the intersection of Rockingham Street; and
- (f) A 4-foot reduction in pavement width along the northeasterly side of South Clinton Avenue, beginning at approximately 116 feet southeast of Fountain Street and extending approximately 36 feet to the southeast; and
- (g) A 9-foot reduction in pavement width along the northeasterly side of South Clinton Avenue, beginning at approximately 66 feet northeast of Field Street and extending to the intersection of Field Street.

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

Section 3. This ordinance shall take effect immediately

Passed unanimously

Councilmember Haag moved to amend Int. No. 181.

The motion was seconded by Councilmember Miller.

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-157
Re: Agreement - C&S Engineers, Inc.,
2017 Preventive Maintenance Group
#5 Project

Council Priority: Jobs and Economic
Development

Transmitted herewith for your approval is legislation related to the 2017 Preventive Maintenance Group #5 Project (Arnett Boulevard, Genesee Park Boulevard and Webster Avenue). This legislation will:

- 1. Authorize acquisition, by negotiation or condemnation, a portion of one *de minimus* parcel located at 360 Webster Ave; and
- 2. Amend the Official Map by dedicating public right-of-way from two properties for street purposes; and

- 3. Establish \$10,000 as maximum compensation for an amendatory agreement with C&S Engineers, Inc., Rochester, New York, for additional right of way acquisition services for this project.

The 2017 Preventive Maintenance Group 5 Project is a milling and resurfacing project being designed by C&S Engineers, Inc. The original agreement for \$165,000 was authorized in December 2014 (Ordinance No. 2014-396). This amendment will increase maximum compensation by \$10,000 to a total of \$175,000. The agreement may extend until three months after completion of a two year guarantee inspection of the project. The cost of the amendatory agreement will be financed from 2012-13 Cash Capital.

The project includes: milling and resurfacing three arterial streets; adjustments to catch basin frames and grates, water valves and sewer castings; spot street base and sidewalk repair; installation of truncated domes at sidewalk ramps; installation of new pavement markings; and replacement of traffic loops.

The proposed acquisition at 360 Webster Avenue will be for street improvement purposes including replacement of the accessible curb ramp at that corner. The proposed dedication of City owned property to right of way at 500-530 Webster Avenue will also be for street purposes in order to maintain the curb ramps, recessed parking and sidewalk along the frontage of the Ryan Community Center and Sully Library. The value of the property to be acquired was established by an independent appraisal performed by Right of Way Professionals, LLC, 60 Lakefront Blvd, Suite 120, Buffalo, NY 14202. The total acquisition costs, including closing costs, will not exceed \$1,500 and will be financed from the 2012-13 Cash Capital.

Address:	360 Webster Ave
Property Owner:	North East Area Development
Sq. Ft.:	101.8 +/-
Value:	\$500

The associated Official Map Amendment was presented to the City Planning Commission on April 18, 2016.

The project will begin construction in spring 2017 and will be substantially complete by fall 2017.

The amendatory agreement will result in the creation and/or retention of the equivalent of 0.1 full-time jobs.

A public hearing related to the Official Map Amendment is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-103

Ordinance No. 2016-157
(Int. No. 181, as amended)

Authorizing acquisition of 360 Webster Avenue, amendment of the Official Map, and an amendatory agreement with C&S Engineers, Inc., to provide additional right-of-way acquisition services

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

Section 1. The Mayor is hereby authorized to acquire by negotiation or condemnation the de minimus parcel of land located at 360 Webster Avenue.

Section 2. Such acquisition shall not exceed ~~\$1,500~~ \$500 plus necessary closing costs and shall be financed from 2012-13 Cash Capital.

Section 3. The Mayor is hereby authorized to amend the Official Map by dedicating as a public right-of-way the properties at 360 and 500-530 Webster Avenue.

Section 4. The Mayor is hereby authorized to amend the term and maximum compensation of a professional services agreement between the City and C&S Engineers, Inc., authorized by Ordinance No. 2014-396, to provide design services for a milling and resurfacing project. The prior maximum compensation is hereby increased by \$10,000 for a total maximum compensation of \$175,000 to be financed from 2012-13 Cash Capital. The term may extend until three (3) months after completion of a two-year guarantee inspection of the project.

Section 5. The agreed amendments shall contain such other terms and conditions as the Mayor deems appropriate.

Section 6. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-158
Re: Dewey Avenue and Driving Park Avenue Intersection Realignment

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

Transmitted herewith for your approval is legislation related to the Dewey Avenue and Driving Park Avenue Intersection Realignment Project. This legislation will:

1. Authorize the receipt and use of \$713,512 from anticipated reimbursements from the Federal Highway Administration (FHWA) to partially finance the project; and
2. Authorize the receipt and use of \$133,784 from the New York State Department of Transporta-

tion Marchiselli Aid Program to partially finance the project.

It is anticipated that project construction will begin, at the earliest, in the late summer or early fall of 2016, with completion scheduled by the end of 2017, pending receipt of funding for construction, construction support, and resident project representative services.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-158
(Int. No. 183)

Authorizing funding for the Dewey Avenue and Driving Park Avenue Intersection Realignment Project

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

Section 1. The sum of \$713,512 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration to fund a portion of the construction and project administration phases of the Dewey Avenue and Driving Park Avenue Intersection Realignment Project.

Section 2. The Mayor is hereby authorized to enter into agreements with the New York State Department of Transportation for the receipt and use of \$133,784 in anticipated Marchiselli Aid to fund a portion of the construction and project administration phases of said Project.

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

Section 4. This ordinance shall take effect immediately

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-159
Re: Lake Avenue Improvement Project

Transmitted herewith for your approval is legislation related to the Lake Avenue Improvement Project (Merrill Street to Burley Road). This legislation will

1. Appropriate \$600,000 in anticipated reimbursements from the Federal Highway Administration (FHWA) to finance a portion of the construction and the resident project representation (RPR) for the project; and
2. Amend Ordinance No. 2015-330, which originally established funding for an agreement with T.Y. Lin International for RPR services related to this project, by reducing the Street Bond (Ord. No. 2015-331) by \$62,412, Water Bond (Ord. No. 2015-332) by \$456 and 2011-12

Cash Capital by \$2,017, and replacing those funds with \$64,885 of the FHWA funds appropriated herein.

The Lake Avenue Improvement Project is a federal aid project administered by the City through the New York State Department of Transportation (NYSDOT). The City is qualified to receive up to 80% of the eligible project costs from the FHWA and up to 15% from the State, with the remainder locally funded.

The project was designed by T.Y. Lin International, as authorized in May 2011 (Ord. No. 2011-151), and the necessary geometric changes for the curbed median and acquisition of two easements needed for traffic signal work at the entrances to Holy Sepulchre Cemetery were authorized in June 2015 (Ord. No. 2015-205). In October 2015, Council authorized an agreement with T.Y. Lin International for RPR services (Ord. No. 2015-330).

The project includes street reconstruction, new curbing, sidewalks, a multi-use path, new water mains and services, hydrants, receiving basins and a street lighting system. A multi-use path will be installed along the majority of the project, and a new curbed median will be installed in the center of the roadway at St. Bernard's to function as a pedestrian refuge for those crossing the road. The water main will have cathodic protection installed along the length of the project area.

Construction is underway and is anticipated to be substantially complete in late fall 2016.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-159
(Int. No. 184)

Authorizing funding for the Lake Avenue Improvement Project

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

Section 1. The Mayor is hereby authorized to accept and appropriate \$600,000 in anticipated reimbursements from the Federal Highway Administration (FHWA) to fund a portion of the construction and project administration costs of the Lake Avenue Improvement Project (Merrill Street to Burley Road).

Section 2. Ordinance No. 2015-330, which established funding for an agreement with T.Y. Lin International for resident project representation (RPR) services related to the Lake Avenue Improvement Project (Merrill Street to Burley Road), is hereby amended to reduce the Street Bond (Ordinance No. 2015-331) funding by \$62,412, the Water Bond (Ordinance No. 2015-332) funding by \$456 and the 2011-12 Cash Capital funding by \$2,017 and replacing those funds with \$64,885 from the FHWA funds appropriated herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-160
Re: Agreement - Rochester Pure Waters
District, Street Improvement Projects

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

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

The new street improvement projects eligible for the RPWD reimbursement appropriated herein include, but are not limited to, the following projects:

- Alpha Street Rehab Group Alpha/Brad-dock/Meridan/Wilder
- Asphalt Milling and Resurfacing (M&R) 2015 Transportation Improvement Program (TIP) Preventive Maintenance (PM) Group #2 Portland/East/University/Winton
- Asphalt M&R 2016 TIP PM Group #1 South Clinton/South Goodman
- Asphalt M&R 2016 TIP PM Group #2 Ames/Buffalo/West Main/West
- Asphalt M&R City Residential 1
- Asphalt M&R City Residential 2
- Asphalt M&R City Arterial and Collectors
- Charlotte Street/Haags Alley
- Cobbs Hill Drive Curb Replacement
- Flower City Park and Parkdale
- Kilmar Street Group

Construction is planned to begin during the 2016 construction season. The sewer improvements will result in the creation and/or retention of the equivalent of 8.2 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-160
(Int. No. 185)

Attachment No. AP-104

Ordinance No. 2016-161
(Int. No. 186)

Authorizing receipt and use of reimbursement funds from the Rochester Pure Waters District

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

Section 1. The Mayor is hereby authorized to accept and use reimbursement funds of \$750,000 from the Rochester Pure Water District to fund sewer costs of street improvement projects in accordance with the agreement authorized by Ordinance No. 2010-438.

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

Section 3. This ordinance shall take effect immediately

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-161
Re: Agreement - Stantec Consulting Services, Inc., Campbell Street R-Center Water Park Facilities and Playground Improvements

Transmitted herewith for your approval is legislation establishing \$130,000 as maximum compensation for an agreement with Stantec Consulting Services, Inc. for design and resident project representation (RPR) services for the Campbell Street R-Center Water Park Facilities and Playground Improvements. The cost of the agreement will be funded from 2011-12 Cash Capital (\$15,317) and 2014-15 Cash Capital (\$114,683).

The project includes the installation of a zero-depth, non-recirculating water play area, water supply (including backflow preventer), drainage and electric, and pre-teen and toddler play apparatus with safety surfacing. The consultant will provide site plans with necessary mechanical and electrical contract documentation, bidding services, and RPR services for construction. The agreement may extend until three months after completion of a two year guarantee inspection of the project for which the services are provided.

Stantec Consulting Services, Inc. was selected for design and RPR services through a request for proposal process, which is described in the attached summary. Their agreement will result in the creation and/or retention of the equivalent of 1.4 full-time jobs.

It is anticipated that construction will begin in spring 2017 with scheduled completion in fall 2017.

Respectfully submitted,
Lovely A. Warren
Mayor

Authorizing an agreement with Stantec Consulting Services, Inc. for design and RPR services for Campbell Street R-Center water park facilities and playground improvements

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 Stantec Consulting Services, Inc., for design and resident project representation (RPR) services for Campbell Street R-Center water park facilities and playground improvements. The maximum compensation to be paid by the City shall be \$130,000, funded \$15,317 from 2011-12 Cash Capital, and \$114,683 from 2014-15 Cash Capital.

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

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-162
Re: Cornerstone Park Improvement Project

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$120,000 and the appropriation of the proceeds thereof to partially finance the construction of the Cornerstone Park Improvement Project.

Cornerstone Park is located at the intersection of Broad and Stone Streets. The project includes: the demolition and removal of deteriorated walls, pavements, and amenities; renovation and re-watering of the existing fountain with new mechanical and electrical systems; re-grading for drainage, on-site retention, detention and infiltration of storm water; replacement of park furnishings including retaining walls, seating, tables, pavement, bicycle parking, signage and lighting; and landscape enhancements.

The project was designed by McCord Landscape Architecture, PLLC, as authorized in September 2013 (Ord. No. 2013-323). Construction cost is 85% funded by a New York State Water Quality Improvement Program (WQIP) grant which was authorized in February 2011 (Ord. No. 2011-37).

Construction is anticipated to begin in spring 2016, with substantial completion in the fall 2016. The

construction phase of this project will result in the creation and/or retention of the equivalent of 10.3 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-105

Ordinance No. 2016-162
(Int. No. 187)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$120,000 Bonds of said City to finance a portion of the costs of the Cornerstone Park Improvement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the costs of demolition of deteriorated walls, and the renovation, equipping and re-watering of the existing fountain and replacement of park furnishings, including seating, bicycle parking, signage, lighting and landscape enhancements in connection with the Cornerstone Park Improvement Project located at the intersection of Broad and Stone Streets (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 \$946,500. The plan of financing includes the issuance of \$120,000 bonds of the City as contemplated herein, the proceeds of which are hereby appropriated to the Project, receipt of a \$722,500 NY Water Quality Improvement Project Grant (authorized under Ordinance 2011-37), Prior Years' cash capital equal to \$7,500 and 2015-2016 cash capital equal to \$96,500 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 \$120,000 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 \$120,000. 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. 19 of the Law, is fifteen (15) years.

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

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

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

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

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

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-163
Re: Agreement - Stantec Consulting
Services, Inc., Public Safety Building
Generator Upgrade

Transmitted herewith for your approval is legislation establishing \$120,000 as maximum compensation for an agreement with Stantec Consulting Services, Inc., Rochester, New York, for architectural and engineering design of the Public Safety Building Generator Upgrade. The cost of the agreement will be financed from the Dormitory Authority of the State of New York Technology and Development Program, Grant No. 6929 (Ord. No. 2015-120).

The project includes schematic designs and estimates for the expansion or replacement of the emergency power generation system at the Public Safety Building, and an assessment related to back-up power interruption. The term of the agreement is six months after completion and acceptance of the project.

Stantec Consulting Services, Inc. was selected for architectural and engineering services through a request for proposals process, which is described in the attached summary.

Consultant services will begin in spring 2016; it is anticipated that construction will begin in fall 2017 with scheduled completion in fall 2018. The agreement will result in the creation and/or retention of the equivalent of 1.3 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-106

Ordinance No. 2016-163
(Int. No. 188)

Authorizing an agreement with Stantec Consulting Services, Inc. for architectural and engineering design for the Public Safety Building generator upgrade

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 Stantec Consulting Services, Inc., for architectural and engineering design for the Public Safety Building generator upgrade. The maximum compensation to be paid by the City shall be \$120,000, financed by the Dormitory Authority of the State of New York TAD grant number 6929, referenced in Ordinance No. 2015-120.

Section 2. The agreement may extend until six (6) months after completion and acceptance of the Project.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-164
Re: Main Street Streetscape and
Pedestrian Wayfinding Enhancement
Project

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Main Street Streetscape and Pedestrian Wayfinding Enhancement Project. This legislation will:

1. Amend Ordinance No. 2015-196 by decreasing the anticipated reimbursements from the Federal Highway Administration (FHWA) for the design agreement with Stantec Consulting Services, Inc. by \$19,100; and
2. Increase the private contribution share of the design agreement by \$19,100.

This federal aid project will result in streetscape enhancements along Main Street between St. Paul Street/South Avenue and Franklin Street/East Avenue, including the Liberty Pole Plaza. The pedestrian wayfinding signage will extend the length of Main Street from Canal Street to Alexander Street.

The project design agreement was authorized in June 2015 (Ord. No. 2015-196) at a maximum amount of \$318,000. The cost of the agreement was funded by \$199,000 in anticipated FHWA reimbursements, \$13,000 in private contributions and a \$106,000 bond. The FHWA funding agreement limits the federal share of design to a maximum of \$179,900, requiring the above noted share split adjustment and amendment.

Design of the project is underway. Construction is anticipated to begin in spring 2017 with completion in fall 2017. The design phase of this project will result in the creation and/or retention of the equivalent of 3.5 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-107

Ordinance No. 2016-164
(Int. No. 189)

Amending the source of funds appropriated in Ordinance No. 2015-196 for the Main Street Streetscape and Pedestrian Wayfinding En-

Enhancement Project

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

Section 1. Ordinance No. 2015-196 regarding the Main Street Streetscape and Pedestrian Wayfinding Enhancement Project, is hereby amended to decrease the funding from Federal Highway Administration reimbursements by \$19,100, to a total of \$179,900, and to increase the funding from private contributions by \$19,100, to a total of \$32,100.

Section 2. This ordinance shall take effect immediately.

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-165
Re: Intermunicipal Agreement - Village of Fairport, Ash Tree Pesticide Application Treatment Services

Transmitted herewith for your approval is legislation authorizing an intermunicipal agreement with the Village of Fairport to have the City provide pesticide application services for 52 ash trees. The City will provide the service on a one-time basis and will furnish all of the necessary resources to complete the project, including labor, equipment and materials (chemical pesticide, plugs, signs and sign sticks).

In return for these services, the Village of Fairport will reimburse the City for the cost of the resources used in the application of the treatment, plus a 15% administrative charge to cover the indirect cost associated with the completion of the project. The total amount of these costs will be \$5,939.50. The term of the agreement will be for one year.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-165
(Int. No. 190)

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

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

Section 1. The Mayor is hereby authorized to enter into an intermunicipal agreement with the Village of Fairport for a one-time pesticide application to fifty-two (52) ash trees in Fairport. The Village of Fairport will reimburse the City in the amount of \$5,939.50.

Section 2. The term of said agreement shall be one (1) year.

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

to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-166
Re: Code Amendment - Wholesale Water Rate Increase, Town and Village of Lima

Transmitted herewith for your approval is legislation amending Section 23-37 of the Municipal Code by raising the wholesale water rate for Water Districts 1 and 2 in the Town of Lima (including the Village of Lima). The current rate of \$1.58 per 1,000 gallons was approved by Council in May 2015 via Ordinance No. 2015-135. This amendment will increase that amount by 2.3%, which reflects the Engineering News-Record's Building Cost Index for calendar year 2015. This equals a \$0.03 increase for a proposed rate of \$1.61 per 1,000 gallons.

Lima consumed approximately 75,700,000 gallons of water in 2015. The new rate will be effective July 1, 2016, and is expected to result in an additional \$2,300 in revenue.

The City's water supply agreements with Lima Water Districts 1 and 2 allow for annual rate adjustments. The 30 year term of the agreements will expire in September and November of 2017, respectively.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-166
(Int. No. 191)

Amending the Municipal Code with respect to wholesale water rates

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

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

- (9) Wholesale rate: ~~\$1.58~~ \$1.61 per 1,000 gallons for Water Districts 1 and 2 of the Town of Lima.

Section 2. This ordinance shall take effect on July 1, 2016.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-167
Re: Agreement - Lu Engineers, Resident
Project Representation on Street
Permit Construction

Transmitted herewith for your approval is legislation establishing \$120,000 as maximum compensation for an agreement with Lu Engineers for resident project representation (RPR) services for City Right of Way (ROW) permit construction. The term of the agreement will be two years and will be financed from the 2016-17 and 2017-18 Budgets of the Department of Environmental Services, contingent upon Council approval of said budgets. Funding for the RPR services will be from City ROW permit fees collected for trench work done in the City ROW.

The City ROW includes street pavement, curbing, sidewalks, tree lawns and areas behind sidewalks. Construction within the City ROW is performed under the jurisdiction of either City construction contracts or City issued ROW permits. ROW permit work is done by various entities including public or private utility agencies, or property owners. Services under this agreement will involve RPR on construction activities that are under the jurisdiction of a City issued ROW work permit. Services will include providing a resident engineer or inspectors for construction as needed. Duties would involve observation of construction procedures of a permit holder for compliance with ROW work permit requirements such as: site cleanup; protection of vehicular and pedestrian traffic; proper trench backfill; site restoration; and meeting schedule requirements. Work would also include: coordination with City residents affected by the work; addressing resident questions and concerns; and coordination with the permit holder on the correct location and depth of new work to ensure new work will not conflict with existing or proposed City facilities.

The agreement is intended to expedite consultant assignments to the numerous permit construction projects that occur each year in the City ROW. This will facilitate management of the permit work by providing greater flexibility with respect to the assignment of RPR services for various permit projects.

Lu Engineers was selected for RPR services through a request for proposal process, which is described in the attached summary. Consultant services will begin in summer 2016.

The RPR services will result in the creation and/or retention of the equivalent of 1.3 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-108

Ordinance No. 2016-167
(Int. No. 192)

Authorizing a professional services agreement with Joseph C. Lu Engineering and Land Surveying, P.C., for term resident project representation services for City right-of-way permit construction

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 Joseph C. Lu Engineering and Land Surveying, P.C., for term resident project representation services for City right-of-way permit construction.

Section 2. Maximum compensation for the services herein is \$120,000, to be financed by right-of-way permit fees and the present and subsequent budgets of the Department of Environmental Services, contingent upon adoption of said subsequent budgets.

Section 3. The term of said agreement shall be two (2) years and is not renewable.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 182
Re: Pavement Width Changes -
Avis Street

Transmitted herewith for your approval is legislation authorizing geometric changes to Avis Street as a result of the Rochester City School District's (District's) ongoing improvements at the John Marshall Campus. This legislation will authorize the addition of a recessed bus loading area along the south side of Avis Street, west of Primrose Street. The overall pavement width will increase a maximum of 4', from approximately 24'to 28', beginning opposite the west curb line of Desmond Street and extending approximately 492'to the west curb line of Primrose Street.

The school uses Avis Street for staff-supervised Regional Transit Service bus loading and unloading at morning (start) and afternoon (end) of daily school sessions. The school currently serves students from Monroe High School and houses other District functions. The students enter and leave the building via normally locked doors on the east side of the building. Parent drop-off and pick-up occurs within parking lots and at the bus loop on Ridgeway Avenue. The bus loop is temporarily closed during the Ridgeway Avenue Improvements Project which is currently under construction.

The project is being designed and constructed by the District. Construction will begin in June 2016 with substantial completion in summer 2016.

The pavement width changes were endorsed by the Traffic Control Board at its April 5, 2016 meeting.

A public hearing on the pavement width changes is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Introductory No. 182

AUTHORIZING PAVEMENT WIDTH CHANGES TO AVIS STREET

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

Section 1. The Council hereby authorizes the width of Avis Street to be increased a maximum of four (4) feet along the south side of Avis Street, beginning opposite the west curb line of Desmond Street and extending approximately 492 feet to the west curb line of Primrose Street.

Section 2. This ordinance shall take effect immediately.

Held in Committee.

By Councilmember McFadden
May 17, 2016

To the Council:

The Public Safety, Youth & Recreation Committee recommends for adoption the following entitled legislation:

Int. No. 194 - Authorizing an agreement with the Monroe County Department of Public Health for the Tobacco Compliance Grant Program

Int. No. 195 - Authorizing agreements for Animal Services and amending the Budget

Int. No. 196 - Authorizing agreement for Summer Literacy Program in R-Centers

Int. No. 197 - Authorizing a memorandum of agreement with the Rochester City School District

Int. No. 198 - Authorizing amendatory agreements and appropriating funds for the Summer of Opportunity Program

Int. No. 203 - Authorizing an agreement with Environmental Systems Research Institute, Inc. to provide consulting and configuration services

The following entitled legislation is being held in Committee:

Int. No. 193 - Authorizing agreements for the 2016-17 Gun Involved Violence Elimination Program

Respectfully submitted,
Molly Clifford

Matt Haag
Dana K. Miller
Loretta C. Scott
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed, and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-168
Re: Agreement - Monroe County, Tobacco Compliance Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an agreement with the Monroe County Department of Public Health for the receipt and use of up to \$40,000 for a Tobacco Compliance grant. No matching funds are required.

The Department of Public Health will reimburse costs of up to \$40,000 in overtime and fringe benefits (\$30,269 of overtime; \$9,731, fringe) for compliance checks conducted April 1, 2016 through March 31, 2017. This agreement continues the enforcement program begun in April 1998, under which the Police Department conducts inspections of licensed tobacco outlets in the City. These inspections track compliance with the age restrictions on tobacco sales by using underage "agents" who attempt to buy tobacco products. Police Officers accompanying the purchasers will record and report any illegal underage sales, and will inspect sellers' premises for compliance with restrictions on product placement, and the possession of proper documents and certificates.

The \$30,269 for overtime will be included in the 2016-17 Budget of the Police Department and \$9,731 for fringe will be included in the 2016-17 Budget of Undistributed Expenses, contingent upon approval of the budget. This enforcement program was most recently approved in May 2015 (Ord. No. 2015-145). During 2015-16, 493 tobacco compliance checks were completed.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-168
(Int.No.194)

Authorizing an agreement with the Monroe County Department of Public Health for the Tobacco Compliance Grant 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 Monroe County Department of Public Health for receipt and use of \$40,000 of funding for the Tobacco Compliance Grant Program to be implemented from April 1, 2016 through March 31, 2017.

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

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Haag, McFadden, Miller, Ortiz, Patterson - 7.

Nays - Councilmember Conklin - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-169
Re: Agreement - Petco Foundation, Animal Services Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an agreement with the Petco Foundation for the receipt and use of \$45,000 for the "Helping Heroes" grant, and amending the 2015-16 Budget of the Police Department by \$5,000 to reflect a portion of this grant. The remaining \$40,000 will be included in the 2016-17 Budget of the Police Department, contingent upon approval of said budget. The term of this agreement is one year, from May 17, 2016 through May 16, 2017.

This grant is for the preparation and promotion of shelter animals for adoption. Of the \$45,000 award, \$40,000 will be for fee-waived adoption events and \$5,000 for adoption preparation expenses, such as vaccination and sterilization.

The City previously received a grant from the Petco Foundation for \$50,000 (Ord. No. 2015-249), which resulted in the adoption of 270 cats and dogs during fee-waived events in 2015.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-169
(Int. No. 195)

Authorizing agreements for Animal Services and amending the Budget

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 Petco Foundation for receipt and use of funding for the Helping Heroes Grant Program to promote pet adoptions in the amount of \$45,000. The agreement shall be for a term from May 17, 2016 through May 16, 2017.

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

Section 3. Ordinance No. 2015-167, the 2015-16 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$5,000, which amount is hereby appropriated from the Petco Foundation grant authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Patterson - 7.

Nays - Councilmember Ortiz - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-170
Re: Agreement - Encompass: Resources for Learning, Inc., Summer Literacy Program

Council Priority: Support the Creation of Effective Educational Systems

Transmitted herewith for your approval is legislation establishing \$37,200 as maximum compensation for an agreement with Encompass: Resources for Learning, Inc. for a Summer Literacy Program in R-Centers. The term of the agreement will be July 5 through September 30, 2016. The agreement will be funded from the 2016-17 Budget of the Department of Recreation and Youth Services (DRYS), contingent upon approval by Council.

The Summer Literacy Program is modeled after the successful collaboration between the Rochester City School District (RCSD) and the Rochester Public Library (RPL) to provide enhanced summer programming aimed at maintaining and improving children's reading skills. Encompass has successfully provided these services to the RPL for the past two summers. In 2015, DRYS partnered with Encompass to replicate this program by establishing summer Learning Labs at four R-Centers and one summer camp, serving a total of 239 youth. This program was last approved by Council on May 21, 2015 via Ordinance No. 2015-144.

In 2016, Encompass will implement curriculum-based services for youth in grades K-6 at four R-Centers and one summer camp. Encompass staff will be assisted by up to 30 high school students working as Literacy Aides at the R-Centers. Funding for the youth wages will be provided by RCSD under an agreement authorized by Council on April 20, 2016 via Ordinance No. 2016-125.

Encompass was selected through a request for proposals conducted by the RPL in 2013.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-170
(Int. No. 196)

Authorizing agreement for Summer Literacy Program in R-Centers

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 Encompass: Resources for Learning, Inc. for services related to a Summer Literacy Program in R-Centers. The maximum amount shall be \$37,200. Said amount, or so much as may be necessary, shall be funded from the 2016-17 Budget of the Department of Recreation and Youth Services, contingent upon adoption. The agreement shall be for a term July 5, 2016 through September 30, 2016.

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

Section 3. This ordinance shall take effect immediately

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-171
Re: Memorandum of Agreement -
Rochester City School District,
Pillars of Hope Initiative Program

Council Priority: Support the Creation of
Effective Educational Systems

Transmitted herewith for your approval is legislation authorizing a memorandum of agreement (MOA) with the Rochester City School District for the City of Rochester's Pillars of Hope Initiative program. The Pillars of Hope Initiative is a mentoring program managed by the Mayor's Office that recruits African-American and Latino professionals who, as a group, adopt a school where they can make an impact with their presence and programming.

A Pillars Team consists of 10 members who commit to monthly one hour sessions in a classroom. The team implements activities to assist youth to develop and increase their love of learning by sharing their personal journeys in the pursuit of education and their experiences of overcoming challenges. The team also imparts knowledge about higher education and various careers.

Under the MOA, the participating schools will be determined by mutual agreement between the principal or program administrator of each school or program and the City. There is no cost to this agreement as the Pillars of Hope is a volunteer-based program. The agreement will expire June 30, 2018 or may be terminated at any time upon 20 days of written notice by either party.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-171
(Int. No.197)

Authorizing a memorandum of agreement with the Rochester City School District

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

Section 1. The Mayor is hereby authorized to enter into a memorandum of agreement with the Rochester City School District to implement the Pillars of Hope Initiative mentoring program in District schools.

Section 2. The term of the agreement shall extend to June 30, 2018, although either party may terminate the agreement sooner upon 20 days prior written notice to the other. No funds are required for the agreement.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-172
Re: Summer of Opportunity Program

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation related to the implementation of the 2016 Summer of Opportunity Program (SOOP). This legislation will:

1. Appropriate \$250,000 from the Job Creation/Youth Development allocation of the 2016-17 Community Development Block Grant (CDBG) of the Consolidated Community Development Plan, contingent upon Council approval, to provide youth wages and administrative staff support for the program.
2. Establish \$257,826 as maximum compensation for agreements with the following agencies to provide summer employment services to 204 youth, to be funded from the 2015-16 (\$23,156) and 2016-17 (\$234,670) Budgets of the Department of Recreation and Youth Services (DRYS), contingent upon approval of the latter budget. Each agreement will have a term of one year.

<u>Agency/Program</u>	<u>Number Of Youth</u>	<u>Amount</u>
Baden Street Settlement of Rochester, Inc./Media Team	10	\$ 11,578
Baden Street Settlement of Rochester, Inc./Drama Design Team	15	17,367
Baden Street Settlement of Rochester, Inc./Video Production Team	20	23,156
Foodlink, Inc.	10	17,420
Ibero-American Action League, Inc./Landscaper Apprentice Program	10	10,790
Ibero-American Action League, Inc./Greenspace Program	14	15,702
Ibero-American Action League, Inc./Media Broadcasting	10	12,037
North East Area Development, Inc.	50	74,996
Rochester City School District/Law Prep	20	20,419
Rochester City School District/PowerMath	18	19,635
Rochester Community Television, Inc./Multimedia Design Team	12	13,848
Rochester Technology and Manufacturing Association	15	20,878
Total	204	\$257,826

3. Establish \$5,000 as maximum compensation for an additional agreement with Rochester Community Television, Inc. to create two short documentaries highlighting the activities and accomplishments of the SOOP program for marketing and promotional purposes. The cost of the agreement will be funded from the 2015-16 Budget of DRYS and the term will be for one year.

Program Overview

The City’s SOOP collaborates with RochesterWorks’ Summer Youth Employment Program (SYEP) to conduct joint recruitment and application intake for all applicants ages 14 to 20 years old seeking summer employment. Funding for the activities of SOOP and SYEP is separate. The City funds summer jobs within City departments and summer work experience programs provided by external partner agencies as described below. The City also provides job readiness training and parent orientations. RochesterWorks’ SYEP funds summer work experience programs provided by external partner agencies.

Externally Administered Work Experience (Tier 1)

A request for proposals (RFP) was issued jointly by SOOP and SYEP, the details for which are attached. A total of 32 proposals were received from 24 agencies. Twenty-six proposals were approved for funding. The approved proposals were then divided between the City and RochesterWorks, based on applicant preference of wages or stipends, history working with the agencies, and ages of the youth to be served. Agencies proposed working with either 14-15 year olds, or 16-20 year olds; SOOP’s priority is 14-15 year olds.

The 14-15 year olds will receive a stipend of \$600. The 16-20 year olds will be paid minimum wage.

Funder	City SOOP	RochesterWorks SYEP	Total SOOP + SYEP
Number of programs	12 programs	14 programs	26 programs
Total funding	\$257,826	\$441,391	\$699,217
Age 14-15	134	95	229
Age 16-20	70	155	225
Total Youth	204	250	454

Internally Administered Jobs (Tier 2)

Under Tier 2, SOOP jobs are provided by the City for a total of 87 positions. These jobs are based on the City pay schedule and payroll is administered directly by the City. Youth will be paid minimum wage.

<u>Department/Program</u>	<u>Number Of Youth</u>	<u>Amount</u>
DRYS Recreation Youth Workers	52	\$168,600
DRYS Jr. Rec Leaders	15	17,010
DRYS Biz Kid\$ Real	10	16,443
SOOP City Hall	10	13,365
	87	\$215,418

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-109

Ordinance 2016-172
(Int. No. 198)

Authorizing amendatory agreements and appropriating funds for the Summer of Opportunity Program

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

Section 1. The sum of \$250,000 is hereby appropriated from the Job Creation/Youth Development allocation of the Consolidated Community Development Plan/2016-17 Annual Action Plan, contingent upon the approval of such Plan, to provide youth wages and administrative staff support for the Summer of Opportunity Program.

Section 2. The Mayor is hereby authorized to enter into agreements between the City and the following agencies to provide summer employment program opportunities for youths. The agreements shall obligate the City to pay an aggregate amount not to exceed \$257,826 with the maximum amount for each agreement being as set forth below. The sum of \$257,826, or so much as may be necessary, is hereby appropriated for this purpose, \$23,156 from the 2015-16 Budget of the Department of Recreation and Youth Services (DRYS) and \$234,670 from the 2016-17 Budget of DRYS, contingent upon approval of the latter Budget. Each agreement shall be for a term of no more than one year.

<u>Agency/Program</u>	<u>Amount</u>
Baden Street Settlement of Rochester, Inc./Media Team	\$11,578
Baden Street Settlement of Rochester, Inc./Drama Design Team	17,367
Baden Street Settlement of Rochester, Inc./Video Production Team	23,156
Foodlink, Inc.	17,420
Ibero-American Action League, Inc./Landscaper Apprentice Program	10,790
Ibero-American Action League, Inc./Greenspace Program	15,702

Ibero-American Action League, Inc./Media Broadcasting	12,037
North East Area Development, Inc.	74,996
Rochester City School District/Law Prep	20,419
Rochester City School District/PowerMath	19,635
Rochester Community Television, Inc./Multimedia Design Team	13,848
Rochester Technology and Manufacturing Association	20,878
Total	\$257,826

Section 3. The Mayor is hereby authorized to enter into an agreement between the City and Rochester Community Television, Inc. in an amount not to exceed \$5,000 to create two short documentaries regarding the activities and accomplishments of the Summer of Opportunity Program. The cost of the agreement shall be funded from the 2015-16 Budget of the Department of Recreation and Youth Services. The term of the agreement shall be one year.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-173
Re: Agreement - Environmental Systems Research Institute, Inc., Consulting Services

Council Priority: Public Safety

Transmitted herewith for your approval is legislation establishing \$16,000 as maximum compensation for an agreement with Environmental Systems Research Institute, Inc. (ESRI) to assist with configurations to an open-data platform. The cost of the agreement will be funded from the 2015-16 Budget of the Police Department.

Configuring the Police Department's open-data platform is part of a continuing effort to promote public transparency and openness by employing efficient online data dissemination. A secondary benefit of the project will be the improvement of internal efficiency resulting from a reduction of the current redundancy of data preparation and distribution for continuous public requests for data. ESRI will provide up to 50 hours of consulting services for a consultant for spend three consecutive days performing on-site support working with the Police Department's technical staff and management. In addition to the on-site support, ESRI will provide remote, ad-hoc services via telephone, e-mail, and/or webcast for the remainder of hours.

ESRI is the City's current Geographic Information Systems (GIS) vendor and this project will be run with support from the City's GIS Department.

The term of this agreement will be from June 1, 2016 through May 31, 2017.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-110

Ordinance No. 2016-173
(Int. No. 203)

Authorizing an agreement with Environmental Systems Research Institute, Inc. to provide consulting and configuration 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 between the City and Environmental Systems Research Institute, Inc. to provide up to 50 hours of consulting and configuration services for transition to an open-data platform. Maximum compensation of \$16,000 is to be financed from the 2015-16 Budget of the Police Department.

Section 2. The term of the agreement is from June 1, 2016, through May 31, 2017.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 193
Re: Agreement - New York State Division of Criminal Justice Services, 2016-17 GIVE Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation related to a New York State Division of Criminal Justice Services (DCJS) grant. This legislation will:

1. Authorize an agreement with DCJS for the receipt and use of a Gun Involved Violence Elimination (GIVE) grant in the amount of \$558,700 for the term of July 1, 2016 to June 30, 2017; and
2. Establish \$164,200 as maximum compensation for an agreement with the Rochester Institute of Technology (RIT) for data analysis services related to GIVE. The agreement will be funded from the 2016-17 Budget of the Police Department, contingent upon approval, and have a term of one year, from July 1, 2016 to June 30, 2017.

This grant will build on the success of previous GIVE funding and support the continued work of a county-wide criminal justice taskforce to reduce violent crime in Rochester. GIVE strategies are exclusively focused on firearm related crime, primarily shootings and homicides. Methods of reducing firearm violence will be based upon empirically derived best-practices that focus on violent dispute intervention and resolution; deterring access to illegal firearms; and implementing offender-based tactics and place-based tactics. Taskforce priorities and activities are based on crime and crime response data.

The grant includes \$375,000 in overtime, but does not pay for the associated fringe cost of \$120,600. The Center for Public Safety Initiatives (CPSI) at RIT will receive \$164,200 as a sub-grantee to cover the cost of GIVE related analysis and personnel. CPSI will employ a GIVE Analyst and a Focused Deterrence Coordinator to work directly with the taskforce. The remaining \$19,500 will be used to purchase geographic positioning system (GPS) trackers, supplies for custom notifications, rental cars for undercover details, and training required by DCJS. No matching funds are required.

Respectfully submitted,
Lovely A. Warren
Mayor

Introductory No. 193

AUTHORIZING AGREEMENTS FOR THE 2016-17 GUN INVOLVED VIOLENCE ELIMINATION PROGRAM

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services for receipt and use of funding for the 2016-17 Gun Involved Violence Elimination (GIVE) Program in the amount of \$558,700. The agreement shall be for a term from July 1, 2016 through June 30, 2017.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Rochester Institute of Technology Center for Public Safety Initiatives for data analysis services for the 2016-17 GIVE Program in the maximum amount of \$164,200. The agreement shall be for a term from July 1, 2016 through June 30, 2017. The sum of \$164,200, or so much as may be necessary, is hereby appropriated for the agreement from the 2016-17 Budget of the Rochester Police, contingent upon the approval of said Budget.

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

Section 4. This ordinance shall take effect immediately.

Held in Committee.

The meeting was adjourned at 8:12 p.m.

HAZEL L. WASHINGTON
City Clerk

* * * *

SPECIAL MEETING
JUNE 2, 2016
8:30 A.M.

Present - President Scott, Councilmember Clifford, Conklin, Haag, McFadden, Ortiz, Patterson, Spaul - 8.

Absent - Vice President Miller - 1.

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

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

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

Council President Scott moved to amend Int. No. 248.

The motion was seconded by Councilmember Conklin.

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2016-18A
Re: Home Rule Resolution - City Traffic Violations Agency

Transmitted herewith for your approval is a home rule resolution relating to legislation that is currently being considered by the New York State Legislature. The legislation, Assembly Bill No. A.10343 and Senate Bill No. S.07949-A, would authorize the establishment of a City Traffic Violations Agency (City Agency) to adjudicate traffic violations beginning on July 1, 2017.

At present, traffic violations that occur in the City must go before a State Traffic Violations Bureau (State Bureau) within the Department of Motor Vehicles, while each town has jurisdiction over the traffic violations that occur within its boundaries. Town courts are allowed to accept plea bargains that allow for reducing a charged infraction to a lesser offense. However, State law prohibits the State Bureau from accepting pleas bargains.

This legal discrepancy presents an issue of substantial unfairness. Without the plea bargain option, City drivers face higher fines, higher points and, consequently, higher insurance premiums than those faced by drivers outside the City for the same infractions. The approval of a City Agency would eliminate that discrepancy by allowing the City to run its own traffic violations system freed of the State prohibition on plea bargains.

The creation of the City Agency would entail the hiring of judicial hearing officers and prosecutors to adjudicate tickets. However, the costs of hiring the necessary officers and employees and of administering the system will be more than offset by the collection of the same administrative assessments that are presently charged by the State Bureau. Indeed, the City of Buffalo, which has been operating its traffic violations bureau since July 1, 2015 pursuant to similar State legislation, anticipates that the new system will generate a net revenue increase of more than \$1 million annually for the City's budget.

Respectfully submitted,
Lovely A. Warren
Mayor

Resolution No. 2016-18A
(Int. No. 248, as amended)

Resolution for the purpose of a Home Rule Message regarding State legislation in relation to the adjudication of traffic infractions within the City of Rochester

Concurring in the request by the Mayor of the City of Rochester to the Senate and the Assembly of the State of New York pursuant to Article IX of the New York State Constitution to enact into law certain legislation in relation to the adjudication of traffic infractions.

BE IT RESOLVED, by the City Council of the City of Rochester that said Council concurs in the request of Lovely A. Warren, Mayor of the City of Rochester, to the Senate and the Assembly of the State of New York, constituting the New York State Legislature, that said Legislature enact the legislation set forth in the following bill entitled:

AN ACT to amend the general municipal law, the state finance law, the vehicle and traffic law and the criminal procedure law, in relation to the adjudication of traffic infractions.

Being Senate Bill No. S.07949-A and Assembly Bill No. A.10343-A.

This resolution shall take effect immediately.

New text is underlined.

Adopted unanimously.

The meeting was adjourned at 9:00 a.m.

HAZEL L. WASHINGTON
City Clerk

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PUBLIC HEARING MEETING
CITY/CITY SCHOOL DISTRICT BUDGET
JUNE 8, 2016
5:30 P.M.

Present - President Scott, Councilmember Conklin, Haag, McFadden, Miller Ortiz, Patterson, Spaul - 8.

Absent - Clifford - 1.

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

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

PUBLIC HEARINGS

Pursuant to law public hearings will now be had on the following matter.

Adoption of the Budget estimates for municipal purposes for the 2016-17 fiscal year, appropriation of sums set forth therein and approving commercial refuse fees Int. No. 254 1 Speaker: Brigit Hurley.

Confirming the assessments and charges to be inserted in the annual tax rolls for the fiscal year commencing July 1, 2016 and expiring June 30, 2017 Int. No. 257 No Speakers.

Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2016 and expiring June 30, 2017 Int. No. 259 No Speakers.

Adoption of the Budget Estimates for School Purposes for the Fiscal Year commencing July 1, 2016 and expiring June 30, 2017, and appropriation of sums set forth therein Int. No. 255 No Speakers.

The meeting was adjourned at 5:45 p.m.

HAZEL L. WASHINGTON
City Clerk

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REGULAR MEETING
JUNE 14, 2016

Present - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Absent - 0.

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

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

Recognition Ceremony

- Retirement:
 - City Clerk
 - *Rebecca M. McNamara
 - Environmental Services
 - *Willie Louis Anderson
 - *Kenneth J. Daniels
 - *David A. Gharet
 - *Vincent C. Paolotto
 - Finance Department
 - *Sandra C. Sullivan
 - *Alfadella Williams
 - Neighborhood and Business Development
 - *Karen A. Altman
 - *Josefina Rivera
 - *Donald J. Tedesco
 - Fire Department
 - *James P. Marconi
 - *Kenneth R. Napierala
 - *Robert J. Soto
 - *Lawrence M. Tyndall, Jr.
 - *Scott T. Wigmore
 - *Todd J. Zambito
 - Human Resource Management
 - *Janice M. Perri
 - Administration
 - Leonard Redon

**Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Haag

RESOLVED, that the minutes of the Regular Meeting of May 17, 2016 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

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

The following communications are hereby directed to be received and filed:

The Mayor submits the following:
Administrative Cancellation or Refund of Erroneous Taxes and Charges 4233-16

The Council submits Disclosure of Interest Forms from President Scott on Int. No. 213, Vice President Miller on Int. Nos. 219 and 253, Councilmember Haag on Int. Nos. 244, 245, and 255, Councilmember McFadden on Int. No. 253, and Councilmember Spaul on Int. No. 244.

PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.

Councilmember Clifford presented a petition with 5 signatures of persons concerned with street work done on Mt. Read Blvd. Petition No. 1726

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
June 14, 2016

To the Council:

The Finance Committee recommends for Adoption the following entitled legislation:

Int. No. 212 - Authorizing cancellation of taxes and charges

Int. No. 213 - Resolution approving an appointment to the Board of Ethics

Int. No. 214 - Authorizing an amendatory agreement with Sanchez and Associates, Inc. for Diversity and Inclusion Training

Int. No. 215 - Authorizing a lease agreement with the State University of New York College at Brockport Rochester Educational Opportunity Center

Int. No. 216 - Establishing maximum annual compensation for a professional services agreement for administration of unemployment insurance claims

Int. No. 217 - Resolution approving the 2016-17 debt limit for general municipal purposes

Int. No. 250 - Authorizing an amendatory agreement with Allpro Parking for customer service staffing of City parking garages, as amended

Int. No. 252 - Authorizing a professional services agreement for training development and delivery services, as amended

Int. No. 254 - Adoption of the Budget estimates for municipal purposes for the 2016-17 fiscal year, appropriation of sums set forth therein and approving commercial refuse fees

Int. No. 255 - Adoption of the Budget estimates for school purposes for the fiscal year commencing July 1, 2016 and expiring June 30, 2017 and appropriation of sums set forth therein

Int. No. 256 - Levying taxes for municipal purposes for the fiscal year commencing July 1, 2016 and expiring June 30, 2017

Int. No. 257 - Confirming the assessments, amounts and charges to be inserted in the annual tax rolls for the fiscal year commencing July 1, 2016 and expiring June 30, 2017

Int. No. 258 - Levying taxes for school purposes for the fiscal year commencing July 1, 2016 and expiring June 30, 2017

Int. No. 259 - Local Improvement Ordinance - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2016 and expiring June 30, 2017

Int. No. 260 - Amending City Charter with respect to responsibilities for City facilities

Int. No. 261 - Amending the Municipal Code with the respect to parking rates

Int. No. 262 - Amending the Municipal Code with respect to water rates

Int. No. 263 - Authorizing competitive grant applications

Int. No. 264 - Authorizing an amendatory audit services agreement with Freed Maxick CPAs, P.C.

The following entitled legislation is being held in Committee:

Int. No. 251 - Authorizing an agreement with ACME Powerwashing, Inc. for light maintenance services at City parking garages

Respectfully submitted,
Carolee A. Conklin
Molly Clifford
Adam C. McFadden
Dana K. Miller
Loretta C. Scott (*abstained on Int. No. 213*)
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-174
Re: Cancellation or Refund of
Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$1,331.68.

Due to an error in the application and calculation of special district footage units, the property located at 45 Nottingham Road was over-charged for street cleaning, road plowing, sidewalk plowing and hazardous sidewalk replacement because the corner lot adjustment had not been made.

If these cancellations are approved, total cancellations thus far for 2015-16 will be as follows:

	<u>Accounts</u>	<u>Amounts</u>
City Council	9	\$ 37,937.12
Administrative	926	124,863.61
Total	935	\$162,800.73

These cancellations represent 0.064% of the taxes receivable as of July 1, 2015.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-174
(Int. No. 212)

Authorizing cancellation of taxes and charges

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

Section 1. The City Treasurer is hereby authorized to cancel \$1,331.68 in taxes and charges for the property located at 45 Nottingham Road. Due to an error in the application and calculation of the special district footage, such property was over-charged for street services and hazardous sidewalk replacement.

S.B.L. #: 122.34-1-35
Class: H
Address: 45 Nottingham Road
Tax year: 2016
Amount cancelled: \$1,331.68

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Resolution No. 2016-18B
Re: Appointments - Board of Ethics

Transmitted herewith for your approval is legislation to approve the reappointment of Christopher Lindley, 271 Aberdeen Street, Rochester, NY 14619 to the Board of Ethics.

Mr. Lindley was originally appointed to fill the vacant seat that was previously held by Richard Hannon. Mr. Lindley's term will expire January 2018.

Mr. Lindley's resume' is on file with the City Clerk.

Respectfully submitted,
Loretta C. Scott
President

Resolution No. 2016-18B
(Int. No. 213)

Resolution approving an appointment to the Board of Ethics

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

Section 1. The Council hereby approves the reappointment of Christopher Lindley, 271 Aberdeen Street, Rochester, NY 14619, to the Board of Ethics for a term which shall expire on January 31, 2018.

Section 2. This resolution shall take effect immediately.

Adopted by the following vote:

Ayes - Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 8.

Nays - None - 0.

Council President Scott abstained due to a professional relationship

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-175
Re: Agreement - Sanchez and Associates, Inc., Diversity and Inclusion Training

Council Priority: Public Safety; Jobs and Economic Development

Transmitted herewith for your approval is legislation extending an agreement with Sanchez and Associates, Inc., Rochester, New York, for the development and delivery of Diversity and Inclusion Training for City employees by one year, from June 28, 2016 through June 27, 2017.

The original agreement established maximum compensation of \$7,500 for the development and delivery of this training and expires on June 27, 2016. This extension, at no further cost, is needed to administer the training developed by the consultant to all City employees. The cost of this agreement was funded from the 2014-15 Budgets of Undistributed Expenses.

In 2011-12, Sanchez and Associates, Inc. developed and administered Diversity and Inclusion training for City employees. In an effort to supplement that training program, this new training program will, in addition to re-covering topics included in the previous Diversity and Inclusion training program, cover additional topics such as: greater awareness about privilege; oppression and its impact on situations; and strategies to become effective allies with each other and with the organization. This new training program will be mandatory for all full-time City employees and available for less than full-time employees, at the discretion of their supervisors.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-111

Ordinance No. 2016-175
(Int. No. 214)

Authorizing an amendatory agreement with Sanchez and Associates, Inc. for Diversity and Inclusion Training

Ordinance No. 2016-176
(Int. No. 215)

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

Section 1. The Mayor is hereby authorized to amend the term of the professional services agreement with Sanchez and Associates, Inc., of Rochester, NY, for the development and delivery of Diversity and Inclusion Training for City employees. Such term shall be extended until June 27, 2017. There shall be no change in the maximum compensation.

Section 2. The amendatory agreement shall contain such other 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. 2016-176
Re: Lease Agreement - SUNY College at Brockport Rochester Educational Opportunity Center

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

Transmitted herewith for your approval is legislation establishing \$14,000 as maximum compensation for a two-year lease agreement with SUNY College at Brockport- Rochester Educational Opportunity Center (REOC), located at 161 Chestnut Street, to house the City of Rochester’s Career Pathways to Public Safety Program. The cost of this agreement will be funded from the 2016-17 (\$7,000) and 2017-18 (\$7,000) Budgets of Undistributed Expenses, contingent upon Council approvals of said budgets.

The Career Pathways to Public Safety Program is a collaborative effort between the City of Rochester, REOC, and the Rochester City School District (RCSD) to increase the number of RCSD students becoming candidates for the following uniformed departments: Police, Fire, and Emergency Communications. This two-year program serves students in grades 11-12.

The proposed lease agreement with SUNY College at Brockport – REOC provides the Career Pathways to Public Safety Program access to five classrooms for daily instruction, the large auditorium for special events and a computer lab.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-112

Authorizing a lease agreement with the State University of New York College at Brockport Rochester Educational Opportunity Center

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the State University of New York College at Brockport Rochester Educational Opportunity Center for the lease of classroom space at 161 Chestnut Street to be used for the City’s Career Pathways to Public Safety Program. The agreement shall extend for a term of two years.

Section 2. The lease agreement shall obligate the City to pay an amount not to exceed \$7,000 per year, for total maximum compensation over the two-year lease of \$14,000. Said amount shall be funded from the 2016-17 and 2017-18 Budgets of Undistributed Expenses, contingent upon approval of said budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-177
Re: Agreement - Barnett Associates, Inc., Unemployment Claims Administration

Council Priority: Deficit Reduction and Long-Term Financial Stability

Transmitted herewith for your approval is legislation establishing \$24,000 as maximum compensation for an agreement with Barnett Associates, Inc. to provide third-party administration of unemployment claims for the City of Rochester. The term of this agreement will be for three years, and \$8,000 will be equally funded from the 2016-17, 2017-18, and 2018-19 Budgets for Undistributed Expenses, contingent upon Council approval of said budgets.

Bids for services were solicited and a request for proposals, which is described in the attached summary, was placed on the City of Rochester’s website. Proposals were received from four vendors, including Barnett Associates, Inc. (Garden City, New York), Corporate Cost Control (New Hampshire), DeGroot Management Services, Inc. (Syracuse, New York), and Employers Edge (Westminster, Colorado).

Based on a thorough review of the proposals, including a comparison of services, costs, experience, and discussions with references, Barnett Associates

Inc. has been recommended to continue providing unemployment claims administration services for the City based on the following:

- Barnett Associates, Inc. has provided a high level of positive results for the City including savings in excess of \$640,000 and 93% success rate with “protestable” claims;
- Barnett Associates, Inc. has an established effective electronic file transfer system with the current City payroll system;
- Barnett Associates Inc. provides a highly secure web-based reporting system that is available 24 hours a day, 7 days a week, from which the City may retrieve individual and aggregate information regarding claims, liabilities, hearings, and other unemployment activity;
- Barnett Associates, Inc. has provided exceptional customer service to the City;
- The Employment Verification system that is offered by Barnett has been recently implemented for employees as a convenient, accessible way for mortgage lenders and banks to complete their review of financial applications in a timely manner. The City will receive a rebate of \$5.00 for every non-governmental verification provided. An estimated 400 - 450 verifications is projected annually.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-113

Ordinance No. 2016-177
(Int. No. 216)

Establishing maximum annual compensation for a professional services agreement for administration of unemployment insurance claims

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

Section 1. The sum of \$24,000 or so much thereof as may be necessary, is hereby established as the maximum compensation to be paid for a professional services agreement between the City and Barnett Associates, Inc. for administration of unemployment insurance claims for a term of three years. Said amounts shall be funded equally each year in the amount of \$8,000 from the 2016-17, 2017-18 and 2018-19 Budgets for Undistributed Expenses, contingent upon approval of said budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2016-19
Re: 2016-17 Debt Limit

Council Priority: Deficit Reduction and Long-Term Financial Stability

Transmitted herewith for your approval is legislation establishing the Debt Limit and Debt Rollover and Debt Extension amounts for the 2016-17 Budget.

2016-17 Debt Limit

The Debt Limit for tax supported borrowing is equal to the amount of principal on outstanding debt to be redeemed during the fiscal year for which the limit is established. The calculation excludes the redemption of principal on any borrowing approved as an exception to the Debt Limit and is further reduced by specific revenues attributable to bonded debt. The resulting Debt Limit for 2016-17 is \$18,005,000.

Attached is the 2016-17 Debt Authorization Plan, which calls for borrowing of \$18,005,000 in tax supported funds. The Plan also includes an additional \$7,974,000 supported by the City’s Enterprise Funds: \$3,999,000 for Refuse; \$3,291,000 for Local Works; and \$684,000 for Water.

Debt Rollover 2015-16 and 2014-15

The Debt Authorization Plans for the current and the two immediately prior fiscal years can remain open contingent upon the approval of the rollover amounts. This provides flexibility in the timing of authorizations which vary depending upon project timing, availability of supporting funds, and the participation of private sector partners. The rollover amounts equal the difference between the debt limit for any fiscal year and the sum of the authorizations made from the debt plan associated with that fiscal year. This sum may be further reduced by the amount of unauthorized items in the debt plan that are no longer necessary. The presentation of the rollover also includes any modifications made to the debt plan. Such rollovers do not result in authorizations exceeding the allowable authorization for any year.

2015-16: The Debt Limit for this year was \$19,045,000. Of that amount \$10,453,000 has been authorized, leaving a balance of \$8,592,000. Approval of a rollover in that amount is requested. The attached Debt Authorization Plan for 2015-16 itemizes projects remaining for that year and the details of the changes resulting from advanced funding.

2014-15: The Debt Limit for this year was \$16,921,000. Of that amount \$6,421,000 has been authorized, leaving a balance of \$10,500,000. Approval of a rollover in that amount is requested. The attached Debt Authorization Plan for 2014-15 itemizes projects remaining for that year.

Time Limit Extensions for 2013-14, 2012-13, 2011-12, 2009-10 and 2007-08

Time limit extensions are requested when projects are delayed beyond two years by market forces, significant reprogramming of funds, or other circumstances that justify carrying these authorizations beyond their expected authorization dates. Approval of extensions does not result in exceeding the allowable authorization for any fiscal year but is required by City Council Resolution. Extensions acknowledge the importance of these items as well as the fact that future replacement funds are not likely to be available. One-year extensions are requested for the following items based on programming and timing:

<u>2013-14 Project</u>	<u>Purpose</u>	<u>Amount</u>
T-4 Residential Street	street rehabilitation	\$2,531,000
T-3 Milling & Resurfacing	street rehabilitation	965,000
E-6 Investigation and Remediation	contaminated sites w/in city	695,000
T-6 Street Lighting	lighting	679,000
T-1 Lake Avenue	street rehabilitation	500,000
E-8 Focused Investment	development	500,000
E-1 Midtown Redevelopment III	street rehabilitation	405,000
	Total 2013-14 Extension	\$6,275,000
<u>2012-13 Project</u>	<u>Purpose</u>	<u>Amount</u>
T-2 Milling & Resurfacing	street rehabilitation	\$1,869,000
E-6 Investigation and Remediation	contaminated sites w/in the city	150,000
	Total 2012-13 Extension	\$2,019,000
<u>2010-11 Project</u>	<u>Purpose</u>	<u>Amount</u>
F-1 Rundel Library Renovations	renovation	\$3,457,000
F-2 Investigation and Remediation	contaminated sites w/in city	240,000
	Total 2010-11 Extension	\$3,697,000
<u>2009-10 Project</u>	<u>Purpose</u>	<u>Amount</u>
F-2 Hazardous Waste Remediation	contaminated sites w/in city	\$550,000
	Total 2009-10 Extension	\$550,000
<u>2007-08 Project</u>	<u>Purpose</u>	<u>Amount</u>
F-2 Investigation and Remediation	contaminated sites w/in city	\$545,000
	Total 2007-08 Extension	\$545,000

Each of these projects depends upon the partnership of developers and the cooperation of other governments. Like any business venture, delays are inevitable when financial or regulatory obstacles delay implementation. At the same time the City must continue to demonstrate its good faith by the continued availability of these authorizations.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-114A

Resolution No. 2016-19
(Int. No. 217)

Resolution approving the 2016-17 debt limit for general municipal purposes

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester, that it is the intent and policy of the City to limit the amount of bonds and notes authorized in fiscal year 2016-17 to \$18,005,000 for general municipal purposes.

BE IT FURTHER RESOLVED, unused authorizations from the debt limits for fiscal years 2014-15 and 2015-16 shall continue to be available, but no authorization included in the debt limit for a prior fiscal year, if not actually approved by the City Council, shall be carried-over and included in the limit for this fiscal year. By

this resolution, the Council specifically approves inclusion for this fiscal year of unused authorizations from the debt limit for fiscal year 2013-14 relating to street rehabilitation and milling and resurfacing including but not limited to Lake Avenue and Midtown Redevelopment III, hazardous waste investigation and remediation at contaminated City sites, street lighting, and focused investment; fiscal year 2012-13 relating to hazardous waste investigation and remediation and milling and resurfacing; for fiscal year 2010-11 relating to Rundel Library renovations and hazardous waste investigation and remediation at contaminated City sites; for fiscal year 2009-10 relating to hazardous waste investigation and remediation at contaminated City sites; and for fiscal year 2007-08 relating to hazardous waste investigation and remediation at contaminated City sites.

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

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

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

This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-178
Re: Agreements - Allpro Parking, LLC,
Customer Service Staffing of City Parking
Garages

Transmitted herewith for your approval is legislation establishing \$170,000 as maximum compensation for an amendatory agreement with Allpro Parking, LLC for customer service staffing and light-duty maintenance for April through June 2016. The original agreement with Allpro Parking, LLC was established via Ordinance No. 2012-2 and amended via Ordinance No. 2015-349. This amendatory agreement brings total maximum compensation to \$3,558,000; the current extension expires June 30, 2016. The cost of the amendatory agreement will be funded from the 2015-16 Budget of the Department of Finance.

Allpro Parking, LLC provides services at seven City parking garages: High Falls, Sister Cities, Crossroads, Mortimer, Court, Washington Square and East End.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-178
(Int. No. 250, as amended)

Authorizing an amendatory agreement with Allpro Parking for customer service staffing of City parking garages

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 Allpro Parking for customer service staffing of City parking garages. The amendment shall increase by \$170,000 the maximum compensation for the professional services agreement that was authorized in Ordinance No. 2012-2 and amended in Ordinance No. 2015-349, covering the extended term of April 1, 2016 through June 30, 2016. The increase shall be funded from the 2015-16 Budget of the Department of Finance.

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

Section 3. This ordinance shall take effect immediately.

New text is underlined.

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-179
Re: Agreement - Eagle Productivity Solutions,
Personnel and Payroll Project

Transmitted herewith for your approval is legislation establishing \$600,000 as maximum compensation for an agreement with Eagle Productivity Solutions for the development and delivery of training services as part of a City-wide Human Resource Management program that will be deployed in phases, beginning with Personnel and Payroll functions. The agreement will have a term of two years, and the cost will be financed from the 2015-16 (\$400,000) and 2016-17(\$200,000) Budgets of the Department of Information Technology, contingent upon adoption of the latter budget.

Under this agreement, Eagle Productivity Solutions will augment the City's project staff in the areas of training design, material development and delivery as part of the City's roll-out of a new computerized Personnel and Payroll system. Efficiencies will be gained with the new system through the elimination of paper timecards; the full implementation of directly deposited pay checks, resulting in the elimination of live paper checks, and the conversion to electronic pay stubs. These changes will also reduce staff processing time for these functions.

Eagle Productivity Solutions was selected through a request for proposals process, the summary of which is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-114B

Ordinance No. 2016-179
(Int. No. 252, as amended)

Authorizing a professional services agreement for training development and delivery 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 between the City and Eagle International Institute, Inc. d/b/a Eagle Productivity Solutions for training development and delivery services for implementation of the human resources management enterprise-wide process and system solution.

Section 2. The maximum compensation shall not exceed \$600,000 annually, which shall be funded in the amounts of \$400,000 from the 2015-16 Budget of the Department of Information Technology and \$200,000 from the 2016-17 Budget of the Department of Information Technology, the latter amount being contingent upon approval of the 2016-17 Budget of the City of Rochester.

Section 3. The term of the agreement shall be two years.

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

Section 5. This ordinance shall take effect immediately.

Strikeout indicates deleted text.

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

- Ordinance No. 2016-180,
- Ordinance No. 2016-181,
- Ordinance No. 2016-182,
- Ordinance No. 2016-183,
- Ordinance No. 2016-184,
- Local Improvement Ordinance No. 1720,
- Local Law No. 5,
- Ordinance No. 2016-185 and
- Ordinance No. 2016-186

Re: 2016-17 Budget

Council Priority: Deficit Reduction and
Long Term Financial Stability

Transmitted herewith for your approval is legislation related to the 2016-17 Budget. This legislation will:

1. Approve appropriations and establish revenue estimates for the City and City School District;
2. Authorize the tax levies required to finance appropriations for the City and City School District;
3. Authorize the budgets and related assessments for the Local Works program;
4. Confirm the assessments required for the following programs:
 - a. Street mall maintenance
 - b. Neighborhood parking lot operation
 - c. Public Market snow removal and security services
 - d. Street lighting and streetscape districts
 - e. Downtown Enhancement District
 - f. High Falls Improvement District

- g. St. Paul Street Streetscape
- h. Mt. Hope Streetscape
- i. Upper East Alexander Entertainment-Refuse
- j. Arnold Park Monument

- 5. Confirm the addition to the tax roll of various assessments, fees, and unpaid charges; and
- 6. Authorize certain fee increases and Charter and Code changes.

Details of the above actions related to the 2016-17 proposed budget of the City submitted to City Council on May 13, 2016 are summarized below:

1. Total appropriations of \$1,381,703,168 allocated for the City and the School District

	Proposed 2016-17	Amended 2015-16	Dollar Difference	Percent Difference
City	\$ 516,969,100	\$ 505,322,500	\$11,646,600	+2.3
School	864,734,068	823,650,759	41,083,309	+5.0
Total	\$1,381,703,168	\$1,328,973,259	\$52,729,909	+4.0

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

	Proposed 2016-17	Amended 2015-16	Dollar Difference	Percent Difference
City	\$ 464,387,170	\$ 455,115,570	\$ 9,271,600	+2.0
School	751,589,068	710,505,759	41,083,309	+5.8
Total	\$1,215,976,238	\$1,165,621,329	\$50,354,909	+4.3

2. Total tax levies of \$174,449,400 for the City and City School District

	Proposed 2016-17	Amended 2015-16	Dollar Difference	Percent Difference
Tax Revenue	\$165,726,930	\$163,351,930	\$2,375,000	+1.45
Tax Reserve	8,722,470	8,597,470	125,000	+1.45
Tax Levy	\$174,449,400	\$171,949,400	\$2,500,000	+1.45

3. Total appropriations for the Local Works fund of \$20,256,700 and total assessments of \$19,711,500

	Proposed 2016-17	Amended 2015-16	Dollar Difference	Percent Difference
Street Maintenance	\$ 5,631,153	\$ 5,392,109	\$ 239,044	4.4
Sidewalk Repair	601,185	980,221	-379,036	-38.7
Roadway Plowing	10,561,845	10,380,805	181,040	1.7
Sidewalk Plowing	2,917,317	2,958,865	-41,548	-1.4
Total	\$19,711,500	\$19,712,000	\$ -500	0.0

4. Program Assessments

On April 20, 2016, the following budgets were approved: street lighting and streetscapes; street malls; Downtown Enhancement District; security and snow removal at the Public Market; and the East Avenue and Alexander Street Entertainment District. The budget for the South Avenue/Alexander Street Open Space District was also approved on April 20, 2016 but will be financed solely by the use of prior year assessments. The budgets for the High Falls Business Improvement District and parking lots were approved on May 17, 2016. The assessments required are as follows

	Proposed 2016-17	Amended 2015-16	Dollar Difference	Percent Difference
Street Malls	\$ 30,306	\$ 25,325	\$ 4,981	19.7
Parking Lots	56,585	59,035	-2,450	-4.2
Public Market	45,839	45,649	190	0.4
Lighting and Streetscapes	38,000	27,130	10,870	40.1
Downtown Enhancement	604,100	604,100	0	0.0
High Falls	25,000	25,000	0	0.0
St. Paul Street Streetscape	20,649	20,649	0	0.0
Mt. Hope Streetscape	30,000	30,000	0	0.0
East/Alexander Entertainment	20,800	20,400	400	2.0

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

	Proposed 2016-17	Amended 2015-16	Dollar Difference	Percent Difference
Delinquent Refuse	\$ 584,238	\$ 570,002	\$ 14,236	2.5
Delinquent Water	6,125,164	5,933,255	191,909	3.2
Code Enforcement	139,532	105,465	34,067	32.3
Supplemental and Omitted Taxes	338,544	178,061	160,483	90.1
Local Improvements	1,413	1,413	0	0.0
Demolitions	564,681	393,873	170,808	43.4
Encroachments	3,725	3,725	0	0.0
Rehabilitation	217,626	241,380	-23,754	-9.8
Code Violations	1,982,235	2,269,160	-286,925	-12.6
Arnold Park Monuments	5,118	5,118	0	0.0

6. Fee increases and Code changes

6A. Water rate increases are proposed to balance the Water Fund. The proposed increases are expected to result in \$430,000 additional revenue based upon a slight reduction in consumption. Consumption charges and fire service charges, including the Holly high-pressure consumption charge, are proposed to increase an average of 2.5%. Increases are also proposed for the 5/8", 3/4", 8" and 10" base meter charge, however the 1" through 6" base meter charges will remain the same.

6B. An increase in parking garage rates is necessary to balance the Parking Fund resulting in approximately \$88,700 additional revenue which consists of a \$1 increase in monthly parking rates for all garages except Mortimer and a \$10 increase for monthly parkers at the Mortimer Garage. An additional \$20,400 is generated by the transition of the reduced rooftop rate at the Court Street Garage to the general monthly rate. Legislation is also proposed to provide authority to the Parking Director at the approval of the Mayor to change the daily transient rate for municipal parking garages during times of construction or implementation of new revenue control systems. Designation of the High Falls Garage is also updated to include the Kodak surface lot located at 231 State Street.

6C. Amend the City Charter for the proposed move of management of the Community War Memorial, the Port of Rochester, the soccer stadium, and the Center at High Falls from Neighborhood and Business Development to the Department of Environmental Services.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-180
(Int. No. 254)

Adoption of the Budget estimates for municipal purposes for the 2016-17 fiscal year, appropriation of sums set forth therein and approving commercial refuse fees

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

Section 1. The budget estimate for municipal purposes for the fiscal year July 1, 2016 to June 30, 2017, providing for the expenditure of \$516,969,100, is in all respects adopted, confirmed, fixed, and determined.

Section 2. The sums of money designated in the budget estimate for municipal purposes for the fiscal year 2016-17 are hereby authorized to be expended and the sum of \$516,969,100 is hereby appropriated for the current expenses of the departments and agencies; cash capital; debt service; and for the other purposes therein, in the manner provided by law, as listed below:

City Council and Clerk	\$ 1,871,200
Administration	8,881,800
Neighborhood and Business Development	11,069,300
Environmental Services	86,101,000
Finance	11,955,000
Information Technology	8,166,300
Law	2,041,200
Library	11,926,700
Recreation and Youth Services	11,407,900
Emergency Communications	13,792,600
Police	92,798,300
Fire	49,057,600
Undistributed Expenses	137,531,100

Contingency	6,054,800
Cash Capital	28,506,000
Debt Service	35,808,300
Sub-total	\$516,969,100
Tax Reserve	2,767,470
Total	\$519,736,570

Section 3. The budget estimate of the current revenues and other receipts, other than real estate taxes and the School Tax Relief (STAR) funds, for municipal purposes for the fiscal year 2016-17 is hereby fixed and determined at \$464,387,170 and said sum is appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2016-17 providing for the raising of taxation on real estate for municipal purposes of the sum of \$55,349,400 is hereby adopted.

Section 5. Pursuant to subsection 20-24B(1) of the Municipal Code, the Council hereby approves the fees for collection of commercial refuse and recyclables as proposed by the Mayor for fiscal year 2016-17.

Section 6. This ordinance shall take effect on July 1, 2016.

Passed unanimously

Ordinance No. 2016-181
(Int. No. 255)

Adoption of the Budget estimates for school purposes for the fiscal year commencing July 1, 2016 and expiring June 30, 2017, and appropriation of sums set forth therein

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

Section 1. The budget estimate for school purposes for the fiscal year July 1, 2016 to June 30, 2017, providing for the expenditure of \$864,734,068, is in all respects adopted, confirmed, fixed, and determined.

Section 2. The sums of money designated in the budget estimate for school purposes for the fiscal year 2016-17 are hereby authorized to be expended and the sum of \$864,734,068 is hereby appropriated to the Board of Education for the following purposes:

Operations	\$794,225,816
Cash Capital	13,432,000
Debt Service	<u>57,076,252</u>
Subtotal	864,734,068
Tax Reserve	<u>5,955,000</u>
Total	\$870,689,068

Section 3. The budget estimate of the current revenues and other receipts, other than real estate taxes, for school purposes for the fiscal year 2016-17 is hereby fixed and determined at \$751,589,068 and said sum is appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2016-17 providing for the raising of taxation on real estate for school purposes of the sum of \$119,100,000 is hereby adopted.

Section 5. This ordinance shall take effect on July 1, 2016.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 8.

Nays - Councilmember Conklin - 1.

Ordinance No. 2016-182
(Int. No. 256)

Levying taxes for municipal purposes for the fiscal year commencing July 1, 2016 and expiring June 30, 2017

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

Section 1. The sum of \$55,349,400, which sum is deemed by the Council sufficient with other revenues to

produce from collection during the fiscal year commencing July 1, 2016 and expiring June 30, 2017 the amount required to meet the budget estimates for municipal purposes, is hereby levied on all taxable real property in the City of Rochester, as set forth in the assessment rolls, for the fiscal year commencing July 1, 2016 and expiring June 30, 2017.

Section 2. The Director of Finance shall cause the taxes levied above to be inserted in the assessment rolls for the fiscal year commencing July 1, 2016 and expiring June 30, 2017.

Section 3. This ordinance shall take effect on July 1, 2016.

Passed Unanimously

Ordinance No. 2016-183
(Int. No. 257)

Confirming the assessments, amounts and charges to be inserted in the annual tax rolls for the fiscal year commencing July 1, 2016 and expiring June 30, 2017

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

Section 1. The following assessments, amounts and charges, and the allocation of said amounts against properties in the City, as set forth in roll or rolls on file in the City Clerk's Office, to be inserted into the annual tax rolls for the fiscal year commencing July 1, 2016 and expiring June 30, 2017 are hereby in all respects confirmed:

Street and Lot Maintenance	\$5,631,153.25
Roadway Snow Removal	10,561,844.78
Sidewalk Snow Removal	2,917,317.14
Hazardous Sidewalk Repair	601,184.85
Delinquent Refuse	584,238.27
Delinquent Water Charges	6,125,163.84
Supplemental Taxes	295,958.53
Omitted Taxes	42,585.29
Street Malls	30,305.81
Arnold Park Monuments	5,118.28
Parking Lots	56,585.00
Code Enforcements	139,532.27
Code Violations	1,982,235.00
Downtown Enhancement	604,100.00
Public Market Plowing	5,888.07
Public Market Security	39,950.70
Encroachment Fees	3,725.00
Rehabilitation Charges	217,626.39
Lyell Avenue Street Lights - District I	2,109.87
Lyell Avenue Street Lights - District II	2,232.85
Wilson Blvd. Street Lights	536.80
Monroe Avenue Lights I	1,381.16
Monroe Avenue Lights and Sidewalk II	602.03
Norton Street Lights	1,331.94
Norton Street Streetscape	2,815.00
Cascade Lights	1,544.84
Cascade Streetscape	8,000.00
Lake Avenue Lights	3,911.88

High Falls Business Improvement District	25,000.00
St. Paul Street Streetscape	20,649.38
St. Paul Street Lighting	505.65
Rundel Park Lighting	3,168.68
Upper East Alexander Refuse	20,800.00
East Main Street Lights	350.08
Browncroft Lighting	9,508.99
Mt. Hope Streetscape	30,000.00
Demolition	564,680.95
Local Improvements	1,413.38

Section 2. This ordinance shall take effect immediately

Passed unanimously

Ordinance No. 2016-184
(Int. No. 258)

Levying taxes for school purposes for the fiscal year commencing July 1, 2016 and expiring June 30, 2017

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

Section 1. The sum of \$119,100,000, which sum is deemed by the Council sufficient with other revenues to produce from collection during the fiscal year commencing July 1, 2016 and expiring June 30, 2017 the amount required to meet the budget estimates for school purposes, is hereby levied on all taxable real property in the City of Rochester, as set forth in the assessment rolls, for the fiscal year commencing July 1, 2016 and expiring June 30, 2017.

Section 2. The Director of Finance shall cause the taxes levied above to be inserted in the assessment rolls for the fiscal year commencing July 1, 2016 and expiring June 30, 2017.

Section 3. This ordinance shall take effect on July 1, 2016.

Passed unanimously

Local Improvement Ordinance No. 1720
(Int. No. 259)

Local Improvement Ordinance - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2016 and expiring June 30, 2017

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

Section 1. The Council finds and declares (1) that it is in the public interest to provide street cleaning, snow removal services on the streets and sidewalks, and the repair of hazardous sidewalks in the City of Rochester during the fiscal year from July 1, 2016 to June 30, 2017; (2) that the provision of such service benefits the properties abutting on such streets and sidewalks, and (3) that the cost of providing such services should be borne by the benefitted properties according to the benefit re-

ceived by such properties.

Section 2. The Commissioner of Environmental Services shall cause the following improvements and work to be provided on streets, sidewalks and lots in the City of Rochester during the fiscal year July 1, 2016 to June 30, 2017:

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

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

Section 4. The cost of providing such street cleaning and street snow removal services for the 2016-17 fiscal year shall be assessed against all parcels of property that abut a street, reflecting the benefit to be derived by such parcels from such services. The cost of providing such sidewalk repair and snow removal services for the 2016-17 fiscal year shall be assessed against all parcels of property that abut a sidewalk, reflecting the benefit to be derived by such parcels from such services.

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

Section 6. The total cost of such services to be assessed on July 1, 2016 shall be \$19,711,500 consisting of \$5,631,153 for street and lot maintenance, \$601,185 for sidewalk repair, \$10,561,845 for roadway snow removal and \$2,917,317 for sidewalk snow removal services. Such total amount constitutes an estimate of the amount necessary to pay contractors to provide services and to cover the costs of providing services with City crews between July 1, 2016 and June 30, 2017, less any miscellaneous revenues estimated to be collected during the same period, plus a reasonable reserve for uncollected assessments. All assessments collected shall be paid into the Local Works Fund, and all costs incurred shall be paid from such fund. The amounts assessed herein are appropriat-

ed for that purpose.

Section 7. The amount assessed on July 1, 2016 shall be billed on the tax bill and shall be due in one installment. Delinquent assessments collected more than 60 days into a fiscal year subsequent to the fiscal year billed shall be credited as revenue in the year collected and applied against costs in that fiscal year.

Section 8. This ordinance shall take effect on July 1, 2016.

Passed unanimously

Local Law No. 5
(Int. No. 260)

Amending City Charter with respect to responsibilities for City facilities

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended in Article X, Department of Neighborhood and Business Development, by amending subsection B of Section 10-3, to read as follows:

- B. The Director of Development Services shall manage or cause to be managed all real property owned by the City which is not used for municipal purposes, shall appraise or cause to be appraised the value of all real property which the Council determines to acquire or sell and, on behalf of the Mayor or Commissioner of Neighborhood and Business Development, shall be responsible for all matters relating to the acquisition and sale of such real property. The Director of Development Services shall also manage or cause to be managed ~~the Community War Memorial, the Terminal Building at the Port of Rochester, the soccer stadium, the Center at High Falls, and~~ such other facilities as may be assigned by the Mayor or the Commissioner.

Section 2. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended in Article VII by amending Section 7-1, Department of Environmental Services, to read as follows:

The Department of Environmental Services shall be responsible for the administration and management of those operations, functions, programs, activities and services having to do with solid waste collection and disposal; street cleaning; snow and ice removal from streets and sidewalks; street, bridge and sidewalk construction and maintenance; municipal fleet maintenance; municipal facility construction and maintenance; parks, forestry and municipal property maintenance; and such other assignments and duties as may be determined by the

Mayor.

The Department, through the City Engineer, shall be responsible for the engineering work required in the design, construction and inspection of municipal streets, sidewalks, bridges, buildings and facilities. The City Engineer shall also maintain the Official Map or Plan of the City.

The Department shall further be responsible for administering and managing the supply, treatment and distribution of water for the City through its Water Enterprise.

The Department shall be responsible for the Community War Memorial, the Port of Rochester, the soccer stadium, and the Center at High Falls.

The Department shall be organized into operating groups, bureaus, divisions or other service units as deemed necessary by the Mayor, which Council may approve by resolution, ordinance or budget adoption.

The Department shall be responsible for the Mount Hope and Riverside Cemeteries.

Section 3. This local law shall take effect on July 1, 2016 or immediately upon filing in the Office of the Secretary of State as provided by Section 27 of the NYS Municipal Home Rule Law, whichever occurs later.

Strikeout indicates deleted text, new text is underlined

Passed unanimously

Ordinance No. 2016-185
(Int. No. 261)

Amending the Municipal Code with respect to parking rates

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

Section 1. Section 111-118 of the Municipal Code, Establishment and designation of parking garages, as amended, is hereby further amended by amending subsection G to read in its entirety as follows:

- G. The building located at 240 State Street, known as the "High Falls Garage," and the surface lot located at 231 State Street for so long as the City shall possess a lease to use said surface lot for public parking purposes.

Section 2. Section 111-119 of the Municipal Code, Fees for use of space in parking garages and hours of operation, as amended, is hereby further amended by amending subsections A(6)(a)-(i) regarding the fees for monthly parkers to read in their entirety as follows:

- (a) Court Street Garage: ~~\$88-\$89~~ for parking in the general area, ~~\$104-\$105~~ for parking in

the premium area, and ~~\$135-\$136~~ for parking in the reserved area.

- (b) Genesee Crossroads Garage: ~~\$88-\$89~~.
- (c) High Falls Garage ~~\$71-\$72~~ for parking in the general area ~~and \$114 \$115~~ for parking in the reserved area, and \$52 for parking in the surface lot located at 231 State Street.
- (d) South Avenue Garage and Midtown Garage: ~~\$88-\$89~~.
- (e) Sister Cities Garage: ~~\$88-\$89~~ for parking in the general area and ~~\$104 \$105~~ for parking in the premium area.
- (f) Mortimer Street Garage: ~~\$54-\$64~~ for parking in the garage and in the surface lot.
- (g) Washington Square Garage: ~~\$88-\$89~~ for parking in the general area of the garage, ~~\$104-\$105~~ for parking in the reserved area of the garage, and ~~\$26-\$27~~ for parking in the Wadsworth Square Lot.
- (h) East End Garage: ~~\$73-\$74~~ for general parking, ~~\$48-\$49~~ for reserved residential parking, ~~parking~~ and \$42.25 for student parking.
- (i) The Parking Director is hereby authorized to designate portions of the Court Street Garage for ~~rooftop parking~~, general parking, premium parking and reserved parking; portions of the Washington Square Garage for rooftop parking, general parking, and premium parking; portions of the High Falls Garage for general parking and reserved parking; and portions of the Sister Cities Garage for general parking and premium parking, as a part of the variable monthly parking initiative. The ~~Director~~-Parking Director is authorized to establish rules and regulations to provide for monthly parking by authorized City employees in the High Falls and South Avenue Garages in accordance with collective bargaining agreements approved by the City.

Section 3. Section 111-119 of the Municipal Code, Fees for use of space in parking garages and hours of operation, as amended, is hereby further amended by adding subsection H to read in its entirety as follows:

- H. Notwithstanding the parking rates established in §111-119 of the Municipal Code for parking at the municipal garages, the Parking Director, subject to the approval of the Mayor, is hereby authorized to change the rates charged in any parking garage temporarily while a parking garage is undergoing construction, renovation or repair activities and during the installation, upgrading or repair of revenue control equipment.

Section 4. This ordinance shall take effect on July 1, 2016.

Strikeout indicates deleted text, new text is underlined

Passed unanimously

Ordinance No. 2016-186
(Int. No. 262)

Amending the Municipal Code with respect to water rates

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

Section 1. Section 23-37 of the Municipal Code, relating to fees for water, as amended, is hereby further amended by amending subsections A and C thereof to read in their entirety as follows:

A. Consumption rates.

(1) Consumption Charge; schedule of rates.

Gallons Consumed per Month	Charge per 1,000 Gallons
0 to 300,000	<u>\$3.53</u> \$3.44
300,001 to 1,000,000	<u>\$3.17</u> \$3.09
1,000,001 to 13,000,000	<u>\$2.47</u> \$2.41
Over 13,000,000	<u>\$1.41</u> \$1.37

(2) Base Charge.

Size of Meter (inches)	Charge per Month
5/8"	<u>\$7.64</u> \$7.32
3/4"	<u>\$11.46</u> \$10.98
1"	\$37.62
1 1/2"	\$55.72
2"	\$74.53
3"	\$186.25
4"	\$372.15
6"	\$557.90
8"	<u>\$912.95</u> \$825.45
10"	<u>\$1,247.96</u> \$1,082.93

C. Fire-service charges.

(1) Domestic fire-service charge.

Size of First Check Valve (inches)	Charge per Quarter
Up to 2"	<u>\$41.00</u> \$40
4"	<u>\$81.00</u> \$79
6"	<u>\$160.00</u> \$156
8"	<u>\$318.00</u> \$310
10"	<u>\$470.00</u> \$458
12"	<u>\$676.00</u> \$659

(2) Holly high-pressure fire-service charge.

Size of First Check Valve (inches)	Charge per Quarter
Up to 2"	<u>\$112.00</u> \$109
4"	<u>\$225.00</u> \$219
6"	<u>\$299.00</u> \$292
8"	<u>\$597.00</u> \$582
10"	<u>\$881.00</u> \$859

(3) Holly high-pressure consumption charge: \$10.79 ~~\$10.34~~ per 1,000 gallons.

Section 2. This ordinance shall take effect on July 1, 2016.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-187
Re: Competitive Grant Applications -
Fiscal Year 2016-17

Transmitted herewith for your approval is legislation authorizing certain competitive grant applications for the 2016-17 fiscal year. This legislation helps streamline the application process. Council has approved such grant applications annually since 2007.

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

Grant applications will continue to require individual Council endorsement when:

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

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-187
(Int. No. 263)

Authorizing competitive grant applications

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

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

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

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

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

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

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

Section 7. This ordinance shall be in effect for the 2016-17 fiscal year.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-188
Re: Agreement Amendment - Freed Maxick
CPAs, P.C. Audit Services

Transmitted herewith for your approval is legislation amending the current auditing services contract with Freed Maxick CPAs, P.C., 100 Meridian Centre, Suite 310, Rochester, New York 14618, in order to increase the special audit threshold for this contract from \$50,000 to \$120,000.

This contract was approved by City Council Ordinance No. 2013-89 and is for three years (FY2013, FY2014 and FY2015) with an option for two, one-year extensions (FY2016 and FY2017). The contract was renewed in January 2016 for the 2016 fiscal year.

The contract allows a threshold of \$50,000 for special audits. To date, \$43,719 has been expended for special audits with a substantial portion attributable to projects funded by the New York State Department of Transportation (NYSDOT) requiring contract "close-out" audits.

A number of additional NYSDOT funded projects are expected to be completed by the close of FY2017 and it is projected that an additional \$70,000 may be required for these audits plus the recurring audits that the City has now engaged Freed Maxick for. A detail of the anticipated projects to close and an accounting of special audit expenses to date and projected is attached with this transmittal.

Respectfully submitted,
Loretta C. Scott
Council President

Carolee A. Conklin
Chair, Finance Committee
Councilmember-at-Large

Ordinance No. 2016-188
(Int. No. 264)

Authorizing an amendatory audit services agreement with Freed Maxick CPAs, P.C.

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

Section 1. The Mayor is hereby authorized to amend the professional services agreement with Freed Maxick CPAs, P.C. that was authorized by Ordinance No. 2013-89 to increase the maximum compensation by \$70,000, for a total of \$755,625. The additional compensation, or so much thereof as may be necessary, shall be allocated to the perfor-

mance of special audits. The increase in the maximum compensation shall be funded from the 2016-17 and subsequent budgets of the City, contingent upon the adoption of subsequent budgets.

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

Section 3. This ordinance shall take effect immediately

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 251
Re: Agreement - Acme Powerwashing, Inc.,
Maintenance of City Parking Garages

Transmitted herewith for your approval is legislation establishing \$318,990 as maximum compensation for an agreement with Acme Powerwashing, Inc. to provide light maintenance in eight City parking garages (High Falls, Sister Cities, Crossroads, Mortimer, Court, Washington Square, Midtown and East End). The agreement will have a term of one year, with two optional two-year extensions, and the cost will be funded from the 2016-17 and subsequent budgets of the Department of Finance, contingent upon approval of said budgets.

Acme Power Washing was selected through public bid to provide the light maintenance services, while another company was chosen for customer service staffing.

Respectfully submitted,
Lovely A. Warren
Mayor

Introductory No. 251

AUTHORIZING AN AGREEMENT WITH ACME POWERWASHING, INC. FOR LIGHT MAINTENANCE SERVICES AT CITY PARKING GARAGES

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 Acme Powerwashing, Inc. for light maintenance services at City parking garages. The amount of \$318,990 is established as maximum compensation for such agreement and will be funded from the 2016-17 and subsequent budgets of the Department of Finance, contingent upon approval of said budgets. The term of the agreement shall be one year with two optional two-year extensions.

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

Section 3. This ordinance shall take effect immediately.

Held in Committee

By Councilmember Ortiz
June 14, 2016

To the Council:

The Neighborhood & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 218 - Authorizing the sale of real estate

Int. No. 219 - Authorizing the acceptance of real estate by donation

Int. No. 220 - Authorizing agreements for appraisal and real estate-related services for the Department of Neighborhood and Business Development

Int. No. 221 - Appropriating funds and authorizing agreements for business programs

Int. No. 222 - Authorizing an amendatory agreement for the Home Rochester Community Housing Development Organization program

Int. No. 223 - Amending Ordinance No. 2014-375 regarding an agreement for assistance to complete the Bull's Head Brownfield Opportunity Area Nomination Study

The Neighborhood & Community Development Committee recommends for consideration the following entitled legislation

Int. No. 224 - Amending the Zoning Code map

Respectfully submitted,
Jacklyn Ortiz
Molly Clifford
Carolee A. Conklin
Dana K. Miller (*abstained on Int. No. 219*)
Loretta C. Scott
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-189
Re: Sale of Real Estate

Council Priority: Rebuilding and Strengthening Neighborhood Housing

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

The first two properties are vacant lots sold by

negotiated sale to the adjacent owners. The owners will combine the lots with their existing properties and utilize as green space.

The next three properties are unbuildable vacant lots, being sold for \$1.00 (as per City policy) to their adjacent owners who will combine the respective lots with their existing properties.

The first year projected tax revenue for these three properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$1,679.

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-115

Ordinance No. 2016-189
(Int. No. 218)

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 vacant land with proposal:

<u>Address</u>	<u>S.B.L. #</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>	<u>Purchaser</u>
143 Lincoln St	106.34-3-44.1	40 x 126	5,065	\$300	Rithywatdana Nou
149 Lincoln St	106.34-3-42	50 x 128	6,466	\$325	Rithywatdana Nou

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

<u>Address</u>	<u>S.B.L. #</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Purchaser</u>
36 Fien St	106.38-3-42	35 x 85	2,996	Teodosia Colon
34 Hempel St	106.43-3-10	37 x 95	3,596	John W. Allen
127 Lincoln St	106.41-3-2	40 x 84	3,370	Rithywatdana Nou

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously:

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-190
Re: Real Estate Donations

Council Priority: Rebuilding and Strengthening
Neighborhood Housing

Transmitted herewith for your approval is legislation related to the acceptance by donation of certain real properties from the owner, Rochester Land Bank Corporation (RLBC). The RLBC acquired the first three properties by purchase at the City Tax Foreclosure Auction in November 2015 and the fourth property by donation from Wells Fargo Bank, NA. Council authorization is needed to accept the following parcels:

<u>Address</u>	<u>Purpose</u>
516 Campbell Street	Demolition
298 Fourth Street	Demolition
60 Oak Hill View	Demolition
221-223 Reynolds Street	Demolition

Accepting these donations will allow the City to remove blight in neighborhoods where redevelopment plans are in place and other investments of public dollars have been made through demolition or managing the disposition of salvageable properties for qualified buyers who will restore them to productive use.

Upon acquisition by the City, any taxes or charges levied after the date of closing shall be canceled. The property is to be conveyed with no other outstanding liens or encumbrances

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-116

Ordinance No. 2016-190
(Int. No. 219)

Authorizing the acceptance of real estate by donation

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

Section 1. The Council hereby authorizes the acceptance of the donation of real estate parcels from the Rochester Land Bank Corporation for the following purposes as follows:

<u>Address</u>	<u>SBL No.</u>
516 Campbell Street Demolition	120.25-1-35
298 Fourth Street Demolition	106.51-3-18
60 Oak Hill View Demolition	135.50-2-11\
221-223 Reynolds Street Demolition	106.65-3-4.1

Section 2. Upon transfer of title to the City, any City taxes and other City charges, against said properties are hereby canceled.

Section 3. This ordinance shall take effect immediately.

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Ortiz, Patterson, Spaull - 8.

Nays - 0.

Council Vice President Miller abstained due to a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-191
Re: Agreements - Appraisal and
Real Estate Related Services

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation establishing \$40,500 as maximum compensation for one-year agreements with the following firms for real estate and appraisal services:

<u>Firm</u>	<u>Maximum Compensation</u>
Pogel, Schubmehl & Ferrara, LLC	\$12,500
Midland Appraisal Associates, Inc.	12,500
Bruckner, Tillet, Rossi, Cahill & Associates	12,500
Monroe Barrie Corporation d/b/a Metro Appraisal Associates	<u>3,000</u> \$40,500

The cost of the agreements will be funded from the 2016-17 Budget of the Department of Neighborhood and Business Development, contingent upon approval of said budget.

Agreements with the first three consultants listed above are for appraisal services including, but not limited to, broker price opinions and/or comparative market analyses for commercial, industrial, and residential property related to acquisitions, sales, easements, and other property transactions. The agreement with the last consultant is for real estate services including, but not limited to, auctioneer services at various real estate auctions.

These firms were selected through a Request for Qualifications (RFQ) process, the summary of which is attached. The selection of firms was based on experience with the typical and specialized work required for the City and their familiarity with, and location within, the Rochester Metropolitan Statistical Area.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No AP-117

Ordinance No. 2016-191
(Int. No. 220)

Authorizing agreements for appraisal and real estate-related services for the Department of Neighborhood and Business Development

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

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

<u>Firm</u>	<u>Maximum Compensation</u>
Pogel, Schubmehl & Ferrara, LLC	\$12,500
Midland Appraisal Associates, Inc.	12,500
Bruckner, Tillet, Rossi, Cahill & Associates	12,500
Monroe Barrie Corporation d/b/a Metro Appraisal Associates	3,000

Section 2. The cost of the agreements shall be funded from the 2016-17 Budget of the Department of Neighborhood and Business Development, contingent upon approval of such budget.

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

Section 4. This ordinance shall take effect immediately

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-192
Re: 2016-17 Consolidated Community Development Plan - Business Programs

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation related to the Business Programs described in the 2016-17 Consolidated Community Development Annual Action Plan (Con Plan). This legislation will:

1. Appropriate \$1,670,000 of Community Development Block Grant funds from the Promote Economic Stability fund of the 2016-17 Con Plan for the following Business Programs:

Business Development Financial Assistance Loans & Grants Program	\$ 950,000
Neighborhood Commercial Assistance Program	350,000
Targeted Commercial Corridor Program/La Marketa	170,000
Manufacturers Job Training Incentive Program	<u>200,000</u>
	<u>\$1,670,000</u>

2. Authorize agreements necessary to implement the programs.

Previously, via Ordinance No. 2016-143, an additional \$100,000 in City Development Funds was appropriated for the Development Fund for Business Development Financial Assistance Loans & Grants.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-118

Ordinance No.2016-192
(Int. No. 221)

Appropriating funds and authorizing agreements for business programs

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

Section 1. The sum of \$1,670,000 is hereby appropriated from the Promote Economic Stability fund of the 2016-17 Consolidated Community Development Annual Action Plan to fund the following business programs in the amounts specified:

Business Development Financial Assistance Loan & Grant Program	\$ 950,000
Neighborhood Commercial Assistance Program	350,000
Targeted Commercial Corridor/La Marketa	170,000
Manufacturers Job Training Incentive Program	<u>200,000</u>
Total	<u>\$1,670,000</u>

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

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-193
Re: Amendatory Agreement - Rochester Housing Development Fund Corporation, Home Rochester Program

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation establishing \$207,195.60 as maximum compensation for an amendatory agreement with the Rochester Housing Development Fund Corporation (RHDFC), a qualified Community Housing Development Organization (CHDO), for the Home Rochester program, increasing total maximum compensation for services to \$771,014.60. The cost of the agreement will be funded by amending Ordinance Nos. 2008-214, 2012-357 and 2013-181 to transfer a total of \$207,195.60 of prior years' Consolidated Community Development Plans' Community Housing Development Organization (CHDO) of the HOME program to RHDFC. The

chart below itemizes the transfers.

Ordinance Number	Amount	Source	Purpose
2008-214	\$54,695.63	2008-09 Community Housing Development Organization (CHDO) of the HOME program award	Development subsidies - incomes up to and including 80% of AMI
2012-357	\$63,936.97	2011-12 Community Housing Development Organization (CHDO) of the HOME program award	Development subsidies - incomes up to and including 80% of AMI
2013-181	\$88,563	2013-14 Community Housing Development Organization (CHDO) of the HOME program award	Development subsidies - incomes up to and including 80% of AMI

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

The Home Rochester Program provides for the acquisition and rehabilitation of vacant, single-family houses for resale to income-eligible households. RHDFC operates the Home Rochester Program in partnership with the City, the Greater Rochester Housing Partnership, Inc. (GRHP), and neighborhood based non-profit developers. RHDFC buys vacant homes and oversees their renovation for sale to first time homebuyers. Since its inception in 2001, 675 properties have been rehabbed and sold to first time homebuyers.

The total of \$207,195.60 proposed for development subsidies will provide an average of \$45,000 each for the acquisition and rehabilitation of approximately five vacant structures.

Participating agencies who serve as construction managers for the properties developed through the Home Rochester Program include the following:

- o Urban League of Rochester Economic Development Corporation (ULREDC)
- o Marketview Heights Association
- o North East Area Development (NEAD)
- o Isla Housing and Development Corporation
- o Ibero-American Development Corporation
- o PathStone
- o NCS Community Development Corporation
- o Group 14621
- o South Wedge Planning Committee (SWPC)
- o CONEA (This organization is currently working to obtain the training necessary to participate in the program.)

Properties rehabilitated through Home Rochester will be marketed to families with incomes not exceeding 120% of area median income (AMI), and the subsidy funds authorized herein will be used to support buyers with incomes at or below 80% of the AMI. All purchasers are required to attend pre- and post-purchase home-buyer training classes and to reside in the properties for a minimum of 10 years.

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

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-193
(Int. No. 222)

Authorizing an amendatory agreement for the Home Rochester Community Housing Development Organization 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 amendatory agreement with Rochester Housing Development Fund Corporation (RHDFC) to increase the maximum compensation for RHDFC to provide Home Rochester development subsidies and other services under its Community Housing Development Organization (CHDO) participation agreement authorized by Ordinance Nos. 2014-119 and 2015-187, by \$207,195.60, for a total maximum compensation of \$771,014.60.

Section 2. The cost of the amendatory agreement shall be financed from funds appropriated for the CHDO development subsidy program in the following prior ordinances: \$54,695.63 under Ordinance No. 2008-214, \$63,936.97 under Section 1 of Ordinance No. 2012-357, and \$88,563 under Section 3 of Ordinance No. 2013-181.

Section 3. The amendatory agreement shall contain such other 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. 2016-194
Re: Agreement - 19th Ward Community Association, Bull's Head Brownfield Opportunity Area Nomination Study

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

Transmitted herewith for your approval is legislation amending Ordinance No. 2014-375 to establish \$40,000 as maximum compensation for an agreement with the 19th Ward Community Association to assist the City in completing a Brownfield Opportunity Area (BOA) Nomination Study as part of the Bull's Head neighborhood revitalization project, replacing Sector 4 CDC, which can no longer provide services. The agreement will have an initial term of three years with provisions for an additional one year extension, if the project duration and scope require additional services and will be funded from reimbursements from the New York State Department of State (NYS DOS) BOA grant.

The \$40,000 agreement will be financed from a portion of the total \$284,745 BOA grant. The balance of the BOA grant proceeds, \$244,745, will be used to reimburse the City for travel, supply costs and hired consultant services required to conduct the project.

The NYSDOS BOA program provides funding to assist municipalities and community-based organizations with the costs of inventorying brownfields, completing area-wide planning approaches to brownfields redevelopment, and investigating key brownfield sites. BOA grants provide funding for up to 90% of eligible project costs.

In September 2011, City Council authorized the City to apply for and enter into agreements with NYSDOS for the proposed Bull's Head BOA grant (Ord. No. 2011-296). The City applied for the BOA grant in March 2012 and was awarded the Bull's Head BOA grant in October 2013. In December 2014, City Council authorized the City to enter into an agreement with Sector 4 Community Development Corporation (Sector 4 CDC) in an amount not to exceed \$40,000 for services relating

to the Bull's Head BOA project (Ord. No. 2014-375). In October 2015, City Council authorized the City to enter into an agreement for \$243,745 with Fisher Associates, P.E., L.S., L.A. of New York, P.C., for services related to the Bull's Head BOA project (Ord. No. 2015-324).

Subsequent to City Council's authorization for an agreement with Sector 4 CDC (Ord. No. 2014-375), the City was notified by the organization that it will no longer be able to perform the project related services and therefore cannot enter into the agreement with the City. Sector 4 CDC was originally planned to assist the City as a project community-based organization due to continuity of its staff in previous community planning for Bull's Head and its service area, which includes the Bull's Head BOA.

To replace Sector 4 CDC and ensure that the required Bull's Head BOA civic engagement related project tasks will be completed, the City issued a request for proposals (RFP) on May 2, 2016, the summary of which is attached. The 19th Ward Community Association will assist the City in civic-engagement and community planning related activities. These activities include, but are not limited to, community outreach/recruitment, community meeting coordination and facilitation, notification and documentation of project meetings, public access to project documents, project data collection and inventory of community stakeholders.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No AP-119

Ordinance No. 2016-194
(Int. No. 223)

Amending Ordinance No. 2014-375 regarding an agreement for assistance to complete the Bull's Head Brownfield Opportunity Area Nomination Study

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

Section 1. Ordinance No. 2014-375 regarding the procurement of assistance to complete the Bull's Head Brownfield Opportunity Area Nomination Study, is hereby amended in Sections 1 and 2 thereof as follows to authorize an agreement for that purpose with the 19th Ward Community Association of Rochester, New York, Inc.:

Section 1. The Mayor is hereby authorized to enter into a professional services agreement between the City and the 19th Ward Community Association of Rochester, New York, Inc. Sector 4 Community Development Corporation (Sector 4 CDC), to assist the City in completing a Brownfield Opportunity Area (BOA) Nomination Study. The agreement shall obligate the City to pay an amount not to exceed \$40,000. Said amount shall be funded

from anticipated grant reimbursements from the New York State Department of State (NYS DOS) BOA grant authorized by Ordinance No. 2011-296. The term of the agreement shall be for three years, with a one-year option to renew.

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

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-195
Re: Zoning Map Amendment -
127 Flower Street

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning the vacant, unbuildable parcel at 127 Flower Street from R-1 Low Density Residential District to C-2 Community Center District. The parcel is currently owned by the City, and the City may sell this property to Pentecostal Holiness Church at 937 North Clinton Avenue so that it can be combined with the existing church property. Although the parcel will remain green space for the foreseeable future, the applicant has indicated the desire to expand church parking onto this property. The applicant has been informed that if he would like to pursue that option, the proposed parking lot expansion would be subject to site plan review.

The City Planning Commission held an informational meeting on the proposed map amendment on May 16, 2016; meeting minutes are attached.

A public hearing is required for the Zoning Map Amendment.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-120

Ordinance No. 2016-195
(Int. No. 224)

Amending the Zoning Code map

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 classification of the property constituting 127 Flower Street (SBL # 106.30-4-35) from R-1 Low Density Residential to

C-2 Community Center.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Haag
June 14, 2016

To the Council:

The Parks & Public Works Committee recommends for adoption the following entitled legislation:

Int. No. 225 - Authorizing an agreement with Hunt Engineers, Architects & Land Surveyors, P.C., for resident project representation services and appropriating funds for the 2016 Preventive Maintenance Group #2

Int. No. 226 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$252,000 Bonds of said City to finance milling and resurfacing of certain portions of Ames Street, Buffalo Road, West Main Street and West Avenue related to the 2016 Preventive Maintenance Group #2 Project

Int. No. 227 - Authorizing an agreement with Stantec Consulting Services, Inc., for resident project representation services and appropriating funds for the 2016 Preventive Maintenance Group #1

Int. No. 228 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$80,000 Bonds of said City to finance the reconstruction of certain portions of South Clinton Avenue and South Goodman Street related to the 2016 Preventive Maintenance Contract #1 Project

Int. No. 229 - Authorizing an amendatory agreement with LaBella Associates, D.P.C. for Durand Eastman Beach utility improvements

Int. No. 230 - Authorizing amendatory agreements and funding for the Port Marina Project

Int. No. 231 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$450,000 Bonds of said City to finance certain costs of the 2016 Port Marina Project

Int. No. 235 - Authorizing an agreement with the Monroe County Water Authority to provide potable water to Durand Eastman Beach

Int. No. 236 - Authorizing an agreement with Martha Lyon Landscape Architecture, LLC to pursue designation of Mount Hope Cemetery to the National Register of Historic Places

Int. No. 237 - Authorizing an agreement with United Soccer Leagues, LLC related to turf drainage at Sahlen's Stadium

Int. No. 238 - Authorizing the receipt and use of

funds and an agreement related to the Center City Two-Way Conversion Project - Phase II

Int. No. 239 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$440,000 Bonds of said City to finance certain portions of the Center City Two-Way Conversion Project, Phase II

Int. No. 240 - Authorizing an agreement with the Business Association of the South Wedge Area ("BASWA") to fund decorative light poles

The Parks & Public Works Committee recommends for consideration the following entitled legislation:

Int. No. 232 - Authorizing pavement width changes on Charlotte Street, as amended

The following entitled legislation is being held in Committee:

Int. No. 233 - Authorizing agreements and funding and conveying and modifying easements for the Promenade at Erie Harbor Park

Int. No. 234 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$3,500,000 Bonds of said City to finance a portion of the costs of the construction of the Promenade at Erie Harbor

Respectfully submitted,
Matt Haag
Michael A. Patterson
Elaine M. Spaul
Dana K. Miller
Loretta C. Scott
PARKS & PUBLIC WORKS COMMITTEE

Received, filed, and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-196
Ordinance No. 2016-197
Re: Agreement - Hunt Engineers, Architects,
& Land Surveyors, P.C., 2016 Preventive
Maintenance Group #2 Project

Council Priority: Jobs and Economic
Development

Transmitted herewith for your approval is legislation related to the 2016 Preventive Maintenance Group #2 Project (Ames Street, Buffalo Road, West Main Street and West Avenue). This legislation will:

1. Establish \$262,000 as maximum compensation for an agreement with Hunt Engineers, Architects & Land Surveyors, P.C., Rochester, New York, for resident project representation (RPR) services;
2. Authorize the issuance of bonds totaling \$252,000 and the appropriation of the proceeds thereof to finance the local share of the street improvements project; and
3. Authorize the appropriation of \$1,104,986 from anticipated reimbursements from the Federal Highway Administration (FHWA) to finance the federal share of the project.

The 2016 Preventive Maintenance Group #2 Project is a milling and resurfacing project designed by Hunt Engineers, Architects, & Land Surveyors, P.C. via Ordinance Nos. 2014-392 and 2015-333. The project includes milling and resurfacing four arterial streets; intersection improvements; adjustments to catch basin frames and grates, and water valves and sewer castings; spot street base and sidewalk repair; installation of truncated domes at sidewalk ramps; installation of new pavement markings; and replacement of traffic loops.

This federal aid project, administered by the City under an agreement with the New York State Department of Transportation (NYSDOT), includes four locations:

- Ames Street (West Avenue to Maple Street)
- Buffalo Road (Mt. Read Boulevard to West Avenue)
- West Main Street (York Street to Churchlea Place)
- West Avenue (Grover Street To York Street)

The agreement may extend until three months after completion of a two year guarantee inspection of the pro-

ject.

Bids for construction were received on May 12, 2016. The apparent low bid of \$1,038,527.40 was submitted by Villager Construction, Inc. which is 3.6% less than the engineer's estimate. An additional \$ 89,087.03 will be allocated for project contingencies.

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

<u>Source</u>	<u>Construction</u>	<u>RPR</u>	<u>Contingency</u>	<u>Total</u>
FHWA	\$ 826,821.92	\$209,600.00	\$68,564.08	\$1,104,986.00
Street Bond	190,141.45	43,492.00	18,366.55	252,000.00
Prior Years' Water Cash				
Capital	840.00		84.00	924.00
2011-12 Cash Capital	7,842.14	3,353.60	784.21	11,979.95
Rochester Pure Waters District (Ord. No. 2016-160)	12,881.89	5,554.40	1,288.19	19,724.48
Total	\$1,038,527.40	\$262,000.00	\$89,087.03	\$1,389,614.43

Hunt Engineers was selected to provide RPR services from the NYSDOT list of pre-approved regional engineering firms, which is described in the attached summary. The agreement may extend until two years after final acceptance of the project.

The project will begin construction in summer 2016 and will be substantially complete by winter 2016. The project will result in the creation and/or retention of the equivalent of 11.2 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-121

Ordinance No. 2016-196
(Int. No. 225)

Authorizing an agreement with Hunt Engineers, Architects & Land Surveyors, P.C., for resident project representation services and appropriating funds for the 2016 Preventive Maintenance Group #2

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 not to exceed a maximum compensation of \$262,000 with Hunt Engineers, Architects & Land Surveyors, P.C., for resident project representation services related to the 2016 Preventive Maintenance Group #2 (Project) authorized by Ordinance Nos. 2014-392 and 2015-333. The agreement shall be funded by \$209,600 from the FHWA reimbursements appropriated in Section 4, \$43,492 from a bond ordinance to be authorized for the Project, \$3,353.60 from 2011-12 Cash Capital, and \$5,554.40 from Rochester Pure Waters District funds authorized by Ordinance No. 2016-160.

Section 2. The agreement shall extend until three (3) months after completion of a two-year guarantee inspection of the Project.

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

Section 4. The Mayor is hereby authorized to accept and appropriate \$1,104,986 in anticipated reimbursements from the Federal Highway Administration (FHWA) to finance the federal share of the Project.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2016-197
(Int. No.226)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$252,000 Bonds of said City to finance milling and resurfacing of certain portions of Ames Street, Buffalo Road, West Main Street and West Avenue related to the 2016 Preventive Maintenance Group #2 Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of milling, resurfacing and reconstruction of certain portions of Ames Street (West to Maple), Buffalo Road (Mt. Read to West), West Main Street (York to Churchlea) and West Avenue (Grover to York) related to the 2016 Preventive Maintenance Group #2 Project in the City, including new intersection improvements, sidewalk repairs, catch basin frames and grates, water valves, sewer castings and other roadway improvements (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,389,614.43. The plan of financing includes the issuance of \$252,000 bonds of the City which are hereby appropriated for the Project, \$1,104,986 in anticipated reimbursements from the Federal Highway Administration, \$11,979.95 in 2011-2012 Cash Capital, \$924 in 2014-15 Water Cash Capital, a \$19,724.48 reimbursement from the Rochester Pure Waters District (Ordinance 2016-160), 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 \$252,000 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 \$252,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-198 and
Ordinance No. 2016-199
Re: Agreement - Stantec Consulting
Services, Inc., 2016 Preventive
Maintenance Contract #1 Project

Transmitted herewith for your approval is legislation related to the 2016 Preventive Maintenance Contract #1 Project (South Clinton Avenue and South Goodman Street) as follows:

1. Appropriate \$1,416,352 in anticipated reimbursements from the Federal Highway Administration (FHWA) to finance a portion of the construction and construction inspection services for the Project;
2. Appropriate \$265,500 in anticipated reimbursements from the New York State (NYS) Marchiselli Aid Program to finance a portion of the construction and construction inspection services for the Project;
3. Authorize the issuance of bonds totaling \$80,000 and the appropriation of the proceeds thereof to partially finance the street portion of the Project; and
4. Establish \$325,000 as maximum compensation for an agreement with Stantec Consulting Services, Inc., Rochester, New York, for resident project representation (RPR) services.

The design agreement with Stantec Consulting Services, Inc. was authorized by City Council In December 2014 (Ord. No. 2014-393). This ordinance also appropriated federal funds for the design and authorized agreements with the New York State Department of Transportation (NYSDOT) necessary to participate in and administer the project. State Marchiselli Aid for design was appropriated by City Council in August 2015 (Ord. No. 2015-262).

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

- Goodman Street (Broadway to East Avenue)
- South Clinton Avenue (Byron Street to south City Line)

The City also has a Multi Modal grant from New York State for enhancements on South Clinton Avenue from South Goodman Street to the south City line. These funds were appropriated by City Council in October 2007 (Ord. No. 2007-389).

In addition to the curbed bump-outs and replacement of the existing street lighting with enhanced lighting, the federal aid portion of the project includes milling and resurfacing of the pavement; spot curb replacements; installation or upgrade of sidewalk curb ramps; adjustment and repair of manholes, receiving basins, and water valve castings; and replacement of traffic markings. These improvements will enhance the surface drainage and riding quality of the roadway, improve handicap accessibility, and extend the useful life of the pavement structure.

Bids for construction were received on May 23, 2016. The apparent low bid of \$2,076,449 was submitted by Villager Construction, Inc. which is 0.1% less than the engineer's estimate. An additional \$18,212 will be allocated for project contingencies.

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

<u>Source</u>	<u>Construction</u>	<u>Contingency</u>	<u>RPR</u>	<u>Administration</u>	<u>Total</u>
FHWA	\$1,202,020		\$187,174	\$27,158	\$1,416,352
NYS Marchiselli Aid	225,379		35,095	5,026	265,500
NYS Multi Modal Grant	573,924	\$ 9,043	91,033		674,000
Street Bond	67,435	987	11,578		80,000
2014-2015 Water Cash					
Capital	729	1,151	120		2,000
Rochester Pure Waters					
District (Ord. No. 2016-160)	5,966	6,034			12,000
MCDOT Reimbursement	997	997			1,994
Total	\$2,076,449	\$18,212	\$325,000	\$32,184	\$2,451,846

Stantec Consulting Services, Inc. was selected to provide RPR services from the NYSDOT list of pre-approved regional engineering firms, which is described in the attached summary. The agreement may extend until two years after final acceptance of the project.

A public meeting was held on March 21, 2016; copies of the meeting minutes are attached.

It is anticipated that construction will begin in summer 2016 with scheduled completion in fall 2016.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AP-122

Ordinance No. 2016-198
(Int. No.227)

Authorizing an agreement with Stantec Consulting Services, Inc., for resident project representation services and appropriating funds for the 2016 Preventive Maintenance Group #1

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Stantec Consulting Services, Inc., for resident project representation services related to 2016 Preventive Maintenance Group #1 ("the Project"), authorized by Ordinance No. 2014-393, for a maximum compensation of \$325,000. The agreement shall be funded by \$187,174 from the FHWA reimbursements appropriated in Section 4, \$35,095 in New York State Marchiselli Aid appropriated in Section 5, \$11,578 from a bond ordinance to be authorized for the Project, \$91,033 from a New York State Multi-Modal grant appropriated in Ordinance No. 2007-389, and \$120 from 2014-15 Water Cash Capital.

Section 2. The agreement shall extend until three (3) months after completion of a two-year guarantee inspection of the Project.

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

Section 4. The Mayor is hereby authorized to accept and use \$1,416,352 in anticipated reimbursements from the Federal Highway Administration (FHWA), which is hereby appropriated to finance a portion of construction and inspection services for the Project.

Section 5. The Mayor is hereby authorized to accept and use \$265,500 in anticipated reimbursements from the New York State Marchiselli Aid Program, which amount is hereby appropriated to finance a portion of construction and inspection services for the Project.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2016-199
(Int. No.228)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$80,000 Bonds of said City to finance the reconstruction of certain portions of South Clinton Avenue and South Goodman Street related to the 2016 Preventive Maintenance Contract #1 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 milling, resurfacing and reconstruction of certain portions of South Clinton Avenue (Byron to South City Line) and South Goodman Street (Broadway to East) related to the 2016 Preventive Maintenance Contract #1 Project in the City, including new curbing, sidewalks, manholes, basins, water valve castings and other roadway improvements (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 \$2,451,846. The plan of financing includes the issuance of \$80,000 bonds of the City which are hereby appropriated to the Project, \$1,416,352 in anticipated reimbursements from the Federal Highway Administration, \$265,500 in New York State Marchiselli Aid Program reimbursements, \$674,000 in New York State Multi-Modal grants appropriated by Ordinance No. 2007-389, \$2,000 in 2014-15 Water Cash Capital, \$12,000 in reimbursements from the Rochester Pure Waters District appropriated by Ordinance No. 2016-160, a \$1,994 reimbursement from the Monroe County Department of Transportation, 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 \$80,000 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 \$80,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-200
Re: Amendatory Agreement - LaBella Associates, D.P.C., Durand Eastman Beach Utility Improvements

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legisla-

tion establishing \$11,900 as maximum compensation for an amendatory agreement with LaBella Associates, D.P.C, Rochester, New York, for additional design of a water main extension, a meter vault, electrical and communication utility extensions and minor site improvements to the parking lot at Durand Eastman Beach. The original agreement was for \$70,000 (Ord. No. 2014-223); this amendment will increase maximum compensation to a total of \$81,900. The cost of the agreement will be funded from Prior Years' Cash Capital and may extend until six months after completion and acceptance of the construction of the project.

The project includes design of necessary utilities identified in the Durand Eastman Beach House Site Preparation and Improvement Master Plan and is essential as the prerequisite for development of facilities to meet the New York State Sanitary Code for bathing beaches.

LaBella Associates, D.P.C.'s additional preliminary and final design activities include:

- Design of backflow preventers and vault (6-inch)
- Design of a separate domestic service adequately sized for future use
- Redesign of backflow preventer vault to include separate services (3inch and 6 inch)
- Redesign of site improvements due to increase cost of water improvements
- Additional series of reviews by the City Water Bureau and MCDPH

Construction will be completed by July 2016.

The amendatory agreement will result in the creation and/or retention of the equivalent of 0.89 full-time job.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-123

Ordinance No. 2016-200
(Int. No. 229)

Authorizing an amendatory agreement with LaBella Associates, D.P.C. for Durand Eastman Beach utility improvements

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

Section 1. The Mayor is hereby authorized to amend the professional services agreement with LaBella Associates, D.P.C. of Rochester, NY, authorized by Section 1 of Ordinance No. 2014-223:

- a. to perform additional preliminary and final design activities for utilities identified in the

Durand Eastman Beach Bathhouse Site Preparations and Improvement Master Plan;

- b. to increase the maximum compensation by \$11,900, for a total compensation of \$81,900; and
- c. to extend the term of the agreement to 6 months following completion and acceptance of the construction of the project.

The increase in the maximum compensation shall be funded from Prior Years' Cash Capital.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-201 and
Ordinance No. 2016-202

Re: Amendatory Agreements - LaBella Associates, D.P.C. and Rochester Research Associates, Port Marina Project

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Port Marina Project. This legislation will:

1. Establish \$98,600 as maximum compensation for an amendatory agreement with LaBella Associates, D.P.C. for additional resident project representation (RPR) services for this project. The original agreement for \$1,850,000 was authorized in September 2013 (Ord. No. 2013-328) and increased by \$370,000 in August 2015 (Ord. No. 2015-263). The proposed amendment will increase total maximum compensation to \$2,318,600. The agreement may extend until three months after completion of a two year guarantee inspection of the Project. The amendatory agreement will be funded from bonds to be issued herein.
2. Establish \$11,850 as maximum compensation for an amendatory agreement with Rochester Research Associates (RRA) for additional Project Labor Agreement compliance monitoring services. The original agreement for \$175,000 was authorized in October 2013 (Ord. No. 2013-364) and increased by \$90,000 in August 2015 (Ord. No. 2015-263). The proposed amendment will increase total maximum compensation to \$276,850. The amendatory agreement may extend until three months after completion of a two year guarantee inspection of the Project. The amendatory agreement will be funded from bonds to

be issued herein.

3. Amend Ordinance No. 2010-306, which authorized an agreement with The Edgewater Group for engineering services for the Port Marina Project, by replacing \$297,000 of 2015-16 Cash Capital with a federal Boater Infrastructure Grant (BIG). The 2015-16 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations for 2015-16 Cash Capital by \$297,000, and replenishing the Prior Years' Cash Capital originally spent for this purpose.
4. Authorize the issuance of bonds totaling \$450,000 and the appropriation of the proceeds thereof to partially finance the Project.

The Project includes construction of the marina basin and pedestrian promenade, all planned right-of-way improvements, installation and relocation of utilities as required, roadway realignment, extension of the Genesee Riverway Trail to connect with Ontario Beach Park, reconstruction of the land-side facilities at the public boat launch, installation of boat dock facilities, and renovations at the Terminal Building to accommodate boater facility improvements.

Contract 1 of the Port Marina Project began in December 2013 and finished construction in December 2014. It included right-of-way improvements, utility installation and relocation, and roadway realignment and partial excavation of the marina basin. Final construction cost was \$7,405,648. Contract 2 was awarded to Crane Hogan Structural Services in April 2015 at a bid of \$10,623,968 and includes completion of the marina basin to final elevation, completion of utilities and right-of-way improvements and installation of boat dock facilities.

After receiving a Beneficial Use Determination from the New York State Department of Environmental Conservation (NYSDEC), the City added additional work to Contract 2 for final placement, compaction and grading of iron slag excavated from the marina project site at a portion of the former Emerson Street Landfill (1655 Lexington Avenue). Slag removed from the marina project site had been temporarily staged at the Lexington Avenue site under an NYSDEC regulatory exemption.

Contract 3, which involves renovations and improvements to the former Port Terminal Link Building to create a marina boaters' service facility, was advertised in January 2016 and awarded to Crane Hogan in April 2016 in the amount of \$630,530.

The original RPR agreement with LaBella Associates, D.P.C. was to provide services for construction activities for Contracts 1 through 3, however, when Pike Company and the City mutually agreed for the marina basin to be completed by another contractor, this extended the overall construction of the project by six months. The first amendatory

RPR agreement provided additional RPR services to complete the marina, the additional work at the Lexington site, and the Contract 3 Marina Boaters' Service Facilities. Due to the delay in initiating Contract 3, an amendatory agreement for the additional time and cost associated with providing RPR services is required.

Each of the marina contracts is subject to a project labor agreement (PLA) with workforce goals of 20 percent minority and 6.9 percent women participation. The PLA is being monitored by Rochester Research Associates (RRA). The amendatory agreement with RRA will provide for continued services for the additional time period required to complete Contract 3, which is scheduled to be completed in late July.

Contract 2 is substantially complete and the marina is open for business. A temporary boater services center in the terminal is being used until the completion of Contract 3.

The additional \$450,000 in bonds is required to finance the amendatory agreements with LaBella Associates, D.P.C. And RRA, plus Contract 2 change orders related to NYSDEC approved permanent placement of iron slag, repairs to the portion of the terminal where the Boater Services Facility is being constructed, marina operations facility additions, and other field changes.

These amendatory agreements will result in the creation and/or retention of the equivalent of 1 full-time job.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-201
(Int. No. 230)

Authorizing amendatory agreements and funding for the Port Marina project

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

Section 1. The Mayor is hereby authorized to amend the professional services agreement with LaBella Associates, D.P.C. of Rochester, NY, authorized by Section 7 of Ordinance No. 2013-328 and as amended by Ordinance No. 2015-263:

- a. to provide additional resident project representation services for the Port Marina project (Project);
- b. to increase the maximum compensation by \$98,600, for a total compensation of \$ 2,318,600; and
- c. to extend the term of the agreement to 3 months following completion of the two-year guarantee inspection of the project.

The increase in the maximum compensation shall be funded by a bond ordinance to be adopted for

this purpose.

Section 2. The Mayor is hereby authorized to amend the professional services agreement with Rochester Research Associates, LLC, of Rochester, NY, authorized by Ordinance No. 2013-364 and as amended by Ordinance No. 2015-264:

- a. to provide additional compliance monitoring services for the Project Labor Agreement;
- b. to increase the maximum compensation by \$11,850, for a total compensation of \$276,850; and
- c. to extend the term of the agreement to 3 months following completion of the two-year guarantee inspection of the project.

The increase in the maximum compensation shall be funded by a bond ordinance to be adopted for this purpose.

Section 3. Ordinance No. 2015-167, the 2015-16 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations for 2015-16 Cash Capital by the sum of \$297,000 awarded to the Project from a federal Boater Infrastructure Grant (BIG) administered by the New York State Office of Parks Recreation and Historic Preservation and said amount is hereby appropriated to replenish Prior Years' Cash Capital that were spent for Project engineering services provided by The Edgewater Group pursuant to a professional services agreement authorized by Ordinance No. 2010-306. Section 1 of said Ordinance is hereby revised as follows to account for the replenishment of Prior Years' Cash Capital with 2015-16 Cash Capital derived from the BIG:

The sum of \$1,239,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and The Edgewater Group for final engineering and design services for the Port Marina and Mixed Use Development Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, ~~\$297,000 shall be funded from the Boater Infrastructure Grant 2015-16 Cash Capital, \$88,000 shall be funded from the 2008-09 Cash Capital allocation, \$209,000 shall be funded from the 2009-10 Cash Capital allocation,~~ \$105,000 shall be funded from the appropriation made in Section 3 of Ordinance No. 98-379 and \$837,000 shall be funded from a bond ordinance adopted for this purpose.

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

Section 5. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

Ordinance No. 2016-202
(Int. No. 231)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$450,000 Bonds of said City to finance certain costs of the 2016 Port Marina 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 City's Port Marina Project, including costs of design and construction of the marina basin and pedestrian promenade, relocation and installation of utilities, renovation of the Terminal Building and extension of the Genesee River Trail with Ontario Beach Park (the "Project"). The current estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,243,850. The plan of financing includes the issuance of \$450,000 bonds of the City which are hereby appropriated for the Project, \$2,220,000 appropriated for design and resident project representation and \$276,850 appropriated for compliance monitoring services through Ordinance No. 2015-263, \$297,000 2015-16 Cash Capital appropriated for engineering services, 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 \$450,000 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 \$450,000. 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. 3. of the Law, is thirty (30) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both

principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

Passed unanimously.

Councilmember Haag moved to return Int. No. 232 to Committee

The motion was seconded by Councilmember

Spaull

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 232
Re: Charlotte Street and Haags Alley
Improvements

Transmitted herewith for your approval is legislation authorizing pavement width changes on Charlotte Street as part of the Charlotte Street and Haags Alley Improvements Project. The proposed changes are as follows:

- 1) A 10 foot reduction in pavement width, from 30 feet to 20 feet on Charlotte Street from Scio Street to 47 feet east of Scio Street; and
- 2) A 2 foot reduction in pavement width, from 30 feet to 28 feet on Charlotte Street from the point above to 87 feet east of Scio Street; and
- 3) A 10 foot reduction in pavement width, from 30 feet to 20 feet on Charlotte Street from the point above to 154 feet east of Scio Street; and
- 4) A 2 foot reduction in pavement width, from 30 feet to 28 feet on Charlotte Street from the point above to 194 feet east of Scio Street; and
- 5) A 10 foot reduction in pavement width, from 30 feet to 20 feet on Charlotte Street from the point above to 299 feet east of Scio Street; and
- 6) A 2 foot reduction in pavement width, from 30 feet to 28 feet on Charlotte Street from the point above to 290 feet west of Pitkin Street; and
- 7) A 10 foot reduction in pavement width, from 30 feet to 20 feet on Charlotte Street from the point above to 188 feet west of Pitkin Street; and
- 8) A 2 foot reduction in pavement width, from 30 feet to 28 feet on Charlotte Street from the point above to 62 feet west of Pitkin Street; and
- 9) A 10 foot reduction in pavement width, from 30 feet to 20 feet on Charlotte Street from the point above to Pitkin Street.

The Project design agreement with Passero Associates, PC, was authorized by City Council in September 2015 (Ord. No. 2015-299).

The Project includes new asphalt pavement for Charlotte Street and new concrete pavement for Haags Alley. Both streets will have new granite curbs, concrete sidewalk replacement, new driveway aprons, catch basin upgrades, and new water

main and services, hydrants, and street lighting upgrades. The Project will include some enhanced sidewalk and crosswalk materials that will coordinate with the materials used for the development at 14-80 Charlotte Street. The project is partially funded with a Dormitory Authority of the State of New York (DASNY) grant of \$1 million and local funding in the 2015-16 Capital Improvement Program. Council authorized an agreement with DASNY for the aforementioned grant in May 2015 via Ordinance No. 2015-120.

The narrowing of the roadway and subsequent widening of the sidewalks, along with the recessed parking, makes Charlotte Street pedestrian friendly and also allows for tree plantings. These changes are important to the overall transformation of this street into a thriving residential neighborhood.

A public meeting will be held on May 31, 2016; copies of the meeting minutes will be forwarded. The pavement width changes will be presented for endorsement at the June 7, 2016 Traffic Control Board meeting.

It is anticipated that construction will begin in summer 2016 with scheduled completion in fall 2016.

A public hearing is required for the pavement width changes.

Respectfully submitted,
Lovely A. Warren
Mayor

Introductory No. 232, as amended

AUTHORIZING PAVEMENT WIDTH CHANGES ON CHARLOTTE STREET

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

Section 1. The Council hereby authorizes the following pavement width changes on Charlotte Street:

- a) ~~40-foot-7-foot~~ reduction in pavement width, from 30 feet to ~~20-23~~ feet on Charlotte Street from Scio Street to 47 feet east of Scio Street; and
- b) A ~~2-foot reduction~~ 1-foot widening in pavement width, from 30 feet to ~~28~~ 31 feet on Charlotte Street from the point above to 87 feet east of Scio Street; and
- c) A ~~40-foot-7-foot~~ reduction in pavement width, from 30 feet to ~~20~~ 23 feet on Charlotte Street from the point above to 154 feet east of Scio Street; and
- d) A ~~2-foot reduction~~ 1-foot widening in pavement width, from 30 feet to ~~28~~ 31 feet on Charlotte Street from the point above to 194 feet east of Scio Street; and
- e) A ~~40-foot-7-foot~~ reduction in pavement

width, from 30 feet to ~~20~~ 23 feet on Charlotte Street from the point above to ~~299~~ 315 feet east of Scio Street; and

- f) A ~~2-foot reduction~~ 1-foot widening in pavement width, from 30 feet to ~~28~~ 31 feet on Charlotte Street from the point above to 290 feet west of Pitkin Street; and
- g) A ~~10-foot~~ 7-foot reduction in pavement width, from 30 feet to ~~20~~ 23 feet on Charlotte Street from the point above to 188 feet west of Pitkin Street; and
- h) A ~~2-foot reduction~~ 1-foot widening in pavement width, from 30 feet to ~~28~~ 31 feet on Charlotte Street from the point above to 62 feet west of Pitkin Street; and
- i) A ~~10-foot~~ 7-foot reduction in pavement width, from 30 feet to ~~20~~ 23 feet on Charlotte Street from the point above to Pitkin Street.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Held in Committee.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-203
Re: Agreement - Monroe County
Water Authority

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation authorizing a Water District Extension Agreement with the Monroe County Water Authority (MCWA) to provide potable water to Durand Eastman Beach, in an area of the City that cannot be readily supplied by the City's water system.

In order to provide potable water to Durand Eastman Beach, an existing MCWA water main in the Town of Irondequoit must be extended. As part of this agreement, the City will construct a new water main, water meter and appurtenances, to extend MCWA's existing water main 435 feet along Lakeshore Boulevard, from its current terminus to the City boundary. The City will construct these new facilities in accordance with MCWA standards and MCWA will assume ownership of these new facilities after construction has been completed.

The exchange of water at this new metered connection will comply with the conditions previously agreed to in the 2011 Exchange Agreement for Water Supply between the City and MCWA.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-203
(Int. No. 235)

Authorizing an agreement with the Monroe County Water Authority to provide potable water to Durand Eastman Beach

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

Section 1. The Mayor is hereby authorized to enter into a water district extension agreement with the Monroe County Water Authority (MCWA) to provide potable water to Durand Eastman Beach. The provision of water at this location shall comply with the conditions of a Water Exchange Agreement between the City and MCWA that was authorized by Ordinance No. 2011-117.

Section 2. The agreement shall contain such 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. 2016-204
Re: Agreement - Martha Lyon Landscape Architecture, LLC, Nomination to the National Register of Historic Places for Mount Hope Cemetery

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum compensation for an agreement with Martha Lyon Landscape Architecture, LLC, Northampton, Massachusetts, to prepare a nomination for Mount Hope Cemetery to the National Register of Historic Places (NRHP). The firm specializes in the preparation of NRHP nominations for historic landscapes, and its principal, Martha Lyon, is originally from Rochester. The term of the agreement is two years and the cost will be financed from the 2015-16 Budget of the Department of Environmental Services.

Founded in 1838, Mount Hope Cemetery is America's first municipally-owned Victorian cemetery. In January 1974, the portion of the cemetery north of Grove Avenue and along Mt. Hope Avenue was listed on the NRHP as part of the Mt. Hope/Highland Historic District. The goal of the current project is to secure an NRHP listing for Mount Hope Cemetery as an individual property.

The project will include preparation of the NRHP Nomination Form, including representing the City of Rochester in the presentation of the submittal to the State Review Board. The nomination will include the preparation of a visual description of the cemetery; narrative discussion of the significance of the cemetery, including the criterion under which Mount Hope qualifies for listing; geographical data for the site; building plans; and photographic documentation of the cemetery landscape

and its natural and built features.

Martha Lyon Landscape Architecture, LLC was selected for these services through a request for proposal process, which is described in the attached summary.

The project will result in the creation and/or retention of the equivalent of 0.44 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-124

Ordinance No. 2016-204
(Int. No. 236)

Authorizing an agreement with Martha Lyon Landscape Architecture, LLC to pursue designation of Mount Hope Cemetery to the National Register of Historic Places

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 Martha Lyon Landscape Architecture, LLC in an amount not to exceed \$40,000 to assist with an application to designate Mount Hope Cemetery to the National Register of Historic Places (NRHP). The services shall include preparing NRHP application materials and a nomination form and representing the City in the presentation of the nomination form to the New York State Board for Historic Preservation.

Section 2. The sum of \$40,000, or so much thereof as may be necessary, is hereby appropriated from the 2015-16 Budget of the Department of Environmental Services to fund the agreement.

Section 3. The term of the agreement shall be 2 years.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-205
Re: Agreement - United Soccer Leagues, LLC, Sahlen's Stadium Turf Installation

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$23,000 as maximum compensa-

tion for an agreement with United Soccer Leagues, LLC (USL) for costs related to the turf replacement and restoration at Sahlen's Stadium. The term of the agreement is three months after completion of a two-year guarantee inspection of the project, and the cost will be funded from 2014-15 Cash Capital.

The turf replacement project has a total cost of over \$500,000 which was funded by the USL as a condition of sale to the new owners. Due to unforeseen sub-base conditions, an additional \$43,000 was required to provide adequate drainage for the new turf that will extend its useful life. Through a negotiated agreement, the USL and the operators of the stadium, Rochester Stadium Operators, LLC, will provide \$20,000 towards the cost, with the City contributing the remaining \$23,000.

The work is expected to be concluded in June 2016. The project will result in 0.25 jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-205
(Int. No. 237)

Authorizing an agreement with United Soccer Leagues, LLC related to turf drainage at Sahlen's Stadium

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 United Soccer Leagues, LLC, to install adequate turf drainage at Sahlen's Stadium (Project). Maximum compensation for the City's share of the Project shall not exceed \$23,000, which shall be funded from 2014-15 Cash Capital.

Section 2. The agreement shall extend until three (3) months after completion of a two-year guarantee inspection of the Project.

Section 3. The agreement shall contain such 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. 2016-206
Ordinance No. 2016-207
Re: Center City Two-Way Conversion Project Phase II

Transmitted herewith for your approval is legislation related to the Center City Two-Way Conversion Project Phase II as follows:

- 1. Appropriate \$582,400 in anticipated reim-

- imbursements from the Federal Highway Administration (FHWA) to finance a portion of the construction and construction inspection services for the Project;
2. Appropriate \$34,200 in anticipated reimbursements from the New York State (NYS) Marchiselli Aid Program to finance a portion of the construction and construction inspection services for the Project;
 3. Authorize the issuance of bonds totaling \$440,000 and the appropriation of the proceeds thereof to partially finance the street portion of the Project;
 4. Establish \$240,000 as maximum compensation for an agreement with LaBella Associates, D.P.C., Rochester, New York, for resident project representation (RPR) services.

The Center City Two-Way Conversion Project Phase II will address South Clinton Avenue and the portion of Broad Street from South Clinton Avenue to Stone Street. Work on South Clinton Avenue will include milling and resurfacing of the pavement; spot curb replacements; repair; adjustment and repair of manholes, receiving basins, and water valve castings; replacement of traffic markings; and new traffic signs as necessary.

Broad Street (from South Clinton Avenue to Stone Street), currently one-way west bound, will be converted to two-way traffic. Associated work will include: milling and resurfacing of the pavement from South Clinton Avenue to South Avenue; curblines modifications; installation of traffic signal poles and modifications to existing traffic signal equipment; adjustment and repair of manholes, receiving basins, and water valve castings as necessary for the milling and resurfacing; replacement of traffic markings; and new traffic signs as necessary. The project was designed by LaBella Associates, D.P.C., as authorized in January 2014 (Ord. No. 2014-15).

Bids for construction were received on April 25, 2016. The apparent low bid of \$ 1,015,700 was submitted by Mark Cerrone, Inc., which is 2% less than the engineer's estimate. An additional \$25,434 will be allocated for project contingencies.

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

<u>Source</u>	<u>Construction</u>	<u>Contingency</u>	<u>RPR</u>	<u>Total</u>
FHWA	\$ 471,086	\$ 0	\$111,314	\$ 582,400
NYS	27,663	0	6,537	34,200
Street Bond	343,741	12,230	84,029	440,000
2012-13 Water Cash Capital	2,236	0	0	2,236
2014-15 Water Cash Capital	11,332	2,226	3,206	16,764
Rochester Pure Waters District (Ord. No. 2015-132)	10,541	2,459	0	13,000
Monroe County Department of Transportation Reimbursement	1,337	197	0	1,534
2012-13 Cash Capital	<u>147,764</u>	<u>8,322</u>	<u>34,914</u>	<u>191,000</u>
Total	\$1,015,700	\$25,434	\$240,000	\$1,281,134

LaBella Associates, D.P.C. was selected to provide RPR services from the NYS Department of Transportation list of pre-approved regional engineering firms, which is described in the attached summary. The agreement is being funded from the Federal aid (\$111,314), State Marchiselli Aid (\$6,537), the proposed street bond (\$84,029), 2014-2015 Water Cash Capital (\$3,206) and 2012-2013 Cash Capital (\$34,914). The agreement may extend until two years after final acceptance of the project.

Construction is anticipated to begin in summer 2016, with substantial completion in the fall 2016. The construction phase of this project will result in the creation and/or retention of the equivalent of 13.9 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-125

Ordinance No. 2016-206
(Int. No. 238)

Authorizing the receipt and use of funds and an agreement related to the Center City Two-Way Conversion Project - Phase II

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

Section 1. The sum of \$582,400 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration (FHWA) to fund the Center City Two-Way Conversion Project - Phase II (Project)

initially authorized in Ordinance No. 2014-15.

Section 2. The sum of \$34,200 is hereby appropriated to fund the Program from anticipated reimbursements from the New York State Marchiselli Aid Program.

Section 3. The Mayor is hereby authorized to enter into an agreement with LaBella Associates, D.P.C. in an amount not to exceed \$240,000 to provide resident project representation services for the Project. The term of the agreement shall extend until two years after final acceptance of the Project. The agreement shall be funded by \$111,314 from the FHWA funds appropriated in Section 1, by \$84,029 from a bond ordinance to be authorized for the Project, by \$34,914 in 2012-13 Cash Capital, by \$6,537 in Marchiselli Aid appropriated in Section 2, and by \$3,206 in 2014-15 Water Cash Capital.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2016-207
(Int. No. 239)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$440,000 Bonds of said City to finance certain portions of the Center City Two-Way Conversion Project, Phase II

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 milling and resurfacing, certain curb, manhole and water valve replacements and new traffic markings and signage in connection with Phase II of the Center City Two-Way Conversion Project on South Clinton Avenue from Broad Street to I-490 and Broad Street from South Clinton Avenue to Stone Street (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,281,134. The plan of financing includes the issuance of \$440,000 bonds which are hereby appropriated to the Project, \$582,400 from the Federal Highway Administration, \$34,200 from the New York State Marchiselli Aid Program, \$2,236 from 2012-13 Water Cash Capital, \$16,764 from 2014-15 Water Cash Capital, \$13,000 from Rochester Pure Waters District appropriated in Ordinance No. 2015-132, a \$1,534 reimbursement from the Monroe County Department of Transportation, \$191,000 from 2012-13 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 \$440,000 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 \$440,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-208
Re: Agreement- Business Association of the South Wedge Area (BASWA),
Enhanced Street Lighting Equipment

Transmitted herewith for your approval is legislation which authorizes an agreement with the Business Association of the South Wedge Area (BASWA) to fund the additional cost of select decorative light poles on South Avenue between Byron Street and Linden Street.

The agreement authorizes funding the additional cost of selected decorative light poles in conjunction with the City. The City will pay for the portion of the decorative pole equivalent to the typical decorative pole and BASWA will pay for the additional cost to purchase the decorative pole that BASWA has selected. The additional cost of the enhanced poles is \$1,453.06 per pole. The number of poles to be replaced is 33, resulting in a total cost of \$47,950.98. The Department of Neighborhood and Business Development has identified \$14,480.33 to be put toward this project from the Southeast Quadrant Public Improvement Allocation, resulting in an agreement amount of \$33,470.65.

Street Lighting Project for South Avenue	\$47,950.98
BASWA check	\$15,983.66
Less funds transferred from SE Quad	\$14,480.33
Amount remaining to be funded by BASWA	\$17,486.99

The Department of Environmental Services, Street Lighting Division will install the street lights and

be reimbursed by the BASWA. The project will be completed by fall 2016 and will result in the creation/retention of 0.5 jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-208
(Int. No. 240)

Authorizing an agreement with the Business Association of the South Wedge Area ("BASWA") to fund decorative light poles

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 between the City and the Business Association of the South Wedge Area ("BASWA") to fund the cost and installation of thirty-three (33) decorative light poles on South Avenue between Byron Street and Linden Street.

Section 2. The total cost of the selected decorative light poles in excess of the typical decorative pole is \$47,950.98, which shall be funded by an amount not to exceed \$14,480.33 from the City's Southeast Quadrant public improvement allocation and by a \$33,470.65 contribution from BASWA.

Section 3. The term of the agreement shall be one year.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 233 and
Introductory No. 234
Re: Promenade at Erie Harbor Park Project

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

Transmitted herewith for your approval is legislation related to the Promenade at Erie Harbor, the Johnson Seymour Mill Race and 103 Court Street. This legislation will:

1. Authorize an agreement with Morgan Court Street Apartments LLC, or an affiliated LLC, partnership, or entity to be formed by Morgan Management, LLC (the "Developer"), Pittsford, New York, in an amount not to exceed \$4,540,000 for the construction of the Promenade at Erie Harbor; and
2. Authorize an agreement with Morgan Court

Street Apartments LLC, or an affiliated LLC, partnership, or entity to be formed by Morgan Management, LLC (the “Developer”) related to the maintenance of various public amenities being installed as part of the Promenade at Erie Harbor Park Project; and

3. Establish \$600,000 as maximum compensation for an agreement with Bergmann Associates, P.C., Rochester, New York, for resident project representation (RPR) services. The term of the agreement may extend until two years after final acceptance of the project, and the cost will be funded by \$425,000 in bonds appropriated herein, and \$175,000 of the New York State Department of State (NYSDOS) Environmental Protection Fund, Local Waterfront Revitalization Program (LWRP) Grant appropriated herein; and
4. Authorize the granting, release, and/or acceptance of any necessary easements for utilities, ancillary development, and/or public access including, but not limited to, the release of permanent or temporary easements held by the City over property located at 103 Court Street; and
5. Authorize the acceptance of three permanent easements for public access and maintenance purposes at 103 Court Street; and
6. Authorize the release of four permanent easements and two temporary easements held by the City for public and maintenance access purposes at 103 Court Street; and
7. Authorize modifications of a permanent easement for public access and maintenance purposes at 103 Court Street to allow for the construction, maintenance, and operation of a private parking garage, along with ancillary purposes; and
8. Appropriate \$1,200,000 in anticipated reimbursements from the NYSDOS Environmental Protection Fund, LWRP Grant to finance a portion of the costs of the agreements authorized herein; and
9. Authorize the issuance of bonds totaling \$3,500,000 to finance a portion of the costs of the agreements authorized herein.

In June 2006, Council authorized the Mayor to enter into an agreement with the State of New York for the administration and funding of the planning and preliminary design phases for Erie Harbor (Ord. No. 2006-149). In December 2011, Council authorized the Mayor to apply for State funding and enter into any necessary agreements related to advancing the final design and construction for the Promenade at Erie Harbor (Ord. No. 2011-396). The following September, Council authorized the Mayor to enter into an agreement with Bergmann Associates, P.C. for \$480,000 to provide planning and final engineering services related to the Erie Harbor Promenade (Ord. No. 2012-367). Most recently, in February 2016, Council authorized an

amendatory agreement with Bergmann Associates, P.C. for \$250,000 for additional services related to the design, permitting and coordination efforts required for this collaborative, public-private project (Ord. No. 2016-45).

In December 2013, the City was awarded a \$1,200,000 matching grant from NYSDOS Environmental Protection Fund, LWRP Grant for the construction phase of the Promenade within Erie Harbor Park.

Project Description

Erie Harbor Park is a prime riverfront site adjacent to South Avenue on the east side of the Genesee River, opposite Woodbury Boulevard. The land is currently an under-utilized site and is identified in the Center City Master Plan as Erie Harbor Park. Ownership of the property is mixed, with the principal parties being the City of Rochester, New York State and the Farash Foundation. Several easements cross the property making private development extremely challenging.

In 2010, a community-based, Erie Harbor Park Master Plan was completed for a public-private partnership between the City and the Farash Corporation. The Master Plan included public improvements for increased waterfront access, waterfront promenades, a pedestrian bridge with viewing platforms, improvements to the circa 1815 Johnson Seymour Mill Race, lighting upgrades, interpretive signage, benches, bike racks, and landscaping amenities.

The Master Plan envisions and supports small scale, mixed-use development intertwined with public improvements. The property is currently held in trust by Lehigh Station, LLC (a holding company of the Max M. Farash Trust). Lehigh Station, LLC has partnered with the Developer, Morgan Court Street Apartments, LLC (a subsidiary of Morgan Management, LLC) to follow-up on the Erie Harbor Park Master Plan’s long-term vision of linking this spectacular public waterfront with private development.

Concurrent with the construction of the Promenade at Erie Harbor Park, the Developer, intends to purchase from the Lehigh Station, LLC, property known as 103 Court Street and undertake the development and construction of a project on 1.63 acres of land located at the southeast corner of Court Street and South Avenue. The project, known as Rivers Edge (“103 Court Street Project”), will include the construction of a 223,900 square feet, five-story, mixed-use building consisting of 119 market-rate luxury residential units; 4,500 square feet of commercial, retail and back office space; and parking for 189 vehicles (182 in a two-level, secured underground structure and seven spaces for retail operations on the ground floor). Capital investment required for the project is estimated at \$32,400,000, for which the Developer is seeking a tax abatement in the form of a nine-year Payment in Lieu of Tax Agreement (PILOT) with the County of Monroe Industrial Development Agency (COMIDA).

The City's PILOT Review Committee reviewed and approved the request for a support letter for the Developer's application to COMIDA for a PILOT agreement for the 103 Court Street Project. The anticipated PILOT payments are as follows:

<u>Abatement %</u>	<u>City/School Taxes</u>	<u>County Taxes</u>
90%	\$ 57,741	\$ 14,746
80%	113,385	28,956
70%	169,030	43,166
60%	224,675	57,377
50%	280,320	71,587
40%	335,965	85,798
30%	391,610	100,008
20%	447,254	114,219
10%	502,899	128,429
Full Value	<u>558,544</u>	<u>142,639</u>
	\$3,081,423	\$786,925

Under the PILOT agreement, the Developer has agreed to the following workforce goals for construction of the Project: 20% minority and 6.9% women employees. The combined utilization goals for Minority, Women-owned, Small, and Disadvantaged Business Enterprises (MWSDBEs) is 20%.

The Promenade at Erie Harbor Park and the 103 Court Street Project are located immediately adjacent to each other along the length of the project boundaries adjacent to the Genesee River. Both the Developer and the City have a mutual desire to construct their projects during the same general time period so that the work can be properly phased and construction areas remain physically accessible to both parties. Under the terms of the agreement, the Developer will construct and jointly maintain the public components of the Promenade at Erie Harbor. The City will continue to serve as the fiduciary agent for the local funds and the New York State Department of State funds. The public components of the project involve repairs to the east river wall, the Johnson Seymour mill race, construction of a public promenade, park improvements, and a bridge from the Genesee Riverway Trail to the Court Street Bridge. The project is collectively known as the Promenade at Erie Harbor.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the Director of Planning and Zoning, as lead agency, has determined that the proposed action will not result in any significant effects and issued a negative declaration on February 1, 2016.

Funding Details and Easements

The agreement with the Developer establishes \$4,540,000 as maximum compensation for the construction of the Promenade. The agreement will be funded by \$3,075,000 in municipal bonds appropriated herein; \$1,025,000 of the NYSDOS LWRP Matching Grant appropriated herein; and \$440,000 in 2014-15 Cash Capital. Provisions are contained within the agreement should unforeseen or change order conditions be encountered.

<u>Funding Source</u>	<u>Design</u>	<u>Construction</u>	<u>RPR</u>	<u>Total</u>
NYSDOS LWRP Grant (Ord. No. 2012-367)	\$240,000			\$ 240,000
Bond (Ord. No. 2012-368)	240,000			240,000
2014-15 Cash Capital (Ord. No. 2015-287)	250,000			250,000
2014-15 Cash Capital (appropriated herein)		\$ 440,000		440,000
NYSDOS LWRP Grant (appropriated herein)		1,025,000	\$175,000	1,200,000
Bonds (appropriated herein)		<u>3,075,000</u>	<u>425,000</u>	<u>3,500,000</u>
Total	<u>\$730,000</u>	<u>\$4,540,000</u>	<u>\$600,000</u>	<u>\$5,870,000</u>

As noted earlier, the Developer has agreed to enter into an agreement to undertake partial maintenance responsibility for the Promenade at Erie Harbor. The tasks that the Developer has agreed to accept responsibility for and maintain (for a term of no less than 99 years) include, but are not limited to, weekly mowing, edge trimming, weed removal, tree pruning, watering plant material, cleaning of kiosks/signs, annual plantings, weekly trash removal, removal of debris, removal of posters, flyers and ads, sweeping, washing of trail surfaces and site furnishings. The maintenance agreement will provide greater detail about the maintenance responsibilities of all involved parties.

To facilitate the project, the Developer is donating, and the City is accepting, three easements over 103 Court Street. Easement A allows for a continuous build-out and linkage of the Genesee River Trail between downtown, the South Wedge, Erie Harbor and the University of Rochester. It enables continuous public access to be unimpeded along this section of the Genesee River. The easement is considered a strategic component for advancing recommendations of the South River Corridor Land Use Plan, the City's Local Waterfront Revitalization Plan, Rochester's Historic Canal District Master Plan and the Erie Harbor Park Master Plan.

The acceptance of Easement B allows the City and its contractors, agents and permittees, unimpeded, unrestricted access to the underside of the Court Street Bridge, the Rundel Library, across the Erie Canal Aqueduct (the

Broad Street Bridge) and along the length of the Broad Street tunnel system. Development of 103 Court Street will eliminate direct access to the Broad Street tunnel system, necessitating that the site plan for 103 Court Street includes the condition that the Developer enter into an agreement with the City to allow unimpeded, unrestricted access for the purposes of maintenance, inspection, rehabilitative work, permitable work and utility work.

The acceptance of Easement C allows the public to have safe and efficient access to and from the Americans with Disabilities Act (ADA) standard ramp located at the southwest corner of the intersection of Court Street and South Avenue. The parcel known as 103 Court Street extends into the current ramp, and as such, could otherwise be considered private property.

Modifications to an existing public easement is also required to allow for the construction, maintenance and operation of a private parking garage and ancillary space for building mechanicals. These modifications do not impede public access, nor do they interfere with the intent of the original public easement that was granted specifically for the construction, maintenance and public use of the property for public waterfront access.

Bergmann Associates, P.C. was selected to provide RPR services based on its familiarity of the site and availability of staff, as described in the attached justification statement for not issuing a request for proposals.

Construction is anticipated to begin in summer 2016, with substantial completion in fall 2017. The construction phase for the public components of this project will result in the creation and/or retention of the equivalent of 51 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Introductory No. 233

AUTHORIZING AGREEMENTS AND FUNDING AND CONVEYING AND MODIFYING EASEMENTS FOR THE PROMENADE AT ERIE HARBOR PARK

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 Morgan Court Street Apartments LLC, or an affiliated Limited Liability Corporation, partnership, or other entity to be formed by Morgan Management, LLC (collectively, the "Developer") in an amount not to exceed \$4,540,000 for the construction of the Promenade at Erie Harbor Park ("the Project"). The agreement shall be funded by \$3,075,000 from a bond ordinance to be authorized for the Project, by \$1,025,000 in anticipated reimbursements from the New York State Environmental Protection Fund, Local Waterfront Revitalization Program (LWRP), and by \$440,000 in 2014-15 Cash Capital funds.

Said LWRP and Cash Capital funds, or so much as may be necessary, are hereby appropriated for the agreement authorized herein.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Developer relating to the maintenance of various public amenities being installed as part of the Project.

Section 3. The Mayor is hereby authorized to enter into an agreement with Bergmann Associates, P.C. in an amount not to exceed \$600,000 for resident project representation services relating to the construction of the Project. The term of the agreement shall extend two years after completion and final acceptance of the Project. The agreement shall be funded by \$425,000 from a bond ordinance to be authorized for the Project and by \$175,000 from the New York State LWRP. Said LWRP funds, or so much as may be necessary, are hereby appropriated for the agreement authorized herein.

Section 4. The Mayor is hereby authorized to grant, release, and/or accept any easement for utilities, ancillary development, and/or public access over and/or adjacent to the parcel located at 103 Court Street, S.B.L No. 121.31-1-33, including but not limited to the release of permanent or temporary easements held by the City, as the Mayor shall deem appropriate to effectuate the construction and public use of the Promenade.

Section 5. The Council hereby approves the City's acceptance of three permanent easements located on and/or adjacent to the parcel located at 103 Court Street, S.B.L No. 121.31-1-33 to provide for access to and maintenance of the Promenade.

Section 6. The Mayor is hereby authorized to release the following six easements that the City holds over and/or adjacent to the parcel located at 103 Court Street, S.B.L No. 121.31-1-33:

- a. permanent easement relating to a river retaining wall recorded with the Monroe County Clerk at Maps Liber 1077, page 944;
- b. permanent easement relating to a pedestrian way recorded September 23, 1982 with the Monroe County Clerk at Deeds Liber 6206, page 45;
- c. permanent easement relating to a pedestrian and bicycle way recorded on June 11, 1984 with the Monroe County Clerk at Deeds Liber 6533, page 149;
- d. permanent easement formerly owned by the State of New York, recorded with the Monroe County Clerk as Map 1312-1, Parcel 1368 at Appropriation Liber 1077, page 944, and conveyed to the City by Official Order #H2595 of the New York State Department of Transportation, dated December;
- e. temporary easement relating to the Court Street Bridge Rehabilitation Project recorded March 4, 1998 with the Monroe County Clerk at Deeds Liber 8979, page 54; and

f. temporary easement recorded May 21, 1992 with the Monroe County Clerk at Deed Liber 8208, page 246.

Section 7. The Mayor is hereby authorized to modify a permanent easement relating to a public pedestrian way including bicycles over a portion of the parcel located at 103 Court Street, S.B.L No. 121.31-1-33., which easement was recorded on December 7, 2011 with the Monroe County Clerk at Deeds Liber 11069, page 448, as the City shall deem appropriate to allow for the construction, maintenance, and operation of a private parking garage for the Developer's proposed mixed use building at 103 Court Street while continuing the easement's public purpose to allow for City and/or public access to construct, maintain and use the Promenade.

Section 8. The Mayor is hereby authorized to enter into any agreement or to execute such other documents as the Mayor shall deem to be appropriate to effectuate the agreements, easements, and funding provided for in this ordinance. The agreements, easements and other documents shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 9. This ordinance shall take effect immediately.

Held in Committee

Introductory No. 234

BOND ORDINANCE OF THE CITY OF ROCHESTER, NEW YORK AUTHORIZING THE ISSUANCE OF \$3,500,000 BONDS OF SAID CITY TO FINANCE A PORTION OF THE COSTS OF THE CONSTRUCTION OF THE PROMENADE AT ERIE HARBOR

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 design and construction of a pedestrian bridge along the Johnson Seymour Mill Race connecting the northerly edge of the Genesee Riverway Trail to a southeasterly point on the Court Street Bridge (the "Project"). The Project will be constructed simultaneously with Morgan Management LLC's development of "River's Edge," a 119 unit market rate apartment, 4,500 sq. ft. five story retail/commercial mixed use facility with parking for 189 vehicles contiguous with the Project site. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$5,870,000. The plan of financing includes the issuance of \$3,500,000 bonds of the City as contemplated herein which are hereby appropriated for the Project, receipt of a \$240,000 NY Local Waterfront Revitalization Grant ("LWRP," authorized under Ordinance 2012-367), \$240,000 of Bond proceeds authorized under Ordinance 2012-368, \$250,000 2014-15 Cash Capital appropriated under

Ordinance 2015-287, 2014-15 Cash Capital equal to \$440,000, an additional LWRP Grant equal to \$1,200,000, 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 \$3,500,000 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 \$3,500,000. 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. 10 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.

Held in Committee

By Councilmember McFadden
June 14, 2016

To the Council:

The Public Safety, Youth & Recreation Committee recommends for adoption the following entitled legislation:

Int. No. 143 - Appropriating federal asset forfeiture funds for the purchase of police vehicles

Int. No. 193 - Authorizing agreements for the 2016-17 Gun Involved Violence Elimination Program

Int. No. 241 - Establishing maximum compensation and appropriating funds for veterinary services

Int. No. 242 - Authorizing an agreement with the New York State Division of Homeland Security and Emergency Services

Int. No. 243 - Authorizing a grant agreement with the New York State Office of Victim Services

Int. No. 244 - Authorizing agreements for the Teenage Pregnancy Prevention Program

Int. No. 245 - Authorizing amendatory agreements and funding for the Comprehensive Adolescent Pregnancy Prevention Program

Int. No. 246 - Authorizing the fabrication and

leasing to vendors of modular replacement buildings and compensating vendors for the removal of existing buildings relating to the Public Market Winter Shed Renovation and Expansion Project, as amended

Int. No. 247 - Authorizing an amendatory professional services agreement for physical training services

Int. No. 249 - Authorizing a grant agreement for the 2016 State Homeland Security Program

Int. No. 253 - Authorizing an agreement with the Rochester Area Community Foundation for the Quad A For Kids After-School Program at City Schools

Respectfully submitted,
Adam C. McFadden (abstained on Int. No. 253)
Molly Clifford
Matt Haag
Dana K. Miller (abstained on Int. No. 253)
Loretta C. Scott
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed, and published.

Councilmember McFadden moved to amend Int. No. 143.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following vote:

Ayes - President Scott, Councilmembers Clifford, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 8.

Nays - Councilmember Conklin - 1

Introductory No. 143 was introduced April 20, 2016 and it appears in its original form with its transmittal letter on page 166 of the current Council Proceedings.

Ordinance No. 2016-209
(Int.No.143, as amended)

Appropriating federal asset forfeiture funds for the purchase of police vehicles

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

Section 1. Ordinance No. 2015-167, the 2015-16 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to Cash Capital the ~~Rochester Police Department~~ by the sum of \$80,000 to be received from the federal asset forfeiture fund from seized and forfeited assets, and such sum is hereby appropriated to fund the Rochester Police Department's purchase of unmarked police vehicles.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 8.

Nays - Councilmember Conklin -1.

Introductory No. 193 was introduced May 17, 2016 and appears in its original form with its transmittal letter on page 223 of the current Council Proceedings.

Ordinance No. 2016-210
(Int. No. 193)

Authorizing agreements for the 2016-17 Gun Involved Violence Elimination Program

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-211
Re: Agreements - Veterinary Services for Rochester Animal Services

Council Priority: Public Safety

Transmitted for your approval is legislation establishing \$41,000 as maximum compensation for veterinary services agreements for the Rochester Animal Services (RAS) shelter.

The term of these agreements will be for one year, and the cost will be funded from the 2016-17 Budget of the Police Department (\$29,500), contingent upon adoption of said budget, and by an appropriation from the Animal Control Gifts Fund (\$11,500). The table below summarizes the use of these funds:

<u>Use</u>	<u>Police Budget</u>	<u>Gifts Fund</u>	<u>Total</u>
On-site veterinary services	\$24,500	\$ 7,500	\$32,000
Monroe Veterinary Associates	3,000	2,000	5,000
Lollypop Farm	<u>2,000</u>	<u>2,000</u>	<u>4,000</u>
Total	\$29,500	\$11,500	\$41,000

RAS utilizes agreements with outside veterinarians and veterinary technicians to increase surgical capacity, improve customer service, and provide veterinary coverage during absences for the regular veterinarian and veterinary technicians. The consultants will provide on-site veterinary services including, but not limited to: examinations, treatments, vaccinations, and the surgical sterilization of animals in custody at the shelter on Verona Street. Consultants may also provide surgical sterilization for animals owned by city residents. Each of the consultants will provide services on a part-time or

on-call basis.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-211
(Int. No. 241)

Establishing maximum compensation and appropriating funds for veterinary services

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

Section 1. The Mayor is hereby authorized to enter into agreements with Lollypop Farm, Monroe Veterinary Association, and other on-site veterinary service providers to provide veterinary services at the Rochester Animal Shelter. The sum of \$41,000, or so much thereof as may be necessary, is hereby established as maximum compensation to be paid for such services. Said amounts shall be funded by \$29,500 from the 2016-17 Budget of the Police Department, contingent upon approval of such budget, and by \$11,500 from the Animal Control Gifts Fund, which amount is hereby appropriated for that purpose.

<u>Use</u>	<u>Police Budget</u>	<u>Gifts Fund</u>	<u>Total</u>
On-site vet services	\$24,500	\$ 7,500	\$32,000
Monroe Vet. Assoc.	3,000	2,000	5,000
Lollypop Farm	<u>2,000</u>	<u>2,000</u>	<u>4,000</u>
Total	\$29,500	\$11,500	\$41,000

Section 2. The agreements shall have a term of one year.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-212
Re: Agreement - New York State Division of Homeland Security and Emergency Services, 2016 State Law Enforcement Terrorism Prevention Program Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Homeland Security and Emergency Services for the receipt and use of \$130,000 for a State Law Enforcement Terrorism Prevention Program grant. The term of this grant is three years,

from September 1, 2016 through August 31, 2019. No matching funds are required.

The grant funds will be used to purchase equipment to enhance and maintain the capabilities of the Police Department's Special Teams. The purchase plan consists of a laser scanner and training in its use, night vision devices and accessories, batteries for PAC-TAC radios, an x-ray panel, and SCUBA team wet and dry suits.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-212
(Int. No. 242)

Authorizing an agreement with the New York State Division of Homeland Security and Emergency Services

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Homeland Security and Emergency Services for the receipt and use of a \$130,000 grant for a State Law Enforcement Terrorism Prevention Program. Said funds will be used to purchase equipment to enhance and maintain the capabilities of the Rochester Police Department's Special Teams.

Section 2. The term of the agreement shall be from September 1, 2016 through August 31, 2019.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-213
Re: Grant Agreement - New York State
Office of Victim Services

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Office of Victim Services (NYSOVS) for the receipt and use of a grant totaling \$287,165. The term of this agreement is one year, from October 1, 2016 through September 30, 2017.

These funds will support the Police Department's Family and Victim Services Section. The grant is used primarily to finance salary expenses (\$286,665) for the counseling positions in the Family and Victim Services Section. The NYSOVS funds were anticipated and included in the 2016-17

Budget of the Police Department. The required 25% local match will be fulfilled with volunteer counselor hours and the City's contribution of fringe benefits (\$73,874), which was also included in the 2016-17 Budget of Undistributed Expenses, contingent upon approval of said budget. The remaining \$500 will be used for training for Family and Victim Services staff.

The most recent NYSOVS award was approved in September 2015 via Ordinance No. 2015-308.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance 2016-213
(Int. No. 243)

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

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Victim Services to receive funding in the amount of \$287,165 for the Rochester Police Department's Family and Victim Services Section.

Section 2. The term of this agreement shall be from October 1, 2016, through September 30, 2017.

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.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-214
Re: Agreements - Federal Teenage
Pregnancy Prevention Grant

Transmitted herewith for your approval is legislation related to the Teenage Pregnancy Prevention (TPP) program. This legislation will:

1. Authorize an agreement with the U.S. Department of Health and Human Services for the receipt and use of a \$999,999 grant for the Program;
2. Establish maximum compensation of \$454,944 from the grant authorized herein for agreements with the following organizations to provide related services:

Baden Street Settlement	\$165,653
The Center for Youth	48,508
Family Resource Center of Hillside	
Children's Center	53,171
Ibero American Action League	48,356

Highland Hospital of Rochester (Family Planning - clinical partner)	69,256
Ann G. T. Young (evaluation partner)	<u>70,000</u>
Total	\$454,944

An additional \$279,200 was anticipated and included in the 2016-17 Budget of the Department of Recreation and Youth Services, contingent upon approval of said budget, to cover staff costs associated with the City's role as lead agency, including the salary and wage costs for a Project Director, three Pregnancy Prevention Trainers, one Grant Support Associate and a part-time Clerk III with Typing. Employee fringe costs of \$111,045 were also anticipated and included in the 2016-17 Budget of Undistributed Expenses, contingent upon approval of said budget. The remaining \$154,810 will be accounted for in the Teenage Pregnancy Prevention Special Revenue Fund to cover non-personnel costs such as travel, program and office supplies, printing and indirect costs.

The official name of this federal program is the Teenage Pregnancy Prevention Replication of Evidence-Based Programs to Scale in Communities with the Greatest Need (Tier 1B). Approval by the U.S. Department of Health and Human Services is anticipated by the end of June 2016. This will be year two of a five year grant spanning from July 1, 2015 to June 30, 2020. The program was last approved by City Council in July 2015 via Ordinance No. 2015-252.

The goals of the TPP program are to: (1) successfully plan, develop, and implement TPP to scale using evidence-based curriculum with fidelity; (2) reduce adolescent pregnancy rates; and (3) improve high school graduation rates. The program, to be locally promoted as THRIVE (Teens Helping to Reinvent Identity, Values and Empowerment), will serve 1,875 youth each year in years two through five, with year one used as a planning year. Services will be provided in areas with the highest teen birth rates (zip codes 14605, 14608, 14611, 14613 and 14621).

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-125

Ordinance No. 2016-214
(Int. No. 244)

Authorizing agreements for the Teenage Pregnancy Prevention Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Health and Human Services for the receipt and use of \$999,999 in funding for the operation of the Teenage Pregnancy Prevention Program.

Section 2. The Mayor is hereby authorized to

enter into agreements with the following organizations in amounts not to exceed the following for services under the Federal Teenage Pregnancy Prevention Program:

Baden Street Settlement	\$165,653
The Center for Youth	48,508
Family Resource Center of Hillside Children's Center	53,171
Ibero-American Action League	48,356
Highland Hospital of Rochester	69,256
Ann G. T. Young	<u>70,000</u>
Total	\$454,944

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$454,944, and said amount, or so much thereof as may be necessary, is hereby appropriated from the funds to be received from the United States Department of Health and Human Services under the grant agreement authorized herein. The agreements shall have a term of one year.

Section 4. The sum of \$154,810 is hereby appropriated from the funds to be received from the United States Department of Health and Human Services under the grant agreement authorized herein to fund non-personnel expenses of the Program.

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

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson - 8.

Nays - None - 0.

Councilmember Spaul abtained due to a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-215
Re: Amendatory Agreements - Comprehensive
Adolescent Pregnancy Prevention Grant

Transmitted herewith for your approval is legislation related to the Comprehensive Adolescent Pregnancy Prevention (CAPP) Grant. This legislation will:

1. Authorize an amendatory agreement with the New York State Department of Health (NYSDOH) for the receipt and use of a \$273,018 grant award for a second six month extension of the fifth year of a five year grant and any additional Cost of Living Adjustment funds; and
2. Establish \$113,804 as maximum compensation, to be funded from the grant authorized herein, for amendatory agreements with the following organizations to provide related ser-

vices from July 1, 2016 to December 31, 2016:

Baden Street Settlement	\$31,771
Crestwood Children's Center	6,287
Highland Family Planning	23,235
Society for the Protection and Care of Children	27,231
YWCA of Rochester and Monroe County	<u>25,280</u>
Total	<u>\$113,804</u>

A portion of the balance of the grant was anticipated and included in the 2016-17 Budgets of the Department of Recreation and Youth Services (\$66,600) and Undistributed Expenses (\$37,417) contingent upon approval of said Budgets, to support City staff wage and fringe costs through December 31, 2016.

The remaining \$55,197 will be accounted for in the City's Teenage Pregnancy Prevention Special Revenue Fund to cover non-personnel expenses such as educational supplies, printing, travel, office supplies and indirect expenses.

This extension is intended to ensure a continuation of services until the State awards a new five year grant to begin January 1, 2017, which is anticipated to be announced by September 30, 2016. The CAPP program was originally approved by NYSDOH for a five year term, from January 1, 2011 to December 31, 2015.

The first extension was awarded for a six month continuation of service (January 1 to June 30, 2016) and this second extension has been offered to further continue services (July 1 to December 31, 2016). Year five of the CAPP program was authorized by Council in November 2014 (Ord. No. 2014-359), and the first extension was authorized by Council in October 2015 (Ord. No. 2015-340).

The goal of this program is to significantly reduce the rate of pregnancy among teenagers in targeted areas. The primary goals of the program are to:

- Implement evidence-based curricula in the Rochester City School District
- Reduce adolescent pregnancy rates
- Improve high school graduation rates

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-215
(Int. No. 245)

Authorizing amendatory agreements and funding for the Comprehensive Adolescent Pregnancy Prevention Program

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the New York State Department of Health for the receipt and use of \$273,018 in funding to extend the opera-

tion of the Comprehensive Adolescent Pregnancy Prevention Program (Program) an additional six (6) months to December 31, 2016. The Program was authorized by Ordinance No. 2014-359 and amended by Ordinance No. 2015-340.

Section 2. The Mayor is hereby authorized to enter into amendatory agreements to continue to provide Program services with the following organizations up to the maximum amount specified therein for the term July 1, 2016 through December 31, 2016:

<u>Organization</u>	<u>Amount</u>
Baden Street Settlement, Inc.	\$ 31,771
Crestwood Children's Center	6,287
Highland Family Planning	23,235
Society for the Protection and Care of Children	27,231
YWCA of Rochester and Monroe County	<u>25,280</u>
Total	<u>\$113,804</u>

provided that, in the event that all funds for any listed provider are not expended, the Mayor is authorized to enter into amendatory agreements with one or more of the other above providers to use the unexpended funds to provide additional Program services.

Section 3. Grant funds in the amount of \$55,197 are hereby appropriated to the Teenage Pregnancy Special Revenue Fund to pay for non-personnel and indirect expenses relating to the Program.

Section 4. The grant agreement and provider agreements authorized herein shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-216
Re: Purchase and Lease Agreements -
Public Market Improvement Project

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

Transmitted herewith for your approval is legislation related to the reconstruction of the Public Market at 280 North Union Street. The legislation will:

1. Authorize the lease/purchase of a newly fabricated restaurant kiosk for Juan & Maria's Empanada Stop, Inc., at a cost not to exceed \$100,000;
2. Authorize a credit in the lease/purchase contract of the kiosk for the existing frame

- restaurant owned by Juan & Maria's Empanada Stop, Inc. in the amount of the appraised value of the existing restaurant building of \$35,000;
3. Authorize the lease/purchase of a newly fabricated restaurant kiosk for Janine Thornton doing business as Scott's II, at a cost not to exceed \$100,000;
 4. Authorize a credit in the lease/purchase contract of the kiosk for the existing frame restaurant owned by Janine Thornton doing business as Scott's II in the amount of the appraised value of the existing restaurant building of \$30,000;
 5. Authorize the lease/purchase of a newly fabricated restaurant kiosk for Jan Ryn doing business as Cherry's European, at a cost not to exceed \$100,000;
 6. Authorize a credit in the lease/purchase contract of the kiosk for the existing frame restaurant owned by Jan Ryn doing business as Cherry's European in the amount of the appraised value of the existing restaurant building of \$22,500;
 7. Authorize the lease/purchase of a newly fabricated restaurant kiosk for Stan Tara and Mary Ann Tara doing business as Zimmermann's Hots, at a cost not to exceed \$100,000;
 8. Authorize a credit in the lease/purchase contract of the kiosk for the existing frame restaurant owned by Stan Tara and Mary Ann Tara doing business as Zimmermann's Hots in the amount of the appraised value of the existing restaurant building of \$22,500;
 9. Authorize the purchase of the existing frame structure on land to be exchanged with Curtis LLC and ground leased to Diane Frassetto in the amount of the appraised value of the frame structure of \$15,000; and
 10. Authorize the Mayor to adjust the interest rate and other terms and conditions of the lease/purchase contracts in order to conform to legal requirements for the project.

City Council approved the funding for a major reconstruction of the Public Market via Ordinance No. 2012-53. The primary elements of the Public Market reconstruction are the demolition of the existing Winter Shed and its reconstruction on a new footprint at approximately the same location within the Public Market, and the construction of a new open air shed, Shed D, north of the existing Shed A and Shed C.

City Council also approved land exchange with Curtis LLC whereby the City would convey a 6,583 square foot parcel at the east end of the former Tripi building to Curtis LLC and Curtis LLC would convey a 5,209 square foot parcel at the west end of

the former Tripi building to the City primarily for additional parking (Ord. No. 2016-7).

In connection with the reconstruction at the Public Market, it is necessary that the four restaurants - Juan and Maria's, Scott's II, Cherry's European, and Zimmerman's - be relocated during reconstruction of the Winter Shed. Each of these restaurants is on ground leased to the restaurant owners by the Public Market, but the restaurant structures themselves are owned by the individual restaurant owners.

As part of the Public Market reconstruction project, the City will purchase four new movable modular restaurant structures ("kiosks") to replace the four wood frame restaurant structures at the Public Market. The existing restaurants are not code compliant and are not energy efficient. Through the public bidding process, a vendor, M Design Vehicles Ltd., has already been selected to fabricate four new moveable kiosks to replace the existing wood frame restaurants at the market.

The proposed legislation would authorize a long-term, up to ten year lease of the new kiosks to the four restaurant operators, with an option to purchase the kiosk at the end of the lease term. The lease would amortize the cost of the kiosk over a maximum of ten years at 2%, with a purchase of the kiosk at the end of the term for \$1. The owners may choose a shorter term with a higher monthly lease payment.

The proposed legislation would also authorize a credit for the four existing wood frame restaurant structures at the value established by appraisal of Kevin L. Bruckner, MAI, CCIM. The legislation would also authorize payment to Diane Frassetto d/b/a Bottom Line Wholesale, the owner of the frame structure on the 6,583 square foot parcel at the east end of the former Tripi building to be conveyed to Curtis LLC in the land exchange. The value of the wood frame structure on the 6,583 square foot parcel was also established by appraisal of Kevin L. Bruckner, MAI, CCIM.

Relocation of the four restaurant tenants into the new kiosks will be complete by Fall 2016 to facilitate the Public Market reconstruction project. The new kiosks will be located for about eight months at new locations at the west end of the market near North Union Street. Following reconstruction of the Winter Shed, the new kiosks will be moved to the existing locations of the four restaurants. Fabrication of the new restaurant kiosks is anticipated to start by the end of June.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance 2016-216
(Int. No. 246, as amended)

Authorizing the fabrication and leasing to vendors of modular replacement buildings and compensating vendors for the removal of existing buildings relating to at the Public Market

Winter Shed Renovation and Expansion Project

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

~~Section 1. The Mayor is hereby authorized to enter into an agreement with M Design Vehicles Ltd to fabricate four movable, modular restaurant buildings ("Kiosks") to be installed for the use of vendors at the Public Market. The cost of the agreement shall not exceed \$400,000 and the term of the agreement shall be for one year.~~

Section 1-2. The Mayor is hereby authorized to enter into an agreement to acquire one existing frame restaurant building from, and to lease one movable, modular restaurant building ("Kiosk") to, each of the following 4 vendors at the Public Market. Each such Kiosk shall be fabricated pursuant to agreements and funding authorized for the Public Market Winter Shed Renovation and Expansion Project by prior ordinances including Ordinance Nos. 2015-73 and 2015-74. In each agreement, the term of the Kiosk lease shall be up to 10 years. Each vendor's lease payments shall be based on the cost incurred by the City for fabrication of the Kiosk amortized over the term of the lease at a rate of 2%, provided, however, that the base lease cost of each Kiosk shall be reduced by the appraised value of the vendor's existing restaurant building as follows:

Vendor	Value of Existing Building
Juan & Maria's Empanada Stop, Inc.	\$35,000
Janine Thornton d/b/a Scott's II	\$30,000
Jan Ryn d/b/a Cherry's European	\$22,500
Stanley Tara and Mary Ann Tara d/b/a Zimmerman's Hots	\$22,500

Section 2-3. The Mayor is hereby authorized to enter into an agreement for the City to purchase from Diane Frassetto d/b/a Bottom Line Wholesale an existing frame structure located on an approximately 6,583 square foot portion of the City Public Market parcel at 280 North Union Street, S.B.L. # 106.67-1-1.001 which is designated as "Parcel 1" in Ordinance No. 2016-7. The cost of the agreement shall not exceed \$15,000.

Section 3-4. The agreements and leases authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4-5. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-217
Re: Agreement - Personal Energy, Inc.,
Physical Fitness Training

Council Priority: Public Safety

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum annual compensation for an agreement with Personal Energy, Inc., Rochester, New York, for consultation on physical training for Firefighter Recruits in preparation for the Candidate Physical Agility Test (CPAT) and Firefighter Trainees (FFT) in preparation for acceptance to the Fire Recruit Class. The agreement will have a term of two years with an option to renew for an additional two years, and will be funded from the 2016-17 and subsequent Budgets of the Fire Department, contingent upon approval of said budgets.

Personal Energy, Inc. was selected through a request for proposal process as described in the attached summary. The Fire Department has worked with Personal Energy, Inc. since 2013; the most recent agreement was authorized via Ord. No. 2015-206.

The services of a certified personal trainer during a Fire Recruit class has demonstrated improved results in the overall fitness of recruit class participants and increased their ability to successfully complete the New York State mandated CPAT prior to graduation from the Fire Academy. The services of this contract will also support the Firefighter Trainee program as participants prepare during their internship for entry into the Fire Recruit class. Services provided include:

- Educate on weight training and aerobic exercise routines that will assist them in a successful outcome on the CPAT;
- Train how to do exercises correctly and how to prevent or reduce the risk of injuries;
- Provide instruction on use of different exercise machines at the gym and how to work all the major muscles of the body;
- Provide consultation and evaluation of each Fire Academy recruit for training and preparation for CPAT
- Develop individual aerobic exercise programs for Firefighter Recruits and FFTs;
- Teach sound and necessary nutrition practices that will lead to better performance and healthier participants.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-127

Ordinance 2016-217
(Int. No. 247)

Authorizing an amendatory professional services agreement for physical training 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 between the City and Personal Energy, Inc. for physical training services for the Rochester Fire Department. The maximum compensation shall not exceed \$15,000 annually, funded from the 2016-17 and future operating budgets of the Rochester Fire Department, contingent upon approval of such budgets.

Section 2. The term of the agreement shall be two years with an option to renew for an additional two years.

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.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-218
Re: Agreement - 2016 State Homeland Security Program (SHSP)

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an agreement with the Division of Homeland Security and Emergency Services (DHSES) for the receipt and use of funding in the amount of \$188,980 for the State Homeland Security Program (SHSP) and amending the 2016-17 Budget of the Fire Department by \$61,776 and 2016-17 Budget of Undistributed Expenses by \$24,624.

This grant is provided to enhance terrorism prevention in the Rochester/Monroe County region. Grantees are required to build capabilities that relate to the prevention of, protection from, or response to terrorism.

The 2016 allocation will be used for building collapse, confine space and water rescue equipment; over-time backfill; registrations and travel for flammable liquids and building collapse training; and Community Emergency Response Training (CERT), including instructional materials. Fringe benefits (\$24,624) for personnel expenses (\$61,776) are included in the funding allocation as well as other expenses (\$102,490) such as travel and equipment. Funding will also support development of a Continuity of Operations Plan and update the Hazardous Materials Response Plan as part of the City's Comprehensive Emergency Management Plan.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance 2016-218
(Int. No. 249)

Authorizing a grant agreement for the 2016 State Homeland Security Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Homeland Security and Emergency Services for receipt and use of funding in the amount of \$188,980 as a part of the 2016 State Homeland Security Program ("SHSP") to enhance terrorism prevention.

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

Section 3. The 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Fire Department by \$61,776 and to the Budget for Undistributed Expenses by \$24,624, which amounts are hereby appropriated from the 2016 SHSP grant for the purpose authorized herein.

Section 4. This ordinance shall take effect immediately

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-219
Re: Agreement - Rochester Area Community Foundation, Quad A for Kids

Council Priority: Support the Creation of Effective Educational Systems

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum compensation for an agreement with the Rochester Area Community Foundation to support the Quad A for Kids After School Program. The term of the agreement will be for one year and the cost will be funded from the 2015-16 Budget of Undistributed Expenses.

The Quad A After School Program will provide supplemental education through a variety of project-based learning activities for up to 350 children attending the Rochester City School District. The program will serve students in kindergarten through eighth grade at schools #4, #16, and #34, from October 2016 to June 2017, for three hours per day, five days per week.

The After School Program follows a student-centered curriculum which supports youth and their

families by working on social and emotional development, academic enrichment, parenting and family involvement, nutrition and health through arts, athletics, and life skills activities. Children will receive an afternoon snack at the start of the program, and each day concludes with a hot dinner.

The most recent funding for this program was provided in Ordinance No. 2014-305.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance 2016-219
(Int. No. 253)

Authorizing an agreement with the Rochester Area Community Foundation for the Quad A For Kids After-School Program at City schools

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 Area Community Foundation for the Quad A For Kids After-School Program at City schools. The term of the agreement shall be one year.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$40,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2015-16 Budget for Undistributed Expenses and said amount is hereby appropriated for this purpose.

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

Section 4. This ordinance shall take effect immediately.

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, Ortiz, Patterson, Spaul - 7.

Nays - None - 0.

Council Vice President Miller and Councilmember McFadden both abstained due to a professional relationship.

The meeting was adjourned at 8:23 p.m.

HAZEL L. WASHINGTON
City Clerk

* * * * *

REGULAR MEETING
JULY 12, 2016

Present - President Scott, Councilmembers Clifford, Conklin, McFadden, Miller, Ortiz, Patterson, Spaul - 8.

Absent - Councilmember Haag - 1.

The Council President requested the Council to rise

for a Moment of Silence.

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

Recognition Ceremony

Retirement:

Environmental Services

*Russell E. Eckam

*Isaac Knight, Jr.

*Thomas J. McNally

Neighborhood and Business Development

*Norma J. Crayon

Police Department

*Paul A. Grande

Recreation and Youth Services

*Kevin P. Zwiebel

**Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember McFadden

RESOLVED, that the minutes of the Special Meeting on June 2, 2016, the Public Hearing of June 8, 2016 and the Regular Meeting of June 14, 2016 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

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

The Council submits Disclosure of Interest Forms from Vice President Miller on Int. No. 289, Councilmember Haag on Int. Nos. 267 and 269, and Councilmember Spaul on Int. No. 270

PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.

Vice President Miller presents a petition with 14,665 signatures of persons against casino gaming. Petition No. 1727

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

Councilmember Conklin
July 12, 2016

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 265 - Authorizing professional services agreements for appraisal and real estate services

Int. No. 266 - Authorizing a grant agreement for the Clarissa Street Reunion and amending the Budget

Int. No. 267 - Approving an agreement for collocation of the City's information technology data-center for purposes of disaster recovery

Int. No. 295 - Authorizing an agreement with

Rochester Stadium Operations, LLC

Int. No. 296 - Authorizing a professional services agreement for expert witness services for the Law Department

Int. No. 297 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of not to exceed \$32,000,000 Bonds of said City to provide interim financing for certain costs of design and improvements to specified City School District schools respecting Phase II of the Rochester Joint Schools Construction Board Facilities Modernization Program

Int. No. 298 - Approving wage and salary increases and equity adjustments for employees of the Rochester Housing Authority

The following entitled legislation is being held in Committee:

Int. No. 268 - Local Law amending the City Charter to establish an Office of Inspector General

Respectfully submitted,
Carolee A. Conklin
Molly Clifford
Adam C. McFadden
Dana K. Miller
Loretta C. Scott
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-220
Re: Agreements- Bruckner, Tillet, Rossi, Cahill & Associates and Midland Appraisal Associates, Inc., Appraisal and Real Estate Services

Council Priority: Debt Reduction and Long-Term Financial Stability

Transmitted herewith for your approval is legislation establishing a combined total of \$40,000 as maximum compensation for agreements with Bruckner, Tillet, Rossi, Cahill & Associates and Midland Appraisal Associates, Inc. for appraisal and real estate services. The agreements will be funded from the 2016-17 Budget of the Law Department and have a term of one year or until completion of the cases for which the services are contracted.

The Law Department requires appraisals and real estate services for litigation cases such as those involving challenges to property tax assessments, as well as certain other transactions. The chosen firms comprise two of the four firms selected by the Department of Neighborhood Development (NBD) through a request for qualifications (RFQ) process which was led by NBD with participation by the Law Department. The RFQ was issued April 23, 2016, published in the *Democrat & Chronicle*, posted on the City website and mailed directly to

firms currently under contract with the City.

The services of Bruckner, Tillet, Rossi, Cahill & Associates and Midland Appraisal Associates, Inc. have been selected by the Law Department based on the firms' experience with the type of matters that the Law Department anticipates handling in 2016-17. Similar agreements with these firms were approved by Council in July 2015 via Ordinance No. 2015-218.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-220
(Int. No. 265)

Authorizing professional services agreements for appraisal and real estate services

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

Section 1. The Mayor is hereby authorized to enter into agreements with Midland Appraisal Associates, Inc. and Bruckner, Tillet, Rossi, Cahill & Associates for appraisal and real estate services as needed by the Law Department.

Section 2. The cost of the agreements shall be funded by combined total of \$40,000 maximum compensation from the 2016-17 Budget of the Law Department. The Mayor is authorized to adjust the amounts authorized for each firm, based on actual need for their services, within the total amount of funds authorized. The agreements shall have a term of one year or until the completion of the cases for which the services are contracted.

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

Section 4. This ordinance shall be effective immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-221
Re: Clarissa Street Reunion

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the production of the Clarissa Street Reunion. This legislation will:

1. Authorize the receipt and use of a \$5,000 grant from the New York State Office of Parks, Recreation and Historic Preservation for the Clarissa Street Reunion;
2. Amend the 2016-17 Budget of the Bureau of Communications by \$5,000 to reflect said

grant; and

- 3. Authorize an agreement in the amount of \$10,000 with the Clarissa Street Reunion Committee to be funded by said grant and an additional \$5,000 from the 2016-17 Budget of the Bureau of Communications.

The City typically provides the festival with \$5,000 in City funding, however, due to the receipt of grant funds from the State, the total amount the City will disburse to the festival in 2016-17 will be \$10,000. The term of the agreement is for one year.

The Clarissa Street Reunion has taken place annually for the past 21 years. This event brings thousands of current and former residents, families, and friends together for a full day of festivities, including parades, food, music and other activities.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-221
(Int. No. 266)

Authorizing a grant agreement for the Clarissa Street Reunion and amending the Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for receipt and use of \$5,000 to be used for the Clarissa Street Reunion. The agreement shall be for a term not to exceed one year.

Section 2. The 2016-17 Budget of the Bureau of Communications is amended to increase the revenue estimates and appropriations by \$5,000, the amount of the grant.

Section 3. The Mayor is hereby authorized to enter into an agreement with the Clarissa Street Reunion Committee in the amount of \$10,000 to be used for the Clarissa Street Reunion. The agreement shall be for a term not to exceed one year. The agreement shall be funded by the \$5,000 New York State Office of Parks, Recreation and Historic Preservation grant and \$5,000 from the 2016-17 Budget of the Bureau of Communications.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-222
Re: Agreement - University of Rochester,
Datacenter Co-location for Information
Technology Disaster Recovery

Transmitted herewith for your approval is legislation establishing a total of \$55,000 as maximum compensation for an agreement with the University of Rochester for the co-location of the City's datacenter for the purpose of disaster recovery. The agreement will have a term of three years and will be financed from the 2016-17 (\$15,000), 2017-18 (\$20,000), and 2018-19 (\$20,000) Budgets of the Department of Information Technology, with the amounts for future budgets contingent upon the approval of those budgets.

Under this agreement, the University of Rochester will supply space needed to co-locate City equipment for the City of Rochester's datacenter with that of the University's, for the purpose of maintaining a back-up information technology system for recovery from possible disasters.

The University of Rochester was selected for this service based on a prior assessment which identified and prioritized the greatest areas of risk to the City's information technology infrastructure, and provided actionable recommendations. The proposed co-location agreement satisfies the critical need for disaster recovery.

The justification statement for not issuing a request for proposals is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No AP-128A

Ordinance No. 2016-222
(Int. No. 267)

Approving an agreement for co-location of the City's information technology datacenter for purposes of disaster recovery

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

Section 1. The sum of \$55,000, or so much thereof as may be necessary, is hereby established as the maximum compensation to be paid for a professional services agreement between the City and the University of Rochester (UR) for co-locating the City's information technology datacenter with UR's datacenter for purposes of disaster recovery.

Section 2. The agreement shall be for a term of 3 years and said compensation amount, or so much thereof as may be necessary, shall be funded with \$15,000 from the 2016-17 Budget of the Information Technology Department and \$20,000 from each of the Department's 2017-18 and 2018-19 Budgets, contingent upon adoption of the latter two budgets.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-223
Re: Agreement - Rochester Stadium
Operations, LLC, Championship
Boxing Match

Council Priority: Creating and Sustaining
a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum compensation for an agreement with Rochester Stadium Operations LLC (Principal: David M. Dworkin), 415 Park Avenue, Rochester, New York, 14607, to support a televised championship boxing match at Rochester Rhinos Stadium on August 19, 2016. The term of the agreement is one year and the cost will be funded from the 2016-17 Undistributed Budget.

The boxing match will feature world ranked heavyweight Jarrell "Big Baby" Miller, who has made Rochester his home away from home. In addition to training here, he is involved with the local Boys and Girls Club.

In addition to Miller, the event will showcase several world class boxing matches as well as an undercard, which will feature the best from the local boxing community. This will allow young Rochester boxers to hone their skills on a major boxing show before their friends and family.

The night will also feature a tribute to the memory of Muhammad Ali, with participation from the former two-time heavyweight champion of the world and Rochester friend, Hasim "The Rock" Rahman.

By bringing a professional sporting event and its related production to the area, organizers hope that the match will cast a national and international spotlight on the city of Rochester and its stadium and encourage tourism and economic development. The match will be televised live nationally and internationally on Showtime and its Spanish language affiliate, networks that tout a viewership of more than 22.8 million people. Showtime will also bring in a world class crew of more than 125 people who will be utilizing downtown hotels and contributing to the local economy while they are here. In addition to the live Showtime telecast, boxing media from around the country, including ESPN, will be covering the event in Rochester. Visit Rochester, the local tourism organization, is also supporting the event.

Free tickets will be made available to City Centers and to local youth boxing organizations.

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-128B

Ordinance No. 2016-223
(Int. No. 295)

Authorizing an agreement with Rochester Stadium Operations, LLC

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Rochester Stadium Operations, LLC to support Rochester's tourism and international exposure through the promotion of a championship boxing match at Rochester Rhinos Stadium on August 19, 2016. Such agreement, to include the City's receipt of promotional tickets, advertising space, and promotions, will have a term of one year. An amount not to exceed \$40,000 is hereby established as maximum compensation to be funded from the 2016-17 budget of Undistributed Expenses.

Section 2. Said 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. 2016-224
Re: Agreement - Legal Med, LLC,
Expert Witness Services

Transmitted herewith for your approval is legislation establishing \$31,000 as maximum compensation for a professional services agreement with Legal Med, LLC for the provision of expert witness services necessary to defend the Rochester Police Department in a Federal civil rights suit entitled *Warr v. Liberatore*. The cost of this agreement shall be funded from the 2016-17 Budget of the Law Department and the term may extend until completion of the Warr litigation.

The agreement will allow the Law Department to obtain the services of two expert physicians to review treatment and therapy records and examine and report on the physical and psychological condition of the plaintiff, who alleges personal injuries arising out of an arrest by the Rochester Police Department. Dr. Peter N. Capicotto is a highly credentialed, practicing, orthopaedic surgeon, from Buffalo, who also excels at explaining the facts on the witness stand. He can examine and testify as to the plaintiff's alleged neck and back related injuries. Dr. Anthony E. Blumetti has similarly excellent professional credentials and presentation skills for examining and testifying with regard to the

plaintiff's alleged neurological and psychological disorders.

Under the agreement, the Legal Med experts will review health records, meet with attorneys, prepare expert reports, and provide testimony at deposition and trial, as needed.

A justification for not issuing an RFP is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-128C

Ordinance No. 2016-224
(Int. No. 296)

Authorizing a professional services agreement for expert witness services for the Law Department

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 Legal Med, LLC to provide expert witness services in conjunction with pending litigation.

Section 2. The maximum cost of the agreement shall be \$31,000, which cost shall be funded from the 2016-17 Budget of the Law Department. The term of the agreement may extend until completion of the case for which the expert services are requested.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-225
Re: Bond Authorization - Rochester School District Facilities Modernization Program

City Council Priority: Support the Creation of Effective Educational Systems

Transmitted herewith for your approval is legislation authorizing:

1. Financing of costs not to exceed \$32 million for preliminary expenses in the planning, development and construction of Phase 2 school projects;
2. An amended Municipal Cooperation Agreement between the City of Rochester, the Rochester City School District (RCSD) and the Rochester Joint Schools Construction

Board (RJSCB) for reimbursement to the RCSD of funds provided to the RJSCB for initial Phase 2 costs from proceeds from Bond Anticipation Notes (BANs) to be issued by the City of Rochester.

The Rochester Joint Schools Construction Board (RJSCB) was created by Chapter 416 of the Laws of 2007 of the State of New York for the design ("the Act"), reconstruction, or rehabilitation of school buildings (collectively, the "Phase I Projects"). The legislation provided for a maximum cost and bond authorization of up to \$325 Million.

Legislation for Phase II of the Rochester Schools Modernization Program (RSMP) was signed into law by the Governor of the State of New York on December 17, 2014. The legislation authorized up to 26 projects in Phase II of the RSMP including a District Wide Technology program which involves technology upgrades and infrastructure work at several of the possible projects. The total cost authorized for Phase 2 projects is a maximum of \$435 million.

On June 1, 2015 the City of Rochester, RCSD and the RJSCB entered into a Municipal Cooperation Agreement for the RCSD to provide initial funding of \$2.7 million to the RJSCB for the design and planning costs for Phase 2 schools including the modernization of East High School and Monroe High School; implementation of the District Wide Technology Program for Phase 2; and development of the Phase 2 "Master Plan".

This funding was provided to facilitate the transition from the Phase 1 projects to the Phase 2 projects at Monroe and East High Schools and to minimize the time for the students at Monroe High School to be dislocated to "swing space".

The Municipal Cooperation Agreement authorized the City to reimburse the RCSD from the proceeds of Bond Anticipation Notes (BANs). In turn, the City would be reimbursed by the issuance of the first tranche of Phase 2 construction bonds.

The Phase 2 Master Plan was completed and adopted by the RCSD on March 24, 2016 (Resolution No. 2015-16:630) and the RJSCB on April 4, 2016 (Resolution No. 2015-16: 144). The Master Plan provides for thirteen schools to be modernized plus provision for the District Wide Technology project. A summary of the schools and the timeline is attached.

This Master Plan is predicated on an exception and an advancement of the Maximum Cost Allowance (MCA) from the New York State Department of Education (NYSED) for eight schools. The MCA is the aid amount that NYSED allows to be used for a school. The balance is the local share.

The MCA allowance is provided in five-year increments. By advancing the allowance from a future five-year period to the current five-year period, the eight schools can each be completed as a single construction project. Without the MCA increase the local share expense would be signifi-

cantly increased and prohibitive for the same objective. The projects would have to be completed in multiple stages necessitating additional relocations of students and additional costs. The advance of the MCA does not affect the total Phase 2 project cost of \$435 million.

Legislation for the MCA exception, bill number S7290 / A9758, was passed by the New York State Senate and Assembly on June 6, 2016 and June 16, 2016, respectively, and forwarded to the Governor by the Senate on June 23, 2016.

This legislation is transmitted for approval contingent on the Governor signing the bill into law.

An Amended Municipal Cooperation Agreement is proposed to provide additional preliminary financing for design costs for the initial Phase 2 projects (Schools 16, 7, East and Monroe High) and initial construction costs for Monroe High Phase 2. The estimated total cost is \$32 million.

The agreement authorizes the RCSD to be reimbursed for a total advance of \$10 million to the project. The City's \$32 million BANs will repay the advance and the balance will be used for the initial Phase 2 projects. The City's BANs will be paid from the issuance of the first tranche of construction bonds anticipated for February 2017.

Due to current cash flow constraints and to keep the project on schedule, the RCSD authorized an additional \$2 million for the project on June 16, 2016 (attached Resolution No. 2015-16: 852). This amount and the initial advance of \$2.7 million are included in the total \$10 million advance to be reimbursed. To date, Phase 2 expenses of \$3,080,149 have been incurred.

All costs related to issue the bonds and interest, as well as repayment of the bonds, will be the responsibility of the RCSD.

Please also find attached resolutions authorizing the Amended Municipal Cooperation Agreement passed by the RCSD on May 26, 2016 (Resolution No. 2015-16: 772) and the RJSCB on June 28, 2016 (Resolution No. 2015-16: 192).

The RJSCB resolution expressly makes the expenditure of BAN construction proceeds contingent on approval of the Phase 2 construction of Monroe High School by the NYSED.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-128D

Ordinance No. 2016-225
(Int. No. 297)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of not to exceed \$32,000,000 Bonds of said City to provide interim financing for certain costs of design and improvements to specified City School District

schools respecting Phase II of the Rochester Joint Schools Construction Board Facilities Modernization Program

WHEREAS, the City of Rochester, in the County of Monroe, New York (the "City") has cooperated with the Rochester City School District (the "School District") and the Rochester Joint Schools Construction Board (the "RJSCB") in furtherance of the School District's Facilities Modernization Program, and

WHEREAS, the RJSCB was created by the "Rochester School Facilities Modernization Program Act" (Chapter 416 of the Laws of 2007, as amended by Chapter 533 of the Laws of 2014) (the "Act"). Pursuant to the Act, the RJSCB is authorized to manage the design, reconstruction or rehabilitation of existing school buildings for their continued use as schools of the School District (the "Facilities Modernization Program" or "Program"), and to create, coordinate efforts to enable compliance with, and monitor and report on, a program-wide diversity plan for the Program. RJSCB, the School District and the City have entered into a Cooperative Agreement dated as of February 22, 2010, as amended to include Phase II on or about the date hereof (the "Cooperative Agreement") in order to clarify the agency arrangement and delegation of authority among the School District, the City and the RJSCB, as well as their respective obligations and expectations to achieve the objectives of the Act, and

WHEREAS, the County of Monroe Industrial Development Agency ("COMIDA") has issued approximately \$282,155,000 School Facility Revenue Bonds (Rochester Schools Modernization Project) in three (3) segments for Phase I of the Program (the "Phase I Bonds") and the Act has been amended to authorize an additional \$435,000,000 in indebtedness to fund Phase II of the Program (the "Phase II Bonds"), and

WHEREAS, the State has further amended the Act to increase available state building aid so as to minimize the School District's "local share" contribution to Phase II development costs (the "Phase II Amendment").

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

Section 1. The City is hereby authorized to provide not to exceed \$32,000,000 in interim financing for certain costs of design and improvements to specified City School District schools respecting Phase II of the Rochester Joint Schools Construction Board Facilities Modernization Program, as indicated on the attached Exhibit 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 \$32,000,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of not to exceed \$32,000,000 bond anticipation notes 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 notes and the interest thereon as the same shall become due and payable.

Section 2. Notes of the City in a principal amount not to exceed \$32,000,000 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. It is intended that the proceeds of the sale of the Notes shall be loaned to the School District, and the School District shall loan such proceeds to RJSCB, pursuant to an Amended Municipal Cooperation Agreement among the City, the School District and RJSCB dated on or about the date hereof.

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 COMIDA's Phase II Bonds. This Ordinance supplements Ordinance 2015-121 adopted May 19, 2015 and is a declaration of official intent respecting the further designated Phase II schools 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. The Notes shall contain the recital of validity as prescribed by Section 52.00 of the Law and said notes 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 notes and provision shall be made annually in the budget of the City by appropriation for (a) payment of the principal of such Notes and (b) the payment of interest to be due and payable in such year.

Section 6. To effectuate the foregoing, the Mayor is hereby authorized to enter into an Amended Municipal Cooperation Agreement among the City, the School District and RJSCB, in form and substance to be approved by the City's Corporation Counsel, and a Phase II amendment to the Cooperative Agreement, in form and substance to be approved by Corporation Counsel. The amendments shall contain such additional terms and conditions as the Mayor may deem appropriate.

Section 7. 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 such notes, and any renewals thereof, prescribing the terms, form and contents and as to the sale and issuance of the Notes herein authorized or any renewals of said Notes, as well as to executing agreements for credit enhancement and escrow of Note proceeds, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 8. The validity of the notes authorized by this Ordinance may be contested only if:

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

Section 9. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-226
Re: Rochester Housing Authority -
Wage and Salary Increase

Transmitted herewith for your approval is legislation authorizing wage and salary increases for bargaining unit and non-bargaining unit employees of the Rochester Housing Authority (RHA). The agreement was approved by the RHA Board of Commissioners on June 15, 2016 and includes the following:

1. Wage increases of 2% for 2016 (retroactive to October 1, 2015 for employees hired on or before September 30, 2015), 2% for 2017 and 2% for 2018; and
2. Equity adjustments for employees hired on or after July 1, 2007 in a dollar amount equal to 2% times the minimum of the salary range for the employee's title in 2016 (retroactive to October 1, 2015) and, for employees promoted after October 1, 2015, a pro-rated equity adjustment of 1% in 2017 and 1% in 2018. All equity adjustments are to be calculated

based on the present salary ranges, without the addition of the wage increases set forth in item 1 above.

In accordance with the New York State Public Housing Law, Section 32, City Council approval of wage and salary increases is required. The last increase approved by Council was in April 2015 via Ordinance No. 2015-83.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-226
(Int. No. 298)

Approving wage and salary increases and equity adjustments for employees of the Rochester Housing Authority

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

Section 1. Pursuant to Section 32 of the New York State Public Housing Law, the Council hereby approves wage and salary increases for bargaining unit employees and non-bargaining unit employees of the Rochester Housing Authority (RHA) in the amounts of 2.0% for RHA fiscal year 2016, 2.0 % for fiscal year 2017, and 2.0% for fiscal year 2018, as agreed to in the tentative labor agreement approved by the RHA Board of Commissioners on June 15, 2016 ("Tentative Agreement"). The increases shall be retroactive to October 1, 2015 for fiscal year 2016, and effective on the October 1 beginning date of each subsequent fiscal year.

Section 2. Pursuant to Section 32 of the New York State Public Housing Law and as set forth in the same Tentative Agreement, the Council hereby approves the payment of equity adjustments to the bargaining unit employees and non-bargaining unit employees of RHA who have been hired on or after July 1, 2007 through to the ratification date of the Tentative Agreement in a dollar amount equal to 2.0% times the minimum of the salary range for each employee's job title in RHA fiscal year 2016 retroactive to October 1, 2015 and, for each RHA employee promoted after October 1, 2015, a pro-rated equity adjustment of 1.0% for fiscal year 2017 and of 1.0% for fiscal year 2018. Such equity adjustments shall be calculated based on the salary ranges that existed before the addition of the wage increases set forth in Section 1 herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 268
Re: Charter Amendment -
Office of Inspector General Legislation

Transmitted herewith for your approval is legisla-

tion amending the City Charter to create an Office of Inspector General (OIG). The OIG will conduct a program of investigations, audits, and reviews to provide increased accountability and oversight and to assist in improving City operations and identifying fraud, waste, and illegal acts. In addition to enhanced independence and powers, the OIG will also perform the functions currently performed by the Office of Public Integrity.

An attached letter from the Association of Inspectors General (AIG) dated May 16, 2016, provides commentary on key issues to consider when establishing an OIG, such as its mission, independence, authority, and powers. The AIG's guiding principles and standards are set forth in their *Principles and Standards for Offices of Inspectors General*, commonly known as the "Green Book" which is also attached for reference.

The proposed legislation addresses a number of critical issues referenced by the AIG to include the Inspector General's (IG's) independence and powers.

Independence

Article 6C-3 requires the IG to be appointed to a fixed term which runs concurrent with the Mayor's term of four years. The IG may be removed only for misconduct, or malfeasance in office after a public hearing.

Article 6C-8 authorizes the IG to exercise independent judgment in determining matters to investigate and prohibits the Mayor, City Council or other City employees from obstructing an investigation, audit, or review.

Article 6C-11 prevents the IG from engaging in any political activity except as otherwise authorized by the law, to include membership on a political committee, participating in a political campaign, or attending political fundraising events.

These sections reflect an increased level of independence in both fact and appearance and act as safeguards against undue influence.

Article 6C-3 creates a fixed term of office for the IG which requires a referendum vote, to be held November 8, 2016 during the general election, in accordance with General Municipal Law, Section 23. This is required since the local law curtails the power of the Mayor to remove an employee.

Powers

Article 6C-5 establishes the powers of the IG to gain access to records from City employees, those who do business with the City, and those who receive City funds. In addition, it authorizes the IG to take sworn testimony, compel the attendance of witnesses, and subpoena relevant records which are critical to effectively resolve allegations of wrongdoing.

With regard to the powers of the IG to compel witnesses and require the production of records, under the City Charter Section 6A, the Office of Management and Budget (OMB) has many of these

powers.

As discussed in the attached letter, the AIG conducts onsite assessments to determine whether an OIG meets Green Book standards. Subsequent to the passing of the legislation, the City of Rochester will request the AIG to conduct a peer review of its office to identify areas for improvement as well as best practices utilized by the IG community.

The creation of a City OIG will continue our efforts to promote integrity in City government and maintain the trust of those we serve.

Respectfully submitted,
Lovely A. Warren
Mayor

Introductory No. 268

LOCAL LAW AMENDING THE CITY CHARTER TO ESTABLISH AN OFFICE OF INSPECTOR GENERAL

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by adding a new article, Article VIC, Office of the Inspector General, to read in its entirety as follows:

Article VIC. Office of Inspector General

§6C-1. Office of Inspector General

There shall be an Office of Inspector General, the head of which shall be the Inspector General. The Office shall conduct a program of investigations, audits, inspections and performance reviews to provide increased accountability and oversight and to assist in improving City operations and deterring and identifying fraud, waste, and illegal acts.

§6C-2. Appointment

The Inspector General shall be appointed by the Mayor without regard to political affiliation and on the basis of integrity, and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, investigation, or criminal justice administration or other closely related fields. The Inspector General shall report to the Mayor but shall be operationally independent and no City officer or employee shall prevent, impair, or prohibit the Inspector General from initiating, carrying out, or completing any audit, investigation or review. The position of Inspector General shall be the equivalent of a Commissioner for all purposes of this Charter.

§6C-3. Term of office

The Inspector General shall be appointed for a term which shall expire on the same date as the term of the Mayor. The Inspector General shall continue to serve after the end of his or her term until a succes-

sor is appointed. The Inspector General may be removed from office by the Mayor during his or her term only for misconduct, or malfeasance in office after being served with written charges and after a public hearing held by the Mayor or a hearing officer appointed by the Mayor, with an opportunity to be heard.

§6C-4. Duties of the Inspector General

The Office of Inspector General is authorized to engage in the following specific functions:

- A. Conduct any investigation directed by the Mayor, City Council, or at the discretion of the Inspector General.
- B. Audit, evaluate, investigate and inspect the activities and records of any City department, board or commission, and any person or entity doing business with the City or that receives funds from the City with regard to that entity or person's transaction with the City. The Inspector General shall not be authorized to audit, evaluate, investigate and inspect the activities and records of any other municipal corporation, public authority or agency of the State or Federal Government.
- C. Conduct administrative investigations into allegations of wrongdoing involving individuals and agencies within the scope of its jurisdiction.
- D. Audit the economy, efficiency, and effectiveness of City operations and functions.
- E. Recommend remedial actions to be taken by City departments in response to an audit, review or investigation and monitor their implementation.
- F. Refer matters for further administrative and criminal action to appropriate administrative and prosecutorial agencies.

§6C-5. Powers of the Inspector General

The Inspector General shall have the following powers:

- A. Shall have access, at all reasonable times, to offices of the City departments, boards and commissions.
- B. May examine all books, papers, records and documents in any such department, board or commission or any person or entity doing business with the City, or any person or entity who receives funds from the City.
- C. May require any City officer or head of a department, board or commission and any person or entity doing business with the City or that receives funds from the City with regard to that entity or person's transaction with the City, to furnish such data, information or statements as may be necessary, unless prohibited or limited by law.

- D. May take and hear proof and testimony, administer oaths, subpoena and compel the attendance of witnesses and compel the production of books, papers, records and documents.

§6C-6. Expert services

Within the amounts budgeted for said purpose, the Inspector General may enter into professional services agreements with Certified Public Accountants, qualified consultants, or other professional experts necessary to independently perform the functions of the office, in amounts not to exceed \$10,000 in a fiscal year with any consultant, without further approval from City Council.

§ 6C-7. Independent authority

The Inspector General shall investigate matters at the direction of the Mayor or City Council but shall also be authorized to exercise independent judgment in determining which matters to investigate. The Mayor, City Council or other City employees shall not obstruct the Inspector General from initiating, carrying out, or completing any audit, investigation or review.

§ 6C-8. Public records

Inspector General audit and investigation reports shall be public records as provided in Article 6 of the Public Officers Law. The Inspector General shall maintain the confidentiality of any public records that are made confidential by law.

§ 6C-9. Reports of investigations and audits

When an investigation or audit has been completed, the Inspector General shall report the findings thereof to the head of any City agency that is the subject of those findings, and to the Mayor. Agency heads shall be given the opportunity to respond in writing. The Inspector General shall also report any findings that involve possible criminal activities to the appropriate law enforcement agencies.

§ 6C-10. Whistleblower Protection

The City shall not take any adverse personnel action against an employee because such employee discloses a violation of a law, rule or regulation or which constitutes an improper governmental action, as provided in Section 75-b of the Civil Service Law.

§ 6C-11. Political activities prohibited.

The Inspector General shall not directly or indirectly engage in any political activity except as otherwise authorized by this section or by law. The Inspector General may vote and enroll himself or herself as a voter as a member of a political party, or advocate on behalf of measures to improve the law, the legal system or the administration of justice.

Prohibited political activity shall include:

- (1) Being a member or officer of a political committee or political party, or any other group the principal purpose of which is to further the election or appointment of candidates to political office, other than voter enrollment in a political party;
- (2) Participating in any political campaign for any elected office or permitting his or her name to be used in connection with any activity of a political campaign or committee, or publicly endorsing or publicly opposing a candidate for public office; or
- (3) Soliciting funds for or making a contribution to a political committee or candidate, or purchasing tickets for politically sponsored events.

Section 2. The City Charter is hereby further amended to delete Section 3-13, Director of the Office of Public Integrity, in its entirety.

Section 3. The City Charter is hereby further amended in the second paragraph of Section 3-1, Mayor, to read in its entirety as follows:

There shall be in the office of the Mayor a Bureau of Communications, the head of which shall be Director of Communications, ~~an Office of Public Integrity, the head of which shall be the Director of the Office of Public Integrity;~~ and such other operating or staff units as may be deemed necessary by the Mayor to effectively administer City affairs, programs or projects that may from time to time be required.

Section 4. The City Charter is hereby further amended in Subsection G(1) of Section 2-18, Code of Ethics, by amending the list of officials required to file financial disclosure statements to delete the job title of "Director of the Office of Public Integrity" and replace it with the title of "Inspector General."

Section 5. The City Charter is hereby further amended in the last paragraph of Attachment 1, Statement of Financial Disclosure, to read in its entirety as follows:

PLEASE RETURN TO:
INSPECTOR GENERAL ~~SECRETARY OF THE BOARD OF ETHICS~~
OFFICE OF INSPECTOR GENERAL PUBLIC INTEGRITY
85 ALLEN STREET, SUITE 100
ROCHESTER, NEW YORK 14608
FAX: 585-428-7972

Section 6. This local law shall be submitted for the approval of the electors at the general election to be held on November 8, 2016 and shall take effect immediately upon certification of its approval by the affirmative vote of a majority of the qualified electors voting on said proposition.

Strikeout indicates deleted text, new text is underlined.

Held in Committee.

By Vice President Miller
July 12, 2016

To the Council:

The Business & Economic Development Committee Recommends for adoption the following entitled legislation:

Int. No. 269 - Authorizing an agreement with High Tech Rochester Inc. for business assistance services

Int. No. 270 - Authorizing Consolidated Funding Grant applications and agreements, as amended

Int. No. 271 - Resolution supporting Consolidated Funding Grant Application

Respectfully submitted,
Dana K. Miller
Elaine M. Spaul
Loretta C. Scott
BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-227
Re: Agreement - High Tech Rochester Inc.,
Economic Development Services

Council Priority: Jobs and
Economic Development

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum compensation for an agreement with High Tech Rochester Inc.(HTR) to provide services related to assisting businesses within the city of Rochester. The agreement will be financed from the 2016-17 Budget of the Department of Neighborhood and Business Development, and have a term of 11 months, from August 1, 2016 to June 30, 2017.

HTR anticipates moving downtown to the Sibley building in late 2016. This relocation will have a positive impact upon city entrepreneurs and businesses due to HTR's closer proximity.

HTR is a non-profit organization whose mission is to be a catalyst for entrepreneurship and innovation-based economic development. This is accomplished by applying business expertise and network connections to assist in the formation and growth of business in the Greater Rochester and Finger Lakes Region. HTR provides assistance through technology commercialization for early stage organizations, business incubation for high growth potential startups, and access to venture capital for high technology. They also provide services to existing manufacturing companies.

Terms of the agreement will include the following

expectations, among others:

- Work with Rochester businesses with the anticipated results of retaining and/or creating 35 positions and producing a minimum of \$2 million of investment;
- Host one educational workshop held within the city where City of Rochester programs and services may be presented; and
- Serve 20 manufacturing companies within the city.

The most recent annual agreement was authorized by City Council in June 2015 via Ordinance No. 2015-174.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-227
(Int. No. 269)

Authorizing an agreement with High Tech Rochester Inc. for business assistance services

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

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and High Tech Rochester Inc. for business assistance services for businesses within the City from August 1, 2016 through June 30, 2017. Said amount shall be funded from the 2016-17 Budget of the Department of Neighborhood and Business Development.

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 unanimously.

TO THE COUNCIL
Ladies and Gentleman:

Ordinance No. 2016-228
Re: Consolidated Funding Application

Council Priority: Deficit Reduction and Long term Financial Stability; Creating and Sustaining a Culture of Vibrancy; Jobs and Economic Development

Transmitted herewith for your approval is legislation related to the 2016-17 New York State Consolidated Funding Application (CFA) process. The CFA is the single point of entry for accessing \$750 million in State funding from 11 State agencies; Agriculture and Markets; Canal Corporation; Council on the Arts; Department of Labor; Department of Energy Research and Development

Authority; Environmental Facilities Corporation; Homes and Community Renewal; Parks Recreation and Historic Preservation, and Power Authority. Applications are due on July 29, 2016. This legislation will:

1. Authorize the City's applications for approximately \$29 million through the CFA process; and
2. Authorize any necessary agreements with New York State for the receipt of funding.

City Applications

From May 5 through May 24, 2016 an interdepartmental team of City staff met to review CFA recommendations from departments. Projects recommended for City submissions were based on the current stage of project development and consistency with funding source guidelines, including the ability to complete projects in the timeframes established and to obtain matching funds through the City's Capital Improvement Program.

Last year, the City was awarded grants for the following projects as part of the 2015-16 CFA funding application process (Ord. No. 2015-179):

<u>Project</u>	<u>Funding Source</u>	<u>Description</u>	<u>Award</u>
Design of West River Wall Renovations	CFA	Design of flood resiliency and public access improvements along 1.1 miles of the Genesee River from Corn Hill landing to Erie Lackawanna Bridge	\$750,000
Design of Charles Carroll Park Renovations	CFA	Repair and replacement of pavers, panels, structural repairs, walkway modifications	\$400,000
Erie Harbor Enhancements Phase II	CFA	Enhancements of Genesee Gateway Park and Riverway Trail	\$100,000
Rochester Riverside Convention Center	CFA	Upgrades to the Convention Center including interior renovations, equipment systems replacements, ADA signage and safety improvements	\$1,500,000

This year the, the City intends to submit up to 12 applications through the CFA for the projects listed below, which total approximately \$29 million. Project descriptions are provided in the attached summary.

If State funding is awarded, it is anticipated that any local match amounts not already allocated will be requested in the 2017-18 Capital Improvement Plan.

Project	Project Description	Potential Funding Source	Funding Needed	City Match
Charles Carroll Park	Garage Roof Slab Repairs and Plaza Reconstruction	URI/DRI	\$8,500,000	
Convention Center	Renovation and Modernization Phase II Design	URI	\$4,800,000	
East Main Downtown	Additional Funding for Street Work	URI	\$3,000,000	\$600,000
Erie Harbor Phase II	Construction of designed improvements	CFA	\$1,700,000	\$850,000
Inner Loop North	Scoping and Design from Main to St. Paul Streets	CFA/URI/DRI	\$1,000,000	
Center City Pedestrian Signs - Phase II	Complete Center City Way-finding Sign Program	CFA	\$630,000	\$126,000 (NYSDOT)
Broad Dewey Lyell	Realignment of intersection	CFA	\$2,100,000	\$1,050,000
Center City Place	Mixed-use redevelopment project on State Street adjacent to City Hall parking lot. Developer: Tony Cilino/Tim Tompkins	CFA	\$3,000,000	

Inner Loop East Developments	Five mixed-use developments on the former Inner Loop East over approximately five acres. Developers are currently being selected through a request for proposals process. Five proposals were received by the City of Rochester and are under review	CFA	\$2,000,000	
Market Driven Community Cooperatives (MDCC) Startup Costs	Establishment of a revolving loan fund to initially finance startup of 1-3 for-profit worker-owned businesses in the Rochester-Monroe Anti-Poverty Initiative target area.	URI/CFA	\$4,500,000	
Vanpool Pilot Project	Build vanpool service in Rochester to help low-income residents gain and maintain employment at suburban jobsites not well served by bus lines. Seek contract with provider to provide ride matching and vanpool leasing in Rochester. Pilot three to five vans serving 30-50 low-income employees.	CFA	\$50,000	
Marketview Heights Urban Renewal District (MVH URD)	Phase II of the MVH URD would entail additional land assemblage in Marketview Heights and improvements to a key neighborhood industry	CFA	\$1,970,000	

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AP-129

Ordinance No. 2016-228
 (Int. No. 270, as amended)

Authorizing Consolidated Funding Grant applications and agreements

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

Section 1. The Mayor is hereby authorized to submit applications to and enter into agreements with New York State for funding through the 2016-17 Consolidated Funding Application (CFA) for the following projects through one or more of the State's CFA, Upstate Revitalization Initiative (URI) and/or Downtown Revitalization Initiative (DRI) programs:

Project	Project Description	Potential Funding Source	Funding Needed	City Match
Charles Carroll Park	Garage Roof Slab Repairs and Plaza Reconstruction	URI/DRI	\$8,500,000	
Convention Center	Renovation and Modernization Phase II Design	URI	\$4,800,000	
East Main Downtown	Additional Funding for Street Work	URI	\$3,000,000	\$600,000
Erie Harbor Phase II	Construction of designed improvements	CFA	\$1,700,000	\$850,000
Inner Loop North	Scoping and Design from Main to St. Paul	CFA/URI/DRI	\$1,000,000	

Center City Pedestrian Signs - Phase II	Complete Center City Wayfinding Sign Program	CFA	\$630,000	\$126,000 (NYSDOT)
Broad Dewey Lyell	Realignment of intersection	CFA	\$2,100,000	\$1,050,000
Center City Place	Mixed-use redevelopment project on State Street adjacent to City Hall parking lot. Developer: Tony Cilino/Tim Tompkins	CFA	\$3,000,000	
Inner Loop East Developments	Five (5) mixed-use developments on the former Inner Loop East over approximately five (5) acres. Developers are currently being selected through an RFP process. Five (5) proposals were received by the City of Rochester and are under review	CFA	\$2,000,000	
Market Driven Community Cooperatives (MDCC) Startup Costs	Three years of operating capital for not-for-profit holding company and Establishment of a revolving loan fund to initially finance startup of 1-3 for-profit worker-owned businesses in the <u>Rochester-Monroe Anti-Poverty Initiative target area.</u>	URI/CFA	\$4,500,000 \$3,000,000	Combine with RMAPI Adult-Navigator Proposal
Vanpool Pilot Project	Build vanpool service in Rochester to help low-income residents gain and maintain employment at suburban jobsites not well served by bus lines. Seek contract with provider to provide ride matching and vanpool leasing in Rochester. Pilot 3-5 vans serving 30-50 low-income employees.	CFA	\$50,000	
Marketview Heights URD	Phase II of the MVH URD would entail additional land assemblage in Marketview Heights and improvements to a key neighborhood industry	CFA	\$1,970,000	

Section 2. City match funding shall be provided through Budget funds already allocated for these purposes, or through the Capital Improvement Plan in future years, contingent upon approval.

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

Section 4. The Council hereby endorses 2016-17 CFA applications by external agencies for projects supported by the City that are consistent with City policies and goals.

Section 5. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2016-20
 Re: Grant Application Endorsements -
 2016-17 New York State Consolidated
 Funding Application

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

Transmitted herewith for your approval is legislation endorsing the 2016-17 New York State Consolidated Funding Application (CFA) by the Little Theatre Film Society, Inc. for the renovation of The Little Theatre, a historically significant building and cultural anchor in downtown Rochester for over 85 years. This proposal is supported by the City of Rochester and consistent with City policy.

The CFA is the single point of entry for accessing up to \$750 million in State funding from 11 State agencies: Empire State Development; Canal Corporation; Energy Research and Development Authority; Environmental Facilities Corporation; Homes and Community Renewal; Department of Labor; Power Authority; Office of Parks, Recreation, and Historic Preservation; Department of State; Department of Environmental Conservation; and, Council on the Arts. The Little Theatre Film Society's application is for a total of \$705,000 in funding from Empire State Development (\$225,000) and the Environmental Protection Fund: Parks, Preservation and Heritage Grants (\$480,000). State funding will be matched by \$415,000 in private donations. Municipal legislation endorsing an application from external agencies is required for these particular State funding streams.

The Little Theatre Film Society, Inc. is in the final phase of the \$1.5 million renovation of The Little Theater. The theatre is the longest continuously operating independent movie house in the United States. The building requires historically sensitive rehabilitation that addresses inappropriate past renovations and outdated, inadequate facilities such as restrooms and HVAC. This project will complement the City of Rochester's revitalization efforts including redevelopment projects along East Avenue and the Inner Loop East project.

The City's endorsement will ensure that The Little Theatre Film Society has the opportunity to compete for CFA grant funds as listed below:

<u>Agency</u>	<u>Project</u>	<u>State Funding Programs</u>	<u>Total Project Cost</u>	<u>State Request</u>
Little Theatre Film Society, Inc.	The Little Theatre renovation - final phase	Empire State Development	\$1,500,000	\$225,000
		Environmental Protection Fund: Parks, Preservation and Heritage Grants	(same)	\$480,000

Respectfully submitted,
 Lovely A. Warren
 Mayor

Resolution No. 2016-20
 (Int. No. 271)

Resolution supporting Consolidated Funding Grant Application

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

Section 1. The Council hereby endorses the application for funding not to exceed the following amounts through the 2016-17 New York State Consolidated Funding Application by an external organization for the following project in the City, and the Council finds that the application and project are consistent with City policies and goals:

<u>Agency</u>	<u>Project</u>	<u>State Funding Programs</u>	<u>Total Project Cost</u>	<u>State Request</u>
Little Theatre Film Society, Inc.	Little Theatre renovation - final phase	Empire State Development	\$1,500,000	\$225,000
		Environmental Protection Fund: Parks, Preservation and Heritage Grants	(same)	\$480,000

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember Ortiz
 July 12, 2016

To the Council:

The Neighborhood & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 272 - Authorizing the sale of real estate

Int. No. 273 - Authorizing the acquisition of real estate for the Rochester City School District Facilities Modernization Program

Int. No. 274 - Resolution approving appointments to the Board of Examiners of Stationary Engineers and Refrigeration Operators

Int. No. 276 - Amending the Consolidated Community Development/2016-17 Annual Action Plan and Home Rochester Program appropriations and agreement

The Neighborhood & Community Development Committee recommends for consideration the following entitled legislation:

Int. No. 275 - Changing the zoning classification of 90 St. John's Park from R-1 Low Density Residential District to H-V Harbortown Village

Respectfully submitted,
Jacklyn Ortiz
Molly Clifford
Carolee A. Conklin
Dana K. Miller
Loretta C. Scott
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-229
Re: Sale of Real Estate

Council Priority: Rebuilding and Strengthening
Neighborhood Housing

Transmitted herewith for your approval is legislation approving the sale of 10 properties. City records have been checked to ensure that purchasers (except those buying unbuildable vacant lots) do not own other properties with code violations or delinquent taxes, and have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first two properties are vacant lots sold by request for proposal. Both lots will be sold to the North East Area Development, Inc who will utilize the lots as an urban garden and construct a hoop house in partnership with the Wegmans Community Volunteer Group.

The next two properties are vacant lots sold by negotiated sale to the adjacent owners. The owners will combine the lots with their existing properties and utilize them as green space.

The last six properties are unbuildable vacant lots, being sold for \$1.00 (as per City policy) to their adjacent owners who will combine the respective lots with their existing properties.

The first year projected tax revenue for these ten properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$3,251.

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-130

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 vacant land with proposal:

<u>Address</u>	<u>S.B.L.</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>	<u>Purchaser</u>
626-626.5 Goodman St N	106.68-2-97	39 x 130	5,070	\$450	North East Area Development, Inc.
628 Goodman St N	106.68-2-98	39 x 130	5,070	\$450	North East Area Development, Inc.

Section 2. The Council hereby approves of the negotiated sale of the following parcels of vacant land to the adjacent owners:

<u>Address</u>	<u>S.B.L.</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>	<u>Purchaser</u>
86-88 Emerson St	105.43-1-34	40 x 102	4,034	\$425	Ezra Kalekristos
94 Post Av	120.56-2-43	39 x 114	4,451	\$425	Tamar Anderson

Section 3. The Council hereby approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

<u>Unbuildable</u>	<u>S.B.L. #</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Purchaser</u>
10-10.5 Dudley St	106.33-1-37.1	34 x 104	3,552	Iglesia Cristiana Casa de Oracion & Restauracion
60 Felix St	105.50-2-50	35 x 120	4,200	Jessica Tapper
678 Frost Av	120.66-1-12	30 x 120	3,603	Elsa I. Velasquez
395 Genesee Pk Bl	135.48-2-62	10 x 125	1,293	Robert T. & Sandra Williams
173 Hebard St	106.50-2-28	33 x 135	4,509	Shirley Jenkins
29 Klueh St	120.33-1-9	37 x 80	2,982	Ernest M. & Elizabeth Reed

Section 4. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-230
Re: Acquisition of Real Estate -
4 and 6 Chace Street

Council Priority: Support the Creation of
Effective Educational Systems

Transmitted herewith for your approval is legislation authorizing the acquisition by negotiation of two properties for the Rochester City School District (RCSD) to provide additional parking for School No. 54 at 36 Otis Street. The acquisition, closing and demolition costs will be financed from the RCSD's cash capital budget.

The properties, located at 4 and 6 Chace Street, are owned by Robert J. Williams. Each property consists of a vacant single family house. The appraised values are \$20,000 and \$15,000, respectively. Following acquisition, the houses will be demolished in order to expand the adjoining school parking lot at 10 Chace Street.

The combined acquisition cost of \$35,000 was determined by independent appraisals prepared by Marco Tiberio as of January 2016. The total cost, including acquisition, closing costs and demolition of the structures will not exceed \$85,000.

The long range Facility Modernization Plan for School No. 54 has consistently shown expansion of the school campus, including the north side of Chace Street. The two properties to be acquired are within the designated expansion area, and as they are currently vacant, the acquisition will not result in the displacement of occu-

pants.

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-131

Ordinance No. 2016-230
(Int. No. 273)

Authorizing the acquisition of real estate for the Rochester City School District Facilities Modernization Program

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

Section 1. The Council hereby approves the acquisition of the following parcels in amounts not to exceed those indicated to effectuate the Facilities Modernization Program of the Rochester City School District by providing additional parking for the school facility located at 36 Otis Street:

<u>Property Address</u>	<u>Reputed Owner</u>	<u>SBL</u>	<u>Type</u>	<u>Appraised Value</u>
4 Chace Street	Robert J. Williams	105.50-1-21	Vacant SF Residence	\$20,000
6 Chace Street	Robert J. Williams	105.50-1-22	Vacant SF Residence	\$15,000

Section 2. The costs of acquisition, including closing costs and the cost of demolishing structures, in an amount not to exceed \$85,000, shall be funded by the District.

Section 3. City taxes and other current-year charges against said parcels shall be canceled from the date of closing forward. If the present owners have paid any taxes or other current-year charges attributable to the period after the closing, such charges shall be credited to such owners at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcels, shall also be canceled.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2016-21
Re: Appointments - Stationary
Engineer/Refrigeration Operators Board

Transmitted herewith for your approval is legislation confirming the appointment of two full-time members to fill vacancies on the City of Rochester's Stationary Engineer/Refrigeration Operators Board. The proposed appointees are:

<u>Name</u>	<u>Address</u>
Walter Dodson	730 Ling Road, Apt. 7, Greece, 14612
Lillie Wilson-Ladd	99 Garson Avenue, Rochester, 14609

The Board has six members, five of whom live within Monroe County and have certain qualifications, and one of whom is the Commissioner of the Department of Neighborhood and Business Development or the Commissioner's designee. A full description of membership requirements and duties is attached.

Mr. Dodson resides in the Town of Greece, and Ms. Wilson-Ladd resides in the City of Rochester. They will each serve a three year term which will expire on July 31, 2019.

Mr. Dodson is retired and was previously employed for many years by the Rochester City School District and Xerox. He currently holds a 1st class Stationary Engineer's license and a 2nd class Refrigeration license which are required to serve on this Board. Mr. Dodson has also taught various Stationary Engineer classes over the past 30 years.

Ms. Wilson-Ladd has been employed by the Rochester City School District for the past 30 years and is the Assistant Supervising Custodian Engineer. She also holds a 1st class Stationary Engineer's license. Ms. Wilson-Ladd would also be the first female and first African-American member of the Board.

Resumes for both appointees are in the City Clerk's Office.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No AP-132

Resolution No. 2016-21
(Int. No. 274)

Resolution approving appointments 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 the following individuals to the Board of Examiners of Stationary Engineers and Refrigeration Operators, each for a term which shall expire on July 31, 2019:

<u>Name</u>	<u>Address</u>
Walter Dodson	730 Ling Road, Apt. 7, Greece, 14612
Lillie Wilson-Ladd	99 Garson Avenue, Rochester, 14609

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-231
Re: Zoning Map Amendment -
90 St. John's Park

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning 90 St. John's Park from R-1 Low Density Residential District to H-V Harbortown Village District. Historically, this property was used as the Ira Jacobson Post. The Ira Jacobson Post functioned as a bar/restaurant/banquet hall until it closed several years ago. The applicant, Joseph Santacroce of Northeast Property Management, has purchased the property and wants to operate a bar/restaurant/banquet hall here once again. Rezoning this property to H-V is the first step towards legalizing this proposed use. If the rezoning is approved, a special permit from the City Planning Commission will also be necessary

to establish the use as a bar/restaurant/banquet hall.

The City Planning Commission held an informational meeting on the proposed map amendment on Monday, June 13, 2016; there were no speakers. Minutes of the meeting are attached. The City Planning Commission recommended approval of the amendment by a vote of 6-0-0.

A public hearing is required for the Zoning Map Amendment.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No AP-133

Ordinance No. 2016-231
(Int. No. 275)

Changing the zoning classification of 90 St. John's Park from R-1 Low Density Residential District to H-V Harbortown Village District

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 classification of the following parcel, constituting 90 St. John's Park, from R-1 Low Density Residential District to H-V Harbortown Village District.

**LEGAL DESCRIPTION OF PARCEL
PROPOSED TO BE REZONED FROM
R-1 TO H-V
#90 ST. JOHN'S PARK, SBL #061.21-1-25**

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 30, formerly in the Village of Charlotte, and being more particularly bounded and described as follows: Beginning at a point in the centerline of River Street (66' ROW), at the intersection of the westerly extension of the south line of Lady of The Lake Avenue (Private Drive), said intersection being the Point or Place of Beginning; thence

- 1) Northerly, along said centerline, a distance of 18.0 feet to the westerly extension of the north line of said Lady of The Lake Avenue; thence
- 2) Easterly, along said extension and the north line of Lady of The Lake Avenue, a distance of 213.0 feet, more or less, to the southeast corner of lands conveyed to the County of Monroe in Liber 5787 of Deeds, Page 42; thence
- 3) Northerly, along the east line of said lands of the County of Monroe, a distance of 157.0 feet to the south line of lands conveyed to the Charlotte-Lake River Homes, in Liber 11644 of Deeds, Page 457; thence

- 4) Easterly, along said south line of the Charlotte-Lake River Homes, a distance of 378.8 feet, more or less, to the westerly line of the former New York Central Railroad (Charlotte Branch); thence
- 5) Southerly, along said westerly line of the NYCRR, a distance of 323.0 feet, more or less, to an angle point; thence
- 6) Southerly, continuing along said westerly line of the NYCRR, a distance of 116 feet, more or less, to the centerline of St. John's Park (80' ROW); thence
- 7) Westerly, along said centerline, a distance of 262.0 feet, more or less, to the southerly extension of the east line of Lot 18 of the John M. Fitzgerald Subdivision, as filed in the Monroe County Clerk's Office in Liber 6 of Maps, Page 54; thence
- 8) Northerly, along said extension and the east line of Lot 18, a distance of 175.0 feet, more or less, to the northeast corner thereof; thence
- 9) Westerly, along the north line of Lots 18 through 15 of said Fitzgerald Subdivision, a distance of 145.29 feet to an angle point; thence
- 10) Westerly, continuing along the north line of Lots 15 & 13 of said subdivision, a distance of 54.78 feet to an angle point; thence
- 11) Westerly, continuing along the north line of Lots 13 & 11 of said subdivision, a distance of 52.0 feet to an angle point; thence
- 12) Westerly, continuing along the north line of Lots 9, 7 & 1 of said subdivision, and along the south line of said Lady of The Lake Avenue and its extension, a distance of 224.0 feet, more or less, to the said centerline of River Street, being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-232
Re: Amending Ordinance Nos. 2016-141
and 2016-146 - Consolidated Community
Development Plan and Home Rochester
Program

Transmitted herewith for your approval is legislation amending Ordinance Nos. 2016-141 and 2016-146, as related to the City of Rochester's Consolidated Community Development Plan/2016-17 Annual Action Plan and an agreement for the Home Rochester affordable home ownership development program. The amendments will reflect

recently identified increases in HOME funds to be received by the City of Rochester from the United States Department of Housing and Urban Development (HUD) for the City's 2016-17 fiscal year.

Ordinance No. 2016-141 authorized the adoption of the City's Consolidated Community Development Plan/2016-17 Annual Action Plan and directs the Mayor to prepare detailed programs and specifications for the various actions, and to submit said plans to City Council for approval prior to implementation. The requested amendment will reflect that the City of Rochester will receive an increase of \$10,295 in HOME funds, bringing the total amount of funding included in the 2016-17 Annual Action Plan from \$12,466,521 to \$12,476,816.

Ordinance No. 2016-146 authorized the continuation of the Home Rochester program through the approval of agreements with the Rochester Housing Development Fund Corporation (RHDFC), a qualified Community Housing Development Corporation (CHDO) for operating assistance and development subsidies. The requested amendment to Ordinance No. 2016-146 will increase the funding for development subsidies by \$1,544, for a new total agreement amount of \$502,459.91. This increases the amount of 2016-17 Housing Development Fund, CHDO allocation, of HOME funds to \$283,919 for the related agreement. This amount (\$1,544) is 15% of the City's increased 2016-17 annual HOME funds allocation of \$1,892,789, and represents the standard 15% of the HOME allocation that the City is required to utilize for CHDO activities.

The Consolidated Community Development Plan consists of a strategic plan and five Annual Action Plans. The Annual Action Plan addresses HUD's planning and application requirements for its formula grant programs, which include the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grant Program (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). HUD requires jurisdictions to prepare multi-year strategies and one year action plans for use of federal funds. The Annual Action Plan covers the period July 1, 2016 through June 30, 2017.

All other components of the related ordinances remain the same.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-232
(Int. No. 276)

Amending the Consolidated Community Development Plan/2016-17 Annual Action Plan and Home Rochester Program appropriations and agreement

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

Section 1. The Council hereby approves an

amendment to the Consolidated Community Development Plan/2016-17 Annual Action Plan (Consolidated Plan) approved in Ordinance No. 2016-141 to increase the anticipated HOME Investment Partnerships funding from the United States Department of Housing and Urban Development by \$10,295 so that the total funding available to the City for the Consolidated Plan shall be increased to a total of \$12,476,816.

Section 2. Sections 2 and 4 of Ordinance No. 2016-146 are hereby amended to increase the appropriation for the Consolidated Plan's HOME Rochester Community Housing Development Organization (CHDO) development subsidies by \$1,544 as follows:

Section 2. There is hereby appropriated from the Housing Development Fund of the Consolidated Community Development Plan/2016-17 Annual Action Plan, contingent upon the adoption thereof, as follows:

<u>Amount</u>	<u>Source</u>	<u>Purpose</u>
\$186,000	2016-17 Housing Development Fund: Housing Development Support (CDBG)	Program Operation
\$283,919 \$282,375	2016-17 Housing Development Fund: Community Housing Development Organization (CHDO) (HOME funds)	Development subsidies - incomes no more than 80% of the Area Median Income (AMI)
\$298,443	2016-17 Homeownership Promotion Fund: Home Rochester (HOME funds)	Development subsidies incomes no more than 80% of AMI

Section 4. The Mayor is hereby authorized to enter into an agreement between the City and RHDFC, a qualified CHDO, for the administration of housing development subsidies totaling ~~\$502,459.91~~ \$500,915.91 for families whose incomes are no more than 80% of AMI. The agreement shall be funded from the \$218,540.91 appropriated in Section 1 and the ~~\$283,919~~ \$282,375 in CHDO HOME funds appropriated in Section 2.

Section 3. The Mayor is hereby authorized to enter into an amendatory agreement with the Rochester Housing Development Fund Corporation (RHDFC) for the administration of housing development subsidies for families whose incomes are no more than 80% of the Area Medium Income (AMI). The amendment shall increase the maximum amount authorized by Section 4 of Ordinance No. 2016-146 by \$1,544 to a total of \$283,919. Said amount shall be funded from the increase in CHDO HOME funds provided for in Section 2 herein.

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

Section 5. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

By Councilmember Haag
July 12, 2016

To the Council:

The Parks & Public Works Committee recommends for adoption the following entitled legislation:

Int. No. 277 - Bond Ordinance of the City of Rochester, New York, authorizing the issuance of \$915,000 Bonds of said City to finance certain costs of Southeast Quadrant Hazardous Sidewalk Repairs

Int. No. 278 - Bond Ordinance of the City of Rochester, New York, authorizing the issuance of \$150,000 Bonds of said City to finance the building renovation and staff relocation of the Rochester Police Department Professional Standards Section

Int. No. 279 - Authorizing a professional services agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for engineering design and resident project representation services

Int. No. 280 - Bond Ordinance of the City of Rochester, New York, authorizing the issuance of \$680,000 Bonds of said City to finance the cost of the design and construction for replacement of the HVAC systems at the North Clinton Avenue and Emerson Street Firehouses

Int. No. 281 - Authorizing a professional services agreement with Edge Architecture, PLLC, for architectural, engineering design, and resident project representation services

Int. No. 282 - Bond Ordinance of the City of Rochester, New York, authorizing the issuance of \$520,000 Bonds of said City to finance the cost of architectural and engineering design services for the replacement of the HVAC system at the Campbell Street Recreation Center

Int. No. 283 - Bond Ordinance of the City of Rochester, New York, authorizing the issuance of \$150,000 Bonds of said City to finance the cost of acquisition, construction, and reconstruction of additions to the street lighting system of the City

Int. No. 284 - Authorizing an amendatory professional services agreement for the Mt. Hope Avenue Phase 2 Improvements project

Int. No. 285 - Authorizing a professional ser-

vices agreement with Passero Associates, PC, for the resident project representation services for the Charlotte Street and Haags Alley Improvement Project

Ordinance No. 2016-235
(Int. No. 234)

Int. No. 286 - Bond Ordinance of the City of Rochester, New York, authorizing the issuance of \$250,000 Bonds of said City to finance the water needs of the Charlotte Street and Haags Alley Improvement Project

Bond ordinance of the City of Rochester, New York authorizing the issuance of \$3,500,000 Bonds of said City to finance a portion of the costs of the construction of the Promenade at Erie Harbor

Passed unanimously.

Int. No. 233 - Authorizing agreements and funding and conveying and modifying easements for the Promenade at Erie Harbor Park

TO THE COUNCIL
Ladies and Gentlemen:

Int. No. 234 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$3,500,000 Bonds of said City to finance a portion of the costs of the construction of the Promenade at Erie Harbor

Ordinance No. 2016-236
Re: Hazardous Sidewalk Appropriation

Respectfully submitted,
Matt Haag
Elaine M. Spaul
Dana K. Miller
Loretta C. Scott
PARKS & PUBLIC WORKS COMMITTEE

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$915,000 and the appropriation of the proceeds thereof to finance the replacement of various hazardous and failing sidewalks predominantly in the Southeast Quadrant of the City.

Received, filed, and published.

The project consists of improving existing sidewalk conditions by removing and replacing, or where possible, repairing, sidewalk flags at various locations within the City of Rochester. Each year, the hazardous sidewalk program focuses on one quadrant. This year it is the Southeast Quadrant.

Councilmember Spaul moved to discharge Int. No. 182 from Committee.

The annualized quadrant approach allows the City to focus repairs in a single area and obtain lower bids from contractors for the best value for residents. The remaining three quadrants are addressed by City crews who either pad hazardous sidewalks with asphalt for later replacement or make permanent repairs with concrete.

The motion was seconded by Councilmember McFadden.

The motion was adopted unanimously.

Bids for construction are scheduled to be received on July 12, 2016. Additional funding of \$730,000 is available through a grant from the Dormitory Authority of New York State (Ord. No. 2015-120).

Introductory No. 182 was introduced May 17, 2016 and appears in its original form with its transmittal letter on page 217 of the current Council Proceedings.

Construction is anticipated to begin in summer 2016, with substantial completion in the fall 2016. The construction phase of this project will result in the creation and/or retention of the equivalent of 17.9 full-time jobs.

Attachment No. AP-134

Ordinance No. 2016-233
(Int. No. 182)

Authorizing pavement width changes to Avis Street

Respectfully submitted,
Lovely A. Warren
Mayor

Passed unanimously.

Attachment No. AP-136

Introductory Nos. 233 and 234 were introduced June 14, 2016 and appear in their original forms with their transmittal letter on page 262 of the current Council Proceedings.

Ordinance No. 2016-236
(Int. No. 277)

Attachment No. AP-135

Ordinance No. 2016-234
(Int. No. 233)

Authorizing agreements and funding and conveying and modifying easements for the Promenade at Erie Harbor Park

Bond Ordinance of the City of Rochester, New York, authorizing the issuance of \$915,000 Bonds of said City to finance certain costs of Southeast Quadrant Hazardous Sidewalk Repairs

Passed unanimously.

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 Southeast Quadrant Hazardous Sidewalk Repairs, including sections seven (7) through (14) of the Southeast Quadrant, bounded primarily by Main Street along the north, the City Limit along the east, Highland Avenue along the south and Goodman Street along the west from Elmwood Ave north to Route 490, and Monroe Avenue up to Union Street, and Section fifteen (15), the Central Business District, bound by the Inner Loop, including costs of design, repair and replacement of hazardous and failing sidewalks (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,645,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$915,000 bonds of the City to finance said appropriation, \$730,000 in funds from the Dormitory Authority of the State of New York (DASNY), 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 \$915,000 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 \$915,000. 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. 24. of the Law, is ten (10) years.

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

mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-237
Re: Bonds - Renovation and Relocation,
Police Professional Standards Section

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$150,000 and the appropriation of the proceeds thereof to partially finance the building renovation and staff relocation of the Police Professional

Standards Section from their current location at 492 Lyell Avenue to an existing City-owned building at 846 South Clinton Avenue.

The project includes interior space modifications, security upgrades, and mechanical work for compliance with current building codes.

The total cost of the project is approximately \$414,180, which will result in the creation and/or retention of the equivalent of 4.5 full-time jobs. This project is estimated to be complete by fall 2016.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-137

Ordinance No. 2016-237
(Int. No. 278)

Bond Ordinance of the City of Rochester, New York, authorizing the issuance of \$150,000 Bonds of said City to finance the building renovation and staff relocation of the Rochester Police Department Professional Standards Section

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 relocation of the Rochester Police Department Professional Standards Section from 492 Lyell Avenue, Rochester, NY 14606, to 846 S. Clinton Avenue, Rochester, NY 14620, including interior space modifications, security upgrades, mechanical work, construction, furnishings, relocation, moving costs, and New York State Building Code compliance (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 \$414,180, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$150,000 bonds of the City to finance said appropriation, \$257,000 from 2014-15 Cash Capital, \$7,180 from 2015-16 Operating Funds, 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 \$150,000 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 \$150,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00(a)(13) of the Law, is ten (10) years.

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

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

Ordinance No. 2016-238
(Int. No. 279)

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-238
Ordinance No. 2016-239
Re: Agreement - Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.C.P., HVAC System Replacement, Clinton and Emerson Firehouses

Transmitted herewith for your approval is legislation related to Clinton and Emerson Firehouse HVAC System Replacement. This legislation will:

1. Establish \$150,000 as maximum compensation for an agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.C.P., Rochester, New York, for engineering design and resident project representation (RPR) services. The cost of the agreement will be financed from bonds to be issued herein; and
2. Authorize the issuance of bonds totaling \$680,000 and the appropriation of the proceeds thereof to finance the project.

The project includes the design, bidding and construction for the replacement of the heating, ventilating and air conditioning (HVAC) systems at the North Clinton Avenue and the Emerson Street firehouses. The term of the agreement shall extend until three months after the completion of a two year guarantee inspection of the project.

Bergmann Associates was selected for engineering design services through a request for proposals process, which is described in the attached summary.

Consultant Phase services will begin in summer 2016; it is anticipated that construction will begin in spring 2017 with scheduled completion in fall 2017. The project will result in the creation and/or retention of the equivalent of 7.4 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-138

Authorizing a professional services agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for engineering design and resident project representation services

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for engineering design and resident project representation services related to HVAC replacements at the North Clinton Avenue firehouse and the Emerson Street firehouse.

Section 2. The cost of the agreement shall be funded by a total of \$150,000 maximum compensation generated by the issuance of bonds. The term of the agreement shall extend until three (3) months after the completion of a two (2) year guarantee inspection of the project.

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

Ordinance No. 2016-239
(Int. No. 280)

Bond Ordinance of the City of Rochester, New York, authorizing the issuance of \$680,000 Bonds of said City to finance the cost of the design and construction for replacement of the HVAC systems at the North Clinton Avenue and Emerson Street Firehouses

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 the design and construction for replacement of the heating, ventilation and air conditioning system at the North Clinton Avenue firehouse, 1207 N. Clinton Avenue, Rochester, NY 14621, and the Emerson Street Firehouse, 1051 Emerson Street, Rochester, NY 14606 (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 \$680,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$680,000 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 \$680,000 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 \$680,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00(a)(13) of the Law, is ten (10) years.

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

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

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-240
Ordinance No. 2016-241
Re: Agreement- Edge Architecture, PLLC,
Campbell Street R-Center Gymnasium Floor,
Windows and HVAC Replacement Project

Council Priority: Creating and Sustaining
a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Campbell Street R-Center Gymnasium Floor, Windows and HVAC Replacement Project. This legislation will:

1. Establish \$100,000 as maximum compensation for an agreement with Edge Architecture, PLLC, Rochester, New York, for architectural and engineering design services. The cost of the agreement will be financed from bonds to be issued herein for the project; and
2. Authorize the issuance of bonds totaling \$520,000 and the appropriation of the proceeds thereof to finance the project.

Edge Architecture, PLLC will provide architectural and engineering design services which include the condition survey and report, program development, schematic and design development, contract documents, bid and award phase services, construction administration and resident project representation services for the replacement of the Campbell Street R-Center's gymnasium floor, windows, and heating, ventilation and air-conditioning (HVAC) equipment, along with some drainage improvements along the exterior of the building. The term of the agreement shall extend until three months after the completion of a two year guarantee inspection of the project.

Edge Architecture, PLLC was selected for design services through a request for proposals process,

which is described in the attached summary.

Design will begin in summer 2016; it is anticipated that construction will begin in summer 2017 with scheduled completion in winter 2017. The project will result in the creation and/or retention of the equivalent of 5.7 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-139

Ordinance No. 2016-240
(Int. No. 281)

Authorizing a professional services agreement with Edge Architecture, PLLC, for architectural, engineering design, and resident project representation services

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Edge Architecture, PLLC, for architectural, engineering design, and resident project representation services related to gym floor, window, and HVAC replacement at the Campbell Street R-Center.

Section 2. The cost of the agreement shall be funded by a total of \$100,000 maximum compensation generated by the issuance of bonds for the project. The term of the agreement shall extend until three (3) months after the completion of a two (2) year guarantee inspection of the project.

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

Ordinance No. 2016-241
(Int. No. 282)

Bond Ordinance of the City of Rochester, New York, authorizing the issuance of \$520,000 Bonds of said City to finance the cost of architectural and engineering design services for the replacement of the HVAC system at the Campbell Street Recreation Center

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 the architectural and engineering design services for replacement of the gym floor, windows, and the heating, ventilation and air conditioning system at the Campbell Street Recreation Center, located at 524 Campbell Street, Rochester, NY 14611 (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 \$520,000, and said amount is hereby appropriated therefor. The plan of financing in-

cludes the issuance of \$520,000 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 \$520,000 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 \$520,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00(a)(13) of the Law, is ten (10) years.

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

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

Ordinance No. 2016-242
(Int. No. 283)

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-242
Re: Bonds - Street Lighting at
Various Locations

Transmitted herewith for your approval is legislation related to street lighting and equipment on South Avenue between Byron and Linden Streets. This legislation will authorize the issuance of bonds totaling \$150,000 and the appropriation of the proceeds thereof to partially finance the replacement and upgrades of street lights that have reached the end of their useful life, and improvements and upgrades of street lights in along the aforementioned streets.

The Business Association of the South Wedge Area ("BASWA") is contributing \$33,470.65 for this project (Ord. No. 2016-208), the remainder of the project is being funded by \$14,480.33 from the City's Southeast Quadrant public improvement allocation and \$152,049.02 from 2012-13 Cash Capital allocation.

The project will result in the creation and/or retention of the equivalent of 3.8 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Bond Ordinance of the City of Rochester, New York, authorizing the issuance of \$150,000 Bonds of said City to finance the cost of acquisition, construction and reconstruction of additions to the Street Lighting System of the City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of replacement and upgrades of street lights on South Avenue between Byron Street and Linden Street in the City of Rochester that have reached the end of their useful life, including acquisition of furnishings, equipment, machinery or apparatus, and any other necessary equipment for the improvements (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 \$350,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$150,000 bonds of the City to finance said appropriation, \$33,470.65 in funds from the Business Association of the South Wedge Area (BASWA) authorized by Ordinance No. 2016-208, \$14,480.33 from the Southeast Quadrant public improvement allocation, \$152,049.02 from 2012-13 Cash Capital allocation, 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 \$150,000 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 \$150,000. 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)(5) of the Law, is thirty (30) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-243
Re: Amending Agreement - Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.C.P., Mt. Hope Avenue Phase 2 Improvements Project

Transmitted herewith for your approval is legislation establishing \$11,000 for an amending agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.C.P., Rochester, New York, for the completion of the reevaluation statement for the preliminary design report necessary for the advancement of the Mt. Hope Avenue Phase 2 Improvements Project. This amendment will increase maximum compensation to Bergmann Associates to a total of \$46,000. The cost of the amending agreement will be financed from 2012-13 Cash Capital, and the term will be six months after completion and acceptance of the reevaluation statement by the New York State Department of Transportation (NYSDOT) and the Federal Highway Administration (FHWA).

The original agreement with Bergmann Associates for \$35,000 was authorized in June 2015 (Ord. No. 2015-198) for the Mt. Hope Avenue Phase 2 Improvements Project to reevaluate the traffic on Mt. Hope from Rossiter Road to the south City line. The Mt. Hope Avenue Phase II project will include street reconstruction, new curbing, sidewalks, water main and services, hydrants, receiving basins, street lighting and tree plantings.

Since 2005, however, a number of substantial changes have occurred in the area including the new ramp at Route 390, which also slowed progress on the Phase 2 Improvements. Now that the preferred alternative for the Phase 2 segment of the corridor has been identified, the scope and format of the reevaluation statement needed to obtain design approval from NYSDOT and FHWA is known, and this amending agreement will enable Bergmann Associates to complete the reevaluation statement.

The Reevaluation of the Preliminary Design Report will begin in August 2016, with completion scheduled for September 2016. The project will result in the creation and/or retention of the equivalent of 0.1 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-140

Ordinance No. 2016-243
(Int. No. 284)

Authorizing an amending professional services agreement for the Mt. Hope Avenue Phase 2 Improvements project

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

Section 1. The Mayor is hereby authorized to

enter into an amendatory professional services agreement between the City and Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. to increase the maximum compensation under their existing agreement in Ordinance No. 2015-198 by \$11,000, for a total of \$46,000, for completion of the reevaluation statement for the preliminary design reported needed for the Mt. Hope Avenue Phase 2 Improvements project. Said amount shall be funded from 2012-13 Cash Capital. The agreement will extend until six months after completion and acceptance of the reevaluation statement by the New York State Department of Transportation and the Federal Highway Administration.

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. 2016-244
Ordinance No. 2016-245
Re: Charlotte Street and Haags Alley
Improvements Project

Transmitted herewith for your approval is legislation related to Charlotte Street and Haags Alley Improvements Project. This legislation will:

- 1) Authorize the issuance of bonds totaling \$250,000 and the appropriation of the proceeds thereof to partially finance the water portion of the project; and
- 2) Establish \$100,000 as maximum compensation for an agreement with Passero Associates PC, Rochester, New York, for resident project representation (RPR) services.

The project's design agreement was with Passero Associates PC, as authorized by City Council in September 2015 (Ord. No. 2015-299).

The project includes new asphalt pavement for Charlotte Street and new concrete pavement for Haags Alley. Both streets will have new granite curbs, concrete sidewalk replacement, new driveway aprons, catch basin upgrades, new water main and services, hydrants, and street lighting upgrades. The project will include some enhanced sidewalk and crosswalk materials that will coordinate with the materials used for the development at 14-80 Charlotte Street.

Bids for construction were received on June 13, 2016. The apparent low bid of \$1,186,250.43 was submitted by Concrete Applied Technologies Corp. (d/b/a CATCO) which is 13.4% more than the engineer's estimate. An additional \$129,865 will be allocated for project contingencies.

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

<u>Source</u>	<u>Construction</u>	<u>Contingency</u>	<u>RPR</u>	<u>Total</u>
NYS Grant (Ord. No. 2015-120)	\$ 873,969	\$ 93,561	\$ 82,470	\$1,050,000
Water Bond	207,926	24,544	17,530	250,000
Rochester Pure Waters District (Ord. No. 2016-160)	103,293	11,707		115,000
Monroe County Dept. of Transportation Reimbursement	<u>1,062</u>	<u>53</u>		<u>1,115</u>
Total	\$1,186,250	\$129,865	\$100,000	\$1,416,115

Passero Associates PC was selected for RPR services based on their familiarity with the project. A justification for not using a request for proposals is attached. The agreement may extend until two years after final acceptance of the project.

A public meeting was held on May 31, 2016; meeting minutes are attached.

It is anticipated that construction will begin in summer 2016 with scheduled completion in fall 2016. The project will result in the creation and/or retention of the equivalent of 15.4 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-141

Ordinance No. 2016-244
(Int. No. 285)

Authorizing a professional services agreement with Passero Associates, PC, for resident project representation services for the Charlotte Street and Haags Alley Improvement Project

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Passero Associates, PC, in the maximum amount of \$100,000, for resident project representation services for the Charlotte Street and Haags Alley Improvement Project.

Section 2. Funding for the agreement shall consist of \$82,470 in New York State Grants as authorized by Ordinance No. 2015-120, and \$17,530 from Water Bonds issued to finance the project.

Section 3. The term of the agreement is two years after the final acceptance of the project.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2016-245
(Int. No. 286)

Bond Ordinance of the City of Rochester, New York, authorizing the issuance of \$250,000 Bonds of said City to finance the water needs of the Charlotte Street and Haags Alley Improvement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of acquisition and installation of water mains and hydrants related to the Charlotte Street and Haags Alley improvement projects. The complete project includes new pavement, sidewalk, curb, and driveway apron replacement, and catch basin upgrades (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,416,115, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$250,000 bonds of the City to finance the acquisition and installation of water mains and hydrants of said appropriation, along with \$1,050,000 from Capital Improvement Program grant funds from the Dormitory Authority of the State of New York (DASNY) authorized by Ordinance 2015-120; \$115,000 from the Rochester

Pure Waters District authorized by Ordinance 2016-160; \$1,115 of reimbursement from the Monroe County Department of Transportation; 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 \$250,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

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

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

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

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

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

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

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

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

Passed unanimously.

By Councilmember McFadden
July 12, 2016

To the Council:

The Public Safety, Youth & Recreation Committee recommends for adoption the following entitled legislation:

Int. No. 287 - Authorizing agreements and appropriating funds related to the Rochester After School Academy program

Int. No. 288 - Authorizing an agreement with Monroe County for funding of youth recreation and youth development programming, as amended

Int. No. 289 - Authorizing an agreement with Rochester's Child, Inc. for implementation of the Parent Leadership Training Institute

Int. No. 290 - Authorizing an agreement with the Center for Teen Empowerment, Inc. related to the Southwest Youth Organizing Project

Int. No. 291 - Authorizing a professional services agreement with All Pro Multimedia, LLC related to the Champion Academy Mentoring and Empowerment Initiative

Int. No. 292 - Appropriating funds for the operations of the Greater Rochester Area Narcotics

Enforcement Team program

Int. No. 293 - Authorizing agreements for the 2016 Justice Assistance Grant program

Int. No. 294 - Authorizing a professional services agreement with Monroe Community College for the Police Recruit Education Project

Respectfully submitted,
Adam C. McFadden
Molly Clifford
Matt Haag
Dana K. Miller
Loretta C. Scott
PUBLIC SAFETY, YOUTH & RECREATION
COMMITTEE

Received, filed, and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-246
Re: Agreement - New York State
Education Department, Rochester
After School Academy

Council Priority: Support the Creation of
Effective Educational Systems

Transmitted herewith for your approval is legislation related to the Rochester After School Academy (RASA) program. This legislation will:

1. Authorize an agreement with the New York State Education Department (NYSED) for the receipt and use of \$74,375 in 21st Century Community Learning Centers Program funding for RASA for the 2016-17 school year;
2. Appropriate \$15,000 in funding from the Job Creation/Youth Development allocation of the General Community Needs Fund of the 2016-17 Community Development Block Grant, to support RASA; and
3. Authorize an intermunicipal agreement with the Rochester City School District for the City's implementation of the RASA program at Dr. Charles T. Lunsford School No.19 for the 2016-17 school year.

The grant funds were anticipated and included in the 2016-17 Budget of the Department of Recreation and Youth Services (DRYS).

The NYSED grant was originally awarded for three years, from July 1, 2013 to June 30, 2016, but has been extended for a fourth year ending June 30, 2017.

RASA is a comprehensive and strategic approach to after school programming, designed to enhance and extend learning opportunities beyond the traditional school day. RASA will serve a maximum of 50 students at Dr. Charles T. Lunsford School No.19. The City will work in partnership with the school to provide academic enrichment and youth

development programming to support the academic outcomes of the students.

The most recent agreement for these services was approved by Council in August 2015 via Ordinance No. 2015-272.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-142

Ordinance No. 2016-246
(Int. No. 287)

Authorizing agreements and appropriating funds related to the Rochester After School Academy program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Education for the receipt and use of \$74,375 in 21st Century Community Learning Centers Program funding for the Rochester After School Academy (RASA) for the 2016-17 school year.

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

Section 3. The sum of \$15,000 is hereby appropriated for the RASA program from the Job Creation/Youth Development allocation of the General Community Needs Fund of the 2016-17 Community Development Block Grant.

Section 4. The Mayor is hereby authorized to enter into an intermunicipal agreement with the Rochester City School District for implementation of the Rochester After School Academy (RASA) program at Dr. Charles T. Lunsford School #19 for the 2016-17 school year.

Section 5. Said agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-247
Re: Grant Acceptance - Monroe County,
Rochester-Monroe County
Youth Bureau

Council Priority: Support the Creation of
Effective Educational Systems

Transmitted herewith for your approval is legisla-

tion authorizing an agreement with the County of Monroe, on behalf of the Rochester-Monroe County Youth Bureau, for the receipt and use of \$55,267 to support recreation and positive youth development programming. These funds were anticipated and included in the 2016-17 Budget of the Department of Recreation and Youth Services.

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. Preliminary notification of the amount of State funding for calendar year 2016 was received on June 6, 2016 from the County. The grant must be expended by December 31, 2016. This agreement is a one year extension of the original five-year funding cycle by the County.

In 2015, 803 City recreation participants were served through this grant, and it is anticipated that 800 youth will be served in 2016.

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 June 2015 via Ordinance No. 2015-210.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-247
(Int. No. 288, as amended)

Authorizing an agreement with Monroe County for funding of youth recreation and youth development programming

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

Section 1. The Mayor is authorized to enter into an agreement with the County of Monroe (on behalf of the Rochester-Monroe County Youth Bureau) for the receipt and use of ~~funds anticipated funding from the New York State Office of Children and Family Services (OCFS) in the amount of \$63,055 to fund~~ \$55,267 for recreation and youth development programming. The agreement shall have a term of January 1, 2016 to December 31, 2016.

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 2-3.~~ The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is under-

lined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-248
Re: Agreement - Rochester's Child, Inc.,
Parent Leadership Training Institute

Council Priority: Support the Creation of
Effective Educational Systems

Transmitted herewith for your approval is legisla-
tion establishing \$10,000 as maximum compensa-
tion for an agreement with Rochester's Child, Inc.,
a subsidiary of the Rochester Area Community
Foundation, for the Parent Leadership Training
Institute (PLTI). The cost of this agreement will be
funded from the Parent Leadership Training Insti-
tute allocation of the General Community Needs
Fund of the 2016-17 Consolidated Community
Development Plan, and the term will be September
1, 2016 to March 31, 2017.

PLTI is an evidence-based program offered by
Rochester's Child, Inc. in partnership with the
Early Childhood Development Initiative, a more
than 20 years old, voluntary collective of commu-
nity experts in early childhood development. PLTI
is designed to increase parents' involvement and
engagement in the community, to strengthen
neighborhoods and families and to improve out-
comes for children. Parents participate in a 20
week training program with topics that include
child and adolescent youth development, public
speaking, civics, and policy development. Twenty-
five parents will be served during this year.

This is the fifth and final year of City Community
Development Block Grant funding for this pro-
gram. The most recent agreement for this service
was approved by Council in August 2015 via Ordi-
nance No. 2015-273.

A project description and budget are attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-143

Ordinance No. 2016-248
(Int. No. 289)

**Authorizing an agreement with Rochester's
Child, Inc. for implementation of the Parent
Leadership Training Institute**

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

Section 1. The Mayor is hereby authorized to
enter into an agreement with Rochester's Child,
Inc., a subsidiary of the Rochester Area Commu-
nity Foundation, for implementation of the Parent
Leadership Training Institute (PLTI).

Section 2. The amount of the agreement shall
not exceed \$10,000, and said amount, or so much
thereof as may be necessary, will be funded from
the Parent Leadership Training Institute allocation
of the General Community Needs Fund of the
2016-17 Consolidated Community Development
Plan. The term of the agreement is September 1,
2016 to March 31, 2017.

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

Section 4. This ordinance shall take effect im-
mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-249
Re: Agreement - Center for Teen
Empowerment, Inc., Southwest
Youth Organizing Project

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

Transmitted herewith for your approval is legisla-
tion establishing \$25,000 as maximum compensa-
tion for an agreement with the Center for Teen
Empowerment, Inc. for the Southwest Youth Or-
ganizing Project. The cost of this agreement will
be funded from the 2016-17 Budget of Undistribut-
ed Expenses and the term will be for one year.

The Center for Teen Empowerment will hire ten
youth from the southwest area of the city to im-
plement youth initiatives, including activities and
events for youth, to improve the community in the
southwest area. The goal of this project is to build
strong relationships and ties within the southwest
community between youth, businesses, existing
agencies and neighborhood adults to create positive
change.

The project will involve more than 200 youth (as
participants at events and activities) in positive
change activities in the southwest; connect them to
available youth resources in their neighborhoods
and throughout the city; build relationships among
the youth to help prevent and/or resolve street
conflicts; build leadership skills; and increase civic
engagement.

The most recent agreement for these services was
approved by Council in August 2015 via Ordinance
No. 2015-274.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-249
(Int. No. 290)

**Authorizing an agreement with the Center for
Teen Empowerment, Inc. related to the South-**

west Youth Organizing 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 the Center for Teen Empowerment, Inc. for the Southwest Youth Organizing Project. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as maximum compensation to be paid under the agreement, funded from the 2016-17 Budget of Undistributed Expenses.

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

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.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-250
Re: Agreement - All Pro Multimedia,
Youth Mentoring and Empowerment
Initiative

Council Priority: Support the Creation of
Effective Educational Systems

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for All Pro Multimedia, LLC for its Champion Academy Mentoring and Empowerment Initiative. The term of the agreement will be for one year and the cost will be funded from the 2016-17 Budget of Undistributed Expenses.

Champion Academy Mentoring and Empowerment Initiative will serve 300 Rochester youth ages 11 to 18 through the provision of a two-week summer academy with a focus on life skills development, healthy behaviors, sportsmanship, and academic performance. Upon completion of the summer academy, participants will have the opportunity to participate in monthly interactive and educational workshops, community service projects, leadership training, and mentorship.

All Pro Multimedia and the Champion Academy Mentoring and Empowerment Initiative were created by and are led by Roland Williams, a city of Rochester native, who has gone on to become a Super Bowl Champion, Sports Analyst for ESPN and CBS television channels, Syracuse University graduate and award-winning Performance Coach. All Pro Multimedia was selected through a request for proposal process, as described in the attached summary.

The City previously contracted with Roland Williams through the Roland Williams Foundation via

Ordinance No. 2001-323.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-144

Ordinance 2016-250
(Int. No. 291)

Authorizing a professional services agreement with All Pro Multimedia, LLC related to the Champion Academy Mentoring and Empowerment Initiative

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with All Pro Multimedia, LLC related to the Champion Academy Mentoring and Empowerment Initiative. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as maximum compensation under the agreement, funded from the 2016-17 Budget of Undistributed Expenses.

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

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-251
Re: Appropriation of Forfeiture
Funds - GRANET Operations

Council Priority: Public Safety

Transmitted herewith for your approval is legislation appropriating \$200,000 from federal forfeited property revenues attributable to the Greater Rochester Area Narcotics Enforcement Team (GRANET), and amending the 2016-17 Budget of the Police Department to reflect this amount.

These funds will be used to support GRANET operations for the 2016-17 fiscal year. GRANET participates in joint investigations which includes federal, state, and other local law enforcement agencies. The mission of GRANET is to achieve maximum coordination and cooperation among participating agencies; bring to bear their combined resources to investigate mid- and upper-level narcotics and illegal weapons offenses; and to aggressively investigate career criminals in the Greater Rochester/Monroe County area, utilizing both state and federal laws.

Under the current Memorandum of Understanding among the participating agencies, GRANET will share in any properties or funds confiscated as a direct result of a criminal investigation initiated by GRANET, pursuant to forfeiture regulations of the United States Departments of Justice and Treasury and the Attorney General.

GRANET will use asset forfeiture funds for operational expenses, including communications, electronic surveillance, confidential funds, vehicle rentals for undercover operations, supplies, and training. The proposed expenditures conform to the Attorney General's Guidelines for Seized and Forfeited Property (March 1994). Salaries and overtime for participants will continue to be paid by each officer's respective agency.

GRANET is a multi-jurisdictional team comprised of local and federal agencies. As a participant of the team, the City administers GRANET's equitable share of federal forfeiture funds, and keeps a separate accounting for these funds. The undesignated balance in GRANET's forfeiture fund after this transfer is estimated at \$375,500; however, any balance above \$350,000 will be distributed quarterly to participating agencies, including the City.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-251
(Int. No. 292)

Appropriating funds for the operations of the Greater Rochester Area Narcotics Enforcement Team program

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

Section 1. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Rochester Police Department by the sum of \$200,000, which amount is hereby appropriated from funds realized from seized and forfeited assets to fund the operations of the Greater Rochester Area Narcotics Enforcement Team (GRANET).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-252
Re: Agreement - US Department of Justice,
2016 Justice Assistance Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation related to the 2016 Justice Assistance Grant. This legislation will:

1. Authorize an agreement with the US Department of Justice for the receipt and use of the 2016 Justice Assistance Grant in the amount of \$180,154; and
2. Authorize an agreement with the County of Monroe for the distribution and use of \$81,069.50 of the grant for support of the "Operation Nightwatch" program.

The County intends to use its share of this grant to support "Operation Nightwatch," a program of the Probation Department which follows up on probationers' evening curfews.

The City's share (\$99,084.50) will be used to fund salary (\$52,424.05) and fringe (\$20,768.75) for one full-time and one part-time Counseling Specialist, and to underwrite part of the salary costs (\$25,891.70) of the Coordinator of the Police Department's Family and Victims Services Section. The funds were anticipated and included in the 2016-17 Budget of the Police Department.

The term of this grant is October 1, 2015 through September 30, 2019. No matching funds are required.

Council last approved the 2015 Justice Assistant Grant via Ordinance No. 2015-213.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-252
(Int. No. 293)

Authorizing agreements for the 2016 Justice Assistance Grant program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Justice for funding under the 2016 Justice Assistance Grant program in the amount of \$180,154, and said amount is hereby appropriated for this purpose. The term of the agreement shall be October 1, 2015 through September 30, 2019.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the County of Monroe in the maximum amount of \$81,069.50 to fund the Monroe County Probation Department's Operation Nightwatch program. Said amount shall be funded from the amount appropriated in Section 1 herein. The term of the agreement shall be October 1, 2015 through September 30, 2019.

Section 3. The agreements 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:

HAZEL L. WASHINGTON
City Clerk

Ordinance No. 2016-253
Re: Agreement - Monroe Community
College, Police Recruit
Education Project

* * * * *

REGULAR MEETING
AUGUST 9, 2016

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

Present - President Scott, Councilmembers
Clifford, Conklin, Haag, McFadden, Miller, Ortiz,
Patterson, Spaul - 9.

Absent - 0

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

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

Transmitted herewith for your approval is legisla-
tion establishing \$8,500 as maximum compensation
for an agreement with Monroe Community College
(MCC) to support the Police Recruit Education
Project. The cost of the agreement will be funded
from the 2016-17 Budget of the Police Department
and the term of the agreement is one year, from
September 1, 2016 through August 31, 2017.

Recognition Ceremony

The MCC Police Recruit Education Project is de-
signed to increase the academic success of minority
and women students enrolled in the MCC criminal
justice program who desire future employment with
the City. The agreement provides a Program Direc-
tor to lead the project in partnership with the Police
Department. The Program Director will identify
students to enter the program, assist with course
selection, serve as an academic advisor, conduct
workshops on the Civil Service Exam, and assist
with physical fitness workshops.

- Retirement:
 - Finance Department
Thomas G. Huonker
 - Neighborhood and Business Development
Katherine Sheets
 - Fire Department
Paul J. Shaffer
Broderick Walker
*Timothy A. Young
 - Police Department
*Lynda Castelli
Santiago
 - Zoning Board of Appeals
*Dennis O'Brien
Roseanne Khaleel

Council most recently approved this agreement in
December 2015 via Ordinance No. 2015-414.

Special Recognition:
Blake Montel
London Graham

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance 2016-253
(Int. No. 294)

**Did not attend meeting.*

**Authorizing a professional services agreement
with Monroe Community College for the Police
Recruit Education Project**

APPROVAL OF THE MINUTES
By Vice President Miller

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

RESOLVED, that the minutes of the Regular
Meeting of July 12, 2016 be approved as published
in the official sheets of the Proceedings.

Section 1. The Mayor is hereby authorized to
enter into a professional services agreement be-
tween the City and Monroe Community College for
the Police Recruit Education Project. The agree-
ment shall obligate the City to pay an amount not to
exceed \$8,500. Said amount shall be funded from
the 2016-17 Budget of the Police Department. The
term of the agreement shall be for one year.

Adopted unanimously.

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

COMMUNICATIONS FROM THE MAYOR,
COUNCIL PRESIDENT, CORPORATE OFFIC-
ERS AND OTHERS.

Section 3. This ordinance shall take effect im-
mediately.

The following communications are hereby directed
to be received and filed:

Passed unanimously.

- The Mayor submits the following:
 - Semiannual Report - COMIDA PILOTs and
tax abatements for period ending August
2016 4234-16
 - Quarterly Report - NBD Loans and Grants
report 4235-16
 - Quarterly Report - Delinquent Receivables
report 4236-16

The meeting was adjourned at 7:59 p.m.

The Council submits Disclosure of Interest Forms from President Scott on Int. No. 321, Vice President Miller on Int. Nos. 320 and 321, Councilmember Conklin on Int. No. 295, Councilmember Haag on Int. Nos. 306, 324 and 325, and Councilmember McFadden on Int. No. 320.

PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.

Councilmember McFadden presented a petition with 28 signatures regarding amending Rochester Zoning Code. Petition No. 1728

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

Councilmember Conklin
August 9, 2016

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 295 - Amending the 2016-17 Budget of the Library and accepting funds for library facility improvements

Int. No. 296 - Authorizing an amendatory agreement for expert witness services for the Law Department

Int. No. 297 - Authorizing an amendatory agreement for advice and services related to compliance with the Uniform Relocation Act

Int. No. 299 - Authorizing an agreement with General Code, LLC to provide enterprise content management system services, as amended

Int. No. 327 - Resolution adopting a policy regarding City boards and commissions

Int. No. 328 - Resolution Amending The Rules of Council

The following entitled legislation is being held in Committee:

Int. No. 298 - Authorizing an agreement for risk management consulting services

Int. No. 300 - Amending Chapter 63 of the Municipal Code with regard to housing discrimination on the basis of source of income

Respectfully submitted,
Carolee A. Conklin
Molly Clifford
Adam C. McFadden
Dana K. Miller
Loretta C. Scott
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-254
Re: Budget Amendment -
Rochester Public Library

Transmitted herewith for your approval is legislation amending the 2016-17 Budget of the Library to reflect the receipt of New York State Education Department (NYSED) funds ("Bullet Aid" to libraries) in the amount of \$80,000, and authorizing the receipt and use of the Dormitory Authority of the State of New York (DASNY) State and Municipal Facilities program funds in the amount of \$50,000 for the purpose of improvements and to finish upgrades at the Lincoln Branch Library.

The NYSED Bullet Aid to libraries will be used for the following purposes:

High school equivalency exam tutoring/classwork services for the Lyell Branch and Maplewood Community Library	\$15,000
Literacy enrichment programming at the Douglass and Wheatley Community Libraries and the Arnett Branch Library	30,000
Materials and labor for construction of a "Books by Bike" trailer	5,000
Enhancements to public IT equipment and literacy enrichment programming at the Monroe, Sully and Winton Branch Libraries	15,000
Interior play equipment for the Lincoln Branch Library Toy Library	<u>15,000</u>
Total	<u>\$80,000</u>

For the fifth year, State Senator Joseph E. Robach has solicited NYSED funds to support branch library adult literacy initiatives (\$15,000), which will expand TASC tutoring in the Lyell and Maplewood Branches. In addition, Senator Robach secured funding for the Lincoln Branch Library and Toy Library, including capital improvements through DASNY's State and Municipal Facilities Program (\$50,000), and Bullet Aid for new play apparatus in the Toy Library (\$15,000). Lincoln Branch Library funding requests were initiated and submitted on behalf of the Library by City Councilmember Michael Patterson.

For the fourth year, State Senator Michael H. Ranzhofer has solicited NYSED funds for the Douglass, Wheatley and Arnett Branch Libraries (\$30,000). The funds will support the continuation of literacy initiatives, including early childhood, TASC tutoring and afterschool tutoring. In addition, the Wheatley Community Library will receive \$5,000 this year to construct an additional "Books by Bike", a bicycle book-trailer based on the successful Arnett Branch Library prototype.

For the second year, State Senator Rich Funke has solicited NYSED funds (\$15,000) to support the purchase of additional technology equipment, literacy materials and program services for the Monroe,

Sully and Winton Branch Libraries.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-254
(Int. No. 295)

Amending the 2016-17 Budget of the Library and accepting funds for library facility improvements

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

Section 1. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations for the 2016-17 Budget of the Library by \$80,000 to reflect receipt of that amount from a New York State Education Department library grant (Bullet Aid).

Section 2. Said \$80,000 in Bullet Aid is hereby appropriated for the following programs:

- \$15,000 for high school equivalency exam tutoring/classwork services for the Lyell Branch and Maplewood Community libraries.
- \$30,000 for literacy enrichment programming at the Douglass and Wheatley community libraries and the Arnett Branch Library.
- \$5,000 for materials and labor to construct a "Books by Bike" trailer.
- \$15,000 for enhancements to public information technology (IT) equipment, and literacy enrichment programming at the Monroe, Sully and Winton branch libraries.
- \$15,000 for interior play equipment for the Toy Library located at the Lincoln Branch Library.

Section 3. The Library is hereby authorized to accept and use \$50,000 in State and Municipal Facilities program funds from the Dormitory Authority of the State of New York for improvements and upgrades to the Lincoln Branch Library.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 8.

Nays - None - 0.

Councilmember Conklin abstained due to a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-255
Re: Amendatory Agreement - Legal Med, LLC,
Expert Witness Services

Transmitted herewith for your approval is legislation establishing \$9,000 as maximum compensation for an amendatory agreement with Legal Med, LLC to provide additional expert witness services necessary to defend the Rochester Police Department (RPD) in a personal injury suit in State court entitled *Edwards v. Wagner*. The amendment will increase total maximum compensation to \$40,000, and will be funded from the 2016-17 Budget of the Law Department.

The agreement, as originally authorized by Council in July (Ord. No. 2016-224), provides up to \$31,000 in compensation for Legal Med to provide the services of expert physicians to assist in the defense of the RPD in a federal civil rights suit entitled *Warr v. Liberatore*.

Since then, the Law Department has ascertained that it will also require the services of an expert orthopedic physician in the *Edwards* case. That physician is needed to review medical records and examine and report on the physical condition of the plaintiff, who was a passenger in a vehicle involved in a collision with a RPD vehicle. The physician's expertise is needed to examine and testify as to the nature, extent and causation of the plaintiff's alleged injuries. The physician will review health records, meet with attorneys, prepare expert reports, and provide testimony at deposition and trial, as needed.

The Law Department anticipates that it may require up to \$9,000 for the physician's services if the *Edwards* case proceeds through to a trial and verdict. This anticipated amount accounts for the fact that a co-defendant, the driver of the vehicle that was carrying the plaintiff, has agreed to share in paying the expert's fee.

The term of the amended agreement may extend until completion of the *Edwards* litigation.

Respectfully submitted,
Lovely Warren
Mayor

Ordinance No. 2016-255
(Int. No. 296)

Authorizing an amendatory agreement for expert witness services for the Law Department

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 between the City and Legal Med, LLC to amend the professional services agreement for expert witness services in conjunction with pending litigation that was authorized in Ordinance No. 2016-224 so as to increase the maximum compensation by \$9,000 to a total of \$40,000.

Section 2. The amount of \$9,000 from the 2016-17 Budget of the Law Department is hereby appropriated to fund the amendatory agreement. The term of the amendatory agreement may extend until completion of the court case for which each expert's services is requested.

Section 3. The amendatory agreement shall contain such other 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. 2016-256
Re: Amendatory Agreement - R.K. Hite & Co., Inc., Uniform Relocation Act Compliance Services

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

Transmitted herewith for your approval is legislation establishing \$80,000 as maximum compensation for an amendatory agreement with R.K. Hite & Co., Inc. for services needed to comply with the Federal Uniform Relocation Act (URA). The original agreement was authorized in September 2015 (Ord. No. 2015-286) for \$40,000; this amendment brings maximum compensation to a total of \$120,000. The amendatory agreement will be funded from 2016-17 Cash Capital. The term of the agreement, which is one year with the option to renew for up to two additional one-year periods, remains unchanged.

The City is required to comply with the URA when it seeks to acquire real property for redevelopment projects that may be assisted with federal and/or state funds. The demand for URA compliance services has exceeded expectations due to the unexpectedly high number of properties in the City's targeted redevelopment areas that are owned by parties now offering to sell to the City.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-256
(Int. No. 297)

Authorizing an amendatory agreement for advice and services related to compliance with the Uniform Relocation Act

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 between the City and R.K. Hite & Co., Inc. to amend the professional services agreement for advice and services

related to compliance with the federal Uniform Relocation Act authorized in Ordinance No. 2015-286 so as to increase the maximum compensation by \$80,000 to a total of \$120,000.

Section 2. The amount of \$80,000 from 2016-17 Cash Capital is hereby appropriated to fund the amendatory agreement. The term of the original agreement, which is one year with the option to renew for up to two additional one-year periods upon the mutual written consent of the parties, shall remain unchanged.

Section 3. The amendatory agreement shall contain such other 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. 2016-257
Re: Agreement - General Code, LLC, Enterprise Content Management

Transmitted herewith for your approval is legislation establishing \$525,000 as maximum compensation for an agreement with General Code, LLC in Gates, New York, to provide implementation services related to an Enterprise Process and System Solution for Enterprise Content Management. The term of the agreement will be for three years, and the cost will be funded by Prior Years' Cash Capital (\$375,000), and 2016-17, 2017-18 and 2018-19 Budgets of Information Technology (\$50,000 per year), contingent upon approval of future years' budgets.

This agreement provides for the continuation of the Process and System Integration (PSI) program to implement an Enterprise Content Management platform and processes for content management. The solution will also support public information and Freedom of Information Law (FOIL) request management, and enable the retirement of selected legacy document management and FOIL management systems.

General Code, LLC will provide implementation services to include project management, system integration, system configuration, and training.

The City will utilize Laserfiche software for this implementation. Licenses and maintenance will be purchased from General Code, LLC through the New York State contract and funded from capital funds and potential grant funds, pending approval.

A request for proposals for these services was issued in January 2016 on the City website and sent directly to 36 companies. Responses were received from seven companies and four were invited for two-day scripted demos. A summary of the vendor selection process is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-145

Ordinance No. 2016-257
(Int. No. 299, as amended)

Authorizing an agreement with General Code, LLC to provide enterprise content management system 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 General Code, LLC to provide implementation services related to the enterprise content management system.

Section 2. The maximum compensation under the agreement is \$525,000 and shall be funded as follows:

Prior Years' 2016-17 2016-17 Budget of Information	\$375,000
Technology	\$50,000
2017-18 Budget of Information	\$50,000
Technology	\$50,000
2018-19 Budget of Information	\$50,000
Technology	\$50,000

Of that amount, \$100,000 shall be contingent upon the approval of future budgets.

Section 3. The agreement shall have a term of three years.

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

Section 5. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2016-22
Re: Resolution establishing guidelines
for City Boards and Commissions

Transmitted herewith for your approval is legislation establishing guidelines for City Boards and Commissions. City Council is granted the power of approval for mayoral appointments and reappointments to City Boards and Commissions. In order to better establish objective standards regarding appointments and to create new service opportunities and fresh perspectives on City Boards and Commissions, the following guidelines are recommended for adoption:

Term Limits - To promote community involvement and engagement, we recommend a maximum of 3 consecutive terms on a single Board or Commission. Former Board or Commission members may serve again after a minimum of two years off of the Board or Commission. An individual remains eligible to serve on a different Board or Commission after completing three consecutive terms. The termed-out member may also be appointed to an alternate position on the same Board or Commission to provide continuity and mentorship to the board and its new members. Exempted from this recommendation are the Examining Board of Plumbers, Board of Stationary Engineers, Electrical Examining Board, Elevator Examining Board, Library Board of Trustees and Board of Ethics, due to the specific requirements for these Boards. However, when possible new members should be sought for these Boards to promote the objectives within this guideline.

Minimum Attendance Requirement - To ensure continued interest of appointees and to effectiveness of Boards and Commissions it is recommended that each member be required to have a *minimum* 50 percent attendance rate prior to being considered for reappointment. Members that fall below 50 percent attendance should be reviewed by Council to determine their reappointment, as Council will take into account instances of excused absences for serious illness or bereavement.

Meeting Time Revision - To ensure that the best potential candidates for Boards and Commissions are able to attend the regularly scheduled meeting times, we recommend a review of all meeting times for Boards and Commissions to ensure they are appropriate for the professions of members and the attendees of the meetings.

Increased Marketing and Promotion - To increase the visibility and knowledge of City Boards and Commissions, and to recruit new talent for these positions, the City should take an active role in promoting and marketing available positions where possible.

The City Administration should perform a periodic review of Boards and Commissions every 2 years. The review of Boards and Commissions will ensure: adequate community involvement - specifically representation throughout the quadrants and with a diversity reflecting the City of Rochester, appropriate activity through attendance, and that the qualifications and representation still meet the goals and needs of the City of Rochester.

Respectfully submitted,
Carolee A. Conklin
Chair, Finance Committee

Matt Haag
Chair, Parks & Public Works Committee

Resolution No. 2016-22
(Int. No. 327)

Resolution adopting a policy regarding City boards and commissions

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

Section 1. The Council hereby adopts the following policy:

Policy Regarding City of Rochester Boards and Commissions

The City Charter gives City Council the power of approval for mayoral appointments and reappointments to City Boards and Commissions. In order to better establish objective standards regarding appointments, to create new service opportunities and to add fresh perspectives to the City Boards and Commissions (collectively, the "Boards"), the Council hereby adopts the following guidelines:

Term Limits. To promote community involvement and engagement:

- Each Board member should be limited to a maximum of three (3) consecutive terms on a single Board. Board members who have reached this limit may serve again but the member's return should follow a minimum of two (2) years off of the Board.
- An individual who has reached the term limit for one Board remains eligible to serve on another Board.
- In order to provide continuity and mentorship to the Board and its new members, a termed-out member may also be appointed to an alternate position on the same Board where he or she has reached a term limit.
- Due to specific legal requirements, the following Boards are exempted from this term limit guideline: Examining Board of Plumbers, Board of Stationary Engineers, Electrical Examining Board, Elevator Examining Board, Library Board of Trustees and Board of Ethics. Nevertheless, the City should seek out qualified new members for the exempt Boards in order to promote the policy objectives of this guideline.

Minimum Attendance. To ensure continued interest of appointees and the effectiveness of the Boards:

- Each Board member should have a *minimum* 50 percent attendance rate prior to being considered for reappointment.
- However, when deciding whether to deny reappointment to a Board member who has not met this attendance guideline, Council should review the member's record and take into account instances of excused absences for serious illness or bereavement.

Suitable Meeting Times. To ensure that the best potential candidates for Boards are able to attend

the regularly scheduled meeting times, the Council recommends that the City Administration review the meeting times for all Boards to ensure they are appropriate for the professions and occupations of their members and for the attendees of the meetings.

Increased Marketing and Promotion. To increase the visibility and public understanding of City Boards, and to recruit new talent for these positions, the City Administration should take an active role in promoting and marketing available Board positions where possible.

Period Review. The City Administration should perform a periodic review of each Board every two (2) years. The review of the Boards will ensure: adequate community involvement, appropriate activity through attendance, and that the qualifications and representation still meet the goals and needs of the City of Rochester.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2016-23
Re: Resolution - Amending the 2016
Meeting Schedule

Transmitted herewith for your approval is legislation Amending Resolution No. 2016-4, Establishing the 2016 City Council Meeting Schedule.

It has been the practice of the City Council to not hold any Council Meeting on an election day, since our meeting directly conflicts with the time that polls are open. Due to this practice, we are moving the September Meeting to Wednesday, September 14, 2016.

The meeting will still begin at 7:30pm, and Speak to Council will also be moved to this date and start at its regular time of 6:30pm.

Respectfully submitted,
Loretta C. Scott
President

Resolution No. 2016-23
(Int. No. 328)

Resolution amending the Rules Of Council

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

Section 1. The Council hereby amends the dates of regular meetings of the Council for the year 2016, as adopted by Resolution No. 2016-4, by changing the date of the regular meeting in the month of September, 2016 as follows:

- I. REGULAR MEETINGS - Regular meetings of the Council of the City of Rochester shall

be held in the Council Chambers, City Hall, at 7:30 P.M., on the following dates in 2016:

- January 19
- February 16
- March 22
- April 20
- May 17
- June 14
- July 12
- August 9
- ~~September 13~~
- ~~September 14~~
- October 18
- November 15
- December 20

and also at such other times as the Council may by adjournment to a day certain appoint. The regular meeting schedule for 2017 shall be established in a resolution adopted in 2016. When the date for a regular meeting falls on a legal holiday the meeting shall be held on the following day.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

Councilmember Conklin moved to discharge Int. No. 298 from Committee.

The motion was seconded by Councilmember McFadden

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-258
Re: Agreement - Freed Maxick CPAs, P.C.,
Risk Management Consulting Services

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum compensation for an agreement with Freed Maxick CPAs, P.C. to assist the Office of Public Integrity (OPI) with the completion of a comprehensive risk assessment. The cost of this agreement shall be funded from 2016-17 Budget of Undistributed Expenses and have a term of one year.

This agreement will allow OPI to obtain the services of certified public accountants (CPAs) with extensive risk assessment and internal audit experience. The accounting firm has agreed to collaborate with OPI auditors to provide the City with the following deliverables:

- A summary of the audit universe;
- The significant business process/auditable areas ranked by inherent risk;
- A detailed assessment of each auditable area against various business risk categories based on probability and impact; and

- An evaluation of residual risk for each auditable area.

The results of the assessment will be comprehensive, and because of the joint approach, replicable in future years by OPI auditors. In addition, the risk assessment will be used to create a risk-based internal audit plan.

Freed Maxick CPAs, P.C. was selected for these services based on their extensive experience in providing risk management consulting services within the government industry and their current and significant knowledge of City systems, programs and operations. A justification statement for not issuing a request for proposals is attached.

Respectfully Submitted,
Lovely A. Warren
Mayor

Attachment No. AP-146

Ordinance No. 2016-258
(Int. No. 298)

Authorizing an agreement for risk management consulting 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 Freed Maxick CPAs, P.C. for risk management consulting services. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid under the agreement, and shall be funded from the 2016-17 Budget of Undistributed.

Section 2. The agreement shall have a term of one year and 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:

Introductory No. 300
Re: Municipal Code Amendment -
Prohibition of Housing Discrimination
Based on Source of Income

Transmitted herewith for your approval is legislation amending Chapter 63 of the Municipal Code with regard to housing discrimination on the basis of source of income. This legislation will expand the definition of discrimination to include the term "Source of Income." Discrimination based on one's "source of income" can include, but is not limited to, Housing Choice Vouchers (formerly Section 8), Social Security, Supplemental Security Income (SSI), unemployment insurance, or veteran's benefits.

Landlords and property managers will be prohibited from discriminating against an individual on the basis of his or her income source by refusing to show, sell, or rent housing based on the individual's actual or perceived source of income. In addition, it will be prohibited to print or circulate any advertisement or publication that contains exclusionary language based on potential source of income. This amendment, however, does not prohibit discrimination based on the amount of income. A landlord still may refuse to lease to an applicant whose income is insufficient to meet the rent.

There are no New York State statutes prohibiting source of income discrimination and only limited federal laws prohibiting source of income discrimination by the recipients of certain housing subsidies. Although New York State does not have a statute, many states do prohibit "source of income discrimination," as do several municipalities in New York State, including Buffalo, Hamburg, Nassau County, New York City and West Seneca.

This statute will be enforced by providing victims of discrimination with the right to sue in State court, and the option first to seek mediation through the City's grievance program which is administered by the Center for Dispute Settlement.

Respectfully submitted,
Lovely A. Warren Mayor
Adam C. McFadden South District Member

Introductory No. 300

AMENDING CHAPTER 63 OF THE MUNICIPAL CODE WITH REGARD TO HOUSING DISCRIMINATION ON THE BASIS OF SOURCE OF INCOME

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

Section 1. Chapter 63 of the Municipal Code, Human Rights, as amended, is hereby further amended by amending Sections 63-1, 63-2 and 63-5 as follows:

§ 63-1. Legislative findings.

The Council hereby finds and declares that the City has the responsibility to act to assure that every individual within this City is afforded an equal opportunity to enjoy a full and productive life and that the failure to provide such equal opportunity, whether because of discrimination, prejudice or intolerance in employment, housing, public accommodations and financing practices based upon age, race, creed, color, national origin, gender, gender identity or expression, sexual orientation, disability, or marital status or source of income, not only threatens the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state and threatens the peace, order, health, safety and general welfare of the City and its inhabitants.

§ 63-2. Definitions.

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

DISCRIMINATION, DISCRIMINATE or DISCRIMINATORY

Any direct or indirect act, policy or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference based on, or the perception of, age, race, creed, color, national origin, gender, gender identity or expression, sexual orientation, disability, or marital status or source of income; or the aiding, abetting, inciting, coercing or compelling thereof.

SOURCE OF INCOME

Payments from a lawful occupation or employment, as well as other payments including, but not limited to, pensions, annuities, public assistance, supplemental security income, social security disability insurance, unemployment benefits, Housing Choice Vouchers (formerly known as Section 8), other housing voucher or subsidy programs, and any other governmental or charitable subsidy.

§ 63-5. Discrimination in housing and commercial space.

A. It shall be unlawful, due to discrimination, for the owner, lessee, sublessee, assignee, or managing agent of, real estate broker, real estate salesperson or other person having the right to sell, rent or lease real property, housing or commercial space, constructed or to be constructed, or any officer, agent or employee thereof:

- (1) To refuse to show, sell, transfer, rent, lease or refuse to receive and transmit any bona fide offer to buy, sell, rent or lease any real property, housing or commercial space;
- (2) To discriminate against any person in the terms, conditions or privileges of the sale, rental or lease of any real property, housing or commercial space or in the furnishing of facilities or services in connection therewith; or
- (3) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of real property, housing or commercial space or to make any record or inquiry in connection with the prospective purchase, rental or lease of real property, housing or commercial space which expresses, directly or indirectly, any discrimination or any intent to discriminate, but nothing in this subsection prohibits using a form or making a record or inquiry for the purpose of required government reporting.

B. The provisions of ~~this subsection~~ A shall not apply:

- (1) To the rental of a dwelling unit in a two-family dwelling, if the owner or members of the owner's family reside in one of such dwelling units;
- (2) To the restriction of the rental of all rooms in a dwelling to individuals of the same gender;
- (3) To the rental of a room or rooms in a dwelling if the renter or lessee would share common living areas with the owner or lessor or members of the owner's or lessor's family; or
- (4) Solely with respect to age, to the restriction of the sale, rental or lease of housing exclusively to persons 55 years of age or older.

C. It shall be an unlawful discriminatory practice, based on the actual or perceived source of income, for the owner, lessee, sublessee, assignee, or managing agent of real estate broker, real estate salesperson or other person having the right to sell, rent or lease housing, constructed or to be constructed, or any officer, agent or employee thereof:

- (1) To refuse to show, sell, transfer, rent, lease or refuse to receive and transmit any bona fide offer to buy, sell, rent or lease any housing;
- (2) To exclude, deny, restrict, limit, segregate, or otherwise differentiate against any person in the terms, conditions or privileges of the sale, rental or lease of any housing or in the furnishing of facilities or services in connection therewith; or
- (3) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of housing or to make any record or inquiry in connection with the prospective purchase, rental or lease of housing which expresses, directly or indirectly, any differentiation or intent to differentiate on the basis of source of income.

D. The following conduct shall not constitute an unlawful discriminatory practice under subsection C:

- (1) An inquiry, required disclosure, or required verification about a person's source of income that is necessitated by a Federal, State, or local law that is generally applicable, applicable to the housing at issue, or applicable to the financing or subsidies necessary to a person's purchase or leasing of such housing.
- (2) A refusal to rent or lease housing to a person due to one or more of the follow-

ing conditions and such refusal is based on selection criteria that are applied equally to all tenants or prospective tenants or purchaser without regard to the category of income source:

[a] the person's income is insufficient to make the payments over the term of the lease; and/or

[b] the person is a tenant who has been unable to make timely lease payments in all or part of the preceding 18 months.

(3) A refusal to rent or lease housing to a person whose income is from an illegal source.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Held in Committee.

By Vice President Miller
August 9, 2016

To the Council:

The Business & Economic Development Committee recommends for adoption the following entitled legislation:

Int. No. 325 - Amending Ordinance No. 2016-8 in relation to a loan agreement to fund the Sibley Building Redevelopment - Phase I

The following entitled legislation is being held in Committee:

Int. No. 321 - Authorizing agreements for the 2016-17 Street Liaison program

Respectfully submitted,
Dana K. Miller
Michael A. Patterson
Elaine M. Spaul
Loretta C. Scott
BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-259
Re: Sibley Building Redevelopment - Phase 1, Loan Terms Amendment

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

Transmitted herewith for your approval is legisla-

tion related to Phase 1 of the redevelopment of the Sibley Building (the "Project") located at 228-280 East Main Street. This legislation will:

1. Amend Ordinance No. 2016-8 where the loan of \$1,995,000 to Sibley Affordable LLC, or an affiliated LLC, partnership or housing development fund company to be formed by WinnDevelopment Company Limited Partnership (the "Developer" or "Winn"), will serve as a 2% interest-only construction loan and then, at conversion to permanent financing, will become a 30-year, 2% interest-only loan with principal payment due at the end of the 30-year term. The revised terms are as follows:
 - a. The City loan of \$1,995,000 will be cash-flow dependent with equivalent payments of 2% interest over the 30-year City loan term;
 - b. The City will share in 50% of all surplus cash flow after debt service (defined as permanent debt service payments to The Community Preservation Corporation and to the New York State Housing Trust Fund Corporation);
 - c. In any year where 50% of cash flow does not equal \$39,900 and/or there are outstanding balances of accrued City interest, 50% of Winn's management fee will be subordinated and paid to the City. The subordinated portion of such deferred management fees due to Winn will accrue to be paid after all outstanding balances of accrued City interest are paid;
 - d. Winn will not make the payment of its deferred developer fee senior to the 50/50 cash flow sharing split with the City;
 - e. Winn will submit annual audits performed by a third party certified public accounting firm for Sibley Affordable LLC, for the calculation of the cash flow split with the City and the subordination of 50% of the management fee to the City.
2. Require a Completion Guaranty for Phase 1 from WCredit, LLC, or an acceptable Winn affiliate.
3. Authorize the Mayor to execute such agreements and other documents as may be necessary to effectuate the loans and agreements authorized herein.
4. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal and other requirements for each phase of the Project.

The Developer wants to substantially redevelop the Sibley Building in three phases:

- 1) Phase 1 involves the development of 72 units of senior housing with an affordability period

of 50 years;

- 2) Phase 2 involves the New Markets Tax Credit Program as follows:
 - a) 96 apartments, 21 of which will be affordable to households with incomes under 120% Median Family Income, 39,000 square feet of retail space, and the renovation of the Lifespan Senior Center; and
 - b) 34,000 square feet of office space. The City loan is being provided for the affordable residential units ("Phase 2 City loan"); and
- 3) Phase 3 includes the development of 68,000 square feet of office space for High Tech Rochester.

Approved in January 2016, the agreement authorized via Ordinance No. 2016-8 has not been executed. This amendment, then, is intended to enable construction on Phase 1 of Project. It is anticipated that construction will begin in August 2016, and be completed by November 2017. Construction on Phase 2 of the Project began in May 2016 and is anticipated to be completed by September 2017.

The revised funding sources and uses for Phase 1 of the Project are summarized below:

PHASE 1

Construction Sources	
Bank Construction Loan	\$10,387,143
LIHTC* Equity	4,599,668
Federal HRTC**	1,658,761
NYS HCR*** Loan	8,001,992
City of Rochester	1,795,500
Developer Equity/Note	<u>2,000,000</u>
Total Construction Sources	\$28,443,064

Uses of Funds	
Real Estate Acquisition	\$ 1,306,368
Construction Costs	21,330,262
Soft Costs	3,212,726
Capitalized Reserves	593,708
Deferred Developer Fee	<u>2,000,000</u>
Total Uses of Funds	\$28,443,064

Permanent Sources:	
LIHTC* Equity	\$11,499,170
Federal HRTC**	4,146,902
NYS HCR*** Loan	8,001,992
City of Rochester	1,995,000
Developer Equity/Note	<u>1,000,000</u>
Total Permanent Sources	\$28,443,064

* Low-Income Housing Tax Credits
 ** Historic Rehabilitation Tax Credit
 *** New York State Homes and Community Renewal

WinnCompanies was established in 1971 and is based in Boston, Massachusetts. Winn has a satellite corporate office with over 20 employees at the Sibley Building and regional offices nationwide. To date, Winn has developed over 80 projects and

currently manages over 550 properties including 95,000 residential units. The Winn portfolio includes a specialization in historic redevelopment, affordable housing, military base management, mixed-use properties and hotels.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-147

Ordinance No. 2016-259
(Int. No. 325)

Amending Ordinance No. 2016-8 in relation to a loan agreement to fund the Sibley Building Redevelopment - Phase I

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

Section 1. Sections 2, 5 and 6 of the Ordinance No. 2016-8, which authorize the Mayor to enter into a \$1,995,000 loan agreement with the developer to finance Phase I of the redevelopment of the Sibley Building located at 228-280 East Main Street (the Project), are hereby amended to read in their entirety as follows:

Section 2. The Mayor is hereby authorized to enter into a loan agreement with the designated developer (the Developer) Sibley Affordable LLC, or an affiliated LLC, partnership or housing development fund company to be formed by WinnDevelopment Company Limited Partnership Winn Development, LLC for construction financing and permanent financing for Phase I of the Project. The loan agreement shall be in the amount of \$1,995,000 at 2% interest with interest only to be paid annually. The loan shall be contingent upon Wcredit LLC or another affiliate of WinnDevelopment providing the City with an acceptable Completion Guaranty for Phase I of the Project. When the loan is converted to permanent financing, it shall be in the amount of \$1,995,000 and for a term of 30 years with interest at 2% paid annually. Principal payment shall be deferred to the end of the term of the loan.

The Developer's annual interest-only payments of 2% of the loan principal (\$39,900) shall be subject to the following additional terms:

- a. the payments shall be dependent on the Developer's cash flow, provided that in any year wherein the Developer's cash flow is less than \$39,900 plus any accrued unpaid interest from a prior years (collectively, the Annual Payment), the City shall have recourse to the two funds specified in the following clauses b. and c. in alphabetical order of precedence up to the remaining Annual Payment amount due, and provided that any Annual Payment amount that remains unpaid after recourse to those two funds shall be added to the Annual Payment that Developer will owe for the

following year;

- b. when necessary to satisfy the Developer's Annual Payment obligation, the City shall be entitled to up to 50% of all of the Developer's surplus cash flow that remains after its payment of permanent Project debt service owed to The Community Preservation Corporation and to the New York State Housing Trust Fund Corporation;

- c. when necessary to satisfy the Developer's Annual Payment obligation, the City shall be entitled to up to 50% of the Project management fee and the Developer's and/or its affiliate's entitlement to such management fee shall be subordinated to the Developer's Annual Payment obligation; moreover, the amount of the Project management fee that is subordinated and paid to the City pursuant to this clause c shall not accrue to be paid to the Developer or any affiliate until after all outstanding balances of accrued loan interest are paid to the City;

- d. neither the Developer, WinnDevelopment, nor any other affiliate shall require or allow their entitlement to payment of the Project deferred developer fee to be made senior to the City's entitlement to share in the surplus cash flow and Project management funds described in clauses b. and c. above and the deferred developer fee shall not accrue to be paid to the Developer or any affiliate until after all outstanding balances of accrued loan interest are paid to the City; and

- e. each year, WinnDevelopment shall submit to the City an annual audit of the Developer that is performed by a third-party certified public accounting firm and that includes a calculation of the Developer's surplus cash flow, management fee and developer fee described in clauses b., c. and d. above.

The loan agreement amount shall be funded as specified below, which funds are hereby appropriated for said purpose:

Amount	Year/Source
\$ 115,995.29	2014-15 HOME Program - Affordable Housing Fund allocation of the Housing Development Fund
665,649.00	2015-16 HOME Program - Affordable Housing Fund allocation of the Housing Development Fund
<u>1,213,355.71</u>	Prior Years' Cash Capital
\$1,995,000.00	TOTAL

Section 5. The Director of Finance shall record all transfers authorized herein and shall have the authority to make adjustments to the amounts set forth which may have changed prior to the adoption of this ordinance and any amendment thereto.

Section 6. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The Mayor is authorized to execute such agreements and other documents as may be necessary to effectuate the loans and agreements authorized or amended herein and to adjust the interest rates and other terms and conditions of the loans in order to conform to legal and other requirements for each phase of the Project.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 321
Re: Agreements - Action for a Better Community, Inc., Highland Planning LLC, and 19th Ward Community Association, Street Liaisons

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum compensation for Street Liaison agreements for each of four quadrants of the City. The term of the agreements will end on June 30, 2017 and the combined cost of \$80,000 will be funded from the Neighborhood Commercial Assistance Program from the Promote Economic Stability Fund of the 2016-17 Consolidated Community Development Plan, Annual Action Plan, as appropriated via Ordinance No. 2016-192. The agreements are as follows:

<u>Organization</u>	<u>Amount</u>
Action for a Better Community, Inc.	
Northeast	\$20,000
Highland Planning LLC	
Northwest	20,000
Highland Planning LLC	
Southeast	20,000
19 th Ward Community Association	
Southwest	<u>20,000</u>
	\$80,000

The mission of the Street Liaison is to provide outreach and assistance to businesses within the targeted commercial corridors found in their respective quadrants. This assistance is expected to result in increased business and community investment, the retention of existing jobs and creation of new jobs. The Street Liaison may also contrib-

ute to additional business and community development efforts. A more detailed program description is attached.

The three organizations were selected through a request for proposal process, the summary of which is also attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Introductory No. 321

AUTHORIZING AGREEMENTS FOR THE 2016-17 STREET LIAISON 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 each of the following organizations in the maximum amount of \$20,000 each to provide Street Liaison services for the specified City quadrants as follows:

- a) Action for a Better Community, Incorporated Northeast
- b) Highland Planning LLC Southeast
- c) Highland Planning LLC Northwest
- d) 19th Ward Community Association of Rochester, New York, Inc. Southwest

Section 2. The term of said agreements shall extend until June 30, 2017.

Section 3. The amount of \$80,000, or so much thereof as may be necessary for the agreements, shall be funded from the funds appropriated to the Neighborhood Commercial Assistance Program from the Promote Economic Stability fund of the 2016-17 Consolidated Community Development Annual Action Plan in Ordinance No. 2016-192.

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

Section 5. The City will enter into agreements for this program only with organizations that are in compliance with federal regulations.

Section 6. This ordinance shall take effect immediately

Held in Committee.

By Councilmember Ortiz
August 9, 2016

To the Council:

The Neighborhood & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 301 - Authorizing the sale of real estate

Int. No. 303 - Authorizing an agreement for the lease of space for Downtown District services

Int. No. 305 - Amending Chapter 90 of the Municipal Code with respect to retail sales

Int. No. 306 - Appropriating funds, authorizing amendatory agreements and amending the 2016-17 Consolidated Community Development Plan for Housing Opportunities for Persons with AIDS

Int. No. 307 - Amending the Municipal Code with respect to parking lots

Int. No. 308 - Appropriating funds for the Helping Elders Law Project

The Neighborhood & Community Development Committee recommends for consideration the following entitled legislation:

Int. No. 302 - Amending Chapter 120 of the Municipal Code with respect to restaurants, bars and accessory outdoor seating and assembly areas in the C-1 Neighborhood Center zoning district

Int. No. 304 - Amending the Zoning Code, Chapter 120 of the Municipal Code, with regard to retail sales and service

Respectfully submitted,
Jacklyn Ortiz
Molly Clifford
Carolee A. Conklin
Dana K. Miller
Loretta C. Scott
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-260
Re: Sale of Real Estate

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

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

The first four properties are vacant lots sold by negotiated sale to the adjacent owners. The owners will combine the lots with their existing properties and utilize them as green space.

The last four properties are unbuildable vacant lots, being sold for \$1.00 (as per City policy) to their adjacent owners who will combine the respective lots with their existing properties.

The first year projected tax revenue for these eight properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$2,943.

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-148

Ordinance No. 2016-260
(Int. No. 301)

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 vacant land:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>	<u>Purchaser</u>
86-88 Emerson St	105.43-1-34	40 x 102	4,034	\$425	Ezra Kalekristos
466 Hawley St.	120.75-1-69.1	80 x 109	8,783	\$525	Joyce A. Williams
234 Wilkins St, east 1/2	106.24-1-78	20 x 102	2,040	\$225	Rocky Vazquez
234 Wilkins St, west 1/2	106.24-1-78	20 x 102	2,040	\$225	Clara Hunter

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

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Purchaser</u>
146 Barton St	135.27-3-70	36 x 63	2,280	Dianne Johnson & Darlene Snowden
55 Durnan St	091.81-1-21.1	72 x 83	6,078	Joshua Antonetti
119 Evergreen St	106.38-1-25.2	43 x 71	3,094	David Ramos, Jr.
20 Friederich Pk	106.24-2-53.1	72 x 65	4,698	Vera Crumpler

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-261
Re: Zoning Text Amendments - C-1
Neighborhood Center District

Transmitted herewith for your approval is legislation amending Chapter 120, the Zoning Code of the City of Rochester, relating to the following section: C-1 Neighborhood Center District, list of permitted uses.

This legislation clarifies language added in November 2015 regarding hours of operation for bars and restaurants (Ord. No. 2015-355). The Zoning Text Amendments make it clear that bars and restaurants with alcohol licenses do not have hours restrictions, whereas the outdoor seating and assembly associated with these uses are restricted to the hours between 6:00 am and 11:00 pm daily.

Pursuant to §120-190 of the City's Zoning Code, minor Zoning Text Amendments such as for clarification purposes do not require a recommendation from the Planning Commission.

In accordance with Article 8 of the New York State Conservation Law and Chapter 48 of the Rochester City Code, this project has been classified as a Type II action, requiring no further environmental review.

A public hearing is required for the Zoning Text Amendments.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-261
(Int. No. 302)

Amending Chapter 120 of the Municipal Code with respect to restaurants, bars and accessory outdoor seating and assembly areas in the C-1 Neighborhood Center zoning district

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 amending Section 120-34 read in its entirety as follows:

§ 120-34. Permitted uses and structures.

The following uses are permitted in the C-1 District when conducted entirely within an enclosed building:

- A. Attached single-family dwellings.
- B. Dwelling units when part of a mixed-use development with other permitted commercial uses.
- C. Live-work space, subject to the additional requirements for specified uses in § 120-142.1.
- D. Bed-and-breakfast establishments, subject to the additional requirements for specified uses in § 120-132.
- E. Family and group family day-care homes.
- F. Adult family day-care homes.
- G. Day-care centers, subject to the additional requirements for specified uses in § 120-135.
- H. Places of worship.
- I. Convents and rectories.
- J. Public and semipublic uses, except as otherwise listed in § 120-35.
- K. Retail sales and service, full-line food store, low-impact, and specialty, operating between the hours of 6:00 a.m. and 11:00 p.m., subject to the additional requirements for specified uses in § 120-146.1.
- L. (Reserved)
- M. (Reserved)
- N. Offices between the hours of 6:00 a.m. and 11:00 p.m.
- O. Restaurants, including outdoor seating and assembly but excluding drive-through facilities, operating between the hours of 6:00 a.m. and 11:00 p.m., ~~including accessory outdoor seating/assembly areas but excluding drive-through facilities.~~
- P. Restaurants licensed by New York State to sell alcoholic beverages for on-premises consumption pursuant to the Alcoholic Beverage Control Law, including

accessory outdoor seating/assembly areas but excluding drive-through facilities, provided that the outdoor seating/assembly areas shall operate only between the hours of 6:00 a.m. and 11:00 p.m.

- Q. Bars, including accessory outdoor seating/assembly areas, except that the outdoor seating/assembly areas shall operate only between the hours of 6:00 a.m. and 11:00 p.m.
- R. Mixed uses, as listed in this section, not including industrial uses.
- S. ~~Where accessory outdoor seating/assembly areas are permitted, they shall operate only between the hours of 6:00 a.m. and 11:00 p.m.~~

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-262
Re: Lease Agreement - Salem Evangelical Church of Rochester, 151 Cumberland Street

Transmitted herewith for your approval is legislation establishing \$14,400 as maximum annual compensation for a lease agreement with Salem Evangelical Church of Rochester for the continued use of 151 Cumberland Street. The City's Department of Environmental Services (DES) has utilized the building's 7,324 square feet as office and storage/warehouse space since 2006 for Downtown District Services. The term of the agreement is for one year with four, one-year renewals and will be funded from the 2016-17 and subsequent budgets of DES, contingent upon approval of the future budgets.

The rental rate of \$1,200 per month was established by an independent appraisal by Kevin Bruckner, MAI, as of June 2016.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-149

Ordinance No. 2016-262
(Int. No. 303)

Authorizing an agreement for the lease of space for Downtown District Services

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Salem Evangelical Church of Rochester, NY for the lease of space at 151 Cumberland Street to be used for Downtown District services provided by the Department of Environmental Services. The agreement shall extend for a term of one year, with up to four additional one-year renewal options.

Section 2. The lease agreement shall obligate the City to pay an amount not to exceed \$1,200 in monthly rent. Said amount shall be funded from the 2016-17 and subsequent Operating Budgets of the Department of Environmental Services, conditioned upon approval of said subsequent budgets.

Section 3. The lease agreement 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. 2016-263 and
Ordinance No. 2016-264
Re: Municipal Code Amendments -
Chapter 120, Zoning Code, and
Chapter 90, Property Code

Transmitted herewith for your approval is legislation amending various sections of the Zoning Code and the Property Code to accommodate revisions in the regulation of retail sales and services and related business permits. The proposed amendments are described below.

In 2012, the Zoning Code was amended to create several new retail sales and service categories, including High Impact Retail Sales and Service. Currently, High Impact uses are subject to restrictions that do not apply to other retail uses, including being prohibited in some zoning districts, requiring special permit review in other districts, and, in all instances, requiring a minimum 500-foot separation requirement from other High Impact uses as well as from pawnbrokers, schools, libraries and other public and community facilities. The following products and activities put a store into the High Impact category: tobacco and tobacco and vaping paraphernalia, lottery sales, secondhand dealers (other than auto sales), and firearms dealers. The High Impact trigger of alcoholic beverage sales was deleted from the Zoning Code last year due to court rulings holding that the State Liquor Authority licensing rules preempt the ability of localities to place additional restrictions on stores due only to alcohol sales.

Recently, the New York State Gaming Commission provided the City with a legal opinion stating that the City of Rochester can no longer limit the sale of lottery items through zoning restrictions. The elimination of this second category of High Impact use leaves a much smaller subset of High Impact

retail uses, which is unsuited to achieving the broad purpose that was intended when High Impact retail was originally enacted in 2012. As a result, it is necessary to propose the following changes to the Zoning Code:

- Eliminate the individual retail sales and service categories (High Impact, Low Impact, Full-Line Food Store, Specialty).
- Eliminate the corresponding distance separation and transparency requirements for these uses (Section 120-146.1). Add the prohibition related to blocking storefront windows with shelving and the like to the design guidelines in Section 120-159.
- Restore the general retail sales and service category.
- Permit office uses in commercially designed buildings in residential districts.
- Prohibit retail sales and service uses in residential districts. However, legally established retail sales and service uses in residential districts will be able to continue operating as long as they do not go vacant for more than nine months. After that, a new retail sales and service use of equal or lesser intensity may be re-established in that location with a Certificate of Nonconformity from the Director of Planning and Zoning and a Special Permit from the Planning Commission.
- Permit secondhand dealers in CCD (Center City District), C-3 (Regional Destination Center Commercial) and M-1 (Industrial) Districts. However, in C-2 (Community Center Commercial) Districts, secondhand dealers will be specially permitted, and in C-1 (Neighborhood Center Commercial Districts), they will be prohibited. (It should be noted that, at the recommendation of the Planning Commission, a prior draft of the proposed amendments which included Secondhand Dealers on the list of prohibited uses in the Center City District, has been removed. Based on written and oral public hearing testimony indicating that antique dealers and art galleries dealing in secondhand goods can serve as the impetus for high-quality development in neighborhoods seeking a desirable mixture of commercial and residential uses, the Planning Commission requested the change.)
- Permit pawnbrokers in the C-3 (Regional Destination Center Commercial) and M-1 (Industrial) Districts. However, in CCD (Center City District), C-1 (Neighborhood Center Commercial) and C-2 (Community Center Commercial) Districts, pawnbrokers will be prohibited.

Importantly, these proposed changes impact the business permit process. As a result, the definition of High Impact Retail is being removed from the

Property Code, Chapter 90 of the Municipal Code.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the Mayor, as lead agency, has determined that the proposed action will not result in any significant effects and has issued a negative declaration.

The City Planning Commission held an informational meeting on the proposed Zoning Text Amendments on Monday, July 11, 2016. One person spoke in support of the amendment, and five people spoke in opposition. By a vote of 5-0-0, the Planning Commission recommended Approval.

Public hearings on the Code amendments are required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-150

Ordinance No. 2016-263
(Int. No. 304)

Amending the Zoning Code, Chapter 120 of the Municipal Code, with regard to retail sales and service

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 deleting Section 120-146.1, Retail sales and service and pawnbrokers, in its entirety.

Section 2. Chapter 120 of the Municipal Code, Zoning, as amended, is hereby further amended in Section 120-208 thereof to add or delete certain definitions as follows:

RETAIL SALES AND SERVICE

The sale, provision of service or on-premises incidental production or assembly of general merchandise to the general public for direct use or consumption. This shall include carry-out restaurants and the like with six or fewer seats.

RETAIL SALES AND SERVICE, FULL-LINE FOOD STORE

Retail sales and service offering for sale a full selection of food products, including at least a variety of fresh produce, and not offering for sale products from more than one of the following categories:

- A. ~~Tobacco.~~
- B. ~~Lottery.~~

RETAIL SALES AND SERVICE, HIGH-IMPACT

Retail sales and service, (excluding full-line food store), offering for sale any product or service that is within one or more of the following three categories:

- A. ~~Requires an owner, operator or employee to obtain a City of Rochester secondhand dealer's license (excluding vehicle-related dealers);~~
- B. ~~Requires an owner, operator or employee to obtain any county or state license or registration for tobacco or lottery and/or a federal firearms dealer's license; or~~
- C. ~~Offering for sale tobacco, tobacco paraphernalia or smoking paraphernalia, including products that contain nicotine, liquid nicotine, vapors or inhalants and/or involve the on-site inhaling or smoking of such products.~~

RETAIL SALES AND SERVICE, LOW-IMPACT

Retail sales and service not meeting the definitions of "high impact retail sales and service," "specialty retail," or a "full-line food store."

RETAIL SALES AND SERVICE, SPECIALTY

Low impact retail sales and service, occupying less than 1,000 square feet, offering for sale only specialized types of foods, products, or services, including, but not limited to, baked goods, candy, health food, antiques, fashion accessories, sporting goods, art objects, art and craft supplies, books, clothing, decorative accessories, flowers and plants, handicrafts, jewelry, toys, specialty foods, meats, seafood, shoe repair, and frame shops, and excluding tattoo parlors. No tobacco or lottery may be included in the inventory of specialty retail sales and service.

SECONDHAND DEALER

A business required to be licensed as a secondhand dealer in accordance with Municipal Code Chapter 96, Secondhand Dealers, excluding vehicle related dealers.

Section 3. Chapter 120 of the Municipal Code, Zoning, as amended, is hereby further amended by amending certain portions of the sections thereof that specify the permitted, special permit, limited and prohibited uses within various zoning districts as follows:

§ 120-8. Permitted uses.

The following uses are permitted in the R-1 District:

- H. ~~Retail sales and service, specialty, when in an existing structure built for a nonresidential use, operating between the hours of 6:00 a.m. and 9:00 p.m., subject to the additional requirements for specified uses in § 120-146.1.~~
- I H. Office, when in an existing structure built for a nonresidential use, operating between the hours of 6:00 a.m. and 9:00 p.m.

§ 120-9. Special permit uses.

The following uses are allowed as special permit uses in the R-1 District:

- ~~G. Retail sales and service, full-line food store and low impact, when in an existing structure built for a nonresidential use, operating between the hours of 6:00 a.m. and 9:00 p.m., subject to the additional requirements for specified uses in § 120-146.1.~~

§ 120-17. Permitted uses.

The following uses are permitted in the R-2 District:

- ~~I. Retail sales and service, specialty, when in an existing structure built for a nonresidential use, operating between the hours of 6:00 a.m. and 9:00 p.m.~~
- J I. Office, when in an existing structure built for a nonresidential use, operating between the hours of 6:00 a.m. and 9:00 p.m.

§ 120-18. Special permit uses.

The following uses are allowed as special permit uses in the R-2 District:

- ~~M. Retail sales and service, full-line food store and low impact, when in an existing structure built for a nonresidential use, operating between the hours of 6:00 a.m. and 9:00 p.m., subject to the additional requirements for specified uses in § 120-146.1.~~

§ 120-26. Permitted uses.

The following uses are permitted in the R-3 District:

- ~~M. Retail sales and service, specialty, when in an existing structure built for a nonresidential use, between the hours of 6:00 a.m. to 9:00 p.m. and subject to the additional requirements for specified uses in § 120-146.1.~~
- ~~N. M. Office, when in an existing structure built for a nonresidential use, operating between the hours of 6:00 a.m. and 9:00 p.m.~~

§ 120-27. Special permit uses.

The following uses are allowed as special permit uses in the R-3 District:

- ~~L. Retail sales and service, full-line food store and low impact, when in an existing structure built for a nonresidential use, operating between the hours of 6:00 a.m. and 9:00 p.m., subject to the additional requirements for specified uses in § 120-146.1.~~

§ 120-34. Permitted uses and structures.

The following uses are permitted in the C-1 District when conducted entirely within an enclosed building:

- ~~K. Retail sales and service, full-line food store, low impact, and specialty, operating between the hours of 6:00 a.m. and 11:00 p.m., subject to the additional requirements for specified uses in § 120-146.1 provided, however, that retail sales and service establishments licensed by New York State to sell alcoholic beverages pursuant to the Alcoholic Beverage Control Law may operate beyond the hours specified herein to the extent that the alcoholic beverage license so provides.~~

§ 120-35. Special permit uses.

The following uses are allowed as special permit uses in the C-1 District:

- ~~I. Retail sales and services, full-line food store, low impact, and specialty, operating beyond the hours of 6:00 a.m. to 11:00 p.m. provided, however, that retail sales and service establishments licensed by New York State to sell alcoholic beverages pursuant to the Alcoholic Beverage Control Law shall not be required to obtain a special permit to operate beyond the hours specified herein to the extent that the alcoholic beverage license authorizes the additional operating hours.~~

§ 120-42. Permitted uses and structures.

The following uses are permitted in the C-2 District, when conducted entirely within an enclosed building and with hours of operation limited to 6:00 a.m. to 2:00 a.m.:

- ~~M. Retail sales and service, full-line food store, low impact, and specialty, subject to the additional requirements for specified uses in § 120-146.1.~~

§ 120-43. Special permit uses.

The following uses are allowed as special permit uses in the C-2 District:

- ~~T. Secondhand dealers. Retail sales and service, high impact, limited to the hours of 6:00 a.m. to 2:00 a.m. and subject to the additional requirements for specified uses in § 120-146.1.~~

§ 120-50. Permitted uses and structures.

The following uses are permitted in the C-3 District:

- ~~K. Retail sales and service, full-line food store, subject to the additional requirements for specified uses in § 120-146.1.~~

- ~~L. Retail sales and service, high impact, subject to the additional requirements for specified uses in § 120-146.1.~~
- ~~M. Retail sales and service, low impact, subject to the additional requirements for specified uses in § 120-146.1.~~
- ~~N. Retail sales and service, specialty, subject to the additional requirements for specified uses in § 120-146.1.~~
- ~~L. O.—Health clubs and similar facilities.~~
- ~~M. P.—Theaters.~~
- ~~N. Q.—Amusement center.~~
- ~~O. R.—Outdoor entertainment.~~
- ~~P. S.—Office.~~
- ~~Q. T.—Motels and hotels.~~
- ~~R. U.—Bars, restaurants and banquet facilities, including outdoor seating/assembly and drive-throughs, subject to the additional requirements for specified uses in § 120-136.~~
- ~~S. V.—Drive-throughs, subject to the additional requirements for specified uses in § 120-136.~~
- ~~T. W.—Warehouse and wholesale distribution facilities under 15,000 square feet.~~
- ~~U. X.—Light industrial services when conducted entirely within a completely enclosed building.~~
- ~~V. Y.—Research laboratories including testing facilities.~~
- ~~W. Z.—Automotive-related uses, including car washes, vehicle service stations, vehicle sales, vehicle rental services, vehicle repair stations including commercial vehicle repair, and vehicle sales accessory to vehicle repair stations, subject to the additional requirements for specified uses in Article XVIII.~~
- ~~X. AA.—Parking lots as a principal use, including ancillary community garages and parking lots, subject to the additional requirements for specified uses in § 120-131.~~
- ~~Y. BB.—Sexually oriented businesses, subject to the additional requirements for specified uses in § 120-148, including only limited adult retail store, adult retail store and escort agency.~~
- Z. Pawnbrokers.
- AA. Secondhand dealers.

~~CC. Pawnbrokers, subject to the additional requirements for specified uses in § 120-146.1.~~

§ 120-63. Limited uses.

The following limited uses in the CCD Center City District shall meet the requirements set forth in Article XVIII, Additional Requirements for Specified Uses:

~~F. Retail sales and service, high impact.~~

§ 120-76. PMV Public Market Village District.

A. Permitted uses and structures. The following uses are permitted in the PMV District:

~~(10) Retail sales and service, low impact, subject to the additional requirements for specified uses in § 120-146.1.~~

~~(11) Retail sales and service, specialty, subject to the additional requirements for specified uses in § 120-146.1.~~

~~(12) Retail sales and service, full-line food store, subject to the additional requirements for specified uses in § 120-146.1.~~

~~(11) (13) Bars, restaurants and the like including outdoor seating/assembly areas, provided that the outdoor areas only operate between the hours of 6:00 a.m. and 11:00 p.m., but excluding drive-through facilities.~~

~~(12) (14) Manufacturing uses when the products are sold as retail for an individual consumer.~~

~~(13) (15) Parks and recreation uses.~~

§ 120-77. H-V Harbortown Village District.

A. Permitted uses and structures. The following uses are permitted as of right in the H-V Harbortown Village District:

(7) The following uses are permitted as of right in the H-V Harbortown Village District if located 30 feet or more from the edge of the Genesee River, subject to site plan approval:

~~(f) Retail sales and services, specialty.~~

~~(g) (f) Retail sales and services, low impact, not exceeding 2,500 square feet.~~

B. Special permit uses. The following uses are allowed as special permit uses in the H-V District:

~~(13) Retail sales and service, full-line food store, subject to the additional requirements for specified uses in § 120-146.1.~~

~~(14) Outdoor storage, subject to the additional requirements set forth in § 120-175.~~

§ 120-81. Permitted uses and structures.

A. The following uses are permitted in the M-1 District:

(1) The following uses are permitted when conducted in a fully enclosed building:

~~(n) Retail sales and service, full-line food store, when in an existing building, subject to the additional requirements for specified uses in § 120-146.1.~~

B. The following uses are permitted in the M-1 District when located in any existing multistory building or a single-story building not originally designed for industrial purposes:

~~(3) Retail sales and service, low-impact, subject to the additional requirements for specified uses in § 120-146.1.~~

~~(4) Retail sales and service, specialty, subject to the additional requirements for specified uses in § 120-146.1.~~

~~(4) (5) Offices and clinics.~~

~~(5) (6) Bars, restaurants and banquet facilities.~~

~~(6) (7) Entertainment, subject to the additional requirements for specified uses in § 120-137.~~

~~(7) (8) Public and semipublic uses.~~

~~(8) (9) Day-care centers.~~

~~(9) (10) Funeral parlors and mortuaries.~~

~~(10) (11) Places of worship.~~

~~(11) Pawnbrokers.~~

~~(12) Secondhand dealers.~~

§ 120-83. Special permit uses.

The following uses are allowed as special permit uses in the M-1 District:

A. The following uses, when located in a single-story building originally designed for industrial purposes or a vacant lot,

subject to a marketability analysis as set forth in § 120-192. The Planning Commission may, in approving a special permit, waive or modify the off-street parking requirements if it finds such action is warranted by reason of the nature of the occupancy, location of the property or availability of shared or public parking facilities.

~~(1) Retail sales and services, high-impact low-impact and specialty, subject to the additional requirements for specified uses in § 120-146.1.~~

~~(11) Pawnbrokers, subject to the additional requirements for specified uses in § 120-146.1.~~

§ 120-120. Zoning designations and modifications.

L. Brooks Landing Urban Renewal District.

(1) Land use areas. The District is divided into three land use areas which are comparable to zoning districts listed in the Rochester Zoning Code:

The Open Space land use area (O-S) located along the edge of the Genesee River will remain in City ownership as dedicated parkland. The Neighborhood Commercial land use area (C-1) provides infill development and renovation opportunities on the west side of Genesee Street and nearly two acres of new commercial development opportunities on the east side of Genesee Street north of Brooks Avenue. The Riverfront Commercial land use area (C-2) on the east side of Genesee Street south of Brooks Avenue will provide unique riverfront development opportunities.

(b) Neighborhood Commercial Land Use. The Neighborhood Commercial land use area is comparable to the C-1 Neighborhood Center District. In the sections of the District designated on the Land Use Map as "C-1," all of the requirements of the C-1 shall apply, except as follows:

[1] Permitted uses. The following uses are permitted in the Neighborhood Commercial land use area when conducted entirely within an en-

closed building:

[c] Retail sales and services, ~~full-line food stores, low-impact and specialty,~~ subject to the additional requirements for specified uses in § 120-146.1.

(c) Riverfront Commercial Land Use. The Riverfront Commercial land use area is comparable to the C-2 Neighborhood Center District. In the sections of the District designated on the Land Use Map as "C-2," all of the requirements of the C-2 shall apply, except as follows:

[1] Permitted uses:

[c] Retail sales and service, ~~full-line food stores, low-impact and specialty,~~ subject to the additional requirements for specified uses in § 120-146.1, when conducted in an entirely closed building.

M. Erie Canal Urban Renewal District.

(1) Permitted uses:

(d) Retail sales and service, ~~full-line food stores, low-impact and specialty,~~ subject to the additional requirements for specified uses in § 120-146.1.

N. La Marketa North Clinton Avenue Urban Renewal District.

(1) All of the requirements of the C-2 Zoning District shall apply except as follows:

Permitted uses:

(b) Retail sales and service, ~~full-line food stores, low-impact and specialty,~~ subject to the additional requirements for specified uses in § 120-146.1.

(2) Special permit uses:

(e) ~~Retail sales and service, high-impact,~~ subject to the additional requirements for specified uses in § 120-146.1.

Planned Development District No. 9 (Canalside Business Center)

B. Permitted uses and structures.

(1) The following uses are permitted in Sub-Area 1 when located in an enclosed building:

(t) Retail sales and service, ~~full-line food store, high-impact, low-impact and specialty,~~ subject to the additional requirements for specified uses in § 120-146.1.

Planned Development District No. 15 Culver Road Armory

B. Permitted uses. The Culver Road Armory Planned Development District is comprised of three separate buildings as depicted on the development concept plan/site plan (Building I, Building II and Building III).

(1) All of the following uses are permitted in Buildings I, II and III. For non-residential uses, all activities shall occur within a completely enclosed building, and the hours of operation shall be limited to 6:00 a.m. to 2:00 a.m.

(e) Retail sales and services, ~~low-impact, specialty and full-line food.~~

D. Special permit uses.

(2) ~~Retail sales and services, high-impact, operating between the hours of 6:00 a.m. and 2:00 a.m.~~

(2) (3) Any temporary use which exceeds five occurrences per calendar year.

(3) (4) Bars, restaurants and banquet facilities in Building III.

(4) (5) Entertainment in Building III.

Planned Development District (No. 16) Century-Strathallan

B. Permitted uses. Permitted uses in PD No. 16 are specified for each of the three sub-areas comprising the district:

(3) Subarea 3: 566 East Avenue (main building and carriage house) and 586 East Avenue (parking lot).

(f) Retail sales and services, ~~specialty and low-impact.~~

Section 4. Chapter 120 of the Municipal Code, Zoning, as amended, is hereby further amended in Section 120-159, Non-residential and mixed-use building standards, to amend subsections B(6) and

B(7) thereof as follows:

B. Windows and transparency.

(6) The installation of any device which obstructs transparency or impacts the architectural design of a window is not permitted. This prohibition includes the blocking of windows with interior shelving or the like, but does not apply to nonpermanent devices such as curtains, blinds, shades and nonopaque roll-down grills.

~~(7) In addition to the standards of this section, new construction and reoccupancy of an existing building with high impact retail sales and service and pawnbrokers are subject to the design standards of § 120-146.1B.~~

Section 5. Chapter 120 of the Municipal Code, Zoning, as amended, is hereby further amended in Section 120-199, Nonconforming use, to amend a subsection G(1) thereof as follows:

G. Abandonment or discontinuance.

(1) When the active operation of all or a portion of a nonconforming use is discontinued or abandoned for a period of nine consecutive months, ~~except for nonconforming high impact retail sales and service, for which the period shall be three consecutive months,~~ regardless of any intent to resume or not to abandon the use, the use or portion thereof shall not be reestablished or resumed. The active operation of a use shall be the typical or normal activities associated with the use. In the case of abandonment or discontinuance of all of a nonconforming use, any subsequent use or occupancy of such land or structure shall comply with the use regulations of the zoning district in which such structure is located. In the case of abandonment or discontinuance of a portion of a nonconforming use, the remaining occupied portion of the nonconforming use may continue subject to the provisions of this subsection.

Section 6. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

Ordinance No. 2016-264
(Int. No. 305)

Amending Chapter 90 of the Municipal Code with respect to retail sales

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

Section 1. Chapter 90, Article II of the Municipal Code, Business Permits, as amended, is hereby further amended by amending Section 90-32, Definitions, to read in its entirety as follows:

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

AUTOMOBILE SERVICE FACILITY

A premises where motor vehicles are sold, leased, repaired or serviced. This definition shall include gasoline stations and car wash facilities.

BAR

A premises where alcoholic beverages are sold for consumption on the premises; or a premises operated for profit or pecuniary gain or as a place of assembly where alcoholic beverages are provided by the operator of the premises, his or her agents, servants or employees, or are brought onto said premises by persons assembling there.

BUSINESS

An automobile service facility, bar, restaurant, ~~high impact retail store~~ or salon as defined herein.

HIGH-IMPACT RETAIL STORE

~~Any business not otherwise covered by this section which is accessible to the public, where food, goods, merchandise or equipment is sold at retail and where tobacco, tobacco paraphernalia, smoking paraphernalia, including products that contain nicotine, liquid nicotine, vapors or inhalants and/or involve the on-site inhaling or smoking of such products, and/or lottery tickets are sold, in a premises with a total floor space of less than 20,000 square feet.~~

RESTAURANT

A premises where food and/or beverages are sold to be consumed on the premises. This definition shall not include a premises where a nonalcoholic beverage or snack is available but is incidental to the conduct of the business at the premises.

SALON

An establishment where a hairdresser, barber or beautician conducts his or her trade, or a body piercing studio or a tattoo studio, other than a home occupation.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text.

Passed unanimously.

**TO THE COUNCIL
Ladies and Gentlemen:**

Ordinance No. 2016-265
Re: Amendment - 2016-17 Consolidated
Community Development Plan,

Housing Opportunities for Persons with AIDS

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the Housing Opportunities for Persons with AIDS (HOPWA) program as described in the 2016-17 Consolidated Community Development Plan (Con Plan). This legislation will:

1. Appropriate \$31,034 of unallocated of 2016-17 HOPWA funds from the 2016-17 Housing Choice Fund, HOPWA account of the Con Plan for program implementation;
2. Amend agreements authorized via Ordinance No. 2016-151 by increasing the agreement with Trillium Health, Inc. by \$18,621 for a total maximum compensation of \$401,369, and increasing the agreement with Catholic Charities of the Diocese of Rochester d/b/a Catholic Charities Community Services by \$12,413 for a total maximum compensation of \$267,579. Both agreements are for HOPWA program implementation that will be financed from the HOPWA funds appropriated herein;
3. Authorize a technical amendment to the 2016-17 Annual Action Plan to revise HOPWA goals to provide 65 households with Short Term Rent Mortgage Utilities services and 55 households with Tenant-Based Rental Assistance services; and
4. Authorize the Director of Finance to record all transfers herein and to make adjustments to the amounts set forth above which may have changed prior to the date of this ordinance.

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

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

HOPWA-related legislation was last authorized on May 17, 2016 via Ordinance No. 2016-151. This legislation supports Section 4 of the City of Rochester Housing Policy: *Promote Housing Choice*.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-265
(Int. No. 306)

Appropriating funds, authorizing amendatory agreements and amending the 2016-17 Consolidated Community Development Plan for Housing Opportunities for Persons with AIDS

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

Section 1. The sum of \$31,034 in 2016-17 Housing Opportunities for Persons with AIDS (HOPWA) grant program funds from the Housing Choice fund of the Housing Opportunities for Persons with Aids account of the 2016-17 Consolidated Community Development Plan/Annual Action Plan is hereby appropriated to finance HOPWA program implementation.

Section 2. The Mayor is hereby authorized to enter into amendatory agreements with Trillium Health, Inc., to increase maximum compensation under the existing agreement authorized in Ordinance No. 2016-141 by \$18,621 for a total of \$401,369 and with Catholic Charities of Diocese of Rochester d/b/a Catholic Charities Community Services to increase maximum compensation under the existing agreement authorized in Ordinance No. 2016-151 by \$12,413 for a total of \$267,579. Said amounts shall be funded from the funds appropriated in Section 1. The agreement shall be for one year with an option to extend for an additional year if funds remain in the original appropriation.

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

Section 4. The Council hereby approves a technical amendment to the 2016-17 Consolidated Community Development Plan/Annual Action Plan adopted in Ordinance No. 2016-151 to revise HOPWA goals to provide 65 households with Short Term Rent Mortgage Utilities services and 55 households with Tenant-Based Rental Assistance services.

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

Section 6. This ordinance shall take effect immediately

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, McFadden, Miller, Ortiz, Patterson, Spaul - 8.

Nays - None - 0.

Councilmember Haag abstained due to a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-266
Re: Municipal Code Amendment-
Deleting Chapter 78, Private
Parking Lot Licensing

Transmitted herewith for your approval is legislation authorizing the deletion of Chapter 78 from the Municipal Code. Originally enacted in 1976, Chapter 78 required an operating licensing for and placed additional regulatory requirements upon private parking lots located within the C-4 Central Business District (CBD) and the Mixed Use Gateway (M-U-G) zoning districts of the City of Rochester. Chapter 78 has been inactive since at least the present Zoning Code went into effect in 2003, as the present Zoning Code does not contain C-4 or M-U-G designations.

The inactive status of Chapter 78 appears to have gone unnoticed for more than a decade because of the absence of significant complaints about private parking lots. The City regulates private parking lots by several means other than Chapter 78, including Zoning Code provisions that regulate off-street parking, ancillary parking lots, signage, pavement set-backs, landscaping, Center City District (CCD) parking lot design criteria, and district-specific regulations delineating where parking lots are permitted or specially permitted. Under Municipal Code Chapter 90, the City enforces the State Property Maintenance Code for parking lots, and Municipal Code Chapter 39 requires a City building permit for parking lots for three or more vehicles.

The primary purpose of Chapter 78, as described at Section 78-1, is to preserve "the unique character of the Central Business District as the symbolic focus of the Rochester area and as the regional commercial, office and cultural center." The Department of Neighborhood and Business Development continues to promote that purpose through its existing zoning and building code enforcement programs without the need of the parking lot licensing program under Chapter 78.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-266
(Int. No. 307)

Amending the Municipal Code with respect to parking lots

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

Section 1. Chapter 78 of the Municipal Code, Parking lots, relating to the regulation of private parking lots in certain zoning districts, is hereby deleted in its entirety.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-267
Re: Agreement- Volunteer Legal Services

Project of Monroe County, Seniors
Program/Legal Services

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum compensation for an agreement with the Volunteer Legal Services Project of Monroe County to administer and manage the Helping Elders Law Project (HELP Project) and appropriating \$30,000 of Community Development Block Grant funds from the 2016-17 Annual Action Plan of the Consolidated Community Development Plan, Seniors Program/Legal Services allocation of the General Community Needs Goal to fund the agreement.

The HELP Project is offered through the pro bono services of a local law firm, Harter Secrest and Emery. The firm will deliver services to elderly Rochester Housing Authority residents on-site, creating wills, healthcare proxies/living wills, powers of attorney and funerary plans.

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-151

Ordinance No. 2016-267
(Int. No. 308)

Appropriating funds for the Helping Elders Law Project

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Volunteer Legal Services Project of Monroe County to implement and manage the Helping Elders Law Project for a maximum compensation of \$30,000.

Section 2. There is hereby appropriated from the Seniors Program/Legal Services allocation of the General Community Needs fund of the 2016-17 Consolidated Community Development Plan - Annual Action Plan, the sum of \$30,000, or so much thereof as may be necessary, to fund the agreement.

Section 3. The agreement shall have a term of one year with the option to extend for an additional year if there are remaining funds from the appropriation in Section 2.

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

Section 5. The City will enter into agreements for this project only with organizations that are in

compliance with federal regulations.

Section 6. This ordinance shall be effective immediately.

Passed unanimously.

By Councilmember Haag
August 9, 2016

To the Council:

The Parks & Public Works Committee recommends for adoption the following entitled legislation:

Int. No. 309 - Authorizing an amendatory professional services agreement and appropriating funds for the Mt. Hope Avenue Phase 2 Improvements Project

Int. No. 310 - Authorizing an amendatory agreement with Bergmann Associates for planning, design and engineering services, including preparation of an application for a federal Transportation Investment Generating Economic Recovery grant

Int. No. 311 - Authorizing an amendatory professional services agreement with C&S Engineers, Inc. for the 2015 Preventive Maintenance Contract 1 project

Int. No. 312 - Authorizing a professional services agreement, amendatory agreement, and appropriation of funds related to the 2016 Preventive Maintenance, Group #3 project

Int. No. 313 - Bond Ordinance of the City of Rochester, New York, authorizing the issuance of \$650,000 Bonds of said City to finance the reconstruction of certain portions of North Goodman Street, East Main Street, Allen, Brown and Wilder Streets and Morrie Silver Way related to the 2016 Preventive Maintenance, Group #3 project

Int. No. 314 - Authorizing agreements and appropriating funds for the Driving Park Bridge Preventive Maintenance Project

Int. No. 315 - Authorizing the acquisition by negotiation or condemnation of temporary easements, permanent easement and an uneconomic remainder parcel for the Dewey Avenue and Driving Park Intersection Realignment Project, as amended

Int. No. 316 - Amending the Official Map by dedicating permanent easements to street purposes for the Dewey Avenue and Driving Park Intersection Realignment Project

Int. No. 322 - Authorizing an agreement with Joseph C. Lu Engineering and Land Surveying, P.C. for resident project representation services for the Cornerstone Park Improvement Project

Respectfully submitted,
Matt Haag
Michael A. Patterson

Elaine M. Spaul
Dana K. Miller
Loretta C. Scott
PARKS & PUBLIC WORKS COMMITTEE

Received, filed, and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-268
Re: Amendatory Agreement - Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors D.P.C., Mt. Hope Avenue Phase 2 Improvements Project

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

1. Appropriate \$313,600 in anticipated reimbursements from the Federal Highway Administration (FHWA) to finance a portion of the design services for the project; and
2. Appropriate \$120,000 in anticipated reimbursements from the New York State (NYS) Marchiselli Aid Program to finance a portion of the design services for the project; and
3. Establish \$705,000 as maximum compensation for an amendatory agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors D.P.C., Rochester, New York, for the completion of the design, bid and award of the Mt. Hope Phase 2 Improvements.

The original agreement with Bergmann (\$35,000) was authorized in June 2015 (Ord. No. 2015-198) and amended (\$11,000) in July 2016 (Ord. No. 2016-243). This amendatory amendment will increase maximum compensation to a total of \$751,000. The term of the agreement is six months after completion and acceptance of the construction of the project.

The cost of the agreement will be financed from the \$313,600 in federal funds appropriated above, \$160,800 in federal funds appropriated by City Council in July 2015 (Ord. No. 2015-243), \$93,969.45 in Marchiselli Aid funds appropriated above, \$6,900 in Prior Years' Cash Capital, \$41,204.71 in 2011-12 Cash Capital, \$41,972.21 in 2012-13 Cash Capital, \$35,381.29 in 2013-14 Cash Capital and \$57,172.34 in 2014-15 Cash Capital.

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

Bergmann had previously performed the planning for Phases 1 and 2 of the Mt. Hope Project, completed the design, bidding, award and construction inspection, and are currently completing the reeval-

uation statement for Mt. Hope Avenue Phase 2 project corridor. Throughout this work they have acquired a deep knowledge of the roadway and have established a rapport with the surrounding neighborhood.

The design will begin in fall 2016 with completion scheduled for fall 2017. The amendatory agreement will result in the creation and/or retention of the equivalent of 7.7 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-152

Ordinance No. 2016-268
(Int. No. 309)

Authorizing an amendatory professional services agreement and appropriating funds for the Mt. Hope Avenue Phase 2 Improvements

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

Section 1. The sum of \$313,600 in anticipated reimbursements from the Federal Highway Administration (FHWA) is hereby appropriated to finance a portion of the design services for the Mt. Hope Avenue Phase 2 Improvements (Project).

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

Section 3. The Mayor is hereby authorized to enter into an amendatory professional services agreement between the City and Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. to complete Project design and the bid and award of Project contracts and to increase the maximum compensation under the agreement authorized in Ordinance No. 2015-198 and amended in Ordinance No. 2016-243 by \$705,000 to a total of \$751,000.

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

Section 5. The agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-269
Re: Amendatory Agreement - Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors D.P.C., TIGER Application Preparation

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an amendatory agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors D.P.C., Rochester, New York, for additional planning and design phase services related to the Vacuum Oil Site Remediation. The original agreement with Bergmann Associates established \$725,000 as maximum compensation for planning and engineering services related to the Vacuum Oil/South Genesee River Corridor Brownfield Opportunity Area (BOA) (Ord. No. 2014-253), and the proposed amendatory agreement will increase total maximum compensation to \$775,000. The amendatory agreement will be funded from 2013-14 Cash Capital, and the term remains the same as in the original agreement.

As evidenced by the recent findings of the Rose Fellowship, enhancement of our riverfront is viewed as a crucial component of Rochester's revitalization. Projects such as Genesee Valley Park West, West River Wall, Erie Harbor Park, Garden Aerial, and the Port of Rochester Marina, in addition to the Vacuum Oil BOA, all share the vision of enhanced, continuous access to the Genesee River. The City seeks to address the barriers that prevent continuous public access to the riverfront through Downtown. Developing concept-level plans and estimates for this important work is consistent with the ongoing planning efforts Bergmann Associates is leading at the Vacuum Oil BOA. A complete and continuous Riverway Trail will knit these investments together, attracting more visitors to the city, thereby generating further investment and economic opportunity. This additional planning work will position Rochester for upcoming competitive funding opportunities at the State and federal levels.

The amendatory agreement will fund the following services: advancing concept-level planning and engineering for the Transportation Investment Generating Economic Recovery (TIGER) grant application, preliminary cost estimates, public meetings and input opportunities, benefit-cost analysis and preparation of anticipated grant application(s) for design and construction of the recommended alternative(s).

This additional planning work is anticipated to begin in late summer 2016, resulting in a concept plan for implementation in spring 2017. Grant applications for funding design and construction of the recommended alternative(s) are anticipated to be developed in spring/summer 2017. If successful, construction could begin as early as fall 2019. The amendatory agreement will result in the crea-

tion and/or retention of the equivalent of 0.5 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-269
(Int. No. 310)

Authorizing an amendatory agreement with Bergmann Associates for planning, design and engineering services, including preparation of an application for a federal Transportation Investment Generating Economic Recovery 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 amendatory agreement between the City and Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. to amend the professional services agreement for environmental services in connection with the Vacuum Oil site remediation that was authorized in Ordinance No. 2014-253. The amendatory agreement shall increase the original agreement's maximum compensation by \$50,000 for a total of \$775,000 and shall provide for planning, design and engineering services for the preparation of an application for a federal Transportation Investment Generating Economic Recovery (TIGER) grant and for implementing the recommended development alternative(s) derived from the planning and application process.

Section 2. The amount of \$50,000 in 2013-14 Cash Capital is hereby appropriated to fund the amendatory agreement. The amendatory agreement shall have an initial term of two years with provisions for up to two additional one-year extensions.

Section 3. The amendatory agreement shall contain such other 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. 2016-270
Re: Amendatory Agreement - C&S
Engineers, Inc., 2015 Preventive
Maintenance Contract 1 Project

Transmitted herewith for your approval is legislation establishing \$12,000 as maximum compensation for an amendatory agreement with C&S Engineers, Inc. for design services related to the 2015 Preventive Maintenance Contract 1 Project (Lyell Avenue, Clifford Avenue, Norton Street, and East Ridge Road). The original agreement for \$172,000

was authorized in January 2014 (Ord. No. 2014-10). This amendment will increase maximum compensation by \$12,000 to a total of \$184,000. The term of the amendatory agreement may extend until six months after completion and acceptance of the construction of the Project, and the cost will be funded from 2012-13 Cash Capital.

The 2015 Preventive Maintenance Contract 1 Project is a milling and resurfacing project design by C & S Engineers, Inc. The project includes milling and resurfacing four arterial streets; adjustments to catch basin frames and grates, water valves and sewer castings; spot street base and sidewalk repair; installation of truncated domes at sidewalk ramps; installation of new pavement markings; and replacement of traffic loops.

The project began construction in fall 2015 and will be complete by fall 2016. The amendatory agreement will result in the creation and/or retention of the equivalent of 0.1 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-270
(Int. No. 311)

Authorizing an amendatory professional services agreement with C&S Engineers, Inc. for the 2015 Preventive Maintenance Contract 1 project

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement between the City and C&S Engineers, Inc. for design services for the 2015 Preventive Maintenance Contract 1 project (Project). The amendment shall increase the maximum compensation in the agreement authorized in Section 5 of Ordinance No. 2014-10 by \$12,000 to a total of \$184,000. Said amount shall be funded from 2012-13 Cash Capital. The term of the amendatory agreement may extend until six months after completion and acceptance of the construction of the Project.

Section 2. This amendatory agreement shall contain such other 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. 2016-271 and
Ordinance No. 2016-272
Re: 2016 Preventive Maintenance
Group #3 Project

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation related to the 2016 Preventive Maintenance Group #3 Project (North Goodman Street, East Main Street, Allen Street, Brown Street, Morrie Silver Way and Wilder Street) as follows:

1. Appropriate \$2,970,400 in anticipated reimbursements from the Federal Highway Administration (FHWA) to finance a portion of the construction and construction inspection services for the Project;
2. Appropriate \$557,000 in anticipated reimbursements from the New York State (NYS) Marchiselli Aid Program to finance a portion of the construction and construction inspection services for the Project;
3. Authorize the issuance of bonds totaling \$650,000 and the appropriation of the proceeds thereof to partially finance the street portion of the Project;
4. Establish \$614,000 as maximum compensation for an agreement with Erdman Anthony and Associates Inc. for resident project representation (RPR) services;
5. Establish \$41,000 as maximum compensation for an amendatory agreement with Erdman Anthony and Associates Inc. for design services. The original agreement for \$289,000 was authorized in December 2014 (Ord. No. 2014-394), the amendment brings total compensation to \$330,000. The term of the amendatory agreement may extend until six months after completion and acceptance of the construction of the Project, and the cost will be funded from 2012-13 Cash Capital (\$37,955) and 2013-14 Cash Capital (\$3,045).

This federal aid project, administered by the City under agreement with the NYS Department of Transportation (DOT) includes seven locations:

- North Goodman Street (Conrail to Garson Avenue);
- East Main Street (North Clinton Avenue to North Goodman Street);
- Allen Street (Brown Street to Morrie Silver Way);
- Brown Street (West Main Street to State Street);
- Morrie Silver Way (Oak Street to State Street);
- Wilder Street (Grape Street to Brown Street)

Additionally, the City has an NYS Multi Modal grant for improvements to the North Goodman and East Main Streets intersection. These funds were appropriated by City Council via Ordinance No. 2014-394.

Bids for construction were received on July 7, 2016. The apparent low bid of \$3,802,000 was submitted by Sealand Contractors Corp., which is 10% more than the engineer's estimate. An additional \$146,659 will be allocated for project contingencies.

Funding for the project is as follows:

Source	Construction	Contingency	RPR	Total
FHWA	\$2,539,200	\$ 0	\$431,200	\$2,970,400
NYS Marchiselli Aid	476,100	50	80,850	557,000
NYS Multi Modal	174,487	63,515	35,998	274,000
Street Bond	518,199	73,475	58,326	650,000
Prior Years' Cash Capital	6,324	2,672	404	9,400
Monroe County DOT Cash Capital	52,037	0	7,222	59,259
Rochester Pure Waters District (Ord. No. 2016-160)	35,653	6,347	0	42,000
2014-15 Cash Capital	0	600	0	600
Total	\$3,802,000	\$146,659	\$614,000	\$4,562,659

The project will begin construction in summer 2016 and will be substantially complete by fall 2017. The project's construction and RPR services will result in the creation and/or retention of the equivalent of 49.7 full-time jobs.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AP-153

Ordinance No. 2016-271
 (Int. No. 312)

Authorizing a professional services agreement, amendatory agreement, and appropriation of funds related to 2016 Preventive Maintenance, Group #3

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Erdman Anthony and Associates Inc. for project representation services related to 2016 Preventative Maintenance, Group #3 (Project). Maximum compensation shall be \$614,000, and shall be funded with \$431,200 from the Federal Highway Administration (FHWA) funds appropriated in Section 3; \$80,850 from the New York State Marchiselli Aid appropriated in Section 4; \$35,998 from New York State Multi Modal grant funds appropriated in Ordinance No. 2014-394; \$58,326 to be appropriated by a bond ordinance to fund Project street improvements; \$404 from Prior Years' Cash Capital; and \$7,222 from Monroe County Department of Transportation Cash Capital. The term of the agreement may extend until two years after completion and final acceptance of the Project.

Section 2. The Mayor is hereby authorized to enter into an amendatory agreement with Erdman Anthony and Associates Inc. that amends the agreement authorized in Ordinance No. 2014-394 to increase the maximum compensation by \$41,000, for a total compensation of \$330,000, and to provide for additional design services. The increased amount shall be funded \$37,955 from 2012-13 Cash Capital and \$3,045 from 2013-14 Cash Capital. The term of the amendatory agreement shall extend until six (6) months after completion and final acceptance of the Project.

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

Section 4. \$2,970,400 in anticipated reimbursements from the Federal Highway Administration (FHWA) is hereby appropriated to finance a portion of the construction and inspection services related to the Project.

Section 5. \$557,000 in anticipated reimbursements from the New York State Marchiselli Aid Program is hereby appropriated to finance a portion of the construction and inspection services related to the Project.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2016-272
(Int. No. 313)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$650,000 Bonds of said City to finance the reconstruction of certain portions of North Goodman Street, East Main Street, Allen, Brown and Wilder Streets

and Morrie Silver Way related to the 2016 Preventive Maintenance, Group #3 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 milling, resurfacing and reconstruction of certain portions of North Goodman Street (Conrail to Garson Avenue), East Main Street (North Clinton to North Goodman), and portions of Allen Street, Brown Street, Wilder Street and Morrie Silver Way related to the 2016 Preventative Maintenance, Group #3 project in the City, including new curbing, sidewalks, manholes, basins, water valve castings and other roadway improvements (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 \$4,562,659. The plan of financing includes the issuance of \$650,000 bonds of the City, which amount is hereby appropriated therefor, \$2,970,400 in anticipated reimbursements from the Federal Highway Administration and \$557,000 in NYS Marchiselli Aid Program reimbursements, each authorized contemporaneously herewith, a \$274,000 NYS Multi-Modal Grant (Ordinance 2014-394), \$9,400 in Prior Years' Cash Capital, \$600 in 2014-15 Cash Capital, \$32,150 in 2011-12 Monroe County Department of Transportation Cash Capital, \$27,109 in 2013-14 Monroe County Department of Transportation Cash Capital, \$42,000 from the Rochester Pure Waters District (Ordinance No. 2016-160) 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 \$650,000 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 \$650,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-273
Re: Driving Park Bridge Preventive
Maintenance Project

Transmitted herewith for your approval is legislation related to the Driving Park Bridge Preventive Maintenance Project. This legislation will:

1. Authorize an agreement establishing \$700,000 as maximum compensation for an agreement with LaBella Associates, D.P.C., Rochester, New York, for resident project representation (RPR) services; and
2. Establish \$49,000 as maximum compensation for an amendatory agreement with LaBella Associates, D.P.C. for additional design services related to the Project, increase maximum compensation to a total of \$299,000; and
3. Appropriate \$1,450,400 in anticipated reimbursements from the Federal Highway Administration (FHWA) to finance a portion of the federal share of the construction, RPR services and project administration; and
4. Appropriate \$721,500 in anticipated reimbursements from the New York State Department of Transportation (NYSDOT) Marchiselli Aid Program to finance a portion of the State's share of the construction, RPR services and project administration.

Inspections of the Driving Park Bridge indicate that specific bridge-elements have reached a point of deterioration whereby preventative maintenance activities are warranted to prolong the life of the structure. Included in the project are the following work activities: full removal and replacement of the concrete deck for the main span (span 3), partial and localized deck repairs, removal and resetting of bridge railing, removal and replacement of curbs and sidewalks, structural steel repairs (span 3), expansion joint replacements, bridge washing, scupper cleaning, and localized paint repairs.

The project was initially let for construction in February 2015, however the initial bids exceeded the engineer's estimate and the project budget. The City requested additional federal and State Aid through the Genesee Transportation Council (GTC). On February 26, 2016, the City was notified that additional funding would be included in the State's Transportation Improvement Plan (STIP), thus allowing the project to move forward.

Participation in the project and receipt and use of federal funds were authorized in August 2012 (Ordinance 2012-331). Design services with LaBella Associates, D.P.C. were authorized in September 2012 (Ordinance 2012-370). Ordinance 2015-298 amended the design agreement to supplant \$37,500 in local Cash Capital with State Marchiselli Aid. Federal appropriations for the construction, RPR services and project administra-

tion in the amount of \$2,398,400 were previously authorized via Ordinance 2015-43, while the appropriations contained herein increase the total federal appropriations for construction, RPR and project administration to \$3,848,800.

State Marchiselli Aid in the amount of \$721,500 is hereby appropriated to fund 75% of the local share of construction, RPR services and administration. The remaining portion of the local share (25%) and the project betterments are the City's responsibility, and will be funded from bonds previously authorized for the construction, RPR services and project administration via Ordinance Nos. 2015-44 (\$300,000) and 2015-45 (\$600,000).

The original agreement with LaBella Associates, D.P.C. established \$250,000 as maximum compensation for preliminary and final engineering services related to the Driving Park Bridge Preventive Maintenance Project (Ord. No. 2012-370). The proposed amendatory agreement will increase maximum compensation by \$49,000 and will be funded by 2012-13 (\$29,450) and 2014-15 (\$19,550) Cash Capital allocations. Additional services are required to modify contract drawings, revise technical specifications, conduct public outreach and comply with Federal and State procedural clauses.

LaBella Associates, D.P.C. was selected to provide RPR services from the NYSDOT list of pre-approved regional engineering firms, which is described in the attached summary. The agreement is being funded from federal aid appropriations (\$560,000), State Marchiselli Aid (\$105,000) and proceeds for the previously issued bond (\$35,000).

The agreement may extend until two years after final acceptance of the project.

Project finances are summarized as follows:

Driving Park Bridge Preventive Maintenance Project						
Phase	Estimated Cost	Funding Sources				
		Federal	State Aid	Local Bonding	Cash Capital	Operating Budget
Design	\$ 299,000	\$ 200,000	\$ 37,500	\$ 0	\$61,500	\$ 0
Construction	4,400,000	3,276,800	614,400	508,800	0	0
RPR Services	700,000	560,000	105,000	35,000	0	0
Contingency	128,550	0	0	128,550	0	0
Admin	25,850	20,800	2,100	0	0	2,950
TOTALS	\$5,553,400	\$4,057,600	\$759,000	\$672,350	\$61,500	\$2,950

It is anticipated that construction will begin in December 2016 with scheduled completion in late fall 2017. The Project results in the creation/retention of the equivalent of 62 full-time jobs.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AP-154

Ordinance No. 2016-273
 (Int. No. 314)

Authorizing agreements and appropriating funds for the Driving Park Bridge Preventive Maintenance 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 LaBella Associates, D.P.C. for resident project representation (RPR) services for the Driving Park Bridge Preventative Maintenance Project (Project) in a maximum amount of \$700,000. The cost of said agreement shall be funded

by portions of the appropriations of federal aid authorized in Section 4 (\$560,000), the State Marchiselli Aid appropriated in Section 5 (\$105,000), and proceeds from the previously issued bond authorized in Ordinance No. 2015-44 (\$35,000). The term of the agreement may extend until two years after final acceptance of the Project.

Section 2. The Mayor is hereby authorized to enter into an amendatory agreement between the City and LaBella Associates, D.P.C. to increase the maximum compensation under the Project design services agreement authorized in Ordinance No. 2012-370 by \$49,000 for a total of \$299,000. The amount of \$49,000 consisting of \$29,450 in 2012-13 Cash Capital and \$19,550 in 2014-15 Cash Capital is hereby appropriated to fund the amendatory agreement. The amendatory agreement may extend until six months after completion and acceptance of the construction of the Project.

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

Section 4. The sum of \$1,450,400 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration to fund a portion of the federal share of the Project's construction, RPR services and Project administration.

Section 5. The sum of \$721,500 is hereby appropriated from anticipated reimbursements from the New York State Department of Transportation Marchiselli Aid Program to fund a portion of the Project's construction, RPR services and administration costs.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-274 and
Ordinance No. 2016-275
Re: Dewey Avenue and Driving Park
Intersection Realignment Project

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

Transmitted herewith for your approval is legislation related to the Dewey Avenue and Driving Park Intersection Realignment Project. This legislation will authorize the acquisition, by negotiation or condemnation, of 15 properties at the Dewey Avenue and Driving Park Avenue intersection, and approve an Official Map Amendment that dedicates permanent easements from those properties to street and sidewalk purposes.

This project includes consolidating the offset intersection at Dewey Avenue and Driving Park Avenue, enhancing overall mobility for all users, reduce congestion and improve highway safety. Supporters of the project include the Maplewood Neighborhood Association, Department of Environmental Services / Bureau of Architecture and Engineering/Street Design Division, New York State Department of Transportation, and the Monroe County Department of Transportation.

The proposed acquisitions on Dewey Avenue and Driving Park Avenue include permanent easements (P.E.) and temporary easements (T.E.) and an uneconomic remainder that are necessary to realign the intersection. The value of this property was established by an independent appraisal performed by R.K. Hite & Co., Inc.

The total acquisition costs, including closing costs and relocation expenses, will not exceed \$1,213,277 and will be funded with \$713,512 from Federal Highway Administration funds (Ord. No. 2016-158); \$133,784 from New York State Marchiselli Aid (Ord. No. 2016-158); \$120,009 from Dormitory Authority of New York State funds (Ord. No. 2015-120); \$50,972 from Prior Years' Cash Capital; and \$195,000 from 2012-13 Cash Capital.

Address	Map #	Property Owner	Sq Ft	Value
373-375 Driving Park Ave.	1	ARC PRRCRNY001, LLC	363 P.E. & 1,408 T.E.	\$4,400
380 Driving Park Ave.	2	Thanh Trieu	40 P.E. & 120 T.E.	\$300
374-376 Driving Park Ave.	3	Scott Ruthven	80 P.E. & 80 T.E.	\$400
368-370 Driving Park Ave.	4	Joseph M. DiJune	200 P.E. & 192 T.E.	\$1,000
875 Dewey Ave & 354 Driving Park Ave.	13 & 5	9274 Group, Inc.	16,277 P.E.	\$1,035,500

875 Dewey Ave & 354 Driving Park Ave.	13 & 5	9274 Group, Inc.	17,691 T.E.	\$15,900
875 Dewey Ave & 354 Driving Park Ave.	13 & 5	9274 Group, Inc	Uneconomic Remainder	\$64,500
828-830 Dewey Ave.	6	Zhoubu Ni	48 T.E.	\$100
343 Driving Park Ave.	7	Total Information, Inc.	11 P.E.	\$100
321-331 Driving Park Ave.	8	321 Driving Park LLC	16 P.E.	\$100
320 Driving Park Ave.	9	Clinton E. Dixon	1,198 T.E.	\$2,400
315 Driving Park Ave.	10	Hudson Driving Garson LLC	57 P.E.	\$1,300
310 Driving Park Ave.	11	Almohanna LLC	84 T.E.	\$100
308 Driving Park Ave.	12	Michael E. Toombs	84 T.E.	\$100
877 Dewey Ave.	14	Isaac Benjamin	139 P.E. & 225 T.E.	\$700
881 Dewey Ave.	15	Tip Top Properties, LLC	78 P.E.	\$1,200

The project is being designed by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors D.P.C. Design of the project will be completed in fall 2016 and construction is scheduled to begin in winter 2016 with substantial completion in fall 2017.

Public outreach included three formal public meetings held at Aquinas Institute on May 19 and June 23, 2014, and July 20, 2015; and an Eminent Domain Procedure Law Hearing was held at City Hall on June 16, 2015. Minutes of these meetings are attached. The pavement, parking, and traffic control changes will be presented for endorsement at the August 2, 2016 Traffic Control Board meeting.

The associated Official Map Amendment was presented to the City Planning Commission during a public information meeting on June 13, 2016 and received a favorable recommendation. The minutes of that meeting are also attached. The legislation provides that the Official Map Amendment will go into effect when the acquisition of the permanent easements is complete.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-155

Ordinance No. 2016-274
(Int. No. 315, as amended)

Authorizing the acquisition by negotiation or condemnation of temporary easements, permanent easement and an uneconomic remainder parcel for the Dewey Avenue and Driving Park Intersection Realignment Project

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

Section 1. The Council hereby approves the acquisition of the following temporary easements (T.E.), permanent easements (P.E.) and an uneconomic remainder parcel for street purposes as a part of the Dewey Avenue and Driving Park Intersection Realignment Project, as depicted in the referenced maps, which are on file with the City Clerk:

Address	Map #	Property Owner	Sq Ft	Value
373-375 Driving Park Ave.	1	ARC PRRCRNY001, LLC	363 P.E. & 1,408 T.E.	\$4,400
380 Driving Park Ave.	2	Thanh Trieu	40 P.E. & 120 T.E.	\$300
374-376 Driving Park Ave.	3	Scott Ruthven	80 P.E. & 80 T.E.	\$400
368-370 Driving Park Ave.	4	Joseph M. DiJune	200 P.E. & 192 T.E.	\$1,000
875 Dewey Ave & 354 Driving Park Ave.	13 & 5	9274 Group, Inc.	16,277 P.E.	\$1,035,500
875 Dewey Ave & 354 Driving Park Ave.	13 & 5	9274 Group, Inc.	17,691 T.E.	\$15,900
875 Dewey Ave & 354 Driving Park Ave.	13 & 5	9274 Group, Inc	Uneconomic Remainder	\$64,500
828-830 Dewey Ave.	6	Zhoubu Ni	48 T.E.	\$100
343 Driving Park Ave.	7	Total Information, Inc.	11 P.E.	\$100
321-331 Driving Park Ave.	8	321 Driving Park LLC	16 P.E.	\$100

320 Driving Park Ave.	9	Clinton E. Dixon	1,198 T.E.	\$2,400
315 Driving Park Ave.	10	Hudson Driving Garson LLC	57 P.E.	\$1,300
310 Driving Park Ave.	11	Almohanna LLC	84 T.E.	\$100
308 Driving Park Ave.	12	Michael E. Toombs	84 T.E.	\$100
877 Dewey Ave.	14	Isaac Benjamin	139 P.E. & 225 T.E.	\$700
881 Dewey Ave.	15	Tip Top Properties, LLC	78 P.E.	\$1,200

Section 2. The total acquisition costs, including closing costs and relocation expenses, in a maximum amount of \$1,213,277 shall be funded with \$713,512 in Federal Highway Administration funds appropriated in Ordinance No. 2016-158; with \$133,784 in New York State Marchiselli Aid funds appropriated in Ordinance No. 2016-158; with \$120,009 in ~~Dormitory Authority of the State of New York funds authorized in Ordinance No. 2015-120~~ from 2014-15 Cash Capital; with \$50,972 from Prior Years' Cash Capital; and with \$195,000 from 2012-13 Cash Capital.

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

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

Ordinance No. 2016-275
(Int. No. 316)

Amending the Official Map by dedicating permanent easements to street purposes for the Dewey Avenue and Driving Park Intersection Realignment 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 dedicating to street purposes the permanent easements over certain parcels, which were authorized for acquisition by another ordinance approved contemporaneously herewith, as part of the Dewey Avenue and Driving Park Intersection Realignment Project, as more particularly described in maps on file with the City Clerk, and by adding said dedications to Dewey and Driving Park avenues.

Section 2. The dedications authorized herein shall take effect upon acquisition by the City of the necessary permanent easements.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-276
Re: Cornerstone Park Improvements

Transmitted herewith for your approval is legislation establishing \$84,000 as maximum compensation for an agreement with Joseph C. Lu Engineering and Land Surveying, P.C., Rochester, NY for resident project representation (RPR) services related to the Cornerstone Park Improvement Project. The agreement will be funded from 2015-16 Cash Capital and may extend until three months after completion and acceptance of a two year guarantee inspection of the project.

Cornerstone Park is located at the intersection of Broad and Stone Streets. The project includes the demolition and removal of deteriorated walls, pavements, and amenities; renovation and re-watering of the existing fountain with new mechanical / electrical systems; re-grading for drainage, on-site retention/detention and infiltration of stormwater; replacement of park furnishings including retaining walls, seating, tables, pavement, bicycle parking, signage and lighting; and landscape enhancements.

New York State Water Quality Improvement funds were appropriated for the project via Ordinance No. 2011-37 on February 22, 2011. The project was designed by McCord Landscape Architecture, PLLC, as authorized in September 2013 (Ordinance No. 2013-323). Project bonding was authorized on May 16, 2016 (Ordinance No. 2016-162).

Lu Engineers was selected to provide RPR services through a request for proposals process, which is described in the attached summary.

Construction is underway and substantial completion is expected in the fall 2016.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-156

Ordinance No. 2016-276
(Int. No. 322)

Authorizing an agreement with Joseph C. Lu Engineering and Land Surveying, P.C. for resident project representation services for the Cornerstone Park Improvement Project

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Joseph C. Lu Engineering and Land Surveying, P.C., for resident project representation (RPR) services for the Cornerstone Park Improvement Project (Project) in a maximum amount of \$84,000. The cost of said agreement shall be funded from 2015-16 Cash Capital.

Section 2. The agreement may extend until three months after completion and acceptance of a two year guarantee inspection of the Project.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Haag moved to discharge Int. No. 232 from Committee.

The motion was seconded by Councilmember Ortiz.

The motion was adopted unanimously.

Introductory No. 232 was introduced June 14, 2016 and appears in its original form with its transmittal letter on page 257 of the current Council Proceedings.

Attachment No. AP-157

Ordinance No. 2016-277
(Int. No. 232, as amended)

Authorizing pavement width changes on Charlotte Street

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

Section 1. The Council hereby authorizes the following pavement width changes on Charlotte Street:

- a) A ~~10-foot~~ 7-foot reduction in pavement width, from 30 feet to ~~20-23~~ feet on Charlotte Street from Scio Street to 47 feet east of Scio Street; and
- b) A ~~2-foot reduction~~ 1-foot widening in pavement width, from 30 feet to ~~28~~ 31 feet on Charlotte Street from the point above to 87 feet east of Scio Street; and
- c) A ~~10-foot~~ 7-foot reduction in pavement width, from 30 feet to ~~20~~ 23 feet on Charlotte Street from the point above to 154 feet east of Scio Street; and
- d) A ~~2-foot reduction~~ 1-foot widening in pavement width, from 30 feet to ~~28~~ 31 feet on Charlotte Street from the point above to 194 feet east of Scio Street; and
- e) A ~~10-foot~~ 7-foot reduction in pavement width, from 30 feet to ~~20~~ 23 feet on Charlotte Street from the point above to ~~299~~ 315 feet east of Scio Street; and
- f) A ~~2-foot reduction~~ 1-foot widening in pavement width, from 30 feet to ~~28~~ 31 feet on Charlotte Street from the point above to 290 feet west of Pitkin Street; and
- g) A ~~10-foot~~ 7-foot reduction in pavement width, from 30 feet to ~~20~~ 23 feet on Charlotte Street from the point above to 188 feet west of Pitkin Street; and
- h) A ~~2-foot reduction~~ 1-foot widening in pavement width, from 30 feet to ~~28~~ 31 feet on Charlotte Street from the point above to 62 feet west of Pitkin Street; and
- i) A ~~10-foot~~ 7-foot reduction in pavement width, from 30 feet to ~~20~~ 23 feet on Charlotte Street from the point above to Pitkin Street.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

By Councilmember McFadden
August 9, 2016

To the Council:

The Public Safety, Youth & Recreation Committee recommends for adoption the following entitled legislation:

Int. No. 317 - Amending the 2016-17 Budget by increasing the appropriations for the Rochester Police Department to carry over unspent grant funds

Int. No. 318 - Appropriating funds for smoke and carbon monoxide detectors and amending the budget appropriations of State Homeland Security Program funds

Int. No. 319 - Appropriation for the Mural Arts Project

Int. No. 320 - Authorizing an agreement with the Rochester Area Community Foundation for ROC the Future services

Int. No. 323 - Authorizing an intermunicipal agreement and appropriations for the Pathways to Peace program

Int. No. 324 - Authorizing amendatory agreements and funding for the Comprehensive Adolescent Pregnancy Prevention (CAPP) Program

Int. No. 326 - Authorizing an agreement with Big Apple Deli Products, Inc. for the relocation of loading docks related to the Public Market Winter Shed Renovation and Expansion Project

Respectfully submitted,
 Adam C. McFadden
 Molly Clifford
 Matt Haag
 Dana K. Miller
 Loretta C. Scott
 PUBLIC SAFETY, YOUTH & RECREATION
 COMMITTEE

Received, filed, and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2016-278
 Re: Amendment- 2016-17 Budget of the
 Police Department

Council Priority: Public Safety

Transmitted herewith for your approval is legislation amending the 2016-17 Budget of the Police Department by \$32,000 to reflect the balance of carryover funds from existing grants. The funds are itemized below, and will be used for their original intended purpose.

<u>Grant</u>	<u>Amount to Carry Over</u>
2015 Bomb Squad Initiative Grant	\$ 7,300
2015 Explosive Detection Canine Grant	700
MVTIFP	9,500
Petco Grant	3,000
Project Safe Neighborhoods	2,200
Senator Ranzenhofer Grant	6,000
Stop DWI 2016	3,300
Total	<u>\$32,000</u>

The Bomb Squad Initiative Grant has been received for over 10 years and is used to purchase equipment and training necessary for the Bomb Squad's continual improvement to incident responses. This year's grant is purchasing a replacement vehicle

that will be used to transport the total containment vessel and incinerator, hand tools, and expenses related to required certifications training, including associated overtime and fringe for backfill, and travel expenses.

The Explosive Detection Canine Grant is funding canine-mounted video cameras, first-aid kits, masks for the teams' officers, and overtime and associated fringe to allow team members to attend training that will continue to enhance their interoperability with the Police Department's other special teams.

The Motor Vehicle Theft and Insurance Fraud Prevention (MVTIFP) grant provides overtime, but not fringe, to support Police Department deployment in high-theft areas and increased investigations of insurance fraud. The grant also provides funds to train police officers in specialized anti-theft techniques and technology.

The Petco Grant is for the preparation and promotion of shelter animals for adoption. The funding is used for fee-waived adoption events and adoption preparation expenses, such as vaccination and sterilization.

The Project Safe Neighborhoods grant was received from RIT with Police as a sub-awardee, and seeks to create safe neighborhoods through the sustained reduction of violent crime associated with gang and gun violence. The funds are providing overtime and fringe related to the planning and implementation of a comprehensive dispute intervention/prevention strategy.

The New York State Senate Grant through Senator Ranzenhofer is providing overtime and fringe for community policing patrols in the Police Department's Genesee Section.

The Stop DWI grant is used for enhanced detection and enforcement of driving while intoxicated and related offenses for the 2016 calendar year. Supported activities include expenses for STOP DWI overtime details and associated fringe costs, training, and underage alcohol enforcement.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Ordinance No. 2016-278
 (Int. No. 317)

Amending the 2016-17 Budget by increasing the appropriations for the Rochester Police Department to carry over unspent grant funds

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

Section 1. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$32,000, which amount is hereby appropriated from unspent grant funds appropriated in the 2015-16 budget as shown

below. Said funds shall be used for their original purpose.

<u>Grant</u>	<u>Carry Over Amount</u>
2015 Bomb Squad Initiative Grant	\$ 7,300
2015 Explosive Detection Canine Grant	700
Motor Vehicle Theft and Insurance Fraud Prevention	9,500
Petco Grant	3,000
Project Safe Neighborhoods	2,200
Senator Ranzenhofer Grant	6,000
Stop DWI 2016	3,300
Total	<u>\$32,000</u>

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-279
Re: Smoke and Carbon Monoxide Detectors Installation Program and Amending Ordinance No. 2016-218

Council Priority: Public Safety

Transmitted herewith for your approval is legislation appropriating \$50,000 from the Fire Department Equipment allocation of the General Community Needs Fund of the 2016-17 Consolidated Community Development Plan, Annual Action Plan, for the purchase of smoke and carbon monoxide detectors and replacement batteries during 2016-17. Also for your approval is a technical amendment to Ordinance No. 2016-218.

The Rochester Fire Department (RFD) provides and installs free smoke and carbon monoxide detectors to low and moderate income families in residential properties. The RFD coordinates and implements fire prevention and education programs to reach at-risk target populations. During fiscal year 2015-16, RFD installed 1,104 smoke detectors, 830 carbon monoxide detectors, and 701 batteries in residential properties throughout the city.

Ordinance No. 2016-218 authorized the receipt and use of 2016 State Homeland Security Program grant funds; however the funding amounts for Fire and Undistributed Expenses were not rounded to the nearest hundred as required by the Office of Management and Budget. The technical amendment corrects this.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-279
(Int. No. 318)

Appropriating funds for smoke and carbon monoxide detectors and amending the budget appropriations of State Homeland Security

Program funds

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

Section 1. The sum of \$50,000 is hereby appropriated from the Fire Department Equipment account of the General Community Needs Fund of the 2016-17 Consolidated Community Development Plan - Annual Action Plan to fund the purchase of smoke and carbon monoxide detectors and replacement batteries for the Rochester Fire Department to install in the residences of low and moderate income families.

Section 2. Ordinance No. 2016-218 regarding the State's grant and City appropriations of 2016 State Homeland Security Program (SHSP) funds is hereby revised in Section 3 thereof to read as follows:

Section 3. The 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Fire Department by ~~\$61,800~~ \$61,776 and to the Budget for Undistributed Expenses by ~~\$24,700~~ \$24,624, which amounts are hereby appropriated from the 2016 SHSP grant for the purpose authorized herein.

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-280
Re: Mural Arts Project

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Mural Arts Project. This legislation will:

1. Appropriate \$85,000 from the Job Creation/Youth Development allocation of the General Community Needs Fund of the 2016-17 Community Development Block Grant;
2. Amend the 2016-17 Budget of the Department of Recreation and Youth Services (DRYS) by \$70,500; and
3. Amend the 2016-17 Budget of Undistributed Expenses by \$5,400.

The balance of the funds (\$9,100) will be used for supplies, field trips, and artistic training.

Initiated in collaboration with the Department of Neighborhood and Business Development in 2012,

this project engages Rochester youth to create, develop and install public arts projects to enhance and improve the community. This current phase of the project will begin in October 2016 and conclude in April 2017. A "Roc Paint Division" mural arts team will be assembled consisting of two lead artists, a staff assistant and eight youth workers. The youth hired for the project will receive training in community art development, leadership and artistic techniques. They will also participate in field trips and in professional development training conducted by the DRYs Bureau of Employment Skills Training and Youth Services.

The team will design and install a number of murals, both small and large scale, interior or exterior, at select R-Centers. The team will determine the designs and locations through consultation with youth and adult R-Center members and with community stakeholders from the surrounding neighborhood. Since the program's inception four years ago, murals have been installed at the Ametek building on North Union Street across from the Public Market; 17 "Words to Live By" murals have been situated in various locations; and four murals of "Rochester Pillars" (Susan B. Anthony, Frederick Douglass, Nathaniel Rochester and Austin Steward) have been placed on the pillar abutments of the underpass at the corner of West Main and Ford Streets. In the most recent program year (2015-16), murals were installed at the Campbell, Flint, and Roxie Ann Sinkler R-Centers.

This program was last approved by Council in November 2015 via Ordinance No. 2015-379.

A project description and budget are attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-158

Ordinance No. 2016-280
(Int. No. 319)

Appropriation for the Mural Arts Project

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

Section 1. The sum of \$85,000 from the Job Creation/Youth Development allocation of the General Community Needs Fund of the 2016-17 Consolidated Community Development Plan – Annual Action Plan is hereby appropriated for the 2016-17 Mural Arts Project. The Project shall be comprised of the assembling of a "Roc Paint Division" mural arts team consisting of lead artists, a staff assistant, and youth workers to design and install murals at select R-Centers.

Section 2. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations for:

- (a) the 2016-17 Budget of the Department of

Recreation and Youth Services ("DRYS") by \$70,500; and

- (b) the 2016-17 Budget of Undistributed Expenses by \$5,400,

said amounts to be funded from a portion of the funds appropriated in Section 1 herein.

Section 3. The remainder (\$9,100) of the appropriation in Section 1 shall be allocated for Project supplies, field trips, and artistic training.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-281
Re: Agreement - Rochester Area
Community Foundation,
ROC the Future

Council Priority: Support the Creation
of Effective Educational Systems

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum annual compensation for an agreement with the Rochester Area Community Foundation to support ROC the Future, a collective impact initiative focusing on educational success for children from birth to adulthood. The term of the agreement will be for one year, with two optional one-year renewals, and will be funded from the 2016-17 and subsequent budgets of Undistributed Expenses, contingent upon approval of the future budgets.

ROC the Future is part of StriveTogether, a national network of communities supporting the success of every child from cradle to career, by focusing on a locally defined common agenda, shared measurements, continuous communication and mutually reinforcing activities, including mobilizing resources to increase equity and achieve collective positive impact. Locally, ROC the Future convenes many Rochester-area organizations, parents and students with a mission to improve the academic achievement of Rochester children through the alignment and focused use of community resources and strategies. ROC the Future publishes an annual report card that documents student and community indicators on school readiness, attendance, expanded learning opportunities, and college and career readiness.

Under this agreement, the funds will be used to support data collection efforts, and expanded community and parental engagement efforts.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-281
(Int. No. 320)

Authorizing an agreement with the Rochester Area Community Foundation for ROC the Future services

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Area Community Foundation to support data collection and parent and community engagement efforts for the ROC the Future project.

Section 2. The maximum compensation under the agreement shall not exceed \$15,000, and shall be funded from the 2016-17 Budget of Undistributed Expenses. The term of the agreement shall be one year, with the option to extend the agreement for up to two additional one-year terms at an annual maximum compensation of \$15,000, contingent upon approval of subsequent budgets.

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

Section 4. This ordinance shall be effective immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Ortiz, Patterson, Spaul - 8.

Nays - None - 0.

Vice President Miller abstained due to a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-282
Re: Intermunicipal Agreement - Rochester
City School District's Utilization of
Pathways to Peace

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an intermunicipal agreement with the Rochester City School District (RCSD) for the receipt and use of \$108,800 and amending the 2016-17 Budgets of the Department of Recreation and Youth Services (DRYS) by \$103,500 and Undistributed Expenses by \$5,300 by the funds authorized herein to provide intense, targeted intervention services to the highest-need students through the Pathways to Peace (PTP) program. The term of the agreement is will be from September 1, 2016 to June 30, 2017, with the option to extend for up to four additional one-year terms, with a maximum annual compensation of \$108,800, contingent upon approval of the future budgets of the City and RCSD.

The RCSD was awarded a five-year Extended School Day/School Violence Prevention grant from

the New York State Education Department for July 1, 2016 to June 30, 2021 and is sub-contracting with the City to fund PTP services related to the grant.

Under this agreement, PTP will hire five part-time Youth Intervention Aides to deliver services at elementary and secondary schools identified by the RCSD. Upon the request of RCSD staff, PTP will provide the following services:

1. Student interventions - PTP staff will deliver intense intervention strategies to students impacted by gang violence and those having severe behavioral and personal safety issues as identified by the District.
2. Student mediation - PTP staff will facilitate student mediation sessions with students involved in disputes (and families as needed).
3. Student re-entry services - PTP staff, in conjunction with the school's parent liaison, will develop and implement a safety plan for students re-entering the school after a period of absence due to violence.
4. Support during emergencies at school - PTP staff will respond to emergency situations to assist in preventing or mitigating the risk of violence among students.
5. Support during special events - PTP staff will monitor entry points at special events and activities and will identify potentially violent individuals.

The Board of Education is expected to approve this agreement at their August 25, 2016 meeting.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance 2016-282
(Int. No. 323)

Authorizing an intermunicipal agreement and appropriations for the Pathways to Peace Program

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

Section 1. The Mayor is hereby authorized to enter into an intermunicipal agreement with the Rochester City School District (RCSD) for the City to provide youth intervention services to targeted students in RCSD schools through the Department of Recreation and Youth Services' (DRYS') Pathways to Peace program (Program).

Section 2. The agreement shall provide for the City's receipt and use of funding from the RCSD in the amount of \$108,800 for Program services.

Section 3. The term of the agreement shall be from September 1, 2016 to June 30, 2017, with the option to extend for up to four additional one-year

terms for an annual compensation of \$108,800, contingent upon the approval of subsequent Budgets of the RCSD and the City.

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

Section 5. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to:

- a) the Budget of DRYS by the sum of \$103,500, and
- b) the Budget of Undistributed Expenses by the sum of \$5,300, both of which sums are hereby appropriated from funds to be received by the City under the agreement authorized herein.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-283
Re: Budget Amendment - Comprehensive
Adolescent Pregnancy Prevention
Program

Council Priority: Support the Creation of
Effective Educational Systems

Transmitted herewith for your approval is legislation related to funding for the Comprehensive Adolescent Pregnancy Prevention (CAPP) Program. This legislation will:

1. Authorize an agreement with the New York State Department of Health (DOH) for the receipt and use of \$33,722 for additional funding for the 2016 CAPP Program. This amount reflects an unanticipated cost of living adjustment (COLA) provided by the DOH.
2. Authorize an inter-municipal agreement with the Rochester City School District (RCSD) for the City's implementation of evidence-based curricula delivery in RCSD schools. The term of the agreement will be September 6, 2016 to June 30, 2019, contingent upon the approval of future budgets of the Department of Recreation and Youth Services (DRYS).
3. Authorize amendatory agreements with each of the service providers to increase their maximum compensation to reflect the COLA:

	Initial <u>Authorization</u>	COLA <u>2016</u>	Amended <u>Total</u>
U of R Medical Ctr./Highland Family Planning	\$ 23,235	\$ 4,165	\$ 27,400
YWCA of Rochester and Monroe County	25,280	4,241	29,521
Baden St. Settlement/Metro Council for Teen Potential	31,771	4,483	36,254
Society for the Protection and Care of Children	27,231	3,570	30,801
Family Resource Center	<u>6,287</u>	<u>182</u>	<u>6,469</u>
Total	\$113,804	\$16,641	\$130,445

Each agency will receive funds to provide a COLA to their grant staff wages and purchase additional program supplies, with the exception of the Family Resource Center, which does not receive grant funding for supplies. The goal of the CAPP program is to significantly reduce the rate of pregnancy among teenagers in targeted areas and improve high school graduation rates in the city of Rochester, in part, through the implementation of evidence-based curricula in the RCSD. The RCSD requires all service providers who deliver programming in school buildings to have an agreement with them. The current agreement between the City and RCSD expired June 30, 2016.

A portion of the remaining COLA funds (\$17,081) will be used to reimburse City personnel costs (\$2,471). This cost was anticipated and included in the 2016-17 Budget of DRYS. The balance (\$14,610) will be included in the City's Teenage Pregnancy Prevention Special Revenue Fund for non-personnel costs including equipment (\$1,197), professional development (\$2,070), two youth events (\$2,100), program supplies (\$2,843), and production costs for a public service announcement (\$6,400).

An amendatory agreement with the DOH was authorized for the receipt and use of \$273,018 in funding to extend the operation of the CAPP program for an additional six months, to December 31, 2016 via Ordinance No. 2016-215. The

City was notified by the DOH on June 15, 2016 regarding the COLA, which is based upon a Congressional Budget Office calculation for the State's 2016-17 fiscal year. COLA funds must be expended by December 31, 2016.

The CAPP program was originally authorized via Ordinance No. 2014-359.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Ordinance No. 2016-283
 (Int. No. 324)

Authorizing amendatory agreements and funding for the Comprehensive Adolescent Pregnancy Prevention (CAPP) 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 amendatory agreement with the New York State Department of Health (DOH) for receipt and use of \$33,722 in cost of living adjustment (COLA) funds for the Comprehensive Adolescent Pregnancy Prevention Program (Program), which was authorized by Ordinance No. 2014-359 and amended by Ordinance No. 2016-215.

Section 2. The Mayor is hereby authorized to enter into amendatory agreements with the following organizations to increase their maximum compensation as follows:

<u>Organization</u>	<u>Previously Authorized</u>	<u>2016 Increase</u>	<u>Total</u>
U of R Medical Center/Highland Family Planning	\$ 23,235	\$ 4,165	\$ 27,400
YWCA of Rochester and Monroe County	25,280	4,241	29,521
Baden St. Settlement/Metro Council for Teen Potential	31,771	4,483	36,254
Society for the Protection and Care of Children	27,231	3,570	30,801
Family Resource Center	6,287	182	6,469
Total	\$113,804	\$16,641	\$130,445

and \$16,641 is hereby appropriated for the 2016 Increase from the funds received pursuant to the amendatory agreement authorized in Section 1.

Section 3. Grant funds received pursuant to Section 1 are hereby appropriated in the amount of \$14,610 to the Teenage Pregnancy Special Revenue Fund to pay for non-personnel costs to operate the Program.

Section 4. The amendatory grant agreement and provider agreements authorized herein shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 5. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District (RCSD) for implementation of the Program in RCSD schools. The term of such agreement shall be September 6, 2016, to June 30, 2019, contingent upon future budgets.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to amend Int. No. 326.

The motion was seconded by Councilmember Haag.

The motion was adopted unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2016-284
 Re: Agreement - Big Apple Deli
 Products, Inc., Loading Dock Relocation
 for Public Market Winter Shed
 Renovation and Expansion Project

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

Transmitted herewith for your approval is legislation establishing \$105,000 as maximum compensation for Big Apple Deli Products, Inc. to relocate their loading docks to accommodate the Public Market Winter Shed Renovation and Expansion Project. The term of the agreement will be for one year and the cost will be funded from 2013-14 Cash Capital (\$14,170), 2014-15 Cash Capital (\$40,830), and \$50,000 from the 2014-15 Community Development Block Grant ED Financial Assistance Loan and Grant allocation of the Promote Economic Stability Fund.

City Council approved funding for the Project in January 2012 via Ordinance No. 2012-53. The primary elements of the Public Market reconstruction are the demolition of the existing Wintershed and the reconstruction of an expanded shed and new restrooms at approximately the same location within the Public Market. The expanded shed will impact Big Apple Deli Products' access to their current loading docks. This legislation will assist with the cost of constructing two new replacement docks.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-284
(Int. No. 326, as amended)

Authorizing an agreement with Big Apple Deli Products, Inc. for the relocation of loading docks related to the Public Market Winter Shed Renovation and Expansion Project

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Big Apple Deli Products, Inc. for the relocation of their loading docks due to the Public Market Winter Shed Renovation and Expansion Project. The sum of ~~\$105,000~~, or so much thereof as may be necessary, is hereby established as the compensation to be paid under the agreement, and shall be funded from Prior Years' Cash Capital (\$25,000), 2013-14 Cash Capital (\$14,170), 2014-15 Cash Capital (\$40,830), and Community Development Block Grant 2014-15, ED Financial Assistance Loan and Grant allocation of the Promote Economic Stability Fund (\$50,000).

Section 2. This agreement shall have a term of one year and shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

The meeting was adjourned at 8:30 p.m.

HAZEL L. WASHINGTON
City Clerk

* * * * *

REGULAR MEETING
SEPTEMBER 14, 2016

Present - President Scott Councilmembers Clifford, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 8.

Absent - Councilmember Conklin - 1

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

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

Recognition Ceremony

Retirement:
Environmental Services
*Peter D. Hudak
*Vincent C. Paolotto

Library
*Susan M. Meyers
Police Department
Robert J. Cortese
Leo Tydings
*Dennis Gonzalez
*Daniel B. Graves
**Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Ortiz

RESOLVED, that the minutes of the Regular Meeting of August 9, 2016 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

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

The following communications are hereby directed to be received and filed:

- The Mayor submits the following:
 - Public Disclosure - CDBG Participation (2)
4237-16, 4238-16
 - Administrative Cancellation or Refund of Erroneous Taxes and Charges (2)
4239-16, 4240-16

The Council submits Disclosure of Interest Forms from Councilmember Conklin on Int. No. 332, and Councilmember Spaul on Int. No. 361.

PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.

Councilmember McFadden presented a petition with 236 signatures regarding Zoning Code and moratorium for Mt Hope Cemetery. Petition No. 1729

Councilmember Spaul presented a petition with 430 signatures of persons opposed to the development of two large four-story buildings at 645 Norris Dr. Petition No. 1730

Councilmember Spaul presented a petition with 44 signatures of persons opposed to the building of a casino. Petition No. 1731

Councilmember Spaul presented a petition with 270 signatures of persons opposed to changes to the city's Washington Grove. Petition No. 1732

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember McFadden
September 14, 2016

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 329 - Authorizing an agreement with Prescod Leadership Enterprise, LLC, for supervisory skills training

Int. No. 331 - Authorizing an agreement for dental insurance

Int. No. 332 - Authorizing a grant agreement with the New York State Archives

Int. No. 333 - Authorizing an amendatory agreement with Tyler Technologies, Inc. for the Rochester Police Department's Record Management System multi-phase replacement program

Int. No. 334 - Appropriation of funds to pay for the settlement of litigation pursuant to a court order

Int. No. 361 - Amending the 2015-16 Budget for year-end Budget amendments

Int. No. 362 - Authorizing an intermunicipal agreement with Monroe County for fiber assessment

The following entitled legislation is being held in Committee:

Int. No. 330 - Authorizing a professional services agreement for health insurance administration

Respectfully submitted,
Adam C. McFadden
Molly Clifford
Dana K. Miller
Loretta C. Scott
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-285
Re: Agreement - Prescod Leadership

Enterprise, LLC, Supervisory Skills Training

Transmitted herewith for your approval is legislation establishing \$50,910 as maximum annual compensation for an agreement with Prescod Leadership Enterprise, LLC for the design and delivery of a supervisory skills training program for 150 City employees either hired or promoted into first and second line supervisory positions. The term of the agreement will be for three-years and the cost will be financed from the 2016-17 Budget of Undistributed Expenses and subsequent budgets, contingent upon their approval.

Since 2012, the City has required all employees in first and second line supervisory positions to attend a supervisory skills training program. To date, 220 individuals have successfully completed this program. The supervisory topics covered in this training program include, but are not limited to, communication, motivation, performance management, delegation, problem solving, and managing a diverse workforce. These training topics are augmented with presentations given by City staff on relevant City policies and procedures on the topics of: grievance and disciplinary procedures, sexual and workplace harassment policy, customer service standards, and safety procedures.

Prescod Leadership Enterprise, LLC was selected through a request for proposal process which is described in the attached summary.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-154

Ordinance No. 2016-285
(Int. No. 329)

Authorizing an agreement with Prescod Leadership Enterprise, LLC, for supervisory skills training

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Prescod Leadership Enterprise, LLC, for the design and delivery of a supervisory skills training program for a term of three years. The maximum annual compensation shall be \$50,910 per year. Said amounts shall be funded from the 2016-17, 2017-18, and 2018-19 Budgets for Undistributed Expenses, contingent upon the adoption of the latter two budgets.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-286
Re: Agreement - The Guardian Life
Insurance Company of America,
Administration of Dental
Insurance Plan

Council Priority: Deficit Reduction and
Long-Term Financial Stability

Transmitted herewith for your approval is legisla-
tion authorizing an agreement with The Guardian
Life Insurance Company of America (Guardian) for
administration of the dental insurance plan for City
of Rochester employees. Maximum annual compen-
sation for the administrative charge has been
established at \$102,000. Dental plan "premium-
equivalent rates" include this administrative charge,
therefore, no separate encumbrance is required.
The term of this agreement will be for two years,
from January 1, 2017 through December 31, 2018.

Guardian has provided a variety of dental benefits
for City employees on both a fully-insured and self-
insured basis since 2005. Under this agreement,
Guardian will be the plan administrator for one,
self-funded, collective dental plan that is offered to
all benefit-eligible employees. An annual maxi-
mum benefit per participant limits the City's self-
insurance liability with regard to large claims.

Guardian was selected through a request for propo-
sals process which is described in the attached
summary.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-155

Ordinance No. 2016-286
(Int. No. 331)

Authorizing an agreement for dental insurance

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

Section 1. The Mayor is hereby authorized to
enter the City into a professional services agree-
ment with Guardian Life Insurance Company of
America for administration of dental insurance
plans for all benefit-eligible City employees for a
term of two years, commencing January 1, 2017.
The sum of \$102,000, or so much thereof as may
be necessary, is hereby established as the annual
maximum compensation for the agreement. Said
amount shall be funded from the Budget of Undis-
tributed Expenses out of payments made to Guardi-
an Life Insurance Company of America as part of
the City's self-insured monthly premium equivalent
charges.

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

Section 3. This ordinance shall take effect im-
mediately

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-287
Re: Grant Agreement - New York
State Archives, Enterprise
Content Management Solution

Transmitted herewith for your approval is legisla-
tion authorizing an agreement with the New York
State (NYS) Archives for the receipt and use of a
\$300,000 Local Government Records Management
Improvement Fund (LGRMIF) grant to begin the
implementation phase of an Enterprise Content
Management Solution.

These funds will be used to implement an Enter-
prise Document Management Solution, the initial
phase of which will automate the Freedom of In-
formation Law (FOIL) request process. Future
phases will address processes in the Police Depart-
ment, and other City departments.

The IT Department has developed a strong process
methodology with standardized deliverables that
will be used for the deployment of the Enterprise
Content Management Solution. This grant will
allow the department to broaden opportunities as
they relate to an organization-wide Enterprise Doc-
ument Management Solution and will include inte-
grating best practices, standards, regulations, NYS
Records and Retention Guidelines, security and
inventory. As part of the requirements for this
grant, the City of Rochester will demonstrate its
process for selection of the solution, configuration
and implementation to other municipalities within
NYS.

The project will include IT employees, the City's
Records Management Officer, and appropriate staff
from impacted departments. It is anticipated that
the phases related to the grant will be completed
prior to June 30, 2018.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-287
(Int. No. 332)

**Authorizing a grant agreement with the New
York State Archives**

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

Section 1. The Mayor is hereby authorized to
enter the City into an agreement with the New York
State Archives for receipt and use of \$300,000 in
grant funds to begin the implementation phase of
an Enterprise Document/Content Management
Solution project. The term of the agreement may
extend to June 30, 2018.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-288
Re: Amendatory Agreement -
Tyler Technologies
(formerly New World Systems),
Term Extension

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Tyler Technologies (formerly New World Systems) to extend the term of the Standard Software License and Services Agreement for the Police Department's Records Management System, multi-phase replacement program (Ordinance No. 2011-316). The original term of the agreement was for five years; the amendatory agreement extends the term by one year, to December 31, 2017, at no additional cost.

The first phase of the program was successfully implemented on March 24, 2013. This amendment provides for additional time to complete the additional phases of the program. Additional time is required to implement specific requirements to the software modules for Narcotics Case Management and the Sex Offender Registry. Based on the Police Department's requirements and priorities, this extended time will allow implementation of an additional interface to the electronic citation and motor vehicle system, addition of mobile forms, and a software module for tracking gang activity.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-288
(Int. No. 333)

Authorizing an amendatory agreement with Tyler Technologies, Inc. for the Rochester Police Department's Record Management System multi-phase replacement 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 amendatory professional services agreement with Tyler Technologies, Inc. (formerly known as New World Systems) for the Rochester Police Department's Record Management System multi-phase replacement program originally authorized in Ordinance No. 2011-316. The amendment shall extend the term of the agreement to December 31, 2017.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-289
Re: Court Ordered Settlement
Payment - Insurance Reserve
Fund Appropriation

Council Priority: Deficit Reduction and
Long-Term Financial Stability

Transmitted herewith for your approval is legislation appropriating \$6,962,374 from the Insurance Reserve Fund to finance the payment of a settlement in the case of Peacock v City of Rochester et al (U.S. District Court Western District of New York Case # 6:13-cv-6046-MAT).

The City is self-insured against all general liability and all claims are paid from the Insurance Reserve Fund. The monies maintained as reserves are invested until needed for disbursement. At present, the fund contains an unappropriated balance of approximately \$12,312,400. The current unencumbered, appropriated fund balance is approximately \$3,357,500. The combined total is \$15,669,900.

Freddie Peacock was convicted of rape in 1976 at the age of 25. He served about 6 years in prison and ten years on parole. Many years later, DNA testing became available and Peacock's conviction was overturned in 2010 after DNA tests excluded him from the crime. In 1976, DNA evidence was not available to police investigators to use as a way of proving identity. DNA evidence was not accepted as evidence in criminal cases until the late 1980's. As a result of the reversal of his conviction, it is clear that Mr. Peacock was wrongfully convicted. Mr. Peacock sued the City in 2013 on federal civil rights claims, alleging that his due process rights were denied and that the actions of City employees caused his wrongful imprisonment. This case is very unusual due to the fact that the key events occurred 40 years ago.

Earlier this year, the City made a motion to dismiss Peacock's claims on various legal grounds. While this motion was successful on certain issues, the Court denied dismissal of certain key claims by Mr. Peacock. At the request of the federal judge, the parties agreed to attempt to settle the case. This was accomplished by agreeing to submit the case to the judge in a summary proceeding, with each party agreeing to accept the Court's determination of the amount of damages to be awarded. The Court has made a finding and has entered an order directing payment of damages in the amount of \$6,962,374.

This appropriation will provide the funds to pay the amount determined by the Court and complete the

resolution of this case.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-289
(Int. No. 334)

Appropriation of funds to pay for the settlement of litigation pursuant to a court order

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

Section 1. The Council hereby appropriates from the Insurance Reserve Fund the sum of \$6,962,374 to pay as damages pursuant to a court order in settlement of the claims against the City in the United States District Court case entitled *Peacock v City of Rochester et al.*

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-290
Re: 2015-16 Budget Amendment

Council Priority: Deficit Reduction and Long-Term Financial Stability

Transmitted herewith for your approval is legislation related to the 2015-16 Year End Budget Amendment. This legislation will transfer a total of \$2,934,800 from the following departments to Cash Capital to fund one-time capital expenditures:

- a) \$265,800 from Undistributed;
- b) \$300,000 from Neighborhood & Business Development;
- c) \$669,000 from Contingency;
- d) \$700,000 from the Fire Department; and
- e) \$1,000,000 from the Police Department.

The appropriation transfers are authorized pursuant to Section 6-13 of the City Charter.

The City Council has previously authorized 37 other amendments to the 2015-16 Budget. These amendments reflect 5 appropriation transfers and 33 appropriation increases based upon the receipt of additional revenues.

Actual receipts and expenditures for 2015-16 will be audited by the City's external auditors, Freed, Maxick, and Battaglia. The proposed amendments are required to complete the audit process and ensure adherence to Section 6-16 of the City Charter, which prohibits expenditures in excess of authorized appropriations.

The proposed increase to the Cash Capital allocation is to fund capital projects as follows:

1. \$50,000 for the City's share of a fiber network infrastructure assessment to be completed by Monroe County through a third party vendor;
2. \$100,000 to assess and design escalator replacement for the Joseph A. Floreano Rochester Riverside Convention Center;
3. \$100,000 additional funding needed to complete construction of the concession stand at Ontario Beach Park;
4. \$154,800 funding to replenish funds used for street rehabilitation projects;
5. \$205,000 to provide the City's match towards a grant from the NYS Dormitory Authority for improvements to the Brewery Line Trail;
6. \$225,000 to facilitate the relocation of Operation Transformation Rochester (OTR) within the Rundel Public Library to enhance operations and allow the library to relocate staff;
7. \$250,000 for security upgrades including video cameras and access control systems at City Hall;
8. \$350,000 to replace specific air handlers in City Hall;
9. \$500,000 for land acquisition for the Bull's Head development;
10. \$500,000 towards facility and information technology needs related to the City's propose management of moving violations; and
11. \$500,000 for additional funding for the City's Owner-Occupied Roofing Program (provides relief in 2017-18 budget development).

The City Senior Management Team effectively managed their 2015-16 operating budgets, with actual spending less than 2015-16 Budget allocations. Significant savings in fuel combined with personnel savings from vacancies and associated fringe benefits allows for the ability to appropriate these additional capital funds.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-290
(Int. No. 361)

Amending the 2015-16 Budget for year-end Budget amendments

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

Section 1. Ordinance No. 2015-167, the 2015-16 Budget of the City of Rochester, as amended, is hereby further amended by transferring the total sum of \$2,934,800 from the following departments to Cash Capital:

- a) \$265,800 from Undistributed;
- b) \$300,000 from Neighborhood & Business Development;
- c) \$669,000 from Contingency;
- d) \$700,000 from the Fire Department; and
- e) \$1,000,000 from the Police Department.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote.

Ayes - President Scott, Councilmembers Clifford, Haag, McFadden, Miller, Ortiz, Patterson - 7

Nays - None - 0.

Councilmember Spauld abstained due to a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-291
Re: Intermunicipal Agreement -
Monroe County, Assessment of
Fiber Infrastructure

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an intermunicipal agreement with Monroe County for a City/County fiber assessment to be completed by Magellan Advisors LLC. The term of the agreement will be for one year and the cost will be funded from 2015-16 Cash Capital as proposed in the year-end budget amendment.

The City will reimburse the County for 50% of the cost of services provided by the Magellan Advisors, however, such reimbursement shall not exceed the total amount of \$50,000, and any amount in excess of \$50,000 that is owed to the consultant shall be the sole responsibility of the County.

Over the past decade, the County and City have independently created extensive fiber network infrastructures which support a variety of municipal functions and services. Both parties plan to work together to develop an assessment of the infrastructures, explore the potential for improvement to and expansion of both infrastructures and consider future uses of the entire fiber network.

The County issued a request for proposals in February 2016; three vendors responded. Staff from the City's Information Technology Department and the Mayor's Office of Innovation participated in the selection process.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-291
(Int. No. 362)

Authorizing an intermunicipal agreement with Monroe County for fiber assessment

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

Section 1. The Mayor is hereby authorized to enter the City into an intermunicipal agreement with Monroe County for a City/County fiber assessment to be completed by Magellan Advisors LLC. The agreement shall extend for a term of one year.

Section 2. The agreement shall obligate the City to pay a maximum compensation of \$50,000. Said amount shall be funded from 2015-16 Cash Capital.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 330 from Committee.

The motion was seconded by Councilmember Clifford.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-292
Re: Agreement - MVP Select Care,
Administration of Health
Insurance Plans

Council Priority: Deficit Reduction and
Long-Term Financial Stability

Transmitted herewith for your approval is legislation authorizing an agreement with MVP Select Care for administration of health insurance plans for City of Rochester employees and retirees. Maximum annual compensation for the administrative charge has been established at \$3,750,000. Health plan "premium-equivalent rates" include this administrative charge, therefore, no separate encumbrance is required. The term of this agreement will be for three years, from January 1, 2017 through December 31, 2019.

The City's health insurance plan has been self-funded since January 2013. The transition from a fully-insured plan reduced the costs of administrative fees paid to health insurers and provided the City with greater control over plan design and

clinical edits. MVP Select Care, the City's sole health insurance provider since September 2009, assisted with implementation of this significant funding change and has continued to work with the City by providing third-party administration and medical management services.

A request for proposals (RFP) was facilitated by the City's health insurance broker, Lawley Benefits Group, and the RFP process is described in the attached summary.

Following extensive review by the Labor Management Health Care Committee, MVP Select Care was selected to continue administration of the City's health plans. Their services include the review and payment of health care claims for medical and pharmacy benefits received by City employees, retirees, and eligible dependents.

MVP Select Care has provided exemplary service to the City of Rochester over the past several years. Our on-going focus toward cost control strategies and fiscal responsibility has fostered the expansion of employee health promotion, wellness initiatives and medical case management. MVP Select Care excels in these areas of health plan administration and has provided a part-time employee to exclusively work with the City's wellness program.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-156

Ordinance No. 2016-292
(Int. No. 330)

Authorizing a professional services agreement for health insurance administration

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

Section 1. The Mayor is hereby authorized to enter the City into a professional services agreement with MVP Select Care, Inc. for administration of health insurance plans for City employees and retirees for a term of three years, commencing January 1, 2017. The sum of \$3,750,000, or so much thereof as may be necessary, is hereby established as the annual compensation for the agreement. Said amounts shall be funded from the Budget for Undistributed Expenses out of the payments made to MVP Select as part of the City's self-insured monthly premium equivalent charges.

Section 2. No surety bond or letter of credit shall be required of MVP Select Care, Inc.

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

Section 4. This ordinance shall take effect immediately

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Haag, Miller, Ortiz, Patterson, Spaul - 7.

Nays - Councilmember McFadden - 1.

By Vice President Miller
September 14, 2016

To the Council:

The Business & Economic Development Committee recommends for adoption the following entitled legislation:

Int. No. 335 - Authorizing a lease agreement for the Court Street Parking Garage

Respectfully submitted,
Dana K. Miller
Michael A. Patterson
Elaine M. Spaul
Loretta C. Scott
BUSINESS & ECONOMIC DEVELOPMENT
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-293
Re: Lease Agreement - OBuck
Enterprise Inc., d/b/a/ DiPisa's
Old World Submarines, Court
Street Parking Garage

Transmitted herewith for your approval is legislation approving a new, three-year lease agreement with OBuck Enterprise Inc., d/b/a/ DiPisa's Old World Submarines, for the lease of 1,500 square feet of commercial space in the Court Street Parking Garage at 194 Court Street. The lease includes five, one-year renewal options. The lease will begin October 1, 2016 and expire September 30, 2019. City Council last authorized a lease agreement with OBuck Enterprise Inc., d/b/a Di Pisa's Old World Submarines on September 16, 2008 via Ordinance No. 2008-339.

The agreement will obligate the tenant to pay \$1,200 per month and be responsible for all utilities and leasehold improvements.

The rental rate of \$1,200 per month was established by an independent appraisal by Kevin Bruckner, MAI, as of July 2016.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-157

Ordinance No. 2016-293
(Int. No. 335)

Authorizing a lease agreement for the Court Street Parking Garage

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

Ordinance No. 2016-294
(Int. No. 321)

Section 1. The Mayor is hereby authorized to enter into a lease agreement with OBuck Enterprise Inc. d/b/a DiPisa Old World Submarines for the lease of 1,500 square feet of commercial space in the Court Street Parking Garage, for three years, commencing on October 1, 2016 and to expire on September 30, 2019, with five one-year renewal options contingent on the Director of Real Estate review and finding that the extended term is reasonable, necessary and beneficial to the public.

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

Section 3. The monthly rent for said lease shall be \$1,200 for the initial term with renewals based on appraised value at the point of renewal as determined by the Director of Real Estate and the tenant shall be responsible for all utilities and leasehold improvements.

Section 4. The lease shall provide for periodic reviews of the use of the leasehold by the Director of Real Estate to determine and ensure the lessee's compliance with the lease terms.

Section 5. The lease will terminate, at the City's option, upon the occurrence of substantial changes in the use of the leasehold or performance of the lease by the lessee.

Section 6. The lease agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

Vice President Miller moved to discharge Int. No. 321 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following vote:

Ayes - President Scott, Councilmembers Clifford, Haag, McFadden Ortiz, Patterson, Spaul - 7.

Nays - None - 0.

Vice President Miller abstained due to a professional relationship.

Introductory No. 321 was introduced on August 9, 2016 and appears in its original form with its transmittal letter on page 322 of the current Proceedings of Council.

Attachment No. AP-158

Authorizing agreements for the 2016-17 Street Liaison program

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Haag, McFadden Ortiz, Patterson, Spaul - 7.

Nays - None - 0.

Vice President Miller abstained due to a professional relationship.

By Councilmember Ortiz
September 14, 2016

To the Council:

The Neighborhood & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 336 - Authorizing the sale of real estate and amending a lease

Int. No. 337 - Authorizing the acquisition of 894-898 West Main Street and 42 York Street

Int. No. 342 - Authorizing an agreement with Coordinated Care Services, Inc. for administrative services of the Rochester/Monroe County Continuum Care, as amended

Int. No. 343 - Authorizing an agreement for the construction of the House of Mercy homeless shelter

Int. No. 344 - Authorizing an amendatory agreement with Schubert Centre, LLC, for the Focused Investment Strategy Vacant Lot Fencing and Greening Program

The Neighborhood & Community Development Committee recommends for consideration the following entitled legislation:

Int. No. 338 - Amending the Zoning Code map for multiple properties located on Hudson Avenue, Merrimac Street, Cleveland Street and Frederick Street, as amended

Int. No. 340 - Amending the Zoning Code map for 1009-1011 Jay Street, as amended

Int. No. 341 - Authorizing an application and agreement for a grant under Round 4 of the Restore NY Communities Initiative, as amended

Int. No. 363 - Amending the Zoning Code, Chapter 120 of the Municipal Code, with regard to retail sales and service in the M-1 Industrial District

The following entitled legislation is being held in Committee:

Int. No. 339 - Amending the Zoning Code map for multiple properties located on Merrimac Street, Cleveland Street, Wadsworth Street, Gilmore Street and North Street

Respectfully submitted,
Jacklyn Ortiz
Molly Clifford
Dana K. Miller
Loretta C. Scott
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-295
Re: Sale of Real Estate and Amendment to
Ordinance Nos. 2016-68 and 2016-99

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

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

The first two properties are vacant lots sold together by request for proposal. The purchaser will erect a fence around the lots and create a garden space for his restaurant on the adjacent parcel.

The next property is a vacant lot sold by negotiated sale to the adjacent owner. The purchasers will combine the lot with their existing property and utilize it as green space.

The next fourteen properties are unbuildable vacant lots, being sold for \$1.00 (as per City policy) to their adjacent owners who will combine the respective lots with their existing properties.

The first year projected tax revenue for these seventeen properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$4,934.

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

Amendment to Ordinance Nos. 2016-68 and 2016-99

Ordinance No. 2016-68 authorized the lease of Suites 101 and 102 to GeoMar Holdings, Inc., d/b/a/ Mom's Margios Diner in the Port Terminal Building. The ordinance was subsequently amended to add Suite 103, via Ordinance No. 2016-99.

The tenant has taken on the build-out of the space with his own capital and has spent over \$150,000. This amendment will waive rent payments through July 15, 2016 (a period of three months) to reflect the build-out time. Normal leasing procedures allow for a rent-free build-out period (typically 90 days) if the tenant is providing the capital for the construction while the leased space is not generating income. As this is the case, the amendment will reduce the annual anticipated rent for this agreement by a total of \$15,160.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-159

Ordinance No. 2016-295
(Int. No. 336)

Authorizing the sale of real estate and amending a lease

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 vacant land with

proposal:

<u>Address</u>	<u>SBL#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>	<u>Purchaser</u>
303 N. Union St	106.58-3-25	34 x 92	3,164	\$1,550	Hieu Long & Asher 7, LLC
305 N. Union St	106.58-3-24	34 x 92	3,150	\$1,550	Hieu Long & Asher 7, LLC

Section 2. The Council hereby approves the negotiated sale of the following parcel of vacant land:

<u>Address</u>	<u>SBL#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>	<u>Purchaser</u>
160 Avenue E	091.77-1-37	40 x 100	4,000	\$400	Rena Kim & Than Mam

Section 3. The Council hereby approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

<u>Address</u>	<u>SBL#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Purchaser</u>
9 1/2 Barlett St	121.61-2-24.1	20 x 71	1,153	Gianniny Brothers, LLC
231 Champlain St	120.60-2-53	36 x 95	3,438	Rudolph & Evadney Lott
46 Durman St	091.73-3-49.1	70 x 80	5,600	Lascelles Letts
52-54 Durman St	091.73-3-51.1	70 x 80	5,600	Lascelles Letts
89 Ferncliffe Dr	106.28-1-14	18 x 100	1,245	Donna Antario
34-36 Friederich Pk	106.24-2-50.1	72 x 65	4,698	Johnny Steven Brown
44 Friederich Pk	106.24-2-48	35 x 65	2,283	Johnny Steven Brown
18 Geneva St	091.62-2-26	36 x 108	3,907	22 Geneba Corp.
7 Glendale Pk	105.35-2-10.1	16 x 132	2,189	Peter Skandera
65 Hempel St	106.43-4-4.3	38 x 91	3,486	Scott Sheldon
937 Joseph Av	091.71-4-27	38 x 100	3,752	Maggie D. Harris
163 Portage St	106.27-1-54	40 x 90	3,600	Angel Alicea
222 Ruff Alley	120.60-2-52	45 x 45	2,077	Rudolph & Evadney Lott
432-434 Webster Av	107.45-4-13	40 x 92	3,389	Robert Salgado

Section 4. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 5. The Mayor is hereby authorized to enter the City into an amendatory lease agreement with GeoMar Holdings, Inc. d/b/a Mom's Margios Diner for commercial space located on the first floor of the Port Terminal Building, which shall amend the lease authorized by Ordinance No. 2016-68 and as amended by Ordinance No. 2016-99 to waive the rent authorized in Ordinance No. 2016-99 through July 15, 2016 to reflect the tenant's build-out of the space at its own expense, thereby reducing the amount of anticipated rent payments by \$15,160.

Section 6. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-296
Re: Real Estate Acquisition -
894-898 West Main Street
and 42 York Street,
Bull's Head Revitalization

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

Transmitted herewith for your approval is legislation authorizing the acquisition by negotiation of the following two properties under common ownership:

- 894-898 West Main Street
- 42 York Street

894-898 West Main Street consists of a 0.11 acre parcel with an existing three-story, 11,700 sq. ft., mixed-use

building. The building is currently occupied with first floor commercial tenants and residential tenants above. The property is adjacent to two City-owned vacant lots on either side at 900 West Main Street and 888-892 West Main Street (see attached property location map).

42 York Street is a 0.48 acre parcel paved for parking. 42 York Street currently provides parking for the tenants of 894-898 West Main Street. The property is adjacent to City-owned property to the east at 886 West Main Street (see attached property location map).

The current owner of the two referenced properties is Mr. Mohammad Chhipa. Mr. Chhipa approached the City to sell his properties. The properties are situated adjacent to other City-owned properties and within the Bull's Head Revitalization target area. As part of the Bull's Head Revitalization project, the City intends to prepare this property and other adjacent properties for future redevelopment. Activities for such preparation may include tenant relocation, environmental testing, environmental clean-up and demolition.

The following is a breakdown of the appraised value of each of the two properties:

- 894-898 West Main Street: \$150,000
- 42 York Street: 60,000
- Total \$210,000

The combined purchase price of \$210,000 was established by an independent appraisal prepared by Midland Appraisal Associates, Inc., on January 13, 2016, and a review appraisal completed by Bruckner, Tillett, Rossi, Cahill & Associates on April 28, 2016. The total cost of \$212,000, which includes the purchase price and closing costs, will be funded from 2016-17 Cash Capital.

The City has hired RK Hite & Co., Inc. to provide relocation and moving assistance related services for the commercial and residential tenants of 894-898 West Main Street. The associated tenant relocation benefits and eligible moving costs will be funded from 2016-17 Cash Capital.

A Phase I Environmental Site Assessment (ESA) dated August 16, 2016, was completed for the property by Day Environmental, Inc. Upon review by the City's Department of Environmental Services Division of Environmental Quality, the Phase I ESA report included evidence of potential environmental contamination consistent with typical developed urban sites. There were no recognized environmental conditions that would preclude the City's acquisition of the properties.

Upon acquisition by the City, the 2016-17 City taxes will be canceled. The property will be conveyed with no other outstanding liens or encumbrances.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment AP-160

Ordinance No. 2016-296
(Int. No. 337)

Authorizing the acquisition of 894-898 West Main Street and 42 York Street

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

Section 1. The Council hereby approves the acquisition by negotiation of the parcels described below. The acquisition costs shall not exceed \$212,000, including closing costs, and shall be funded from 2016-17 Cash Capital.

<u>Address</u>	<u>Lot Size</u>	<u>S.B.L.#</u>	<u>Owner</u>
894-898 West Main St.	±0.11 acre	120.42-2-62.1	Mohammad Chhipa
42 York St.	±0.48 acres	120.42-2-72.1	Mohammad Chhipa

Section 2. City taxes and other current-year charges against said parcels shall be canceled from the date of closing forward. If the present owners have paid any taxes or other current-year charges attributable to the period after the closing, such charges shall be credited to such owners at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcels, shall also be cancelled. The properties shall be conveyed to the City with no other outstanding liens or encumbrances.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Ortiz moved to amend Int. No. 338.

Councilmember Spauld seconded the motion.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-297
Re: Zoning Map Amendment -
Multiple properties on Hudson
Avenue, Merrimac Street,
Cleveland Street and
Frederick Street

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning the properties at 396, 402, 404-408 Hudson Avenue from C-1 Neighborhood Center District to R-3 High Density Residential District; and 101, 111, 121, 127, 168-172 Merrimac Street, 26, 30, 36, 37, 42, 43, 47, 48, 54, 58, 59 and 75 Cleveland Street and 8 Frederick Street from R-1 Low Density Residential District to R-3 High Density Residential District.

The purpose of this rezoning is to facilitate the development of multi-family housing and ancillary parking for a DePaul project. DePaul, the applicant for this rezoning request, is proposing to construct a three- and four-story, 114 unit apartment building, as well as a three-story, 36 unit apartment building with associated utilities and parking. If the rezoning is approved, a Special Permit from the City Planning Commission will also be necessary to establish the ancillary parking. The entire project is currently going through the Site Plan Review process.

The City Planning Commission held an informational meeting on the proposed map amendment on Monday, August 8, 2016, the minutes of which are attached. Two people spoke in favor of the rezoning; one person asked a question, and no one spoke in opposition. By a vote of 5-0-0, the City Planning Commission recommended that the above properties be rezoned to R-2 Medium Density Residential, instead of R-3 High Density Residential, so that multi-family housing and large scale apartment buildings would not be permitted as of right, but would require Special Permit approval from the City Planning Commission. However, the final decision regarding this map amendment is for City Council to determine.

A public hearing is required for the Zoning Map Amendment.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No AP-161

Ordinance No. 2016-297
(Int. No. 338, as amended)

Amending the Zoning Code map for multiple properties located on Hudson Avenue, Merrimac Street, Cleveland Street and Frederick 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 from C-1 Neighborhood Center to R-3 High Density Residential the zoning classification of the following properties ~~from C-1 Neighborhood Center to R-3 High Density Residential~~ District:

<u>Address</u>	<u>SBL #</u>
396 Hudson Avenue	106.49-1-88.1
402 Hudson Avenue	106.49-1-89
404-408 Hudson Avenue	106.49-1-1

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

Section 2. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing from R-1 Low Density Resi-

dential to R-3 High Density Residential the zoning classifications of the following properties ~~from R-1 Low Density Residential to R-3 High Density Residential~~ District:

<u>Address</u>	<u>SBL #</u>
101 Merrimac Street	106.49-1-3.1
111 Merrimac Street	106.49-1-5.1
121 Merrimac Street	106.49-1-7
127 Merrimac Street	106.49-1-8
168-172 Merrimac Street	106.41-4-36.3
26 Cleveland Street	106.49-1-83.4
30 Cleveland Street	106.49-1-82
36 Cleveland Street	106.49-1-81
37 Cleveland Street	106.49-1-62
42 Cleveland Street	106.49-1-80
43 Cleveland Street	106.49-1-63
47 Cleveland Street	106.49-1-64.1
48 Cleveland Street	106.49-1-79
54 Cleveland Street	106.49-1-78
58 Cleveland Street	106.49-1-77
59 Cleveland Street	106.49-1-66
75 Cleveland Street	106.49-1-68.1
8 Frederick Street	106.49-1-33.2

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

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-298
Re: Zoning Map Amendment -
1009-1011 Jay Street

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning the vacant parcel at 1009-1011 Jay Street from R-1 Low Density Residential District to M-1 Industrial District. The applicant, Christopher Brett, owns this property and the adjacent property at 1037 Jay Street, which is already zoned M-1. Mr. Brett is proposing to rezone 1009-1011 Jay Street so that he can combine it with 1037 Jay as part of his proposal to build seven, self-service storage buildings on the parcel. Self-service storage is permitted within fully enclosed buildings in the M-1 District; however, it is not a permitted use in the R-1 District.

The City Planning Commission held an informational meeting on the proposed map amendment on Monday, August 8, 2016; meeting minutes are attached. No one spoke in support of or in opposition to the proposed rezoning. By a vote of 6-0-0, the Planning Commission recommended approval.

A public hearing is required for the Zoning Map amendment.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-162

Ordinance No. 2016-298
(Int. No. 340, as amended)

Amending the Zoning Code map for 1009-1011 Jay 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 ~~from R-1 Low Density Residential to M-1 Industrial~~ the zoning classification of the property located at 1009-1011 Jay Street (SBL # 105.80-1-79) ~~from R-1 Low Density Residential to M-1 Industrial, and the area encompassing that property comprised of:~~

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 66, 20,000 Acre Tract, and being more particularly bounded and described as follows: Beginning at a point on the centerline of Jay Street (49.5' ROW) at the northerly extension of the east line of Lot 37 of the Peter Delles Subdivision, as filed in the Monroe County Clerk's Office in Liber 1 of Maps, Page 30, said point being the Point or Place of Beginning; thence

- 1) Southerly, along said extension and the east line of Lot 37, a distance of 130.75 feet to a point; thence
- 2) Westerly, parallel with said Jay Street, a distance of 60.0 feet to a point; thence
- 3) Northerly, along the extension and the west line of said Lot 37, a distance of 130.75 feet to the said centerline of Jay Street; thence
- 4) Easterly, along said centerline, a distance of 60.0 feet to the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-299
Re: Restore New York Communities Initiative - Round 4

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

Culture of Vibrancy

Transmitted herewith for your approval is legislation authorizing an application to the Empire State Development Corporation (ESDC), and a subsequent grant disbursement agreement with the New York State Urban Development Corporation, doing business as ESDC, for the receipt and use of a grant totaling up to \$2 million through Round 4 of the Restore New York Communities Initiative Program (Restore NY).

Restore NY provides financial assistance to municipalities for the demolition, deconstruction, rehabilitation and/or reconstruction of vacant, abandoned, condemned and surplus properties. Restore NY funds may also be used for site development needs to support the rehabilitation of properties, including (but not limited to) water, sewer and parking. Total funding for Restore NY Round 4 is \$50 million statewide. Municipalities with populations of over 100,000 are eligible to apply for one project with a maximum grant request of \$2 million. A single Restore NY project may include multiple properties.

An internal advisory committee composed of staff from the Department of Neighborhood and Business Development, Department of Environmental Services, Department of Finance and Law Department reviewed nearly 30 potential properties for inclusion in the City's 2016 Restore NY application. The advisory committee prioritized a project called the "Center City Commercial and Mixed Use Initiative," which would provide gap funding for the adaptive reuse of properties on several significantly vacant, blighted blocks that are strategically important to downtown Rochester's continued revitalization. A letter of intent to apply for this project was submitted to ESDC on July 13, 2016 and a full application is due to ESDC by no later than October 3, 2016.

The City will request \$2 million in funding for the properties and amounts listed below, or others, if deemed necessary by the Mayor, which would be used to create approximately 78 new housing units and the renovation of approximately 28,750 sq. ft. of commercial space in the following seven downtown buildings:

- 1. Center City Place
Developer: Center City Place LLC (Anthony Cilino/Philip Georges) and REO Holding LLC (Antonio Cilino)
Address: 131-135 and 143-163 State St. (five buildings)
Type of Activity: Rehabilitation
Total Development Cost: \$8,260,800
ESDC Request: \$950,000
Commercial space to be renovated: seven storefronts (14,000 sq. ft.)
New housing units to be created: 34 apartments (41,000 sq. ft.)
- 2. Mi Casa is Su Casa
Developer: Sobrino Property Group, LLC (Douglas Salgado)
Address: 113 State St (one building)

Type of Activity: Rehabilitation
Total Development Cost: \$7,817,407
ESDC Request: \$475,000
Commercial space to be renovated: one restaurant (4,350 sq. ft.)
New housing units to be created: 12 units in four dorm-style apartments (4,175 sq. ft.)

- 3. The Hive@155 Phase II
Developer: Hive Andrews 2 LLC (Dan Morgenstern, Robert Morgan, Buckingham Properties)
Address: 143-153 St. Paul Street (one building)
Type of Activity: Rehabilitation
Total Development Cost: \$7,817,407
ESDC Request: \$475,000
Commercial space to be renovated: one retail unit (10,400 sq. ft.)
New housing units to be created: 35 apartments (24,436 sq. ft.)

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/Strategic Plan 2015/16 - 2019/20; 3) Center City Master Plan; 4) Housing Policy; and 5) City-Wide Rochester Housing Market Study Recommendations.
- The proposed financing is appropriate for the identified 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.
- 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.

The City was awarded \$2.3 million, \$6 million and \$9.5 million from ESDC in 2006, 2007 and 2009, respectively, through the first three rounds of the Restore NY program.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-163

Ordinance No. 2016-299
(Int. No. 341, as amended)

Authorizing an application and agreement for a grant under Round 4 of the Restore NY Communities Initiative

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

Section 1. The Mayor is hereby authorized to submit an application to the Empire State Development Corporation (ESDC) and to enter the City into an subsequent agreement with the New York State Urban Development Corporation Doing Business As the ESDC Empire State Development Corporation for the receipt and use of a grant of up to \$2 million under the Round 4 of Restore NY Communities Initiative (Restore NY), which shall be used by the City to assist with the Center City Commercial and Mixed Use Initiative (the Project), which provides for the rehabilitation of Center City properties.

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

Section 3. The Council, having reviewed the ~~projects~~ Project that ~~are~~ is proposed for the application in accordance with Restore NY program guidelines, hereby finds that the application is consistent with the following principles:

- (a) the ~~proposed assisted projects~~ Project ~~are~~ is consistent with:
 - 1) the Comprehensive Plan;
 - 2) the Consolidated Community Development Plan/Strategic Plan for 2015-16 through 2019-20;
 - 3) the Center City Master Plan;
 - 4) the Housing Policy; and
 - 5) the City-Wide Rochester Housing Market Study Recommendations;
- (b) the proposed financing is appropriate for the ~~identified projects~~ Project;
- (c) the ~~projects~~ 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 ~~projects~~ Project develops and enhances infrastructure and/or other facilities in a manner that will attract, create, and sustain employment opportunities.

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-300
Re: Agreement - Coordinated Care Services Incorporated,
Administration of Rochester/

Monroe County Continuum of Care Services

Transmitted herewith for your approval is legislation establishing \$24,000 as maximum compensation for an agreement with Coordinated Care Services Incorporated (CCSI) for administration of the Rochester/Monroe County Continuum of Care (CoC) services. The cost of this agreement will be funded from the 2016-17 City Development Fund and the term will be for one year, with the option to extend for one year, if funds remain in the original appropriation.

CoC is a consortium of funders, providers and formerly homeless representatives that collaboratively plans for the use of federal funds serving individuals and families who are homeless or are at risk of becoming homeless.

Total funding for CCSI to administer the CoC totals \$165,185. Funding is also being provided by Monroe County and the Rochester Housing Authority.

CCSI will provide staff for the planning and development of the Homeless Strategy to be included in the Consolidated Community Development Plan/Annual Action Plan for both the City and County. They will also facilitate the evaluation of proposals for the Housing Choice Fund Emergency Solutions Grant (ESG), other homeless service activities and the continued refinement of a coordinated access system required by U.S. Department of Housing and Urban Development.

CCSI currently administers funding for the CoC. CCSI was first identified as the administrator through a request for proposals process in 2014. The proposed appropriation will fulfill the City's funding commitment to the CoC and will be its last investment for this purpose.

City Council previously approved this activity in November 2014 via Ordinance No. 2014-337.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-300
(Int. No. 342, as amended)

Authorizing an agreement with Coordinated Care Services, Inc. for administrative services of the Rochester/Monroe County Continuum of Care

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

Section 1. The Mayor is hereby authorized to enter the City into an agreement with Coordinated Care Service, Inc. for administrative services for the Rochester/Monroe County Continuum of Care. The agreement shall have a term of one year, with an option to extend for one year if funds remain in the original appropriation.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$24,000 and said amount, or so much thereof as may be necessary, shall be funded from the 2016-17 City Development Fund.

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

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-301
Re: House of Mercy

Transmitted herewith for your approval is legislation authorizing an agreement with the House of Mercy in the amount of \$500,000 for the construction of a new shelter. This agreement will be funded with Prior Years' Cash Capital.

The House of Mercy has been a noted, low-barrier shelter in the community for over thirty years. They have outgrown their current location at 725 Hudson Avenue. The current shelter can house up to 19 individuals. The organization also provides food, clothing and shelter for people in need. They have also assisted residents in accessing public assistance, social security, health care treatment for substance abuse and mental health problems, financial assistance for rent and utility bills, educational tutoring, transportation to appointments and burial assistance.

The new House of Mercy will be located at 285 Ormond Street and be able to house up to 82 individuals. They will continue to provide the same services, just in a new and expanded facility. The new facility will be recognized and fully integrated into the Continuum of Care as the low-barrier shelter in the community. Once the new facility is opened, the property at 725 Hudson Avenue will be donated to the City of Rochester and demolished.

The City's funds will be used toward construction only; the project's budget is below.

<u>Costs</u>	
Acquisition	\$ 215,000
Construction	3,225,162
Contingency	301,607
Architectural, Engineering & Legal Services	125,900
Equipment, Furniture and Fixtures	150,000
Replacement Reserves	300,000
Capitalized Operating Reserves	189,150
Total	\$4,506,819

<u>Sources</u>	
City of Rochester	\$ 500,000

Acquisition Contribution	215,000
NYS Homeless Housing Assistance	3,202,669
Other grants/donations	589,150
Total	\$4,506,819

It is expected that construction will be completed and the shelter open in December of this year.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-301
(Int. No. 343)

Authorizing an agreement for the construction of the House of Mercy homeless shelter

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

Section 1. The Mayor is hereby authorized to enter the City into an agreement with the House of Mercy, Inc. to construct a homeless shelter at 285 Ormond Street. The sum of \$500,000, or so much thereof as may be necessary, is hereby established as the maximum compensation for the agreement which amount shall be funded from Prior Years' Cash Capital.

Section 2. The term of the agreement may extend up to one year.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-302
Re: Amendatory Agreement -
Schubert Centre LLC, Focused
Investment Strategy Vacant Lot
Fencing and Greening Program

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Schubert Centre LLC for the construction a parking lot as part of the Focused Investment Strategy Vacant Lot Fencing and Greening Program (Ordinance No. 2012-248). The term of the agreement will be extended by one year, with no additional cost.

Schubert Centre LLC, owner of the vacant lot at 143-147 Webster Avenue, was contracted to construct a parking lot at the location, which would be used for ancillary parking by Dazzle Theater. Due to considerable delays with this project, it is necessary to extend the term of agreement. The project

is now ready to begin and is expected to be completed within 60 days. A one-year extension is being requested, however, because the asphalt mills are expected to close in October, and should unforeseen circumstances cause the project to fail to commence in September, the earliest possible start date would not be until spring 2017.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-302
(Int. No. 344)

Authorizing an amendatory agreement with Schubert Centre LLC for the Focused Investment Strategy Vacant Lot Fencing and Greening Program

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

Section 1. The Mayor is hereby authorized to enter in an amendatory agreement with Schubert Centre LLC to amend the agreement for the Focused Investment Strategy Vacant Lot Fencing and Greening Program originally authorized in Ordinance No. 2012-248. The amendment shall extend the term of agreement by one year to August 31, 2017.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-303
Re: Correcting Prior Zoning Text
Amendment - M-1 Industrial
District

Transmitted herewith for your approval is legislation correcting an error in the recently approved zoning text amendment legislation that eliminated the distinctions among "High-Impact" other sub-categories of the Retail Sales and Services use classification.

This legislation will correct an inadvertent error in Section 3 of Ordinance No. 2016-263 that classified Retail Sales and Services as a permissible use in all buildings within the M-1 Industrial district. See Zoning Code §120-81(A)(1)(n), as amended by Ordinance No. 2016-263, §3. The present legislation deletes that provision because it is either redundant with or contradicts other provisions of the amended Code that classifies any Retail Sales and Services use in the M-1 district as follows:

- A permitted use when located in an existing multistory building or single-story building

not originally designed for industrial purposes; or

- A special permit use when located in a single-story building originally designed for industrial purposes.

See Zoning Code §§120-81(B)(3) and 120-183(A)(1), as amended by Ordinance No. 2016-263, §3.

Pursuant to §120-190(C) of the Zoning Code, this zoning text amendment does not require prior review by the City Planning Commission because it involves a minor correction that does not substantially change the meaning of the Code. Similarly, in accordance with Article 8 of the New York State Conservation Law and Chapter 48 of the Rochester City Code, this zoning text amendment has been classified as a Type II action, requiring no further environmental review.

A public hearing is required for this zoning text amendment.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-303
(Int. No. 363)

Amending the Zoning Code, Chapter 120 of the Municipal Code, with regard to retail sales and service in the M-1 Industrial district

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

Section 1. Chapter 120 of the Municipal Code, Zoning, as last amended by Ordinance No. 2016-263, is hereby further amended in Section 120-81, Permitted uses and structures, to delete subsection A(1)(n) as follows:

- § 120-81. Permitted uses and structures.
 - A. The following uses are permitted in the M-1 District:
 - (1) The following uses are permitted when conducted in a fully enclosed building:
 - ...
 - ~~(n) Retail sales and service, when in an existing building.~~

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text.

Passed unanimously.

Councilmember Ortiz moved to discharge Int. No. 339 from Committee.

Councilmember Patterson seconded the motion.

Adopted unanimously.

Councilmember Ortiz moved to amend Int. No. 339.

Councilmember Spaul seconded the motion.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-304
Re: Zoning Map Amendment -
Multiple properties on
Merrimac, Cleveland, Wadsworth,
Gilmore and North Streets

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning the properties at 128 Merrimac Street and 15 Wadsworth Street from R-1 Low Density Residential District to M-1 Industrial District; and 19, 62, 68, 72, 78, 84, and 90 Cleveland Street, 17, 19, 21, 23, 23.5, 25, 27, 29, 31 and 33 Wadsworth Street, 131, 135, 145, 151, and 153 Merrimac Street, 144, 148, 156, 160 and 164 Gilmore Street, and 745, 755, 759, 763 and 769 North Street from R-1 Low Density Residential District to R-3 High Density Residential District. As a result of the rezoning request made by DePaul, the City has requested that the City Planning Commission act as the applicant for this rezoning so that the remaining properties in this area, many of which are City-owned, are ready for the possibility of future development and complement the rezoning being proposed by DePaul.

With the exception of those properties owned by the City of Rochester, certified letters regarding the proposed rezoning were sent to the owners of the properties listed above. A copy of this letter is attached.

The City Planning Commission held an informational meeting on the proposed map amendment on Monday, August 8, 2016; meeting minutes are attached. No one spoke in support of or in opposition to the proposed rezoning. By a vote of 6-0-0, the City Planning Commission recommended approval for the two properties being rezoned to M-1 Industrial District. However, they recommended that the other properties be rezoned to R-2 Medium Density Residential, instead of R-3 High Density Residential, so that multi-family housing and large scale apartment buildings would not be permitted as of right, but would require Special Permit approval from the City Planning Commission. The final decision regarding this map amendment is under the purview of City Council.

A public hearing is required for the Zoning Map Amendment.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-164

Ordinance No. 2016-304
(Int. No. 339, as amended)

Amending the Zoning Code map for multiple properties located on ~~128 Merrimac Street, Cleveland Street, and 15 Wadsworth Street, Gilmore Street and North 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 from R-1 Low Density Residential to M-1 Industrial the zoning classification of the following properties from R-1 Low Density Residential to M-1 Industrial:

Address	SBL #
128 Merrimac Street	106.41-4-42
15 Wadsworth Street	106.41-4-55

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

~~Section 2. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classifications of the following properties from R-1 Low Density Residential to R-3 High Density Residential:~~

Address	SBL #
19 Cleveland Street	106.49-1-61
62 Cleveland Street	106.49-1-75.3
68 Cleveland Street	106.49-1-75.2
72 Cleveland Street	106.49-1-74
78 Cleveland Street	106.49-1-73
84 Cleveland Street	106.49-1-72
90 Cleveland Street	106.49-1-71
17 Wadsworth Street	106.41-4-56
19 Wadsworth Street	106.41-4-57
21 Wadsworth Street	106.41-4-58
23 Wadsworth Street	106.41-4-59
23.5 Wadsworth Street	106.41-4-60.2
25 Wadsworth Street	106.41-4-60.1
27 Wadsworth Street	106.41-4-61
29 Wadsworth Street	106.41-4-62
30 Wadsworth Street	106.41-4-69.1
31 Wadsworth Street	106.41-4-63
33 Wadsworth Street	106.41-4-64
131 Merrimac Street	106.49-1-9
135 Merrimac Street	106.49-1-10.1
145 Merrimac Street	106.49-1-12.2
151 Merrimac Street	106.49-1-14
153 Merrimac Street	106.49-1-15
144 Gilmore Street	106.41-4-52.1
148 Gilmore Street	106.41-4-51.1
156 Gilmore Street	106.41-4-49
160 Gilmore Street	106.41-4-48
164 Gilmore Street	106.41-4-47.1
745 North Street	106.41-4-32
755 North Street	106.41-4-30.1
759 North Street	106.41-4-29
763 North Street	106.41-4-28
769 North Street	106.41-4-27

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

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

By Councilmember Haag
September 14, 2016

To the Council:

The Parks & Public Works Committee recommends for adoption the following entitled legislation:

Int. No. 346 - Authorizing an amendatory agreement with T.Y. Lin International Engineering, Architecture & Land Surveying, P.C., for the Broad Street Bridge Preventive Maintenance Project

Int. No. 347 - Authorizing an amendatory agreement and funding for the Hincer Group Street Improvement Project

Int. No. 348 - Authorizing an amendatory agreement with Passero Associates, Engineering, Architecture & Surveying, D.P.C., for improvements to Charlotte Street and Haags Alley

Int. No. 349 - Authorizing an amendatory agreement and funding for the Vacuum Oil Site remedial investigation and alternatives analysis

Int. No. 350 - Bond Ordinance of the City of Rochester, New York amending Ordinance No. 2014-254 by authorizing the issuance of an additional \$150,000 bonds of said City to finance a professional services agreement with O'Brien & Gere for remedial investigation services relating to contamination of the Vacuum Oil site in the City

Int. No. 351 - Authorizing agreements and appropriating funds for the Kilmar Street Group Project

Int. No. 352 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$165,000 Bonds of said City to finance the reconstruction of water services along certain portions of Shady Lane related to the 2016 Kilmear Street Group Reconstruction Project, as amended

Int. No. 353 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$2,389,000 Bonds of said City to finance certain costs of the 2017 Annual Parking Garage Evaluation and Repair Program

Int. No. 354 - Authorizing a grant agreement with Genesee Region Clean Communities, Inc. to fund the purchase of alternative fuel vehicles

Int. No. 359 - Authorizing the receipt and use of New York State Department of Transportation funds

Int. No. 360 - Authorizing extensions of the existing agreements and entry into new agreements for the a management agreement for of the Blue Cross Arena at the War Memorial and a for the

lease of Municipal Lot #10, as amended

The Parks & Public Works Committee recommends for consideration the following entitled legislation:

Int. No. 345 - Approving geometric changes to Arnett Boulevard related to the 2017 Preventive Maintenance Group 5 Project

Respectfully submitted,
Matt Haag
Michael A. Patterson
Elaine M. Spaul
Dana K. Miller
Loretta C. Scott
PARKS & PUBLIC WORKS COMMITTEE

Received, filed, and published.

Councilmember Haag moved to return Int. No. 345 to Committee.

Councilmember McFadden seconded the motion.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 345
Re: 2017 Preventative Maintenance
Group 5 Project, Arnett Boulevard
(Thurston Road - Genesee Street)

Transmitted herewith for your approval is legislation authorizing geometric pavement width changes to Arnett Boulevard, from Thurston Road to Genesee Street, as part of the 2017 Preventative Maintenance Group 5 Project as follows:

1. A decrease of 12 feet from 40 feet to 28 feet, from 64 feet west to 84 feet east of Post Avenue;
2. A decrease of 12 feet from 40 feet to 28 feet, from 62 feet west to 61 feet east of Woodbine Avenue;
3. A decrease of 6 feet from 40 feet to 34 feet, from 82 feet west to 48 feet west of Rugby Avenue;
4. A decrease of 12 feet from 40 feet to 28 feet, from the point above to 50 feet east of Rugby Avenue;
5. A decrease of 18 feet from 52 feet to 34 feet, from the point above to 71 feet east of Rugby Avenue;
6. A decrease of 18 feet from 52 feet to 34 feet, beginning 249 feet east of Rugby Avenue to 273 feet east of Rugby Avenue; and
7. A decrease of 12 feet from 40 feet to 28 feet, from 84 feet west to 85 feet east of Wellington Avenue.

The 2017 Preventative Maintenance Group 5 Project is a federally funded project intended to address minor pavement distress, drainage concerns and elongate the life of the pavement by providing a smooth riding surface at an economical cost. The intent of the pavement width changes on Arnett Boulevard is to provide traffic calming and safety by providing shorter crossing distances for pedestrians at intersections.

The improvements on Arnett Boulevard include milling the existing asphalt surface and replacing it with new asphalt pavement, new curb installation for bump-outs at multiple intersections, storm drainage upgrades, accessible curb ramp upgrades to meet Americans with Disabilities Act requirements, and spot sidewalk and curb replacement. Driveway aprons to vacant parcels will also be closed as part of this Project.

Design of the Project is scheduled to be completed in fall 2016. Construction is expected to begin in spring 2017 and be completed by summer 2017.

A public informational meeting was held August 16, 2016; meeting minutes are forthcoming. The pavement width changes were endorsed by the Traffic Control Board on August 2, 2016.

A public hearing on the pavement width changes is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Introductory No. 345

APPROVING GEOMETRIC CHANGES TO ARNETT BOULEVARD RELATED TO THE 2017 PREVENTIVE MAINTENANCE GROUP 5 PROJECT

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

Section 1. In furtherance of the 2017 Preventative Maintenance Group 5 Project (Project) authorized in Ordinance No. 2014-396, Council hereby approves the following pavement width changes for Arnett Boulevard:

Pavement width changes on Arnett Boulevard from Thurston Road to Genesee Street:

- a) Decrease of 12 feet from 40 feet to 28 feet, from 64 feet west to 84 feet east of Post Avenue;
- b) Decrease of 12 feet from 40 feet to 28 feet, from 62 feet west to 61 feet east of Woodbine Avenue;
- c) Decrease of 6 feet from 40 to 34 feet, from 82 feet west to 48 feet west of Rugby Avenue;
- d) Decrease of 12 feet from 40 feet to 28 feet, from the point above to 50 feet east of

Rugby Avenue;

- e) Decrease of 18 feet from 52 feet to 34 feet, from the point above to 71 feet east of Rugby Avenue;
- f) Decrease of 18 feet from 52 feet to 34 feet, beginning 249 feet east of Rugby Avenue to 273 feet east of Rugby Avenue; and
- g) Decrease of 12 feet from 40 feet to 28 feet, from 84 feet west to 85 feet east of Wellington Avenue.

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

Section 3. This ordinance shall take effect immediately.

Held in Committee.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-305
Re: Amendatory Agreement -
T.Y. Lin International
Engineering, Architecture &
Land Surveying, P.C.,
Broad Street Bridge Preventive
Maintenance Project

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

Transmitted herewith for your approval is legislation establishing \$60,000 as maximum compensation for an amendatory agreement with T.Y. Lin International Engineering, Architecture & Land Surveying, P.C., Rochester, New York, for additional design services for the Broad Street Bridge Preventive Maintenance Project, increasing total maximum compensation to \$1,502,000. The cost of the amendatory agreement will be funded from 2014-15 Cash Capital, and the term may extend until six months after completion and acceptance of the construction of the Project.

The original agreement with T.Y. Lin International (formerly FRA Engineering and Architecture, P.C.) was to develop the master plan and provide market analysis, both of which were used to guide the preliminary and final design of the Broad Street Bridge Preventive Maintenance Project (Ordinance No. 2008-56). T.Y. Lin International developed a comprehensive inventory and analysis of the Broad Street corridor, from the Rundel Library to West Main Street, creating a Master Plan that incorporated land use projections, developers' recommendations, professional analysis, community input, parking plans, traffic analysis, historic interpretation, and potential for mixed-use, in-fill development as part of the plan's conceptual design.

Recent bridge inspections, however, indicate that specific bridge-elements have reached a point of deterioration where preventative maintenance activities are warranted to prolong the life of the structure. Included in the project are the following work activities: full removal and replacement of the asphaltic wearing surface, partial and localized deck repairs, removal and replacement of curbs and sidewalks, substructure repairs, expansion joint replacements, and streetscape improvements. The estimated cost of construction for the project is \$5,035,059. Additional, related work by T.Y. Lin International was approved via an amendatory agreement (Ordinance No. 2014-350).

The original agreement and first amendatory agreement provided for the following services:

- Development of a community-based master plan
- Traffic analysis, modeling and identification of mitigating measures
- Environmental investigations
- Assessment of corridor strengths, opportunities and constraints
- Investigation and evaluation of alternative concepts
- Place-making opportunities
- Advocate workshops, visioning workshops, and design charettes
- Historic interpretation, preservation standards and mitigation strategies
- Economic evaluation and market analysis
- Preliminary and final design
- Structural evaluations
- Additional traffic analysis (lane reduction, parking, bike lanes)
- Streetscape improvements
- Heritage Trail amenities
- Final cost estimates
- Development of special specifications
- Bid and award phase tasks
- Construction phase design services

The proposed, second, amendatory agreement includes the following services:

- Coordination efforts with the Rundel Library Terrace Improvements
- Utility coordination associated with Morgan Development's 103 Court Street Project

- Load ratings of sidewalk surfaces
- Structural investigations
- Construction investigations and plan detailing

Construction of the Project is underway and expected to be completed in summer 2017. The amendatory agreement will result in the creation and/or retention of the equivalent of 0.7 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-166

Ordinance No. 2016-305
(Int. No. 346)

Authorizing an amendatory agreement with T.Y. Lin International Engineering, Architecture & Land Surveying, P.C., for the Broad Street Bridge Preventive Maintenance Project

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

Section 1. The Mayor is hereby authorized to enter the City into an amendatory professional services agreement with T.Y. Lin International Engineering, Architecture & Land Surveying, P.C. (formerly known as FRA Engineering and Architecture PC) for additional design services related to the Broad Street Bridge Preventive Maintenance Project. The amendment shall increase the maximum compensation in the agreement authorized in Ordinance No. 2008-56 and amended in Ordinance No. 2014-350 by \$60,000 to a total of \$1,502,000. Said amount shall be funded from 2014-15 Cash Capital. The term of the amendatory agreement may extend until 6 months after completion and acceptance of the construction of the project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-306
Re: Amendatory Agreement -
Bergmann Associates, Architects,
Engineers, Landscape Architects
& Surveyors, D.P.C., Hinch
Group Street Improvement Project

Council Priority: Jobs and
Economic Development

Transmitted herewith for your approval is legisla-

tion establishing \$95,000 as maximum compensation for an amendatory agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Bergmann), Rochester, New York, for resident project representation (RPR) services related to the Hinch Group Street Improvement Project, increasing total maximum compensation to \$289,000. The amendatory agreement will be funded by 2013-14 Cash Capital.

The Hinch Group Street Improvement Project consists of work on Corrigan, Hinch, Estes, Fleming, and Ruggles Streets. The Project includes the reconstruction of pavement with a new reinforced modified or medium-duty asphalt pavement section; new stone curb and underdrain pipe; new sidewalk on the west side of Estes Street; replacement of existing sidewalks, driveway aprons and catch basins; new sanitary sewer, manholes and house laterals on Ruggles Street; replacement of existing sewer manhole frames and covers; new street lights and conduit on Fleming and Hinch Streets; new PVC water main pipe on Fleming and Hinch Streets, including polyethylene water services; removal of existing and installation of new trees; re-grading and hydro-seeding of all lawn areas.

Construction began on the Project in August 2015 by JJ Bell Construction. During the construction, it was discovered that additional work is necessary. The work includes: installation of sewer and water services at Hinch Street for a future City concession stand in an adjacent park area; installation of porous concrete sidewalks, and special drainage detention swales to meet Stormwater Pollution Prevention Plan (SWPPP) requirements; and installation of stamped concrete and exposed aggregate sidewalks along portions of Lake Avenue. The estimated cost of the additional work is \$395,000. Based on the added work, Project completion is now expected for September 2016. The added construction duration requires additional RPR services by Bergmann Associates.

The amendatory agreement will result in the creation and/or retention of the equivalent of 1 full-time job.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-167

Ordinance No. 2016-306
(Int. No. 347)

Authorizing an amendatory agreement and funding for the Hinch Group Street Improvement Project

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for resident project

representation services related to the Hincer Group Street Improvement Project. The amendatory agreement shall increase the maximum compensation for the agreement authorized in Ordinance No. 2015-240 by \$95,000, for a total compensation of \$289,000. The increased amount shall be funded from 2013-14 Cash Capital. The term of the amendatory agreement may extend until 3 months after completion of a two year guarantee inspection of the Project.

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. 2016-307
Re: Amendatory Agreement -
Passero Associates, Engineers,
Architecture & Surveying, D.P.C.,
Charlotte Street and Haags
Alley Improvements

Transmitted herewith for your approval is legislation authorizing \$15,600 as maximum compensation for an amendatory agreement with Passero Associates, Engineers, Architecture & Surveying, D.P.C (Passero), Rochester, New York, for the redesign of Charlotte Street at a different roadway width, preparing a submittal package for a fire code variance and additional design services which may result from the variance decision. This amendment will increase total maximum compensation from \$106,000 (Ordinance No. 2015-299) to \$121,600. The cost of the amendatory agreement will be financed from 2012-13 Cash Capital and the term will be for six months after the completion and acceptance of the construction of the project.

The project includes new asphalt pavement for Charlotte Street and new concrete pavement for Haags Alley. Both streets will have new granite curbs, concrete sidewalk replacement, new driveway aprons, catch basin upgrades, new water main and services, hydrants, and street lighting upgrades. The project will include some enhanced sidewalk and crosswalk materials that will coordinate with the materials used for the development at 14-80 Charlotte Street. Geometric changes were approved by Council at the August 2016 meeting (Ordinance No. 2016-277).

Bids for construction were received on June 13, 2016 and the project is being awarded to the low bidder, Concrete Applied Technologies Corporation d/b/a CATCO. Funding for the project and approval of an agreement with Passero for construction inspection was approved by Council at the July 2016 meeting (Ordinance Nos. 2016-244 and 2016-245).

A public meeting was held on May 31, 2016; cop-

ies of the meeting minutes were forwarded to Council for the June 2016 meeting.

It is anticipated that construction will begin in summer 2016, with scheduled completion in fall 2016.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-168

Ordinance No. 2016-307
(Int. No. 348)

Authorizing an amendatory agreement with Passero Associates, Engineering, Architecture & Surveying, D.P.C., for improvements to Charlotte Street and Haags Alley

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 Passero Associates, Engineering, Architecture & Surveying, D.P.C., for the reconfiguration of Charlotte Street to a different roadway width. The amendment shall increase the maximum compensation in the agreement authorized in Ordinance No. 2015-299 by \$15,600 to a total of \$121,600. Said amount shall be funded from 2012-13 Cash Capital. The term of the amendatory agreement may extend until 6 months after completion and acceptance of the construction of the project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-308 and
Ordinance No. 2016-309
Re: Amendatory Agreement -
O'Brien & Gere Engineers, Inc.,
Remedial Investigation of -
Vacuum Oil Site

Transmitted herewith for your approval is legislation related to the remedial investigation of eight City-owned parcels located on the former Vacuum Oil Site south of Flint Street adjacent to the western bank of the Genesee River. This legislation will:

- (1) Establish \$200,000 as maximum compensation for an amendatory agreement with O'Brien & Gere Engineers, Inc. (OBG) for additional investigation and remedy selection services, for a total cost of \$800,000; and

- (2) Authorize the issuance of \$150,000 bonds and appropriate the proceeds thereof to partially finance the cost of the agreement.

The balance of the cost of the agreement will be funded from 2012-13 and 2015-16 Cash Capital in the amount of \$40,800 and \$9,200, respectively.

In August 2014, City Council authorized an agreement with OBG (Ordinance No. 2014-254) which established \$600,000 as maximum compensation to complete a New York State (NYS) Brownfield Cleanup Program (BCP) remedial investigation of the eight City-owned parcels located south of Flint Street. OBG has partially completed the BCP remedial investigation work. Investigations completed by OBG to date have documented the presence of soil and groundwater contamination at the site.

Under the proposed amendatory agreement, OBG will complete additional investigations and testing of soil, groundwater and soil vapor that have been required by the NYS Department of Environmental Conservation (NYSDEC) to further characterize the project site at a cost of \$140,000. The firm will also complete an NYS BCP Remedial Alternatives Analysis Report (RAAR) to evaluate a range of potential remedial alternatives, estimate costs, and recommend a remediation plan for submission to the NYSDEC at a cost of \$60,000.

The RAAR is the next step in the BCP process after completion of the remedial investigation. The RAAR will evaluate a range of approaches toward the cleanup of contaminated soil and groundwater at the site, taking into account the potential future uses of the site that have been identified through the Vacuum Oil - South Genesee River Corridor Brownfield Opportunity Area (VOBOA) planning process. The recommended cleanup plan will be protective of both public health and the environment.

The former Vacuum Oil site is approximately 40 acres in size and located in the PLEX neighborhood adjacent to the western bank of the Genesee River near Exchange and Flint Streets. In July 2014, the City submitted an application to the NYS BCP for City-owned properties on and adjacent to the former Vacuum Oil facility. The BCP remedial investigation study area consists of eight City-owned parcels of land approximately 15.4 acres in size and is located within the VOBOA.

Continued use of OBG for the Vacuum Oil Site Remedial Investigation and for the BCP remedy selection process is recommended given its extensive understanding of the site's environmental conditions, knowledge of off-site environmental conditions, and experience with the NYSDEC BCP process.

It is anticipated that the remedial investigation and the remedial alternatives analysis report will be completed by spring 2017. The Department of Environmental Services will work closely with the Department of Neighborhood and Business Development for the cleanup and redevelopment of the

BCP site and the larger VOBOA.

The amendatory agreement will result in the creation and/or retention of approximately 2 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment AP-169

Ordinance No. 2016-308
(Int. No. 349)

Authorizing an amendatory agreement and funding for the Vacuum Oil Site remedial investigation and alternatives analysis

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 O'Brien & Gere Engineers, Inc. for environmental services related to the former Vacuum Oil site (Site). The amendatory agreement shall amend the agreement authorized in Ordinance No. 2014-254 by providing for the completion of a Brownfield Cleanup Program remedial investigation (RI) and for the preparation a remedial alternatives analysis report (RAAR) for the Site and by increasing the maximum compensation by \$200,000, for a total compensation of \$800,000.

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

Section 3. The increase in compensation provided for herein shall be funded in the amount of \$150,000 from the proceeds of bonds issued for the purpose, \$40,800 from 2012-13 Cash Capital and \$9,200 from 2015-16 Cash Capital.

Section 4. This ordinance shall take effect immediately

Passed unanimously.

Ordinance No. 2016-309
(Int. No. 350)

Bond Ordinance of the City of Rochester, New York amending Ordinance No. 2014-254 by authorizing the issuance of an additional \$150,000 Bonds of said City to finance a professional services agreement with O'Brien & Gere for remedial investigation services relating to contamination of the Vacuum Oil site in the City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance \$150,000 in additional costs of a professional services agreement with O'Brien & Gere to prepare a Brownfield Cleanup

Program remedial investigation relating to contamination of the Vacuum Oil site (the "Project"), initially authorized in the amount of \$600,000 by Ordinance No. 2014-254, consisting of City-owned land located on a portion of the Former Vacuum Oil Refinery at 1, 13, 31, 69 and 75 Cottage Street, 100 Riverview Place, 102 Violetta Street and a portion of 1320 South Plymouth Avenue in the City. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$800,000, and the additional \$150,000 is hereby appropriated therefor. The plan of financing includes the total issuance of \$750,000 bonds of the City, \$40,800 from 2012-13 Cash Capital, \$9,200 from 2015-16 Cash Capital and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$750,000 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 \$750,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 6-e of the Local Finance Law, is twenty (20) years.

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

Section 6. Subject to the provisions of this

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-310 and
Ordinance No. 2016-311
Re: Kilmar Street Group
Improvement Project

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

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

- 1. Establish \$122,000 as maximum compensation for an agreement with Vanguard Engineering, P.C., Rochester, New York for resi-

- dent project representation (RPR) services;
2. Authorize the issuance of water bonds totaling \$165,000 and the appropriation of the proceeds thereof to partially finance a new water main on Shady Lane portion of the Project;
 3. Appropriate \$400,000 of Community Development Block Grant (CDBG) funds from the Infrastructure Improvements allocation of the General Community Needs fund of the 2013-14 (\$155,943) and 2014-15 (\$244,057) Consolidated Community Development Plan; and
 4. Appropriate \$400,000 of 2015-16 CDBG funds from the Residential Street Rehabilitation allocation of General Community Needs fund of the 2015-16 Consolidated Community Development Plan.

The Kilmar Street Group Improvement Project will reconstruct Shady Lane, Rexford Street and Le Frois Street, rehabilitate a portion of Kilmar Street, and replace curbs on Millan Street. A new water main will be installed on Shady Lane. Street width changes were authorized by Council in January 2016 (Ordinance No. 2016-29).

Bids for construction were received on July 19, 2016. The apparent low bid of \$872,373 was submitted by Zoladz Construction Co. Inc., which is 6.2% more than the engineer's estimate. An additional \$98,494 will be allocated for project contingencies, street lighting and trees.

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

<u>Source</u>	<u>Construction</u>	<u>Contingency</u>	<u>RPR</u>	<u>Total</u>
CDBG	\$661,963	\$38,851	\$ 99,186	\$ 800,000
Water Bond	123,000	19,186	22,814	165,000
Rochester Pure Waters District (Ordinance No. 2016-160)	87,410	8,740	0	96,150
2014-2015 Cash Capital	0	30,000	0	30,000
2013-2014 Cash Capital	0	1,717	0	1,717
Total	\$872,373	\$98,494	\$122,000	\$1,092,867

Vanguard Engineering, P.C. was selected for RPR services through a request for proposals process, which is described in the attached summary. The term of their agreement is for three months after the completion and acceptance of the Project.

A public meeting was held on December 9, 2015; copies of the meeting minutes are attached. The pavement width changes were endorsed at the December 15, 2015 Traffic Control Board meeting.

The Project will begin fall 2016 and be completed in spring 2017. The Project will result in the creation and/or retention of the equivalent of 11.8 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-170

Ordinance No. 2016-310
(Int. No. 351)

Authorizing agreements and appropriating funds for the Kilmar 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 Vanguard Engineering, P.C. for resident project representation (RPR) services for the Kilmar Street Group Project (Project) in a maximum amount of \$122,000. The agreement may extend until 3 months after completion of a two year guarantee inspection of the Project. The cost of said agreement shall be funded from the Consolidated Community Development Plan/Annual Action Plan funds appropriated herein (\$99,186), and from funds appropriated by a water bond ordinance to be adopted for this Project (\$22,814).

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

Section 3. The sum of \$400,000 is hereby appropriated to the Project from the Infrastructure Improvements allocation of the General Community Needs Fund in the Consolidated Community Development Plan/Annual Action Plans, in the amounts of \$155,943 from the 2013-14 plan and \$244,057 from the 2014-15 plan.

Section 4. The sum of \$400,000 is hereby appropriated to the Project from the Residential Street Rehabilitation allocation of General Community Needs Fund in the Consolidated Community Development Plan/2015-16 Annual Action Plan.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2016-311
(Int. No. 352, as amended)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$165,000 Bonds of said City to finance the reconstruction of water services along certain portions of Shady Lane related to the 2016 Kilmear Street Group Reconstruction 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 repair and replacement of water mains, water services and hydrants along certain portions of Shady Lane related to the 2016 Kilmear Street Group Reconstruction Project (Shady Lane and Rexford, Le Frois, Kilmear and Milan Streets) in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,092,867. The plan of financing includes the issuance of \$165,000 bonds of the City to finance said Project, \$800,000 from Community Development Block Grant funds, \$96,150 from the Rochester Pure Waters District (Ordinance No. 2016-160), \$30,000 2014-2015 Cash Capital, \$1,717 2013-2014 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 \$165,000 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 \$165,000. 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 Sec-

tion 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 gen-

eral circulation in the City and hereby designated the official newspaper of said City for such publication.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-312
Re: Annual Parking Garage
Evaluation and Repair Program

Council Priority: Jobs and
Economic Development

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$2,389,000, and the appropriation of the proceeds thereof, to finance a portion of the cost of the 2017 Annual Parking Garage Evaluation and Repair Program.

Construction work for the Program includes, but isn't limited to, concrete and structural steel repairs; deck waterproofing and sealing; expansion joint repairs; masonry repairs and waterproofing; mechanical, electrical and plumbing system repairs; and elevator replacements. The parking garages impacted by the Program consist of the following City-owned facilities: Court Street, East End, Genesee Crossroads, High Falls, Mortimer Street, South Avenue, Sister Cities and Washington Square.

The 2017 Parking Garage Evaluation and Repair Program construction contract is scheduled to be bid and awarded in winter 2016-17, with construction beginning in spring 2017 and completed in spring 2018. The estimated total cost of the 2017 program, including contingency, is estimated at \$3,203,000 and will be funded as follows:

	<u>2016-17 Parking Bonds</u>	<u>2016-17 Parking Cash Capital</u>	<u>Total</u>
Design/Resident Project Representation	\$ 0	\$500,000	\$500,000
Construction	<u>2,389,000</u>	<u>314,000</u>	<u>2,703,000</u>
Total	\$2,389,000	\$814,000	\$3,203,000

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-312
(Int. No. 353)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$2,389,000 Bonds of said City to finance certain costs of the 2017 Annual Parking Garage Evaluation and Repair Program

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the costs of the 2017 Annual Parking Garage Evaluation and Repair Program, including costs of design, waterproofing and concrete and structural rehabilitation of the Court Street Garage, the East End Garage, the Genesee Crossroads Garage, the High Falls Garage, the Mortimer Street Garage, the South Avenue Garage, the Sister Cities Garage and the Washington Square Garage (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,203,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$2,389,000 bonds, \$814,000 of 2016-2017 Parking 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 \$2,389,000 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 \$2,389,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 13. of the Law, is ten (10) years.

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-313
Re: Agreement - Genesee Region
Clean Communities, Alternative
Fuels Vehicles Grant

Transmitted herewith for your approval is legislation authorizing an agreement with Genesee Region Clean Communities (GRCC) for the receipt and use of a \$109,862 grant for the purchase of alternative fuel vehicles for the City's fleet. GRCC is the local coalition designated by the United States Department of Energy Clean Cities program to support alternative fuel vehicles. These particular funds, received through a grant from GRCC, are part of

the Federal Highway Administration Congestion Mitigation and Air Quality Improvement (CMAQ) program, and are administered by the New York State Energy Research and Development Authority (NYSERDA).

This grant provides reimbursement to the City for a portion of the difference in cost for alternative fuel vehicles, e.g. compressed natural gas (CNG) and electric, instead of the comparable standard gasoline or diesel vehicle. The table below lists the increased cost and grant reimbursements for the alternative fuel vehicles that will replace the planned purchase of traditional vehicles.

Vehicle	Estimated Quantity	Increased Cost	Grant Reimbursement
2016 Chevy Volt	3	\$42,000	\$31,500
2016 Chevy Silverado Bi-Fuel	5	\$42,750	\$16,030
2017 Mack CNG Roll-off Truck	1	\$39,335	\$29,501
2017 Freightliner CNG Rear-load	1	\$43,772	\$32,829

Note that all of the vehicles, with the exception of the Chevy Silverados, are reimbursable for 75% of the increased cost of the vehicles. The Chevy Silverado Bi-Fuel were determined by GRCC to be reimbursable for 50% of the increased cost due to their anticipated use of both gasoline and CNG.

Fuel for the CNG vehicles will be available at the City's Green Fuel Station located at 945 Mt. Read Boulevard. The Chevy Volts will plug in at their service locations. Using CNG and electricity instead of gasoline and diesel fuel reduces greenhouse gas emissions produced by the City's fleet, which is one of the goals set forth in the City's 2009 Resolution in Support of Environment and Climate Protection Actions, as well as the City's Municipal Operations Climate Action Plan. The use of these vehicles in the City's fleet is anticipated to reduce petroleum use by over 8,700 gallons per year and greenhouse gas emissions by approximately 56 tons of carbon dioxide equivalent, and will provide public demonstration of the benefits and practical application of alternative fuel vehicles in the community.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-313
(Int. No. 354)

Authorizing a grant agreement with Genesee Region Clean Communities, Inc. to fund the purchase of alternative fuel vehicles

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

Section 1. The Mayor is hereby authorized to enter the City into an agreement for the receipt and use of \$109,862 with Genesee Region Clean Com-

munities, Inc. to fund the purchase of alternative fuel vehicles.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-314
Re: New York State Department of
Transportation, Marchiselli
Aid Program

Council Priority: Deficit Reduction and
Long-Term Financial Stability

Transmitted herewith for your approval is legislation related to the appropriation of \$436,566 in New York State (NYS) Marchiselli Aid. The NYS Department of Transportation Marchiselli Aid program provides for the reimbursement of up to 75% of the eligible local share of federal aid project costs. This legislation will:

1. Authorize the receipt and use of \$308,016 in anticipated reimbursements from the Marchiselli Aid Program to finance a portion of the 2015 Preventive Maintenance Group #2 Project (East Avenue, University Avenue, Winton Road and Portland Avenue) construction and resident project representation (RPR) costs;
2. Amend Ordinance No. 2015-247 in the amount of \$71,250 (\$3,808.50 in Cash Capital and \$67,441.50 in bonds) to replace a portion of the City-funded share of the RPR agreement with Erdman Anthony for the 2015 Preventive Maintenance Group #2 Project with the Marchiselli Aid funds appropriated above (1);
3. Authorize the receipt of \$23,550 in anticipated reimbursements from the Marchiselli Aid Program to finance a portion of the 2017 Preventive Maintenance Group #4 project design costs;
4. Amend Ordinance No. 2014-395, Section 3, by reducing 2013-14 Cash Capital by \$23,550 to a total of \$20,957 and replacing the reduction with the Marchiselli Aid appropriated above (2);
5. Authorize the receipt of \$105,000 in anticipated reimbursements from the Marchiselli Aid Program to finance a portion of the Lake Avenue Improvement Project (Merrill Street to 600 feet south of Burley Road) construction and RPR costs; and
6. Amend Ordinance No. 2015-330, as amended

by Ordinance No. 2016-159, which established funding for an agreement with T.Y. Lin International Engineering, Architecture & Land Surveying, P.C. for RPR services related to the Lake Avenue Project (Merrill Street to 600 feet south of Burley Road) in the amount of \$19,259.31 to reduce Bond Ordinance Nos. 2015-331 (\$18,525.28) and 2015-332 (\$135.44), and 2011-12 Cash Capital (\$598.58), and replacing those funds with the Marchiselli Aid appropriated above (5).

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-314
(Int. No. 359)

Authorizing the receipt and use of New York State Department of Transportation funds

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

Section 1. The Council hereby authorizes the receipt and use of \$308,016 in anticipated reimbursements from the New York State Department of Transportation Marchiselli Aid program (Marchiselli Aid) to finance a portion of the 2015 Preventive Maintenance Group #2 Project (East Ave., University Ave., Winton Rd., and Portland Ave.) construction and construction resident project representation (RPR) costs.

Section 2. Section 1 of Ordinance No. 2015-247 is hereby amended by allocating \$71,250 of the funds appropriated under Section 1 herein to replace portions of the City funded share of the RPR costs for the same 2015 Preventive Maintenance Group #2 Project so as to reduce by \$3,808.50 the amount of the 2011-12 Cash Capital and to reduce by \$67,441.50 the amount of the bond ordinance proceeds appropriated therein.

Section 3. The Council hereby authorizes the receipt and use of \$23,550 in anticipated Marchiselli Aid to finance a portion of the 2017 Preventive Maintenance Group #4 project design costs.

Section 4. Section 3 of Ordinance No. 2014-395 is hereby amended by allocating the funds appropriated in Section 3 herein to reduce by \$23,550 the City funded share of same 2017 Preventive Maintenance Group #4 project design costs so that the amended total of 2013-14 Cash Capital appropriated therein shall be \$20,957.

Section 5. The Council hereby authorizes the receipt and use of \$105,000 in anticipated Marchiselli Aid to finance a portion of the Lake Avenue Improvement Project (Merrill Street to 600 feet south of Burley Road) construction and RPR costs.

Section 6. Section 2 of Ordinance No. 2015-330, as amended by Section 2 of Ordinance No. 2016-159, is hereby further amended by allocating \$19,259.30 of the funds appropriated under Section 5 herein to replace portions of the City funded

shares of the RPR costs for the Lake Avenue Improvement Project (Merrill Street to Burley Road) so as to reduce the street improvement bond funding provided therein by \$18,525.28, reduce the water improvements bond funding provided therein by \$135.44, and reduce 2011-12 Cash Capital funding provided therein by \$598.58.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-315
Re: Agreement - SMG, Blue Cross
Arena at the War Memorial
Management Agreement and
Parking Lot Lease

Council Priority: Creating and
Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the management of the Blue Cross Arena at the War Memorial and the lease of City property for adjacent parking. This legislation will:

- 1) Authorize a three-year agreement with SMG for management of the Blue Cross Arena at the War Memorial (Arena), with optional term extensions of two-years and then five-years; and
- 2) Authorize a three-year lease agreement with SMG for the parking lot at the corner of Court and Exchange Streets, with optional extensions of two-years and then five-years. The lot is comprised of eight parcels: 25 Court Street, and 132, 156, 168, 170, 180, 182 and 200 Exchange Boulevard.

A request for proposals was issued and the City received two responses. The City's Blue Cross Arena Oversight Committee carefully reviewed both proposals and recommends that SMG be retained to manage the facility.

SMG currently manages the facility and parking lot under agreements that were authorized via Ordinance No. 2014-283, which expires on September 30, 2016.

Under the terms of the new agreement, SMG will be paid an all-inclusive Fixed Management Fee of \$110,000 annually, adjusted by annual CPI increases. There will be no additional fees for food and beverage services, advertising and sponsorship sales, ticketing services or other services. In addition, the agreement will also include a Management Incentive Fee of 10% of Operating Profits in excess of \$200,000 annually.

The agreement will also include a \$500,000 Capital Investment by SMG, to be amortized over a ten (10) year period. The Capital Investment will be utilized for revenue enhancement projects and

patron experience improvements at the Arena, as well as an Event Development Fund. In addition, SMG will make an annual \$5,000 contribution to create a Community Fund to support community based activities hosted at the Arena or elsewhere in Rochester.

The City will continue to maintain an oversight committee to review all aspects of the management, maintenance, operations and promotion of the Arena. The oversight committee will meet on a regular basis with SMG to obtain necessary information for its reviews, consult with SMG and report the results of its reviews.

Under the parking lot lease agreement, SMG will be responsible for all operating and maintenance costs related to the parking lot, and will make necessary improvements to the property, as approved by the City. The parking lot will be operated so as to preserve access to the Genesee Riverfront Trail and the Rochester Gas and Electric facility along the Genesee River. SMG will pay 90% of the net revenue of the parking lot fees to the City in annual rent, after deducting its operating expenses, parking lot debt service, and annual management fee of \$25,000. In the event of an early termination of the lease, the City will reimburse SMG for the unamortized costs of City-approved capital improvements.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-315
(Int. No. 360, as amended)

Authorizing extensions of the existing agreements and entry into new agreements for the a management agreement for of the Blue Cross Arena at the War Memorial and a for the lease leasing of Municipal Lot #10

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

Section 1. The Mayor is hereby authorized to extend the City's existing agreement with SMG, a Pennsylvania general partnership, for the management of the Blue Cross Arena at the War Memorial, as authorized by Ordinance Nos. 2013-217, 2014-208, and 2014-283, for a term commencing October 1, 2016 and ending December 31, 2016. The terms and conditions of the existing agreement in effect during the term that commenced October 1, 2014 and ending September 30, 2016 shall remain in full force and effect during the new term.

Section 2. The Mayor is hereby authorized to extend the City's lease agreement with SMG for the lease of a parking lot comprised of 8 land parcels located at the opposite corner of Court Street and Exchange Street and known as Municipal Lot #10, as authorized by Ordinance Nos. 2013-217, 2014-208 and 2014-283, for a term commencing October 1, 2016 and ending December 31, 2016. The terms and conditions of the existing lease agreement shall remain in full force and effect during this new term.

Section-~~3~~ 3. The Mayor is hereby authorized to enter the City into a subsequent agreement with SMG, a ~~Pennsylvania general partnership~~, for the management, operation and promotion of the Blue Cross Arena at the War Memorial (Arena). The agreement shall be for an initial three-year term commencing ~~October 1, 2016~~ January 1, 2017 and ending ~~September 30~~ December 31, 2019, with the option to extend the agreement for two additional terms of two-years and five-years each. SMG's compensation shall be derived from the Arena's operating profits and for the initial term of the agreement shall consist of a fixed management fee of \$110,000 per year plus an additional management incentive fee comprised of 10% of the Arena's annual operating profits in excess of \$200,000. For the extended term, the fixed management fee and the \$200,000 operating profit threshold for the management incentive fee may be modified to reflect changes in the Consumer Price Index. The agreement shall also require SMG to make a capital investment of \$500,000 in the Arena, which shall be amortized over 10 years, and to make an annual contribution of \$5,000 to create a fund to support community based activities hosted at the Arena or elsewhere in the City.

Section-~~2~~ 4. The Mayor is hereby authorized to enter the City into a subsequent lease agreement with SMG for a ~~parking lot comprised of 8 land parcels located at the opposite corner of Court Street and Exchange Street and known as Municipal Lot #10 (the Lot)~~. The lease agreement shall be for an initial three-year term commencing ~~October 1, 2016~~ January 1, 2017 and ending ~~September 30~~ December 31, 2019, with the option to extend the agreement for two additional terms of two-years and five-years each. Under the lease agreement, SMG shall be responsible for all operating and maintenance costs relating to the Lot and shall make necessary improvements to the Lot as approved by the City. In the event of early termination of the lease, the City shall reimburse SMG for the unamortized costs of City approved capital improvements. The Lot shall be operated so as to preserve access to the Genesee Riverfront Trail and to the Rochester Gas and Electric facility along the Genesee River. SMG shall pay 90% of the net revenue of the Lot to the City in annual rent, after deducting its operating expenses and debt service relating to the Lot and an annual management fee of \$25,000. The City may request the use of the parking spaces for City uses, including for employee parking and special events, at no cost. The City may terminate the agreement upon ninety days' written notice. The City Parking Director shall approve parking rates for the Lot and the City shall reserve the right to install revenue control equipment on the Lot after consultation with the lessee.

Section-~~3~~ 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section-~~4~~ 6. This ordinance shall take effect immediately.

Passed unanimously

By Councilmember McFadden
September 14, 2016

To the Council:

The Public Safety, Youth & Recreation Committee recommends for adoption the following entitled legislation:

Int. No. 355 - Authorizing an agreement for the Flower City AmeriCorps program

Int. No. 356 - Authorizing an agreement and funding for the Child Passenger Safety Program

Int. No. 357 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,300,000 Bonds of said City to finance costs of a replacement Platform Ladder Truck for the Broad & Allen Firehouse

Int. No. 358 - Authorizing funding and agreements for the Science, Technology, Engineering, Arts and Mathematics (STEAM) Engine project

Respectfully submitted,
Adam C. McFadden
Molly Clifford
Matt Haag
Dana K. Miller
Loretta C. Scott
PUBLIC SAFETY, YOUTH & RECREATION
COMMITTEE

Received, filed, and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-316
Re: Agreement - New York State
Office of Children and Family
Services, AmeriCorps grant

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

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Office of Children and Family Services (NYS OCFS) for receipt and use of a grant award of \$431,600 and any additional future cost of living adjustment funds for the Flower City AmeriCorps program. This is the second of three cycles of funding and the term of the agreement will be for a 15 month grant period of October 1, 2016 to December 31, 2017. This grant was anticipated and included in the 2016-17 Budgets of the Department of Recreation and Youth Services (DRYS), Undistributed Expenses, and the Rochester Public Library (RPL).

The goal of the Flower City AmeriCorps program is to engage individuals and families in childhood literacy, financial literacy, employment readiness, food justice, and teen pregnancy prevention programs, with a focus on service delivery in poverty-stricken areas in each geographic quadrant of the

City. Thirty-six AmeriCorps members will be selected (11 or more from the identified high poverty block groups) to provide one year of service to positively impact their neighborhoods through placement in DRYS (22 Corps members), RPL (8 Corps members), and Neighborhood Service Centers and community organizations (6 Corps members).

AmeriCorps members are volunteers and will receive a \$12,530 annual "living allowance," along with childcare benefits provided by NYS upon qualification, assistance navigating the State Health Exchange, if needed, transportation support, and an education award of \$5,775 upon successful completion of the program.

In the second cycle, the program is projected to reach at least 160 families through early childhood development and financial literacy programming, 200 youth through positive youth development and teen pregnancy prevention programming, 200 families through the Raising a Reader program, 125 individuals through Operation Transformation Rochester, 100 youth through youth employment programming, and 770 individuals through food justice and community garden programming. The first cycle was authorized by City Council in October 2015 via Ordinance No. 2015-343.

Oversight of the program will be performed by two DRYS staff and one RPL staff.

A program description and budget are attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-171

Ordinance No. 2016-316
(Int. No. 355)

Authorizing an agreement for the Flower City AmeriCorps program

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

Section 1. The Mayor is hereby authorized to enter the City into an agreement with the New York State Office of Children and Family Services (OCFS) for the receipt and use of a grant award of \$431,600 and any additional future cost of living adjustment funds to operate the Flower City AmeriCorps program (Program) established in Ordinance No. 2015-343. The agreement shall have a term of 15 months commencing October 1, 2016 and continuing through December 31, 2017.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-317
Re: Governor's Traffic Safety
Committee, 2017 Child
Passenger Safety Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing the receipt and use of up to \$900 from the New York State Governor's Traffic Safety Committee for a Child Passenger Safety grant, and amending the 2016-17 Budget of the Police Department by this amount.

The Governor's Traffic Safety Committee provides this funding to support the Police Department's efforts to ensure correct use of car child seats during the period of October 1, 2016 through September 30, 2017. Funding will be used for certification and continuing education of those officers teaching about safety seats at community-based, seat-checking events. This grant no longer funds the cost of child seats, as they will now be distributed by the County only.

This is the fifth year the Police Department has received this grant. During the first half of the current grant period (through March 31, 2016), 22 car seats were inspected and one new seat was given to a resident. No matching funds are required.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-317
(Int. No. 356)

Authorizing an agreement and funding for the Child Passenger Safety Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Governor's Traffic Safety Committee for receipt and use of \$900 in grant funds for the Child Passenger Safety Program. The term of the agreement shall be October 1, 2016 through September 30, 2017.

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

Section 3. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget for the Rochester Police Department by the sum of \$900, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-318
Re: Fire Apparatus Bonding

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$1,300,000 and the appropriation of proceeds thereof to finance the purchase of firefighting apparatus.

The Fire Department periodically replaces firefighting and rescue apparatus based upon a combination of use and age. The platform ladder truck being replaced is a first-line apparatus and is currently located at the Broad and Allen Street fire station. It is 10 years old and responds to an average of 1,700 emergency calls each year. Upon replacement, the existing platform ladder truck will replace a ladder truck that is over 15 years old, and eligible for disposal through the Purchasing Bureau's surplus process.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-172

Ordinance No. 2016-318
(Int. No. 357)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,300,000 Bonds of said City to finance costs of a replacement Platform Ladder Truck for the Broad & Allen Firehouse

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the costs of a replacement Platform Ladder Truck for the City's Broad & Allen Firehouse (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,300,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,300,000 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 \$1,300,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the

Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,300,000. 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. 27. of the Law, is twenty (20) years.

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

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-319
Re: STEAM Engine Project

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

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

1. Appropriate \$90,000 from the STEAM Engine allocation of the General Community Needs Fund of the 2016-17 Community Development Block Grant (CDBG).
2. Amend the 2016-17 Budget of the Department of Recreation and Youth Services (DRYS) by \$49,500.
3. Amend the 2016-17 Budget of Undistributed Expenses by \$3,800 for fringe benefits.
4. Establish \$25,000 as maximum compensation for two agreements with Young Audiences of Rochester, Inc., for creative artist residencies. The term of the agreements will be from October 1, 2016 to June 30, 2017. The first agreement, for \$11,700, will be funded from the STEAM Engine allocation of the General Community Needs Fund of the 2016-17 CDBG. The second agreement, for \$13,300, will be funded from the 2016-17 Budget of the Department of Recreation and Youth Services (DRYS). The two agreements are necessitated by the additional contract terms and requirements associated with the funding through CDBG. The most recent agreement for these services was approved by Council in December 2015 via Ordinance No. 2015-421.

5. Establish \$25,000 as maximum compensation for an agreement with the David Hochstein Memorial Music School, Inc. to provide a full-time Program Director/Lead Teacher for the ROCmusic program. The term of the agreement will be October 1, 2016 to June 30, 2017, and the cost will be funded from the STEAM Engine allocation of the General Community Needs Fund of the 2016-17 CDBG.

The STEAM Engine Project funding will be used to develop mobile science, technology, engineering, arts and math enrichment activities that will be integrated into existing Recreation programming. With this funding, the Rec on the Move mobile recreation program will be expanded to include activities with a focus on STEAM through the addition of staff prepared to deliver STEAM activities. The City will partner with Young Audiences of Rochester, Inc. to assist with STEAM-related professional development, curriculum development, and delivery of mobile STEAM programming. Young Audiences was selected through a request for proposals process conducted in the spring of 2015. A Vendor/Consultant Process Selection Summary form is attached.

The STEAM Engine Project funding will also support the delivery of community-based music instruction through the ROCmusic program at the David F. Gantt R-Center and the Edgerton R-Center. ROCmusic is an after-school and summer music education program that offers tuition-free classical music instruction and instrument lessons to approximately 90 Rochester youth in grades one through 12. The CDBG funding will partially fund the salary of the full-time Program Director/Lead Teacher.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-173

Ordinance No. 2016-319
(Int. No. 358)

Authorizing funding and agreements for the Science, Technology, Engineering, Arts and Mathematics (STEAM) Engine project

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

Section 1. The sum of \$90,000 is hereby appropriated from the STEAM Engine allocation of the General Community Needs Fund of the Consolidated Community Development Plan - 2016-17 Annual Action Plan to the following accounts and purposes:

- a. \$49,500 to the 2016-17 Budget of the Department of Recreation and Youth Services (DRYS) to expand and integrate STEAM enrichment activities into DRYS' existing recreational programs;

- b. \$3,800 to the Budget for Undistributed Expenses for fringe benefits to employees implementing the STEAM Engine project;
- c. \$11,700 as maximum compensation for an agreement authorized herein relating to creative artist residencies; and
- d. \$25,000 as maximum compensation for an agreement authorized herein relating to the ROCmusic program.

Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby further amended to reflect the appropriations made herein by increasing the revenue estimates and appropriations to the Budget of DRYS by \$49,500 and to the Budget for Undistributed Expenses by the sum of \$3,800.

Section 2. The Mayor is hereby authorized to enter the City into two professional services agreements with Young Audiences of Rochester, Inc. to provide creative artists' residencies for DRYS' recreation center programs. The term of each agreement shall be from October 1, 2016 to June 30, 2017. The sum of \$11,700, or so much thereof as may be necessary, is hereby established as compensation for the first agreement with Young Audiences and said amount shall be funded from the funds appropriated in Section 1 herein. The sum of \$13,300, or so much thereof as may be necessary, is hereby established as compensation for the second agreement with Young Audiences and said amount shall be funded from the 2016-17 Budget of DRYS.

Section 3. The Mayor is hereby authorized to enter the City into a professional services agreement with the David Hochstein Memorial Music School, Inc. to provide a program director/lead teacher for the City's ROCmusic program. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as compensation for the agreement. Said amount shall be funded from the funds appropriated in Section 1 herein. The term of the agreement shall be from October 1, 2016 to June 30, 2017.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:05 p.m.

HAZEL L. WASHINGTON
City Clerk

* * * * *

REGULAR MEETING
OCTOBER 18, 2016

Present - President Scott Councilmembers

Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

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

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

APPROVAL OF THE MINUTES
By Councilmember Patterson

RESOLVED, that the minutes of the Regular Meeting of September 14, 2016 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

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

The following communications are hereby directed to be received and filed:

- The Mayor submits the following:
 - Quarterly Report - Delinquent Receivables 4241-16
 - Quarterly Report - Schedule of Revenue and Expenditures 4242-16
 - Administrative Cancellation or Refund of Erroneous Taxes and Charges 4243-16

The Council submits Disclosure of Interest Forms from Vice President Miller on Int. No. 372, Councilmember Conklin on Int. No. 365, Int. Nos. 383 and 384, Councilmember Haag on Int. Nos. 366 and 391, and Councilmember Spaul on Int. No. 368

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
October 18, 2016

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 364 - Cancellation or refund of erroneous taxes and charges, as amended

Int. No. 365 - Amending the 2016-17 Budget of the Library

Int. No. 366 - Amending the Municipal Code with respect to parking rates

Int. No. 367 - Authorizing an agreement for the 2017 Rochester SummerFest

Int. No. 395 - Authorizing an amendatory agreement with the Town of Brighton for continuation of primary fire assistance and first responder services to West Brighton

Int. No. 397 - Amending Chapters 60, 13A and

120 of the Municipal Code with regard to food truck, food trailer and food cart vending

The following entitled legislation is being held in Committee:

Int. No. 368 - Authorizing a loan agreement with the Rochester Convention Center Management Corporation

Respectfully submitted,
Carolee A. Conklin
Molly Clifford
Adam C. McFadden
Loretta C. Scott
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-320
Re: Cancellation or Refund of
Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$134,673.80.

The Rochester Land Bank Corporation took ownership of 23 Copley Street on June 24, 2016. Pursuant to the Shared Services Agreement between the City of Rochester and the Rochester Land Bank Corporation dated April 10, 2014, the Land Bank is exempt from real property tax and special district charges.

Due to a clerical error, the owner's Enhanced STAR and Aged exemptions for the property located at 164 Averill Avenue were removed while waiting for proof of residency. The owner had actually responded in a timely manner and the exemptions were never reinstated.

214 Bartlett Street was conveyed to the City of Rochester by Monroe County on April 22, 2015. Upon transfer, the property was made tax exempt. However, the 2015-16 taxes and special district charges were not cancelled.

The property located at 381-383 Genesee Street was ticketed for code violations. The owner entered into an agreement with the City of Rochester so that if the improvements were demolished, the tickets would be cancelled. The improvements were razed during the summer of 2016.

The property located at 5353 St. Paul Boulevard is owned by the City of Rochester. A correction deed was recorded on February 26, 2016, transferring a part of the parcel to the Rochester Yacht Club. Due to a clerical error, the incorrect parcel was transferred to the Rochester Yacht Club, made taxable and supplemental taxes were levied.

The property located at 2052 East Main Street is exempt and pays a shelter rent. However, the property is in the taxable section of the assessment

roll because of a small portion of the value being taxable due to cellular equipment. When the assessed value was increased during the city-wide reassessment, the exempt amount was not adjusted due to a clerical error.

1 Mount Hope Avenue is owned by a not-for-profit and is 100% exempt. Due to a clerical error, the property was put into the taxable section of the assessment roll, with the original assessment being exempt. When improvements were completed and the property was reassessed during the city-wide reassessment, the exempt value was not changed to reflect the new assessment.

The Bureau of Assessment is working with the Information Technology Department to implement system safeguards to prevent clerical errors of this type in the future.

The property located at 897-101 Joseph Avenue is owned by a not for profit, utilized as a church and is 100% exempt. The property was fined for code violations that went unpaid. The property owner claims to have not received those tickets and therefore was not able to respond to them. The original fine amounts are not being removed. The owner has since complied and the case has been closed.

If these cancellations are approved, total cancellations thus far for 2016-17 will be as follows:

	<u>Accounts</u>	<u>Amounts</u>
City Council	8	\$134,673.80
Administrative	16	5,969.67
Total	24	\$140,643.47

These cancellations represent 0.054% of the taxes receivable as of July 1, 2016.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-320
(Int. No. 364, as amended)

Cancellation or refund of erroneous taxes and charges

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

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

- (A) The Rochester Land Bank took ownership of 23 Copley Street on June 24, 2016. Pursuant to the Shared Services Agreement between the City of Rochester and the Rochester Land Bank Corporation dated April 10, 2014, the Land Bank is exempt from real property tax and special district charges.

S.B.L. #	Class	Address	Tax Year	Amount Cancelled	Subtotal
120.55-1-7	H	23 Copley Street	2017	\$1,469.25	\$1,469.25

(B) Due to a clerical error, the owner's Enhanced STAR and Aged exemptions for the property located at 164 Averill Avenue were removed while waiting for proof of residency. The owner had actually responded in a timely manner and the exemptions were never reinstated.

S.B.L. #	Class	Address	Tax Year	Amount Cancelled	Subtotal
121.56-1-23	H	164 Averill Avenue	2017	\$1,973.62	\$1,973.62

(C) 214 Bartlett Street was conveyed to the City of Rochester by Monroe County on April 22, 2015. Upon transfer, the property was made tax exempt. However, the 2015-16 taxes and special district charges were not cancelled.

S.B.L. #	Class	Address	Tax Year	Amount Cancelled	Subtotal
120.67-2-62	H	214 Bartlett Street	2016	\$2,065.81	\$2,065.81

(D) The property located at 381-383 Genesee Street was ticketed for code violations. The owner entered into an agreement with the City of Rochester whereas if the improvements were demolished, the tickets would be cancelled. The improvements were razed in approximately June of 2016.

S.B.L. #	Class	Address	Tax Year	Amount Cancelled	Subtotal
120.66-1-47	H	381-383 Genesee Street	2017	\$5,550.68	\$5,550.68

(E) The property located at 5353 St. Paul Boulevard is owned by the City of Rochester. A correction deed was recorded on February 26, 2016 transferring a part of the parcel to the Rochester Yacht Club. Due to a clerical error, the incorrect parcel was transferred to the Rochester Yacht Club, made taxable and supplemental taxes were levied.

S.B.L. #	Class	Address	Tax Year	Amount Cancelled	Subtotal
047.56-2-5.1	N	5353 St. Paul Boulevard	2017	\$13,134.26	\$13,134.26

(F) The property located at 2052 E. Main Street is exempt and pays a shelter rent. However, the property is in the taxable section of the assessment roll because of a small portion of the value being taxable due to cellular equipment. When the assessed value was increased during the city-wide reassessment, the exempt amount was not adjusted due to a clerical error.

S.B.L. #	Class	Address	Tax Year	Amount Cancelled	Subtotal
107.73-1-78	N	2052 E. Main Street	2017	\$31,116.71	\$31,116.71

(G) 1 Mount Hope Avenue is owned by a not for profit and is 100% exempt. Due to a clerical error, the property was put into the taxable section of the assessment roll with the original assessment being exempt. When improvements were completed and the property was reassessed, during the city-wide reassessment, the exempt value was not changed to reflect the new assessment.

S.B.L. #	Class	Address	Tax Year	Amount Cancelled	Subtotal
121.47-1-42	N	1 Mt. Hope Avenue	2017	\$77,414.15	\$77,414.15

(H) The property located at 897-101 Joseph Avenue is owned by a not for profit, utilized as a church and is 100% exempt. The property was fined for code violations that went unpaid. The owner claims to have never received the notices. The property is now in compliance and only the default amounts are being cancelled.

S.B.L. #	Class	Address	Tax Year	Amount Cancelled	Subtotal
091.79-2-20	N	897-901 Joseph Avenue	2015	\$ 300.00	
			2016	\$1,650.00	\$1,950.00

Grand Total					\$132,723.80
					\$134,673.80

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

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-321
Re: Budget Amendment -
Rochester Public Library

Transmitted herewith for your approval is legislation amending the 2016-17 Budget of the Library to reflect receipt of a Sands Family Supporting Foundation, Inc. grant in the amount of \$25,000, for the purpose of youth and family literacy programming at branch libraries.

The Community Foundation and Sands family awarded the Rochester Public Library \$25,000 for the provision of Literacy Labs at the Lyell and Wheatley branch libraries, where certified teachers provided instruction to students this summer. Funding will also support programs, materials and training to provide intergenerational, literacy-based evening activities at the Lyell and Wheatley branches in early 2017. The grant will include training and curriculum development for Library staff to ensure the ability to continue the programs beyond the grant period, which concludes in spring 2017.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-321
(Int. No. 365)

Amending the 2016-17 Budget of the Library

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

Section 1. Ordinance No. 2016-180, the Budget of City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations for the 2016-17 Budget of the Library by \$25,000 to reflect receipt of a grant in that amount from the Sands Family Supporting Foundation, Inc.

Section 2. Said amount shall be used for literacy labs at the Lyell and Wheatley branch libraries; intergenerational literacy-based evening activities at the Lyell and Wheatley Branches; and training and curriculum development for Library staff to continue programming beyond the grant period.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 8.

Nays - None -0.

Councilmember Conklin abstained due to a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-322
Re: Code Amendment - Mortimer
Garage Parking Rates for
High Tech Rochester

Council Priority: Jobs and
Economic Development

Transmitted herewith for your approval is legislation amending the Municipal Code, Section 111-119, Fees for Use of Space in Parking Garages and Hours of Operation, to provide 50 parking spaces at a rate discounted from \$64 to \$25 per space per month in the Mortimer Garage for High Tech Rochester for three years. The discount is designed to provide low-cost parking to assist with keeping start-up costs affordable for incubator companies that are establishing businesses in Rochester through the High Tech Rochester program. After successful completion of the program, participants will be required to pay the regular monthly fee for each space.

The resulting projected decrease in monthly revenue for the Mortimer Garage is estimated to be \$1,950 during the first year; \$2,450, the second year; and \$2,950, the third year. These numbers are based on the current monthly rate of \$64, with a \$10 annual increase in the subsequent years.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-322
(Int. No. 366)

Amending the Municipal Code with respect to parking rates

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

Section 1. Section 111-119 of the Municipal Code, Fees for use of space in parking garages and hours of operation, as amended, is hereby further amended by amending subsection A(6)(f) regarding the fees for monthly parkers in the Mortimer Street Garage to read in its entirety as follows:

- (f) Mortimer Street Garage: \$64 for parking in the garage and in the surface lot. Notwith-

standing the parking rates established in this subsection, the Parking Director, subject to the approval of the Mayor, is authorized to establish a program allowing a parking discount reducing the monthly rate to \$25 in the Mortimer Street Garage for up to 50 members of the High Tech Rochester program.

Section 2. This ordinance shall take effect immediately.

Underlining indicates new text.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, McFadden, Miller, Ortiz, Patterson, Spaul - 8.

Nays - None - 0.

Councilmember Haag abstained due to a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-323
Re: Agreement - 2Strive Media, Inc.,
2017 Rochester SummerFest

Council Priority: Creating and
Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$200,000 as maximum compensation for an agreement with 2Strive Media, Inc. (principal: Lilitiana Ruiz), Rochester, New York, for booking artists and producing the 2017 Rochester SummerFest. The term of the agreement will be for one year, and the cost will be financed from the 2016-17 Budget of the Bureau of Communications.

2Strive Media, Inc. was selected through a request for proposals process in 2014, and produced the 2015 and 2016 SummerFest. The company redesigned SummerFest from a one-day, indoor concert into a two-day, outdoor event at the Rochester Rhino's Stadium. The 2016 SummerFest drew more than 9,600 people. The first night featured a "Blues and BBQ" theme; the second night, an "Old School Hip Hop with Today's R&B" theme.

The 2017 SummerFest is anticipated to take place July 14 and 15, 2017 at a location to be determined, pending a final contractual agreement between the promoter and the venue. Thematic and other changes are anticipated to grow the event. 2Strive Media, Inc. will provide national and regional talent booking for an urban audience and overall production, including sound, stage and lighting, overall site management, marketing, sponsorship solicitation, ticket sales via the venue's approved vendor, and general administration for the two-day event. Tickets will be available in the \$20 to \$60 range, with higher options for V.I.P. treatment.

Part of the City's investment also includes public safety services, such as Rochester Police Department traffic control, Rochester Fire Department fire safety inspections, and Department of Environmental Services' equipment rental. No City revenue component is planned for 2017.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-323
(Int. No. 367)

Authorizing an agreement for the 2017 Rochester SummerFest

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 2Strive Media, Inc. to provide booking and production services for the 2017 Rochester SummerFest. The maximum compensation for the provider's services under the agreement shall be \$200,000, which shall be funded from the 2016-17 Budget of the Bureau of Communications.

Section 2. The agreement may have a term of up to one year.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-324
Re: Amendatory Intermunicipal
Agreement - Town of Brighton,
West Brighton Fire Service

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Town of Brighton for the provision of fire protection and emergency medical first responder service to the West Brighton Fire Protection District. Compensation to the City begins at a 39% increase over the existing agreement. The Town of Brighton will initially pay the City \$1,150,000 per year, increasing by up to 16% biennially, subject to variations in the proportion of service calls between the City and the West Brighton Fire Protection District. The agreement will have a term of five years, with the option of one, five-year renewal. In addition, the agreement will be terminable upon dissolution of the District.

Since 2002, the Rochester Fire Department (RFD) has provided firefighters and apparatus for limited fire service along specific corridors within the West Brighton Fire Protection District (Ord. No.

2002-306). Since 2012, the RFD has provided full fire and emergency medical services to the entire West Brighton Fire Protection District (Ord. No. 2012-276). Currently, RFD's Engine 8 resides in the firehouse of the West Brighton Fire Protection District and services both the District and the City. Engine 8 responds to over 1,000 emergency calls per year, of which, approximately 66% are in the District, and 34% are in the City.

If the proposed amendatory agreement is extended beyond the initial five-year term, the Town of Brighton and City of Rochester will share in the replacement cost of the fire engine, which will have reached the end of its useful life, in proportion to the then-current call volume.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-324
(Int. No. 395)

Authorizing an amendatory agreement with the Town of Brighton for continuation of primary fire assistance and first responder services to West Brighton

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

Section 1. The Mayor is hereby authorized to enter the City into an amendatory agreement with the Town of Brighton whereby the Rochester Fire Department will continue to provide primary fire protection and emergency medical first responder services to the West Brighton Fire Protection District. The amendment shall increase the maximum compensation of the original agreement, which was authorized by Ordinance No. 2002-306 and most recently extended by Ordinance No. 2012-276, by obligating the Town of Brighton to pay the City the initial annual sum of \$1,150,000, which sum shall be increased by 16% every two years thereafter and subject to adjustments based on the proportion between those service calls originating in the City and those originating in the West Brighton Fire Protection District.

Section 2. The amendatory agreement shall extend for a term not to exceed five years, and may contain one five-year renewal option. The agreement shall be terminable in the event that a dissolution plan for the West Brighton Fire Protection District is implemented. If the agreement is extended beyond the initial five-year term, the Town and the City will pay the cost of replacement of the fire engine in proportion to the then current call volume.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-325
Re: Amending Municipal Code
Requirements Relating to
Vending from Food Trucks,
Food Trailers, and Food Carts

Transmitted herewith for your approval is legislation amending Municipal Code provisions relating to food trucks, food trailers and food carts. This legislation: corrects and clarifies those requirements that are intended to apply equally to food trucks and food trailers; limits the identification badge and background requirement for a supervising vending "operator"; requires all vending employees to carry written proof of fire safety training; grants to the Blue Cross Arena and Riverside Convention Center the right to obtain a limited number of temporary permits to allow food trucks to serve convention attendees; and confirms that violations of the food vending rules shall be the referred to the Municipal Code Violations Bureau.

In February 2015, Council enacted a new Chapter 60 of the Municipal Code to establish a comprehensive set of rules for the licensing and operation of food trucks, food trailers and food carts. We have identified a number of discrepancies and gaps in the program that require corrections. This legislation is designed to address those problems.

Section 60-2(B) is revised to clarify that there are two exceptions to the general rule for certain special events and private catering. The licensing fees for food trailers are reduced to reflect the fact that trailers have fewer potential vending locations. The general rules in Section 60-2 are revised to apply to food trailers.

The identification badge requirement has been eliminated for vending employees and, instead, the employees are required to maintain on their person written proof that they have completed the required safety training and a photo ID. The identification badge requirement remains for persons designated by the owner as a supervising "operator", who must be present at all times during vending activities.

Section 60-9 has been amended to authorize the City's Special Events office to issue up to 10 permits per year to allow food truck vending in the vicinity of the Rochester Riverside Convention Center and the Blue Cross Arena.

Municipal Code Chapter 13A has been amended to confirm that violations of the Chapter 60 food vending rules are subject to the jurisdiction of and penalties assessed by the Municipal Code Violation Bureau and to the Enforcement Procedures provided for under Chapter 52.

The effective date of the amendments will be January 1, 2017.

Respectfully submitted,

Loretta C. Scott Carolee A. Conklin
President Chair, Finance Committee

Ordinance No. 2016-325
(Int. No. 397)

Amending Chapters 60, 13A and 120 of the Municipal Code with regard to food truck, food trailer and food cart vending

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

Section 1. Chapter 60 of the Municipal Code, Food Trucks, Trailers and Carts, Article I, Food Truck and Food Trailer Vendors, as amended, is hereby further amended by amending Sections 60-2, 60-3, 60-6, 60-9, 60-10 to read in their entirety as follows:

§ 60-2 General provisions.

- A. No food truck vendor shall operate within the public rights-of-way within the City without first having obtained a valid food truck vending license as prescribed in this article.
- B. No food trailer shall be operated conduct vending operations within the public right-of-way, except to the extent that vending is authorized in a specified space as part of either a special event pursuant to § 60-9(A) or serving a private event pursuant to § 60-10.
- C. Operation of a food truck or food trailer on property that is not public right-of-way or a public park shall be regulated in accordance with all applicable provisions of Municipal Code Chapter 120, Zoning. Food trailers operating on private property shall comply with the same requirements as food trucks pursuant to Municipal Code § 120-149.
- D. Food trucks shall not be greater than 28 feet in length and shall be licensed as a motor vehicle and able to be operated on the public streets of New York State.
- E. Each employee Each individual designated as an operator on a vendor's license pursuant to § 60-3 working on a food truck shall wear a visible employee identification badge issued by the City Clerk when working on a food truck or food trailer. The form of the badge shall be established by the City Clerk.
- F. Each person employee working on a food truck or food trailer shall complete a fire safety training program offered by the Rochester Fire Department within 60 days after commencing employment. At all times at least one employee worker on each food truck and food trailer shall have completed the fire safety training program offered by the Rochester Fire Department. When the worker has completed the safety training program, the Rochester Fire Department shall present him or her with a written notice confirming that the employee has completed the training and

specifying the worker's name and the date that training was completed. At all times when working on a food truck or food trailer that is vending, each person who has completed the safety training program shall carry and be prepared to present the training confirmation notice and, for purposes of verifying his or her identity, the worker shall also carry a New York State driver's license, New York State non-driver's identification card, police identification card or other means of identification approved by the Chief of Police, provided, however, that a worker who has not been issued a suitable form of identification shall not be required to obtain, carry and present one for purposes of this article. The City Clerk may issue a temporary employee identification badge for new employees.

- GF. No food truck or food trailer shall operate within any public right-of-way within 100 feet of any property zoned Low-Density Residential (R-1), Medium-Density Residential (R-2), or High-Density Residential (R-3).
- HG. Each food truck and food trailer must at all times carry on the vehicle a measuring device with a measuring capacity of no less than 500 feet as a condition of its licensure. The failure of any food truck or food trailer to carry such a measuring device or to abide by the proximity distance restrictions included in this article shall constitute a violation of this article.
- IH. All food trucks and food trailers must abide by all parking and vehicle and traffic laws, ordinances, rules and regulations at all times, including but not limited to any durational requirements in force and effect at that time and location. Except for locations within the Center City, Marina and Harbortown Vending Districts, a food truck may operate in any legal parking space except as restricted by any ordinance, law, rule or regulation, including § 60-2F. Locations within the Center City, Marina and Harbortown Vending Districts shall be limited to those approved pursuant to § 60-7.
- IJ. No food truck or food trailer shall operate within 100 feet of an approved vending cart location.
- KJ. No food truck shall operate within 100 feet of the closest point of any sidewalk cafe seating area approved by the Department of Environmental Services.
- LK. No food truck or food trailer shall operate within 500 feet of the boundary line of any festival, special event or civic event that is permitted or sponsored by the City, except when the vendor has obtained a permit to so operate from the City.
- ML. No food truck or food trailer shall operate in a location that has the effect of obstructing access to or egress from any structure or the

free flow of vehicular and pedestrian traffic.

NM. All food trucks and food trailers must be equipped with trash receptacles of a sufficient capacity that shall be changed as necessary to prevent overflow or the creation of litter or debris.

ON. No vendor shall cry out or make loud noises in any public street, sidewalk or place for the purpose of selling any food or merchandise.

PQ. No vendor shall chain or otherwise attach any signs, goods, merchandise, chairs, stools or food cart or other equipment used in vending to any tree, parking meter, hydrant, sign or post, light pole, telephone pole or other street appurtenance or leave any such items unattended on a public street, sidewalk or place. Items left in violation of this subsection shall be seized by the police.

QP. No vendor shall dispose of any litter or trash generated from the vending operation in public trash receptacles. Vendors shall store such litter or trash during the day in a trash receptacle firmly attached to the vending unit and carry the same with them at the end of the day. Vendors shall also be responsible for keeping the immediate area of their food cart free and clear of any litter, trash or spillage from the unit.

RQ. No vendor shall conduct any vending activities in violation of any rule or regulation promulgated by the Chief of Police, Commissioner of Environmental Services or Fire Marshal pursuant to this article or by the Monroe County Health Department with respect to vending of food or food products.

§ 60-3 License required; application.

A. Any person desiring to operate a food truck or food trailer shall ~~make a written application for such license to obtain from the City Clerk and place on prominent display during vending activities either an annual license obtained in accordance this Section or a temporary permit obtained in accordance with § 60-6(C).~~ The application for ~~such a~~ license shall be on forms provided by the City Clerk and shall include the following:

- (1) Name and address of each applicant and each corporate officer of the food truck or food trailer vending corporation, or owner of an unincorporated business. If the applicant is an individual, he or she shall be designated as the vendor's operator and the individual applicant may also designate one or more additional operators during or after the application process. If the applicant is not an individual, it shall specify and provide the name, address and telephone number of at least one person who shall be the designated operator. A designated operator shall be a person who is directly responsible for

supervising the operation of the food truck or food trailer. At least one designated operator shall be present at all times that a food truck or food trailer is being set up and used for food vending. Every designated operator shall be required to obtain a vendor's identification badge. In the event that a vendor's designated operator is no longer serving in that capacity and the vendor has no additional designated operator to serve in that capacity, the vendor shall promptly (and no later than the latter within five business days after the individual operator has ceased service or at least three business days prior to the next date at which the licensee operates the food truck or food trailer) notify the City Clerk, designate a replacement individual operator and submit to the City Clerk the replacement's application for an identification badge.

- (2) Address of the commissary used in the supply and preparation of food for this food truck or food trailer.
- (3) A valid copy of all necessary licenses, permits or certificates required by the County of Monroe, or the State of New York, including, but not limited to, a valid New York State Department of Motor Vehicles registration and vehicle insurance and valid driver's licenses of all vehicle ~~drivers operators.~~
- (4) A copy of a valid certificate of authority issued by the New York State Department of Taxation and Finance empowering the applicant to collect both the New York State sales and compensating use taxes.
- (5) A description, including where applicable the make, model and production year, of the food truck or food trailer that the applicant will use. An additional license shall be required for each additional truck or trailer from which the applicant proposes to vend.

B. All license applicants and their designated operators shall be required to consent to a background check by the Rochester Police Department. A license application may be denied by the Chief of Police if the background check demonstrates that the applicant or designated operator has been convicted of criminal offenses that have a direct relationship to the license or that would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. Any decision to deny an application for this reason shall be made in compliance with Article 23-A of the Correction Law after considering the factors set forth in that law. An applicant who is denied shall be entitled to a hearing in the manner provided for a revocation of a license by Chapter 68 of the

Municipal Code.

- C. All license applicants and applicants for renewals thereof shall present each vehicle to the Fire Department to determine that the vehicle meets all applicable New York State Fire Codes and rules and regulations required by the Fire Marshal. The Fire Marshal is hereby authorized to promulgate such additional rules and regulations as may be necessary to assure the fire safety of vending units.
- D. License applicants must have a current permit from the Monroe County Department of Health and must comply with all laws, rules and regulations of said Department.

§ 60-6 Fees.

- A. Application: All applicants for food truck and food trailer licenses shall pay an application fee of \$7, which shall be credited against the cost of the license fee if a license is issued.
- B. License fees:
- (1) All food truck and food trailer vendors shall pay an annual fee of \$330 for each license, except that vendors applying for a license that includes the Center City, Marina and Harbortown Vending Districts shall pay an annual fee of \$1,000.
 - (2) All food trailer vendors shall pay an annual fee based on one of the following three options:
 - (a) \$100 for vending at private events pursuant to § 60-10 and at events conducted on private property pursuant to a temporary zoning permit issued pursuant to Zoning Code § 120-149(A)(10);
 - (b) \$100 for vending only at special events authorized in accordance with § 60-9; or
 - (c) \$150 for vending at all events fitting within either of the two categories described in clauses (a) and (b) above.
- C. Temporary permits: Any food truck or food trailer vendor wishing to vend at one or more special events, private events pursuant to § 60-10, or on private property pursuant to a temporary zoning permit issued pursuant to Zoning Code § 120-149(A)(10), and that does not have a license shall apply to the City Clerk for a one of the following two types of temporary food truck or food trailer permits:
- (1) ~~and~~ Pay a fee of \$100 for a permit valid for vending only at the aforementioned special events, private events, and temporary zoning permitted events for the remainder of the calendar year; ~~or~~ ~~Any~~

~~food truck or food trailer wishing to vend at a single special event and that does not have a license shall apply to the City Clerk for a three-day temporary food truck or food trailer permit and~~

- (2) Pay a fee of \$56 for a three-day temporary permit valid for that event. Such a permit shall allow vending only during the remainder of and at the location of a particular special event, private event, or temporary zoning permitted event.

The temporary permit shall be placed on prominent display on the food truck of food trailer during the vending activities that it authorizes.

- D. ~~Employee~~ Vendor identification badge: All food truck and food trailer vendors shall pay a fee of \$24 for each ~~employee~~ identification badge, except that for one badge shall be issued with the license at no cost.
- E. Replacement license ~~employee~~ or identification badge: All food truck and food trailer vendors shall pay a fee of \$10 for each replacement license or ~~employee~~ identification badge.
- F. Vendors who are eligible veterans and who have a Soldiers' and Sailors' Certificate issued by the Monroe County Clerk pursuant to § 32 of the General Business Law or who are disabled veterans as defined by § 35 of the General Business Law holding such a certificate shall be exempt from the fees contained in this section.

§ 60-9 Food trucks or food trailers vending at special events.

- A. Any food truck or food trailer vending at a special event that is sponsored by the City or granted a permit by the City ("a special event") shall have either a license issued pursuant to this article or a temporary food truck or food trailer permit issued by the City Clerk, or a three-day temporary food truck or food trailer permit issued by the City Clerk. No vending operation may be conducted from a food trailer located within the public right-of-way unless operating at such location is explicitly authorized in a special event permit, a temporary permit, or by the Chief of Police.
- B. Any temporary food truck or food trailer permit applicant, its operators and all workers who will participate in vending from a food truck or food trailer shall be required to complete a fire safety inspection and fire safety training by the Rochester Fire Department and also a submit a valid copy of all necessary licenses, permits or certificates required by the County of Monroe or the State of New York, including, but not limited to, a valid New York State Department of Motor Vehicles registration and certificate of inspection

and valid driver's licenses of all vehicle drivers operators, and a copy of a valid certificate of authority issued by the New York State Department of Taxation and Finance empowering the applicant to collect both the New York State sales and compensating use taxes and a current permit from the Monroe County Department of Health, and must comply with all laws, rules and regulations of said Department, and shall submit proof of insurance coverage that meets the requirements of § 60-4.

- C. The Director of Communications may approve a permit to allow food truck vending at special events on streets in the vicinity of the Rochester Riverside Convention Center and the Blue Cross Arena, as provided in §111-54.1 of the Municipal Code, but no more than 10 such events per calendar year, per location may be approved. The applicant must be an authorized representative of the Rochester Riverside Convention Center or the Blue Cross Arena. Applications from other persons or for other locations may be approved by the Director of Communications after consultation with the Chief of Police and City Clerk, but no more than four such events per calendar year, per location may be approved. Temporary parking locations for such food truck vending shall be approved by the City Clerk after review and approved by the City Engineer.

§ 60-10 Food trucks or food trailers operating as caterers or serving private events.

Any food truck or food trailer vendor who intends to operate ~~operating~~ within the public right-of-way as a caterer or on a contracted basis to serve food to guests at a private event shall notify the Licensing Unit of the Rochester Police Department at least 72 hours before the event. The vendor shall specify where it proposes to operate the food truck or food trailer and the Rochester Police Department reserves the right to prohibit vending in that location and/or require relocation to another space in order to preserve traffic flow and safety or on advice of the City Engineer. Such a food truck or food trailer shall serve only the guests at the private event and shall not make sales to the public during that period. A sign shall be prominently displayed on the truck or trailer indicating that it is serving a private event and is not open for public sales. This provision shall not apply to a food truck or food trailer operating on private property that has obtained a ~~certificate of zoning compliance~~ temporary zoning permit pursuant to Municipal Code § 120-149.

Section 2. Chapter 60 of the Municipal Code, Food Trucks, Trailers and Carts, Article II, Food Cart Vendors, as amended, is hereby further amended by amending Subsections 60-15(L) and 60-15(M), Sections 60-16 and 60-19 to read in their entirety as follows:

§ 60-15 General provisions.

- L. The owner of a ~~vending unit food cart~~ shall

be responsible for the acts of any person working at that ~~vending unit food cart~~, and a license holder shall be responsible for the acts of any person while engaged in the operation of working at the food cart while engaging in business through an identification badge issued under the license holder's license.

- M. ~~Each employee~~ Each person designated as an operator pursuant to §60-16 working on a food cart shall wear a visible employee identification badge issued by the City Clerk when working on a food cart. The form of the badge shall be established by the City Clerk.

- N. Each person ~~employee~~ working on a food cart shall complete a fire safety training program offered by the Rochester Fire Department within 60 days after commencing employment. At all times at least one ~~employee worker~~ on each food cart shall have completed the fire safety training program offered by the Rochester Fire Department. When the worker has completed the safety training program, the Rochester Fire Department shall present him or her with a written notice confirming that the worker has completed the training and specifying the worker's name and the date that training was completed. At all times when working on a food cart, each person who has completed the safety training program shall carry and be prepared to present the training confirmation notice and, for purposes of verifying his or her identity, the worker shall also carry a New York State driver's license, New York State non-driver's identification card, police identification card or other means of identification approved by the Chief of Police, provided, however, that a worker who has not been issued a suitable form of identification shall not be required to obtain, carry and present one for purposes of this article. The City Clerk may issue a temporary employee identification badge for new employees. The City Clerk may issue a temporary employee identification badge for new employees.

§ 60-16 License required; application.

- A. Any person desiring to operate a food cart shall make a written application for such license to the City Clerk. The application for such license shall be on forms provided by the City Clerk, and shall include the following:
- (1) Name and address of each applicant and each corporate officer of the food cart vending corporation, or owner of an unincorporated business. If the applicant is an individual, he or she shall be designated as the vendor's operator and the individual applicant may also designate one or more additional operators during or after the application process. If the applicant is not an individual, it shall specify and provide the name, address and telephone number of at least one person who

shall be the designated operator. A designated operator shall be a person who is directly responsible for supervising the operation of the food cart. At least one designated operator shall be present at all times that a food cart is being set up and used for food vending. Every designated operator shall be required to obtain a vendor's identification badge. In the event that a vendor's designated operator is no longer serving in that capacity and the vendor has no additional designated operator to serve in that capacity, the vendor shall promptly (within five business days after the individual operator has ceased service or at least three business days prior to the next date at which the licensee operates the food cart) notify the City Clerk, designate a replacement individual operator and submit to the City Clerk the replacement's application for an identification badge.

- (2) Address of the commissary used in the supply and preparation of food for this food cart.
 - (3) A valid copy of all necessary licenses, permits or certificates required by the County of Monroe or the State of New York.
 - (4) A copy of a valid certificate of authority issued by the New York State Department of Taxation and Finance empowering the applicant to collect both the New York State sales and compensating use taxes.
 - (5) A description of the food cart that the applicant will use. An additional license shall be required for each additional food cart from which the applicant proposes to vend.
- B. All license applicants and their individual operators shall be required to consent to a background check by the Rochester Police Department. A license application may be denied by the Chief of Police if the background check demonstrates that the applicant or operator has been convicted of criminal offenses that have a direct relationship to the license or that would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. Any decision to deny an application for this reason shall be made in compliance with Article 23-A of the Correction Law after considering the factors set forth in that law. An applicant who is denied shall be entitled to a hearing in the manner provided for a revocation of a license by Chapter 68 of the Municipal Code.
 - C. All license applicants and applicants for renewals thereof shall present each food cart to the Fire Department to determine that the vehicle meets all applicable New York State

Fire Codes and rules and regulations required by the Fire Marshal. The Fire Marshal is hereby authorized to promulgate such additional rules and regulations as may be necessary to assure the fire safety of vending units.

- D. License applicants must have a current permit from the Monroe County Department of Health and must comply with all laws, rules and regulations of said Department.

§ 60-19 Fees.

- A. Application: A nonrefundable fee of \$7 shall be required for the receipt of application materials. Said fee shall be credited toward the license fee upon submission of an application.
- B. License: All food cart vendors shall pay an annual fee of \$250 for each license, except that vendors applying for a license that includes the Center City, Marina and Harbortown Vending Districts shall pay an annual fee of \$750. Vendors that operate a business in the Center City, Marina and Harbortown Vending Districts shall be entitled to a one third discount of the license fee to vend in an approved location outside their business.
- C. Temporary permits: Any food cart wishing to vend at one or more special events and that does not have a license shall apply to the City Clerk for a temporary Food Cart permit and pay a fee of \$100 for a permit valid for the calendar year. Any food cart wishing to vend at a single special event and that does not have a license shall apply to the City Clerk for a three-day temporary Food Cart permit and pay a fee of \$56 for a permit valid for that event. Such a permit shall allow vending only during and at the location of a special event.
- D. ~~Vendor Employee~~ identification badge: All food cart vendors shall pay a fee of \$24 for each ~~employee~~ identification badge, except ~~that for one badge shall be issued with the license at no cost.~~
- E. Replacement license or ~~employee~~ identification badge: All food cart vendors shall pay a fee of \$10 for each replacement license or ~~employee~~ identification badge.
- F. Vendors who are eligible veterans and who have a Soldiers' and Sailors' Certificate issued by the Monroe County Clerk pursuant to § 32 of the General Business Law or who are disabled veterans as defined by § 35 of the General Business Law holding such a certificate shall be exempt from the fees contained in this section.

Section 3. Chapter 13A of the Municipal Code, Municipal Code Violations Bureau, as amended, is hereby further amended by amending Subsections 13A-2(A) and 13A-11(G) to read in their entirety

as follows:

§ 13A-2 Jurisdiction.A.

- A. Municipal Code Violations Bureau is hereby authorized to dispose of charges involving violations of the following parts of the Municipal Code and any other chapter that authorizes the issuance of a ticket or a fine:

Code Reference	Type of Regulation
Chapter 20	Refuse Code
Chapter 27	Alarm systems and businesses
Chapter 29	Amusements
Chapter 30	Animals
Chapter 34	Bicycles
Chapter 35	Bill posting and advertising
Chapter 39	Building Code
Chapter 40	Plumbing Licensing Ordinance
Chapter 46	Dance halls
Chapter 49	Electrical licensing
Chapter 50	Elevators and escalators
<u>Chapter 52</u>	<u>Enforcement Procedures</u>
Chapter 54	Fire Prevention Code
<u>Chapter 60</u>	<u>Food trucks, trailers and carts</u>
Chapter 61	House numbering
Chapter 62	Commercial travelers, solicitors and special promotional events
Chapter 66	Junkyard operators
Chapter 69	Littering
Chapter 75	Noise
Chapter 79	Parks
Chapter 90	Property Conservation Code
Chapter 96	Secondhand dealers
Chapter 98	Sexually oriented businesses
Chapter 99	Shooting ranges
Chapter 103	Stationary engineers and refrigeration operators
Chapter 104, Article I	Streets and sidewalks
Chapter 108	Taxicabs
Chapter 108A	Towing
Chapter 120	Zoning

...

§ 13A-11 Penalties for offenses

- G. Fines and penalties for any violation of Chapter 29, Amusements; Chapter 46, Dance Halls; Chapter 60, Food Trucks, Trailers and Carts; Chapter 62, Commercial Travelers, Solicitors and Special Promotional Events; Chapter 96, Secondhand Dealers; Chapter 98, Sexually Oriented Businesses; Chapter 108, Taxicabs; and Chapter 108A, Towing, of the Municipal Code shall be as follows:

	Initial Penalty	Penalty Upon Default
First offense	\$100	\$200
Second offense	\$200	\$400
Third and subsequent offenses	\$300	\$600

Section 4. Chapter 120 of the Municipal Code, Zoning, Article XVIII, Additional Requirements for Specified Uses, as amended, is hereby further amended by amending Subsection 120-149(A)(10) to read in its entirety as follows:

§ 120-149 Temporary uses.

Except as otherwise expressly provided in this section, temporary uses are permitted in any zoning district subject to the standards hereinafter established and subject to the issuance of a certificate of zoning compliance.

- A. Particular temporary uses permitted. Subject to the specific regulations and time limits that follow, and to the other applicable regulations of the district in which the use is permitted, the following temporary uses of land are permitted in the zoning districts herein specified:

...

- (10) Food truck and food trailer vending, subject to the following:
 - (a) The Director of Planning and Zoning may approve up to 60 food truck or trailer vending events per calendar year, except for:
 - [1] Special events approved through the Communications Office;
 - [2] Events approved by the Director of the Public Market on Public Market property;
 - [3] Food trucks or trailers operating in public parks approved by the Department of Recreation and Youth Services and/or the Monroe County Parks Department;
 - [4] Food trucks or trailers included in the approval of farmer's markets operating on private property.
 - (b) Properties with the following legally established uses may apply for the temporary operation of food trucks and trailers:
 - [1] Single-family, two-family, and multifamily residential (up to two events per year);
 - [2] Nonprofit, places of worship, and educational institutions (up to 60 events per year);
 - [3] Government entities (up to 60 events per year);
 - [4] Office, warehouse, industrial (up to 60 events per year);
 - [5] Mixed-use, retail, bars/restaurants (up to 60 events per year).
 - (c) Hours shall be limited to the permitted hours for outdoor uses in the zoning district. In no case shall food truck or trailer operation in residential districts be permitted between 9:00 p.m. and 9:00 a.m.
 - (d) The Director of Planning and Zoning shall notify all property owners, both within and outside the municipal boundaries of the City of Rochester, within 100 feet from the property line of approved food truck or trailer vending events occurring three or more times per calendar year, and the official neighborhood contacts. At a minimum, the owners of 15 properties shall

receive such notification.

- (e) If the applicant for the temporary certificate of zoning compliance is not the property owner, the expressed, written permission of the property owner is required.
- (f) In all cases, the temporary certificate of zoning compliance is valid for the calendar year and may be renewed on an annual basis.
- (g) Food truck or trailer operation approved by a temporary certificate of zoning compliance shall also comply with all requirements and directives of the Rochester Fire Department and the Rochester Police Department.
- (h) The temporary certificate of zoning compliance shall only approve operation for food trucks and trailers that possess a valid solicitor's license issued by the City Clerk's office.

Section 5. This ordinance shall take effect January 1, 2017.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

Councilmember Conklin moved to discharge Int. No. 368 from Committee.

The motion was seconded by Councilmember Clifford.

Adopted by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, - 8

Nays - None - 0.

Councilmember Spauld abstained due to a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-326
Re: Agreement- Rochester Convention Center Management Corporation

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester Convention Center Management Corporation (RCCMC) to provide funding to settle current litigation and maintain the services provided to the community by the RCCMC as the operator of the Joseph A. Floreano Rochester Riverside Convention Center. The City owns the Convention Center but contracts with the RCCMC, a not-for-profit

corporation, to operate the Convention Center. The RCCMC was formed at the City's initiative and has operated the Convention Center since 1985.

The RCCMC was sued in 2014 by a group of employees in a class action lawsuit under New York Labor Law Article 6. The suit alleges that a 21% administrative charge collected by the RCCMC from its customers is a service gratuity that should be paid to employees. The relevant time period is 2008 to 2014. The City's Corporation Counsel, working with outside counsel retained by the RCCMC, has worked with the plaintiffs' attorneys to develop a proposed settlement that would end this litigation and resolve all claims in exchange for the payment of \$2.4 million by the RCCMC.

Since this amount is more than the net assets of the RCCMC, it is proposed that the City loan the RCCMC \$2 million, to be repaid over 20 years at 2% interest. In any year that the City determines that the RCCMC is unable to pay, the principal payment could be deferred. In consideration of this loan, the RCCMC would commit to working with the City to develop a business plan to increase revenues or reduce expenses to make repayment feasible. The City loan of \$2 million would come from the Insurance Reserve Fund. The remaining \$400,000 for the settlement would come from the RCCMC's funds.

The Joseph A. Floreano Rochester Riverside Convention Center serves a very important function for the City and the local economy. It brings thousands of visitors to Rochester every month, and by doing so, supports hotel and other tourism related businesses that employ large numbers of residents. These businesses also generate hotel tax, sales tax and property tax revenues for local government. It is important to continue these services for the benefit of the community and the local economy. City funding to facilitate settlement of this litigation is proposed in order to ensure the uninterrupted continuation of the Convention Center's services.

Respectfully submitted,
Lovely Warren
Mayor

Ordinance No. 2016-326
(Int. No. 368, as amended)

Authorizing a loan agreement with the Rochester Convention Center Management Corporation

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

Section 1. The Mayor is hereby authorized to enter the City into a loan agreement in the amount of \$2,000,000 with the Rochester Convention Center Management Corporation (RCCMC) to provide funding to settle current litigation and to maintain the services provided to the community by the RCCMC as the operator of the Joseph A. Floreano Rochester Riverside Convention Center. The loan will be for a term of 20 years at 2% interest. Principal shall be repaid in annual installments

of \$100,000. The Mayor, with the approval of City Council, The City may opt to defer a principal payment in any year when it determines that the RCCMC does not have sufficient revenue to make its annual installment. The loan shall be funded from the Insurance Reserve Fund.

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

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, - 8.

Nays - None - 0.

Councilmember Spaul abtained due to a professional relationship.

By Councilmember Ortiz
October 18, 2016

To the Council:

The Neighborhood & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 369 - Authorizing an amendatory agreement for a review of the Nuisance Abatement Ordinance, as amended

Int. No. 370 - Authorizing the sale of real estate, as amended

Int. No. 371 - Authorizing the sale of real estate comprising a portion of 106 Pleasant Street

Int. No. 372 - Authorizing the acceptance of real estate by donation

Int. No. 373 - Authorizing agreements and funding for the Rochester Mobility Enhancement Study

Int. No. 375 - Authorizing the acquisition of 68-70 York Street

Int. No. 376 - Authorizing funding, the sale of real estate and a loan agreement for the Upper Falls Square affordable housing project, as amended

Int. No. 377 - Approving a property tax exemption and authorizing a payment in lieu of tax agreement for the Upper Falls Square affordable housing project

Int. No. 378 - Authorizing funding and agreements for Home Ownership Pilot Program for Vacant Houses

Int. No. 396 - Authorizing an amendatory license agreement for the use of space in Turning Point Park

The Neighborhood & Community Development Committee recommends for consideration the following entitled legislation:

Int. No. 374 - Amending the Zoning Map for 1307, 1311, 1313, 1317, and 1337 East Main Street and 48 Breck Street

Respectfully submitted,
Jacklyn Ortiz
Carolee A. Conklin
Molly Clifford
Loretta C. Scott
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-327
Re: Amendatory Agreement -
Strategic Community Intervention
LLC, Review of Nuisance
Abatement Ordinance

Transmitted herewith for your approval is legislation establishing \$91,296 as maximum compensation for an amendatory agreement with Strategic Community Intervention LLC for designing and implementing improvements to the nuisance abatement process, as per the findings in their report. This agreement increases total maximum compensation to \$155,183 from \$63,887 (Ord. No. 2016-7). It will be funded from the 2016-17 Budget of Undistributed Expenses and have a term of one year.

The Department of Neighborhood and Business Development has seven primary goals for this study:

1. Continued community engagement throughout the designing and implementation process, and establish a Nuisance Design Advisory Committee made up of a cross-section of city-wide community leaders; and
2. Develop and implement a nuisance abatement training program for staff in the Neighborhood Service Centers and for all Police Officers who complete the Police Training Academy; and
3. Further evaluate the possibility of implementing a software solution to enhance the nuisance abatement process; and
4. Further review and propose amendments to Section 3-15 of the City Charter as it relates to adjusting the types of actions that warrant the issuance of points and the point level allocation for each; and

5. Develop and implement a nuisance point waiver process; and
6. Develop a plan to expand the Southwest Nuisance Advisory Board city-wide; and
7. Assess the feasibility of identifying and assessing individual violators.

Respectfully submitted,
Lovely A. Warren
Mayor.

Attachment No. AP-174

Ordinance No. 2016-327
(Int. No. 369, as amended)

Authorizing an amendatory agreement for a review of the Nuisance Abatement Ordinance

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

Section 1. The Mayor is hereby authorized to enter the City into an amendatory agreement with Strategic Community Intervention LLC for designing and implementing improvements to the nuisance abatement process. The amendment shall increase the maximum compensation of the original agreement, which was authorized by Ordinance No. 2016-17, by ~~\$91,296~~ ~~\$94,988~~ to a total amount of ~~\$155,183~~ ~~\$158,875~~. The amendatory agreement amount shall be funded from the 2016-17 Budget of Undistributed Expenses and shall have a term of one year.

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

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-328
Re: Sale of Real Estate

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation authorizing the sale of 13 properties. City records have been checked to ensure that purchasers (except those buying unbuildable vacant lots) do not own other properties with code violations or delinquent taxes, and have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first three properties are vacant lots sold by negotiated sales to the adjacent owners. The pur-

chasers will combine the lot with their existing properties and utilize them as green space.

The next ten properties are unbuildable vacant lots, being sold for \$1.00 (as per City policy) to their adjacent owners who will combine the respective lots with their existing properties.

The first year projected tax revenue for these 13 properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$4,731.

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

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment AP-175

Ordinance No. 2016-328
 (Int. No. 370, as amended)

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 vacant land:

Address	SBL#	Lot Size	Sq. Ft.	Price	Purchaser
94 Alphonse St	106.32-2-11.19	48 x 144	6,936	\$475	Nora Patterson
173 Cameron St	105.58-1-48	43 x 119	5,178	\$450	Kathryn Barber
785 Jay St	105.81-3-15	43 x 119	5,055	\$450	Anthony Ragland, Naima Simmons

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

Address	SBL#	Lot Size	Sq. Ft.	Purchaser
38 Bartlett St	121.61-1-35	33 x 141	4,653	Debra Lynn Columbo
437 Champlain St	120.59-2-64	33 x 141	4,655	Myron Moxley
251 Clifford Av	106.30-3-46	33 x 124	4,175	Jimmie Tobie
1371 N. Clinton Av	091.70-2-14.2	17 x 110	1,933	Grace Ho
7 Durgin St	106.37-1-24.1	66 x 62	4,134	Haze McClary
54 Epworth St	120.51-3-73.1	55 x 70	3,879	David J. Terry
167 Orchard St	105.82-2-46	34 x 53	1,769	Paula Crosby
136 Roycroft Dr	091.82-1-79	34 x 74	2,498	Shannon Williams
<u>Portion of 24 Spencer Rd</u>	<u>107.48-2-10</u>	<u>6 X 16</u> <u>(triangular)</u>	<u>42</u>	<u>Daniel R. Kirkpatrick,</u> <u>Rachel M. Edwards</u>
42 Versailles Rd	091.30-2-92.2	4 x 70	298	David L. Leeper

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

Section 4. This ordinance shall take effect immediately.

Underlining indicates new text.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2016-329
 Re: Sale of Real Estate - True North
 Andrews Street, LLC, Portion of
 106 Pleasant Street

Council Priority: Support the Creation of Effective Educational Systems

Transmitted herewith for your approval is legislation authorizing the sale of a portion of a City-owned parcel known as 106 Pleasant Street, to True North Andrews Street, LLC. The strip of land is approximately 2,326.32square feet. The sale of this strip will provide access to the charter school that True North Andrews Street, LLC intends to operate at 305 Andrews Street. The two parcels will be combined into one indivisible lot.

The sale price is \$4,375. This amount was established through an independent appraisal prepared by Kevin L. Bruckner, MAI as of June 30, 2016.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-176

Ordinance No. 2016-329
(Int. No. 371)

Authorizing the sale of real estate comprising a portion of 106 Pleasant Street

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

Section 1. The Council hereby approves the negotiated sale of a 2,326.32± square feet portion of a City-owned parcel at 106 Pleasant Street, SBL #106.80-1-44.2 to True North Andrews Street, LLC for the price of \$4,375 to allow for ingress from and egress to the public street for the adjacent parcel located at 305 Andrews Street, SBL #106.80-1-1.

Section 2. The sale of the land shall be subject to such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-330
Re: Real Estate Donation

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the acceptance by donation of certain real property from the owner, Rochester Land Bank Corporation (RLBC). The RLBC acquired the property by purchase at the City of Rochester Below Lien Foreclosure Auction on March 4, 2016. Council authorization is needed to accept 23 Copley Street for demolition.

The purpose of the RLBC is to acquire, hold and

dispose of real property that is vacant, abandoned or underutilized for purposes of returning those properties to productive use. This goal is met through judicious use of land bank powers to specifically facilitate, manage, and implement City of Rochester initiatives and further its interests. Accepting this donation will allow the City to combat the blighting impact of this vacant property on its neighborhood.

Upon acquisition by the City, any taxes or charges levied after the date of closing shall be canceled. The property is to be conveyed with no other outstanding liens or encumbrances.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-177

Ordinance No. 2016-330
(Int. No. 372)

Authorizing the acceptance of real estate by donation

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

Section 1. The Council hereby authorizes the acceptance of the donation of a real estate parcel from the Rochester Land Bank Corporation as follows:

<u>Address</u>	<u>SBL No.</u>	<u>Purpose</u>
23 Copley Street	120.55-1-7	Demolition

Section 2. Upon transfer of title to the City, any City taxes and other City charges, against said properties are hereby canceled.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Ortiz, Patterson, Spaul - 8.

Nays - None - 0.

Vice President Miller abstained due to a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-331
Re: Agreement- Parsons Brinckerhoff International, LLC, Rochester Mobility Enhancement Study

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation related to the Rochester Mobility Enhance-

ment Study. This legislation will:

- 1) Establish \$70,000 as maximum compensation for an agreement with Parsons Brinckerhoff International, LLC to conduct the Rochester Mobility Enhancement Study, the cost of which will be funded from the appropriations herein. The term of the agreement is one year.
- 2) Authorize the receipt and use of a \$50,000 Unified Planning Work Program grant from the Genesee Transportation Council.
- 3) Allocate \$20,000 from the 2016-17 Budget of the Department of Neighborhood and Business Development.

Parsons Brinckerhoff International, LLC will examine the interactions and relationships between city transportation planning and land use policies. The study will specifically investigate the concept of “transit oriented development” and how it can be further developed in the City’s comprehensive plan and zoning code to enhance mobility choices, improve the city’s transportation network, attract new development and investment, and create more vibrant, sustainable, walkable and attractive city neighborhoods. Transit-oriented development, or “Urban Village”, is a type of community land use development that includes a mixture of housing, office, retail and/or other amenities integrated into a walkable neighborhood within close proximity to quality public transportation.

The study will also investigate new and emerging transportation technologies such as ride sharing services, autonomous cars, automated bus shuttles, parking management techniques, etc., and how those technologies could potentially be adapted to or incorporated in transportation planning, land use, zoning and development policies or projects for the City of Rochester.

Parsons Brinckerhoff International, LLC was selected through a request for proposals process, which is described in the attached summary.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-178

Ordinance No. 2016-331
(Int. No. 373)

Authorizing agreements and funding for the Rochester Mobility Enhancement Study

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

Section 1. The Mayor is hereby authorized to enter the City into a professional services agreement with Parsons Brinckerhoff International, LLC to conduct the Rochester Mobility Enhancement Study. The term of the agreement shall be one year and the maximum compensation shall be \$70,000,

which is hereby appropriated in the amounts of \$20,000 from the 2016-17 Budget of the Department of Neighborhood and Business Development and \$50,000 from a Unified Planning Work Program grant as specified in Section 2 herein.

Section 2. The Mayor is hereby authorized to enter the City into an agreement with the Genesee Transportation Council for the receipt and use of a Unified Planning Work Program grant in the amount of \$50,000 for the Rochester Mobility Enhancement Study.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-332
Re: Zoning Map Amendment - 1307,
1311, 1313, 1317, and 1337 East
Main Street and 48 Breck Street

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning the properties at 1307, 1311, 1313, 1317, and 1337 East Main Street and 48 Breck Street from R-2 Medium Density Residential Development District to R-3 High Density Residential Development District. The purpose of this rezoning is to facilitate the development of a 72 unit, mixed-income, affordable apartment community, including a neighborhood community center, playground, computer lab, fitness area and outdoor gathering space. The applicant is Home Leasing.

The proposed project required a Special Permit from the City Planning Commission for developing a multi-family dwelling in an R-2 District. After two different design iterations, however, the proposed project failed to receive approval from the Planning Commission. As a result, Home Leasing is seeking a rezoning to R-3, so that the proposed development would no longer require a Special Permit as multi-family dwellings are permitted as of right in the R-3 District. If the rezoning is approved, the project would still require Site Plan Review approval.

The City Planning Commission held an informational meeting on the proposed map amendment on Monday, September 12, 2016. Eighteen people spoke in support of the amendment, and 13 spoke in opposition. By a vote of 6-0-1 (one member had to recuse himself because his firm works with the applicant), the Planning Commission recommended approval.

A public hearing is required for the Zoning Map Amendment.

Respectfully submitted,

Lovely A. Warren
Mayor

Attachment No. AP-179

Ordinance No. 2016-332
(Int. No. 374)

Amending the Zoning Map for 1307, 1311, 1313, 1317, and 1337 East Main Street and 48 Breck 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 from R-2 Medium Density Residential to R-3 High Density Residential the Zoning Map's classification of the following properties:

Address	SBL #
1307 East Main Street	107.69-2-5
1311 East Main Street	107.69-2-6.2
1313 East Main Street	107.69-2-6.3
1317 East Main Street	107.69-2-7.1
1337 East Main Street	107.69-2-11.1
48 Breck Street	107.69-2-53.1

and the area extending from those parcels to the center line of any adjoining public street, alley, or right-of-way.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Conklin, Haag, McFadden, Miller, Patterson, Spaul - 7.

Nays - Councilmembers Clifford, Ortiz - 2.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-333
Re: Acquisition of 68-70 York Street

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

Transmitted herewith for your approval is legislation authorizing the acquisition by negotiation of 68-70 York Street for a total cost of \$81,000 (purchase price and closing costs) to be funded from 2016-17 Cash Capital. The property is situated adjacent to other City-owned properties and within the Bull's Head Revitalization target area.

68-70 York Street consists of a 0.11 acre parcel with a four-unit residential dwelling. The building is currently occupied. The property is adjacent to two City-owned vacant lots on either side, at 64 and 76 York Street.

The current owner of the property is Mr. David

Vendetta. Mr. Vendetta approached the City with expressed interest to sell his property. As part of the Bull's Heads Revitalization project, the City intends to prepare this property and other adjacent properties for future redevelopment. Activities for such preparation may include tenant relocation, environmental testing, environmental clean-up and demolition.

The City has hired RK Hite & Co., Inc. to provide relocation and moving assistance related services for the tenants of the property. The associated tenant relocation benefits and eligible moving costs will be funded from 2016-17 Cash Capital.

A purchase price of \$80,000 was established by an independent appraisal prepared by Midland Appraisal Associates, Inc. on June 21, 2016, and a review appraisal was completed by Bruckner, Tillett, Rossi, Cahill & Associates on July 27, 2016.

A Phase I Environmental Site Assessment (ESA) dated September 27, 2016, was completed for the property by Day Environmental, Inc. Upon review by the City's Division of Environmental Quality, the Phase I ESA report identified Recognized Environmental Conditions associated with adjoining and nearby properties consistent with typical developed urban sites. There were no Recognized Environmental Conditions that would preclude the City's acquisition of the property.

Upon acquisition by the City, the 2016-17 City taxes will be cancelled. The property will be conveyed with no other outstanding liens or encumbrances.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-180

Ordinance No. 2016-333
(Int. No. 375)

Authorizing the acquisition of 68-70 York Street

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

Section 1. The Council hereby approves the acquisition by negotiation of the parcel described below. The acquisition costs shall not exceed \$81,000 including the appraised value and closing costs, and shall be funded from 2016-17 Cash Capital.

Address:	68-70 York Street
S.B.L. #:	120.42-2-75
Lot Size:	±0.11 acre
Owner:	David Vendetta

Section 2. City taxes and other current-year charges against said parcels shall be canceled from the date of closing forward. If the present owners have paid any taxes or other current-year charges attributable to the period after the closing, such

charges shall be credited to such owners at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcels, shall also be cancelled. The properties shall be conveyed to the City with no other outstanding liens or encumbrances.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-334 and
Ordinance No. 2016-335

Re: Upper Falls Square

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the Upper Falls Square Project being undertaken by DePaul Properties. This legislation will:

1. Appropriate \$500,000 in HOME funds from the Housing Development Fund, Affordable Housing Fund allocation of the 2016-17 Community Development Plan and \$500,000 from 2016-17 Cash Capital for implementation of the project.
2. Authorize a loan agreement with DePaul Properties or its subsidiary.
3. Authorize a 30 year Payment In Lieu of Taxes Agreement (PILOT) for annual in lieu of payments equal to 10% of project shelter rents (gross rents minus utility costs).
4. Authorize the sale of 19 properties at their appraised value. (See attached list.)
5. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits for the project.

The Upper Falls Project is an affordable housing project located in the Coalition of Northeast Associations (CONEA) neighborhood at the corner of Hudson and Cleveland Streets. It includes the construction of 150 units in two buildings. The primary building will contain 114 units and the second will contain 36 units. Seventy-five of the units will be used for existing DePaul clients, and the remaining units will be made available to the community. Both buildings will include studios, one bedroom and two bedroom units. The project will service households up to 90% of the Median Family Income (MFI). This transformative project has been fully supported by the neighborhood and its stakeholders.

The City loan will be used for construction and permanent financing. The construction loan will be at 2% interest and the permanent loan will be

for a term of 30 years at 2% annual interest payments with principal due at the end of the term. The first year's payment under the PILOT agreement would be approximately \$51,858.

The budget for the Upper Falls Project is summarized below:

<u>Costs</u>	
Acquisition	\$ 491,800
Construction	26,864,972
Soft Costs	9,011,562
Operating Reserve	600,000
Developer Fee	6,300,000
Contingency	<u>5,369,871</u>
Total	\$48,638,205

<u>Sources</u>	
1 st Mortgage/Permanent Bonds	\$18,750,000
Low Income Housing Tax Credits Equity	16,204,820
NY State Homes & Community Renewal	9,050,000
Federal Home Loan Bank	2,400,000
NY State Office of Mental Health	540,000
City of Rochester	1,000,000
Sponsor Loan	<u>693,385</u>
Total	\$48,638,205

The project has been approved by both the PILOT and Loan Review committees. The project will also meet the City's MBE/WBE and workforce development goals. Construction is anticipated to begin in December 2016 and be completed in spring 2018.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-181

Ordinance No. 2016-334
(Int. No. 376, as amended)

Authorizing funding, the sale of real estate and a loan agreement for the Upper Falls Square affordable housing project

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

Section 1. The Council hereby appropriates \$1,000,000, consisting of \$500,000 from the ~~Affordable Housing allocation of the Housing Development Fund in the Consolidated Community Development Plan/2016-17 Annual Action Plan 2015-16 Cash Capital~~ and \$500,000 from 2016-17 Cash Capital, for the development of the Upper Falls Square affordable housing project adjacent to the corner of Hudson Avenue and Cleveland Street (the "Project").

Section 2. The Council hereby authorizes the sale of 19 parcels of land for a total appraised value of \$24,900 to DePaul Properties, Inc., or an affiliated partnership or housing development fund corporation to be formed by DePaul Properties, Inc., for development of the Project:

Address	Acreage	Tax Map No.
26 Cleveland St	0.07 acres	106.49-1-83.4
30 Cleveland St	0.07 acres	106.49-1-82
36 Cleveland St	0.07 acres	106.49-1-81
37 Cleveland St	0.07 acres	106.49-1-62
42 Cleveland St	0.13 acres	106.49-1-80
43 Cleveland St	0.09 acres	106.49-1-63
47 Cleveland St	0.14 acres	106.49-1-64.1
48 Cleveland St	0.09 acres	106.49-1-79
54 Cleveland St	0.07 acres	106.49-1-78
58 Cleveland St	0.07 acres	106.49-1-77
59 Cleveland St	0.14 acres	106.49-1-66
75 Cleveland St	0.29 acres	106.49-1-68.1
101 Merrimac St	0.25 acres	106.49-1-3.1
111 Merrimac St	0.14 acres	106.49-1-5.1
121 Merrimac St	0.11 acres	106.49-1-7
127 Merrimac St	0.11 acres	106.49-1-8
168-172 Merrimac St	0.51 acres	106.41-4-36.3
404-408 Hudson Av	0.11 acres	106.49-1-1
8 Frederick St	0.22 acres	106.49-1-33.2

Section 3. The Mayor is hereby authorized to enter the City into a loan agreement with DePaul Properties, Inc. or an affiliated partnership or housing development fund corporation formed for the Project, for construction and permanent financing of the Project. The loan shall be in the amount of \$1,000,000 in funds appropriated in Section 1 herein, which shall be advanced to the borrower in the amount of \$900,000 for the construction phase of the Project and in the additional amount of \$100,000 upon completion of the construction phase. The loan agreement shall have a term that extends to 30 years following completion of Project construction and shall be subject to an annual interest rate of 2% payable annually, provided that, to the extent that 50% of the Project's surplus cash flow after debt service in a particular year is insufficient to fund the entire annual interest payment, the shortfall shall be deferred and repaid at the end of the loan term. The loan principal (and any deferred and accrued interest) shall be repaid at the end of the loan term. The Mayor is hereby authorized to adjust the loan interest rate and other terms and conditions in order to conform to legal requirements for Project tax credits.

Section 4. The loan agreement shall contain such additional terms and conditions as the Mayor

deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

Ordinance No. 2016-335
(Int. No. 377)

Approving a property tax exemption and authorizing a payment in lieu of tax agreement for the Upper Falls Square affordable housing project

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

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 30 years, the 21 properties described below, to be owned by DePaul Properties, Inc. or an affiliated partnership or housing development fund corporation formed for the Upper Falls Square affordable housing project (the "Project"), to be used for housing as a part of the Project:

Address	Tax Map No.
26 Cleveland St	106.49-1-83.4
30 Cleveland St	106.49-1-82
36 Cleveland St	106.49-1-81
37 Cleveland St	106.49-1-62
42 Cleveland St	106.49-1-80
43 Cleveland St	106.49-1-63
47 Cleveland St	106.49-1-64.1
48 Cleveland St	106.49-1-79
54 Cleveland St	106.49-1-78
58 Cleveland St	106.49-1-77
59 Cleveland St	106.49-1-66
75 Cleveland St	106.49-1-68.1
101 Merrimac St	106.49-1-3.1
111 Merrimac St	106.49-1-5.1
121 Merrimac St	106.49-1-7
127 Merrimac St	106.49-1-8
168-172 Merrimac St	106.41-4-36.3
396 Hudson Av	106.49-1-88.1
402 Hudson Av	106.49-1-89
404-408 Hudson Av	106.49-1-1
8 Frederick St	106.49-1-33.2

Section 2. The Mayor is hereby further authorized to enter the City into an in-lieu-of-tax payment agreement for a period of thirty years with DePaul Properties, Inc. or an affiliated partnership or housing development fund corporation formed for the Project, whereby the owner shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal in total to 10% of the Project's annual "shelter rent". "Shelter rent" shall equal gross rents less utility costs.

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

Section 4. This ordinance shall take effect immediately

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-336
Re: Agreement and Appropriations -
Home Ownership Pilot
Program for Vacant Houses

Council Priority: Rebuilding and
Strengthening Neighborhoods

Transmitted herewith for your approval is legislation related to a new pilot program entitled Homeownership Program for Vacant Houses. This legislation will:

1. Appropriate \$50,000 for property acquisition from the Affordable Housing Acquisition and Support allocation of 2016-17 Cash Capital.
2. Authorize the Director of Finance to record all transfers herein, and to make adjustments to the amounts set forth below, which may have changed prior to the date of this ordinance.
3. Authorize partnership agreements with organizations identified through a request for qualifications (RFQ) process.

The Department of Neighborhood and Business Development issued an RFQ on July 29 seeking partners to provide assistance with a new homeownership pilot program designed to increase options for selling vacant homes to potential first-time homebuyers as part of its expanded homebuyer services. The RFQs for partner organizations are currently undergoing review.

Properties for the program will be identified by the Rochester Land Bank Corporation and City staff for inclusion in the program. The properties would be vacant, single family homes, located on a residential street, with at least three bedrooms, one full bathroom, yard space and off-street parking.

Qualified buyers would be eligible for a rehabilitation deferred loan of up to \$24,999 from the City the 2015-16 CDBG Housing Development Fund - Owner-Occupant Roofing Program in the amount of \$125,000. A Consolidated Community Development Plan amendment is needed and is planned for the November City Council meeting when appropriation of funding will also be requested. Qualified buyers would also be eligible for up to \$6,000 through the Homebuyer Services Program for down payment /closing cost assistance, which was previously appropriated by Council (Ord. No. 2016-148).

Qualified buyers would be approved by the City of Rochester and the partner organization(s). Potential buyers must provide a current (less than 30 days old) pre-qualification and/or full pre-approval

from the partner organization, which indicates the maximum approval amount. The potential buyer must have completed the required eight-hour pre-purchase education class from a local US Housing and Urban Development (HUD) certified vendor/HUD certified trainer. All buyers would be required to obtain a competitive market-rate mortgage commitment from a local lender within 90 days of receiving the winning bid. Potential buyers must meet Income Guidelines for Median Family Income (MFI) as established by HUD. All must be first-time homebuyers, not currently owning other real estate, nor having owned any residential real estate within Rochester in the past three years. Buyers will be required to reside in the property for a minimum of 10 years; none may be investor-owners. Buyers will submit a \$1,000 deposit for the property at the time of the bid.

The program will be City-wide, with an emphasis on the Coalition of Northeast Associations (CONEA), 14621, Marketview Heights, Beechwood and the East Main, Mustard and Atlantic (EMMA) neighborhoods. Funding for five approved properties will be available January 1, 2017 and June 30, 2017.

The City Contract Services Group will be responsible for identifying contractors, approving the scope of work for each house and coordinating the entire construction management process. The City will prepare the scope of work to identify lead hazards and code violations. The lender will also prepare a scope of work for their required repairs and improvements. The City will then combine both of the work scopes into one document for procurement purposes.

For each of the identified properties, a total amount up to \$30,999 would be made available to the purchaser by the City, of which up to \$24,999 would be used for rehabilitation and up to \$6,000 for homebuyer assistance. Agreements (see attached example) would be signed with each homebuyer allowing up to one year to correct any code violations and obtain a Certificate of Occupancy. The homebuyer will sign a separate rehabilitation mortgage directly with the lender.

Partner organization(s) will ensure that each participant is approved for a competitive market-rate rehabilitation mortgage. The rehabilitation funds and scope of work will be coordinated between the lender and City. The City will take a second lien position for City grants, after the lender mortgage.

The Homeownership Program for Vacant Houses supports the City Housing Policy objective to promote the rehabilitation, redevelopment and new construction of housing.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-336
(Int. No. 378)

Authorizing funding and agreements for Home

Ownership Pilot Program for Vacant Houses

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

Section 1. The Council hereby appropriates \$50,000 from 2016-17 Cash Capital to fund property acquisition for the Home Ownership Pilot Program for Vacant Houses (the "Program"), which seeks to assist income eligible first-time homebuyers to obtain financing and to purchase, rehabilitate and dwell in houses that are presently vacant. Funds to assist with down payments and closing costs shall be obtained from funds previously appropriated by Council for promoting homeownership.

Section 2. The Mayor is hereby authorized to enter the City into partnership agreements with organizations that the Department of Neighborhood and Business Development has identified through a request-for-proposal process as qualified to assist with the implementation of the Program. The City shall enter into agreements for this Program only with organizations that are in compliance with federal regulations. Under each agreement, the partner organization shall commit to provide support and assistance for Program applicants, including but not limited to, publicity and outreach to eligible applicants, determining and documenting family income and other eligibility requirements, providing HUD-certified pre-purchase training, and obtaining pre-qualification or full pre-approval status for applicants' purchase and rehabilitation mortgage financing. Each partnership agreement may be for a term of up to one year and shall not require the City to compensate the partner organization.

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

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

Section 5. This ordinance shall take effect immediately

Passed unanimously.

Councilmember Ortiz moved to amend Int. No. 396.

Councilmember Clifford seconded the motion.

Motion adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-337
Re: Amending Ordinance No.
2011- 346-License Agreement -
ESSROC, Boxart Street

Council Priority: Jobs and
Economic Development

Transmitted herewith for your approval is legislation amending Ordinance No. 2011-346, which is a 10-year license agreement with ESSROC for the use and maintenance of a docking pier, conduit, and pump house at a City-owned parcel located within Turning Point Park. The amendatory agreement will change the term of the original lease by setting a new expiration date of November 30, 2016 in order to begin a new 10-year term from December 1, 2016 through November 30, 2026, with the option of two additional five-year terms.

ESSROC Cement Corp. is investing \$1.5 million on a new dock area and have requested assurance that they will be allowed to operate their current ship silo system past the expiration of their current agreement. This amendment will allow ESSROC to continue to use, occupy and maintain a docking pier, conduit and pump house on a City-owned parcel at 350 Boxart Street. ESSROC, and their predecessor, Rochester Portland Cement Corporation have used this parcel since 1972 to transport raw concrete material for cement manufacture from ships and/or barges in the Genesee River, to its facility at 361 Boxart Street.

ESSROC would like to begin work on the new dock area before the winter season commences. The entire project will take 8-10 weeks from the time of City Council approval of this amendment. Their plan is to have the dock ready in time for the 2017 shipping season.

The annual rental amount for this license agreement will remain at \$3,000, as was originally established through an independent appraisal prepared by Kevin Bruckner, MAI.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-182

Ordinance No. 2016-337
(Int. No. 396, as amended)

Authorizing an amendatory license agreement for the use of space in Turning Point Park

WHEREAS, the City of Rochester has received a proposal for the continued use of space in Turning Point Park by ESSROC Cement Corp. for a term of ten years; and

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

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

WHEREAS, the Council has formally reviewed

the appraisal of the independent consultant on the value of the use; and

WHEREAS, the Council affirmatively finds that the proposed use is in the public interest, as the public benefit to be derived from the use is the continuation of river transportation services for the manufacturing facility at 361 Boxart Street.

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

Section 1. Ordinance No. 2011-346, which authorizes a license agreement with ESSROC Cement Corp. to use, occupy and maintain a docking pier, conduit and pump house on a City-owned parcel within Turning Point Park for the continuation of river transportation service for the manufacturing facility at 361 Boxart Street (the "Turning Point License"), is hereby amended in Section 2 thereof to obligate the licensee to pay annual rent to the City in the amount of \$3,000.

~~Section 1.2. The Mayor is hereby authorized to enter the City into an amendatory license agreement with ESSROC Cement Corp.; for continuing the Turning Point License that was originally authorized by Ordinance No. 2011-346, for continued use, occupancy and maintenance of a docking pier, conduit and pump house on a City-owned parcel within Turning Point Park for the continuation of river transportation service for the manufacturing facility at 361 Boxart Street. The amendatory agreement shall amend the term of the original lease to December 1, 2016 to November 30, 2026 with two additional five year options of renewal.~~

~~Section 2.3. The amendatory license agreement shall continue to obligate the lessee to pay monthly annual rent to the City in the amount of \$3,000.~~

~~Section 3.4. The license agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.~~

~~Section 4.5. This ordinance shall take effect immediately.~~

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

By Councilmember Haag
October 18, 2016

To the Council:

The Parks & Public Works Committee recommends for adoption the following entitled legislation:

Int. No. 379 - Authorizing grant agreement and funding for drinking water fluoridation system, as amended

Int. No. 381 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of ~~\$1,347,000~~ \$1,111,000 Bonds of said City to fi-

nance the reconstruction of certain portions of Cobbs Hill Drive related to the Cobbs Hill Drive Reconstruction/Rehabilitation Project, as amended

Int. No. 381A - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$236,000 Bonds of said City to finance a new water main and lines along Cobbs Hill Drive related to the 2016 Cobbs Hill Drive Reconstruction Project

Int. No. 382 - Authorizing an agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. relating to Milling and Resurfacing Projects

Int. No. 383 - Authorizing an agreement with LaBella Associates, D.P.C., for the Rundel Library Structural Terrace Improvements Phase IV Project

Int. No. 384 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$3,457,000 Bonds of said City to finance the costs of the Rundel Library Structural Terrace Improvements Phase IV

Int. No. 385 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$261,000 Bonds of said City to finance the acquisition and installation of street lighting upgrades along certain portions of Winton Road North, Robinson Drive, and Reservoir Avenue

Int. No. 386 - Authorizing funding agreement for City-wide street lighting upgrades

Int. No. 387 - Amending Ordinance No. 2016-157 to specify the portions of Webster Avenue properties to be acquired and dedicated as public right-of-way

Int. No. 389 - Resolution adopting a Title VI Plan and Language Access Plan

Int. No. 390 - Authorizing an agreement for a Public Bikeshare System and amending Chapter 35 of the Municipal Code with respect to advertisements at System stations

The Parks & Public Works Committee recommends for consideration the following entitled legislation:

Int. No. 380 - Authorizing an amendatory agreement and amending the Official Map for the Cobbs Hill Drive Reconstruction/Rehabilitation Project and authorizing a funding amendment for the Kilmar Street Group Project

Int. No. 388 - Approving geometric changes related to the Dewey Avenue/Driving Park Avenue Realignment Project

Respectfully submitted,
Matt Haag
Michael A. Patterson
Elaine M. Spaul
Loretta C. Scott
PARKS & PUBLIC WORKS COMMITTEE

Received, filed, and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-338
Re: Grant Agreement - New York
State Department of Health,
Drinking Water Fluoridation Grant

Transmitted herewith for your approval is legislation establishing an agreement with the New York State Department of Health, Division of Family Health, for receipt of grant funds in the amount of \$155,653, and amending Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, by said amount, increasing the revenue estimates and appropriations of the Department of Environmental Services. This grant is for publically-owned water systems seeking to upgrade, replace or repair existing water fluoridation equipment.

Tooth decay is the most common chronic disease and dental care is the single greatest unmet service need among children. Community water fluoridation is considered by the Centers for Disease Control and Prevention (CDC) to be one of the top ten great public health achievements of the 20th Century. Fluoridation of community water supplies benefits everyone in the community regardless of age, race, and socioeconomic factors, such as income or insurance status.

The City of Rochester has been fluoridating its water since September 1952, and has received several "Water Fluoridation Quality Awards" from the CDC and the US Department of Health and Human Services. This funding will reimburse the City for the costs of materials and equipment for an upgrade to the water fluoridation system, which is housed at the Hemlock Water Filtration Plant and was commissioned in 1993 when the plant went online. The equipment and their controls have aged beyond their useful life and a system upgrade is necessary for the City to continue to provide quality, fluoridated water.

The term of the agreement will be for one year upon execution of the agreement, with the option of a one-year extension for project completion.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-338
(Int. No. 379, as amended)

Authorizing grant agreement and funding for drinking water fluoridation system

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

Section 1. The Mayor is hereby authorized to enter the City into an agreement with the New York State Department of Health for receipt and use of funds in the amount of \$155,653 to upgrade, replace and repair the City's drinking water fluoridation system. The term of the agreement shall be one year, with the option to extend for an additional period of up to one year.

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

Section 3. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Department of Environmental Services (Water Fund) by the sum of ~~\$155,653~~ \$155,700, which amount is hereby appropriated from funds to be received under the grant agreement and for the purpose authorized herein.

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-339,
Ordinance No. 2016-340 and
Ordinance No. 2016-341
Re: Cobbs Hill Drive Reconstruction/
Rehabilitation Project,
Highland to Hillside Avenues

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the Cobbs Hill Drive Reconstruction/ Rehabilitation Project from Highland to Hillside Avenues, and amending Ordinance No. 2016-310. This legislation will:

1. Establish \$90,000 as maximum compensation for an amendatory agreement with Vanguard Engineering, P.C., Rochester, New York, for resident project representation (RPR) services related to the Cobbs Hill Street Lighting and Cobbs Hill Drive Curb Replacement Projects, increasing maximum compensation from \$170,000 (Ord. No. 2015-126) to \$260,000. The amendatory agreement will be funded with bonds appropriated herein.
2. Authorize the issuance of bonds totaling \$1,344,500 and the appropriation of the proceeds thereof to partially finance the rehabilitation of Cobbs Hill Drive from Highland Avenue to Pinnard Street, and the reconstruction of Cobbs Hill Drive from Pinnard Street to Hillside Avenue. Additionally, a new water main will be installed on Cobbs Hill Drive from Pinnard Street to Hillside Avenue.
3. Amend the Official Map by dedicating a 56 sq. ft. portion the City-owned, vacant lot at 23 Pinnard Street as right-of-way for street

purposes.

4. Amend Ordinance No. 2016-310, Kilmar Street Group Reconstruction/Rehabilitation/Curb Replacement Project, to correct the fiscal year for the appropriation of \$400,000 in Community Development Block Grant Funds from the Residential Street Rehabilitation allocation of General Community Needs, from 2015-16 to 2016-17.

Bids for construction were received on September 6, 2016. The apparent low bid of \$1,286,406 was submitted by Seneca Roadways, Inc., which is 5.71% more than the engineer's estimate. An additional \$124,293 will be allocated for project contingencies.

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

<u>Source</u>	<u>Construction</u>	<u>Contingency</u>	<u>RPR</u>	<u>Total</u>
Street Bond	\$ 930,618	\$ 87,882	\$90,000	\$1,108,500
Water Bonds	213,989	22,011	-	236,000
Subtotal All Bonds	1,144,607	109,893	90,000	1,344,500
Rochester Pure Waters District (Ord. No. 2016-160)	143,761	14,400	-	158,161
Total	\$1,288,368	\$124,293	\$90,000	\$1,502,661

The original RPR agreement was for the Cobbs Hill Street Lighting and Cobbs Hill Drive Curb Replacement Projects. Both projects were in the same area of the City and were to be constructed during 2015. Utilizing Vanguard Engineering on both projects would increase the efficiency of RPR services to the City. Construction of the Street Lighting Project began in June 2015, and was completed in November 2015. The Cobbs Hill Drive Curb Replacement Project, however, was delayed due to a change to the work scope of the project from a curb replacement project to a street rehabilitation and reconstruction project, and the addition of a new water main. The delay and added work required additional RPR services from Vanguard Engineering.

A public meeting was held on June 22, 2016; a copy of the meeting minutes are attached. The Official Map Amendment was presented to the City Planning Commission at their September 12, 2016 meeting, for which the minutes are also attached.

Construction is anticipated to commence in the spring of 2017 and be completed in the summer of 2017. The project will result in the creation and/or retention of the equivalent of 16.4 full-time jobs.

A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-183

Ordinance No. 2016-339
(Int. No. 380)

Authorizing an amendatory agreement and amending the Official Map for the Cobbs Hill Drive Reconstruction/Rehabilitation Project and authorizing a funding amendment for the Kilmar 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 the City into an amendatory agreement with Vanguard Engineering, P.C. for resident project representation (RPR) services related to the Cobbs Hill Drive Street Lighting and Cobbs Hill Drive Curb Replacement Project. The amendment shall increase the maximum compensation of the original RPR agreement, which was authorized by Ordinance No. 2015-126, by \$90,000 to a total amount of \$260,000. The amendatory agreement amount shall be funded from the proceeds of bonds to be issued for said purpose.

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

Section 3. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating to street purposes the following parcel:

**LEGAL DESCRIPTION OF LANDS
TO BE DEDICATED FOR STREET PURPOSES**

**PART OF 23 PINNARD STREET
PART OF T.A. #122.640-01-062**

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 28, Township 13, Range 7, 2nd Division, and being more particularly bounded and described as follows: Beginning at the intersection of the westerly ROW line of Cobbs Hill Drive (50' ROW) and the southerly ROW line of Pinnard Street (32.65' ROW), said intersection being the Point or Place of Beginning; thence

- 1) S 18° 06' 02" W, along said ROW line of Cobbs Hill Drive, a distance of 11.00 feet to a point; thence
- 2) N 37° 27' 28" W, a distance of 12.44 feet to the said southerly ROW line of Pinnard Street; thence
- 3) N 86° 59' 02" E, along said ROW of Pinnard Street , a distance of 11.00 feet to the said westerly ROW line of Cobbs Hill Drive, being the Point or Place of Beginning.

Hereby intending to describe a parcel of land, containing 56.4 square feet, more or less, all as shown on a map entitled "Map Of Lands To Be Dedicated For Street Purposes - Southwest Corner of Cobbs Hill Drive and Pinnard Street", dated June 4, 2015, prepared by Jacek M. Szymanski, L.S., City Surveyor.

Being part of the same premises conveyed to the City of Rochester by a deed dated December 15, 1945 and filed in Liber 2296 of Deeds, Page 369.

Section 4. Section 4 of Ordinance No. 2016-310, regarding the Kilmar Street Group Project, is hereby amended to read in its entirety as follows:

The sum of \$400,000 is hereby appropriated to the Project from the Residential Street Rehabilitation allocation of General Community Needs Fund in the Consolidated Community Development Plan~~2015-16~~2016-17 Annual Action Plan.

Section 5. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

Ordinance No. 2016-340
(Int. No. 381, as amended)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of ~~\$1,347,000~~ \$1,111,000 Bonds of said City to finance the reconstruction of certain portions of Cobbs Hill Drive related to the Cobbs Hill Drive Reconstruction/Rehabilitation 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 milling, resurfacing, reconstruction, and street light upgrades for certain portions of Cobbs Hill Drive related to the Cobbs Hill Drive Reconstruction/Rehabilitation Project for the City, including new curbing, sidewalks, ~~a new water main~~ and other roadway improvements (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is ~~\$1,505,161~~~~\$1,111,000~~. The plan of financing includes the issuance of ~~\$1,347,000~~~~\$1,111,000~~ bonds of the City, which amount is hereby appropriated to finance a ~~portion of said Project; \$158,161 from the Rochester Pure Waters District, appropriated under Ordinance 2016-160,~~ and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of ~~\$1,347,000~~~~\$1,111,000~~ are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of ~~\$1,347,000~~~~\$1,111,000~~. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

Ordinance No. 2016-341
(Int. No. 381A)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$236,000 Bonds of said City to finance a new water main and lines along Cobbs Hill Drive related to the 2016 Cobbs Hill Drive Reconstruction 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 replacing a water main and lines along certain portions of Cobbs Hill Drive (from Highland to Hillside Avenue) related to the 2016 Cobbs Hill Drive Reconstruction Project for the City (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 \$394,161, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$236,000 bonds of the City and utilization of \$158,161 from the Rochester Pure Waters District, appropriated under Ordinance 2016-160, 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 \$236,000 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 \$236,000. 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. c. 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.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-342
Re: Agreement- Bergmann Associates,
Architects, Engineers, Landscape
Architects & Surveyors D.P.C.,
Term Resident Project Representation
Services for Milling and Resurfacing
Projects

Transmitted herewith for your approval is legislation establishing \$600,000 as maximum annual compensation for an agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors D.P.C., Rochester, New York, for term resident project representation (RPR) services for City street milling and resurfacing projects. The cost of the agreement will be

financed from the Cash Capital allocations and/or bond ordinances adopted and appropriated for milling and resurfacing projects. The term of the agreement will be for two years, with an optional three month extension after completion of a two-year guarantee inspection.

The consultant will provide RPR services on various City milling and resurfacing projects which are bid annually. Typically, RPR services for City-designed construction projects are provided by either City personnel or private consultants on a "project by project" basis. During peak periods of the summer construction season, sufficient City personnel are not available to inspect all of the City projects. To address this problem, the Department of Environmental Services utilizes general, or term, RPR services. The proposed agreement is intended to expedite private consultant assignments. This will facilitate project management and completion by providing greater flexibility with respect to the assignment of RPR services for City milling and resurfacing projects.

Bergmann Associates was selected for term RPR services through a request for proposals process, which is described in the attached summary.

Consultant services will begin in fall 2016. The milling and resurfacing projects are ongoing, yearly projects.

This agreement will result in the creation and/or retention of the equivalent of 6.5 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-184

Ordinance No. 2016-342
(Int. No. 382)

Authorizing an agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. relating to Milling and Resurfacing Projects

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

Section 1. The Mayor is hereby authorized to enter the City into an agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for term resident project representation services related to City Milling and Resurfacing Projects for a maximum annual compensation of \$600,000, payment of which shall be contingent upon Council approval of subsequent appropriations for this purpose from Cash Capital or bond proceeds. The agreement shall have a two-year term and shall not be renewable, but may be extended to 3 months after completion of a two-year guarantee inspection for any individual project that is commenced within the original two-year term.

Section 2. This agreement shall contain such

additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-343 and
Ordinance No. 2016-344
Re: Agreement- LaBella Associates,
DPC, Rundel Library Structural
Terrace Improvements Phase IV

Council Priority: Creating and
Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Rundel Library Structural Terrace Improvements Phase IV. This legislation will:

1. Establish \$750,000 as maximum compensation for an agreement with LaBella Associates, DPC, Rochester, New York, to provide engineering, planning and landscape architectural services. The cost of the agreement will be financed from bonds to be issued herein for the project, and the term will be three months after project completion with a two-year guarantee; and
2. Authorize the issuance of bonds totaling \$3,457,000 and the appropriation of the proceeds thereof to finance the project.

The Rundel Library Structural Terrace Improvements Phase IV project's objective is to evaluate the existing conditions of the Rundel Library substructure and terrace/sidewalk superstructures and substructures, assess the integrity of previous repairs, and identify priority repairs for immediate and future execution. The repairs will serve to extend the serviceable life and preserve the character and integrity of this vital center city infrastructure.

The consultant's services will include inspection, design, bid and award phase services, construction administration and resident project representation services for the project.

LaBella Associates, DPC was selected through a request for proposals process which is described in the attached summary.

Bond issuance	
Design and RPR	\$ 750,000
Construction	2,350,000
Contingency	<u>357,000</u>
Total	\$3,457,000

The project is anticipated to begin in fall 2016. Construction is anticipated to begin in summer 2018, with completion in summer 2019. The entire project will result in the creation and/or retention of the equivalent of 37.6 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor.

Attachment No. AP-185

Ordinance No. 2016-343
(Int. No. 383)

Authorizing an agreement with LaBella Associates, D.P.C., for the Rundel Library Structural Terrace Improvements Phase IV Project

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

Section 1. The Mayor is hereby authorized to enter the City into an agreement with LaBella Associates, D.P.C. for engineering, planning and landscape architectural services for the Rundel Library Structure Terrace Improvements Phase IV Project in a maximum amount of \$750,000. The agreement may extend until 3 months after completion of a two-year guarantee inspection of the Project. The cost of said agreement shall be funded from funds appropriated by a bond ordinance to be adopted for this Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2016-344
(Int. No. 384)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$3,457,000 Bonds of said City to finance the costs of the Rundel Library Structural Terrace Improvements Phase IV

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the costs of the Rundel Library Terrace Improvements Phase IV project that will evaluate the terrace's and sidewalk's substructures and superstructures and identify and perform priority repairs and improvements to extend the structures' serviceable life (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,457,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$3,457,000 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 \$3,457,000 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 \$3,457,000. 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.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-345 and
Ordinance No. 2016-346
Re: Street Lighting and Equipment
at Various Locations

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to street lighting and equipment on the streets listed below. This legislation will:

1. Authorize the issuance of bonds totaling \$261,000 and the appropriation of the proceeds thereof; and

2. Authorize an agreement with the Dormitory Authority of the State of New York (DASNY) for the receipt and use of \$3,000,000 in anticipated reimbursements for street lighting upgrades.

The bonds appropriated herein will be used to finance the replacement and upgrades of street lights on the streets listed below.

Street	From -	To	
Winton Road North	University Avenue -	Blossom Road	\$ 76,000
Robinson Drive	Mt. Hope Avenue -	South Avenue	86,000
Reservoir Avenue	South Avenue -	Gatehouse	99,000
		Total	\$261,000

The \$3,000,000 in anticipated reimbursements from DASNY will be used to fund street lighting upgrades at various other locations in the City.

The work above will result in the creation and/or retention of the equivalent of 2.8 full-time jobs.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Ordinance No. 2016-345
 (Int. No. 385)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$261,000 Bonds of said City to finance the acquisition and installation of street lighting upgrades along certain portions of Winton Road North, Robinson Drive, and Reservoir Avenue

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 acquisition and installation of street lighting upgrades along certain portions of Winton Road North (from University Avenue to Blossom Road), Robinson Drive (from Mt. Hope Avenue to South Avenue), and Reservoir Avenue (from South Avenue to Gatehouse Drive) (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$325,000. The plan of financing includes the issuance of \$261,000 bonds of the City, which amount is hereby appropriated to finance a portion of said Project, \$64,000 in 2012-13 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 \$261,000 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 \$261,000. 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. 5. of the Law, is ten (10) years.

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

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

terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

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

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

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

Passed unanimously.

Ordinance No. 2016-346
(Int. No. 386)

Authorizing funding agreement for City-wide street lighting upgrades

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into an agreement with the Dormitory Authority of the State of New York for the receipt and use of \$3,000,000 to acquire equipment and install of street lighting upgrades at various locations throughout the City (the, "Project"), which amount is hereby appropriated for completing such Project.

Section 2. The term of the agreement shall be that which the parties agree to be appropriate to effectuate the financing and completion of the Project.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect im-

mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-347
Re: Amendment - Ordinance No.
2016-157, 2017 Preventative
Maintenance Group 5

Transmitted herewith for your approval is legislation amending Ordinance No. 2016-157 to clarify that only a portion of 360 Webster Avenue is to be acquired for public right-of-way, and specify that the boundaries of the portions of 360 Webster Avenue and 500-530 Webster Avenue be dedicated for the same.

The 2017 Preventive Maintenance Group 5 Project is a milling and resurfacing project being designed by C&S Companies (Ord. No. 2015-333). The project includes milling and resurfacing three arterial streets (Arnett Boulevard, Genesee Park Boulevard and Webster Avenue); new curb installation for bump-outs on Arnett Boulevard; adjustments to catch basin frames and grates, water valves and sewer castings; spot street base and sidewalk repair; accessible curb ramp upgrades to meet Americans with Disabilities Act requirements; installation of new pavement markings and replacement of traffic signal loops.

This amendment will rectify the boundaries of the parcels to be acquired and dedicated for the Webster Avenue street improvements.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-347
(Int. No. 387)

Amending Ordinance No. 2016-157 to specify the portions of Webster Avenue properties to be acquired and dedicated as public right-of-way

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 1 of Ordinance No. 2016-157 is hereby revised as follows to clarify that only a portion of 360 Webster Avenue is to be acquired for public right-of-way:

Section 1. The Mayor is hereby authorized to acquire by negotiation or condemnation the *de minimus* parcel of land comprising an approximately 0.0023 acre portion of the property owned by North East Area Development located at 360 Webster Avenue.

Section 2. Section 3 of Ordinance No. 2016-157 is hereby revised as follows to specify the boundaries of the portions of 360 Webster Avenue and 500-530 Webster Avenue to be dedicated for public right-of-way:

Section 3. The Mayor is hereby authorized to amend the Official Map by dedicating as a public right-of-way the following portions of the properties at 360 and 500-530 Webster Avenue:

A) PART OF #360 WEBSTER AVENUE, T.A. #107.45-4-1

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York being part of Town Lot 49, Township 13, Range 7, and being more particularly bounded and described as follows: Beginning at the point of intersection of the south ROW line of Webster Avenue (52.75') and the north ROW line of Rosewood Terrace (50.0'), being the westerly corner of Lot 61 of the Frederick A. Brotsch Subdivision, as filed in the Monroe County Clerk's Office in Liber 13 of Mops, Page 5, said point being the Point or Place of Beginning; thence

- 1) N 87° 32' 51" E along said ROW line of Rosewood Terrace, a distance of 20.60 feet to a point; thence
- 2) N 38° 10' 03" W through the lands now or formerly owned by North East Area Development, Inc. a distance of 12.17 feet to a point on said south ROW line of Webster Avenue; thence
- 3) S 51° 18' 46" W along said south ROW line of Webster Avenue a distance of 16.72 feet to the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 0.0023± acres, all as shown on a map entitled "Map of Lands to be Acquired for Street Purposes", dated March 23, 2016, as prepared by Ravi Engineering & Land Surveying, P.C.

Being part of the premises conveyed to North East Area Development, Inc. in Liber 8404 of Deeds, Page 132.

B) PART OF #500-530 WEBSTER AVENUE, T.A. #107.46-1-42.001

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 49, Township 13, Range 7, and being more particularly bounded and described as follows: Beginning at a point on the southeasterly ROW line of Webster Avenue (49.5' ROW), 149.10 feet northeast of the easterly ROW line of Shafer Street (50' ROW), being the northeast corner of Lot 77 of the Frederick A. Brotsch Subdivision, as filed in the Monroe County Clerk's Office in Liber 13 of Maps, Page 5, said point being the Point or Place of Beginning; thence

- 1) N 51° 06' 50 " E, along said ROW line of Webster Avenue, a distance of 650.00 feet to a point; thence
- 2) S 38° 53' 10 "E, at right angles to said ROW line, a distance of 8.50 feet to a point; thence
- 3) S 51° 06' 50 "W, parallel with and 8.50 feet distant from said ROW line, a distance of 656.26 feet to the west line of lands of the City of Rochester and the east line of said Lot 77; thence
- 4) N 02° 28' 50 " W, along said east line of Lot 77, a distance of 10.56 feet to the northeast corner thereof and the said ROW line of Webster Avenue, being the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 0.127± acres, all as shown on a map entitled "Map of Lands to be Dedicated for Street Purposes", dated March 22, 2016, as prepared by Jacek M. Szymanski, L.S., City Surveyor.

Being part of the premises conveyed to the City of Rochester in Liber 751 of Deeds, Page 217 & 219, Liber 757 of Deeds, Page 87, Liber 865 of Deeds, Page 309 and Liber 914 of Deeds, Page 84.

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-348
Re: Dewey Avenue/Driving Park
Avenue Realignment Project -
Geometric Changes

Transmitted herewith for your approval is legislation authorizing geometric changes for the Dewey Ave-

nue/Driving Park Avenue Realignment Project. This project will consolidate the offset intersection at Dewey and Driving Park Avenues in order to enhance the overall mobility for all users, reduce congestion and improve highway safety.

The project also includes street reconstruction, new curbing, sidewalks, access ramps, bike facilities, landscaping, partial replacement of the water main and services, hydrants, receiving basins, new traffic signal, new street lighting system and the proposed geometric changes, as shown in the attached materials.

The project is being designed by Bergmann Associates and is scheduled to be completed in fall 2016. Construction is expected to begin in winter 2016, and be substantially completed by fall 2017.

Previous legislation for this project includes the following:

<u>Purpose</u>	<u>Date Authorized</u>	<u>Ordinance No.</u>
New York State Master Agreement, Appropriations	January 28, 2014	2014-16
Amend Ord. No. 2014-16	April 23, 2014	2014-94
Adoption of Determination & Findings	August 11, 2015	2015-267
Appropriations	May 17, 2016	2016-158
Acquisitions Authorized	August 9, 2016	2016-274
Official Map Amendment	August 9, 2016	2016-275

Public information meetings were held on May 19, 2014, June 23, 2014 and July 20, 2015, the minutes of which were previously forwarded to Council. The pavement width changes required for the project were presented to and endorsed by the Traffic Control Board on September 20, 2016.

A public hearing on the pavement width changes is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-186

Ordinance No. 2016-348
(Int. No. 388)

Approving geometric changes related to the Dewey Avenue/Driving Park Avenue Realignment Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the following changes in the pavement width related to the Dewey Avenue/Driving Park Avenue Realignment Project:

1. Changing the width on Driving Park Avenue between Finch Street and Straub Street as follows:
 - a. A gradual taper from an existing 36 foot width to a proposed width of 39 feet (a widening of 3 feet) from Finch Street to a point 120 feet east of Finch Street;
 - b. An increase from an existing 36 foot width to a proposed variable width of 39 feet to 47 feet (a variable widening of 3 feet to 11 feet) beginning at the previous point to the existing southern leg of Dewey Avenue;
 - c. An increase from the existing 36 foot width to a proposed width of 39 feet (a widening of 3 feet) beginning at the previous point easterly for 350 feet;
 - d. A gradual taper from a proposed width of 39 feet to the existing width of 34 feet wide (a narrowing of 5 feet) beginning at the previous point to Straub Street;
 - e. Establish an 8 foot wide recessed parking lane along the south side of Driving Park Avenue, beginning 50 feet west of Broezel Street and extending westerly for 100 feet;
2. Changing the width on Dewey Avenue between Driving Park Avenue and Selye Terrace as follows:
 - a. Realign the northern leg of Dewey Avenue with Dewey Avenue south of Driving Park Avenue;
 - b. Establish a pavement width of 52 feet beginning at Driving Park Avenue to Selye Terrace;
 - c. Establish an 8 foot wide recessed parking lane along the eastern side of the realigned portion of Dewey Avenue, beginning 50 feet south of Selye Terrace and extending southerly for 50 feet; and

- 3. Establish a pavement width of variable widths ranging from 15 feet to 19 feet, for a new right-turn lane which connects Driving Park Avenue westbound to Dewey Avenue northbound.

Section 2. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2016-24
Re: Title VI Plan and Language
Access Plan

Transmitted herewith for your approval is legislation adopting a Title VI Plan and a Language Access Plan. The Title VI Plan, Policy Statement, and its associated assurances are required by federal law in order for the City to continue receiving federal funds.

The intent of Title VI is to ensure federal guidelines are implemented in order to eliminate discrimination in federally-funded programs and activities when identified, and remove barriers that prevent all federally protected groups and persons from receiving access, participation and benefits from federally-assisted programs, services and activities.

Title VI of the Civil Rights Act of 1964 is the federal law that protects individuals and groups from discrimination on the basis of their race, color, sex, and national origin, in programs and activities that receive federal financial assistance. The Title VI Plan will:

- Encourage the participation of minorities, persons with disabilities, persons with limited English proficiency, as well as persons who have been impacted or affected by the City's policies, programs or activities as members of planning or advisory bodies for programs receiving federal funds.
- Require information and services to be provided in languages other than English when significant numbers or 5% of potential beneficiaries have limited English speaking ability.
- Require entities to notify the entire eligible population about programs.
- Prohibit locating facilities in a way that would limit or impede access to a federally-funded service or benefit.
- Require assurance of nondiscrimination in the purchasing of services.

- Prohibit entities from denying a protected individual any service, financial aid, or other benefit under covered programs and activities.
- Prohibit entities from providing services or benefits to some individuals that are different from or inferior to (in either quantity or quality) those benefits provided to others.
- Prohibit segregation or separate treatment in any manner related to receiving program benefits or services.
- Prohibit entities from imposing different standards or conditions as prerequisites for serving individuals.
- Prohibit discriminatory activity in a facility built in whole or part with federal funds.

The Language Access Plan and Title VI Plan describe specific actions and activities that will be undertaken by the City to address and meet the federal government's objectives.

All documents related to both Plans are available for review online and are on file in the City Clerk's office.

Respectfully submitted,
Lovely A. Warren
Mayor

Resolution No. 2016-24
(Int. No. 389)

Resolution adopting a Title VI Plan and Language Access Plan

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby certifies that the City of Rochester operates its programs and activities without regard to race, color, sex, and national origin in accordance with Title VI of the Civil Rights Act of 1964, and in compliance with Title VI, the Council approves and adopts the following policy documents:

- a) Title VI Plan
- b) Title VI Policy
- c) Title VI Assurances
- d) A City Language Access Plan

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-349
Re: Agreement - Zagster, Rochester
Public Bikeshare System

Council Priority: Creating and

Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Rochester Public Bikeshare System. This legislation will:

1. Authorize an agreement with Zagster for the exclusive operation of a Bikeshare system in the public right-of-way and on public land; and
2. Amend Chapter 35: Bill Posting and Advertising of the Municipal Code to permit the placement of advertising on approved Bikeshare stations located in the public right-of-way or on public land.

The Public Bikeshare System will enable residents and visitors to access shared bicycles from a station located in the public right-of-way or on public or publicly-accessible private property, and return the bicycles to another station as an extension of the public transportation system. The Bikeshare system will be implemented in phases, with the first phase centered on downtown and adjacent areas, and consisting of approximately 25 stations and/or 250 bicycles.

Bikeshare programs are quickly becoming recognized as an expected mobility option in American cities, complementing other transportation services and resulting in reduced car usage, increased rates of public transit use, lower parking demand, increased retail sales for small businesses, and improved public health. In Rochester, Bikeshare will address the "first-mile/last-mile" concerns of public transportation by improving users' convenience in reaching their ultimate destination, reduce unnecessary car traffic in congested areas, draw more visitors to the city, and help visitors travel between attractions. By encouraging bicycling as a means of transportation and reducing car travel and related harmful emissions, Bikeshare supports implementation of the City's Bicycle Master Plan and Climate Action Plan.

Zagster will develop, install, own, operate, and maintain the Public Bikeshare System for a term of two years, with the option to extend for up to three additional one-year terms. The system will accommodate various membership options, ranging from hourly to annual, and incorporate multiple payment options. The system will be available to the public 24 hours per day, seven days per week, on a seasonal basis (April through November). The system will be self-sustaining primarily through sponsorships and advertising. Accordingly, the Municipal Code must be modified to allow Zagster to display sponsor logos and advertising at approved Bikeshare stations.

Zagster was selected as the Rochester Public Bikeshare System vendor through a request for proposals process, which is described in the attached summary. Implementation of the Phase 1 deployment will take place in spring 2017.

Respectfully submitted,

Lovely A. Warren
Mayor

Attachment No. AP-187

Ordinance No. 2016-349
(Int. No. 390)

Authorizing an agreement for a Public Bikeshare System and amending Chapter 35 of the Municipal Code with respect to advertisements at System stations

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into an agreement with Zagster, Inc., a Delaware corporation, for the exclusive rights to develop, install, own, operate and maintain a Public Bikeshare System (System) at designated stations located within the public right-of-way and public lands of the City of Rochester. The agreement shall authorize Zagster, Inc. to solicit, place, and collect revenues from the advertising placed at the System's approved stations. Zagster's compensation for the agreement shall be derived from user fees, sponsorships and advertising derived from its operation of the System.

Section 2. The agreement shall be for an initial term of two years with the option to extend the agreement for up to 3 additional terms of one year each.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Section 35-1 of the Municipal Code, prohibiting the placement of handbills and signs in or on public places, is hereby amended by adding thereto the following new Subsection D:

D. This section shall not apply to the placement of advertisements on or within a public bikeshare station that is authorized to be placed within the public right-of-way or public lands pursuant to a duly authorized agreement, ordinance, or Municipal Code provision of the City of Rochester.

Section 5. This ordinance shall take effect immediately.

Underlining indicates new text.

Passed unanimously.

By Councilmember McFadden
October 18, 2016

To the Council:

The Public Safety, Youth & Recreation Committee recommends for adoption the following entitled legislation:

Int. No. 391 - Authorizing an agreement for an

Environmental Workforce Development and Job Training Program grant and a revision to a Comprehensive Adolescent Pregnancy Prevention Program agreement

Int. No. 392 - Authorizing grant agreements and funding for Rochester Police Department violence prevention and community policing programs

Int. No. 393 - Authorizing an agreement and funding for the motor vehicle theft and insurance fraud prevention program

Int. No. 394 - Authorizing intermunicipal agreements and funding for the STOP DWI Program

Respectfully submitted,
Adam C. McFadden
Molly Clifford
Matt Haag
Loretta C. Scott
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed, and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-350
Re: Grant Agreement and
Amendment - Federal Environmental
Protection Agency, Environmental
Workforce Development and Job
Training Grant; and Amending
Ordinance No. 2016-283

Council Priority: Jobs and
Economic Development

Transmitted herewith for your approval is legislation authorizing an agreement with the federal Environmental Protection Agency (EPA) for the receipt and use of a three-year, Environmental Workforce Development and Job Training Program (EWJDT) grant totaling \$200,000. Also for your approval is a technical amendment to Ordinance No. 2016-283.

The purpose of the grant is to develop an environmental job training program that provides workforce development opportunities for unemployed or underemployed adult city residents living in areas impacted by contaminated land. Participants will gain technical environmental training and experience for jobs related to environmental clean-up activities in their own communities. The program will offer 250 hours of instruction to participants, including remedial education, employment soft skills, hazardous waste operations and emergency response, environmental sampling techniques, asbestos handler and worker, and Occupational Safety and Health Administration (OSHA) construction safety, lead abatement worker, confined space, and environmental awareness trainings.

Approximately \$141,300 of the grant funds will be used to deliver trainings to participants and trainers will be identified through a request for proposals process. The balance of the grant, \$58,700, will be used for professional development, travel and transportation, and other supply costs required to manage the program.

It is anticipated that the project will begin in late fall, and will train 60 participants in the first two years. The third year will be dedicated to participant tracking and follow-up employment placement services as needed.

In August 2016, Council approved cost of living adjustments (COLAs) for Comprehensive Adolescent Pregnancy Prevention Program providers via Ordinance No. 2016-283. The proposed amendment will correct the amount received by one provider, the Society for the Protection and Care of Children, by increasing the COLA by \$800, for a contract total of \$31,601.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-350
(Int. No. 391)

Authorizing an agreement for an Environmental Workforce Development and Job Training Program grant and a revision to a Comprehensive Adolescent Pregnancy Prevention Program agreement

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into an agreement with the United States Environmental Protection Agency for the receipt and use of \$200,000 for the purpose of funding an Environmental Workforce Development and Job Training Program to train unemployed or underemployed City residents for jobs related to environmental remediation.

Section 2. The term of the agreement shall be for three years.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Section 2 of Ordinance No. 2016-283 regarding agreements implementing the Comprehensive Adolescent Pregnancy Prevention Program is hereby amended to read in its entirety as follows:

Section 2. The Mayor is hereby authorized to enter into amendatory agreements with the following organizations to increase their maximum compensation as follows:

Organization	Previously Authorized	2016 Increase	Total
U of R Medical Center/Highland Family Planning	\$ 23,235	\$ 4,165	\$ 27,400
YWCA of Rochester and Monroe County	25,280	4,241	29,521
Baden St. Settlement/Metro Council for Teen Potential	31,771	4,483	36,254
Society for the Protection and Care of Children	27,231	3,570 <u>4,370</u>	30,801 <u>31,601</u>
Family Resource Center	6,287	182	6,469
TOTAL	\$113,804	\$16,641 <u>17,441</u>	\$130,445 <u>131,245</u>

and ~~\$16,641~~17,441 is hereby appropriated for the 2016 Increase from the funds received pursuant to the amendatory agreement authorized in Section 1.

Section 5. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-351
Re: Grant Agreements - New York
State Division of Criminal
Justice Services

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing agreements with the New York State Division of Criminal Justice Services (DCJS) for the receipt and use of two grants described below, and amending the 2016-17 Budget of the Police Department by \$14,000 to reflect these grants.

New York State Senate Grant/Funke, October 1, 2016 - September 30, 2017

This \$4,000 grant, facilitated by Senator Rich Funke, will be used for police overtime details to intensify investigations in the Goodman Section to decrease the incidence of violence in that area. Fringe benefits, in the amount of \$1,286, are not included in this grant.

New York State Senate Grant/Ranzenhofer, October 1, 2016 - September 30, 2017

This award, not to exceed \$10,000, was secured by Senator Michael H. Ranzenhofer to provide overtime for community policing patrols in the Rochester Police Department's Genesee Section to address and decrease the incidence of violence. Fringe benefits, in the amount of \$3,215, are not included in this grant.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-351
(Int. No. 392)

Authorizing grant agreements and funding for Rochester Police Department violence prevention and community policing programs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into an agreement with the New York State Division of Criminal Justice Services for receipt and use of funds in the amount of \$4,000 to intensify the Rochester Police Department's investigations in the City's Goodman Section in order to decrease the incidence of violence. The term of the agreement shall be October 1, 2016 through September 30, 2017.

Section 2. The Mayor is hereby authorized to enter the City into an agreement with the New York State Division of Criminal Justice Services for receipt and use of funds in the amount of \$10,000 for community policing patrols in the Rochester Police Department's Genesee Section. The term of this agreement shall be October 1, 2016 through September 30, 2017.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Rochester Police Department by the sum of \$14,000, which amount is hereby appropriated from funds to be received under the grant agreements and for the purposes authorized herein.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-352
Re: Agreement - New York State
Division of Criminal Justice Services,
Motor Vehicle Theft and Insurance
Fraud Prevention Grant

Council Priority: Public Safety

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 \$44,336 for the Motor Vehicle Theft and Insurance Fraud Prevention (MVTIFP) grant, and amending the 2016-17 Budget of the Police Department by \$23,200 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 \$42,336 to support Police Department deployment in high-theft areas and increased investigations of insurance fraud. The grant also provides funds to train police officers in specialized anti-theft techniques and technology. This grant does not cover fringe which is estimated at \$13,611.

The previous MVTIFP award was authorized by City Council in January 2016 (Ord. No. 2016-32). The term of this agreement is for one year, January 1 through December 31, 2017.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-352
(Int. No. 393)

Authorizing an agreement and funding for the Motor Vehicle Theft and Insurance Fraud Prevention Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into an agreement with the New York State Division of Criminal Justice Services for receipt and use of funds for the Motor Vehicle Theft and Insurance Fraud Prevention Program in the amount of \$44,336 and such funds are hereby appropriated for said purpose. The term of this agreement shall be January 1, 2017 through December 31, 2017.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$23,200, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-353
Re: Monroe County STOP
DWI Grants

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing the receipt and use of a total of \$138,306 in New York State funding from Monroe County for two grant programs, and amending the 2016-17 Budget of the Police Department by

\$61,600 to reflect a portion of these grants.

2017 STOP DWI Program January 1 - December 31, 2017

The STOP DWI grant provides an amount not to exceed \$133,862 to the City for enhanced detection and enforcement of driving while intoxicated and related offenses for the 2017 calendar year. Supported activities include expenses for STOP DWI overtime details and associated fringe costs, supplies, equipment, training, breathalyzer calibration, and underage alcohol enforcement. An amount of \$59,600 of the grant will be added to the 2016-17 Budget of the Police Department for use during the current fiscal year.

2016-17 STOP DWI Foundation Crackdown Grant October 1, 2016 - September 30, 2017

The STOP DWI Crackdown grant, in an amount not to exceed \$4,444, is administered by the New York State Stop DWI Foundation and the Monroe County STOP DWI Program and will be used for two to three STOP DWI Crackdown details during the term of the grant. The funds will be used for overtime for police officers and, as necessary for police experts to detect drug abuse in drivers during Memorial Day, Fourth of July and possibly Labor Day 2017 crackdowns. An amount of \$2,000 of the grant will be added to the 2016-17 Budget of the Police Department for use during the current fiscal year. This grant does not allow fringe expenses, estimated at \$1,429.

The previous STOP DWI grants were authorized via Ordinance No. 2015-376 on November 18, 2015.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-353
(Int. No. 394)

Authorizing intermunicipal agreements and funding for the STOP DWI Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into intermunicipal agreements with the County of Monroe for receipt and use of New York State funding for the 2017 STOP DWI Program in the amount of \$133,862 and for the 2016-17 STOP DWI Foundation Crackdown Grant Program in the amount of \$4,444.

Section 2. The term of the 2017 STOP DWI Program agreement shall be from January 1, 2017 through December 31, 2017. The term of the STOP DWI Foundation Crackdown Grant Program agreement shall be from October 1, 2016 through September 30, 2017.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Policed Department by the sum of \$61,600, which amount is hereby appropriated from a portion of funds to be received under the grant agreements authorized herein.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:05 p.m.

HAZEL L. WASHINGTON
City Clerk

* * * * *

REGULAR MEETING
NOVEMBER 15, 2016

Present - President Scott, Councilmembers Clifford, Conklin, Haag, Miller, Ortiz, Patterson, Spaul - 8.

Absent - Councilmember McFadden - 1.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF THE MINUTES
By Councilmember Spaul

RESOLVED, that the minutes of the Regular Meeting of October 18, 2016 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:
Administrative Cancellation or Refund of Erroneous Taxes and Charges 4244-16

The Council submits Disclosure of Interest Forms from Vice President Miller on Int. No. 408, Councilmember Conklin on Int. Nos. 416 and 428A, Councilmember Haag on Int. Nos. 424 and 425, and Councilmember Spaul on Int. No. 424.

PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.

Councilmember Haag presented 624 signed post cards of persons wanting a safe place to play. Petition No.1733

PUBLIC HEARINGS.

Pursuant to law, public hearing will now be had on the following matter:

Authorizing the sale of the Midtown Parking Garage and Midtown Lot 7 to further the Midtown Urban Renewal Plan, as amended Int. No. 432
1 speaker: Alex White.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
November 15, 2016

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 398 - Resolution establishing the schedule for the Regular Council Meetings during 2017

Int. No. 399 - Authorizing an agreement with Rochester Market Driven Community Corporation for business development services

Int. No. 400 - Authorizing an agreement with MVP Health Care, Inc. for COBRA administration services

Int. No. 429 - Authorizing an agreement with Lifetime Benefit Solutions, Inc. for the administration of Flexible Spending, Parking/Transit Reimbursement and Health Reimbursement Accounts

Respectfully submitted,
Carolee A. Conklin
Molly Clifford
Adam C. McFadden
Dana K. Miller
Loretta C. Scott
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2016-25
Re: Resolution - Establishing
the Schedule for the
Regular Council Meetings
During 2017

Transmitted herewith for your approval is a resolution that establishes the 2017 City Council meeting schedule.

The proposed schedule has been reviewed by the Council and the Mayor's Office in order to eliminate any potential conflicts with either civic or religious holidays.

All Council Meetings will begin at 7:30pm and Speak to Council will continue to start at 6:30pm.

Respectfully submitted,

Loretta C. Scott
President

Resolution No. 2016-25
Int. No. 398

Resolution establishing the schedule for the Regular Council Meetings during 2017

WHEREAS, City Council adopted the current Rules of Council on January 4, 2016, by Resolution No. 2016-4, and

WHEREAS, in such Rules, the Council established the dates for the regular Council meetings for 2016 and indicated that the schedule for 2017 would be established in a Resolution adopted during 2016.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The following shall be the schedule of regular meetings of the Council for 2017 to be held in the Council Chambers, City Hall, at 7:30 P.M.:

- January 17
- February 21
- March 28
- April 25
- May 23
- June 20
- July 18
- August 15
- September 19
- October 17
- November 14
- December 19

and also at such other times as the Council may by adjournment to a day certain appoint. When the date for the regular meeting falls on a legal holiday, the meeting shall be held on the following day.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-354
Re: Agreement- Rochester Market
Driven Community Corporation,
Business Development Services

Council Priority: Jobs and
Economic Development

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with Rochester Market Driven Community Corporation (RMDCC) for the provision of business development services related to the implementation of the Market Driven Community Cooperative initiative. The cost of this agreement will be funded from the 2016-17 Budget

of Undistributed Expenses, and the term will be for one year with the option to renew for an additional year.

In February 2016, the Democracy Collaborative, under agreement with the City, completed Phase I of its investigation into the efficacy of an economic development strategy centered on the creation of for-profit, worker-owned businesses linked to anchor institutions' procurement needs. The Phase I report outlined overwhelming support from anchor institutions and the community for the market driven community cooperative strategy, and the specific market opportunities for potential businesses in Rochester. Under Phase II of this initiative, the Democracy Collaborative has been overseeing the implementation of their report recommendations, including the creation of RMDCC, a non-profit holding company that will launch and support for-profit, worker-owned businesses; provide deeper market analysis and business planning; fundraise for the operational budget and capitalization costs for the initial businesses; and assist with site selection and development activities. The RMDCC mission is to develop businesses in distressed and disinvested neighborhoods to create living wage job opportunities for residents and build community wealth.

RMDCC was incorporated as a fully independent corporation in September 2016, and has pending 501c3 status with the Internal Revenue Service. RMDCC is in the process of securing operating capital necessary to hire initial staff and establish basic infrastructure. The City is approaching the local philanthropic community to solicit funding support, and will leverage local community investment to secure national philanthropic investment. RMDCC is also awaiting a \$4.5 million award from New York State via the Upstate Revitalization Initiative. This funding will be used for business development capital to be managed by the RMDCC Board in a new revolving loan fund.

Under the proposed agreement with the City, RMDCC is expected to provide economic development services to support the launch of at least one worker-owned business.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-354
(Int. No. 399)

Authorizing an agreement with Rochester Market Driven Community Corporation for business development services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into an agreement with Rochester Market Driven Community Corporation to provide business development services in support of the Market Driven Community Cooperatives program. The maximum compensation for the agreement

shall be \$50,000. The cost of the agreement will be funded from the 2016-17 Budget of Undistributed Expenses. The agreement shall have a term of one year, with one optional one-year renewal.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-355
Re: Agreement - MVP Health Care, Inc.,
COBRA Administration Services

Council Priority: Deficit Reduction and
Long Term Financial Stability

Transmitted herewith for your approval is legislation establishing \$25,200 as total maximum compensation for a three-year agreement with MVP Health Care, Inc. for Consolidated Omnibus Budget Reconciliation Act (COBRA) Administration Services. The agreement will be from January 1, 2017 through December 31, 2019, and will be funded from the 2016-17, 2017-18, 2018-19 and 2019-20 Budgets for Undistributed Expenses in the annual amounts of \$4,200, \$8,400, \$8,400 and \$4,200, respectively, contingent upon approval of future budgets.

COBRA is regulated by both federal and State law and provides continuation rights for group health coverage that otherwise might be terminated. COBRA ensures certain former employees, retirees, spouses, former spouses, and dependent children the right to temporary continuation of health coverage at group rates.

Administration of COBRA includes compliance with guidelines that require mailing a variety of notifications to potential and covered participants. These notifications inform participants of their rights to continuation coverage and are mailed when initially enrolled, when making changes to coverage and if/when coverage is lost. In addition, regulations include very specific guidelines regarding the billing and premium collection process for enrollees.

The recommendation to select MVP Health Care is based on the following:

- MVP proposed the lowest rates and rates are guaranteed for three years.
- MVP's rates include full administration of the federally-mandated COBRA process, including notifications, invoicing, collecting premiums and maintaining required logs of activity.
- MVP has proven capabilities that ensure adherence to continually changing compliance

requirements in all areas of the US Department of Labor regulations. This has been demonstrated with the City of Rochester and with other large organizations in the Rochester area.

MVP Health Care was selected through a request for proposals process, as described in the attached summary.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-188

Ordinance No. 2016-355
(Int. No. 400)

Authorizing an agreement with MVP Health Care, Inc. for COBRA administration services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into a professional services agreement with MVP Health Care, Inc. for administration services to comply with the Consolidated Omnibus Budget Reconciliation Act (COBRA). The maximum compensation for the agreement shall be \$25,200. The cost of the agreement shall be funded from the 2016-17 Budget of Undistributed Expenses (\$4,200), the 2017-18 Budget of Undistributed Expenses (\$8,400), the 2018-19 Budget of Undistributed Expenses (\$8,400), and the 2019-20 Budget of Undistributed Expenses (\$4,200), contingent upon approval of future budgets.

Section 2. The term of agreement shall be three years from January 1, 2017 to December 31, 2019.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-356
Re: Agreement - Lifetime Benefit Solutions, Inc., Flexible Benefit Accounts

Council Priority: Deficit Reduction and Long-Term Financial Stability

Transmitted herewith for your approval is legislation establishing \$111,000 as total maximum compensation for a three-year agreement with Lifetime Benefit Solutions, Inc. for the administration of the City's Flexible Spending Account (FSA), Parking/Transit Reimbursement Account (PTRA) and remaining balances in the previously-funded Health

Reimbursement Account (HRA) for employees. The agreement will be funded from the 2016-17, 2017-18, 2018-19 and 2019-20 Budgets for Undistributed Expenses in the amount of \$18,500, \$37,000, \$37,000 and \$18,500, respectively, contingent upon approval of future budgets.

Lifetime Benefit Solutions, Inc. has provided FSA and PTRA services for the City since 1992, and HRA services since 2009. The company was selected through a request for proposals process which is described in the attached summary.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-189

Ordinance No. 2016-356
(Int. No. 429)

Authorizing an agreement with Lifetime Benefit Solutions, Inc. for the administration of Flexible Spending, Parking/Transit Reimbursement and Health Reimbursement Accounts

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into a professional services agreement with Lifetime Benefit Solutions, Inc. for administration of the Flexible Spending Accounts, Parking/Transit Reimbursement Accounts and for the remaining balances in previously-funded Health Reimbursement Accounts for City employees. The maximum compensation for the agreement shall be \$111,000. The cost of the agreement will be funded from the 2016-17 Budget of Undistributed Expenses (\$18,500), the 2017-18 Budget of Undistributed Expenses (\$37,000), the 2018-19 Budget of Undistributed Expenses (\$37,000), and the 2019-20 Budget of Undistributed Expenses (\$18,500), contingent upon approval of future budgets.

Section 2. The agreement shall have a term of three years from January 1, 2017 to December 31, 2019.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Vice President Miller
November 15, 2016

To the Council:

The Business & Economic Development Committee recommends for adoption the following entitled legislation:

Int. No. 401 - Authorizing a loan agreement for

the Lincoln Alliance Building Project and amending Ordinance No. 2011-145

The Business & Economic Development Committee recommends for consideration the following entitled legislation:

Int. No. 432 - Authorizing the sale of the Midtown Parking Garage and Midtown Lot 7 to further the Midtown Urban Renewal Plan, as amended

Respectfully submitted,
Dana K. Miller
Michael A. Patterson
Elaine M. Spaul
Loretta C. Scott
BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-357
Re: Lincoln Alliance Building
Project and Amending
Ordinance No. 2011-145

Council Priority: Creating and Sustaining a Culture of Vibrancy; Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation relating to the Lincoln Alliance Building renovation project. This legislation will:

1. Appropriate a total of \$858,999 in Cash Capital to the Housing Revolving Loan Fund as follows: \$61,732.96 from 2012-13 Cash Capital; \$239,966.30 from 2013-14 Cash Capital; and \$557,299.74 from 2016-17 Cash Capital.
2. Authorize a loan agreement not to exceed \$1,000,000 with 183 East Main St LLC, or an entity to be formed by its principals (Thomas Masaschi, Jason Teller, Robert Morgan and R. Morgan Management). The loan will be financed from the Housing Revolving Loan Fund (\$858,999) and the Development Revolving Loan Fund (\$141,001).
3. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan as needed.
4. Amend Ordinance No. 2011-145 to terminate the loan agreement authorized therein, leaving intact the Housing Revolving Loan Fund that has been used to fund other projects.

Ordinance No. 2011-145 authorized funding and a loan agreement for a former project proposed by a different developer at the same address. That project did not proceed as planned, and the building was later acquired by 183 East Main St LLC.

The presently proposed rehabilitation of the building at 181-187 East Main Street, known as the

Lincoln Alliance Building, will create 130 one- and two-bedroom apartments on floors four to seventeen, and retail/commercial space on the first three floors. Asbestos abatement is currently underway.

The City loan will be used as construction financing for the residential component costs only. The City loan will have a term of up to 30 months. The loan will have a 3% interest rate or 1% interest rate if a letter of credit is provided. Twenty percent of the residential units would remain affordable to households with incomes under 120% of the median family income (MFI) with half of those units rented to households under 80% of the MFI for a period of 20 years. MWBE and workforce goals will be imposed upon the project (20% MWBEs, 20% minority workers and 6.9% female workers). The developer is also seeking a \$2,000,000 REDCO loan.

The permanent sources and uses of financing for the Lincoln Alliance Building are summarized as follows:

Sources	
Community Preservation Corp	
Mortgage	\$13,900,000
Historic Rehab Tax Credits	5,260,000
Developer Equity	<u>3,340,000</u>
Total Permanent Sources	\$22,500,000
Uses	
Real Estate Acquisition	\$ 1,300,000
Construction Costs	19,600,000
Soft Costs	<u>1,600,000</u>
Total Uses	\$22,500,000

The above sources do not reflect the City or REDCO loans because it represents the permanent sources of funds for the project post construction, and after the City and REDCO loans have been repaid.

A State Environmental Quality Review, or SEQR, has been completed on this Type II action.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-190

Ordinance No. 2016-357
(Int. No. 401)

Authorizing a loan agreement for the Lincoln Alliance Building Project and amending Ordinance No. 2011-145

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby appropriates \$858,999 to the Housing Revolving Loan Fund from the following sources: \$61,732.96 from 2012-13 Cash Capital; \$239,966.30 from 2013-14 Cash Capital; and, \$557,299.74 from 2016-17 Cash Capital.

Section 2. The Mayor is hereby authorized to enter the City into a loan agreement with 183 East Main St LLC, or an entity to be formed by its principals, whereby the City shall provide loan principal in an amount not to exceed \$1,000,000 to fund a portion of the costs of constructing residential dwelling units as part of the rehabilitation of the Lincoln Alliance Building at 181-187 East Main Street (the Project). The loan principal shall be comprised of up to \$858,999 from the Housing Revolving Loan Fund and up to \$141,001 from the Development Revolving Loan Fund. The loan shall be structured as a 30-month construction loan with an annual interest rate of 3%, or 2% if secured by a letter of credit.

Section 3. The Mayor is hereby authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to requirements for tax credits or to other legal requirements for the Project. The loan agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2011-145, which authorized a loan agreement for another developer to rehabilitate the Lincoln Alliance Building and authorized the establishment of Housing Revolving Loan Fund, is hereby amended to account for the fact that the rehabilitation project anticipated there-in did not proceed. The amended ordinance shall read in its entirety as follows:

Approving A Loan Agreement For The Lincoln Alliance Building Project the establishment of a Housing Revolving Loan Fund

BE IT ORDAINED, by the Council of the City of Rochester as follows:

~~Section 1. The Mayor is hereby authorized to enter into a loan agreement with Franklin Properties, or an entity to be formed by Franklin Properties, whereby the City shall provide a loan to partially finance the costs of the construction of housing units as a part of the acquisition and rehabilitation of the Lincoln Alliance Building at 181-187 East Main Street. The funding shall be provided as a thirty month construction loan with interest of 1% if secured by a letter of credit, or 3% if secured through a lien on assets or through other means. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project.~~

~~Section 2. The agreement shall obligate the City to pay an amount not to exceed \$3,000,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the A Housing Revolving Loan Fund which is hereby established. The sum of \$99,794.03 is hereby re-appropriated from the fund balance of the 2009-10 Cash Capital Fund, \$900,000 is hereby re-appropriated from the fund balance of the 2008-09 Cash Capital Fund, \$269,887 shall be funded from the 2004-05 Cash Capital allocation, \$30,113 shall be funded from the 2008-09 Cash Capital allocation, \$205.97 shall be funded from~~

the 2009-10 Cash Capital allocation, and \$1,700,000 is hereby appropriated from the Downtown Local Improvement Fund, to fund the Housing Revolving Loan Fund.

~~Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.~~

~~Section 4.2. This ordinance shall take effect immediately.~~

Section 5. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-358
Re: Midtown Redevelopment Project -
Sale of Parking Garage and Lot 7
to Midtown Parking Garage LLC

Council Priority: Deficit Reduction and
Long-Term Financial Stability; Creating
and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation authorizing the sale of the former Midtown Plaza Parking Garage (the Garage) and an adjacent surface land parcel known as Lot 7 to Midtown Parking Garage LLC, or an entity to be formed by Midtown Parking Garage LLC (the Redeveloper). The purchase price for the Garage will be \$5,150,000, consisting of \$1,500,000 to be paid at closing and a 10-year purchase money mortgage (Mortgage) in the principal amount of \$3,650,000. The purchase price for Lot 7 will be the appraised value of \$375,000, consisting of \$113,000 to be paid at closing and a 10-year purchase money mortgage in the principal amount of \$262,000 to be included in the Mortgage for the Garage for a total mortgage amount of \$3,912,000.

The City acquired the Garage, Lot 7 and the rest of the former Midtown Tower and Plaza complex in 2008 in order to advance the Midtown Redevelopment Project. The Garage is an underground complex comprised of approximately 1,688 parking spaces located on multiple levels. As the Midtown Redevelopment Project has advanced, the City has entered into a series of parking agreements that reserve a total maximum of up to 1,398 parking space reservations or parking passes for the employees, residents, customers and visitors of the mixed-use Tower 280, offices of the Windstream Corporation, headquarters of the Democrat and Chronicle newspaper, and residential redevelopment of a 13-story former office building at 88 Elm Street. A list of those agreements is attached.

The approximately 0.46 acre Lot 7 parcel is located at 290 East Broad Street adjacent to Tower 280. Under a 25-year parking agreement with the City,

the developer of Tower 280 operates a surface parking lot on Lot 7 with 34 short-term parking spaces (Ord. No. 2013-237).

At the City's request, in September 2015, LaBella Associates, D.P.C. prepared a capital improvement plan, which estimates that the capital costs for operating, maintaining and repairing the Garage over the next 15 years will be \$10,427,000.

The major provisions of the proposed Land Disposition Agreement with the Redeveloper include the following:

- Purchase price of \$5,150,000 for the Garage, consisting of \$1,500,000 to be paid at closing and \$3,650,000 in City financing secured by a promissory note and 10-year Mortgage for which the City shall charge the Redeveloper a 1% (\$36,500) fee at closing and then annual interest of 4% payable quarterly.
- Purchase price of \$375,000 for Lot 7, consisting of \$113,000 to be paid at closing and a 10-year purchase money mortgage in the principal amount of \$262,000 and at the same terms listed above, to be included in the Mortgage for the Garage for a total mortgage amount of \$3,912,000 for which the City shall charge the Redeveloper a 1% (\$39,120) fee at closing.
- The City assigns or grants to the Redeveloper all easements necessary to access, use and operate the Garage for parking purposes, provided however that those grants and assignments will reserve to the City all currently existing rights of public access.
- The Garage and Lot 7 are conveyed to the Redeveloper as is, the Redeveloper assumes the obligation to operate, inspect, maintain and repair the properties, and the Mortgage requires the Redeveloper to pay \$25,000 every quarter into a reserve fund for such inspection, maintenance and repair expenses.
- Redeveloper assumes the City's obligations and rights to payment under the aforementioned four parking agreements.
- In the event that a performing arts center is constructed on Midtown Parcel 5, the Redeveloper will allow evening parking for the center's patrons, subject to availability.
- If the development of a performing arts center on Parcel 5 is commenced within one year and completed within five years of the Redeveloper's acquisition of the Garage, the Redeveloper will limit the residential tenants' use of the Garage to no more than 600 parking spaces.
- The parties acknowledge that the City intends to develop, or allow the development of, the City-owned development parcels located at 15 and 25 Atlas Street using the City's air rights and subject to the Redeveloper's rights

in the portion of the Garage underlying the two parcels.

- The City will assess real property taxes on the Garage based on the final sales price, will base future reassessments on the then current fair market (not replacement) value, and will not accept or consent to any real property tax abatement proposal.

The Redeveloper is a partnership of Buckingham Properties, Morgan Properties and Pike Development Company, the developers of Tower 280 and the Seneca Building in the Midtown Redevelopment Project area. Acquisition of the Garage and Lot 7 will allow them to use the parking spaces as an additional marketing tool and amenity to recruit tenants to fill out their buildings and encourage the development of additional properties in and around the Project area. The sale of the Garage will generate revenue for the City, both upfront and over the 10-year term of the Mortgage. It will also save the City having to incur capital costs estimated to be more than \$10 million over the next 15 years.

The Redeveloper's purchase offer was received in response to a request for proposals issued in November 2015. The only other respondent offered a lower purchase price and required the satisfaction of more contingencies than required by the Redeveloper.

The parties are close to finalizing a mutually agreed upon Land Disposition Agreement and have agreed upon a closing date of December 1, 2016, subject to Council approval. The prompt approval of this transaction is desired so that the Garage can be disposed of before year-end and the City can avoid the additional maintenance and repair costs that continue to accrue with the passage of time.

A public hearing is required.

Respectfully submitted,
Lovely Warren
Mayor

Attachment No. AP-191

Ordinance No. 2016-358
(Int. No. 432, as amended)

Authorizing the sale of the Midtown Parking Garage and Midtown Lot 7 to further the Midtown Urban Renewal Plan

WHEREAS, the City of Rochester has received a proposal from Midtown Parking Garage LLC (hereinafter called "Redeveloper") to purchase and continue to operate the former Midtown Plaza underground parking garage comprising approximately 1,688 parking spaces (the Garage) and an adjacent surface land parcel comprising approximately 0.46 acres located at 290 East Broad Street used for parking up to 34 cars and known as Lot 7 (the Parking Lot) (collectively, the Properties);

WHEREAS, the Redeveloper provided its proposal in response to the City's request for proposals

to purchase and utilize the Properties so as to continue the redevelopment of the Midtown Urban Renewal District (the Midtown District) in accordance with the objectives of the Midtown Urban Renewal Plan (Midtown Plan);

WHEREAS, the controlling members of the Redeveloper, Buckingham Properties LLC, Morgan Management, LLC, and The Pike Development Company LLC, have been the developers of the Tower 280 and Seneca Building properties in the Midtown District;

WHEREAS, the City desires to sell to the Redeveloper the Garage for the sum of \$5,150,000, consisting of \$1,500,000 to be paid at closing and a 10-year purchase money mortgage in the amount of \$3,650,000, and the Parking Lot for its appraised fair market value of \$375,000, ~~consisting of \$113,000 to be paid at closing and a 10-year purchase money mortgage in the principal amount of \$262,000 to be included in the mortgage for the Garage for a total mortgage amount of \$3,912,000,~~ and the sales are to be conducted in accordance with Section 507(2) of the General Municipal Law of the State of New York in order to further the Midtown Plan;

WHEREAS, some additional terms of the proposal provide that the Redeveloper shall:

- continue the operation of the Properties for public parking purposes;
- assume the rights to payment and obligations to abide by the City's four current long-term agreements that reserve various allotments of parking spaces and parking passes within the Garage for certain developments within the Midtown District;
- assume the obligation to inspect, maintain and repair the Properties;
- for the ten-year term of the Garage ~~and Parking Lot~~ mortgage, pay \$25,000 every quarter into a reserve fund for inspecting, maintaining and repairing the Garage;
- ~~if the development of a performing arts center on Parcel 5 is commenced within one year and completed within five years of the Redeveloper's acquisition of the Garage, limit the reservation of residential tenant spaces within the Garage to no more than 600 parking spaces in order to leave parking spaces available to accommodate evening patrons of said arts center;~~
- allow the development of the City-owned development parcels located at 15 and 25 Atlas Street using the City's air rights and subject to the Redeveloper's rights in the portion of the Garage underlying the two parcels; and
- accept an assessment of real property taxes on the Garage that is based on the Garage's final sales price, with future reassessments based on the then current fair market value and forgo requesting or accepting any real property

tax abatement;

WHEREAS, by providing for the continued operation and maintenance of the Properties, the terms of the Redeveloper's proposal will result in the preservation of parking that will serve as a necessary amenity for the continued redevelopment of the previously blighted Center City Midtown site, thereby generating additional tax revenue and employment; and

WHEREAS, the Redeveloper has been found by the Rochester Urban Renewal Agency and this Council to be a qualified and eligible sponsor to carry on the redevelopment of the Midtown District.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the Garage and Parking Lot to the Redeveloper, or an entity to be formed by its principals, for the sum of \$5,525,000, subject to the terms set forth herein and to such additional terms and conditions as the Mayor deems to be appropriate.

Section 2. The Council hereby further approves the granting and acceptance of any easements for utilities, ancillary development, and public access to and within the Properties, as necessary to effectuate the terms and purposes of the Redeveloper's proposal.

Section 3. The Mayor is hereby authorized to enter the City into such agreements and to execute such other instruments as may be necessary to implement the actions authorized herein. The agreements and other instruments shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text

Passed unanimously.

By Councilmember Ortiz
November 15, 2016

To the Council:

The Neighborhood & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 402 - Authorizing the sale of real estate

Int. No. 404 - Appropriating funds for administration of the Celebrate City Living program

Int. No. 405 - Authorizing funding for Demolition Program

Int. No. 407 - Appropriating Community Development Block Grant funds for the Emergency Assistance Repair Program.

Int. No. 408 - Authorizing the funding for Home Ownership Pilot Program for Vacant Houses

Int. No. 409 - Authorizing grant agreement and funding for Zombie and Vacant Property Remediation and Prevention Initiative

Int. No. 430 - Authorizing appropriations of Community Development Block Grant Funds and agreements for the Targeted Housing Rehabilitation and Window Replacement programs

The Neighborhood & Community Development Committee recommends for consideration the following entitled legislation:

Int. No. 406 - Amending the program allocations within the Housing Development Fund of the 2015-16 Consolidated Community Development Plan

The following entitled legislation is being held in Committee:

Int. No. 403 - Authorizing an amendatory agreement with Rochester Housing Development Fund Corporation for the Home Rochester Program

Respectfully submitted,
Jacklyn Ortiz
Carolee A. Conklin
Molly Clifford
Dana K. Miller
Loretta C. Scott
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

Councilmember Ortiz moved to amend Int. No. 402.

Councilmember Clifford seconded the motion.

Motion adopted by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, Ortiz, Miller, Spaul - 7.

Nays - Councilmember Patterson - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-359
Re: Sale of Real Estate

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation approving the sale of 44 properties. City records have been checked to ensure that purchasers (except those buying unbuildable vacant lots) do not own other properties with code violations or delinquent taxes, and have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first 28 properties were sold to the respective highest bidder at a surplus auction. All purchasers will be required to rehabilitate the structures within 12 months of City Council approval.

The next property was sold via request for proposal. The purchaser will install landscaping shrubs, pavers and a bench.

The next nine properties are vacant lots sold by negotiated sales to the adjacent owners. The purchasers will combine the lots with their existing properties and utilize them as green space, with the exception of 399-409 Gregory Street, which will be used as a parking lot.

The last six properties are unbuildable vacant lots, being sold for \$1.00 (as per City policy) to their adjacent owners who will combine the respective lots with their existing properties.

The first year projected tax revenue for these 44 properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$29,918.

All City taxes and other charges, except water charges against properties being sold by the City, will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
 Lovely A. Warren
 Mayor.

Attachment No. AP-192

Ordinance No. 2016-359
 (Int. No. 402, as amended)

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 sale of the following parcels of improved property by regular auction:

Address	SBL#	Lot Size	Use	Price	Purchaser
345 Avenue B	106.22-1-12	40 x 64	1 Family	\$400	Angel Diaz
215-217 Avenue C	106.21-3-3	40 x 120	2 Family	\$3,000	Marvalyn Napier
751-753 Avenue D	091.80-3-37	36 x 100	2 Family	\$2,000	Paul Anastasi
245 Bay St	106.51-1-11	40 x 110	3 Family	\$3,600	Cory E. Bell
32 Centennial St	120.25-3-30	40 x 85	2 Family	\$11,500	Walter Gerula
252 Clay Ave	090.50-2-46	33 x 120	1 Family	\$700	Kabongo Kasongo
436 Columbia Ave	120.67-3-54	36 x 115	1 Family	\$5,900	Musliha Ahmed
35 Conkey Ave	106.37-2-25	40 x 100	1 Family	\$2,200	Angel Diaz
330 Conkey Ave	091.77-3-26	40 x 125	1 Family	\$4,200	Yvan DelValle
3 Dake St	106.50-2-31	41 x 120	2 Family	\$2,500	Edmond N. Toub
8 Elizabeth Pl	106.42-2-59	35 x 63	1 Family	\$3,400	Belkis Sanchez
6 Englert St	106.43-4-58	40 x 120	1 Family	\$2,500	Joseph Raskin
59 Epworth St	120.51-4-20	30 x 63	1 Family	\$1,700	Umenzi Thompson
70 Ernestine St	135.31-2-46	40 x 110	1 Family	\$13,000	Nikki Nacole Bell
23-25 Fair Pl	106.68-1-8	40 x 76	2 Family	\$3,200	Muhammed Khan
‡ 21 Fair Pl	106.68-1-9	40 x 78	Vacant Lot		
14 Fern St	105.66-2-47	78 x 89	1 Family	\$1,200	Jerry Perkins
24 Florence St	120.67-3-42	33 x 139	1 Family	\$1,400	Keisha Wright
515 Hayward Av	107.69-1-9	40 x 125	1 Family	\$12,000	Marvalyn Napier
90 Nichols St	106.28-2-31	59 x 100	1 Family	\$21,000	Pablo A. Vazquez
84 Northland Av	091.84-3-80	51 x 124	1 Family	\$7,800	Yaneisy Blat & Ronald Gamboa
396 Pullman Av	090.33-2-19	53 x 104	2 Family	\$14,000	Joseph A. Tasse
402 Ravine Av	105.33-2-36	35 x 71	1 Family	\$2,500	Walter Gerula
32 Ries St	105.82-3-14	49 x 110	1 Family	\$7,500	Znovia Hill Meeks
184 Sixth St	106.52-2-82	40 x 120	2 Family	\$6,000	Pablo A. Vazquez
15 Terry St	120.35-3-56.1	49 x 144	1 Family	\$2,200	Joseph Raskin
190 Weaver St	091.72-1-38	40 x 119	2 Family	\$29,000	Musliha Ahmed
63 Woodward St	106.65-3-27	40 x 133	1 Family	\$23,500	Lydell Strickland

‡ Indicates vacant lot sold in conjunction with the structure listed above it

Section 2. The Council hereby approves the negotiated sale of the following parcels of vacant land with proposal:

Address	SBL#	Lot Size	Sq. Ft.	Price	Purchaser
1158-1162 S. Plymouth Av	135.28-1-24	37 x 110	4 117	\$1,600	Friends of Legacy Park Station, LLC

Section 3. The Council hereby approves the negotiated sale of the following parcels of vacant land:

Address	SBL#	Lot Size	Sq. Ft.	Price	Purchaser
685 Culver Rd	107.78-2-20	50 x 170	8,318	\$525	Robert E. Swetman
50 Farragut St	120.55-1-36	40 x 120	4,800	\$425	Harry Martinez
399-409 Gregory St	121.65-1-53	120 x 148	19,981	\$37,500	John T. Trickey, Jr.
101 Kenwood Av	120.50-1-40.3	40 x 129	5,194	\$450	James V. Smith/Victoria Butler

72 Norran Dr	092.69-1-66	40 x 100	4,000	\$400	Luz N. Torres
1288 North St	091.74-4-51	40 x 100	4,000	\$400	Raul Vega
121 Pennsylvania Av	106.59-3-15	40 x118	4,527	\$425	Barbara Joan Baker
188 Saxton St	105.83-3-46	33 x 75	2,550	\$400	Flower City Habitat for Humanity
E/P 549 Webster Av	107.46-1-46	55 x99	5,445	\$275	Latanya R. Love

Section 4. The Council hereby approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address	SBL#	Lot Size	Sq. Ft.	Purchaser
73 Diem St	121.81-1-4.3	26 x 40	1,066	Peter Keenan, Jr.
38 Merrimac St	106.40-4-34.2	14 x 103	1,451	Jeffrey C. McLamore/Rosilyn McLamore
40 Merrimac St	106.40-4-34.1	14 x 104	1,459	Jeffrey C. McLamore/Rosilyn McLamore
NW/P 549 Webster Av	107.46-1-46	30 x 45	1,294	Dorothy C. Jarzombek
N/H 82 Weld St	106.73-1-25	25 x 67	1,664	Carrie Butler
S/H 82 Weld St	106.73-1-25	25 x 66	1,663	Ronnell S. Williams

Section 5. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 6. This ordinance shall take effect immediately.

Strikeout indicates deleted text

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-360

Re: Appropriation - 2016-17 City
Development Fund, Celebrate
City Living Program

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation appropriating \$18,000 from the 2016-17 City Development Fund (Housing Promotion allocation) for continued administration of the Celebrate City Living (CCL) program. CCL began in 2015 with the goal of encouraging people to become or remain city residents by purchasing or renting homes in one of Rochester's unique neighborhoods.

CCL is currently administered by the Rochester Coalition for Neighborhood Living, which is comprised of members from the City of Rochester, Citizens Bank, the Greater Rochester Association of REALTORS®, the Housing Council at PathStone, the Landmark Society of Western New York, M&T Bank, NeighborWorks Rochester®, New 2 U Homes, Roc City Realty and the Rochester Brainery. CCL has a robust online presence including social media, and hosts three to four neighborhood-level events each year in addition to the annual CCL Expo. The funds appropriated herein will be used by the Department of Neighborhood and Business Development to contribute toward the maintenance and expansion of the online resource www.celebratecityliving.com, as well as marketing activities for program events.

The CCL budget for 2017 is anticipated to be \$61,500. Below is a listing of funding sources and amounts committed to date, along with a list of projected expenses. Cost projections are based on the implementation of 2016 CCL program activities, and the need to continue investment in the program in order to expand it and increase awareness about it. Fundraising activities are ongoing, and are expected to meet the budget gap by February 2017. If resources cannot be located, activities will be scaled back accordingly.

<u>Projected Expenses</u>	<u>Amount</u>
Website	\$11,800
Marketing/Advertising	43,800
Expo 2017 costs	3,900
Neighborhood event costs	<u>2,000</u>
Total	\$61,500

<u>Projected Sources</u>	<u>Amount</u>
Title Sponsor	\$ 5,000
City of Rochester	18,000
Sponsorship to date	<u>14,750</u>
Total	\$37,750

It is anticipated that the City's funds will be expended by June 30, 2017. However, any remaining funds will be used for ongoing CCL activities.

A summary of CCL activities, and additional details on funders and sponsors, is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment AP-193

Ordinance No. 2016-360
(Int. No. 404)

Appropriating funds for administration of the Celebrate City Living program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby appropriates \$18,000 from the 2016-17 City Development Fund Housing Promotion Allocation for the Celebrate City Living Program. This appropriation shall be used to continue administration of the Celebrate City Living Program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-361
Re: Demolition Program

Council Priority: Creating and Sustaining a Culture of Vibrancy; Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the continuation of the City's Demolition Program. This legislation will:

1. Appropriate \$659,371 from the Demolition-Commercial/Industrial allocation of the 2016-17 Community Development Block Grant (CDBG) Program, and
2. Appropriate \$500,000 from the Housing Development Fund - Demolition allocation of the 2016-17 CDBG Program.

The combined funding of \$1,159,371 will allow the City to continue its demolition program. Demolition includes City-owned and privately held structures. These funds will remove approximately four Commercial/Industrial properties and 20 City-owned and privately held residential properties

over the next twelve months.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-194

Ordinance No. 2016-361
(Int. No. 405)

Authorizing funding for Demolition Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby appropriates \$659,371 from the Demolition - Commercial/Industrial Fund of the 2016-17 Community Development Block Grant (CDBG) to the Demolition Program, which provides for the removal of vacant, derelict and fire damaged structures in the City of Rochester.

Section 2. The Council hereby appropriates \$500,000 from the Housing Development Fund - Demolition of the 2016-17 CDBG to the Demolition Program for the same purpose.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-362
Re: Amending the 2015-16 Consolidated Community Development Plan

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation amending the 2015-16 Consolidated Community Development Plan, Annual Action Plan (Con Plan) to transfer and re-allocate \$1,544,782 from the 2015-16 Con Plan's Housing Development Fund - Owner Occupant Roofing Program to other existing or newly established Housing Development Fund programs. This legislation will:

1. Establish the Window Replacement Program, a new activity for 2015-16, and transfer \$300,000 to fund the program, which will provide up to \$4,999 for window replacements for eligible owner occupants and landlords owning 1-4 unit residences.
2. Establish the Homeownership Pilot Program for Vacant Homes, a new activity for 2015-16, and transfer \$125,000 to fund the program, which will provide rehabilitation assistance to correct lead-based paint hazards and property code violations for buyers who acquire vacant properties from the City of Rochester for homeownership.

- 3. Establish the Marketview Heights Urban Renewal District Program, a new activity for 2015-16, and transfer \$875,000 to fund the implementation of the program. The program will execute the Marketview Heights Urban Renewal District Plan, including acquisition of real estate, demolition as necessary, relocation services, design services, professional services and other related activities.
- 4. Increase funding for the 2015-16 Targeted Housing Rehabilitation Program by transferring \$144,782 and adding the same amount to the original allocation of \$445,000, for a new total of \$589,782, to fund housing rehabilitation targeted toward the East Main, Mustard & Atlantic (EMMA) neighborhood.
- 5. Increase funding for the 2015-16 Emergency Assistance Repair Program by transferring \$100,000 and adding the same amount to the original allocation of \$153,000, for a new total of \$253,000, to assist owner occupants requiring emergency repairs for heat, hot water, or running water.

The 2015-16 Con Plan included an original allocation of \$1,600,000 for the Owner Occupied Roofing Program. Subsequent to the adoption of the Con Plan, the administration chose to utilize local funding for the roof repair and replacement costs associated with this program, which is currently underway. Ordinance Nos. 2015-388 and 2016-74 authorized the use of \$55,128 of the allocation for the program's marketing costs and agreement for application intake services. The remaining balance is being transferred as noted above.

Concurrent Introductories have been submitted this month to appropriate funds and provide pertinent information for the following programs: Window Replacement, Homeownership Program for Vacant Homes, Targeted Housing Rehabilitation Program, and Emergency Assistance Repair Program. Planning is underway for the Marketview Heights Urban Renewal District Program, and a request to appropriate funding and authorize related agreements will be submitted at a later date.

A public hearing on the amendment to the 2015-16 Consolidated Community Development Plan is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-362
(Int. No. 406)

Amending the program allocations within the Housing Development Fund of the 2015-16 Consolidated Community Development Plan

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves amendments to the Consolidated Community De-

velopment Plan/2015-16 Annual Action Plan (Consolidated Plan) approved in Ordinance No. 2015-153 to transfer \$1,544,782 from the Owner Occupant Roofing allocation of the 2015-16 Consolidated Plan's Housing Development Fund to other existing or newly established programs within that 2015-16 Housing Development Fund as follows:

- a. \$300,000 to a newly established Window Replacement Program, to provide window replacements for eligible owner occupants and landlords owning 1-4 unit residences;
- b. \$125,000 to a newly established Home Ownership Pilot Program for Vacant Houses Program, to provide assistance for income-eligible buyers to acquire from the City and rehabilitate vacant properties for homeownership as part of the program established by Ordinance No. 2016-336;
- c. \$875,000 to a newly established Marketview Heights Urban Renewal District Program, to implement the Marketview Heights Urban Renewal District Plan, including acquisition of real estate, demolition as necessary, relocation services, design services, professional services and other related activities;
- d. \$144,782 to increase funding for the 2015-16 Consolidated Plan's existing Targeted Housing Rehabilitation Program to a new total of \$589,782 to fund housing rehabilitation targeted toward the East Main, Mustard & Atlantic (EMMA) neighborhood; and
- e. \$100,000 to increase funding for the 2015-16 Consolidated Plan's existing Emergency Assistance Repair Program to a new total of \$253,000 to assist owner occupants requiring emergency repairs concerning heat, hot water, or running water.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-363
Re: Emergency Assistance
Repair Program

Council Priority: Creating and
Sustaining a Culture of Vibrancy;
Rebuilding and Strengthening
Neighborhood Housing

Transmitted herewith for your approval is legislation to appropriate and re-appropriate a total of \$254,733.92 for the Emergency Assistance Repair Program. This legislation will:

- 1. Appropriate \$253,000 from the Emergency Assistance Program allocation of the Housing Development Fund of the 2015-16 Community Development Block Grant (CDBG) for the

City's use to operate the program; and

- 2. Reappropriate \$1,733.92 from the Housing Repair Programs allocation of the 2013-14 CDBG for the City's use to operate the program.

The City's Emergency Assistance Repair Program provides assistance to owner occupants for furnace repair/replacement, hot water tank replacement and water line repair/replacement. A total of \$254,733.92 is being requested which will serve approximately 119 households. Repairs include the following estimates: 77 furnace replacements/repairs, 36 new hot water tanks and six new/repaired water lines.

The City will continue to use Mr. Rooter Plumbing for the hot water tank replacements, however, the City is currently bidding for services for furnaces and water lines. The City will contract with the lowest bidding vendor for these services.

There is a concurrent Introductory this month which amends the 2015-16 Consolidated Community Development Plan to authorize the funding transfers necessary for the appropriation herein.

The above reappropriation is funding that remained unspent from a contract with Action for a Better Community, the agency that provided application intake services for the Emergency Assistance Program in 2014.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-363
(Int. No. 407)

Appropriating Community Development Block Grant funds for the Emergency Assistance Repair Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby appropriates \$253,000 from the Emergency Assistance Program allocation of the Housing Development Fund of the 2015-16 Community Development Block Grant (CDBG) for the City's use to operate the Emergency Assistance Repair Program (EARP).

Section 2. The Council hereby re-appropriates \$1,733.92 from the Housing Repair Programs allocation of the 2013-14 CDBG for the City's use to operate the EARP.

Section 3. The Mayor is hereby authorized to enter the City into such agreements as may be necessary for the implementation of EARP activities funded by the appropriations made herein. The City shall enter into agreements for EARP activities only with organizations that are in compliance with federal regulations. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. The Director of Finance is authorized to record all transfers herein and to make adjustments to the amounts set forth herein which may have changed prior to the date of this ordinance.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-364
Re: Appropriation - Home Ownership
Pilot Program for Vacant Houses

Council Priority: Rebuilding and
Strengthening Neighborhoods

Transmitted herewith for your approval is legislation related to the Home Ownership Pilot Program for Vacant Houses. This legislation will:

- 1. Appropriate \$125,000 from the 2015-16 Consolidated Community Development Plan's Housing Development Fund – Owner Occupant Roofing Program for the pilot program, which provides assistance to home buyers to correct lead-based paint hazards and property code violations identified in the vacant houses acquired from the City of Rochester.
- 2. Authorize the Director of Finance to record all transfers for the pilot program herein and to make adjustments to the amounts set forth below which may have changed prior to the date of this ordinance.

Properties for the pilot program will be identified by the Rochester Land Bank Corporation and the City. The properties will be vacant, single family houses, located on a residential street, with at least three bedrooms, one full bathroom, yard space and off street parking.

Qualified buyers would be eligible for a rehabilitation deferred loan of up to \$24,999 from the City and up to \$6,000 through the Home Buyer Services Program for down payment /closing cost assistance. The Home Buyer Services Program is already established and funded.

Qualified buyers would be approved by the City of Rochester and the partner organization(s). Potential buyers must provide a current (less than 30 days old) pre-qualification and/or full pre-approval from a partner organization which indicates the maximum approval amount. The potential buyer must have completed the required eight hour pre-purchase education class from a local US Department of Housing and Urban Development (HUD) certified vendor or HUD certified trainer. All buyers would be required to obtain a competitive market-rate mortgage commitment from a local lender within 90 days of the winning bid. Potential buyers must meet Income Guidelines for Median Family Income (MFI) as established by HUD. All

must be first-time home buyers, not currently owning other real estate, nor having owned any residential real estate within Rochester in the past three years. Buyers will be required to reside in the property for a minimum of 10 years (no investors). Buyers will submit a \$1,000 deposit for the property at the time of the bid.

The program will be city-wide with emphasis on the CONEA, 14621, Marketview Heights, Beechwood and EMMA neighborhoods. For this pilot program, we anticipate providing funding for five approved properties between January 1 and June 30, 2017.

The City Contract Services Group will be responsible for identifying contractors, approving the scope of work for each house and coordinating the entire construction management process. The City will prepare the scope of work to identify lead hazards and code violations. The lender will also prepare a scope of work for their required repairs and improvements. The City will then combine both of the work scopes into one document for procurement purposes.

For each of the identified properties, up to \$30,999 would be made available by the City, of which up to \$24,999 would be used for rehabilitation and up to \$6,000 for home buyer assistance. Agreements (see attached example) would be signed with each home buyer providing up to one year to correct any code violations and obtain a Certificate of Occupancy. Buyers will sign a separate rehabilitation mortgage directly with the lender.

Partner organization(s) would ensure that each participant is approved for a competitive market-rate rehabilitation mortgage. The rehabilitation funds and scope of work would be coordinated between the partner organization and City. The City will take second lien position for the grants after the lender mortgage.

Of note is the fact that there is a concurrent Introductory this month which amends the 2015-16 Consolidated Community Development Plan to authorize the funding transfers necessary for the appropriation made herein.

This pilot program supports the City Housing Policy objective to promote the rehabilitation, redevelopment and new construction of housing.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-195

Ordinance No. 2016-364
(Int. No. 408)

Authorizing the funding for Home Ownership Pilot Program for Vacant Houses

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby appropriates \$125,000 from the Home Ownership Pilot Program for Vacant Houses Program allocation within the Housing Development Fund of the 2015-16 Community Development Block Grant (CDBG) to assist Program-eligible homebuyers to correct lead-based paint hazards and property code violations.

Section 2. The Director of Finance shall record the transfers for the Program authorized herein and shall have the authority to make adjustments to the amounts set forth which may have changed prior to the adoption of this ordinance.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-365
Re: Grant Agreement - Local
Initiatives Support Corporation,
Zombie and Vacant Property
Remediation and Prevention Initiative

Council Priority: Rebuilding and
Strengthening Neighborhood Housing;
Creating and Sustaining a Culture of
Vibrancy; Public Safety

Transmitted herewith for your approval is legislation related to the City's Zombie and Vacant Property Remediation and Prevention Initiatives. This legislation will:

1. Authorize an agreement with the Local Initiatives Support Corporation (LISC) for the receipt and use of a \$350,000 grant to address vacant and abandoned properties. The term of the agreement will be for two years.
2. Amend the 2016-17 Budgets of the Department of Neighborhood and Business Development (NBD) and Undistributed Expenses by increasing revenue estimates and appropriations by \$48,500 and \$22,200, respectively, from the grant appropriated herein.

This grant is the result of the February 11, 2016 Settlement Agreement between Morgan Stanley and the New York Attorney General. The grant promotes the activities of the New York State Housing Stabilization Fund, a LISC program that is funding the work of municipalities or their housing finance agencies to support Housing Quality Improvement and Enforcement Programs.

The LISC grant will enable the City to improve the marketing of foreclosure prevention efforts; increase the capacity to manage the vacant property program and facilitate Abandonment Actions; provide support for the Monroe County Vacant Task Force; and assist with the development of efficient and effective means of collaborating with State agencies to ensure compliance with the new Zombie Law.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-365
(Int. No. 409)

**Authorizing grant agreement and funding for
Zombie and Vacant Property Remediation and
Prevention Initiative**

BE IT ORDAINED, by the Council of the City
of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into an agreement with the Local Initiatives Support Corporation (LISC), or another entity that LISC designates, for the City's receipt and use of funds in the amount of \$350,000 to implement a Zombie and Vacant Property Remediation and Prevention Initiative to intensify the City's efforts to prevent and abate the blight and hazards associated with properties vacated and abandoned due to threatened, ongoing or completed bank foreclosures. The term of this agreement shall be two years.

Section 2. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Department of Neighborhood and Business Development by the sum of \$48,500 and to the Budget of Undistributed Expenses by \$22,200, which amounts are hereby appropriated from funds to be received under the grant agreement and for the purpose authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-366
Re: Targeted Housing Rehabilitation
and Window Replacement Programs

Council Priority: Creating and
Sustaining a Culture of Vibrancy;
Rebuilding and Strengthening
Neighborhood Housing

Transmitted herewith for your approval is legislation related to the City's Targeted Housing Rehabilitation Program and the Window Replacement Program. This legislation will:

1. Appropriate \$300,000 from the Window Replacement Program allocation of the Housing Development Fund of the 2015-16 Community Development Block Grant (CDBG) for the City's use to operate the program;

2. Appropriate \$589,782 from the Targeted Housing Rehabilitation Program allocation of the Housing Development Fund of the 2015-16 CDBG for lead hazard evaluation services and the operation of the Targeted Housing Rehabilitation Program;
3. Reappropriate \$1,495 from the Targeted Housing Rehabilitation Program allocation of the Housing Development Fund of the 2011-12 CDBG for lead hazard evaluation services for the Targeted Rehabilitation Program;
4. Reappropriate \$12,570 from the Lead Hazard Reduction allocation of the Housing Development Fund of the 2012-13 CDBG for lead hazard evaluation services for the Targeted Housing Rehabilitation Program;
5. Establish \$20,250 as maximum compensation for an agreement with Environmental Testing & Consulting, Inc. to provide lead hazard evaluation services for the Targeted Housing Rehabilitation Program to be funded from the appropriations made in Section 2 (\$6,185), Section 3 (\$1,495) and Section 4 (\$12,570) above, for a term of one year with the option to extend for an additional year if funds remain from the amount allocated herein;
6. Establish \$47,000 as maximum compensation for an agreement with PathStone Corporation to provide application intake services for the City's housing repair programs to be funded from the appropriation made in Section 2 above, for a term of one year with the option to extend for an additional year if funds remain from the amount allocated herein; and
7. Establish \$42,000 as maximum compensation for an agreement with Action for a Better Community to provide application intake services for the City's housing repair programs to be funded from the appropriation made in Section 2 above for a term of one year with the option to extend for an additional year if funds remain from the amount allocated herein.

The proposed Window Replacement Program will provide assistance to eligible property owners for window replacement to increase energy efficiency. Eligible properties are 1-2 family owner-occupied and single-family rental units. Owner-occupants and tenants must have annual household incomes at or below 80% of the area median income. The City will reimburse property owners for the cost of the windows up to \$4,999. Property owners will be responsible for the installation cost.

CDBG funding requires that all lead-based paint hazards found at the property be addressed if the assistance provided is \$5,000 or greater. It is not our intent to convert the Window Replacement Program into a lead hazard control program, instead fulfilling a need for energy efficient windows. Property owners or their contractors that perform the work will be required to maintain US Environmental Protection Agency (EPA) certification for

interim controls for properties built before 1978. It is expected that 60 property owners will be served.

The proposed Targeted Housing Rehabilitation Program will operate in the East Main, Mustard & Atlantic (EMMA) neighborhood. EMMA has been selected to align with the geography of the City's anti-poverty initiative where significant resources are being planned for deployment and/or have been invested. Assistance will be provided to eligible owners of single-family properties to control lead-based paint hazards and other environmental health hazards; correct code violations; and perform roof replacement and other repairs approved by the City. The remediation of health hazards will include, but not be limited to: mold and moisture remediation, pest control, attic insulation, duct cleaning, electrical repairs, correction of trip hazards, installation of carbon monoxide detectors and smoke alarms, furnace maintenance and replacement, new hot water tanks, and safety controls to prevent break-ins. The above appropriations will be combined with \$200,000 from the 2016-17 Capital Improvement Program to serve approximately 28 properties.

A request for proposals (RFP) for housing repair programs' application intake services was completed and PathStone Corporation and Action for a Better Community were selected. A summary of the RFP process is attached.

In 2015, an RFP was completed for lead hazard control services via the Lead Hazard Control Program. Environmental Testing & Consulting, Inc. and two other consultants were selected at that time. Environmental Testing & Consulting, Inc. has been selected for lead hazard evaluation services for the Targeted Housing Rehabilitation Program because the company provides a high quality product and is best suited to provide these services.

The re-appropriations made herein are unspent funds from agreements for lead hazard evaluation services for the Lead Hazard Control Program and the Targeted Housing Rehabilitation Program.

There is a concurrent Introductory this month which amends the 2015-16 Consolidated Community Development Plan to authorize the funding transfers necessary for the appropriations for the Window Replacement and Targeted Housing Rehabilitation Programs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-196

Ordinance No. 2016-366
(Int. No. 430)

Authorizing appropriations of Community Development Block Grant funds and agreements for the Targeted Housing Rehabilitation and Window Replacement programs

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. The Council hereby appropriates \$300,000 from the Window Replacement Program allocation of the Housing Development Fund of the 2015-16 Community Development Block Grant (CDBG) for the City's use to operate the Window Replacement Program.

Section 2. The Council hereby appropriates \$589,782 from the Targeted Housing Rehabilitation Program allocation of the Housing Development Fund of the 2015-16 CDBG for lead hazard evaluation services and for other expenses to operate the Targeted Housing Rehabilitation Program.

Section 3. The Council hereby re-appropriates \$1,495 from the Targeted Housing Rehabilitation Program allocation of the Housing Development Fund of the 2011-12 CDBG for lead hazard evaluation services for the Targeted Housing Rehabilitation Program.

Section 4. The Council hereby re-appropriates \$12,570 from the Lead Hazard Reduction allocation of the Housing Development Fund of the 2012-13 CDBG for lead hazard evaluation services for the Targeted Housing Rehabilitation Program.

Section 5. The Mayor is hereby authorized to enter the City into a professional services agreement with Environmental Testing & Consulting, Inc., to provide lead hazard evaluation services for the Targeted Housing Rehabilitation Program. The maximum compensation for the agreement shall be \$20,250, which shall be funded from the appropriations authorized in Sections 2 (up to a maximum of \$6,185), 3 and 4 of this Ordinance. The term of the agreement shall be for 1 year with the option to extend for up to one additional year if funds remain from the amount allocated herein.

Section 6. The Mayor is hereby authorized to enter the City into a professional services agreement with PathStone Corporation to provide application intake services for the City's housing repair programs. The maximum compensation for the agreement shall be \$47,000, which shall be funded from the appropriation made in Section 2 of this Ordinance. The term of the agreement shall be for 1 year with the option to extend for up to one additional year if funds remain from the amount allocated herein.

Section 7. The Mayor is hereby authorized to enter the City into a professional services agreement with Action for a Better Community, Incorporated to provide application intake services for the City's housing repair programs. The maximum compensation for the agreement shall be \$42,000, which shall be funded from the appropriation made in Section 2 of this Ordinance. The term of the agreement shall be for 1 year with the option to extend for up to one additional year if funds remain from the amount allocated herein.

Section 8. The Mayor is hereby authorized to enter the City into such other agreements as may be necessary for the implementation of the activities

funded by the appropriations made herein. The City shall enter into the agreements authorized under this Ordinance only with organizations that are in compliance with federal regulations. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 9. The Director of Finance is authorized to record all transfers herein and to make adjustments to the amounts set forth herein which may have changed prior to the date of this ordinance.

Section 10. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 403
Re: Amendatory Agreement - Rochester
Housing Development Fund
Corporation, Home Rochester Program

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation establishing \$460,000 as maximum compensation for an amendatory agreement with the Rochester Housing Development Fund Corporation (RHDFC) for the Home Rochester program. The original agreement with RHDFC established maximum compensation of \$285,000 (Ord. No. 2016-147); the amendatory agreement will increase total maximum compensation to \$745,000. The cost of the amendment will be funded from 2012-13 Cash Capital and the term will remain the same.

These funds will provide subsidies averaging \$45,000 for the acquisition and rehabilitation of approximately ten vacant, single-family houses that will be sold to income-eligible households through the Home Rochester program. The funds allocated through this agreement will allow the program to continue to market properties to buyers with incomes above 80% and up to 120% of the area median income (AMI).

Participating agencies in Home Rochester include the Urban League of Rochester Economic Development Corporation, PathStone, Marketview Heights Association, NCS Community Development Corporation, Group 14621, North East Area Development, ISLA Housing and Development Corporation, South Wedge Planning Committee, and the Ibero-American Development Corporation. The Coalition of North East Associations, or CONEA, is working to obtain the training necessary to participate in the program.

Prior to 2010, Home Rochester properties were available only to buyers with incomes at or less than 80% of AMI. In 2010, the program secured financing sources that enabled it to include buyers with incomes up to 120% of the AMI. Since that time, 39 HOME Rochester properties have been purchased by buyers with incomes between 81%

and 120% of the AMI. All purchasers are required to attend pre- and post-purchase homebuyer training classes and to reside in the properties for a minimum of 10 years.

This legislation supports the City's Housing Policy objective to promote the rehabilitation, redevelopment and new construction of housing.

Respectfully submitted,
Lovely A. Warren
Mayor

Introductory No. 403

AUTHORIZING AN AMENDATORY AGREEMENT WITH ROCHESTER HOUSING DEVELOPMENT FUND CORPORATION FOR THE HOME ROCHESTER PROGRAM

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into an amendatory agreement with Rochester Housing Development Fund Corporation to administer housing development through the Home Rochester Program. The amendatory agreement shall increase the maximum amount of housing subsidies administered under the agreement authorized by Ordinance No. 2016-147 by \$460,000 to a total maximum of \$745,000. Said amendatory amount shall be funded from 2012-13 Cash Capital. The term of the agreement shall remain as is.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Held in Committee

By Councilmember Haag
November 15, 2016

To the Council:

The Parks & Public Works Committee recommends for adoption the following entitled legislation:

Int. No. 410 - Amending Ordinance No. 2016-313 with respect to a grant for the purchase of alternative fuel vehicles

Int. No. 411 - Authorizing an amendatory agreement with Reltronics Technologies, Inc. for an automated vehicle locator/weather sensor intelligent transportation system

Int. No. 412 - Authorizing an agreement with CHA Consulting, Inc. for the Municipal Right of Way and Telecommunications Project

Int. No. 414 - Authorizing an amendatory

agreement with ~~Labela~~ LaBella Associates, D.P.C. for design and construction administration services for additional air handler replacements in City Hall, as amended

Int. No. 415 - Authorizing an amendatory agreement with the Rochester City School District for the Clinton-Baden Community Center Renovation Project

Int. No. 416 - Authorizing funding, amending the Budget and authorizing an amendatory agreement for renovations and upgrades at the Central Library

Int. No. 417 - Authorizing agreements and appropriating funds for the Main Street Streetscape and Pedestrian Wayfinding Enhancement project

Int. No. 418 - Authorizing an amendatory agreement with Architectural, P.C. for architectural and engineering services

Int. No. 419 - Appropriating funds for street improvement projects from anticipated reimbursements from the Rochester Pure Waters District

Int. No. 420 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$3,550,000 Bonds of said City to finance the milling and resurfacing of certain portions of Southwest and Northeast Quadrant streets related to the 2016 Residential Milling and Resurfacing Program Phase I, as amended

Int. No. 421 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$78,000 Bonds of said City to finance replacement of water mains and lines along certain portions of Southwest and Northeast Quadrant streets related to the 2016 Residential Milling and Resurfacing Program Phase I

Int. No. 422 - Amending Ordinance No. 2015-128 with respect to an agreement with T.Y. Lin International Engineering, Architecture & Land Survey, P.C. for the Parking Garage Repair and Reconstruction Program

The Parks & Public Works Committee recommends for consideration the following entitled legislation:

Int. No. 413 - Approving geometric changes on Arnett Boulevard related to the 2017 Preventive Maintenance Group 5 Project

Respectfully submitted,
 Matt Haag
 Michael A. Patterson
 Elaine M. Spaul
 Dana K. Miller
 Loretta C. Scott
 PARKS & PUBLIC WORKS COMMITTEE

Received, filed, and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2016-367
 Re: Amending Ordinance No. 2016-313,
 Genesee Region Clean Communities Grant

Transmitted herewith for your approval is legislation amending Ordinance No. 2016-313 which authorized an agreement with the Genesee Region Clean Communities (GRCC) for the receipt and use of a grant for the purchase of alternative fuel vehicles for the City's fleet. This amendment will correct the total amount of the anticipated grant reimbursement from \$109,862 to \$115,205, an increase of \$5,343.

The total anticipated grant reimbursement was listed in error due to a miscalculation of the grant reimbursement amount for the 2016 Chevy Silverado Bi-Fuel trucks. The table below lists the corrected information for the vehicles and grant reimbursements:

Vehicle	Quantity	Total Est. Purchase Price	Grant Reimbursement
2016 Chevy Volt	3	\$101,985	\$ 31,500
2016 Chevy Silverado Bi-Fuel	5	229,273	21,375
2017 Mack CNG Roll-off Truck	1	240,962	29,501
2017 Freightliner CNG Rear-load	1	<u>117,332</u>	<u>32,829</u>
		Total Purchase Price: \$689,552	Total Grant: \$115,205

Respectfully submitted,

Lovely A. Warren
Mayor

Ordinance No. 2016-367
(Int. No. 410)

Amending Ordinance No. 2016-313 with respect to a grant for the purchase of alternative fuel vehicles

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 1 of Ordinance No. 2016-313 is hereby amended to read in its entirety as follows:

Section 1. The Mayor is hereby authorized to enter the City into an agreement for the receipt and use of ~~\$109,862~~\$115,205 with Genesee Region Clean Communities, Inc. to fund the purchase of alternative fuel vehicles.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-368
Re: Amendatory Agreement - Reltronics Technologies, Inc., Automated Vehicle Locator/Weather Sensor Intelligent Transportation System

Transmitted herewith for your approval is legislation establishing \$70,000 as maximum compensation for an amendatory agreement with Reltronics Technologies, Inc., Rochester, New York, for additional operational funding for an Automated Vehicle Locator/Weather Sensor Intelligent Transportation System for the vehicles of the Department of Environmental Services (DES). The amendatory agreement increases maximum compensation to a total of \$1,030,000. The cost of the amendatory agreement will be funded from the 2016-17 Budget of DES, and the term of the agreement will remain the same.

The original agreement with Reltronics Technologies, Inc. established \$960,000 as maximum compensation for a five-year term (expiring on March 31, 2018) to implement an Automatic Vehicle Locating system for the DES vehicle fleet. The City has been evaluating this new technology and has been exploring synergies allowed by this system. As a result of this analysis, the City has developed Plow Trax, a tool that will be available to the public via the City's website in winter 2016. Plow Trax provides a visual, street by street status of the City's snow plowing service. This amenda-

tory agreement will ensure operational funding for critical fleet vehicles during the winter snow-fighting operation.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-197

Ordinance No. 2016-368
(Int. No. 411)

Authorizing an amendatory agreement with Reltronics Technologies, Inc. for an automated vehicle locator/weather sensor intelligent transportation system

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into an amendatory professional services agreement with Reltronics Technologies, Inc. to continue implementing an Automated Vehicle Locator/Weather Sensor Intelligent Transportation System for the vehicle fleet of the Department of Environmental Services. The amendatory agreement shall increase the maximum compensation of the agreement authorized by Ordinance No. 2013-2 by \$70,000 to a total maximum of \$1,030,000. Said additional amount shall be funded from 2016-17 Budget of the Department of Environmental Services.

Section 2. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-369
Re: Agreement - CHA Consulting, Inc., Municipal Right of Way and Telecommunications Project

Transmitted herewith for your approval is legislation establishing \$13,000, as maximum compensation for an agreement with CHA Consulting, Inc., Rochester, New York, for technical services for the Municipal Right of Way and Telecommunications Project. The cost of the agreement will be financed from 2016-17 Cash Capital, and the term will be for two years with the option of a one-year extension, or until the encumbered funds are exhausted.

CHA Consulting, Inc. will create the technical framework needed to develop City standards and protocols for entry into the right of way for signal boosting, Wi-Fi enhancing and other specialized telecom uses, as well as a detailed analysis of existing and proposed future technologies related to specialized Wi-Fi enhancing telecommunications

equipment. The firm will also provide consulting services, as needed, related to telecommunications and the municipal right-of-way.

A justification form for not issuing a request for proposals is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-198

Ordinance No. 2016-369
(Int. No. 412)

Authorizing an agreement with CHA Consulting, Inc. for the Municipal Right of Way and Telecommunications Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into a professional services agreement with CHA Consulting, Inc. to consult on technical telecommunications factors associated with the City's Municipal Right of Way and Telecommunications Project. The maximum compensation shall be \$13,000, which shall be funded from 2016-17 Cash Capital. The term of the agreement shall be for 2 years with the option to extend for up to one additional year or until the exhaustion of the funds provided for herein.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-370
Re: 2017 Preventive Maintenance
Group 5 Project, Geometric
Changes to Arnett Boulevard

Transmitted herewith for your approval is legislation authorizing geometric changes to Arnett Boulevard, from Thurston Road to Genesee Street, as part of the 2017 Preventive Maintenance Group 5 Project (Arnett Boulevard, Genesee Park Boulevard and Webster Avenue).

The 2017 Preventive Maintenance Group 5 Project is a federally-funded project intended to address minor pavement distress, drainage concerns and elongate the life of the pavement by providing a smooth riding surface at an economical cost. The purpose of the pavement width changes on Arnett Boulevard is to provide traffic calming and safety, by providing shorter crossing distances for pedestrians at intersections.

The improvements on Arnett Boulevard include milling the existing asphalt surface and replacing it with new asphalt pavement, new curb installation for bump-outs at multiple intersections, storm drainage upgrades, accessible curb ramp upgrades to meet Americans with Disabilities Act requirements, and spot sidewalk and curb replacement. Driveway aprons to vacant parcels will be closed as part of this project.

Prior Council actions for the project are authorizing an agreement for consultant engineering in December 2014 (Ord No. 2014-396) and an amendatory agreement for Marchiselli Aid reimbursements in October 2015 (Ord. No. 2015-333). In May 2016, Council also authorized an amendatory agreement for engineering services, the acquisition of a *de minimus* parcel and an Official Map Amendment to support the project (Ord. No. 2016-157).

A public informational meeting was held August 16, 2016. A copy of the minutes of this meeting are attached. The pavement width changes required for the project were presented to the Traffic Control Board on August 2, 2016, then amended to eliminate the proposed bump-outs at Arnett Boulevard and Rugby Avenue, as the traffic signal at that intersection will be retained. The Traffic Control Board approved the amended plan at their October 18, 2016 meeting.

Design of the project is scheduled to be completed in fall 2016. Construction is expected to begin in spring 2017 and be completed by summer 2017.

A public hearing on the pavement width changes is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-199

Ordinance No. 2016-370
(Int. No. 413)

Approving geometric changes on Arnett Boulevard related to the 2017 Preventive Maintenance Group 5 Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. In furtherance of 2017 Preventive Maintenance Group 5 Project authorized in Ordinance No. 2014-396, Council hereby approves the following pavement width changes on Arnett Boulevard from Thurston Road to Genesee Street:

- Decrease of 12 feet from 40 feet to 28 feet, from 64 feet west to 84 feet east of Post Avenue; and
- Decrease of 12 feet from 40 feet to 28 feet, from 62 feet west to 61 feet east of Woodbine Avenue; and

- Decrease of 12 feet from 40 feet to 28 feet, from 84 feet west to 85 feet east of Wellington Avenue.

Section 2. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-371
Re: Amendatory Agreement -
LaBella Associates D.P.C.,
City Hall Air Handler
Replacements Phase II

Transmitted herewith for your approval is legislation establishing \$25,820 as maximum compensation for an amendatory agreement with LaBella Associates D.P.C., Rochester, New York, for additional design and construction administration services for continued air handler replacements in City Hall. The original agreement for \$50,000 was authorized in April 2014 (Ord. No. 2014-86). This amendment will increase maximum compensation to a total of \$75,820. The term of the agreement may extend until three months after a two-year guarantee inspection following project completion. The cost of the agreement will be financed from 2015-16 Cash Capital.

Eleven air handler units were replaced in 2015-16 under Phase I. Phase II of the project includes the replacement of five remaining air handling units. The total number of units being replaced is sixteen, all of which are above-ceiling units that were originally installed in 1978.

LaBella Associates D.P.C. will provide additional construction documents, bidding support, construction administration and system commissioning services to complete Phase II.

Final design will begin in winter 2016, with construction completion scheduled for summer 2017. The amendatory agreement will result in the creation and/or retention of the equivalent of 0.3 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-371
(Int. No. 414, as amended)

Authorizing an amendatory agreement with ~~LaBella~~ LaBella Associates, D.P.C. for design and construction administration services for additional air handler replacements in City Hall

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into an amendatory professional services agreement with ~~LaBella~~ LaBella Associates, D.P.C. for additional design and construction administration services for air handler replacements in City Hall. The amendatory agreement shall increase the maximum compensation authorized by Ordinance No. 2014-86 by \$25,820 to a total of \$75,820, which shall be funded from 2015-16 Cash Capital. The term of the agreement may extend until 3 months after the 2-year guarantee inspection that follows project completion.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-372
Re: Amendatory Agreement -
Rochester City School District
Clinton-Baden Community Center
Renovation Project

Council Priority: Support the Creation
of Effective Educational Systems

Transmitted herewith for your approval is legislation establishing \$65,000 as maximum compensation for an amendatory agreement with the Rochester City School District for design and construction services at the Clinton-Baden Community Center located at 485 North Clinton Avenue. The amendatory agreement increases total maximum compensation to \$954,000. The term of the agreement may extend until three months after the two-year guarantee inspection following project completion. The cost of the agreement will be financed as follows:

<u>Source</u>	<u>Amount</u>
2014-15 Cash Capital	\$ 14,000
Bonds (Ord. No. 2015-235)	875,000
2016-17 Cash Capital	<u>65,000</u>
Total	\$954,000

In July 2015, Ordinance No. 2015-234 authorized the original agreement with the Rochester City School District for design and construction services for the project, in the maximum amount of \$889,000. The project includes various improvements at the facility including, but not limited to, accessibility improvements, exterior doors and windows upgrades, mechanical, electrical and plumbing upgrades, building safety, and interior finish upgrades. Limited resident project representation (RPR) is being provided by Passero Associates under its term agreement with the City.

Various unforeseen conditions were encountered during construction, requiring additional work, repairs and modifications necessary for completing the project.

The construction phase began in summer 2016, and completion is scheduled for fall 2016. The project will result in the creation and/or retention of the equivalent of 10.3 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-200

Ordinance No. 2016-372
(Int. No. 415)

Authorizing an amendatory agreement with the Rochester City School District for the Clinton-Baden Community Center Renovation Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into an amendatory agreement with the Rochester City School District related to the Clinton-Baden Community Center Renovation Project. The amendatory agreement shall increase the maximum compensation authorized by Ordinance No. 2015-234 by \$65,000 to a total of \$954,000. The additional amount shall be funded from 2016-17 Cash Capital. The term of the agreement may extend until 3 months after the 2-year guarantee inspection that follows project completion.

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. 2016-373
Re: Budget Amendment -
Rochester Public Library

Council Priority: Creating and Sustaining a Culture of Vibrancy; Support the Creation of Effective Educational Systems

Transmitted herewith for your approval is legislation related to renovations and upgrades at the Central Library of Rochester and Monroe County. This legislation will:

1. Authorize the receipt and use of \$518,695 from the New York State Education Department, Division of Library Development construction grant funds for the purpose of various renovations and upgrades to the Central

Library;

2. Authorize the receipt and use of \$70,000 from the Friends and Foundation of the Rochester Public Library for matching construction funds, and amend 2016-17 Cash Capital reflect this amount; and
3. Establish \$50,000 as maximum compensation for amendatory agreement with Edge Architecture, PLLC, Rochester, New York, for additional architectural and engineering services for Rundel Auditorium renovations. The original agreement for \$170,000 was authorized in September 2014 (Ord. No. 2014-288) and increased by \$30,000 in October 2015 for additional work under Master Space Plan Phases 2 and 3 (Ord. No 2015-346). This amendment will increase maximum compensation to a total of \$250,000. The cost of the amendatory agreement will be financed from Prior Years' Cash Capital, and the term may extend until six months after the completion of construction.

Each year the Monroe County Library System is allocated State funds for library construction projects that are awarded on a competitive basis within the system. The following projects are recommended for a 75% match of State funding:

- *Central Library Master Space Plan, Phases 2 and 3 Mechanicals*: Funding will incorporate the replacement of aged heat pumps, mechanical and plumbing code updates for new areas of construction (ImagineYOU media lab), and collection relocation costs for the Arts Division. The request of \$166,600 represents 75% State funding (\$222,170) for construction cost for the work scope of these phases, and 25% City match (\$55,570) from Prior Years' Cash Capital.
- *Rundel Memorial Library Auditorium Renovation*: Funding supports the comprehensive restoration of the auditorium including flooring, ceiling, electrical, plaster repair, HVAC modifications, room partitions and asbestos testing, abatement and associated air monitoring. The request of \$204,420 represents 75% State funding (estimated at \$274,420) for construction cost, with a minimum 25% match (\$70,000) from the Friends and Foundation of the Rochester Public Library.
- *Rundel Memorial Library Loading Dock Upgrades*: Funding supports the replacement of the original 1930's loading dock elevator, doors, associated electrical and life safety systems to meet current code requirements. The request of \$147,675 represents 75% state funding (\$196,900) for construction cost for the work scope of these phases, with a 25% City match (\$49,225) from 2016-17 Cash Capital.

All projects are managed by the Department of Environmental Services, Bureau of Architecture and Engineering. The projects represent top priori-

ties of the Library’s 2015-16 and 2016-17 Capital Improvement Program submissions. Construction of the Master Space Plan Phases 2 and 3 is underway, with completion anticipated by February 2017. Remaining projects will commence design in late 2016.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-201

Ordinance No. 2016-373
(Int. No. 416)

Authorizing funding, amending the Budget and authorizing an amendatory agreement for renovations and upgrades at the Central Library

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby authorizes the receipt and use of \$518,695 from a New York State Education Department, Division of Library Development construction grant for the purpose of various renovations and upgrades to the Central Library. The Mayor is hereby authorized to enter the City into a grant agreement with the funding agency or its designee if doing so is necessary to effectuate the City’s receipt of this grant.

Section 2. The Council hereby authorizes the receipt and use of \$70,000 in funds to be donated by the Friends & Foundation of the Rochester Public Library for matching construction funds. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations for the 2016-17 Cash Capital allocation by said \$70,000.

Section 3. The Mayor is hereby authorized to enter the City into an amendatory professional services agreement with Edge Architecture, PLLC, for additional architectural and engineering services for Rundel Auditorium renovations. The amendatory agreement shall increase the maximum compensation authorized by Ordinance No. 2014-288 and amended by Ordinance No. 2015-346 by \$50,000 to a total of \$250,000 and the increase shall be funded from Prior Years’ Cash Capital. The term of the agreement may extend until 6 months after the completion of the construction.

Section 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-374
Re: Main Street Streetscape and
Pedestrian Wayfinding Enhancement

Council Priority: Creating and
Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Main Street Streetscape and Pedestrian Wayfinding Enhancement project. This legislation will:

1. Authorize the Mayor to enter into agreements with the Dormitory Authority of the State of New York (DASNY) as necessary to participate in and administer the project;
2. Appropriate \$2,000,000 in anticipated reimbursements from DASNY to finance design, construction and inspection services; and
3. Appropriate \$1,371,100 in anticipated reimbursements from the Federal Highway Administration to finance design, construction and inspection services.

This federal and State aid project will result in streetscape enhancements along Main Street between St. Paul Street/South Avenue and Franklin Street/East Avenue, including the Liberty Pole Plaza. The pedestrian wayfinding signage will extend the length of Main Street from Ford Street to University Avenue.

Design of the project is underway. Construction is anticipated to begin in spring 2017 with completion in spring 2018.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-202

Ordinance No. 2016-374
(Int. No. 417)

Authorizing agreements and appropriating funds for the Main Street Streetscape and Pedestrian Wayfinding Enhancement project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into agreements with the Dormitory Authority of the State of New York (DASNY) as necessary to participate in and administer the Main Street Streetscape and Pedestrian Wayfinding Enhancement project (the Project). The amount and terms of the agreements may be adjusted if necessary due to availability of funds or other requirements of the grantor.

Section 2. The sum of \$2,000,000 in anticipated reimbursements from DASNY is hereby appropriated to finance design, construction and inspection services for the Project. The Mayor is hereby authorized to enter the City into an agreement for the

receipt and use of said funds.

Section 3. The sum of \$1,371,100 in anticipated reimbursements from the Federal Highway Administration is hereby appropriated to finance design, construction and inspection services for the Project. The Mayor is hereby authorized to enter the City into an agreement for the receipt and use of said funds.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-375
Re: Amendatory Agreement -
Architectura, P.C., Ontario
Beach Park Concession Building

Council Priority: Creating and
Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an amendatory agreement with Architectura, P.C., Rochester, New York, for additional design and engineering services for a concession stand at Ontario Beach Park. The original agreement with Architectura, P.C., was for \$55,000 for design and resident project representation services for the construction of a concession stand at Baden Park (Ord. No. 2015-101). The agreement was amended to add design services for a concession stand at Ontario Beach Park for an additional maximum amount of \$30,000 (Ord. No. 2015-236). The proposed amendatory agreement will increase total maximum compensation to \$110,000. The cost of the agreement will be financed from 2016-17 Cash Capital, and the term may extend until three months after completion of a two-year guarantee inspection of the project.

The overall project includes construction of new concession stands at Baden Park and Ontario Beach Park. The Baden Park Concession stand was completed in spring 2016 and is utilized by the Rochester Youth Hispanic Baseball League. The Ontario Concession Stand is planned for completion in spring 2017 and will be utilized by the Charlotte Youth Athletic Association baseball league. Both facilities include storage, bathrooms, and concession service areas.

This amendment allows Architectura, P.C. to provide additional design services to address unforeseen geotechnical conditions related to the Ontario Park site, and to provide additional construction oversight through resident project representation.

The amendatory agreement will result in the creation and/or retention of the equivalent of 0.28 full-

time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-375
(Int. No. 418)

Authorizing an amendatory agreement with Architectura, P.C. for architectural and engineering services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into an amendatory professional services agreement with Architectura, P.C. for additional design and engineering services related to the design and construction of a concession stand at Ontario Beach Park. The amendatory agreement shall increase by \$25,000 the maximum compensation of the agreement authorized by Ordinance No. 2015-101 and amended by Ordinance No. 2015-236 to a total maximum of \$110,000. Said amendatory amount shall be funded from 2016-17 Cash Capital and the agreement term may extend until 3 months after the 2-year guarantee inspection that follows project completion.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-376
Re: Appropriation - Rochester Pure
Waters District, Street
Improvement Projects

Transmitted herewith for your approval is legislation authorizing the receipt and use of \$750,000 in anticipated reimbursements from the Rochester Pure Waters District (RPWD) to fund eligible portions of sewer costs on street improvement projects in accordance with the agreement authorized between the City and RPWD via Ordinance No. 2010-438.

Street improvements can require ancillary repairs to the sewer system including adjustments, repairs, replacements, and improvements to the sewer system manholes and catch basins. In the agreement referenced above, RPWD assumed responsibility for these maintenance costs and agreed to reimburse the City annually for the work.

The new street improvement projects eligible for the RPWD reimbursement appropriated herein include, but are not limited to, the following projects:

- Alpha Street Rehabilitation Group Alpha/Braddock/Meridan/Wilder
- Asphalt Milling and Resurfacing (M&R) 2016 Transportation Improvement Program (TIP) Preventive Maintenance (PM) Group #1 South Clinton/South Goodman (contingency)
- Asphalt M&R 2016 TIP PM Group #2 Ames St./Buffalo Rd./West Main St./West Ave. (contingency)
- Asphalt M&R City Residential 1
- Asphalt M&R City Residential 2
- Asphalt M&R City Arterial and Collectors
- Flower City Park and Parkdale Ter.
- Asphalt M&R 2017 TIP PM #4 Browncroft Rd./Merchants Rd./Central Park/Cleveland
- Asphalt M&R 2017 TIP PM Group #5 Arnett Blvd./Genesee Park Blvd./Webster Ave.
- Berlin Street Group Berlin/Bradford/St. Jacobs Streets
- Dewey/Driving Park Avenues Intersection
- Magee Ave./Raines Pk. Group
- Reynolds St. and 66 Seward Ave.

Construction is planned to begin during the 2016 construction season. The sewer improvements will result in the creation and/or retention of the equivalent of 8.2 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-376
(Int. No. 419)

Appropriating funds for street improvement projects from anticipated reimbursements from the Rochester Pure Waters District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$750,000 in anticipated reimbursements from the Rochester Pure Waters District that are provided pursuant to the agreement authorized by Ordinance No. 2010-438 is hereby appropriated to fund eligible portions of sewer costs incurred as part of the City's street improvement projects.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-377 and
Ordinance No. 2016-378
Re: 2016 Residential Milling and
Resurfacing Program Phase 1

Council Priority: Jobs and Economic
Development; Rebuilding and Strengthening
Neighborhood Housing

Transmitted herewith for your approval is legislation related to 2016 Residential Milling and Resurfacing Program Phase 1. This legislation will authorize the issuance of bonds totaling \$3,628,000 and the appropriation of the proceeds thereof to partially finance street milling and resurfacing improvements throughout the city.

The 2016 Residential Milling and Resurfacing Program Phase 1 project includes the milling and resurfacing of various city streets; and providing spot sidewalk and curb repair, and pavement markings. The program improves the street system and extends the useful life of the city's streets. The Milling and Resurfacing Program

supports neighborhoods and will impact some residential and arterial streets in the southwest and northeast quadrants of the City. The project will reduce long-term, street maintenance costs.

Bids for construction were received on October 4, 2016. The apparent low bid of \$3,541,000 was submitted by Sealand Contractors Corporation which is 6% higher than the engineer's estimate. An additional \$302,876 will be allocated for project contingencies. Resident project representation (RPR) services will be provided by Bergmann Associates per Ordinance No. 2016-342.

The costs for the categories of work for the project based upon the bid amount are as follows:

Source	Construction	Contingency	RPR	Total
Street Bond	\$2,999,259	\$250,741	\$300,000	\$3,550,000
Water Bond	49,865	22,135	6,000	78,000
Bond Total	\$3,049,124	\$272,876	\$306,000	\$3,628,000
Rochester Pure Waters District (Ord. No. 2016-160))	437,910	-	-	437,910
Rochester Pure Waters District (November 2016 Council)	53,966	30,000	-	83,966
Total	\$3,541,000	\$302,876	\$306,000	\$4,149,876

Construction will begin in spring 2017, with anticipated completion in fall 2017. The project will result in the creation and/or retention of the equivalent of 45.1 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-203

Ordinance No. 2016-377
(Int. No. 420, as amended)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$3,550,000 Bonds of said City to finance the milling and resurfacing of certain portions of Southwest and Northeast Quadrant streets related to the 2016 Residential Milling and Resurfacing Program Phase I

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 milling, resurfacing and reconstruction of certain portions of Southwest and Northeast Quadrant streets, including those portions specified on the attached Exhibit A, related to the 2016 Residential Milling and Resurfacing Program Phase I Project in the City, including new curbing, sidewalks, manholes, basins and other roadway improvements (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is ~~\$3,852,876~~ \$3,550,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$3,550,000 bonds of the City to finance a portion of said appropriation, ~~the application of \$302,876 for project contingencies and resident project services appropriated through Ordinance 2016-342~~ 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 \$3,550,000 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 \$3,550,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 20. of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punc-

tual 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.

Strikeout indicates deleted text, new text is underlined

Exhibit A

Street	Paving Limits
Bartlett St	S Plymouth Ave to Epworth St
Boswell St	East End to Glide St
Cairn St	West Ave to Chili Ave
Campbell St	Child St to Ames St

Cedar St	Wilder St to Maple St
Centennial St	Wilder St to Maple St
Claybrook St	Clifford Ave to Fernwood Pk
Deerfield Dr	Empire Ave to Gilbert Dr
Doran St	Exchange St to S Plymouth Ave
Earl St	Jefferson Ave to Genesee St
Frost Ave	Olean St to Genesee St
Greenlane Dr	Clifford Ave to Municipal Dr
Harlow Park	North End to Columbia St
Independence St	Maple St to South End
King St	Brown St to W Main St
Lehigh Ave	Thurston Rd to Genesee Park Blvd
Luther Cir	East End to S Plymouth Ave
Lyceum St	Clifford Ave to Northland Ave
Magnolia St	Seward St to Genesee St
McGuckin St	East End to Independence St
Meredith St	Woodman Pk to Culver Rd
Municipal Dr	Greenlane Dr to Fernwood Pk
Mt Read Blvd	Buffalo Rd to South End
Olean St	Dr Samuel McCree Way to Bartlett
Revella St	Clifford Ave to Fernwood Pk
Ruff Al	Reynolds St to Epworth St
Rugby Ave	Chili Ave to Arnett Blvd
Sawyer St	Elgin St to Genesee St
Seward St	Columbia Ave to Hawley St
Shelter St	Jefferson Ave to Genesee St
Walbar St	Clifford Ave to Fernwood Pk
Warwick Ave	Chili Ave to Arnett Blvd
Whittlesey St	Olean St to Jefferson Ave
Pinecliff Dr	Municipal Dr to Fernwood Pk
West Ave	West End to Cairn St
Arnett Blvd	Westfield St to Genesee Park Blvd
Pershing St	Bay St to Rocket St
Appleton St	Chili Ave to West Ave

Passed unanimously.

Ordinance No. 2016-378
(Int. No. 421)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$78,000 Bonds of said City to finance replacement of water mains and lines along certain portions of Southwest and Northeast Quadrant streets related to the 2016 Residential Milling and Resurfacing Program Phase I

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 replacing certain water mains and lines along certain portions of Southwest and Northeast Quadrant streets, including those portions specified on the attached Exhibit A, related to the 2016 Residential Milling and Resurfacing Program Phase I Project in the City, including new curbing, sidewalks, manholes, basins and other roadway improvements (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 \$599,876, and said amount is hereby appropriated therefor. The plan of financing in-

cludes the issuance of \$78,000 bonds of the City to finance a portion of said appropriation, the application of \$437,910 from the Rochester Pure Waters District through Ordinance 2016-160, the application of \$83,966 from the Rochester Pure Waters District, appropriated on the date of this Ordinance, 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 \$78,000 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 \$78,000. 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.

Exhibit A

<u>Street</u>	<u>Paving Limits</u>
Bartlett St	S Plymouth Ave to Epworth St
Boswell St	East End to Glide St
Cairn St	West Ave to Chili Ave
Campbell St	Child St to Ames St
Cedar St	Wilder St to Maple St
Centennial St	Wilder St to Maple St
Claybrook St	Clifford Ave to Fernwood Pk
Deerfield Dr	Empire Ave to Gilbert Dr
Doran St	Exchange St to S Plymouth Ave
Earl St	Jefferson Ave to Genesee St
Frost Ave	Olean St to Genesee St
Greenlane Dr	Clifford Ave to Municipal Dr
Harlow Park	North End to Columbia St
Independence St	Maple St to South End
King St	Brown St to W Main St
Lehigh Ave	Thurston Rd to Genesee Park Blvd
Luther Cir	East End to S Plymouth Ave
Lyceum St	Clifford Ave to Northland Ave
Magnolia St	Seward St to Genesee St
McGuckin St	East End to Independence St
Meredith St	Woodman Pk to Culver Rd
Municipal Dr	Greenlane Dr to Fernwood Pk
Mt Read Blvd	Buffalo Rd to South End
Olean St	Dr Samuel McCree Way to Bartlett
Revella St	Clifford Ave to Fernwood Pk
Ruff Al	Reynolds St to Epworth St
Rugby Ave	Chili Ave to Arnett Blvd

Sawyer St	Elgin St to Genesee St
Seward St	Columbia Ave to Hawley St
Shelter St	Jefferson Ave to Genesee St
Walbar St	Clifford Ave to Fernwood Pk
Warwick Ave	Chili Ave to Arnett Blvd
Whittlesey St	Olean St to Jefferson Ave
Pinecliff Dr	Municipal Dr to Fernwood Pk
West Ave	West End to Cairn St
Arnett Blvd	Westfield St to Genesee Park Blvd
Pershing St	Bay St to Rocket St
Appleton St	Chili Ave to West Ave

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-379
Re: Amending Ordinance No. 2015-128 -
T.Y. Lin International Engineering,
Architecture & Land Surveying, P.C.,
Parking Garage Repair and
Reconstruction Program

Transmitted herewith for your approval is legisla-
tion amending Ordinance No. 2015-128 authorizing
an agreement with T.Y. Lin International Engineer-
ing, Architecture & Land Surveying, P.C. for resi-
dent project representation services for the Parking
Garage Repair and Reconstruction Program.

The amendment will modify the agreement amount
authorized in Ordinance No. 2015-128 by establish-
ing \$450,000 as maximum annual compensation for
each of the four, optional one-year extensions.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-379
(Int. No. 422)

**Amending Ordinance No. 2015-128 with respect
to an agreement with T.Y. Lin International
Engineering, Architecture & Land Survey, P.C.
for the Parking Garage Repair and Reconstruc-
tion Program**

BE IT ORDAINED, by the Council of the City
of Rochester as follows:

Section 1. Section 1 of Ordinance No. 2015-128
is hereby amended to read in its entirety as follows:

Section 1. The Mayor is hereby authorized to
enter into a professional services agreement be-
tween the City and T.Y. Lin International Engi-
neering, Architecture & Land Survey, P.C. for
resident project representation services for the
Parking Garage Repair and Reconstruction Pro-
gram. The agreement shall have a maximum
amount of \$153,000 ~~\$153,000~~ annually. The
agreement shall have a term of one year with
four optional one year renewals. The cost of the
agreement shall be funded from the 2014-15
Parking Cash Capital allocation, and any renew-
als shall be funded from the Parking Cash Capi-

tal allocations in subsequent budgets, contingent
upon the adoption of said budgets, or a bond or-
dinance to be adopted for the repair and recon-
struction of parking facilities.

Section 2. The agreement shall contain such
additional terms and conditions as the Mayor
deems to be appropriate.

Section 3. This ordinance shall take effect im-
mediately.

Strikeout indicates deleted text, new text is under-
lined.

Passed unanimously.

By Councilmember Haag
November 15, 2016

To the Council:

The Public Safety, Youth & Recreation Committee
recommends for adoption the following entitled
legislation:

Int. No. 423 - Appropriating funds and authoriz-
ing an amendatory agreement for veterinary ser-
vices

Int. No. 424- - Authorizing amendatory agree-
ments and funding for the Federal Teenage Preg-
nancy Prevention Program

Int. No. 425 - Authorizing agreements and fund-
ing for the Comprehensive Adolescent Pregnancy
Prevention Program

Int. No. 426 - Amending the 2016-17 Budget
and appropriating federal forfeiture funds, as
amended

Int. No. 427 - Authorizing an agreement with the
County of Monroe for storage of explosives

Int. No. 428 - Appropriating funds and authoriz-
ing agreements related to federal forfeited property
revenues allocated to the Police Department, as
amended

Int. No. 428A - Appropriating funds and author-
izing agreements related to federal forfeited prop-
erty revenues allocated to the Police Department

Int. No. 433 - Authorizing an agreement with
United Negro College Fund, Inc.

Respectfully submitted,
Adam C. McFadden
Molly Clifford
Matt Haag
Dana K. Miller
Loretta C. Scott
PUBLIC SAFETY, YOUTH & RECREATION
COMMITTEE

Received, filed, and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-380
Re: Animal Control Gifts Funds

Council Priority: Public Safety

Transmitted herewith for your approval is legislation related to veterinary care for Rochester Animal Services (RAS). This legislation will:

1. Appropriate up to \$18,000 from the Animal Control Gifts Fund for veterinary services agreements. The term of these agreements will be through June 30, 2017.
2. Establish up to \$10,000 as maximum compensation for an amendatory agreement with Monroe Veterinary Associates.

The amendatory agreement with Monroe Veterinary Associates will increase compensation by \$10,000, for a maximum total of \$15,000 (Ord. No. 2016-211). The additional funds will be used to continue providing spay and neuter surgeries for pets of income-qualifying residents.

The remaining \$8,000 appropriated herein will be used for additional veterinarian and veterinary technician agreements. RAS utilizes outside veterinarians and veterinary technicians to increase surgical capacity, improve customer service, and provide veterinary coverage during absences for the regular veterinarian and veterinary technicians. Each of the consultants will provide services on a part-time or on-call basis.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-380
(Int. No. 423)

Appropriating funds and authorizing an amendatory agreement for veterinary services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby appropriates \$18,000 from the Animal Control Gifts Fund for veterinary services agreements with terms through June 30, 2017.

Section 2. The Mayor is hereby authorized to enter the City into an amendatory agreement with Monroe Veterinary Associates for additional spay and neuter surgeries for pets of income-qualifying residents. The amendatory agreement shall increase the maximum compensation authorized by Ordinance No. 2016-211 by \$10,000 to a total of \$15,000, which shall be funded from appropriations made herein. The term of the agreement shall remain as is.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-381
Re: Amendatory Agreements -
Federal Teenage Pregnancy
Prevention Program

Transmitted herewith for your approval is legislation related to \$227,056.07 in carryover funds available for the second year of the Teenage Pregnancy Prevention (TPP) Program. The first year of the grant program (authorized via Ordinance No. 2015-252) was funded by the U.S. Department of Health and Human Services (HHS) in the amount of \$999,999 annually and focused largely on planning, resulting in \$227,056.07 of unused grant funds. The City recently submitted the plan for use of carryover funds to support the second year of TPP to HHS and anticipates approval. This legislation will:

1. Authorize amendatory agreements with TPP partners to increase maximum compensation as summarized

in the table below.

2. Include the remaining \$95,145.07 in the City’s TPP Special Revenue Fund. This funding will be used for activities deemed necessary to replicate national TPP strategies and successes, such as engagement of the community via a media campaign, using bill boards and local radio; marketing the program; and providing ongoing professional staff development and equipment for data-entry.

<u>Agency</u>	<u>Initial Authorization</u>	<u>2016 Carryover</u>	<u>Amended Total</u>
The Center for Youth	\$ 48,508	\$ 21,010	\$ 69,518
Baden St. Settlement	165,653	77,176	242,829
Ibero-American Action League	48,356	10,175	58,531
Hillside Children’s Center/Family Resource Center	53,171	10,175	63,346
Highland Hospital of Rochester	69,256	10,175	79,431
Ann G. T. Young (evaluator)	<u>70,000</u>	<u>3,200</u>	<u>73,200</u>
Agency Subtotal	\$454,944	\$131,911	\$ 586,855
City Teenage Pregnancy Prevention Special Revenue Fund	<u>545,055</u>	<u>95,145.07</u>	<u>640,200.07</u>
Total	<u>\$999,999</u>	<u>\$227,056.07</u>	<u>\$1,227,055.07</u>

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-204

Ordinance No. 2016-381
(Int. No. 424)

Authorizing amendatory agreements and funding for the Federal Teenage Pregnancy Prevention Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into amendatory agreements to carry over a portion of \$227,056.07 in unspent grant funds with the following organizations to continue to provide services for the Federal Teenage Pregnancy Prevention Program (TPP), which is funded under a grant agreement with the U.S. Department of Health and Human Services authorized in Ordinance No. 2015-252. The amendatory agreements have a one year term and increase the maximum compensation originally authorized in Ordinance No. 2015-252, to the following:

<u>Agency</u>	<u>2016 Carryover</u>	<u>Amended Total</u>
The Center for Youth	\$ 21,010	\$ 69,518
Baden St. Settlement	77,176	242,829
Ibero-American Action League	10,175	58,531
Hillside Children's Center/Family Resource Center	10,175	63,346
Highland Hospital of Rochester	10,175	79,431
Ann G.T. Young (evaluator)	<u>3,200</u>	<u>73,200</u>
	<u>\$131,911</u>	<u>\$586,855</u>

Section 2. The remaining carryover grant funds in the amount of \$95,145.07 are hereby appropriated to the Teenage Pregnancy Prevention Special Revenue Fund to be used for funding activities deemed necessary to replicate national TPP strategies and successes.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, Ortiz, Miller, Patterson - 7.

Nays - None - 0.

Councilmember Spaul abtained due to a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-382
Re: Agreements - New York State
Department of Health, Comprehensive
Adolescent Pregnancy Prevention Grant

Transmitted herewith for your approval is legislation related to a new five-year Comprehensive Adolescent Pregnancy Prevention (CAPP) Grant program to address teen pregnancy. This legislation will:

1. Authorize an agreement with the New York State Department of Health (NYSDOH) for the receipt and use of \$616,816 for the January 1 through December 31, 2017 program period.
2. Establish \$259,932 as total maximum compensation for the following agreements, funded from the grant authorized herein, for a term of one year:

Baden Street Settlement/Metro Council for Teen Potential	\$ 54,461
Christopher Communications (marketing and media)	25,000
Hillside Children’s Center/Family Resource Center	19,900
Highland Family Planning	63,542
Society for the Protection and Care of Children	50,559
YWCA of Rochester and Monroe County	<u>46,470</u>
Total	<u>\$259,932</u>

3. Appropriate grant funds in the amount of \$87,900 to the Teenage Pregnancy Special Revenue Fund to pay for non-personnel expenses related to the program.
4. Amend the 2016-17 Budgets of the Department of Recreation and Youth Services (\$93,300) and Undistributed Expenses (\$40,000) to fund personnel costs for the remainder of the fiscal year for the City’s role as lead agency, including the payroll and fringe benefits for the full-time CAPP Supervisor, two full-time Health Educators and two part-time Health Educators.

The remaining balance of the grant will be included in the 2017-18 Budgets of the Department of Recreation and Youth Services and Undistributed Expenses to cover personnel costs for July 2017 to June 2018.

The NYSDOH CAPP Grant program is for a five-year term, from January 1, 2017 through December 31, 2021. The contracted agencies (above), with the exception of Christopher Communications, were included as partners in the original grant application after being selected through a request for proposals process.

The primary goal of this program is to significantly reduce the rate of teenage pregnancy in targeted areas. The objectives of the program are to implement evidence-based curriculum in Rochester City School District middle and high schools, community based organizations and residential facilities; reduce adolescent pregnancy rates in the City of Rochester; and, improve high school graduation rates in the City of Rochester. The program will serve a total of 810 unduplicated youth and 200 parents each year.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-205

Ordinance No. 2016-382
(Int. No. 425)

Authorizing agreements and funding for the Comprehensive Adolescent Pregnancy Prevention Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into an agreement with the New York State Department of Health for the receipt and use of \$616,816 in funding for the Comprehensive Adolescent Pregnancy Prevention Program (the Program) for the January 1, 2017 to December 31, 2017 program period. The New York State Department of Health approved the Program for a five year term from January 2017 through December 2021.

Section 2. The Mayor is hereby authorized to enter the City into agreements to provide Program services with the following organizations up to the maximum amount specified therein for the term January 1, 2017 through December 31, 2017:

<u>Organization</u>	<u>Amount</u>
Baden Street Settlement, Inc. /Metro Council for Teen Potential	\$ 54,461
Christopher Communications (marketing & media)	25,000

Hillside Children’s Center/Family Resource Center	19,900
Highland Family Planning	63,542
Society for the Protection and Care of Children	50,559
YWCA of Rochester and Monroe County	<u>46,470</u>
Total	\$259,932

provided that, in the event that all funds for any listed provider are not expended, the Mayor is authorized to enter into amendatory agreements with one or more of the other above providers to use the unexpended funds to provide additional Program services.

Section 3. The provider agreements shall obligate the City to pay an aggregate amount not to exceed \$259,932, and said amount, or so much thereof as may be necessary, is hereby appropriated from the funds to be received from the New York State Department of Health under the grant agreement authorized herein.

Section 4. Funds from that grant agreement in the amount of \$87,900 are hereby appropriated to the Teenage Pregnancy Special Revenue Fund to pay for non-personnel and indirect expenses relating to the Program.

Section 5. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby amended by increasing the revenue estimates and appropriations of the Budget of the Department of Recreation and Youth Services by \$93,300 for personnel expenses and the Budget of Undistributed Expenses by \$40,000 from the funds to be received pursuant to the grant agreement authorized herein to fund employee fringe benefit costs.

Section 6. The grant agreement and provider agreements authorized herein shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-383
Re: Federal Forfeiture Funds

Council Priority: Public Safety

Transmitted herewith for your approval is legislation appropriating \$175,100 from federal forfeiture funds generated by the Rochester Police Department and amending the 2016-17 Budget of the Police Department (\$132,500) and Undistributed Expenses (\$42,600) for personnel and associated fringe costs, respectively, from the appropriation herein.

These federal forfeiture funds will be used to pay overtime and associated fringe benefits to supplement on-duty police resources to address on-going quality of life issues primarily in the Clinton Section, caused by the growing epidemic of heroin sale and use. The goal is to identify and remediate problematic locations by coordinating the efforts of on-duty police, the Neighborhood Service Center, Department of Environmental Services, District Attorney’s Office, community service providers, and other City services; document known heroin use locations; identify and communicate with users coming into the area to use/buy heroin; provide users with treatment options for their addiction; increase arrests in the area for quality of life issues and crimes; and target loitering for purposes of selling or buying illegal drugs in public areas and problem properties within the target zone.

The appropriations requested this month will result in a balance of approximately \$825,550 in the fund.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-206

Ordinance No. 2016-383
(Int. No. 426, as amended)

Amending the 2016-17 Budget and appropriating federal forfeiture funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, is hereby amended by

increasing the revenue estimates and appropriations to the Budget of the Police Department by ~~\$132,500~~202,500 and to the Budget of Undistributed Expenses by ~~\$42,600~~65,100 which amounts are hereby appropriated from funds received from the Federal Government from seized and forfeited assets. The appropriations herein shall be used to fund overtime and associated fringe benefits to supplement on-duty police resources to address ongoing quality of life issues.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-384
Re: Intermunicipal Agreement -
Monroe County, Explosives Storage

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County and the Monroe County Sheriff's Office (MCSO) for the Rochester Police Department's (RPD's) use of the County facilities, at no cost, for storage of explosives.

Monroe County maintains and monitors a secure space in the Town of Chili for the storage of bulk explosives and explosives evidence. RPD previously entered into an agreement with Monroe County and MCSO for the storage of explosives via Ordinance No. 2013-297. Co-locating RPD's storage bunkers, explosives, and explosives evidence at the County site provides several benefits for both agencies, including inter-agency cooperation; the immediate availability to each organizations' inventory in the event of an emergency; and maximized security which ensures greater monitoring of RPD's inventory.

The term of this agreement is October 1, 2016 through September 30, 2017, with the option to renew for two additional one-year periods. The County Legislature approved this agreement at its October 11, 2016 meeting via Resolution 235 of 2016.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-384
(Int. No. 427)

Authorizing an agreement with the County of Monroe for storage of explosives

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into an intermunicipal agreement with the County of Monroe and the Monroe County Sheriff's Office to enable the Rochester Police Department to use the Sheriff's Office's explosives storage bunker located in the Town of Chili. The term of this agreement shall be for one year, with the option of up to 2 extensions for 1 year each.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-385 and
Ordinance No. 2016-386
Re: Appropriation - Federal Forfeiture
Funds for Community Programs

Council Priority: Public Safety

Transmitted herewith for your approval is legislation related to federal forfeited property revenues attributable to the Rochester Police Department (RPD). This legislation will:

1. Appropriate \$25,000 in RPD federal forfeiture funds to support community programs as described below, and amend the 2016-17 Budget of the Police Department by said amount.
2. Establish \$15,000 as maximum compensation for an agreement with Rochester Area Crime Stoppers, Inc., an organization that promotes anonymous crime tips and provides rewards for tips that result in arrests. The cost of this agreement will be funded from the 2016-17 Budget of the Police Department and have a term of one year.
3. Establish \$3,000 as maximum compensation for an agreement with the Monroe County Office of Probation for the Monroe County Swift, Certain and Fair (SCF) program, aimed at reducing homicide deaths and gun violence, and improving outcomes among selected young offenders who have committed crimes in the City of Rochester. The cost of this agreement will be funded from the 2016-17 Budget of the Police Department and have a term of one year.

RPD will use up to \$3,000 of the funds appropriated herein to support the Police Explorers program for youth interested in policing. The remaining \$4,000 of the amount appropriated herein will be distributed throughout the year to other organizations in accordance with federal requirements and with the knowledge and support of City Council.

The SCF program targets areas with the highest

crime rates and designated "hot spots" of criminal activity. SCF will hold higher risk, gun-involved probationers accountable in order to reduce violence and fatalities, while providing them with the skills to change their criminal behavior and become law-abiding residents of the city. The program funding requested herein will provide incentives that support the educational, employment, or vocational activities of the probationers, such as the purchase of personal care products, basic clothing items, work clothing, educational supplies and small household items.

The appropriations requested this month will result in a balance of approximately \$825,550 in the federal forfeiture fund.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-385
(Int. No. 428, as amended)

Appropriating funds and authorizing agreements related to federal forfeited property revenues allocated to the Police Department

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations of the Budget of the Police Department by the sum of ~~\$25,000~~10,000, which amount is hereby appropriated from funds received from the Federal Government from seized and forfeited assets, to fund programs by the Rochester Police Department.

~~Section 2. The Mayor is hereby authorized to enter the City into an agreement with Rochester Area Crime Stoppers, Inc., an organization which allows anonymous tips and provides rewards for tips that result in arrests. The maximum compensation shall be \$15,000. The cost of said agreement will be funded from the 2016-17 Budget of the Police Department. The agreement shall have a term of one year.~~

Section 3. The Mayor is hereby authorized to enter the City into an intermunicipal agreement with the Monroe County Office of Probation to support the Monroe County Swift, Certain and Fair program. The maximum compensation shall be \$3,000. The cost of said agreement will be funded from the 2016-17 Budget of the Police Department. The agreement shall have a term of one year.

Section 4. Of the ~~\$25,000~~10,000 appropriated in Section 1 herein, \$3,000 is hereby appropriated for use to support the Police Explorers program and \$4,000 is hereby appropriated to be distributed throughout the fiscal year to other organizations in accordance with federal requirements.

Section 5. The agreements authorized herein shall contain such additional terms and conditions

as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

Ordinance No. 2016-386
(Int. No. 428A)

Appropriating funds and authorizing agreements related to federal forfeited property revenues allocated to the Police Department

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations of the Budget of the Police Department by the sum of \$15,000, which amount is hereby appropriated from funds received from the Federal Government from seized and forfeited assets, to fund programs by the Rochester Police Department.

Section 2. The Mayor is hereby authorized to enter the City into an agreement with Rochester Area Crime Stoppers, Inc., an organization which allows anonymous tips and provides rewards for tips that result in arrests. The maximum compensation shall be \$15,000. The cost of said agreement will be funded from the 2016-17 Budget of the Police Department. The agreement shall have a term of one year.

Section 3. The Agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Haag, Miller, Ortiz, Patterson, Spaul - 7.

Nays - None - 0.

Councilmember Conklin abstained due to a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-387
Re: Agreement with United Negro
College Fund for a College Fair

Council Priority: Support the Creation of
Effective Education Systems, and
Public Safety

Transmitted herewith for Council approval is legis-

lation establishing \$30,000 for support of a Black College Fair in partnership with the United Negro College Fund (UNCF), which will be held in Rochester this November.

This conference is open to the public in an effort to increase awareness among our youth with regards to collegiate opportunities, specifically historically Black colleges and universities. Over 100 historically Black colleges and universities have been invited to participate in this event.

For too long the Rochester City School District (RCSD) has maintained substandard graduation rates; the most recent statistic states that only 9% of black males graduate from RCSD. This event will allow youth the opportunity to interact with colleges from around the country and learn about opportunities that are available to them at these institutions.

Sincerely,
Adam C. McFadden
Chair, Public Safety, Youth & Recreation

Ordinance No. 2016-387
(Int. No. 433)

Authorizing an agreement with United Negro College Fund, Inc.

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with United Negro College Fund, Inc. for an amount not to exceed \$30,000, for services related to a College Fair and Luncheon to provide information and increase access to higher education for youth in the City. The cost of said agreement shall be funded from the 2016-17 Budget for Undistributed Expenses

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Spaul
November 15, 2016

To the Council:

The Arts & Culture in the Center City Committee recommends for adoption the following entitled legislation:

Int. No. 431 - Establishing maximum compensation for an agreement for Step Jam.

Respectfully submitted,

Elaine M. Spaul
Adam C. McFadden
Jacklyn Ortiz

Dana K. Miller
Loretta C. Scott
ARTS & CULTURE IN THE CENTER CITY COMMITTEE

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-388
Re: Agreement - Monroe County Broadcasting Company, Limited, d/b/a WDKX, Step Jam Event

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$12,500 as maximum compensation for an agreement with Monroe County Broadcasting Company, Limited, d/b/a WDKX, for the December 10, 2016 Step Jam event. This agreement will be financed from the 2016-17 Budget of the Bureau of Communications.

The Step Jam has been a positive youth and community event held at the Blue Cross Arena at the War Memorial for the last eight years. It is a competition for county-wide step teams that fosters school spirit, community pride, and a sense of unity and belonging for participants. The event focuses on positive dance, step and music experiences for the entire family. Parents are given a chance to see their children showcase their talents and students get to interact in a positive way with City of Rochester police officers, school sentries, and Pathways to Peace personnel.

Schools reward students with free tickets to the event for doing well in school and keeping up attendance in school. Colleges have been known to attend the event to share their step teams' experience and recruit future college-ready youth to their teams.

WDKX has been the champion of this event which continues to grow each year with more performers, spectators and community vendors. This year's funding is the same as last year's.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-388
(Int. No. 433)

Establishing maximum compensation for an agreement for Step Jam

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$12,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and Monroe County Broadcasting Company, Limited, d/b/a WDKX to present the Step Jam dance competition event to occur on or about December 10, 2016.

Section 2. Said compensation shall be funded from the 2016-17 Budget of the Bureau of Communications.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 7:59 p.m.

HAZEL L. WASHINGTON
City Clerk

* * * * *

REGULAR MEETING
DECEMBER 20, 2016

Present - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremonies

Records Archives Volunteer
Loretta Welch

- Retirement:
 - Emergency Communications
 - Richard W. Rusho
 - Police Department
 - *Jeffery E. Holmes
 - *Gary Moxley
 - Human Resource Management
 - *Mary Louise Digirolamo
 - *Sandra Suskie
 - Environmental Services
 - *Joseph C. Floyd
 - *Mark P. Julian
 - *Thomas C. Wheeler
 - Fire Department
 - *Michael T. McCullogh

**Did not attend meeting*

APPROVAL OF THE MINUTES
By Councilmember Clifford

RESOLVED, that the minutes of the Regular Meeting of November 15, 2016 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed

to be received and filed:

The Mayor submits the following:
Administrative Cancellation or Refund of Erroneous Taxes and Charges 4244-17

The Council submits a Disclosure of Interest Form from Councilmember Spaul on Int. No. 443.

PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.

Councilmember Haag presented a petition with 67 signatures from Rochester People's Climate Coalition - Global Climate Change Petition No. 1734

PUBLIC HEARINGS

Pursuant to law, public hearing will now be had on the following matter:

Amending the Official Map by abandonment of a portion of Lundy's Lane Int. No. 455 1 speaker: Michael Gordon

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
December 20, 2016

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 434 - Authorizing cancellation of taxes and charges

Int. No. 435 - Authorizing administrative tax cancellations and refunds of \$1,000 or less for 2017

Int. No. 438 - Authorizing an agreement with New Horizons Computer Learning Center of Metropolitan New York, Inc. at Logical Operations Inc. for computer training services

Int. No. 439 - Authorizing an agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for water system map modernization

Int. No. 440 - Appropriating Firefighters' Insurance Funds

Int. No. 441 - Authorizing an intermunicipal agreement with Monroe 2-Orleans BOCES for workforce education and skills development training

Int. No. 442 - Authorizing an amendatory agreement with Aeon Nexus Corporation to implement a Customer Relationship Management solution for Operation Transformation Rochester Adult Employment Services

Int. No. 443 - Authorizing an amendatory agreement with the Rochester Convention Center

Management Corporation for operating the Rochester Riverside Convention Center

Int. No. 464 - Resolution approving appointments to the Board of Assessment Review, as amended

The Finance Committee recommends for consideration the following entitled legislation:

Int. No. 436 - Amending Local Law 6-2014 with respect to owner liability for the failure of a motor vehicle operator to comply with traffic-control indications

The following entitled legislation is being held in Committee:

Int. No. 437 - Authorizing an amendatory agreement for the Red Light Camera Program

Respectfully submitted,
Carolee A. Conklin
Molly Clifford
Adam C. McFadden
Dana K. Miller
Loretta C. Scott
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-389
Re: Cancellation or Refund of
Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$3,341.55

The City of Rochester acquired the property located at 90 Nichols Street by donation from U.S. Bank National Association. The deed was recorded on May 5, 2016 in liber 11691; page 330. The deed was not recorded in time to correct the tax roll and therefore, a tax bill was issued for the 2016-17 fiscal year.

The owner of the property located at 65 Branch Street was issued several tickets in 2014 for failure to obtain a Certificate of Occupancy (C of O). The owner was out of the country during the time the tickets were being issued and could not respond. The owner did not return to the United States until January 2015, at which time the owner immediately applied for a C of O, and it was issued on May 5, 2016. The property is in full compliance. Only the default charges are being cancelled.

If these cancellations are approved, total cancellations thus far for 2016-17 will be as follows:

	<u>Accounts</u>	<u>Amounts</u>
City Council	10	\$138,015.35
Administrative	27	<u>10,812.00</u>
Total	37	\$148,827.35

These cancellations represent 0.058% of the tax receivables as of July 1, 2016.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-207

Ordinance No. 2016-389
(Int. No. 434)

Authorizing cancellation of taxes and charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is hereby authorized to cancel the following taxes and charges:

(A) The City of Rochester acquired the property located at 90 Nichols Street by donation from U.S. Bank National Association. The deed was recorded on May 5, 2016 in the Monroe County Clerk's Office

deeds liber 11691, page 330. The deed was not recorded in time to correct the tax roll and therefore, a tax bill was issued for the 2016-17 fiscal year.

SBL#	Class	Address	Tax Year	Amount Cancelled	Subtotal
106.28-2-31	H	90 Nichols Street	2017	\$1,691.55	\$1,691.55

(B) The owner of the property located at 65 Branch Street was issued several tickets in 2014 for failure to obtain a Certificate of Occupancy. The owner had been out of the country during the time the tickets were issued and could not respond. The owner did not return to the United States until January 2015, whereupon the owner immediately applied for a Certificate of Occupancy and was issued a Certificate on May 5, 2016. The property is in full compliance. Only the default charges are being cancelled.

SBL#	Class	Address	Tax Year	Amount Cancelled	Subtotal
091.59-1-84	H	65 Branch Street	2017	\$1,650.00	\$1,650.00

Grand Total \$3,341.55

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-390
Re: Authorization - 2017
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 2017.

Each year, approximately 63,000 tax bills are issued by the City. In 2015-16 these bills contained a total of \$241,479,157.45 in City and School taxes, charges and fees, and delinquencies. Of that amount taxes and charges totaling \$909,944.86 or 0.38 %, of the total billed amount, were subsequently determined to be erroneous and were canceled. These cancellations involved 1,137 accounts or 1.80 % 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 December 2015, Council re-authorized the Director of Finance to cancel up to \$1,000 per account during 2016 (Ord. No. 2015-381). 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,
Lovely A. Warren
Mayor

Attachment No. AP-208

Ordinance No. 2016-390
(Int. No. 435)

Authorizing administrative tax cancellations and refunds of \$1,000 or less for 2017

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 (provisions for uncollected or delinquent amounts) established by the City Council for that year.

Section 2. This ordinance shall be in effect for calendar year 2017.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 6 and
Introductory No. 437
Re: Red Light Camera Program

Transmitted herewith for your approval is legislation related to the termination of the City's existing Red Light Camera Program on December 31, 2016. This legislation will:

1. Amend the City Charter by local law to terminate the existing Red Light Camera Program on December 31, 2016 and to include a "savings clause" that authorizes Redflex and the City to issue tickets for violations occurring on or before December 31, 2016 for up to 120 days after that date. It also authorizes the City to continue to pursue enforcement of all red-light tickets that remain unpaid after the 120-day transition period.
2. Authorize an amendatory agreement with Redflex Traffic Systems, Inc., Phoenix, Arizona, to provide termination transition services for 120 days after December 31, 2016, which includes addressing any outstanding violations, processing citations captured up to the date of termination, continuing online access to camera footage and addressing all work in process. The original agreement was authorized via Ordinance No. 2009-436 and obligated the City to pay an amount not to exceed \$3,740 per month for each camera from funds to be received from fines and penalties collected for failure of an operator of a motor vehicle to comply with traffic control indications. For the termination transition services, Redflex will be paid \$30,000 on the date of termination and \$30,000 at the end of the 120-day period, for total maximum compen-

sation of \$60,000. Said amount will be funded from the 2016-17 Budget of the Police Department.

In 2009, State legislation was passed authorizing the City of Rochester to establish a five-year demonstration program imposing monetary liability on vehicle owners for an operator's failure to comply with traffic-control indications within Rochester. The legislation also authorized the City to install and operate traffic-control signal photo violation-monitoring devices at no more than fifty intersections within the City. In 2014, the State Legislature passed legislation extending the program to allow the City to continue utilizing this program until December 1, 2019.

The term of the agreement with Redflex expired on December 1, 2016, but the City could, upon written notice, extend the term for up to an additional two years. The City has elected to extend the term for one month to December 31, 2016.

The goal of the Red Light Camera Program was to increase public safety through the reduction of traffic accidents caused by drivers who fail to stop at red lights. Based on our review of the program's performance and public perception, we believe that terminating the program is preferable to extending it via the extension of the Operating Agreement. On balance, the program's benefits do not appear to be sufficient to justify extending it any further.

Respectfully submitted,
Lovely A. Warren
Mayor

Local Law No. 6
(Int. No. 436)

Amending Local Law 6-2014 with respect to owner liability for the failure of a motor vehicle operator to comply with traffic-control indications

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Local Law 6-2014 is hereby amended to read as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending subsection F to Section 6-6, Parking Violations Bureau, to read in its entirety as follows:

- F(1) The City hereby establishes a demonstration program in accordance with the provisions of § 1111-b of the New York State Vehicle and Traffic Law, imposing monetary liability on the owner of a motor vehicle for failure of an operator thereof to comply with traffic-control indications in the City. Such demonstration program shall allow for the installation and operation of traffic-control signal photo violation-monitoring devices

at no more than fifty intersections with-
in the City at any one time.

- (2) Adjudication of the liability imposed upon motor vehicle owners by this section shall be by the Parking Violations Bureau.
- (3) A motor vehicle owner liable for a violation pursuant to this program shall be liable for monetary penalties in accordance with a schedule of fines and penalties to be promulgated by the Parking Violations Bureau. The liability of the owner pursuant to this program shall not exceed fifty dollars for each violation; provided, however, that an additional penalty not to exceed twenty-five dollars for each violation shall be added for the failure of the owner to respond to a notice of liability within thirty days from mailing of a notice of liability.
- (4) A motor vehicle owner shall not be held liable for a violation pursuant to this demonstration program if the violation is based upon the vehicle having stopped at a traffic control signaled intersection at a point beyond the line marking the beginning of the intersection. This paragraph shall not be applicable if the violation is required to be issued pursuant to New York State law.
- (5) The demonstration program provided for herein shall expire on January 1, 2017, provided, however, that the expiration of the program shall not affect or disregard any act done or violation committed prior to the expiration date, so that the motor vehicle owner's liability for a monetary penalty or other punishment for such prior act or violation may be asserted, enforced, and prosecuted as fully and to the same extent as if the program had not expired.

Section 2. This local law shall take effect immediately and shall expire on ~~December 1, 2019~~ January 1, 2017, subject to the continuing liability of the motor vehicle owner on or after the expiration date for acts committed prior to that date.

Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

Ayes - President Scott, Councilmembers Ortiz, McFadden, Miller, Patterson, Spaul - 6

Nays - Councilmembers Clifford, Conklin, Haag - 3

Introductory No. 437

AUTHORIZING AN AMENDATORY AGREEMENT FOR THE RED LIGHT CAMERA

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 amendatory professional services agreement with Redflex Traffic Systems, Inc. for implementing the Red Light Camera Program (the Program) that was established by Local Law 13-2009, extended by Local Law 6-2014 and is to be terminated in accord with a Local Law approved by Council on the same date hereof. The original agreement authorized by Ordinance No. 2009-436 shall be amended to provide for termination transition services for 120 days commencing with the Program's expiration date of January 1, 2017 and to establish \$60,000 as the maximum compensation for said services.

Section 2. The sum of \$60,000 is hereby appropriated from the 2016-17 Budget of the Police Department for the additional compensation authorized herein.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Held in Committee.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-391
Re: Agreement – New Horizons at Logical Operations, Computer Training Services

Council Priority: Jobs and Economic Development; Support the Creation of Effective Educational Systems

Transmitted herewith for your approval is legislation establishing \$52,500 as total maximum compensation for a three-year agreement with New Horizons at Logical Operations to provide computer training to City staff. The agreement will be from January 1, 2017 through December 31, 2019, and will be funded from the 2016-17 (\$8,750), 2017-18 (\$17,500), 2018-19 (\$17,500) and 2019-20 (\$8,750) Budgets of Undistributed Expenses, contingent upon approval of future budgets.

New Horizons at Logical Operations has provided computer training to City staff at both the City's training facility as well as at their local campus since 2010. New Horizons at Logical Operations is the only local vendor that provides instructor led, on-site customized computer training classes, and is therefore a local sole-source provider of these services.

Training topics include multiple levels of Microsoft Office 2013 applications, e.g., Excel, Power Point and Outlook. Participants receive a training book

with detailed lessons of the class and also have access to a variety of online training resources during and following completion of the classes. Participants are also allowed a second training class on the same topic free of charge within six months of their original training.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-209

Ordinance No. 2016-391
(Int. No. 438)

Authorizing an agreement with New Horizons Computer Learning Center of Metropolitan New York, Inc. at Logical Operations Inc. for computer training services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into a professional services agreement with New Horizons Computer Learning Center of Metropolitan New York, Inc. at Logical Operations Inc. to provide computer training to City staff. The agreement shall have a three year term from January 1, 2017 to December 31, 2019. The maximum compensation for the agreement shall be \$52,500. The cost of the agreement will be funded from the 2016-17 Budget of Undistributed Expenses (\$8,750), the 2017-18 Budget of Undistributed Expenses (\$17,500), the 2018-19 Budget of Undistributed Expenses (\$17,500), and the 2019-20 Budget of Undistributed Expenses (\$8,750) contingent upon approval of the latter three budgets.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-392
Re: Agreement - Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., Water System Map Modernization

Transmitted herewith for your approval is legislation establishing \$230,000 as total maximum compensation for an agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., Rochester, New York, to modernize the Water Bureau's infrastructure mapping. The cost of the agreement will be funded from Prior Years' Cash Capital and the term will be for two years.

The project will migrate the Water Bureau's infrastructure mapping to a modern geographic information systems format and will include:

- Analysis of the existing system and development of a data migration strategy
- Implementation of data migration plan
- Analysis of application requirements and solutions implementation
- Review licensing, security and server configuration
- Perform user training and switchover

A request for proposals was issued on August 16, 2016 and the vendor consultant selection process summary form is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-210

Ordinance No. 2016-392
(Int. No. 439)

Authorizing an agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for water system map modernization

Section 1. The Mayor is hereby authorized to enter the City into a professional services agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. to modernize the Water Bureau's infrastructure mapping. The maximum compensation for the agreement shall not exceed \$230,000. The cost of the agreement shall be funded from Prior Years' Cash Capital. The agreement shall have a term of two years.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-393
Re: Firefighters' Insurance Fund

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing expenditures from the Firefighters' Insurance Fund ("Two Percent Fund") as per the Settlement Agreement between the Rochester Firefighters, Inc., Local 1071, IAFF, AFL-CIO and the City of Rochester dated August 7, 2012. This legis-

lation will:

1. Appropriate a total of \$312,240 from the Two Percent Fund at the request of the Rochester Firefighters Two Percent Committee ("TPC") to benefit City firefighters.
2. Appropriate a total of \$160,405.51 from the Two Percent Fund for uses nominated by the City to benefit City firefighters.

The Two Percent Fund is the City Fund established to collect and distribute monies received from the State pursuant to Sections 9104 and 9105 of the Insurance Law, and is under the custody of the City Treasurer.

Ordinance No. 2012-313 authorized the settlement agreement resulting from litigation brought by Rochester Firefighters, Inc., Local 1071, IAFF, AFL-CIO. These funds must be used in a manner that is consistent with the Court Order and Insurance Law. Fund expenditures must be for the benefit of firefighters as provided in statutory law, case law, administrative rules and regulations, and the New York State Comptroller's Opinions.

In accordance with the Settlement Agreement, the firefighters formed the TPC, a not-for-profit corporation, to represent the firefighters' for purposes of the Two Percent Fund. Items to be paid from the Fund may be nominated by the firefighters or by the City.

The following are firefighter nominated items submitted by the TPC to be appropriated from the Two Percent Fund:

- 1) Firehouse items set forth in Section 1G of the original agreement (\$90,000).
- 2) Firehouse items not identified in Section 1G of the agreement, to be approved by the TPC in accordance with the State Comptroller's Opinions and Insurance Law Sections 9104 and 9105 (\$200,000).
- 3) Legal and accounting expenses (\$20,000).
- 4) Audit of the Two Percent Fund held by the City of Rochester and the TPC (\$2,240).

The following are City nominated items submitted by the TPC to be appropriated from the Two Percent Fund:

- 1) Snow plow services for apparatus bay driveways at firehouses (\$50,310).
- 2) Linen and laundry expense (\$80,000).
- 3) Small equipment and minor firehouse renovations (\$29,135.51).
- 4) Audit of the Two Percent Fund held by the City of Rochester and the TPC (\$960).

The City of Rochester has engaged Freed Maxick to conduct an audit of the Two Percent Fund held

by the City of Rochester and the TPC. The cost of the audit is estimated at \$3,200, of which the City will pay 30% and the TPC will pay 70%, as per Section 1J of the agreement. The cost of the audit will be funded from the respective Two Percent Fund accounts controlled by the City of Rochester.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-211

Ordinance No. 2016-393
(Int. No. 440)

Appropriating Firefighters' Insurance Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The following funds are hereby appropriated from the Firefighters' Insurance Fund (Two Percent Fund) for the following purposes to benefit the firefighters of the City in accordance with the terms of the settlement agreement with Rochester Firefighters Local 1071 dated August 7, 2012 (Agreement) that was authorized in Ordinance No. 2012-313:

Firefighter Nominated Items:

- 1) Fire house items set forth in Section 1G of the Agreement (\$90,000).
- 2) Fire house items not identified in section 1G of the Agreement, to be approved by the Rochester Firefighters Two Percent Committee (Two Percent Committee) in accordance with NY State Comptroller's Opinions and Insurance Law Sections 9104 and 9105 (\$200,000).
- 3) Legal and Accounting expenses (\$20,000).
- 4) Audit of the Two Percent Fund held by the City of Rochester and the Two Percent Committee (\$2,240).

Firefighter Total: \$312,240.

City Nominated Items:

- 1) Snow plow services for apparatus bay driveways at firehouses (\$50,310).
- 2) Linen and laundry expense (\$80,000).
- 3) Small equipment and minor firehouse renovations (\$29,135.51).
- 4) Audit of the Two Percent Fund held by the City of Rochester and the Two Percent Committee (\$960).

City Total: \$160,405.51.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-394
Re: Intermunicipal Agreement -
Monroe 2-Orleans BOCES,
Workforce Education and Skills
Development Training

Council Priority: Jobs and Economic
Development; Support the Creation of
Effective Educational Systems

Transmitted herewith for your approval is legisla-
tion establishing \$8,000 as maximum annual com-
pensation for an intermunicipal agreement with
Monroe 2-Orleans BOCES to provide on-going
workforce education and skills development train-
ing for City employees and Rochester City School
District (District) students. The term of this agree-
ment will be for one year (January-December
2017), with the option to renew for an additional
calendar year. The first year will be funded from
the 2016-17 (\$4,000) and 2017-18 (\$4,000) Bud-
gets of the Department of Human Resource Man-
agement (DHRM); the optional renewal, from the
2017-18 (\$4,000) and 2018-19 (\$4,000) Budgets of
DHRM, contingent upon approval of the future
budgets.

Since 2007, Monroe 2-Orleans BOCES has provid-
ed workforce education and skills development
training for City employees in the areas of office
task and time management; business writing; busi-
ness grammar and communication; civil service test
taking strategies; and other skills and professional
development training opportunities. In addition,
the civil service test-taking strategies training pro-
gram has been extended to high school students
participating in the Career Pathways to Public
Safety Program, a collaborative program between
the City and the District that's designed to educate
students on public safety career opportunities with
the City.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-212

Ordinance No. 2016-394
(Int. No. 441)

**Authorizing an intermunicipal agreement with
Monroe 2-Orleans BOCES for workforce educa-
tion and skills development training**

BE IT ORDAINED, by the Council of the City
of Rochester as follows:

Section 1. The Mayor is hereby authorized to
enter the City into an intermunicipal agreement
with Monroe 2-Orleans Board of Cooperative Edu-
cational Services (BOCES) to provide workforce
education and skills development training for City
employees and for Rochester City School District

students. The agreement shall obligate the City to
pay a maximum compensation of \$8,000 for a term
of one year. Said amount shall be funded by
\$4,000 from the 2016-17 Budget of the Department
of Human Resource Management (DHRM) and by
\$4,000 from the 2017-18 Budget of DHRM, con-
tingent upon the adoption of the latter budget. The
agreement shall provide for one additional renewal
option of one year, which, if exercised, shall pro-
vide for a maximum compensation of \$8,000 to be
funded by \$4,000 from the 2017-18 Budget of
DHRM and by \$4,000 from the 2018-19 Budget of
the DHRM, contingent upon the adoption of said
budgets.

Section 2. The agreement shall contain such
additional terms and conditions as the Mayor
deems to be appropriate.

Section 3. This ordinance shall take effect im-
mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-395
Re: Amendatory Agreement - Aeon
Nexus Corporation, Operation
Transformation Rochester Program
Management System

Transmitted herewith for your approval is legisla-
tion establishing \$100,200 as maximum compensa-
tion for an amendatory agreement with Aeon Nexus
Corporation, Albany, New York, for additional
services to implement an Operation Transformation
Rochester (OTR) Program Management System for
Adult Employment Services. The original agree-
ment for \$9,800 was executed in November 2016
for strategic consulting services to produce a Scope
document that captured all business and functional
requirements, cost and schedule to implement a
process and systems solution. The amendatory
agreement will increase total maximum compensa-
tion to \$110,000, of which \$80,200 will be funded
from Prior Years' Cash Capital, \$10,000 from the
2016-17 Budget of the Mayor's Office, and
\$10,000 from the 2016-17 Budget the Department
of Recreation and Youth Services. The term of the
agreement will be extended from June 30, 2017 to
December 31, 2017.

The OTR implementation will establish Microsoft
Dynamics CRM as the platform for Enterprise
Customer Relationship Management. The Depart-
ment of Neighborhood and Business Development
and Bureau of Communications are currently using
an older version of the Microsoft Dynamics CRM
software, and will be evaluated for future migration
to the version that will be implemented for OTR.

Aeon Nexus Corporation was selected because they
are a Microsoft Gold Partner specializing in Mi-
crosoft Dynamics CRM, they provide these con-
sulting services through the New York State Project
Based Information Technology Consulting Services
contract (PB0052AA) and are a Minority Business

Enterprise/Small Business vendor located in New York State.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-395
(Int. No. 442)

Authorizing an amendatory agreement with Aeon Nexus Corporation to implement a Customer Relationship Management solution for Operation Transformation Rochester Adult Employment Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into an amendatory professional services agreement with Aeon Nexus Corporation for additional services to implement a Customer Relationship Management (CRM) process and system solution for Operation Transformation Rochester Adult Employment Services using Microsoft Dynamics CRM. The amendment shall extend the term of the agreement from June 30, 2017 to December 31, 2017. The amendatory agreement shall increase the maximum compensation by \$100,200 for a maximum total compensation of \$110,000. The additional compensation shall be funded by Prior Years' Cash Capital (\$80,200), the 2016-17 Budget of the Department of Recreation and Youth Services (\$10,000), and the 2016-17 Budget of the Mayor's Office (\$10,000).

Section 2. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-396
Re: Amendatory Agreement -
Rochester Convention Center
Management Corporation, Operation
of the Joseph A. Floreano
Rochester Riverside Convention Center

Council Priority: Creating and Sustaining
a Culture of Vibrancy; Jobs and Economic
Development

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Rochester Convention Center Management Corporation (RCCMC) to maintain the services provided to the community as the operator of the Joseph A. Floreano Rochester Riverside Convention Center. The City owns the Convention Center but contracts with RCCMC, a not for profit corporation, to oper-

ate it. The RCCMC was formed at the City's initiative and has operated the Convention Center since 1985. The amendatory agreement would be for a term of three years, with an optional three-year extension, and the City would continue to fund RCCMC's operations as part of the City's annual budgeting process.

Ordinance No. 1985-377 authorized the City to enter into the original operating agreement with the option to extend the agreement for additional terms of up to three years each. The current agreement, which expires December 31, 2016, is an extension of the original agreement. The approval of Council is required for this extension because it will include changes to the existing agreement. Notably, the amendatory agreement clarifies RCCMC's relationship to the City as an independent contractor, provides for quarterly meetings between the City and RCCMC representatives to discuss financial issues, and modifies the insurance requirements based on recommendations by the City's insurance broker.

The Convention Center serves a very important function for the City and the local economy. It brings thousands of visitors to Rochester every month and by doing so supports hotel and other tourism related businesses that employ large numbers of residents. These businesses also generate hotel tax, sales tax and property tax revenues for local government. It is important to continue these services for the benefit of the community and the local economy.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-396
(Int. No. 443)

Authorizing an amendatory agreement with the Rochester Convention Center Management Corporation for operating the Rochester Riverside Convention Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into an amendatory agreement with the Rochester Convention Center Management Corporation (RCCMC) for the management, operation, maintenance and repair of the Rochester Riverside Convention Center. The amendment shall extend the term of the original agreement, which was authorized in Ordinance No. 1985-377 and was subsequently extended several times in accordance with said Ordinance, an additional 3 years to December 31, 2019, with an option to extend the term one additional term of up to 3 years.

Section 2. In addition to the terms of the existing agreement, the amendatory agreement shall clarify that RCCMC's relationship to the City is as an independent contractor and shall require quarterly meetings between the parties' representatives to review and discuss financial issues.

Section 3. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, Ortiz, McFadden, Miller, Patterson - 8

Nays - None - 0

Councilmember Spaul abtained due to a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2016-26
Re: Appointment - Board of Assessment Review

Council Priority: Rebuilding and Strengthening Neighborhood Housing and Deficit Reduction and Long-Term Financial Stability

Transmitted herewith for your approval is legislation to approve the appointments of the following individuals to the Board of Assessment Review:

Permanent Panel Members (5-year term)

Peter J. Easterly,
80 Windemere Road, Rochester, NY 14610

Temporary Panel Members (1-year term)

Carmen Diamond,
342 Birr Street, Rochester, NY 14613

Carlos Mercado,
12 Vick Park A, Rochester, NY 14607

Gerald Roberts,
32 Berkeley Street, Rochester, NY 14607

Gary Thomas,
1 Bly Street, Rochester, NY 14620

Jeanine Whitaker,
3 Thayer Street, Rochester, NY 14607

LaShay Harris,
323 Aldine Street, Rochester, NY 14619

Résumés of the above appointees are on file with the City Clerk and all have maintained a perfect attendance while serving on the City's 2016 Board of Assessment Review. Carmen Diamond and Gerard Roberts were scheduled less than other members due to unforeseen health and work related issues; both have indicated that they are able to be scheduled in a more regular manner in 2017.

Respectfully submitted,
Loretta C. Scott
President

Resolution No. 2016-26
(Int. No. 464, as amended)

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 appointment of

Peter J. Easterly
80 Windemere Road
Rochester, NY 14610

to the Board of Assessment Review for a term that will expire on September 30, 2021.

Section 2. The Council hereby approves the appointments of

Carmen Diamond
342 Birr Street
Rochester, New York 14613

And

Carlos Mercado
12 Vick Park A
Rochester, New York 14607

And

Gerald Roberts
32 Berkeley Street
Rochester, New York 14607

And

Gary Thomas
1 Bly Street
Rochester, NY 14620

And

Jeanine Whitaker
3 Thayer Street
Rochester, NY 14607

And

LaShay Harris
323 Aldine Street
Rochester, 14619

to the Board of Assessment Review for a term that will expire on September 30, 2017.

Section 3. This resolution shall take effect immediately.

Underlining indicates new text

Adopted unanimously.

By Vice President Miller
December 20, 2016

To the Council:

The Business & Economic Development Committee recommends for adoption the following entitled legislation:

Int. No. 444 - Authorizing an agreement with the Greater Rochester Enterprise for economic development services

Respectfully submitted,
Dana K. Miller
Michael A. Patterson
Elaine M. Spaul
Loretta C. Scott
BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-397
Re: Agreement - Greater Rochester Enterprise, Economic Development Services

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum compensation for an agreement with Greater Rochester Enterprise (GRE) to provide services related to business attraction and retention in the City of Rochester. The agreement will be financed from the Fund for the City's Future, and will have a term of six months, from January 1 to June 30, 2017.

This past year, GRE has worked with 21 organizations who considered locating and/or expanding to the city of Rochester. These efforts succeeded in the following:

- Klein Steel Services expanded, leading to an investment of \$8 million and the creation of 50 new jobs.
- Seisenbacher Rail Interiors developed, leading to an investment of \$1.7 million and the creation of 59 new jobs.

Efforts continue to attract businesses to the Eastman Business Park, as well as other sites found within our community. GRE collaborates with government leaders, businesses, universities, and not-for-profit organizations through a team approach to economic development in the city and the Greater Rochester/Finger Lakes region. GRE acts as an ambassador to promote the city, and to connect businesses to City of Rochester resources.

Terms of the agreement include the following goals:

- Work with the Rochester region's economic development partners to attract businesses lo-

cated outside the region to the City of Rochester.

- Deliver at least 15 out-of-region business attraction opportunities that can include sites located within the city of Rochester, including the city's Science and Industrials parks.
- Include and reference the City of Rochester prominently in all marketing content it develops to promote the Greater Rochester/ Finger Lakes region, including but not limited to www.RochesterBiz.com, quarterly newsletters, presentations delivered to local business groups, and capstone presentations delivered to out-of-region companies.
- GRE will assist the City of Rochester with activities designed to increase business retention and expansion, and the startup of new businesses, by collaborating with colleges and universities, High Tech Rochester and others, to promote the City of Rochester as an outstanding entrepreneurial location. A closer collaboration for business retention will include meetings with existing strategic employers and the provision of comprehensive data analyses to identify the potential loss or expansion of businesses currently located in the city. The focus of this effort may begin with companies headquartered outside the region, or with local large employers, as agreed to by the City of Rochester and GRE.

The most recent annual agreement was authorized by City Council on June 16, 2015 via Ordinance No. 2015-175.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-397
(Int. No. 444)

Authorizing an agreement with the Greater Rochester Enterprise for economic development services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into a professional services agreement with Greater Rochester Enterprise to provide economic development services for attracting and retaining businesses in the City of Rochester. The sum of \$40,000, or so much thereof as may be necessary, is hereby established as maximum compensation for the agreement and said amount shall be funded from the Fund for the City's Future.

Section 2. The term of such agreement shall be January 1, 2017 through June 30, 2017.

Section 3. The agreement shall contain such other terms and conditions as the Mayor deems appropriate.

Section 4. This ordinance shall take effect immediately

Passed unanimously.

By Councilmember Ortiz
December 20, 2016

To the Council:

The Neighborhood & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 445 - Authorizing the sale of real estate

Int. No. 446 - Authorizing the acceptance of easements

Int. No. 447 - Authorizing a sale of real estate and granting a permanent easement to Rochester Gas and Electric Corporation for upgrades to its Station 26 facility

Int. No. 448 - Authorizing agreements and appropriating funds for the Emergency Solutions Grant Program and amending Ordinance Nos. 2016-362 and 2016-363 with respect to the Emergency Assistance Repair Program, as amended

Int. No. 449 - Authorizing an amendatory agreement with The Center for Dispute Settlement, Inc. for hearing officer services related to the City demolition program

The following entitled legislation is being held in Committee:

Int. No. 450 - Authorizing a lease agreement with Alexander Realty LLC for the Municipal Parking and Code Violations Bureau

Respectfully submitted,
Jacklyn Ortiz
Molly Clifford
Carolee A. Conklin
Dana K. Miller
Loretta C. Scott
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-398
Re: Sale of Real Estate

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation approving the sale of ten properties. City records have been checked to ensure that these purchasers (except those buying unbuildable vacant lots) do not own other properties with delinquent taxes or open code violations, have not been in contempt of court or fined as a result of an appearance ticket, or have unsatisfied judgments during the past five years.

The first property is a vacant lot sold by request for proposal. The purchaser will combine the lot with their existing property.

The next four properties are vacant lots sold by negotiated sales to the adjacent owners. The purchasers will combine the lots with their existing properties and utilize them as green space.

The last five properties are unbuildable vacant lots, being sold for \$1.00 (as per City policy) to their adjacent owners who will combine the respective lots with their existing properties.

The first year projected tax revenue for these ten properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$3,500.

All City taxes and other charges, except water charges against properties being sold by the City, will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the pur-

chase price.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AP-213

Ordinance No. 2016-398
 (Int. No. 445)

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 vacant land with proposal:

<u>Address</u>	<u>SBL#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>	<u>Purchaser</u>
96B University Av	106.73-3-36	60 x 8	483	\$50	Buckpitt & Co., Inc.

Section 2. The Council hereby approves the negotiated of the following parcels of vacant land:

<u>Address</u>	<u>SBL#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>	<u>Purchaser</u>
214 Glenwood Av	105.26-3-26	48 x 124	5,737	\$450	Desmond L. Jackson
521 Lyell Av	105.65-2-13	40 x 120	4,800	\$425	Jason D. Crane
303 Magnolia St	120.83-2-27	40 x 151	6,020	\$475	Linda Gilchrist
174 Whitney St	105.82-2-4	35 x 264	9,202	\$550	Friends of the Garden Aerial, Inc.

Section 3. The Council hereby approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

<u>Unbuildable</u>	<u>SBL#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Purchaser</u>
404 Child St	105.82-1-65	60 x 40	2,314	Awilda Gonzalez
330 Laburnam Cres	121.83-1-37	1 x 110	110	Richard Perlet
705 E. Main St	106.82-1-16	60 x 5	300	James J. Volpe
811 Smith St	105.82-2-1	53 x 72	3,679	Friends of the Garden Aerial, Inc.
180-184 Whitney St	105.82-2-3	56 x 53	3,000	Friends of the Garden Aerial, Inc.

Section 4. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2016-399
 Re: Accepting Easements

Transmitted herewith for your approval is legislation authorizing acceptance by donation of three permanent easements from the New York State Department of Transportation. These easements are necessary because the New York State Department of State is transferring land to John Betlem Heating & Cooling, Inc., which includes City of Rochester utilities that the City must be able to access.

The first two easements are for the City of Rochester's Water Bureau to allow for the maintenance, repair and replacement of two fire hydrants: one located along South Goodman Street; the other, on Uhlen Place. Each area is 100 ± square feet.

The third easement is for the City of Rochester's Street Lighting Bureau to allow for the maintenance, repair and replacement of a light pole located along South Goodman Street. The area is 100 ± square feet.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment AP-214

Ordinance No. 2016-399
(Int. No. 446)

Authorizing the acceptance of easements

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acceptance, by donation, from the New York State Department of Transportation of three permanent easements, each encompassing approximately 100 square feet. The first two easements are to the City of Rochester's Water Bureau to allow for maintenance, repair and replacement of two existing fire hydrants, one on S. Goodman Street and the other on Uhlen Place, and the third to the City of Rochester's Street Lighting Bureau to allow for the maintenance, repair and replacement of an existing light pole located along S. Goodman St.

LEGAL DESCRIPTION OF PERMANENT EASEMENT FOR FIRE HYDRANT PURPOSES FROM STATE OF NEW YORK TO CITY OF ROCHESTER

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 60, Township 13, Range 7, and being more particularly bounded and described as follows: Beginning at a point on the northwesterly ROW line of South Goodman Street (60' ROW), 51.0 feet northerly of the southeast corner of NYS Appropriation, Map 616, Parcel 696, said point being the Point or Place of Beginning; thence

- 1) Westerly, at right angles to said ROW line, a distance of 10.0 feet to a point; thence
- 2) Northerly, parallel with said ROW line, a distance of 10.0 feet to a point; thence
- 3) Easterly, parallel with said Course 1, a distance of 10.0 feet to the said ROW line of South Goodman Street; thence
- 4) Southerly, along said ROW line, a distance of 10.0 feet to the Point or Place of Beginning.

Containing 100± Sq. Ft or 0.002± Acres.

LEGAL DESCRIPTION OF PERMANENT EASEMENT FOR FIRE HYDRANT PURPOSES FROM STATE OF NEW YORK TO CITY OF ROCHESTER

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 60, Township 13, Range 7, and being more particularly bounded and described as follows: Beginning at a point on the southwesterly ROW line of Uhlen Place (38' ROW), 3.0 feet westerly of the northwesterly ROW line of South Goodman Street (60' ROW), said point being the Point or Place of

Beginning; thence

- 1) Southerly, parallel with said South Goodman Street, a distance of 10.0 feet to a point; thence
- 2) Westerly, parallel with said Uhlen Place, a distance of 10.0 feet to a point; thence
- 3) Northerly, parallel with said South Goodman Street, a distance of 10.0 feet to the said ROW line of Uhlen Place; thence
- 4) Easterly, along said ROW line of Uhlen Place, a distance of 10.0 feet to the Point or Place of Beginning.

Containing 100± Sq. Ft. or 0.002± Acres.

LEGAL DESCRIPTION OF PERMANENT EASEMENT FOR STREET LIGHTING PURPOSES FROM STATE OF NEW YORK TO CITY OF ROCHESTER

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 60, Township 13, Range 7, and being more particularly bounded and described as follows: Beginning at a point on the northwesterly ROW line of South Goodman Street (60' ROW), 109.0 feet northerly of the southeast corner of NYS Appropriation, Map 616, Parcel 696, said point being the Point or Place of Beginning; thence

- 1) Westerly, at right angles to said ROW line, a distance of 10.0 feet to a point; thence
- 2) Northerly, parallel with said ROW line, a distance of 10.0 feet to a point; thence
- 3) Easterly, parallel with said Course 1, a distance of 10.0 feet to the said ROW line of South Goodman Street; thence
- 4) Southerly, along said ROW line, a distance of 10.0 feet to the Point or Place of Beginning.

Containing 100± Sq. Ft or 0.002± Acres.

Section 2. The Director of Real Estate is hereby authorized to make technical modifications to the legal descriptions contained herein in order to correct mistakes or modify boundaries to be consistent with the purposes of the easement conveyances described herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-400
Re: Amending Ordinance No.
2013-402 - Authorizing the

Sale of a Portion of 25 Court Street and 182 Exchange Boulevard and Granting an Easement to Rochester Gas & Electric Corporation

LEGAL DESCRIPTION OF LANDS TO BE CONVEYED TO RG&E PARTS OF #25 COURT STREET & #182 EXCHANGE BLVD. PART OF T.A. # 121.310-01-026 & 121.390-01-003

Transmitted herewith for your approval is legislation that will allow Rochester Gas & Electric Corporation (RG&E) to perform necessary upgrades to its Station 26, which is located along the west bank of the Genesee River. This legislation will:

- 1. Establish \$48,000 as maximum compensation for the sale of a portion of 25 Court Street and 182 Exchange Boulevard, comprising of approximately 6,402 square feet, to RG&E. The sale price was established by an independent appraisal performed by Kevin L. Bruckner, MAI on October 26, 2016.
2. Amend Ordinance No. 2013-402, which originally granted a temporary construction easement to RG&E for the original sum of \$27,540, which was paid to the City in May 2014. RG&E did not begin construction or record the original temporary easement. The City will credit the payment of \$27,540 against the new sale price of \$48,000, thereby accepting \$20,460 for the balance.
3. Grant a subsurface permanent easement over a portion of 25 Court Street, comprising of approximately 871 square feet, to RG&E at a cost of \$4,900. The price is based on an independent appraisal performed by Kevin L. Bruckner, MAI on October 26, 2016.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-215

Ordinance No. 2016-400
(Int. No. 447)

Authorizing a sale of real estate and granting a permanent easement to Rochester Gas and Electric Corporation for upgrades to its Station 26 facility

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 4 of Ordinance No. 2013-402 is hereby amended to read in its entirety as follows:

Section 4. The Council hereby approves the granting of a temporary construction easement sale of real estate to RG&E over comprised of approximately 6,166 6402 square feet of the parcels at 25 Court Street and 182 Exchange Boulevard as set forth in the legal description that follows, for the sum of \$27,540 \$48,000, for a period not to exceed 18 months. The temporary easement may be extended for up to two additional terms of 3 months each, for the sum of \$4,590 per extension.

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 51, 20,000 Acre Tract, and being more particularly bounded and described as follows: Commencing at an angle point on the easterly ROW line of Exchange Boulevard (ROW Varies), 342.46 feet south of the southerly ROW line of Court Street (64' ROW), said angle point being the Point of Commencing; thence

- A) S 04° 01' 20" W, along said Exchange Boulevard ROW, a distance of 16.53 feet to a point; thence
B) N 71° 48' 22" E, a distance of 227.16 feet to the west line of lands conveyed to RG&E in Liber 3447 of Deeds, Page 355; thence
C) S 02° 15' 40" E, through lands of the City of Rochester, a distance of 11.73 feet to the Point or Place of Beginning; thence
1) S 87° 51' 36" W, a distance of 30.14 feet to a point; thence
2) N 09° 27' 58" W, a distance of 123.61 feet to a point; thence
3) N 80° 32' 02" E, a distance of 18.00 feet to a point; thence
4) N 09° 27' 58" W, a distance of 54.00 feet to a point; thence
5) N 62° 52' 46" E, a distance of 14.54 feet to a point; thence
6) S 47° 15' 40" E, a distance of 41.00 feet to a point on said west line of lands of RG&E; thence
7) S 42° 44' 20" W, along said west line of RG&E, a distance of 10.78 feet to an angle point; thence
8) S 02° 15' 40" E, continuing along said west line of RG&E, a distance of 148.03 feet to the Point of Beginning.

Hereby intending to describe a parcel of land containing 6402± square feet, all as shown on a map entitled "Map of Lands to be Conveyed to Rochester Gas and Electric", dated May 9, 2016, prepared by Jacek M. Szymanski, L.S., City Surveyor.

Section 2. The Council hereby approves the granting of a permanent subsurface easement to Rochester Gas and Electric Corporation (RG&E) over an approximately 871 square foot portion of the parcel located 25 Court Street, as set forth in the

legal description that follows, for the sum of \$4,900.

LEGAL DESCRIPTION OF PROPOSED PERMANENT EASEMENT TO RG&E PART OF #25 COURT STREET PART OF T.A. # 121.310-01-026

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 51, 20,000 Acre Tract, and being more particularly bounded and described as follows: Commencing at a point on the southerly ROW line of Court Street (64' ROW), 313.39 feet from the easterly ROW line of Exchange Boulevard (ROW Varies), said point being the Point of Commencing; thence

- A) S 07° 45' 57" E, through lands of the City of Rochester, a distance of 137.13 feet to the Point or Place of Beginning; thence
 - 1) S 09° 06' 10" W, a distance of 34.30 feet to a point; thence
 - 2) N 47° 15' 40" W, a distance of 19.00 feet to a point; thence
 - 3) N 42° 44' 20" E, a distance of 28.56 feet to the Point or Place of Beginning.

Hereby intending to describe a parcel of land, containing 871± square feet, all as shown on a map entitled "Map of Proposed Permanent Easement to Rochester Gas and Electric", dated May 9, 2016, prepared by Jacek M. Szymanski, L.S., City Surveyor.

Section 3. The Director of Real Estate is hereby authorized to make technical modifications to the legal descriptions contained herein in order to correct mistakes or modify boundaries to be consistent with the purposes of the land and easement conveyances described herein.

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-401
Re: 2016-17 Consolidated
Community Development
Plan - Emergency Solutions
Grant Program

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation authorizing two agreements with two not-for-profit providers of services for homeless individuals and families for Emergency Solutions Grant

(ESG) program services; and establishing \$13,739.54 as the maximum compensation for the agreements to be funded by reappropriated funds in the amount of \$8,000 from the Housing Choice Fund of the 2016-17 Consolidated Community Development Plan/ESG Program; with unspent funds in the amount of \$1,941.54 from the same 2015-16 program, and with \$3,798.00 from the same 2013-14 program, as follows:

<u>Organization</u>	<u>Amount</u>
Alternatives for Battered Women, Inc., d/b/a Willow Domestic Violence Center of Greater Rochester	\$10,739.54
Saving Grace Ministries of Rochester	<u>3,000.00</u>
Total	<u>\$13,739.54</u>

This program was last authorized by City Council on May 19, 2016 via Ordinance No. 2016-152. ESG provides housing and support services for individuals and families who are homeless or at risk of homelessness. Eligible activities include case management, support services, service coordination, homeless shelter operations (staffing and operating costs) and addition of beds, financial assistance and related services for prevention of homelessness and rapid re-housing. This appropriation will fund emergency homeless shelter operations and case management.

The Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH) ESG program requires the grantees (the City and County) to collaborate with the community of homelessness service providers. To that end, community funding priorities are jointly determined with the Rochester/Monroe County Continuum of Care (CoC). On September 30, 2016, a request for proposals (RFP) for the second round of 2016-17 ESG providers was issued. Summaries of the RFP process and the agencies' services are attached.

If funds are different, not available, or less than anticipated, agreement amounts and terms will be adjusted accordingly. Agreement terms will be for one year, with the option to extend for an additional year if funds remain in the original appropriation.

This legislation supports the City Housing Policy, Section 4: Promote Housing Choice.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-216

Ordinance No. 2016-401
(Int. No. 448, as amended)

Authorizing agreements and appropriating funds for the Emergency Solutions Grant Program and amending Ordinance Nos. 2016-362 and 2016-363 with respect to the Emergency Assistance Repair Program

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into agreements with the following providers for services to homeless individuals under the Emergency Solutions Grant program. The agreements shall obligate the City to pay an aggregate amount not to exceed \$13,739.54, with the maximum amount for each agreement being as follows:

<u>Organization</u>	<u>Amount</u>
Alternatives for Battered Women, Inc., operating as Willow Domestic Violence Center of Greater Rochester	\$10,739.54
Saving Grace Ministries of Rochester, Inc.	<u>3,000.00</u>
Total	\$13,739.54

The sum of \$13,739.54, or so much as may be necessary, is hereby appropriated for this purpose from the Housing Choice Fund, Emergency Solutions Grant Program allocation within the Consolidated Community Development Plans for the following Annual Action Plans: \$8,000 from the 2016-17 Annual Action Plan; \$1,941.54 reappropriated from unspent funds in the 2015-16 Annual Action Plan; and \$3,798 reappropriated from unspent funds in the 2013-14 Annual Action Plan.

Section 2. The term of the agreements shall be one year, with an option to extend for up to one additional year if funds remain in the original appropriation.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City shall only enter into agreements with organizations that are in compliance with Federal regulations.

Section 4. Section 1 of Ordinance No. 2016-362, with respect to various transfers of funds from the Owner Occupant Roofing allocation of the Consolidated Community Development Plan/2015-16 Annual Action Plan (Consolidated Plan) to other programs is hereby amended in clause e thereof to read as follows:

- e. \$100,000 to increase funding for the 2015-16 Consolidated Plan's existing Emergency Assistance Repair Program to a new total of ~~\$253,000~~ \$333,000 to assist owner occupants requiring emergency repairs concerning heat, hot water, or running water.

Section 5. Section 1 of Ordinance No. 2016-363 is hereby amended to read in its entirety as follows:

Section 1. The Council hereby appropriates ~~\$253,000~~ \$100,000 from the Emergency Assistance Program allocation of the Housing Development Fund of the 2015-16 Community Development Block Grant (CDBG) and \$153,000 from the Emergency Assistance Program allocation of the Housing Development Fund of the 2016-17 CDBG for the City's use to operate the Emergency Assistance Repair Program (EARP).

Section ~~4-6~~. The Director of Finance is hereby authorized to record all transfers herein and to make adjustments to the amounts set forth herein which may have changed prior to the date of this ordinance.

Section ~~5~~ 7. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-402
Re: Amendatory Agreement-
Center for Dispute Settlement,
Demolition Hearing Officers

Council Priority: Rebuilding and
Strengthening Neighborhood Housing;
Public Safety

Transmitted herewith for your approval is legislation establishing \$9,500 as maximum compensation for an amendatory agreement with the Center for Dispute Settlement for the provision of demolition hearing officers. The original agreement with the Center for Dispute Settlement (Ord. No. 2015-321) was for \$9,500, bringing total maximum compensation to \$19,000. The amendatory agreement will be funded from the 2016-17 Budget of the Department of Neighborhood and Business Development (NBD) and the term will extend for an additional year, expiring June 30, 2017.

As part of the City's demolition program, NBD conducts demolition hearings against owners whose properties are in a state of disrepair and a potential health and safety hazard. An important aspect of the demolition hearing process is an impartial, third party hearing officer. The hearing officer listens to testimony and renders written decisions for each privately-owned property that the City schedules for a demolition hearing. Those hearing findings are the legal basis for further action, including demolition that the City may undertake.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-402
(Int. No. 449)

Authorizing an amendatory agreement with The Center for Dispute Settlement, Inc. for hearing officer services related to the City demolition program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into an amendatory professional services agreement with The Center for Dispute

Settlement, Inc. for hearing officer services related to the City demolition program. The amendment shall increase the maximum compensation of the original agreement authorized in Ordinance No. 2015-321 by \$9,500 to a total of \$19,000 in order to allow the parties to exercise the original agreement's option to extend its term by one additional year to June 30, 2017.

Section 2. The sum of \$9,500 is hereby appropriated from the 2016-17 Budget of the Department of Neighborhood and Business Development for the additional compensation.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 450
Re: Lease Agreement-Municipal
Parking and Code Violations
Bureau

Transmitted herewith for your approval is legislation authorizing a lease agreement between the City of Rochester and Alexander Realty, LLC for the use of office space at 360 Monroe Avenue, for the Municipal Parking and Code Violations Bureau, during the renovations and upgrades to their current location at 42 South Avenue. The Municipal Parking and Code Violations Bureau will lease approximately 7,234 square feet of office space, which includes sixteen parking spaces, in the Alexander Parking Garage for a term of two years, with three, one-year renewal options. The lease agreement will commence on April 1, 2017.

The City will pay a first year rental amount of \$179,167.16. The base rental amount equals \$147,500, which covers taxes and common area maintenance charges (CAM). The base rent will be increased by 3% per year. The City will also pay \$31,667.16 per year to cover the build-out costs for the office space over a five year period. A lump sum amount of \$27,250 will be appropriated as additional construction contingency to allow for the build-out.

Expenses for April through June 2017, including any additional construction expenses, will be funded from the 2016-17 Budget of the Finance Department. Annual lease payments, which include the base rent and build-out costs, will be funded from subsequent years' budgets of the Finance Department, contingent upon approval of said budgets.

The lease was reviewed by Kevin L. Bruckner, MAI, as of November 15, 2016, who determined that the annual rent is the appropriate market rent for the space being leased.

Respectfully submitted,
Lovely A. Warren
Mayor

Introductory No. 450

AUTHORIZING A LEASE AGREEMENT WITH ALEXANDER REALTY LLC FOR THE MUNICIPAL PARKING AND CODE VIOLATIONS BUREAU

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into an agreement with Alexander Realty LLC to lease of 7,234 square feet of office space and sixteen parking spaces in the Alexander Parking Garage located at 360 Monroe Avenue for use by the Municipal Parking and Code Violations Bureau. The term of the lease shall be two years, extending from April 1, 2017 to March 31, 2019, with three one-year renewal options.

Section 2. The lease agreement shall obligate the City to pay \$179,167.16 in rent for the first year, comprised of a base rental amount of \$147,500 to cover taxes and common area maintenance charges (collectively, the Base Rent) plus \$31,667.16 as an annual charge for build-out costs (Build-out Rent). The Base Rent shall be adjusted at a rate of 3% per year in subsequent years. The Build-out Rent in the amount of \$31,667.16 is to be paid annually over a five-year period and \$27,250 from the 2016-17 Budget of the Finance Department is hereby appropriated as an additional construction contingency to complete the build-out of the leased office space in the event that the amount of the Build-out Rent is insufficient. Expenses for April to June 2017 totaling \$44,791.79 in pro-rated Base Rent and Build-out Rent shall be funded from the 2016-17 Budget of the Finance Department. The Base Rent and Build-out Rent for subsequent years shall be funded from subsequent years' Budgets of Finance, contingent upon their approval.

Section 3. The lease agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Held in Committee.

By Councilmember Haag
December 20, 2016

To the Council:

The Parks & Public Works Committee recommends for adoption the following entitled legislation:

Int. No. 451 - Amending the 2016-17 Budget of the Department of Environmental Services

Int. No. 452 - Authorizing an amendatory

agreement with T.Y. Lin International for the Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Project

Int. No. 453 - Authorizing an amendatory inter-municipal agreement for the Highland Park/Canalway Trail Improvements Project

Int. No. 454 - Authorizing an amendatory agreement with Erdman, Anthony and Associates, Inc. related to the 2015 Preventive Maintenance Group #2 Project (East/N & S Winton/University/Portland)

Int. No. 456 - Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$170,000 Bonds of said City to finance construction of a public overlook at the site of the former CSX Swing Bridge in the Port of Rochester

Int. No. 457 - Amending Ordinance No. 2015-365 with respect to the funding of an agreement for the Train Bridge Overlook Project

Int. No. 458 - Authorizing an amendatory agreement and ~~approving geometric changes~~ related to the Main Street Streetscape Wayfinding Enhancement project, as amended

Int. No. 459 - Continuing membership and use agreements with Rochester District Heating Cooperative, Inc. for the supply of thermal energy at various City buildings

The Parks & Public Works Committee recommends for consideration the following entitled legislation:

Int. No. 455 - Amending the Official Map by abandonment of a portion of Lundy's Lane

Respectfully submitted,
Matt Haag
Michael A. Patterson
Elaine M. Spaul
Dana K. Miller
Loretta C. Scott
PARKS & PUBLIC WORKS COMMITTEE

Received, filed, and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-403
Re: Budget Amendment -
Department of Environmental
Services

Transmitted herewith for your approval is legislation amending the revenue and expense of the 2016-17 Budget of the Department of Environmental Services to reflect receipt of a settlement from Clark Patterson Engineers, Surveyor, Architects and Landscape Architect, D.P.C. (Clark Patterson) in the amount of \$51,300 for Center City Signage repairs.

Ordinance No. 2002-4 authorized an agreement for

engineering design services for the Center City Signage Project. The signs were fabricated and installed in 2010 according to the plans and specifications of Clark Patterson. Beginning in 2013, design deficiencies related to the strength of the sign mountings resulted in several signs falling. Clark Patterson was notified of the problem and directed to prepare a corrective action plan and fund the repair of the deficient sign mountings.

The City negotiated a settlement with Clark Patterson Engineers, Surveyor, Architects and Landscape Architect, D.P.C. in the amount of \$51,300 to correct the deficiencies. The Monroe County Department of Transportation will be installing the signage under an existing term agreement authorized via Ordinance No. 2011-395.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-403
(Int. No. 451)

Amending the 2016-17 Budget of the Department of Environmental Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and expenses for the 2016-17 Budget of the Department of Environmental Services by \$51,300 to reflect receipt of that amount from Clark Patterson Engineers, Surveyor, Architects and Landscape Architect, D.P.C. as a settlement for Center City Signage repairs.

Section 2. This ordinance shall take effect immediately

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-404
Re: Amendatory Agreement -
T.Y. Lin International,
Charles Carroll Plaza and Genesee
Crossroads Parking Garage Roof
Slab Reconstruction Project

Council Priority: Creating and
Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Project. This legislation will:

1. Establish \$400,000 as maximum compensation for an amendatory agreement with T.Y. Lin International for additional planning, engineering and landscape architectural services for the Project, increasing total maximum

compensation to \$1,100,000.

2. Appropriate \$400,000 from anticipated reimbursements from the New York State Department of State (NYS DOS) through the 2015-16 Consolidated Funding Application, to finance a portion of the cost of the agreement. The cost of the agreement will be financed as follows:

<u>Source</u>	<u>Amount</u>
2012-13 Cash Capital	\$ 250,000
2013-14 Cash Capital	300,000
2014-15 Cash Capital	150,000
2015-16 NYS DOS Consolidated Funding Award	<u>400,000</u>
Total	\$1,100,000

The original agreement with T.Y. Lin International was authorized in March 2015 for maximum compensation of \$700,000 (Ord. No. 2015-71). In June 2015, the City submitted applications to and was authorized to enter into agreements with NYS for funding for the Project through the 2015-16 Consolidated Funding Application (Ord. No. 2015-179). In December 2015, the City was notified that it would receive \$400,000 in matching funds from the NYS DOS, for design services related to the Project.

The Charles Carroll Plaza, and the supporting Genesee Crossroads Parking Garage underneath it, are located on a prime waterfront parcel on the west side of the Genesee River in the city's Central Business District, between Andrews Street and Main Street. The Project will include the removal of portions of the plaza to perform structural repairs to the garage roof slab underneath, replace the slab waterproofing system, and reconstruct a new plaza. The Project team has done extensive public outreach during the conceptual design phase. Outreach to date includes Project Advisory Committee (PAC) meetings on December 10, 2015 and September 14, 2016; and Public Meetings on February 24, 2016 and November 10, 2016. Textizen (phone text) surveys and social media outreach through the City's Project web page and Facebook page were also used. More PAC and other public meetings will be held as the design progresses.

Planning and design services for the project began in summer 2015. It is anticipated that the final design will begin in fall 2016, and construction will begin in spring 2018, with Project completion in fall 2019. The current construction budget is \$5,100,000.

This amendatory agreement will result in the creation and/or retention of the equivalent of 4 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-217

Ordinance No. 2016-404
(Int. No. 452)

Authorizing an amendatory agreement with T.Y. Lin International for the Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into an amendatory agreement with T.Y. Lin International for planning, engineering and landscape architectural services for the Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Project. The amendatory agreement shall increase the maximum compensation that was authorized for the original agreement in Ordinance No. 2015-71 by \$400,000 to a total of \$1,100,000. The additional compensation shall be funded by \$400,000 in anticipated reimbursements from the New York State Department of State obtained through the 2015-16 Consolidated Funding Application, which amount is hereby appropriated for said purpose.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-405
Re: Amendatory Intermunicipal Agreement - Town of Brighton, Highland Park/Canalway Trail Improvements Project

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$17,140 as maximum compensation for an amendatory intermunicipal agreement with the Town of Brighton for additional design and construction services related to the Highland Park/Canalway Trail Improvements Project. The amendatory agreement increases maximum compensation from \$152,780 (Ord. No. 2015-329) to a total of \$169,920. This increase will be funded by \$922 in Prior Years' Cash Capital; \$9,555 in 2013-14 Cash Capital; \$2,448 in 2014-15 Cash Capital; and \$4,215 in 2016-17 Cash Capital.

This federally funded project will construct a multi-use neighborhood connector trail between the Canalway Trail south of Westfall Road in the Town of Brighton, and the east bank of the Genesee River and trail at McLean Street. The trail will connect neighborhoods in the Town of Brighton and the City of Rochester to the Canalway Trail and Genesee Riverway Trail, providing local and statewide trail users access to adjacent parks and open spaces. The Town of Brighton is administering the federal grant, design and construction of the project.

Ordinance No. 2008-300 authorized the initial intermunicipal agreement with the Town of Brighton and the project funding. The agreement was subsequently amended by Ordinance Nos. 2009-203, 2010-126, and 2015-329.

Design of the project is ongoing and anticipated to be complete in January 2017. Construction is anticipated to begin in spring 2017 with substantial completion in spring 2018. The amendatory agreement will create or retain a 0.2 full-time job.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-218

Ordinance No. 2016-405
(Int. No. 453)

Authorizing an amendatory intermunicipal agreement for the Highland Park/Canalway Trail Improvements Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into an amendatory agreement with the Town of Brighton to implement the Highland Park/Canalway Trail Improvements Project.

Section 2. The amendatory agreement shall increase the maximum compensation under the amendatory agreement authorized in Ordinance No. 2010-126 and revised by Ordinance No. 2015-329 by \$17,140 to a total of \$169,920 and the increase shall be funded by an additional \$922 from Prior Years' Cash Capital, \$9,555 in 2013-14 Cash Capital, \$2,448 in 2014-15 Cash Capital, and \$4,215 in 2016-17 Cash Capital.

Section 3. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-406
Re: Amendatory Agreement -
Erdman, Anthony and
Associates, Inc, 2015 Preventive
Maintenance Group #2 Project

Council Priority: Jobs and Economic
Development

Transmitted herewith for your approval is legislation establishing \$84,000 as maximum compensation for an amendatory agreement with Erdman, Anthony and Associates, Inc. for additional resident project representation (RPR) services related

to the 2015 Preventive Maintenance Group #2 Project (East Avenue /North and South Winton Road /University Avenue /Portland Avenue). The amendatory agreement will increase total maximum compensation to \$559,000, and will be funded by bonds previously issued for the Project (Ord. No. 2015-248).

The Project includes milling and resurfacing of the existing pavement's asphalt top course, new pavement markings, handicap ramp improvements, signal loop replacement and spot repairs to granite curb and concrete sidewalks as necessary.

Construction began in September 2015, during which additional work was found to be necessary. This included full depth excavation of miscellaneous material (cobble stone pavers) and road reconstruction on Portland Avenue south of Clifford Avenue to Lochner Street, and installation of additional granite curb and sidewalks on each of the streets within the Project limits. The added work increased the duration of construction from the original completion date of September 2016 to November 2016. The added construction duration requires additional RPR services by Erdman, Anthony and Associates, Inc.

The original agreement with Erdman, Anthony and Associates, Inc. was authorized via Ordinance No. 2015-247.

The amendatory agreement will result in the creation and/or retention of the equivalent of one full-time job.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-406
(Int. No. 454)

Authorizing an amendatory agreement with Erdman, Anthony and Associates, Inc. related to the 2015 Preventive Maintenance Group #2 Project (East/N & S Winton/University/Portland)

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into an amendatory agreement with Erdman, Anthony and Associates, Inc. for additional Resident Project Representation Services for the 2015 Preventive Maintenance Group #2 Project. The amendatory agreement shall increase the maximum compensation for the agreement authorized in Ordinance No. 2015-247 by \$84,000 to a total of \$559,000. The increase in compensation shall be funded by bonds previously authorized and appropriated for the project in Ordinance No. 2015-248. The term of the agreement may extend until one year after acceptance of the project.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-407
Re: Official Map Amendment -
Abandonment of Lundy's Lane
from Central Avenue to
Ormond Street

Transmitted herewith for your approval is legislation amending the Official Map by authorizing the proposed abandonment of Lundy's Lane between Central Avenue to Ormond Street, and for the sale of the fee title portions of the street to the applicant, House of Mercy.

A sale price of \$1,075 for the fee title portions of the street was determined through an independent appraisal conducted by Bruckner, Tillet, Rossi, Cahill & Associates on September 9, 2016. There is no Section-Block-Lot, or SBL, number associated with the parcels. Per the appraiser, the subject property is various portions of an existing road known as Lundy's Lane, and there is no parcel number associated with the roadway.

The House of Mercy applied for the map amendment to incorporate the resulting property for construction of security fencing, and to restrict unnecessary vehicle traffic near their facility.

The City Planning Commission, in its November 14, 2016 meeting, recommended approval of this abandonment by a vote of 6-0-0. Minutes of that meeting and the application are attached.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal is an Unlisted Action.

A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-219

Ordinance No. 2016-407
(Int. No. 455)

Amending the Official Map by abandonment of a portion of Lundy's Lane

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 changing and deleting therefrom the following described property, heretofore dedicated to street purposes and constituting a portion of Lundy's Lane:

LEGAL DESCRIPTION OF PROPOSED LANDS TO BE ABANDONED - LUNDY'S LANE

All that tract or parcel of land containing 0.272 acres, more or less, situated in The Sherman Tract, in the City of Rochester, County of Monroe, State of New York, all as shown on a map entitled, "Lundy's Lane Right of Way Abandonment" prepared by Passero Associates to be filed in the Monroe County Clerk's Office, and being more particularly described as follows:

Beginning at a point on the northerly right of way of Central Avenue (60' wide) at its intersection with the Westerly right of way line of Lundy's Lane thence,

1. North 03°14' 17" West, a distance of 588.50 feet to a point; thence,
2. North 58° 03' 36" East, a distance of 119.50 feet to a point; thence,
3. North 86° 05' 18" East a distance of 69.25 feet to a point of intersection with the westerly right of way line of Ormond Street (66' wide); thence,
4. South 03° 09' 54" East along said westerly right of way line a distance of 13.90 feet to a point; thence,
5. South 87° 05' 26" West a distance of 65.80 feet to a point; thence,
6. South 56° 45' 19" West a distance of 106.52 feet to a point; thence,
7. South 03° 14' 17" East a distance of 580.00 feet to a point of intersection with the aforementioned northerly right of way line of Central Avenue; thence,
8. South 87° 05' 26" West along said northerly right of way line a distance of 16.00 feet to the point of beginning.

Section 2. The Council hereby approves the negotiated sale of said abandoned property to the House of Mercy, Inc., the owner of an adjoining parcel of property, for \$1,075.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-408 and
Ordinance No. 2016-409
Re: Bond Authorization and Amending
Ordinance No. 2015-365 - Train
Bridge Overlook Project

Transmitted herewith for your approval is legislation related to Train Bridge Overlook Project. This

legislation will:

1. Authorize the issuance of \$170,000 of bonds and the appropriation of the proceeds thereof to finance the construction of the Train Bridge Overlook Project. The Project provides for the design and construction of a public overlook on the City-owned remnant abutment of the former CSX Swing Bridge on the Genesee River in the Port of Rochester.
2. Amend Ordinance No. 2015-365, an agreement with LaBella Associates, DPC for design and resident project representation (RPR) services for the Project, by reducing funding from the New York State Department of State (NYS DOS) Local Waterfront Revitalization Program (LWRP) grant by \$15,000 (from \$60,000 to \$45,000) and increasing funding by \$15,000 from the bonds appropriated herein.

In May 2015, City Council authorized the receipt and use of a \$200,000 grant from the NYS DOS for the LWRP, of which the Train Bridge Overlook Project is a component (Ord. No. 2015-139). Design, construction administration and commissioning services were provided under authorized engineering mechanical/electrical/plumbing term contract services (Ord. No. 2014-346). Current funding for the Train Bridge Overlook Project is as follows:

	<u>Design Including RPR</u>	<u>Construction</u>	<u>Contingency</u>	<u>Total</u>
NYS DOS Grant (Ord. No. 2015-139)	\$45,000	\$130,500	\$24,500	\$200,000
2015-16 Cash Capital	30,000	-	-	30,000
Debt to be issued herein	<u>15,000</u>	<u>130,500</u>	<u>24,500</u>	<u>170,000</u>
Total	<u>\$90,000</u>	<u>\$261,000</u>	<u>\$49,000</u>	<u>\$400,000</u>

Construction is scheduled to begin in spring 2017 and be completed by summer 2017. The bond appropriation will result in the creation and/or retention of the equivalent of 1.8 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-220

Ordinance No. 2016-408
(Int. No. 456)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$170,000 Bonds of said City to finance construction of a public overlook at the site of the former CSX Swing Bridge in the Port of Rochester

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 constructing a public overlook on the City-owned remnant abutment of the former CSX Swing Bridge on the west bank of the Genesee River in the Port of Rochester (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 \$400,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$170,000 bonds of the City authorized herein, \$200,000 in a grant from the New York State Department of State authorized by Ordinance No. 2015-139, \$30,000 in 2015-16 Cash Capital authorized by Ordinance 2015-365 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 \$170,000 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 \$170,000. 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. 19. of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law

and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2016-409
(Int. No. 457)

Amending Ordinance No. 2015-365 with respect to the funding of an agreement for the Train Bridge Overlook Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 1 of Ordinance No. 2015-365 is hereby amended to read in its entirety as follows:

Section 1. The sum of \$90,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and LaBella Associates DPC, 300 State Street, Suite 201, Rochester, New York 14614 for design and resident project representation services for the Train Bridge Overlook Project located on the west bank of the Genesee River at the Port of Rochester (the "Project"). Said amount shall be funded by ~~\$60,000~~ \$45,000 appropriated to the Project in Ordinance No. 2015-139, ~~and \$30,000 from 2015-16 Cash Capital and \$15,000 from the proceeds of City bonds to be authorized and appropriated for the Project.~~

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-410
Re: Main Street Streetscape and
Pedestrian Wayfinding
Enhancement

Council Priority: Creating and
Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Main Street Streetscape and Pedestrian Wayfinding Enhancement project. This legislation will:

1. Establish \$250,000 as maximum compensation for an amendatory agreement with Stantec Consulting Services Inc., Rochester, New York, for additional design services for the Project; and
2. Authorize the attached geometric changes to East Main Street between St. Paul Street and Franklin Street and to Franklin Street between East Main Street and Liberty Pole Way.

This federal and New York State aid project will result in streetscape enhancements along Main Street between St. Paul Street / South Avenue and Franklin Street / East Avenue, including the Liberty Pole Plaza. The pedestrian wayfinding signage will

extend the length of Main Street from Ford Street to University Avenue.

Stantec Consulting Services Inc. was selected through a request for proposal process that solicited design and construction inspection services. The initial agreement, for design only, was authorized in June 2015 (Ord. No. 2015-196) for maximum compensation of \$318,000. Subsequent to the execution of the agreement, the City received a \$2,000,000 grant through the Dormitory Authority of the State of New York (DASNY). The additional design fees are commensurate with the effort required to design to the new project budget. The cost of the agreement will be financed as follows:

<u>Source</u>	<u>Amount</u>
2011-12 Debt (Ord. No. 2015-197)	\$106,000
2014-15 federal TAP* Grant (Ord. No. 2015-197)	199,000
2016-17 federal TAP* Grant (Ord. No. 2016-374)	6,600
2016-17 DASNY Grant (Ord. No. 2016-374)	243,400
2015-16 Private contributions (Ord. No. 2015-196)	<u>13,000</u>
Total	<u>\$568,000</u>

* Transportation Alternatives Program

The agreement may extend until three months after completion and acceptance of a two year guarantee inspection of the project.

The proposed pavement width changes will provide recessed parking along the length of the Main Street corridor, adding an additional 38 spaces. An additional 18 curb-side spaces will be added to Franklin Street.

A public informational meeting was held on November 28, 2016. A copy of the minutes of this meeting are attached. The pavement width changes were endorsed at the November 15, 2016 Traffic Control Board meeting.

Design of the project is underway. Construction is anticipated to begin in spring 2017 with completion in fall 2017. The additional design phase funds of this project will result in the creation and/or retention of the equivalent of 2.7 full-time jobs.

A public hearing on the pavement width changes is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-221

Ordinance No. 2016-410
(Int. No. 458, as amended)

Authorizing an amendatory agreement and approving geometric changes related to the Main Street Streetscape Wayfinding Enhancement project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into an amendatory professional services agreement with Stantec Consulting Services Inc. for additional design services related to the Main Street Streetscape and Pedestrian Wayfinding Enhancement project (the Project). The amendatory agreement shall increase the maximum compensation for the original agreement authorized in Ordinance No. 2015-196 by \$250,000 to a total of \$568,000. The increase in compensation shall be funded by portions of the grants previously appropriated to the Project in Ordinance No. 2016-374, including \$6,600 from the Federal Highway Administration and \$243,400 from the Dormitory Authority of the State of New York. The term of the amendatory agreement may extend until three months after completion and acceptance of a two year guarantee inspection of the Project.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. ~~In furtherance of the Project, Council hereby approves the following pavement width changes on East Main Street between St. Paul Street and Franklin Street and to Franklin Street between East Main Street and Liberty Pole Way:~~

~~Pavement width changes on East Main Street from St. Paul Street/ South Avenue to East Avenue/ Franklin Street to accommodate 8 feet recessed parking:~~

- ~~a. Decrease of 8 feet, along south side of E. Main Street, beginning 37 feet east of South Avenue and continuing 10 feet eastward; and~~
- ~~b. Increase of 8 feet, along the north side of E. Main Street, beginning 65 feet east of St. Paul Street and continuing 236 feet eastward; and~~
- ~~c. Increase of 8 feet, along the south side of E. Main Street, beginning 63 feet west of S. Clinton Avenue and continuing 195 feet westward; and~~
- ~~d. Increase of 8 feet, along the north side of E. Main Street, beginning 50 feet west of N. Clinton Avenue and continuing 205 feet westward; and~~
- ~~e. Decrease of 9 feet, along the south side of E. Main Street, beginning 32 feet east of S. Clinton Avenue and continuing 10 feet eastward; and~~
- ~~f. Increase of 8 feet, along the north side of E. Main Street, beginning 60 feet east of N. Clinton Avenue and continuing 135 feet eastward; and~~
- ~~g. Increase of 8 feet, along the north side of E. Main Street, beginning 30 feet west of Franklin Street and extending 190 feet westward.~~

~~Pavement width changes on Franklin Street from E. Main Street to Liberty Pole Way:~~

- ~~a. Decrease of 1.4 feet from 41.4 feet to 40 feet, along the southwest side of Franklin Street, beginning at Main Street and extending 177 feet northwest.~~

~~Section 4. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.~~

~~Section 5. This ordinance shall take effect immediately.~~

Strikeout indicates deleted text

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-411
Re: Agreements - Rochester District Heating Cooperative, Inc., Thermal Energy at Various City-Owned Buildings

Transmitted herewith for your approval is legislation authorizing membership and use agreements with the Rochester District Heating Cooperative, Inc. (RDHC) for various City buildings.

On September 3, 1985, City Council authorized a franchise for RDHC for the operation and maintenance of a steam distribution system in the Center City. The system, formerly operated by the Rochester Gas & Electric Company, was acquired by RDHC at public auction on September 23, 1985. The City's membership in RDHC was authorized by Council on September 26, 1985 via Ordinance No. 1985-395 and extended via Ordinance No. 2000-307 to September 30, 2015.

At present, RDHC has 28 members with 46 buildings, to which it provides 270 million pounds of steam annually.

This legislation will extend the membership and use agreements with RDHC for the Blue Cross Arena at the War Memorial, City Hall and Genesee Crossroads Parking Garage through December 20, 2030, and for the Public Safety Building through October 31, 2031.

These buildings use approximately 14,638,000 pounds of steam annually at a cost of about \$412,800.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-411
(Int. No. 459)

Continuing membership and use agreements with Rochester District Heating Cooperative,

Inc. for the supply of thermal energy at various City buildings

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to continue the City's membership and use agreements initially approved in Ordinance No. 1985-395 and extended in Ordinance No. 2000-307 with Rochester Heating Cooperative, Inc. for the supply of thermal energy for the Blue Cross Arena at the War Memorial, City Hall, and Genesee Crossroads Parking Garage through December 20, 2030 and for the Public Safety Building through October 31, 2031.

Section 2. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
December 20, 2016

To the Council:

The Public Safety, Youth & Recreation Committee recommends for adoption the following entitled legislation:

Int. No. 460 - Authorizing an agreement for a Bomb Squad Initiative grant

Int. No. 461 - Authorizing an agreement for a Video Equipment grant

Int. No. 462 - Authorizing an agreement and funding for an Animal Services innovation program

Int. No. 463 - Amending Ordinance No. 2016-284 with respect to an agreement for the relocation of loading docks related to the Public Market Winter Shed Renovation and Expansion Project

Respectfully submitted,
Adam C. McFadden
Molly Clifford
Matt Haag
Dana K. Miller
Loretta C. Scott
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed, and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-412
Re: Agreement - New York State Division of Homeland Security and Emergency Services, 2016 Bomb Squad Initiative Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Homeland Security and Emergency Services for the receipt and use of \$150,000 from a 2016 Bomb Squad Initiative Grant.

These funds will be used to purchase a replacement vehicle used for the transportation of Bomb Squad equipment, a small robot, a bomb suit, an evacuation sled and training in electronics hand entry.

The Police Department has received this grant for more than 10 years. The term of the grant is September 1, 2016 through August 31, 2019. No matching funds are required.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-412
(Int. No. 460)

Authorizing an agreement for a Bomb Squad Initiative grant

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into an agreement with the New York State Division of Homeland Security and Emergency Services for the Rochester Police Department's receipt and use of a 2016 Bomb Squad Initiative grant in the amount of \$150,000. The term of said agreement shall extend from September 1, 2016 through August 31, 2019.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-413
Re: Agreement - New York State
Division of Criminal Justice
Services, Video Equipment Grant

Council Priority: Public Safety

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 \$55,751 from a Video Equipment Grant.

This funding will allow the Police Department to purchase video recording equipment for interview rooms in the Clinton section and to add a 6 terabyte disk drive to the video server to enhance the storage

of video records.

The term of this grant is October 1, 2016 through September 30, 2017. No matching funds are required.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-413
(Int. No. 461)

Authorizing an agreement for a Video Equipment grant

Section 1. The Mayor is hereby authorized to enter the City into an agreement with the New York State Division of Criminal Justice Services for the Rochester Police Department's receipt and use of \$55,751 for a Video Equipment grant. The term of said agreement shall extend from October 1, 2016 through September 30, 2017.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-414
Re: Agreement - Maddie's Fund,
Animal Services Innovation Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an agreement with Maddie's Fund for the receipt and use of \$5,000 from the Maddie's Fund Innovation Grant, and amending the 2016-17 Budget of the Police Department by this amount.

The goal of this grant is to help owners retain their pets by providing assistance that will keep pets safe and secure in their homes. By offering such support, the hope is to reduce the intake of pets with medical or behavioral concerns to the shelter. These funds will be used to buy supplies, such as collars, leashes, identity tags and cable tie-outs, to assist pet owners in the City with retaining their pets.

The term of this grant is November 1, 2016 through October 31, 2017.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-414
(Int. No. 462)

Authorizing an agreement and funding for an

Animal Services innovation program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter the City into an agreement with Maddie's Fund, a charitable foundation, for the receipt and use of a \$5,000 innovation grant to Rochester Animal Services. The term of the agreement shall be from November 1, 2016 through October 31, 2017.

Section 2. The grant agreement authorized herein shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby amended by increasing the revenue estimates and appropriations of the Budget of the Police Department by \$5,000 to reflect said innovation grant.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-415
Re: Amending Ordinance No.
2016-284 - Public Market Winter
Shed Renovation and Expansion
Project

Transmitted herewith for your approval is legislation amending Ordinance No. 2016-284 which established maximum compensation for Big Apple Deli Products, Inc. to relocate their loading docks to accommodate the Public Market Winter Shed Renovation and Expansion Project. This amendment will reduce maximum compensation by \$30,000, from \$130,000 to \$100,000. It also removes the funding source of 2014-15 Community Development Block Grant (CDBG) Economic Development Financial Assistance Loan and Grant allocation of the Promote Economic Stability Fund (\$50,000); reduces the appropriation of 2013-14 Cash Capital by \$6,194, from \$14,170 to \$7,976; and adds 2016-17 Cash Capital (\$26,194).

CDBG funds are no longer applicable to this project due to a change in Big Apple Deli Products' business model. The cost estimate for relocating the loading docks has been adjusted to reflect the elimination of federal funding, which triggers local prevailing wage rates under the Davis- Bacon Act.

City Council approved funding for the Public Market Winter Shed Renovation and Expansion Project in January 2012 via Ordinance No. 2012-53. The primary elements of the Project are the demolition of the existing Wintershed and the reconstruction of an expanded shed and new restrooms at approximately the same location within the Public Market. The expanded shed will impact Big Apple Deli Products' access to five of their current loading

docks. This amendment will assist with the cost of constructing two new replacement docks.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-415
(Int. No. 463)

Amending Ordinance No. 2016-284 with respect to an agreement for the relocation of loading docks related to the Public Market Winter Shed Renovation and Expansion Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Sections 1 and 2 of Ordinance No. 2016-284 are hereby amended to read in their entirety as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Big Apple Deli Products, Inc. for the relocation of their loading docks due to the Public Market Winter Shed Renovation and Expansion Project. The sum of ~~\$130,000~~ \$100,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid under the agreement, and shall be funded from Prior Years' Cash Capital (\$25,000), ~~2013-14 Cash Capital (\$14,170)~~ 2013-14 Cash Capital (\$7,976), ~~2014-15 Cash Capital (\$40,830), and Community Development Block Grant 2014-15, ED Financial Assistance Loan and Grant allocation of the Promote Economic Stability Fund (\$50,000)~~ 2016-17 Cash Capital (\$26,194).

Section 2. This agreement shall have a term of one year and shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

The meeting was adjourned at 8:16 p.m.

HAZEL L. WASHINGTON
City Clerk

* * * * *

**ITEMS HELD IN COMMITTEE AS OF
DECEMBER 31, 2016**

Held February 25, 2016

Int. No. 62 - Authorizing intermunicipal agreement for Pathways to Peace program Public Safety, Youth & Recreation Committee

Held March 22, 2016

Int. No. 85 - Resolution approving appointment to the Zoning Board of Appeals Neighborhood & Community Development Committee

Int. No. 89 - Resolution amending the Policy for the Sale of City Owned Real Property to Tax-Exempt Organizations Neighborhood & Community Development Committee

Held June 9, 2016

Int. No. 251 - Authorizing an agreement with ACME Powerwashing, Inc. for light maintenance services at City parking garages Finance Committee

Held July 12, 2016

Int. No. 268 - Local Law amending the City Charter to establish an Office of Inspector General Finance Committee

Held August 9, 2016

Int. No. 300 - Amending Chapter 63 of the Municipal Code with regard to housing discrimination on the basis of source of income Finance Committee

Held September 14, 2016

Int. No. 345 - Approving geometric changes to Arnett Boulevard related to the 2017 Preventive Maintenance Group 5 Project Parks & Public Works Committee

Held November 15, 2016

Int. No. 403 - Authorizing an amendatory agreement with Rochester Housing Development Fund Corporation for the Home Rochester Program Neighborhood & Community Development Committee

Held December 20, 2016

Int. No. 437 - Authorizing an amendatory agreement for the Red Light Camera Program Finance Committee

Int. No. 450 - Authorizing a lease agreement with Alexander Realty LLC for the Municipal Parking and Code Violations Bureau Neighborhood & Community Development Committee

INDEX 2016
ABBREVIATIONS

Acq. - Acquire, Acquisition	L.L. - Local Law
Adj. - Adjourned	Lftd. - Lifted
Admin. - Administration, Administrative	Litig. - Litigation
Adpt. - Adopt, Adopted	Maint. - Maintenance
Amend. - Amendatory, Amending, Amendment	Max. - Maximum
Appl. - Application(s)	Mgr. - Manager
Approp. - Appropriate, Appropriating	Mkt. - Market
Approv. - Approving	Mun. - Municipal
Appt(s). - Appoint, Appointment(s)	Ofc. - Office
Assist. - Assistance	Off. - Official
Auth. - Authority, Authorize	Ord. - Ordinance
Bldg. - Building	Pav. - Pavement
CHDO - Community Housing Development Organization	Pk. - Park
Class. - Classification	Proj. - Project
Comm. - Commercial, Commission, Committee, Community	Pssd. - Passed
Comp. - Compensation	Pub. - Public
Constr. - Construction	Purch. - Purchase
Ctr. - Center	R.E. - Real Estate
Demon. - Demonstration	R.O.W. - Right-of-Way
Dev. - Development	Rec. - Recreation
Dist. - District	Rehab. - Rehabilitate, Rehabilitation
Est(s). - Estimate(s)	Rej. - Reject
Ext. - Extension	Renew. - Renewal
Facil. - Facilities	Resi. - Residential
FY - Fiscal Year	Reso. - Resolution
Gar. - Garage	Rev. - Revenue
Gov. - Government	Roch. - Rochester
Hear. - Hearing	Svs. - Services
Incr. - Increase	Tbld. - Tabled
Indus. - Industrial	Tech. - Technology
Int. - Introductory	Tr. - Transmittal
L.I.O. - Local Improvement Ordinance	Var. - Various
	Wid. - Width
	Zon. - Zoning

183 EAST MAIN ST LLC

Auth. loan agreement for Lincoln Alliance Bldg. Proj. and amend. Ord. No. 2011-145, Tr. letter, 430, Pssd., 431

2STRIVE MEDIA, INC.

Auth. amend. agreement with 2Strive Media, Inc. to increase max. comp. for booking and production svcs. for 2016 Roch. SummerFest, Tr. letter, 174, Pssd., 175

Auth. agreement for 2017 Roch. SummerFest, Tr. letter, 390, Pssd., 390

-A-

AC CENTER, INC.

Auth. agreements and approp. funds for Housing Opportunities for Persons with AIDS Program, Tr. letter, 194, Pssd., 196

ABUNDANT LIFE FAITH CENTER, INC.

Auth. agreement with Abundant Life Faith Ctr., Inc., for job training and placement program, Tr. letter, 150, Pssd., 151

ACME POWERWASHING, INC.

Auth. agreement with Acme Powerwashing, Inc. for light maint. svcs. at City parking garages, Tr. letter, 241, Held, 241

ACTION FOR A BETTER COMMUNITY, INCORPORATED

Approp. funds and auth. agreements for 2016 Lead Hazard Control Grant Program, Tr. letter, 138, Pssd., 140

Auth. agreements for 2016-17 Street Liaison Program, Tr. letter, 322, Held, 322, Pssd., 359

Auth. approp. of Comm. Dev. Block Grant funds and agreements for Targeted Housing Rehab. and Window Replacement programs, Tr. letter, 441, Pssd., 443

ADVERTISEMENTS

Auth. agreement for Public Bikeshare System and amend. Chapter 35 of Mun. Code with respect to advertisements at System stations, Tr. letter, 421, Pssd., 422

AEON NEXUS CORPORATION

Auth. amend. agreement with Aeon Nexus Corp. to implement Customer Relationship Management solution for Operation Transformation Roch. Adult Employment Svcs., Tr. letter, 470, Pssd., 471

AGING IN PLACE HOME MODIFICATION PROGRAM

Auth. agreement and approp. funds for Aging in Place Home Modification Program, Tr. letter, 193, Pssd., 194

AIR HANDLER REPLACEMENTS

Auth. amend. agreement with LaBella Assoc., D.P.C. for design and const. admin. svcs. for additional air handler replacements in City Hall, Tr. letter, 447, Pssd., 447

ALEXANDER REALTY LLC

Auth. lease agreement with Alexander Realty LLC for Municipal Parking and Code Violations Bureau, Tr. letter, 480, Held, 480

ALEXANDER STREET

Auth. special work and svcs. related to South Ave./Alexander St. Open Space Dist. LIO No. 1537, Tr. letter, 141, Pssd., 142

ALL PRO MULTIMEDIA, LLC

Auth. professional svcs. agreement with All Pro Multimedia, LLC related to Champion Academy Mentoring and Empowering Initiative, Tr. letter, 309, Pssd., 309

ALLEN STREET

Bond Ord. auth. issuance of \$650,000 Bonds to finance reconstruction of certain portions of N. Goodman St., E. Main St., Allen, Brown and Wilder Streets and Morrie Silver Way related to 2016 Preventive Maint., Group #3 proj., Tr. letter, 337, Pssd., 340

ALLPRO PARKING

Auth. amend. agreement with Allpro Parking for customer service staffing of City parking garages, Tr. letter, 231, Pssd., 231

ALTERNATIVES FOR BATTERED WOMEN, INC.

Auth. agreements and approp. funds for Emergency Solutions Grant Program and amend. Ord. Nos. 2016-362 and 2016-363 with respect to Emergency Assistance Repair Program, Tr. letter, 478, Pssd., 479

AMERICAN TAX FUNDING, LLC

Auth. bulk sale of delinquent tax liens, Tr. letter, 89, Pssd., 90

AMERICORPS

Agreement related to support of previous AmeriCorps VISTA member, Tr. letter, 140, Pssd., 140

Agreement relating to support of AmeriCorps VISTA Program, Tr. letter, 140, Pssd., 141

Auth. agreement for Flower City AmeriCorps Program, Tr. letter, 382, Pssd., 383

AMES STREET

Auth. agreement with Hunt Engineers, Architects & Land Surveyors, P.C., for resident proj. representation svcs. and approp. funds for 2016 Preventive Maint. Group #2, Tr. letter, 248, Pssd., 249

Bond Ord. auth. issuance of \$252,000 Bonds to finance milling and resurfacing of certain portions of Ames St., Buffalo Rd., W. Main St. and West Ave. related to 2016 Preventive Maint. Group #2 Proj., Tr. letter, 248, Pssd., 250

ANIMAL SERVICES

Establishing max. comp. and approp. funds for veterinary svcs., Tr. letter, 268, Pssd., 268

Auth. agreement and funding for Animal Svcs. innovation program, Tr. letter, 489, Pssd., 490

ANSBROW, WILLIAM J.

Reso. nominating var. persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 58, Held, 59, Adpt., 169

APPRAISAL SERVICES

Auth. amend. agreements and approp. additional funds for real estate appraisal svcs., Tr. letter, 59, Pssd., 60

Auth. agreements for appraisal and real estate-related svcs. for Dept. of Neighborhood and Business Dev., Tr. letter, 243, Pssd., 244

Auth. professional svcs. agreements for appraisal and real estate svcs., Tr. letter, 276, Pssd., 276

ARCHITECTURA, P.C. ARCHITECTS

Auth. agreement with Architectura, P.C. Architects for architectural svcs., Tr. letter, 81, Pssd., 82

Auth. amend. agreement with Architectura, P.C. for architectural and engineering svcs., Tr. letter, 450, Pssd., 450

ARCHITECTURAL SERVICES

Auth. amend. agreement with Clark Patterson Engineers, Surveyor, Architect and Landscape Architect, DPC, Tr. letter, 41, Pssd., 42

Auth. agreement with Architectura, P.C. Architects for architectural svcs., Tr. letter, 81, Pssd., 82

Amend. 2015-16 Budget and funding source for architectural svcs., Tr. letter, 91, Pssd., 92

Amend. Ord. No. 2015-128 related to Annual Parking Garage Evaluation and Repair Program, Tr. letter, 144, Pssd., 146

Bond Ord. auth. issuance of \$600,000 Bonds to finance costs of architectural and design svcs. and constr. of new Roch. Police Dept. Auto Pound Admin. Bldg., Tr. letter, 136, Pssd., 147

Auth. agreement with Stantec Consulting Svcs., Inc. for architectural and engineering design for Public Safety Bldg. generator upgrade, Tr. letter, 215, Pssd., 215

Auth. professional svcs. agreement with Edge Architecture, PLLC, for architectural, engineering design and resident proj. representation svcs., Tr. letter, 300, Pssd., 301

Auth. amend. agreement with Architectura, P.C. for architectural and engineering svcs., Tr. letter, 450, Pssd., 450

ARNETT BOULEVARD

Approv. geometric changes to Arnett Blvd. related to 2017 Preventive Maint. Group 5 Proj., Tr. letter, 370, Held, 371

Approv. geometric changes on Arnett Blvd. related to 2017 Preventive Maint. Group 5 Proj., Tr. letter, 446, Pssd., 447

ARNOLD PARK

L.I.O. - care and embellishment of street malls for 2016-2017, Tr. letter, 158, Pssd., 159

ARTS & CULTURE IN THE CENTER CITY COMMITTEE

Reports of, 462

ARTWORK

Approp. funds for Quadrant Planning Support Program, Tr. letter, 100, Pssd., 101

Approp. for Mural Arts Proj., Tr. letter, 347, Pssd., 348

ASSESSMENT REVIEW, BOARD OF

Reso. approv. appts. to Board of Assessment Review, Tr. letter, 472, Adpt., 472

ASSESSMENTS

Determining and certifying base proportions, current percentages, and base percentages for 2016 Assessment Roll, Tr. letter, 175, Pssd., 176

Determining and certifying adjusted base proportions, assessed value, and net changes in assessed value for 2016 Assessment Roll, Tr. letter, 175, Pssd., 177

Confirming assessments, amounts and charges to be inserted in annual tax rolls for fiscal year commencing July 1, 2016 and expiring June 30, 2017, Tr. letter, 232, Pub. hear., 225, Pssd., 236

AUCTIONEER SERVICES

Auth. agreements for auctioneer svcs., Tr. letter, 9, Pssd., 11

AUDIT SERVICES

Auth. amend. audit svcs. agreement with Freed Maxick CPAs, P.C., Tr. letter, 240, Pssd., 241

AUTO POUND

Amend. Ord. No. 2015-128 related to Annual Parking Garage Evaluation and Repair Program, Tr. letter, 144, Pssd., 146

Bond Ord. auth. issuance of \$600,000 Bonds to finance costs of architectural and design svcs. and constr. of new Roch. Police Dept. Auto Pound Admin. Bldg., Tr. letter, 136, Pssd., 147

AUTOMATED VEHICLE LOCATOR/WEATHER SENSOR INTELLIGENT TRANSPORTATION SYSTEM

Auth. amend. agreement with Reltronics Technologies, Inc. for automated vehicle locator/weather sensor intelligent transportation system, Tr. letter, 445, Pssd., 445

AVIS STREET

Auth. pav. width changes to Avis St., Tr. letter, 217, Held., 218, Pssd., 296

-B-

BADEN PARK

Approp. funds related to infrastructure and playground improvements, Tr. letter, 41, Pssd., 41

BADEN STREET SETTLEMENT OF ROCHESTER, INC.

Auth. agreement with Baden St. Settlement, Inc., Tr. letter, 152, Pssd., 153

Auth. amend. agreements and approp. funds for Summer of Opportunity Program, Tr. letter, 221, Pssd., 222

Auth. agreements for Teenage Pregnancy Prevention Program, Tr. letter, 269, Pssd., 270

Auth. amend. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 270, Pssd., 271; Tr. letter, 350, Pssd., 351

Auth. agreement for Environmental Workforce Dev. and Job Training Program grant and revision to Comprehensive Adolescent Pregnancy Prevention Program agreement, Tr. letter, 423, Pssd., 424

Auth. amend. agreements and funding for Federal Teenage Pregnancy Prevention Program, Tr. letter, 456, Pssd., 457

Auth. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 458, Pssd., 459

BALL, JUANITA

Reso. nominating var. persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 58, Held, 59, Adpt., 169

BANKING DEVELOPMENT DISTRICTS

Reso. endorsing Five Star Bank's applications to establish two Banking Dev. Districts, Tr. letter, 133, Pssd., 134

BARNETT ASSOCIATES, INC.

Establishing max. comp. for professional svcs. agreement for admin. of unemployment insurance claims, Tr. letter, 228, Pssd., 229

BEARDSLEE, DEBORAH

Approv. appts. and reappointments to Roch. Preservation Board, Tr., letter, 200, Approv., 201

BERGMANN ASSOCIATES, P.C.

Auth. amend. agreement with Bergmann Assoc., P.C. related to Promenade at Erie Harbor Park, Tr. letter, 70, Pssd., 71

Auth. amend. agreement with Bergmann Assoc. related to Dewey/Driving Park Ave. Intersection Realignment Proj., Tr. letter, 148, Pssd., 149

Auth. amend. agreement with Bergmann Assoc., P.C. to provide geographic information system ("GIS") svcs., Tr. letter, 150, Pssd., 150

Auth. agreements and funding and conveying and modifying easements for Promenade at Erie Harbor Park, Tr. letter, 262, Held, 266, Pssd., 296

Auth. professional svcs. agreement with Bergmann Assoc., Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for engineering design and resident proj. representation svcs., Tr. letter, 299, Pssd., 299

Auth. amend. professional svcs. agreement for Mt. Hope Ave. Phase 2 Improvements proj., Tr. letter, 303, Pssd., 304

Auth. amend. professional svcs. agreement and approp. funds for Mt. Hope Ave. Phase 2 Improvements, Tr. letter, 335, Pssd., 336

Auth. amend. agreement with Bergmann Assoc. for planning, design and engineering svcs., including preparation of application for federal Transportation Investment Generating Economic Recovery grant, Tr. letter, 336, Pssd., 337

Auth. amend. agreement and funding for

Hincher Group Street Improvement Proj., Tr. letter, 372, Pssd., 373

Auth. agreement with Bergmann Assoc., Architects, Engineers, Landscape Architects & Surveyors, D.P.C. relating to Milling and Resurfacing Projects, Tr. letter, 414, Pssd., 415

Auth. agreement with Bergmann Assoc., Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for water system map modernization, Tr. letter, 468, Pssd., 468

BEST, JAMES

Approv. appointments and reappointments to Zoning Board of Appeals, Tr. letter, 197, Adpt., 198

BICYCLES

Auth. agreement for 2016 Roch. Twilight Criterium, Tr. letter, 120, Pssd., 121

Auth. agreement for Public Bikeshare System and amend. Chapter 35 of Mun. Code with respect to advertisements at System stations, Tr. letter, 421, Pssd., 422

BIG APPLE DELI PRODUCTS, INC.

Auth. agreement with Big Apple Deli Products, Inc. for relocation of loading docks related to Public Mkt. Winter Shed Renovation and Expansion Proj., Tr. letter, 351, Pssd., 352

BIVONA CHILD ADVOCACY CENTER

Auth. lease with Bivona Child Advocacy Ctr. and receipt and approp. of Federal asset forfeiture funds for Roch. Police Dept., Tr. letter, 83, Pssd., 84

BLUE CROSS ARENA AT THE WAR MEMORIAL

Establishing max. comp. for professional svcs. agreement for ticket sales and box office management of City-produced events, Tr. letter, 87, Pssd., 87

Auth. amend. agreement for economic analysis of renovation options for Blue Cross Arena, Tr. letter, 135, Pssd., 136

Amend. City Charter with respect to responsibilities for City facilities, Tr. letter, 232, Pssd., 238

Auth. extensions of existing agreements and entry into new agreements for management of Blue Cross Arena at the War Memorial and for leasing of Mun. Lot #10, Tr. letter, 381, Pssd., 382

BOARD OF ASSESSMENT REVIEW

Reso. approv. appts. to Board of Assessment Review, Tr. letter, 472, Adpt., 472

BOARD OF ETHICS

Reso. approv. appt. to Board of Ethics, Tr. letter, 227, Adpt., 227

BOARDS AND COMMISSIONS POLICY

Reso. adopting policy regarding City boards and commissions, Tr. letter, 315, Adpt., 316

BODY WORN CAMERAS

Auth. agreement related to body worn cameras, Tr. letter, 54, Pssd., 55

BOMB INITIATIVE GRANT

Auth. agreement for Bomb Squad Initiative grant, Tr. letter, 488, Pssd., 489

BONDS AND NOTES

Bond Ord. auth. issuance of \$1,220,000 Bonds to finance costs of 2016 Broad St. Bridge Preventive Maint. Proj., Tr. letter, 42, Pssd., 45

Bond Ord. auth. issuance of \$224,000 Bonds to finance costs of Broad & Allen Firehouse fuel tank replacement, Tr. letter, 45, Pssd., 46

Bond Ord. auth. issuance of \$4,076,000 Bonds to finance portion of costs of Public Mkt. Winter Shed Renovation and Expansion Proj., Tr. letter, 71, Pssd., 74

Bond Ord. auth. issuance of \$490,000 Bonds to finance portion of City's Cured in Place Pipe Proj. of Distribution System Water Main Renewal Program, Tr. letter, 75, Pssd., 76

Bond Ord. auth. issuance of \$1,000,000 Bonds to finance portion of City's 2016 Water Main Cleaning and Lining Proj. of Distribution System Water Main Renewal Program, Tr. letter, 76, Pssd., 78

Bond Ord. auth. issuance of \$988,200 Bonds to finance portion of City's Water Mains Extensions and Improvements Proj. of the Distribution System Water Main Renewal Program, Tr. letter, 78, Pssd., 79

Bond Ord. auth. issuance of \$158,000 Bonds to finance cost of design and constr. of replacement of HVAC system at City's Indoor Pistol Range, Tr. letter, 79, Pssd., 80

Bond Ord. auth. issuance of \$12,592,000 Bonds to finance cost of constr. and renovation of var. public school bldgs. within the City, Tr. letter, 93, Pssd., 94

Bond Ord. auth. issuance of \$1,300,000 Bonds to finance portion of costs of continuation of City Demolition Program, Tr. letter, 101, Pssd., 102

Bond Ord. auth. issuance of \$300,000 Bonds to finance portion of costs of Phase IIIC of Dr. Martin Luther, Jr. Memorial Park Improvement Proj., Tr. letter, 109, Pssd., 111

Bond Ord. auth. issuance of \$1,168,000 Bonds to finance certain costs of Southeast Quadrant Hazardous Sidewalk Repairs, Tr. letter, 143, Pssd., 144

Bond Ord. amend. Ord. No. 2015-395 and auth. issuance of \$300,000 Bonds to finance certain costs of 2016 Annual Parking Evaluation and Repair Program, Tr. letter, 144, Pssd., 146

Bond Ord. auth. issuance of \$600,000 Bonds to finance costs of architectural and design svcs. and constr. of new Roch. Police Dept. Auto Pound Admin. Bldg., Tr. letter, 136, Pssd., 147

Bond Ord. auth., issuance of not to exceed \$24,000,000 General Obligation Refunding Serial Bonds to refund outstanding portion of City's \$100,120,000 General Obligation Serial Bonds - 2006, Series A and Series B, Tr. letter, 172, Pssd., 173

Bond Ord. auth. issuance of \$120,000 Bonds to finance portion of costs of Cornerstone Park Improvement Proj., Tr. letter, 213, Pssd., 214

Bond Ord. auth. issuance of \$252,000 Bonds to finance milling and resurfacing of certain portions of Ames St., Buffalo Rd., W. Main St. and

West Ave. related to 2016 Preventive Maint. Group #2 Proj., Tr. letter, 248, Pssd., 250

Bond Ord. auth. issuance of \$80,000 Bonds to finance reconstruction of certain portions of S. Clinton Ave. and S. Goodman St. related to 2016 Preventive Maint. Contract #1 Proj., Tr. letter, 250, Pssd., 253

Bond Ord. auth. issuance of \$450,000 Bonds to finance certain costs of 2016 Port Marina Proj., Tr. letter, 254, Pssd., 256

Bond Ord. auth. issuance of \$440,000 Bonds to finance certain portions of Ctr. City Two-Way Conversion Proj., Phase II, Tr. letter, 259, Pssd., 262

Bond Ord. auth. issuance of \$3,500,000 Bonds to finance portion of costs of constr. of Promenade at Erie Harbor, Tr. letter, 262, Held, 267, Pssd., 296

Bond Ord. auth. issuance of not to exceed \$32,000,000 Bonds to provide interim financing for certain costs of design and improvements to specified City School Dist. schools respecting Phase II of Roch. Joint Schools Constr. Board Facilities Modernization Program, Tr. letter, 279, Pssd., 281

Bond Ord. auth. issuance of \$915,000 Bonds to finance certain costs of Southeast Quadrant Hazardous Sidewalk Repairs, Tr. letter, 296, Pssd., 297

Bond Ord. auth. issuance of \$150,000 Bonds to finance bldg. renovation and staff relocation of Roch. Police Dept. Professional Standards Section, Tr. letter, 297, Pssd., 299

Bond Ord. auth. issuance of \$680,000 Bonds to finance cost of design and constr. for replacement of HVAC systems at N. Clinton Ave. and Emerson St. Firehouses, Tr. letter, 299, Pssd., 300

Bond Ord. auth. issuance of \$520,000 Bonds to finance cost of architectural and engineering design svcs. for replacement of HVAC system at Campbell St. Recreation Ctr., Tr. letter, 300, Pssd., 302

Bond Ord. auth. issuance of \$150,000 Bonds to finance cost of acq., constr. and reconstruction of additions to Street Lighting System of the City, Tr. letter, 302, Pssd., 303

Bond Ord. auth. issuance of \$250,000 Bonds to finance water needs of Charlotte St. and Haags Alley Improvement Proj., Tr. letter, 304, Pssd., 306

Bond Ord. auth. issuance of \$650,000 Bonds to finance reconstruction of certain portions of N. Goodman St., E. Main St., Allen, Brown and Wilder Streets and Morrie Silver Way related to 2016 Preventive Maint., Group #3 proj., Tr. letter, 337, Pssd., 340

Bond Ord. amend. Ord. No. 2014-254 by auth. issuance of additional \$150,000 Bonds to finance professional svcs. agreement with O'Brien & Gere for remedial investigation svcs. relating to contamination of Vacuum Oil site in the City, Tr. letter, 373, Pssd., 375

Bond Ord. auth. issuance of \$165,000 Bonds to finance reconstruction of water svcs. along certain portions of Shady Lane related to 2016 Kilmar St. Group Reconstruction Proj., Tr. letter, 375, Pssd., 378

Bond Ord. auth. issuance of \$2,389,000

Bonds to finance certain costs of 2017 Annual Parking Garage Evaluation and Repair Program, Tr. letter, 378, Pssd., 379

Bond Ord. auth. issuance of \$1,300,000 Bonds to finance costs of replacement Platform Ladder Truck for Broad & Allen Firehouse, Tr. letter, 384, Pssd., 385

Bond Ord. auth. issuance of \$1,111,000 Bonds to finance reconstruction of certain portions of Cobbs Hill Dr. related to Cobbs Hill Dr. Reconstruction/Rehab. Proj., Tr. letter, 410, Pssd., 413

Bond Ord. auth. issuance of \$236,000 Bonds to finance new water main and lines along Cobbs Hill Dr. related to 2016 Cobbs Hill Dr. Reconstruction Proj., Tr. letter, 410, Pssd., 414

Bond Ord. auth. issuance of \$3,457,000 Bonds to finance costs of Rundel Library Structural Terrace Improvements Phase IV, Tr. letter, 415, Pssd., 416

Bond Ord. auth. issuance of \$261,000 Bonds to finance acq. and installation of street lighting upgrades along certain portions of Winton Rd. North, Robinson Dr., and Reservoir Ave., Tr. letter, 416, Pssd., 418

Bond Ord. auth. issuance of \$3,550,000 Bonds to finance milling and resurfacing of certain portions of Southwest and Northeast Quadrant streets related to 2016 Resi. Milling and Resurfacing Program Phase I, Tr. letter, 451, Pssd., 453

Bond Ord. auth. issuance of \$78,000 Bonds to finance replacement of water mains and lines along certain portions of Southwest and Northeast Quadrant streets related to 2016 Resi. Milling and Resurfacing Program Phase I, Tr. Letter, 450, Pssd., 455

Bond Ord. auth. issuance of \$170,000 Bonds to finance constr. of public overlook at site for former CSX Swing Bridge in Port of Roch., Tr. letter, 484, Pssd., 486

BOOKING AND PRODUCTION SERVICES

Auth. amend. agreement with 2Strive Media, Inc. to increase max. comp. for booking and production svcs. for 2016 Roch. SummerFest, Tr. letter, 174, Pssd., 175

BOOSE, LASHANA

Approv. appointments and reappointments to Zoning Board of Appeals, Tr. letter, 197, Adpt., 198

BOX OFFICE MANAGEMENT

Establishing max. comp. for professional svcs. agreement for ticket sales and box office management of City-produced events, Tr. letter, 87, Pssd., 87

BOXING

Auth. agreement with Roch. Stadium Operations, LLC, Tr. letter, 278, Pssd., 278

BRECK STREET

Amend. Zoning Map for 1307, 1311, 1313, 1317 and 1337 E. Main St. and 48 Breck St., Tr. letter, 403, Pssd., 404

BRIDGES

Auth. receipt and use of funds and an agreement related to Broad St. Bridge Preventive Maint. Proj., Tr. letter, 42, Pssd., 44

Bond Ord. auth. issuance of \$1,220,000 Bonds to finance costs of 2016 Broad St. Bridge Preventive Maint. Proj., Tr. letter, 42, Pssd., 45

Auth. pav. width changes related to Broad St. Bridge Preventive Maint. Proj., Tr. letter, 49, Pssd., 49

Auth. agreements and approp. funds for Driving Park Bridge Preventive Maint. Proj., Tr. letter, 340, Pssd., 342

Auth. amend. agreement with T.Y. Lin Intl. Engineering, Architecture & Land Surveying, P.C. for Broad St. Bridge Preventive Maint. Proj., Tr. letter, 371, Pssd., 372

BRIGHTON, TOWN OF

Auth. amend. agreement with Town of Brighton for continuation of primary fire assistance and first responder svcs. to West Brighton, Tr. letter, 390, Pssd., 391

Auth. amend. intermunicipal agreement for Highland Park/Canalway Trail Improvements Proj., Tr. letter, 482, Pssd., 483

BROAD & ALLEN FIREHOUSE

Bond Ord. auth. issuance of \$224,000 Bonds to finance costs of Broad & Allen Firehouse fuel tank replacement, Tr. letter, 45, Pssd., 46

BROAD STREET BRIDGE

Auth. receipt and use of funds and an agreement related to Broad St. Bridge Preventive Maint. Proj., Tr. letter, 42, Pssd., 44

Bond Ord. auth. issuance of \$1,220,000 Bonds to finance costs of 2016 Broad St. Bridge Preventive Maint. Proj., Tr. letter, 42, Pssd., 45

Auth. pav. width changes related to Broad St. Bridge Preventive Maint. Proj., Tr. letter, 49, Pssd., 49

Auth. amend. agreement with T.Y. Lin Intl. Engineering, Architecture & Land Surveying, P.C. for Broad St. Bridge Preventive Maint. Proj., Tr. letter, 371, Pssd., 372

BROWN STREET

Bond Ord. auth. issuance of \$650,000 Bonds to finance reconstruction of certain portions of N. Goodman St., E. Main St., Allen, Brown and Wilder Streets and Morrie Silver Way related to 2016 Preventive Maint., Group #3 proj., Tr. letter, 337, Pssd., 340

BROWNCROFT BOULEVARD NEIGHBORHOOD STREET LIGHTING DISTRICT

Amend. L.I.O. No. 2012-1658, as last amended by Ord. No. 2015-75, to correct front footage and remove parcel in Browncroft Neighborhood Street Light Dist., Tr. letter, 157, Pssd., 157

BROWNFIELDS

Amend. Ord. No. 2014-375 regarding agreement for assistance to complete Bull's Head Brownfield Opportunity Area Nomination Study, Tr. letter, 246, Pssd., 247

Auth. amend. agreement and funding for Vacuum Oil Site remedial investigation and al-

ternatives analysis, Tr. letter, 373, Pssd., 374
 Bond Ord. amend. Ord. No. 2014-254 by auth. issuance of additional \$150,000 Bonds to finance professional svcs. agreement with O'Brien & Gere for remedial investigation svcs. relating to contamination of Vacuum Oil site in the City, Tr. letter, 373, Pssd., 375

BRUCE, TODD

Approv. appts. and reappointments to City Planning Commission, Tr. letter, 199, Adpt., 199

BRUCKNER, TILLET, ROSSI, CAHILL & ASSOCIATES

Auth. agreements for appraisal and real estate-related svcs. for Dept. of Neighborhood and Business Dev., Tr. letter, 243, Pssd., 244

Auth. professional svcs. agreements for appraisal and real estate svcs., Tr. letter, 276, Pssd., 276

BUCKINGHAM PROPERTIES LLC

Auth. sale of Midtown Parking Garage and Midtown Lot 7 to further Midtown Urban Renewal Plan, Tr. letter, 431, Pub. hear., 432, Pssd., 433

BUDGETS, 2015-16

Auth. agreement for Motor Vehicle Theft and Insurance Fraud Prevention Program and amend. 2015-16 Budget, Tr. letter, 52, Pssd., 53

Amend. 2015-16 Budget and funding source for architectural svcs., Tr. letter, 91, Pssd., 92

Auth. agreements for animal svcs. and amend. Budget, Tr. letter, 219, Pssd., 219

Amend. 2015-16 Budget for year-end Budget amendments, Tr. letter, 356, Pssd., 357

BUDGETS, 2016-17

Adoption of Budget ests. for muni. purposes for 2016-17 fiscal year, approp. of sums set forth therein and approv. commercial refuse fees, Tr. letter, 232, Pub. hear., 225, Pssd., 235

Adoption of Budget ests. for school purposes for fiscal year commencing July 1, 2016 and expiring June 30, 2017, and approp. of sums set forth therein, Tr. letter, 232, Pub. hear., 225, Pssd., 235

Auth. grant agreement for Clarissa St. Reunion and amend. Budget, Tr. letter, 276, Pssd., 277

Amend. 2016-17 Budget of Library and accepting funds for library facility improvements, Tr. letter, 312, Pssd., 313

Amend. 2016-17 Budget by increasing approp. for Roch. Police Dept. to carry over unspent grant funds, Tr. letter, 346, Pssd., 347

Amend. 2016-17 Budget of Library, Tr. letter, 389, Pssd., 389

Auth. funding, amend. Budget and auth. amend. agreement for renovations and upgrades at Central Library, Tr. letter, 448, Pssd., 449

Amend. 2016-17 Budget and approp. federal forfeiture funds, Tr. letter, 459, Pssd., 460

Amend. 2016-17 Budget of Dept. of Environmental Svcs., Tr. letter, 481, Pssd., 481

BUFFALO ROAD

Auth. agreement with Hunt Engineers, Archi-

itects & Land Surveyors, P.C., for resident proj. representation svcs. and approp. funds for 2016 Preventive Maint. Group #2, Tr. letter, 248, Pssd., 249

Bond Ord. auth. issuance of \$252,000 Bonds to finance milling and resurfacing of certain portions of Ames St., Buffalo Rd., W. Main St. and West Ave. related to 2016 Preventive Maint. Group #2 Proj., Tr. letter, 248, Pssd., 250

BULL'S HEAD BROWNFIELD OPPORTUNITY AREA

Amend. Ord. No. 2014-375 regarding agreement for assistance to complete Bull's Head Brownfield Opportunity Area Nomination Study, Tr. letter, 246, Pssd., 247

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Reports of, 25; 59; 94; 135; 181; 285; 319; 358; 429; 473

BUSINESS ASSISTANCE SERVICES

Auth. agreement with High Tech Roch., Inc. for business assistance svcs., Tr. letter, 285, Pssd., 285

BUSINESS ASSOCIATION OF THE SOUTH WEDGE AREA

Auth. agreement with Business Assn. of South Wedge Area ("BASWA") to fund decorative light poles, Tr. letter, 262, Pssd., 262

BUSINESS DEVELOPMENT SERVICES

Auth. agreement with Roch. Mkt. Driven Comm. Corp. for business dev. svcs., Tr. letter, 427, Pssd., 428

BUSINESS PROGRAMS

Approp. funds and auth. agreements for business programs, Tr. letter, 244, Pssd., 244

BUYER ASSISTANCE PROGRAM

Auth. approp. and agreements for Buyer Assist. Program, Tr. letter, 33, Pssd., 33

Approp. funds and auth. agreements for Buyer Assist. Program, Tr. letter, 104, Pssd., 105

Auth. agreements and approp. funds for Buyer Assistance Program, Tr. letter, 191, Pssd., 192

-C-

C.H. JOHNSON CONSULTING, INC.

Auth. amend. agreement for economic analysis of renovation options for Blue Cross Arena, Tr. letter, 135, Pssd., 136

CHA CONSULTING, INC.

Auth. agreement with CHA Consulting, Inc. for Mun. Right-of-Way and Telecommunications Proj., Tr. letter, 445, Pssd., 446

COBRA ADMINISTRATIVE SERVICES

Auth. agreement with MVP Health Care, Inc. for COBRA admin. svcs., Tr. letter, 428, Pssd., 429

C&S ENGINEERS, INC.

Auth. acq. of 360 Webster Ave., amend. of

Official Map, and amend. agreement with C&S Engineers, Inc., to provide additional right-of-way acq. svcs., Tr. letter, 210, Pssd., 211

Auth. amend. professional svcs. agreement with C&S Engineers, Inc. for 2015 Preventive Maint. Contract 1 proj., Tr. letter, 337, Pssd., 337

CAIN, EDWARD

Approv. appts. and reappointments to Roch. Preservation Board, Tr. letter, 200, Approv., 201

CAMERAS

Auth. agreement related to body worn cameras, Tr. letter, 54, Pssd., 55

Auth. agreements for Roch. Police Dept. camera system, Tr. letter, 55, Pssd., 55

Amend. Local Law 6-2014 with respect to owner liability for failure of motor vehicle operator to comply with traffic-control indications, Tr. letter, 466, Pssd., 467

Auth. amend. agreement for Red Light Camera Program, Tr. letter, 466, Held, 467

CAMPBELL STREET R-CENTER

Auth. agreement with Stantec Consulting Svcs., Inc. for design and RPR svcs. for Campbell St. R-Center water park facilities and playground improvements, Tr. letter, 213, Pssd., 213

Auth. professional svcs. agreement with Edge Architecture, PLLC, for architectural, engineering design and resident proj. representation svcs., Tr. letter, 300, Pssd., 301

Bond Ord. auth. issuance of \$520,000 Bonds to finance cost of architectural and engineering design svcs. for replacement of HVAC system at Campbell St. Recreation Ctr., Tr. letter, 300, Pssd., 302

CARBON MONOXIDE DETECTORS

Approp. funds for smoke and carbon monoxide detectors and amend. budget approp. of State Homeland Security Program funds, Tr. letter, 347, Pssd. 347

CARR, DAVID

Approv. appointments and reappointments to Zoning Board of Appeals, Tr. letter, 197, Adpt., 198

CARRETTA, CHRISTOPHER

Approv. appts. and reappointments to Roch. Preservation Board, Tr. letter, 200, Approv., 201

CASCADE HISTORIC STREETScape ENHANCEMENT DISTRICT

L.I.O. - establishing operating and maint. costs of special assessments for streetscape enhancements, Tr. letter, 159, Pssd., 160

CATHOLIC CHARITIES

Auth. agreements and approp. funds for Housing Opportunities for Persons with AIDS Program, Tr. letter, 194, Pssd., 196

CELEBRATE CITY LIVING

Approp. funds for admin. of Celebrate City Living program, Tr. letter, 436, Pssd., 437

CELEBRATION DRIVE

Amend. Official Map by dedicating Celebration Dr., Tr. letter, 51, Pub. hear., 6, Pssd., 51

CELLULAR COMMUNICATIONS

Auth. agreement with Crown Castle NG East LLC, Inc., Tr. letter, 81, Pssd., 81

CEMETERIES

Auth. agreement with Martha Lyon Landscape Architecture, LLC to pursue designation of Mt. Hope Cemetery to Natl. Register of Historic Places, Tr. letter, 258, Pssd., 259

CENTER CITY PLACE

Auth. Consolidated Funding Grant applications and agreements, Tr. letter, 285, Pssd., 288

CENTER CITY TWO-WAY CONVERSION PROJECT

Auth. receipt and use of funds and agreement related to Ctr., City Two-Way Conversion Proj. - Phase II, Tr. letter, 259, Pssd., 261

CENTER FOR DISPUTE SETTLEMENT, INC., THE

Auth. amend. agreement with Center for Dispute Settlement, Inc. for hearing officer svcs. related to City demo. program, Tr. letter, 479, Pssd., 480

CENTER FOR EMPLOYMENT OPPORTUNITIES, INC.

Auth. agreement with Ctr. for Employment Opportunities, Inc., Tr. letter, 151, Pssd., 152

CENTER FOR TEEN EMPOWERMENT, INC.

Auth. agreement with Ctr. for Teen Empowerment, Inc. related to Southwest Youth Organizing Proj., Tr. letter, 308, Pssd., 309

CENTER FOR YOUTH SERVICES, INC.

Auth. agreements and approp. funds for Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

Auth. agreements for Teenage Pregnancy Prevention Program, Tr. letter, 269, Pssd., 270

Auth. amend. agreements and funding for Federal Teenage Pregnancy Prevention Program, Tr. letter, 456, Pssd., 457

CENTRAL LIBRARY

Auth. funding, amend. Budget and auth. amend. agreement for renovations and upgrades at Central Library, Tr. letter, 448, Pssd., 449

CENTURY-STRATHALLAN PLANNED DEVELOPMENT DISTRICT

Amend. Zoning Map, text and adding a dev. concept map for Century-Strathallan Planned Dev. Dist. No. 16, Tr. letter, 202, Pssd., 208

CHAMPION ACADEMY MENTORING AND EMPOWERMENT INITIATIVE

Auth. professional svcs. agreement with All Pro Multimedia, LLC related to Champion Academy Mentoring and Empowering Initiative, Tr. letter, 309, Pssd., 309

CHARLES CARROLL PARK

Auth. Consolidated Funding Grant applications and agreements, Tr. letter, 285, Pssd., 288

Auth. amend. agreement with T.Y. Lin Intl. for Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Proj., Tr. letter, 481, Pssd., 482

CHARLOTTE STREET

Auth. pav. width changes on Charlotte St., Tr. letter, 257, Held, 258, Pssd., 345

Auth. professional svcs. agreement with Passero Assoc., PC, for resident proj. representation svcs. for Charlotte St. and Haags Alley Improvement Proj., Tr. letter, 304, Pssd., 305

Bond Ord. auth. issuance of \$250,000 Bonds to finance water needs of Charlotte St. and Haags Alley Improvement Proj., Tr. letter, 304, Pssd., 306

Auth. amend. agreement with Passero Assoc., Engineering, Architecture & Surveying, D.P.C., for improvements to Charlotte St. and Haags Alley, Tr. letter, 373, Pssd., 373

CHASE STREET

Auth. acq. of real estate for Roch. City School Dist. Facilities Modernization Program, Tr. letter, 291, Pssd., 292

CHERRY'S EUROPEAN

Auth. the leasing to vendors of modular replacement bldgs. and compensating vendors for removal of existing bldgs. related to Public Mkt. Winter Shed Renovation and Expansion Proj., Tr. letter, 271, Pssd., 273

CHILD PASSENGER SAFETY PROGRAM

Auth. agreement and funding for Child Passenger Safety Program, Tr. letter, 383, Pssd., 384

CHRISTOPHER COMMUNICATIONS

Auth. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 458, Pssd., 459

CITY CHARTER

Amend. Section 5-6 of the City Charter with regard to meetings, Tr. letter, 8, Pssd., 8

L.L. amend. Section 6-33 of City Charter with regard to competition of purchases and sales, Tr. letter, 11, Pssd., 3

Amend. City Charter with respect to parking permits for handicapped residents, Tr. letter, 177, Pssd., 178

Amend. City Charter with respect to responsibilities for City facilities, Tr. letter, 232, Pssd., 238

L.L. amend. City Charter to establish Office of Inspector General, Tr. letter, 282, Held, 284

CITY CLERK

Reso. for selection and appt. of City Clerk, Adpt., 1

CITY DEVELOPMENT FUND

Approp. funds for City Dev. Fund, Tr. letter, 185, Pssd., 187

CITY HALL

Auth. amend. agreement with LaBella Assoc., D.P.C. for design and const. admin. svcs. for additional air handler replacements in City Hall, Tr. letter, 447, Pssd., 447

CITY NEWSPAPER

Designating Official Newspapers of City for Roch. for Years 2016-17, Pssd., 5

CITY PLANNING COMMISSION

Approv. appts. and reappointments to City Planning Commission, Tr. letter, 199, Adpt., 199

CITY SCHOOL DISTRICT OF ROCHESTER

Auth. agreement with Roch. City School Dist. related to School Resource Officers, Tr. letter, 53, Pssd., 53

Auth. intermunicipal agreement for Pathways to Peace Program, Tr. letter, 85, Held, 86

Bond Ord. auth. issuance of \$12,592,000 Bonds to finance cost of constr. and renovation of var. public school bldgs. within the City, Tr. letter, 93, Pssd., 94

Auth. intermunicipal agreement with Roch. City School Dist., Tr. letter, 114, Pssd., 115

Reso. adopting City of Roch./Roch. City School Dist. Debt Policy, Tr. letter, 117, Adpt., 118

Auth. agreement with Roch. City School Dist. for receipt and use of funds supporting Summer Literacy Aide youth employment program, Tr. Letter, 164, Pssd., 164

Auth. memorandum of agreement with Roch. City School Dist., Tr. letter, 220, Pssd., 220

Auth. amend. agreements and approp. funds for Summer of Opportunity Program, Tr. letter, 221, Pssd., 222

Adoption of Budget ests. for school purposes for fiscal year commencing July 1, 2016 and expiring June 30, 2017, and approp. of sums set forth therein, Tr. letter, 232, Pub. hear., 225, Pssd., 235

Levying taxes for school purposes for fiscal year commencing July 1, 2016 and expiring June 30, 2017, Tr. letter, 232, Pssd., 236

Auth. agreement with Roch. Area Community Foundation for Quad A for Kids After-School Program at City schools, Tr. letter, 274, Pssd., 275

Bond Ord. auth. issuance of not to exceed \$32,000,000 Bonds to provide interim financing for certain costs of design and improvements to specified City School Dist. schools respecting Phase II of Roch. Joint Schools Constr. Board Facilities Modernization Program, Tr. letter, 279, Pssd., 281

Auth. acq. of real estate for Roch. City School Dist. Facilities Modernization Program, Tr. letter, 291, Pssd., 292

Auth. agreements and approp. funds related to Roch. After School Academy program, Tr. letter, 306, Pssd., 307

Auth. intermunicipal agreement and approp. for Pathways to Peace Program, Tr. letter, 349, Pssd., 350

Auth. amend. agreement with Roch. City School Dist. for Clinton-Baden Comm. Ctr. Renovation Proj., Tr. letter, 447, Pssd., 448

CIVIL SERVICE COMMISSION

Reso. approv. reappointment to Civil Service Commission, Tr. letter, 88, Adpt., 89

CLARISSA STREET REUNION

Auth. grant agreement for Clarissa St. Reunion and amend. Budget, Tr. letter, 276, Pssd., 277

CLARK PATTERSON ENGINEERS, SURVEYOR, ARCHITECT AND LANDSCAPE ARCHITECT, DPC

Auth. amend. agreement with Clark Patterson Engineers, Surveyor, Architect and Landscape Architect, DPC, Tr. letter, 41, Pssd., 42

Amend. 2016-17 Budget of Dept. of Environmental Svcs., Tr. letter, 481, Pssd., 481

CLEVELAND STREET

Amend. Zoning Code map for multiple properties located on Hudson Ave., Merrimac St., Cleveland St. and Frederick St., Tr. letter, 362, Pssd., 363

CLIFFORD, MOLLY, COUNCILMEMBER

Negative vote, Ord. No. 2016-55, Pssd., 82; Ord. No. 2016-332, Pssd., 404; L.L. No. 6, Pssd., 467

Disclosure of Interest form submitted, 167

Reso. approv. standard work day for retirement purposes, Tr. letter, 180, Adpt., 181

Abstention, Reso. No. 2016-13, Adpt., 181

Presentation of petition with 5 signatures of persons concerned with street work done on Mt. Read Blvd., 226

CLINTON-BADEN COMMUNITY CENTER

Establishing max. comp. for professional svcs. agreement with Passero Assoc. for resident proj. representation svcs. related to Clinton-Baden Community Ctr. Renovation, Tr. letter, 147, Pssd., 148

Auth. amend. agreement with Roch. City School Dist. for Clinton-Baden Comm. Ctr. Renovation Proj., Tr. letter, 447, Pssd., 448

COBBS HILL DRIVE

Auth. amend. agreement and amend. Official Map for Cobbs Hill Drive Reconstruction/Rehab. Proj. and auth. funding amend. for Kilmar St. Group Proj., Tr. letter, 410, Pssd., 412

Bond Ord. auth. issuance of \$1,111,000 Bonds to finance reconstruction of certain portions of Cobbs Hill Dr. related to Cobbs Hill Dr. Reconstruction/Rehab. Proj., Tr. letter, 410, Pssd., 413

Bond Ord. auth. issuance of \$236,000 Bonds to finance new water main and lines along Cobbs Hill Dr. related to 2016 Cobbs Hill Dr. Reconstruction Proj., Tr. letter, 410, Pssd., 414

COHEN LAW GROUP

Auth. amend. professional svcs. agreement for legal svcs., Tr. letter, 175, Pssd., 175

COLLEGE FAIR AND LUNCHEON

Auth. agreement with United Negro College Funds, Inc., Tr. letter, 461, Pssd., 462

COMMERCIAL TRAVELERS

Amend. Chapter 62 of Mun. Code with regard to commercial travelers, solicitors and special events, Tr. letter, 123, Pssd., 132

COMMUNITY CENTERS

See "Recreation Centers"

COMMUNITY DEVELOPMENT PROGRAM PLANS

Approv. Consolidated Comm. Dev. Plan/2016-17 Annual Action Plan, Tr. letter, 185, Pssd., 186

Auth. submission of Consolidated Comm. Dev. Plan/2016-17 Annual Action Plan and execution of grant agreements with U.S. Dept. of Housing and Urban Dev., Tr. letter, 185, Pssd., 187

Amend. Consolidated Comm. Dev. Plan/2016-17 Annual Action Plan and Home Roch. Program appropriations and agreement, Tr. letter, 294, Pssd., 295

Approp. funds, auth. amend. agreements and amend. 2016-17 Consolidated Comm. Dev. Plan for Housing Opportunities for Persons with AIDS, Tr. letter, 332, Pssd., 333

Amend. program allocations within Housing Dev. Fund for 2015-16 Consolidated Comm. Dev. Plan, Tr. letter, 437, Pssd., 438

COMPETITION ON PURCHASES AND SALES

Amend. Chapter 8A of Mun. Code as it relates to purchasing and property management, Tr. letter, 11, Pssd., 24

COMPLIANCE MONITORING SERVICES

Auth. amend. agreements and funding for Port Marina proj., Tr. letter, 254, Pssd., 255

COMPREHENSIVE ADOLESCENT PREGNANCY PREVENTION PROGRAM

Auth. amend. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 270, Pssd., 271; Tr. letter, 350, Pssd., 351

Auth. agreement for Environmental Workforce Dev. and Job Training Program grant and revision to Comprehensive Adolescent Pregnancy Prevention Program agreement, Tr. letter, 423, Pssd., 424

Auth. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 458, Pssd., 459

COMPREHENSIVE ANNUAL FINANCIAL REPORT

Auth. agreement with Workiva, Inc. for cloud-based financial data management and reporting solution, Tr. letter, 171, Pssd., 172

COMPUTERS

Auth. amend. agreement with DSS Digital Group for electronic document warehouse upgrade, Tr. letter, 170, Pssd., 170

Auth. agreement with Workiva, Inc. for cloud-based financial data management and reporting solution, Tr. letter, 171, Pssd., 172

Auth. agreement with Environmental Systems

Research Institute, Inc. to provide consulting and configuration svcs., Tr. letter, 222, Pssd., 223

Approv. agreement for co-location of City's information technology datacenter for purposes of disaster recovery, Tr. letter, 277, Pssd., 278

Auth. agreement with General Code, LLC to provide enterprise content management system svcs., Tr. letter, 314, Pssd., 315

Auth. amend. agreement with Tyler Technologies, Inc. for Roch. Police Dept.'s Record Management System multi-phase replacement program, Tr. letter, 355, Pssd., 355

Auth. intermunicipal agreement with Monroe County for fiber assessment, Tr. letter, 357, Pssd., 357

Auth. agreement with New Horizons Computer Learning Ctr. of Metropolitan NY, Inc. at Logical Operations Inc. for computer training classes, Tr. letter, 467, Pssd., 468

Auth. agreement with New Horizons Computer Learning Ctr. of Metropolitan NY, Inc. at Logical Operations Inc. for computer training classes, Tr. letter, 467, Pssd., 468

Auth. agreement with Bergmann Assoc., Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for water system map modernization, Tr. letter, 468, Pssd., 468

CONCERTS

See "Music"

CONKLIN, CAROLEE A., COUNCILMEMBER

Negative vote, Ord. No. 2016-15, Pssd., 36; Ord. No. 2016-17, Pssd., 40; Ord. No. 2016-168, Pssd., 219; Ord. No. 2016-181, Pssd., 235; Motion to amend Int. No. 143, Adpt., 267; Ord. No. 2016-209, Pssd., 268; L.L. No. 6, Pssd., 467

Motion to return to Committee, Int. Nos. 68, 69 and 70, Adpt., 58

Presentation of petition with 2,177 signatures in favor of expanding approved food truck locations to all City streets, 86

Disclosure of interest form submitted, 86; 117; 312; 386

Reso. adopting City of Roch./Roch. City School Dist. Debt Policy, Tr. letter, 117, Adpt., 118

Amend. Chapter 62 of Mun. Code with regard to commercial travelers, solicitors and special events, Tr. letter, 123, Pssd., 132

Amend. Chapter 60 and 68 of Mun. Code with regard to food vending, Tr. letter, 123, Pssd., 133

Motion to discharge from Committee, Int. No. 201, Adpt., 179; Int. No. 208, Adpt., 180; Int. No. 298, Adpt., 317; Int. No. 368, Adpt., 398

Reso. approv. standard work day for retirement purposes, Tr. letter, 180, Adpt., 181

Auth. amend. audit svcs. agreement with Freed Maxick CPAs, P.C., Tr. letter, 240, Pssd., 241

Abstention, Ord. No. 2016-254, Pssd., 313; Ord. No. 2016-321, Pssd., 389; Ord. No. 2016-386, Pssd., 461

Reso. adopting policy regarding City boards and commissions, Tr. letter, 315, Adpt., 316

Amend. Chapters 60, 13A and 120 of Mun. Code with regard to food truck, food trailer and food cart vending, Tr. letter, 391, Pssd., 398

CONSOLIDATED COMMUNITY DEVELOPMENT PLAN

See "Community Development Program Plans"

CONSOLIDATED FUNDING GRANT

Auth. Consolidated Funding Grant applications and agreements, Tr. letter, 285, Pssd., 288

Reso. supporting Consolidated Funding Grant Application, Tr. letter, 289, Adpt., 289

CONSTRUCTION ADMINISTRATION SERVICES

Auth. amend. agreement with LaBella Assoc., D.P.C. for design and const. admin. svcs. for additional air handler replacements in City Hall, Tr. letter, 447, Pssd., 447

CONSULTING SERVICES

Auth. agreement with Democracy Collaborative for consulting svcs., Tr. letter, 96, Pssd., 97

CONSUMER CREDIT COUNSELING SERVICES OF ROCHESTER

Auth. agreements and approp. funds for Homebuyer Training Program, Tr. letter, 192, Pssd., 193

COORDINATED CARE SERVICES, INC.

Auth. agreements and approp. funds for Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

Auth. agreement with Coordinated Care Svcs., Inc. for admin. svcs. of Roch./Monroe County Continuum of Care, Tr. letter, 365, Pssd., 366

COPLEY STREET

Auth. acceptance of real estate by donation, Tr. letter, 402, Pssd., 402

CORN HILL ARTS FESTIVAL

Auth. agreement for 2016 Corn Hill Arts Festival, Tr. letter, 121, Pssd., 121

CORN HILL NEIGHBORS ASSOCIATION, INC.

Auth. agreement for 2016 Corn Hill Arts Festival, Tr. letter, 121, Pssd., 121

CORN HILL PARKING PERMITS

Amend. Mun. Code Chapter 111, Vehicle and Traffic, with regard to parking permits for handicapped residents and for Corn Hill Neighborhood, Tr. letter, 177, Pssd., 178

CORNERSTONE PARK

Bond Ord. auth. issuance of \$120,000 Bonds to finance portion of costs of Cornerstone Park Improvement Proj., Tr. letter, 213, Pssd., 214

Auth. agreement with Joseph C. Lu Engineering and Land Surveying, P.C. for resident proj. representation svcs. for Cornerstone Park Improvement Proj., Tr. letter, 344, Pssd., 345

COUNCIL MEETINGS

Organization Meeting, Held, 1, Adj., 5

Regular meeting, Held, 5, Adj., 55; Held, 56, Adj., 86; Held, 86, Adj., 116; Held, 116, Adj., 167; Held, 167, Adj., 224; Held, 225, Adj., 275;

Held, 275, Adj., 311; Held, 311, Adj., 352; Held, 352, Adj., 386; Held, 386, Adj., 426; Held, 426, Adj., 463; Held, 463, Adj., 490

Amend. Section 5-6 of the City Charter with regard to meetings, Tr. letter, 8, Pssd., 8

Special meeting, Held, 224, Adj., 224

Reso. establishing schedule for Regular Council Meetings during 2017, Tr. letter, 427, Adpt., 427

COUNCIL MINUTES

Approval of, 5, 56; 86; 116; 167; 225; 275; 311; 352; 386; 426; 463

COUNCIL PRESIDENT

Reso. for nomination and selection of President of Roch. City Council, Adpt., 1

COUNCIL VICE PRESIDENT

Reso. for nomination and selection of Vice President of Roch. City Council, Adpt., 1

COURT STREET

Auth. agreements and funding and conveying and modifying easements for Promenade at Erie Harbor Park, Tr. letter, 262, Held, 266, Pssd., 296

Auth. sale of real estate and granting permanent easement to Roch. Gas and Electric Corp. for upgrades to its Station 26 facility, Tr. letter, 476, Pssd., 478

COURT STREET PARKING GARAGE

Amend. Mun. Code with respect to parking rates, Tr. letter, 232, Pssd., 239

Auth. lease agreement for Court St. Parking Garage, Tr. letter, 358, Pssd., 359

CRESTWOOD CHILDREN'S CENTER

Auth. amend. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 270, Pssd., 271

CROWN CASTLE NG EAST NG LLC, INC.

Auth. agreement with Crown Castle NG East LLC, Inc., Tr. letter, 81, Pssd., 81

CULVER/MERCHANTS PARKING LOT

L.I.O. - Establishing operating and maint. costs of neighborhood commercial and resi. parking areas, Tr. letter, 173, Pssd., 174

CULVER ROAD ARMORY

Amend. Zoning Code text and concept plan/site plan for Culver Rd. Armory, Planned Dev. Dist. No. 15, Tr. letter, 36, Pub. hear., 6, Pssd., 40

CURED IN PLACE PROJECT

Bond Ord. auth. issuance of \$490,000 Bonds to finance portion of City's Cured in Place Pipe Proj. of Distribution System Water Main Renewal Program, Tr. letter, 75, Pssd., 76

CURTIS LLC

Auth. exchange of real estate with Curtis LLC, Tr. letter, 25, Pssd., 26

CUSTOMER RELATIONSHIP MANAGEMENT

Auth. amend. agreement with Aeon Nexus Corp. to implement Customer Relationship Management solution for Operation Transformation Roch. Adult Employment Svcs., Tr. letter, 470, Pssd., 471

-D-

DSS DIGITAL GROUP

Auth. amend. agreement with DSS Digital Group for electronic document warehouse upgrade, Tr. letter, 170, Pssd., 170

DAILY RECORD

Designating Official Newspapers of City for Roch. for Years 2016-17, Pssd., 5

DAVID HOCHSTEIN MEMORIAL MUSIC SCHOOL, INC.

Auth. funding and agreements for Science, Technology, Engineering, Arts and Mathematics (STEAM) proj., Tr. letter, 385, Pssd., 386

DEBT

Reso. adopting City of Roch./Roch. City School Dist. Debt Policy, Tr. letter, 117, Adpt., 118

Reso. approv. 2016-17 debt limit for general muni. purposes, Tr. letter, 229, Adpt., 231

DEMOCRACY COLLABORATIVE, THE

Auth. agreement with Democracy Collaborative for consulting svcs., Tr. letter, 96, Pssd., 97

DEMOCRAT & CHRONICLE

Designating Official Newspapers of City for Roch. for Years 2016-17, Pssd., 5

DEMOLITIONS

Bond Ord. auth. issuance of \$1,300,000 Bonds to finance portion of costs of continuation of City Demolition Program, Tr. letter, 101, Pssd., 102

Auth. funding for Demolition Program, Tr. letter, 101, Pssd., 102; Tr. letter, 437, Pssd., 437

Auth. amend. agreement with Center for Dispute Settlement, Inc. for hearing officer svcs. related to City demo. program, Tr. letter, 479, Pssd., 480

DEMOTT, JOHN

Approv. appointments and reappointments to Zoning Board of Appeals, Tr. letter, 197, Adpt., 198

DENTAL INSURANCE

Auth. agreement for dental insurance, Tr. letter, 354, Pssd., 354

DEPAUL PROPERTIES, INC.

Auth. funding, sale of real estate and loan agreement for Upper Falls Sq. affordable housing proj., Tr. letter, 405, Pssd., 406

Approv. property tax exemption and auth. payment in-lieu-of tax agreement for Upper Falls Sq. affordable housing proj., Tr. letter, 405, Pssd., 407

DESIGN SERVICES

Auth. amend. agreement with Bergmann Assoc., P.C. related to Promenade at Erie Harbor Park, Tr. letter, 70, Pssd., 71

Amend. funding for Durand Eastman Beach Outfall and Durand Eastman Utilities and Site Improvement projects, Tr. letter, 107, Pssd., 108

Auth. amend. agreement related to Dr. Martin Luther King, Jr. Memorial Park Improvement Proj., Phase IIIC, Tr. letter, 109, Pssd., 110

Amend. Ord. No. 2015-128 related to Annual Parking Garage Evaluation and Repair Program, Tr. letter, 144, Pssd., 146

Bond Ord. auth. issuance of \$600,000 Bonds to finance costs of architectural and design svcs. and constr. of new Roch. Police Dept. Auto Pound Admin. Bldg., Tr. letter, 136, Pssd., 147

Auth. amend. agreement with Bergmann Assoc. related to Dewey/Driving Park Ave. Intersection Realignment Proj., Tr. letter, 148, Pssd., 149

Auth. agreement with Stantec Consulting Svcs. Inc. related to E. Henrietta Rd. Improvement Proj., Tr. letter, 149, Pssd., 150

Auth. agreement with Stantec Consulting Svcs., Inc. for design and RPR svcs. for Campbell St. R-Center water park facilities and playground improvements, Tr. letter, 213, Pssd., 213

Auth. agreement with Stantec Consulting Svcs., Inc. for architectural and engineering design for Public Safety Bldg. generator upgrade, Tr. letter, 215, Pssd., 215

Auth. professional svcs. agreement with Bergmann Assoc., Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for engineering design and resident proj. representation svcs., Tr. letter, 299, Pssd., 299

Auth. professional svcs. agreement with Edge Architecture, PLLC, for architectural, engineering design and resident proj. representation svcs., Tr. letter, 300, Pssd., 301

Auth. amend. agreement with Bergmann Assoc. for planning, design and engineering svcs., including preparation of application for federal Transportation Investment Generating Economic Recovery grant, Tr. letter, 336, Pssd., 337

Auth. amend. professional svcs. agreement with C&S Engineers, Inc. for 2015 Preventive Maint. Contract 1 proj., Tr. letter, 337, Pssd., 337

Auth. professional svcs. agreement, amend. agreement, and approp. of funds related to 2016 Preventive Maint., Group \$3, Tr. letter, 337, Pssd., 339

Auth. agreements and approp. funds for Driving Park Bridge Preventive Maint. Proj., Tr. letter, 340, Pssd., 342

Auth. amend. agreement with Passero Assoc., Engineering, Architecture & Surveying, D.P.C., for improvements to Charlotte St. and Haags Alley, Tr. letter, 373, Pssd., 373

Auth. amend. agreement with LaBella Assoc., D.P.C. for design and const. admin. svcs. for additional air handler replacements in City Hall, Tr. letter, 447, Pssd., 447

Auth. amend. agreement related to Main St. Streetscape Wayfinding Enhancement proj., Tr. letter, 486, Pssd., 488

DEVELOPER GUIDANCE INCORPORATING SUSTAINABLE PLANNING AND DESIGN PRACTICES

Auth. agreement with Stantec Consulting Svcs. Inc. related to City of Roch. Developer Guidance Incorporating Sustainable Planning and Design Practices, Tr. letter, 154, Pssd., 154

DEWEY AVENUE AND DRIVING PARK AVENUE INTERSECTION REALIGNMENT PROJECT

Auth. amend. agreement with Bergmann Assoc. related to Dewey/Driving Park Ave. Intersection Realignment Proj., Tr. letter, 148, Pssd., 149

Auth. funding for Dewey Ave. and Driving Park Ave. Intersection Realignment Proj., Tr. letter, 211, Pssd., 211

Auth. acq. by negotiation or condemnation of temporary easements, permanent easement and uneconomic remainder parcel for Dewey Ave. and Driving Park Intersection Realignment Proj., Tr. letter, 342, Pssd., 344

Amend. Official Map by dedicating permanent easements to street purposes for Dewey Ave. and Driving Park Intersection Realignment Proj., Tr. letter, 342, Pssd., 345

Approv. geometric changes related to Dewey Ave./Driving Park Ave. Realignment Proj., Tr. letter, 419, Pssd., 421

DIAMOND, CARMEN

Reso. approv. appts. to Board of Assessment Review, Tr. letter, 472, Adpt., 472

DIMITRI HOUSE

Auth. agreements and approp. funds for Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

DISCLOSURE OF INTEREST FORMS

Submission of, 86; 117; 167; 225; 275; 312; 386; 426; 463

DIVERSITY AND INCLUSION TRAINING

Auth. amend. agreement with Sanchez and Assoc., Inc. for Diversity and Inclusion Training, Tr. letter, 227, Pssd., 228

DOBBS, JASON

Approv. appts. and reappointments to Roch. Preservation Board, Tr. letter, 200, Approv., 201

DR. MARTIN LUTHER KING, JR. MEMORIAL PARK

Auth. amend. agreement related to Dr. Martin Luther King, Jr. Memorial Park Improvement Proj., Phase IIIC, Tr. letter, 109, Pssd., 110

Bond Ord. auth. issuance of \$300,000 Bonds to finance portion of costs of Phase IIIC of Dr. Martin Luther, Jr. Memorial Park Improvement Proj., Tr. letter, 109, Pssd., 111

DOGS

Amend. Chapter 79 of Mun. Code as it relates to Dogs and Other Animals in Parks, Tr. letter, 112, Pssd., 112

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

Amend. 2016-17 Budget of Library and accepting funds for library facility improvements, Tr. letter, 312, Pssd., 313

Auth. funding agreement for City-wide street lighting upgrades, Tr. letter, 416, Pssd., 418

Auth. agreements and approp. funds for Main St. Streetscape and Pedestrian Wayfinding Enhancement Proj., Tr. letter, 449, Pssd., 450

DOUGLAS, VALERIE

Reso. nominating var. persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 58, Held, 59, Adpt., 169

DOWNTOWN DISTRICT SERVICES

Auth. agreement for lease of space for Downtown District Svs., Tr. letter, 325, Pssd., 326

DOWNTOWN ENHANCEMENT DISTRICT

Establishing cost of special work and svs. related to Main St. improvements of Downtown Enhancement Dist., Tr. letter, 160, Pssd., 161

DRIVING PARK AVENUE

Auth. amend. agreement with Bergmann Assoc. related to Dewey/Driving Park Ave. Intersection Realignment Proj., Tr. letter, 148, Pssd., 149

Auth. funding for Dewey Ave. and Driving Park Ave. Intersection Realignment Proj., Tr. letter, 211, Pssd., 211

Auth. acq. by negotiation or condemnation of temporary easements, permanent easement and uneconomic remainder parcel for Dewey Ave. and Driving Park Intersection Realignment Proj., Tr. letter, 342, Pssd., 344

Amend. Official Map by dedicating permanent easements to street purposes for Dewey Ave. and Driving Park Intersection Realignment Proj., Tr. letter, 342, Pssd., 345

DRIVING PARK BRIDGE

Auth. agreements and approp. funds for Driving Park Bridge Preventive Maint. Proj., Tr. letter, 340, Pssd., 342

DURAND EASTMAN BEACH

Amend. funding for Durand Eastman Beach Outfall and Durand Eastman Utilities and Site Improvement projects, Tr. letter, 107, Pssd., 108

Auth. amend. agreement with LaBella Assoc., D.P.C. for Durand Eastman Beach utility improvements, Tr. letter, 253, Pssd., 254

Auth. agreement with Monroe County Water Auth. to provide potable water to Durand Eastman Beach, Tr. letter, 258, Pssd., 258

DWORKIN, DAVID M. AND WENDY

Auth. lease for multi-purpose stadium parcels, Tr. letter, 6, Pssd., 7

-E-

EOS CCA

Auth. agreement with EOS CCA for collection of unpaid parking and mun. code violations,

Tr. letter, 170, Pssd., 171

ESSROC CEMENT CORP.

Auth. amend. license agreement for use of space in Turning Point Park, Tr. letter, 408, Pssd., 409

EAGLE INTERNATIONAL INSTITUTE

Auth. professional svs. agreement for training dev. and delivery svs., Tr. letter, 231, Pssd., 232

EASEMENTS

Auth. grant of access easement, Tr. letter, 137, Pssd., 137

Auth. agreements and funding and conveying and modifying easements for Promenade at Erie Harbor Park, Tr. letter, 262, Held, 266, Pssd., 296

Auth. acq. by negotiation or condemnation of temporary easements, permanent easement and uneconomic remainder parcel for Dewey Ave. and Driving Park Intersection Realignment Proj., Tr. letter, 342, Pssd., 344

Amend. Official Map by dedicating permanent easements to street purposes for Dewey Ave. and Driving Park Intersection Realignment Proj., Tr. letter, 342, Pssd., 345

Auth. acceptance of easements, Tr. letter, 475, Pssd., 476

Auth. sale of real estate and granting permanent easement to Roch. Gas and Electric Corp. for upgrades to its Station 26 facility, Tr. letter, 476, Pssd., 478

EAST AVENUE

Auth. amend. agreement with Erdman, Anthony and Assoc., Inc. related to 2015 Preventive Maint. Group #2 Proj. (East/N & S Winton/University/Portland), Tr. letter, 483, Pssd., 484

EAST AVENUE/ALEXANDER STREET ENTERTAINMENT DISTRICT

L.I.O. - establishing cost of upgrading of street cleaning for East Ave./Alexander St. Entertainment Dist., Tr. letter, 97, Pssd., 97

EAST END GARAGE

Amend. Mun. Code with respect to parking rates, Tr. letter, 232, Pssd., 239

EAST HENRIETTA ROAD

Auth. agreement with Stantec Consulting Svs. Inc. related to E. Henrietta Rd. Improvement Proj., Tr. letter, 149, Pssd., 150

EAST MAIN STREET

Auth. Consolidated Funding Grant applications and agreements, Tr. letter, 285, Pssd., 288

Bond Ord. auth. issuance of \$650,000 Bonds to finance reconstruction of certain portions of N. Goodman St., E. Main St., Allen, Brown and Wilder Streets and Morrie Silver Way related to 2016 Preventive Maint., Group #3 proj., Tr. letter, 337, Pssd., 340

Amend. Zoning Map for 1307, 1311, 1313, 1317 and 1337 E. Main St. and 48 Breck St., Tr. letter, 403, Pssd., 404

EASTERLY, PETER J.

Reso. approv. appts. to Board of Assessment Review, Tr. letter, 472, Adpt., 472

ECONOMIC ANALYSIS

Auth. amend. agreement for economic analysis of renovation options for Blue Cross Arena, Tr. letter, 135, Pssd., 136

ECONOMIC DEVELOPMENT SERVICES

Auth. agreement with Greater Roch. Enterprise for economic dev. svcs., Tr. letter, 473, Pssd., 474

EDGE ARCHITECTURE, PLLC

Auth. professional svcs. agreement with Edge Architecture, PLLC, for architectural, engineering design and resident proj. representation svcs., Tr. letter, 300, Pssd., 301

EMERGENCY ASSISTANCE REPAIR PROGRAM

Approp. funds for Emergency Assistance Repair Program, Tr. letter, 61, Pssd., 62

Amend. program allocations within Housing Dev. Fund for 2015-16 Consolidated Comm. Dev. Plan, Tr. letter, 437, Pssd., 438

Approp. Comm. Dev. Block Grant funds for Emergency Assistance Repair Program, Tr. letter, 438, Pssd., 439

Auth. agreements and approp. funds for Emergency Solutions Grant Program and amend. Ord. Nos. 2016-362 and 2016-363 with respect to Emergency Assistance Repair Program, Tr. letter, 478, Pssd., 479

EMERGENCY SOLUTIONS GRANT

Auth. funding and amendments to service agreements for Emergency Solutions Grant program for homeless, Tr. letter, 32, Pssd., 33

Auth. agreements and approp. funds for Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

Auth. agreements and approp. funds for Emergency Solutions Grant Program and amend. Ord. Nos. 2016-362 and 2016-363 with respect to Emergency Assistance Repair Program, Tr. letter, 478, Pssd., 479

EMPIRE JUSTICE CENTER

Approp. funds and auth. agreements for foreclosure prevention svcs., Tr. letter, 187, Pssd., 188

EMPIRE STATE DEVELOPMENT CORPORATION

Auth. appl. and agreement for grant under Round 4 of Restore NY Communities Initiative, Tr. letter, 364, Pssd., 365

ENGINEERING SERVICES

Amend. Ord. No. 2015-128 related to Annual Parking Garage Evaluation and Repair Program, Tr. letter, 144, Pssd., 146

Auth. agreement with Stantec Consulting Svcs., Inc. for architectural and engineering design for Public Safety Bldg. generator upgrade, Tr. letter, 215, Pssd., 215

Auth. professional svcs. agreement with

Bergmann Assoc., Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for engineering design and resident proj. representation svcs., Tr. letter, 299, Pssd., 299

Auth. professional svcs. agreement with Edge Architecture, PLLC, for architectural, engineering design and resident proj. representation svcs., Tr. letter, 300, Pssd., 301

Auth. amend. agreement with Bergmann Assoc. for planning, design and engineering svcs., including preparation of application for federal Transportation Investment Generating Economic Recovery grant, Tr. letter, 336, Pssd., 337

Auth. amend. agreement with Architectura, P.C. for architectural and engineering svcs., Tr. letter, 450, Pssd., 450

ENVIRONMENTAL ASSESSMENT, CLEAN-UP/REMEDIATION, AND INVESTIGATION

Auth. agreement and approp. funds related to environmental restoration program at 354 Whitney St. and 415 Orchard St., Tr. letter, 47, Pssd., 47

Approp. funds and auth. agreements for 2016 Lead Hazard Control Grant Program, Tr. letter, 138, Pssd., 140

Auth. amend. agreement with Bergmann Assoc. related to Dewey/Driving Park Ave. Intersection Realignment Proj., Tr. letter, 148, Pssd., 149

Auth. amend. agreement and funding for Vacuum Oil Site remedial investigation and alternatives analysis, Tr. letter, 373, Pssd., 374

Bond Ord. amend. Ord. No. 2014-254 by auth. issuance of additional \$150,000 Bonds to finance professional svcs. agreement with O'Brien & Gere for remedial investigation svcs. relating to contamination of Vacuum Oil site in the City, Tr. letter, 373, Pssd., 375

ENVIRONMENTAL EDUCATION ASSOCIATES, INC.

Approp. funds and auth. agreements for 2016 Lead Hazard Control Grant Program, Tr. letter, 138, Pssd., 140

ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC.

Auth. agreement with Environmental Systems Research Institute, Inc. to provide consulting and configuration svcs., Tr. letter, 222, Pssd., 223

ENVIRONMENTAL TESTING & CONSULTING INC.

Approp. funds and auth. agreements for 2016 Lead Hazard Control Grant Program, Tr. letter, 138, Pssd., 140

Auth. approp. of Comm. Dev. Block Grant funds and agreements for Targeted Housing Rehab. and Window Replacement programs, Tr. letter, 441, Pssd., 443

ERDMAN ANTHONY AND ASSOCIATES INC.

Auth. professional svcs. agreement, amend. agreement, and approp. of funds related to 2016 Preventive Maint., Group \$3, Tr. letter, 337, Pssd., 339

Auth. amend. agreement with Erdman, Anthony and Assoc., Inc. related to 2015 Preventive Maint. Group #2 Proj. (East/N & S Winton/University/Portland), Tr. letter, 483, Pssd., 484

ERIE HARBOR PARK

Auth. amend. agreement with Bergmann Assoc., P.C. related to Promenade at Erie Harbor Park, Tr. letter, 70, Pssd., 71

Auth. agreements and funding and conveying and modifying easements for Promenade at Erie Harbor Park, Tr. letter, 262, Held, 266, Pssd., 296

Bond Ord. auth. issuance of \$3,500,000 Bonds to finance portion of costs of constr. of Promenade at Erie Harbor, Tr. letter, 262, Held, 267, Pssd., 296

Auth. Consolidated Funding Grant applications and agreements, Tr. letter, 285, Pssd., 288

ETHICS, BOARD OF

Reso. approv. appt. to Board of Ethics, Tr. letter, 227, Adpt., 227

EUGENIO MARIA DE HOSTOS CHARTER SCHOOL

Approp. funds and auth. agreements for Owner-Occupant Roofing Program, Tr. letter, 102, Pssd., 103

EXAMINING BOARD OF STATIONARY ENGINEERS AND REFRIGERATION OPERATORS

Reso. approv. appts. to Board of Examiners of Stationary Engineers and Refrigeration Operators, Tr. letter, 292, Adpt., 293

EXCHANGE STREET

Auth. sale of real estate and granting permanent easement to Roch. Gas and Electric Corp. for upgrades to its Station 26 facility, Tr. letter, 476, Pssd., 478

EXPERT WITNESS SERVICES

Auth. amend. professional svcs. agreement for expert witness svcs. for Law Dept., Tr. letter, 92, Pssd., 93; Tr. letter, 178, Pssd., 179

Auth. professional svcs. agreement for expert witness svcs. for Law Dept., Tr. letter, 278, Pssd., 279

Auth. amend. agreement for expert witness svcs. for Law Dept., Tr. letter, 313, Pssd., 314

EXPLOSIVES STORAGE

Auth. agreement with County of Monroe for storage of explosives, Tr. letter, 460, Pssd., 460

EXTERIOR AND SECURITY REHABILITATION PROGRAM FOR OWNER-OCCUPANTS

Amend. Ord. No. 2013-281 relating to agreements for Phase 3 Exterior and Security Rehab. Program for Owner-Occupants, Tr. letter, 34, Pssd., 35

FAIRPORT, VILLAGE OF

Auth. intermunicipal agreement with Village of Fairport for pesticide application to ash trees, Tr. letter, 216, Pssd., 216

FAMILY RESOURCE CENTER OF HILLSIDE CHILDREN'S CENTER

Auth. agreements for Teenage Pregnancy Prevention Program, Tr. letter, 269, Pssd., 270; Tr. letter, 350, Pssd., 351

Auth. agreement for Environmental Workforce Dev. and Job Training Program grant and revision to Comprehensive Adolescent Pregnancy Prevention Program agreement, Tr. letter, 423, Pssd., 424

Auth. amend. agreements and funding for Federal Teenage Pregnancy Prevention Program, Tr. letter, 456, Pssd., 457

Auth. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 458, Pssd., 459

FEDERAL HIGHWAY ADMINISTRATION

Auth. receipt and use of funds and an agreement related to Broad St. Bridge Preventive Maint. Proj., Tr. letter, 42, Pssd., 44

FEDERAL TEENAGE PREGNANCY PREVENTION PROGRAM

Auth. amend. agreements and funding for Federal Teenage Pregnancy Prevention Program, Tr. letter, 456, Pssd., 457

FEES

Adoption of Budget ests. for muni. purposes for 2016-17 fiscal year, approp. of sums set forth therein and approv. commercial refuse fees, Tr. letter, 232, Pub. hear., 225, Pssd., 235

FEOLA, JOHN R.

Reso. approv. reappointment to Civil Service Commission, Tr. letter, 88, Adpt., 89

FESTIVALS

Establishing max. comp. for agreement for 2016 Puerto Rican Festival, Tr. letter, 119, Pssd., 119

Auth. agreement for 2016 Roch. Fringe Festival, Tr. letter, 120, Pssd., 121

Auth. agreement for 2016 Corn Hill Arts Festival, Tr. letter, 121, Pssd., 121

Auth. agreement for 2016 Park Ave Art Fest, Tr. letter, 121, Pssd., 122

Auth. amendatory agreement with 2Strive Media, Inc. to increase max. comp. for booking and production svcs. for 2016 Roch. SummerFest, Tr. letter, 174, Pssd., 175

Auth. grant agreement for Clarissa St. Reunion and amend. Budget, Tr. letter, 276, Pssd., 277

Auth. agreement for 2017 Roch. SummerFest, Tr. letter, 390, Pssd., 390

FINANCE COMMITTEE

Reports of, 7; 56; 86; 167; 226; 275; 312; 353; 386; 427; 463

FINANCE DIRECTOR

Auth. admin. tax cancellations and refunds of

\$1,000 or less for 2017, Tr. letter, 465, Pssd., 466

FINES

Amend. Chapter 111 of Mun. Code with regard to Vehicle and Traffic, Tr. letter, 179, Pssd., 180

FIRE DEPARTMENT

Bond Ord. auth. issuance of \$224,000 Bonds to finance costs of Broad & Allen Firehouse fuel tank replacement, Tr. letter, 45, Pssd., 46

Auth. loaned use of foam trailer and equipment for fire suppression, Tr. letter, 53, Pssd., 54

Auth. agreement with Wegmans Food Markets, Inc. to provide prescription medication for firefighters injured on the job, Tr. letter, 115, Pssd., 115

Auth. amend. professional svcs. agreement for physical training svcs., Tr. letter, 273, Pssd., 274

Auth. professional svcs. agreement with Bergmann Assoc., Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for engineering design and resident proj. representation svcs., Tr. letter, 299, Pssd., 299

Bond Ord. auth. issuance of \$680,000 Bonds to finance cost of design and constr. for replacement of HVAC systems at N. Clinton Ave. and Emerson St. Firehouses, Tr. letter, 299, Pssd., 300

Auth. amend. agreement with Town of Brighton for continuation of primary fire assistance and first responder svcs. to West Brighton, Tr. letter, 390, Pssd., 391

FIREARMS INSTRUCTION

Auth. intermunicipal agreement with County of Monroe for funding of firearms instruction, Tr. letter, 84, Pssd., 84

FIREFIGHTER PHYSICAL AGILITY TEST

Auth. agreement for firefighter physical agility test, Tr. letter, 8, Pssd., 9

FIREFIGHTERS' INSURANCE FUND

Approp. Firefighters' Insurance Funds, Tr. letter, 56, Pssd., 57; Tr. letter, 468, Pssd., 469

FIREWORKS DISPLAYS

Auth. agreement for fireworks displays, Tr. letter, 87, Pssd., 88

FIVE STAR BANK

Reso. endorsing Five Star Bank's applications to establish two Banking Dev. Districts, Tr. letter, 133, Pssd., 134

FLETCHER, JAMES

Approv. appts. and reappointments to City Planning Commission, Tr. letter, 199, Adpt., 199

FLEXIBLE SPENDING ACCOUNTS

Auth. agreement with Lifetime Benefit Solutions, Inc. for admin. of Flexible Spending, Parking/Transit Reimbursement and Health Reimbursement Accounts, Tr. letter, 429, Pssd., 429

FLOOD DAMAGE PREVENTION

Amend. Chapter 56 of Mun. Code with regard to Flood Damage Prevention, Tr. letter, 112, Pssd., 114

FLOWER CITY AMERICORPS PROGRAM

Auth. agreement for Flower City AmeriCorps Program, Tr. letter, 382, Pssd., 383

FLOWER STREET

Amend. Zoning Code map, Tr. letter, 247, Pssd., 247

FOCUSED INVESTMENT STRATEGY VACANT LOT FENCING AND GREENING PROGRAM

Auth. amend. agreement with Schubert Centre LLC for Focused Investment Strategy Vacant Lot Fencing and Greening Program, Tr. letter, 367, Pssd., 367

FOOD VENDING

Amend. Chapter 60 and 68 of Mun. Code with regard to food vending, Tr. letter, 123, Pssd., 133

Amend. Chapters 60, 13A and 120 of Mun. Code with regard to food truck, food trailer and food cart vending, Tr. letter, 391, Pssd., 398

FOODLINK, INC.

Auth. amend. agreements and approp. funds for Summer of Opportunity Program, Tr. letter, 221, Pssd., 222

FORECLOSURE PREVENTION SERVICES

Approp. funds and auth. agreements for foreclosure prevention svcs., Tr. letter, 187, Pssd., 188

FORFEITURE FUNDS

Auth. lease with Bivona Child Advocacy Ctr. and receipt and approp. of Federal asset forfeiture funds for Roch. Police Dept., Tr. letter, 83, Pssd., 84

Approp. federal asset forfeiture funds for purchase of police vehicles, Tr. letter, 166, Held, 167; Pssd., 267

Amend. 2016-17 Budget and approp. federal forfeiture funds, Tr. letter, 459, Pssd., 460

Approp. funds and auth. agreements related to federal forfeited property revenues allocated to Police Dept., Tr. letter, 460, Pssd., 461

FREDERICK STREET

Amend. Zoning Code map for multiple properties located on Hudson Ave., Merrimac St., Cleveland St. and Frederick St., Tr. letter, 362, Pssd., 363

FREED MAXICK CPAS, P.C.

Auth. amend. audit svcs. agreement with Freed Maxick CPAs, P.C., Tr. letter, 240, Pssd., 241

Auth. agreement for risk management consulting svcs., Tr. letter, 317, Pssd., 317

FRIENDS OF THE GARDENAERIAL, INC.

Auth. agreement with Friends of the GardenAerial, Inc. for youth internships at Public Mkt., Tr. letter, 162, Pssd., 162

FRINGE FESTIVAL

Auth. agreement for 2016 Roch. Fringe Festival, Tr. letter, 120, Pssd., 121

FULL MOON VISTA PRODUCTIONS

Auth. agreement for 2016 Roch. Twilight Criterium, Tr. letter, 120, Pssd., 121

-G-**GAMM, GERALD**

Approv. appts. and reappointments to Roch. Preservation Board, Tr. letter, 200, Approv., 201

GAUDIOSO, MOLLY

Approv. appts. and reappointments to City Planning Commission, Tr. letter, 199, Adpt., 199

GENERAL CODE, LLC

Auth. agreement with General Code, LLC to provide enterprise content management system svcs., Tr. letter, 314, Pssd., 315

GENERATORS

Auth. agreement with Stantec Consulting Svs., Inc. for architectural and engineering design for Public Safety Bldg. generator upgrade, Tr. letter, 215, Pssd., 215

GENESEE CROSSROADS GARAGE

Amend. Mun. Code with respect to parking rates, Tr. letter, 232, Pssd., 239

Auth. amend. agreement with T.Y. Lin Intl. for Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Proj., Tr. letter, 481, Pssd., 482

GENESEE REGIONAL CLEAN COMMUNITIES, INC.

Auth. grant agreement with Genesee Region Clean Communities, Inc. to fund purchase of alternative fuel vehicles, Tr. letter, 379, Pssd., 380

GOMAR HOLDINGS INC.

Auth. lease agreement for space in Port Terminal Bldg., Tr. letter, 95, Pssd., 96

Auth. sale of real estate and amendment to lease agreement auth. by Ord. No. 2016-68, Tr. letter, 136, Pssd., 137

GEOGRAPHIC INFORMATION SYSTEM

Auth. amend. agreement with Bergmann Assoc., P.C. to provide geographic information system ("GIS") svcs., Tr. letter, 150, Pssd., 150

GRANTS

Auth. funding and amendments to service agreements for Emergency Solutions Grant program for homeless, Tr. letter, 32, Pssd., 33

Auth. agreement for Tactical Team Grant, Tr. letter, 52, Pssd., 52

Approv. funds and auth. agreements for 2016 Lead Hazard Control Grant Program, Tr. letter, 138, Pssd., 140

Auth. grant contract, receipt, and use of grant funds from NY Sea Grant Great Lakes Basin Small Grants Program administered by Stony Brook University, Tr. letter, 153, Pssd., 154

Auth. agreements and approv. funds for

Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

Auth. grant agreement with The Reinvestment Fund for receipt and use of \$60,000 in conjunction with Invest Health program, Tr. letter, 197, Pssd., 197

Auth. agreement with Monroe County Dept. of Public Health for Tobacco Compliance Grant Program, Tr. letter, 218, Pssd., 219

Auth. agreements for animal svcs. and amend. Budget, Tr. letter, 219, Pssd., 219

Auth. competitive grant applications, Tr. letter, 240, Pssd., 240

Auth. agreement with NYS Div. of Homeland Security and Emergency Svcs., Tr. letter, 268, Pssd., 269

Auth. grant agreement with NYS Office of Victim Svcs., Tr. letter, 269, Pssd., 269

Auth. grant agreement for 2016 State Homeland Security Program, Tr. letter, 274, Pssd., 274

Auth. grant agreement for Clarissa St. Reunion and amend. Budget, Tr. letter, 276, Pssd., 277

Auth. Consolidated Funding Grant applications and agreements, Tr. letter, 285, Pssd., 288

Reso. supporting Consolidated Funding Grant Application, Tr. letter, 289, Adpt., 289

Auth. agreements for 2016 Justice Assistance Grant program, Tr. letter, 310, Pssd., 310

Amend. 2016-17 Budget of Library and accepting funds for library facility improvements, Tr. letter, 312, Pssd., 313

Auth. amend. agreement with Bergmann Assoc. for planning, design and engineering svcs., including preparation of application for federal Transportation Investment Generating Economic Recovery grant, Tr. letter, 336, Pssd., 337

Amend. 2016-17 Budget by increasing approp. for Roch. Police Dept. to carry over unspent grant funds, Tr. letter, 346, Pssd., 347

Auth. grant agreement with NYS Archives, Tr. letter, 354, Pssd., 355

Auth. appl. and agreement for grant under Round 4 of Restore NY Communities Initiative, Tr. letter, 364, Pssd., 365

Auth. grant agreement with Genesee Region Clean Communities, Inc. to fund purchase of alternative fuel vehicles, Tr. letter, 379, Pssd., 380

Auth. grant agreement and funding for drinking water fluoridation system, Tr. letter, 410, Pssd., 410

Auth. agreement for Environmental Workforce Dev. and Job Training Program grant and revision to Comprehensive Adolescent Pregnancy Prevention Program agreement, Tr. letter, 423, Pssd., 424

Auth. grant agreements and funding for Roch. Police Dept. violence prevention and community policing programs, Tr. letter, 424, Pssd., 425

Auth. grant agreement and funding for Zombie and Vacant Property Remediation and Prevention Initiative, Tr. letter, 440, Pssd., 441

Amend. Ord. No. 2016-313 with respect to grant for purchase of alternative fuel vehicles, Tr. letter, 444, Pssd., 445

Auth. funding, amend. Budget and auth. amend. agreement for renovations and upgrades at Central Library, Tr. letter, 448, Pssd., 449

Auth. agreement for Bomb Squad Initiative

grant, Tr. letter, 488, Pssd., 489
 Auth. agreement for Video Equipment grant, Tr. letter, 489, Pssd., 489
 Auth. agreement and funding for Animal Svs. innovation program, Tr. letter, 489, Pssd., 490

GREATER ROCHESTER AREA NARCOTICS ENFORCEMENT TEAM

Approp. funds for operations of Greater Roch. Area Narcotics Enforcement Team program, Tr. letter, 310, Pssd., 311

GREATER ROCHESTER ENTERPRISE

Auth. agreement with Greater Roch. Enterprise for economic dev. svcs., Tr. letter, 473, Pssd., 474

GREEN INFRASTRUCTURE DESIGN AND MAINTENANCE MANUAL

Auth. grant contract, receipt, and use of grant funds from NY Sea Grant Great Lakes Basin Small Grants Program administered by Stony Brook University, Tr. letter, 153, Pssd., 154

GREGORY STREET

Auth. sale of real estate amendment to lease agreement auth. by Ord. No. 2016-68, Tr. letter, 136, Pssd., 137

GUARDIAN LIFE INSURANCE COMPANY OF AMERICA

Auth. agreement for dental insurance, Tr. letter, 354, Pssd., 354

GUN INVOLVED VIOLENCE ELIMINATION PROGRAM

Auth. agreements for 2016-17 Gun Involved Violence Elimination Program, Tr. letter, 223, Held, 223, Pssd., 268

-H-

HVAC

Bond Ord. auth. issuance of \$158,000 Bonds to finance cost of design and constr. of replacement of HVAC system at City's Indoor Pistol Range, Tr. letter, 79, Pssd., 80

Auth. professional svcs. agreement with Bergmann Assoc., Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for engineering design and resident proj. representation svcs., Tr. letter, 299, Pssd., 299

Bond Ord. auth. issuance of \$680,000 Bonds to finance cost of design and constr. for replacement of HVAC systems at N. Clinton Ave. and Emerson St. Firehouses, Tr. letter, 299, Pssd., 300

Auth. professional svcs. agreement with Edge Architecture, PLLC, for architectural, engineering design and resident proj. representation svcs., Tr. letter, 300, Pssd., 301

Bond Ord. auth. issuance of \$520,000 Bonds to finance cost of architectural and engineering design svcs. for replacement of HVAC system at Campbell St. Recreation Ctr., Tr. letter, 300, Pssd., 302

HAAG, MATT, COUNCILMEMBER

Abstention, Ord. No. 2016-8, Pssd., 30; Ord.

No. 2016-138, Pssd., 182; Ord. No. 2016-151, Pssd., 196; Ord. No. 2016-265, Pssd., 333; Ord. No. 2016-322, Pssd., 390

Presentation of petition with 2,315 signatures in favor of saving the abandoned subway tunnel located in downtown Rochester, 56

Motion to discharge from Committee, Int. No. 51, Adpt., 81; Int. No. 61 from Committee, Adpt., 81; Int. No. 232, Adpt., 345

Motion to amend, Int. No. 101, Adpt., 112; Int. No. 181, Adpt., 210

Amend. Chapter 79 of Mun. Code as it relates to Dogs and Other Animals in Parks, Tr. letter, 112, Pssd., 112

Disclosure of Interest form submitted, 117; 167; 225; 275; 312; 386

Motion to return to Committee, Int. No. 232, Adpt., 257; Int. No. 345, Adpt., 370

Reso. adopting policy regarding City boards and commissions, Tr. letter, 315, Adpt., 316

Presentation of 624 signed post cards of persons wanting a safe place to play, 426

Presentation of petition with 67 signatures from Rochester People's Climate Coalition - Global Climate Change, 463

Negative vote, L.L. No. 6, Pssd., 467

HAAGS ALLEY

Auth. professional svcs. agreement with Passero Assoc., PC, for resident proj. representation svcs. for Charlotte St. and Haags Alley Improvement Proj., Tr. letter, 304, Pssd., 305

Bond Ord. auth. issuance of \$250,000 Bonds to finance water needs of Charlotte St. and Haags Alley Improvement Proj., Tr. letter, 304, Pssd., 306

Auth. amend. agreement with Passero Assoc., Engineering, Architecture & Surveying, D.P.C., for improvements to Charlotte St. and Haags Alley, Tr. letter, 373, Pssd., 373

HANDICAPPED PARKING

Amend. Mun. Code Chapter 111, Vehicle and Traffic, to remove fee for replacement handicapped parking permit, Tr. letter, 134, Pssd., 135

Amend. City Charter with respect to parking permits for handicapped residents, Tr. letter, 177, Pssd., 178

Amend. Mun. Code Chapter 111, Vehicle and Traffic, with regard to parking permits for handicapped residents and for Corn Hill Neighborhood, Tr. letter, 177, Pssd., 178

HANEY, PAUL E.

Reso. nominating var. persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 58, Held, 59, Adpt., 169

HARBORTOWN

Changing zoning class. of 90 St. John's Park from R-1 Low Density Resi. Dist. to H-V Harbortown Village Dist., Tr. letter, 293, Pssd., 294

HARRIS, LASHAY

Reso. approv. appts. to Board of Assessment Review, Tr. letter, 472, Adpt., 472

HAYWARD AVENUE

Auth. sale of 630 Hayward Ave., Tr. letter, 137, Pssd., 138

HAZELWOOD TERRACE

L.I.O. - care and embellishment of street malls for 2016-2017, Tr. letter, 158, Pssd., 159

HEALTH INSURANCE

Auth. professional svcs. agreement for health insurance admin., Tr. letter, 357, Pssd., 358

HEALTH REIMBURSEMENT ACCOUNTS

Auth. agreement with Lifetime Benefit Solutions, Inc. for admin. of Flexible Spending, Parking/Transit Reimbursement and Health Reimbursement Accounts, Tr. letter, 429, Pssd., 429

HEARING OFFICER SERVICES

Agreement for hearing officer svcs. for administrative nuisance abatement hearings, Tr. letter, 36, Pssd., 36

HELPING ELDERS LAW PROJECT

Approp. funds for Helping Elders Law Proj., Tr. letter, 334, Pssd., 335

HEMLOCK LAKE WATER FILTRATION PLANT

Auth. agreements with Optimization Technology, Inc. related to automation controls at Hemlock Lake Water Filtration Plant, Tr. letter, 154, Pssd., 155

HIGH FALLS

Auth. agreement with High Falls Dev. Corp., Tr. letter, 111, Pssd., 111

L.I.O. establishing cost of assessments related to High Falls Business Improvement Dist. and auth. agreement, Tr. letter, 183, Pssd., 183

Amend. City Charter with respect to responsibilities for City facilities, Tr. letter, 232, Pssd., 238

HIGH FALLS DEVELOPMENT CORPORATION

Auth. agreement with High Falls Dev. Corp., Tr. letter, 111, Pssd., 111

HIGH FALLS GARAGE

Amend. Mun. Code with respect to parking rates, Tr. letter, 232, Pssd., 239

HIGH TECH ROCHESTER, INC.

Auth. agreement with High Tech Roch., Inc. for business assistance svcs., Tr. letter, 285, Pssd., 285

HIGHLAND FAMILY PLANNING

Auth. amend. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 270, Pssd., 271; Tr. letter, 350, Pssd., 351

Auth. agreement for Environmental Workforce Dev. and Job Training Program grant and revision to Comprehensive Adolescent Pregnancy Prevention Program agreement, Tr. letter, 423, Pssd., 424

Auth. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 458, Pssd., 459

HIGHLAND HOSPITAL OF ROCHESTER

Auth. agreements for Teenage Pregnancy Prevention Program, Tr. letter, 269, Pssd., 270

Auth. amend. agreements and funding for Federal Teenage Pregnancy Prevention Program, Tr. letter, 456, Pssd., 457

HIGHLAND PARK/CANALWAY TRAIL IMPROVEMENTS PROJECT

Auth. amend. agreement with T.Y. Lin Intl. for Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Proj., Tr. letter, 481, Pssd., 482

Auth. amend. intermunicipal agreement for Highland Park/Canalway Trail Improvements Proj., Tr. letter, 482, Pssd., 483

HIGHLAND PLANNING LLC

Auth. amend. agreement for Street Manager Program, Tr. letter, 208, Pssd., 208

Auth. agreements for 2016-17 Street Liaison Program, Tr. letter, 322, Held, 322, Pssd., 359

HILLSIDE AVENUE

L.I.O. - care and embellishment of street malls for 2016-2017, Tr. letter, 158, Pssd., 159

HILLSIDE CHILDREN'S CENTER

Auth. amend. agreements and funding for Federal Teenage Pregnancy Prevention Program, Tr. letter, 456, Pssd., 457

Auth. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 458, Pssd., 459

HILLSIDE FAMILY OF AGENCIES

Auth. lease agreement with Hillside Family of Agencies, Tr. letter, 90, Pssd., 91

HINCHER GROUP STREET IMPROVEMENT PROJECT

Auth. amend. agreement and funding for Hincer Group Street Improvement Proj., Tr. letter, 372, Pssd., 373

HITACHI DATA SYSTEMS CORPORATION

Auth. agreements for Roch. Police Dept. camera system, Tr. letter, 55, Pssd., 55

HITE, R.K., & CO., INC.

Auth. amend. agreement for advice and svcs. related to compliance with Uniform Relocation Act, Tr. letter, 314, Pssd., 314

HOCHSTEIN, DAVID, MEMORIAL MUSIC SCHOOL, INC.

Auth. funding and agreements for Science, Technology, Engineering, Arts and Mathematics (STEAM) proj., Tr. letter, 385, Pssd., 386

HOGAN, HELEN

Approv. appts. and reappointments to City Planning Commission, Tr. letter, 199, Adpt., 199

HOME OWNERSHIP PILOT PROGRAM FOR VACANT HOUSES

Auth. funding and agreements for Home Ownership Pilot Program for Vacant Houses, Tr. letter, 407, Pssd., 408

Amend. program allocations within Housing Dev. Fund for 2015-16 Consolidated Comm. Dev. Plan, Tr. letter, 437, Pssd., 438

Auth. funding for Home Ownership Pilot Program for Vacant Houses, Tr. letter, 439, Pssd., 440

HOME ROCHESTER PROGRAM

Approp. funds and auth. agreements for Home Roch. Program, Tr. letter, 188, Pssd., 190

Auth. agreement for Home Roch. Program, Tr. letter, 190, Pssd., 191

Auth. amend. agreement for Home Roch. Community Housing Dev. Organization program, Tr. letter, 244, Pssd., 246

Amend. Consolidated Comm. Dev. Plan/2016-17 Annual Action Plan and Home Roch. Program appropriations and agreement, Tr. letter, 294, Pssd., 295

Auth. amend. agreement with Roch. Housing Dev. Fund Corp. for Home Roch. Program, Tr. letter, 443, Held, 443

HOME RULE MESSAGE

Reso. for purpose of Home Rule Message regarding State legislation in relation to adjudication of traffic infractions within City of Roch., Tr. letter, 224, Adpt., 225

HOME STORE

Auth. agreements and approp. funds for Homebuyer Training Program, Tr. letter, 192, Pssd., 193

HOMEBUYER TRAINING PROGRAM

Auth. agreements and approp. funds for Homebuyer Training Program, Tr. letter, 192, Pssd., 193

HOUSE OF MERCY, INC.

Auth. agreement for constr. of House of Mercy homeless shelter, Tr. letter, 366, Pssd, 367

HOUSING

Auth. funding and amendments to service agreements for Emergency Solutions Grant program for homeless, Tr. letter, 32, Pssd., 33

Auth. approp. and agreements for Buyer Assist. Program, Tr. letter, 33, Pssd., 33

Amend. Ord. No. 2013-281 relating to agreements for Phase 3 Exterior and Security Rehab. Program for Owner-Occupants, Tr. letter, 34, Pssd., 35

Approp. funds for Emergency Assistance Repair Program, Tr. letter, 61, Pssd., 62

Approp. funds and auth. agreements for Owner-Occupant Roofing Program, Tr. letter, 102, Pssd., 103

Approp. funds and auth. agreements for Buyer Assist. Program, Tr. letter, 104, Pssd., 105

Approp. funds and auth. agreements for 2016 Lead Hazard Control Grant Program, Tr. letter, 138, Pssd., 140

Auth. intermunicipal agreement with Monroe

County for lead paint poisoning prevention inspection svcs., Tr. letter, 141, Pssd., 141

Approp. funds and auth. agreements for foreclosure prevention svcs., Tr. letter, 187, Pssd., 188

Auth. agreement and approp. funds for landlord/tenant svcs., Tr. letter, 188, Pssd., 188

Approp. funds and auth. agreements for Home Roch. Program, Tr. letter, 188, Pssd., 190

Auth. agreement for Home Roch. Program, Tr. letter, 190, Pssd., 191

Auth. agreements and approp. funds for Buyer Assistance Program, Tr. letter, 191, Pssd., 192

Auth. agreements and approp. funds for Homebuyer Training Program, Tr. letter, 192, Pssd., 193

Auth. agreement and approp. funds for Aging in Place Home Modification Program, Tr. letter, 193, Pssd., 194

Auth. agreements and approp. funds for Housing Opportunities for Persons with AIDS Program, Tr. letter, 194, Pssd., 196

Auth. agreements and approp. funds for Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

Amend. Consolidated Comm. Dev. Plan/2016-17 Annual Action Plan and Home Roch. Program appropriations and agreement, Tr. letter, 294, Pssd., 295

Amend. Chapter 63 of Mun. Code with regard to housing discrimination on basis of income, Tr. letter, 317, Held, 319

Approp. funds, auth. amend. agreements and amend. 2016-17 Consolidated Comm. Dev. Plan for Housing Opportunities for Persons with AIDS, Tr. letter, 332, Pssd., 333

Auth. agreement for constr. of House of Mercy homeless shelter, Tr. letter, 366, Pssd, 367

Auth. funding, sale of real estate and loan agreement for Upper Falls Sq. affordable housing proj., Tr. letter, 405, Pssd., 406

Approv. property tax exemption and auth. payment in-lieu-of tax agreement for Upper Falls Sq. affordable housing proj., Tr. letter, 405, Pssd., 407

Auth. funding and agreements for Home Ownership Pilot Program for Vacant Houses, Tr. letter, 407, Pssd., 408

Auth. loan agreement for Lincoln Alliance Bldg. Proj. and amend. Ord. No. 2011-145, Tr. letter, 430, Pssd., 431

Approp. funds for admin. of Celebrate City Living program, Tr. letter, 436, Pssd., 437

Amend. program allocations within Housing Dev. Fund for 2015-16 Consolidated Comm. Dev. Plan, Tr. letter, 437, Pssd., 438

Approp. Comm. Dev. Block Grant funds for Emergency Assistance Repair Program, Tr. letter, 438, Pssd., 439

Auth. funding for Home Ownership Pilot Program for Vacant Houses, Tr. letter, 439, Pssd., 440

Auth. grant agreement and funding for Zombi and Vacant Property Remediation and Prevention Initiative, Tr. letter, 440, Pssd., 441

Auth. approp. of Comm. Dev. Block Grant funds and agreements for Targeted Housing Rehab. and Window Replacement programs, Tr. letter, 441, Pssd., 443

Auth. amend. agreement with Roch. Housing Dev. Fund Corp. for Home Roch. Program, Tr. letter, 443, Held, 443

Auth. agreements and approp. funds for Emergency Solutions Grant Program and amend. Ord. Nos. 2016-362 and 2016-363 with respect to Emergency Assistance Repair Program, Tr. letter, 478, Pssd., 479

HOUSING COUNCIL AT PATHSTONE, INC.

Approp. funds and auth. agreements for 2016 Lead Hazard Control Grant Program, Tr. letter, 138, Pssd., 140

Approp. funds and auth. agreements for foreclosure prevention svcs., Tr. letter, 187, Pssd., 188

Auth. agreements and approp. funds for Homebuyer Training Program, Tr. letter, 192, Pssd., 193

HOUSING DEVELOPMENT FUND

Amend. program allocations within Housing Dev. Fund for 2015-16 Consolidated Comm. Dev. Plan, Tr. letter, 437, Pssd., 438

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS PROGRAM

Auth. agreements and approp. funds for Housing Opportunities for Persons with AIDS Program, Tr. letter, 194, Pssd., 196

Approp. funds, auth. amend. agreements and amend. 2016-17 Consolidated Comm. Dev. Plan for Housing Opportunities for Persons with AIDS, Tr. letter, 332, Pssd., 333

HUDSON AVENUE

Amend. Zoning Code map for multiple properties located on Hudson Ave., Merrimac St., Cleveland St. and Frederick St., Tr. letter, 362, Pssd., 363

HUNT ENGINEERS, ARCHITECTS & LAND SURVEYORS, P.C.

Auth. agreement with Hunt Engineers, Architects & Land Surveyors, P.C., for resident proj. representation svcs. and approp. funds for 2016 Preventive Maint. Group #2, Tr. letter, 248, Pssd., 249

HUNTINGTON PARK

L.I.O. - care and embellishment of street malls for 2016-2017, Tr. letter, 158, Pssd., 159

-I-

IBERO-AMERICAN ACTION LEAGUE, INC.

Auth. amend. agreements and approp. funds for Summer of Opportunity Program, Tr. letter, 221, Pssd., 222

Auth. agreements for Teenage Pregnancy Prevention Program, Tr. letter, 269, Pssd., 270

Auth. amend. agreements and funding for Federal Teenage Pregnancy Prevention Program, Tr. letter, 456, Pssd., 457

INDOOR PISTOL RANGE

Bond Ord. auth. issuance of \$158,000 Bonds to finance cost of design and constr. of replacement of HVAC system at City's Indoor Pistol

Range, Tr. letter, 79, Pssd., 80

INNER LOOP

Auth. and approp. funds for acq. of multiple parcels for use in Inner Loop East Redevelopment Proj., Tr. letter, 182, Pssd., 183

Auth. Consolidated Funding Grant applications and agreements, Tr. letter, 285, Pssd., 288

INSPECTION SERVICES

Auth. intermunicipal agreement with Monroe County for lead paint poisoning prevention inspection svcs., Tr. letter, 141, Pssd., 141

INSPECTOR GENERAL, OFFICE OF

L.L. amend. City Charter to establish Office of Inspector General, Tr. letter, 282, Held, 284

INSURANCE

Auth. agreement for Motor Vehicle Theft and Insurance Fraud Prevention Program and amend. 2015-16 Budget, Tr. letter, 52, Pssd., 53

Approp. Firefighters' Insurance Funds, Tr. letter, 56, Pssd., 57; Tr. letter, 468, Pssd., 469

Approp. from Insurance Reserve Fund, Tr. letter, 57, Pssd., 58

Establishing max. comp. for professional svcs. agreement for admin. of unemployment insurance claims, Tr. letter, 228, Pssd., 229

Auth. agreement for dental insurance, Tr. letter, 354, Pssd., 354

Auth. professional svcs. agreement for health insurance admin., Tr. letter, 357, Pssd., 358

Auth. agreement and funding for Motor Vehicle Theft and Insurance Fraud Prevention Program, Tr. letter, 425, Pssd., 425

Auth. agreement with MVP Health Care, Inc. for COBRA admin. svcs., Tr. letter, 428, Pssd., 429

INTERMUNICIPAL AGREEMENTS

Auth. intermunicipal agreement with Monroe County for parking signs, Tr. letter, 45, Pssd., 45

Auth. intermunicipal agreement with County of Monroe for funding of firearms instruction, Tr. letter, 84, Pssd., 84

Auth. intermunicipal agreement for Pathways to Peace Program, Tr. letter, 85, Held, 86

Auth. intermunicipal agreement with Roch. City School Dist., Tr. letter, 114, Pssd., 115

Auth. intermunicipal lease agreement with Monroe County for court room space in Hall of Justice, and County Public Safety Bldg., Tr. letter, 122, Pssd., 123

Auth. intermunicipal agreement with Monroe County for lead paint poisoning prevention inspection svcs., Tr. letter, 141, Pssd., 141

Amend. Ord. No. 2015-376 regarding STOP DWI Program, Tr. letter, 161, Pssd., 162

Auth. intermunicipal agreement with Village of Fairport for pesticide application to ash trees, Tr. letter, 216, Pssd., 216

Auth. intermunicipal agreement and approp. for Pathways to Peace Program, Tr. letter, 349, Pssd., 350

Auth. intermunicipal agreement with Monroe County for fiber assessment, Tr. letter, 357, Pssd., 357

Auth. amend. agreement with Town of

Brighton for continuation of primary fire assistance and first responder svcs. to West Brighton, Tr. letter, 390, Pssd., 391

Auth. intermunicipal agreements and funding for STOP DWI Program, Tr. letter, 425, Pssd., 426

Auth. agreement with County of Monroe for storage of explosives, Tr. letter, 460, Pssd., 460

Approp. funds and auth. agreements related to federal forfeited property revenues allocated to Police Dept., Tr. letter, 460, Pssd., 461

Auth. intermunicipal agreement with Monroe 2-Orleans BOCES for workforce education and skills dev. training, Tr. letter, 470, Pssd., 470

Auth. amend. intermunicipal agreement for Highland Park/Canalway Trail Improvements Proj., Tr. letter, 482, Pssd., 483

INTERNSHIPS

Auth. agreement with Friends of the GardenAerial, Inc. for youth internships at Public Mkt., Tr. letter, 162, Pssd., 162

INVEST HEALTH

Auth. grant agreement with The Reinvestment Fund for receipt and use of \$60,000 in conjunction with Invest Health program, Tr. letter, 197, Pssd., 197

-J-

JAY STREET

Amend. Zoning Code map for 1009-1011 Jay St., Tr. letter, 363, Pssd., 364

JENNIFER HOUSE

Auth. agreements and approp. funds for Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

JENNINGS, LAURENE

Approv. appointments and reappointments to Zoning Board of Appeals, Tr. letter, 197, Adpt., 198

JETTY AT THE PORT, THE

Auth. lease agreement for space in Port Terminal Bldg., Tr. letter, 94, Pssd., 95

JOB TRAINING

Auth. agreement for job skills training and landscape maint. in City parks and green spaces, Tr. letter, 115, Pssd., 116

Auth. agreement with Abundant Life Faith Ctr., Inc., for job training and placement program, Tr. letter, 150, Pssd., 151

Auth. agreement with North East Area Dev., Inc., Tr. letter, 151, Pssd., 151

Auth. agreement with Ctr. for Employment Opportunities, Inc., Tr. letter, 151, Pssd., 152

Auth. agreement with Baden St. Settlement, Inc., Tr. letter, 152, Pssd., 153

Auth. agreement for Environmental Workforce Dev. and Job Training Program grant and revision to Comprehensive Adolescent Pregnancy Prevention Program agreement, Tr. letter, 423, Pssd., 424

JOHNSON, C.H., CONSULTING INC.

Auth. amend. agreement for economic analysis of renovation options for Blue Cross Arena, Tr. letter, 135, Pssd., 136

JOHNSON, JERDINE L.

Reso. nominating var. persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 58, Held, 58, Adpt. 169

JONEINTZ, ROSEMARY

Approv. reappointments to Roch. Environmental Commission, Tr. letter, 200, Adpt., 200

JUAN & MARIA'S EMPANADA STOP, INC.

Auth. the leasing to vendors of modular replacement bldgs. and compensating vendors for removal of existing bldgs. related to Public Mkt. Winter Shed Renovation and Expansion Proj., Tr. letter, 271, Pssd., 273

JUSTICE ASSISTANCE GRANTS

Auth. agreements for 2016 Justice Assistance Grant program, Tr. letter, 310, Pssd., 310

-K-

KARIN, DANIEL B.

Reso. approv. appt. to Board of Trustees of Roch. Public Library, Tr. letter, 90, Adpt., 90

KILMAR STREET

Auth. geometric changes related to Kilmar St. Group reconstruction, rehab., and curb replacement, Tr. letter, 50, Pub. hear., 6, Pssd., 51

Auth. agreements and approp. funds for Kilmar St. Group Proj., Tr. letter, 375, Pssd., 377

Bond Ord. auth. issuance of \$165,000 Bonds to finance reconstruction of water svcs. along certain portions of Shady Lane related to 2016 Kilmar St. Group Reconstruction Proj., Tr. letter, 375, Pssd., 378

Auth. amend. agreement and amend. Official Map for Cobbs Hill Drive Reconstruction/Rehab. Proj. and auth. funding amend. for Kilmar St. Group Proj., Tr. letter, 410, Pssd., 412

KONOPKA, P.C.

Amend. Ord. No. 2015-128 related to Annual Parking Garage Evaluation and Repair Program, Tr. letter, 144, Pssd., 146

KUCHMAN, IAN

Approv. reappointments to Roch. Environmental Commission, Tr. letter, 200, Adpt., 200

-L-

LABELLA ASSOCIATES, D.P.C.

Auth. amend. agreement with LaBella Assoc., D.P.C. for Durand Eastman Beach utility improvements, Tr. letter, 253, Pssd., 254

Auth. amend. agreements and funding for Port Marina proj., Tr. letter, 254, Pssd., 255

Auth. receipt and use of funds and agreement related to Ctr., City Two-Way Conversion Proj. - Phase II, Tr. letter, 259, Pssd., 261

Auth. agreements and approp. funds for Driv-

ing Park Bridge Preventive Maint. Proj., Tr. letter, 340, Pssd., 342

Auth. agreement with LaBella Assoc., D.P.C., for Rundel Library Structural Terrace Improvements Phase IV Proj., Tr. letter, 415, Pssd., 415

Auth. amend. agreement with LaBella Assoc., D.P.C. for design and const. admin. svcs. for additional air handler replacements in City Hall, Tr. letter, 447, Pssd., 447

Amend. Ord. No. 2015-365 with respect to funding of agreement for Train Bridge Overlook Proj., Tr. letter, 484, Pssd., 486

LAFAYETTE PARK

L.I.O. - care and embellishment of street malls for 2016-2017, Tr. letter, 158, Pssd., 159

LAKE AVENUE

Auth. agreement with NYS Dept. of Transportation for snow removal, Tr. letter, 74, Pssd., 74

Auth. funding for Lake Ave. Improvement Proj., Tr. letter, 211, Pssd., 212

Auth. receipt and use of NYS Dept. of Transportation funds, Tr. letter, 380, Pssd., 381

LANDLORD/TENANT SERVICES

Auth. agreement and approp. funds for landlord/tenant svcs., Tr. letter, 188, Pssd., 188

LANDSCAPE MAINTENANCE

Auth. agreement for job skills training and landscape maint. in City parks and green spaces, Tr. letter, 115, Pssd., 116

LAW DEPARTMENT

Auth. amend. professional svcs. agreement for expert witness svcs. for Law Dept., Tr. letter, 92, Pssd., 93

LEAD AGENCY AGREEMENT

Auth. lead agency agreement between City Council and Mayor regarding environmental review, Tr. letter, 47, Pssd., 48

LEAD PAINT

Approp. funds and auth. agreements for 2016 Lead Hazard Control Grant Program, Tr. letter, 138, Pssd., 140

Auth. intermunicipal agreement with Monroe County for lead paint poisoning prevention inspection svcs., Tr. letter, 141, Pssd., 141

Auth. approp. of Comm. Dev. Block Grant funds and agreements for Targeted Housing Rehab. and Window Replacement programs, Tr. letter, 441, Pssd., 443

LEASE AGREEMENTS

Auth. lease for multi-purpose stadium parcels, Tr. letter, 6, Pssd., 7

Auth. lease with Bivona Child Advocacy Ctr. and receipt and approp. of Federal asset forfeiture funds for Roch. Police Dept., Tr. letter, 83, Pssd., 84

Auth. lease agreement with Hillside Family of Agencies, Tr. letter, 90, Pssd., 91

Auth. lease agreement for space in Port Terminal Bldg., Tr. letter, 94, Pssd., 95

Auth. lease agreement for space in Port Ter-

minal Bldg., Tr. letter, 95, Pssd., 96

Auth. intermunicipal lease agreement with Monroe County for court room space in Hall of Justice, and County Public Safety Bldg., Tr. letter, 122, Pssd., 123

Auth. sale of real estate and amendment to lease agreement auth. by Ord. No. 2016-68, Tr. letter, 136, Pssd., 137

Auth. lease agreement with State University of NY College at Brockport Roch. Educational Opportunity Ctr., Tr. letter, 228, Pssd., 228

Auth. the leasing to vendors of modular replacement bldgs. and compensating vendors for removal of existing bldgs. related to Public Mkt. Winter Shed Renovation and Expansion Proj., Tr. letter, 271, Pssd., 273

Auth. agreement for lease of space for Downtown District Svcs., Tr. letter, 325, Pssd., 326

Auth. lease agreement for Court St. Parking Garage, Tr. letter, 358, Pssd., 359

Auth. sale of real estate and amending lease, Tr. letter, 360, Pssd., 361

Auth. lease agreement with Alexander Realty LLC for Municipal Parking and Code Violations Bureau, Tr. letter, 480, Held, 480

LE FROIS STREET

Auth. geometric changes related to Kilmar St. Group reconstruction, rehab., and curb replacement, Tr. letter, 50, Pub. hear., 6, Pssd., 51

LEGAL AID SOCIETY OF ROCHESTER, NEW YORK

Auth. agreement and approp. funds for landlord/tenant svcs., Tr. letter, 188, Pssd., 188

LEGAL MED, LLC

Auth. professional svcs. agreement for expert witness svcs. for Law Dept., Tr. letter, 278, Pssd., 279

Auth. amend. agreement for expert witness svcs. for Law Dept., Tr. letter, 313, Pssd., 314

LEGAL SERVICES

Auth. amend. professional svcs. agreement for legal svcs., Tr. letter, 175, Pssd., 175

LENOX STREET

Auth. change in traffic flow on Lenox St., Tr. letter, 49, Pub. hear., 6, Pssd., 50

LIBRARIES

Reso. approv. reappointments to Roch. Public Library Board of Trustees, Tr. letter, 24, Adpt., 25

Reso. approv. appt. to Board of Trustees of Roch. Public Library, Tr. letter, 90, Adpt., 90

Auth. lease agreement with Hillside Family of Agencies, Tr. letter, 90, Pssd., 91

Amend. 2016-17 Budget of Library and accepting funds for library facility improvements, Tr. letter, 312, Pssd., 313

Amend. 2016-17 Budget of Library, Tr. letter, 389, Pssd., 389

Auth. agreement with LaBella Assoc., D.P.C., for Rundel Library Structural Terrace Improvements Phase IV Proj., Tr. letter, 415, Pssd., 415

Bond Ord. auth. issuance of \$3,457,000 Bonds to finance costs of Rundel Library Struc-

tural Terrace Improvements Phase IV, Tr. letter, 415, Pssd., 416

Auth. funding, amend. Budget and auth. amend. agreement for renovations and upgrades at Central Library, Tr. letter, 448, Pssd., 449

LICENSE AGREEMENT

Auth. amend. license agreement for use of space in Turning Point Park, Tr. letter, 408, Pssd., 409

LIFESPAN OF GREATER ROCHESTER, INC.

Auth. agreement and approp. funds for Aging in Place Home Modification Program, Tr. letter, 193, Pssd., 194

LIFETIME BENEFIT SOLUTIONS, INC

Auth. agreement with Lifetime Benefit Solutions, Inc. for admin. of Flexible Spending, Parking/Transit Reimbursement and Health Reimbursement Accounts, Tr. letter, 429, Pssd., 429

LIGHTFOOT, WILLIE JOE

Reso. nominating var. persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 58, Held, 58, Adpt. 169

LIMA, TOWN OF

Amend. Mun. Code with respect to wholesale water rates, Tr. letter, 216, Pssd., 216

LIN, T.Y., INTERNATIONAL ENGINEERING, ARCHITECTURE & LAND SURVEYING, P.C.

Auth. receipt and use of funds and an agreement related to Broad St. Bridge Preventive Maint. Proj., Tr. letter, 42, Pssd., 44

Amend. Ord. No. 2015-128 related to Annual Parking Garage Evaluation and Repair Program, Tr. letter, 144, Pssd., 146

Amend. Ord. No. 2015-128 with respect to agreement with T.Y. Lin Intl. Engineering, Architecture & Land Surveying, P.C. for Parking Garage Repair and Reconstruction Program, Tr. letter, 455, Pssd., 455

Auth. amend. agreement with T.Y. Lin Intl. for Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Proj., Tr. letter, 481, Pssd., 482

LINCOLN ALLIANCE BUILDING PROJECT

Auth. loan agreement for Lincoln Alliance Bldg. Proj. and amend. Ord. No. 2011-145, Tr. letter, 430, Pssd., 431

LINCOLN BRANCH LIBRARY

Auth. lease agreement with Hillside Family of Agencies, Tr. letter, 90, Pssd., 91

LINDLEY, CHRISTOPHER

Reso. approv. appt. to Board of Ethics, Tr. letter, 227, Adpt., 227

LITTLE THEATRE FILM SOCIETY, INC.

Reso. supporting Consolidated Funding Grant Application, Tr. letter, 289, Adpt., 289

LOAN AGREEMENTS

Amend. Ord. No. 2016-8 in relation to loan agreement to fund Sibley Bldg. Redevelopment - Phase I, Tr. letter, 319, Pssd., 322

Auth. loan agreement with Roch. Convention Ctr. Management Corp., Tr. letter, 398, Pssd., 399

Auth. funding, sale of real estate and loan agreement for Upper Falls Sq. affordable housing proj., Tr. letter, 405, Pssd., 406

Auth. loan agreement for Lincoln Alliance Bldg. Proj. and amend. Ord. No. 2011-145, Tr. letter, 430, Pssd., 431

LOCAL IMPROVEMENT ORDINANCES

1709 - L.I.O. - establishing cost of upgrading of street cleaning for East Ave./Alexander St. Entertainment Dist., Tr. letter, 97, Pssd., 97

1710 - Auth. special work and svcs. related to South Ave./Alexander St. Open Space Dist. LIO No. 1537, Tr. letter, 141, Pssd., 142

1711 - L.I.O. - establishing operating, installation and maint. costs of street lighting special assessment districts, Tr. letter, 155, Pssd., 156

1712 - Amend. L.I.O. No. 2012-1658, as last amended by Ord. No. 2015-75, to correct front footage and remove parcel in Browncroft Neighborhood Street Light Dist., Tr. letter, 157, Pssd., 157

1713 - L.I.O. - care and embellishment of street malls for 2016-2017, Tr. letter, 158, Pssd., 159

1714 - L.I.O. - establishing operating and maint. costs of special assessments for streetscape enhancements, Tr. letter, 159, Pssd., 160

1715 - Establishing cost of special work and svcs. related to Main St. improvements of Downtown Enhancement Dist., Tr. letter, 160, Pssd., 161

1716 - L.I.O. - snow removal at Public Mkt. for 2016-17, Tr. letter, 164, Pssd., 166

1717 - L.I.O. - security svcs. at Public Mkt. for 2016-17, Tr. letter, 164, Pssd., 166

1718 - L.I.O. - Establishing operating and maint. costs of neighborhood commercial and resi. parking areas, Tr. letter, 173, Pssd., 174

1719 - L.I.O. establishing cost of assessments related to High Falls Business Improvement Dist. and auth. agreement, Tr. letter, 183, Pssd., 183

1720 - L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2016 and expiring June 30, 2017, Tr. letter, 232, Pub. hear., 225, Pssd., 237

LOCAL INITIATIVES SUPPORT CORPORATION

Auth. grant agreement and funding for Zombi and Vacant Property Remediation and Prevention Initiative, Tr. letter, 440, Pssd., 441

LOCAL LAWS

2 - Amend. Section 5-6 of the City Charter with regard to meetings, Tr. letter, 8, Pssd., 8

3 - L.L. amend. Section 6-33 of City Charter with regard to competition of purchases and sales, Tr. letter, 11, Pssd., 3

4 - Amend. City Charter with respect to parking permits for handicapped residents, Tr. letter, 177, Pssd., 178

5 - Amend. City Charter with respect to responsibilities for City facilities, Tr. letter, 232, Pssd., 238

L.L. amend. City Charter to establish Office of Inspector General, Tr. letter, 282, Held, 284

6 - Amend. Local Law 6-2014 with respect to owner liability for failure of motor vehicle operator to comply with traffic-control indications, Tr. letter, 466, Pssd., 467

LOGICAL OPERATIONS INC.

Auth. agreement with New Horizons Computer Learning Ctr. of Metropolitan NY, Inc. at Logical Operations Inc. for computer training classes, Tr. letter, 467, Pssd., 468

LOLLYPOP FARM

Establishing max. comp. and approp. funds for veterinary svcs., Tr. letter, 268, Pssd., 268

LOVENHEIM, JOHN

Reso. approv. reappointments to Roch. Public Library Board of Trustees, Tr. letter, 24, Adpt., 25

LU ENGINEERS

Amend. funding for Durand Eastman Beach Outfall and Durand Eastman Utilities and Site Improvement projects, Tr. letter, 107, Pssd., 108

Auth. professional svcs. agreement with Joseph C. Lu Engineering and Land Surveying, P.C., for term resident proj. representation svcs. for City right-of-way permit constr., Tr. letter, 217, Pssd., 217

Auth. agreement with Joseph C. Lu Engineering and Land Surveying, P.C. for resident proj. representation svcs. for Cornerstone Park Improvement Proj., Tr. letter, 344, Pssd., 345

LUNDY'S LANE

Amend. Official Map by abandonment of portion of Lundy's Lane, Tr. letter, 484, Pub. hear., 463, Pssd., 484

LYELL AVENUE PARKING LOT

L.I.O. - Establishing operating and maint. costs of neighborhood commercial and resi. parking areas, Tr. letter, 173, Pssd., 174

LYON, MARTHA, LANDSCAPE ARCHITECTURE, LLC

Auth. agreement with Martha Lyon Landscape Architecture, LLC to pursue designation of Mt. Hope Cemetery to Natl. Register of Historic Places, Tr. letter, 258, Pssd., 259

-M-

MVP HEALTH CARE, INC.

Auth. agreement with MVP Health Care, Inc. for COBRA admin. svcs., Tr. letter, 428, Pssd., 429

MVP SELECT CARE, INC.

Auth. professional svcs. agreement for health insurance admin., Tr. letter, 357, Pssd., 358

MADDIE'S FUND

Auth. agreement and funding for Animal Svcs. innovation program, Tr. letter, 489, Pssd., 490

MAGELLAN ADVISORS LLC

Auth. intermunicipal agreement with Monroe County for fiber assessment, Tr. letter, 357, Pssd., 357

MAIN STREET

Establishing cost of special work and svcs. related to Main St. improvements of Downtown Enhancement Dist., Tr. letter, 160, Pssd., 161

MAIN STREET STREETSCAPE AND PEDESTRIAN WAYFINDING ENHANCEMENT PROJECT

Amend. source of funds approp. in Ord. No. 2015-196 for Main St. Streetscape and Pedestrian Wayfinding Enhancement Proj., Tr. letter, 215, Pssd., 216

Auth. agreements and approp. funds for Main St. Streetscape and Pedestrian Wayfinding Enhancement Proj., Tr. letter, 449, Pssd., 450

Auth. amend. agreement related to Main St. Streetscape Wayfinding Enhancement proj., Tr. letter, 486, Pssd., 488

MAINTENANCE SERVICES

Auth. agreement with High Falls Dev. Corp., Tr. letter, 111, Pssd., 111

Auth. agreement for job skills training and landscape maint. in City parks and green spaces, Tr. letter, 115, Pssd., 116

MARASCO, PAUL A., ESQ.

Agreement for hearing officer svcs. for administrative nuisance abatement hearings, Tr. letter, 36, Pssd., 36

MARKET DRIVEN COMMUNITY COOPERATIVE

Auth. agreement with Democracy Collaborative for consulting svcs., Tr. letter, 96, Pssd., 97

Auth. Consolidated Funding Grant applications and agreements, Tr. letter, 285, Pssd., 288

MARKETVIEW HEIGHTS

Auth. Consolidated Funding Grant applications and agreements, Tr. letter, 285, Pssd., 288

Amend. program allocations within Housing Dev. Fund for 2015-16 Consolidated Comm. Dev. Plan, Tr. letter, 437, Pssd., 438

MARLIN, EUGENIO

Approv. appts. and reappointments to City Planning Commission, Tr. letter, 199, Adpt., 199

MARTHA LYON LANDSCAPE ARCHITECTURE, LLC

Auth. agreement with Martha Lyon Landscape Architecture, LLC to pursue designation of Mt. Hope Cemetery to Natl. Register of Historic Places, Tr. letter, 258, Pssd., 259

MARTINEZ, MARC A., PHD, ABPP, CLINICAL AND FORENSIC PSYCHOLOGY SERVICES, PLLC

Auth. amend. professional svcs. agreement for

expert witness svcs. for Law Dept., Tr. letter, 92, Pssd., 93

MASON, MICHAEL L.

Reso. nominating var. persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 58, Held, 59, Adpt., 169

MATTHEWS, DAVID

Approv. appts. and reappointments to Roch. Preservation Board, Tr. letter, 200, Approv., 201

MAYER, BONITA HELEN

Approv. appts. and reappointments to Roch. Preservation Board, Tr. letter, 200, Approv., 201

MAYER, SUZANNE

Approv. appts. and reappointments to City Planning Commission, Tr. letter, 199, Adpt., 199

MAYOR, COMMUNICATIONS FROM

Administrative cancellation or refund of erroneous taxes and charges, 6; 56; 86; 225; 352; 386; 426; 463

Quarterly Report - NBD loans and grants, 6; 311

Quarterly Report - Delinquent receivables, 6; 116; 167; 311; 386

Public Disclosure - HOME Participation, 56; 86; 116; 167

Quarterly Report - Schedule of Revenue and Expenditures, 86; 386

Public Disclosure - CDBG Participation, 86; 352

Semiannual Report - COMIDA PILOTs and tax abatements for period ending August 2016; 311

MCDONALD, WILLIAM P.

Reso. nominating var. persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 58, Held, 59, Adpt., 169

MCFADDEN, ADAM C., COUNCILMEMBER

Negative vote, Ord. No. 2016-17, Pssd., 40; Ord. No. 2016-62, Pssd., 90; Ord. No. 2016-292, Pssd., 358

Motion to discharge from Committee, Int. No. 40, Adpt., 54; Int. No. 42, Adpt., 55

Motion to amend, Int. No. 145, Adpt., 162; Int. No. 143, Adpt., 267; Int. No. 326, Adpt., 351

Disclosure of Interest form submitted, 225; 312

Petition presented with 28 signatures regarding amending Roch. Zoning Code, 312

Amend. Chapter 63 of Mun. Code with regard to housing discrimination on basis of income, Tr. letter, 317, Held, 319

Petition with 236 signatures regarding Zoning Code and moratorium for Mt. Hope Cemetery, presented by Councilmember McFadden, 352

Auth. agreement with United Negro College Funds, Inc., Tr. letter, 461, Pssd., 462

MCLEAR, BRUCE

Approv. appts. and reappointments to Roch.

Preservation Board, Tr. letter, 200, Approv., 201

MCMULLEN, LEIGH

Approv. reappointments to Roch. Environmental Commission, Tr. letter, 200, Adpt., 200

MENTORING

Auth. memorandum of agreement with Roch. City School Dist., Tr. letter, 220, Pssd., 220

MERCADO, CARLOS

Reso. approv. appts. to Board of Assessment Review, Tr. letter, 472, Adpt., 472

MERCY COMMUNITY SERVICES, INC.

Auth. agreements and approp. funds for Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

MERRIMAC STREET

Amend. Zoning Code map for multiple properties located on Hudson Ave., Merrimac St., Cleveland St. and Frederick St., Tr. letter, 362, Pssd., 363

Amend. Zoning Code map for 128 Merrimac St., and 15 Wadsworth St., Tr. letter, 368, Pssd., 369

METRO APPRAISAL ASSOCIATES

Auth. agreements for appraisal and real estate-related svcs. for Dept. of Neighborhood and Business Dev., Tr. letter, 243, Pssd., 244

METRO COUNCIL FOR TEEN POTENTIAL

Auth. amend. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 350, Pssd., 351

Auth. agreement for Environmental Workforce Dev. and Job Training Program grant and revision to Comprehensive Adolescent Pregnancy Prevention Program agreement, Tr. letter, 423, Pssd., 424

MIDLAND APPRAISAL ASSOCIATES, INC.

Auth. agreements for appraisal and real estate-related svcs. for Dept. of Neighborhood and Business Dev., Tr. letter, 243, Pssd., 244

Auth. professional svcs. agreements for appraisal and real estate svcs., Tr. letter, 276, Pssd., 276

MIDTOWN PARKING GARAGE

Auth. sale of Midtown Parking Garage and Midtown Lot 7 to further Midtown Urban Renewal Plan, Tr. letter, 431, Pub. hear., 432, Pssd., 433

MIDTOWN URBAN RENEWAL PLAN

Auth. sale of Midtown Parking Garage and Midtown Lot 7 to further Midtown Urban Renewal Plan, Tr. letter, 431, Pub. hear., 432, Pssd., 433

MILAN STREET

Auth. geometric changes related to Kilmar St. Group reconstruction, rehab., and curb replacement, Tr. letter, 50, Pub. hear., 6, Pssd., 51

MILLER, DANA K., COUNCIL VICE PRESIDENT

Reso. for nomination and selection of Vice President of Roch. City Council, Adpt., 1

Disclosure of interest form submitted, 86; 117; 225; 275; 312; 386

Abstention, Ord. No. 2016-74, Pssd., 103; Ord. No. 2016-102, Pssd., 140; Ord. No. 2016-190, Pssd., 243; Ord. No. 2016-281, Pssd., 349; Motion to discharge Int. No. 321 from Committee, Adpt., 359; Ord. No. 2016-294, Pssd., 359; Ord. No. 2016-330, Pssd., 402

Presentation of petition with 14,665 signatures of persons against casino gambling, 275

Motion to discharge from Committee, Int. No. 321, Adpt., 359

MOM'S MARGIOS DINER

Auth. lease agreement for space in Port Terminal Bldg., Tr. letter, 95, Pssd., 96

Auth. sale of real estate and amendment to lease agreement auth. by Ord. No. 2016-68, Tr. letter, 136, Pssd., 137

Auth. sale of real estate and amending lease, Tr. letter, 360, Pssd., 361

MONROE 2 - ORLEANS BOCES

Auth. intermunicipal agreement with Monroe 2-Orleans BOCES for workforce education and skills dev. training, Tr. letter, 470, Pssd., 470

MONROE BARRIE CORP.

Auth. amend. agreements and approp. additional funds for real estate appraisal svcs., Tr. letter, 59, Pssd., 60

Auth. agreements for appraisal and real estate-related svcs. for Dept. of Neighborhood and Business Dev., Tr. letter, 243, Pssd., 244

MONROE COMMUNITY COLLEGE

Auth. professional svcs. agreement with Monroe Comm. College for Police Recruit Education Proj., Tr. letter, 311, Pssd., 311

MONROE COUNTY

Auth. intermunicipal agreement with Monroe County for parking signs, Tr. letter, 45, Pssd., 45

Auth. intermunicipal agreement with County of Monroe for funding of firearms instruction, Tr. letter, 84, Pssd., 84

Auth. intermunicipal lease agreement with Monroe County for court room space in Hall of Justice, and County Public Safety Bldg., Tr. letter, 122, Pssd., 123

Auth. intermunicipal agreement with Monroe County for lead paint poisoning prevention inspection svcs., Tr. letter, 141, Pssd., 141

Amend. Ord. No. 2015-376 regarding STOP DWI Program, Tr. letter, 161, Pssd., 162

Auth. agreement with Monroe County Dept. of Public Health for Tobacco Compliance Grant Program, Tr. letter, 218, Pssd., 219

Auth. agreement with Monroe County for funding of youth rec. and youth dev. programming, Tr. letter, 307, Pssd., 308

Auth. agreements for 2016 Justice Assistance Grant program, Tr. letter, 310, Pssd., 310

Auth. intermunicipal agreement with Monroe County for fiber assessment, Tr. letter, 357,

Pssd., 357

Auth. intermunicipal agreements and funding for STOP DWI Program, Tr. letter, 425, Pssd., 426

Auth. agreement with County of Monroe for storage of explosives, Tr. letter, 460, Pssd., 460

Approp. funds and auth. agreements related to federal forfeited property revenues allocated to Police Dept., Tr. letter, 460, Pssd., 461

MONROE COUNTY BROADCASTING COMPANY, LIMITED

Establishing max. comp. for agreement for Step Jam, Tr. letter, 462, Pssd., 463

MONROE COUNTY SWIFT, CERTAIN AND FAIR PROGRAM

Approp. funds and auth. agreements related to federal forfeited property revenues allocated to Police Dept., Tr. letter, 460, Pssd., 461

MONROE COUNTY WATER AUTHORITY

Auth. agreement with Monroe County Water Auth. to provide potable water to Durand Eastman Beach, Tr. letter, 258, Pssd., 258

MONROE/OXFORD PARKING LOT

L.I.O. - Establishing operating and maint. costs of neighborhood commercial and resi. parking areas, Tr. letter, 173, Pssd., 174

MONROE VETERINARY ASSOCIATES

Establishing max. comp. and approp. funds for veterinary svcs., Tr. letter, 268, Pssd., 268

Approp. funds and auth. amend. agreement for veterinary svcs., Tr. letter, 456, Pssd., 456

MONROE VETERINARY SERVICES

Auth. amend. agreement for veterinary svcs., Tr. letter, 84, Pssd., 85

MORALES, MARCIAL, JR.

Reso. approv. appt. to Zoning Board of Appeals, Tr. letter, 105, Held, 106

Approv. appointments and reappointments to Zoning Board of Appeals, Tr. letter, 197, Adpt., 198

MORGAN COURT STREET APARTMENTS, LLC

Auth. agreements and funding and conveying and modifying easements for Promenade at Erie Harbor Park, Tr. letter, 262, Held, 266, Pssd., 296

MORGAN MANAGEMENT, LLC

Auth. sale of Midtown Parking Garage and Midtown Lot 7 to further Midtown Urban Renewal Plan, Tr. letter, 431, Pub. hear., 432, Pssd., 433

MORRIE SILVER WAY

Bond Ord. auth. issuance of \$650,000 Bonds to finance reconstruction of certain portions of N. Goodman St., E. Main St., Allen, Brown and Wilder Streets and Morrie Silver Way related to 2016 Preventive Maint., Group #3 proj., Tr. letter, 337, Pssd., 340

MORTIMER STREET GARAGE

Amend. Mun. Code with respect to parking rates, Tr. letter, 232, Pssd., 239

Amend. Mun. Code with respect to parking rates, Tr. letter, 389, Pssd., 390

MOTOR VEHICLE THEFT AND INSURANCE FRAUD PREVENTION PROGRAM

Auth. agreement for Motor Vehicle Theft and Insurance Fraud Prevention Program and amend. 2015-16 Budget, Tr. letter, 52, Pssd., 53

Auth. agreement and funding for Motor Vehicle Theft and Insurance Fraud Prevention Program, Tr. letter, 425, Pssd., 425

MT. HOPE AVENUE

Auth. amend. professional svcs. agreement for Mt. Hope Ave. Phase 2 Improvements proj., Tr. letter, 303, Pssd., 304

Auth. amend. professional svcs. agreement and approp. funds for Mt. Hope Ave. Phase 2 Improvements, Tr. letter, 335, Pssd., 336

MT. HOPE AVENUE PARKING LOT

L.I.O. - Establishing operating and maint. costs of neighborhood commercial and resi. parking areas, Tr. letter, 173, Pssd., 174

MT. HOPE CEMETERY

Auth. agreement with Martha Lyon Landscape Architecture, LLC to pursue designation of Mt. Hope Cemetery to Natl. Register of Historic Places, Tr. letter, 258, Pssd., 259

MT. HOPE STREETSCAPE ENHANCEMENT DISTRICT

L.I.O. - establishing operating and maint. costs of special assessments for streetscape enhancements, Tr. letter, 159, Pssd., 160

MOVE MANAGEMENT SERVICES

Auth. agreement with Vargas Assoc., Inc. for move management term svcs., Tr. letter, 71, Pssd., 71

MUNICIPAL.COM, INC.

Auth. agreements for auctioneer svcs., Tr. letter, 9, Pssd., 11

MUNICIPAL CODE

Amend. Chapter 8A of Mun. Code as it relates to purchasing and property management, Tr. letter, 11, Pssd., 24

Amend. Chapter 79 of Mun. Code as it relates to Dogs and Other Animals in Parks, Tr. letter, 112, Pssd., 112

Amend. Chapter 56 of Mun. Code with regard to Flood Damage Prevention, Tr. letter, 112, Pssd., 114

Amend. Chapter 62 of Mun. Code with regard to commercial travelers, solicitors and special events, Tr. letter, 123, Pssd., 132

Amend. Chapter 60 and 68 of Mun. Code with regard to food vending, Tr. letter, 123, Pssd., 133

Amend. Mun. Code Chapter 111, Vehicle and Traffic, to remove fee for replacement handicapped parking permit, Tr. letter, 134, Pssd., 135

Amend. Mun. Code Chapter 111, Vehicle and

Traffic, with regard to parking permits for handicapped residents and for Corn Hill Neighborhood, Tr. letter, 177, Pssd., 178

Amend. Chapter 111 of Mun. Code with regard to Vehicle and Traffic, Tr. letter, 179, Pssd., 180

Amend. Mun. Code with respect to wholesale water rate, Tr. letter, 216, Pssd., 216

Amend. Mun. Code with respect to parking rates, Tr. letter, 232, Pssd., 239

Amend. Mun. Code with respect to water rates, Tr. letter, 232, Pssd., 239

Amend. Chapter 63 of Mun. Code with regard to housing discrimination on basis of income, Tr. letter, 317, Held, 319

Amend. Chapter 120 of Mun. Code with respect to restaurants, bars and accessory outdoor seating and assembly areas in C-1 Neighborhood Center zoning dist., Tr. letter, 324, Pssd., 325

Amend. Zoning Code, Chapter 120 of Mun. Code with regard to retail sales and service, Tr. letter, 326, Pssd., 332

Amend. Chapter 90 of Mun. Code with respect to retail sales, Tr. letter, 326, Pssd., 332

Amend. Mun. Code with respect to parking lots, Tr. letter, 333, Pssd., 334

Amend. Zoning Code, Chapter 120 of Mun. Code, with regard to retail sales and service in M-1 Industrial dist., Tr. letter, 367, Pssd., 368

Amend. Mun. Code with respect to parking rates, Tr. letter, 389, Pssd., 390

Amend. Chapters 60, 13A and 120 of Mun. Code with regard to food truck, food trailer and food cart vending, Tr. letter, 391, Pssd., 398

Auth. agreement for Public Bikeshare System and amend. Chapter 35 of Mun. Code with respect to advertisements at System stations, Tr. letter, 421, Pssd., 422

MUNICIPAL CODE VIOLATIONS

Auth. agreement with EOS CCA for collection of unpaid parking and mun. code violations, Tr. letter, 170, Pssd., 171

MUNICIPAL EMERGENCY SERVICES INC.

Auth. agreement related to body worn cameras, Tr. letter, 54, Pssd., 55

MUNICIPAL PARKING AND CODE VIOLATIONS BUREAU

Auth. lease agreement with Alexander Realty LLC for Municipal Parking and Code Violations Bureau, Tr. letter, 480, Held, 480

MUNICIPAL RIGHT-OF-WAY AND TELECOMMUNICATIONS PROJECT

Auth. agreement with CHA Consulting, Inc. for Mun. Right-of-Way and Telecommunications Proj., Tr. letter, 445, Pssd., 446

MURAL ARTS PROJECT

Approp. for Mural Arts Proj., Tr. letter, 347, Pssd., 348

MUSIC

Establishing max. comp. for professional svcs. agreement for ticket sales and box office management of City-produced events, Tr. letter, 87,

Pssd., 87
 Auth. agreement with Roch. Philharmonic Orchestra for public concerts, Tr. letter, 118, Pssd., 119
 Auth. amendatory agreement with 2Strive Media, Inc. to increase max. comp. for booking and production svcs. for 2016 Roch. SummerFest, Tr. letter, 174, Pssd., 175
 Auth. agreement for 2017 Roch. SummerFest, Tr. letter, 390, Pssd., 390

-N-

NCS COMMUNITY DEVELOPMENT CORP.
 Auth. funding and amendments to service agreements for Emergency Solutions Grant program for homeless, Tr. letter, 32, Pssd., 33

NATIONAL REGISTER OF HISTORIC PLACES
 Auth. agreement with Martha Lyon Landscape Architecture, LLC to pursue designation of Mt. Hope Cemetery to Natl. Register of Historic Places, Tr. letter, 258, Pssd., 259

NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE
 Reports of, 30; 60; 98; 136; 183; 241; 290; 322; 359; 399; 433; 474

NEIGHBORHOOD CENTER ZONING DISTRICT
 Amend. Chapter 120 of Mun. Code with respect to restaurants, bars and accessory outdoor seating and assembly areas in C-1 Neighborhood Center zoning dist., Tr. letter, 324, Pssd., 325

NEIGHBORHOOD HOUSING SERVICES OF ROCHESTER, INC.
 Approp. funds and auth. agreements for 2016 Lead Hazard Control Grant Program, Tr. letter, 138, Pssd., 140

NEIGHBORWORKS ROCHESTER
 Approp. funds and auth. agreements for 2016 Lead Hazard Control Grant Program, Tr. letter, 138, Pssd., 140
 Auth. agreements and approp. funds for Homebuyer Training Program, Tr. letter, 192, Pssd., 193

NEW HORIZONS COMPUTER LEARNING CENTER OF METROPOLITAN NEW YORK, INC.
 Auth. agreement with New Horizons Computer Learning Ctr. of Metropolitan NY, Inc. at Logical Operations Inc. for computer training classes, Tr. letter, 467, Pssd., 468

NEW YORK STATE ARCHIVES
 Auth. grant agreement with NYS Archives, Tr. letter, 354, Pssd., 355

NEW YORK STATE DEPARTMENT OF EDUCATION
 Auth. agreements for Summer Food Service Program, Tr. letter, 162, Pssd., 163
 Auth. agreements and approp. funds related to

Roch. After School Academy program, Tr. letter, 306, Pssd., 307
 Amend. 2016-17 Budget of Library and accepting funds for library facility improvements, Tr. letter, 312, Pssd., 313
 Auth. funding, amend. Budget and auth. amend. agreement for renovations and upgrades at Central Library, Tr. letter, 448, Pssd., 449

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 Auth. agreement and approp. funds related to environmental restoration program at 354 Whitney St. and 415 Orchard St., Tr. letter, 47, Pssd., 47

NEW YORK STATE DEPARTMENT OF HEALTH
 Auth. grant agreement and funding for drinking water fluoridation system, Tr. letter, 410, Pssd., 410

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
 Auth. receipt and use of funds and an agreement related to Broad St. Bridge Preventive Maint. Proj., Tr. letter, 42, Pssd., 44
 Auth. agreement with NYS Dept. of Transportation for snow removal, Tr. letter, 74, Pssd., 74
 Auth. receipt and use of NYS Dept. of Transportation funds, Tr. letter, 380, Pssd., 381
 Auth. acceptance of easements, Tr. letter, 475, Pssd., 476

NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
 Auth. agreements for 2016-17 Gun Involved Violence Elimination Program, Tr. letter, 223, Held, 223, Pssd., 268
 Auth. grant agreements and funding for Roch. Police Dept. violence prevention and community policing programs, Tr. letter, 424, Pssd., 425
 Auth. agreement and funding for Motor Vehicle Theft and Insurance Fraud Prevention Program, Tr. letter, 425, Pssd., 425

NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES
 Auth. agreement for Tactical Team Grant, Tr. letter, 52, Pssd., 52
 Auth. loaned use of foam trailer and equipment for fire suppression, Tr. letter, 53, Pssd., 54
 Auth. agreement with NYS Div. of Homeland Security and Emergency Svcs., Tr. letter, 268, Pssd., 269
 Auth. grant agreement for 2016 State Homeland Security Program, Tr. letter, 274, Pssd., 274
 Auth. agreement for Bomb Squad Initiative grant, Tr. letter, 488, Pssd., 489

NEW YORK STATE GOVERNOR'S TRAFFIC SAFETY COMMITTEE
 Auth. agreement and funding for Child Passenger Safety Program, Tr. letter, 383, Pssd., 384

NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES

Auth. agreement for Flower City AmeriCorps Program, Tr. letter, 382, Pssd., 383

NEW YORK STATE OFFICE OF VICTIM SERVICES

Auth. grant agreement with NYS Office of Victim Svs., Tr. letter, 269, Pssd., 269

NEW YORK STATE PIT BRIDGE INITIATIVE

Auth. receipt and use of funds and an agreement related to Broad St. Bridge Preventive Maint. Proj., Tr. letter, 42, Pssd., 44

NEW YORK STATE URBAN DEVELOPMENT CORPORATION

Auth. appl. and agreement for grant under Round 4 of Restore NY Communities Initiative, Tr. letter, 364, Pssd., 365

NICHOLS STREET PARKING LOT

Auth. acceptance of real estate by donation, Tr. letter, 35, Pssd., 36

NIELSEN HOUSE

Auth. agreements and approp. funds for Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

NINETEENTH WARD COMMUNITY ASSOCIATION OF ROCHESTER, NEW YORK, INC.

Amend. Ord. No. 2014-375 regarding agreement for assistance to complete Bull's Head Brownfield Opportunity Area Nomination Study, Tr. letter, 246, Pssd., 247

Auth. agreements for 2016-17 Street Liaison Program, Tr. letter, 322, Held, 322, Pssd., 359

NORTH EAST AREA DEVELOPMENT, INC.

Auth. funding and amendments to service agreements for Emergency Solutions Grant program for homeless, Tr. letter, 32, Pssd., 33

Auth. agreement with North East Area Dev., Inc., Tr. letter, 151, Pssd., 151

Auth. amend. agreements and approp. funds for Summer of Opportunity Program, Tr. letter, 221, Pssd., 222

NORTH GOODMAN STREET

Bond Ord. auth. issuance of \$650,000 Bonds to finance reconstruction of certain portions of N. Goodman St., E. Main St., Allen, Brown and Wilder Streets and Morrie Silver Way related to 2016 Preventive Maint., Group #3 proj., Tr. letter, 337, Pssd., 340

NORTH STREET

L.I.O. - Establishing operating and maint. costs of neighborhood commercial and resi. parking areas, Tr. letter, 173, Pssd., 174

NORTH WINTON ROAD

Bond Ord. auth. issuance of \$261,000 Bonds to finance acq. and installation of street lighting upgrades along certain portions of Winton Rd. North, Robinson Dr., and Reservoir Ave., Tr.

letter, 416, Pssd., 418

Auth. amend. agreement with Erdman, Anthony and Assoc., Inc. related to 2015 Preventive Maint. Group #2 Proj. (East/N & S Winton/University/Portland), Tr. letter, 483, Pssd., 484

NORTON STREET URBAN RENEWAL STREETScape ENHANCEMENT DISTRICT

L.I.O. - establishing operating and maint. costs of special assessments for streetscape enhancements, Tr. letter, 159, Pssd., 160

NUISANCE ABATEMENT

Agreement for hearing officer svcs. for administrative nuisance abatement hearings, Tr. letter, 36, Pssd., 36

Auth. agreement for review of Nuisance Abatement Ordinance, Tr. letter, 40, Pssd., 40

Auth. amend. agreement for review of Nuisance Abatement Ord., Tr. letter, 400, Pssd., 400

NUNDA BOULEVARD

L.I.O. - care and embellishment of street malls for 2016-2017, Tr. letter, 158, Pssd., 159

-O-

O'BRIEN & GERE ENGINEERS, INC.

Bond Ord. amend. Ord. No. 2014-254 by auth. issuance of additional \$150,000 Bonds to finance professional svcs. agreement with O'Brien & Gere for remedial investigation svcs. relating to contamination of Vacuum Oil site in the City, Tr. letter, 373, Pssd., 375

O'DONNELL, JOSEPH

Approv. appointments and reappointments to Zoning Board of Appeals, Tr. letter, 197, Adpt., 198

OFFICIAL MAP

Amend. Official Map by dedicating Celebration Dr., Tr. letter, 51, Pub. hear., 6, Pssd., 51

Auth. acq. of 360 Webster Ave., amend. of Official Map, and amend. agreement with C&S Engineers, Inc., to provide additional right-of-way acq. svcs., Tr. letter, 210, Pssd., 211

Amend. Official Map by dedicating permanent easements to street purposes for Dewey Ave. and Driving Park Intersection Realignment Proj., Tr. letter, 342, Pssd., 345

Auth. amend. agreement and amend. Official Map for Cobbs Hill Drive Reconstruction/Rehab. Proj. and auth. funding amend. for Kilmar St. Group Proj., Tr. letter, 410, Pssd., 412

Amend. Official Map by abandonment of portion of Lundy's Lane, Tr. letter, 484, Pub. hear., 463, Pssd., 484

OFFICIAL NEWSPAPERS

Designating Official Newspapers of City for Roch. for Years 2016-17, Pssd., 5

O'NEILL, PATRICK

Approv. appointments and reappointments to Zoning Board of Appeals, Tr. letter, 197, Adpt.,

198

ONTARIO BEACH PARK

Auth. amend. agreement with Architectura, P.C. for architectural and engineering svcs., Tr. letter, 450, Pssd., 450

OPEN SPACE DISTRICTS

Auth. special work and svcs. related to South Ave./Alexander St. Open Space Dist. LIO No. 1537, Tr. letter, 141, Pssd., 142

OPERATION TRANSFORMATION ROCHESTER

Auth. amend. agreement with Aeon Nexus Corp. to implement Customer Relationship Management solution for Operation Transformation Roch. Adult Employment Svcs., Tr. letter, 470, Pssd., 471

OPTIMIZATION TECHNOLOGY, INC.

Auth. agreements with Optimization Technology, Inc. related to automation controls at Hemlock Lake Water Filtration Plant, Tr. letter, 154, Pssd., 155

ORCHARD STREET

Auth. agreement and approp. funds related to environmental restoration program at 354 Whitney St. and 415 Orchard St., Tr. letter, 47, Pssd., 47

ORCHARD-WHITNEY REDEVELOPMENT

Approp. funds and auth. agreement with Vita Nuova, LLC related to Orchard-Whitney Redevelopment Feasibility Study, Tr. letter, 74, Pssd., 75

ORDINANCES AMENDED

Amend. Ord. No. 2013-281 relating to agreements for Phase 3 Exterior and Security Rehab. Program for Owner-Occupants, Tr. letter, 34, Pssd., 35

Auth. amend. agreements and approp. additional funds for real estate appraisal svcs., Tr. letter, 59, Pssd., 60

Bond Ord. amend. Ord. No. 2015-395 and auth. issuance of \$300,000 Bonds to finance certain costs of 2016 Annual Parking Evaluation and Repair Program, Tr. letter, 144, Pssd., 146

Amend. Ord. No. 2015-128 related to Annual Parking Garage Evaluation and Repair Program, Tr. letter, 144, Pssd., 146

Amend. Ord. No. 2015-376 regarding STOP DWI Program, Tr. letter, 161, Pssd., 162

Amend. Ord. No. 2014-375 regarding agreement for assistance to complete Bull's Head Brownfield Opportunity Area Nomination Study, Tr. letter, 246, Pssd., 247

Amend. Ord. No. 2016-8 in relation to loan agreement to fund Sibley Bldg. Redevelopment - Phase I, Tr. letter, 319, Pssd., 322

Approp. funds for smoke and carbon monoxide detectors and amend. budget approp. of State Homeland Security Program funds, Tr. letter, 347, Pssd. 347

Approp. for Mural Arts Proj., Tr. letter, 347, Pssd., 348

Bond Ord. amend. Ord. No. 2014-254 by

auth. issuance of additional \$150,000 Bonds to finance professional svcs. agreement with O'Brien & Gere for remedial investigation svcs. relating to contamination of Vacuum Oil site in the City, Tr. letter, 373, Pssd., 375

Auth. funding and agreements for Science, Technology, Engineering, Arts and Mathematics (STEAM) proj., Tr. letter, 385, Pssd., 386

Amend. Ord. No. 2016-157 to specify portions of Webster Ave. properties to be acquired and dedicated as public right-of-way, Tr. letter, 418, Pssd., 419

Auth. loan agreement for Lincoln Alliance Bldg. Proj. and amend. Ord. No. 2011-145, Tr. letter, 430, Pssd., 431

Amend. Ord. No. 2016-313 with respect to grant for purchase of alternative fuel vehicles, Tr. letter, 444, Pssd., 445

Amend. Ord. No. 2015-128 with respect to agreement with T.Y. Lin Intl. Engineering, Architecture & Land Survey, P.C. for Parking Garage Repair and Reconstruction Program, Tr. letter, 455, Pssd., 455

Auth. agreements and approp. funds for Emergency Solutions Grant Program and amend. Ord. Nos. 2016-362 and 2016-363 with respect to Emergency Assistance Repair Program, Tr. letter, 478, Pssd., 479

Amend. Ord. No. 2015-365 with respect to funding of agreement for Train Bridge Overlook Proj., Tr. letter, 484, Pssd., 486

Amend. Ord. No. 2016-284 with respect to agreement for relocation of loading docks related to Public Mkt. Winter Shed Renovation and Expansion Proj., Tr. letter, 490, Pssd., 490

ORTIZ, JACKLYN, COUNCILMEMBER

Motion to discharge from Committee, Int. No. 17, Adpt., 40; Int. No. 91, Adpt., 105; Int. No. 117, Adpt., 141; Int. No. 339, Adpt., 368

Motion to amend, Int. No. 17, Adpt., 40; Int. No. 91, Adpt., 105; Int. No. 179, Adpt., 201; Int. No. 338, Adpt., 362; Int. No. 339, Adpt., 368; Int. No. 396, Adpt., 408; Int. No. 402, Adpt., 434

Negative vote, Ord. No. 2016-169, Pssd., 219; Ord. No. 2016-332, Pssd., 404

OWNER-OCCUPANT ROOFING PROGRAM

Approp. funds and auth. agreements for Owner-Occupant Roofing Program, Tr. letter, 102, Pssd., 103

Amend. program allocations within Housing Dev. Fund for 2015-16 Consolidated Comm. Dev. Plan, Tr. letter, 437, Pssd., 438

OXFORD STREET

L.I.O. - care and embellishment of street malls for 2016-2017, Tr. letter, 158, Pssd., 159

-P-

PARENT LEADERSHIP TRAINING INSTITUTE

Auth. agreement with Rochester's Child, Inc. for implementation of Parent Leadership Training Institute, Tr. letter, 308, Pssd., 308

PARK AVE ART FEST

Auth. agreement for 2016 Park Ave Art Fest, Tr. letter, 121, Pssd., 122

PARK AVENUE MERCHANTS ASSOCIATION, INC.

Auth. agreement for 2016 Park Ave Art Fest, Tr. letter, 121, Pssd., 122

PARKING AND MUNICIPAL CODE VIOLATIONS BUREAU

Auth. amend. agreement with Clark Patterson Engineers, Surveyor, Architect and Landscape Architect, DPC, Tr. letter, 41, Pssd., 42

Amend. 2015-16 Budget and funding source for architectural svcs., Tr. letter, 91, Pssd., 92

PARKING GARAGES AND LOTS

Bond Ord. amend. Ord. No. 2015-395 and auth. issuance of \$300,000 Bonds to finance certain costs of 2016 Annual Parking Evaluation and Repair Program, Tr. letter, 144, Pssd., 146

Amend. Ord. No. 2015-128 related to Annual Parking Garage Evaluation and Repair Program, Tr. letter, 144, Pssd., 146

L.I.O. - Establishing operating and maint. costs of neighborhood commercial and resi. parking areas, Tr. letter, 173, Pssd., 174

Auth. amend. agreement with Allpro Parking for customer service staffing of City parking garages, Tr. letter, 231, Pssd., 231

Amend. Mun. Code with respect to parking rates, Tr. letter, 232, Pssd., 239

Auth. agreement with Acme Powerwashing, Inc. for light maint. svcs. at City parking garages, Tr. letter, 241, Held, 241

Amend. Mun. Code with respect to parking lots, Tr. letter, 333, Pssd., 334

Auth. lease agreement for Court St. Parking Garage, Tr. letter, 358, Pssd., 359

Bond Ord. auth. issuance of \$2,389,000 Bonds to finance certain costs of 2017 Annual Parking Garage Evaluation and Repair Program, Tr. letter, 378, Pssd., 379

Auth. extensions of existing agreements and entry into new agreements for management of Blue Cross Arena at the War Memorial and for leasing of Mun. Lot #10, Tr. letter, 381, Pssd., 382

Amend. Mun. Code with respect to parking rates, Tr. letter, 389, Pssd., 390

Auth. sale of Midtown Parking Garage and Midtown Lot 7 to further Midtown Urban Renewal Plan, Tr. letter, 431, Pub. hear., 432, Pssd., 433

Amend. Ord. No. 2015-128 with respect to agreement with T.Y. Lin Intl. Engineering, Architecture & Land Surveying, P.C. for Parking Garage Repair and Reconstruction Program, Tr. letter, 455, Pssd., 455

Auth. amend. agreement with T.Y. Lin Intl. for Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Proj., Tr. letter, 481, Pssd., 482

PARKING SIGNS

Auth. intermunicipal agreement with Monroe County for parking signs, Tr. letter, 45, Pssd., 45

PARKING/TRANSIT REIMBURSEMENT ACCOUNTS

Auth. agreement with Lifetime Benefit Solutions, Inc. for admin. of Flexible Spending, Parking/Transit Reimbursement and Health Reimbursement Accounts, Tr. letter, 429, Pssd., 429

PARKING VIOLATIONS

Auth. agreement with EOS CCA for collection of unpaid parking and mun. code violations, Tr. letter, 170, Pssd., 171

Amend. Chapter 111 of Mun. Code with regard to Vehicle and Traffic, Tr. letter, 179, Pssd., 180

PARKS AND PLAYGROUNDS

Approp. funds related to infrastructure and playground improvements, Tr. letter, 41, Pssd., 41

Auth. amend. agreement with Bergmann Assoc., P.C. related to Promenade at Erie Harbor Park, Tr. letter, 70, Pssd., 71

Auth. amend. agreement related to Dr. Martin Luther King, Jr. Memorial Park Improvement Proj., Phase IIIC, Tr. letter, 109, Pssd., 110

Bond Ord. auth. issuance of \$300,000 Bonds to finance portion of costs of Phase IIIC of Dr. Martin Luther, Jr. Memorial Park Improvement Proj., Tr. letter, 109, Pssd., 111

Amend. Chapter 79 of Mun. Code as it relates to Dogs and Other Animals in Parks, Tr. letter, 112, Pssd., 112

Auth. agreement with Stantec Consulting Svcs., Inc. for design and RPR svcs. for Campbell St. R-Center water park facilities and playground improvements, Tr. letter, 213, Pssd., 213

Bond Ord. auth. issuance of \$120,000 Bonds to finance portion of costs of Cornerstone Park Improvement Proj., Tr. letter, 213, Pssd., 214

Auth. agreements and funding and conveying and modifying easements for Promenade at Erie Harbor Park, Tr. letter, 262, Held, 266, Pssd., 296

Bond Ord. auth. issuance of \$3,500,000 Bonds to finance portion of costs of constr. of Promenade at Erie Harbor, Tr. letter, 262, Held, 267, Pssd., 296

Auth. Consolidated Funding Grant applications and agreements, Tr. letter, 285, Pssd., 288

Auth. agreement with Joseph C. Lu Engineering and Land Surveying, P.C. for resident proj. representation svcs. for Cornerstone Park Improvement Proj., Tr. letter, 344, Pssd., 345

Auth. amend. license agreement for use of space in Turning Point Park, Tr. letter, 408, Pssd., 409

Auth. amend. agreement with Architectura, P.C. for architectural and engineering svcs., Tr. letter, 450, Pssd., 450

Auth. amend. agreement with T.Y. Lin Intl. for Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Proj., Tr. letter, 481, Pssd., 482

PARKS & PUBLIC WORKS COMMITTEE

Reports of, 40; 68; 107; 142; 208; 247; 295; 335; 369; 409; 443; 480

PARSONS BRINKERHOFF INTERNATIONAL, LLC

Auth. agreements and funding for Roch. Mobility Enhancement Study, Tr. letter, 402, Pssd., 403

PARTY IN THE PARK

Establishing max. comp. for professional svcs. agreement for ticket sales and box office management of City-produced events, Tr. letter, 87, Pssd., 87

PASSERO ASSOCIATES

Establishing max. comp. for professional svcs. agreement with Passero Assoc. for resident proj. representation svcs. related to Clinton-Baden Community Ctr. Renovation, Tr. letter, 147, Pssd., 148

Auth. professional svcs. agreement with Passero Assoc., PC, for resident proj. representation svcs. for Charlotte St. and Haags Alley Improvement Proj., Tr. letter, 304, Pssd., 305

Auth. amend. agreement with Passero Assoc., Engineering, Architecture & Surveying, D.P.C., for improvements to Charlotte St. and Haags Alley, Tr. letter, 373, Pssd., 373

PATHSTONE CORPORATION

Approp. funds and auth. agreements for 2016 Lead Hazard Control Grant Program, Tr. letter, 138, Pssd., 140

Auth. approp. of Comm. Dev. Block Grant funds and agreements for Targeted Housing Rehab. and Window Replacement programs, Tr. letter, 441, Pssd., 443

PATHWAYS TO PEACE PROGRAM

Auth. intermunicipal agreement for Pathways to Peace Program, Tr. letter, 85, Held, 86

Auth. intermunicipal agreement and approp. for Pathways to Peace Program, Tr. letter, 349, Pssd., 350

PATTERSON, MICHAEL A., COUNCILMEMBER

Negative vote, Motion to amend Int. No. 402, Adpt., 434

PEACOCK, FREDDIE

Approp. of funds to pay for settlement of litigation pursuant to court order, Tr. letter, 355, Pssd., 356

PEDESTRIAN WAYFINDING

Amend. source of funds approp. in Ord. No. 2015-196 for Main St. Streetscape and Pedestrian Wayfinding Enhancement Proj., Tr. letter, 215, Pssd., 216

Auth. Consolidated Funding Grant applications and agreements, Tr. letter, 285, Pssd., 288

Auth. agreements and approp. funds for Main St. Streetscape and Pedestrian Wayfinding Enhancement Proj., Tr. letter, 449, Pssd., 450

PERSONAL ENERGY, INC.

Auth. agreement for firefighter physical agility test, Tr. letter, 8, Pssd., 9

Auth. amend. professional svcs. agreement for physical training svcs., Tr. letter, 273, Pssd., 274

PETCO FOUNDATION

Auth. agreements for animal svcs. and amend. Budget, Tr. letter, 219, Pssd., 219

PETITIONS

Petition with 46 signatures opposing new development of parking lot located on Merchants Rd., presented by Councilmember Spaul, 6

Petition with 2,315 signatures in favor of saving the abandoned subway tunnel located in downtown Rochester, presented by Councilmember Haag, 56

Petition with 2,177 signatures in favor of expanding approved food truck locations to all City streets, presented by Councilmember Conklin, 86

Petition with 5 signatures of persons concerned with street work done on Mt. Read Blvd., presented by Councilmember Clifford, 226

Petition with 14,665 signatures of persons against casino gambling, presented by Vice President Miller, 275

Petition with 28 signatures regarding amending Roch. Zoning Code, presented by Councilmember McFadden, 312

Petition with 236 signatures regarding Zoning Code and moratorium for Mt. Hope Cemetery, presented by Councilmember McFadden, 352

Petition with 430 signatures of persons opposed to dev. of two large four-story bldgs. at 645 Norris Dr., presented by Councilmember Spaul, 353

Petition with 44 signatures of persons opposed to building of casino., presented by Councilmember Spaul, 353

Petition with 270 signatures of persons opposed to changes to city's Washington Grove, presented by Councilmember Spaul, 353

624 signed post cards of persons wanting a safe place to play, presented by Councilmember Haag, 426

Petition with 67 signatures from Rochester People's Climate Coalition - Global Climate Change, presented by Councilmember Haag, 463

PHYSICAL TRAINING SERVICES

Auth. amend. professional svcs. agreement for physical training svcs., Tr. letter, 273, Pssd., 274

PIKE DEVELOPMENT COMPANY, LLC

Auth. sale of Midtown Parking Garage and Midtown Lot 7 to further Midtown Urban Renewal Plan, Tr. letter, 431, Pub. hear., 432, Pssd., 433

PILLARS OF HOPE INITIATIVE

Auth. memorandum of agreement with Roch. City School Dist., Tr. letter, 220, Pssd., 220

PLANNED DEVELOPMENT DISTRICTS

Amend. Zoning Code text and concept plan/site plan for Culver Rd. Armory, Planned Dev. Dist. No. 15, Tr. letter, 36, Pub. hear., 6, Pssd., 40

Amend. Zoning Code map, text and concept plan for Roch. General Hospital, Planned Dev. Dist. No. 6, Tr. letter, 62, Pssd., 67

Amend. Zoning Map, text and adding a dev. concept map for Century-Strathallan Planned Dev. Dist. No. 16, Tr. letter, 202, Pssd., 208

PLANNING SERVICES

Auth. amend. agreement with Bergmann Assoc. for planning, design and engineering svcs., including preparation of application for federal Transportation Investment Generating Economic Recovery grant, Tr. letter, 336, Pssd., 337

PLAYGROUNDS

See "Parks and Playgrounds"

PLEASANT STREET

Auth. sale of real estate comprising portion of 106 Pleasant St., Tr. letter, 401, Pssd., 402

PLYMOUTH AVENUE

Auth. agreement with NYS Dept. of Transportation for snow removal, Tr. letter, 74, Pssd., 74

POGEL, SCHUBMEHL & FERRARA LLC

Auth. amend. agreements and approp. additional funds for real estate appraisal svcs., Tr. letter, 59, Pssd., 60

Auth. agreements for appraisal and real estate-related svcs. for Dept. of Neighborhood and Business Dev., Tr. letter, 243, Pssd., 244

POLICE DEPARTMENT

Auth. agreement for Tactical Team Grant, Tr. letter, 52, Pssd., 52

Auth. agreement with Roch. City School Dist. related to School Resource Officers, Tr. letter, 53, Pssd., 53

Auth. agreement related to body worn cameras, Tr. letter, 54, Pssd., 55

Auth. agreements for Roch. Police Dept. camera system, Tr. letter, 55, Pssd., 55

Bond Ord. auth. issuance of \$158,000 Bonds to finance cost of design and constr. of replacement of HVAC system at City's Indoor Pistol Range, Tr. letter, 79, Pssd., 80

Auth. agreement with Architectura, P.C. Architects for architectural svcs., Tr. letter, 81, Pssd., 82

Auth. lease with Bivona Child Advocacy Ctr. and receipt and approp. of Federal asset forfeiture funds for Roch. Police Dept., Tr. letter, 83, Pssd., 84

Auth. intermunicipal agreement with County of Monroe for funding of firearms instruction, Tr. letter, 84, Pssd., 84

Auth. amend. agreement for veterinary svcs., Tr. letter, 84, Pssd., 85

Amend. Ord. No. 2015-128 related to Annual Parking Garage Evaluation and Repair Program, Tr. letter, 144, Pssd., 146

Bond Ord. auth. issuance of \$600,000 Bonds to finance costs of architectural and design svcs. and constr. of new Roch. Police Dept. Auto Pound Admin. Bldg., Tr. letter, 136, Pssd., 147

Amend. Ord. No. 2015-376 regarding STOP DWI Program, Tr. letter, 161, Pssd., 162

Approp. federal asset forfeiture funds for purchase of police vehicles, Tr. letter, 166, Held, 167, Pssd., 267

Auth. agreement with Monroe County Dept. of Public Health for Tobacco Compliance Grant Program, Tr. letter, 218, Pssd., 219

Auth. agreements for animal svcs. and amend. Budget, Tr. letter, 219, Pssd., 219

Auth. agreement with NYS Div. of Homeland Security and Emergency Svcs., Tr. letter, 268, Pssd., 269

Auth. grant agreement with NYS Office of Victim Svcs., Tr. letter, 269, Pssd., 269

Bond Ord. auth. issuance of \$150,000 Bonds to finance bldg. renovation and staff relocation of Roch. Police Dept. Professional Standards Section, Tr. letter, 297, Pssd., 299

Approp. funds for operations of Greater Roch. Area Narcotics Enforcement Team program, Tr. letter, 310, Pssd., 311

Auth. professional svcs. agreement with Monroe Comm. College for Police Recruit Education Proj., Tr. letter, 311, Pssd., 311

Amend. 2016-17 Budget by increasing approp. for Roch. Police Dept. to carry over unspent grant funds, Tr. letter, 346, Pssd., 347

Auth. amend. agreement with Tyler Technologies, Inc. for Roch. Police Dept.'s Record Management System multi-phase replacement program, Tr. letter, 355, Pssd., 355

Auth. grant agreements and funding for Roch. Police Dept. violence prevention and community policing programs, Tr. letter, 424, Pssd., 425

Auth. intermunicipal agreements and funding for STOP DWI Program, Tr. letter, 425, Pssd., 426

Amend. 2016-17 Budget and approp. federal forfeiture funds, Tr. letter, 459, Pssd., 460

Auth. agreement with County of Monroe for storage of explosives, Tr. letter, 460, Pssd., 460

Approp. funds and auth. agreements related to federal forfeited property revenues allocated to Police Dept., Tr. letter, 460, Pssd., 461

Auth. agreement for Bomb Squad Initiative grant, Tr. letter, 488, Pssd., 489

Auth. agreement for Video Equipment grant, Tr. letter, 489, Pssd., 489

Auth. agreement and funding for Animal Svcs. innovation program, Tr. letter, 489, Pssd., 490

POLICE EXPLORERS PROGRAM

Approp. funds and auth. agreements related to federal forfeited property revenues allocated to Police Dept., Tr. letter, 460, Pssd., 461

POLICE RECRUIT EDUCATION PROJECT

Auth. professional svcs. agreement with Monroe Comm. College for Police Recruit Education Proj., Tr. letter, 311, Pssd., 311

PORT OF ROCHESTER

Auth. operations and maint. agreement related to Port of Roch. Marina, Tr. letter, 48, Pssd., 49

Auth. amend. agreements and funding for Port Marina proj., Tr. letter, 254, Pssd., 255

Bond Ord. auth. issuance of \$450,000 Bonds to finance certain costs of 2016 Port Marina Proj., Tr. letter, 254, Pssd., 256

Bond Ord. auth. issuance of \$170,000 Bonds to finance constr. of public overlook at site for former CSX Swing Bridge in Port of Roch., Tr. letter, 484, Pssd., 486

PORT TERMINAL BUILDING

Auth. lease agreement for space in Port Terminal Bldg., Tr. letter, 94, Pssd., 95

Amend. City Charter with respect to responsibilities for City facilities, Tr. letter, 232, Pssd., 238

Auth. sale of real estate and amending lease, Tr. letter, 360, Pssd., 361

PORTLAND AVENUE

Auth. amend. agreement with Erdman, Anthony and Assoc., Inc. related to 2015 Preventive Maint. Group #2 Proj. (East/N & S Winton/University/Portland), Tr. letter, 483, Pssd., 484

POSPULA, RICHARD

Approv. reappointments to Roch. Environmental Commission, Tr. letter, 200, Adpt., 200

PREMO, KATHERINE

Approv. reappointments to Roch. Environmental Commission, Tr. letter, 200, Adpt., 200

PRESCOD LEADERSHIP ENTERPRISE, LLC

Auth. agreement with Prescod Leadership Enterprise, LLC, for supervisory skills training, Tr. letter, 353, Pssd., 353

PRESCRIPTION MEDICATION

Auth. agreement with Wegmans Food Markets, Inc. to provide prescription medication for firefighters injured on the job, Tr. letter, 115, Pssd., 115

PREVENTIVE MAINTENANCE CONTRACTS/PROJECTS

Auth. receipt and use of funds and an agreement related to Broad St. Bridge Preventive Maint. Proj., Tr. letter, 42, Pssd., 44

Auth. pav. width changes for 2016 Preventive Maint. Contract No. 1 - S. Clinton Ave. and S. Goodman St., Tr. letter, 209, Pub. hear., 167, Pssd., 210

Auth. agreement with Hunt Engineers, Architects & Land Surveyors, P.C., for resident proj. representation svcs. and approp. funds for 2016 Preventive Maint. Group #2, Tr. letter, 248, Pssd., 249

Bond Ord. auth. issuance of \$252,000 Bonds to finance milling and resurfacing of certain portions of Ames St., Buffalo Rd., W. Main St. and West Ave. related to 2016 Preventive Maint. Group #2 Proj., Tr. letter, 248, Pssd., 250

Auth. agreement with Stantec Consulting Svcs., Inc., for resident proj. representation svcs. and approp. funds for 2016 Preventive Maint. Group #1

Bond Ord. auth. issuance of \$80,000 Bonds to finance reconstruction of certain portions of S. Clinton Ave. and S. Goodman St. related to 2016 Preventive Maint. Contract #1 Proj., Tr. letter, 250, Pssd., 253

Auth. amend. professional svcs. agreement with C&S Engineers, Inc. for 2015 Preventive Maint. Contract 1 proj., Tr. letter, 337, Pssd., 337

Auth. professional svcs. agreement, amend. agreement, and approp. of funds related to 2016

Preventive Maint., Group \$3, Tr. letter, 337, Pssd., 339

Bond Ord. auth. issuance of \$650,000 Bonds to finance reconstruction of certain portions of N. Goodman St., E. Main St., Allen, Brown and Wilder Streets and Morrie Silver Way related to 2016 Preventive Maint., Group #3 proj., Tr. letter, 337, Pssd., 340

Approv. geometric changes to Arnett Blvd. related to 2017 Preventive Maint. Group 5 Proj., Tr. letter, 370, Held, 371

Auth. amend. agreement with T.Y. Lin Intl. Engineering, Architecture & Land Surveying, P.C. for Broad St. Bridge Preventive Maint. Proj., Tr. letter, 371, Pssd., 372

Auth. receipt and use of NYS Dept. of Transportation funds, Tr. letter, 380, Pssd., 381

Approv. geometric changes on Arnett Blvd. related to 2017 Preventive Maint. Group 5 Proj., Tr. letter, 446, Pssd., 447

Auth. amend. agreement with Erdman, Anthony and Assoc., Inc. related to 2015 Preventive Maint. Group #2 Proj. (East/N & S Winton/University/Portland), Tr. letter, 483, Pssd., 484

PROMENADE AT ERIE HARBOR PARK

Auth. amend. agreement with Bergmann Assoc., P.C. related to Promenade at Erie Harbor Park, Tr. letter, 70, Pssd., 71

Auth. agreements and funding and conveying and modifying easements for Promenade at Erie Harbor Park, Tr. letter, 262, Held, 266, Pssd., 296

Bond Ord. auth. issuance of \$3,500,000 Bonds to finance portion of costs of constr. of Promenade at Erie Harbor, Tr. letter, 262, Held, 267, Pssd., 296

PROPERTYROOM.COM, INC.

Auth. agreements for auctioneer svcs., Tr. letter, 9, Pssd., 11

PROVIDENCE HOUSING DEVELOPMENT CORP.

Auth. agreements and approp. funds for Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

PUBLIC BIKESHARE SYSTEM

Auth. agreement for Public Bikeshare System and amend. Chapter 35 of Mun. Code with respect to advertisements at System stations, Tr. letter, 421, Pssd., 422

PUBLIC HEARINGS

Held, 6; 167; 225; 427; 463

Amend. Section 5-6 of the City Charter with regard to meetings, Tr. letter, 8, Pssd., 8

PUBLIC MARKET

Auth. exchange of real estate with Curtis LLC, Tr. letter, 25, Pssd., 26

Bond Ord. auth. issuance of \$4,076,000 Bonds to finance portion of costs of Public Mkt. Winter Shed Renovation and Expansion Proj., Tr. letter, 71, Pssd., 74

Auth. agreement with Friends of the GardenAerial, Inc. for youth internships at Public

Mkt., Tr. letter, 162, Pssd., 162
 L.I.O. - snow removal at Public Mkt. for 2016-17, Tr. letter, 164, Pssd., 166
 L.I.O. - security svcs. at Public Mkt. for 2016-17, Tr. letter, 164, Pssd., 166
 Auth. the leasing to vendors of modular replacement bldgs. and compensating vendors for removal of existing bldgs. related to Public Mkt. Winter Shed Renovation and Expansion Proj., Tr. letter, 271, Pssd., 273
 Auth. agreement with Big Apple Deli Products, Inc. for relocation of loading docks related to Public Mkt. Winter Shed Renovation and Expansion Proj., Tr. letter, 351, Pssd., 352
 Amend. Ord. No. 2016-284 with respect to agreement for relocation of loading docks related to Public Mkt. Winter Shed Renovation and Expansion Proj., Tr. letter, 490, Pssd., 490

PUBLIC OVERLOOK

Bond Ord. auth. issuance of \$170,000 Bonds to finance constr. of public overlook at site for former CSX Swing Bridge in Port of Roch., Tr. letter, 484, Pssd., 486
 Amend. Ord. No. 2015-365 with respect to funding of agreement for Train Bridge Overlook Proj., Tr. letter, 484, Pssd., 486

PUBLIC SAFETY BUILDING

Auth. agreement with Stantec Consulting Svcs., Inc. for architectural and engineering design for Public Safety Bldg. generator upgrade, Tr. letter, 215, Pssd., 215

PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Reports of, 51; 82; 114; 161; 218; 267; 306; 345; 382; 422; 455; 488

PUERTO RICAN FESTIVAL

Establishing max. comp. for agreement for 2016 Puerto Rican Festival, Tr. letter, 119, Pssd., 119

PURCHASES AND SALES

Amend. Chapter 8A of Mun. Code as it relates to purchasing and property management, Tr. letter, 11, Pssd., 24

PURCHASING AND PROPERTY MANAGEMENT

Amend. Chapter 8A of Mun. Code as it relates to purchasing and property management, Tr. letter, 11, Pssd., 24

-Q-

QUAD A FOR KIDS

Auth. agreement with Roch. Area Community Foundation for Quad A for Kids After-School Program at City schools, Tr. letter, 274, Pssd., 275

QUADRANT PLANNING SUPPORT PROGRAM

Approp. funds for Quadrant Planning Support Program, Tr. letter, 100, Pssd., 101

QUALITY CONTROL SERVICES

Auth. amend. agreement with Bergmann Assoc., P.C. related to Promenade at Erie Harbor Park, Tr. letter, 70, Pssd., 71

-R-

REDCO

See "Rochester Economic Development Corporation"

R.K. HITE & CO., INC.

Auth. amend. agreement for advice and svcs. related to compliance with Uniform Relocation Act, Tr. letter, 314, Pssd., 314

REAL ESTATE, ACQUISITION OF

Auth. acceptance of real estate by donation, Tr. letter, 35, Pssd., 36; Tr. letter, 242, Pssd., 243; Tr. letter, 402, Pssd., 402

Auth. and approp. funds for acq. of multiple parcels for use in Inner Loop East Redevelopment Proj., Tr. letter, 182, Pssd., 183

Auth. acq. of 360 Webster Ave., amend. of Official Map, and amend. agreement with C&S Engineers, Inc., to provide additional right-of-way acq. svcs., Tr. letter, 210, Pssd., 211

Auth. acq. of real estate for Roch. City School Dist. Facilities Modernization Program, Tr. letter, 291, Pssd., 292

Auth. acq. by negotiation or condemnation of temporary easements, permanent easement and uneconomic remainder parcel for Dewey Ave. and Driving Park Intersection Realignment Proj., Tr. letter, 342, Pssd., 344

Auth. acq. of 894-898 W. Main St. and 42 York St., Tr. letter, 361, Pssd., 362

Auth. acq. of 68-70 York St., Tr. letter, 404, Pssd., 405

REAL ESTATE, EXCHANGE OF

Auth. exchange of real estate with Curtis LLC, Tr. letter, 25, Pssd., 26

REAL ESTATE, SALE OF

Auth. sale of real estate, Tr. letter, 31, Pssd., 32; Tr. letter, 60, Pssd., 61; Tr. letter, 98, Pssd., 100; Tr. letter, 184, Pssd., 185; Tr. letter, 241, Pssd., 242; Tr. letter, 290, Pssd., 291; Tr. letter, 323, Pssd., 324; Tr. letter, 400, Pssd., 401; Tr. letter, 323, Pssd., 436; Tr. letter, 474, Pssd., 475

Auth. sale of Former School 22, Tr. letter, 103, Pssd., 104

Auth. sale for Former School 36, Tr. letter, 105, Pssd., 105

Auth. sale of real estate and amendment to lease agreement auth. by Ord. No. 2016-68, Tr. letter, 136, Pssd., 137

Auth. sale of 630 Hayward Ave., Tr. letter, 137, Pssd., 138

Auth. amend. real estate agreement with University of Roch., Tr. letter, 181, Pssd., 182

Auth. sale of real estate and amending lease, Tr. letter, 360, Pssd., 361

Auth. sale of real estate comprising portion of 106 Pleasant St., Tr. letter, 401, Pssd., 402

Auth. funding, sale of real estate and loan agreement for Upper Falls Sq. affordable housing proj., Tr. letter, 405, Pssd., 406

Auth. sale of real estate and granting permanent easement to Roch. Gas and Electric Corp. for upgrades to its Station 26 facility, Tr. letter, 476, Pssd., 478

REBHOLZ, STEVEN

Approv. appts. and reappointments to City Planning Commission, Tr. letter, 199, Adpt., 199

RECOGNITION CEREMONIES

Held, 56; 86; 116; 167; 225; 275; 311; 352; 463

RECREATION CENTERS

Establishing max. comp. for professional svcs. agreement with Passero Assoc. for resident proj. representation svcs. related to Clinton-Baden Community Ctr. Renovation, Tr. letter, 147, Pssd., 148

Auth. agreement with Stantec Consulting Svcs., Inc. for design and RPR svcs. for Campbell St. R-Center water park facilities and playground improvements, Tr. letter, 213, Pssd., 213

Auth. agreement for Summer Literacy Program in R-Centers, Tr. letter, 219, Pssd., 220

Auth. professional svcs. agreement with Edge Architecture, PLLC, for architectural, engineering design and resident proj. representation svcs., Tr. letter, 300, Pssd., 301

Bond Ord. auth. issuance of \$520,000 Bonds to finance cost of architectural and engineering design svcs. for replacement of HVAC system at Campbell St. Recreation Ctr., Tr. letter, 300, Pssd., 302

Auth. amend. agreement with Roch. City School Dist. for Clinton-Baden Comm. Ctr. Renovation Proj., Tr. letter, 447, Pssd., 448

RED LIGHT CAMERAS

Amend. Local Law 6-2014 with respect to owner liability for failure of motor vehicle operator to comply with traffic-control indications, Tr. letter, 466, Pssd., 467

Auth. amend. agreement for Red Light Camera Program, Tr. letter, 466, Held, 467

REDFLEX TRAFFIC SYSTEMS, INC.

Auth. amend. agreement for Red Light Camera Program, Tr. letter, 466, Held, 467

REFUSE FEES

Adoption of Budget ests. for muni. purposes for 2016-17 fiscal year, approp. of sums set forth therein and approp. commercial refuse fees, Tr. letter, 232, Pub. hear., 225, Pssd., 235

REINVESTMENT FUND, THE

Auth. grant agreement with The Reinvestment Fund for receipt and use of \$60,000 in conjunction with Invest Health program, Tr. letter, 197, Pssd., 197

RELTRONICS TECHNOLOGIES, INC.

Auth. amend. agreement with Reltronics Technologies, Inc. for automated vehicle locator/weather sensor intelligent transportation system, Tr. letter, 445, Pssd., 445

RENEWAL SERVICES ROCHESTER, INC.

Auth. agreement for job skills training and

landscape maint. in City parks and green spaces, Tr. letter, 115, Pssd., 116

RESERVOIR AVENUE

Bond Ord. auth. issuance of \$261,000 Bonds to finance acq. and installation of street lighting upgrades along certain portions of Winton Rd. North, Robinson Dr., and Reservoir Ave., Tr. letter, 416, Pssd., 418

RESIDENT PROJECT REPRESENTATION SERVICES

Auth. receipt and use of funds and an agreement related to Broad St. Bridge Preventive Maint. Proj., Tr. letter, 42, Pssd., 44

Amend. funding for Durand Eastman Beach Outfall and Durand Eastman Utilities and Site Improvement projects, Tr. letter, 107, Pssd., 108

Auth. amend. agreement related to Dr. Martin Luther King, Jr. Memorial Park Improvement Proj., Phase IIIC, Tr. letter, 109, Pssd., 110

Amend. Ord. No. 2015-128 related to Annual Parking Garage Evaluation and Repair Program, Tr. letter, 144, Pssd., 146

Amend. Ord. No. 2015-128 related to Annual Parking Garage Evaluation and Repair Program, Tr. letter, 144, Pssd., 146

Establishing max. comp. for professional svcs. agreement with Passero Assoc. for resident proj. representation svcs. related to Clinton-Baden Community Ctr. Renovation, Tr. letter, 147, Pssd., 148

Auth. agreement with Stantec Consulting Svcs., Inc. for design and RPR svcs. for Campbell St. R-Center water park facilities and playground improvements, Tr. letter, 213, Pssd., 213

Auth. professional svcs. agreement with Joseph C. Lu Engineering and Land Surveying, P.C., for term resident proj. representation svcs. for City right-of-way permit constr., Tr. letter, 217, Pssd., 217

Auth. agreement with Hunt Engineers, Architects & Land Surveyors, P.C., for resident proj. representation svcs. and approp. funds for 2016 Preventive Maint. Group #2, Tr. letter, 248, Pssd., 249

Auth. agreement with Stantec Consulting Svcs., Inc., for resident proj. representation svcs. and approp. funds for 2016 Preventive Maint. Group #1

Auth. amend. agreements and funding for Port Marina proj., Tr. letter, 254, Pssd., 255

Auth. receipt and use of funds and agreement related to Ctr., City Two-Way Conversion Proj. - Phase II, Tr. letter, 259, Pssd., 261

Auth. agreements and funding and conveying and modifying easements for Promenade at Erie Harbor Park, Tr. letter, 262, Held, 266, Pssd., 296

Auth. professional svcs. agreement with Bergmann Assoc., Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for engineering design and resident proj. representation svcs., Tr. letter, 299, Pssd., 299

Auth. professional svcs. agreement with Edge Architecture, PLLC, for architectural, engineering design and resident proj. representation svcs., Tr. letter, 300, Pssd., 301

Auth. professional svcs. agreement with Passe-

ro Assoc., PC, for resident proj. representation svcs. for Charlotte St. and Haags Alley Improvement Proj., Tr. letter, 304, Pssd., 305

Auth. professional svcs. agreement, amend. agreement, and approp. of funds related to 2016 Preventive Maint., Group \$3, Tr. letter, 337, Pssd., 339

Auth. agreements and approp. funds for Driving Park Bridge Preventive Maint. Proj., Tr. letter, 340, Pssd., 342

Auth. agreement with Joseph C. Lu Engineering and Land Surveying, P.C. for resident proj. representation svcs. for Cornerstone Park Improvement Proj., Tr. letter, 344, Pssd., 345

Auth. amend. agreement and funding for Hinchey Group Street Improvement Proj., Tr. letter, 372, Pssd., 373

Auth. agreements and approp. funds for Kilmear St. Group Proj., Tr. letter, 375, Pssd., 377

Auth. amend. agreement and amend. Official Map for Cobbs Hill Drive Reconstruction/Rehab. Proj. and auth. funding amend. for Kilmear St. Group Proj., Tr. letter, 410, Pssd., 412

Auth. agreement with Bergmann Assoc., Architects, Engineers, Landscape Architects & Surveyors, D.P.C. relating to Milling and Resurfacing Projects, Tr. letter, 414, Pssd., 415

Amend. Ord. No. 2015-365 with respect to funding of agreement for Train Bridge Overlook Proj., Tr. letter, 484, Pssd., 486

RESIDENTIAL MILLING AND RESURFACING PROGRAM

Bond Ord. auth. issuance of \$3,550,000 Bonds to finance milling and resurfacing of certain portions of Southwest and Northeast Quadrant streets related to 2016 Resi. Milling and Resurfacing Program Phase I, Tr. letter, 451, Pssd., 453

Bond Ord. auth. issuance of \$78,000 Bonds to finance replacement of water mains and lines along certain portions of Southwest and Northeast Quadrant streets related to 2016 Resi. Milling and Resurfacing Program Phase I, Tr. Letter, 450, Pssd., 455

RESOLUTIONS

2016-1 - Reso. for nomination and selection of President of Roch. City Council, Adpt., 1

2016-2 - Reso. for nomination and selection of Vice President of Roch. City Council, Adpt., 1

2016-3 - Reso. for selection and appt. of City Clerk, Adpt., 1

2016-4 - Reso. adopting Rules of Council, Adpt., 5

2016-5 - Reso. approv. reappointments to Roch. Public Library Board of Trustees, Tr. letter, 24, Adpt., 25

2016-10 - Reso. nominating var. persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 58, Held, 58, Adpt. 169

2016-11 - Reso. nominating var. persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 58, Held, 59, Adpt., 169

2016-12 - Reso. nominating var. persons for

membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 58, Held, 59, Adpt., 169

2016-6 - Reso. approv. reappointment to Civil Service Commission, Tr. letter, 88, Adpt., 89

2016-7 - Reso. approv. appt. to Board of Trustees of Roch. Public Library, Tr. letter, 90, Adpt., 90

Reso. approv. appt. to Zoning Board of Appeals, Tr. letter, 105, Held, 106

Reso. amend. policy for sale of City-owned real property to tax exempt organizations, Tr. letter, 106, Held, 107

2016-8 - Reso. adopting City of Roch./Roch. City School Dist. Debt Policy, Tr. letter, 117, Adpt., 118

2016-9 - Reso. endorsing Five Star Bank's applications to establish two Banking Dev. Districts, Tr. letter, 133, Pssd., 134

2016-13 - Reso. approv. standard work day for retirement purposes, Tr. letter, 180, Adpt., 181

2016-14 - Approv. appts. and reappointments to Zoning Board of Appeals, Tr. letter, 197, Adpt., 198

2016-15 - Approv. appts. and reappointments to City Planning Commission, Tr. letter, 199, Adpt., 199

2016-16 - Approv. reappointments to Roch. Environmental Commission, Tr. letter, 200, Adpt., 200

2016-17 - Approv. appts. and reappointments to Roch. Preservation Board, Tr. letter, 200, Adpt., 201

2016-18A - Reso. for purpose of Home Rule Message regarding State legislation in relation to adjudication of traffic infractions within City of Roch., Tr. letter, 224, Adpt., 225

2016-18B - Reso. approv. appt. to Board of Ethics, Tr. letter, 227, Adpt., 227

2016-19 - Reso. approv. 2016-17 debt limit for general muni. purposes, Tr. letter, 229, Adpt., 231

2016-20 - Reso. supporting Consolidated Funding Grant Application, Tr. letter, 289, Adpt., 289

2016-21 - Reso. approv. appts. to Board of Examiners of Stationary Engineers and Refrigeration Operators, Tr. letter, 292, Adpt., 293

2016-22 - Reso. adopting policy regarding City boards and commissions, Tr. letter, 315, Adpt., 316

2016-23 - Reso. amend. Rules of Council, Tr. letter, 316, Adpt., 332

2016-24 - Reso. adopting Title VI Plan and Language Access Plan, Tr. letter, 421, Adpt., 421

2016-25 - Reso. establishing schedule for Regular Council Meetings during 2017, Tr. letter, 427, Adpt., 427

2016-26 - Reso. approv. appts. to Board of Assessment Review, Tr. letter, 472, Adpt., 472

RESTORE NY COMMUNITIES INITIATIVE

Auth. appl. and agreement for grant under Round 4 of Restore NY Communities Initiative, Tr. letter, 364, Pssd., 365

RETAIL SALES AND SERVICE

Amend. Zoning Code, Chapter 120 of Mun. Code with regard to retail sales and service, Tr. letter, 326, Pssd., 332

Amend. Chapter 90 of Mun. Code with respect to retail sales, Tr. letter, 326, Pssd., 332

Amend. Zoning Code, Chapter 120 of Mun. Code, with regard to retail sales and service in M-1 Industrial dist., Tr. letter, 367, Pssd., 368

REXFORD STREET

Auth. geometric changes related to Kilmar St. Group reconstruction, rehab., and curb replacement, Tr. letter, 50, Pub. hear., 6, Pssd., 51

REYNOLDS AUCTION CO., INC.

Auth. agreements for auctioneer svcs., Tr. letter, 9, Pssd., 11

RIDGEWAY AVENUE

Auth. agreements for Ridgeway Ave. Transportation Improvement Proj., Tr. letter, 69, Pssd., 70

RIGHTS-OF-WAY

Auth. acq. of 360 Webster Ave., amend. of Official Map, and amend. agreement with C&S Engineers, Inc., to provide additional right-of-way acq. svcs., Tr. letter, 210, Pssd., 211

Auth. professional svcs. agreement with Joseph C. Lu Engineering and Land Surveying, P.C., for term resident proj. representation svcs. for City right-of-way permit constr., Tr. letter, 217, Pssd., 217

Amend. Ord. No. 2016-157 to specify portions of Webster Ave. properties to be acquired and dedicated as public right-of-way, Tr. letter, 418, Pssd., 419

RISK MANAGEMENT CONSULTING SERVICES

Auth. agreement for risk management consulting svcs., Tr. letter, 317, Pssd., 317

ROBERTS, GERALD

Reso. approv. appts. to Board of Assessment Review, Tr. letter, 472, Adpt., 472

ROBINSON DRIVE

Bond Ord. auth. issuance of \$261,000 Bonds to finance acq. and installation of street lighting upgrades along certain portions of Winton Rd. North, Robinson Dr., and Reservoir Ave., Tr. letter, 416, Pssd., 418

ROC THE FUTURE

Auth. agreement with Roch. Area Comm. Foundation for ROC the Future svcs., Tr. letter, 348, Pssd., 349

ROC THE PARK

Establishing max. comp. for professional svcs. agreement for ticket sales and box office management of City-produced events, Tr. letter, 87, Pssd., 87

ROCHESTER AFTER SCHOOL ACADEMY

Auth. agreements and approp. funds related to Roch. After School Academy program, Tr. letter, 306, Pssd., 307

ROCHESTER AREA COMMUNITY FOUNDATION

Auth. agreement with Roch. Area Community Foundation for Quad A for Kids After-School Program at City schools, Tr. letter, 274, Pssd., 275

Auth. agreement with Rochester's Child, Inc. for implementation of Parent Leadership Training Institute, Tr. letter, 308, Pssd., 308

Auth. agreement with Roch. Area Comm. Foundation for ROC the Future svcs., Tr. letter, 348, Pssd., 349

ROCHESTER AREA CRIME STOPPERS, INC.

Approp. funds and auth. agreements related to federal forfeited property revenues allocated to Police Dept., Tr. letter, 460, Pssd., 461

ROCHESTER AREA INTERFAITH HOSPITALITY NETWORK, INC.

Auth. agreements and approp. funds for Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

ROCHESTER BUSINESS JOURNAL

Designating Official Newspapers of City for Roch. for Years 2016-17, Pssd., 5

ROCHESTER CITY SCHOOL DISTRICT

See "City School District of Rochester"

ROCHESTER COMMUNITY TELEVISION, INC.

Auth. amend. agreements and approp. funds for Summer of Opportunity Program, Tr. letter, 221, Pssd., 222

ROCHESTER CONVENTION CENTER MANAGEMENT CORPORATION

Auth. loan agreement with Roch. Convention Ctr. Management Corp., Tr. letter, 398, Pssd., 399

Auth. amend. agreement with Roch. Convention Ctr. Management Corp. for operating Roch. Riverside Convention Ctr., Tr. letter, 471, Pssd., 472

ROCHESTER DISTRICT HEATING COOPERATIVE, INC.

Continuing membership and use agreements with Roch. Dist. Heating Cooperative, Inc. for supply of thermal energy at var. City bldgs., Tr. letter, 488, Pssd., 488

ROCHESTER ENVIRONMENTAL COMMISSION

Approv. reappointments to Roch. Environmental Commission, Tr. letter, 200, Adpt., 200

ROCHESTER FRINGE FESTIVAL

Auth. agreement for 2016 Roch. Fringe Festival, Tr. letter, 120, Pssd., 121

ROCHESTER GAS AND ELECTRIC CORPORATION

Auth. sale of real estate and granting perma-

ment easement to Roch. Gas and Electric Corp. for upgrades to its Station 26 facility, Tr. letter, 476, Pssd., 478

ROCHESTER GENERAL HOSPITAL PLANNED DEVELOPMENT DISTRICT NO. 6

Amend. Zoning Code map, text and concept plan for Roch. General Hospital, Planned Dev. Dist. No. 6, Tr. letter, 62, Pssd., 67

ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY

Auth. sale of 630 Hayward Ave., Tr. letter, 137, Pssd., 138

ROCHESTER HOUSING AUTHORITY

Approv. wage and salary increases and equity adjustments for employees of Roch. Housing Authority, Tr. letter, 281, Pssd., 282

ROCHESTER HOUSING DEVELOPMENT FUND CORPORATION

Approp. funds and auth. agreements for Home Roch. Program, Tr. letter, 188, Pssd., 190

Auth. agreement for Home Roch. Program, Tr. letter, 190, Pssd., 191

Amend. Consolidated Comm. Dev. Plan/2016-17 Annual Action Plan and Home Roch. Program appropriations and agreement, Tr. letter, 294, Pssd., 295

Auth. amend. agreement with Roch. Housing Dev. Fund Corp. for Home Roch. Program, Tr. letter, 443, Held, 443

ROCHESTER INSTITUTE OF TECHNOLOGY

Auth. agreements for 2016-17 Gun Involved Violence Elimination Program, Tr. letter, 223, Held, 223, Pssd., 268

ROCHESTER JOINT SCHOOLS CONSTRUCTION BOARD

Bond Ord. auth. issuance of not to exceed \$32,000,000 Bonds to provide interim financing for certain costs of design and improvements to specified City School Dist. schools respecting Phase II of Roch. Joint Schools Constr. Board Facilities Modernization Program, Tr. letter, 279, Pssd., 281

ROCHESTER LAND BANK CORPORATION

Auth. acceptance of real estate by donation, Tr. letter, 402, Pssd., 402

ROCHESTER MARKET DRIVEN COMMUNITY CORPORATION

Auth. agreement with Roch. Mkt. Driven Comm. Corp. for business dev. svcs., Tr. letter, 427, Pssd., 428

ROCHESTER MOBILITY ENHANCEMENT STUDY

Auth. agreements and funding for Roch. Mobility Enhancement Study, Tr. letter, 402, Pssd., 403

ROCHESTER/MONROE COUNTY CONTINUUM OF CARE

Auth. agreement with Coordinated Care Svcs., Inc. for admin. svcs. of Roch./Monroe County Continuum of Care, Tr. letter, 365, Pssd., 366

ROCHESTER-MONROE COUNTY YOUTH BUREAU

Auth. agreement with Monroe County for funding of youth rec. and youth dev. programming, Tr. letter, 307, Pssd., 308

ROCHESTER PHILHARMONIC ORCHESTRA

Auth. agreement with Roch. Philharmonic Orchestra for public concerts, Tr. letter, 118, Pssd., 119

ROCHESTER PUBLIC LIBRARY BOARD OF TRUSTEES

Reso. approv. reappointments to Roch. Public Library Board of Trustees, Tr. letter, 24, Adpt., 25

Reso. approv. appt. to Board of Trustees of Roch. Public Library, Tr. letter, 90, Adpt., 90

ROCHESTER PURE WATERS DISTRICT

Auth. receipt and use of reimbursement funds from Roch. Pure Waters Dist., Tr. letter, 212, Pssd., 213

Approp. funds for street improvement projects from anticipated reimbursements from Roch. Pure Waters Dist., Tr. letter, 450, Pssd., 451

ROCHESTER RESEARCH ASSOCIATES, LLC

Auth. amend. agreements and funding for Port Marina proj., Tr. letter, 254, Pssd., 255

ROCHESTER RIVERSIDE CONVENTION CENTER

Auth. Consolidated Funding Grant applications and agreements, Tr. letter, 285, Pssd., 288

Auth. loan agreement with Roch. Convention Ctr. Management Corp., Tr. letter, 398, Pssd., 399

Auth. amend. agreement with Roch. Convention Ctr. Management Corp. for operating Roch. Riverside Convention Ctr., Tr. letter, 471, Pssd., 472

ROCHESTER STADIUM OPERATIONS, LLC

Auth. agreement with Roch. Stadium Operations, LLC, Tr. letter, 278, Pssd., 278

ROCHESTER SUMMERFEST

Auth. amendatory agreement with 2Strive Media, Inc. to increase max. comp. for booking and production svcs. for 2016 Roch. SummerFest, Tr. letter, 174, Pssd., 175

Auth. agreement for 2017 Roch. SummerFest, Tr. letter, 390, Pssd., 390

ROCHESTER TECHNOLOGY AND MANUFACTURING ASSOCIATION

Auth. amend. agreements and approp. funds for Summer of Opportunity Program, Tr. letter, 221, Pssd., 222

ROCHESTER TWILIGHT CRITERIUM

Auth. agreement for 2016 Roch. Twilight Criterium, Tr. letter, 120, Pssd., 121

ROCHESTER'S CHILD

Auth. agreement with Rochester's Child, Inc. for implementation of Parent Leadership Training Institute, Tr. letter, 308, Pssd., 308

ROCMUSIC PROGRAM

Auth. funding and agreements for Science, Technology, Engineering, Arts and Mathematics (STEAM) proj., Tr. letter, 385, Pssd., 386

ROXY ANN SINKLER RECREATION CENTER

Approp. funds related to infrastructure and playground improvements, Tr. letter, 41, Pssd., 41

ROY TEITSWORTH, INC.

Auth. agreements for auctioneer svcs., Tr. letter, 9, Pssd., 11

RULES OF COUNCIL

Reso. adopting Rules of Council, Adpt., 5
Reso. amend. Rules of Council, Tr. letter, 316, Adpt., 317

RUNDEL MEMORIAL LIBRARY

Auth. agreement with LaBella Assoc., D.P.C., for Rundel Library Structural Terrace Improvements Phase IV Proj., Tr. letter, 415, Pssd., 415
Bond Ord. auth. issuance of \$3,457,000 Bonds to finance costs of Rundel Library Structural Terrace Improvements Phase IV, Tr. letter, 415, Pssd., 416
Auth. funding, amend. Budget and auth. amend. agreement for renovations and upgrades at Central Library, Tr. letter, 448, Pssd., 449

RUNDEL PARK

L.I.O. - care and embellishment of street malls for 2016-2017, Tr. letter, 158, Pssd., 159

RYAN CENTER

Approp. funds related to infrastructure and playground improvements, Tr. letter, 41, Pssd., 41

RYN, JAN

Auth. the leasing to vendors of modular replacement bldgs. and compensating vendors for removal of existing bldgs. related to Public Mkt. Winter Shed Renovation and Expansion Proj., Tr. letter, 271, Pssd., 273

-S-

S-G MARINA

Auth. operations and maint. agreement related to Port of Roch. Marina, Tr. letter, 48, Pssd., 49

SMG

Establishing max. comp. for professional svcs. agreement for ticket sales and box office management of City-produced events, Tr. letter, 87, Pssd., 87

SAHLEN'S STADIUM

Auth. lease for multi-purpose stadium parcels, Tr. letter, 6, Pssd., 7

Amend. City Charter with respect to responsibilities for City facilities, Tr. letter, 232, Pssd., 238

Auth. agreement with United Soccer Leagues, LLC related to turf drainage at Sahlen's Stadium, Tr. letter, 259, Pssd., 259

ST. JOHN'S PARK

Changing zoning class. of 90 St. John's Park from R-1 Low Density Resi. Dist. to H-V Harbortown Village Dist., Tr. letter, 293, Pssd., 294

SALEM EVANGELICAL CHURCH

Auth. agreement for lease of space for Downtown District Svcs., Tr. letter, 325, Pssd., 326

SALLUZZO, SHARON

Reso. approv. reappointments to Roch. Public Library Board of Trustees, Tr. letter, 24, Adpt., 25

SALVATION ARMY OF WESTERN NEW YORK, INC.

Auth. funding and amendments to service agreements for Emergency Solutions Grant program for homeless, Tr. letter, 32, Pssd., 33

Auth. agreements and approp. funds for Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

SANCHEZ AND ASSOCIATES

Auth. amend. agreement with Sanchez and Assoc., Inc. for Diversity and Inclusion Training, Tr. letter, 227, Pssd., 228

SAVING GRACE MINISTRIES OF ROCHESTER, INC.

Auth. agreements and approp. funds for Emergency Solutions Grant Program and amend. Ord. Nos. 2016-362 and 2016-363 with respect to Emergency Assistance Repair Program, Tr. letter, 478, Pssd., 479

SCHELLINGER, ROBERT

Approp. reappointments to Roch. Environmental Commission, Tr. letter, 200, Adpt., 200

SCHICK, JON

Approp. appts. and reappointments to Roch. Preservation Board, Tr. letter, 200, Approv., 201

SCHOOL RESOURCE OFFICERS

Auth. agreement with Roch. City School Dist. related to School Resource Officers, Tr. letter, 53, Pssd., 53

SCHUBERT CENTRE LLC

Auth. amend. agreement with Schubert Centre LLC for Focused Investment Strategy Vacant Lot Fencing and Greening Program, Tr. letter, 367, Pssd., 367

SCIENCE, TECHNOLOGY, ENGINEERING, ARTS AND MATHEMATICS PROJECT

Auth. funding and agreements for Science, Technology, Engineering, Arts and Mathematics

(STEAM) proj., Tr. letter, 385, Pssd., 386

SCOTT, LORETTA C., COUNCIL PRESIDENT

Reso. for nomination and selection of President of Roch. City Council, Adpt., 1

Reso. nominating var. persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 58, Held, 58, Adpt. 169

Reso. nominating var. persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 58, Held, 59, Adpt., 169

Reso. nominating var. persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 58, Held, 59, Adpt., 169

Disclosure of interest form submitted, 86; 117; 167; 225; 312

Reso. adopting City of Roch./Roch. City School Dist. Debt Policy, Tr. letter, 117, Adpt., 118

Amend. Chapter 62 of Mun. Code with regard to commercial travelers, solicitors and special events, Tr. letter, 123, Pssd., 132

Amend. Chapter 60 and 68 of Mun. Code with regard to food vending, Tr. letter, 123, Pssd., 133

Motion to amend, Int. No. 248, Adpt., 224

Reso. approv. appt. to Board of Ethics, Tr. letter, 227, Adpt., 227

Abstention, Reso. No. 2016-18B, Adpt., 227

Auth. amend. audit svcs. agreement with Freed Maxick CPAs, P.C., Tr. letter, 240, Pssd., 241

Reso. amend. Rules of Council, Tr. letter, 316, Adpt., 317

Amend. Chapters 60, 13A and 120 of Mun. Code with regard to food truck, food trailer and food cart vending, Tr. letter, 391, Pssd., 398

Reso. establishing schedule for Regular Council Meetings during 2017, Tr. letter, 427, Adpt., 427

Reso. approv. appts. to Board of Assessment Review, Tr. letter, 472, Adpt., 472

SCOTT'S II

Auth. the leasing to vendors of modular replacement bldgs. and compensating vendors for removal of existing bldgs. related to Public Mkt. Winter Shed Renovation and Expansion Proj., Tr. letter, 271, Pssd., 273

SECTOR 4 COMMUNITY DEVELOPMENT CORPORATION

Amend. Ord. No. 2014-375 regarding agreement for assistance to complete Bull's Head Brownfield Opportunity Area Nomination Study, Tr. letter, 246, Pssd., 247

SECURITY

L.I.O. - security svcs. at Public Mkt. for 2016-17, Tr. letter, 164, Pssd., 166

Auth. agreement with NYS Div. of Homeland Security and Emergency Svcs., Tr. letter, 268, Pssd., 269

Auth. grant agreement for 2016 State Homeland Security Program, Tr. letter, 274, Pssd., 274

SETTLEMENT OF LITIGATION

Approp. of funds to pay for settlement of litigation pursuant to court order, Tr. letter, 355, Pssd., 356

SHADY LANE

Auth. geometric changes related to Kilmar St. Group reconstruction, rehab., and curb replacement, Tr. letter, 50, Pub. hear., 6, Pssd., 51

Bond Ord. auth. issuance of \$165,000 Bonds to finance reconstruction of water svcs. along certain portions of Shady Lane related to 2016 Kilmar St. Group Reconstruction Proj., Tr. letter, 375, Pssd., 378

SIBLEY BUILDING REDEVELOPMENT

Auth. agreements and funding for Sibley Bldg. Redevelopment - Phase I and Phase II, Tr. letter, 27, Pssd., 30

Amend. Ord. No. 2016-8 in relation to loan agreement to fund Sibley Bldg. Redevelopment - Phase I, Tr. letter, 319, Pssd., 322

SIBLEY PLACE

L.I.O. - care and embellishment of street malls for 2016-2017, Tr. letter, 158, Pssd., 159

SIDEWALKS

Bond Ord. auth. issuance of \$1,168,000 Bonds to finance certain costs of Southeast Quadrant Hazardous Sidewalk Repairs, Tr. letter, 143, Pssd., 144

L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2016 and expiring June 30, 2017, Tr. letter, 232, Pub. hear., 225, Pssd., 237

Bond Ord. auth. issuance of \$915,000 Bonds to finance certain costs of Southeast Quadrant Hazardous Sidewalk Repairs, Tr. letter, 296, Pssd., 297

SIGNAGE

Auth. intermunicipal agreement with Monroe County for parking signs, Tr. letter, 45, Pssd., 45

SINKLER, ROXY ANN, RECREATION CENTER

Approp. funds related to infrastructure and playground improvements, Tr. letter, 41, Pssd., 41

SISTER CITIES GARAGE

Amend. Mun. Code with respect to parking rates, Tr. letter, 232, Pssd., 239

SMITH, LESLIE B.

Reso. approv. reappointment to Civil Service Commission, Tr. letter, 88, Adpt., 89

SMOKE AND CARBON MONOXIDE DETECTORS

Approp. funds for smoke and carbon monoxide detectors and amend. budget approp. of State Homeland Security Program funds, Tr. letter, 347, Pssd. 347

SNOW REMOVAL

Auth. agreement with NYS Dept. of Transportation for snow removal, Tr. letter, 74, Pssd.,

74
L.I.O. - snow removal at Public Mkt. for 2016-17, Tr. letter, 164, Pssd., 166
L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2016 and expiring June 30, 2017, Tr. letter, 232, Pub. hear., 225, Pssd., 237

SOCCER STADIUM

Auth. lease for multi-purpose stadium parcels, Tr. letter, 6, Pssd., 7
Amend. City Charter with respect to responsibilities for City facilities, Tr. letter, 232, Pssd., 238
Auth. agreement with United Soccer Leagues, LLC related to turf drainage at Sahlen's Stadium, Tr. letter, 259, Pssd., 259

SOCIETY FOR THE PROTECTION AND CARE OF CHILDREN

Auth. amend. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 270, Pssd., 271; Tr. letter, 350, Pssd., 351
Auth. agreement for Environmental Workforce Dev. and Job Training Program grant and revision to Comprehensive Adolescent Pregnancy Prevention Program agreement, Tr. letter, 423, Pssd., 424
Auth. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 458, Pssd., 459

SOFTWARE

See "Computers"

SOLICITORS

Amend. Chapter 62 of Mun. Code with regard to commercial travelers, solicitors and special events, Tr. letter, 123, Pssd., 132

SOUTH AVENUE/ALEXANDER STREET OPEN SPACE DISTRICT

Auth. special work and svcs. related to South Ave./Alexander St. Open Space Dist. LIO No. 1537, Tr. letter, 141, Pssd., 142

SOUTH AVENUE GARAGE

Amend. Mun. Code with respect to parking rates, Tr. letter, 232, Pssd., 239

SOUTH CLINTON AVENUE

Auth. pav. width changes for 2016 Preventive Maint. Contract No. 1 - S. Clinton Ave. and S. Goodman St., Tr. letter, 209, Pub. hear., 167, Pssd., 210
Auth. agreement with Stantec Consulting Svcs., Inc., for resident proj. representation svcs. and approp. funds for 2016 Preventive Maint. Group #1
Bond Ord. auth. issuance of \$80,000 Bonds to finance reconstruction of certain portions of S. Clinton Ave. and S. Goodman St. related to 2016 Preventive Maint. Contract #1 Proj., Tr. letter, 250, Pssd., 253

SOUTH GOODMAN STREET

Auth. pav. width changes for 2016 Preventive Maint. Contract No. 1 - S. Clinton Ave. and S.

Goodman St., Tr. letter, 209, Pub. hear., 167, Pssd., 210

Auth. agreement with Stantec Consulting Svcs., Inc., for resident proj. representation svcs. and approp. funds for 2016 Preventive Maint. Group #1

Bond Ord. auth. issuance of \$80,000 Bonds to finance reconstruction of certain portions of S. Clinton Ave. and S. Goodman St. related to 2016 Preventive Maint. Contract #1 Proj., Tr. letter, 250, Pssd., 253

SOUTH WEDGE PLANNING COMMITTEE, INC.

Auth. funding and amendments to service agreements for Emergency Solutions Grant program for homeless, Tr. letter, 32, Pssd., 33

SOUTH WINTON ROAD

Auth. amend. agreement with Erdman, Anthony and Assoc., Inc. related to 2015 Preventive Maint. Group #2 Proj. (East/N & S Winton/University/Portland), Tr. letter, 483, Pssd., 484

SOUTHWEST YOUTH ORGANIZING PROJECT

Auth. agreement with Ctr. for Teen Empowerment, Inc. related to Southwest Youth Organizing Proj., Tr. letter, 308, Pssd., 309

SPAULL, ELAINE M., COUNCILMEMBER

Presented petition with 46 signatures opposing new development of parking lot located on Merchants Rd., 6

Disclosure of Interest form submitted, 117; 167; 225; 275; 386; 426; 463

Abstention, Ord. No. 2016-214, Pssd., 270; Ord. No. 2016-290, Pssd., 357; Motion to amend discharge Int. No. 368 from Committee, Adpt., 398; Ord. No. 2016-326, Pssd., 399; Ord. No. 2016-381, Pssd., 457; Ord. No. 2016-396, Pssd., 472

Motion to discharge from Committee, Int. No. 182, Adpt., 296

Petition with 430 signatures of persons opposed to dev. of two large four-story bldgs. at 645 Norris Dr., presented by Councilmember Spaul, 353

Petition with 44 signatures of persons opposed to building of casino., presented by Councilmember Spaul, 353

Petition with 270 signatures of persons opposed to changes to city's Washington Grove, presented by Councilmember Spaul, 353

SPECIAL EVENTS

Amend. Chapter 62 of Mun. Code with regard to commercial travelers, solicitors and special events, Tr. letter, 123, Pssd., 132

SPIRITUS CHRISTI PRISON OUTREACH, INC.

Auth. agreements and approp. funds for Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

STANTEC CONSULTING SERVICES, INC.

Auth. amend. agreement related to Dr. Martin

Luther King, Jr. Memorial Park Improvement Proj., Phase IIIC, Tr. letter, 109, Pssd., 110

Auth. agreement with Stantec Consulting Svs. Inc. related to E. Henrietta Rd. Improvement Proj., Tr. letter, 149, Pssd., 150

Auth. agreement with Stantec Consulting Svs. Inc. related to City of Roch. Developer Guidance Incorporating Sustainable Planning and Design Practices, Tr. letter, 154, Pssd., 154

Auth. agreement with Stantec Consulting Svs., Inc. for design and RPR svcs. for Campbell St. R-Center water park facilities and playground improvements, Tr. letter, 213, Pssd., 213

Auth. agreement with Stantec Consulting Svs., Inc. for architectural and engineering design for Public Safety Bldg. generator upgrade, Tr. letter, 215, Pssd., 215

Auth. agreement with Stantec Consulting Svs., Inc., for resident proj. representation svcs. and approp. funds for 2016 Preventive Maint. Group #1

Auth. amend. agreement related to Main St. Streetscape Wayfinding Enhancement proj., Tr. letter, 486, Pssd., 488

STATE UNIVERSITY OF NEW YORK COLLEGE AT BROCKPORT

Auth. lease agreement with State University of NY College at Brockport Roch. Educational Opportunity Ctr., Tr. letter, 228, Pssd., 228

STEP JAM

Establishing max. comp. for agreement for Step Jam, Tr. letter, 462, Pssd., 463

STONE RIDGE VETERINARY HOSPITAL

Auth. amend. agreement for veterinary svcs., Tr. letter, 84, Pssd., 85

STONY BROOK UNIVERSITY

Auth. grant contract, receipt, and use of grant funds from NY Sea Grant Great Lakes Basin Small Grants Program administered by Stony Brook University, Tr. letter, 153, Pssd., 154

STOP DWI PROGRAM

Amend. Ord. No. 2015-376 regarding STOP DWI Program, Tr. letter, 161, Pssd., 162

Auth. intermunicipal agreements and funding for STOP DWI Program, Tr. letter, 425, Pssd., 426

STRATEGIC COMMUNITY INTERVENTION LLC

Auth. agreement for review of Nuisance Abatement Ordinance, Tr. letter, 40, Pssd., 40

Auth. amend. agreement for review of Nuisance Abatement Ord., Tr. letter, 400, Pssd., 400

STREET CLEANING

L.I.O. - establishing cost of upgrading of street cleaning for East Ave./Alexander St. Entertainment Dist., Tr. letter, 97, Pssd., 97

L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2016 and expiring June 30, 2017, Tr. letter, 232, Pub. hear., 225, Pssd., 237

STREET LIAISON PROGRAM

Auth. agreements for 2016-17 Street Liaison Program, Tr. letter, 322, Held, 322, Pssd., 359

STREET LIGHTING

See "Streets"

STREET MALLS

L.I.O. - care and embellishment of street malls for 2016-2017, Tr. letter, 158, Pssd., 159

STREET MANAGER PROGRAM

Auth. amend. agreement for Street Manager Program, Tr. letter, 208, Pssd., 208

STREETS

Auth. pav. width changes related to Broad St. Bridge Preventive Maint. Proj., Tr. letter, 49, Pssd., 49

Auth. change in traffic flow on Lenox St., Tr. letter, 49, Pub. hear., 6, Pssd., 50

Auth. geometric changes related to Kilmar St. Group reconstruction, rehab., and curb replacement, Tr. letter, 50, Pub. hear., 6, Pssd., 51

Amend. Official Map by dedicating Celebration Dr., Tr. letter, 51, Pub. hear., 6, Pssd., 51

Auth. agreements for Ridgeway Ave. Transportation Improvement Proj., Tr. letter, 69, Pssd., 70

Auth. agreement with NYS Dept. of Transportation for snow removal, Tr. letter, 74, Pssd., 74

Changing traffic flow on Weider St. from two-way to one-way eastbound, Tr. letter, 112, Pssd., 112

Auth. amend. agreement with Bergmann Assoc. related to Dewey/Driving Park Ave. Intersection Realignment Proj., Tr. letter, 148, Pssd., 149

Auth. agreement with Stantec Consulting Svs. Inc. related to E. Henrietta Rd. Improvement Proj., Tr. letter, 149, Pssd., 150

Auth. amend. agreement with Bergmann Assoc., P.C. to provide geographic information system ("GIS") svcs., Tr. letter, 150, Pssd., 150

L.I.O. - establishing operating, installation and maint. costs of street lighting special assessment districts, Tr. letter, 155, Pssd., 156

Auth. pav. width changes for 2016 Preventive Maint. Contract No. 1 - S. Clinton Ave. and S. Goodman St., Tr. letter, 209, Pub. hear., 167, Pssd., 210

Auth. funding for Dewey Ave. and Driving Park Ave. Intersection Realignment Proj., Tr. letter, 211, Pssd., 211

Auth. funding for Lake Ave. Improvement Proj., Tr. letter, 211, Pssd., 212

Amend. source of funds approp. in Ord. No. 2015-196 for Main St. Streetscape and Pedestrian Wayfinding Enhancement Proj., Tr. letter, 215, Pssd., 216

Auth. pav. width changes to Avis St., Tr. letter, 217, Held., 218, Pssd., 296

Auth. agreement with Hunt Engineers, Architects & Land Surveyors, P.C., for resident proj. representation svcs. and approp. funds for 2016 Preventive Maint. Group #2, Tr. letter, 248, Pssd., 249

Bond Ord. auth. issuance of \$252,000 Bonds

- to finance milling and resurfacing of certain portions of Ames St., Buffalo Rd., W. Main St. and West Ave. related to 2016 Preventive Maint. Group #2 Proj., Tr. letter, 248, Pssd., 250
- Auth. agreement with Stantec Consulting Svs., Inc., for resident proj. representation svs. and approp. funds for 2016 Preventive Maint. Group #1
- Bond Ord. auth. issuance of \$80,000 Bonds to finance reconstruction of certain portions of S. Clinton Ave. and S. Goodman St. related to 2016 Preventive Maint. Contract #1 Proj., Tr. letter, 250, Pssd., 253
- Auth. pav. width changes on Charlotte St., Tr. letter, 257, Held, 258, Pssd., 345
- Auth. receipt and use of funds and agreement related to Ctr. City Two-Way Conversion Proj. - Phase II, Tr. letter, 259, Pssd., 261
- Bond Ord. auth. issuance of \$440,000 Bonds to finance certain portions of Ctr. City Two-Way Conversion Proj., Phase II, Tr. letter, 259, Pssd., 262
- Auth. agreement with Business Assn. of South Wedge Area ("BASWA") to fund decorative light poles, Tr. letter, 262, Pssd., 262
- Auth. Consolidated Funding Grant applications and agreements, Tr. letter, 285, Pssd., 288
- Bond Ord. auth. issuance of \$150,000 Bonds to finance cost of acq., constr. and reconstruction of additions to Street Lighting System of the City, Tr. letter, 302, Pssd., 303
- Auth. amend. professional svs. agreement for Mt. Hope Ave. Phase 2 Improvements proj., Tr. letter, 303, Pssd., 304
- Auth. professional svs. agreement with Passero Assoc., PC, for resident proj. representation svs. for Charlotte St. and Haags Alley Improvement Proj., Tr. letter, 304, Pssd., 305
- Bond Ord. auth. issuance of \$250,000 Bonds to finance water needs of Charlotte St. and Haags Alley Improvement Proj., Tr. letter, 304, Pssd., 306
- Auth. amend. professional svs. agreement and approp. funds for Mt. Hope Ave. Phase 2 Improvements, Tr. letter, 335, Pssd., 336
- Auth. amend. professional svs. agreement with C&S Engineers, Inc. for 2015 Preventive Maint. Contract 1 proj., Tr. letter, 337, Pssd., 337
- Auth. professional svs. agreement, amend. agreement, and approp. of funds related to 2016 Preventive Maint., Group \$3, Tr. letter, 337, Pssd., 339
- Bond Ord. auth. issuance of \$650,000 Bonds to finance reconstruction of certain portions of N. Goodman St., E. Main St., Allen, Brown and Wilder Streets and Morrie Silver Way related to 2016 Preventive Maint., Group #3 proj., Tr. letter, 337, Pssd., 340
- Auth. acq. by negotiation or condemnation of temporary easements, permanent easement and uneconomic remainder parcel for Dewey Ave. and Driving Park Intersection Realignment Proj., Tr. letter, 342, Pssd., 344
- Amend. Official Map by dedicating permanent easements to street purposes for Dewey Ave. and Driving Park Intersection Realignment Proj., Tr. letter, 342, Pssd., 345
- Approv. geometric changes to Arnett Blvd. related to 2017 Preventive Maint. Group 5 Proj., Tr. letter, 370, Held, 371
- Auth. amend. agreement and funding for Hincer Group Street Improvement Proj., Tr. letter, 372, Pssd., 373
- Auth. amend. agreement with Passero Assoc., Engineering, Architecture & Surveying, D.P.C., for improvements to Charlotte St. and Haags Alley, Tr. letter, 373, Pssd., 373
- Auth. agreements and approp. funds for Kilmar St. Group Proj., Tr. letter, 375, Pssd., 377
- Bond Ord. auth. issuance of \$165,000 Bonds to finance reconstruction of water svs. along certain portions of Shady Lane related to 2016 Kilmar St. Group Reconstruction Proj., Tr. letter, 375, Pssd., 378
- Auth. receipt and use of NYS Dept. of Transportation funds, Tr. letter, 380, Pssd., 381
- Auth. amend. agreement and amend. Official Map for Cobbs Hill Drive Reconstruction/Rehab. Proj. and auth. funding amend. for Kilmar St. Group Proj., Tr. letter, 410, Pssd., 412
- Bond Ord. auth. issuance of \$1,111,000 Bonds to finance reconstruction of certain portions of Cobbs Hill Dr. related to Cobbs Hill Dr. Reconstruction/Rehab. Proj., Tr. letter, 410, Pssd., 413
- Bond Ord. auth. issuance of \$236,000 Bonds to finance new water main and lines along Cobbs Hill Dr. related to 2016 Cobbs Hill Dr. Reconstruction Proj., Tr. letter, 410, Pssd., 414
- Auth. agreement with Bergmann Assoc., Architects, Engineers, Landscape Architects & Surveyors, D.P.C. relating to Milling and Resurfacing Projects, Tr. letter, 414, Pssd., 415
- Bond Ord. auth. issuance of \$261,000 Bonds to finance acq. and installation of street lighting upgrades along certain portions of Winton Rd. North, Robinson Dr., and Reservoir Ave., Tr. letter, 416, Pssd., 418
- Auth. funding agreement for City-wide street lighting upgrades, Tr. letter, 416, Pssd., 418
- Approv. geometric changes related to Dewey Ave./Driving Park Ave. Realignment Proj., Tr. letter, 419, Pssd., 421
- Approv. geometric changes on Arnett Blvd. related to 2017 Preventive Maint. Group 5 Proj., Tr. letter, 446, Pssd., 447
- Auth. agreements and approp. funds for Main St. Streetscape and Pedestrian Wayfinding Enhancement Proj., Tr. letter, 449, Pssd., 450
- Approp. funds for street improvement projects from anticipated reimbursements from Roch. Pure Waters Dist., Tr. letter, 450, Pssd., 451
- Bond Ord. auth. issuance of \$3,550,000 Bonds to finance milling and resurfacing of certain portions of Southwest and Northeast Quadrant streets related to 2016 Resi. Milling and Resurfacing Program Phase I, Tr. letter, 451, Pssd., 453
- Bond Ord. auth. issuance of \$78,000 Bonds to finance replacement of water mains and lines along certain portions of Southwest and Northeast Quadrant streets related to 2016 Resi. Milling and Resurfacing Program Phase I, Tr. Letter, 450, Pssd., 455
- Auth. acceptance of easements, Tr. letter,

475, Pssd., 476

Auth. amend. agreement with Erdman, Anthony and Assoc., Inc. related to 2015 Preventive Maint. Group #2 Proj. (East/N & S Winton/University/Portland), Tr. letter, 483, Pssd., 484

Amend. Official Map by abandonment of portion of Lundy's Lane, Tr. letter, 484, Pub. hear., 463, Pssd., 484

Auth. amend. agreement related to Main St. Streetscape Wayfinding Enhancement proj., Tr. letter, 486, Pssd., 488

STREETSCAPES

See "Streets"

STUDIES

Approp. funds and auth. agreement with Vita Nuova, LLC related to Orchard-Whitney Redevelopment Feasibility Study, Tr. letter, 74, Pssd., 75

Amend. Ord. No. 2014-375 regarding agreement for assistance to complete Bull's Head Brownfield Opportunity Area Nomination Study, Tr. letter, 246, Pssd., 247

Auth. agreements and funding for Roch. Mobility Enhancement Study, Tr. letter, 402, Pssd., 403

SUMMER FOOD SERVICE PROGRAM

Auth. agreements for Summer Food Service Program, Tr. letter, 162, Pssd., 163

SUMMER LITERACY AIDE

Auth. agreement with Roch. City School Dist. for receipt and use of funds supporting Summer Literacy Aide youth employment program, Tr. Letter, 164, Pssd., 164

SUMMER LITERACY PROGRAM

Auth. agreement for Summer Literacy Program in R-Centers, Tr. letter, 219, Pssd., 220

SUMMER OF OPPORTUNITY PROGRAM

Auth. agreement for Summer of Opportunity Youth Program tour of Historically Black Colleges and Universities, Tr. letter, 82, Pssd., 83

Auth. amend. agreements and approp. funds for Summer of Opportunity Program, Tr. letter, 221, Pssd., 222

SUPERIOR MEDICAL CONSULTANTS LLC

Auth. amend. professional svcs. agreement for expert witness svcs. for Law Dept., Tr. letter, 178, Pssd., 179

-T-

T.Y. LIN INTERNATIONAL ENGINEERING, ARCHITECTURE & LAND SURVEYING, P.C.

Auth. receipt and use of funds and an agreement related to Broad St. Bridge Preventive Maint. Proj., Tr. letter, 42, Pssd., 44

Amend. Ord. No. 2015-128 related to Annual Parking Garage Evaluation and Repair Program, Tr. letter, 144, Pssd., 146

Auth. amend. agreement with T.Y. Lin Intl. Engineering, Architecture & Land Surveying,

P.C. for Broad St. Bridge Preventive Maint. Proj., Tr. letter, 371, Pssd., 372

Amend. Ord. No. 2015-128 with respect to agreement with T.Y. Lin Intl. Engineering, Architecture & Land Surveying, P.C. for Parking Garage Repair and Reconstruction Program, Tr. letter, 455, Pssd., 455

Auth. amend. agreement with T.Y. Lin Intl. for Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Proj., Tr. letter, 481, Pssd., 482

TACTICAL TEAM GRANT

Auth. agreement for Tactical Team Grant, Tr. letter, 52, Pssd., 52

TARA, STANLEY AND MARY ANN

Auth. the leasing to vendors of modular replacement bldgs. and compensating vendors for removal of existing bldgs. related to Public Mkt. Winter Shed Renovation and Expansion Proj., Tr. letter, 271, Pssd., 273

TARGETED HOUSING REHABILITATION PROGRAM

Auth. approp. of Comm. Dev. Block Grant funds and agreements for Targeted Housing Rehab. and Window Replacement programs, Tr. letter, 441, Pssd., 443

TAXES AND CHARGES

Auth. cancellation of taxes and charges, Tr. letter, 9, Pssd., 9; Tr. letter, 226, Pssd., 227; Tr. letter, 464, Pssd., 465

Auth. bulk sale of delinquent tax liens, Tr. letter, 89, Pssd., 90

Approv. apportionment of taxes and charges, Tr. letter, 169, Pssd., 170

Levying taxes for muni. purposes for fiscal year commencing July 1, 2016 and expiring June 30, 2017, Tr. letter, 232, Pssd., 236

Confirming assessments, amounts and charges to be inserted in annual tax rolls for fiscal year commencing July 1, 2016 and expiring June 30, 2017, Tr. letter, 232, Pub. hear., 225, Pssd., 236

Levying taxes for school purposes for fiscal year commencing July 1, 2016 and expiring June 30, 2017, Tr. letter, 232, Pssd., 236

Cancellation or refund of erroneous taxes and charges, Tr. letter, 387, Pssd., 389

Approv. property tax exemption and auth. payment in-lieu-of tax agreement for Upper Falls Sq. affordable housing proj., Tr. letter, 405, Pssd., 407

Auth. admin. tax cancellations and refunds of \$1,000 or less for 2017, Tr. letter, 465, Pssd., 466

TEENAGE PREGNANCY PREVENTION PROGRAM

Auth. agreements for Teenage Pregnancy Prevention Program, Tr. letter, 269, Pssd., 270

Auth. amend. agreements and funding for Federal Teenage Pregnancy Prevention Program, Tr. letter, 456, Pssd., 457

TEITSWORTH, ROY

Auth. agreements for auctioneer svcs., Tr.

letter, 9, Pssd., 11

THERMAL ENERGY

Continuing membership and use agreements with Roch. Dist. Hearing Cooperative, Inc. for supply of thermal energy at var. City bldgs., Tr. letter, 488, Pssd., 488

THOMAS, GARY

Reso. approv. appts. to Board of Assessment Review, Tr. letter, 472, Adpt., 472

THORNTON, JANINE

Auth. the leasing to vendors of modular replacement bldgs. and compensating vendors for removal of existing bldgs. related to Public Mkt. Winter Shed Renovation and Expansion Proj., Tr. letter, 271, Pssd., 273

TICKET SALES AND BOX OFFICE MANAGEMENT

Establishing max. comp. for professional svcs. agreement for ticket sales and box office management of City-produced events, Tr. letter, 87, Pssd., 87

TILTON, MARY FREUND

Approv. appointments and reappointments to Zoning Board of Appeals, Tr. letter, 197, Adpt., 198

TITLE VI PLAN AND LANGUAGE ACCESS PLAN

Reso. adopting Title VI Plan and Language Access Plan, Tr. letter, 421, Adpt., 421

TOBACCO COMPLIANCE GRANT PROGRAM

Auth. agreement with Monroe County Dept. of Public Health for Tobacco Compliance Grant Program, Tr. letter, 218, Pssd., 219

TOWN & COUNTRY TRAVEL, INC.

Auth. agreement for Summer of Opportunity Youth Program tour of Historically Black Colleges and Universities, Tr. letter, 82, Pssd., 83

TRAFFIC FLOW CHANGE

See "Streets"

TRAFFIC INFRACTIONS

Reso. for purpose of Home Rule Message regarding State legislation in relation to adjudication of traffic infractions within City of Roch., Tr. letter, 224, Adpt., 225

TRAILS

Auth. amend. intermunicipal agreement for Highland Park/Canalway Trail Improvements Proj., Tr. letter, 482, Pssd., 483

TRAIN BRIDGE OVERLOOK PROJECT

Bond Ord. auth. issuance of \$170,000 Bonds to finance constr. of public overlook at site for former CSX Swing Bridge in Port of Roch., Tr. letter, 484, Pssd., 486

Amend. Ord. No. 2015-365 with respect to funding of agreement for Train Bridge Overlook Proj., Tr. letter, 484, Pssd., 486

TRAINING

Auth. amend. agreement with Sanchez and Assoc., Inc. for Diversity and Inclusion Training, Tr. letter, 227, Pssd., 228

Auth. professional svcs. agreement for training dev. and delivery svcs., Tr. letter, 231, Pssd., 232

Auth. amend. professional svcs. agreement for physical training svcs., Tr. letter, 273, Pssd., 274

Auth. agreement with Prescod Leadership Enterprise, LLC, for supervisory skills training, Tr. letter, 353, Pssd., 353

Auth. agreement with New Horizons Computer Learning Ctr. of Metropolitan NY, Inc. at Logical Operations Inc. for computer training classes, Tr. letter, 467, Pssd., 468

Auth. intermunicipal agreement with Monroe 2-Orleans BOCES for workforce education and skills dev. training, Tr. letter, 470, Pssd., 470

TRICKEY, JOHN T., JR.

Auth. sale of real estate amendment to lease agreement auth. by Ord. No. 2016-68, Tr. letter, 136, Pssd., 137

TRILLIUM HEALTH

Auth. agreements and approp. funds for Housing Opportunities for Persons with AIDS Program, Tr. letter, 194, Pssd., 196

TRUE NORTH ANDREWS STREET, LLC

Auth. sale of real estate comprising portion of 106 Pleasant St., Tr. letter, 401, Pssd., 402

TURNING POINT PARK

Auth. amend. license agreement for use of space in Turning Point Park, Tr. letter, 408, Pssd., 409

TWILIGHT CRITERIUM

Auth. agreement for 2016 Roch. Twilight Criterium, Tr. letter, 120, Pssd., 121

TYLER TECHNOLOGIES, INC.

Auth. amend. agreement with Tyler Technologies, Inc. for Roch. Police Dept.'s Record Management System multi-phase replacement program, Tr. letter, 355, Pssd., 355

-U-

UNYSE ENVIRONMENTAL CONSULTANTS

Approp. funds and auth. agreements for 2016 Lead Hazard Control Grant Program, Tr. letter, 138, Pssd., 140

US BANK, NATIONAL ASSOCIATION

Auth. acceptance of real estate by donation, Tr. letter, 35, Pssd., 36

UNCOMMON SCHOOLS, INC.

Auth. sale for Former School 36, Tr. letter, 105, Pssd., 105

UNEMPLOYMENT INSURANCE

Establishing max. comp. for professional svcs. agreement for admin. of unemployment insurance claims, Tr. letter, 228, Pssd., 229

UNIFORM RELOCATION ACT

Auth. amend. agreement for advice and svcs. related to compliance with Uniform Relocation Act, Tr. letter, 314, Pssd., 314

UNITED NEGRO COLLEGE FUND, INC.

Auth. agreement with United Negro College Funds, Inc., Tr. letter, 461, Pssd., 462

UNITED SOCCER LEAGUES, LLC

Auth. agreement with United Soccer Leagues, LLC related to turf drainage at Sahlen's Stadium, Tr. letter, 259, Pssd., 259

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES

Auth. agreements for Teenage Pregnancy Prevention Program, Tr. letter, 269, Pssd., 270

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Approp. funds and auth. agreements for 2016 Lead Hazard Control Grant Program, Tr. letter, 138, Pssd., 140

Auth. submission of Consolidated Comm. Dev. Plan/2016-17 Annual Action Plan and execution of grant agreements with U.S. Dept. of Housing and Urban Dev., Tr. letter, 185, Pssd., 187

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Auth. agreement for Environmental Workforce Dev. and Job Training Program grant and revision to Comprehensive Adolescent Pregnancy Prevention Program agreement, Tr. letter, 423, Pssd., 424

UNIVERSITY AVENUE

Auth. amend. agreement with Erdman, Anthony and Assoc., Inc. related to 2015 Preventive Maint. Group #2 Proj. (East/N & S Winton/University/Portland), Tr. letter, 483, Pssd., 484

UNIVERSITY OF ROCHESTER

Agreement related to support of previous AmeriCorps VISTA member, Tr. letter, 140, Pssd., 140

Agreement relating to support of AmeriCorps VISTA Program, Tr. letter, 140, Pssd., 141

Auth. amend. real estate agreement with University of Roch., Tr. letter, 181, Pssd., 182

Approv. agreement for co-location of City's information technology datacenter for purposes of disaster recovery, Tr. letter, 277, Pssd., 278

Auth. amend. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 350, Pssd., 351

Auth. agreement for Environmental Workforce Dev. and Job Training Program grant and revision to Comprehensive Adolescent Pregnancy Prevention Program agreement, Tr. letter, 423, Pssd., 424

UPPER FALLS SQUARE

Auth. funding, sale of real estate and loan agreement for Upper Falls Sq. affordable housing proj., Tr. letter, 405, Pssd., 406

Approv. property tax exemption and auth. payment in-lieu-of tax agreement for Upper Falls Sq. affordable housing proj., Tr. letter, 405, Pssd., 407

URBAN LEAGUE OF ROCHESTER, NEW YORK, INC.

Auth. agreements and approp. funds for Homebuyer Training Program, Tr. letter, 192, Pssd., 193

URBAN RENEWAL

Amend. Zoning Code map and Urban Renewal Plan for Marketview Heights Urban Renewal Dist., Tr. letter, 67, Pssd., 68

Auth. sale of Midtown Parking Garage and Midtown Lot 7 to further Midtown Urban Renewal Plan, Tr. letter, 431, Pub. hear., 432, Pssd., 433

Amend. program allocations within Housing Dev. Fund for 2015-16 Consolidated Comm. Dev. Plan, Tr. letter, 437, Pssd., 438

-V-

VACUUM OIL SITE

Auth. amend. agreement and funding for Vacuum Oil Site remedial investigation and alternatives analysis, Tr. letter, 373, Pssd., 374

Bond Ord. amend. Ord. No. 2014-254 by auth. issuance of additional \$150,000 Bonds to finance professional svcs. agreement with O'Brien & Gere for remedial investigation svcs. relating to contamination of Vacuum Oil site in the City, Tr. letter, 373, Pssd., 375

VAN POOL PILOT PROJECT

Auth. Consolidated Funding Grant applications and agreements, Tr. letter, 285, Pssd., 288

VAN DUSEN, ERIC

Approv. appointments and reappointments to Zoning Board of Appeals, Tr. letter, 197, Adpt., 198

VANGUARD ENGINEERING, P.C.

Auth. agreements and approp. funds for Kilmar St. Group Proj., Tr. letter, 375, Pssd., 377

Auth. amend. agreement and amend. Official Map for Cobbs Hill Drive Reconstruction/Rehab. Proj. and auth. funding amend. for Kilmar St. Group Proj., Tr. letter, 410, Pssd., 412

VARGAS ASSOCIATES, INC.

Auth. agreement with Vargas Assoc., Inc. for move management term svcs., Tr. letter, 71, Pssd., 71

VEHICLE PURCHASE

Auth. grant agreement with Genesee Region Clean Communities, Inc. to fund purchase of alternative fuel vehicles, Tr. letter, 379, Pssd., 380

Bond Ord. auth. issuance of \$1,300,000 Bonds to finance costs of replacement Platform Ladder Truck for Broad & Allen Firehouse, Tr. letter, 384, Pssd., 385

Amend. Ord. No. 2016-313 with respect to grant for purchase of alternative fuel vehicles,

Tr. letter, 444, Pssd., 445

VENDETTA, DAVID

Auth. acq. of 68-70 York St., Tr. letter, 404, Pssd., 405

VETERANS OUTREACH CENTER, INC.

Auth. agreements and approp. funds for Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

VETERINARY SERVICES

Auth. amend. agreement for veterinary svcs., Tr. letter, 84, Pssd., 85

Establishing max. comp. and approp. funds for veterinary svcs., Tr. letter, 268, Pssd., 268

Approp. funds and auth. amend. agreement for veterinary svcs., Tr. letter, 456, Pssd., 456

VIDEO EQUIPMENT

Auth. agreement for Video Equipment grant, Tr. letter, 489, Pssd., 489

VITA NUOVA LLC

Approp. funds and auth. agreement with Vita Nuova, LLC related to Orchard-Whitney Redevelopment Feasibility Study, Tr. letter, 74, Pssd., 75

VOLUNTEER LEGAL SERVICE PROJECT OF MONROE COUNTY

Approp. funds for Helping Elders Law Proj., Tr. letter, 334, Pssd., 335

VOLUNTEERS OF AMERICA, INC.

Auth. funding and amendments to service agreements for Emergency Solutions Grant program for homeless, Tr. letter, 32, Pssd., 33

Auth. agreements and approp. funds for Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

-W-

WDKX

Establishing max. comp. for agreement for Step Jam, Tr. letter, 462, Pssd., 463

WADSWORTH STREET

Amend. Zoning Code map for 128 Merrimac St., and 15 Wadsworth St., Tr. letter, 368, Pssd., 369

WAGES AND SALARIES

Approv. wage and salary increases and equity adjustments for employees of Roch. Housing Authority, Tr. letter, 281, Pssd., 282

WAR MEMORIAL

See "Blue Cross Arena at the War Memorial"

WASHINGTON, HAZEL L, CITY CLERK

Reso. for selection and appt. of City Clerk, Adpt., 1

WASHINGTON SQUARE GARAGE

Amend. Mun. Code with respect to parking rates, Tr. letter, 232, Pssd., 239

WATER

Bond Ord. auth. issuance of \$490,000 Bonds to finance portion of City's Cured in Place Pipe Proj. of Distribution System Water Main Renewal Program, Tr. letter, 75, Pssd., 76

Bond Ord. auth. issuance of \$1,000,000 Bonds to finance portion of City's 2016 Water Main Cleaning and Lining Proj. of Distribution System Water Main Renewal Program, Tr. letter, 76, Pssd., 78

Bond Ord. auth. issuance of \$988,200 Bonds to finance portion of City's Water Mains Extensions and Improvements Proj. of the Distribution System Water Main Renewal Program, Tr. letter, 78, Pssd., 79

Auth. agreements with Optimization Technology, Inc. related to automation controls at Hemlock Lake Water Filtration Plant, Tr. letter, 154, Pssd., 155

Amend. Mun. Code with respect to wholesale water rates, Tr. letter, 216, Pssd., 216

Amend. Mun. Code with respect to water rates, Tr. letter, 232, Pssd., 239

Auth. agreement with Monroe County Water Auth. to provide potable water to Durand Eastman Beach, Tr. letter, 258, Pssd., 258

Bond Ord. auth. issuance of \$250,000 Bonds to finance water needs of Charlotte St. and Haags Alley Improvement Proj., Tr. letter, 304, Pssd., 306

Auth. grant agreement and funding for drinking water fluoridation system, Tr. letter, 410, Pssd., 410

Bond Ord. auth. issuance of \$236,000 Bonds to finance new water main and lines along Cobbs Hill Dr. related to 2016 Cobbs Hill Dr. Reconstruction Proj., Tr. letter, 410, Pssd., 414

Bond Ord. auth. issuance of \$78,000 Bonds to finance replacement of water mains and lines along certain portions of Southwest and Northeast Quadrant streets related to 2016 Resi. Milling and Resurfacing Program Phase I, Tr. Letter, 450, Pssd., 455

Auth. agreement with Bergmann Assoc., Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for water system map modernization, Tr. letter, 468, Pssd., 468

Auth. acceptance of easements, Tr. letter, 475, Pssd., 476

WATSON, DAVID

Approv. appts. and reappointments to City Planning Commission, Tr. letter, 199, Adpt., 199

WCREDIT

Amend. Ord. No. 2016-8 in relation to loan agreement to fund Sibley Bldg. Redevelopment - Phase I, Tr. letter, 319, Pssd., 322

WEBSTER AVENUE

Auth. acq. of 360 Webster Ave., amend. of Official Map, and amend. agreement with C&S Engineers, Inc., to provide additional right-of-way acq. svcs., Tr. letter, 210, Pssd., 211

Amend. Ord. No. 2016-157 to specify portions of Webster Ave. properties to be acquired and dedicated as public right-of-way, Tr. letter, 418, Pssd., 419

WEGMANS FOOD MARKETS, INC.

Auth. agreement with Wegmans Food Markets, Inc. to provide prescription medication for firefighters injured on the job, Tr. letter, 115, Pssd., 115

WEIDER STREET

Changing traffic flow on Weider St. from two-way to one-way eastbound, Tr. letter, 112, Pssd., 112

WELLS FARGO BANK, NA

Auth. acceptance of real estate by donation, Tr. letter, 35, Pssd., 36

WEST AVENUE

Auth. agreement with Hunt Engineers, Architects & Land Surveyors, P.C., for resident proj. representation svcs. and approp. funds for 2016 Preventive Maint. Group #2, Tr. letter, 248, Pssd., 249

Bond Ord. auth. issuance of \$252,000 Bonds to finance milling and resurfacing of certain portions of Ames St., Buffalo Rd., W. Main St. and West Ave. related to 2016 Preventive Maint. Group #2 Proj., Tr. letter, 248, Pssd., 250

WEST MAIN STREET

Auth. agreement with Hunt Engineers, Architects & Land Surveyors, P.C., for resident proj. representation svcs. and approp. funds for 2016 Preventive Maint. Group #2, Tr. letter, 248, Pssd., 249

Bond Ord. auth. issuance of \$252,000 Bonds to finance milling and resurfacing of certain portions of Ames St., Buffalo Rd., W. Main St. and West Ave. related to 2016 Preventive Maint. Group #2 Proj., Tr. letter, 248, Pssd., 250

Auth. acq. of 894-898 W. Main St. and 42 York St., Tr. letter, 361, Pssd., 362

WHITAKER, JEANINE

Reso. approv. appts. to Board of Assessment Review, Tr. letter, 472, Adpt., 472

WHITFIELD, ALYSSA S.

Reso. nominating var. persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 58, Held, 58, Adpt. 169

WHITNEY STREET

Auth. agreement and approp. funds related to environmental restoration program at 354 Whitney St. and 415 Orchard St., Tr. letter, 47, Pssd., 47

WILDER STREET

Bond Ord. auth. issuance of \$650,000 Bonds to finance reconstruction of certain portions of N. Goodman St., E. Main St., Allen, Brown and Wilder Streets and Morrie Silver Way related to 2016 Preventive Maint., Group #3 proj., Tr. letter, 337, Pssd., 340

WILLOW DOMESTIC VIOLENCE CENTER OF ROCHESTER, INC.

Auth. agreements and approp. funds for Emergency Solutions Grant Program and amend. Ord. Nos. 2016-362 and 2016-363 with respect

to Emergency Assistance Repair Program, Tr. letter, 478, Pssd., 479

WINDOW REPLACEMENT PROGRAM

Auth. approp. of Comm. Dev. Block Grant funds and agreements for Targeted Housing Rehab. and Window Replacement programs, Tr. letter, 441, Pssd., 443

WINDSTREAM PARTY IN THE PARK

Establishing max. comp. for professional svcs. agreement for ticket sales and box office management of City-produced events, Tr. letter, 87, Pssd., 87

WINN DEVELOPMENT, LLC

Auth. agreements and funding for Sibley Bldg. Redevelopment - Phase I and Phase II, Tr. letter, 27, Pssd., 30

Amend. Ord. No. 2016-8 in relation to loan agreement to fund Sibley Bldg. Redevelopment - Phase I, Tr. letter, 319, Pssd., 322

WOODSIDE/GOODWILL PARKING LOT

L.I.O. - Establishing operating and maint. costs of neighborhood commercial and resi. parking areas, Tr. letter, 173, Pssd., 174

WORKIVA, INC.

Auth. agreement with Workiva, Inc. for cloud-based financial data management and reporting solution, Tr. letter, 171, Pssd., 172

-X-

(No Entries)

-Y-

YWCA OF ROCHESTER AND MONROE COUNTY, INC.

Auth. funding and amendments to service agreements for Emergency Solutions Grant program for homeless, Tr. letter, 32, Pssd., 33

Auth. agreements and approp. funds for Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

Auth. amend. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 270, Pssd., 271; Tr. letter, 350, Pssd., 351

Auth. agreement for Environmental Workforce Dev. and Job Training Program grant and revision to Comprehensive Adolescent Pregnancy Prevention Program agreement, Tr. letter, 423, Pssd., 424

Auth. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 458, Pssd., 459

YORK STREET

Auth. acq. of 894-898 W. Main St. and 42 York St., Tr. letter, 361, Pssd., 362

Auth. acq. of 68-70 York St., Tr. letter, 404, Pssd., 405

YOUNG, ANN G. T.

Auth. agreements for Teenage Pregnancy Prevention Program, Tr. letter, 269, Pssd., 270

Auth. amend. agreements and funding for Federal Teenage Pregnancy Prevention Program, Tr. letter, 456, Pssd., 457

YOUNG AUDIENCES OF ROCHESTER, INC.

Auth. funding and agreements for Science, Technology, Engineering, Arts and Mathematics (STEAM) proj., Tr. letter, 385, Pssd., 386

YOUNG EXPLOSIVES CORPORATION

Auth. agreement for fireworks displays, tr. letter, 87, Pssd., 88

-Z-

ZAGSTER, INC.

Auth. agreement for Public Bikeshare System and amend. Chapter 35 of Mun. Code with respect to advertisements at System stations, Tr. letter, 421, Pssd., 422

ZIMMERMAN'S HOTS

Auth. the leasing to vendors of modular replacement bldgs. and compensating vendors for removal of existing bldgs. related to Public Mkt. Winter Shed Renovation and Expansion Proj., Tr. letter, 271, Pssd., 273

ZIMMER-MEYER, HEIDI

Approv. appts. and reappointments to City Planning Commission, Tr. letter, 199, Adpt., 199

ZONING BOARD OF APPEALS

Reso. approv. appt. to Zoning Board of Appeals, Tr. letter, 105, Held, 106

Approv. appointments and reappointments to Zoning Board of Appeals, Tr. letter, 197, Adpt., 198

ZONING CHANGES

Changing zoning class. of 90 St. John's Park from R-1 Low Density Resi. Dist. to H-V Harbortown Village Dist., Tr. letter, 293, Pssd., 294

Amend. Zoning Code map for multiple properties located on Hudson Ave., Merrimac St., Cleveland St. and Frederick St., Tr. letter, 362, Pssd., 363

Amend. Zoning Code map for 1009-1011 Jay St., Tr. letter, 363, Pssd., 364

Amend. Zoning Code map for 128 Merrimac St., and 15 Wadsworth St., Tr. letter, 368, Pssd., 369

Amend. Zoning Map for 1307, 1311, 1313, 1317 and 1337 E. Main St. and 48 Breck St., Tr. letter, 403, Pssd., 404

ZONING CODE

Amend. Zoning Code text and concept plan/site plan for Culver Rd. Armory, Planned Dev. Dist. No. 15, Tr. letter, 36, Pub. hear., 6, Pssd., 40

Amend. Zoning Code map, text and concept plan for Roch. General Hospital, Planned Dev. Dist. No. 6, Tr. letter, 62, Pssd., 67

Amend. Zoning Code map and Urban Renewal Plan for Marketview Heights Urban Renewal Dist., Tr. letter, 67, Pssd., 68

Amend. Zoning Map, text and adding a dev. concept map for Century-Strathallan Planned

Dev. Dist. No. 16, Tr. letter, 202, Pssd., 208

Amend. Zoning Code map, Tr. letter, 247, Pssd., 247

Amend. Chapter 120 of Mun. Code with respect to restaurants, bars and accessory outdoor seating and assembly areas in C-1 Neighborhood Center zoning dist., Tr. letter, 324, Pssd., 325

Amend. Zoning Code, Chapter 120 of Mun. Code with regard to retail sales and service, Tr. letter, 326, Pssd., 332

Amend. Zoning Code, Chapter 120 of Mun. Code, with regard to retail sales and service in M-1 Industrial dist., Tr. letter, 367, Pssd., 368

ZWAHLEN, TANYA

Approv. reappointments to Roch. Environmental Commission, Tr. letter, 200, Adpt., 200

**INDEX 2016
ABBREVIATIONS**

Acq. - Acquire, Acquisition	L.L. - Local Law
Adj. - Adjourned	Lftd. - Lifted
Admin. - Administration, Administrative	Litig. - Litigation
Adpt. - Adopt, Adopted	Maint. - Maintenance
Amend. - Amendatory, Amending, Amendment	Max. - Maximum
Appl. - Application(s)	Mgr. - Manager
Approp. - Appropriate, Appropriating	Mkt. - Market
Approv. - Approving	Mun. - Municipal
Appt(s). - Appoint, Appointment(s)	Ofc. - Office
Assist. - Assistance	Off. - Official
Auth. - Authority, Authorize	Ord. - Ordinance
Bldg. - Building	Pav. - Pavement
CHDO - Community Housing Development Organization	Pk. - Park
Class. - Classification	Proj. - Project
Comm. - Commercial, Commission, Committee, Community	Pssd. - Passed
Comp. - Compensation	Pub. - Public
Constr. - Construction	Purch. - Purchase
Ctr. - Center	R.E. - Real Estate
Demon. - Demonstration	R.O.W. - Right-of-Way
Dev. - Development	Rec. - Recreation
Dist. - District	Rehab. - Rehabilitate, Rehabilitation
Est(s). - Estimate(s)	Rej. - Reject
Ext. - Extension	Renew. - Renewal
Facil. - Facilities	Resi. - Residential
FY - Fiscal Year	Reso. - Resolution
Gar. - Garage	Rev. - Revenue
Gov. - Government	Roch. - Rochester
Hear. - Hearing	Svs. - Services
Incr. - Increase	Tbld. - Tabled
Indus. - Industrial	Tech. - Technology
Int. - Introductory	Tr. - Transmittal
L.I.O. - Local Improvement Ordinance	Var. - Various
	Wid. - Width
	Zon. - Zoning

183 EAST MAIN ST LLC

Auth. loan agreement for Lincoln Alliance Bldg. Proj. and amend. Ord. No. 2011-145, Tr. letter, 430, Pssd., 431

2STRIVE MEDIA, INC.

Auth. amend. agreement with 2Strive Media, Inc. to increase max. comp. for booking and production svcs. for 2016 Roch. SummerFest, Tr. letter, 174, Pssd., 175

Auth. agreement for 2017 Roch. SummerFest, Tr. letter, 390, Pssd., 390

-A-

AC CENTER, INC.

Auth. agreements and approp. funds for Housing Opportunities for Persons with AIDS Program, Tr. letter, 194, Pssd., 196

ABUNDANT LIFE FAITH CENTER, INC.

Auth. agreement with Abundant Life Faith Ctr., Inc., for job training and placement program, Tr. letter, 150, Pssd., 151

ACME POWERWASHING, INC.

Auth. agreement with Acme Powerwashing, Inc. for light maint. svcs. at City parking garages, Tr. letter, 241, Held, 241

ACTION FOR A BETTER COMMUNITY, INCORPORATED

Approp. funds and auth. agreements for 2016 Lead Hazard Control Grant Program, Tr. letter, 138, Pssd., 140

Auth. agreements for 2016-17 Street Liaison Program, Tr. letter, 322, Held, 322, Pssd., 359

Auth. approp. of Comm. Dev. Block Grant funds and agreements for Targeted Housing Rehab. and Window Replacement programs, Tr. letter, 441, Pssd., 443

ADVERTISEMENTS

Auth. agreement for Public Bikeshare System and amend. Chapter 35 of Mun. Code with respect to advertisements at System stations, Tr. letter, 421, Pssd., 422

AEON NEXUS CORPORATION

Auth. amend. agreement with Aeon Nexus Corp. to implement Customer Relationship Management solution for Operation Transformation Roch. Adult Employment Svcs., Tr. letter, 470, Pssd., 471

AGING IN PLACE HOME MODIFICATION PROGRAM

Auth. agreement and approp. funds for Aging in Place Home Modification Program, Tr. letter, 193, Pssd., 194

AIR HANDLER REPLACEMENTS

Auth. amend. agreement with LaBella Assoc., D.P.C. for design and const. admin. svcs. for additional air handler replacements in City Hall, Tr. letter, 447, Pssd., 447

ALEXANDER REALTY LLC

Auth. lease agreement with Alexander Realty LLC for Municipal Parking and Code Violations Bureau, Tr. letter, 480, Held, 480

ALEXANDER STREET

Auth. special work and svcs. related to South Ave./Alexander St. Open Space Dist. LIO No. 1537, Tr. letter, 141, Pssd., 142

ALL PRO MULTIMEDIA, LLC

Auth. professional svcs. agreement with All Pro Multimedia, LLC related to Champion Academy Mentoring and Empowering Initiative, Tr. letter, 309, Pssd., 309

ALLEN STREET

Bond Ord. auth. issuance of \$650,000 Bonds to finance reconstruction of certain portions of N. Goodman St., E. Main St., Allen, Brown and Wilder Streets and Morrie Silver Way related to 2016 Preventive Maint., Group #3 proj., Tr. letter, 337, Pssd., 340

ALLPRO PARKING

Auth. amend. agreement with Allpro Parking for customer service staffing of City parking garages, Tr. letter, 231, Pssd., 231

ALTERNATIVES FOR BATTERED WOMEN, INC.

Auth. agreements and approp. funds for Emergency Solutions Grant Program and amend. Ord. Nos. 2016-362 and 2016-363 with respect to Emergency Assistance Repair Program, Tr. letter, 478, Pssd., 479

AMERICAN TAX FUNDING, LLC

Auth. bulk sale of delinquent tax liens, Tr. letter, 89, Pssd., 90

AMERICORPS

Agreement related to support of previous AmeriCorps VISTA member, Tr. letter, 140, Pssd., 140

Agreement relating to support of AmeriCorps VISTA Program, Tr. letter, 140, Pssd., 141

Auth. agreement for Flower City AmeriCorps Program, Tr. letter, 382, Pssd., 383

AMES STREET

Auth. agreement with Hunt Engineers, Architects & Land Surveyors, P.C., for resident proj. representation svcs. and approp. funds for 2016 Preventive Maint. Group #2, Tr. letter, 248, Pssd., 249

Bond Ord. auth. issuance of \$252,000 Bonds to finance milling and resurfacing of certain portions of Ames St., Buffalo Rd., W. Main St. and West Ave. related to 2016 Preventive Maint. Group #2 Proj., Tr. letter, 248, Pssd., 250

ANIMAL SERVICES

Establishing max. comp. and approp. funds for veterinary svcs., Tr. letter, 268, Pssd., 268

Auth. agreement and funding for Animal Svcs. innovation program, Tr. letter, 489, Pssd., 490

ANSBROW, WILLIAM J.

Reso. nominating var. persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 58, Held, 59, Adpt., 169

APPRAISAL SERVICES

Auth. amend. agreements and approp. additional funds for real estate appraisal svcs., Tr. letter, 59, Pssd., 60

Auth. agreements for appraisal and real estate-related svcs. for Dept. of Neighborhood and Business Dev., Tr. letter, 243, Pssd., 244

Auth. professional svcs. agreements for appraisal and real estate svcs., Tr. letter, 276, Pssd., 276

ARCHITECTURA, P.C. ARCHITECTS

Auth. agreement with Architectura, P.C. Architects for architectural svcs., Tr. letter, 81, Pssd., 82

Auth. amend. agreement with Architectura, P.C. for architectural and engineering svcs., Tr. letter, 450, Pssd., 450

ARCHITECTURAL SERVICES

Auth. amend. agreement with Clark Patterson Engineers, Surveyor, Architect and Landscape Architect, DPC, Tr. letter, 41, Pssd., 42

Auth. agreement with Architectura, P.C. Architects for architectural svcs., Tr. letter, 81, Pssd., 82

Amend. 2015-16 Budget and funding source for architectural svcs., Tr. letter, 91, Pssd., 92

Amend. Ord. No. 2015-128 related to Annual Parking Garage Evaluation and Repair Program, Tr. letter, 144, Pssd., 146

Bond Ord. auth. issuance of \$600,000 Bonds to finance costs of architectural and design svcs. and constr. of new Roch. Police Dept. Auto Pound Admin. Bldg., Tr. letter, 136, Pssd., 147

Auth. agreement with Stantec Consulting Svcs., Inc. for architectural and engineering design for Public Safety Bldg. generator upgrade, Tr. letter, 215, Pssd., 215

Auth. professional svcs. agreement with Edge Architecture, PLLC, for architectural, engineering design and resident proj. representation svcs., Tr. letter, 300, Pssd., 301

Auth. amend. agreement with Architectura, P.C. for architectural and engineering svcs., Tr. letter, 450, Pssd., 450

ARNETT BOULEVARD

Approv. geometric changes to Arnett Blvd. related to 2017 Preventive Maint. Group 5 Proj., Tr. letter, 370, Held, 371

Approv. geometric changes on Arnett Blvd. related to 2017 Preventive Maint. Group 5 Proj., Tr. letter, 446, Pssd., 447

ARNOLD PARK

L.I.O. - care and embellishment of street malls for 2016-2017, Tr. letter, 158, Pssd., 159

ARTS & CULTURE IN THE CENTER CITY COMMITTEE

Reports of, 462

ARTWORK

Approp. funds for Quadrant Planning Support Program, Tr. letter, 100, Pssd., 101

Approp. for Mural Arts Proj., Tr. letter, 347, Pssd., 348

ASSESSMENT REVIEW, BOARD OF

Reso. approv. appts. to Board of Assessment Review, Tr. letter, 472, Adpt., 472

ASSESSMENTS

Determining and certifying base proportions, current percentages, and base percentages for 2016 Assessment Roll, Tr. letter, 175, Pssd., 176

Determining and certifying adjusted base proportions, assessed value, and net changes in assessed value for 2016 Assessment Roll, Tr. letter, 175, Pssd., 177

Confirming assessments, amounts and charges to be inserted in annual tax rolls for fiscal year commencing July 1, 2016 and expiring June 30, 2017, Tr. letter, 232, Pub. hear., 225, Pssd., 236

AUCTIONEER SERVICES

Auth. agreements for auctioneer svcs., Tr. letter, 9, Pssd., 11

AUDIT SERVICES

Auth. amend. audit svcs. agreement with Freed Maxick CPAs, P.C., Tr. letter, 240, Pssd., 241

AUTO POUND

Amend. Ord. No. 2015-128 related to Annual Parking Garage Evaluation and Repair Program, Tr. letter, 144, Pssd., 146

Bond Ord. auth. issuance of \$600,000 Bonds to finance costs of architectural and design svcs. and constr. of new Roch. Police Dept. Auto Pound Admin. Bldg., Tr. letter, 136, Pssd., 147

AUTOMATED VEHICLE LOCATOR/WEATHER SENSOR INTELLIGENT TRANSPORTATION SYSTEM

Auth. amend. agreement with Reltronics Technologies, Inc. for automated vehicle locator/weather sensor intelligent transportation system, Tr. letter, 445, Pssd., 445

AVIS STREET

Auth. pav. width changes to Avis St., Tr. letter, 217, Held., 218, Pssd., 296

-B-

BADEN PARK

Approp. funds related to infrastructure and playground improvements, Tr. letter, 41, Pssd., 41

BADEN STREET SETTLEMENT OF ROCHESTER, INC.

Auth. agreement with Baden St. Settlement, Inc., Tr. letter, 152, Pssd., 153

Auth. amend. agreements and approp. funds for Summer of Opportunity Program, Tr. letter, 221, Pssd., 222

Auth. agreements for Teenage Pregnancy Prevention Program, Tr. letter, 269, Pssd., 270

Auth. amend. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 270, Pssd., 271; Tr. letter, 350, Pssd., 351

Auth. agreement for Environmental Workforce Dev. and Job Training Program grant and revision to Comprehensive Adolescent Pregnancy Prevention Program agreement, Tr. letter, 423, Pssd., 424

Auth. amend. agreements and funding for Federal Teenage Pregnancy Prevention Program, Tr. letter, 456, Pssd., 457

Auth. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 458, Pssd., 459

BALL, JUANITA

Reso. nominating var. persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 58, Held, 59, Adpt., 169

BANKING DEVELOPMENT DISTRICTS

Reso. endorsing Five Star Bank's applications to establish two Banking Dev. Districts, Tr. letter, 133, Pssd., 134

BARNETT ASSOCIATES, INC.

Establishing max. comp. for professional svcs. agreement for admin. of unemployment insurance claims, Tr. letter, 228, Pssd., 229

BEARDSLEE, DEBORAH

Approv. appts. and reappointments to Roch. Preservation Board, Tr., letter, 200, Approv., 201

BERGMANN ASSOCIATES, P.C.

Auth. amend. agreement with Bergmann Assoc., P.C. related to Promenade at Erie Harbor Park, Tr. letter, 70, Pssd., 71

Auth. amend. agreement with Bergmann Assoc. related to Dewey/Driving Park Ave. Intersection Realignment Proj., Tr. letter, 148, Pssd., 149

Auth. amend. agreement with Bergmann Assoc., P.C. to provide geographic information system ("GIS") svcs., Tr. letter, 150, Pssd., 150

Auth. agreements and funding and conveying and modifying easements for Promenade at Erie Harbor Park, Tr. letter, 262, Held, 266, Pssd., 296

Auth. professional svcs. agreement with Bergmann Assoc., Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for engineering design and resident proj. representation svcs., Tr. letter, 299, Pssd., 299

Auth. amend. professional svcs. agreement for Mt. Hope Ave. Phase 2 Improvements proj., Tr. letter, 303, Pssd., 304

Auth. amend. professional svcs. agreement and approp. funds for Mt. Hope Ave. Phase 2 Improvements, Tr. letter, 335, Pssd., 336

Auth. amend. agreement with Bergmann Assoc. for planning, design and engineering svcs., including preparation of application for federal Transportation Investment Generating Economic Recovery grant, Tr. letter, 336, Pssd., 337

Auth. amend. agreement and funding for

Hincher Group Street Improvement Proj., Tr. letter, 372, Pssd., 373

Auth. agreement with Bergmann Assoc., Architects, Engineers, Landscape Architects & Surveyors, D.P.C. relating to Milling and Resurfacing Projects, Tr. letter, 414, Pssd., 415

Auth. agreement with Bergmann Assoc., Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for water system map modernization, Tr. letter, 468, Pssd., 468

BEST, JAMES

Approv. appointments and reappointments to Zoning Board of Appeals, Tr. letter, 197, Adpt., 198

BICYCLES

Auth. agreement for 2016 Roch. Twilight Criterium, Tr. letter, 120, Pssd., 121

Auth. agreement for Public Bikeshare System and amend. Chapter 35 of Mun. Code with respect to advertisements at System stations, Tr. letter, 421, Pssd., 422

BIG APPLE DELI PRODUCTS, INC.

Auth. agreement with Big Apple Deli Products, Inc. for relocation of loading docks related to Public Mkt. Winter Shed Renovation and Expansion Proj., Tr. letter, 351, Pssd., 352

BIVONA CHILD ADVOCACY CENTER

Auth. lease with Bivona Child Advocacy Ctr. and receipt and approp. of Federal asset forfeiture funds for Roch. Police Dept., Tr. letter, 83, Pssd., 84

BLUE CROSS ARENA AT THE WAR MEMORIAL

Establishing max. comp. for professional svcs. agreement for ticket sales and box office management of City-produced events, Tr. letter, 87, Pssd., 87

Auth. amend. agreement for economic analysis of renovation options for Blue Cross Arena, Tr. letter, 135, Pssd., 136

Amend. City Charter with respect to responsibilities for City facilities, Tr. letter, 232, Pssd., 238

Auth. extensions of existing agreements and entry into new agreements for management of Blue Cross Arena at the War Memorial and for leasing of Mun. Lot #10, Tr. letter, 381, Pssd., 382

BOARD OF ASSESSMENT REVIEW

Reso. approv. appts. to Board of Assessment Review, Tr. letter, 472, Adpt., 472

BOARD OF ETHICS

Reso. approv. appt. to Board of Ethics, Tr. letter, 227, Adpt., 227

BOARDS AND COMMISSIONS POLICY

Reso. adopting policy regarding City boards and commissions, Tr. letter, 315, Adpt., 316

BODY WORN CAMERAS

Auth. agreement related to body worn cameras, Tr. letter, 54, Pssd., 55

BOMB INITIATIVE GRANT

Auth. agreement for Bomb Squad Initiative grant, Tr. letter, 488, Pssd., 489

BONDS AND NOTES

Bond Ord. auth. issuance of \$1,220,000 Bonds to finance costs of 2016 Broad St. Bridge Preventive Maint. Proj., Tr. letter, 42, Pssd., 45

Bond Ord. auth. issuance of \$224,000 Bonds to finance costs of Broad & Allen Firehouse fuel tank replacement, Tr. letter, 45, Pssd., 46

Bond Ord. auth. issuance of \$4,076,000 Bonds to finance portion of costs of Public Mkt. Winter Shed Renovation and Expansion Proj., Tr. letter, 71, Pssd., 74

Bond Ord. auth. issuance of \$490,000 Bonds to finance portion of City's Cured in Place Pipe Proj. of Distribution System Water Main Renewal Program, Tr. letter, 75, Pssd., 76

Bond Ord. auth. issuance of \$1,000,000 Bonds to finance portion of City's 2016 Water Main Cleaning and Lining Proj. of Distribution System Water Main Renewal Program, Tr. letter, 76, Pssd., 78

Bond Ord. auth. issuance of \$988,200 Bonds to finance portion of City's Water Mains Extensions and Improvements Proj. of the Distribution System Water Main Renewal Program, Tr. letter, 78, Pssd., 79

Bond Ord. auth. issuance of \$158,000 Bonds to finance cost of design and constr. of replacement of HVAC system at City's Indoor Pistol Range, Tr. letter, 79, Pssd., 80

Bond Ord. auth. issuance of \$12,592,000 Bonds to finance cost of constr. and renovation of var. public school bldgs. within the City, Tr. letter, 93, Pssd., 94

Bond Ord. auth. issuance of \$1,300,000 Bonds to finance portion of costs of continuation of City Demolition Program, Tr. letter, 101, Pssd., 102

Bond Ord. auth. issuance of \$300,000 Bonds to finance portion of costs of Phase IIIC of Dr. Martin Luther, Jr. Memorial Park Improvement Proj., Tr. letter, 109, Pssd., 111

Bond Ord. auth. issuance of \$1,168,000 Bonds to finance certain costs of Southeast Quadrant Hazardous Sidewalk Repairs, Tr. letter, 143, Pssd., 144

Bond Ord. amend. Ord. No. 2015-395 and auth. issuance of \$300,000 Bonds to finance certain costs of 2016 Annual Parking Evaluation and Repair Program, Tr. letter, 144, Pssd., 146

Bond Ord. auth. issuance of \$600,000 Bonds to finance costs of architectural and design svcs. and constr. of new Roch. Police Dept. Auto Pound Admin. Bldg., Tr. letter, 136, Pssd., 147

Bond Ord. auth., issuance of not to exceed \$24,000,000 General Obligation Refunding Serial Bonds to refund outstanding portion of City's \$100,120,000 General Obligation Serial Bonds - 2006, Series A and Series B, Tr. letter, 172, Pssd., 173

Bond Ord. auth. issuance of \$120,000 Bonds to finance portion of costs of Cornerstone Park Improvement Proj., Tr. letter, 213, Pssd., 214

Bond Ord. auth. issuance of \$252,000 Bonds to finance milling and resurfacing of certain portions of Ames St., Buffalo Rd., W. Main St. and

West Ave. related to 2016 Preventive Maint. Group #2 Proj., Tr. letter, 248, Pssd., 250

Bond Ord. auth. issuance of \$80,000 Bonds to finance reconstruction of certain portions of S. Clinton Ave. and S. Goodman St. related to 2016 Preventive Maint. Contract #1 Proj., Tr. letter, 250, Pssd., 253

Bond Ord. auth. issuance of \$450,000 Bonds to finance certain costs of 2016 Port Marina Proj., Tr. letter, 254, Pssd., 256

Bond Ord. auth. issuance of \$440,000 Bonds to finance certain portions of Ctr. City Two-Way Conversion Proj., Phase II, Tr. letter, 259, Pssd., 262

Bond Ord. auth. issuance of \$3,500,000 Bonds to finance portion of costs of constr. of Promenade at Erie Harbor, Tr. letter, 262, Held, 267, Pssd., 296

Bond Ord. auth. issuance of not to exceed \$32,000,000 Bonds to provide interim financing for certain costs of design and improvements to specified City School Dist. schools respecting Phase II of Roch. Joint Schools Constr. Board Facilities Modernization Program, Tr. letter, 279, Pssd., 281

Bond Ord. auth. issuance of \$915,000 Bonds to finance certain costs of Southeast Quadrant Hazardous Sidewalk Repairs, Tr. letter, 296, Pssd., 297

Bond Ord. auth. issuance of \$150,000 Bonds to finance bldg. renovation and staff relocation of Roch. Police Dept. Professional Standards Section, Tr. letter, 297, Pssd., 299

Bond Ord. auth. issuance of \$680,000 Bonds to finance cost of design and constr. for replacement of HVAC systems at N. Clinton Ave. and Emerson St. Firehouses, Tr. letter, 299, Pssd., 300

Bond Ord. auth. issuance of \$520,000 Bonds to finance cost of architectural and engineering design svcs. for replacement of HVAC system at Campbell St. Recreation Ctr., Tr. letter, 300, Pssd., 302

Bond Ord. auth. issuance of \$150,000 Bonds to finance cost of acq., constr. and reconstruction of additions to Street Lighting System of the City, Tr. letter, 302, Pssd., 303

Bond Ord. auth. issuance of \$250,000 Bonds to finance water needs of Charlotte St. and Haags Alley Improvement Proj., Tr. letter, 304, Pssd., 306

Bond Ord. auth. issuance of \$650,000 Bonds to finance reconstruction of certain portions of N. Goodman St., E. Main St., Allen, Brown and Wilder Streets and Morrie Silver Way related to 2016 Preventive Maint., Group #3 proj., Tr. letter, 337, Pssd., 340

Bond Ord. amend. Ord. No. 2014-254 by auth. issuance of additional \$150,000 Bonds to finance professional svcs. agreement with O'Brien & Gere for remedial investigation svcs. relating to contamination of Vacuum Oil site in the City, Tr. letter, 373, Pssd., 375

Bond Ord. auth. issuance of \$165,000 Bonds to finance reconstruction of water svcs. along certain portions of Shady Lane related to 2016 Kilmar St. Group Reconstruction Proj., Tr. letter, 375, Pssd., 378

Bond Ord. auth. issuance of \$2,389,000

Bonds to finance certain costs of 2017 Annual Parking Garage Evaluation and Repair Program, Tr. letter, 378, Pssd., 379

Bond Ord. auth. issuance of \$1,300,000 Bonds to finance costs of replacement Platform Ladder Truck for Broad & Allen Firehouse, Tr. letter, 384, Pssd., 385

Bond Ord. auth. issuance of \$1,111,000 Bonds to finance reconstruction of certain portions of Cobbs Hill Dr. related to Cobbs Hill Dr. Reconstruction/Rehab. Proj., Tr. letter, 410, Pssd., 413

Bond Ord. auth. issuance of \$236,000 Bonds to finance new water main and lines along Cobbs Hill Dr. related to 2016 Cobbs Hill Dr. Reconstruction Proj., Tr. letter, 410, Pssd., 414

Bond Ord. auth. issuance of \$3,457,000 Bonds to finance costs of Rundel Library Structural Terrace Improvements Phase IV, Tr. letter, 415, Pssd., 416

Bond Ord. auth. issuance of \$261,000 Bonds to finance acq. and installation of street lighting upgrades along certain portions of Winton Rd. North, Robinson Dr., and Reservoir Ave., Tr. letter, 416, Pssd., 418

Bond Ord. auth. issuance of \$3,550,000 Bonds to finance milling and resurfacing of certain portions of Southwest and Northeast Quadrant streets related to 2016 Resi. Milling and Resurfacing Program Phase I, Tr. letter, 451, Pssd., 453

Bond Ord. auth. issuance of \$78,000 Bonds to finance replacement of water mains and lines along certain portions of Southwest and Northeast Quadrant streets related to 2016 Resi. Milling and Resurfacing Program Phase I, Tr. Letter, 450, Pssd., 455

Bond Ord. auth. issuance of \$170,000 Bonds to finance constr. of public overlook at site for former CSX Swing Bridge in Port of Roch., Tr. letter, 484, Pssd., 486

BOOKING AND PRODUCTION SERVICES

Auth. amend. agreement with 2Strive Media, Inc. to increase max. comp. for booking and production svcs. for 2016 Roch. SummerFest, Tr. letter, 174, Pssd., 175

BOOSE, LASHANA

Approv. appointments and reappointments to Zoning Board of Appeals, Tr. letter, 197, Adpt., 198

BOX OFFICE MANAGEMENT

Establishing max. comp. for professional svcs. agreement for ticket sales and box office management of City-produced events, Tr. letter, 87, Pssd., 87

BOXING

Auth. agreement with Roch. Stadium Operations, LLC, Tr. letter, 278, Pssd., 278

BRECK STREET

Amend. Zoning Map for 1307, 1311, 1313, 1317 and 1337 E. Main St. and 48 Breck St., Tr. letter, 403, Pssd., 404

BRIDGES

Auth. receipt and use of funds and an agreement related to Broad St. Bridge Preventive Maint. Proj., Tr. letter, 42, Pssd., 44

Bond Ord. auth. issuance of \$1,220,000 Bonds to finance costs of 2016 Broad St. Bridge Preventive Maint. Proj., Tr. letter, 42, Pssd., 45

Auth. pav. width changes related to Broad St. Bridge Preventive Maint. Proj., Tr. letter, 49, Pssd., 49

Auth. agreements and approp. funds for Driving Park Bridge Preventive Maint. Proj., Tr. letter, 340, Pssd., 342

Auth. amend. agreement with T.Y. Lin Intl. Engineering, Architecture & Land Surveying, P.C. for Broad St. Bridge Preventive Maint. Proj., Tr. letter, 371, Pssd., 372

BRIGHTON, TOWN OF

Auth. amend. agreement with Town of Brighton for continuation of primary fire assistance and first responder svcs. to West Brighton, Tr. letter, 390, Pssd., 391

Auth. amend. intermunicipal agreement for Highland Park/Canalway Trail Improvements Proj., Tr. letter, 482, Pssd., 483

BROAD & ALLEN FIREHOUSE

Bond Ord. auth. issuance of \$224,000 Bonds to finance costs of Broad & Allen Firehouse fuel tank replacement, Tr. letter, 45, Pssd., 46

BROAD STREET BRIDGE

Auth. receipt and use of funds and an agreement related to Broad St. Bridge Preventive Maint. Proj., Tr. letter, 42, Pssd., 44

Bond Ord. auth. issuance of \$1,220,000 Bonds to finance costs of 2016 Broad St. Bridge Preventive Maint. Proj., Tr. letter, 42, Pssd., 45

Auth. pav. width changes related to Broad St. Bridge Preventive Maint. Proj., Tr. letter, 49, Pssd., 49

Auth. amend. agreement with T.Y. Lin Intl. Engineering, Architecture & Land Surveying, P.C. for Broad St. Bridge Preventive Maint. Proj., Tr. letter, 371, Pssd., 372

BROWN STREET

Bond Ord. auth. issuance of \$650,000 Bonds to finance reconstruction of certain portions of N. Goodman St., E. Main St., Allen, Brown and Wilder Streets and Morrie Silver Way related to 2016 Preventive Maint., Group #3 proj., Tr. letter, 337, Pssd., 340

BROWNCROFT BOULEVARD NEIGHBORHOOD STREET LIGHTING DISTRICT

Amend. L.I.O. No. 2012-1658, as last amended by Ord. No. 2015-75, to correct front footage and remove parcel in Browncroft Neighborhood Street Light Dist., Tr. letter, 157, Pssd., 157

BROWNFIELDS

Amend. Ord. No. 2014-375 regarding agreement for assistance to complete Bull's Head Brownfield Opportunity Area Nomination Study, Tr. letter, 246, Pssd., 247

Auth. amend. agreement and funding for Vacuum Oil Site remedial investigation and al-

ternatives analysis, Tr. letter, 373, Pssd., 374

Bond Ord. amend. Ord. No. 2014-254 by auth. issuance of additional \$150,000 Bonds to finance professional svcs. agreement with O'Brien & Gere for remedial investigation svcs. relating to contamination of Vacuum Oil site in the City, Tr. letter, 373, Pssd., 375

BRUCE, TODD

Approv. appts. and reappointments to City Planning Commission, Tr. letter, 199, Adpt., 199

BRUCKNER, TILLET, ROSSI, CAHILL & ASSOCIATES

Auth. agreements for appraisal and real estate-related svcs. for Dept. of Neighborhood and Business Dev., Tr. letter, 243, Pssd., 244

Auth. professional svcs. agreements for appraisal and real estate svcs., Tr. letter, 276, Pssd., 276

BUCKINGHAM PROPERTIES LLC

Auth. sale of Midtown Parking Garage and Midtown Lot 7 to further Midtown Urban Renewal Plan, Tr. letter, 431, Pub. hear., 432, Pssd., 433

BUDGETS, 2015-16

Auth. agreement for Motor Vehicle Theft and Insurance Fraud Prevention Program and amend. 2015-16 Budget, Tr. letter, 52, Pssd., 53

Amend. 2015-16 Budget and funding source for architectural svcs., Tr. letter, 91, Pssd., 92

Auth. agreements for animal svcs. and amend. Budget, Tr. letter, 219, Pssd., 219

Amend. 2015-16 Budget for year-end Budget amendments, Tr. letter, 356, Pssd., 357

BUDGETS, 2016-17

Adoption of Budget ests. for muni. purposes for 2016-17 fiscal year, approp. of sums set forth therein and approv. commercial refuse fees, Tr. letter, 232, Pub. hear., 225, Pssd., 235

Adoption of Budget ests. for school purposes for fiscal year commencing July 1, 2016 and expiring June 30, 2017, and approp. of sums set forth therein, Tr. letter, 232, Pub. hear., 225, Pssd., 235

Auth. grant agreement for Clarissa St. Reunion and amend. Budget, Tr. letter, 276, Pssd., 277

Amend. 2016-17 Budget of Library and accepting funds for library facility improvements, Tr. letter, 312, Pssd., 313

Amend. 2016-17 Budget by increasing approp. for Roch. Police Dept. to carry over unspent grant funds, Tr. letter, 346, Pssd., 347

Amend. 2016-17 Budget of Library, Tr. letter, 389, Pssd., 389

Auth. funding, amend. Budget and auth. amend. agreement for renovations and upgrades at Central Library, Tr. letter, 448, Pssd., 449

Amend. 2016-17 Budget and approp. federal forfeiture funds, Tr. letter, 459, Pssd., 460

Amend. 2016-17 Budget of Dept. of Environmental Svcs., Tr. letter, 481, Pssd., 481

BUFFALO ROAD

Auth. agreement with Hunt Engineers, Archi-

itects & Land Surveyors, P.C., for resident proj. representation svcs. and approp. funds for 2016 Preventive Maint. Group #2, Tr. letter, 248, Pssd., 249

Bond Ord. auth. issuance of \$252,000 Bonds to finance milling and resurfacing of certain portions of Ames St., Buffalo Rd., W. Main St. and West Ave. related to 2016 Preventive Maint. Group #2 Proj., Tr. letter, 248, Pssd., 250

BULL'S HEAD BROWNFIELD OPPORTUNITY AREA

Amend. Ord. No. 2014-375 regarding agreement for assistance to complete Bull's Head Brownfield Opportunity Area Nomination Study, Tr. letter, 246, Pssd., 247

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Reports of, 25; 59; 94; 135; 181; 285; 319; 358; 429; 473

BUSINESS ASSISTANCE SERVICES

Auth. agreement with High Tech Roch., Inc. for business assistance svcs., Tr. letter, 285, Pssd., 285

BUSINESS ASSOCIATION OF THE SOUTH WEDGE AREA

Auth. agreement with Business Assn. of South Wedge Area ("BASWA") to fund decorative light poles, Tr. letter, 262, Pssd., 262

BUSINESS DEVELOPMENT SERVICES

Auth. agreement with Roch. Mkt. Driven Comm. Corp. for business dev. svcs., Tr. letter, 427, Pssd., 428

BUSINESS PROGRAMS

Approp. funds and auth. agreements for business programs, Tr. letter, 244, Pssd., 244

BUYER ASSISTANCE PROGRAM

Auth. approp. and agreements for Buyer Assist. Program, Tr. letter, 33, Pssd., 33

Approp. funds and auth. agreements for Buyer Assist. Program, Tr. letter, 104, Pssd., 105

Auth. agreements and approp. funds for Buyer Assistance Program, Tr. letter, 191, Pssd., 192

-C-

C.H. JOHNSON CONSULTING, INC.

Auth. amend. agreement for economic analysis of renovation options for Blue Cross Arena, Tr. letter, 135, Pssd., 136

CHA CONSULTING, INC.

Auth. agreement with CHA Consulting, Inc. for Mun. Right-of-Way and Telecommunications Proj., Tr. letter, 445, Pssd., 446

COBRA ADMINISTRATIVE SERVICES

Auth. agreement with MVP Health Care, Inc. for COBRA admin. svcs., Tr. letter, 428, Pssd., 429

C&S ENGINEERS, INC.

Auth. acq. of 360 Webster Ave., amend. of

Official Map, and amend. agreement with C&S Engineers, Inc., to provide additional right-of-way acq. svcs., Tr. letter, 210, Pssd., 211

Auth. amend. professional svcs. agreement with C&S Engineers, Inc. for 2015 Preventive Maint. Contract 1 proj., Tr. letter, 337, Pssd., 337

CAIN, EDWARD

Approv. appts. and reappointments to Roch. Preservation Board, Tr. letter, 200, Approv., 201

CAMERAS

Auth. agreement related to body worn cameras, Tr. letter, 54, Pssd., 55

Auth. agreements for Roch. Police Dept. camera system, Tr. letter, 55, Pssd., 55

Amend. Local Law 6-2014 with respect to owner liability for failure of motor vehicle operator to comply with traffic-control indications, Tr. letter, 466, Pssd., 467

Auth. amend. agreement for Red Light Camera Program, Tr. letter, 466, Held, 467

CAMPBELL STREET R-CENTER

Auth. agreement with Stantec Consulting Svcs., Inc. for design and RPR svcs. for Campbell St. R-Center water park facilities and playground improvements, Tr. letter, 213, Pssd., 213

Auth. professional svcs. agreement with Edge Architecture, PLLC, for architectural, engineering design and resident proj. representation svcs., Tr. letter, 300, Pssd., 301

Bond Ord. auth. issuance of \$520,000 Bonds to finance cost of architectural and engineering design svcs. for replacement of HVAC system at Campbell St. Recreation Ctr., Tr. letter, 300, Pssd., 302

CARBON MONOXIDE DETECTORS

Approp. funds for smoke and carbon monoxide detectors and amend. budget approp. of State Homeland Security Program funds, Tr. letter, 347, Pssd. 347

CARR, DAVID

Approv. appointments and reappointments to Zoning Board of Appeals, Tr. letter, 197, Adpt., 198

CARRETTA, CHRISTOPHER

Approv. appts. and reappointments to Roch. Preservation Board, Tr. letter, 200, Approv., 201

CASCADE HISTORIC STREETScape ENHANCEMENT DISTRICT

L.I.O. - establishing operating and maint. costs of special assessments for streetscape enhancements, Tr. letter, 159, Pssd., 160

CATHOLIC CHARITIES

Auth. agreements and approp. funds for Housing Opportunities for Persons with AIDS Program, Tr. letter, 194, Pssd., 196

CELEBRATE CITY LIVING

Approp. funds for admin. of Celebrate City Living program, Tr. letter, 436, Pssd., 437

CELEBRATION DRIVE

Amend. Official Map by dedicating Celebration Dr., Tr. letter, 51, Pub. hear., 6, Pssd., 51

CELLULAR COMMUNICATIONS

Auth. agreement with Crown Castle NG East LLC, Inc., Tr. letter, 81, Pssd., 81

CEMETERIES

Auth. agreement with Martha Lyon Landscape Architecture, LLC to pursue designation of Mt. Hope Cemetery to Natl. Register of Historic Places, Tr. letter, 258, Pssd., 259

CENTER CITY PLACE

Auth. Consolidated Funding Grant applications and agreements, Tr. letter, 285, Pssd., 288

CENTER CITY TWO-WAY CONVERSION PROJECT

Auth. receipt and use of funds and agreement related to Ctr., City Two-Way Conversion Proj. - Phase II, Tr. letter, 259, Pssd., 261

CENTER FOR DISPUTE SETTLEMENT, INC., THE

Auth. amend. agreement with Center for Dispute Settlement, Inc. for hearing officer svcs. related to City demo. program, Tr. letter, 479, Pssd., 480

CENTER FOR EMPLOYMENT OPPORTUNITIES, INC.

Auth. agreement with Ctr. for Employment Opportunities, Inc., Tr. letter, 151, Pssd., 152

CENTER FOR TEEN EMPOWERMENT, INC.

Auth. agreement with Ctr. for Teen Empowerment, Inc. related to Southwest Youth Organizing Proj., Tr. letter, 308, Pssd., 309

CENTER FOR YOUTH SERVICES, INC.

Auth. agreements and approp. funds for Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

Auth. agreements for Teenage Pregnancy Prevention Program, Tr. letter, 269, Pssd., 270

Auth. amend. agreements and funding for Federal Teenage Pregnancy Prevention Program, Tr. letter, 456, Pssd., 457

CENTRAL LIBRARY

Auth. funding, amend. Budget and auth. amend. agreement for renovations and upgrades at Central Library, Tr. letter, 448, Pssd., 449

CENTURY-STRATHALLAN PLANNED DEVELOPMENT DISTRICT

Amend. Zoning Map, text and adding a dev. concept map for Century-Strathallan Planned Dev. Dist. No. 16, Tr. letter, 202, Pssd., 208

CHAMPION ACADEMY MENTORING AND EMPOWERMENT INITIATIVE

Auth. professional svcs. agreement with All Pro Multimedia, LLC related to Champion Academy Mentoring and Empowering Initiative, Tr. letter, 309, Pssd., 309

CHARLES CARROLL PARK

Auth. Consolidated Funding Grant applications and agreements, Tr. letter, 285, Pssd., 288

Auth. amend. agreement with T.Y. Lin Intl. for Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Proj., Tr. letter, 481, Pssd., 482

CHARLOTTE STREET

Auth. pav. width changes on Charlotte St., Tr. letter, 257, Held, 258, Pssd., 345

Auth. professional svcs. agreement with Passero Assoc., PC, for resident proj. representation svcs. for Charlotte St. and Haags Alley Improvement Proj., Tr. letter, 304, Pssd., 305

Bond Ord. auth. issuance of \$250,000 Bonds to finance water needs of Charlotte St. and Haags Alley Improvement Proj., Tr. letter, 304, Pssd., 306

Auth. amend. agreement with Passero Assoc., Engineering, Architecture & Surveying, D.P.C., for improvements to Charlotte St. and Haags Alley, Tr. letter, 373, Pssd., 373

CHASE STREET

Auth. acq. of real estate for Roch. City School Dist. Facilities Modernization Program, Tr. letter, 291, Pssd., 292

CHERRY'S EUROPEAN

Auth. the leasing to vendors of modular replacement bldgs. and compensating vendors for removal of existing bldgs. related to Public Mkt. Winter Shed Renovation and Expansion Proj., Tr. letter, 271, Pssd., 273

CHILD PASSENGER SAFETY PROGRAM

Auth. agreement and funding for Child Passenger Safety Program, Tr. letter, 383, Pssd., 384

CHRISTOPHER COMMUNICATIONS

Auth. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 458, Pssd., 459

CITY CHARTER

Amend. Section 5-6 of the City Charter with regard to meetings, Tr. letter, 8, Pssd., 8

L.L. amend. Section 6-33 of City Charter with regard to competition of purchases and sales, Tr. letter, 11, Pssd., 3

Amend. City Charter with respect to parking permits for handicapped residents, Tr. letter, 177, Pssd., 178

Amend. City Charter with respect to responsibilities for City facilities, Tr. letter, 232, Pssd., 238

L.L. amend. City Charter to establish Office of Inspector General, Tr. letter, 282, Held, 284

CITY CLERK

Reso. for selection and appt. of City Clerk, Adpt., 1

CITY DEVELOPMENT FUND

Approp. funds for City Dev. Fund, Tr. letter, 185, Pssd., 187

CITY HALL

Auth. amend. agreement with LaBella Assoc., D.P.C. for design and const. admin. svcs. for additional air handler replacements in City Hall, Tr. letter, 447, Pssd., 447

CITY NEWSPAPER

Designating Official Newspapers of City for Roch. for Years 2016-17, Pssd., 5

CITY PLANNING COMMISSION

Approv. appts. and reappointments to City Planning Commission, Tr. letter, 199, Adpt., 199

CITY SCHOOL DISTRICT OF ROCHESTER

Auth. agreement with Roch. City School Dist. related to School Resource Officers, Tr. letter, 53, Pssd., 53

Auth. intermunicipal agreement for Pathways to Peace Program, Tr. letter, 85, Held, 86

Bond Ord. auth. issuance of \$12,592,000 Bonds to finance cost of constr. and renovation of var. public school bldgs. within the City, Tr. letter, 93, Pssd., 94

Auth. intermunicipal agreement with Roch. City School Dist., Tr. letter, 114, Pssd., 115

Reso. adopting City of Roch./Roch. City School Dist. Debt Policy, Tr. letter, 117, Adpt., 118

Auth. agreement with Roch. City School Dist. for receipt and use of funds supporting Summer Literacy Aide youth employment program, Tr. Letter, 164, Pssd., 164

Auth. memorandum of agreement with Roch. City School Dist., Tr. letter, 220, Pssd., 220

Auth. amend. agreements and approp. funds for Summer of Opportunity Program, Tr. letter, 221, Pssd., 222

Adoption of Budget ests. for school purposes for fiscal year commencing July 1, 2016 and expiring June 30, 2017, and approp. of sums set forth therein, Tr. letter, 232, Pub. hear., 225, Pssd., 235

Levying taxes for school purposes for fiscal year commencing July 1, 2016 and expiring June 30, 2017, Tr. letter, 232, Pssd., 236

Auth. agreement with Roch. Area Community Foundation for Quad A for Kids After-School Program at City schools, Tr. letter, 274, Pssd., 275

Bond Ord. auth. issuance of not to exceed \$32,000,000 Bonds to provide interim financing for certain costs of design and improvements to specified City School Dist. schools respecting Phase II of Roch. Joint Schools Constr. Board Facilities Modernization Program, Tr. letter, 279, Pssd., 281

Auth. acq. of real estate for Roch. City School Dist. Facilities Modernization Program, Tr. letter, 291, Pssd., 292

Auth. agreements and approp. funds related to Roch. After School Academy program, Tr. letter, 306, Pssd., 307

Auth. intermunicipal agreement and approp. for Pathways to Peace Program, Tr. letter, 349, Pssd., 350

Auth. amend. agreement with Roch. City School Dist. for Clinton-Baden Comm. Ctr. Renovation Proj., Tr. letter, 447, Pssd., 448

CIVIL SERVICE COMMISSION

Reso. approv. reappointment to Civil Service Commission, Tr. letter, 88, Adpt., 89

CLARISSA STREET REUNION

Auth. grant agreement for Clarissa St. Reunion and amend. Budget, Tr. letter, 276, Pssd., 277

CLARK PATTERSON ENGINEERS, SURVEYOR, ARCHITECT AND LANDSCAPE ARCHITECT, DPC

Auth. amend. agreement with Clark Patterson Engineers, Surveyor, Architect and Landscape Architect, DPC, Tr. letter, 41, Pssd., 42

Amend. 2016-17 Budget of Dept. of Environmental Svcs., Tr. letter, 481, Pssd., 481

CLEVELAND STREET

Amend. Zoning Code map for multiple properties located on Hudson Ave., Merrimac St., Cleveland St. and Frederick St., Tr. letter, 362, Pssd., 363

CLIFFORD, MOLLY, COUNCILMEMBER

Negative vote, Ord. No. 2016-55, Pssd., 82; Ord. No. 2016-332, Pssd., 404; L.L. No. 6, Pssd., 467

Disclosure of Interest form submitted, 167

Reso. approv. standard work day for retirement purposes, Tr. letter, 180, Adpt., 181

Abstention, Reso. No. 2016-13, Adpt., 181

Presentation of petition with 5 signatures of persons concerned with street work done on Mt. Read Blvd., 226

CLINTON-BADEN COMMUNITY CENTER

Establishing max. comp. for professional svcs. agreement with Passero Assoc. for resident proj. representation svcs. related to Clinton-Baden Community Ctr. Renovation, Tr. letter, 147, Pssd., 148

Auth. amend. agreement with Roch. City School Dist. for Clinton-Baden Comm. Ctr. Renovation Proj., Tr. letter, 447, Pssd., 448

COBBS HILL DRIVE

Auth. amend. agreement and amend. Official Map for Cobbs Hill Drive Reconstruction/Rehab. Proj. and auth. funding amend. for Kilmar St. Group Proj., Tr. letter, 410, Pssd., 412

Bond Ord. auth. issuance of \$1,111,000 Bonds to finance reconstruction of certain portions of Cobbs Hill Dr. related to Cobbs Hill Dr. Reconstruction/Rehab. Proj., Tr. letter, 410, Pssd., 413

Bond Ord. auth. issuance of \$236,000 Bonds to finance new water main and lines along Cobbs Hill Dr. related to 2016 Cobbs Hill Dr. Reconstruction Proj., Tr. letter, 410, Pssd., 414

COHEN LAW GROUP

Auth. amend. professional svcs. agreement for legal svcs., Tr. letter, 175, Pssd., 175

COLLEGE FAIR AND LUNCHEON

Auth. agreement with United Negro College Funds, Inc., Tr. letter, 461, Pssd., 462

COMMERCIAL TRAVELERS

Amend. Chapter 62 of Mun. Code with regard to commercial travelers, solicitors and special events, Tr. letter, 123, Pssd., 132

COMMUNITY CENTERS

See "Recreation Centers"

COMMUNITY DEVELOPMENT PROGRAM PLANS

Approv. Consolidated Comm. Dev. Plan/2016-17 Annual Action Plan, Tr. letter, 185, Pssd., 186

Auth. submission of Consolidated Comm. Dev. Plan/2016-17 Annual Action Plan and execution of grant agreements with U.S. Dept. of Housing and Urban Dev., Tr. letter, 185, Pssd., 187

Amend. Consolidated Comm. Dev. Plan/2016-17 Annual Action Plan and Home Roch. Program appropriations and agreement, Tr. letter, 294, Pssd., 295

Approp. funds, auth. amend. agreements and amend. 2016-17 Consolidated Comm. Dev. Plan for Housing Opportunities for Persons with AIDS, Tr. letter, 332, Pssd., 333

Amend. program allocations within Housing Dev. Fund for 2015-16 Consolidated Comm. Dev. Plan, Tr. letter, 437, Pssd., 438

COMPETITION ON PURCHASES AND SALES

Amend. Chapter 8A of Mun. Code as it relates to purchasing and property management, Tr. letter, 11, Pssd., 24

COMPLIANCE MONITORING SERVICES

Auth. amend. agreements and funding for Port Marina proj., Tr. letter, 254, Pssd., 255

COMPREHENSIVE ADOLESCENT PREGNANCY PREVENTION PROGRAM

Auth. amend. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 270, Pssd., 271; Tr. letter, 350, Pssd., 351

Auth. agreement for Environmental Workforce Dev. and Job Training Program grant and revision to Comprehensive Adolescent Pregnancy Prevention Program agreement, Tr. letter, 423, Pssd., 424

Auth. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 458, Pssd., 459

COMPREHENSIVE ANNUAL FINANCIAL REPORT

Auth. agreement with Workiva, Inc. for cloud-based financial data management and reporting solution, Tr. letter, 171, Pssd., 172

COMPUTERS

Auth. amend. agreement with DSS Digital Group for electronic document warehouse upgrade, Tr. letter, 170, Pssd., 170

Auth. agreement with Workiva, Inc. for cloud-based financial data management and reporting solution, Tr. letter, 171, Pssd., 172

Auth. agreement with Environmental Systems

Research Institute, Inc. to provide consulting and configuration svcs., Tr. letter, 222, Pssd., 223

Approv. agreement for co-location of City's information technology datacenter for purposes of disaster recovery, Tr. letter, 277, Pssd., 278

Auth. agreement with General Code, LLC to provide enterprise content management system svcs., Tr. letter, 314, Pssd., 315

Auth. amend. agreement with Tyler Technologies, Inc. for Roch. Police Dept.'s Record Management System multi-phase replacement program, Tr. letter, 355, Pssd., 355

Auth. intermunicipal agreement with Monroe County for fiber assessment, Tr. letter, 357, Pssd., 357

Auth. agreement with New Horizons Computer Learning Ctr. of Metropolitan NY, Inc. at Logical Operations Inc. for computer training classes, Tr. letter, 467, Pssd., 468

Auth. agreement with New Horizons Computer Learning Ctr. of Metropolitan NY, Inc. at Logical Operations Inc. for computer training classes, Tr. letter, 467, Pssd., 468

Auth. agreement with Bergmann Assoc., Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for water system map modernization, Tr. letter, 468, Pssd., 468

CONCERTS

See "Music"

CONKLIN, CAROLEE A., COUNCILMEMBER

Negative vote, Ord. No. 2016-15, Pssd., 36; Ord. No. 2016-17, Pssd., 40; Ord. No. 2016-168, Pssd., 219; Ord. No. 2016-181, Pssd., 235; Motion to amend Int. No. 143, Adpt., 267; Ord. No. 2016-209, Pssd., 268; L.L. No. 6, Pssd., 467

Motion to return to Committee, Int. Nos. 68, 69 and 70, Adpt., 58

Presentation of petition with 2,177 signatures in favor of expanding approved food truck locations to all City streets, 86

Disclosure of interest form submitted, 86; 117; 312; 386

Reso. adopting City of Roch./Roch. City School Dist. Debt Policy, Tr. letter, 117, Adpt., 118

Amend. Chapter 62 of Mun. Code with regard to commercial travelers, solicitors and special events, Tr. letter, 123, Pssd., 132

Amend. Chapter 60 and 68 of Mun. Code with regard to food vending, Tr. letter, 123, Pssd., 133

Motion to discharge from Committee, Int. No. 201, Adpt., 179; Int. No. 208, Adpt., 180; Int. No. 298, Adpt., 317; Int. No. 368, Adpt., 398

Reso. approv. standard work day for retirement purposes, Tr. letter, 180, Adpt., 181

Auth. amend. audit svcs. agreement with Freed Maxick CPAs, P.C., Tr. letter, 240, Pssd., 241

Abstention, Ord. No. 2016-254, Pssd., 313; Ord. No. 2016-321, Pssd., 389; Ord. No. 2016-386, Pssd., 461

Reso. adopting policy regarding City boards and commissions, Tr. letter, 315, Adpt., 316

Amend. Chapters 60, 13A and 120 of Mun. Code with regard to food truck, food trailer and food cart vending, Tr. letter, 391, Pssd., 398

CONSOLIDATED COMMUNITY DEVELOPMENT PLAN

See "Community Development Program Plans"

CONSOLIDATED FUNDING GRANT

Auth. Consolidated Funding Grant applications and agreements, Tr. letter, 285, Pssd., 288

Reso. supporting Consolidated Funding Grant Application, Tr. letter, 289, Adpt., 289

CONSTRUCTION ADMINISTRATION SERVICES

Auth. amend. agreement with LaBella Assoc., D.P.C. for design and const. admin. svcs. for additional air handler replacements in City Hall, Tr. letter, 447, Pssd., 447

CONSULTING SERVICES

Auth. agreement with Democracy Collaborative for consulting svcs., Tr. letter, 96, Pssd., 97

CONSUMER CREDIT COUNSELING SERVICES OF ROCHESTER

Auth. agreements and approp. funds for Homebuyer Training Program, Tr. letter, 192, Pssd., 193

COORDINATED CARE SERVICES, INC.

Auth. agreements and approp. funds for Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

Auth. agreement with Coordinated Care Svcs., Inc. for admin. svcs. of Roch./Monroe County Continuum of Care, Tr. letter, 365, Pssd., 366

COPLEY STREET

Auth. acceptance of real estate by donation, Tr. letter, 402, Pssd., 402

CORN HILL ARTS FESTIVAL

Auth. agreement for 2016 Corn Hill Arts Festival, Tr. letter, 121, Pssd., 121

CORN HILL NEIGHBORS ASSOCIATION, INC.

Auth. agreement for 2016 Corn Hill Arts Festival, Tr. letter, 121, Pssd., 121

CORN HILL PARKING PERMITS

Amend. Mun. Code Chapter 111, Vehicle and Traffic, with regard to parking permits for handicapped residents and for Corn Hill Neighborhood, Tr. letter, 177, Pssd., 178

CORNERSTONE PARK

Bond Ord. auth. issuance of \$120,000 Bonds to finance portion of costs of Cornerstone Park Improvement Proj., Tr. letter, 213, Pssd., 214

Auth. agreement with Joseph C. Lu Engineering and Land Surveying, P.C. for resident proj. representation svcs. for Cornerstone Park Improvement Proj., Tr. letter, 344, Pssd., 345

COUNCIL MEETINGS

Organization Meeting, Held, 1, Adj., 5

Regular meeting, Held, 5, Adj., 55; Held, 56, Adj., 86; Held, 86, Adj., 116; Held, 116, Adj., 167; Held, 167, Adj., 224; Held, 225, Adj., 275;

Held, 275, Adj., 311; Held, 311, Adj., 352; Held, 352, Adj., 386; Held, 386, Adj., 426; Held, 426, Adj., 463; Held, 463, Adj., 490

Amend. Section 5-6 of the City Charter with regard to meetings, Tr. letter, 8, Pssd., 8

Special meeting, Held, 224, Adj., 224

Reso. establishing schedule for Regular Council Meetings during 2017, Tr. letter, 427, Adpt., 427

COUNCIL MINUTES

Approval of, 5, 56; 86; 116; 167; 225; 275; 311; 352; 386; 426; 463

COUNCIL PRESIDENT

Reso. for nomination and selection of President of Roch. City Council, Adpt., 1

COUNCIL VICE PRESIDENT

Reso. for nomination and selection of Vice President of Roch. City Council, Adpt., 1

COURT STREET

Auth. agreements and funding and conveying and modifying easements for Promenade at Erie Harbor Park, Tr. letter, 262, Held, 266, Pssd., 296

Auth. sale of real estate and granting permanent easement to Roch. Gas and Electric Corp. for upgrades to its Station 26 facility, Tr. letter, 476, Pssd., 478

COURT STREET PARKING GARAGE

Amend. Mun. Code with respect to parking rates, Tr. letter, 232, Pssd., 239

Auth. lease agreement for Court St. Parking Garage, Tr. letter, 358, Pssd., 359

CRESTWOOD CHILDREN'S CENTER

Auth. amend. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 270, Pssd., 271

CROWN CASTLE NG EAST NG LLC, INC.

Auth. agreement with Crown Castle NG East LLC, Inc., Tr. letter, 81, Pssd., 81

CULVER/MERCHANTS PARKING LOT

L.I.O. - Establishing operating and maint. costs of neighborhood commercial and resi. parking areas, Tr. letter, 173, Pssd., 174

CULVER ROAD ARMORY

Amend. Zoning Code text and concept plan/site plan for Culver Rd. Armory, Planned Dev. Dist. No. 15, Tr. letter, 36, Pub. hear., 6, Pssd., 40

CURED IN PLACE PROJECT

Bond Ord. auth. issuance of \$490,000 Bonds to finance portion of City's Cured in Place Pipe Proj. of Distribution System Water Main Renewal Program, Tr. letter, 75, Pssd., 76

CURTIS LLC

Auth. exchange of real estate with Curtis LLC, Tr. letter, 25, Pssd., 26

CUSTOMER RELATIONSHIP MANAGEMENT

Auth. amend. agreement with Aeon Nexus Corp. to implement Customer Relationship Management solution for Operation Transformation Roch. Adult Employment Svcs., Tr. letter, 470, Pssd., 471

-D-

DSS DIGITAL GROUP

Auth. amend. agreement with DSS Digital Group for electronic document warehouse upgrade, Tr. letter, 170, Pssd., 170

DAILY RECORD

Designating Official Newspapers of City for Roch. for Years 2016-17, Pssd., 5

DAVID HOCHSTEIN MEMORIAL MUSIC SCHOOL, INC.

Auth. funding and agreements for Science, Technology, Engineering, Arts and Mathematics (STEAM) proj., Tr. letter, 385, Pssd., 386

DEBT

Reso. adopting City of Roch./Roch. City School Dist. Debt Policy, Tr. letter, 117, Adpt., 118

Reso. approv. 2016-17 debt limit for general muni. purposes, Tr. letter, 229, Adpt., 231

DEMOCRACY COLLABORATIVE, THE

Auth. agreement with Democracy Collaborative for consulting svcs., Tr. letter, 96, Pssd., 97

DEMOCRAT & CHRONICLE

Designating Official Newspapers of City for Roch. for Years 2016-17, Pssd., 5

DEMOLITIONS

Bond Ord. auth. issuance of \$1,300,000 Bonds to finance portion of costs of continuation of City Demolition Program, Tr. letter, 101, Pssd., 102

Auth. funding for Demolition Program, Tr. letter, 101, Pssd., 102; Tr. letter, 437, Pssd., 437

Auth. amend. agreement with Center for Dispute Settlement, Inc. for hearing officer svcs. related to City demo. program, Tr. letter, 479, Pssd., 480

DEMOTT, JOHN

Approv. appointments and reappointments to Zoning Board of Appeals, Tr. letter, 197, Adpt., 198

DENTAL INSURANCE

Auth. agreement for dental insurance, Tr. letter, 354, Pssd., 354

DEPAUL PROPERTIES, INC.

Auth. funding, sale of real estate and loan agreement for Upper Falls Sq. affordable housing proj., Tr. letter, 405, Pssd., 406

Approv. property tax exemption and auth. payment in-lieu-of tax agreement for Upper Falls Sq. affordable housing proj., Tr. letter, 405, Pssd., 407

DESIGN SERVICES

Auth. amend. agreement with Bergmann Assoc., P.C. related to Promenade at Erie Harbor Park, Tr. letter, 70, Pssd., 71

Amend. funding for Durand Eastman Beach Outfall and Durand Eastman Utilities and Site Improvement projects, Tr. letter, 107, Pssd., 108

Auth. amend. agreement related to Dr. Martin Luther King, Jr. Memorial Park Improvement Proj., Phase IIIC, Tr. letter, 109, Pssd., 110

Amend. Ord. No. 2015-128 related to Annual Parking Garage Evaluation and Repair Program, Tr. letter, 144, Pssd., 146

Bond Ord. auth. issuance of \$600,000 Bonds to finance costs of architectural and design svcs. and constr. of new Roch. Police Dept. Auto Pound Admin. Bldg., Tr. letter, 136, Pssd., 147

Auth. amend. agreement with Bergmann Assoc. related to Dewey/Driving Park Ave. Intersection Realignment Proj., Tr. letter, 148, Pssd., 149

Auth. agreement with Stantec Consulting Svcs. Inc. related to E. Henrietta Rd. Improvement Proj., Tr. letter, 149, Pssd., 150

Auth. agreement with Stantec Consulting Svcs., Inc. for design and RPR svcs. for Campbell St. R-Center water park facilities and playground improvements, Tr. letter, 213, Pssd., 213

Auth. agreement with Stantec Consulting Svcs., Inc. for architectural and engineering design for Public Safety Bldg. generator upgrade, Tr. letter, 215, Pssd., 215

Auth. professional svcs. agreement with Bergmann Assoc., Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for engineering design and resident proj. representation svcs., Tr. letter, 299, Pssd., 299

Auth. professional svcs. agreement with Edge Architecture, PLLC, for architectural, engineering design and resident proj. representation svcs., Tr. letter, 300, Pssd., 301

Auth. amend. agreement with Bergmann Assoc. for planning, design and engineering svcs., including preparation of application for federal Transportation Investment Generating Economic Recovery grant, Tr. letter, 336, Pssd., 337

Auth. amend. professional svcs. agreement with C&S Engineers, Inc. for 2015 Preventive Maint. Contract 1 proj., Tr. letter, 337, Pssd., 337

Auth. professional svcs. agreement, amend. agreement, and approp. of funds related to 2016 Preventive Maint., Group \$3, Tr. letter, 337, Pssd., 339

Auth. agreements and approp. funds for Driving Park Bridge Preventive Maint. Proj., Tr. letter, 340, Pssd., 342

Auth. amend. agreement with Passero Assoc., Engineering, Architecture & Surveying, D.P.C., for improvements to Charlotte St. and Haags Alley, Tr. letter, 373, Pssd., 373

Auth. amend. agreement with LaBella Assoc., D.P.C. for design and const. admin. svcs. for additional air handler replacements in City Hall, Tr. letter, 447, Pssd., 447

Auth. amend. agreement related to Main St. Streetscape Wayfinding Enhancement proj., Tr. letter, 486, Pssd., 488

DEVELOPER GUIDANCE INCORPORATING SUSTAINABLE PLANNING AND DESIGN PRACTICES

Auth. agreement with Stantec Consulting Svcs. Inc. related to City of Roch. Developer Guidance Incorporating Sustainable Planning and Design Practices, Tr. letter, 154, Pssd., 154

DEWEY AVENUE AND DRIVING PARK AVENUE INTERSECTION REALIGNMENT PROJECT

Auth. amend. agreement with Bergmann Assoc. related to Dewey/Driving Park Ave. Intersection Realignment Proj., Tr. letter, 148, Pssd., 149

Auth. funding for Dewey Ave. and Driving Park Ave. Intersection Realignment Proj., Tr. letter, 211, Pssd., 211

Auth. acq. by negotiation or condemnation of temporary easements, permanent easement and uneconomic remainder parcel for Dewey Ave. and Driving Park Intersection Realignment Proj., Tr. letter, 342, Pssd., 344

Amend. Official Map by dedicating permanent easements to street purposes for Dewey Ave. and Driving Park Intersection Realignment Proj., Tr. letter, 342, Pssd., 345

Approv. geometric changes related to Dewey Ave./Driving Park Ave. Realignment Proj., Tr. letter, 419, Pssd., 421

DIAMOND, CARMEN

Reso. approv. appts. to Board of Assessment Review, Tr. letter, 472, Adpt., 472

DIMITRI HOUSE

Auth. agreements and approp. funds for Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

DISCLOSURE OF INTEREST FORMS

Submission of, 86; 117; 167; 225; 275; 312; 386; 426; 463

DIVERSITY AND INCLUSION TRAINING

Auth. amend. agreement with Sanchez and Assoc., Inc. for Diversity and Inclusion Training, Tr. letter, 227, Pssd., 228

DOBBS, JASON

Approv. appts. and reappointments to Roch. Preservation Board, Tr. letter, 200, Approv., 201

DR. MARTIN LUTHER KING, JR. MEMORIAL PARK

Auth. amend. agreement related to Dr. Martin Luther King, Jr. Memorial Park Improvement Proj., Phase IIIC, Tr. letter, 109, Pssd., 110

Bond Ord. auth. issuance of \$300,000 Bonds to finance portion of costs of Phase IIIC of Dr. Martin Luther, Jr. Memorial Park Improvement Proj., Tr. letter, 109, Pssd., 111

DOGS

Amend. Chapter 79 of Mun. Code as it relates to Dogs and Other Animals in Parks, Tr. letter, 112, Pssd., 112

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

Amend. 2016-17 Budget of Library and accepting funds for library facility improvements, Tr. letter, 312, Pssd., 313

Auth. funding agreement for City-wide street lighting upgrades, Tr. letter, 416, Pssd., 418

Auth. agreements and approp. funds for Main St. Streetscape and Pedestrian Wayfinding Enhancement Proj., Tr. letter, 449, Pssd., 450

DOUGLAS, VALERIE

Reso. nominating var. persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 58, Held, 59, Adpt., 169

DOWNTOWN DISTRICT SERVICES

Auth. agreement for lease of space for Downtown District Svs., Tr. letter, 325, Pssd., 326

DOWNTOWN ENHANCEMENT DISTRICT

Establishing cost of special work and svs. related to Main St. improvements of Downtown Enhancement Dist., Tr. letter, 160, Pssd., 161

DRIVING PARK AVENUE

Auth. amend. agreement with Bergmann Assoc. related to Dewey/Driving Park Ave. Intersection Realignment Proj., Tr. letter, 148, Pssd., 149

Auth. funding for Dewey Ave. and Driving Park Ave. Intersection Realignment Proj., Tr. letter, 211, Pssd., 211

Auth. acq. by negotiation or condemnation of temporary easements, permanent easement and uneconomic remainder parcel for Dewey Ave. and Driving Park Intersection Realignment Proj., Tr. letter, 342, Pssd., 344

Amend. Official Map by dedicating permanent easements to street purposes for Dewey Ave. and Driving Park Intersection Realignment Proj., Tr. letter, 342, Pssd., 345

DRIVING PARK BRIDGE

Auth. agreements and approp. funds for Driving Park Bridge Preventive Maint. Proj., Tr. letter, 340, Pssd., 342

DURAND EASTMAN BEACH

Amend. funding for Durand Eastman Beach Outfall and Durand Eastman Utilities and Site Improvement projects, Tr. letter, 107, Pssd., 108

Auth. amend. agreement with LaBella Assoc., D.P.C. for Durand Eastman Beach utility improvements, Tr. letter, 253, Pssd., 254

Auth. agreement with Monroe County Water Auth. to provide potable water to Durand Eastman Beach, Tr. letter, 258, Pssd., 258

DWORKIN, DAVID M. AND WENDY

Auth. lease for multi-purpose stadium parcels, Tr. letter, 6, Pssd., 7

-E-

EOS CCA

Auth. agreement with EOS CCA for collection of unpaid parking and mun. code violations,

Tr. letter, 170, Pssd., 171

ESSROC CEMENT CORP.

Auth. amend. license agreement for use of space in Turning Point Park, Tr. letter, 408, Pssd., 409

EAGLE INTERNATIONAL INSTITUTE

Auth. professional svs. agreement for training dev. and delivery svs., Tr. letter, 231, Pssd., 232

EASEMENTS

Auth. grant of access easement, Tr. letter, 137, Pssd., 137

Auth. agreements and funding and conveying and modifying easements for Promenade at Erie Harbor Park, Tr. letter, 262, Held, 266, Pssd., 296

Auth. acq. by negotiation or condemnation of temporary easements, permanent easement and uneconomic remainder parcel for Dewey Ave. and Driving Park Intersection Realignment Proj., Tr. letter, 342, Pssd., 344

Amend. Official Map by dedicating permanent easements to street purposes for Dewey Ave. and Driving Park Intersection Realignment Proj., Tr. letter, 342, Pssd., 345

Auth. acceptance of easements, Tr. letter, 475, Pssd., 476

Auth. sale of real estate and granting permanent easement to Roch. Gas and Electric Corp. for upgrades to its Station 26 facility, Tr. letter, 476, Pssd., 478

EAST AVENUE

Auth. amend. agreement with Erdman, Anthony and Assoc., Inc. related to 2015 Preventive Maint. Group #2 Proj. (East/N & S Winton/University/Portland), Tr. letter, 483, Pssd., 484

EAST AVENUE/ALEXANDER STREET ENTERTAINMENT DISTRICT

L.I.O. - establishing cost of upgrading of street cleaning for East Ave./Alexander St. Entertainment Dist., Tr. letter, 97, Pssd., 97

EAST END GARAGE

Amend. Mun. Code with respect to parking rates, Tr. letter, 232, Pssd., 239

EAST HENRIETTA ROAD

Auth. agreement with Stantec Consulting Svs. Inc. related to E. Henrietta Rd. Improvement Proj., Tr. letter, 149, Pssd., 150

EAST MAIN STREET

Auth. Consolidated Funding Grant applications and agreements, Tr. letter, 285, Pssd., 288

Bond Ord. auth. issuance of \$650,000 Bonds to finance reconstruction of certain portions of N. Goodman St., E. Main St., Allen, Brown and Wilder Streets and Morrie Silver Way related to 2016 Preventive Maint., Group #3 proj., Tr. letter, 337, Pssd., 340

Amend. Zoning Map for 1307, 1311, 1313, 1317 and 1337 E. Main St. and 48 Breck St., Tr. letter, 403, Pssd., 404

EASTERLY, PETER J.

Reso. approv. appts. to Board of Assessment Review, Tr. letter, 472, Adpt., 472

ECONOMIC ANALYSIS

Auth. amend. agreement for economic analysis of renovation options for Blue Cross Arena, Tr. letter, 135, Pssd., 136

ECONOMIC DEVELOPMENT SERVICES

Auth. agreement with Greater Roch. Enterprise for economic dev. svcs., Tr. letter, 473, Pssd., 474

EDGE ARCHITECTURE, PLLC

Auth. professional svcs. agreement with Edge Architecture, PLLC, for architectural, engineering design and resident proj. representation svcs., Tr. letter, 300, Pssd., 301

EMERGENCY ASSISTANCE REPAIR PROGRAM

Approp. funds for Emergency Assistance Repair Program, Tr. letter, 61, Pssd., 62

Amend. program allocations within Housing Dev. Fund for 2015-16 Consolidated Comm. Dev. Plan, Tr. letter, 437, Pssd., 438

Approp. Comm. Dev. Block Grant funds for Emergency Assistance Repair Program, Tr. letter, 438, Pssd., 439

Auth. agreements and approp. funds for Emergency Solutions Grant Program and amend. Ord. Nos. 2016-362 and 2016-363 with respect to Emergency Assistance Repair Program, Tr. letter, 478, Pssd., 479

EMERGENCY SOLUTIONS GRANT

Auth. funding and amendments to service agreements for Emergency Solutions Grant program for homeless, Tr. letter, 32, Pssd., 33

Auth. agreements and approp. funds for Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

Auth. agreements and approp. funds for Emergency Solutions Grant Program and amend. Ord. Nos. 2016-362 and 2016-363 with respect to Emergency Assistance Repair Program, Tr. letter, 478, Pssd., 479

EMPIRE JUSTICE CENTER

Approp. funds and auth. agreements for foreclosure prevention svcs., Tr. letter, 187, Pssd., 188

EMPIRE STATE DEVELOPMENT CORPORATION

Auth. appl. and agreement for grant under Round 4 of Restore NY Communities Initiative, Tr. letter, 364, Pssd., 365

ENGINEERING SERVICES

Amend. Ord. No. 2015-128 related to Annual Parking Garage Evaluation and Repair Program, Tr. letter, 144, Pssd., 146

Auth. agreement with Stantec Consulting Svcs., Inc. for architectural and engineering design for Public Safety Bldg. generator upgrade, Tr. letter, 215, Pssd., 215

Auth. professional svcs. agreement with

Bergmann Assoc., Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for engineering design and resident proj. representation svcs., Tr. letter, 299, Pssd., 299

Auth. professional svcs. agreement with Edge Architecture, PLLC, for architectural, engineering design and resident proj. representation svcs., Tr. letter, 300, Pssd., 301

Auth. amend. agreement with Bergmann Assoc. for planning, design and engineering svcs., including preparation of application for federal Transportation Investment Generating Economic Recovery grant, Tr. letter, 336, Pssd., 337

Auth. amend. agreement with Architectura, P.C. for architectural and engineering svcs., Tr. letter, 450, Pssd., 450

ENVIRONMENTAL ASSESSMENT, CLEANUP/REMEDIATION, AND INVESTIGATION

Auth. agreement and approp. funds related to environmental restoration program at 354 Whitney St. and 415 Orchard St., Tr. letter, 47, Pssd., 47

Approp. funds and auth. agreements for 2016 Lead Hazard Control Grant Program, Tr. letter, 138, Pssd., 140

Auth. amend. agreement with Bergmann Assoc. related to Dewey/Driving Park Ave. Intersection Realignment Proj., Tr. letter, 148, Pssd., 149

Auth. amend. agreement and funding for Vacuum Oil Site remedial investigation and alternatives analysis, Tr. letter, 373, Pssd., 374

Bond Ord. amend. Ord. No. 2014-254 by auth. issuance of additional \$150,000 Bonds to finance professional svcs. agreement with O'Brien & Gere for remedial investigation svcs. relating to contamination of Vacuum Oil site in the City, Tr. letter, 373, Pssd., 375

ENVIRONMENTAL EDUCATION ASSOCIATES, INC.

Approp. funds and auth. agreements for 2016 Lead Hazard Control Grant Program, Tr. letter, 138, Pssd., 140

ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC.

Auth. agreement with Environmental Systems Research Institute, Inc. to provide consulting and configuration svcs., Tr. letter, 222, Pssd., 223

ENVIRONMENTAL TESTING & CONSULTING INC.

Approp. funds and auth. agreements for 2016 Lead Hazard Control Grant Program, Tr. letter, 138, Pssd., 140

Auth. approp. of Comm. Dev. Block Grant funds and agreements for Targeted Housing Rehab. and Window Replacement programs, Tr. letter, 441, Pssd., 443

ERDMAN ANTHONY AND ASSOCIATES INC.

Auth. professional svcs. agreement, amend. agreement, and approp. of funds related to 2016 Preventive Maint., Group \$3, Tr. letter, 337, Pssd., 339

Auth. amend. agreement with Erdman, Anthony and Assoc., Inc. related to 2015 Preventive Maint. Group #2 Proj. (East/N & S Winton/University/Portland), Tr. letter, 483, Pssd., 484

ERIE HARBOR PARK

Auth. amend. agreement with Bergmann Assoc., P.C. related to Promenade at Erie Harbor Park, Tr. letter, 70, Pssd., 71

Auth. agreements and funding and conveying and modifying easements for Promenade at Erie Harbor Park, Tr. letter, 262, Held, 266, Pssd., 296

Bond Ord. auth. issuance of \$3,500,000 Bonds to finance portion of costs of constr. of Promenade at Erie Harbor, Tr. letter, 262, Held, 267, Pssd., 296

Auth. Consolidated Funding Grant applications and agreements, Tr. letter, 285, Pssd., 288

ETHICS, BOARD OF

Reso. approv. appt. to Board of Ethics, Tr. letter, 227, Adpt., 227

EUGENIO MARIA DE HOSTOS CHARTER SCHOOL

Approp. funds and auth. agreements for Owner-Occupant Roofing Program, Tr. letter, 102, Pssd., 103

EXAMINING BOARD OF STATIONARY ENGINEERS AND REFRIGERATION OPERATORS

Reso. approv. appts. to Board of Examiners of Stationary Engineers and Refrigeration Operators, Tr. letter, 292, Adpt., 293

EXCHANGE STREET

Auth. sale of real estate and granting permanent easement to Roch. Gas and Electric Corp. for upgrades to its Station 26 facility, Tr. letter, 476, Pssd., 478

EXPERT WITNESS SERVICES

Auth. amend. professional svcs. agreement for expert witness svcs. for Law Dept., Tr. letter, 92, Pssd., 93; Tr. letter, 178, Pssd., 179

Auth. professional svcs. agreement for expert witness svcs. for Law Dept., Tr. letter, 278, Pssd., 279

Auth. amend. agreement for expert witness svcs. for Law Dept., Tr. letter, 313, Pssd., 314

EXPLOSIVES STORAGE

Auth. agreement with County of Monroe for storage of explosives, Tr. letter, 460, Pssd., 460

EXTERIOR AND SECURITY REHABILITATION PROGRAM FOR OWNER-OCCUPANTS

Amend. Ord. No. 2013-281 relating to agreements for Phase 3 Exterior and Security Rehab. Program for Owner-Occupants, Tr. letter, 34, Pssd., 35

FAIRPORT, VILLAGE OF

Auth. intermunicipal agreement with Village of Fairport for pesticide application to ash trees, Tr. letter, 216, Pssd., 216

FAMILY RESOURCE CENTER OF HILLSIDE CHILDREN'S CENTER

Auth. agreements for Teenage Pregnancy Prevention Program, Tr. letter, 269, Pssd., 270; Tr. letter, 350, Pssd., 351

Auth. agreement for Environmental Workforce Dev. and Job Training Program grant and revision to Comprehensive Adolescent Pregnancy Prevention Program agreement, Tr. letter, 423, Pssd., 424

Auth. amend. agreements and funding for Federal Teenage Pregnancy Prevention Program, Tr. letter, 456, Pssd., 457

Auth. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 458, Pssd., 459

FEDERAL HIGHWAY ADMINISTRATION

Auth. receipt and use of funds and an agreement related to Broad St. Bridge Preventive Maint. Proj., Tr. letter, 42, Pssd., 44

FEDERAL TEENAGE PREGNANCY PREVENTION PROGRAM

Auth. amend. agreements and funding for Federal Teenage Pregnancy Prevention Program, Tr. letter, 456, Pssd., 457

FEES

Adoption of Budget ests. for muni. purposes for 2016-17 fiscal year, approp. of sums set forth therein and approv. commercial refuse fees, Tr. letter, 232, Pub. hear., 225, Pssd., 235

FEOLA, JOHN R.

Reso. approv. reappointment to Civil Service Commission, Tr. letter, 88, Adpt., 89

FESTIVALS

Establishing max. comp. for agreement for 2016 Puerto Rican Festival, Tr. letter, 119, Pssd., 119

Auth. agreement for 2016 Roch. Fringe Festival, Tr. letter, 120, Pssd., 121

Auth. agreement for 2016 Corn Hill Arts Festival, Tr. letter, 121, Pssd., 121

Auth. agreement for 2016 Park Ave Art Fest, Tr. letter, 121, Pssd., 122

Auth. amendatory agreement with 2Strive Media, Inc. to increase max. comp. for booking and production svcs. for 2016 Roch. SummerFest, Tr. letter, 174, Pssd., 175

Auth. grant agreement for Clarissa St. Reunion and amend. Budget, Tr. letter, 276, Pssd., 277

Auth. agreement for 2017 Roch. SummerFest, Tr. letter, 390, Pssd., 390

FINANCE COMMITTEE

Reports of, 7; 56; 86; 167; 226; 275; 312; 353; 386; 427; 463

FINANCE DIRECTOR

Auth. admin. tax cancellations and refunds of

\$1,000 or less for 2017, Tr. letter, 465, Pssd., 466

FINES

Amend. Chapter 111 of Mun. Code with regard to Vehicle and Traffic, Tr. letter, 179, Pssd., 180

FIRE DEPARTMENT

Bond Ord. auth. issuance of \$224,000 Bonds to finance costs of Broad & Allen Firehouse fuel tank replacement, Tr. letter, 45, Pssd., 46

Auth. loaned use of foam trailer and equipment for fire suppression, Tr. letter, 53, Pssd., 54

Auth. agreement with Wegmans Food Markets, Inc. to provide prescription medication for firefighters injured on the job, Tr. letter, 115, Pssd., 115

Auth. amend. professional svcs. agreement for physical training svcs., Tr. letter, 273, Pssd., 274

Auth. professional svcs. agreement with Bergmann Assoc., Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for engineering design and resident proj. representation svcs., Tr. letter, 299, Pssd., 299

Bond Ord. auth. issuance of \$680,000 Bonds to finance cost of design and constr. for replacement of HVAC systems at N. Clinton Ave. and Emerson St. Firehouses, Tr. letter, 299, Pssd., 300

Auth. amend. agreement with Town of Brighton for continuation of primary fire assistance and first responder svcs. to West Brighton, Tr. letter, 390, Pssd., 391

FIREARMS INSTRUCTION

Auth. intermunicipal agreement with County of Monroe for funding of firearms instruction, Tr. letter, 84, Pssd., 84

FIREFIGHTER PHYSICAL AGILITY TEST

Auth. agreement for firefighter physical agility test, Tr. letter, 8, Pssd., 9

FIREFIGHTERS' INSURANCE FUND

Approp. Firefighters' Insurance Funds, Tr. letter, 56, Pssd., 57; Tr. letter, 468, Pssd., 469

FIREWORKS DISPLAYS

Auth. agreement for fireworks displays, Tr. letter, 87, Pssd., 88

FIVE STAR BANK

Reso. endorsing Five Star Bank's applications to establish two Banking Dev. Districts, Tr. letter, 133, Pssd., 134

FLETCHER, JAMES

Approv. appts. and reappointments to City Planning Commission, Tr. letter, 199, Adpt., 199

FLEXIBLE SPENDING ACCOUNTS

Auth. agreement with Lifetime Benefit Solutions, Inc. for admin. of Flexible Spending, Parking/Transit Reimbursement and Health Reimbursement Accounts, Tr. letter, 429, Pssd., 429

FLOOD DAMAGE PREVENTION

Amend. Chapter 56 of Mun. Code with regard to Flood Damage Prevention, Tr. letter, 112, Pssd., 114

FLOWER CITY AMERICORPS PROGRAM

Auth. agreement for Flower City AmeriCorps Program, Tr. letter, 382, Pssd., 383

FLOWER STREET

Amend. Zoning Code map, Tr. letter, 247, Pssd., 247

FOCUSED INVESTMENT STRATEGY VACANT LOT FENCING AND GREENING PROGRAM

Auth. amend. agreement with Schubert Centre LLC for Focused Investment Strategy Vacant Lot Fencing and Greening Program, Tr. letter, 367, Pssd., 367

FOOD VENDING

Amend. Chapter 60 and 68 of Mun. Code with regard to food vending, Tr. letter, 123, Pssd., 133

Amend. Chapters 60, 13A and 120 of Mun. Code with regard to food truck, food trailer and food cart vending, Tr. letter, 391, Pssd., 398

FOODLINK, INC.

Auth. amend. agreements and approp. funds for Summer of Opportunity Program, Tr. letter, 221, Pssd., 222

FORECLOSURE PREVENTION SERVICES

Approp. funds and auth. agreements for foreclosure prevention svcs., Tr. letter, 187, Pssd., 188

FORFEITURE FUNDS

Auth. lease with Bivona Child Advocacy Ctr. and receipt and approp. of Federal asset forfeiture funds for Roch. Police Dept., Tr. letter, 83, Pssd., 84

Approp. federal asset forfeiture funds for purchase of police vehicles, Tr. letter, 166, Held, 167; Pssd., 267

Amend. 2016-17 Budget and approp. federal forfeiture funds, Tr. letter, 459, Pssd., 460

Approp. funds and auth. agreements related to federal forfeited property revenues allocated to Police Dept., Tr. letter, 460, Pssd., 461

FREDERICK STREET

Amend. Zoning Code map for multiple properties located on Hudson Ave., Merrimac St., Cleveland St. and Frederick St., Tr. letter, 362, Pssd., 363

FREED MAXICK CPAS, P.C.

Auth. amend. audit svcs. agreement with Freed Maxick CPAs, P.C., Tr. letter, 240, Pssd., 241

Auth. agreement for risk management consulting svcs., Tr. letter, 317, Pssd., 317

FRIENDS OF THE GARDENAERIAL, INC.

Auth. agreement with Friends of the GardenAerial, Inc. for youth internships at Public Mkt., Tr. letter, 162, Pssd., 162

FRINGE FESTIVAL

Auth. agreement for 2016 Roch. Fringe Festival, Tr. letter, 120, Pssd., 121

FULL MOON VISTA PRODUCTIONS

Auth. agreement for 2016 Roch. Twilight Criterium, Tr. letter, 120, Pssd., 121

-G-**GAMM, GERALD**

Approv. appts. and reappointments to Roch. Preservation Board, Tr. letter, 200, Approv., 201

GAUDIOSO, MOLLY

Approv. appts. and reappointments to City Planning Commission, Tr. letter, 199, Adpt., 199

GENERAL CODE, LLC

Auth. agreement with General Code, LLC to provide enterprise content management system svcs., Tr. letter, 314, Pssd., 315

GENERATORS

Auth. agreement with Stantec Consulting Svcs., Inc. for architectural and engineering design for Public Safety Bldg. generator upgrade, Tr. letter, 215, Pssd., 215

GENESEE CROSSROADS GARAGE

Amend. Mun. Code with respect to parking rates, Tr. letter, 232, Pssd., 239

Auth. amend. agreement with T.Y. Lin Intl. for Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Proj., Tr. letter, 481, Pssd., 482

GENESEE REGIONAL CLEAN COMMUNITIES, INC.

Auth. grant agreement with Genesee Region Clean Communities, Inc. to fund purchase of alternative fuel vehicles, Tr. letter, 379, Pssd., 380

GOMAR HOLDINGS INC.

Auth. lease agreement for space in Port Terminal Bldg., Tr. letter, 95, Pssd., 96

Auth. sale of real estate and amendment to lease agreement auth. by Ord. No. 2016-68, Tr. letter, 136, Pssd., 137

GEOGRAPHIC INFORMATION SYSTEM

Auth. amend. agreement with Bergmann Assoc., P.C. to provide geographic information system ("GIS") svcs., Tr. letter, 150, Pssd., 150

GRANTS

Auth. funding and amendments to service agreements for Emergency Solutions Grant program for homeless, Tr. letter, 32, Pssd., 33

Auth. agreement for Tactical Team Grant, Tr. letter, 52, Pssd., 52

Approp. funds and auth. agreements for 2016 Lead Hazard Control Grant Program, Tr. letter, 138, Pssd., 140

Auth. grant contract, receipt, and use of grant funds from NY Sea Grant Great Lakes Basin Small Grants Program administered by Stony Brook University, Tr. letter, 153, Pssd., 154

Auth. agreements and approp. funds for

Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

Auth. grant agreement with The Reinvestment Fund for receipt and use of \$60,000 in conjunction with Invest Health program, Tr. letter, 197, Pssd., 197

Auth. agreement with Monroe County Dept. of Public Health for Tobacco Compliance Grant Program, Tr. letter, 218, Pssd., 219

Auth. agreements for animal svcs. and amend. Budget, Tr. letter, 219, Pssd., 219

Auth. competitive grant applications, Tr. letter, 240, Pssd., 240

Auth. agreement with NYS Div. of Homeland Security and Emergency Svcs., Tr. letter, 268, Pssd., 269

Auth. grant agreement with NYS Office of Victim Svcs., Tr. letter, 269, Pssd., 269

Auth. grant agreement for 2016 State Homeland Security Program, Tr. letter, 274, Pssd., 274

Auth. grant agreement for Clarissa St. Reunion and amend. Budget, Tr. letter, 276, Pssd., 277

Auth. Consolidated Funding Grant applications and agreements, Tr. letter, 285, Pssd., 288

Reso. supporting Consolidated Funding Grant Application, Tr. letter, 289, Adpt., 289

Auth. agreements for 2016 Justice Assistance Grant program, Tr. letter, 310, Pssd., 310

Amend. 2016-17 Budget of Library and accepting funds for library facility improvements, Tr. letter, 312, Pssd., 313

Auth. amend. agreement with Bergmann Assoc. for planning, design and engineering svcs., including preparation of application for federal Transportation Investment Generating Economic Recovery grant, Tr. letter, 336, Pssd., 337

Amend. 2016-17 Budget by increasing approp. for Roch. Police Dept. to carry over unspent grant funds, Tr. letter, 346, Pssd., 347

Auth. grant agreement with NYS Archives, Tr. letter, 354, Pssd., 355

Auth. appl. and agreement for grant under Round 4 of Restore NY Communities Initiative, Tr. letter, 364, Pssd., 365

Auth. grant agreement with Genesee Region Clean Communities, Inc. to fund purchase of alternative fuel vehicles, Tr. letter, 379, Pssd., 380

Auth. grant agreement and funding for drinking water fluoridation system, Tr. letter, 410, Pssd., 410

Auth. agreement for Environmental Workforce Dev. and Job Training Program grant and revision to Comprehensive Adolescent Pregnancy Prevention Program agreement, Tr. letter, 423, Pssd., 424

Auth. grant agreements and funding for Roch. Police Dept. violence prevention and community policing programs, Tr. letter, 424, Pssd., 425

Auth. grant agreement and funding for Zombi and Vacant Property Remediation and Prevention Initiative, Tr. letter, 440, Pssd., 441

Amend. Ord. No. 2016-313 with respect to grant for purchase of alternative fuel vehicles, Tr. letter, 444, Pssd., 445

Auth. funding, amend. Budget and auth. amend. agreement for renovations and upgrades at Central Library, Tr. letter, 448, Pssd., 449

Auth. agreement for Bomb Squad Initiative

grant, Tr. letter, 488, Pssd., 489
 Auth. agreement for Video Equipment grant, Tr. letter, 489, Pssd., 489
 Auth. agreement and funding for Animal Svs. innovation program, Tr. letter, 489, Pssd., 490

GREATER ROCHESTER AREA NARCOTICS ENFORCEMENT TEAM

Approp. funds for operations of Greater Roch. Area Narcotics Enforcement Team program, Tr. letter, 310, Pssd., 311

GREATER ROCHESTER ENTERPRISE

Auth. agreement with Greater Roch. Enterprise for economic dev. svcs., Tr. letter, 473, Pssd., 474

GREEN INFRASTRUCTURE DESIGN AND MAINTENANCE MANUAL

Auth. grant contract, receipt, and use of grant funds from NY Sea Grant Great Lakes Basin Small Grants Program administered by Stony Brook University, Tr. letter, 153, Pssd., 154

GREGORY STREET

Auth. sale of real estate amendment to lease agreement auth. by Ord. No. 2016-68, Tr. letter, 136, Pssd., 137

GUARDIAN LIFE INSURANCE COMPANY OF AMERICA

Auth. agreement for dental insurance, Tr. letter, 354, Pssd., 354

GUN INVOLVED VIOLENCE ELIMINATION PROGRAM

Auth. agreements for 2016-17 Gun Involved Violence Elimination Program, Tr. letter, 223, Held, 223, Pssd., 268

-H-

HVAC

Bond Ord. auth. issuance of \$158,000 Bonds to finance cost of design and constr. of replacement of HVAC system at City's Indoor Pistol Range, Tr. letter, 79, Pssd., 80

Auth. professional svcs. agreement with Bergmann Assoc., Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for engineering design and resident proj. representation svcs., Tr. letter, 299, Pssd., 299

Bond Ord. auth. issuance of \$680,000 Bonds to finance cost of design and constr. for replacement of HVAC systems at N. Clinton Ave. and Emerson St. Firehouses, Tr. letter, 299, Pssd., 300

Auth. professional svcs. agreement with Edge Architecture, PLLC, for architectural, engineering design and resident proj. representation svcs., Tr. letter, 300, Pssd., 301

Bond Ord. auth. issuance of \$520,000 Bonds to finance cost of architectural and engineering design svcs. for replacement of HVAC system at Campbell St. Recreation Ctr., Tr. letter, 300, Pssd., 302

HAAG, MATT, COUNCILMEMBER

Abstention, Ord. No. 2016-8, Pssd., 30; Ord.

No. 2016-138, Pssd., 182; Ord. No. 2016-151, Pssd., 196; Ord. No. 2016-265, Pssd., 333; Ord. No. 2016-322, Pssd., 390

Presentation of petition with 2,315 signatures in favor of saving the abandoned subway tunnel located in downtown Rochester, 56

Motion to discharge from Committee, Int. No. 51, Adpt., 81; Int. No. 61 from Committee, Adpt., 81; Int. No. 232, Adpt., 345

Motion to amend, Int. No. 101, Adpt., 112; Int. No. 181, Adpt., 210

Amend. Chapter 79 of Mun. Code as it relates to Dogs and Other Animals in Parks, Tr. letter, 112, Pssd., 112

Disclosure of Interest form submitted, 117; 167; 225; 275; 312; 386

Motion to return to Committee, Int. No. 232, Adpt., 257; Int. No. 345, Adpt., 370

Reso. adopting policy regarding City boards and commissions, Tr. letter, 315, Adpt., 316

Presentation of 624 signed post cards of persons wanting a safe place to play, 426

Presentation of petition with 67 signatures from Rochester People's Climate Coalition - Global Climate Change, 463

Negative vote, L.L. No. 6, Pssd., 467

HAAGS ALLEY

Auth. professional svcs. agreement with Passero Assoc., PC, for resident proj. representation svcs. for Charlotte St. and Haags Alley Improvement Proj., Tr. letter, 304, Pssd., 305

Bond Ord. auth. issuance of \$250,000 Bonds to finance water needs of Charlotte St. and Haags Alley Improvement Proj., Tr. letter, 304, Pssd., 306

Auth. amend. agreement with Passero Assoc., Engineering, Architecture & Surveying, D.P.C., for improvements to Charlotte St. and Haags Alley, Tr. letter, 373, Pssd., 373

HANDICAPPED PARKING

Amend. Mun. Code Chapter 111, Vehicle and Traffic, to remove fee for replacement handicapped parking permit, Tr. letter, 134, Pssd., 135

Amend. City Charter with respect to parking permits for handicapped residents, Tr. letter, 177, Pssd., 178

Amend. Mun. Code Chapter 111, Vehicle and Traffic, with regard to parking permits for handicapped residents and for Corn Hill Neighborhood, Tr. letter, 177, Pssd., 178

HANEY, PAUL E.

Reso. nominating var. persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 58, Held, 59, Adpt., 169

HARBORTOWN

Changing zoning class. of 90 St. John's Park from R-I Low Density Resi. Dist. to H-V Harbortown Village Dist., Tr. letter, 293, Pssd., 294

HARRIS, LASHAY

Reso. approv. appts. to Board of Assessment Review, Tr. letter, 472, Adpt., 472

HAYWARD AVENUE

Auth. sale of 630 Hayward Ave., Tr. letter, 137, Pssd., 138

HAZELWOOD TERRACE

L.I.O. - care and embellishment of street malls for 2016-2017, Tr. letter, 158, Pssd., 159

HEALTH INSURANCE

Auth. professional svcs. agreement for health insurance admin., Tr. letter, 357, Pssd., 358

HEALTH REIMBURSEMENT ACCOUNTS

Auth. agreement with Lifetime Benefit Solutions, Inc. for admin. of Flexible Spending, Parking/Transit Reimbursement and Health Reimbursement Accounts, Tr. letter, 429, Pssd., 429

HEARING OFFICER SERVICES

Agreement for hearing officer svcs. for administrative nuisance abatement hearings, Tr. letter, 36, Pssd., 36

HELPING ELDERS LAW PROJECT

Approp. funds for Helping Elders Law Proj., Tr. letter, 334, Pssd., 335

HEMLOCK LAKE WATER FILTRATION PLANT

Auth. agreements with Optimization Technology, Inc. related to automation controls at Hemlock Lake Water Filtration Plant, Tr. letter, 154, Pssd., 155

HIGH FALLS

Auth. agreement with High Falls Dev. Corp., Tr. letter, 111, Pssd., 111

L.I.O. establishing cost of assessments related to High Falls Business Improvement Dist. and auth. agreement, Tr. letter, 183, Pssd., 183

Amend. City Charter with respect to responsibilities for City facilities, Tr. letter, 232, Pssd., 238

HIGH FALLS DEVELOPMENT CORPORATION

Auth. agreement with High Falls Dev. Corp., Tr. letter, 111, Pssd., 111

HIGH FALLS GARAGE

Amend. Mun. Code with respect to parking rates, Tr. letter, 232, Pssd., 239

HIGH TECH ROCHESTER, INC.

Auth. agreement with High Tech Roch., Inc. for business assistance svcs., Tr. letter, 285, Pssd., 285

HIGHLAND FAMILY PLANNING

Auth. amend. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 270, Pssd., 271; Tr. letter, 350, Pssd., 351

Auth. agreement for Environmental Workforce Dev. and Job Training Program grant and revision to Comprehensive Adolescent Pregnancy Prevention Program agreement, Tr. letter, 423, Pssd., 424

Auth. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 458, Pssd., 459

HIGHLAND HOSPITAL OF ROCHESTER

Auth. agreements for Teenage Pregnancy Prevention Program, Tr. letter, 269, Pssd., 270

Auth. amend. agreements and funding for Federal Teenage Pregnancy Prevention Program, Tr. letter, 456, Pssd., 457

HIGHLAND PARK/CANALWAY TRAIL IMPROVEMENTS PROJECT

Auth. amend. agreement with T.Y. Lin Intl. for Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Proj., Tr. letter, 481, Pssd., 482

Auth. amend. intermunicipal agreement for Highland Park/Canalway Trail Improvements Proj., Tr. letter, 482, Pssd., 483

HIGHLAND PLANNING LLC

Auth. amend. agreement for Street Manager Program, Tr. letter, 208, Pssd., 208

Auth. agreements for 2016-17 Street Liaison Program, Tr. letter, 322, Held, 322, Pssd., 359

HILLSIDE AVENUE

L.I.O. - care and embellishment of street malls for 2016-2017, Tr. letter, 158, Pssd., 159

HILLSIDE CHILDREN'S CENTER

Auth. amend. agreements and funding for Federal Teenage Pregnancy Prevention Program, Tr. letter, 456, Pssd., 457

Auth. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 458, Pssd., 459

HILLSIDE FAMILY OF AGENCIES

Auth. lease agreement with Hillside Family of Agencies, Tr. letter, 90, Pssd., 91

HINCHER GROUP STREET IMPROVEMENT PROJECT

Auth. amend. agreement and funding for Hincer Group Street Improvement Proj., Tr. letter, 372, Pssd., 373

HITACHI DATA SYSTEMS CORPORATION

Auth. agreements for Roch. Police Dept. camera system, Tr. letter, 55, Pssd., 55

HITE, R.K., & CO., INC.

Auth. amend. agreement for advice and svcs. related to compliance with Uniform Relocation Act, Tr. letter, 314, Pssd., 314

HOCHSTEIN, DAVID, MEMORIAL MUSIC SCHOOL, INC.

Auth. funding and agreements for Science, Technology, Engineering, Arts and Mathematics (STEAM) proj., Tr. letter, 385, Pssd., 386

HOGAN, HELEN

Approv. appts. and reappointments to City Planning Commission, Tr. letter, 199, Adpt., 199

HOME OWNERSHIP PILOT PROGRAM FOR VACANT HOUSES

Auth. funding and agreements for Home Ownership Pilot Program for Vacant Houses, Tr. letter, 407, Pssd., 408

Amend. program allocations within Housing Dev. Fund for 2015-16 Consolidated Comm. Dev. Plan, Tr. letter, 437, Pssd., 438

Auth. funding for Home Ownership Pilot Program for Vacant Houses, Tr. letter, 439, Pssd., 440

HOME ROCHESTER PROGRAM

Approp. funds and auth. agreements for Home Roch. Program, Tr. letter, 188, Pssd., 190

Auth. agreement for Home Roch. Program, Tr. letter, 190, Pssd., 191

Auth. amend. agreement for Home Roch. Community Housing Dev. Organization program, Tr. letter, 244, Pssd., 246

Amend. Consolidated Comm. Dev. Plan/2016-17 Annual Action Plan and Home Roch. Program appropriations and agreement, Tr. letter, 294, Pssd., 295

Auth. amend. agreement with Roch. Housing Dev. Fund Corp. for Home Roch. Program, Tr. letter, 443, Held, 443

HOME RULE MESSAGE

Reso. for purpose of Home Rule Message regarding State legislation in relation to adjudication of traffic infractions within City of Roch., Tr. letter, 224, Adpt., 225

HOME STORE

Auth. agreements and approp. funds for Homebuyer Training Program, Tr. letter, 192, Pssd., 193

HOMEBUYER TRAINING PROGRAM

Auth. agreements and approp. funds for Homebuyer Training Program, Tr. letter, 192, Pssd., 193

HOUSE OF MERCY, INC.

Auth. agreement for constr. of House of Mercy homeless shelter, Tr. letter, 366, Pssd, 367

HOUSING

Auth. funding and amendments to service agreements for Emergency Solutions Grant program for homeless, Tr. letter, 32, Pssd., 33

Auth. approp. and agreements for Buyer Assist. Program, Tr. letter, 33, Pssd., 33

Amend. Ord. No. 2013-281 relating to agreements for Phase 3 Exterior and Security Rehab. Program for Owner-Occupants, Tr. letter, 34, Pssd., 35

Approp. funds for Emergency Assistance Repair Program, Tr. letter, 61, Pssd., 62

Approp. funds and auth. agreements for Owner-Occupant Roofing Program, Tr. letter, 102, Pssd., 103

Approp. funds and auth. agreements for Buyer Assist. Program, Tr. letter, 104, Pssd., 105

Approp. funds and auth. agreements for 2016 Lead Hazard Control Grant Program, Tr. letter, 138, Pssd., 140

Auth. intermunicipal agreement with Monroe

County for lead paint poisoning prevention inspection svcs., Tr. letter, 141, Pssd., 141

Approp. funds and auth. agreements for foreclosure prevention svcs., Tr. letter, 187, Pssd., 188

Auth. agreement and approp. funds for landlord/tenant svcs., Tr. letter, 188, Pssd., 188

Approp. funds and auth. agreements for Home Roch. Program, Tr. letter, 188, Pssd., 190

Auth. agreement for Home Roch. Program, Tr. letter, 190, Pssd., 191

Auth. agreements and approp. funds for Buyer Assistance Program, Tr. letter, 191, Pssd., 192

Auth. agreements and approp. funds for Homebuyer Training Program, Tr. letter, 192, Pssd., 193

Auth. agreement and approp. funds for Aging in Place Home Modification Program, Tr. letter, 193, Pssd., 194

Auth. agreements and approp. funds for Housing Opportunities for Persons with AIDS Program, Tr. letter, 194, Pssd., 196

Auth. agreements and approp. funds for Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

Amend. Consolidated Comm. Dev. Plan/2016-17 Annual Action Plan and Home Roch. Program appropriations and agreement, Tr. letter, 294, Pssd., 295

Amend. Chapter 63 of Mun. Code with regard to housing discrimination on basis of income, Tr. letter, 317, Held, 319

Approp. funds, auth. amend. agreements and amend. 2016-17 Consolidated Comm. Dev. Plan for Housing Opportunities for Persons with AIDS, Tr. letter, 332, Pssd., 333

Auth. agreement for constr. of House of Mercy homeless shelter, Tr. letter, 366, Pssd, 367

Auth. funding, sale of real estate and loan agreement for Upper Falls Sq. affordable housing proj., Tr. letter, 405, Pssd., 406

Approp. property tax exemption and auth. payment in-lieu-of tax agreement for Upper Falls Sq. affordable housing proj., Tr. letter, 405, Pssd., 407

Auth. funding and agreements for Home Ownership Pilot Program for Vacant Houses, Tr. letter, 407, Pssd., 408

Auth. loan agreement for Lincoln Alliance Bldg. Proj. and amend. Ord. No. 2011-145, Tr. letter, 430, Pssd., 431

Approp. funds for admin. of Celebrate City Living program, Tr. letter, 436, Pssd., 437

Amend. program allocations within Housing Dev. Fund for 2015-16 Consolidated Comm. Dev. Plan, Tr. letter, 437, Pssd., 438

Approp. Comm. Dev. Block Grant funds for Emergency Assistance Repair Program, Tr. letter, 438, Pssd., 439

Auth. funding for Home Ownership Pilot Program for Vacant Houses, Tr. letter, 439, Pssd., 440

Auth. grant agreement and funding for Zombi and Vacant Property Remediation and Prevention Initiative, Tr. letter, 440, Pssd., 441

Auth. approp. of Comm. Dev. Block Grant funds and agreements for Targeted Housing Rehab. and Window Replacement programs, Tr. letter, 441, Pssd., 443

Auth. amend. agreement with Roch. Housing Dev. Fund Corp. for Home Roch. Program, Tr. letter, 443, Held, 443

Auth. agreements and approp. funds for Emergency Solutions Grant Program and amend. Ord. Nos. 2016-362 and 2016-363 with respect to Emergency Assistance Repair Program, Tr. letter, 478, Pssd., 479

HOUSING COUNCIL AT PATHSTONE, INC.

Approp. funds and auth. agreements for 2016 Lead Hazard Control Grant Program, Tr. letter, 138, Pssd., 140

Approp. funds and auth. agreements for foreclosure prevention svcs., Tr. letter, 187, Pssd., 188

Auth. agreements and approp. funds for Homebuyer Training Program, Tr. letter, 192, Pssd., 193

HOUSING DEVELOPMENT FUND

Amend. program allocations within Housing Dev. Fund for 2015-16 Consolidated Comm. Dev. Plan, Tr. letter, 437, Pssd., 438

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS PROGRAM

Auth. agreements and approp. funds for Housing Opportunities for Persons with AIDS Program, Tr. letter, 194, Pssd., 196

Approp. funds, auth. amend. agreements and amend. 2016-17 Consolidated Comm. Dev. Plan for Housing Opportunities for Persons with AIDS, Tr. letter, 332, Pssd., 333

HUDSON AVENUE

Amend. Zoning Code map for multiple properties located on Hudson Ave., Merrimac St., Cleveland St. and Frederick St., Tr. letter, 362, Pssd., 363

HUNT ENGINEERS, ARCHITECTS & LAND SURVEYORS, P.C.

Auth. agreement with Hunt Engineers, Architects & Land Surveyors, P.C., for resident proj. representation svcs. and approp. funds for 2016 Preventive Maint. Group #2, Tr. letter, 248, Pssd., 249

HUNTINGTON PARK

L.I.O. - care and embellishment of street malls for 2016-2017, Tr. letter, 158, Pssd., 159

-I-

IBERO-AMERICAN ACTION LEAGUE, INC.

Auth. amend. agreements and approp. funds for Summer of Opportunity Program, Tr. letter, 221, Pssd., 222

Auth. agreements for Teenage Pregnancy Prevention Program, Tr. letter, 269, Pssd., 270

Auth. amend. agreements and funding for Federal Teenage Pregnancy Prevention Program, Tr. letter, 456, Pssd., 457

INDOOR PISTOL RANGE

Bond Ord. auth. issuance of \$158,000 Bonds to finance cost of design and constr. of replacement of HVAC system at City's Indoor Pistol

Range, Tr. letter, 79, Pssd., 80

INNER LOOP

Auth. and approp. funds for acq. of multiple parcels for use in Inner Loop East Redevelopment Proj., Tr. letter, 182, Pssd., 183

Auth. Consolidated Funding Grant applications and agreements, Tr. letter, 285, Pssd., 288

INSPECTION SERVICES

Auth. intermunicipal agreement with Monroe County for lead paint poisoning prevention inspection svcs., Tr. letter, 141, Pssd., 141

INSPECTOR GENERAL, OFFICE OF

L.L. amend. City Charter to establish Office of Inspector General, Tr. letter, 282, Held, 284

INSURANCE

Auth. agreement for Motor Vehicle Theft and Insurance Fraud Prevention Program and amend. 2015-16 Budget, Tr. letter, 52, Pssd., 53

Approp. Firefighters' Insurance Funds, Tr. letter, 56, Pssd., 57; Tr. letter, 468, Pssd., 469

Approp. from Insurance Reserve Fund, Tr. letter, 57, Pssd., 58

Establishing max. comp. for professional svcs. agreement for admin. of unemployment insurance claims, Tr. letter, 228, Pssd., 229

Auth. agreement for dental insurance, Tr. letter, 354, Pssd., 354

Auth. professional svcs. agreement for health insurance admin., Tr. letter, 357, Pssd., 358

Auth. agreement and funding for Motor Vehicle Theft and Insurance Fraud Prevention Program, Tr. letter, 425, Pssd., 425

Auth. agreement with MVP Health Care, Inc. for COBRA admin. svcs., Tr. letter, 428, Pssd., 429

INTERMUNICIPAL AGREEMENTS

Auth. intermunicipal agreement with Monroe County for parking signs, Tr. letter, 45, Pssd., 45

Auth. intermunicipal agreement with County of Monroe for funding of firearms instruction, Tr. letter, 84, Pssd., 84

Auth. intermunicipal agreement for Pathways to Peace Program, Tr. letter, 85, Held, 86

Auth. intermunicipal agreement with Roch. City School Dist., Tr. letter, 114, Pssd., 115

Auth. intermunicipal lease agreement with Monroe County for court room space in Hall of Justice, and County Public Safety Bldg., Tr. letter, 122, Pssd., 123

Auth. intermunicipal agreement with Monroe County for lead paint poisoning prevention inspection svcs., Tr. letter, 141, Pssd., 141

Amend. Ord. No. 2015-376 regarding STOP DWI Program, Tr. letter, 161, Pssd., 162

Auth. intermunicipal agreement with Village of Fairport for pesticide application to ash trees, Tr. letter, 216, Pssd., 216

Auth. intermunicipal agreement and approp. for Pathways to Peace Program, Tr. letter, 349, Pssd., 350

Auth. intermunicipal agreement with Monroe County for fiber assessment, Tr. letter, 357, Pssd., 357

Auth. amend. agreement with Town of

Brighton for continuation of primary fire assistance and first responder svcs. to West Brighton, Tr. letter, 390, Pssd., 391

Auth. intermunicipal agreements and funding for STOP DWI Program, Tr. letter, 425, Pssd., 426

Auth. agreement with County of Monroe for storage of explosives, Tr. letter, 460, Pssd., 460

Approp. funds and auth. agreements related to federal forfeited property revenues allocated to Police Dept., Tr. letter, 460, Pssd., 461

Auth. intermunicipal agreement with Monroe 2-Orleans BOCES for workforce education and skills dev. training, Tr. letter, 470, Pssd., 470

Auth. amend. intermunicipal agreement for Highland Park/Canalway Trail Improvements Proj., Tr. letter, 482, Pssd., 483

INTERNSHIPS

Auth. agreement with Friends of the GardenAerial, Inc. for youth internships at Public Mkt., Tr. letter, 162, Pssd., 162

INVEST HEALTH

Auth. grant agreement with The Reinvestment Fund for receipt and use of \$60,000 in conjunction with Invest Health program, Tr. letter, 197, Pssd., 197

-J-

JAY STREET

Amend. Zoning Code map for 1009-1011 Jay St., Tr. letter, 363, Pssd., 364

JENNIFER HOUSE

Auth. agreements and approp. funds for Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

JENNINGS, LAURENE

Approv. appointments and reappointments to Zoning Board of Appeals, Tr. letter, 197, Adpt., 198

JETTY AT THE PORT, THE

Auth. lease agreement for space in Port Terminal Bldg., Tr. letter, 94, Pssd., 95

JOB TRAINING

Auth. agreement for job skills training and landscape maint. in City parks and green spaces, Tr. letter, 115, Pssd., 116

Auth. agreement with Abundant Life Faith Ctr., Inc., for job training and placement program, Tr. letter, 150, Pssd., 151

Auth. agreement with North East Area Dev., Inc., Tr. letter, 151, Pssd., 151

Auth. agreement with Ctr. for Employment Opportunities, Inc., Tr. letter, 151, Pssd., 152

Auth. agreement with Baden St. Settlement, Inc., Tr. letter, 152, Pssd., 153

Auth. agreement for Environmental Workforce Dev. and Job Training Program grant and revision to Comprehensive Adolescent Pregnancy Prevention Program agreement, Tr. letter, 423, Pssd., 424

JOHNSON, C.H., CONSULTING INC.

Auth. amend. agreement for economic analysis of renovation options for Blue Cross Arena, Tr. letter, 135, Pssd., 136

JOHNSON, JERDINE L.

Reso. nominating var. persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 58, Held, 58, Adpt. 169

JONEINTZ, ROSEMARY

Approv. reappointments to Roch. Environmental Commission, Tr. letter, 200, Adpt., 200

JUAN & MARIA'S EMPANADA STOP, INC.

Auth. the leasing to vendors of modular replacement bldgs. and compensating vendors for removal of existing bldgs. related to Public Mkt. Winter Shed Renovation and Expansion Proj., Tr. letter, 271, Pssd., 273

JUSTICE ASSISTANCE GRANTS

Auth. agreements for 2016 Justice Assistance Grant program, Tr. letter, 310, Pssd., 310

-K-

KARIN, DANIEL B.

Reso. approv. appt. to Board of Trustees of Roch. Public Library, Tr. letter, 90, Adpt., 90

KILMAR STREET

Auth. geometric changes related to Kilmar St. Group reconstruction, rehab., and curb replacement, Tr. letter, 50, Pub. hear., 6, Pssd., 51

Auth. agreements and approp. funds for Kilmar St. Group Proj., Tr. letter, 375, Pssd., 377

Bond Ord. auth. issuance of \$165,000 Bonds to finance reconstruction of water svcs. along certain portions of Shady Lane related to 2016 Kilmar St. Group Reconstruction Proj., Tr. letter, 375, Pssd., 378

Auth. amend. agreement and amend. Official Map for Cobbs Hill Drive Reconstruction/Rehab. Proj. and auth. funding amend. for Kilmar St. Group Proj., Tr. letter, 410, Pssd., 412

KONOPKA, P.C.

Amend. Ord. No. 2015-128 related to Annual Parking Garage Evaluation and Repair Program, Tr. letter, 144, Pssd., 146

KUCHMAN, IAN

Approv. reappointments to Roch. Environmental Commission, Tr. letter, 200, Adpt., 200

-L-

LABELLA ASSOCIATES, D.P.C.

Auth. amend. agreement with LaBella Assoc., D.P.C. for Durand Eastman Beach utility improvements, Tr. letter, 253, Pssd., 254

Auth. amend. agreements and funding for Port Marina proj., Tr. letter, 254, Pssd., 255

Auth. receipt and use of funds and agreement related to Ctr., City Two-Way Conversion Proj. - Phase II, Tr. letter, 259, Pssd., 261

Auth. agreements and approp. funds for Driv-

ing Park Bridge Preventive Maint. Proj., Tr. letter, 340, Pssd., 342

Auth. agreement with LaBella Assoc., D.P.C., for Rundel Library Structural Terrace Improvements Phase IV Proj., Tr. letter, 415, Pssd., 415

Auth. amend. agreement with LaBella Assoc., D.P.C. for design and const. admin. svcs. for additional air handler replacements in City Hall, Tr. letter, 447, Pssd., 447

Amend. Ord. No. 2015-365 with respect to funding of agreement for Train Bridge Overlook Proj., Tr. letter, 484, Pssd., 486

LAFAYETTE PARK

L.I.O. - care and embellishment of street malls for 2016-2017, Tr. letter, 158, Pssd., 159

LAKE AVENUE

Auth. agreement with NYS Dept. of Transportation for snow removal, Tr. letter, 74, Pssd., 74

Auth. funding for Lake Ave. Improvement Proj., Tr. letter, 211, Pssd., 212

Auth. receipt and use of NYS Dept. of Transportation funds, Tr. letter, 380, Pssd., 381

LANDLORD/TENANT SERVICES

Auth. agreement and approp. funds for landlord/tenant svcs., Tr. letter, 188, Pssd., 188

LANDSCAPE MAINTENANCE

Auth. agreement for job skills training and landscape maint. in City parks and green spaces, Tr. letter, 115, Pssd., 116

LAW DEPARTMENT

Auth. amend. professional svcs. agreement for expert witness svcs. for Law Dept., Tr. letter, 92, Pssd., 93

LEAD AGENCY AGREEMENT

Auth. lead agency agreement between City Council and Mayor regarding environmental review, Tr. letter, 47, Pssd., 48

LEAD PAINT

Approp. funds and auth. agreements for 2016 Lead Hazard Control Grant Program, Tr. letter, 138, Pssd., 140

Auth. intermunicipal agreement with Monroe County for lead paint poisoning prevention inspection svcs., Tr. letter, 141, Pssd., 141

Auth. approp. of Comm. Dev. Block Grant funds and agreements for Targeted Housing Rehab. and Window Replacement programs, Tr. letter, 441, Pssd., 443

LEASE AGREEMENTS

Auth. lease for multi-purpose stadium parcels, Tr. letter, 6, Pssd., 7

Auth. lease with Bivona Child Advocacy Ctr. and receipt and approp. of Federal asset forfeiture funds for Roch. Police Dept., Tr. letter, 83, Pssd., 84

Auth. lease agreement with Hillside Family of Agencies, Tr. letter, 90, Pssd., 91

Auth. lease agreement for space in Port Terminal Bldg., Tr. letter, 94, Pssd., 95

Auth. lease agreement for space in Port Ter-

minal Bldg., Tr. letter, 95, Pssd., 96

Auth. intermunicipal lease agreement with Monroe County for court room space in Hall of Justice, and County Public Safety Bldg., Tr. letter, 122, Pssd., 123

Auth. sale of real estate and amendment to lease agreement auth. by Ord. No. 2016-68, Tr. letter, 136, Pssd., 137

Auth. lease agreement with State University of NY College at Brockport Roch. Educational Opportunity Ctr., Tr. letter, 228, Pssd., 228

Auth. the leasing to vendors of modular replacement bldgs. and compensating vendors for removal of existing bldgs. related to Public Mkt. Winter Shed Renovation and Expansion Proj., Tr. letter, 271, Pssd., 273

Auth. agreement for lease of space for Downtown District Svcs., Tr. letter, 325, Pssd., 326

Auth. lease agreement for Court St. Parking Garage, Tr. letter, 358, Pssd., 359

Auth. sale of real estate and amending lease, Tr. letter, 360, Pssd., 361

Auth. lease agreement with Alexander Realty LLC for Municipal Parking and Code Violations Bureau, Tr. letter, 480, Held, 480

LE FROIS STREET

Auth. geometric changes related to Kilmar St. Group reconstruction, rehab., and curb replacement, Tr. letter, 50, Pub. hear., 6, Pssd., 51

LEGAL AID SOCIETY OF ROCHESTER, NEW YORK

Auth. agreement and approp. funds for landlord/tenant svcs., Tr. letter, 188, Pssd., 188

LEGAL MED, LLC

Auth. professional svcs. agreement for expert witness svcs. for Law Dept., Tr. letter, 278, Pssd., 279

Auth. amend. agreement for expert witness svcs. for Law Dept., Tr. letter, 313, Pssd., 314

LEGAL SERVICES

Auth. amend. professional svcs. agreement for legal svcs., Tr. letter, 175, Pssd., 175

LENOX STREET

Auth. change in traffic flow on Lenox St., Tr. letter, 49, Pub. hear., 6, Pssd., 50

LIBRARIES

Reso. approv. reappointments to Roch. Public Library Board of Trustees, Tr. letter, 24, Adpt., 25

Reso. approv. appt. to Board of Trustees of Roch. Public Library, Tr. letter, 90, Adpt., 90

Auth. lease agreement with Hillside Family of Agencies, Tr. letter, 90, Pssd., 91

Amend. 2016-17 Budget of Library and accepting funds for library facility improvements, Tr. letter, 312, Pssd., 313

Amend. 2016-17 Budget of Library, Tr. letter, 389, Pssd., 389

Auth. agreement with LaBella Assoc., D.P.C., for Rundel Library Structural Terrace Improvements Phase IV Proj., Tr. letter, 415, Pssd., 415

Bond Ord. auth. issuance of \$3,457,000 Bonds to finance costs of Rundel Library Struc-

tural Terrace Improvements Phase IV, Tr. letter, 415, Pssd., 416

Auth. funding, amend. Budget and auth. amend. agreement for renovations and upgrades at Central Library, Tr. letter, 448, Pssd., 449

LICENSE AGREEMENT

Auth. amend. license agreement for use of space in Turning Point Park, Tr. letter, 408, Pssd., 409

LIFESPAN OF GREATER ROCHESTER, INC.

Auth. agreement and approp. funds for Aging in Place Home Modification Program, Tr. letter, 193, Pssd., 194

LIFETIME BENEFIT SOLUTIONS, INC

Auth. agreement with Lifetime Benefit Solutions, Inc. for admin. of Flexible Spending, Parking/Transit Reimbursement and Health Reimbursement Accounts, Tr. letter, 429, Pssd., 429

LIGHTFOOT, WILLIE JOE

Reso. nominating var. persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 58, Held, 58, Adpt. 169

LIMA, TOWN OF

Amend. Mun. Code with respect to wholesale water rates, Tr. letter, 216, Pssd., 216

LIN, T.Y., INTERNATIONAL ENGINEERING, ARCHITECTURE & LAND SURVEYING, P.C.

Auth. receipt and use of funds and an agreement related to Broad St. Bridge Preventive Maint. Proj., Tr. letter, 42, Pssd., 44

Amend. Ord. No. 2015-128 related to Annual Parking Garage Evaluation and Repair Program, Tr. letter, 144, Pssd., 146

Amend. Ord. No. 2015-128 with respect to agreement with T.Y. Lin Intl. Engineering, Architecture & Land Surveying, P.C. for Parking Garage Repair and Reconstruction Program, Tr. letter, 455, Pssd., 455

Auth. amend. agreement with T.Y. Lin Intl. for Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Proj., Tr. letter, 481, Pssd., 482

LINCOLN ALLIANCE BUILDING PROJECT

Auth. loan agreement for Lincoln Alliance Bldg. Proj. and amend. Ord. No. 2011-145, Tr. letter, 430, Pssd., 431

LINCOLN BRANCH LIBRARY

Auth. lease agreement with Hillside Family of Agencies, Tr. letter, 90, Pssd., 91

LINDLEY, CHRISTOPHER

Reso. approv. appt. to Board of Ethics, Tr. letter, 227, Adpt., 227

LITTLE THEATRE FILM SOCIETY, INC.

Reso. supporting Consolidated Funding Grant Application, Tr. letter, 289, Adpt., 289

LOAN AGREEMENTS

Amend. Ord. No. 2016-8 in relation to loan agreement to fund Sibley Bldg. Redevelopment - Phase I, Tr. letter, 319, Pssd., 322

Auth. loan agreement with Roch. Convention Ctr. Management Corp., Tr. letter, 398, Pssd., 399

Auth. funding, sale of real estate and loan agreement for Upper Falls Sq. affordable housing proj., Tr. letter, 405, Pssd., 406

Auth. loan agreement for Lincoln Alliance Bldg. Proj. and amend. Ord. No. 2011-145, Tr. letter, 430, Pssd., 431

LOCAL IMPROVEMENT ORDINANCES

1709 - L.I.O. - establishing cost of upgrading of street cleaning for East Ave./Alexander St. Entertainment Dist., Tr. letter, 97, Pssd., 97

1710 - Auth. special work and svcs. related to South Ave./Alexander St. Open Space Dist. LIO No. 1537, Tr. letter, 141, Pssd., 142

1711 - L.I.O. - establishing operating, installation and maint. costs of street lighting special assessment districts, Tr. letter, 155, Pssd., 156

1712 - Amend. L.I.O. No. 2012-1658, as last amended by Ord. No. 2015-75, to correct front footage and remove parcel in Browncroft Neighborhood Street Light Dist., Tr. letter, 157, Pssd., 157

1713 - L.I.O. - care and embellishment of street malls for 2016-2017, Tr. letter, 158, Pssd., 159

1714 - L.I.O. - establishing operating and maint. costs of special assessments for streetscape enhancements, Tr. letter, 159, Pssd., 160

1715 - Establishing cost of special work and svcs. related to Main St. improvements of Downtown Enhancement Dist., Tr. letter, 160, Pssd., 161

1716 - L.I.O. - snow removal at Public Mkt. for 2016-17, Tr. letter, 164, Pssd., 166

1717 - L.I.O. - security svcs. at Public Mkt. for 2016-17, Tr. letter, 164, Pssd., 166

1718 - L.I.O. - Establishing operating and maint. costs of neighborhood commercial and resi. parking areas, Tr. letter, 173, Pssd., 174

1719 - L.I.O. establishing cost of assessments related to High Falls Business Improvement Dist. and auth. agreement, Tr. letter, 183, Pssd., 183

1720 - L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2016 and expiring June 30, 2017, Tr. letter, 232, Pub. hear., 225, Pssd., 237

LOCAL INITIATIVES SUPPORT CORPORATION

Auth. grant agreement and funding for Zombi and Vacant Property Remediation and Prevention Initiative, Tr. letter, 440, Pssd., 441

LOCAL LAWS

2 - Amend. Section 5-6 of the City Charter with regard to meetings, Tr. letter, 8, Pssd., 8

3 - L.L. amend. Section 6-33 of City Charter with regard to competition of purchases and sales, Tr. letter, 11, Pssd., 3

4 - Amend. City Charter with respect to parking permits for handicapped residents, Tr. letter, 177, Pssd., 178

5 - Amend. City Charter with respect to responsibilities for City facilities, Tr. letter, 232, Pssd., 238

L.L. amend. City Charter to establish Office of Inspector General, Tr. letter, 282, Held, 284

6 - Amend. Local Law 6-2014 with respect to owner liability for failure of motor vehicle operator to comply with traffic-control indications, Tr. letter, 466, Pssd., 467

LOGICAL OPERATIONS INC.

Auth. agreement with New Horizons Computer Learning Ctr. of Metropolitan NY, Inc. at Logical Operations Inc. for computer training classes, Tr. letter, 467, Pssd., 468

LOLLYPOP FARM

Establishing max. comp. and approp. funds for veterinary svcs., Tr. letter, 268, Pssd., 268

LOVENHEIM, JOHN

Reso. approv. reappointments to Roch. Public Library Board of Trustees, Tr. letter, 24, Adpt., 25

LU ENGINEERS

Amend. funding for Durand Eastman Beach Outfall and Durand Eastman Utilities and Site Improvement projects, Tr. letter, 107, Pssd., 108

Auth. professional svcs. agreement with Joseph C. Lu Engineering and Land Surveying, P.C., for term resident proj. representation svcs. for City right-of-way permit constr., Tr. letter, 217, Pssd., 217

Auth. agreement with Joseph C. Lu Engineering and Land Surveying, P.C. for resident proj. representation svcs. for Cornerstone Park Improvement Proj., Tr. letter, 344, Pssd., 345

LUNDY'S LANE

Amend. Official Map by abandonment of portion of Lundy's Lane, Tr. letter, 484, Pub. hear., 463, Pssd., 484

LYELL AVENUE PARKING LOT

L.I.O. - Establishing operating and maint. costs of neighborhood commercial and resi. parking areas, Tr. letter, 173, Pssd., 174

LYON, MARTHA, LANDSCAPE ARCHITECTURE, LLC

Auth. agreement with Martha Lyon Landscape Architecture, LLC to pursue designation of Mt. Hope Cemetery to Natl. Register of Historic Places, Tr. letter, 258, Pssd., 259

-M-

MVP HEALTH CARE, INC.

Auth. agreement with MVP Health Care, Inc. for COBRA admin. svcs., Tr. letter, 428, Pssd., 429

MVP SELECT CARE, INC.

Auth. professional svcs. agreement for health insurance admin., Tr. letter, 357, Pssd., 358

MADDIE'S FUND

Auth. agreement and funding for Animal Svcs. innovation program, Tr. letter, 489, Pssd., 490

MAGELLAN ADVISORS LLC

Auth. intermunicipal agreement with Monroe County for fiber assessment, Tr. letter, 357, Pssd., 357

MAIN STREET

Establishing cost of special work and svcs. related to Main St. improvements of Downtown Enhancement Dist., Tr. letter, 160, Pssd., 161

MAIN STREET STREETScape AND PEDESTRIAN WAYFINDING ENHANCEMENT PROJECT

Amend. source of funds approp. in Ord. No. 2015-196 for Main St. Streetscape and Pedestrian Wayfinding Enhancement Proj., Tr. letter, 215, Pssd., 216

Auth. agreements and approp. funds for Main St. Streetscape and Pedestrian Wayfinding Enhancement Proj., Tr. letter, 449, Pssd., 450

Auth. amend. agreement related to Main St. Streetscape Wayfinding Enhancement proj., Tr. letter, 486, Pssd., 488

MAINTENANCE SERVICES

Auth. agreement with High Falls Dev. Corp., Tr. letter, 111, Pssd., 111

Auth. agreement for job skills training and landscape maint. in City parks and green spaces, Tr. letter, 115, Pssd., 116

MARASCO, PAUL A., ESQ.

Agreement for hearing officer svcs. for administrative nuisance abatement hearings, Tr. letter, 36, Pssd., 36

MARKET DRIVEN COMMUNITY COOPERATIVE

Auth. agreement with Democracy Collaborative for consulting svcs., Tr. letter, 96, Pssd., 97

Auth. Consolidated Funding Grant applications and agreements, Tr. letter, 285, Pssd., 288

MARKETVIEW HEIGHTS

Auth. Consolidated Funding Grant applications and agreements, Tr. letter, 285, Pssd., 288

Amend. program allocations within Housing Dev. Fund for 2015-16 Consolidated Comm. Dev. Plan, Tr. letter, 437, Pssd., 438

MARLIN, EUGENIO

Approv. appts. and reappointments to City Planning Commission, Tr. letter, 199, Adpt., 199

MARTHA LYON LANDSCAPE ARCHITECTURE, LLC

Auth. agreement with Martha Lyon Landscape Architecture, LLC to pursue designation of Mt. Hope Cemetery to Natl. Register of Historic Places, Tr. letter, 258, Pssd., 259

MARTINEZ, MARC A., PHD, ABPP, CLINICAL AND FORENSIC PSYCHOLOGY SERVICES, PLLC

Auth. amend. professional svcs. agreement for

expert witness svcs. for Law Dept., Tr. letter, 92, Pssd., 93

MASON, MICHAEL L.

Reso. nominating var. persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 58, Held, 59, Adpt., 169

MATTHEWS, DAVID

Approv. appts. and reappointments to Roch. Preservation Board, Tr. letter, 200, Approv., 201

MAYER, BONITA HELEN

Approv. appts. and reappointments to Roch. Preservation Board, Tr. letter, 200, Approv., 201

MAYER, SUZANNE

Approv. appts. and reappointments to City Planning Commission, Tr. letter, 199, Adpt., 199

MAYOR, COMMUNICATIONS FROM

Administrative cancellation or refund of erroneous taxes and charges, 6; 56; 86; 225; 352; 386; 426; 463

Quarterly Report - NBD loans and grants, 6; 311

Quarterly Report - Delinquent receivables, 6; 116; 167; 311; 386

Public Disclosure - HOME Participation, 56; 86; 116; 167

Quarterly Report - Schedule of Revenue and Expenditures, 86; 386

Public Disclosure - CDBG Participation, 86; 352

Semiannual Report - COMIDA PILOTS and tax abatements for period ending August 2016; 311

MCDONALD, WILLIAM P.

Reso. nominating var. persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 58, Held, 59, Adpt., 169

MCFADDEN, ADAM C., COUNCILMEMBER

Negative vote, Ord. No. 2016-17, Pssd., 40; Ord. No. 2016-62, Pssd., 90; Ord. No. 2016-292, Pssd., 358

Motion to discharge from Committee, Int. No. 40, Adpt., 54; Int. No. 42, Adpt., 55

Motion to amend, Int. No. 145, Adpt., 162; Int. No. 143, Adpt., 267; Int. No. 326, Adpt., 351

Disclosure of Interest form submitted, 225; 312

Petition presented with 28 signatures regarding amending Roch. Zoning Code, 312

Amend. Chapter 63 of Mun. Code with regard to housing discrimination on basis of income, Tr. letter, 317, Held, 319

Petition with 236 signatures regarding Zoning Code and moratorium for Mt. Hope Cemetery, presented by Councilmember McFadden, 352

Auth. agreement with United Negro College Funds, Inc., Tr. letter, 461, Pssd., 462

MCLEAR, BRUCE

Approv. appts. and reappointments to Roch.

Preservation Board, Tr. letter, 200, Approv., 201

MCMULLEN, LEIGH

Approv. reappointments to Roch. Environmental Commission, Tr. letter, 200, Adpt., 200

MENTORING

Auth. memorandum of agreement with Roch. City School Dist., Tr. letter, 220, Pssd., 220

MERCADO, CARLOS

Reso. approv. appts. to Board of Assessment Review, Tr. letter, 472, Adpt., 472

MERCY COMMUNITY SERVICES, INC.

Auth. agreements and approp. funds for Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

MERRIMAC STREET

Amend. Zoning Code map for multiple properties located on Hudson Ave., Merrimac St., Cleveland St. and Frederick St., Tr. letter, 362, Pssd., 363

Amend. Zoning Code map for 128 Merrimac St., and 15 Wadsworth St., Tr. letter, 368, Pssd., 369

METRO APPRAISAL ASSOCIATES

Auth. agreements for appraisal and real estate-related svcs. for Dept. of Neighborhood and Business Dev., Tr. letter, 243, Pssd., 244

METRO COUNCIL FOR TEEN POTENTIAL

Auth. amend. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 350, Pssd., 351

Auth. agreement for Environmental Workforce Dev. and Job Training Program grant and revision to Comprehensive Adolescent Pregnancy Prevention Program agreement, Tr. letter, 423, Pssd., 424

MIDLAND APPRAISAL ASSOCIATES, INC.

Auth. agreements for appraisal and real estate-related svcs. for Dept. of Neighborhood and Business Dev., Tr. letter, 243, Pssd., 244

Auth. professional svcs. agreements for appraisal and real estate svcs., Tr. letter, 276, Pssd., 276

MIDTOWN PARKING GARAGE

Auth. sale of Midtown Parking Garage and Midtown Lot 7 to further Midtown Urban Renewal Plan, Tr. letter, 431, Pub. hear., 432, Pssd., 433

MIDTOWN URBAN RENEWAL PLAN

Auth. sale of Midtown Parking Garage and Midtown Lot 7 to further Midtown Urban Renewal Plan, Tr. letter, 431, Pub. hear., 432, Pssd., 433

MILAN STREET

Auth. geometric changes related to Kilmar St. Group reconstruction, rehab., and curb replacement, Tr. letter, 50, Pub. hear., 6, Pssd., 51

MILLER, DANA K., COUNCIL VICE PRESIDENT

Reso. for nomination and selection of Vice President of Roch. City Council, Adpt., 1

Disclosure of interest form submitted, 86; 117; 225; 275; 312; 386

Abstention, Ord. No. 2016-74, Pssd., 103; Ord. No. 2016-102, Pssd., 140; Ord. No. 2016-190, Pssd., 243; Ord. No. 2016-281, Pssd., 349; Motion to discharge Int. No. 321 from Committee, Adpt., 359; Ord. No. 2016-294, Pssd., 359; Ord. No. 2016-330, Pssd., 402

Presentation of petition with 14,665 signatures of persons against casino gambling, 275

Motion to discharge from Committee, Int. No. 321, Adpt., 359

MOM'S MARGIOS DINER

Auth. lease agreement for space in Port Terminal Bldg., Tr. letter, 95, Pssd., 96

Auth. sale of real estate and amendment to lease agreement auth. by Ord. No. 2016-68, Tr. letter, 136, Pssd., 137

Auth. sale of real estate and amending lease, Tr. letter, 360, Pssd., 361

MONROE 2 - ORLEANS BOCES

Auth. intermunicipal agreement with Monroe 2-Orleans BOCES for workforce education and skills dev. training, Tr. letter, 470, Pssd., 470

MONROE BARRIE CORP.

Auth. amend. agreements and approp. additional funds for real estate appraisal svcs., Tr. letter, 59, Pssd., 60

Auth. agreements for appraisal and real estate-related svcs. for Dept. of Neighborhood and Business Dev., Tr. letter, 243, Pssd., 244

MONROE COMMUNITY COLLEGE

Auth. professional svcs. agreement with Monroe Comm. College for Police Recruit Education Proj., Tr. letter, 311, Pssd., 311

MONROE COUNTY

Auth. intermunicipal agreement with Monroe County for parking signs, Tr. letter, 45, Pssd., 45

Auth. intermunicipal agreement with County of Monroe for funding of firearms instruction, Tr. letter, 84, Pssd., 84

Auth. intermunicipal lease agreement with Monroe County for court room space in Hall of Justice, and County Public Safety Bldg., Tr. letter, 122, Pssd., 123

Auth. intermunicipal agreement with Monroe County for lead paint poisoning prevention inspection svcs., Tr. letter, 141, Pssd., 141

Amend. Ord. No. 2015-376 regarding STOP DWI Program, Tr. letter, 161, Pssd., 162

Auth. agreement with Monroe County Dept. of Public Health for Tobacco Compliance Grant Program, Tr. letter, 218, Pssd., 219

Auth. agreement with Monroe County for funding of youth rec. and youth dev. programming, Tr. letter, 307, Pssd., 308

Auth. agreements for 2016 Justice Assistance Grant program, Tr. letter, 310, Pssd., 310

Auth. intermunicipal agreement with Monroe County for fiber assessment, Tr. letter, 357,

Pssd., 357

Auth. intermunicipal agreements and funding for STOP DWI Program, Tr. letter, 425, Pssd., 426

Auth. agreement with County of Monroe for storage of explosives, Tr. letter, 460, Pssd., 460

Approp. funds and auth. agreements related to federal forfeited property revenues allocated to Police Dept., Tr. letter, 460, Pssd., 461

MONROE COUNTY BROADCASTING COMPANY, LIMITED

Establishing max. comp. for agreement for Step Jam, Tr. letter, 462, Pssd., 463

MONROE COUNTY SWIFT, CERTAIN AND FAIR PROGRAM

Approp. funds and auth. agreements related to federal forfeited property revenues allocated to Police Dept., Tr. letter, 460, Pssd., 461

MONROE COUNTY WATER AUTHORITY

Auth. agreement with Monroe County Water Auth. to provide potable water to Durand Eastman Beach, Tr. letter, 258, Pssd., 258

MONROE/OXFORD PARKING LOT

L.I.O. - Establishing operating and maint. costs of neighborhood commercial and resi. parking areas, Tr. letter, 173, Pssd., 174

MONROE VETERINARY ASSOCIATES

Establishing max. comp. and approp. funds for veterinary svcs., Tr. letter, 268, Pssd., 268

Approp. funds and auth. amend. agreement for veterinary svcs., Tr. letter, 456, Pssd., 456

MONROE VETERINARY SERVICES

Auth. amend. agreement for veterinary svcs., Tr. letter, 84, Pssd., 85

MORALES, MARCIAL, JR.

Reso. approv. appt. to Zoning Board of Appeals, Tr. letter, 105, Held, 106

Approv. appointments and reappointments to Zoning Board of Appeals, Tr. letter, 197, Adpt., 198

MORGAN COURT STREET APARTMENTS, LLC

Auth. agreements and funding and conveying and modifying easements for Promenade at Erie Harbor Park, Tr. letter, 262, Held, 266, Pssd., 296

MORGAN MANAGEMENT, LLC

Auth. sale of Midtown Parking Garage and Midtown Lot 7 to further Midtown Urban Renewal Plan, Tr. letter, 431, Pub. hear., 432, Pssd., 433

MORRIE SILVER WAY

Bond Ord. auth. issuance of \$650,000 Bonds to finance reconstruction of certain portions of N. Goodman St., E. Main St., Allen, Brown and Wilder Streets and Morrie Silver Way related to 2016 Preventive Maint., Group #3 proj., Tr. letter, 337, Pssd., 340

MORTIMER STREET GARAGE

Amend. Mun. Code with respect to parking rates, Tr. letter, 232, Pssd., 239
 Amend. Mun. Code with respect to parking rates, Tr. letter, 389, Pssd., 390

MOTOR VEHICLE THEFT AND INSURANCE FRAUD PREVENTION PROGRAM

Auth. agreement for Motor Vehicle Theft and Insurance Fraud Prevention Program and amend. 2015-16 Budget, Tr. letter, 52, Pssd., 53
 Auth. agreement and funding for Motor Vehicle Theft and Insurance Fraud Prevention Program, Tr. letter, 425, Pssd., 425

MT. HOPE AVENUE

Auth. amend. professional svcs. agreement for Mt. Hope Ave. Phase 2 Improvements proj., Tr. letter, 303, Pssd., 304
 Auth. amend. professional svcs. agreement and approp. funds for Mt. Hope Ave. Phase 2 Improvements, Tr. letter, 335, Pssd., 336

MT. HOPE AVENUE PARKING LOT

L.I.O. - Establishing operating and maint. costs of neighborhood commercial and resi. parking areas, Tr. letter, 173, Pssd., 174

MT. HOPE CEMETERY

Auth. agreement with Martha Lyon Landscape Architecture, LLC to pursue designation of Mt. Hope Cemetery to Natl. Register of Historic Places, Tr. letter, 258, Pssd., 259

MT. HOPE STREETSCAPE ENHANCEMENT DISTRICT

L.I.O. - establishing operating and maint. costs of special assessments for streetscape enhancements, Tr. letter, 159, Pssd., 160

MOVE MANAGEMENT SERVICES

Auth. agreement with Vargas Assoc., Inc. for move management term svcs., Tr. letter, 71, Pssd., 71

MUNICIPAL.COM, INC.

Auth. agreements for auctioneer svcs., Tr. letter, 9, Pssd., 11

MUNICIPAL CODE

Amend. Chapter 8A of Mun. Code as it relates to purchasing and property management, Tr. letter, 11, Pssd., 24
 Amend. Chapter 79 of Mun. Code as it relates to Dogs and Other Animals in Parks, Tr. letter, 112, Pssd., 112
 Amend. Chapter 56 of Mun. Code with regard to Flood Damage Prevention, Tr. letter, 112, Pssd., 114
 Amend. Chapter 62 of Mun. Code with regard to commercial travelers, solicitors and special events, Tr. letter, 123, Pssd., 132
 Amend. Chapter 60 and 68 of Mun. Code with regard to food vending, Tr. letter, 123, Pssd., 133
 Amend. Mun. Code Chapter 111, Vehicle and Traffic, to remove fee for replacement handicapped parking permit, Tr. letter, 134, Pssd., 135
 Amend. Mun. Code Chapter 111, Vehicle and

Traffic, with regard to parking permits for handicapped residents and for Corn Hill Neighborhood, Tr. letter, 177, Pssd., 178

Amend. Chapter 111 of Mun. Code with regard to Vehicle and Traffic, Tr. letter, 179, Pssd., 180

Amend. Mun. Code with respect to wholesale water rate, Tr. letter, 216, Pssd., 216

Amend. Mun. Code with respect to parking rates, Tr. letter, 232, Pssd., 239

Amend. Mun. Code with respect to water rates, Tr. letter, 232, Pssd., 239

Amend. Chapter 63 of Mun. Code with regard to housing discrimination on basis of income, Tr. letter, 317, Held, 319

Amend. Chapter 120 of Mun. Code with respect to restaurants, bars and accessory outdoor seating and assembly areas in C-1 Neighborhood Center zoning dist., Tr. letter, 324, Pssd., 325

Amend. Zoning Code, Chapter 120 of Mun. Code with regard to retail sales and service, Tr. letter, 326, Pssd., 332

Amend. Chapter 90 of Mun. Code with respect to retail sales, Tr. letter, 326, Pssd., 332

Amend. Mun. Code with respect to parking lots, Tr. letter, 333, Pssd., 334

Amend. Zoning Code, Chapter 120 of Mun. Code, with regard to retail sales and service in M-1 Industrial dist., Tr. letter, 367, Pssd., 368

Amend. Mun. Code with respect to parking rates, Tr. letter, 389, Pssd., 390

Amend. Chapters 60, 13A and 120 of Mun. Code with regard to food truck, food trailer and food cart vending, Tr. letter, 391, Pssd., 398

Auth. agreement for Public Bikeshare System and amend. Chapter 35 of Mun. Code with respect to advertisements at System stations, Tr. letter, 421, Pssd., 422

MUNICIPAL CODE VIOLATIONS

Auth. agreement with EOS CCA for collection of unpaid parking and mun. code violations, Tr. letter, 170, Pssd., 171

MUNICIPAL EMERGENCY SERVICES INC.

Auth. agreement related to body worn cameras, Tr. letter, 54, Pssd., 55

MUNICIPAL PARKING AND CODE VIOLATIONS BUREAU

Auth. lease agreement with Alexander Realty LLC for Municipal Parking and Code Violations Bureau, Tr. letter, 480, Held, 480

MUNICIPAL RIGHT-OF-WAY AND TELECOMMUNICATIONS PROJECT

Auth. agreement with CHA Consulting, Inc. for Mun. Right-of-Way and Telecommunications Proj., Tr. letter, 445, Pssd., 446

MURAL ARTS PROJECT

Approp. for Mural Arts Proj., Tr. letter, 347, Pssd., 348

MUSIC

Establishing max. comp. for professional svcs. agreement for ticket sales and box office management of City-produced events, Tr. letter, 87,

Pssd., 87
 Auth. agreement with Roch. Philharmonic Orchestra for public concerts, Tr. letter, 118, Pssd., 119
 Auth. amendatory agreement with 2Strive Media, Inc. to increase max. comp. for booking and production svcs. for 2016 Roch. SummerFest, Tr. letter, 174, Pssd., 175
 Auth. agreement for 2017 Roch. SummerFest, Tr. letter, 390, Pssd., 390

-N-

NCS COMMUNITY DEVELOPMENT CORP.
 Auth. funding and amendments to service agreements for Emergency Solutions Grant program for homeless, Tr. letter, 32, Pssd., 33

NATIONAL REGISTER OF HISTORIC PLACES
 Auth. agreement with Martha Lyon Landscape Architecture, LLC to pursue designation of Mt. Hope Cemetery to Natl. Register of Historic Places, Tr. letter, 258, Pssd., 259

NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE
 Reports of, 30; 60; 98; 136; 183; 241; 290; 322; 359; 399; 433; 474

NEIGHBORHOOD CENTER ZONING DISTRICT
 Amend. Chapter 120 of Mun. Code with respect to restaurants, bars and accessory outdoor seating and assembly areas in C-1 Neighborhood Center zoning dist., Tr. letter, 324, Pssd., 325

NEIGHBORHOOD HOUSING SERVICES OF ROCHESTER, INC.
 Approp. funds and auth. agreements for 2016 Lead Hazard Control Grant Program, Tr. letter, 138, Pssd., 140

NEIGHBORWORKS ROCHESTER
 Approp. funds and auth. agreements for 2016 Lead Hazard Control Grant Program, Tr. letter, 138, Pssd., 140
 Auth. agreements and approp. funds for Homebuyer Training Program, Tr. letter, 192, Pssd., 193

NEW HORIZONS COMPUTER LEARNING CENTER OF METROPOLITAN NEW YORK, INC.
 Auth. agreement with New Horizons Computer Learning Ctr. of Metropolitan NY, Inc. at Logical Operations Inc. for computer training classes, Tr. letter, 467, Pssd., 468

NEW YORK STATE ARCHIVES
 Auth. grant agreement with NYS Archives, Tr. letter, 354, Pssd., 355

NEW YORK STATE DEPARTMENT OF EDUCATION
 Auth. agreements for Summer Food Service Program, Tr. letter, 162, Pssd., 163
 Auth. agreements and approp. funds related to

Roch. After School Academy program, Tr. letter, 306, Pssd., 307
 Amend. 2016-17 Budget of Library and accepting funds for library facility improvements, Tr. letter, 312, Pssd., 313
 Auth. funding, amend. Budget and auth. amend. agreement for renovations and upgrades at Central Library, Tr. letter, 448, Pssd., 449

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 Auth. agreement and approp. funds related to environmental restoration program at 354 Whitney St. and 415 Orchard St., Tr. letter, 47, Pssd., 47

NEW YORK STATE DEPARTMENT OF HEALTH
 Auth. grant agreement and funding for drinking water fluoridation system, Tr. letter, 410, Pssd., 410

NEW YORK STATE DEPARTMENT OF TRANSPORTATION
 Auth. receipt and use of funds and an agreement related to Broad St. Bridge Preventive Maint. Proj., Tr. letter, 42, Pssd., 44
 Auth. agreement with NYS Dept. of Transportation for snow removal, Tr. letter, 74, Pssd., 74
 Auth. receipt and use of NYS Dept. of Transportation funds, Tr. letter, 380, Pssd., 381
 Auth. acceptance of easements, Tr. letter, 475, Pssd., 476

NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
 Auth. agreements for 2016-17 Gun Involved Violence Elimination Program, Tr. letter, 223, Held, 223, Pssd., 268
 Auth. grant agreements and funding for Roch. Police Dept. violence prevention and community policing programs, Tr. letter, 424, Pssd., 425
 Auth. agreement and funding for Motor Vehicle Theft and Insurance Fraud Prevention Program, Tr. letter, 425, Pssd., 425

NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES
 Auth. agreement for Tactical Team Grant, Tr. letter, 52, Pssd., 52
 Auth. loaned use of foam trailer and equipment for fire suppression, Tr. letter, 53, Pssd., 54
 Auth. agreement with NYS Div. of Homeland Security and Emergency Svcs., Tr. letter, 268, Pssd., 269
 Auth. grant agreement for 2016 State Homeland Security Program, Tr. letter, 274, Pssd., 274
 Auth. agreement for Bomb Squad Initiative grant, Tr. letter, 488, Pssd., 489

NEW YORK STATE GOVERNOR'S TRAFFIC SAFETY COMMITTEE
 Auth. agreement and funding for Child Passenger Safety Program, Tr. letter, 383, Pssd., 384

NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES

Auth. agreement for Flower City AmeriCorps Program, Tr. letter, 382, Pssd., 383

NEW YORK STATE OFFICE OF VICTIM SERVICES

Auth. grant agreement with NYS Office of Victim Svs., Tr. letter, 269, Pssd., 269

NEW YORK STATE PIT BRIDGE INITIATIVE

Auth. receipt and use of funds and an agreement related to Broad St. Bridge Preventive Maint. Proj., Tr. letter, 42, Pssd., 44

NEW YORK STATE URBAN DEVELOPMENT CORPORATION

Auth. appl. and agreement for grant under Round 4 of Restore NY Communities Initiative, Tr. letter, 364, Pssd., 365

NICHOLS STREET PARKING LOT

Auth. acceptance of real estate by donation, Tr. letter, 35, Pssd., 36

NIELSEN HOUSE

Auth. agreements and approp. funds for Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

NINETEENTH WARD COMMUNITY ASSOCIATION OF ROCHESTER, NEW YORK, INC.

Amend. Ord. No. 2014-375 regarding agreement for assistance to complete Bull's Head Brownfield Opportunity Area Nomination Study, Tr. letter, 246, Pssd., 247

Auth. agreements for 2016-17 Street Liaison Program, Tr. letter, 322, Held, 322, Pssd., 359

NORTH EAST AREA DEVELOPMENT, INC.

Auth. funding and amendments to service agreements for Emergency Solutions Grant program for homeless, Tr. letter, 32, Pssd., 33

Auth. agreement with North East Area Dev., Inc., Tr. letter, 151, Pssd., 151

Auth. amend. agreements and approp. funds for Summer of Opportunity Program, Tr. letter, 221, Pssd., 222

NORTH GOODMAN STREET

Bond Ord. auth. issuance of \$650,000 Bonds to finance reconstruction of certain portions of N. Goodman St., E. Main St., Allen, Brown and Wilder Streets and Morrie Silver Way related to 2016 Preventive Maint., Group #3 proj., Tr. letter, 337, Pssd., 340

NORTH STREET

L.I.O. - Establishing operating and maint. costs of neighborhood commercial and resi. parking areas, Tr. letter, 173, Pssd., 174

NORTH WINTON ROAD

Bond Ord. auth. issuance of \$261,000 Bonds to finance acq. and installation of street lighting upgrades along certain portions of Winton Rd. North, Robinson Dr., and Reservoir Ave., Tr.

letter, 416, Pssd., 418

Auth. amend. agreement with Erdman, Anthony and Assoc., Inc. related to 2015 Preventive Maint. Group #2 Proj. (East/N & S Winton/University/Portland), Tr. letter, 483, Pssd., 484

NORTON STREET URBAN RENEWAL STREETScape ENHANCEMENT DISTRICT

L.I.O. - establishing operating and maint. costs of special assessments for streetscape enhancements, Tr. letter, 159, Pssd., 160

NUISANCE ABATEMENT

Agreement for hearing officer svcs. for administrative nuisance abatement hearings, Tr. letter, 36, Pssd., 36

Auth. agreement for review of Nuisance Abatement Ordinance, Tr. letter, 40, Pssd., 40

Auth. amend. agreement for review of Nuisance Abatement Ord., Tr. letter, 400, Pssd., 400

NUNDA BOULEVARD

L.I.O. - care and embellishment of street malls for 2016-2017, Tr. letter, 158, Pssd., 159

-O-

O'BRIEN & GERE ENGINEERS, INC.

Bond Ord. amend. Ord. No. 2014-254 by auth. issuance of additional \$150,000 Bonds to finance professional svcs. agreement with O'Brien & Gere for remedial investigation svcs. relating to contamination of Vacuum Oil site in the City, Tr. letter, 373, Pssd., 375

O'DONNELL, JOSEPH

Approv. appointments and reappointments to Zoning Board of Appeals, Tr. letter, 197, Adpt., 198

OFFICIAL MAP

Amend. Official Map by dedicating Celebration Dr., Tr. letter, 51, Pub. hear., 6, Pssd., 51

Auth. acq. of 360 Webster Ave., amend. of Official Map, and amend. agreement with C&S Engineers, Inc., to provide additional right-of-way acq. svcs., Tr. letter, 210, Pssd., 211

Amend. Official Map by dedicating permanent easements to street purposes for Dewey Ave. and Driving Park Intersection Realignment Proj., Tr. letter, 342, Pssd., 345

Auth. amend. agreement and amend. Official Map for Cobbs Hill Drive Reconstruction/Rehab. Proj. and auth. funding amend. for Kilmar St. Group Proj., Tr. letter, 410, Pssd., 412

Amend. Official Map by abandonment of portion of Lundy's Lane, Tr. letter, 484, Pub. hear., 463, Pssd., 484

OFFICIAL NEWSPAPERS

Designating Official Newspapers of City for Roch. for Years 2016-17, Pssd., 5

O'NEILL, PATRICK

Approv. appointments and reappointments to Zoning Board of Appeals, Tr. letter, 197, Adpt.,

198

ONTARIO BEACH PARK

Auth. amend. agreement with Architectura, P.C. for architectural and engineering svcs., Tr. letter, 450, Pssd., 450

OPEN SPACE DISTRICTS

Auth. special work and svcs. related to South Ave./Alexander St. Open Space Dist. LIO No. 1537, Tr. letter, 141, Pssd., 142

OPERATION TRANSFORMATION ROCHESTER

Auth. amend. agreement with Aeon Nexus Corp. to implement Customer Relationship Management solution for Operation Transformation Roch. Adult Employment Svcs., Tr. letter, 470, Pssd., 471

OPTIMIZATION TECHNOLOGY, INC.

Auth. agreements with Optimization Technology, Inc. related to automation controls at Hemlock Lake Water Filtration Plant, Tr. letter, 154, Pssd., 155

ORCHARD STREET

Auth. agreement and approp. funds related to environmental restoration program at 354 Whitney St. and 415 Orchard St., Tr. letter, 47, Pssd., 47

ORCHARD-WHITNEY REDEVELOPMENT

Approp. funds and auth. agreement with Vita Nuova, LLC related to Orchard-Whitney Redevelopment Feasibility Study, Tr. letter, 74, Pssd., 75

ORDINANCES AMENDED

Amend. Ord. No. 2013-281 relating to agreements for Phase 3 Exterior and Security Rehab. Program for Owner-Occupants, Tr. letter, 34, Pssd., 35

Auth. amend. agreements and approp. additional funds for real estate appraisal svcs., Tr. letter, 59, Pssd., 60

Bond Ord. amend. Ord. No. 2015-395 and auth. issuance of \$300,000 Bonds to finance certain costs of 2016 Annual Parking Evaluation and Repair Program, Tr. letter, 144, Pssd., 146

Amend. Ord. No. 2015-128 related to Annual Parking Garage Evaluation and Repair Program, Tr. letter, 144, Pssd., 146

Amend. Ord. No. 2015-376 regarding STOP DWI Program, Tr. letter, 161, Pssd., 162

Amend. Ord. No. 2014-375 regarding agreement for assistance to complete Bull's Head Brownfield Opportunity Area Nomination Study, Tr. letter, 246, Pssd., 247

Amend. Ord. No. 2016-8 in relation to loan agreement to fund Sibley Bldg. Redevelopment - Phase I, Tr. letter, 319, Pssd., 322

Approp. funds for smoke and carbon monoxide detectors and amend. budget approp. of State Homeland Security Program funds, Tr. letter, 347, Pssd. 347

Approp. for Mural Arts Proj., Tr. letter, 347, Pssd., 348

Bond Ord. amend. Ord. No. 2014-254 by

auth. issuance of additional \$150,000 Bonds to finance professional svcs. agreement with O'Brien & Gere for remedial investigation svcs. relating to contamination of Vacuum Oil site in the City, Tr. letter, 373, Pssd., 375

Auth. funding and agreements for Science, Technology, Engineering, Arts and Mathematics (STEAM) proj., Tr. letter, 385, Pssd., 386

Amend. Ord. No. 2016-157 to specify portions of Webster Ave. properties to be acquired and dedicated as public right-of-way, Tr. letter, 418, Pssd., 419

Auth. loan agreement for Lincoln Alliance Bldg. Proj. and amend. Ord. No. 2011-145, Tr. letter, 430, Pssd., 431

Amend. Ord. No. 2016-313 with respect to grant for purchase of alternative fuel vehicles, Tr. letter, 444, Pssd., 445

Amend. Ord. No. 2015-128 with respect to agreement with T.Y. Lin Intl. Engineering, Architecture & Land Survey, P.C. for Parking Garage Repair and Reconstruction Program, Tr. letter, 455, Pssd., 455

Auth. agreements and approp. funds for Emergency Solutions Grant Program and amend. Ord. Nos. 2016-362 and 2016-363 with respect to Emergency Assistance Repair Program, Tr. letter, 478, Pssd., 479

Amend. Ord. No. 2015-365 with respect to funding of agreement for Train Bridge Overlook Proj., Tr. letter, 484, Pssd., 486

Amend. Ord. No. 2016-284 with respect to agreement for relocation of loading docks related to Public Mkt. Winter Shed Renovation and Expansion Proj., Tr. letter, 490, Pssd., 490

ORTIZ, JACKLYN, COUNCILMEMBER

Motion to discharge from Committee, Int. No. 17, Adpt., 40; Int. No. 91, Adpt., 105; Int. No. 117, Adpt., 141; Int. No. 339, Adpt., 368

Motion to amend, Int. No. 17, Adpt., 40; Int. No. 91, Adpt., 105; Int. No. 179, Adpt., 201; Int. No. 338, Adpt., 362; Int. No. 339, Adpt., 368; Int. No. 396, Adpt., 408; Int. No. 402, Adpt., 434

Negative vote, Ord. No. 2016-169, Pssd., 219; Ord. No. 2016-332, Pssd., 404

OWNER-OCCUPANT ROOFING PROGRAM

Approp. funds and auth. agreements for Owner-Occupant Roofing Program, Tr. letter, 102, Pssd., 103

Amend. program allocations within Housing Dev. Fund for 2015-16 Consolidated Comm. Dev. Plan, Tr. letter, 437, Pssd., 438

OXFORD STREET

L.I.O. - care and embellishment of street malls for 2016-2017, Tr. letter, 158, Pssd., 159

-P-

PARENT LEADERSHIP TRAINING INSTITUTE

Auth. agreement with Rochester's Child, Inc. for implementation of Parent Leadership Training Institute, Tr. letter, 308, Pssd., 308

PARK AVE ART FEST

Auth. agreement for 2016 Park Ave Art Fest, Tr. letter, 121, Pssd., 122

PARK AVENUE MERCHANTS ASSOCIATION, INC.

Auth. agreement for 2016 Park Ave Art Fest, Tr. letter, 121, Pssd., 122

PARKING AND MUNICIPAL CODE VIOLATIONS BUREAU

Auth. amend. agreement with Clark Patterson Engineers, Surveyor, Architect and Landscape Architect, DPC, Tr. letter, 41, Pssd., 42

Amend. 2015-16 Budget and funding source for architectural svcs., Tr. letter, 91, Pssd., 92

PARKING GARAGES AND LOTS

Bond Ord. amend. Ord. No. 2015-395 and auth. issuance of \$300,000 Bonds to finance certain costs of 2016 Annual Parking Evaluation and Repair Program, Tr. letter, 144, Pssd., 146

Amend. Ord. No. 2015-128 related to Annual Parking Garage Evaluation and Repair Program, Tr. letter, 144, Pssd., 146

L.I.O. - Establishing operating and maint. costs of neighborhood commercial and resi. parking areas, Tr. letter, 173, Pssd., 174

Auth. amend. agreement with Allpro Parking for customer service staffing of City parking garages, Tr. letter, 231, Pssd., 231

Amend. Mun. Code with respect to parking rates, Tr. letter, 232, Pssd., 239

Auth. agreement with Acme Powerwashing, Inc. for light maint. svcs. at City parking garages, Tr. letter, 241, Held, 241

Amend. Mun. Code with respect to parking lots, Tr. letter, 333, Pssd., 334

Auth. lease agreement for Court St. Parking Garage, Tr. letter, 358, Pssd., 359

Bond Ord. auth. issuance of \$2,389,000 Bonds to finance certain costs of 2017 Annual Parking Garage Evaluation and Repair Program, Tr. letter, 378, Pssd., 379

Auth. extensions of existing agreements and entry into new agreements for management of Blue Cross Arena at the War Memorial and for leasing of Mun. Lot #10, Tr. letter, 381, Pssd., 382

Amend. Mun. Code with respect to parking rates, Tr. letter, 389, Pssd., 390

Auth. sale of Midtown Parking Garage and Midtown Lot 7 to further Midtown Urban Renewal Plan, Tr. letter, 431, Pub. hear., 432, Pssd., 433

Amend. Ord. No. 2015-128 with respect to agreement with T.Y. Lin Intl. Engineering, Architecture & Land Surveying, P.C. for Parking Garage Repair and Reconstruction Program, Tr. letter, 455, Pssd., 455

Auth. amend. agreement with T.Y. Lin Intl. for Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Proj., Tr. letter, 481, Pssd., 482

PARKING SIGNS

Auth. intermunicipal agreement with Monroe County for parking signs, Tr. letter, 45, Pssd., 45

PARKING/TRANSIT REIMBURSEMENT ACCOUNTS

Auth. agreement with Lifetime Benefit Solutions, Inc. for admin. of Flexible Spending, Parking/Transit Reimbursement and Health Reimbursement Accounts, Tr. letter, 429, Pssd., 429

PARKING VIOLATIONS

Auth. agreement with EOS CCA for collection of unpaid parking and mun. code violations, Tr. letter, 170, Pssd., 171

Amend. Chapter 111 of Mun. Code with regard to Vehicle and Traffic, Tr. letter, 179, Pssd., 180

PARKS AND PLAYGROUNDS

Approp. funds related to infrastructure and playground improvements, Tr. letter, 41, Pssd., 41

Auth. amend. agreement with Bergmann Assoc., P.C. related to Promenade at Erie Harbor Park, Tr. letter, 70, Pssd., 71

Auth. amend. agreement related to Dr. Martin Luther King, Jr. Memorial Park Improvement Proj., Phase IIIC, Tr. letter, 109, Pssd., 110

Bond Ord. auth. issuance of \$300,000 Bonds to finance portion of costs of Phase IIIC of Dr. Martin Luther, Jr. Memorial Park Improvement Proj., Tr. letter, 109, Pssd., 111

Amend. Chapter 79 of Mun. Code as it relates to Dogs and Other Animals in Parks, Tr. letter, 112, Pssd., 112

Auth. agreement with Stantec Consulting Svcs., Inc. for design and RPR svcs. for Campbell St. R-Center water park facilities and playground improvements, Tr. letter, 213, Pssd., 213

Bond Ord. auth. issuance of \$120,000 Bonds to finance portion of costs of Cornerstone Park Improvement Proj., Tr. letter, 213, Pssd., 214

Auth. agreements and funding and conveying and modifying easements for Promenade at Erie Harbor Park, Tr. letter, 262, Held, 266, Pssd., 296

Bond Ord. auth. issuance of \$3,500,000 Bonds to finance portion of costs of constr. of Promenade at Erie Harbor, Tr. letter, 262, Held, 267, Pssd., 296

Auth. Consolidated Funding Grant applications and agreements, Tr. letter, 285, Pssd., 288

Auth. agreement with Joseph C. Lu Engineering and Land Surveying, P.C. for resident proj. representation svcs. for Cornerstone Park Improvement Proj., Tr. letter, 344, Pssd., 345

Auth. amend. license agreement for use of space in Turning Point Park, Tr. letter, 408, Pssd., 409

Auth. amend. agreement with Architectura, P.C. for architectural and engineering svcs., Tr. letter, 450, Pssd., 450

Auth. amend. agreement with T.Y. Lin Intl. for Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Proj., Tr. letter, 481, Pssd., 482

PARKS & PUBLIC WORKS COMMITTEE

Reports of, 40; 68; 107; 142; 208; 247; 295; 335; 369; 409; 443; 480

PARSONS BRINKERHOFF INTERNATIONAL, LLC

Auth. agreements and funding for Roch. Mobility Enhancement Study, Tr. letter, 402, Pssd., 403

PARTY IN THE PARK

Establishing max. comp. for professional svcs. agreement for ticket sales and box office management of City-produced events, Tr. letter, 87, Pssd., 87

PASSERO ASSOCIATES

Establishing max. comp. for professional svcs. agreement with Passero Assoc. for resident proj. representation svcs. related to Clinton-Baden Community Ctr. Renovation, Tr. letter, 147, Pssd., 148

Auth. professional svcs. agreement with Passero Assoc., PC, for resident proj. representation svcs. for Charlotte St. and Haags Alley Improvement Proj., Tr. letter, 304, Pssd., 305

Auth. amend. agreement with Passero Assoc., Engineering, Architecture & Surveying, D.P.C., for improvements to Charlotte St. and Haags Alley, Tr. letter, 373, Pssd., 373

PATHSTONE CORPORATION

Approp. funds and auth. agreements for 2016 Lead Hazard Control Grant Program, Tr. letter, 138, Pssd., 140

Auth. approp. of Comm. Dev. Block Grant funds and agreements for Targeted Housing Rehab. and Window Replacement programs, Tr. letter, 441, Pssd., 443

PATHWAYS TO PEACE PROGRAM

Auth. intermunicipal agreement for Pathways to Peace Program, Tr. letter, 85, Held, 86

Auth. intermunicipal agreement and approp. for Pathways to Peace Program, Tr. letter, 349, Pssd., 350

PATTERSON, MICHAEL A., COUNCILMEMBER

Negative vote, Motion to amend Int. No. 402, Adpt., 434

PEACOCK, FREDDIE

Approp. of funds to pay for settlement of litigation pursuant to court order, Tr. letter, 355, Pssd., 356

PEDESTRIAN WAYFINDING

Amend. source of funds approp. in Ord. No. 2015-196 for Main St. Streetscape and Pedestrian Wayfinding Enhancement Proj., Tr. letter, 215, Pssd., 216

Auth. Consolidated Funding Grant applications and agreements, Tr. letter, 285, Pssd., 288

Auth. agreements and approp. funds for Main St. Streetscape and Pedestrian Wayfinding Enhancement Proj., Tr. letter, 449, Pssd., 450

PERSONAL ENERGY, INC.

Auth. agreement for firefighter physical agility test, Tr. letter, 8, Pssd., 9

Auth. amend. professional svcs. agreement for physical training svcs., Tr. letter, 273, Pssd., 274

PETCO FOUNDATION

Auth. agreements for animal svcs. and amend. Budget, Tr. letter, 219, Pssd., 219

PETITIONS

Petition with 46 signatures opposing new development of parking lot located on Merchants Rd., presented by Councilmember Spaul, 6

Petition with 2,315 signatures in favor of saving the abandoned subway tunnel located in downtown Rochester, presented by Councilmember Haag, 56

Petition with 2,177 signatures in favor of expanding approved food truck locations to all City streets, presented by Councilmember Conklin, 86

Petition with 5 signatures of persons concerned with street work done on Mt. Read Blvd., presented by Councilmember Clifford, 226

Petition with 14,665 signatures of persons against casino gambling, presented by Vice President Miller, 275

Petition with 28 signatures regarding amending Roch. Zoning Code, presented by Councilmember McFadden, 312

Petition with 236 signatures regarding Zoning Code and moratorium for Mt. Hope Cemetery, presented by Councilmember McFadden, 352

Petition with 430 signatures of persons opposed to dev. of two large four-story bldgs. at 645 Norris Dr., presented by Councilmember Spaul, 353

Petition with 44 signatures of persons opposed to building of casino., presented by Councilmember Spaul, 353

Petition with 270 signatures of persons opposed to changes to city's Washington Grove, presented by Councilmember Spaul, 353

624 signed post cards of persons wanting a safe place to play, presented by Councilmember Haag, 426

Petition with 67 signatures from Rochester People's Climate Coalition - Global Climate Change, presented by Councilmember Haag, 463

PHYSICAL TRAINING SERVICES

Auth. amend. professional svcs. agreement for physical training svcs., Tr. letter, 273, Pssd., 274

PIKE DEVELOPMENT COMPANY, LLC

Auth. sale of Midtown Parking Garage and Midtown Lot 7 to further Midtown Urban Renewal Plan, Tr. letter, 431, Pub. hear., 432, Pssd., 433

PILLARS OF HOPE INITIATIVE

Auth. memorandum of agreement with Roch. City School Dist., Tr. letter, 220, Pssd., 220

PLANNED DEVELOPMENT DISTRICTS

Amend. Zoning Code text and concept plan/site plan for Culver Rd. Armory, Planned Dev. Dist. No. 15, Tr. letter, 36, Pub. hear., 6, Pssd., 40

Amend. Zoning Code map, text and concept plan for Roch. General Hospital, Planned Dev. Dist. No. 6, Tr. letter, 62, Pssd., 67

Amend. Zoning Map, text and adding a dev. concept map for Century-Strathallan Planned Dev. Dist. No. 16, Tr. letter, 202, Pssd., 208

PLANNING SERVICES

Auth. amend. agreement with Bergmann Assoc. for planning, design and engineering svcs., including preparation of application for federal Transportation Investment Generating Economic Recovery grant, Tr. letter, 336, Pssd., 337

PLAYGROUNDS

See "Parks and Playgrounds"

PLEASANT STREET

Auth. sale of real estate comprising portion of 106 Pleasant St., Tr. letter, 401, Pssd., 402

PLYMOUTH AVENUE

Auth. agreement with NYS Dept. of Transportation for snow removal, Tr. letter, 74, Pssd., 74

POGEL, SCHUBMEHL & FERRARA LLC

Auth. amend. agreements and approp. additional funds for real estate appraisal svcs., Tr. letter, 59, Pssd., 60

Auth. agreements for appraisal and real estate-related svcs. for Dept. of Neighborhood and Business Dev., Tr. letter, 243, Pssd., 244

POLICE DEPARTMENT

Auth. agreement for Tactical Team Grant, Tr. letter, 52, Pssd., 52

Auth. agreement with Roch. City School Dist. related to School Resource Officers, Tr. letter, 53, Pssd., 53

Auth. agreement related to body worn cameras, Tr. letter, 54, Pssd., 55

Auth. agreements for Roch. Police Dept. camera system, Tr. letter, 55, Pssd., 55

Bond Ord. auth. issuance of \$158,000 Bonds to finance cost of design and constr. of replacement of HVAC system at City's Indoor Pistol Range, Tr. letter, 79, Pssd., 80

Auth. agreement with Architectura, P.C. Architects for architectural svcs., Tr. letter, 81, Pssd., 82

Auth. lease with Bivona Child Advocacy Ctr. and receipt and approp. of Federal asset forfeiture funds for Roch. Police Dept., Tr. letter, 83, Pssd., 84

Auth. intermunicipal agreement with County of Monroe for funding of firearms instruction, Tr. letter, 84, Pssd., 84

Auth. amend. agreement for veterinary svcs., Tr. letter, 84, Pssd., 85

Amend. Ord. No. 2015-128 related to Annual Parking Garage Evaluation and Repair Program, Tr. letter, 144, Pssd., 146

Bond Ord. auth. issuance of \$600,000 Bonds to finance costs of architectural and design svcs. and constr. of new Roch. Police Dept. Auto Pound Admin. Bldg., Tr. letter, 136, Pssd., 147

Amend. Ord. No. 2015-376 regarding STOP DWI Program, Tr. letter, 161, Pssd., 162

Approp. federal asset forfeiture funds for purchase of police vehicles, Tr. letter, 166, Held, 167, Pssd., 267

Auth. agreement with Monroe County Dept. of Public Health for Tobacco Compliance Grant Program, Tr. letter, 218, Pssd., 219

Auth. agreements for animal svcs. and amend. Budget, Tr. letter, 219, Pssd., 219

Auth. agreement with NYS Div. of Homeland Security and Emergency Svcs., Tr. letter, 268, Pssd., 269

Auth. grant agreement with NYS Office of Victim Svcs., Tr. letter, 269, Pssd., 269

Bond Ord. auth. issuance of \$150,000 Bonds to finance bldg. renovation and staff relocation of Roch. Police Dept. Professional Standards Section, Tr. letter, 297, Pssd., 299

Approp. funds for operations of Greater Roch. Area Narcotics Enforcement Team program, Tr. letter, 310, Pssd., 311

Auth. professional svcs. agreement with Monroe Comm. College for Police Recruit Education Proj., Tr. letter, 311, Pssd., 311

Amend. 2016-17 Budget by increasing approp. for Roch. Police Dept. to carry over unspent grant funds, Tr. letter, 346, Pssd., 347

Auth. amend. agreement with Tyler Technologies, Inc. for Roch. Police Dept.'s Record Management System multi-phase replacement program, Tr. letter, 355, Pssd., 355

Auth. grant agreements and funding for Roch. Police Dept. violence prevention and community policing programs, Tr. letter, 424, Pssd., 425

Auth. intermunicipal agreements and funding for STOP DWI Program, Tr. letter, 425, Pssd., 426

Amend. 2016-17 Budget and approp. federal forfeiture funds, Tr. letter, 459, Pssd., 460

Auth. agreement with County of Monroe for storage of explosives, Tr. letter, 460, Pssd., 460

Approp. funds and auth. agreements related to federal forfeited property revenues allocated to Police Dept., Tr. letter, 460, Pssd., 461

Auth. agreement for Bomb Squad Initiative grant, Tr. letter, 488, Pssd., 489

Auth. agreement for Video Equipment grant, Tr. letter, 489, Pssd., 489

Auth. agreement and funding for Animal Svcs. innovation program, Tr. letter, 489, Pssd., 490

POLICE EXPLORERS PROGRAM

Approp. funds and auth. agreements related to federal forfeited property revenues allocated to Police Dept., Tr. letter, 460, Pssd., 461

POLICE RECRUIT EDUCATION PROJECT

Auth. professional svcs. agreement with Monroe Comm. College for Police Recruit Education Proj., Tr. letter, 311, Pssd., 311

PORT OF ROCHESTER

Auth. operations and maint. agreement related to Port of Roch. Marina, Tr. letter, 48, Pssd., 49

Auth. amend. agreements and funding for Port Marina proj., Tr. letter, 254, Pssd., 255

Bond Ord. auth. issuance of \$450,000 Bonds to finance certain costs of 2016 Port Marina Proj., Tr. letter, 254, Pssd., 256

Bond Ord. auth. issuance of \$170,000 Bonds to finance constr. of public overlook at site for former CSX Swing Bridge in Port of Roch., Tr. letter, 484, Pssd., 486

PORT TERMINAL BUILDING

Auth. lease agreement for space in Port Terminal Bldg., Tr. letter, 94, Pssd., 95

Amend. City Charter with respect to responsibilities for City facilities, Tr. letter, 232, Pssd., 238

Auth. sale of real estate and amending lease, Tr. letter, 360, Pssd., 361

PORTLAND AVENUE

Auth. amend. agreement with Erdman, Anthony and Assoc., Inc. related to 2015 Preventive Maint. Group #2 Proj. (East/N & S Winton/University/Portland), Tr. letter, 483, Pssd., 484

POSPULA, RICHARD

Approv. reappointments to Roch. Environmental Commission, Tr. letter, 200, Adpt., 200

PREMO, KATHERINE

Approv. reappointments to Roch. Environmental Commission, Tr. letter, 200, Adpt., 200

PRESCOD LEADERSHIP ENTERPRISE, LLC

Auth. agreement with Prescod Leadership Enterprise, LLC, for supervisory skills training, Tr. letter, 353, Pssd., 353

PRESCRIPTION MEDICATION

Auth. agreement with Wegmans Food Markets, Inc. to provide prescription medication for firefighters injured on the job, Tr. letter, 115, Pssd., 115

PREVENTIVE MAINTENANCE CONTRACTS/PROJECTS

Auth. receipt and use of funds and an agreement related to Broad St. Bridge Preventive Maint. Proj., Tr. letter, 42, Pssd., 44

Auth. pav. width changes for 2016 Preventive Maint. Contract No. 1 - S. Clinton Ave. and S. Goodman St., Tr. letter, 209, Pub. hear., 167, Pssd., 210

Auth. agreement with Hunt Engineers, Architects & Land Surveyors, P.C., for resident proj. representation svcs. and approp. funds for 2016 Preventive Maint. Group #2, Tr. letter, 248, Pssd., 249

Bond Ord. auth. issuance of \$252,000 Bonds to finance milling and resurfacing of certain portions of Ames St., Buffalo Rd., W. Main St. and West Ave. related to 2016 Preventive Maint. Group #2 Proj., Tr. letter, 248, Pssd., 250

Auth. agreement with Stantec Consulting Svcs., Inc., for resident proj. representation svcs. and approp. funds for 2016 Preventive Maint. Group #1

Bond Ord. auth. issuance of \$80,000 Bonds to finance reconstruction of certain portions of S. Clinton Ave. and S. Goodman St. related to 2016 Preventive Maint. Contract #1 Proj., Tr. letter, 250, Pssd., 253

Auth. amend. professional svcs. agreement with C&S Engineers, Inc. for 2015 Preventive Maint. Contract 1 proj., Tr. letter, 337, Pssd., 337

Auth. professional svcs. agreement, amend. agreement, and approp. of funds related to 2016

Preventive Maint., Group \$3, Tr. letter, 337, Pssd., 339

Bond Ord. auth. issuance of \$650,000 Bonds to finance reconstruction of certain portions of N. Goodman St., E. Main St., Allen, Brown and Wilder Streets and Morrie Silver Way related to 2016 Preventive Maint., Group #3 proj., Tr. letter, 337, Pssd., 340

Approv. geometric changes to Arnett Blvd. related to 2017 Preventive Maint. Group 5 Proj., Tr. letter, 370, Held, 371

Auth. amend. agreement with T.Y. Lin Intl. Engineering, Architecture & Land Surveying, P.C. for Broad St. Bridge Preventive Maint. Proj., Tr. letter, 371, Pssd., 372

Auth. receipt and use of NYS Dept. of Transportation funds, Tr. letter, 380, Pssd., 381

Approv. geometric changes on Arnett Blvd. related to 2017 Preventive Maint. Group 5 Proj., Tr. letter, 446, Pssd., 447

Auth. amend. agreement with Erdman, Anthony and Assoc., Inc. related to 2015 Preventive Maint. Group #2 Proj. (East/N & S Winton/University/Portland), Tr. letter, 483, Pssd., 484

PROMENADE AT ERIE HARBOR PARK

Auth. amend. agreement with Bergmann Assoc., P.C. related to Promenade at Erie Harbor Park, Tr. letter, 70, Pssd., 71

Auth. agreements and funding and conveying and modifying easements for Promenade at Erie Harbor Park, Tr. letter, 262, Held, 266, Pssd., 296

Bond Ord. auth. issuance of \$3,500,000 Bonds to finance portion of costs of constr. of Promenade at Erie Harbor, Tr. letter, 262, Held, 267, Pssd., 296

PROPERTYROOM.COM, INC.

Auth. agreements for auctioneer svcs., Tr. letter, 9, Pssd., 11

PROVIDENCE HOUSING DEVELOPMENT CORP.

Auth. agreements and approp. funds for Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

PUBLIC BIKESHARE SYSTEM

Auth. agreement for Public Bikeshare System and amend. Chapter 35 of Mun. Code with respect to advertisements at System stations, Tr. letter, 421, Pssd., 422

PUBLIC HEARINGS

Held, 6; 167; 225; 427; 463

Amend. Section 5-6 of the City Charter with regard to meetings, Tr. letter, 8, Pssd., 8

PUBLIC MARKET

Auth. exchange of real estate with Curtis LLC, Tr. letter, 25, Pssd., 26

Bond Ord. auth. issuance of \$4,076,000 Bonds to finance portion of costs of Public Mkt. Winter Shed Renovation and Expansion Proj., Tr. letter, 71, Pssd., 74

Auth. agreement with Friends of the GardenAerial, Inc. for youth internships at Public

Mkt., Tr. letter, 162, Pssd., 162
 L.I.O. - snow removal at Public Mkt. for 2016-17, Tr. letter, 164, Pssd., 166
 L.I.O. - security svcs. at Public Mkt. for 2016-17, Tr. letter, 164, Pssd., 166
 Auth. the leasing to vendors of modular replacement bldgs. and compensating vendors for removal of existing bldgs. related to Public Mkt. Winter Shed Renovation and Expansion Proj., Tr. letter, 271, Pssd., 273
 Auth. agreement with Big Apple Deli Products, Inc. for relocation of loading docks related to Public Mkt. Winter Shed Renovation and Expansion Proj., Tr. letter, 351, Pssd., 352
 Amend. Ord. No. 2016-284 with respect to agreement for relocation of loading docks related to Public Mkt. Winter Shed Renovation and Expansion Proj., Tr. letter, 490, Pssd., 490

PUBLIC OVERLOOK

Bond Ord. auth. issuance of \$170,000 Bonds to finance constr. of public overlook at site for former CSX Swing Bridge in Port of Roch., Tr. letter, 484, Pssd., 486
 Amend. Ord. No. 2015-365 with respect to funding of agreement for Train Bridge Overlook Proj., Tr. letter, 484, Pssd., 486

PUBLIC SAFETY BUILDING

Auth. agreement with Stantec Consulting Svcs., Inc. for architectural and engineering design for Public Safety Bldg. generator upgrade, Tr. letter, 215, Pssd., 215

PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Reports of, 51; 82; 114; 161; 218; 267; 306; 345; 382; 422; 455; 488

PUERTO RICAN FESTIVAL

Establishing max. comp. for agreement for 2016 Puerto Rican Festival, Tr. letter, 119, Pssd., 119

PURCHASES AND SALES

Amend. Chapter 8A of Mun. Code as it relates to purchasing and property management, Tr. letter, 11, Pssd., 24

PURCHASING AND PROPERTY MANAGEMENT

Amend. Chapter 8A of Mun. Code as it relates to purchasing and property management, Tr. letter, 11, Pssd., 24

-Q-

QUAD A FOR KIDS

Auth. agreement with Roch. Area Community Foundation for Quad A for Kids After-School Program at City schools, Tr. letter, 274, Pssd., 275

QUADRANT PLANNING SUPPORT PROGRAM

Approp. funds for Quadrant Planning Support Program, Tr. letter, 100, Pssd., 101

QUALITY CONTROL SERVICES

Auth. amend. agreement with Bergmann Assoc., P.C. related to Promenade at Erie Harbor Park, Tr. letter, 70, Pssd., 71

-R-

REDCO

See "Rochester Economic Development Corporation"

R.K. HITE & CO., INC.

Auth. amend. agreement for advice and svcs. related to compliance with Uniform Relocation Act, Tr. letter, 314, Pssd., 314

REAL ESTATE, ACQUISITION OF

Auth. acceptance of real estate by donation, Tr. letter, 35, Pssd., 36; Tr. letter, 242, Pssd., 243; Tr. letter, 402, Pssd., 402

Auth. and approp. funds for acq. of multiple parcels for use in Inner Loop East Redevelopment Proj., Tr. letter, 182, Pssd., 183

Auth. acq. of 360 Webster Ave., amend. of Official Map, and amend. agreement with C&S Engineers, Inc., to provide additional right-of-way acq. svcs., Tr. letter, 210, Pssd., 211

Auth. acq. of real estate for Roch. City School Dist. Facilities Modernization Program, Tr. letter, 291, Pssd., 292

Auth. acq. by negotiation or condemnation of temporary easements, permanent easement and uneconomic remainder parcel for Dewey Ave. and Driving Park Intersection Realignment Proj., Tr. letter, 342, Pssd., 344

Auth. acq. of 894-898 W. Main St. and 42 York St., Tr. letter, 361, Pssd., 362

Auth. acq. of 68-70 York St., Tr. letter, 404, Pssd., 405

REAL ESTATE, EXCHANGE OF

Auth. exchange of real estate with Curtis LLC, Tr. letter, 25, Pssd., 26

REAL ESTATE, SALE OF

Auth. sale of real estate, Tr. letter, 31, Pssd., 32; Tr. letter, 60, Pssd., 61; Tr. letter, 98, Pssd., 100; Tr. letter, 184, Pssd., 185; Tr. letter, 241, Pssd., 242; Tr. letter, 290, Pssd., 291; Tr. letter, 323, Pssd., 324; Tr. letter, 400, Pssd., 401; Tr. letter, 323, Pssd., 436; Tr. letter, 474, Pssd., 475

Auth. sale of Former School 22, Tr. letter, 103, Pssd., 104

Auth. sale for Former School 36, Tr. letter, 105, Pssd., 105

Auth. sale of real estate and amendment to lease agreement auth. by Ord. No. 2016-68, Tr. letter, 136, Pssd., 137

Auth. sale of 630 Hayward Ave., Tr. letter, 137, Pssd., 138

Auth. amend. real estate agreement with University of Roch., Tr. letter, 181, Pssd., 182

Auth. sale of real estate and amending lease, Tr. letter, 360, Pssd., 361

Auth. sale of real estate comprising portion of 106 Pleasant St., Tr. letter, 401, Pssd., 402

Auth. funding, sale of real estate and loan agreement for Upper Falls Sq. affordable housing proj., Tr. letter, 405, Pssd., 406

Auth. sale of real estate and granting permanent easement to Roch. Gas and Electric Corp. for upgrades to its Station 26 facility, Tr. letter, 476, Pssd., 478

REBHOLZ, STEVEN

Approv. appts. and reappointments to City Planning Commission, Tr. letter, 199, Adpt., 199

RECOGNITION CEREMONIES

Held, 56; 86; 116; 167; 225; 275; 311; 352; 463

RECREATION CENTERS

Establishing max. comp. for professional svcs. agreement with Passero Assoc. for resident proj. representation svcs. related to Clinton-Baden Community Ctr. Renovation, Tr. letter, 147, Pssd., 148

Auth. agreement with Stantec Consulting Svcs., Inc. for design and RPR svcs. for Campbell St. R-Center water park facilities and playground improvements, Tr. letter, 213, Pssd., 213

Auth. agreement for Summer Literacy Program in R-Centers, Tr. letter, 219, Pssd., 220

Auth. professional svcs. agreement with Edge Architecture, PLLC, for architectural, engineering design and resident proj. representation svcs., Tr. letter, 300, Pssd., 301

Bond Ord. auth. issuance of \$520,000 Bonds to finance cost of architectural and engineering design svcs. for replacement of HVAC system at Campbell St. Recreation Ctr., Tr. letter, 300, Pssd., 302

Auth. amend. agreement with Roch. City School Dist. for Clinton-Baden Comm. Ctr. Renovation Proj., Tr. letter, 447, Pssd., 448

RED LIGHT CAMERAS

Amend. Local Law 6-2014 with respect to owner liability for failure of motor vehicle operator to comply with traffic-control indications, Tr. letter, 466, Pssd., 467

Auth. amend. agreement for Red Light Camera Program, Tr. letter, 466, Held, 467

REDFLEX TRAFFIC SYSTEMS, INC.

Auth. amend. agreement for Red Light Camera Program, Tr. letter, 466, Held, 467

REFUSE FEES

Adoption of Budget ests. for muni. purposes for 2016-17 fiscal year, approp. of sums set forth therein and approp. commercial refuse fees, Tr. letter, 232, Pub. hear., 225, Pssd., 235

REINVESTMENT FUND, THE

Auth. grant agreement with The Reinvestment Fund for receipt and use of \$60,000 in conjunction with Invest Health program, Tr. letter, 197, Pssd., 197

RELTRONICS TECHNOLOGIES, INC.

Auth. amend. agreement with Reltronics Technologies, Inc. for automated vehicle locator/weather sensor intelligent transportation system, Tr. letter, 445, Pssd., 445

RENEWAL SERVICES ROCHESTER, INC.

Auth. agreement for job skills training and

landscape maint. in City parks and green spaces, Tr. letter, 115, Pssd., 116

RESERVOIR AVENUE

Bond Ord. auth. issuance of \$261,000 Bonds to finance acq. and installation of street lighting upgrades along certain portions of Winton Rd. North, Robinson Dr., and Reservoir Ave., Tr. letter, 416, Pssd., 418

RESIDENT PROJECT REPRESENTATION SERVICES

Auth. receipt and use of funds and an agreement related to Broad St. Bridge Preventive Maint. Proj., Tr. letter, 42, Pssd., 44

Amend. funding for Durand Eastman Beach Outfall and Durand Eastman Utilities and Site Improvement projects, Tr. letter, 107, Pssd., 108

Auth. amend. agreement related to Dr. Martin Luther King, Jr. Memorial Park Improvement Proj., Phase IIIC, Tr. letter, 109, Pssd., 110

Amend. Ord. No. 2015-128 related to Annual Parking Garage Evaluation and Repair Program, Tr. letter, 144, Pssd., 146

Amend. Ord. No. 2015-128 related to Annual Parking Garage Evaluation and Repair Program, Tr. letter, 144, Pssd., 146

Establishing max. comp. for professional svcs. agreement with Passero Assoc. for resident proj. representation svcs. related to Clinton-Baden Community Ctr. Renovation, Tr. letter, 147, Pssd., 148

Auth. agreement with Stantec Consulting Svcs., Inc. for design and RPR svcs. for Campbell St. R-Center water park facilities and playground improvements, Tr. letter, 213, Pssd., 213

Auth. professional svcs. agreement with Joseph C. Lu Engineering and Land Surveying, P.C., for term resident proj. representation svcs. for City right-of-way permit constr., Tr. letter, 217, Pssd., 217

Auth. agreement with Hunt Engineers, Architects & Land Surveyors, P.C., for resident proj. representation svcs. and approp. funds for 2016 Preventive Maint. Group #2, Tr. letter, 248, Pssd., 249

Auth. agreement with Stantec Consulting Svcs., Inc., for resident proj. representation svcs. and approp. funds for 2016 Preventive Maint. Group #1

Auth. amend. agreements and funding for Port Marina proj., Tr. letter, 254, Pssd., 255

Auth. receipt and use of funds and agreement related to Ctr., City Two-Way Conversion Proj. - Phase II, Tr. letter, 259, Pssd., 261

Auth. agreements and funding and conveying and modifying easements for Promenade at Erie Harbor Park, Tr. letter, 262, Held, 266, Pssd., 296

Auth. professional svcs. agreement with Bergmann Assoc., Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for engineering design and resident proj. representation svcs., Tr. letter, 299, Pssd., 299

Auth. professional svcs. agreement with Edge Architecture, PLLC, for architectural, engineering design and resident proj. representation svcs., Tr. letter, 300, Pssd., 301

Auth. professional svcs. agreement with Passe-

ro Assoc., PC, for resident proj. representation svcs. for Charlotte St. and Haags Alley Improvement Proj., Tr. letter, 304, Pssd., 305

Auth. professional svcs. agreement, amend. agreement, and approp. of funds related to 2016 Preventive Maint., Group \$3, Tr. letter, 337, Pssd., 339

Auth. agreements and approp. funds for Driving Park Bridge Preventive Maint. Proj., Tr. letter, 340, Pssd., 342

Auth. agreement with Joseph C. Lu Engineering and Land Surveying, P.C. for resident proj. representation svcs. for Cornerstone Park Improvement Proj., Tr. letter, 344, Pssd., 345

Auth. amend. agreement and funding for Hinchey Group Street Improvement Proj., Tr. letter, 372, Pssd., 373

Auth. agreements and approp. funds for Kilmar St. Group Proj., Tr. letter, 375, Pssd., 377

Auth. amend. agreement and amend. Official Map for Cobbs Hill Drive Reconstruction/Rehab. Proj. and auth. funding amend. for Kilmar St. Group Proj., Tr. letter, 410, Pssd., 412

Auth. agreement with Bergmann Assoc., Architects, Engineers, Landscape Architects & Surveyors, D.P.C. relating to Milling and Resurfacing Projects, Tr. letter, 414, Pssd., 415

Amend. Ord. No. 2015-365 with respect to funding of agreement for Train Bridge Overlook Proj., Tr. letter, 484, Pssd., 486

RESIDENTIAL MILLING AND RESURFACING PROGRAM

Bond Ord. auth. issuance of \$3,550,000 Bonds to finance milling and resurfacing of certain portions of Southwest and Northeast Quadrant streets related to 2016 Resi. Milling and Resurfacing Program Phase I, Tr. letter, 451, Pssd., 453

Bond Ord. auth. issuance of \$78,000 Bonds to finance replacement of water mains and lines along certain portions of Southwest and Northeast Quadrant streets related to 2016 Resi. Milling and Resurfacing Program Phase I, Tr. Letter, 450, Pssd., 455

RESOLUTIONS

2016-1 - Reso. for nomination and selection of President of Roch. City Council, Adpt., 1

2016-2 - Reso. for nomination and selection of Vice President of Roch. City Council, Adpt., 1

2016-3 - Reso. for selection and appt. of City Clerk, Adpt., 1

2016-4 - Reso. adopting Rules of Council, Adpt., 5

2016-5 - Reso. approv. reappointments to Roch. Public Library Board of Trustees, Tr. letter, 24, Adpt., 25

2016-10 - Reso. nominating var. persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 58, Held, 58, Adpt. 169

2016-11 - Reso. nominating var. persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 58, Held, 59, Adpt., 169

2016-12 - Reso. nominating var. persons for

membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 58, Held, 59, Adpt., 169

2016-6 - Reso. approv. reappointment to Civil Service Commission, Tr. letter, 88, Adpt., 89

2016-7 - Reso. approv. appt. to Board of Trustees of Roch. Public Library, Tr. letter, 90, Adpt., 90

Reso. approv. appt. to Zoning Board of Appeals, Tr. letter, 105, Held, 106

Reso. amend. policy for sale of City-owned real property to tax exempt organizations, Tr. letter, 106, Held, 107

2016-8 - Reso. adopting City of Roch./Roch. City School Dist. Debt Policy, Tr. letter, 117, Adpt., 118

2016-9 - Reso. endorsing Five Star Bank's applications to establish two Banking Dev. Districts, Tr. letter, 133, Pssd., 134

2016-13 - Reso. approv. standard work day for retirement purposes, Tr. letter, 180, Adpt., 181

2016-14 - Approv. appts. and reappointments to Zoning Board of Appeals, Tr. letter, 197, Adpt., 198

2016-15 - Approv. appts. and reappointments to City Planning Commission, Tr. letter, 199, Adpt., 199

2016-16 - Approv. reappointments to Roch. Environmental Commission, Tr. letter, 200, Adpt., 200

2016-17 - Approv. appts. and reappointments to Roch. Preservation Board, Tr. letter, 200, Adpt., 201

2016-18A - Reso. for purpose of Home Rule Message regarding State legislation in relation to adjudication of traffic infractions within City of Roch., Tr. letter, 224, Adpt., 225

2016-18B - Reso. approv. appt. to Board of Ethics, Tr. letter, 227, Adpt., 227

2016-19 - Reso. approv. 2016-17 debt limit for general muni. purposes, Tr. letter, 229, Adpt., 231

2016-20 - Reso. supporting Consolidated Funding Grant Application, Tr. letter, 289, Adpt., 289

2016-21 - Reso. approv. appts. to Board of Examiners of Stationary Engineers and Refrigeration Operators, Tr. letter, 292, Adpt., 293

2016-22 - Reso. adopting policy regarding City boards and commissions, Tr. letter, 315, Adpt., 316

2016-23 - Reso. amend. Rules of Council, Tr. letter, 316, Adpt., 332

2016-24 - Reso. adopting Title VI Plan and Language Access Plan, Tr. letter, 421, Adpt., 421

2016-25 - Reso. establishing schedule for Regular Council Meetings during 2017, Tr. letter, 427, Adpt., 427

2016-26 - Reso. approv. appts. to Board of Assessment Review, Tr. letter, 472, Adpt., 472

RESTORE NY COMMUNITIES INITIATIVE

Auth. appl. and agreement for grant under Round 4 of Restore NY Communities Initiative, Tr. letter, 364, Pssd., 365

RETAIL SALES AND SERVICE

Amend. Zoning Code, Chapter 120 of Mun. Code with regard to retail sales and service, Tr. letter, 326, Pssd., 332

Amend. Chapter 90 of Mun. Code with respect to retail sales, Tr. letter, 326, Pssd., 332

Amend. Zoning Code, Chapter 120 of Mun. Code, with regard to retail sales and service in M-1 Industrial dist., Tr. letter, 367, Pssd., 368

REXFORD STREET

Auth. geometric changes related to Kilmar St. Group reconstruction, rehab., and curb replacement, Tr. letter, 50, Pub. hear., 6, Pssd., 51

REYNOLDS AUCTION CO., INC.

Auth. agreements for auctioneer svcs., Tr. letter, 9, Pssd., 11

RIDGEWAY AVENUE

Auth. agreements for Ridgeway Ave. Transportation Improvement Proj., Tr. letter, 69, Pssd., 70

RIGHTS-OF-WAY

Auth. acq. of 360 Webster Ave., amend. of Official Map, and amend. agreement with C&S Engineers, Inc., to provide additional right-of-way acq. svcs., Tr. letter, 210, Pssd., 211

Auth. professional svcs. agreement with Joseph C. Lu Engineering and Land Surveying, P.C., for term resident proj. representation svcs. for City right-of-way permit constr., Tr. letter, 217, Pssd., 217

Amend. Ord. No. 2016-157 to specify portions of Webster Ave. properties to be acquired and dedicated as public right-of-way, Tr. letter, 418, Pssd., 419

RISK MANAGEMENT CONSULTING SERVICES

Auth. agreement for risk management consulting svcs., Tr. letter, 317, Pssd., 317

ROBERTS, GERALD

Reso. approv. appts. to Board of Assessment Review, Tr. letter, 472, Adpt., 472

ROBINSON DRIVE

Bond Ord. auth. issuance of \$261,000 Bonds to finance acq. and installation of street lighting upgrades along certain portions of Winton Rd. North, Robinson Dr., and Reservoir Ave., Tr. letter, 416, Pssd., 418

ROC THE FUTURE

Auth. agreement with Roch. Area Comm. Foundation for ROC the Future svcs., Tr. letter, 348, Pssd., 349

ROC THE PARK

Establishing max. comp. for professional svcs. agreement for ticket sales and box office management of City-produced events, Tr. letter, 87, Pssd., 87

ROCHESTER AFTER SCHOOL ACADEMY

Auth. agreements and approp. funds related to Roch. After School Academy program, Tr. let-

ter, 306, Pssd., 307

ROCHESTER AREA COMMUNITY FOUNDATION

Auth. agreement with Roch. Area Community Foundation for Quad A for Kids After-School Program at City schools, Tr. letter, 274, Pssd., 275

Auth. agreement with Rochester's Child, Inc. for implementation of Parent Leadership Training Institute, Tr. letter, 308, Pssd., 308

Auth. agreement with Roch. Area Comm. Foundation for ROC the Future svcs., Tr. letter, 348, Pssd., 349

ROCHESTER AREA CRIME STOPPERS, INC.

Approp. funds and auth. agreements related to federal forfeited property revenues allocated to Police Dept., Tr. letter, 460, Pssd., 461

ROCHESTER AREA INTERFAITH HOSPITALITY NETWORK, INC.

Auth. agreements and approp. funds for Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

ROCHESTER BUSINESS JOURNAL

Designating Official Newspapers of City for Roch. for Years 2016-17, Pssd., 5

ROCHESTER CITY SCHOOL DISTRICT

See "City School District of Rochester"

ROCHESTER COMMUNITY TELEVISION, INC.

Auth. amend. agreements and approp. funds for Summer of Opportunity Program, Tr. letter, 221, Pssd., 222

ROCHESTER CONVENTION CENTER MANAGEMENT CORPORATION

Auth. loan agreement with Roch. Convention Ctr. Management Corp., Tr. letter, 398, Pssd., 399

Auth. amend. agreement with Roch. Convention Ctr. Management Corp. for operating Roch. Riverside Convention Ctr., Tr. letter, 471, Pssd., 472

ROCHESTER DISTRICT HEATING COOPERATIVE, INC.

Continuing membership and use agreements with Roch. Dist. Heating Cooperative, Inc. for supply of thermal energy at var. City bldgs., Tr. letter, 488, Pssd., 488

ROCHESTER ENVIRONMENTAL COMMISSION

Approv. reappointments to Roch. Environmental Commission, Tr. letter, 200, Adpt., 200

ROCHESTER FRINGE FESTIVAL

Auth. agreement for 2016 Roch. Fringe Festival, Tr. letter, 120, Pssd., 121

ROCHESTER GAS AND ELECTRIC CORPORATION

Auth. sale of real estate and granting perma-

ment easement to Roch. Gas and Electric Corp. for upgrades to its Station 26 facility, Tr. letter, 476, Pssd., 478

**ROCHESTER GENERAL HOSPITAL
PLANNED DEVELOPMENT DISTRICT
NO. 6**

Amend. Zoning Code map, text and concept plan for Roch. General Hospital, Planned Dev. Dist. No. 6, Tr. letter, 62, Pssd., 67

**ROCHESTER-GENESEE REGIONAL
TRANSPORTATION AUTHORITY**

Auth. sale of 630 Hayward Ave., Tr. letter, 137, Pssd., 138

ROCHESTER HOUSING AUTHORITY

Approv. wage and salary increases and equity adjustments for employees of Roch. Housing Authority, Tr. letter, 281, Pssd., 282

**ROCHESTER HOUSING DEVELOPMENT
FUND CORPORATION**

Approp. funds and auth. agreements for Home Roch. Program, Tr. letter, 188, Pssd., 190

Auth. agreement for Home Roch. Program, Tr. letter, 190, Pssd., 191

Amend. Consolidated Comm. Dev. Plan/2016-17 Annual Action Plan and Home Roch. Program appropriations and agreement, Tr. letter, 294, Pssd., 295

Auth. amend. agreement with Roch. Housing Dev. Fund Corp. for Home Roch. Program, Tr. letter, 443, Held, 443

ROCHESTER INSTITUTE OF TECHNOLOGY

Auth. agreements for 2016-17 Gun Involved Violence Elimination Program, Tr. letter, 223, Held, 223, Pssd., 268

ROCHESTER JOINT SCHOOLS CONSTRUCTION BOARD

Bond Ord. auth. issuance of not to exceed \$32,000,000 Bonds to provide interim financing for certain costs of design and improvements to specified City School Dist. schools respecting Phase II of Roch. Joint Schools Constr. Board Facilities Modernization Program, Tr. letter, 279, Pssd., 281

ROCHESTER LAND BANK CORPORATION

Auth. acceptance of real estate by donation, Tr. letter, 402, Pssd., 402

ROCHESTER MARKET DRIVEN COMMUNITY CORPORATION

Auth. agreement with Roch. Mkt. Driven Comm. Corp. for business dev. svcs., Tr. letter, 427, Pssd., 428

ROCHESTER MOBILITY ENHANCEMENT STUDY

Auth. agreements and funding for Roch. Mobility Enhancement Study, Tr. letter, 402, Pssd., 403

ROCHESTER/MONROE COUNTY CONTINUUM OF CARE

Auth. agreement with Coordinated Care Svcs., Inc. for admin. svcs. of Roch./Monroe County Continuum of Care, Tr. letter, 365, Pssd., 366

ROCHESTER-MONROE COUNTY YOUTH BUREAU

Auth. agreement with Monroe County for funding of youth rec. and youth dev. programming, Tr. letter, 307, Pssd., 308

ROCHESTER PHILHARMONIC ORCHESTRA

Auth. agreement with Roch. Philharmonic Orchestra for public concerts, Tr. letter, 118, Pssd., 119

ROCHESTER PUBLIC LIBRARY BOARD OF TRUSTEES

Reso. approv. reappointments to Roch. Public Library Board of Trustees, Tr. letter, 24, Adpt., 25

Reso. approv. appt. to Board of Trustees of Roch. Public Library, Tr. letter, 90, Adpt., 90

ROCHESTER PURE WATERS DISTRICT

Auth. receipt and use of reimbursement funds from Roch. Pure Waters Dist., Tr. letter, 212, Pssd., 213

Approp. funds for street improvement projects from anticipated reimbursements from Roch. Pure Waters Dist., Tr. letter, 450, Pssd., 451

ROCHESTER RESEARCH ASSOCIATES, LLC

Auth. amend. agreements and funding for Port Marina proj., Tr. letter, 254, Pssd., 255

ROCHESTER RIVERSIDE CONVENTION CENTER

Auth. Consolidated Funding Grant applications and agreements, Tr. letter, 285, Pssd., 288

Auth. loan agreement with Roch. Convention Ctr. Management Corp., Tr. letter, 398, Pssd., 399

Auth. amend. agreement with Roch. Convention Ctr. Management Corp. for operating Roch. Riverside Convention Ctr., Tr. letter, 471, Pssd., 472

ROCHESTER STADIUM OPERATIONS, LLC

Auth. agreement with Roch. Stadium Operations, LLC, Tr. letter, 278, Pssd., 278

ROCHESTER SUMMERFEST

Auth. amendatory agreement with 2Strive Media, Inc. to increase max. comp. for booking and production svcs. for 2016 Roch. SummerFest, Tr. letter, 174, Pssd., 175

Auth. agreement for 2017 Roch. SummerFest, Tr. letter, 390, Pssd., 390

ROCHESTER TECHNOLOGY AND MANUFACTURING ASSOCIATION

Auth. amend. agreements and approp. funds for Summer of Opportunity Program, Tr. letter, 221, Pssd., 222

ROCHESTER TWILIGHT CRITERIUM

Auth. agreement for 2016 Roch. Twilight Criterium, Tr. letter, 120, Pssd., 121

ROCHESTER'S CHILD

Auth. agreement with Rochester's Child, Inc. for implementation of Parent Leadership Training Institute, Tr. letter, 308, Pssd., 308

ROCMUSIC PROGRAM

Auth. funding and agreements for Science, Technology, Engineering, Arts and Mathematics (STEAM) proj., Tr. letter, 385, Pssd., 386

ROXY ANN SINKLER RECREATION CENTER

Approp. funds related to infrastructure and playground improvements, Tr. letter, 41, Pssd., 41

ROY TEITSWORTH, INC.

Auth. agreements for auctioneer svcs., Tr. letter, 9, Pssd., 11

RULES OF COUNCIL

Reso. adopting Rules of Council, Adpt., 5
Reso. amend. Rules of Council, Tr. letter, 316, Adpt., 317

RUNDEL MEMORIAL LIBRARY

Auth. agreement with LaBella Assoc., D.P.C., for Rundel Library Structural Terrace Improvements Phase IV Proj., Tr. letter, 415, Pssd., 415
Bond Ord. auth. issuance of \$3,457,000 Bonds to finance costs of Rundel Library Structural Terrace Improvements Phase IV, Tr. letter, 415, Pssd., 416
Auth. funding, amend. Budget and auth. amend. agreement for renovations and upgrades at Central Library, Tr. letter, 448, Pssd., 449

RUNDEL PARK

L.I.O. - care and embellishment of street malls for 2016-2017, Tr. letter, 158, Pssd., 159

RYAN CENTER

Approp. funds related to infrastructure and playground improvements, Tr. letter, 41, Pssd., 41

RYN, JAN

Auth. the leasing to vendors of modular replacement bldgs. and compensating vendors for removal of existing bldgs. related to Public Mkt. Winter Shed Renovation and Expansion Proj., Tr. letter, 271, Pssd., 273

-S-

S-G MARINA

Auth. operations and maint. agreement related to Port of Roch. Marina, Tr. letter, 48, Pssd., 49

SMG

Establishing max. comp. for professional svcs. agreement for ticket sales and box office management of City-produced events, Tr. letter, 87, Pssd., 87

SAHLEN'S STADIUM

Auth. lease for multi-purpose stadium parcels, Tr. letter, 6, Pssd., 7

Amend. City Charter with respect to responsibilities for City facilities, Tr. letter, 232, Pssd., 238

Auth. agreement with United Soccer Leagues, LLC related to turf drainage at Sahlen's Stadium, Tr. letter, 259, Pssd., 259

ST. JOHN'S PARK

Changing zoning class. of 90 St. John's Park from R-1 Low Density Resi. Dist. to H-V Harbortown Village Dist., Tr. letter, 293, Pssd., 294

SALEM EVANGELICAL CHURCH

Auth. agreement for lease of space for Downtown District Svcs., Tr. letter, 325, Pssd., 326

SALLUZZO, SHARON

Reso. approv. reappointments to Roch. Public Library Board of Trustees, Tr. letter, 24, Adpt., 25

SALVATION ARMY OF WESTERN NEW YORK, INC.

Auth. funding and amendments to service agreements for Emergency Solutions Grant program for homeless, Tr. letter, 32, Pssd., 33

Auth. agreements and approp. funds for Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

SANCHEZ AND ASSOCIATES

Auth. amend. agreement with Sanchez and Assoc., Inc. for Diversity and Inclusion Training, Tr. letter, 227, Pssd., 228

SAVING GRACE MINISTRIES OF ROCHESTER, INC.

Auth. agreements and approp. funds for Emergency Solutions Grant Program and amend. Ord. Nos. 2016-362 and 2016-363 with respect to Emergency Assistance Repair Program, Tr. letter, 478, Pssd., 479

SCHELLINGER, ROBERT

Approp. reappointments to Roch. Environmental Commission, Tr. letter, 200, Adpt., 200

SCHICK, JON

Approp. appts. and reappointments to Roch. Preservation Board, Tr. letter, 200, Approv., 201

SCHOOL RESOURCE OFFICERS

Auth. agreement with Roch. City School Dist. related to School Resource Officers, Tr. letter, 53, Pssd., 53

SCHUBERT CENTRE LLC

Auth. amend. agreement with Schubert Centre LLC for Focused Investment Strategy Vacant Lot Fencing and Greening Program, Tr. letter, 367, Pssd., 367

SCIENCE, TECHNOLOGY, ENGINEERING, ARTS AND MATHEMATICS PROJECT

Auth. funding and agreements for Science, Technology, Engineering, Arts and Mathematics

(STEAM) proj., Tr. letter, 385, Pssd., 386

SCOTT, LORETTA C., COUNCIL PRESIDENT

Reso. for nomination and selection of President of Roch. City Council, Adpt., 1

Reso. nominating var. persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 58, Held, 58, Adpt. 169

Reso. nominating var. persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 58, Held, 59, Adpt., 169

Reso. nominating var. persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 58, Held, 59, Adpt., 169

Disclosure of interest form submitted, 86; 117; 167; 225; 312

Reso. adopting City of Roch./Roch. City School Dist. Debt Policy, Tr. letter, 117, Adpt., 118

Amend. Chapter 62 of Mun. Code with regard to commercial travelers, solicitors and special events, Tr. letter, 123, Pssd., 132

Amend. Chapter 60 and 68 of Mun. Code with regard to food vending, Tr. letter, 123, Pssd., 133

Motion to amend, Int. No. 248, Adpt., 224
Reso. approv. appt. to Board of Ethics, Tr. letter, 227, Adpt., 227

Abstention, Reso. No. 2016-18B, Adpt., 227
Auth. amend. audit vs. agreement with Freed Maxick CPAs, P.C., Tr. letter, 240, Pssd., 241

Reso. amend. Rules of Council, Tr. letter, 316, Adpt., 317

Amend. Chapters 60, 13A and 120 of Mun. Code with regard to food truck, food trailer and food cart vending, Tr. letter, 391, Pssd., 398

Reso. establishing schedule for Regular Council Meetings during 2017, Tr. letter, 427, Adpt., 427

Reso. approv. appts. to Board of Assessment Review, Tr. letter, 472, Adpt., 472

SCOTT'S II

Auth. the leasing to vendors of modular replacement bldgs. and compensating vendors for removal of existing bldgs. related to Public Mkt. Winter Shed Renovation and Expansion Proj., Tr. letter, 271, Pssd., 273

SECTOR 4 COMMUNITY DEVELOPMENT CORPORATION

Amend. Ord. No. 2014-375 regarding agreement for assistance to complete Bull's Head Brownfield Opportunity Area Nomination Study, Tr. letter, 246, Pssd., 247

SECURITY

L.I.O. - security svcs. at Public Mkt. for 2016-17, Tr. letter, 164, Pssd., 166

Auth. agreement with NYS Div. of Homeland Security and Emergency Svcs., Tr. letter, 268, Pssd., 269

Auth. grant agreement for 2016 State Homeland Security Program, Tr. letter, 274, Pssd., 274

SETTLEMENT OF LITIGATION

Approp. of funds to pay for settlement of litigation pursuant to court order, Tr. letter, 355, Pssd., 356

SHADY LANE

Auth. geometric changes related to Kilmar St. Group reconstruction, rehab., and curb replacement, Tr. letter, 50, Pub. hear., 6, Pssd., 51

Bond Ord. auth. issuance of \$165,000 Bonds to finance reconstruction of water svcs. along certain portions of Shady Lane related to 2016 Kilmar St. Group Reconstruction Proj., Tr. letter, 375, Pssd., 378

SIBLEY BUILDING REDEVELOPMENT

Auth. agreements and funding for Sibley Bldg. Redevelopment - Phase I and Phase II, Tr. letter, 27, Pssd., 30

Amend. Ord. No. 2016-8 in relation to loan agreement to fund Sibley Bldg. Redevelopment - Phase I, Tr. letter, 319, Pssd., 322

SIBLEY PLACE

L.I.O. - care and embellishment of street malls for 2016-2017, Tr. letter, 158, Pssd., 159

SIDEWALKS

Bond Ord. auth. issuance of \$1,168,000 Bonds to finance certain costs of Southeast Quadrant Hazardous Sidewalk Repairs, Tr. letter, 143, Pssd., 144

L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2016 and expiring June 30, 2017, Tr. letter, 232, Pub. hear., 225, Pssd., 237

Bond Ord. auth. issuance of \$915,000 Bonds to finance certain costs of Southeast Quadrant Hazardous Sidewalk Repairs, Tr. letter, 296, Pssd., 297

SIGNAGE

Auth. intermunicipal agreement with Monroe County for parking signs, Tr. letter, 45, Pssd., 45

SINKLER, ROXY ANN, RECREATION CENTER

Approp. funds related to infrastructure and playground improvements, Tr. letter, 41, Pssd., 41

SISTER CITIES GARAGE

Amend. Mun. Code with respect to parking rates, Tr. letter, 232, Pssd., 239

SMITH, LESLIE B.

Reso. approv. reappointment to Civil Service Commission, Tr. letter, 88, Adpt., 89

SMOKE AND CARBON MONOXIDE DETECTORS

Approp. funds for smoke and carbon monoxide detectors and amend. budget approp. of State Homeland Security Program funds, Tr. letter, 347, Pssd. 347

SNOW REMOVAL

Auth. agreement with NYS Dept. of Transportation for snow removal, Tr. letter, 74, Pssd.,

74
L.I.O. - snow removal at Public Mkt. for 2016-17, Tr. letter, 164, Pssd., 166
L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2016 and expiring June 30, 2017, Tr. letter, 232, Pub. hear., 225, Pssd., 237

SOCCER STADIUM

Auth. lease for multi-purpose stadium parcels, Tr. letter, 6, Pssd., 7
Amend. City Charter with respect to responsibilities for City facilities, Tr. letter, 232, Pssd., 238
Auth. agreement with United Soccer Leagues, LLC related to turf drainage at Sahlen's Stadium, Tr. letter, 259, Pssd., 259

SOCIETY FOR THE PROTECTION AND CARE OF CHILDREN

Auth. amend. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 270, Pssd., 271; Tr. letter, 350, Pssd., 351
Auth. agreement for Environmental Workforce Dev. and Job Training Program grant and revision to Comprehensive Adolescent Pregnancy Prevention Program agreement, Tr. letter, 423, Pssd., 424
Auth. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 458, Pssd., 459

SOFTWARE

See "Computers"

SOLICITORS

Amend. Chapter 62 of Mun. Code with regard to commercial travelers, solicitors and special events, Tr. letter, 123, Pssd., 132

SOUTH AVENUE/ALEXANDER STREET OPEN SPACE DISTRICT

Auth. special work and svcs. related to South Ave./Alexander St. Open Space Dist. LIO No. 1537, Tr. letter, 141, Pssd., 142

SOUTH AVENUE GARAGE

Amend. Mun. Code with respect to parking rates, Tr. letter, 232, Pssd., 239

SOUTH CLINTON AVENUE

Auth. pav. width changes for 2016 Preventive Maint. Contract No. 1 - S. Clinton Ave. and S. Goodman St., Tr. letter, 209, Pub. hear., 167, Pssd., 210
Auth. agreement with Stantec Consulting Svcs., Inc., for resident proj. representation svcs. and approp. funds for 2016 Preventive Maint. Group #1
Bond Ord. auth. issuance of \$80,000 Bonds to finance reconstruction of certain portions of S. Clinton Ave. and S. Goodman St. related to 2016 Preventive Maint. Contract #1 Proj., Tr. letter, 250, Pssd., 253

SOUTH GOODMAN STREET

Auth. pav. width changes for 2016 Preventive Maint. Contract No. 1 - S. Clinton Ave. and S.

Goodman St., Tr. letter, 209, Pub. hear., 167, Pssd., 210

Auth. agreement with Stantec Consulting Svcs., Inc., for resident proj. representation svcs. and approp. funds for 2016 Preventive Maint. Group #1

Bond Ord. auth. issuance of \$80,000 Bonds to finance reconstruction of certain portions of S. Clinton Ave. and S. Goodman St. related to 2016 Preventive Maint. Contract #1 Proj., Tr. letter, 250, Pssd., 253

SOUTH WEDGE PLANNING COMMITTEE, INC.

Auth. funding and amendments to service agreements for Emergency Solutions Grant program for homeless, Tr. letter, 32, Pssd., 33

SOUTH WINTON ROAD

Auth. amend. agreement with Erdman, Anthony and Assoc., Inc. related to 2015 Preventive Maint. Group #2 Proj. (East/N & S Winton/University/Portland), Tr. letter, 483, Pssd., 484

SOUTHWEST YOUTH ORGANIZING PROJECT

Auth. agreement with Ctr. for Teen Empowerment, Inc. related to Southwest Youth Organizing Proj., Tr. letter, 308, Pssd., 309

SPAULL, ELAINE M., COUNCILMEMBER

Presented petition with 46 signatures opposing new development of parking lot located on Merchants Rd., 6

Disclosure of Interest form submitted, 117; 167; 225; 275; 386; 426; 463

Abstention, Ord. No. 2016-214, Pssd., 270; Ord. No. 2016-290, Pssd., 357; Motion to amend discharge Int. No. 368 from Committee, Adpt., 398; Ord. No. 2016-326, Pssd., 399; Ord. No. 2016-381, Pssd., 457; Ord. No. 2016-396, Pssd., 472

Motion to discharge from Committee, Int. No. 182, Adpt., 296

Petition with 430 signatures of persons opposed to dev. of two large four-story bldgs. at 645 Norris Dr., presented by Councilmember Spaul, 353

Petition with 44 signatures of persons opposed to building of casino., presented by Councilmember Spaul, 353

Petition with 270 signatures of persons opposed to changes to city's Washington Grove, presented by Councilmember Spaul, 353

SPECIAL EVENTS

Amend. Chapter 62 of Mun. Code with regard to commercial travelers, solicitors and special events, Tr. letter, 123, Pssd., 132

SPIRITUS CHRISTI PRISON OUTREACH, INC.

Auth. agreements and approp. funds for Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

STANTEC CONSULTING SERVICES, INC.

Auth. amend. agreement related to Dr. Martin

Luther King, Jr. Memorial Park Improvement Proj., Phase IIIC, Tr. letter, 109, Pssd., 110

Auth. agreement with Stantec Consulting Svs. Inc. related to E. Henrietta Rd. Improvement Proj., Tr. letter, 149, Pssd., 150

Auth. agreement with Stantec Consulting Svs. Inc. related to City of Roch. Developer Guidance Incorporating Sustainable Planning and Design Practices, Tr. letter, 154, Pssd., 154

Auth. agreement with Stantec Consulting Svs., Inc. for design and RPR svcs. for Campbell St. R-Center water park facilities and playground improvements, Tr. letter, 213, Pssd., 213

Auth. agreement with Stantec Consulting Svs., Inc. for architectural and engineering design for Public Safety Bldg. generator upgrade, Tr. letter, 215, Pssd., 215

Auth. agreement with Stantec Consulting Svs., Inc., for resident proj. representation svcs. and approp. funds for 2016 Preventive Maint. Group #1

Auth. amend. agreement related to Main St. Streetscape Wayfinding Enhancement proj., Tr. letter, 486, Pssd., 488

STATE UNIVERSITY OF NEW YORK COLLEGE AT BROCKPORT

Auth. lease agreement with State University of NY College at Brockport Roch. Educational Opportunity Ctr., Tr. letter, 228, Pssd., 228

STEP JAM

Establishing max. comp. for agreement for Step Jam, Tr. letter, 462, Pssd., 463

STONE RIDGE VETERINARY HOSPITAL

Auth. amend. agreement for veterinary svcs., Tr. letter, 84, Pssd., 85

STONY BROOK UNIVERSITY

Auth. grant contract, receipt, and use of grant funds from NY Sea Grant Great Lakes Basin Small Grants Program administered by Stony Brook University, Tr. letter, 153, Pssd., 154

STOP DWI PROGRAM

Amend. Ord. No. 2015-376 regarding STOP DWI Program, Tr. letter, 161, Pssd., 162

Auth. intermunicipal agreements and funding for STOP DWI Program, Tr. letter, 425, Pssd., 426

STRATEGIC COMMUNITY INTERVENTION LLC

Auth. agreement for review of Nuisance Abatement Ordinance, Tr. letter, 40, Pssd., 40

Auth. amend. agreement for review of Nuisance Abatement Ord., Tr. letter, 400, Pssd., 400

STREET CLEANING

L.I.O. - establishing cost of upgrading of street cleaning for East Ave./Alexander St. Entertainment Dist., Tr. letter, 97, Pssd., 97

L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2016 and expiring June 30, 2017, Tr. letter, 232, Pub. hear., 225, Pssd., 237

STREET LIAISON PROGRAM

Auth. agreements for 2016-17 Street Liaison Program, Tr. letter, 322, Held, 322, Pssd., 359

STREET LIGHTING

See "Streets"

STREET MALLS

L.I.O. - care and embellishment of street malls for 2016-2017, Tr. letter, 158, Pssd., 159

STREET MANAGER PROGRAM

Auth. amend. agreement for Street Manager Program, Tr. letter, 208, Pssd., 208

STREETS

Auth. pav. width changes related to Broad St. Bridge Preventive Maint. Proj., Tr. letter, 49, Pssd., 49

Auth. change in traffic flow on Lenox St., Tr. letter, 49, Pub. hear., 6, Pssd., 50

Auth. geometric changes related to Kilmar St. Group reconstruction, rehab., and curb replacement, Tr. letter, 50, Pub. hear., 6, Pssd., 51

Amend. Official Map by dedicating Celebration Dr., Tr. letter, 51, Pub. hear., 6, Pssd., 51

Auth. agreements for Ridgeway Ave. Transportation Improvement Proj., Tr. letter, 69, Pssd., 70

Auth. agreement with NYS Dept. of Transportation for snow removal, Tr. letter, 74, Pssd., 74

Changing traffic flow on Weider St. from two-way to one-way eastbound, Tr. letter, 112, Pssd., 112

Auth. amend. agreement with Bergmann Assoc. related to Dewey/Driving Park Ave. Intersection Realignment Proj., Tr. letter, 148, Pssd., 149

Auth. agreement with Stantec Consulting Svs. Inc. related to E. Henrietta Rd. Improvement Proj., Tr. letter, 149, Pssd., 150

Auth. amend. agreement with Bergmann Assoc., P.C. to provide geographic information system ("GIS") svcs., Tr. letter, 150, Pssd., 150

L.I.O. - establishing operating, installation and maint. costs of street lighting special assessment districts, Tr. letter, 155, Pssd., 156

Auth. pav. width changes for 2016 Preventive Maint. Contract No. 1 - S. Clinton Ave. and S. Goodman St., Tr. letter, 209, Pub. hear., 167, Pssd., 210

Auth. funding for Dewey Ave. and Driving Park Ave. Intersection Realignment Proj., Tr. letter, 211, Pssd., 211

Auth. funding for Lake Ave. Improvement Proj., Tr. letter, 211, Pssd., 212

Amend. source of funds approp. in Ord. No. 2015-196 for Main St. Streetscape and Pedestrian Wayfinding Enhancement Proj., Tr. letter, 215, Pssd., 216

Auth. pav. width changes to Avis St., Tr. letter, 217, Held., 218, Pssd., 296

Auth. agreement with Hunt Engineers, Architects & Land Surveyors, P.C., for resident proj. representation svcs. and approp. funds for 2016 Preventive Maint. Group #2, Tr. letter, 248, Pssd., 249

Bond Ord. auth. issuance of \$252,000 Bonds

- to finance milling and resurfacing of certain portions of Ames St., Buffalo Rd., W. Main St. and West Ave. related to 2016 Preventive Maint. Group #2 Proj., Tr. letter, 248, Pssd., 250
- Auth. agreement with Stantec Consulting Svs., Inc., for resident proj. representation svs. and approp. funds for 2016 Preventive Maint. Group #1
- Bond Ord. auth. issuance of \$80,000 Bonds to finance reconstruction of certain portions of S. Clinton Ave. and S. Goodman St. related to 2016 Preventive Maint. Contract #1 Proj., Tr. letter, 250, Pssd., 253
- Auth. pav. width changes on Charlotte St., Tr. letter, 257, Held, 258, Pssd., 345
- Auth. receipt and use of funds and agreement related to Ctr. City Two-Way Conversion Proj. - Phase II, Tr. letter, 259, Pssd., 261
- Bond Ord. auth. issuance of \$440,000 Bonds to finance certain portions of Ctr. City Two-Way Conversion Proj., Phase II, Tr. letter, 259, Pssd., 262
- Auth. agreement with Business Assn. of South Wedge Area ("BASWA") to fund decorative light poles, Tr. letter, 262, Pssd., 262
- Auth. Consolidated Funding Grant applications and agreements, Tr. letter, 285, Pssd., 288
- Bond Ord. auth. issuance of \$150,000 Bonds to finance cost of acq., constr. and reconstruction of additions to Street Lighting System of the City, Tr. letter, 302, Pssd., 303
- Auth. amend. professional svs. agreement for Mt. Hope Ave. Phase 2 Improvements proj., Tr. letter, 303, Pssd., 304
- Auth. professional svs. agreement with Passero Assoc., PC, for resident proj. representation svs. for Charlotte St. and Haags Alley Improvement Proj., Tr. letter, 304, Pssd., 305
- Bond Ord. auth. issuance of \$250,000 Bonds to finance water needs of Charlotte St. and Haags Alley Improvement Proj., Tr. letter, 304, Pssd., 306
- Auth. amend. professional svs. agreement and approp. funds for Mt. Hope Ave. Phase 2 Improvements, Tr. letter, 335, Pssd., 336
- Auth. amend. professional svs. agreement with C&S Engineers, Inc. for 2015 Preventive Maint. Contract 1 proj., Tr. letter, 337, Pssd., 337
- Auth. professional svs. agreement, amend. agreement, and approp. of funds related to 2016 Preventive Maint., Group \$3, Tr. letter, 337, Pssd., 339
- Bond Ord. auth. issuance of \$650,000 Bonds to finance reconstruction of certain portions of N. Goodman St., E. Main St., Allen, Brown and Wilder Streets and Morrie Silver Way related to 2016 Preventive Maint., Group #3 proj., Tr. letter, 337, Pssd., 340
- Auth. acq. by negotiation or condemnation of temporary easements, permanent easement and uneconomic remainder parcel for Dewey Ave. and Driving Park Intersection Realignment Proj., Tr. letter, 342, Pssd., 344
- Amend. Official Map by dedicating permanent easements to street purposes for Dewey Ave. and Driving Park Intersection Realignment Proj., Tr. letter, 342, Pssd., 345
- Approv. geometric changes to Arnett Blvd. related to 2017 Preventive Maint. Group 5 Proj., Tr. letter, 370, Held, 371
- Auth. amend. agreement and funding for Hincer Group Street Improvement Proj., Tr. letter, 372, Pssd., 373
- Auth. amend. agreement with Passero Assoc., Engineering, Architecture & Surveying, D.P.C., for improvements to Charlotte St. and Haags Alley, Tr. letter, 373, Pssd., 373
- Auth. agreements and approp. funds for Kilmor St. Group Proj., Tr. letter, 375, Pssd., 377
- Bond Ord. auth. issuance of \$165,000 Bonds to finance reconstruction of water svs. along certain portions of Shady Lane related to 2016 Kilmor St. Group Reconstruction Proj., Tr. letter, 375, Pssd., 378
- Auth. receipt and use of NYS Dept. of Transportation funds, Tr. letter, 380, Pssd., 381
- Auth. amend. agreement and amend. Official Map for Cobbs Hill Drive Reconstruction/Rehab. Proj. and auth. funding amend. for Kilmor St. Group Proj., Tr. letter, 410, Pssd., 412
- Bond Ord. auth. issuance of \$1,111,000 Bonds to finance reconstruction of certain portions of Cobbs Hill Dr. related to Cobbs Hill Dr. Reconstruction/Rehab. Proj., Tr. letter, 410, Pssd., 413
- Bond Ord. auth. issuance of \$236,000 Bonds to finance new water main and lines along Cobbs Hill Dr. related to 2016 Cobbs Hill Dr. Reconstruction Proj., Tr. letter, 410, Pssd., 414
- Auth. agreement with Bergmann Assoc., Architects, Engineers, Landscape Architects & Surveyors, D.P.C. relating to Milling and Resurfacing Projects, Tr. letter, 414, Pssd., 415
- Bond Ord. auth. issuance of \$261,000 Bonds to finance acq. and installation of street lighting upgrades along certain portions of Winton Rd. North, Robinson Dr., and Reservoir Ave., Tr. letter, 416, Pssd., 418
- Auth. funding agreement for City-wide street lighting upgrades, Tr. letter, 416, Pssd., 418
- Approv. geometric changes related to Dewey Ave./Driving Park Ave. Realignment Proj., Tr. letter, 419, Pssd., 421
- Approv. geometric changes on Arnett Blvd. related to 2017 Preventive Maint. Group 5 Proj., Tr. letter, 446, Pssd., 447
- Auth. agreements and approp. funds for Main St. Streetscape and Pedestrian Wayfinding Enhancement Proj., Tr. letter, 449, Pssd., 450
- Approp. funds for street improvement projects from anticipated reimbursements from Roch. Pure Waters Dist., Tr. letter, 450, Pssd., 451
- Bond Ord. auth. issuance of \$3,550,000 Bonds to finance milling and resurfacing of certain portions of Southwest and Northeast Quadrant streets related to 2016 Resi. Milling and Resurfacing Program Phase I, Tr. letter, 451, Pssd., 453
- Bond Ord. auth. issuance of \$78,000 Bonds to finance replacement of water mains and lines along certain portions of Southwest and Northeast Quadrant streets related to 2016 Resi. Milling and Resurfacing Program Phase I, Tr. Letter, 450, Pssd., 455
- Auth. acceptance of easements, Tr. letter,

475, Pssd., 476

Auth. amend. agreement with Erdman, Anthony and Assoc., Inc. related to 2015 Preventive Maint. Group #2 Proj. (East/N & S Winton/University/Portland), Tr. letter, 483, Pssd., 484

Amend. Official Map by abandonment of portion of Lundy's Lane, Tr. letter, 484, Pub. hear., 463, Pssd., 484

Auth. amend. agreement related to Main St. Streetscape Wayfinding Enhancement proj., Tr. letter, 486, Pssd., 488

STREETSCAPES

See "Streets"

STUDIES

Approp. funds and auth. agreement with Vita Nuova, LLC related to Orchard-Whitney Redevelopment Feasibility Study, Tr. letter, 74, Pssd., 75

Amend. Ord. No. 2014-375 regarding agreement for assistance to complete Bull's Head Brownfield Opportunity Area Nomination Study, Tr. letter, 246, Pssd., 247

Auth. agreements and funding for Roch. Mobility Enhancement Study, Tr. letter, 402, Pssd., 403

SUMMER FOOD SERVICE PROGRAM

Auth. agreements for Summer Food Service Program, Tr. letter, 162, Pssd., 163

SUMMER LITERACY AIDE

Auth. agreement with Roch. City School Dist. for receipt and use of funds supporting Summer Literacy Aide youth employment program, Tr. Letter, 164, Pssd., 164

SUMMER LITERACY PROGRAM

Auth. agreement for Summer Literacy Program in R-Centers, Tr. letter, 219, Pssd., 220

SUMMER OF OPPORTUNITY PROGRAM

Auth. agreement for Summer of Opportunity Youth Program tour of Historically Black Colleges and Universities, Tr. letter, 82, Pssd., 83

Auth. amend. agreements and approp. funds for Summer of Opportunity Program, Tr. letter, 221, Pssd., 222

SUPERIOR MEDICAL CONSULTANTS LLC

Auth. amend. professional svcs. agreement for expert witness svcs. for Law Dept., Tr. letter, 178, Pssd., 179

-T-

T.Y. LIN INTERNATIONAL ENGINEERING, ARCHITECTURE & LAND SURVEYING, P.C.

Auth. receipt and use of funds and an agreement related to Broad St. Bridge Preventive Maint. Proj., Tr. letter, 42, Pssd., 44

Amend. Ord. No. 2015-128 related to Annual Parking Garage Evaluation and Repair Program, Tr. letter, 144, Pssd., 146

Auth. amend. agreement with T.Y. Lin Intl. Engineering, Architecture & Land Surveying,

P.C. for Broad St. Bridge Preventive Maint. Proj., Tr. letter, 371, Pssd., 372

Amend. Ord. No. 2015-128 with respect to agreement with T.Y. Lin Intl. Engineering, Architecture & Land Surveying, P.C. for Parking Garage Repair and Reconstruction Program, Tr. letter, 455, Pssd., 455

Auth. amend. agreement with T.Y. Lin Intl. for Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Proj., Tr. letter, 481, Pssd., 482

TACTICAL TEAM GRANT

Auth. agreement for Tactical Team Grant, Tr. letter, 52, Pssd., 52

TARA, STANLEY AND MARY ANN

Auth. the leasing to vendors of modular replacement bldgs. and compensating vendors for removal of existing bldgs. related to Public Mkt. Winter Shed Renovation and Expansion Proj., Tr. letter, 271, Pssd., 273

TARGETED HOUSING REHABILITATION PROGRAM

Auth. approp. of Comm. Dev. Block Grant funds and agreements for Targeted Housing Rehab. and Window Replacement programs, Tr. letter, 441, Pssd., 443

TAXES AND CHARGES

Auth. cancellation of taxes and charges, Tr. letter, 9, Pssd., 9; Tr. letter, 226, Pssd., 227; Tr. letter, 464, Pssd., 465

Auth. bulk sale of delinquent tax liens, Tr. letter, 89, Pssd., 90

Approv. apportionment of taxes and charges, Tr. letter, 169, Pssd., 170

Levying taxes for muni. purposes for fiscal year commencing July 1, 2016 and expiring June 30, 2017, Tr. letter, 232, Pssd., 236

Confirming assessments, amounts and charges to be inserted in annual tax rolls for fiscal year commencing July 1, 2016 and expiring June 30, 2017, Tr. letter, 232, Pub. hear., 225, Pssd., 236

Levying taxes for school purposes for fiscal year commencing July 1, 2016 and expiring June 30, 2017, Tr. letter, 232, Pssd., 236

Cancellation or refund of erroneous taxes and charges, Tr. letter, 387, Pssd., 389

Approv. property tax exemption and auth. payment in-lieu-of tax agreement for Upper Falls Sq. affordable housing proj., Tr. letter, 405, Pssd., 407

Auth. admin. tax cancellations and refunds of \$1,000 or less for 2017, Tr. letter, 465, Pssd., 466

TEENAGE PREGNANCY PREVENTION PROGRAM

Auth. agreements for Teenage Pregnancy Prevention Program, Tr. letter, 269, Pssd., 270

Auth. amend. agreements and funding for Federal Teenage Pregnancy Prevention Program, Tr. letter, 456, Pssd., 457

TEITSWORTH, ROY

Auth. agreements for auctioneer svcs., Tr.

letter, 9, Pssd., 11

THERMAL ENERGY

Continuing membership and use agreements with Roch. Dist. Hearing Cooperative, Inc. for supply of thermal energy at var. City bldgs., Tr. letter, 488, Pssd., 488

THOMAS, GARY

Reso. approv. appts. to Board of Assessment Review, Tr. letter, 472, Adpt., 472

THORNTON, JANINE

Auth. the leasing to vendors of modular replacement bldgs. and compensating vendors for removal of existing bldgs. related to Public Mkt. Winter Shed Renovation and Expansion Proj., Tr. letter, 271, Pssd., 273

TICKET SALES AND BOX OFFICE MANAGEMENT

Establishing max. comp. for professional svcs. agreement for ticket sales and box office management of City-produced events, Tr. letter, 87, Pssd., 87

TILTON, MARY FREUND

Approv. appointments and reappointments to Zoning Board of Appeals, Tr. letter, 197, Adpt., 198

TITLE VI PLAN AND LANGUAGE ACCESS PLAN

Reso. adopting Title VI Plan and Language Access Plan, Tr. letter, 421, Adpt., 421

TOBACCO COMPLIANCE GRANT PROGRAM

Auth. agreement with Monroe County Dept. of Public Health for Tobacco Compliance Grant Program, Tr. letter, 218, Pssd., 219

TOWN & COUNTRY TRAVEL, INC.

Auth. agreement for Summer of Opportunity Youth Program tour of Historically Black Colleges and Universities, Tr. letter, 82, Pssd., 83

TRAFFIC FLOW CHANGE

See "Streets"

TRAFFIC INFRACTIONS

Reso. for purpose of Home Rule Message regarding State legislation in relation to adjudication of traffic infractions within City of Roch., Tr. letter, 224, Adpt., 225

TRAILS

Auth. amend. intermunicipal agreement for Highland Park/Canalway Trail Improvements Proj., Tr. letter, 482, Pssd., 483

TRAIN BRIDGE OVERLOOK PROJECT

Bond Ord. auth. issuance of \$170,000 Bonds to finance constr. of public overlook at site for former CSX Swing Bridge in Port of Roch., Tr. letter, 484, Pssd., 486

Amend. Ord. No. 2015-365 with respect to funding of agreement for Train Bridge Overlook Proj., Tr. letter, 484, Pssd., 486

TRAINING

Auth. amend. agreement with Sanchez and Assoc., Inc. for Diversity and Inclusion Training, Tr. letter, 227, Pssd., 228

Auth. professional svcs. agreement for training dev. and delivery svcs., Tr. letter, 231, Pssd., 232

Auth. amend. professional svcs. agreement for physical training svcs., Tr. letter, 273, Pssd., 274

Auth. agreement with Prescod Leadership Enterprise, LLC, for supervisory skills training, Tr. letter, 353, Pssd., 353

Auth. agreement with New Horizons Computer Learning Ctr. of Metropolitan NY, Inc. at Logical Operations Inc. for computer training classes, Tr. letter, 467, Pssd., 468

Auth. intermunicipal agreement with Monroe 2-Orleans BOCES for workforce education and skills dev. training, Tr. letter, 470, Pssd., 470

TRICKEY, JOHN T., JR.

Auth. sale of real estate amendment to lease agreement auth. by Ord. No. 2016-68, Tr. letter, 136, Pssd., 137

TRILLIUM HEALTH

Auth. agreements and approp. funds for Housing Opportunities for Persons with AIDS Program, Tr. letter, 194, Pssd., 196

TRUE NORTH ANDREWS STREET, LLC

Auth. sale of real estate comprising portion of 106 Pleasant St., Tr. letter, 401, Pssd., 402

TURNING POINT PARK

Auth. amend. license agreement for use of space in Turning Point Park, Tr. letter, 408, Pssd., 409

TWILIGHT CRITERIUM

Auth. agreement for 2016 Roch. Twilight Criterium, Tr. letter, 120, Pssd., 121

TYLER TECHNOLOGIES, INC.

Auth. amend. agreement with Tyler Technologies, Inc. for Roch. Police Dept.'s Record Management System multi-phase replacement program, Tr. letter, 355, Pssd., 355

-U-

UNYSE ENVIRONMENTAL CONSULTANTS

Approp. funds and auth. agreements for 2016 Lead Hazard Control Grant Program, Tr. letter, 138, Pssd., 140

US BANK, NATIONAL ASSOCIATION

Auth. acceptance of real estate by donation, Tr. letter, 35, Pssd., 36

UNCOMMON SCHOOLS, INC.

Auth. sale for Former School 36, Tr. letter, 105, Pssd., 105

UNEMPLOYMENT INSURANCE

Establishing max. comp. for professional svcs. agreement for admin. of unemployment insurance claims, Tr. letter, 228, Pssd., 229

UNIFORM RELOCATION ACT

Auth. amend. agreement for advice and svcs. related to compliance with Uniform Relocation Act, Tr. letter, 314, Pssd., 314

UNITED NEGRO COLLEGE FUND, INC.

Auth. agreement with United Negro College Funds, Inc., Tr. letter, 461, Pssd., 462

UNITED SOCCER LEAGUES, LLC

Auth. agreement with United Soccer Leagues, LLC related to turf drainage at Sahlen's Stadium, Tr. letter, 259, Pssd., 259

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES

Auth. agreements for Teenage Pregnancy Prevention Program, Tr. letter, 269, Pssd., 270

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Approp. funds and auth. agreements for 2016 Lead Hazard Control Grant Program, Tr. letter, 138, Pssd., 140

Auth. submission of Consolidated Comm. Dev. Plan/2016-17 Annual Action Plan and execution of grant agreements with U.S. Dept. of Housing and Urban Dev., Tr. letter, 185, Pssd., 187

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Auth. agreement for Environmental Workforce Dev. and Job Training Program grant and revision to Comprehensive Adolescent Pregnancy Prevention Program agreement, Tr. letter, 423, Pssd., 424

UNIVERSITY AVENUE

Auth. amend. agreement with Erdman, Anthony and Assoc., Inc. related to 2015 Preventive Maint. Group #2 Proj. (East/N & S Winton/University/Portland), Tr. letter, 483, Pssd., 484

UNIVERSITY OF ROCHESTER

Agreement related to support of previous AmeriCorps VISTA member, Tr. letter, 140, Pssd., 140

Agreement relating to support of AmeriCorps VISTA Program, Tr. letter, 140, Pssd., 141

Auth. amend. real estate agreement with University of Roch., Tr. letter, 181, Pssd., 182

Approv. agreement for co-location of City's information technology datacenter for purposes of disaster recovery, Tr. letter, 277, Pssd., 278

Auth. amend. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 350, Pssd., 351

Auth. agreement for Environmental Workforce Dev. and Job Training Program grant and revision to Comprehensive Adolescent Pregnancy Prevention Program agreement, Tr. letter, 423, Pssd., 424

UPPER FALLS SQUARE

Auth. funding, sale of real estate and loan agreement for Upper Falls Sq. affordable housing proj., Tr. letter, 405, Pssd., 406

Approv. property tax exemption and auth. payment in-lieu-of tax agreement for Upper Falls Sq. affordable housing proj., Tr. letter, 405, Pssd., 407

URBAN LEAGUE OF ROCHESTER, NEW YORK, INC.

Auth. agreements and approp. funds for Homebuyer Training Program, Tr. letter, 192, Pssd., 193

URBAN RENEWAL

Amend. Zoning Code map and Urban Renewal Plan for Marketview Heights Urban Renewal Dist., Tr. letter, 67, Pssd., 68

Auth. sale of Midtown Parking Garage and Midtown Lot 7 to further Midtown Urban Renewal Plan, Tr. letter, 431, Pub. hear., 432, Pssd., 433

Amend. program allocations within Housing Dev. Fund for 2015-16 Consolidated Comm. Dev. Plan, Tr. letter, 437, Pssd., 438

-V-

VACUUM OIL SITE

Auth. amend. agreement and funding for Vacuum Oil Site remedial investigation and alternatives analysis, Tr. letter, 373, Pssd., 374

Bond Ord. amend. Ord. No. 2014-254 by auth. issuance of additional \$150,000 Bonds to finance professional svcs. agreement with O'Brien & Gere for remedial investigation svcs. relating to contamination of Vacuum Oil site in the City, Tr. letter, 373, Pssd., 375

VAN POOL PILOT PROJECT

Auth. Consolidated Funding Grant applications and agreements, Tr. letter, 285, Pssd., 288

VAN DUSEN, ERIC

Approv. appointments and reappointments to Zoning Board of Appeals, Tr. letter, 197, Adpt., 198

VANGUARD ENGINEERING, P.C.

Auth. agreements and approp. funds for Kilmar St. Group Proj., Tr. letter, 375, Pssd., 377

Auth. amend. agreement and amend. Official Map for Cobbs Hill Drive Reconstruction/Rehab. Proj. and auth. funding amend. for Kilmar St. Group Proj., Tr. letter, 410, Pssd., 412

VARGAS ASSOCIATES, INC.

Auth. agreement with Vargas Assoc., Inc. for move management term svcs., Tr. letter, 71, Pssd., 71

VEHICLE PURCHASE

Auth. grant agreement with Genesee Region Clean Communities, Inc. to fund purchase of alternative fuel vehicles, Tr. letter, 379, Pssd., 380

Bond Ord. auth. issuance of \$1,300,000 Bonds to finance costs of replacement Platform Ladder Truck for Broad & Allen Firehouse, Tr. letter, 384, Pssd., 385

Amend. Ord. No. 2016-313 with respect to grant for purchase of alternative fuel vehicles,

Tr. letter, 444, Pssd., 445

VENDETTA, DAVID

Auth. acq. of 68-70 York St., Tr. letter, 404, Pssd., 405

VETERANS OUTREACH CENTER, INC.

Auth. agreements and approp. funds for Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

VETERINARY SERVICES

Auth. amend. agreement for veterinary svcs., Tr. letter, 84, Pssd., 85

Establishing max. comp. and approp. funds for veterinary svcs., Tr. letter, 268, Pssd., 268

Approp. funds and auth. amend. agreement for veterinary svcs., Tr. letter, 456, Pssd., 456

VIDEO EQUIPMENT

Auth. agreement for Video Equipment grant, Tr. letter, 489, Pssd., 489

VITA NUOVA LLC

Approp. funds and auth. agreement with Vita Nuova, LLC related to Orchard-Whitney Redevelopment Feasibility Study, Tr. letter, 74, Pssd., 75

VOLUNTEER LEGAL SERVICE PROJECT OF MONROE COUNTY

Approp. funds for Helping Elders Law Proj., Tr. letter, 334, Pssd., 335

VOLUNTEERS OF AMERICA, INC.

Auth. funding and amendments to service agreements for Emergency Solutions Grant program for homeless, Tr. letter, 32, Pssd., 33

Auth. agreements and approp. funds for Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

-W-

WDXK

Establishing max. comp. for agreement for Step Jam, Tr. letter, 462, Pssd., 463

WADSWORTH STREET

Amend. Zoning Code map for 128 Merrimac St., and 15 Wadsworth St., Tr. letter, 368, Pssd., 369

WAGES AND SALARIES

Approv. wage and salary increases and equity adjustments for employees of Roch. Housing Authority, Tr. letter, 281, Pssd., 282

WAR MEMORIAL

See "Blue Cross Arena at the War Memorial"

WASHINGTON, HAZEL L, CITY CLERK

Reso. for selection and appt. of City Clerk, Adpt., 1

WASHINGTON SQUARE GARAGE

Amend. Mun. Code with respect to parking rates, Tr. letter, 232, Pssd., 239

WATER

Bond Ord. auth. issuance of \$490,000 Bonds to finance portion of City's Cured in Place Pipe Proj. of Distribution System Water Main Renewal Program, Tr. letter, 75, Pssd., 76

Bond Ord. auth. issuance of \$1,000,000 Bonds to finance portion of City's 2016 Water Main Cleaning and Lining Proj. of Distribution System Water Main Renewal Program, Tr. letter, 76, Pssd., 78

Bond Ord. auth. issuance of \$988,200 Bonds to finance portion of City's Water Mains Extensions and Improvements Proj. of the Distribution System Water Main Renewal Program, Tr. letter, 78, Pssd., 79

Auth. agreements with Optimization Technology, Inc. related to automation controls at Hemlock Lake Water Filtration Plant, Tr. letter, 154, Pssd., 155

Amend. Mun. Code with respect to wholesale water rates, Tr. letter, 216, Pssd., 216

Amend. Mun. Code with respect to water rates, Tr. letter, 232, Pssd., 239

Auth. agreement with Monroe County Water Auth. to provide potable water to Durand Eastman Beach, Tr. letter, 258, Pssd., 258

Bond Ord. auth. issuance of \$250,000 Bonds to finance water needs of Charlotte St. and Haags Alley Improvement Proj., Tr. letter, 304, Pssd., 306

Auth. grant agreement and funding for drinking water fluoridation system, Tr. letter, 410, Pssd., 410

Bond Ord. auth. issuance of \$236,000 Bonds to finance new water main and lines along Cobbs Hill Dr. related to 2016 Cobbs Hill Dr. Reconstruction Proj., Tr. letter, 410, Pssd., 414

Bond Ord. auth. issuance of \$78,000 Bonds to finance replacement of water mains and lines along certain portions of Southwest and Northeast Quadrant streets related to 2016 Resi. Milling and Resurfacing Program Phase I, Tr. Letter, 450, Pssd., 455

Auth. agreement with Bergmann Assoc., Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for water system map modernization, Tr. letter, 468, Pssd., 468

Auth. acceptance of easements, Tr. letter, 475, Pssd., 476

WATSON, DAVID

Approv. appts. and reappointments to City Planning Commission, Tr. letter, 199, Adpt., 199

WCREDIT

Amend. Ord. No. 2016-8 in relation to loan agreement to fund Sibley Bldg. Redevelopment - Phase I, Tr. letter, 319, Pssd., 322

WEBSTER AVENUE

Auth. acq. of 360 Webster Ave., amend. of Official Map, and amend. agreement with C&S Engineers, Inc., to provide additional right-of-way acq. svcs., Tr. letter, 210, Pssd., 211

Amend. Ord. No. 2016-157 to specify portions of Webster Ave. properties to be acquired and dedicated as public right-of-way, Tr. letter, 418, Pssd., 419

WEGMANS FOOD MARKETS, INC.

Auth. agreement with Wegmans Food Markets, Inc. to provide prescription medication for firefighters injured on the job, Tr. letter, 115, Pssd., 115

WEIDER STREET

Changing traffic flow on Weider St. from two-way to one-way eastbound, Tr. letter, 112, Pssd., 112

WELLS FARGO BANK, NA

Auth. acceptance of real estate by donation, Tr. letter, 35, Pssd., 36

WEST AVENUE

Auth. agreement with Hunt Engineers, Architects & Land Surveyors, P.C., for resident proj. representation svcs. and approp. funds for 2016 Preventive Maint. Group #2, Tr. letter, 248, Pssd., 249

Bond Ord. auth. issuance of \$252,000 Bonds to finance milling and resurfacing of certain portions of Ames St., Buffalo Rd., W. Main St. and West Ave. related to 2016 Preventive Maint. Group #2 Proj., Tr. letter, 248, Pssd., 250

WEST MAIN STREET

Auth. agreement with Hunt Engineers, Architects & Land Surveyors, P.C., for resident proj. representation svcs. and approp. funds for 2016 Preventive Maint. Group #2, Tr. letter, 248, Pssd., 249

Bond Ord. auth. issuance of \$252,000 Bonds to finance milling and resurfacing of certain portions of Ames St., Buffalo Rd., W. Main St. and West Ave. related to 2016 Preventive Maint. Group #2 Proj., Tr. letter, 248, Pssd., 250

Auth. acq. of 894-898 W. Main St. and 42 York St., Tr. letter, 361, Pssd., 362

WHITAKER, JEANINE

Reso. approv. appts. to Board of Assessment Review, Tr. letter, 472, Adpt., 472

WHITFIELD, ALYSSA S.

Reso. nominating var. persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 58, Held, 58, Adpt. 169

WHITNEY STREET

Auth. agreement and approp. funds related to environmental restoration program at 354 Whitney St. and 415 Orchard St., Tr. letter, 47, Pssd., 47

WILDER STREET

Bond Ord. auth. issuance of \$650,000 Bonds to finance reconstruction of certain portions of N. Goodman St., E. Main St., Allen, Brown and Wilder Streets and Morrie Silver Way related to 2016 Preventive Maint., Group #3 proj., Tr. letter, 337, Pssd., 340

WILLOW DOMESTIC VIOLENCE CENTER OF ROCHESTER, INC.

Auth. agreements and approp. funds for Emergency Solutions Grant Program and amend. Ord. Nos. 2016-362 and 2016-363 with respect

to Emergency Assistance Repair Program, Tr. letter, 478, Pssd., 479

WINDOW REPLACEMENT PROGRAM

Auth. approp. of Comm. Dev. Block Grant funds and agreements for Targeted Housing Rehab. and Window Replacement programs, Tr. letter, 441, Pssd., 443

WINDSTREAM PARTY IN THE PARK

Establishing max. comp. for professional svcs. agreement for ticket sales and box office management of City-produced events, Tr. letter, 87, Pssd., 87

WINN DEVELOPMENT, LLC

Auth. agreements and funding for Sibley Bldg. Redevelopment - Phase I and Phase II, Tr. letter, 27, Pssd., 30

Amend. Ord. No. 2016-8 in relation to loan agreement to fund Sibley Bldg. Redevelopment - Phase I, Tr. letter, 319, Pssd., 322

WOODSIDE/GOODWILL PARKING LOT

L.I.O. - Establishing operating and maint. costs of neighborhood commercial and resi. parking areas, Tr. letter, 173, Pssd., 174

WORKIVA, INC.

Auth. agreement with Workiva, Inc. for cloud-based financial data management and reporting solution, Tr. letter, 171, Pssd., 172

-X-

(No Entries)

-Y-

YWCA OF ROCHESTER AND MONROE COUNTY, INC.

Auth. funding and amendments to service agreements for Emergency Solutions Grant program for homeless, Tr. letter, 32, Pssd., 33

Auth. agreements and approp. funds for Emergency Solutions Grant Program, Tr. letter, 196, Pssd., 197

Auth. amend. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 270, Pssd., 271; Tr. letter, 350, Pssd., 351

Auth. agreement for Environmental Workforce Dev. and Job Training Program grant and revision to Comprehensive Adolescent Pregnancy Prevention Program agreement, Tr. letter, 423, Pssd., 424

Auth. agreements and funding for Comprehensive Adolescent Pregnancy Prevention Program, Tr. letter, 458, Pssd., 459

YORK STREET

Auth. acq. of 894-898 W. Main St. and 42 York St., Tr. letter, 361, Pssd., 362

Auth. acq. of 68-70 York St., Tr. letter, 404, Pssd., 405

YOUNG, ANN G. T.

Auth. agreements for Teenage Pregnancy Prevention Program, Tr. letter, 269, Pssd., 270

Auth. amend. agreements and funding for Federal Teenage Pregnancy Prevention Program, Tr. letter, 456, Pssd., 457

YOUNG AUDIENCES OF ROCHESTER, INC.

Auth. funding and agreements for Science, Technology, Engineering, Arts and Mathematics (STEAM) proj., Tr. letter, 385, Pssd., 386

YOUNG EXPLOSIVES CORPORATION

Auth. agreement for fireworks displays, tr. letter, 87, Pssd., 88

-Z-

ZAGSTER, INC.

Auth. agreement for Public Bikeshare System and amend. Chapter 35 of Mun. Code with respect to advertisements at System stations, Tr. letter, 421, Pssd., 422

ZIMMERMAN'S HOTS

Auth. the leasing to vendors of modular replacement bldgs. and compensating vendors for removal of existing bldgs. related to Public Mkt. Winter Shed Renovation and Expansion Proj., Tr. letter, 271, Pssd., 273

ZIMMER-MEYER, HEIDI

Approv. appts. and reappointments to City Planning Commission, Tr. letter, 199, Adpt., 199

ZONING BOARD OF APPEALS

Reso. approv. appt. to Zoning Board of Appeals, Tr. letter, 105, Held, 106

Approv. appointments and reappointments to Zoning Board of Appeals, Tr. letter, 197, Adpt., 198

ZONING CHANGES

Changing zoning class. of 90 St. John's Park from R-1 Low Density Resi. Dist. to H-V Harbortown Village Dist., Tr. letter, 293, Pssd., 294

Amend. Zoning Code map for multiple properties located on Hudson Ave., Merrimac St., Cleveland St. and Frederick St., Tr. letter, 362, Pssd., 363

Amend. Zoning Code map for 1009-1011 Jay St., Tr. letter, 363, Pssd., 364

Amend. Zoning Code map for 128 Merrimac St., and 15 Wadsworth St., Tr. letter, 368, Pssd., 369

Amend. Zoning Map for 1307, 1311, 1313, 1317 and 1337 E. Main St. and 48 Breck St., Tr. letter, 403, Pssd., 404

ZONING CODE

Amend. Zoning Code text and concept plan/site plan for Culver Rd. Armory, Planned Dev. Dist. No. 15, Tr. letter, 36, Pub. hear., 6, Pssd., 40

Amend. Zoning Code map, text and concept plan for Roch. General Hospital, Planned Dev. Dist. No. 6, Tr. letter, 62, Pssd., 67

Amend. Zoning Code map and Urban Renewal Plan for Marketview Heights Urban Renewal Dist., Tr. letter, 67, Pssd., 68

Amend. Zoning Map, text and adding a dev. concept map for Century-Strathallan Planned

Dev. Dist. No. 16, Tr. letter, 202, Pssd., 208

Amend. Zoning Code map, Tr. letter, 247, Pssd., 247

Amend. Chapter 120 of Mun. Code with respect to restaurants, bars and accessory outdoor seating and assembly areas in C-1 Neighborhood Center zoning dist., Tr. letter, 324, Pssd., 325

Amend. Zoning Code, Chapter 120 of Mun. Code with regard to retail sales and service, Tr. letter, 326, Pssd., 332

Amend. Zoning Code, Chapter 120 of Mun. Code, with regard to retail sales and service in M-1 Industrial dist., Tr. letter, 367, Pssd., 368

ZWAHLEN, TANYA

Approv. reappointments to Roch. Environmental Commission, Tr. letter, 200, Adpt., 200