

ROCHESTER CITY COUNCIL

REGULAR MEETING

October 17, 2023

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

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

THE COUNCIL PRESIDENT --- RECOGNITION CEREMONIES.

Special Recognitions:

Breast Cancer Awareness Month

Holly Anderson – Executive Director of Breast Cancer Coalition
Dr. Candice Lucas – Breast Cancer Prevention Researcher and Health Educator
James Love – COE of Cancer Support Community Rochester at Gilda’s Club Rochester

Hispanic Heritage Month

Sady Alvarado-Fischer	Kelly Muniz	Irene Sanchez
Alex Castro	Jackie Ortiz	Carlos Santana
Lucia Colindres	Orlando Ortiz	Isaiah Santiago
Santos Cruz	Stephanie Paredes	Joann Santos-Santiago
Yolanda Culver	Jenny Polanco	Raquel Serrano
Erica Hernandez	Annette Ramos	Daniella Veras
Beatriz LeBron	Nydia Padilla Rodriguez	Victor Zarate
Hector Manuel	Liliana Ruiz	

Retirement:

Administration:

Terrance McCutchen

DRHS:

Elaine C. Cichocki-Lalka
Larry D. Gainey

APPROVAL OF THE MINUTES

By Councilmember Lightfoot

RESOLVED, that the minutes of the Regular Meeting on September 19, 2023 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

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

The Mayor submits the following:

Delinquent Receivables report for the month ending March 31, 2023

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

The Council submits Disclosure of Interest Forms from **President Meléndez** on Int. No. 383; **Councilmember Harris** on Int. No. 389; **Councilmember Gruber** on Int. No. 393.

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

THE COUNCIL PRESIDENT --- RECEIVED AND FILED

PUBLIC HEARINGS

Pursuant to law, public hearings were held on October 12, 2023 on the following matters:

Authorizing the alteration of pavement widths for the Pueblo Nuevo Group Street Rehabilitation Project Int. No. 375

One speaker

Amending Chapter 120 of the Municipal Code, Zoning Code, by modifying the text and Development Concept Plan for Planned Development District No. 11 — CityGate Int. No. 384

No speakers

Amending the Zoning Map to specify the current addresses and Section, Block, and Lot parcel numbers for the lots comprising the Planned Development District No. 11 — CityGate Int. No. 385

One speaker

**REPORTS OF STANDING COMMITTEES
AND ACTION THEREON**

By Councilmember Lightfoot
October 17, 2023

To the Council:

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

Int. No. 376 Authorizing an agreement with New York Power Authority for the Energy Efficiency Services Program

Int. No. 377 Authorizing an agreement for a Cobbs Hill Reservoir Dam Assessment

- Int. No. 378 Authorizing an agreement with the New York State Department of Transportation for water main valve box adjustment
- Int. No. 379 Resolution granting to the State of New York authority to perform the adjustment for the owner and agreeing to maintain facilities adjusted via a State-let contract

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

- Int. No. 375 Authorizing the alteration of pavement widths for the Pueblo Nuevo Group Street Rehabilitation Project

Respectfully submitted,
Willie J. Lightfoot
Mitch Gruber
Jose Peo
Mary Lupien
Miguel A. Meléndez, Jr.

PARKS & PUBLIC WORKS COMMITTEE

Received filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-330
Re: Pueblo Nuevo Group Street Rehabilitation Project (Sullivan Street/O'Brien Street/Hoeltzer Street/Kappel Place)

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to the Pueblo Nuevo Group Street Rehabilitation Project. This legislation will authorize changes in pavement width on O'Brien Street and Hoeltzer Street as listed below.

O'Brien Street

1. An increase in pavement width of 4 feet, from approximately 18 feet to 22 feet, beginning at the west end of O'Brien Street and continuing 530 feet eastward; and,
2. A variable tapered increase in pavement width of 4 feet, from approximately 18 feet to 22 feet, beginning 530 feet from the west end of O'Brien Street and continuing 80 feet eastward.

Hoeltzer Street

1. A tapered increase in pavement width of 0.5 feet, from approximately 19.5 feet to 20 feet, beginning approximately 61 feet east of North Clinton Avenue and continuing approximately 28 feet eastward; and,
2. An increase in pavement width of 0.5 feet, from approximately 19.5 feet to 20 feet, beginning approximately 89 feet east of North Clinton Avenue and continuing

approximately 46 feet west of Joseph Avenue; and,

3. A tapered increase in pavement width of 0.5 feet, from approximately 19.5 feet to 20 feet, beginning approximately 46 feet west of Joseph Avenue and continuing 31 feet eastward.

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

The project will include, but is not limited to, pavement reconstruction, pavement milling and resurfacing, new curb, spot sidewalk replacement, curb ramp upgrades, new driveway aprons, signage, hydrant relocations, catch basins, and adjustment and/or repair of manholes and water valve castings. These improvements will enhance the surface drainage and riding quality of the roadway, improve accessibility, and expand the useful life of the pavement structure.

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

A Public Meeting was held on June 8, 2023. A copy of the meeting minutes is attached. The pavement width changes were endorsed by the Traffic Control Board at the September 6, 2023 meeting.

A public hearing on the pavement width changes is required.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-199

Ordinance No. 2023-330
(Int. No. 375)

Authorizing the alteration of pavement widths for the Pueblo Nuevo Group Street Rehabilitation Project

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

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

A. On O'Brien Street:

1. An increase of 4 feet, from approximately 18 feet to 22 feet, beginning at the west terminus of O'Brien Street and continuing 530 feet eastward; and
2. A variable tapered increase of 4 feet, from approximately 18 to 22 feet, beginning 530 feet east of the western terminus of O'Brien Street and continuing 80 feet eastward.

B. On Hoeltzer Street:

1. A tapered increase of 0.5 feet, from approximately 19.5 to 20 feet, beginning approximately 61 feet east of North Clinton Avenue and continuing approximately 28 feet eastward;
2. An increase of 0.5 feet, from approximately 19.5 to 20 feet, beginning approximately 89 feet east of North Clinton Avenue and continuing eastward to approximately 46 feet west of Joseph Avenue; and

3. A tapered increase of 0.5 feet, from approximately 19.5 to 20 feet, beginning approximately 46 feet west of Joseph Avenue and continuing 31 feet eastward.

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

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - Councilmember Martin - 1.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2023-331

Re: Agreement - New York Power Authority - Energy Efficiency Services Program

Council Priority: Creating and Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area: Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation authorizing an agreement with the New York Power Authority (NYPA) for participation in the Energy Efficiency Services Program (EESP).

NYPA EESP is intended to assist governmental entities in the design, purchasing, installation and financing of projects that will reduce energy consumption and costs. Energy efficiency projects completed under the program can include any combination of the following services: project financing, facility energy audits and/or feasibility study reports, project design, construction management services, and equipment procurement and installation.

Article 5, Title 1 of the Public Authorities Law gives NYPA the authority to finance and design, develop, construct, implement, provide and administer energy-related projects, programs and services for any public entity within the state. Any public entity is authorized to enter into an energy services agreement with NYPA for energy-related projects, programs and services.

The City previously authorized an agreement with NYPA for the EESP under Ordinance 2015-398. It is anticipated that the projects implemented under the proposed EESP agreement with NYPA will be funded from the annual budgets of the departments using the services, from capital funds appropriated for specific energy efficiency projects, or from grant funding awarded to the City for energy efficiency improvement projects.

Implementation of projects under the NYPA EESP will help the City advance the goals and initiatives outlined in the Climate Action Plan (CAP). The NYPA EESP will allow the City to complete energy efficient improvement projects consistent with the CAP in a timely and cost-effective manner.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-331
(Int. No. 376)

Authorizing an agreement with New York Power Authority for the Energy Efficiency Services 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 Power Authority (NYPA) to allow the City to participate in NYPA's Energy Efficiency Services Program in order to obtain assistance with the design, installation, purchase and funding of projects that will reduce the City's energy consumption and costs.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-332
Re: Agreement – Arcadis of New York, Inc. – Cobbs Hill Reservoir Dam Assessment

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for a professional services agreement with Arcadis of New York, Inc. (John M. McCarthy, C.E.O., 100 Chestnut Street, Suite 1020, Rochester, New York) for engineering services for the Cobbs Hill Reservoir Dam Assessment. The cost of the agreement will be financed from 2020-21 Cash Capital.

Arcadis of New York, Inc. was selected for engineering assessment services through a request for proposal process, which is described in the attached summary.

The New York State Department of Environmental Conservation (DEC) has revised Part 6 CRRNY 673 of the Dam Safety Regulations. These revised regulations require a full review and update to the previously submitted engineering assessment report (dated 2014) of our Large Class C, High Hazard Dams to be completed and submitted every 10 years. This engineering assessment review and update will include a complete safety inspection and an engineering review and analysis of the dam, including its function, structural stability and spillway capacity.

The term of the agreement shall extend for six (6) months after the City's submission of the engineering assessment report to the DEC.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-332
(Int. No. 377)

Authorizing an agreement for a Cobbs Hill Reservoir Dam Assessment

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 Arcadis of New York, Inc. to provide engineering services for the Cobbs Hill Reservoir Dam Assessment. The maximum compensation for the agreement shall be \$50,000, which shall be funded from 2020-21 Cash Capital. The term of the agreement shall extend to six months following the City's submission of the engineering assessment report to the New York State Department of Environmental Conservation.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-333
Resolution No. 2023-31
Re: Authorization - New York State Department of Transportation Utility Work Agreement
Resolution

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation authorizing the New York State (NYS) Department of Transportation (DOT) to include water valve box adjustment as part of their project for Route 104 Pavement Resurfacing and Signal Replacements from Lake Ave to Culver Rd, Monroe County. This legislation will:

1. Authorize the Mayor to sign all documentation that may be necessary as a result of this project as it relates to the water system improvements.
2. Approve a resolution, in a form that is required by NYS DOT that will grant NYS DOT the authority to adjust elevations of approximately one (1) water valve box elevation that is located within the project area. In addition, the City agrees to maintain the water facilities that are adjusted or replaced as part of this project.

There is no cost to the City for this work.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-333
(Int. No. 378)

Authorizing an agreement with the New York State Department of Transportation for water main valve box adjustment

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Transportation (NYSDOT) to incorporate water valve box adjustment into NYSDOT's Route 104 Pavement Resurfacing and Signal Replacements from Lake Avenue to Culver Road, Monroe County (Project).

Section 2. The Mayor is hereby authorized to execute such other documents as may be necessary to effectuate the agreement authorized herein and the City agrees to maintain the water facilities that are adjusted or replaced under the agreement.

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.

Resolution No. 2023-31
(Int. No. 379)

Resolution granting to the State of New York authority to perform the adjustment for the owner and agreeing to maintain facilities adjusted via a State-let contract

WHEREAS, the New York State Department of Transportation proposes the construction, reconstruction, or improvement of Route 104 from Lake Avenue to Culver Road, City of Rochester, Monroe County, P.I.N. 4104.90;

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the adjust elevations of approximately one (1) water valve box elevation, pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans and Utility Special Note relating to the project and meeting the requirements of the owner;

WHEREAS, the service life of the relocated and/or replaced utilities has not been extended;
and

WHEREAS, the State will provide for the reconstruction of the above mentioned work, as shown on the contract plans and Utility Special Notes, relating to the above mentioned project.

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

Section 1. The City of Rochester approves of the above mentioned work performed on the project and shown on the contract plans relating to the project and the City of Rochester will maintain

or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans.

Section 2. The Mayor has the authority to sign, with the concurrence of the Rochester City Council, any and all documentation that may become necessary as a result of this project as it relates to the City of Rochester.

Section 3. The City of Rochester is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

Section 4. This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember Patterson
October 17, 2023

To the Council:

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

- Int. No. 380 Authorizing the sale of real estate
- Int. No. 381 Authorizing an amendatory agreement for development services for the Bull's Head Revitalization Project
- Int. No. 382 Amending Ordinance No. 2022-203 relating to the Neighborhood Signage Project
- Int. No. 383 Authorizing agreements for the HOME Rochester/Asset Control Area Program

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

- Int. No. 384 Amending Chapter 120 of the Municipal Code, Zoning Code, by modifying the text and Development Concept Plan for Planned Development District No. 11—CityGate
- Int. No. 385 Amending the Zoning Map to specify the current addresses and Section, Block, and Lot parcel numbers for the lots comprising the Planned Development District No. 11—CityGate

Respectfully submitted,
Michael A. Patterson
LaShay D. Harris
Kimberly Smith
Mary Lupien
Miguel A. Meléndez, Jr. (*abstained from Int. No. 383*)
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-334
Re: Sale of Real Estate

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Comprehensive Plan 2034 Initiative Area: Strong Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of three vacant lots being sold to the adjoining owners. City records have been checked to ensure that the 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.

Three properties are listed on the attached spreadsheet under the heading, I. Negotiated Sale-Unbuildable Vacant Land. The parcel at 121 Northview Terrace will be sold to Teresa Fernandez, 127 Northview Terrace, Rochester, New York; 1658 Norton Street will be sold to Xavier Quintana, 1243 Jay Street, Rochester, New York; and 47 Rialto Street will be sold to 43 Rialto St Trust (Stacey Steele, Officer) 1121 Annapolis Road, #275, Odenton, Maryland. The parcels are each being sold for \$1.00 (as per City policy) and will be combined with the primary parcels owned by the identified adjoining owners.

The first year projected tax revenue for these properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$825.

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 property free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW- 201

Ordinance No. 2023-334
(Int. No. 380)

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 vacant unbuildable parcels of land for \$1 each:

Address	SBL#	Lot Size	Sq.Ft.	Purchaser
121 Northview Ter	091.69-3-13	40 x 73.25	2,930	Teresa Fernandez
1658 Norton St	092.53-3-33	30 x 103.61	3,045	Xavier Quintana
47 Rialto St	091.78-2-57.001	18.5 x116.58	2,157	43 Rialto St Trust

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-335
Re: Amendatory Agreement - DEVELOPROC, LLC

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

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation extending the term of a professional services agreement with DEVELOPROC, LLC (Dennis E. Pemberton, Manager) headquartered at 425 W 53rd Street, APT 411 New York, New York 10019 (the Consultant). Under the agreement, which was authorized by Ordinance No. 2021-396, the Consultant is preparing preliminary development plan drawings, cost estimates and a phasing plan to effectuate the conceptual plan for the Bull's Head Revitalization Project (the Project).

The expiration date for the current agreement is September 12, 2023. Additional time is needed due to the complexities of the predevelopment phase in consideration and support of the pending proposed development plan to be presented to the community for review and comment. This legislation extends the term of the agreement for an additional four months to January 12, 2024, in order for the Consultant to complete the proposed development plan, present to the community, and complete final project invoice processing/closeout. No additional funding is required.

A State Environmental Quality Review Act (SEQRA) Review was completed, and the Project was determined to be a Type 2 activity.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-335
(Int. No. 381)

Authorizing an amendatory agreement for development services for the Bull's Head Revitalization Project

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with DEVELOPROC, LLC to continue the preparation of preliminary development plan drawings, cost estimates and a phasing plan to effectuate the conceptual plan for the Bull's Head

Revitalization Project. The amendatory agreement shall extend for four additional months the term of the existing agreement authorized in Ordinance No. 2021-396.

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 by the following vote:

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

Nays - Councilmember Martin - 1.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2023-336

Re: Amending Ordinance No. 2022-203 – Grant Agreement - Dormitory Authority of the State of New York, Rochester Neighborhood Signage Project

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Comprehensive Plan 2034 Initiative Area: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to a grant agreement with the Dormitory Authority of the State of New York (DASNY) through the State and Municipal Facilities Grant (“SAM”) program to provide funding to implement the Rochester Neighborhood Signage Project. This legislation will amend Ordinance No. 2022-203 to increase the maximum compensation of the grant agreement from \$50,000 to \$96,000.

DASNY recently increased the grant award after it was determined, prior to execution of the agreement, that the originally planned fabric banners would not meet the program requirement that installed fixtures have a useful life of 10 or more years. Instead, the City will now be purchasing and installing metal signs printed with weather resistant vinyl branding that look similar to a banner (see attached rendering). The metal signs cost significantly more per banner, and thus the grant budget needed to be increased. However, even with the increased budget, the project can now only be able to install 60 banners, as opposed to the originally planned 181.

This is a downtown revitalization and beautification initiative. Several downtown Rochester neighborhoods have lightpole banners that act as welcome signs along key commercial corridors. Many of the existing banners are aging and in need of replacement, while some of our most historic downtown communities do not currently have banners. The project will install and/or replace approximately 60 banners with the goals of strengthening neighborhood identities and attracting business and tourism to downtown Rochester. The DASNY grant and the recent increase were secured through sponsorship of New York State Senator, Jeremy A. Cooney.

Specific project sites have not yet been determined and will be finalized after a comprehensive audit of the existing banners. However, the banners will be focused on notable neighborhoods within downtown Rochester (see attached map). The City’s Neighborhood Service Centers (NSC) will facilitate the neighborhood engagement, design, and overall grant implementation. The Department of Environmental Services (DES) will oversee the installation of the banners by City staff and coordinate the permitting process. The banners should be installed by next summer 2024.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-202

Ordinance No. 2023-336
(Int. No. 382)

Amending Ordinance No. 2022-203 relating to the Neighborhood Signage Project

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

Section 1. Ordinance No. 2022-203, authorizing a grant agreement with the Dormitory Authority of the State of New York for the Neighborhood Signage Project, is hereby amended as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Dormitory Authority of the State of New York (DASNY) for the receipt and use of ~~\$50,000~~ \$96,000 through the State and Municipal Facilities Grant program to implement the Neighborhood Signage Project (the Project). The term of the agreement shall be up to 3 years.

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. 2023-337
Re: Agreements, HOME Rochester Program

Council Priority: Reducing and Strengthening Neighborhood Housing

Rochester 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing agreements with the Rochester Housing Development Fund Corporation (RHDFC, President Theodora Finn) located at 16 E. Main Street, Rochester, NY, and JP Morgan Chase & Co. (CEO Jamie Dimon) 270 Park Avenue, New York, NY for continuation of the HOME Rochester/Asset Control Area Program. This legislation will:

- 1) Authorize a loan agreement with JPMorgan Chase for a maximum amount of \$1,338,000 for the City's participation in the RHDFC Loan X financing pool. The loan will be funded by the City's principal and earned interest currently held in the Loan IX financing pool and will be used to establish a trust account accessible for Loan X Home Rochester properties. The loan will earn the City 3% interest.

- 2) Authorize an agreement with the RHDFC to administer the trust account at JPMorgan Chase, which will describe the process by which RHDFC may draw the Loan IX revenues for Loan X properties. RHDFC will receive no payment for this agreement.
- 3) Authorize an agreement with the RHDFC to establish and manage a Loan Loss Reserve fund for the Loan X financing pool in the amount of \$238,000 to be financed from the existing Loan IX Loan Loss Reserve fund. RHDFC will receive no payment for this agreement.
- 4) Authorize an agreement with the RHDFC to establish and manage an interest reserve account for the Loan X financing pool not to exceed \$25,000 to be financed from the Loan IX revenues. The fund will be used to provide 1% annual interest to enable the working capital loan for the program. For Loan X, the working capital loan will be \$750,000, provided by the Greater Rochester Housing Partnership, Inc. (GRHP) through the Martin Luther King Jr. Housing Fund, and administered by RHDFC. RHDFC will receive no payment for this agreement.

RHDFC buys vacant single family homes and oversees their renovation for sale to first-time low-to-moderate income homebuyers through the HOME Rochester program. RHDFC has operated the HOME Rochester program for more than two decades in partnership with the City, GRHP, and neighborhood-based non-profit developers, and acts as a City-certified Community Housing Development Organization (CHDO) to allow for specific HUD funding to assist with the property development.

RHDFC has also facilitated City participation in the federal Asset Control Area Program (ACAP) since the City's original agreement with HUD in 2004. ACAP obligates the City to purchase FHA-foreclosed, single-family properties in specified areas of the city and to sell those properties to income eligible buyers. RHDFC also acquires properties through donations, through tax foreclosure via the Rochester Land Bank Corporation, and makes purchases on the private market.

The loan pool is used to pay the costs of acquisition and rehabilitation of vacant, zombie homes in the HOME Rochester program. It is a revolving loan fund that provides temporary financing without having each individual property separately reviewed for acquisition and construction funding by an individual lender. The funds are drawn down to fund a loan for each individual property, and the loan fund is repaid when homes are sold. The pooled funds share risks and outcomes, as each lender's funds can assist many more households to become homeowners than their individual funding amounts would be able to lend on their own. In the past 5 years, 67 households have purchased a HOME Rochester property and several more are in the rehabilitation process.

The lead lender for Loan X is JP Morgan Chase. Participating lenders are anticipated to include the City of Rochester, GRHP, Enterprise Community Partners, Five Star Bank, Genesee Regional Bank, the Low Income Investment Fund, Partners for the Common Good, M&T Bank, and Tompkins Financial. The City will participate as a lender using a maximum of \$1,338,000 in revenues from its Loan IX contribution of Neighborhood Stabilization Program funds previously awarded by the New York State Housing Finance Agency. Participation in Loan IX, totaling approximately \$14,400,000, was authorized through City Council Ordinance No. 2020-256 and closed in October 2020. Loan X will have a total of approximately \$14,475,000, and is anticipated to close in November 2023.

The loss reserve is required to induce the participation of public and private lenders to provide the capital to fund Loan X, since the lenders forego a lien during construction as would otherwise be typical.

The working capital will be used to purchase vacant and foreclosed properties for HOME Rochester and make funds available between monthly draws on Loan X. The renovation of the

properties will be funded by Loan X.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-203

Ordinance No. 2023-337
(Int. No. 383)

Authorizing agreements for the HOME Rochester/Asset Control Area 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 loan agreement with JPMorgan Chase & Co. in an amount up to \$1,338,000 to facilitate the City's continued participation in the HOME Rochester/Asset Control Area Program (Program). The agreement shall establish a new Loan X financing pool for the Program to be funded by the principal and earned interest currently held in the Program's previous Loan IX fund authorized by Ordinance No.2020-256. The Loan X financing pool shall have an interest rate of 3%.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Rochester Housing Development Fund Corporation (RHDFC) to administer a trust account for Program funds to be deposited with JPMorgan Chase. The agreement shall set forth the process by which RHDFC may draw upon the Loan IX revenues to use as a Loan X financing pool to acquire vacant single-family properties or other Program activities. RHDFC shall receive no compensation for this agreement.

Section 3. The Mayor is hereby authorized to enter into an agreement with RHDFC to establish a Loan Loss Reserve fund for the Loan X financing pool. A Loan Loss Reserve amount of up to \$238,000 shall be funded from the Loan IX loss reserve account authorized in Ordinance No. 2020-256. RHDFC shall receive no compensation for this agreement.

Section 4. The Mayor is hereby authorized to enter into an agreement with RHDFC to establish and manage an Interest Reserve Account for the Loan X financing pool in an amount not to exceed \$25,000 to be funded from Loan IX revenues. The Interest Reserve Account shall be used to fund the payment of 1% annual interest to facilitate a Loan X Working Capital Loan of up to \$750,000. The loan amount shall be provided by the Greater Rochester Housing Partnership, Inc. through the Martin Luther King Jr. Housing Fund, and the loan shall be administered by RHDFC. RHDFC shall receive no compensation for this agreement.

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

Section 6. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

President Meléndez abstained due to a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen

Ordinance No. 2023-338

Ordinance No. 2023-339

Re: Zoning Map and Text Amendments – Planned Development District #11 – CityGate

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation amending the Development Concept Plan and text within Planned Development District #11 – CityGate. The CityGate development is located at 255, 275, 335-345, 395 Westfall Road, and 350, 390, 400, 422, 430, 450, 460 East Henrietta Road. Of note, the parcel at 430 East Henrietta Road, which is internal to the site, is owned by Monroe County. The Planned Development District for CityGate was original approved in 2010 but modified in 2013 to accommodate changes to make the development predominantly commercial. Included in the 2013 approval were three sub-areas: Central Commercial, Canal Front Mixed-Use, and Perimeter Commercial. These sub-areas remain today.

The applicant, Streamline Real Estate Partners (Principal: Matt Lester, Rochester, NY) has proposed modifications to the Planned Development District which primarily include a southward expansion of the Central Commercial sub-area to include the land area where a transit center was originally proposed but never came to fruition. The applicant is proposing to expand the number of uses in the Canal Front Mixed-Use sub-area to include a hotel use. Such a use would allow the reactivation of the canal front for public access. This would also allow more services to canal users. Drive-through uses are currently permitted as-of-right in this sub-area, and residential uses will remain a permitted use in the Canal Front Mixed-Use sub-area. It is important to note that any project or proposed development is considered incremental development requiring Site Plan Review to examine such factors as public access to the canal, building aesthetics along the waterfront, and ways to minimize stormwater runoff directly into the canal without pretreatment.

The City Planning Commission held an informational meeting on August 28, 2023. One person spoke in support of the rezoning, and no one spoke in opposition. However, the City did receive several written comments regarding the rezoning, and they are included in the attachments. By a vote of 6-0-0, the City Planning Commission recommended approval of the applicant's proposed amendments, provided that City Council understands that the southward expansion of the Center Commercial sub-area will increase the number of lots where drive-throughs are permitted and consider how that extension will impact vehicular traffic levels and flow as well as pedestrian access and walkability.

A public hearing is required for the proposed Zoning Map and Text Amendments.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-204

Ordinance No. 2023-338
(Int. No. 384)

Amending Chapter 120 of the Municipal Code, Zoning Code, by modifying the text and Development Concept Plan for Planned Development District No. 11 — CityGate

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 to revoke the text and Development Concept Plan for Planned Development District No. 11 — CityGate, as adopted in Ordinance No. 2010-427 and amended in Ordinance 2013-325, and to approve and adopt in its place the following text and Development Concept Plan to read in its entirety as follows:

§ PDD-11. Planned Development District No. 11 - CityGate.



A. Purpose.

- (1) The purpose and intent of Planned Development District No. 11 (PD No. 11), to be known as "CityGate," is to accommodate and facilitate the development of a range of diverse residential, nonresidential and recreational uses in a district setting, on 44 acres on the southeast quadrant of East Henrietta Road and Westfall Road, on the northern edge of the Erie Canal in accordance with the CityGate Development Concept Plan, incorporated herein, and to provide the following design standards and guidance that also further the purpose and intent of the district:
 - a. To ensure a high-quality mixed-use-style development that promotes pedestrian access and connectivity, multimodal transportation opportunities, a variety of retail and commercial uses, both large and small, and enhanced access to the Erie Canal and waterfront;
 - b. To create a flexible regulatory environment that is adaptable to changing market conditions;
 - c. To promote strong unifying elements in the form of district-wide pedestrian and vehicular elements that will provide access to all users; integrated and extensive landscaping features, walkways, site amenities and lighting systems that provide for district cohesion and identification while helping to blend the district with its surrounding area.

B. Objectives.

- (1) To offer a diverse mix of residential and nonresidential development opportunities, which may include housing, retail, restaurant, office, hotel, and recreational uses that reinforce the City of Rochester's position as the economic center of the county and region;
- (2) To capitalize on the project site's strategic location along I-390 at the southern edge of the City, providing easy access from the entire metropolitan area, and proximity to a number of large community service uses and employment centers, including Monroe Community Hospital, Monroe Community College, the University of Rochester and the Rochester Science Park;
- (3) To provide places to live, places to work, places to conduct business, places for lodging, places to eat, places to buy groceries, and places to shop for a wide range of everyday and specialty goods for employees, students, and visitors of the aforementioned institutions, employment centers, and businesses, as well as existing residents of the City and future residents of CityGate;

- (4) To create a community mixed-use center with regional appeal.
- C. Subarea descriptions. The development concept plan divides the PD into three subareas and shows, in its entirety, the basic scope, character and nature of PD No. 11. The plan is conceptual in nature, except as further defined by the development concept plan regulations identified herein. It reflects the general location of residential and/or nonresidential structures, vehicular and pedestrian circulation elements and public and private open space. The three subareas are described below:
- (1) Central Commercial Subarea. This subarea is approximately 19.2 acres and accommodates retail, hospitality, auto services, parking, and commercial uses as well as utility facilities.
 - (2) Canal Front Mixed-Use Subarea. This subarea is approximately 8.6 acres and promotes development of recreational, residential, office, retail, restaurant and hotel uses in addition to enhanced access to the Erie Canal, in a pedestrian-scaled urban setting.
 - (3) Perimeter Commercial Subarea. This subarea is approximately 14.6 acres and accommodates and promotes development of commercial uses adjacent and proximate to the public rights-of-way along both East Henrietta Road and Westfall Road. Mixed-use development is allowed in this subarea. The corner of E. Henrietta Road and Westfall Road is the primary focal point and gateway into the district and will include a public open space amenity.
- D. Permitted uses.
- (1) Central Commercial Subarea.
 - a. All uses are permitted in fully enclosed buildings unless specifically listed as prohibited or as special permit uses, except the retail dispensing or sales of automobile fuels, shall be permitted.
 - b. Utility stations.
 - c. Drive-through uses.
 - d. Temporary uses subject to the requirements listed in § 120-149.
 - e. Limited entertainment, not including sexually oriented uses.
 - f. (f) Limited entertainment conducted outdoors or in partially enclosed or screened facilities, not including sexually oriented uses.
 - (2) Canal Front Mixed-Use Subarea.
 - a. All uses are permitted in fully enclosed buildings unless specifically listed as prohibited or special permit uses.
 - b. Pump stations for boats and watercraft.
 - c. Fishing and boating docks.
 - d. Public open spaces.
 - e. Temporary uses subject to the requirements listed in § 120-149.
 - f. Limited entertainment, not including sexually oriented uses.
 - g. Limited entertainment, not including sexually oriented uses, conducted outdoors or in partially enclosed or screened facilities.
 - (3) Perimeter Commercial Subarea.
 - a. All uses are permitted in fully enclosed buildings, unless specifically listed as prohibited or special permit uses.

- b. Ancillary parking lots with landscaping.
 - c. Public open spaces.
 - d. Temporary uses subject to the requirements listed in § 120-149.
 - e. Limited entertainment, not including sexually oriented uses.
 - f. Limited entertainment conducted outdoors or in partially enclosed or screened facilities, not including sexually oriented uses.
- (4) Accessory uses permitted in all Subareas:
- a. Outdoor seating and dining areas.
 - b. Outdoor retail display areas.
 - c. Outdoor accessory uses (such as swimming pools) customary for hotels.
- E. The following uses are prohibited in the:
- (1) Central Commercial Subarea.
- a. Single-family detached structures.
 - b. Sexually oriented uses.
 - c. Waste centers.
 - d. Junkyards.
 - e. Homeless shelters.
 - f. Residential care facilities.
 - g. Rooming houses/single-room occupancy facilities.
 - h. Warehouse and wholesale distribution facilities.
 - i. Industrial uses.
 - j. Research laboratories, including testing facilities.
 - k. Car washes.
 - l. Vehicle repair, except as accessory to a principal permitted or specially permitted use.
 - m. Vehicle sales areas, except as permitted by special use permit.
 - n. Vehicle wrecking.
 - o. Vehicle storage area, not including accessory parking lots and garages.
 - p. Truck centers.
 - q. Parking lots as a principal use.
 - r. Pawnbrokers.
 - s. Hospitals.
 - t. Funeral homes and mortuaries.
 - u. Self-storage facilities.

(2) Canal Front Mixed-Use Subarea.

- a. Single-family detached structures.
- b. Sexually oriented uses.
- c. Waste centers.
- d. Junkyards.
- e. Homeless shelters.
- f. Residential care facilities.
- g. Rooming houses/single-room occupancy facilities.
- h. Warehouse and wholesale distribution facilities.
- i. Industrial uses.
- j. Research laboratories, including testing facilities.
- k. Car washes.
- l. Vehicle repair.
- m. Vehicle sales areas, except as permitted by special use permit.
- n. Vehicle wrecking.
- o. Vehicle storage area, not including accessory parking lots and garages.
- p. Truck centers.
- q. Parking lots as a principal use.
- r. Pawnbrokers.
- s. Hospitals.
- t. Funeral homes and mortuaries.
- u. Self-storage facilities.
- v. Drive-through uses.

(3) Perimeter Commercial Subarea.

- a. Single-family detached structures.
- b. Sexually oriented uses.
- c. Waste centers.
- d. Junkyards.
- e. Homeless shelters.
- f. Residential care facilities.
- g. Rooming houses/single-room occupancy facilities.
- h. Warehouse and wholesale distribution facilities.
- i. Industrial uses.

- j. Research laboratories, including testing facilities.
- k. Car washes.
- l. Vehicle repair.
- m. Vehicle sales areas.
- n. Vehicle wrecking.
- o. Vehicle storage area, not including accessory parking lots and garages.
- p. Truck centers.
- q. Parking lots as a principal use.
- r. Pawnbrokers.
- s. Hospitals.
- t. Funeral homes and mortuaries.
- u. Self-storage facilities.
- v. Drive-through facilities, when not accessory to a building.

F. The following uses, unless otherwise expressly permitted or prohibited in a subarea, are specially permitted in PD No. 11:

- (1) Any permitted or specially permitted use open to the public or requiring loading/unloading between the hours of 2:00 a.m. and 6:00 a.m.
- (2) Private clubs.
- (3) Public entertainment, not including sexually oriented uses, subject to the additional requirements for specified uses in § 120-137.
- (4) Public entertainment conducted outdoors or in partially enclosed or screened facilities, not including sexually oriented uses, subject to all but the enclosed space requirements for specified uses in § 120-137.
- (5) Outdoor markets.
- (6) Wind energy conversion systems.
- (7) Drive-through facilities in the Perimeter Commercial Subarea, and only when located in the rear yard of buildings that front on perimeter streets, except that the City Planning Commission may waive this location requirement in its consideration of any individual special permit application.
- (8) Vehicle sales areas for new vehicles sales operations which sell new vehicles on-line, where on site activity consists primarily of showroom and/or on site delivery of pre-ordered vehicles and/or vehicle title to customers.
- (9) Amusement Centers.
- (10) Other uses which are deemed to be consistent with, and which advance the purpose of, this PD No. 11, as determined by the Manager of Zoning.

G. Lot and coverage requirements:

- (1) The maximum district lot coverage permitted in PD No. 11, including all building structures, streets, parking areas, sidewalks and improved surfaces, is 80%. The minimum district green space required, including storm retention facilities and all landscaped areas,

is 20%.

(2) Yard requirements in the Central Commercial Subarea.

- (a) Minimum front yard setback: zero feet.
- (b) Minimum side yard setback: zero feet.
- (c) Minimum rear yard setback: zero feet.

(3) Yard requirements in the Perimeter Commercial Subarea.

- (a) Build-to line along perimeter streets: 20 feet, except Parcels 7A and 11A (400 and 422 E. Henrietta Rd).
- (b) Minimum side yard setback: zero feet to perimeter roads.
- (c) Minimum rear yard setback: zero feet.

(4) Yard requirements in the Canal Front Mixed-Use Subarea.

- (a) Minimum canal side (front) setback: 10 feet, except for vehicular and pedestrian circulation elements.
- (b) Minimum front yard setback: zero feet.
- (c) Minimum side setback: zero feet.
- (d) Minimum rear yard setback: zero feet.

H. District bulk requirements.

(1) Building heights.

- (a) Canal Front Mixed-Use Subarea: maximum building height, five stories or 80 feet, whichever is greater.
- (b) All other subareas: no maximum restrictions on building height.
- (c) The minimum height requirement in the Perimeter Commercial Subarea shall be 20 feet.

(2) Floor area.

- (a) The minimum building floor area in the Perimeter Commercial Subarea shall be 2,000 square feet.
- (b) There shall be no minimum floor area required in other subareas.

I. District off-street parking and loading.

(1) Parking.

- (a) Supply. The parking supply for PD No. 11 shall be established at a maximum cap of 2,100 spaces, including approximately 700 spaces in the Central Commercial Subarea, 600 in the Canal Front Mixed-Use Subarea, and 800 in the Perimeter Commercial Subarea. Parking established beyond the 2100 space threshold requires a parking demand analysis in accordance with § 120-173B of the Zoning Code.
- (b) Design and maintenance.

- [1] Parking shall comply with the parking lot design and maintenance standards set forth in § 120-173F, with the exception that parking areas shall be permitted adjacent to residential uses.
 - [2] Surface parking lots shall be located behind newly constructed buildings in the Perimeter Commercial Subarea and in no case between the front of a newly constructed building located in the Perimeter Commercial Subarea and the public rights-of-way. In the Perimeter Commercial Subarea, when properly set back and landscaped, existing parking lots in the front yards of existing buildings may be maintained.
 - [3] Street parking shall be provided along the front of all mixed-use buildings in the Canal Front Mixed-Use Subarea.
 - [4] Streets shall be hard surfaced with granite or concrete curbing.
- (2) Loading and service areas. Loading shall comply with the requirements set forth in § 120-172.

J. Design regulations.

(1) Architecture.

(a) Central Commercial Subarea.

- [1] All primary buildings shall be constructed or clad with materials that are durable and of a quality that will retain its appearance over time.
- [2] At least 50% of the exterior elevation building materials shall be a mix of brick, wood or faux wood, metal panels, dimensional natural stone, finished (tinted, textured) masonry units, or Exterior Insulated Finish System (insulated stucco). Predominant exterior building material should not include smooth-faced concrete block.
- [3] Buildings with a facade exceeding 100 feet in length shall have repeating wall recessions or projections to provide visual articulation.
- [4] Buildings should have architectural features and patterns that provide visual interest, at the scale of the pedestrian, and recognize local character.
- [5] Building facades must include a repeating pattern that should include color change, texture change or material module change.
- [6] Parapets or other architectural features shall be used to conceal rooftop mechanical equipment.
- [7] The following architectural elements shall be integrated into the design of buildings:
 - [a] Portico or canopy at entry.
 - [b] Facade articulation
 - [c] Covered entrance.
 - [d] Facade subdivision into proportional bays.
 - [e] Display windows.

(b) Canal Front Mixed-Use Subarea.

- [1] All primary buildings shall be constructed or clad with materials that are durable and of a quality that will retain its appearance over time.
- [2] Appropriate building materials include brick, natural or synthetic stone, integrally colored Exterior Insulated Finish System (insulated stucco) and hardboard siding. Exterior building material should not include smooth-faced concrete block
- [3] At least 50% of the exterior elevation building materials shall be a mix of brick, wood or faux wood, metal panels, dimensional natural stone, finished (tinted, textured) masonry units, or Exterior Insulated Finish System (insulated stucco). Predominant exterior building material should not include smooth-faced concrete block
- [4] The following architectural elements shall be integrated into the design of buildings:
 - [a] Rigid frame or fabric awnings, where there are awnings.
 - [b] Covered entrances and arcades.
 - [c] Clearly defined, visible entrances, which maintain the proportional scale of the building.
 - [d] Articulation of wall surface materials and colors.
 - [e] Large facades divided into modules to create smaller sections.
 - [f] Pop-outs and projections.
 - [g] Varying roof heights and wall planes.

(c) Perimeter Commercial Subarea.

- [1] All primary buildings shall be constructed or clad with materials that are durable and of a quality that will retain its appearance over time.
- [2] At least 50% of the exterior elevation building materials shall be a mix of brick, wood or faux wood, metal panels, dimensional natural stone, finished (tinted, textured) masonry units, or Exterior Insulated Finish System (insulated stucco). Predominant exterior building material should not include smooth-faced concrete block
- [3] The following architectural elements shall be integrated into the design of buildings:
 - [a] Rigid frame or fabric awnings, where there are awnings.
 - [b] Covered entrances.
 - [c] Facade articulation with vertical elements incorporating features that contribute to the creation of a pedestrian-friendly environment both along the public rights-of-way as well as within the district and its internal pedestrian circulation elements.
 - [d] Large glazed facade at the main entrance, making it visible from the street or main site access.

- [e] Articulation of building materials
- [f] Facade subdivision into proportional bays.
- [g] Variations of rooflines.
- [h] Decorative parapets or cornices.

(2) Signage.

- (a) Signage shall be considered an important and integral element that gives the district recognition as a cohesive large scale development comprised of individual users with individual sign needs, such as corporate brand identification, and signs integral to a use. Directory style signage may be used for identification of the development and individual users. User specific signage shall also be permitted. Off-site signage may be used for identification of users of adjacent property accessible through the district, as well as for directional purposes.
- (b) All signage within PD No. 11 shall be in accordance with a sign program, with initial consideration and subsequent amendment(s) subject only to minor site plan review and approval by the Manager of Zoning in accordance with § 120-191 of the Zoning Code.

(3) Screening.

- (a) All mechanical equipment shall be designed to be an integral part of the building or structure. Mechanical equipment, including heating, electrical, and air conditioning, or other shall not be installed on the roof of any building if the roofline is visible from the ground level within this district or from the grade of the perimeter public streets. Mechanical equipment shall be screened to diminish its visibility from ground level.

(4) Landscaping.

- (a) Landscaping shall be considered a major integral part of district design and as a unifying element that gives the district recognition, character and cohesion.
- (b) Plant material will be used to define and help create a sense of entry into the district.
- (c) A distinctive overall landscape plan shall be developed for the district that not only beautifies the district and defines vehicular and pedestrian circulation elements but also draws the district together as a single, definable place, while accommodating a diversity of uses.

(5) Site and street design standards.

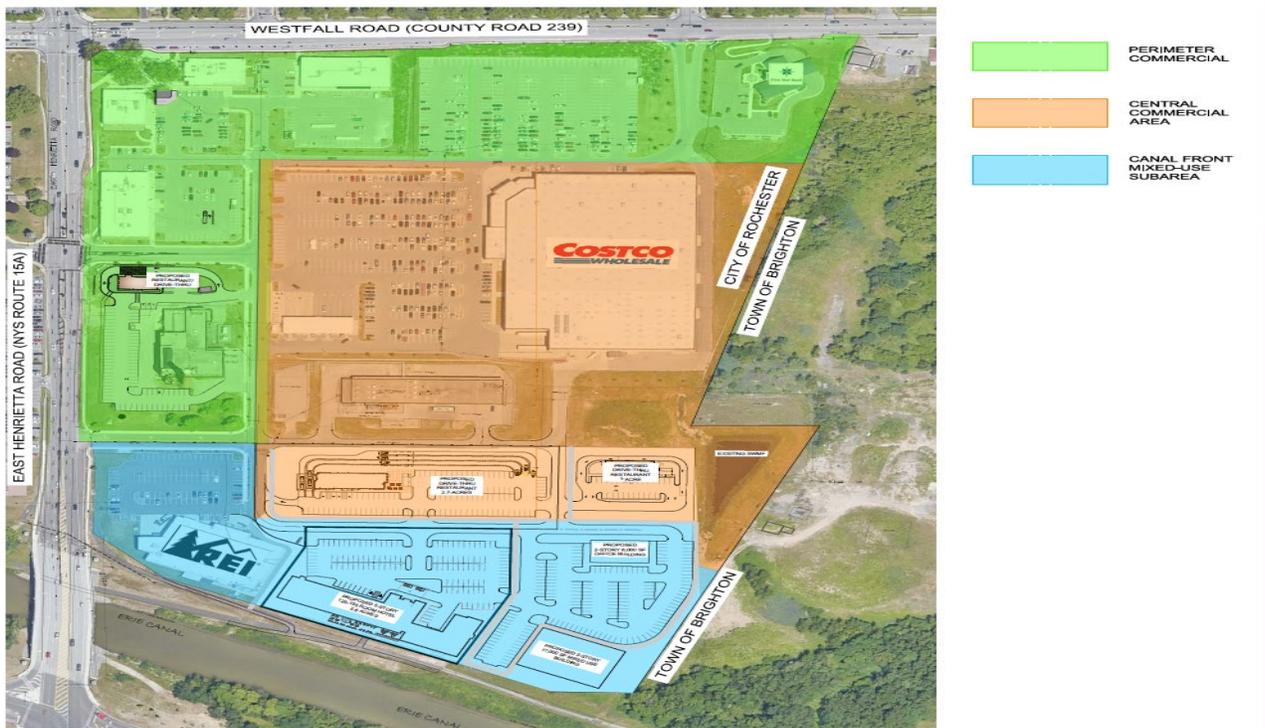
- (a) City Gate will be a development of high-quality buildings organized by a logical, coherent network of internal streets (public or private); perimeter streets (E. Henrietta Road and Westfall Road); and green spaces. A person entering the site will be able to easily navigate the network of streets from any perimeter location to the bank of the canal and canal trail. Street types shall be as follows: boulevard, secondary streets, canal front Westfall entrance.
- (b) All streets will emphasize pedestrian amenities, including:
 - [1] Sidewalk widths corresponding to expected pedestrian traffic, so that streets that are corridors through the site will have smaller sidewalk widths (no less than five feet in width) and streets that feature ground-level retail will have wider sidewalks (at least eight feet in width).
 - [2] Sidewalk paving material (exposed aggregate, colored concrete, bricks, and unit pavers). Stamped concrete or stamped asphalt will be avoided due to concerns over

the longevity of a high- quality finish.

- [3] Curbing, trees, street furniture, and pedestrian-scale lighting.
- [4] Streets in the Canal Front Mixed-Use Subarea shall include on-street parking where appropriate and have vehicular travel lanes no wider than 13 feet.
- [5] Streets in the Canal Front Mixed-Use Subarea shall be lined with, and framed by, buildings that present an active facade that engages pedestrians.
- [6] Streets in the Central Commercial Subarea will be public or private vehicular ways, no wider than 26 feet, unless on-street parking is provided.
- [7] Development along the perimeter streets, East Henrietta Road and Westfall Road, shall present an attractive and welcoming image of the new development to the adjacent public rights-of-way and surrounding neighborhood. The perimeter streets shall be treated in the following ways:
 - [a] Retain or add landscaping, such as an alley of trees. Berms shall not be permitted.
 - [b] Perimeter streets shall have buildings that present an active facade to the perimeter streets as well as to secondary entries.
 - [c] In no case shall garage doors, loading docks or doors, or dumpster enclosures be located along perimeter streets.
 - [d] In no case shall parking lots, garage doors, loading docks or doors, service entrances, drive-through stacking lanes, or dumpster enclosures face secondary entries without the required screening.
 - [e] Overhead utilities along perimeter streets shall be placed underground in conjunction with this project's development.
 - [f] Gaps between buildings and along parking lots facing perimeter streets shall include walls of enclosure, no higher than three feet, integrated into perimeter landscape treatments.
 - [g] Parking lots and drive-through components located along secondary entries shall include walls of enclosure or landscape screening with a minimum height of three feet.
- [8] Streetlighting shall be at a pedestrian scale on all streets in the PD.
- [9] Green space shall be integrated into the site as a unifying factor to reinforce the cohesion of the district as a whole and shall be properly maintained. A green space/landscape management plan, subject to minor site plan review and approval by the Manager of Zoning in accordance with § 120-191 of the Zoning Code, shall be submitted upon approval of the development concept plan.
- [10] The canal shall be treated as an "edge" similar to a street. Parking lots, garage doors, loading docks or doors, service entrances, or dumpster enclosures are discouraged from facing the canal.
- [11] In the Perimeter Commercial Subarea, all new construction facing the perimeter streets and secondary entries shall provide active facades and areas of transparency equal to 50% of the wall area between the height of two feet and eight feet from the ground.
- [12] In the Canal Front Mixed-Use Subarea, all new nonresidential construction shall provide active facades and areas of transparency equal to 50% of the wall area between the height of two feet and eight feet from the ground.

- K. Modification. Modification of the design regulations contained in Sections G, H, J and M(1) and (2) is subject to administrative adjustment approval or minor site plan review approval by the Manager of Zoning in accordance with § 120-191 of the Zoning Code.
- L. Personal wireless telecommunications facilities (PWTF). Telecommunications facilities in PD No. 11 shall be regulated as outlined in § 120-143 of the Zoning Code as follows:
 - (1) Antennas on buildings. Antennas are permitted on all buildings which are four stories or greater in height, provided that the antennas and related structures do not extend more than 20 feet above the roofline.
 - (2) Antennas on existing towers. Antennas on existing telecommunications towers or other structures are permitted unless otherwise restricted pursuant to the terms of a prior special permit.
 - (3) Telecommunications towers. New telecommunications towers shall not be permitted.
- M. Additional requirements.
 - (1) Development and redevelopment in PD No. 11 is subject to the City-Wide Design Guidelines and Standards (Article XIX), except § 120-158C(1).
 - (2) Development and redevelopment in PD No. 11 is subject to Requirements Applying to All Districts (Article XX), except as herein modified.
 - (3) This planned development district is subject to requirements set forth in Article XVII of the City Zoning Code regarding planned development districts.
- N. Development concepts/graphics.

DEVELOPMENT CONCEPT PLAN SUBAREA MAP



DEVELOPMENT CONCEPT PLAN



Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2023-339
(Int. No. 385)

Amending the Zoning Map to specify the current addresses and Section, Block, and Lot parcel numbers for the lots comprising the Planned Development District No. 11 — CityGate

WHEREAS, as part of the establishment of the Planned Development District No. 11 — CityGate (CityGate PDD) in 2010, the City of Rochester (City) in Ordinance No. 2010-426 amended the Zoning Map to change to the CityGate PDD zoning designation an area described by metes and bounds

and as comprised of lots designated at that time as the following street addresses: 350, 422, 444 and 450 East Henrietta Road and 401 and 445 Westfall Road;

WHEREAS, by Ordinance No. 2013-236, the City amended the Zoning Map to remove the CityGate PDD designation from and reclassify the lot at 445 Westfall Road as R-3 High Density Residential/O-B Overlay Boutique;

WHEREAS, in 2014 the City authorized the subdivision of the CityGate PDD's 5 remaining lots into 12 lots, as specified on the CityGate Subdivision map by Marathon Engineering recorded in the Monroe County Clerk's Office on March 31, 2014 in Liber 347 of Maps page 81;

WHEREAS, in January 2016 the City authorized the resubdivision of the CityGate PDD to modify the internal lot boundaries without adding to or reducing the number of lots (12), as specified on the CityGate Subdivision – Amended map by Marathon Engineering recorded in the Monroe County Clerk's Office on February 12, 2016 in Liber 351 of Maps page 74;

WHEREAS, in October 2016 the City authorized the resubdivision of the southern portion of the CityGate PDD to modify internal boundaries and to combine two of the lots (formerly Lot 9a designated as 444 East Henrietta Road and Lot 10a designated as 460 East Henrietta Road) into one lot now designated as Lot 10a at 460 East Henrietta Road, as specified on the CityGate Resubdivision map by Marathon Engineering recorded in the Monroe County Clerk's Office on October 24, 2016 in Liber 353 of Maps page 34; and

WHEREAS, in tandem with a concurrent ordinance that modifies the zoning text and Development Concept Plan for the CityGate PDD, it is desirable to update the Zoning Map to specify the current street addresses and Section, Block, and Lot (SBL) parcel numbers of the lots comprising the CityGate PDD.

NOW, THEREFORE, 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 in the Zoning Map to specify the current addresses and SBL parcel numbers of the lots comprising Planned Development District No. 11 — CityGate as follows:

Address	SBL No.
350 East Henrietta Road	136.78-3-3
390 East Henrietta Road	150.22-1-2.008
400 East Henrietta Road	150.22-1-2.009
422 East Henrietta Road	150.22-1-2.002
430 East Henrietta Road	150.22-1-2.001
450 East Henrietta Road	150.22-1-2.012
460 East Henrietta Road	150.31-1-1.001
255 Westfall Road	136.78-3-2
275 Westfall Road	136.78-3-1
335-345 Westfall Road	150.22-1-2.007
395 Westfall Road	136.79-1-6

and the area extending from each such lot to the center line of any adjoining public street, alley, and right-of-way.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Meléndez,
October 17, 2023

To the Council:

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

- Int. No. 386 Adopting the Monroe County Hazard Mitigation Plan, 2023 Update
- Int. No. 387 Authorizing an intermunicipal agreement and amending the 2023-24 Budget relating to the Tobacco/Vape Compliance Inspections Grant
- Int. No. 388 Amending the 2023-24 Budget to appropriate federal forfeiture funds to acquire a transit van for the Police Department's on-site investigations

The **PUBLIC SAFETY COMMITTEE** recommends the following entitled legislation to be **HELD** in Committee:

- Int. No. 394 Authorizing an application relating to a Law Enforcement Technology grant program

Respectfully submitted,
Miguel A. Meléndez, Jr.
Mary Lupien (*voted against Int. No. 388*)
Mitch Gruber
LaShay D. Harris
Willie J. Lightfoot
Stanley Martin (*voted against Int. No. 388*)
Michael A. Patterson
Jose Peo
Kimberly Smith (*voted against Int. No. 388*)
PUBLIC SAFETY COMMITTEE

Received, file and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-340
Re: Hazard Mitigation Plan, 2023 City of Rochester Update

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation adopting the Monroe County Hazard Mitigation Plan, 2023 Update. The plan is required to be in place by all communities in order to be eligible for federal funds for hazard prevention. The plan was developed and initially adopted in 2004 through collaborative efforts from the City of Rochester, County of Monroe, 19 towns and ten villages within

the County, their authorities, the Cornell Cooperative Extension, the American Red Cross and Rochester Gas and Electric. City Council approval and adoption is required by the Federal Emergency Management Agency. The plan is annexed to the City of Rochester Comprehensive Emergency Management Plan.

The Disaster Mitigation Act of 2000 established a requirement that all local governments have an All-Hazard Mitigation Plan to be eligible to receive Hazard Mitigation Grant Program Funding. The first plan was adopted on November 1, 2005. The plan must be reviewed and updated every five (5) years by Monroe County and all 30 participating jurisdictions who have agreed that a single, comprehensive, all-inclusive plan would best serve our communities.

The plan is designed to reduce or eliminate losses from natural, human or technological hazards. This is done through a comprehensive hazard and risk assessment process based on possibility, probability and actual experience.

The requirement for a public review was satisfied for all involved municipalities by two video conferencing meetings hosted by Monroe County Office of Emergency Management on October 6th 2022. A copy of the plan is available for review in the Office of the City Clerk.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-205

Ordinance. No. 2023-340
(Int. No. 386)

Adopting the Monroe County Hazard Mitigation Plan, 2023 Update

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

Section 1. In accordance with the Federal Disaster Mitigation Act of 2000 as amended (the Act), the Council hereby approves and adopts the Monroe County Hazard Mitigation Plan, 2023 Update (Updated Plan) and authorizes the County Executive, or a designee, to submit the Updated Plan to the New York State Division of Homeland Security and Emergency Services, the Federal Emergency Management Agency and any other agency the Act may require to qualify the City, County and other participating municipalities for funding through the Hazard Mitigation Grant Program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance. No. 2023-341
Re: Agreement – Monroe County, Tobacco/Vape Compliance Inspections Grant

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to a Monroe County grant. This legislation will:

1. Authorize an agreement with Monroe County for the receipt and use of \$45,500 for a Tobacco/Vape Compliance Inspections grant. The term of the agreement is April 1, 2023 through March 31, 2024;
2. Amend the 2023-24 Budget of the Police Department by \$3,700 to reflect a portion of these funds; and
3. Amend the 2023-24 Undistributed Budget by \$1,200 to reflect a portion of these funds.

Monroe County will reimburse costs of up to \$45,500 in overtime and fringe benefits (\$33,700 in overtime; \$11,800 in fringe) for compliance checks conducted during the contract term. This agreement continues the enforcement program begun in April 1998, under which the Police Department conducts inspections of licensed tobacco/vape outlets in the City. These inspections track compliance with the age restrictions on tobacco/vape sales by using underage "agents" who attempt to buy tobacco/vape 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 balance of the grant was anticipated and included in the 2023-24 Budget of the Police Department (\$30,000) and the 2023-24 Undistributed Budget (\$10,600). RPD has received this grant for over 10 years.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-341
(Int. No. 387)

Authorizing an intermunicipal agreement and amending the 2023-24 Budget relating to the Tobacco/Vape Compliance Inspections 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 intermunicipal agreement with the County of Monroe for the receipt and use of up to \$45,500 for reimbursement of the City's overtime and fringe benefits costs for police officers conducting tobacco and vaping sales compliance enforcement pursuant to the Tobacco/Vape Compliance Inspections Grant program. The term of the agreement shall be April 1, 2023 through March 31, 2024.

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

Section 3. Ordinance No. 2023-228, the 2023-24 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Police Department by \$3,700 and to the Budget of Undistributed Expenses by \$1,200, which amounts are hereby appropriated from the Tobacco/Vape Compliance Inspections Grant authorized in Section 1 herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance. No. 2023-342

Re: Appropriation of Federal Forfeiture Funds

Council Priority: Public Safety

Transmitted herewith for your approval is legislation appropriating \$81,000 from federal forfeited funds generated by the Police Department, and amending the 2023-24 Cash Capital Budget of the Police Department by this amount.

These funds will be used to purchase a transit van for the Special Investigations Section. This vehicle will replace a minivan that is 13 years old, has over 140,000 miles, and is not mechanically reliable. It will be equipped with storage containers, a monitor, and shelving, thereby enabling it to be utilized as a rapid mobile command center for investigative operations.

The appropriations requested this month will result in a balance of approximately \$117,400 in the federal forfeiture treasury fund.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-342
(Int. No. 388)

Amending the 2023-24 Budget to appropriate federal forfeiture funds to acquire a transit van for the Police Department's on-site investigations

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

Section 1. Ordinance No. 2023-228, the 2023-24 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to Cash Capital by \$81,000, which amount is hereby appropriated from funds received from the Federal Government from seized and forfeited assets. The appropriation herein shall be used to acquire a transit van for on-site investigations conducted by the Police Department's Special Investigations Section.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

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

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

President Meléndez introduced a motion to discharge Int. No. 394; 2nd by Councilmember Patterson.

Motion to discharge passed by the following vote:

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

Nays - Councilmember Martin - 1.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance. No. 2023-343

Re: Authorizing Grant Application - New York State Division of Criminal Justice Services
Law Enforcement Technology Program

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing the submission of an application for the New York State Division of Criminal Justice Services (DCJS) Law Enforcement Technology (LETECH) grant program, for up to \$10 million in grant funding.

LETECH will fund law enforcement technologies and applicable software/equipment such as license plate readers, mobile and fixed surveillance cameras, unmanned aerial vehicles, gunshot detection devices, smart equipment for patrol vehicles and officers, technology or software and other kinds of public safety equipment. The program is intended to help local law enforcement agencies prevent and solve crimes, particularly violent crimes by firearms and crimes of community concern.

DCJS will make available \$50 million statewide to non-NYC agencies, with no stated limit per agency or jurisdiction. The Police Department is working on obtaining quotes and finalizing the proposed items for consideration. The Department intends to apply for software to enhance the management of body-worn camera footage and vehicle crash data, laptop computers for investigations, "blue light" surveillance system upgrades, a bucket truck for installation and maintenance of the cameras and other equipment.

The grant program does not require matching funds.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance. No. 2023-343
(Int. No. 388)

Authorizing an application relating to a Law Enforcement Technology grant program

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 New York State Division of Criminal Justice Services (DCJS) for a grant of up to \$10,000,000 through the DCJS Law Enforcement Technology grant program.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - Vice President Lupien, Councilmember Martin - 2.

By Councilmember Gruber
October 17, 2023

To the Council:

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

- Int. No. 389 Authorizing the cancellation or refund of erroneous taxes and charges
- Int. No. 390 Authorizing an agreement and amending the 2023-24 Budget to implement a Financial Empowerment Center SuperVitamin Study
- Int. No. 391 Authorizing an agreement to engage an advertising media planning and buying agent for the City
- Int. No. 392 Authorizing an agreement for computer training services
- Int. No. 393 Authorizing construction grant to fund improvements to Rochester Public Library facilities

The **FINANCE COMMITTEE** recommends the following entitled legislation to be **HELD** in Committee:

- Int. No. 395 Local Law amending the City Charter with respect to the Mayor's and Councilmembers' terms of office

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance. No. 2023-344
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 \$8,392.02.

The property located at 281 Whitney Street was acquired by the Rochester Land Bank Corporation at the City's foreclosure auction in 2022. The Rehabilitation charge was erroneously added to the

2023-24 tax bill.

The City of Rochester took title to the property located at 395 Hudson Avenue on March 22, 2023. Due to timing of when the deed was processed, it could not be made exempt for the final 2023-24 tax roll.

The property located at 322 Central Avenue is owned by National Passenger Railroad Corporation/Amtrak. Title 49, United States Code 24301 (1) exempts the company from real property tax and special district charges. The Street Cleaning and Road Plowing charges were put on in error after an inspection by an Appraiser from Assessment.

If these cancellations are approved, total cancellations thus far for 2023-24 will be as follows:

	<u>Accounts</u>	
City Council	5	\$30,652.97
Administrative	<u>19</u>	<u>\$8,394.25</u>
Total	24	\$39,047.22

These cancellations represent 0.0148% of the tax receivables as of July 1, 2023.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-206

Ordinance. No. 2023-344
(Int. No. 389)

Authorizing the cancellation or refund of erroneous taxes and charges

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

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

A) S.B.L. #	Class	Address	Tax Year	Cancelled
105.74-2-3.002	H	281 Whitney Street	2024	\$4,942.44

A. The property was acquired by the Rochester Land Bank Corporation at the City's foreclosure auction in 2022. A rehabilitation charge was erroneously added to the 2023-24 tax bill.

SUBTOTAL A **\$4,942.44**

B) S.B.L. #	Class	Address	Tax Year	Cancelled
106.40-4-51	N	395 Hudson Ave	2024	\$1,830.01

B. The City of Rochester took title to the property on March 22, 2023. Due to the time required to process and record the deed, the properties exemption could not be filed in time for the finalizing of the 2023-24 tax roll.

SUBTOTAL B **\$1,830.01**

C) S.B.L. #	Class	Address	Tax Year	Cancelled
106.63-1-12	N	322 Central Ave	2024	\$1,619.57

C. The property is owned by National Passenger Railroad Corporation/Amtrak. Title 49, United States Code 24301 (1) exempts the company's properties from real property tax and special district charges. The Street Cleaning and Road Plowing charges cancelled in were added to the 2023-24 tax roll in error after an inspection by an Appraiser from Assessment.

SUBTOTAL C **\$1,619.57**

TOTAL **\$8,392.02**

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. 2023-345

Re: Grant Acceptance for the Office of Financial Empowerment

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity & Opportunity

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

- 1) Authorize a grant agreement with Cities for Financial Empowerment Fund, Inc. (Jonathan Mintz, Executive Director, 44 Wall St #1050, New York, NY 10005) and RochesterWorks Inc, (Dave Seeley, Executive Director, 100 College Avenue Ste 200, Rochester, NY 14607) for receipt and use of a \$10,000 grant for the purpose of participating in the FEC Supervitamin Study. The agreement will have a term of two years.
- 2) Amend the 2023-24 Budget of the Office of the Mayor by \$10,000 for the funding from Cities for Financial Empowerment Fund as outlined above.

This funding will be used to support the Rochester Financial Empowerment Center. The FEC Supervitamin Study will examine whether free 1-1 financial counseling creates better workforce development outcomes for job readiness initiatives that are already provided by RochesterWorks Inc. For the purpose of this study, we will be partnering with RochesterWorks Inc. to embed financial counseling into their workforce development programs.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-207

Ordinance No. 2023-345
(Int. No. 390)

Authorizing an agreement and amending the 2023-24 Budget to implement a Financial Empowerment Center SuperVitamin 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 Cities for Financial Empowerment Fund, Inc. (the Fund) and RochesterWorks, Inc. for the receipt and use of Fund grants in the amounts of \$10,000 to the City and \$50,000 to RochesterWorks to implement a Financial Empowerment Center SuperVitamin Study that will provide, and assess the effects of providing, free financial counseling to RochesterWorks' workforce development clients (the Project). The agreement shall have a term of two years.

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

Section 3. Ordinance No. 2023-228, the 2023-24 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Office of the Mayor by \$10,000 to reflect the City's receipt of the grant funds authorized herein, which are hereby appropriated to implement the Program.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-346
Re: Agreement - Media Impressions Limited – Media Planning and Buying Agent

Council Priority: Creating and Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation authorizing an agreement with Media Impressions Limited., (Patty Carroll, owner), 45 Coach Side Lane, Pittsford, NY 14534, to serve as the City's media planning and buying agent. Media Impressions has served as the City's media buyer since 2017. The term of the agreement will be three years with an option to renew for an additional three-year term.

The Consultant will serve as the City's sole media buying agent, procuring paid media on behalf of the City upon request and under the direction of the Bureau of Communications, which is responsible for marketing and promoting the City's programs, events and services. In addition to conventional media, the Consultant will provide a digitally focused approach to leveraging the significant transformation occurring in the advertising landscape.

These services include:

- Media planning with City input to create media flight schedules, budgets, timelines, deadlines and contact information for creative deliverables;
- Media buying and ordering to include analyzing media data, negotiating for the City's best

interests and outcomes, utilizing media software to create contracts and television or radio buys supported by data and ratings, and delivering traffic instructions for creative assets;

- Ongoing media monitoring to regularly review digital metrics and adjust the City's buys as needed;
- Invoice reconciliation by receiving and approving all invoices for payment, troubleshooting discrepancies, and reporting these to the City before payments are made on a monthly basis.

The Consultant will be compensated on a commission basis of 12% on gross media purchases it makes on behalf of the City. The City's average annual media expenditures over the last six years (removing the COVID years of FY19 and FY20) were approximately \$177,707. The 2 COVID years' average was \$335,501. The cost for year one of this agreement will be funded from the 2023-24 budgets of the departments using these services, which shall not exceed the funds available in the annual budget designated for this purpose. The cost for year two and three will be funded from the 2024-25 and 2025-26 budgets contingent upon their approval.

A Request for Proposals was issued for these services in July 2023; responses were received from three firms and Media Impressions was selected based on their high scores for experience, personalized principal staff attention, and cost response. The RFP Summary is attached.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-208

Ordinance No. 2023-346
(Int. No. 391)

Authorizing an agreement to engage an advertising media planning and buying agent for the City

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

Section 1. The Mayor is hereby authorized to enter into an professional services agreement with Media Impressions Limited to act as the City's advertising media planning and buying agent for a term of three years, with the option to renew for one additional three-year term. The agent shall be compensated based upon a percentage of the media purchases that it makes on behalf of the City. The compensation for the first year of the term shall be funded from the 2023-24 Budgets of the City departments that use the Agent's services, which shall not exceed the funds available in the 2023-24 Budgets designated for that purpose. The compensation for years two and three shall be funded from the 2024-25 and 2025-26 Budgets contingent upon their approval. Similarly, the compensation for any optional fourth, fifth and sixth year shall be funded from the 2026-27 and subsequent years' Budgets, contingent upon approval of those budgets.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-347
Re: Agreement – New Horizons at Logical Operations, Inc., Computer Training Services

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity & Opportunity
Transmitted herewith for your approval is legislation establishing \$63,000 as maximum compensation for an agreement with New Horizons at Logical Operations Inc., (Joe Mignano CEO) of Rochester, New York, to provide multi-level trainings for City employees on Microsoft Office applications, such as Word, Excel, PowerPoint, and Outlook, and Adobe Photoshop CC. The term of the agreement will be for three (3) years and will be funded from the 2023- 24(\$21,000), 2024-25 (\$21,000), and 2025-26 (\$21,000) Budgets of Undistributed Expenses, contingent upon approval of future budgets.

Since 2010, the City has contracted with New Horizons at Logical Operations, Inc. to provide beginner, intermediate and advanced level Microsoft applications training for City employees to help improve their competency and utilization of systems to improve and enhance their day to day performance of their job functions. New Horizon at Logical Operations, Inc. is the only local vendor that provides instructor led, on-site customized training computer classes, and is therefore a local sole-source provider of these services. Training topics include those listed above and participants receive a training book with detailed lessons on 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.

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

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-209

Ordinance No. 2023-347
(Int. No. 392)

Authorizing an agreement 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 into a professional services agreement with Logical Operations Inc. to provide training to City employees on the Microsoft Office suite and other computer applications. The agreement shall have a term of three years. The maximum total compensation for the agreement shall be \$63,000, which shall be funded in equal shares of \$21,000 from each of the 2023-24, 2024-25 and 2025-26 Budgets of Undistributed Expenses, contingent upon approval of the latter two budgets.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-348
Re: Library Construction Grants

Council Priority: Creating and Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing the receipt and use of New York State Education Department, Division of Library Development (NYSED) construction grant funds in the amount of \$606,190 for the Charlotte Branch Library and Rundel Memorial Library Building.

The Charlotte branch library project will replace all existing roof systems (two main levels and two smaller entry roofs) which are approximately 27 years old. Roof drain replacement will be included at these locations with minor asbestos abatement required at the roof system. The new roof system will provide code minimum R-30 insulation, new flashings, and a 30-year warranty. The project also includes removal of wood infill panels at the main entry and replacement with a glass mullion pattern to mimic the window directly above the main door, restoring the original arch. The estimated cost for the project is \$342,380 and we are requesting 50% NYSED construction funding with \$171,190 in 2021-22 cash capital as match. Design is underway with MRB Group and construction is anticipated in spring 2024.

The Rundel building has two staff stairwells with three staff elevators. One elevator is a freight elevator in use by RPL and Monroe County Library System facilities, shipping and staff. The second main stairwell elevator will be removed from service for the Rundel ventilation upgrades project. The decommissioned elevator serves all floors needing ventilation for centralized ductwork connections that will be installed during the project. The remaining north stairwell elevator has been inoperable since May 2023; the original equipment is obsolete and the City's term contractor cannot source replacement parts. Replacement in-kind through consortia contract with KONE, Inc. is estimated at \$580,000 and we are requesting 75% NYSED construction funding with \$145,000 in 2021-22 cash capital as match. Construction will begin in early 2024.

The Monroe County Library System receives a formula portion of NYSED Aid for Library Construction projects, with over \$1.3 million available for member libraries in 2023-24.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-348
(Int. No. 393)

Authorizing construction grant to fund improvements to Rochester Public Library facilities

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

Section 1. The Council hereby authorizes the submittal of an application for and the receipt and use of \$606,190 from the New York State Education Department, Division of Library Development (NYSED) as a construction grant, which is hereby appropriated to fund the following improvements to Rochester Public Library facilities:

Charlotte Branch Roof Replacement and Entryway Restoration	\$ 171,190
Rundel Memorial Building Elevator Upgrades	\$ 435,000
TOTAL	\$ 606,190

Section 2. The Mayor is hereby authorized to enter into a grant agreement with NYSED or its designee if it is necessary to effectuate the City's receipt and use of this construction grant. If there is an agreement, it shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 7:27 pm.

HAZEL L. WASHINGTON
City Clerk