

ROCHESTER CITY COUNCIL

REGULAR MEETING

October 18, 2022

Present –President Meléndez, Councilmembers Gruber, Lightfoot, Lupien, Martin, Patterson, Peo, Smith – 8.
Absent – Councilmember Harris – 1.

President Meléndez requested the Council to pause for a Moment of Silence.

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

Retirement:

DES:

James Camiolo
Thomas Coleman Jr.
Ronald Wandtke

NBD

Leonard Merritt

RFD

Domenic Borrelli
William Burley
Timothy D’Imperio
Casey Gilbert
Michael Meeks
Robert Mooney
Thomas Tambe

RPD:

Daryl Gaston
Michael Houlihan

APPROVAL OF THE MINUTES

By Vice President Lupien

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

Adopted unanimously.

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

The Council submits Disclosure of Interest Forms from Councilmember Harris on Int. No. 360 and 361.

THE COUNCIL PRESIDENT --- RECEIVED AND FILED.

PUBLIC HEARINGS.

Pursuant to law, a public hearing was held on October 13, 2022 on the following matters:

Amending the Official Map by abandoning a portion of the Scott Alley right-of-way Int. No. 370

No speakers

Amending the Official Map by abandoning the Melvin Alley right-of-way Int. No. 371

No speakers

REPORTS OF STANDING COMMITTEES
AND ACTION THEREON

By Councilmember Gruber
October 18, 2022

To the Council:

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

- Int. No. 358 Authorizing the cancellation or refund of erroneous taxes and charges
- Int. No. 359 Amending the Policy on Public Art
- Int. No. 360 Authorizing an agreement relating to Land Bank priority bids
- Int. No. 383 Authorizing an agreement for upgrades to the 311 Call Center system
- Int. No. 385 Authorizing receipt and use of a construction grant to fund improvements to Rochester Public Library facilities

Respectfully submitted,

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-292
 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 \$9,357.64.

Refuse charges were billed through 476-500 N. Clinton Avenue for 485 N. Clinton Avenue in error. Both properties had been occupied by Baden Street Settlement. However, Baden Street Settlement moved out of 485 N. Clinton Avenue in 2018 and the refuse accounts should have been split.

If these cancellations are approved, total cancellations thus far for 2022-23 will be as follows:

	<u>Accounts</u>	
City Council	6	\$16,540.02
Administrative	<u>391</u>	<u>\$65,918.69</u>
Total	397	\$82,458.71

These cancellations represent 0.0297% of the tax receivables as of July 1, 2022.

Respectfully submitted,
 Malik D.
 Mayor

Attachment No. AV-167

Ordinance No. 2022-292
 (Int. No. 358)

Authorizing the cancellation or refund of erroneous taxes and charges

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

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

S.B.L. #	Class	Address	Tax Year	Cancelled
106.55-1-22	N	476-500 N. Clinton Ave	2020	\$3,816.95
			2021	\$3,706.36
			2022	\$1,834.33
GRAND TOTAL				\$9,357.64

Refuse charges arising from the Baden Street Settlement’s occupancy of 485 N. Clinton Avenue were billed to the account for the property it owns at 476-500 N. Clinton Avenue. However, the refuse charges continued to be charged in this manner to Baden Street Settlement in error after it moved out of 485 North Clinton Avenue in 2018.

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. 2022-293

Re: Amending the City Arts Policy

Council Priority: Creating and sustaining
a culture of vibrancy

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation amending the Public Arts Policy, which was established in Ordinance No. 2007-468 and amended by Ordinance No. 2009-224, (the Policy). One goal of the Policy is to allocate to public art projects the equivalent of 1% of the funds spent on qualifying City capital projects (the Percent for the Arts). The legislation amends the Policy to fund a broader range of public art, to establish an allocation process for the funding of public art, and to ensure equitable distribution of the funding.

The legislation amends the Policy to:

- Establish, starting in Fiscal Year 2023-24, a new option for supporting “Non-Capital Art”, as described in the Background below, which will be funded by City operating funds. The category of art projects that the existing Policy authorizes to be funded by City Cash Capital will be referred to as “Capital Art”.
- Utilize the City’s annual Capital Improvement Program (CIP) planning process to calculate the Percent for the Arts amount for the next fiscal year and the allocation of that amount among qualifying art projects in accordance with the Policy and contingent upon approval of future budgets.
- Dedicate a minimum of 25% of Percent for the Arts amount to Capital Art each year, except when the minimum amount is waived at the discretion of the Mayor.
- Delete architectural enhancements from eligibility for Percent for the Arts.
- Remove the requirement that the Project Review Committee review and approve applications for Percent for the Arts funding.

Background

The original 2007 legislation stipulated that for certain capital projects using \$1,000,000 or more in City funds, 1% of the total of City funds shall be added to the cost of the project, for the installation of permanent public art. The allocation was to be funded with Cash Capital, beginning with the 2009-10 fiscal year.

Following some financial difficulties with implementation, Ordinance No. 2009-224 amended the City Arts Policy to revise the calculation of the 1% from specific capital projects to all qualifying capital projects and reassign the responsibility for the competitive process for funding of public art. The policy was further broadened to allow for the use of federal, state, private or other non- City funds towards the annual allocation for art installations and enhancements.

Despite that effort, intended to increase the City’s ability to acquire public art and install it equitably throughout the City, challenges with planning and administration have persisted. The City Arts Team

(CAT), a multi-department committee created in 2021 and facilitated by the Office of City Planning, has been tasked with reviving the Percent for the Arts program and coordinating annual spending for that program. The Arts and Creative Community Committee (AC3), a group of local artists also created in 2021, serves as an ad hoc advisory panel to make recommendations to the City via the CAT until a formal Arts Commission is established, and to support development of an Arts and Cultural Plan. The long-term intent is for an Arts Commission to provide oversight of the Percent for the Arts program. In the meantime, a team of City staff working with the AC3 will provide that guidance throughout the process. Note that this role is mentioned here for context but is not intended to be formalized in the legislation. See Attachment A for the CAT and AC3 committee purpose and a list of members.

Through the work of the CAT and AC3, concerns have been raised over the current restrictions limiting the funding of public art to permanent physical art installations, the “Art Installations and Enhancements” identified in the legislation, and excluding any non-capital public art, which cannot be funded with Cash Capital. Non-capital public art includes: temporary art (e.g. an art exhibit shown for a season at the library); performance art (e.g. a dance performance at a public park); and arts education (e.g. youth art workshops at an R-Center). Note that in all cases, whether capital or non-capital public art, this funding program must go to art that has a public benefit. Additionally, the devastating impact of COVID-19 on the local arts community has made the City aware of the critical need to improve the efficiency, transparency, and flexibility of our public art investments in order to fully implement the goals of the original legislation as well as those identified in the Rochester 2034 Comprehensive Plan.

A second element of the 2007 City Arts Policy, as amended in 2009, concerning the administration process for the review of applications for competitive funding for arts and cultural activities, the responsibility of the Bureau of Communications and known as the Special Events Funding Application (SEFA), remains unchanged and is not in any manner affected by this amendment.

The changes outlined on page 1 of this transmittal will provide the following benefits:

- New flexibility in the ability to fund all types of public art.
- The ability to calculate an annual amount of public art funding in advance of every fiscal year to better facilitate the competitive process for funding.
- The permanent establishment of an allocation process led by City staff, with assistance from people from the arts and cultural community.
- Ensure that the funding must be used for community-based public art, as opposed to architectural enhancements for public works projects.
- The City’s continued commitment to public art with the potential for an Arts Commission to oversee the process and grow the pool of funding.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-168

Ordinance No. 2022-293
(Int. No. 359)

Amending the Policy on Public Art

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

Section 1. The Policy on Public Art for the City of Rochester established by Ordinance No. 2007-468, as amended by Ordinance No. 2009-224, is hereby further amended to read in its entirety as follows:

Section 1. Beginning in 2009-10, the City of Rochester will allocate, for projects that involve the expenditure of \$1,000,000 or more in City funds (after all Federal and State reimbursements are considered), 1% of the City funding for public art in projects that meet any of the following criteria:

- The new construction or the major renovation/restoration of a City-owned structure. In the case of historic restoration projects, the incremental cost of the historic materials shall count towards the 1% allocation.
- The reconstruction by the City of an arterial or collector ACstreet.
- The development of a major project not involving a structure but with the expenditure of \$1,000,000 or more in City funds.

The allocation described herein shall be designated as the “Percent for the Arts.”

~~Section 2. In the presentation of the City’s annual Capital Improvement Program (CIP) for each fiscal year, 1% of the total amount of City funding committed during the fiscal year for qualifying capital projects shall be the Percent for the Arts amount, which shall be calculated on the basis of the prior fiscal year’s expenditures for qualified capital projects as defined in Section 1 herein, shall be allocated and set aside for Art Installation and Enhancements public art projects as follows: (a) for “Capital Art,” which shall be funded by Cash Capital and/or any Federal, State or private funds that may be available for said purpose; or (b) beginning in Fiscal Year 2023-24, “Non-Capital Art,” including but not limited to temporary art exhibitions, performance art and arts education, which shall be funded by the funds from one or more of the City operating budgets. Said amount may be funded through the Cash Capital Allocation and/or any Federal, State, private or other funds that may be available for said purpose. A minimum of 25% of the total Percent for the Arts allocation for each fiscal year shall be used for Capital Art, provided, however, that the Mayor may waive that requirement for a particular fiscal year at his or her discretion.~~

~~Section 3. All public art projects proposed to be funded through the 1% Percent for the Arts program shall be subject to review by the City’s Project Review Committee. Project submitted with descriptions shall that specify construction, installation, and maintenance requirements.~~

~~Section 4. Certain architectural enhancements to a project will be eligible to fulfill the 1% requirement. However, a minimum of 25% of the total fund in any one year shall be used for public art installations.~~

~~Section 5.4. The City shall encourage additional contributions to public art in significant capital projects undertaken by the other public and private entities in the City. The Mayor shall create mechanisms for communicating and encouraging such support through the City’s permitting processes.~~

~~Section 6.5. The Mayor shall create an equitable administrative process for the review of applications for competitive funding for arts and cultural activities, to be administered by the Bureau of Communications, using between one and four cycles per year, as deemed appropriate, and identifying in each annual City Budget the total amount to be made available to fund such activities. A report shall be submitted to the City Council each year summarizing the total expenditures for operating support for arts and culture and the recipients of such support.~~

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

President Meléndez requested a motion to amend Int. No. 360.
Moved by Vice President Lupien; 2nd by Councilmember Peo
Motion to amend passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2022-294

Re: Authorizing Priority Bid Assignments

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester Land Bank Corporation (the “Land Bank”) for the assignment of Land Bank priority bids at City tax foreclosure auctions to the City, when such assignment is determined to be in the best interest of the City. The term of the agreement will be one year. There will be no payment to the Land Bank for this agreement, but the City will acquire real property as a result of the agreement.

In November 2012, pursuant to Ordinance No. 2012-416, the Rochester City Council approved the formation of the Land Bank. Article 16 of the Not-for-Profit Corporation Law (the “Land Bank Act”) empowers the Land Bank to acquire real property by utilizing a “preferred bid” at a tax foreclosure auction, whereby properties shall be sold to the Land Bank for the amount of the City’s opening bid, regardless of any bids by any other third parties. An amendment to the Land Bank Act in 2016 empowered Land Banks in New York State to assign such preferred bids to the “foreclosing governmental unit”, which in the case of the Land Bank, is the City. Such an assignment allows the City to obtain properties that the Land Bank may not otherwise be interested in purchasing due to different priorities. The Council has authorized a “credit bid agreement” pursuant to Ordinance No. 2018-424, whereby the Land Bank must pay the City whenever it exercises a preferred bid. In this case, because the Land Bank will not be taking ownership of the property, no payment from the Land Bank will be required.

For any properties purchased pursuant to the agreement authorized herein, all City taxes and other charges, against properties being sold by the City, will be canceled on the first day of the month following adoption of the ordinance because these charges are the basis for the amount of the City’s preferred bid, and because the City would otherwise be required to pay itself for these charges.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2022-294
(Int. No. 360)

Authorizing an agreement relating to Land Bank priority bids, as amended

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Land Bank Corporation (Land Bank) for the City to take assignment of the Land Bank's right to take title to real property that has been the subject of a successful priority bid made by the Land Bank at a real property tax foreclosure auction in accordance with Section 1616(i) of the NYS Not-For-Profit Corporation Law. The City shall accept the assignment and take title only as to such real property and under circumstances determined by the Mayor to be in the best interest of the City. The agreement also shall provide for cooperation between the City and the Land Bank in carrying out the mission of the Land Bank and the development strategies and policies of the City. The term of the agreement shall be one year.

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

Section 3. City taxes and other City charges, including water charges, assessed against any property acquired by the City pursuant to the assignment agreement authorized in Section 1 herein are hereby canceled up to the first day of the month following the date of the assignment for the reason that such charges are required by law to be included in the amount of the priority bid tendered at the foreclosure auction.

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2022-295
Re: Agreement - Verint Americas Inc.
Upgrade

Council Priority: Deficit Reduction
and Long Term Financial Stability

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation establishing \$626,430 as maximum compensation for an agreement with Verint Americas Inc. for upgrading the 311 Call Center program. These costs include cloud, licensing, and implementation services. The term of this agreement is three years. Year 1 of the agreement in the amount of \$328,810 will be funded with \$148,810 of the 2022-23 budget of Information Technology and \$180,000 in 2022-23 Cash Capital. Year 2 and Year 3 both in the amount of \$148,810 will be funded from the 2023-24 and 2024-25 Budget of Information Technology contingent upon approval of said budgets.

The upgrade of Verint Software will provide a number of benefits. It will provide a portal to our residents, visitors, and others to put in service requests and track the progress of the service request. It will also provide the departments completing the submitted requests with an easy way to interact with the customer. This will allow the utilization of a cloud based service and will not require any investment by the City in server infrastructure. The current servers are on a version of windows and programming language that will no longer be supported by Microsoft later this year.

Lagan Technologies' government solution for Customer Relationship Management and Enterprise Case Management was initially implemented for the 311 Call Center program in 2008. Lagan Technologies was acquired by Kana Software Inc. in 2010, and in February 2014, Verint Americas Inc. acquired Kana Software Inc. and rebranded their platform to "Verint Digital First Engagement Management".

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

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV - 169

Ordinance No. 2022-295
(Int. No. 383)

Authorizing an agreement for upgrades to the 311 Call Center system

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 Verint Americas Inc. to upgrade the 311 Call Center's system, including cloud, licensing and implementation services (Program). The term of the agreement shall be three years. The maximum compensation for the agreement shall be \$626,430, which shall be funded in the amount of \$148,810 from the 2022-23 Budget of the Department of Information Technology (IT) and by \$180,000 in 2022-23 Cash Capital in the first year, and in the amount of \$148,810 from each of the 2023-24 and 2024-2025 Budgets of IT in subsequent years, contingent upon the approval of said future 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. 2022-296
Re: Construction Grants — Rochester
Public Library

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 \$1, 343, 848 for the following projects:

Bausch & Lomb Building Roof Replacement	\$ 522,408
Rundel Building Air Quality Improvements	\$ 518,132
Lincoln Library Branch Parking Lot	\$ 217,444
Branch Library Access Card System	\$ 85,864
<u>TOTAL</u>	<u>\$1,343,848</u>

The Bausch & Lomb roof is original to the building (1997); there have been numerous leaks from the membrane roofing and skylight in the past several years. The project will include installation of a new 30-year warranted single-ply (EPDM) insulated roof system. Existing smoke vents and vent pipes will be replaced, and roof drainage systems will be repaired and insulated against condensation. Several areas of the metal roof will require repair and/or additional coating restoration. Lastly, fixed access ladders will be added to adjacent different levels of the roof to meet current code. The cost estimate is \$790,000; a grant request of \$522,408 will be matched with up to \$270,000 in FY2022-23 Library debt for design, construction, testing and contingency. The project is eligible for a 75% match.

The Rundel Building Air Quality Improvements will provide outside air to the portions of the building that are occupied by staff members as well as replacing and expanding access of the original air handling unit. It will replace current filters in the penthouse air handling unit and the fan coil units serving the interconnecting tunnel between Central buildings to a high -efficiency filter. Additional air handlers will be installed to serve spaces on Rundel lower and upper stacks, second and third floors. These units would provide 100% outside air and exhaust, and include energy recovery wheels, chilled water (for cooling), and steam heating. The cost estimate is \$1,103,900, a grant of \$518,132 will be matched with \$500,000 as proposed in the 2023-24 Capital Improvement Program, with balance from FY2022-23 cash capital.

The Lincoln Branch Library parking lot project includes the demolition/removal of the partial existing lot and new drainage. An expanded lot will include new curb cuts, catch basins, railings, asphalt paving, striping and sealing as well as four new energy efficient utility light poles. Additional landscaping and bicycle parking will be included for the corner of the lot. Five of the planned 29 spaces will be designated for the tenants of 871-875 Avenue D per the parcel transfer (Ord. No. 2022-46). The estimated cost for the project is \$241,604 and we are requesting 90% NYSED construction award with up to \$24,200 in FY2021-22 and FY2022-23 cash capital as match.

The Library shall contract for the furnishing and installation of card-read access systems at all stand-alone branch library exterior entrances, with the exception of the Sully Branch which utilizes the Rochester City School District's card access system. In addition to the installation of an exterior card access system, web-based access software will ensure maintenance of access cards and issuances. A new server to support the system will be housed at the Central Library data center in the Rundel Memorial Library Building. The cost estimate is \$171,728; a grant request of \$85,864 will be matched with \$85,864 in FY2021-22 and FY2022-23 cash capital.

Each year the Monroe County Library System is allocated state funds for library construction projects, awarded on a competitive basis within the system. The projects are managed by the Department of Environmental Services, Bureau of Architecture and Engineering. Construction schedules are under development but anticipated for spring and summer 2023, construction is required by NYSED to be completed within four years of grant award.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2022-296
(Int. No. 385)

Authorizing receipt and use of a 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 receipt and use of \$1,343,848 from the New York State Education Department, Division of Library Development as a construction grant to fund improvements to Rochester Public Library facilities as follows:

Bausch & Lomb Building Roof Replacement	\$ 522,408
Rundel Building Air Quality Improvements	\$ 518,132
Lincoln Library Branch Parking Lot	\$ 217,444
Branch Library Access Card System	\$ 85,864
TOTAL	\$1,343,848

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

Section 2. This ordinance shall take effect immediately.

Passed unanimously:

October 18, 2022

NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Committee was not convened due to lack of quorum.

Motion to discharge Int. No. 361
Moved by Councilmember Patterson; 2nd by Councilmember Peo.
Motion to discharge passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-297
Re: Project Agreement with Rochester Land
Bank Corporation for Procurement
Services

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing the Mayor to enter into an agreement with the Rochester Land Bank Corporation (Land Bank) for shared services to conduct a bid process to stabilize a

property owned by the Land Bank for a term of one year, with an option to renew for an additional one-year term, to commence upon execution of the agreement.

Sections 1607(a)(7) and (8) of the Land Bank Act grant the Land Bank the power to enter into contracts necessary to the performance of its duties, including contracts that provide for a municipality or municipal agency to perform specified functions on behalf of the Land Bank;

In March 2022, the Land Bank purchased the vacant, single- family structure at 88 Rosemary Drive from a third-party tax lien purchaser using grant funds awarded under the Community Revitalization Initiative Program. The Land Bank purchased the property with the intent to return it to owner-occupancy. Inspection of the property has revealed that the condition is such that repair would be prohibitive to a purchaser who does not intend to use the property to generate income. The referenced agreement would allow the City to conduct the bid process and contract management to allow the Land Bank to stabilize the property by installing a new roof. This direct intervention may bring remaining rehabilitation costs into a range that would make it a reasonable investment for a purchaser who intends to occupy the property.

The City is uniquely qualified to engage a qualified contractor in accordance with the Land Bank's Procurement Policy. All costs for the repair will be paid by the Land Bank and no cost will be incurred by the City. Approval of this project agreement will allow the Land Bank to make every effort to ensure that the property is rehabilitated and sold in keeping with the character of this largely owner-occupied neighborhood.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2022-297
(Int. No. 361)

Authorizing a shared services agreement with the Land Bank for property stabilization

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

Section 1. The Mayor is hereby authorized to enter into a shared services agreement with the Rochester Land Bank Corporation (Land Bank) for the City to conduct a bid process to stabilize a property owned by the Land Bank (Project). The term of the agreement shall be one year, with the option to extend for up to one additional one-year term.

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.

Motion to discharge Int. No. 362
Moved by Councilmember Patterson; 2nd by Councilmember Peo.
Motion to discharge passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-298
Re: Agreement - LaBella Associates D.P.C –
Bull’s Head EPA-funded Multipurpose
Grant Project

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to environmental investigation and cleanup services at 42 York Street and 835-855 West Main Street (the Sites). This legislation will establish \$760,000 as maximum compensation for an agreement with LaBella Associates D.P.C. (Jeff Roloson, President) headquartered at 300 State Street, Suite 201, Rochester, New York, 14614 (LaBella), for environmental investigation and cleanup services.

The cost of the agreement will be financed from \$760,000 in U.S. Environmental Protection Agency (USEPA) brownfield cleanup grant funds appropriated in Ordinance 2021-346. The remaining portion of the \$800,000 USEPA grant appropriation will be used to reimburse the City for staff, supply, travel and other costs required to conduct the project.

42 York Street is a .48-acre City-owned parcel consisting of an unused paved parking lot. The property contains fill material with ash layers that are considered non-hazardous industrial regulated waste. Heavy metals and SVOCs identified in the soil/fill material on this property impede redevelopment, present geotechnical challenges, and will require off-site disposal at an approved regulated landfill facility. USEPA grant funds for 42 York Street will be utilized for additional environmental investigation activities and cleanup activities.

835-855 West Main Street (aka: “Bull’s Head Plaza”) is a 4.22-acre City-owned parcel occupied by a 94,097sf commercial/retail shopping plaza and a paved parking lot. The plaza is 65% vacant. Initial environmental investigation identified contamination including chlorinated VOCs in soil and groundwater, as well as heavy metals and SVOCs in fill material and soil. USEPA grant funds for 835-855 West Main Street will be utilized for additional environmental investigation activities. Future use of the Sites is anticipated to consist of mixed-use redevelopment (residential and/or commercial) in accordance with the City’s Bull’s Head Revitalization initiative.

On July 7th, 2022, the City issued a request for proposal (RFP) for environmental investigation and cleanup services at the Sites, the summary of which is attached. LaBella was selected based on the quality and scope of its proposal, experience with USEPA funded projects, the proposed project team, previous involvement in the Bull’s Head Revitalization project and reasonableness of its estimated cost.

The term of the agreement is four years with the option to renew for up to one additional year upon the mutual written consent of the parties.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-170

Ordinance No. 2022-298
(Int. No. 362)

Authorizing an agreement relating to environmental investigation and cleanup activities in the Bull's Head area

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 LaBella Associates D.P.C. for environmental investigation and cleanup services on City-owned properties in the Bull's Head area (Project). The term of the agreement shall be four years with the option to extend for one additional one-year period. The maximum compensation for the agreement shall be \$760,000, which shall be funded by the grant funds appropriated for the Project in Ordinance No. 2021-346.

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.

Motion to discharge Int. No. 363
Moved by Councilmember Patterson; 2nd by Councilmember Peo.
Motion to discharge passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-299
Re: 2021-22 American Rescue Plan Act
funding – Healthy Food Loan and
Grant Program

Council Priority: Jobs and Economic
Development

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation related to the receipt and use of American Rescue Plan Act (ARPA) funding to assist both for profit and non-profit businesses through the Healthy Food Loan and Grant Program. This legislation will:

- 1) Appropriate \$5,000,000 in ARPA funding to fund the Healthy Food Loan and Grant Program.
- 2) Authorize loan and grant agreements with businesses and non-profit organizations necessary to implement the program.

The City of Rochester received a \$202.1 million award from the Coronavirus State and Local Fiscal Recovery Fund established by the American Rescue Plan Act (ARPA). This program was included in the City of Rochester's Strategic Equity and Recovery Plan, shared with City Council on September 29, 2021. This

program is an eligible use of ARPA funding per the following SLFRF Final Rule expenditure category as adopted by the United States Department of the Treasury: 2.22 Strong Healthy Communities: Neighborhood Features that Promote Health and Safety.

The City will use \$5 million in ARPA funds to invest in activities that increase healthy food access for low-income residents and/or in areas with limited healthy food retail. The challenges around food access and healthy eating in city neighborhoods are complex. Solutions will need to be creative and multi-pronged, and should build on local assets such as the Public Market and International Plaza, local farmers and food based entrepreneurs, existing local businesses, innovative non-profits, and other resources. The City proposes investing in activities across three distinct focus areas:

- **Invest in existing city-based businesses to expand healthy food access:** help existing city businesses add more healthy foods by providing grants, loans, and various forms of technical and logistical assistance, such as fostering connections between retailers and wholesalers at the Public Market, and connecting businesses with City and community resources with business planning, marketing, design and other assistance.
- **Attract new healthy food retail businesses to target areas:** develop an incentive package of financial and other supports that attract new supermarkets, green grocers, restaurants, or other healthy food business to areas of the city with limited food retail.
- **Implement innovative, alternative food retail models:** invest in non-profit models that expand healthy food access like “click and collect,” mobile markets, social purpose grocers, subsidized farm shares for low-income residents and other innovative concepts. (See Attachment A for a description of these concepts.)

Financial assistance for new or existing businesses will be application based, with eligibility tied to healthy food and economic development benefits associated with each project. Grants and loans to implement innovative non-profit food access initiatives will be awarded through a competitive RFP process. Sustainability beyond the ARPA funding period will be a goal for all projects receiving funding through this initiative.

The City will research successes, failures, best practices, and lessons learned from other cities to inform more detailed program design within each of the three focus areas. The Rochester Food Policy Council will be engaged in this research and serve as a focus group to inform strategies pertaining to this initiative. (See Attachment B for a list of members comprising the Food Council and the City’s Internal Team.)

The City may also reserve a small portion of the \$5 million to conduct a citywide assessment and plan related to healthy food access. Insufficient access to healthy food is a significant and complex challenge that will take much more than \$5 million to fully address, so a plan could help inform additional policies and strategies that the City should pursue. Such a plan would collect baseline data and knowledge about food and food access recommendations that – along with lessons learned from implementing this initiative could inform City policies, strategies, and activities to improve healthy food access going forward. The Rochester Food Policy Council would be a key partner in this process if the City moves forward with developing a plan.

Metrics upon the number of businesses assisted and jobs created will result in more detail as the programs are rolled out.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-171

Ordinance No. 2022-299
(Int. No. 363)

Appropriating American Rescue Plan Act funds and authorizing loan and grant agreements for the Healthy Food Loan and Grant program

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

Section 1. The Council hereby authorizes the receipt and use of \$5,000,000 provided by the United States Treasury pursuant to the American Rescue Plan Act of 2021 (ARPA) and appropriates said amount to implement the Healthy Food Loan and Grant program (Program).

Section 2. The Mayor is hereby further authorized to execute any grant agreement or to provide such additional documentation as may be necessary to fund and carry out the Program.

Section 3. The Mayor is hereby authorized to enter into loan and grant agreements with beneficiaries and subrecipients to implement the Program. All such agreements shall be contingent on compliance with federal regulations and shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Motion to discharge Int. No. 364
Moved by Councilmember Patterson; 2nd by Councilmember Peo.
Motion to discharge passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2022-47
Re: Appointment – Rochester Preservation
Board

Transmitted herewith for your approval is legislation confirming the appointment of one full-time member to the Rochester Preservation Board. She is filling a vacant seat for a term that will expire on May 31, 2024.

<u>Name</u>	<u>District Represented</u>
Allison C. Hinman	East (14607)

Resume is on file with the City Clerk.

Respectfully submitted,
Malik D. Evans
Mayor

Resolution No. 2022-47
(Int. No. 364)

Resolution approving appointment to the Rochester Preservation Board

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

Section 1. The Council hereby approves the appointment of the following individual to the Rochester Preservation Board, as a new regular member, for a term which shall expire on May 31, 2024:

Name	District Represented	Affiliation
Allison C. Hinman	East	Susan B. Anthony House

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

Motion to discharge Int. No. 384

Moved by Councilmember Patterson; 2nd by Councilmember Peo.

Motion to discharge passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2022-300

Re: Sale of Real Estate

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 approving the sale of three properties 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.

The first property is a parcel that will be created and sold contingent upon a street abandonment. A portion of the former Scott Alley will be sold to Help Roc I Housing Development Fund Corporation (David Cleghorn, Principal, 115 East 13th Street, New York, NY). The purchaser intends to construct a mixed-use development on the City block bound by West Main Street, South Plymouth Avenue, West Broad Street and South Washington Street.

The second and third properties, 791 Hudson Avenue and 43 Leavenworth Street, are listed on the attached spreadsheet under the heading, II. Negotiated Sale - Unbuildable Vacant Land. The purchaser of 791 Hudson Avenue is P&J Haus, LLC (Winston Jimenez, member, 235 Cobbs Hill Drive, Rochester, NY). The purchaser of 43 Leavenworth Street is 47 Leavenworth LLC (Joseph Mullen, 273 Wendhurst Drive, Rochester, NY). Each property is being sold for \$1.00 (as per City policy) and will be combined with the primary parcel owned by the identified adjoining owner.

The first year projected tax revenue for these properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$795.

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. AV-172

Ordinance No. 2022 - 300
(Int. No. 384)

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 parcel of land to Help Roc I Housing Development Fund Corporation, or an affiliated partnership or housing development fund corporation to be formed by said Corporation to develop the Center City Courtyard affordable housing and mixed use development, for a total price of \$400:

Address	SBL #	Lot size	Sq.Ft.
Portion of abandoned right-of-way in Scott Alley	TBD	15.31' x 27' 413.82	413.82

The above-referenced abandoned right-of-way in Scott Alley shall consist of a portion of the right-of-way authorized to be abandoned in a concurrent ordinance and described as follows:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Parcel 270 of the Abandoned Erie Canal Lands, as filed in the Monroe County Clerk's Office in Liber 51 of Maps, Page 12 and being more particularly bounded and described as follows: Beginning at the intersection of the northerly ROW line of West Broad Street (ROW Varies) and the westerly ROW line of Scott Alley (15' ROW), said intersection being the Point or Place of Beginning; thence

- 1) Northerly, along said ROW line of Scott Alley, a distance of 27 feet, more or less, to the north line of said Lot 270; thence
- 2) Easterly, along said north line of Lot 270 and crossing said Scott Alley, a distance of 15.31 feet, to the easterly ROW line of said Scott Alley; thence
- 3) Southerly, along said easterly ROW line of Scott Alley, a distance of 27 feet, more or less, to the said northerly ROW line of West Broad Street; thence
- 4) Westerly, along said ROW line of West Broad Street and crossing said Scott Alley, a distance of 15.31 feet to the said westerly ROW line of Scott Alley, being the Point or Place of Beginning.

Hereby intending to describe a parcel of land, containing 413 square feet and being a portion of lands conveyed to the City of Rochester by a deed recorded July 26, 1922 and filed in Liber 1171 of Deeds, Page 227.

Section 2. The Council hereby approves the negotiated sale of each of the following unbuildable parcels of vacant land to the owner of an adjoining parcel for \$1:

Address		S.B.L. #	Sq. ft.	Purchaser
791 Hudson Avenue	1	106.25-1-9	3,047	P&J Haus, LLC
43 Leavenworth St		105.35-1-19	2,907	47 Leavenworth LLC

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Lightfoot
October 18, 2022

To the Council:

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

- Int. No. 263 Amending the Official Map by abandoning the Guerney Street right-of-way
- Int. No. 264 Amending the Official Map by abandoning the Holly Avenue right-of-way
- Int. No. 365 Appropriating Marchiselli funds and amending prior ordinances relating to the East Main Street Improvement Project (North Goodman Street to Culver Road)
- Int. No. 366 Appropriating Marchiselli funds and amending Ordinance No. 2022-209 relating to the 2024 Preventive Maintenance Project
- Int. No. 367 Appropriating Marchiselli funds and amending prior ordinances relating to the Genesee Street Reconstruction Project
- Int. No. 368 Authorizing an agreement relating to the Carter Street R-Center Roof Replacement project
- Int. No. 369 Authorizing an agreement relating to the Maplewood Nature Center project
- Int. No. 372 Authorizing an agreement to provide a Smart City application for the City's solid waste and recycling vehicles
- Int. No. 373 Appropriating American Rescue Plan Act funds for the Blue Cross Arena at the War Memorial Ice Plant Replacement project
- Int. No. 374 Appropriating American Rescue Plan Act funds for the Humboldt R-Center Water Park Improvements project
- Int. No. 375 Appropriating American Rescue Plan Act funds for the Firehouse Priority Facility Improvements
- Int. No. 376 Appropriating American Rescue Plan Act funds for the 2023 Lead Service Line Replacement Program 3A, 3B and 3C

Int. No. 377 Appropriating American Rescue Plan Act funds for the Office of Business Intelligence office space expansion project

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

Int. No. 370 Amending the Official Map by abandoning a portion of the Scott Alley right-of-way

Int. No. 371 Amending the Official Map by abandoning the Melvin Alley right-of-way

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

PARKS & PUBLIC WORKS COMMITTEE

Received filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-301
Re: Official Map Amendment - Guerney
Street Abandonment

Council Priority: Reinforcing Strong
Neighborhoods and Fostering Prosperity
& Opportunity

Transmitted herewith for your approval is legislation related to the amending of Guerney Street right-of-way (ROW) for the Aquest Development Warehouse and Distribution Center Project at 1500 Lexington Avenue. This legislation will amend the Official Map by abandoning Guerney Street. Aquest South Park LLC plans to utilize the vacant undeveloped right-of-way (ROW) for parcel development and to be incorporated with adjacent properties including an approved Site Plan for the Town of Greece.

Guerney Street is owned in fee. Upon abandonment, the ROW becomes a parcel that will require purchase by the developer, Aquest South Park LLC, from the City of Rochester.

The abandonment shall take effect upon the compliance by the applicant with the recommendations and conditions established by the City Planning Commission. The City Planning Commission, at its May 23, 2022 meeting recommended approval of this abandonment by a vote of 4-0-0. Minutes of that meeting, along with the application, are attached. The abandonment of Guerney Street was endorsed by the Traffic Control Board on February 16, 2022.

A public hearing is required.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-173

Ordinance No. 2022-301
(Int. No. 263)

Amending the Official Map by abandoning the Guerney Street right-of-way

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

Section 1. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by changing and deleting therefrom the Guerney Street right-of-way, which is 50 feet wide and extends 134.75 feet northerly from Lexington Avenue. This map amendment shall be contingent upon the City Engineer or her designee affirming the satisfaction of conditions necessary for the abandoned parcel to revert to the owners of abutting parcels of land.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-302
Re: Official Map Amendment –
Holly Avenue Abandonment

Council Priority: Reinforcing Strong
Neighborhoods and Fostering Prosperity
& Opportunity

Transmitted herewith for your approval is legislation related to the amending of Holly Avenue right-of-way (ROW) for the Aquest Development Warehouse and Distribution Center Project at 1500 Lexington Avenue. This legislation will amend the Official Map by abandoning Holly Avenue. Aquest South Park LLC plans to utilize the vacant undeveloped ROW for parcel development and to be incorporated with adjacent properties including an approved Site Plan for the Town of Greece.

The western half of Holly Avenue is granted by easement and the eastern half is owned in fee. Upon abandonment, the east half of Holly Avenue ROW becomes a parcel and will require purchase by the developer, Aquest South Park LLC, from the City of Rochester.

The abandonment shall take effect upon the compliance by the applicant with the recommendations and conditions established by the City Planning Commission. The City Planning Commission, at its May 23, 2022 meeting recommended approval of this abandonment by a vote of 4-0-0. Minutes of that meeting, along with the application, are attached. The abandonment of Holly Avenue was endorsed by the Traffic Control Board on February 16, 2022.

A public hearing is required.

Respectfully submitted,
Malik D. Evans
Mayor

Amending the Official Map by abandoning the Holly Avenue right-of-way

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

Section 1. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by changing and deleting therefrom the Holly Avenue right-of-way, which is 50 feet wide and extends 134.75 feet northerly from Lexington Avenue. This map amendment shall be contingent upon the City Engineer or her designee affirming the satisfaction of conditions necessary for the abandoned parcel to revert to the owners of abutting parcels of land.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-303
Re: East Main Street Improvement Project
(North Goodman Street to Culver Road)

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

Comprehensive Plan 2034 Initiative Area:
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation related to the East Main Street Improvement Project. This legislation will:

1. Appropriate \$434,546 in anticipated reimbursements from the New York State Marchiselli Aid Program to finance a portion of the construction and Resident Project Representation (RPR) services for the project; and,
2. Amend Section 4 of Ordinance No. 2020-357, as amended by Ordinance No. 2021-298, which established funding for an agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for Resident Project Representation (RPR) services related to this project, by reducing \$32,404.09 of street bonds authorized in Ordinance No. 2020-358, reducing \$75,000 of federal funding appropriated by Ordinance No. 2021-298, and replacing with \$2,440 of water bonds authorized in Ordinance No. 2020- 359, \$52,608.09 Empire State Development funds appropriated by Ordinance No. 2020-357, \$810 of 2020-21 Cash Capital, and \$51,546 of the New York State Marchiselli Aid appropriated herein.

Funding is being redistributed between construction and RPR to provide for a more equitable split of the various aid sources.

This is a Federal Aid Project that is administered by the City under agreement with the New York State Department of Transportation.

Street improvements include, but is not limited to street reconstruction, new sidewalks and curb ramps, bicycle accommodations, driveway aprons, receiving basins, water main, water services, hydrants, lighting, signals, signage, pavement markings, tree plantings, and other streetscape improvements.

Construction started in early 2021 and is anticipated to be substantially complete in fall 2022.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-175

Ordinance No. 2022-303
(Int. No. 365)

Appropriating Marchiselli funds and amending prior ordinances relating to the East Main Street Improvement Project (North Goodman Street to Culver Road)

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

Section 1. The Council hereby appropriates \$434,546 in anticipated reimbursements from the New York State Marchiselli Aid Program to fund a portion of the construction and Resident Project Representation services for the East Main Street Improvement Project (North Goodman Street to Culver Road) (the Project).

Section 2. Section 4 of Ordinance No. 2020-357, as amended by Ordinance No. 2021-298, is hereby amended further to read as follows:

Section 4. The Mayor is hereby authorized to enter into a professional services agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. to provide resident project representation services for the Project. The maximum compensation for the agreement shall be \$1,750,000, which shall be funded in the amounts of ~~\$675,980~~ \$600,980 from the FHWA reimbursements appropriated in Section 1 ~~hereof of Ordinance No. 2020-357, \$439,040~~ \$406,635.91 from the proceeds of City bonds authorized for the Project in 2020-358, ~~\$176,330~~ \$178,770 from the proceeds of City bonds authorized for water line and water service improvements related to the Project in Ordinance No. 2020-359, \$52,608.09 in Empire State Development funds appropriated in Ordinance No. 2020-357, \$51,546 of the Marchiselli Aid appropriated to the Project in an ordinance approved in October, 2022, \$10,050 in 2019-20 Cash Capital, \$810 in 2020-21 Cash Capital, \$122,000 in NYS Marchiselli Aid appropriated in Ordinance No. 2021-213 and \$326,600 in FHWA reimbursements appropriated ~~in an ordinance approved in September, 2021~~ Ordinance No. 2021-298. The term of the agreement shall continue to six months after final completion of the Project.

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. 2022-304
Re: 2024 Preventive Maintenance Project
State Street (Inner Loop to Lyell Avenue),
Exchange Boulevard (Ford Street to
Basin Street), Ford Street (South Plymouth
Avenue to Ford Street Bridge)

Council Priority: Jobs and Economic
Development

Comprehensive Plan 2034 Initiative Area:
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation related to the 2024 Preventive Maintenance Project. This legislation will:

1. Appropriate \$83,985 in anticipated reimbursements from the New York State (NYS) Marchiselli Aid Program to finance a portion of the engineering design and construction administration services for the project; and,
2. Amend Section 1 of Ordinance No. 2022-209, which established funding for an agreement with C & S Engineers, Inc. for engineering design and construction administration services by reducing \$83,985 of 2021-22 Cash Capital and replacing those funds with the NYS Marchiselli Aid appropriated herein.

This is a Federal Aid project administered by the City under agreement with the New York State Department of Transportation (NYSDOT).

The project includes, but is not limited to milling and resurfacing of the pavement, spot curb and hazardous sidewalk replacements, installation or upgrade of sidewalk curb ramps, adjustment and repair of manholes, receiving basins, and water valve castings, and replacement of traffic pavement markings. The addition of on-street bicycle facilities will be evaluated during preliminary design. These improvements will enhance the surface drainage and riding quality of the roadway, improve accessibility for all users, and expand the useful life of the pavement structure.

It is anticipated that construction will begin in spring 2024 with substantial completion in fall 2024.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-176

Ordinance No. 2022-304
(Int. No. 366)

Appropriating Marchiselli funds and amending Ordinance No. 2022-209 relating to the 2024 Preventive Maintenance Project

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

Section 1. The Council hereby appropriates \$83,985 in anticipated reimbursements from the New York State Marchiselli Aid Program to fund a portion of the engineering design and construction administration services for the 2024 Preventive Maintenance project for State Street (Inner Loop to Lyell Avenue), Exchange Boulevard (Ford Street to Basin Street), Ford Street (South Plymouth Avenue to Ford Street Bridge) (the Project).

Section 2. Section 1 of Ordinance No. 2022-209, authorizing an agreement related to the Project, is hereby amended further to read as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with C & S Engineers, Inc. for engineering design and construction administration services related to the 2024 Preventive Maintenance project for State Street (Inner Loop to Lyell Avenue), Exchange Boulevard (Ford Street to Basin Street), Ford Street (South Plymouth Avenue to Ford Street Bridge) (Project). The maximum compensation for the agreement shall be \$559,900, which shall be funded in the amounts of \$447,920 from Federal Highway Administration funds appropriated for the Project in Ordinance No. 2022-105, \$83,985 in Marchiselli Aid appropriated to the Project in an ordinance approved in October, 2022 and ~~\$111,980~~ \$27,995 from 2021-22 Cash Capital. The term of the agreement shall extend until six months after final acceptance of the Project.

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. 2022-305
Re: Genesee Street Reconstruction
Project (Elmwood Avenue to Brooks
Avenue)

Council Priority: Jobs and Economic
Development

Comprehensive Plan 2034 Initiative Area:
Sustaining Green & Active Systems

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

1. Appropriate \$105,150 in anticipated reimbursements from the New York State (NYS) Marchiselli Aid Program to finance a portion of engineering design and construction administration services for the project; and,
2. Amend Section 3 of Ordinance No. 2021-320, as amended by Ordinance No. 2022-106, which established funding for an agreement with Stantec Consulting Services Inc. to provide design, construction administration and right-of-way acquisition services for the Project, by reducing \$29,465 of 2020-21

Cash Capital and reducing \$75,685 of 2021-22 Cash Capital and replacing those funds with the New York State Marchiselli Aid appropriated herein.

This is a Federal Aid project administered by the City under agreement with the New York State Department of Transportation (NYSDOT).

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

It is anticipated that construction will begin in spring 2024 with substantial completion in fall 2025.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-177

Ordinance No. 2022-305
(Int. No. 367)

Appropriating Marchiselli funds and amending prior ordinances relating to the Genesee Street Reconstruction Project

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

Section 1. The Council hereby appropriates \$105,150 in anticipated reimbursements from the New York State Marchiselli Aid Program to fund a portion of the engineering design and construction administration services for the Genesee Street Reconstruction Project (Elmwood Avenue to Brooks Avenue (the Project).

Section 2. Section 3 of Ordinance No. 2021-320, as amended by Ordinance No. 2022-106, is hereby amended further to read as follows:

Section 3. The Mayor is hereby authorized to enter into a professional services agreement with Stantec Consulting Services Inc. to provide design, construction administration and right-of-way acquisition services for the Project. The maximum compensation for the agreement shall be \$800,000, which shall be funded in the amounts of \$560,800 from FHWA reimbursements appropriated in Section 2 ~~herein~~ of Ordinance No. 2021-320, \$105,150 in Marchiselli Aid appropriated for the Project in an ordinance approved in October, 2022, \$122,515-\$93,050 from 2020-21 Cash Capital and \$116,685 \$41,000 from 2021-22 Cash Capital. The term of the agreement shall continue until six months after final acceptance of the Project.

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. 2022-306
Re: Carter Street R-Center Roof
Replacements

Council Priority: Creating and Sustaining
a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation establishing \$92,000 as maximum compensation for an agreement with HBT Architects LLP, (Trevor Harrison, C.E.O., 2 Elton Street Rochester, New York) for architectural design services for the Carter Street R-Center Roof Replacement project. The cost of the agreement will be financed from the 2022-23 Cash Capital authorized for this purpose.

The project includes, but is not limited to, roof replacement, skylight repairs, metal roofing evaluation, and roof drainage inspection and repairs at the Carter Street R-Center, to three (3) roofs, which includes the gymnasium, recreation and entry building roofs. The existing roofs are over 25 years old, have chronic leaks, and are out of warranty. The new roofing systems will have a minimum 20-year warranty.

HBT Architects was selected for architectural and engineering design and construction administration services through a request for proposal process, which is described in the attached summary.

This proposed legislation has been developed by the Department of Environmental Services (DES) in collaboration with the Department of Recreation and Human Services (DRHS).

Design is anticipated to begin in early 2023. This legislation will result in the creation and/or retention of the equivalent of 1.0 full-time jobs.

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

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-178

Ordinance No. 2022-306
(Int. No. 368)

Authorizing an agreement relating to the Carter Street R-Center Roof Replacement project

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

Section 1. The Mayor is hereby authorized to enter into an agreement with HBT Architects LLP for architectural design services for the Carter Street R-Center Roof Replacement project (Project). The term of the agreement shall extend until three months after completion of the two-year guarantee inspection of the Project.

The maximum compensation for the agreement shall be \$92,000, which shall be funded by 2022-23 Cash Capital.

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. 2022-307
Re: Agreement – Architectura, P.C.-
Maplewood Nature Center Schematic
Design

Council Priority: Creating and Sustaining
a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation establishing \$250,000 as maximum compensation for a professional services agreement with Architectura, P.C., (Jennifer F. Takatch, C.E.O., 17 Pitkin Street, Suite 100, Rochester, New York) for schematic, architectural and engineering design services for the Maplewood Nature Center project. The cost of the agreement will be financed with American Rescue Plan Act (ARPA) funds as appropriated in Ordinance No. 2022-81.

The structure currently housing the Maplewood Training Center was built in 1945 in upper Maplewood Park, which was designed by Frederick Law Olmsted and highlights the Genesee River. This building has been re-purposed a number of times and has previously been utilized as a recreation center and a police station. The City of Rochester offers a number of nature and environmental education programs, but lacks a facility equipped to provide specialized programming in a comprehensive manner. The renovation of this structure and enhancement of the adjacent parkland to serve as a Nature Center will provide an activated connection between the Genesee River and the surrounding neighborhoods and the city as a whole. A new playground adjacent to the proposed Nature Center is a separate, coordinated project.

Consultant will provide investigation and design services through schematic design and SEQRA review for the Maplewood Nature Center and associated site work to be located in upper Maplewood Park. Architectura, P.C. was selected for schematic design services through a request for proposal process, which is described in the attached summary.

This proposed legislation has been developed by the Department of Environmental Services (DES) in collaboration with the Department of Recreation and Human Services (DRHS).

Schematic architectural and engineering design services will begin in late 2022, with anticipated completion in 2023. The agreement will result in the creation and/or retention of the equivalent of 2.7 full-time jobs.

The term of the agreement shall extend until 6 months after submission of the schematic design documents.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-179

Ordinance No. 2022-307
(Int. No. 369)

Authorizing an agreement relating to the Maplewood Nature Center project

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Architectura, P.C. for schematic architectural and engineering design services for the Maplewood Nature Center project (Project). The term of the agreement shall extend until six months after submission of the schematic design documents for the Project. The maximum compensation for the agreement shall be \$250,000, which shall be funded by the American Rescue Plan Act funds appropriated for the Project pursuant to Ordinance No. 2022-81.

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. 2022-308
Re: Center City Courtyard Project at
99 W. Main Street. Official Map
Amendment – Scott Alley
Abandonment

Council Priority: Reinforcing Strong
Neighborhoods

Transmitted herewith for your approval is legislation related to the Center City Courtyard Project at 99 W. Main Street. This legislation will amend the Official Map by abandoning Scott Alley.

The proposed abandoned right-of-way (ROW) will be utilized by incorporating it with adjacent properties to construct a 191,000 sq. ft., five-story, mixed use building with 102 below grade parking spaces. The northern portion of Scott Alley is granted by easement and the southern portion is owned in fee. Upon abandonment the ROW becomes a parcel. The easement portion of Scott Alley will revert to the developer and the southern portion of Scott Alley will require purchase by the developer, Help Roc I Housing Development Fund Corporation, from the City of Rochester.

The abandonment shall take effect upon the compliance by the applicant with the recommendations and conditions established by the City Planning Commission. The City Planning Commission, at its June 27, 2022

meeting recommended approval of Scott Alley abandonment by a vote of 6-0-0. Minutes of that meeting, along with the application, are attached. The abandonment of Scott Alley was endorsed by the Traffic Control Board on May 23, 2022.

A public hearing is required.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-180

Ordinance No. 2022-308
(Int. No. 370)

Amending the Official Map by abandoning a portion of the Scott Alley right-of-way

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

Section 1. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by changing and deleting therefrom the portion of the Scott Alley right-of-way extending from West Main Street to West Broad Street heretofore dedicated to street purposes and described as follows:

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

Beginning at the intersection of the south right-of-way line of West Main Street and the east right-of-way line of Scott Alley, said point being S 72°06'00" W, a distance of 75.73 feet from the west right-of-way line of South Plymouth Avenue as measured along the south right-of-way line of West Main Street; thence,

1. S 18°04'51" E, along the east right-of-way line of Scott Alley, a distance of 231.32 feet to its intersection with the north right-of-way line of West Broad Street; thence,
2. S 83°31'38" W, along the north right-of-way line of West Broad Street, a distance of 15.31 feet to its intersection with the west right-of-way line of Scott Alley; thence,
3. N 18°04'51" W, along the west right-of-way line of Scott Alley, a distance of 228.29 feet to its intersection with the south right-of-way line of West Main Street; thence,
4. N 72°06'00" E, along the south right-of-way line of West Main Street, a distance of 15.00 feet to the point of beginning.

The above described parcel contains 3,447 sq. ft. or 0.079 acres more or less. All as shown on a map prepared by Passero Associates, dated March 22, 2022, entitled "Scott Alley Right-of-Way to be Abandoned."

Section 2. This amendment shall be contingent upon the City Engineer or her designee affirming the satisfaction of conditions necessary for advancing the public interest and maintaining the general welfare.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-309
Re: Center City Courtyard Project
at 99 W. Main Street
Official Map Amendment –
Melvin Alley Abandonment

Council Priority: Reinforcing Strong
Neighborhoods

Transmitted herewith for your approval is legislation related to the Center City Courtyard Project at 99 W. Main Street. This legislation will amend the Official Map by abandoning Melvin Alley.

The proposed abandoned right-of-way (ROW) will be utilized by incorporating it with adjacent properties to construct a 191,000 sq. ft., five-story, mixed use building with 102 below grade parking spaces. Melvin Alley is granted by easement and considered an Easement Street. Upon abandonment the ROW becomes a parcel that will revert to the developer, Help Roc I Housing Development Fund Corporation.

The abandonment shall take effect upon the compliance by the applicant with the recommendations and conditions established by the City Planning Commission. The City Planning Commission, at its June 27, 2022 meeting recommended approval of Scott Alley abandonment by a vote of 6-0-0. Minutes of that meeting, along with the application, are attached. The abandonment of Scott Alley was endorsed by the Traffic Control Board on May 23, 2022.

A public hearing is required.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-181

Ordinance No. 2022 - 309
(Int. No. 371)

Amending the Official Map by abandoning the Melvin Alley right-of-way

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

Section 1. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by changing and deleting therefrom the Melvin Alley right-of-way heretofore dedicated to street purposes and described as follows:

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

Beginning at the intersection of the east right-of-way line of South Washington Street and the south right-of-way line of Melvin Alley, said point being N 18°04'51" W, a distance of 52.49 feet from the north right-of-way line of West Broad Street as measured along the east right-of-way line of South Washington Street; thence,

1. N 72°18'05" E, along the south right-of-way line of Melvin Alley, a distance of 165.03 feet to its intersection with the west right-of-way line of Scott Alley; thence,

2. N 18°04'51" W, along the west right-of-way line of Scott Alley, a distance of 22.00 feet to its intersection with the north right-of-way line of Melvin Alley; thence,
3. S 72°18'05" W, along the north right-of-way line of Melvin Alley, a distance of 165.03 feet to a point on the east right-of-way line of South Washington Street; thence,
4. S 18°04'51" E, along the east right-of-way line of South Washington Street, a distance of 22.00 feet to the point of beginning.

The above described parcel contains 3,631 sq. ft. or 0.083 acres more or less. All as shown on a map prepared by Passero Associates, dated March 22, 2022 entitled "Melvin Alley Right-of-Way to be Abandoned".

Section 2. This amendment shall be contingent upon the City Engineer or her designee affirming the satisfaction of conditions necessary for advancing the public interest and maintaining the general welfare.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2022-310
Re: Agreement – Rubicon Technologies,
LLC for Solid Waste Software-as-a-
Service Solution

Council Priority: Creating and Sustaining
a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation establishing an agreement with Rubicon Technologies, LLC (Nate Morris, C.E.O., 100 West Main Street, Suite 610, Lexington, Kentucky) for a cloud-based solution offered as a Software-as-a-Service (SaaS) product; training and implementation support; ongoing managed services; and fleet optimization services.

The agreement will have a term of one (1) year with the provision for four (4) one-year extension periods, and will be funded from the 2022-23 Budget of the Department of Environmental Services for the first year in the amount of \$86,800, and subsequent budgets as follows: 2023-24 (\$195,510), 2024-25, 2025-26, and 2026-27 (\$95,760 each year), contingent on available funding and adoption of the latter budgets. The cost of the first year of the agreement reflects the implementation and training costs and the Rubicon SmartCity driver application. The annual maximum compensation amounts for the four (4) one-year extension periods reflect the annual cost for the solution for 60 vehicles (\$95,760) plus fleet optimization services in 2023-24 (\$99,750).

Rubicon Technologies, LLC partnered with the Department of Environmental Services through a co-innovation pilot program that began on July 19, 2021 and concluded on October 19, 2021. During the pilot, Rubicon's team deployed the Rubicon SmartCity Driver Application solution in ten of the City's recycling vehicles. City staff monitored recycling contamination issues; gathered service, routing, and vehicle data on its operations; and digitized those routes. The Department of Environmental Services is now beginning to modernize solid waste and recycling collection Services

The technology will be used on the City's solid waste and recycling vehicle fleet to optimize scheduling and routing; provide a remote management tool; and improve customer service by providing real time service verification. The software solution will be installed in each vehicle to allow the driver to capture photographic evidence of issues relating to service. The technology will also be able to track vehicle location, route completion and will provide drivers with turn-by-turn directions. It is anticipated that the solution will be implemented within 60-90 days of contract signature. The implementation will be completed in a phased approach, with the initial deployment of the Rubicon SmartCity driver application in 20 vehicles the first year, with more vehicles added throughout the life of the agreement, resulting in full deployment of the application in 60 vehicles.

Rubicon Technologies, LLC was selected through a request for proposal process as described in the attached summary. The agreement shall have a term of one (1) year with four (4) optional one year renewals.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-182

Ordinance No. 2022-310
(Int. No. 372)

Authorizing an agreement to provide a Smart City application for the City's solid waste and recycling vehicles

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 Rubicon Technologies, LLC to provide a cloud-based software-as-a-service solution, training and implementation support, ongoing managed services, and fleet optimization services to optimize the operation of the City' solid waste and recycling vehicles. The term of the agreement shall be one year with the option to extend for up to four additional 1-year periods.

Section 2. The maximum compensation for the initial term of the agreement shall be \$86,800, which shall be funded from the 2022-23 Budget of the Department of Environmental Services (DES). The maximum compensation for each of the subsequent optional 1-year extensions of the agreement shall be \$195,510 for the first extension and \$95,760 for each of up to three additional extensions, each of which shall be funded from a subsequent year's Budget of DES, contingent upon approval of said future years' budgets.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-311
Re: Appropriation - American Rescue Plan
Act, Blue Cross Arena at the War
Memorial Ice Plant Replacement

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 Blue Cross Arena at the War Memorial Ice Plant Replacement Project. This legislation will appropriate \$3,000,000 of American Rescue Plan Act (ARPA) funding to finance the project.

The City of Rochester received a \$202.1 million award from the Coronavirus State and Local Fiscal Recovery Fund established by the American Rescue Plan Act (ARPA). This project is an eligible use of ARPA funding under the Final Rule Expenditure 6.1 Provision of Government Services.

The Blue Cross Arena at the War Memorial was constructed in the 1950's with a major expansion in the 1990's and other expansion work in 2020. It is the home to the Rochester Americans AHL hockey team and hosts many other sports and public events throughout the year. The ice plant chiller system creates and maintains the ice sheet. The system was installed in the early 1990's and has far exceeded its operating life expectancy. Additionally, the antiquated system utilizes R 22 refrigerant which is now discontinued. The project includes design and installation of a modern replacement ice chiller plant utilizing an allowable refrigerant type.

A Request for Proposals (RFP) is anticipated to be issued in fall 2022 for professional engineering services. The project will result in the creation and/or retention of the equivalent of 32.6 full-time jobs.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-183

Ordinance No. 2022-311
(Int. No. 373)

Appropriating American Rescue Plan Act funds for the Blue Cross Arena at the War Memorial Ice Plant Replacement project

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

Section 1. The Council hereby appropriates the sum of \$3,000,000 provided by the United States Treasury pursuant to the American Rescue Plan Act of 2021 (ARPA) to fund the Blue Cross Arena at the War Memorial Ice Plant Replacement project (Project).

Section 2. The Mayor is hereby authorized to execute any grant agreement or to provide such other documentation as may be necessary to fund said Project as authorized in Section 1 herein. Any such agreements and documents 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. 2022-312
Re: Appropriation - American Rescue Plan
Act, Humboldt R-Center Water Park
Improvements Project

Comprehensive Plan 2034 Initiative Area:
Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to the Humboldt R-Center Water Park Improvements Project. This legislation will appropriate \$650,000 of American Rescue Plan Act (ARPA) funding to finance the construction and inspection of the project.

The City of Rochester received a \$202.1 million award from the Coronavirus State and Local Fiscal Recovery Fund established by the American Rescue Plan Act (ARPA). This project was included in the City of Rochester's Strategic Equity and Recovery Plan, shared with City Council on September 29, 2021. This project is an eligible use of ARPA funding under the Final Rule Expenditure Category 6.1 Provision of Government Services.

The existing water park, installed in 2001, was the City's first water park. The water park is reaching the end of its service life and the aging infrastructure does not function properly and requires frequent repairs. The project will update the mechanical, electrical, plumbing, control, and surfacing systems.

The design of improvements is being completed by LaBella Associates, D.P.C. (Steven Metzger, CEO, 300 State Street, Rochester, NY), as approved by Ordinance No. 2021-301.

This proposed legislation was developed by the Department of Environmental Services in collaboration with the Department of Recreation and Human Services.

Construction is anticipated to begin in spring 2023 with completion in summer 2023. The project will result in the creation and/or retention of the equivalent of 7.1 full-time jobs.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-184

Ordinance No. 2022-312
(Int. No. 374)

Appropriating American Rescue Plan Act funds for the Humboldt R-Center Water Park Improvements project

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

Section 1. The Council hereby appropriates the sum of \$650,000 provided by the United States Treasury pursuant to the American Rescue Plan Act of 2021 (ARPA) to fund the Humboldt R-Center Water Park Improvements project (Project).

Section 2. The Mayor is hereby authorized to execute any grant agreement or to provide such other documentation as may be necessary to fund said Project as authorized in Section 1 herein. Any such agreements and documents 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. 2022-313
Re: Appropriation - American Rescue Plan
Act, Rochester Fire Department Firehouse
Priority Facility Improvements

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Planning for Action

Transmitted herewith for your approval is legislation related to the Rochester Fire Department Firehouse Priority Facility Improvements. This legislation will appropriate \$8.8 million of American Rescue Plan Act (ARPA) funding to finance building renovations, including gender neutral facilities, at select high priority firehouses.

The City of Rochester received a \$202.1 million award from the Coronavirus State and Local Fiscal Recovery Fund established by the American Rescue Plan Act. This initiative was included in the City of Rochester Strategic Equity and Recovery Plan, shared with City Council on September 29, 2021. This project is an eligible use of ARPA funding under the Final Rule Expenditure Category 6.1 Provision of Government.

\$8,400,000 funding will be utilized to partially fund renovations and gender neutral accommodations at up to three critical, high priority facilities: Broad & Allen Firehouse, Goodman Firehouse, and if enough funding is available University Firehouse. Renovations will include, but are not limited to, addition of gender neutral facilities, building system repairs and replacements, and code compliance and site upgrades throughout.

Allocating the requested funding will allow comprehensive renovation of these facilities, including accommodations for the increasingly diverse workforce and measures to mitigate firefighter exposure risks to hazardous materials via facilities that adequately accommodate decontamination procedures.

\$400,000 will go to small repairs at various firehouse including but not limited to, site paving at multiple firehouses to maintain and improve truck access to the apparatus bays.

This proposed legislation has been developed by the Department of Environmental Services (DES) in collaboration with the Rochester Fire Department (RFD).

The project will result in the creation and/or retention of the equivalent of 91.3 full-time jobs.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-185

Ordinance No. 2022-313
(Int. No. 375)

Appropriating American Rescue Plan Act funds for the Firehouse Priority Facility Improvements

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

Section 1. The Council hereby appropriates the sum of \$8,800,000 provided by the United States Treasury pursuant to the American Rescue Plan Act of 2021 (ARPA) to fund Rochester Fire Department Firehouse Priority Facility Improvements (Project).

Section 2. The Mayor is hereby authorized to execute any grant agreement or to provide such other documentation as may be necessary to fund said Improvements as authorized in Section 1 herein. Any such agreements and documents 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. 2022-314
Re: Appropriation - American Rescue Plan
Act, 2023 Lead Service Line Replacement
Program 3A, 3B & 3C

Council Priority: Deficit Reduction and Long
Term Financial Stability

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to the 2023 Lead Service Line Replacement Program 3A, 3B & 3C projects. The legislation will appropriate \$15,750,000 of American Rescue Plan Act (ARPA) funding to finance the design and construction of the projects. This project, is an eligible use of ARPA funding per the Final Rule Expenditure Category 5.12 Drinking water: Lead Remediation, including in Schools and Daycares.

The funds provided will be used to replace residential lead service lines in an effort to reduce the amount of lead in drinking water and will also restore the streets impacted by the work. It is estimated that over 2,552 outside services and 460 inside services will be replaced. The actual number of lead services to be replaced will be determined during the design phase of the project. The funds will also be used to Chip Seal streets where lead services will be replaced.

Work is expected to be performed during the summer and fall of 2023 with street restoration to take place during 2024. Project design, administration and construction inspection will be performed by consultants.

This project results in the creation and/or retention of the equivalent of 171 full-time jobs.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-186

Ordinance No. 2022-314
(Int. No. 376)

Appropriating American Rescue Plan Act funds for the 2023 Lead Service Line Replacement Program 3A, 3B and 3C

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

Section 1. The Council hereby authorizes the receipt and use of \$15,750,000 provided by the United States Treasury pursuant to the American Rescue Plan Act of 2021 to fund the design, construction and street restoration for the 2023 Lead Service Line Replacement Program 3A, 3B and 3C (Program), consisting of the replacement of approximately 2,552 outside and 460 inside lead water service lines.

Section 2. The Mayor is hereby further authorized to execute any grant agreement or to provide such other documentation as may be necessary to fund and carry out the Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-315
Re: Appropriation – American Rescue Plan
Act, Office Space

Council Priority: Public Safety

Transmitted herewith for your approval is legislation related to the Rochester Police Department's Office of Business Intelligence office space expansion. This legislation will appropriate \$675,000 of American Rescue Plan Act (ARPA) funding to establish a dedicated office space in the Public Safety Building for the Office of Business Intelligence.

The City of Rochester received a \$202.1 million award from the Coronavirus State and Local Fiscal Recovery Fund established by the American Rescue Plan Act (ARPA). This project is an eligible use of ARPA funding under the Final Rule Expenditure 6.1 Provision of Government Services.

This funding allocation also aligns with the City of Rochester's Comprehensive Plan under Public Health and Safety strategy 3a to increase the capabilities of RPD through collaboration, data analysis, technology, and new or improved resources, and Smart City Innovations strategy 4a to improve municipal technology to better serve the city, residents, stakeholders, and others.

RPD has restructured its civilian data and technology personnel to support, and implement more effectively, recommendations made by the RASE Commission and the City of Rochester's response to the Governor's Executive Order 203: Police Reform. Existing and future technical resources will be centralized in OBI.

These funds will be used for design and construction renovations of the former FACIT space and Vending/Eating area on the 2nd Floor of the Public Safety Building. The restructured OBI includes a combination of existing personnel and new positions. Current personnel are housed in multiple locations throughout the building, and new employees have no identified space. The centralized design will balance current needs and potential future growth.

This proposed legislation has been developed by the Department of Environmental Services in collaboration with the Rochester Police Department.

The project will result in the creation and/or retention of the equivalent of 7.3 full-time jobs.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2022-315
(Int. No. 377)

Appropriating American Rescue Plan Act funds for the Office of Business Intelligence office space expansion project

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

Section 1. The Council hereby appropriates the sum of \$675,000 provided by the United States Treasury pursuant to the American Rescue Plan Act of 2021 (ARPA) to fund the Office of Business Intelligence Office Expansion project (Project).

Section 2. The Mayor is hereby authorized to execute any grant agreement or to provide such other documentation as may be necessary to fund said Project as authorized in Section 1 herein. Any such agreements and documents 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, Lightfoot, Patterson, Peo - 5.

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

By President Meléndez
October 18, 2022

To the Council:

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

Int. No. 378 Authorizing an agreement relating to pre-employment psychological testing for new hires in the Police Department

Respectfully submitted,
Miguel A. Meléndez Jr.
Mary Lupien (*absent*)
Mitch Gruber
LaShay Harris (*absent*)
Willie Lightfoot
Stanley Martin (*absent*)
Michael A. Patterson
Jose Peo
Kimberly Smith (*absent*)
PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-316
Re: Agreement – Public Safety Psychology,
 PLLC, Pre-Employment Psychological
 Testing

Council Priority: Public Safety

Transmitted herewith for your approval is legislation establishing \$95,000 as maximum annual compensation for an agreement with Public Safety Psychology, PLLC, Albany, New York, to provide clinical services for pre-employment psychological testing of new hires for the Rochester Police Department (RPD) and the Emergency Communications Department (ECD). The annual cost of the agreement will be funded from the 2022-23 Budgets of RPD (\$60,000) and ECD (\$35,000), and subsequent budgets upon approval. The term of this agreement will be December 1, 2022 through November 30, 2023, with the option to renew for four, one-year terms.

Public Safety Psychology, a board-certified specialist in police and public safety psychology, will continue to provide pre-employment psychological evaluations for candidates who are in the process to be hired by RPD and ECD. Evaluations will include a variety of written tests, a background questionnaire, and a personal interview. Public Safety Psychology will then provide a written report detailing the suitability of the candidate.

The consultant was selected through a request for proposals process, as described in the attached summary.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-187

Ordinance No. 2022-316
(Int. No. 378)

Authorizing an agreement relating to pre-employment psychological testing for new hires in the Police Department

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Public Safety Psychology, PLLC to provide clinical services for pre-employment psychological testing of new hires for the City of Rochester Police Department (Program). The term of the agreement shall be one year, with the option to extend for up to four additional periods of one year each. The maximum annual compensation for the agreement shall be \$95,000, which shall be funded in the amount of \$60,000 by the 2022-23 Budget of the Police Department (RPD) and by \$35,000 from the 2022-23 Budget of the Emergency Communications Department (ECD) for the first year, and from future budgets of RPD and ECD in subsequent years contingent upon approval of said future 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.

October 18, 2022

RECREATION & HUMAN SERVICES COMMITTEE

Committee was not convened due to lack of quorum.

Motion to discharge Int. No. 379
Moved by Vice President Lupien; 2nd by Councilmember Martin
Motion to discharge passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-317
Re: Agreement - David Hochstein
Memorial Music School Inc., ROCmusic
Program

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

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with the David Hochstein Memorial Music School Inc. (The Hochstein School) (Hilary Field Respass, President and Executive Director, Rochester, NY) to provide music instructors for the ROCmusic program. The term of the agreement will be for the remainder of this fiscal year. The cost of the agreement will be funded from the 2022-23 Annual Action Plan STEAM Engine allocation, previously appropriated by City Council Ordinance No. 2022-229.

ROCmusic is an after-school and summer community-based music enrichment program that offers tuition-free music instruction, instruments, small-group lessons, and monthly concert performances. The program includes two tracks – traditional instrumental music instruction with a focus on string and brass instruments, and contemporary music instruction with a focus on piano, bass guitar, drums, and production. All students can also participate in electives such as African Drumming, Choir, Blues Band, Fiddling, recording skills, and sound reinforcement. In addition to instruction, the students have special access to guest artists and local cultural events, with transportation and meals arranged at no additional cost to the student or their families.

The program will serve up to 140 youth ages 6 and older at the David F. Gantt, The Honorable Willie Walker Lightfoot R-Center for Equity and Justice, Frederick Douglass and Edgerton R-Centers.

The ROCmusic program began in 2012 as a partnership between the City, Hochstein School, University of Rochester Eastman School of Music, Eastman Community Music School, Rochester Philharmonic Orchestra, and the Rochester City School District. The program has served 621 students since its inception. A full justification for not issuing a request for proposals is attached.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-188

Ordinance No. 2022-317
(Int. No. 379)

Authorizing an agreement for the ROCmusic 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 David Hochstein Memorial Music School Inc. to provide music instructors for the ROCmusic program (Program). The term of the agreement shall extend until June 30, 2023. The maximum compensation for the agreement shall be \$25,000, which shall be funded from the 2022-23 Annual Action Plan STEAM Engine allocation as appropriated pursuant to Ordinance No. 2022-229.

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.

Motion to discharge Int. No. 380
Moved by Vice President Lupien; 2nd by Councilmember Martin
Motion to discharge passed unanimously.

TO THE COUNCIL
Ladies and Gentlement

Ordinance No. 2022-318
Re: Agreement – Rochester City Soccer
League

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

Comprehensive Plan 2034 Initiative Area:
Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum annual compensation for an agreement with the Rochester City Soccer League (Nicole Hercules, Henrietta, NY) for coordination of free, indoor and outdoor youth soccer leagues and training for all gender identities. The term of this agreement will be for one year, with the option to renew for two additional one-year periods. The cost of this agreement will be funded from the 2022-23 Budgets of the Department of Recreation and Human Services (DRHS) (\$25,000) and Undistributed Expenses (\$25,000), and subsequent renewals will be funded from the future budgets of DRHS, contingent upon approval.

The Rochester City Soccer League will facilitate and coordinate the delivery of a year-round comprehensive soccer program including Fall soccer training, Winter indoor soccer training, Winter Youth indoor & Spring/Summer Outdoor soccer leagues and a Sports Camp Soccer Clinic for youth ages 4 to 21 years old. The City of Rochester began partnering with the Rochester City Soccer League in 2016 initially serving 150 youth annually. The program has expanded to currently serve over 1,500 youth. This agreement was last authorized by City Council via Ordinance No. 2018-413.

The Rochester City Soccer League was selected for these services based our past and current collaborations. A full justification for not issuing a request for proposals is attached.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-189

Ordinance No. 2022-318
(Int. No. 380)

Authorizing an agreement for the Rochester City Soccer League

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City Soccer League for the coordination of free, indoor and outdoor youth soccer leagues and training for City residents

of all gender identities (Program). The term of the agreement shall be one year, with the option to extend for up to two additional periods of one year. The maximum annual compensation for the agreement shall be \$50,000, which shall be funded in the amount of \$25,000 by the Budget of the Department of Recreation and Human Services (DRHS) and \$25,000 by the Budget of Undistributed Expenses for the first year, and by \$50,000 from subsequent budgets of DRHS in the year of each optional extension contingent upon approval of said future 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.

Motion to discharge Int. No. 381

Moved by Vice President Lupien; 2nd by Councilmember Martin

Motion to discharge passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2022-319

Re: Appropriation - American Rescue Plan Act,
R-Center Health, Wellness and Social-
Emotional Programming and Support

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:

Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation appropriating the receipt and use of \$2,000,000 from the American Rescue Plan Act (ARPA) funding for R-Center Health, Wellness and Social-Emotional Programming and Support.

The City of Rochester received a \$202.1 million award from the Coronavirus State and Local Fiscal Recovery Fund established by the American Rescue Plan Act (ARPA). The R-Center Health, Wellness and Social-Emotional Programming and Support service is an eligible use of ARPA funding under the Public Health Expenditure Category- 1.12, Mental Health Services.

Youth and families within the city of Rochester have been struggling with how to navigate the many thoughts and feelings that accompany the trauma associated with the COVID pandemic, from the increase in violence, to the isolation experienced during key developmental years. The City of Rochester staff in the R-Centers, in particular, have seen how the youth and families they engage with on daily basis are struggling to process the traumatic events they may have encountered. The City has recognized the need for these youth and families to process their trauma in a healthy, productive way and in a setting in which they are comfortable. For these reasons, the City will utilize ARPA funding to partner with one or multiple agencies to act as sub recipient(s) or grantee(s) that can provide professional social-emotional, health and wellness supports and programming to the youth and families that attend R-Centers. Partner agencies will be identified through a request for proposals process anticipated to be released October 21, 2022.

Initial services will start in four R-Center locations: David F. Gantt, Thomas P. Ryan, Willie W. Lightfoot and Carter Street. The success of the program rests on its unique nature; where therapeutic services are imbedded into the daily operation of R-Center programming.

Respectfully submitted
Malik D. Evans
Mayor

Ordinance No. 2022-319
(Int. No. 381)

Appropriating American Rescue Plan Act funds for R-Center health, wellness, and social-emotional programming and support

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

Section 1. The Council hereby authorizes the receipt and use of \$2,000,000 provided by the United States Treasury pursuant to the American Rescue Plan Act of 2021 (ARPA) and appropriates said amount to implement R-Center health, wellness, and social-emotional programming and support (Program).

Section 2. The Mayor is hereby further authorized to execute any grant agreement or to provide such additional documentation as may be necessary to fund and carry out the Program.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Motion to discharge Int. No. 382
Moved by Vice President Lupien; 2nd by Councilmember Martin
Motion to discharge passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-320
Re: Grant Agreement - New York State
Office of Children and Family Services,
AmeriCorps

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

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity and Opportunity

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

1. Authorize the receipt and use of a grant award for the Flower City AmeriCorps Program for a term of November 1, 2022 to January 31, 2024. This is the second year of a three-year grant, for which the City will receive a grant award of \$410,729.
2. Amend the 2022-23 Budget of the Department of Recreation and Human Services by \$21,400 to reflect a portion of the grant. This grant was anticipated and included in the 2022-23 Budget of the Department of Recreation and Human Services at funding levels consistent with the first grant period. This budget amendment reflects the second year grant award that includes a new staffing model due to the new Public Health Corps program as well as additional funds for member services including coaching and accommodations at host sites such as interpretation services. The remaining grant funds will be anticipated and included in future years' budgets, subject to approval by Council.

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

AmeriCorps members are volunteers and, if serving full time (40 hours per week), will receive a \$16,502 annual "living allowance". Four members will receive a "living allowance" of \$17,000 for a year due to their additional work of being team leads. Upon successful completion of their fulltime service, members are also eligible for the Segal AmeriCorps Education Award provided by the federal government in the amount of \$6,495. AmeriCorps members serving half time (20 hours per week) will receive a \$8,500 annual "living allowance". Upon successful completion of their half time service, members are also eligible for the Segal AmeriCorps Education Award provided by the federal government in the amount of \$3,247.50.

This will be the eighth year of the Flower City AmeriCorps program, which was last authorized via City Council Ordinance No. 2021-308.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2022-320
(Int. No. 382)

Authorizing a grant agreement and amending the 2022-23 Budget for the Flower City AmeriCorps program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Children and Family Services for the receipt and use of \$410,729 for the Flower City AmeriCorps program (Program). The term of the agreement shall be from November 1, 2022 through January 31, 2024.

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

Section 3. Ordinance No. 2022-157, the 2022-23 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations of the Budget of the Department of Recreation and Human Services by the amount of \$21,400, which amount is hereby appropriated for the Program.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Motion to discharge Int. No. 386

Moved by Vice President Lupien; 2nd by Councilmember Martin

Motion to discharge passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2022-321

RE: Continuation of Summer Program
Youth Urban Gardening Program to the
School Year

Council Priority: Jobs and Economic
Development

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation that will extend into the school year the Summer Youth Urban Gardening Program authorized in Ordinance No. 2022-176 (the Program) by:

Amending the Program agreement with Cornell Cooperative Extension (Andrea M Lista, 2449 St. Paul Blvd, Rochester, NY) to extend into the school year a Cultivating Community Horticultural project that provides youth employment and horticultural training regarding nutrition, life skills, enhanced food production, soil health, biodiversity and the yearlong care of community gardens in historically marginalized neighborhoods. The legislation will increase the agreement's maximum compensation by \$14,900 to a new total of \$69,900 and extend its term to June 30, 2023.

The amendatory compensation for both agreements will be funded from the 2022-23 Budget of Undistributed Expenses.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2022-321
(Int. No. 386)

Authorizing an amendatory agreement relating to the Summer Youth Urban Gardening Program

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Cornell Cooperative Extension Assoc of Monroe County (CCE) to extend the implementation of the Summer Youth Urban Gardening Program into the school year. The amendatory agreement shall modify the existing agreement authorized in Ordinance No. 2022-176 by increasing the maximum compensation by \$14,900 to a new total of \$69,900 and by extending the term to June 30, 2023. The amendatory compensation shall be funded from the 2022-23 Budget of Undistributed Expenses.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 7:55 pm.

HAZEL L. WASHINGTON
City Clerk