

ROCHESTER CITY COUNCIL

REGULAR MEETING

March 20, 2018

Present – President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul – 9

Absent – None – 0

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

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

**Recognition Ceremony**

**Retirement:**

**DES:**

- \* Robert L. Dunn
- \* Robert Lee Fields
- \* James R. McIntosh
- \* Sandra S. Members

**DRYS:**

Kevin N. Holman

**FIN:**

- \* Cynthia Martin

**RFD:**

- \* Mark J. Delaney

**RPD:**

Ralph J. Gagliano

**Special Recognition:**

Kade Henderson

\*Did not attend

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

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

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges 4282-18

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The Council submits Disclosure of Interest Forms from President Scott on Int. No. 63 and Int. URA-2, Councilmember Gruber on Int. No. 63 and Int. No. URA-2, and Councilmember Spaul on Int. No. 59, Int. No. 61, Int. No. 88, Int. No. 89 and Int. No. 90.

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

None presented.

**REPORTS OF STANDING COMMITTEES  
AND ACTION THEREON**

By Vice President McFadden  
March 20, 2018

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

- |             |  |
|-------------|--|
| Int. No. 58 | Amending the Budget to reflect administration of the City Traffic Violations Agency  |
| Int. No. 59 | Authorizing amendatory agreements with Tower 195 LLC relating to the Underground Truck Road  |
| Int. No. 60 | Authorizing an amendatory agreement for Uniform Relocation Act compliance services   |
| Int. No. 61 | Authorizing grant applications to the Dormitory Authority of the State of New York for the Rundel Library Structural Terrace Improvements Phase IV Project |
| Int. No. 88 | Resolution approving reappointment to the Rochester Public Library Board of Trustees   |
| Int. No. 89 | Resolution approving appointment to the Rochester Public Library Board of Trustees, <u>as amended</u>  |
| Int. No. 90 | Resolution approving reappointment to the Rochester Public Library Board of Trustees   |
| Int. No. 91 | Establishing Minority and Women Business Enterprise goals and Minority Workforce Participation Goals   |
| Int. No. 95 | Authorizing amendatory agreement for business process and project management services  |

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Int. No. 96

Resolution approving appointments to the Board of Ethics

Respectfully submitted,  
Adam C. McFadden  
Molly Clifford  
Malik Evans  
Michael A. Patterson  
Loretta C. Scott  
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2018-50  
Re: 2017-18 Budget Amendment - City  
Traffic Violations Agency

Council Priority: Deficit Reduction and Long  
Term Financial Stability

Transmitted herewith for your approval is legislation amending the 2017-18 Budget of the Finance Department by \$295,600 and Undistributed Expense by \$68,700 to reflect the costs of personnel and associated fringe benefits and miscellaneous expense of administering the City Traffic Violations Agency (TVA) program.

State Law authorizes the Agency to commence operations on or after April 21, 2018 provided that the City has enacted a local law establishing the Agency (Chapter 157 of the State Laws of 2017). The October 2017 charter amendment establishing a City Traffic Violations Agency fulfills that requirement in accordance with the State Law (Local Law No. 3).

The City of Rochester Traffic Violations Agency is scheduled to open April 23, 2018. It is anticipated that there will be ten full time employees, one part time employee, and two per diem employees dedicated to the program. It is expected that some employees will transfer from the New York State Department of Motor Vehicles (DMV) and some employees will be new hires.

The amendment reflects expense through the remainder of the 2017-18 fiscal year. The chart below shows the breakdown by category. Expense and revenue for 2018-19 will be included in the Proposed Budget, contingent upon City Council approval.

| 2017-18 Amendment       | Amount           |
|-------------------------|------------------|
| Personnel               | \$155,000        |
| Materials & Supplies    | 9,100            |
| Services                | 131,500          |
| Total Finance Amendment | 295,600          |
| Undistributed           | 68,700           |
| <b>Total</b>            | <b>\$364,300</b> |

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Approximately twelve thousand (12,000) outstanding tickets will transfer from the DMV to the TVA. It is anticipated that the collection of outstanding ticket revenue will more than offset the expense of the Agency.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2018-50  
(Int. No. 58)

**Amending the Budget to reflect administration of the City Traffic Violations Agency**

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

Section 1. Ordinance No. 2017-154, the 2017-18 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Finance Department by \$295,600 and the Budget of Undistributed Expenses by \$68,700 to administer the City Traffic Violations Agency, which amount in the aggregate sum of \$364,300 is hereby appropriated from anticipated increased revenues from motor vehicle moving violation collections.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2018-51  
Re: Amendatory Agreements - Tower 195  
LLC, Truck Tunnel Agreement

Council Priority: Creating and Sustaining a  
Culture of Vibrancy

Transmitted herewith for your approval is legislation that authorizes an amendatory agreement with Tower 195 LLC (Andrew Gallina, Principal) that will settle the City's and Tower 195's rights and responsibilities with regard to access, security and maintenance of the Main Street Underground Truck Road (the "Tunnel"). The amendatory agreement includes a one-time payment of \$50,000 to Tower 195 in order to settle and terminate the portion of a 1985 agreement wherein the City agreed to pay up to \$50,000 per year for the provision of security services along the portion of the Tunnel that passes beneath The Metropolitan, Tower 195's development located in the former Chase Lincoln Building.

The Tunnel, constructed in the early 1960s at the same time as Midtown Plaza, extends from Atlas Street to the Rochester Riverside Convention Center, running roughly parallel with and to the south of

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East Main Street. It provides access for truck freight and utility service to several properties, including The Metropolitan. The Tunnel also provides access to The Metropolitan's private underground parking annex which currently has 39 parking spaces and which Tower 195 may be expanding in the future.

In 1985 the City entered into a pair of agreements with Chase Lincoln First Bank, N.A. ("Chase") and other parties (collectively, the "1985 Agreement"), which provides for the shared use, expansion and maintenance of the Tunnel for a term of 100 years. The 1985 Agreement provides for cost sharing relative to maintenance and security costs for the portion of the Tunnel, known as Part III, which services. The Metropolitan property parcels located at 1 South Clinton Avenue, and numbers 219 and 221 East Main Street (the "Metropolitan Parcels"). Tower 195 acquired the Metropolitan Parcels in 2015 and received an assignment of the Chase's rights and obligations under the 1985 Agreement.

The 1985 Agreement requires the City to pay up to \$50,000 per year (plus annual Consumer Price Index adjustments) for Chase's, and now Tower 195's, costs to provide security services in Part III of the Tunnel. The Part III security services were relatively minimal, consisting mainly of the management and video monitoring of the opening and closing of internal overhead doors that control access to the rest of the Tunnel. The City now has the technology it needs to maintain security on its own, and does so in parallel with the security services that Tower 195 provides for its annex to the tunnel. Moreover, it appears that the City has never been billed for the Part III security services. Nevertheless, Tower 195 asserts that it has incurred security costs in the past that it is entitled to recover under the 1985 Agreement. Although the City no longer relies on Tower 195 for the provision of Part III security services, there are other access and cost sharing arrangements in the 1985 Agreement that are needed to operate and maintain the Tunnel going forward.

Therefore, the parties have negotiated an amendatory agreement that would terminate Tower 195's Part III security obligations going forward, release the City from any claims by Tower 195 for the past costs for providing Part III security services in return for the City's one-time payment of \$50,000, commit the City to provide Tower 195 with key fobs for access to the Tunnel by the tenants and employees who use The Metropolitan's parking annex, and continue the remaining shared access and maintenance provisions of the Agreement that the parties continue to rely on to continue operating the Tunnel.

The amendatory agreement will resolve the City's potential liability for past Tunnel Security costs, lift the burden of unnecessary security costs going forward, assure Tower 195 of the ability to use and expand The Metropolitan's parking annex, and provide for the continued use and maintenance of valuable infrastructure so that it will continue to contribute to the economic and social vitality of the eastern Central Business District for several more decades. The \$50,000 settlement payment will be funded from the 2017-18 Budget of Undistributed Expenses.

Respectfully submitted,  
Lovely A. Warren  
Mayor

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Ordinance No. 2018-51  
(Int. No. 59)

**Authorizing amendatory agreements with Tower 195 LLC relating to the Underground Truck Road**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with Tower 195 LLC (Tower) relating to the shared costs and use of the Underground Truck Road (the Tunnel) that serves several properties along East Main Street, including Tower's properties located at 1 South Clinton Avenue and at numbers 219 and 221 East Main Street comprising The Metropolitan development (the Metropolitan Parcels). When Tower acquired the Metropolitan Parcels in 2015, it was assigned the rights and obligations of Chase Lincoln First Bank, N.A. (Chase) under the Financial and Reimbursement Agreement, Underground Truck Road, Part III, dated December 30, 1985 (Reimbursement Agreement). The amendatory agreement shall modify the terms of the Reimbursement Agreement as follows:

- a. Delete Section 2B of the Reimbursement Agreement entitled Security Guard Costs and revise or interpret any remaining provisions of the Reimbursement Agreement that refer to "maintenance and security" costs or similar terms so as to exclude security guard services.
- b. Require the City to pay Tower, promptly upon the approval of this ordinance, the sum of \$50,000 in satisfaction of all the reimbursements for security guard services due or owing to Tower as of the effective date of the amendatory agreement.
- c. Upon Tower's receipt of such payment, state that the City and Tower do thereby irrevocably mutually release and forgive the other from, and waive reimbursement for, all costs, expenses and disbursements owed or claimed to be owed from one to the other for Tunnel security guard services as of the effective date of the amendatory agreement.
- d. Ratify and restate all remaining terms and conditions of the Reimbursement Agreement that are not inconsistent with the foregoing modifications.

Section 2. The City's payment of \$50,000 authorized in Section 1 shall be funded from the 2017-18 Budget of Undistributed Expenses

Section 3. The Mayor is hereby authorized to enter into an amendatory agreement with Tower relating to the shared use, expansion and maintenance of the Tunnel. When Tower acquired the Metropolitan Parcels in 2015, it was assigned the rights and obligations of Chase under the Underground Truck Road Access Agreement dated as of December 30, 1985 (the "Tunnel Agreement"). The amendatory agreement shall modify the terms of the Tunnel Agreement as follows:

- a. Require the City to continue to provide to Tower approximately 39 electronic key fobs (or such other credentials as will allow access to the Tunnel) to Tower in order to allow

Tunnel access for those using the approximately 39 parking spaces in The Metropolitan's private annex that is accessible only by means of the Tunnel.

- b. Require the City to provide to Tower additional electronic key fobs (or other credentials) sufficient to serve the users of additional parking spaces in the event that Tower renovates the Metropolitan Parcels to provide additional parking spaces that are accessible only by means of the Tunnel.
- c. Tower shall be responsible for assigning and tracking the recipient of each electronic key fob (or other credential) and shall provide such information to the City upon request.
- d. Affirm that the parties anticipate that service providers to The Metropolitan will use the Tunnel and that the City shall allow such service providers to access the Tunnel upon presentation of reasonable identification to City security personnel.
- e. Provide that no owners, tenants, guests, Metropolitan service providers, or any other party, shall be allowed to park in the thoroughfare portion of the Tunnel and that any vehicle parked in the thoroughfare portion of the Tunnel shall be subject to immediate removal without prior notice at the expense of the vehicle owner.
- f. Ratify and restate all remaining terms and conditions of the Reimbursement Agreement that are not inconsistent with the foregoing modifications.

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

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Clifford, Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson – 8

Nays – None – 0

Councilmember Spauld abstained due to a personal relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-52  
Re: Amendatory Agreement - R.K. Hite &  
Co., Inc., Uniform Relocation Act  
Compliance Services

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

Transmitted herewith for your approval is legislation amending an agreement with R.K. Hite & Co., Inc. (the Consultant) for services needed to comply with the Federal Uniform Relocation Act (URA). The City is required to comply with the URA when it seeks to acquire real property for redevelopment projects that may be assisted with Federal and/or State funds.

The present agreement as authorized in September 2015 (Ordinance No. 2015-286) and as amended in August 2016 (Ordinance No. 2016-256) provides for maximum compensation in the amount of \$120,000. This amendment will add \$200,000 in 2016-2017 Cash Capital funds to the agreement, for a total of \$320,000.

The Consultant's URA compliance services are required primarily for the Bull's Head revitalization initiative, where several additional property acquisitions are anticipated. Acquisition of the properties will enable the City to remove blight and assemble land for redevelopment in order to reposition Bull's Head as a key western gateway in the city.

The term of the agreement, which is one year with the option to renew for up to two additional one-year periods, will remain unchanged.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2018-52  
(Int. No. 60)

### **Authorizing an amendatory agreement for Uniform Relocation Act compliance services**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement between the City and R.K. Hite & Co., Inc. to amend the professional services agreement for services related to compliance with the federal Uniform Relocation Act, as authorized in Ordinance No. 2015-286 and amended in Ordinance No. 2016-256, so as to increase the maximum compensation by \$200,000 to a new total of \$320,000. The increase in compensation shall be funded from 2016-17 Cash Capital.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.



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TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-53  
Re: Grant Agreement - Dormitory  
Authority of the State of New York,  
Rundel Library Structural Terrace  
Improvements Phase IV Project

Council Priority: Deficit Reduction and Long  
Term Financial Stability

Transmitted herewith for your approval is legislation related to \$2 million in assistance from the  
Dormitory Authority of the State of New York (DASNY). This legislation will:

1. Authorize the City's applications to DASNY for two grants of \$1 million each through the  
State and Municipal Facilities Program to partially fund the Rundel Library Structural  
Terrace Improvements Phase IV Project;
2. Authorize agreements with DASNY for the receipt and use of grant funds; and
3. Designate the Budget Director and City Engineer as authorized officers for the grants.

Secured through the efforts of Assemblyman Gantt and Senator Robach, the grants will partially fund  
the Rundel Library Structural Terrace Improvements Phase IV Project. This project will reconstruct  
the closed north riverfront terrace and elevated east sidewalk and create a more vibrant public space  
that celebrates the Library and the history of the aqueduct and Erie Canal. The estimated overall cost  
of the project is \$7.8 million.

Construction is anticipated to begin in spring 2019 with completion in fall 2020.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2018-53  
(Int. No. 61)

**Authorizing grant applications to the Dormitory Authority of the State of New York for the  
Rundel Library Structural Terrace Improvements Phase IV Project**

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

Section 1. The Mayor is hereby authorized to submit applications to the Dormitory Authority  
of the State of New York (DASNY) for two grants of \$1 million each to fund the Rundel Library  
Structural Terrace Improvements Phase IV Project (the Project).

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Section 2. The receipt and use of the sum of \$2,000,000 in anticipated reimbursements from DASNY is hereby authorized and appropriated to fund the Project.

Section 3. The Budget Director and City Engineer are each hereby designated as an Authorized Officer authorized, in the name and on behalf of the City, to negotiate, execute, deliver and/or approve agreements and other documents in connection with performance of the Project and the financing of the costs thereof, as necessary to abide by the DASNY requirements for the City to obtain and use the funding authorized herein.

Section 4. The applications, as well as any agreements required to effectuate the funding authorized herein, shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2018-8  
Re: Appointment - Rochester Public  
Library Board of Trustees

Council Priority: Support the Creation of  
Effective Educational Systems

Transmitted herewith for your approval is legislation confirming the reappointment of Daniel B. Karin, 191 Highland Parkway, Rochester New York, 14620, to the Rochester Public Library Board of Trustees.

Mr. Karin was initially appointed to the Board in March, 2016 to fulfill an unexpired term. This re-appointment by City Council will be for a five-year term on the Rochester Public Library Board of Trustees, to expire on December 31, 2023.

A copy of Mr. Karin's resume is available for review in the City Clerk's office.

Respectfully submitted,  
Lovely A. Warren  
Mayor

March 20, 2018

Resolution No. 2018-8  
(Int. No. 88)

**Resolution approving reappointment to the Rochester Public Library Board of Trustees**

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

Section 1. The Council hereby approves the reappointment of Daniel B. Karin, 191 Highland Parkway, Rochester, NY 14620, to the Rochester Public Library Board of Trustees for a term which shall expire on December 31, 2023.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Resolution No. 2018-9  
Re: Appointment - Rochester Public  
Library Board of Trustees

Council Priority: Support the Creation of  
Effective Educational Systems

Transmitted herewith for your approval is legislation confirming the appointment of Carolee A. Conklin, 310 Exchange Boulevard, Apt. 257, Rochester New York, 14608 to the Rochester Public Library (RPL) Board of Trustees.

During her time on City Council, Ms. Conklin was appointed and served as the City Council Liaison to the RPL Board of Trustees. She has been recommended unanimously for appointment to the Board of Trustees by the RPL Board. Her term shall be for five years and extend until December 31, 2023.

A copy of Ms. Conklin's resume is available for review in the City Clerk's office.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Resolution No. 2018-9  
(Int. No. 89, as amended)

**Resolution approving appointment to the Rochester Public Library Board of Trustees**

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

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Section 1. The Council hereby approves the appointment of Carolee Conklin, ~~[INSERT ADDRESS]~~ 310 Exchange Boulevard, Apt. 257, Rochester, New York 14608, to the Rochester Public Library Board of Trustees for a term which shall expire on December 31, 2023.

Section 2. This resolution shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Resolution No. 2018-10  
Re: Appointment - Rochester Public  
Library Board of Trustees

Council Priority: Support the Creation of  
Effective Educational Systems

Transmitted herewith for your approval is legislation confirming the reappointment of Wanda Martinez, 8 Treyer Street, Rochester New York 14621, to the Rochester Public Library Board of Trustees.

This reappointment by City Council will be for a five-year term on the Rochester Public Library Board of Trustees, to expire on December 31, 2023.

A copy of Ms. Martinez' resume is available for review in the City Clerk's office.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Resolution No. 2018-10  
(Int. No. 90)

**Resolution approving reappointment to the Rochester Public Library Board of Trustees**

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

Section 1. The Council hereby approves the reappointment of Wanda Martinez, 8 Treyer Street, Rochester, NY 14621, to the Rochester Public Library Board of Trustees for a term which shall expire on December 31, 2023.

Section 2. This resolution shall take effect immediately.

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Adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2018-54  
Re: MWBE Goals

Council Priority: Jobs and Economic  
Development

Transmitted herewith for your approval is legislation to establish new comprehensive Minority and Women Owned Business Enterprise (MWBE) goals and minority workforce participation goals. This legislation will:

1. Establish a new goal that MWBE's will receive 30% of the City's total annual awards for city funded public works projects, public works consultant contracts, professional services contracts and commodity (goods and services) contracts,
2. Establish that the City's MWBE goals will mirror the state's MWBE goals,
3. Establish minority workforce participation goals at 20% minority (M) and 6.9% female (W),
4. Establish the responsibility for monitoring and reporting annual MWBE and workforce utilization goals.

**Background**

1. MWBE Goals

The City has been following MWBE participation goals that were established in 1992 for public works projects and three other expenditure categories. The goals at that time were established based upon a disparity study using data from 1989 and 1990. These goals were last adjusted in 1994. The goals for the areas of highest City expenditures were set at 9.9 % per contract for street construction projects and 19.2% per contract for general construction projects with an annual allowance of 10% for waivers. Separate goals were set for three other consulting services categories: architectural and engineering services, personnel and training services and advertising and media services based upon the availability of MWBE's at the time of the study.

During the ensuing twenty-four years, other local, state and federal governments have continuously modified their MWBE goals to changing demographic and business trends. New York State is a recognized leader in adopting MWBE goals that reflect the changing demographics across the state and the need to encourage the growth of businesses that more closely reflect those demographics. In 1988, Governor Mario

Cuomo was given authority under Executive Law Article 15-A to establish the Division on Minority and Women Business Development, which initiated the state's MWBE program. In 1995, Governor George Pataki set the state MWBE participation goals at 5%. Under Governor Eliot Spitzer they were increased to 10%. Governor David Paterson increased the goals to 20% in 2010 after the state's first disparity study was completed. Governor Andrew Cuomo increased the goals to 25% in 2012 and in 2014 he raised them to 30%. This landmark move resulted in New York State having the highest MWBE goals in the country.

New York State has taken an expansive approach to creating opportunities across many business sectors, not just public works projects. The state has set both an overall annual aggregate MWBE goal of 30%, and 30% MWBE goals for four primary expenditure areas: Construction Contracts (equivalent to the City's Public Works contracts); Construction Consultant contracts (equivalent to the City's engineering and Architectural Services contracts); Service Consultants (equivalent to the City's professional services contracts for consultants); and Commodities contracts (equivalent to the City's goods and services purchasing contracts).

The state goals reflect the findings of statewide disparity studies. The most recent state disparity study, for 2016, was released in June 2017. Because local disparity studies have been estimated to cost several hundred thousand dollars each, many large metropolitan governments have chosen to adopt the New York State 30% goals, while making minor adjustments to reflect local conditions. Across upstate, the City of Buffalo, Monroe County, Onondaga County and The City of Albany have adopted 30% MWBE goals for construction projects. Rochester would be the first City in upstate to follow the state's lead by establishing 30% goals for public works consultant contracts, professional services consultant contracts, and commodities contracts in addition to public works construction projects.

For the most recent state fiscal year - 2016-17, the state reported that statewide MWBE utilization was 27.2% after waivers, compared to the goal of 30%. The state counts all expenditures with MWBE prime contractors as well as subcontractors towards meeting the MWBE goals. The state sets MWBE subcontractor goals in its construction (public works) contracts, construction consultant contracts and services contracts. In addition, the state also utilizes incentives to encourage award of contracts to MWBE's as prime contractors, such as additional weighting for evaluating proposals and bids by MWBE's.

The state counts MWBE's who are certified by the Empire State Development (ESD) Division of Minority and Women's Business Development. The state sets minority category goals at 15% for Minority (M) businesses and 15% for Women Owned (W) businesses, although these are adjusted on a case-by-case basis if needed to reflect actual availability of certified MWBE's. ESD does not provide ethnic subgroup information for its certified MWBE's. Therefore, a Minority is defined as a person classified as Black, Hispanic, American Indian or Alaskan Native, and Asian or Pacific Islander.

## 2. Minority Workforce Participation Goals

The City has successfully incorporated minority workforce participation goals into large public works projects covered by Project Labor Agreements (PLA's): the Port Project (Phases 1, 2), the Midtown Redevelopment Project (Phases 1, 2, 3 and 4) and the Inner Loop project. In addition, the Rochester School Modernization Program (RSMP) incorporates minority workforce participation goals into all of its projects. The goals for the PLA's and the RSMP projects have been 20% M and 6.9% W.

### **Proposed City Goals**

#### 1. MWBE Goals

The proposed legislation will establish annual goals for four major expenditure categories of City government. Achievement of goals (MWBE utilization) will be based on annual expenditures in each category, as measured by contract awards during a fiscal year to MWBE prime contractors and subcontractors. Annual aggregate goals are proposed for each minority category (M and W) based on current capacity of MWBE businesses in the region estimated from state certification data. Minority category goals can be adjusted in future years if needed to reflect available capacity based upon annual utilization data.

The proposed aggregate annual City goal for utilization of MWBE's is 30% of contract awards for the following categories, effective starting with Fiscal year 2018-19. Individual category goals and minority category goals are proposed as:

1. Public works construction projects: 30% aggregate annual goal; 20% M and 10% W
2. Public works consultants: 30% aggregate annual goal; 15% M, 15% W
3. Professional services consultants: 30% aggregate annual goal; 15% M, 15% W
4. Commodities - goods and services purchasing contracts): 30% aggregate annual goal; 15% M, 15% W. Achievement of these goals to be phased in over three years in order to transition out of expiring contracts. Annual goals are:
  - a. Fiscal year 2018-19: Aggregate annual goal 10%; 5% M, 5% W
  - b. Fiscal year 2019-20: Aggregate annual goal 20%; 10% M, 10% W
  - c. Fiscal year 2020-21: Aggregate annual goal 30%; 15% M, 15% W.

The proposed goals will be met by utilizing New York State certified MWBE's from the nine-counties included in the Empire State Development (ESD) Finger Lakes Region: Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming and Yates. MWBE's from outside the region will be allowed if there are not sufficient qualified MWBE businesses in the region to perform specialized work or consulting services required.

While General Municipal Law (GML) sets certain restrictions on what the City is permitted to put into its bid documents to assist the City with achieving its MWBE goals, the City is allowed to incorporate MWBE bonus weighting factors into evaluations of City RFP's and bids for purchasing commodities. Current City policy provides a 10% bonus weighting factor for MWBE prime contractors in the RFP evaluation process. Up to an additional 10% bonus weighting factor will be added for prime contractors who utilize MWBE subcontractors for professional services contracts. For City purchase contracts, the City will include a 5% pricing advantage to MWBE bidders as permitted by GML to determine award of a bid based on best value. The bonus weighting factors for professional services consulting contracts and the pricing advantage for purchase contracts are intended to increase awards of city business to MWBE's.

2. Minority Workforce Participation Goals

The proposed legislation will set minority workforce participation at 20% for minority workers (M) and 6.9% for female workers (W) for individual contracts for public works construction projects, public works consultants and professional services consultants.

While General Municipal Law (GML) sets certain restrictions on what the City can put into its bid documents to assist the City with achieving its minority workforce participation goals, the City can incorporate bonus weighting factors into evaluations of City RFP's. Up to an additional 10% bonus weighting factor will be added for prime contractors who demonstrate that they meet or exceed the City's minority workforce participation goals.

**Measuring Achievement of Goals**

1. MWBE Goals

The 30% annual aggregate goal and the proposed minority category goals set a high standard for the City to achieve. For comparison, New York State has not yet achieved its goal of 30%, even though the 30% goal was set in 2014. The City has accurate records to measure prior MWBE utilization for public works contracts, but not for the other three categories. For City public works contracts, the average annual utilization of MWBE's for the last four years was 29.3% after waivers. This experience with public works contracts shows that in any given year, the ability to meet the 30% annual goal has varied significantly, depending on the mix of contracts and how many contracts were awarded to MWBE prime contractors as the low bidder. Nevertheless, the 30% goal is proposed as the standard for the City to meet as an annual average. MWBE utilization will be tracked by reports filed by the contractors and audited by the City.

2. Minority Workforce Participation Goals

The 20% M and 6.9% W workforce participation goals will be incorporated into public works and consultant contracts. Workforce utilization will be tracked by using certified payroll information or other personnel tracking reports filed by the contractors and audited by the City.



3. Quarterly and Annual Reports

The MWBE Officer will prepare and submit quarterly and annual City MWBE utilization reports to identify how well the City is meeting its goals. The annual report will include recommendations for future steps that could be taken to achieve the goals if there are shortfalls. Similar reports for workforce utilization will also be submitted.

**Program Administration**

The Director of Finance will be responsible for developing the administrative regulations and procedures for achieving and reporting MWBE goals and workforce participation goals. These will include:

1. Administrative regulations to provide a consistent method for incorporating MWBE and workforce participation goals into all designated City funded contracts, along with consistent contract forms and reporting requirements,
2. The MWBE Officer will be the central review agent for all city contracts and RFP's over \$10,000 prior to advertising. Departments will be responsible for administering their contracts and collecting and reviewing MWBE and workforce utilization documentation prior to approving payments. MWBE documentation will be made available electronically for full access by all departments.
3. The MWBE Officer will be authorized to adjust individual contract MWBE goals by waivers for the following reasons:
  - a. Specialty work that the MWBE Officer agrees cannot be reasonably subcontracted to an MWBE company,
  - b. Lack of qualified MWBE companies in the Finger Lakes region for the contract work,
  - c. For professional service consulting contracts, the prime contractor and subcontract bonus incentives will be offered for any state certified MWBE, if there are not sufficient certified MWBE consultants in the Finger Lakes region, in order to expand opportunities for the use of MWBE's in City contracts.

I am submitting this legislation to significantly increase the City's MWBE goals and minority workforce participation goals in order to expand the opportunity for minority and women owned businesses to earn more of the City's business and to increase employment opportunities for the minority workforce.

Respectfully submitted,  
Lovely A. Warren

Mayor

Ordinance No. 2018-54  
(Int. No. 91)

**Establishing Minority and Women Business Enterprise goals and Minority Workforce Participation Goals**

WHEREAS, the City of Rochester seeks to encourage the growth and development of Minority and Women Business Enterprises (MWBE) in our local economy, and

WHEREAS, the City seeks to ensure that MWBEs have the opportunity to participate in the many projects the City funds annually, including public works, professional services and purchases of goods and services, and

WHEREAS, the State of New York, pursuant to Executive Law Article 15-A, has established a statewide MWBE goal of 30% of annual expenditures in four categories of contracts: construction, construction consultants, service consultants, and commodities, and

WHEREAS, the City seeks to improve local employment opportunities for City residents to promote the welfare of our citizens, and

WHEREAS, setting workforce participation goals has proven to improve employment opportunities for minorities and women, and

WHEREAS, the City has extensive experience with implementing MWBE goals and minority workforce participation goals through public works contracts, professional services consulting contracts and project labor agreements.

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

Section 1. The City of Rochester shall, to the extent practicable, model its MWBE goals pursuant to New York State Executive Law Article 15-A. This ordinance supersedes and replaces all prior MWBE ordinances with these revised goals.

Section 2. The City of Rochester hereby establishes the goal that MWBEs will receive 30% of the total annual contract awards for contracts over \$10,000 for three types of City contracts, along with aggregate minority and women award goals, as stated below:

| <b>Contract Type</b>               | <b>Aggregate Annual Award</b> | <b>Aggregate Annual Award: Minorities</b> | <b>Aggregate Annual Award: Women</b> |
|------------------------------------|-------------------------------|---|--------------------------------------|
| Public Works Construction Projects | 30%                           | 20%                                       | 10%                                  |

|                                   |     |     |     |
|-----------------------------------|-----|-----|-----|
| Public Works Consultants          | 30% | 15% | 15% |
| Professional Services Consultants | 30% | 15% | 15% |

Section 3. The City of Rochester hereby establishes the goal that MWBEs will receive the following percentages of annual contract awards for City commodity (goods and services) contracts, along with aggregate minority and women award goals, effective as stated below:

| <b>Contract Type</b>                   | <b>Aggregate Annual Award</b> | <b>Aggregate Annual Award: Minorities</b> | <b>Aggregate Annual Award: Women</b> |
|--|-------------------------------|---|--------------------------------------|
| Commodity Contracts after July 1, 2018 | 10%                           | 5%  | 5%                                   |
| Commodity Contracts after July 1, 2019 | 20%                           | 10%                                       | 10%                                  |
| Commodity Contracts after July 1, 2020 | 30%                           | 15%                                       | 15%                                  |

Section 4. A contractor, vendor, or consultant shall be eligible for meeting MWBE goals if it:

- A) Is a state-certified MWBE at the time of the contract award. State certification requires that a business be at least 51% owned and controlled by minorities (M), women (W), or both. Minority shall be defined consistent with state and federal definitions, which is currently a person classified as Black, Hispanic, American Indian or Alaskan Native, and Asian or Pacific Islander; and
- B) The contractor, vendor, or consultant has bona fide offices and operations in the Empire State Development Finger Lakes Region (“Region”), which includes the counties of Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming and Yates. State-certified MWBE businesses from outside the Region may be counted if there are insufficient businesses in the Region to perform the specialized work or consulting services required.

Section 5. Aggregate annual goal achievement shall be based on the value of City contracts awarded within the fiscal year to both MWBE prime contractors and subcontractors, and reported for four different contract categories: public works contracts, public works professional consulting contracts, all other professional services consulting contracts, and City contracts for commodities.

Section 6. The MWBE Officer shall be the central review agent for all City contracts and requests for proposals over \$10,000 prior to solicitation, and shall prepare and submit quarterly and annual MWBE utilization reports to the Mayor. The MWBE Officer shall be authorized to adjust individual contract goals by waivers, or permit the use of state-certified MWBE’s from outside the Region, for the following reasons:

- A) Specialty work that cannot reasonably be subcontracted to an MWBE company, or
- B) Lack of qualified responsive and responsible MWBE companies in the Region that perform the contract work.

Section 7. For professional services consulting contracts, responding companies shall receive additional evaluation weighting points as follows:

| <b>Responding Company</b>   | <b>Weight Awarded</b> |
|-----------------------------|-----------------------|
| Prime contractor is an MWBE | 10%                   |

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|  |     |
|--|-----|
| Uses 10-20% MWBE Subcontractors        | 5%  |
| Uses More Than 20% MWBE Subcontractors | 10% |

Section 8. For City commodity (goods and services) contracts, the City shall permit a 5% price advantage to MWBE bidders for contracts awarded based upon best value.

Section 9. Minority workforce goals shall be incorporated into all City public works and professional services consulting contracts. The goals shall be 20% M and 6.9% W. For professional services consulting contracts, responding companies who demonstrate that they meet or exceed both these goals shall receive additional evaluation weighting points of 10%.

Section 10. The Director of Finance shall be responsible for developing the administrative regulations and procedures for achieving and reporting MWBE goals and minority workforce utilization goals. Departments shall be responsible for administering their contracts to meet the MWBE and minority workforce participation goals specified herein.

Section 11. Ordinance No. 2012-318 governing the procurement of professional services is hereby amended by deleting the section titled "Minority/Women Business Enterprise Goals."

Section 12. MWBE and minority workforce goals specified herein shall be adjusted if required by law or to meet state and federal funding requirements.

Section 13. This ordinance shall take effect July 1, 2018.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2018-55  
Re: Amendatory Agreement - Consilium 1,  
LLC, Business Process and Project  
Management Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Consilium 1, LLC, 155 Culver Road, Suite 200, Rochester, NY, to extend the term of the agreement for business process and project management services. The original agreement was authorized in April 2014 (Ordinance No. 2014-363) for a term of three years. The amendatory agreement will extend the term of the existing agreement for an additional year to April 21, 2019, with the other terms of the agreement remaining the same.

The consultant will continue to provide enterprise process and systems services, at specified unit prices on a project-by-project basis that is determined based on project specific proposals, type of service required, and the consultant's ability to perform the services within the time specified by the City. These services may include: process requirements for enterprise system deployments such as payroll/personnel, document management, financial upgrades, and electronic payment processing.

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Consultants from Consilium 1, LLC, are currently engaged on the Payroll/Personnel and Windows 10 Implementation projects and will continue to be needed beyond April 2018.

The amendatory agreement will continue to be financed from the annual budgets of the Department of Information Technology and, if necessary, other departments using the services or from Cash Capital funds appropriated for specific projects.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2018-55  
(Int. No. 95)

**Authorizing amendatory agreement for business process and project management services**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Consilium1, LLC for additional business process and project management services. The amendatory agreement shall extend for an additional year, to April 21, 2019, the term of the original agreement, which was authorized by Ordinance No. 2014-363. All other terms specified in the original authorization shall remain as is.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Resolution No. 2018-11  
Re: Appointments to the Board of Ethics

Transmitted herewith for your approval is legislation to approve the reappointment of, Calvin Lee, 19 Shelter Street, Rochester, NY 14611 and Carl Steinbrenner, 104 Troup Street, Rochester, NY 14620 and the appointment of Scott Ginett, 235 Meigs Street, Rochester NY 14607; James Patterson, 183 Corwin Road, Rochester NY 14604; and Naimah Sierra, 17 Weld Street, Rochester, NY 14605.

Calvin Lee's term will expire January 31, 2019; Carl Steinbrenner's term will expire January 31, 2020; Scott Ginett, James Patterson, and Naimah Sierra's terms will expire January 31, 2021.

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Resumes for Calvin Lee, Carl Steinbrenner, Scott Ginett, James Patterson, and Naimah Sierra are on file with the City Clerk.

Respectfully submitted,  
Loretta C. Scott  
President

Resolution No. 2018-11  
(Int. No. 96)

**Resolution approving appointments to the Board of Ethics**

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

Section 1. The Council hereby approves reappointment of the following individuals to the Board of Ethics:

Calvin Lee  
19 Shelter Street  
Rochester, NY 14611

Carl Steinbrenner  
104 Troup Street  
Rochester, NY 14620

Section 2. The Council hereby approves appointment of the following individuals to the Board of Ethics:

Scott Ginett  
235 Meigs Street  
Rochester, NY 14607

James Patterson  
183 Corwin Road  
Rochester, NY 14604

Naimah Sierra  
17 Weld Street  
Rochester, NY 14605

Section 3. The term of Calvin Lee shall expire on January 31, 2019.

Section 4. The term of Carl Steinbrenner shall expire on January 31, 2020.

Section 5. The terms of Scott Ginett, James Patterson, and Naimah Sierra shall expire on January 31, 2021.

Section 6. This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember Patterson  
March 20, 2018

To the Council:

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

- Int. No. 62      Authorizing the sale of real estate
- Int. No. 63      Approving Rochester Urban Renewal Agency's sale of a portion of real estate and granting a pedestrian easement through 36 South Avenue
- Int. No. 64      Authorizing a grant agreement with Flower City Habitat for Humanity, Inc. for the construction of affordable housing
- Int. No. 65      Authorizing a grant agreement with Flower City Habitat for Humanity, Inc. for the rehabilitation of affordable housing
- Int. No. 66      Authorizing a lease agreement with The Arbor Loft, LLC
- Int. No. 92      Authorizing an amendatory agreement with DLR Group Inc. for further analysis of the impact of downtown entertainment venues

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

- Int. No. 67      Local Improvement Ordinance establishing the cost of special services for the East Avenue/Alexander Street Entertainment District

The Neighborhood & Business Development Committee recommends for review by the Planning Commission the following entitled legislation:

- Int. No. 93      Amending Chapter 120 of the Municipal Code, the Zoning Code, by adding the O-LH Overlay Limited-Height District
- Int. No. 94      Amending Chapter 120 of the Municipal Code, the Zoning Code, by changing zoning classification of 1092, 1098, 1108, 1116, 1118-1120, 1132-1138, 1142, 1150, 1174, 1176, 1182, 1186-1188, 1190 and 1196-1200 Mt. Hope Avenue, 25 May Street, 20, 21, 24, and 25 Stewart Street and 10 Gold Street from C-1 Neighborhood Center District to C-1 Neighborhood Center/O-LH Overlay Limited Height District

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

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2018-56  
Re: Sale of Real Estate

Council Priority: Rebuilding and  
Strengthening Neighborhood Housing

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

The first property is a vacant lot sold by negotiated sale to the adjacent owner. The purchaser will combine the lot with his existing lot and utilize it as green space.

The second property is an unbuildable vacant lot being sold for \$1.00 (as per City policy) to its adjacent owner who will combine the lot with her existing property.

The first year projected tax revenue for these two properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$771.

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

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-27

Ordinance No. 2018-56



(Int. No. 62)

**Authorizing the sale of real estate**

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

Section 1. The Council hereby approves of the negotiated sale of the following parcel of vacant land:

| <b>Address</b> | <b>S.B.L.#</b> | <b>Lot Size</b> | <b>Sq. Ft.</b> | <b>Price</b> | <b>Purchaser</b> |
|----------------|----------------|-----------------|----------------|--------------|------------------|
| 148 Sawyer St  | 135.26-1-31    | 40 x 105        | 4,200          | \$425        | Presley L. Riley |

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

| <b>Address</b>  | <b>S.B.L.#</b> | <b>Lot Size</b> | <b>Sq. Ft.</b> | <b>Purchaser</b> |
|-----------------|----------------|-----------------|----------------|------------------|
| 57 Champlain St | 121.53-3-16    | 33 x 141        | 4,653          | Susie A. Morgan  |

Section 4. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-57

Re: Sale of a Portion of Real Estate and  
Granting of an Access Easement - 36  
South Avenue

Council Priority: Rebuilding and  
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation authorizing the sale of real estate comprising of 169.40± square feet as well as granting an access easement comprising of 1,708± square feet of land owned by Rochester Urban Renewal Agency to Action for A Better Community, Incorporated. These actions will resolve title issues and allow the organization to sell its property at 49 Stone Street.

A stair tower along the rear wall of the property owned by Action for a Better Community, Incorporated encroaches onto the RURA property at 36 South Avenue (South Avenue Garage). Selling the 169.40± square feet portion of the property as well as granting the access easement will resolve the title defects and encroachments that currently exist and allow the sale to advance. 49 Stone Street

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will be sold to a developer who will convert the property into a mixed use building including retail space and residential units.

The sales price of the parcels and the value of the easement is \$11,750 and was determined by an independent appraisal prepared by Jay J. Loson, MAI of Midland Appraisal Associates, Inc. as of January 26, 2018.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-28

Ordinance No. 2018-57  
(Int. No. 63)

**Approving Rochester Urban Renewal Agency's sale of a portion of real estate and granting a pedestrian easement through 36 South Avenue**

WHEREAS, the Rochester Urban Renewal Agency (hereinafter called "Agency") is the owner of 36 South Avenue, an approximately 2.38 acre parcel which is the location of the public South Avenue Parking Garage (the "Garage Parcel");

WHEREAS, Action for a Better Community, Incorporated (hereinafter called "ABC") is the owner of an adjoining property located at 49 Stone Street ("49 Stone Parcel");

WHEREAS, a stair tower at the rear of the 49 Stone Parcel encroaches onto the Garage Parcel and another bordering portion of the Garage Parcel would provide a useful alternative pedestrian access route for the 49 Stone Parcel;

WHEREAS, ABC has proposed to purchase from Agency two parcels comprising an approximately 169.40 square feet area of the Garage Parcel to accommodate the stair tower encroachment and to purchase an access easement across another approximately 1,708 square foot portion of the Garage Parcel, and both purchases are intended to resolve title defects so that ABC can convey the 49 Stone Parcel to a developer who intends to convert the property into a mixed use facility that includes retail space and residential units;

WHEREAS, an independent appraisal prepared by Jay J. Loson, MAI of Midland Appraisal Associates, Inc. places the fair market value of the encroachment area and access easement at \$11,750;

WHEREAS, the conveyance of the encroachment area and access easement to the neighboring property would not interfere with the public use of and access to public parking on the Garage Parcel;

WHEREAS, pursuant to Article 15 of the General Municipal Law, the City Council has held a public hearing on March 23, 2018 to consider the conveyances described herein; and

WHEREAS, it was determined:

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1. That the use of the encroachment area and the access easement by ABC and a succeeding owner and the terms of the conveyance of said property interests are satisfactory;
2. That conveyance of said property interests by negotiation is the appropriate method of making the interests available;
3. That the ABC possesses the qualifications and financial resources necessary to acquire and utilize the property interests in accordance with urban renewal purposes;
4. That the proposed price for the property interests is a satisfactory price and not less than the fair value of the property interests for their intended use;
5. That the proposed conveyance complies with the provisions Articles 15 and 15A of the General Municipal Law; and
6. That the conveyance of said property interests is satisfactory.

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

Section 1. The Council approves the Agency's determination that ABC possesses the qualifications and financial resources necessary to acquire and utilize the above described property interests in accordance with urban renewal purposes.

Section 2. The Council hereby authorizes the Agency to convey fee title to the following encroachment area parcels and an access easement over the following easement parcel for a purchase price of \$11,750, in accordance with the provisions of Articles 15 and 15A of the General Municipal Law and on the terms established by the Agency as set forth above.

**STAIR TOWER CONVEYANCE DESCRIPTION - PARCEL #1**

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Rochester, County of Monroe and State of New York more particularly described as follows:  
COMMENCING at a point in the westerly highway boundary of Stone Street (40 feet wide), said point being 362.34 feet southerly from the southerly highway boundary of East Main Street; thence A.) Westerly, along the northerly line of lands now or formerly owned by Action for a Better Community, Inc. as filed in the Monroe County Clerk's office as liber 9506 of deeds page 484, a distance of 143.70 feet to the point of BEGINNING; thence,

1. Southerly, along the westerly line of lands now or formerly owned by said Action for a Better Community, Inc., a distance of 52.54 feet to a point; thence, the following courses and distance through the lands now or formerly owned by Rochester Urban Renewal Agency (Tax Map #121.23-2-26.2);
2. Westerly, at an interior angle of 90°, distance of 5.20 feet to a point; thence,
3. Northerly, at an interior angle of 90°, a distance of 35.40 feet to a point; thence,

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4. Westerly, at an exterior angle of 90°, a distance of 3.50 feet to a point; thence
5. Northerly, at an interior angle of 90°, a distance of 17.16 feet to a point; thence,
6. Easterly, at an interior angle of 89°49'35", a distance of 8.70 feet to the PLACE AND POINT OF BEGINNING.

BEING 133 SQ. FT.

STAIR TOWER CONVEYANCE DESCRIPTION - PARCEL #2

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

COMMENCING at a point in the westerly highway boundary of Stone Street (40 feet wide), said point being 362.34 feet southerly from the southerly highway boundary of East Main Street; thence A.) Southerly, along the westerly highway boundary of said Stone Street, a distance of 71.00 feet to a point; thence, B.) Westerly, along the northerly line of lands now or formerly owned by R-Net Corp. as filed in the Monroe County Clerk's office as liber 8593 of deeds page 10, a distance of 134.59 feet to the point of BEGINNING; thence,

1. Southerly, along the westerly line of lands now or formerly owned by said R-Net Corp., a distance of 2.85 feet to a point; thence, the following courses and distance through the lands now or formerly owned by Rochester Urban Renewal Agency (Tax Map #121.23-2-26.2);
2. Westerly, at an interior angle of 90°, distance of 3.20 feet to a point; thence,
3. Northerly, at an interior angle of 95°27'13", a distance of 3.65 feet to a point; thence,
4. Northerly, at an interior angle of 174°32'47", a distance of 6.82 feet to a point; thence
5. Easterly, at an interior angle of 90°, a distance of 3.55 feet to a point; thence,
6. Southerly, at an interior angle of 90°, along the westerly line of lands now or formerly owned by Action for a Better Community, Inc. as filed in the Monroe County Clerk's office as liber 9506 of deeds page 484, a distance of 7.87 feet to the PLACE AND POINT OF BEGINNING.

BEING 36.4 SQ. FT.

PEDESTRIAN INGRESS/EGRESS EASEMENT DESCRIPTION

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

BEGINNING at a point in the westerly highway boundary of Stone Street (40 feet wide), said point being 362.34 feet southerly from the southerly highway boundary of East Main Street; thence,

1. Westerly, at an exterior angle of 89°50'40", a distance of 143.70 feet to a point; thence,

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2. Southerly, at an exterior angle of 89°49'35", a distance of 17.16 feet to a point;  
thence,
3. Easterly, at an exterior angle of 90°, a distance of 3.50 feet to a point; thence,
4. Southerly, at an interior angle of 90°, a distance of 35.40 feet to a point; thence
5. Easterly, at an exterior angle of 90°, a distance of 5.20 feet to a point; thence,
6. Southerly, at an interior angle of 90°, a distance of 10.47 feet to a point; thence,
7. Westerly, at an interior angle of 90°, a distance of 3.55 feet to a point; thence,
8. Southerly, at an exterior angle of 90°, a distance of 6.82 feet to a point; thence,
9. Southerly, at an exterior angle of 174°32'47", a distance of 3.65 feet to a point;  
thence, the following courses and distance through the lands now or formerly owned  
by Rochester Urban Renewal Agency (Tax Map #121.23-2-26.2)
10. Westerly, at an interior angle of 84°32'47", a distance of 3.8 feet to a point; thence
11. Northerly, at an interior angle of 90°, a distance of 10.8 feet to a point; thence,
12. Northerly, at an exterior angle of 172°51'43", a distance of 45.87 feet to a point;  
thence,
13. Northerly, at an interior angle of 172°51 '43", a distance of 21.45 feet to a point;  
thence,
14. Easterly, at an interior angle of 90°13', a distance of 147.73 feet to a point; thence,
15. Southerly, along the westerly highway boundary of said Stone Street, a distance of  
5.29 feet to the PLACE AND POINT OF BEGINNING.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-58

Re: Grant Agreement - Flower City Habitat for  
Humanity, Inc.

Council Priority: Rebuilding and  
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation authorizing a grant in the amount of \$165,000 to Flower City Habitat for Humanity, Inc. (FCHH) for the construction of new affordable homeownership units in the city; and, to fund the grant, appropriating \$165,000 in HOME Program funds from the

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2015-16 New Housing Construction allocation of the Housing Development Fund to fund the grant. The term of the agreement will be for two years, with a maximum grant amount per home of \$27,500.

The grant will be used as a subsidy to support construction of six (6) owner-occupied single-family houses in and immediately adjacent to the JOSANA neighborhood where the residents, together with the City and other stakeholders, completed a Neighborhood Master Plan in 2011. FCHH's new construction activity aligns with the diverse residential community goal identified in the Master Plan. The sale of vacant lots for this project was authorized by Council through separate legislation submitted in March and May of 2017 (Ordinances Nos. 2017-62 and 2017-129).

The new houses will be sold to families selected by an FCHH committee using the following criteria:

- Annual household income between 35% and 70% of the area median income.
- Minimum two years continuous history of employment or other income source.
- Demonstrated need as current housing is substandard, overcrowded, or a cost burden.
- No bankruptcy or discharge within last two years, and no open judgements or tax liens.
- Willingness to partner by contributing at least 300 hours of "sweat equity" (depending on household size), providing monthly proof of income and savings, providing a down payment and portion of closing costs, attending at least 7 required classes on financial literacy and home ownership, and agreeing to live in the house for at least 10 years.

The houses will be sold for appraised value (approximately between \$60,000 and \$80,000) and FCHH provides a 30-year mortgage with a 0% interest rate.

A SEQRA review was initiated; the project was determined to be a Type II Action in accordance with 6 NYCRR Part 617.5(c)(9) and does not require further review. A NEPA review is underway and will be completed prior to entering into any agreements for the New Construction project.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2018-58  
(Int. No. 64)

**Authorizing a grant agreement with Flower City Habitat for Humanity, Inc. for the construction of affordable housing**

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

Section 1. The Mayor is hereby authorized to enter into a grant agreement with Flower City Habitat for Humanity, Inc. for the construction of affordable housing in the JOSANA neighborhood.

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Section 2. The agreement shall obligate the City to pay an amount not to exceed \$165,000 and the maximum grant amount for each home shall be \$27,500. The sum of \$165,000, or so much thereof as may be necessary, is hereby appropriated from the New Housing Construction allocation of the Housing Development Fund of the Consolidated Community Development Plan/2015-16 Annual Action Plan. The term of the agreement shall be two years.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-59  
Re: Grant Agreement - Flower City Habitat  
for Humanity, Inc., Home Ownership  
Pilot Program for Vacant Houses

Council Priority: Rebuilding and  
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation authorizing \$125,000 as maximum compensation for an agreement with Flower City Habitat for Humanity, Inc., (FCHH) to support the rehabilitation of single-family housing for homeownership in the City. The grant will be funded from the Home Ownership Pilot Program for Vacant Houses, funding for which was appropriated November 16, 2016 through the adoption of Ordinance No. 2016-364. The term of the agreement will be for two years, with a maximum grant amount per home of \$24,999.

Properties for the program will primarily be identified by FCHH and City Housing staff. The properties must be vacant, single-family houses located on a residential street with yard space and off-street parking. The program will be Citywide, with emphasis on the CONEA, 14621, Marketview Heights, Beechwood and EMMA neighborhoods. For this pilot program, we anticipate providing funding for five (5) approved properties between April 1, 2018 and March 31, 2020.

The homes will be rehabilitated to ensure compliance with current building codes, and to perform required lead and asbestos remediation. The City Contract Services Group will be responsible for working with FCHH to identify lead hazards and code violations, and for approving the scope of work for each home. For each of the identified properties, up to \$24,999 would be made available by the City of Rochester for rehabilitation work.

Qualified buyers would be eligible for a rehabilitation deferred loan of up to \$24,999 from the Home Ownership Pilot Program for Vacant Houses. Additionally, FCHH has secured New York State Affordable Housing Corporation (AHC) funds in the amount of \$35,000-40,000 per home. AHC promotes home ownership among low and moderate income families, and stimulates the development,

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preservation, and stabilization of New York communities. The remaining sources of funding for the project will be secured through capital campaigns and fundraising efforts, and donated materials.

Qualified buyers would be identified and approved by the Partner organization(s), with support from the City of Rochester Housing Staff through the Home Buyer Services Program. Potential buyers must meet income guidelines as established by HUD, and will be required to earn less than 80% AMI. All homeowners will partner with FCHH by providing at least 300 hours of “sweat equity”, and will attend at least seven (7) financial literacy classes. All buyers must be first-time home buyers, not currently owning other real estate, nor having owned any residential real estate within Rochester in the past 3 years. Buyers will be required to reside in the property for a minimum of 10 years (no investors).

FCHH will ensure that each participant is approved for a mortgage, and prepared for homeownership. FCHH is able to offer program participants 0% interest, 30-year mortgages, which decreases the cost of housing for potential homebuyers. The City will take a subordinate lien position for our grants after the lender mortgage.

A SEQRA review was initiated; the project was determined to be a Type II Action in accordance with 6 NYCRR Part 617.5(c)(2) and does not require further review. A Programmatic NEPA review was completed, and Statutory Checklists will be completed prior to work commencing on any of the homes. The City released a Request for Qualifications (RFQ) for the Home Ownership Pilot Program for Vacant Houses in 2016. The proposals submitted were inadequate, and no award was made at that time. Subsequently, the City identified FCHH as a potential partner. FCHH has a proven track-record and the capability to perform all components of the program.

This grant program supports the Council Priority Plan for Rebuilding and Strengthening Neighborhood Housing. The Home Ownership Pilot Program for Vacant Houses supports the City Housing Policy objective to promote the rehabilitation, redevelopment, and new construction of housing.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-29

Ordinance No. 2018-59  
(Int. No. 65)

**Authorizing a grant agreement with Flower City Habitat for Humanity, Inc. for the rehabilitation of affordable housing**

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

Section 1. The Mayor is hereby authorized to enter into a grant agreement with Flower City Habitat for Humanity, Inc. to support the rehabilitation of affordable owner-occupied, single-family housing.



March 20, 2018

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$125,000 and the maximum grant amount for each home shall be \$24,999. The agreement shall be funded from Home Ownership Pilot Program for Vacant Houses Program allocation within the Housing Development Fund of the 2015-16 Community Development Block Grant, as appropriated in Ordinance No. 2016-364. The term of the agreement shall be two years.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2018-60  
Re: Lease Agreement - Port Terminal  
Building

Council Priority: Creating and Sustaining a  
Culture of Vibrancy

Transmitted herewith for your approval is legislation authorizing a lease agreement between the City and Agathi Georgiou, Owner, The Arbor Loft, LLC, for approximately 5,750 square feet of space in Suite 110. The term of the lease will be five (5) years with 2 renewal options of five (5) years each. The monthly rental amount for the initial term will be \$4,800 calculated at a rate of \$10/SF which was established through an independent appraisal performed by Kevin Bruckner, MAI, of Bruckner, Tillett, Cahill & Rossi, Inc. as of February 2018.

Arbor Loft, LLC is a full service event planning company, located in the city of Rochester at 17 Pitkin Street. The Arbor Loft, LLC has been in operation since 2015 and specializes in weddings, ceremonies, retirement parties and corporate events. The Port Terminal Building location will handle similar gatherings and will allow the tenant to offer a waterfront option for these events. Currently, The Arbor Loft, LLC averages over 100 events per year and employs 20 people. The new location will add a full-time event coordinator as well as 10-15 new part-time positions.

The Mayor is authorized to amend the terms of any other existing agreements to conform to the lease agreement authorized herein.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-30

Ordinance No. 2018-60  
(Int. No. 66)

**Authorizing a lease agreement with The Arbor Loft, LLC**

WHEREAS, the City of Rochester has received a proposal for the lease of space in the Port Terminal Building located at 1000 North River Street;

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is required to follow additional procedures due to the length and the amount of annual rent of the proposed lease;

WHEREAS, the Council has formally reviewed the independent appraisal of the value of the lease prepared by Kevin Bruckner, MAI of Bruckner, Tillett, Cahill & Rossi Inc.;

WHEREAS, the Council affirmatively finds that the proposed lease authorized herein is in the public interest because it will allow for the establishment and year-round operation of a place for holding social gatherings such as wedding receptions, retirement parties and corporate events in a desirable waterfront location by a tenant who has been successful in conducting a similar business elsewhere in Rochester; and

WHEREAS, the Council affirmatively finds that the term of such proposed lease, which is five years with two five-year renewal options, is reasonable and necessary in light of the lease's intended purpose and that the public will benefit throughout that term.

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

Section 1. The Mayor is hereby authorized to enter into a lease agreement with The Arbor Loft, LLC for use of 5,750 square feet of space in Suite 110 of the Port Terminal Building. The agreement shall have a term of 5 years with two optional renewal terms of five years each.

Section 2. The monthly rental amount for the initial term will be \$4,800.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Local Improvement Ordinance No. 1737  
Re: East Avenue/Alexander Street  
Entertainment District  
Council Priority: Creating and Sustaining a  
Culture of Vibrancy; Public Safety

March 20, 2018

Transmitted herewith for your approval is legislation reauthorizing the district and establishing the amount of \$20,800 for special assessments for the East Avenue/Alexander Street Entertainment District.

This assessment provides for additional trash removal on Saturday and Sunday, from 3:00 am to 5:00 am, from April through October, to address trash resulting from the increased activity in the District during this period. The assessment covers the additional cost of these services and is apportioned among the properties within the district that cater to the patrons of the establishments (e.g., bars, restaurants and parking lots who profit from the patrons).

In 2018-19 the fixed fee for additional street cleaning services is determined by type of establishment and square footage as agreed upon by the entertainment establishments and property owners in the district. The total annual charge estimate was determined by the Department of Environmental Services.

All affected properties have been examined and any change in use is reflected in the attached list of subject properties. The operating assessment is apportioned among properties based on type and function of their use, using the following schedule:

| <u>Code</u> | <u>Use</u>                      | <u>Annual Charge</u> |
|-------------|---------------------------------|----------------------|
| 1           | Parking lot under 2500 Sq Ft    | \$217                |
| 2           | Parking Lot 2500-4999 Sq Ft     | \$422                |
| 3           | Parking Lot 5000-9999 Sq Ft     | \$627                |
| 4           | Parking Lot 10000 Sq Ft or more | \$855                |
| 5           | Small Sit down Restaurant       | \$217                |
| 6           | Take out Restaurant/Smaller Bar | \$422                |
| 7           | Large Bar/Sit Down Restaurant   | \$980                |

This assessment will be included on the annual tax bill of the affected properties. Residential properties with no entertainment venues or parking lots are not affected.

A Public Hearing is required.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-31

Local Improvement Ordinance No. 1737  
(Int. No. 67)

**Local Improvement Ordinance establishing the cost of special services for the East Avenue/Alexander Street Entertainment District**

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

Section 1. The 2018 budget for upgraded street cleaning and trash removal services for the East Avenue/Alexander Street Entertainment District is established at \$20,800 and the charge shall be as set forth below, and said amount is hereby appropriated from the Special Assessments as set forth below and shall be assessed and levied on the 2018-19 tax bill in accordance with Local Improvement Ordinance No. 1631.

| <b>Code</b> | <b>Use</b>                       | <b>Annual Charge</b> |
|-------------|----------------------------------|----------------------|
| 1           | Parking lot under 2500 Sq. Ft    | \$217                |
| 2           | Parking lot 2500-4999 Sq. Ft     | \$422                |
| 3           | Parking lot 5000-9999 Sq. Ft     | \$627                |
| 4           | Parking lot 10000 Sq. Ft or more | \$855                |
| 5           | Small Sit Down Restaurant        | \$217                |
| 6           | Take Out Restaurant/Smaller Bar  | \$422                |
| 7           | Large Bar/Sit Down Restaurant    | \$980                |

Section 2. This ordinance shall take effect on July 1, 2018.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-61

Re: Agreement - DLR Group Inc.

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation that authorizes an amendatory agreement with DLR Group Inc. (Tom Gallagher, Principal) dba DLR Group | Westlake Reed Leskosky, Cleveland, OH, (DLR), which is the corporate successor to Westlake Reed Leskosky (WRL), to answer supplemental questions regarding its August, 2016 Performing Arts Center Site and Facility Study. The legislation establishes \$66,435 as the maximum compensation for the additional services. The term of the amendatory agreement may extend until July 31, 2018 and will be funded from 2017-18 Cash Capital.

In Ordinance No. 2015-229, the City commissioned WRL to study the feasibility of an entertainment center in downtown Rochester, which was completed in August, 2016. The study found that proposed development would generate significant economic impact in downtown Rochester and the surrounding area, creating jobs and economic opportunities for our residents. DLR will answer additional questions regarding job growth and economic and social vitality to ensure this project is completed in a way that maximizes its benefit to all of Rochester's residents and organizations.

Since WRL completed the original study and DLR has WRL's unique baseline of knowledge regarding the history of this topic, DLR is uniquely qualified to provide accurate answers promptly. Therefore, a justification for not issuing an RFP for these supplemental questions is attached. DLR has agreed to provide answers to the supplemental questions no later than July 31, 2018. Upon (1) DLR's submission of responses substantiating significant job projections and development of local economic and social

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vitality, and (ii) verification of adequate project financing sources, Council may proceed with authorization for development of the proposed housing/ entertainment complex on the City's Parcel 5.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2018-61  
(Int. No. 92)

**Authorizing an amendatory agreement with DLR Group Inc. for further analysis of the impact of downtown entertainment venues**

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 DLR Group Inc., successor to Westlake Reed Leskosky, for additional analysis of specified City inquiries regarding the planning and feasibility of a downtown entertainment venue. The amendatory agreement shall increase the maximum compensation of the original agreement, which was authorized by Ordinance No. 2015-229, by \$66,435. The amendatory amount shall be funded from 2017-18 Cash Capital. The term of the amendatory agreement may extend until July 31, 2018.

Section 2. Upon (i) submission of responses by DLR Group Inc. substantiating significant job projections and development of local economic and social vitality, and (ii) verification of adequate project financing sources, City Council may proceed with authorization for development of the proposed housing/ entertainment complex on the City's Parcel 5.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Scott, Councilmembers Evans, Gruber, Lightfoot, McFadden, Ortiz, Patterson, Spaul  
- 8

Nays - Councilmember Clifford - 1

TO THE COUNCIL  
Ladies and Gentlemen:

March 20, 2018

Introductory 93 and  
Introductory 94  
Re: Amending Chapter 120 of the Zoning  
Code by Adding the Overlay Limited-  
Height District

Council Priority: Rebuilding and  
Strengthening Neighborhood Housing

Transmitted herewith for your approval is an ordinance amending the Zoning Code by adding the Overlay Limited-Height District (O-LH) that will limit the height of new construction to a maximum of three stories. The Overlay District is intended to be placed over or adjacent to certain C-1 Neighborhood Center District areas that are not suitable for buildings exceeding three stories.

Nearly all C-1 zoned properties in the City face neighborhood arterial streets in the front and R-1 Low Density or R-2 Medium Density zoned residential properties in the back. Proximate to lower density residential areas requires C-1 zoned establishments to be unobtrusive and conducted at a scale and density compatible with the surrounding residential neighborhood. The same goes for R-3 High-Density Residential zoned areas located on arterials, which are proximate and similarly situated adjacent to lower density residential areas.

Prior to 2003, the Zoning Code set a maximum height of 40 feet for buildings in the C-1 district. The present Zoning Code that went into effect in 2003 eliminated that height limitation but restricts commercial and other nonresidential uses to a maximum floor area of 3,000 square feet. In most instances, that 3,000 square foot limit, without a height restriction, would tend to suffice as a means to restrict C-1 District establishments to a lower intensity and scale that is compatible with the surrounding neighborhood.

However, the present Zoning Code also provides for some C-1 uses where there is no comparable limit for maintaining compatibility with the surrounding neighborhood. The Zoning Code permits the following uses in the C-1 District without any limit on building floor area: single-family dwellings, apartments or other multifamily dwelling units when sharing a building with a permitted commercial use, live-work space, bed-and-breakfast establishments, and convents and rectories (Zoning Code §120-34). The same goes for the following uses that may be authorized by special permit: homeless residential facilities, hospices and residential care facilities (Zoning Code §120-35). Building heights in the R-3 District are limited to two times the width of the lot frontage (Zoning Code §120-29), which could allow for building heights that would be unsuitably obtrusive in some locations.

In some areas within or adjacent to the C-1 District, buildings of four or more stories would dwarf and place in the shadow the single-family and two-family homes that adjoin them and would generate traffic, parking demands, noise and other effects at a scale that is incompatible with the surrounding residential neighborhood. Reestablishing a height limit in a vulnerable area is necessary to ensure that the C-1 District and adjacent areas continue to be developed in a way that complements rather than detracts from the lower density residential neighborhoods that the C-1 District is intended to serve.

This Overlay District is proposed for that purpose and is first proposed to be applied to the C-1 District parcels located along the east side of Mt. Hope Avenue between Highland Park to the north

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and the C-V Collegetown Village District beginning at Cook Street to the south. See the attached map. These C-1 District parcels are suitable for the Overlay because they are near the unique features that are especially vulnerable to the aesthetic, traffic, parking and other adverse impacts associated with taller buildings: a narrow R-1 zoned residential neighborhood challenged by a persistent shortage of on- and off-street parking spaces; location across the street from Mt. Hope Cemetery, a property listed on the National Register of Historic Places and zoned O-S Open Space; and Highland Park located nearby to the north and east.

The enactment of this Overlay would give the Council the flexibility to extend the 3-story height limitation to additional C-1 and R-3 District areas in the future by means of a Zoning Map amendment.

This proposal will be reviewed by the City Planning Commission on May 7, 2018, and a public hearing before the City Council will be required.

Respectfully submitted,  
Adam C. McFadden  
Vice President

Introductory No. 93

**AMENDING CHAPTER 120 OF THE MUNICIPAL CODE, THE ZONING CODE, BY ADDING THE O-LH OVERLAY LIMITED-HEIGHT DISTRICT**

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by adding Article XV-A for the O-LH Overlay Limited-Height District, which shall read in its entirety as follows:

Article XV-A. O-LH Overlay Limited-Height District

§ 120-118.1. Purpose.

The O-LH Overlay Limited-Height District protects City neighborhoods that are within or adjacent to the C-1 Neighborhood Center District that would be adversely impacted by taller buildings. It establishes a three-story limit on building heights for those C-1 District or adjoining areas where there is the presence or proximity of features that would be adversely affected by the aesthetic, traffic, parking demands, and other adverse impacts associated with taller buildings. Such features may include but are not limited to uses in the R-1 Low Density Residential and R-2 Medium Density Residential zoned districts, an O-S Open Space District, a Preservation District, a City-designated landmark, a property or structure listed on the State or National Register of Historic Places, a park, a critical environmental area as defined in §48-4 of the Municipal Code, or a residential area challenged by a persistent shortage of on- and off-street parking spaces. The O-LH District shall not be independently mapped on the City of Rochester Zoning Map but shall be overlaid upon an existing C-1 or R-3 District area that is found to be appropriate for such treatment.

§ 120-118.2. Permitted uses and structures.

The uses and structures permitted in the O-LH District shall be the permitted uses allowed in the underlying district.

§ 120-118.3. Special permit uses.

The uses and structures allowed as special permit uses in the O-LH District shall be the special permit uses allowed in the underlying district.

§ 120-118.4. Lot, area and yard requirements.

The lot, area and yard requirements of the O-LH District shall conform to the underlying district.

§ 120-118.5. Bulk requirements.

A. Building heights in the O-LH:

- (1) Minimum building height, principal use or structure: conforming to the underlying district.
- (2) Maximum building height, principal use or structure: three stories.
- (3) Maximum building height, detached accessory use or structure: conforming to the underlying district.

B. Square footage limitations on uses in the O-LH shall conform to the underlying district.

§ 120-118.6. Personal wireless telecommunication facilities (PWTF).

Personal wireless telecommunication facilities in the O-LH District shall be regulated as outlined in § 120-143, Personal wireless telecommunication facilities.

§ 120-118.7. Additional regulations.

The applicable City-Wide Design Guidelines and Standards (Article XIX) and Requirements Applying to All Districts (Article XX) in this chapter shall apply to all uses in the O-LH District.

Section 2. This ordinance shall take effect immediately.

Held in Committee.

Introductory No. 94



**AMENDING CHAPTER 120 OF THE MUNICIPAL CODE, THE ZONING CODE, BY CHANGING ZONING CLASSIFICATION OF 1092, 1098, 1108, 1116, 1118-1120, 1132-1138, 1142, 1150, 1174, 1176, 1182, 1186-1188, 1190 AND 1196-1200 MT. HOPE AVENUE, 25 MAY STREET, 20, 21, 24 AND 25 STEWART STREET AND 10 GOLD STREET FROM C-1 NEIGHBORHOOD CENTER DISTRICT TO C-1 NEIGHBORHOOD CENTER/ O-LH OVERLAY LIMITED HEIGHT DISTRICT**

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code and the Zoning Map incorporated therein, as amended, is hereby further amended by changing the zoning classification of the following parcels and area from C-1 Neighborhood Center District to C-1 Neighborhood Center/ O-LH Overlay Limited Height District:

| <b>Address</b>            | <b>SBL #</b>      |
|---------------------------|-------------------|
| 1092 Mt. Hope Avenue      | 136.38-1-43       |
| 1098 Mt. Hope Avenue      | 136.38-1-76./HOME |
| 1108 Mt. Hope Avenue      | 136.38-1-76./NHOM |
| 1116 Mt. Hope Avenue      | 136.38-1-75       |
| 1118-1120 Mt. Hope Avenue | 136.38-1-74       |
| 1132-1138 Mt. Hope Avenue | 136.46-1-1        |
| 1142 Mt. Hope Avenue      | 136.46-1-61       |
| 1150 Mt. Hope Avenue      | 136.46-1-60       |
| 1174 Mt. Hope Avenue      | 136.46-1-59       |
| 1176 Mt. Hope Avenue      | 136.46-1-58       |
| 1182 Mt. Hope Avenue      | 136.46-1-57       |
| 1186-1188 Mt. Hope Avenue | 136.46-1-56       |
| 1190 Mt. Hope Avenue      | 136.46-1-55       |
| 1196-1200 Mt. Hope Avenue | 136.46-1-54       |
| 25 May Street             | 136.38-1-44       |
| 20 Stewart Street         | 136.38-1-73       |
| 21 Stewart Street         | 136.46-1-2        |
| 24 Stewart Street         | 136.38-1-72       |
| 25 Stewart Street         | 136.46-1-3        |
| 10 Gold Street            | 136.46-1-24       |

and the area extending from those parcels to the center line of any adjoining street, alley, and right-of-way.

Section 2. This ordinance shall take effect immediately.

Held in Committee.

By Councilmember Evans  
March 20, 2018

To the Council:

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

- Int. No. 68      Authorizing an amendatory agreement with Edge Architecture, PLLC
- Int. No. 69      Authorizing an agreement for design services for the Brewery Line Trail
- Int. No. 70      Authorizing an agreement for design of the Mount Hope Cemetery Site Enhancements
- Int. No. 71      Amending Ordinance No. 2017-36 and appropriating funds for the 2019 Preventive Maintenance Northwest Group 5 Project
- Int. No. 72      Amending Ordinance No. 2017-11 and appropriating funds for the 2020 Preventive Maintenance Northeast Group 9 Project
- Int. No. 73      Authorizing an agreement for resident project representation services for the Hazardous Sidewalk Replacement Program Southwest Quadrant 2018 Phase 1 Project
- Int. No. 74      Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,241,000 Bonds of said City to finance certain costs of Southeast Quadrant 2018 Hazardous Sidewalk Replacement Program
- Int. No. 76      Authorizing an agreement with Joseph C. Lu Engineering, P.C.
- Int. No. 77      Authorizing an agreement for Gardiner Firehouse Upgrades
- Int. No. 78      Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$711,000 Bonds of said City to finance costs of the 2018 Gardiner Firehouse Renovation Project
- Int. No. 79      Authorizing an intermunicipal agreement with Rochester Housing Authority

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

- Int. No. 75      Authorizing a change in traffic flow on Pindle Alley

Respectfully submitted,  
Malik Evans

March 20, 2018

Mitch Gruber  
Elaine M. Spaul  
Adam C. McFadden  
Loretta C. Scott  
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2018-62  
Re: Amendatory Agreement - Edge  
Architecture, PLLC, Campbell Street  
R-Center Gym Floor, Windows and  
HVAC Replacement Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Edge Architecture, PLLC (Allen Rossignol, AIA, LEEP AP President & CEO), Rochester, New York, for additional architectural and engineering design, construction administration and resident project representation services for the Campbell Street R-Center Gym Floor, Windows and HVAC Replacement Project. The original agreement for \$100,000 was authorized in July, 2016 (Ordinance No. 2016-240) and amended to \$200,000 in February, 2017 (Ordinance No. 2017-37). This amendment will increase maximum compensation to a total of \$226,510. The term of the agreement shall extend until three (3) months after completion of a two (2) year guarantee inspection of the Project.

The amendatory agreement shall be financed as follows:

|   |              |
|---|--------------|
| 2017-18 Cash Capital  | \$20,000     |
| 2017-18 Budget of the Department of Recreation and Youth Services | <u>6,510</u> |
| TOTAL   | \$26,510     |

The project includes replacement of the existing gymnasium floor, windows and HVAC systems, upgrade of the building's main electrical service, installation of new below-grade waterproofing and perimeter drainage for the gymnasium, and renovation of the kitchen. The amendatory will include additional design, construction administration and resident project representation (RPR) services for replacement of the existing shingle roof with a new metal roof system, and replacement of gymnasium wall pads and basketball hoops.

The initial project included replacement of the existing gymnasium floor, windows and HVAC system. Additional work in the project includes upgrade of the building's main electrical service, installation of new below-grade waterproofing and perimeter drainage for the gymnasium, and replacement of the kitchen hood. The amendatory agreement will include additional design, construction administration and resident project representation (RPR) services for replacement of the existing shingle roof with a new metal roof system, and replacement of gymnasium wall pads and basketball hoops.

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The estimated total cost of the Campbell Street R-Center Gym Floor, Windows and HVAC Replacement Project, including contingency, design and RPR, is estimated at \$1,107,510 and will be funded as follows:

|   |              |
|---|--------------|
| Bonds authorized Ordinance No. 2016-241                           | \$ 520,000   |
| Bonds authorized Ordinance No. 2017-38                            | 500,000      |
| 2017-18 Cash Capital  | 81,000       |
| 2017-18 Budget of the Department of Recreation and Youth Services | <u>6,510</u> |
| TOTAL   | \$1,107,510  |

Construction of the project began in fall 2017; with scheduled completion anticipated in summer 2018. The amendatory agreement will result in the creation and/or retention of the equivalent of 0.3 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2018-62  
(Int. No. 68)

**Authorizing an amendatory agreement with Edge Architecture, PLLC**

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 Edge Architecture, PLLC for additional architectural and engineering design, construction administration and resident project representation services for the Campbell Street R-Center Gym Floor, Windows and HVAC Replacement Project. The original agreement was authorized by Ordinance No. 2016-240 and thereafter amended by Ordinance No. 2017-37. The term of the amendatory agreement shall continue until 3 months after completion of the 2-year guarantee inspection of the project.

Section 2. The compensation authorized under the amendatory agreement is increased by \$26,510; maximum compensation shall not exceed \$226,510. The increase shall be funded \$20,000 from 2017-18 Cash Capital and \$6,510 from the 2017-18 Budget of the Department of Recreation and Youth Services.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

March 20, 2018

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2018-63  
Re: Brewery Line Trail Design - McCord  
Landscape Architecture, PLLC

Transmitted herewith for your approval is legislation:

1. Establishing \$80,000.00 as maximum compensation for an agreement with McCord Landscape Architecture, PLLC, (Doug McCord, Principal), 2129 Five Mile Line Road, Penfield, NY for design services for the Brewery Line Trail. The cost of the agreement will be financed from \$40,000 2015-16 Cash Capital and \$40,000 funds appropriated herein.
2. Authorize receipt and use of \$275,000 in Dormitory Authority of the State of New York (DASNY) funds for the project.

The project includes improvements to the existing trail, trail furnishings, river railing, shoring the gorge edge, opening views by clearing scrub growth, and improve lighting in the area. Consultant will provide preliminary and final design, bid documents, and construction phase design services. The term of the agreement is six months after project acceptance and completion.

McCord Landscape Architecture, PLLC was selected for design services through a request for proposal process, which is described in the attached summary.

Design will begin in the winter of 2018 and it is anticipated that construction will begin in the spring of 2019 with scheduled completion in summer of 2019. The project will result in the creation and/or retention of the equivalent of 6.2 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-32

Ordinance No. 2018-63  
(Int. No. 69)

### **Authorizing an agreement for design services for the Brewery Line Trail**

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with McCord Landscape Architecture, PLLC to provide design services for the Brewery Line Trail project. The maximum compensation for the agreement shall be \$80,000 and that amount, or so much thereof as may be necessary, shall be funded with \$40,000 from 2015-16 Cash Capital and \$40,000 from

March 20, 2018

Dormitory Authority of the State of New York (DASNY) funds appropriated herein. The term of the agreement shall continue to 6 months after completion and acceptance of the project.

Section 2. The receipt and use of the sum of \$275,000 in anticipated reimbursements from DASNY is hereby authorized and appropriated to fund the Brewery Line Trail project. The Mayor is hereby authorized to enter into an agreement with DASNY and/or to execute such other documents as may be necessary for the City to receive and use the funding authorized herein.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2018-64  
Re: Agreement - Martha Lyon Landscape  
Architecture, LLC, Mount Hope  
Cemetery Site Enhancements

Transmitted herewith for your approval is legislation related to the Mount Hope Cemetery Site Enhancements project. This legislation will establish \$75,000 as maximum compensation for an agreement with Martha Lyon Landscape Architecture, LLC, (Principal Martha Lyon), 313 Elm Street, Northampton, Massachusetts, for design of the Mount Hope Cemetery Site Enhancements. The cost of the agreement will be financed with 2014-15 Cash Capital. The term of the agreement shall terminate six (6) months after completion and acceptance of the construction of the Project.

Recognizing the need to balance the preservation of the renowned landscape character of Mount Hope Cemetery with the need to prolong its active life, the City of Rochester completed the Mount Hope Cemetery Master Plan in 2015. The resulting Master Plan provides a long-term framework for the management and preservation of Mount Hope Cemetery. The Master Plan selected eight areas for schematic-level design and included study of existing issues and opportunities and the development of design alternatives. This project will advance the schematic design of three of these areas through detailed design and construction, including the Section L Scattering Garden, the Woodland Avenue Serenity Garden, and the Section MM Scattering Garden. The enhancement for each of the three areas is intended generate revenue through the creation and eventual sale of new interment options and to benefit the condition and stature of the heritage landscape.

Martha Lyon Landscape Architecture, LLC was selected for design services through a request for proposal process, which is described in the attached summary. Design services will begin in spring 2018; it is anticipated that construction will begin in spring 2019 with scheduled completion in summer 2019. The agreement will result in the creation and/or retention of the equivalent of 0.8 full-time jobs.

March 20, 2018

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-33

Ordinance No. 2018-64  
(Int. No. 70)

**Authorizing an agreement for design of the Mount Hope Cemetery Site Enhancements**

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Martha Lyon Landscape Architecture, LLC, to provide design services for the Mount Hope Cemetery Site Enhancements (Project). The maximum compensation for the agreement shall be \$75,000 and that amount, or so much thereof as may be necessary, shall be funded from 2014-15 Cash Capital. The term of the agreement shall continue to 6 months after completion and acceptance of the Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2018-65  
Re: Amendment - 2019 Preventive  
Maintenance NW Group 5 Project

Transmitted herewith for your approval is legislation related to the project. This legislation will:

1. Appropriate \$57,000 from anticipated New York State (NYS) Marchiselli Aid to fund a portion of the design services for the 2019 Preventive Maintenance NW Group 5 Project; and
2. Amend Ordinance No. 2017-36 to reduce the amount of anticipated reimbursements appropriated from the Federal Highway Administration (FHWA) to finance the federal portion of the design services agreement with La Bella Associates, DPC for design services related to this project from \$307,200 to \$307,158; and,
3. Amend Ordinance No. 2017-36, which originally established funding for the agreement with La Bella Associates, DPC for design services related to this project, by reducing

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the 2015-16 Cash Capital by \$56,958, reducing the anticipated reimbursements from FHWA by \$42 and replacing those funds with the \$57,000 of the NYS Marchiselli Aid appropriate herein.

This federal aid project, administered by the City under agreement with the NYSDOT includes three locations:

- Beach Avenue from Lake Avenue to the West City Line;
- Dewey Avenue from Eastman Avenue to the North City Line; and
- Lake Avenue from the Lake Ontario State Parkway to Beach Avenue.

Street improvements will include milling and resurfacing of the pavement; spot curb replacements; installation or upgrade of sidewalk curb ramps; adjustment and repair of manholes, receiving basins, and water valve castings; and replacement of traffic markings. These improvements will enhance the surface drainage and riding quality of the roadway, improve handicap accessibility, and expand the useful life of the pavement structure.

It is anticipated that construction will begin in spring 2019 with scheduled completion in fall 2019.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-34

Ordinance No. 2018-65  
(Int. No. 71)

**Amending Ordinance No. 2017-36 and appropriating funds for the 2019 Preventive Maintenance Northwest Group 5 Project**

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

Section 1. The Council hereby authorizes the receipt and use of \$57,000 in anticipated reimbursements from the New York State Department of Transportation Marchiselli Aid program (Marchiselli Aid) and appropriates that sum to fund a portion of the 2019 Preventive Maintenance Northwest Group 5 Project (Project) design services.

Section 2. Section 2 of Ordinance No. 2017-36 is hereby amended by reducing by \$42 the amount of the FHWA funds appropriated therein.

Section 3. Section 3 of Ordinance No. 2017-36 is hereby amended by allocating \$57,000 of the funds appropriated under Section 1 herein to replace and reduce by \$56,958 the amount of the 2015-16 Cash Capital funds appropriated therein and to replace and reduce by \$42 the amount of FHWA reimbursements appropriated therein.

Section 4. This ordinance shall take effect immediately.



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Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2018-66  
Re: Appropriate and Amendment - 2020  
Preventive Maintenance NE Group 9  
Project

Transmitted herewith for your approval is legislation related to the project. This legislation will:

1. Appropriate \$20,528 from anticipated New York State (NYS) Marchiselli Aid to fund a portion of the design services for the 2020 Preventive Maintenance NE Group 9 Project; and
2. Amend Ordinance No. 2017-11, which originally established funding for the agreement with Erdman, Anthony and Associates, Inc. for design services related to this project, by reducing the 2016-17 Cash Capital by \$19,672, reducing the anticipated reimbursements from FHWA by \$856 and replacing those funds with the \$20,528 of the NYS Marchiselli Aid appropriate herein.

This federal aid project, administered by the City under agreement with the NYSDOT includes three locations:

- Hudson Avenue from North Street to Route 104; and
- St. Paul Street from Central Avenue to Gorham Street.

Street improvements will include milling and resurfacing of the above streets, including repair of the existing pavement base where needed, adjustment of water valve and sewer castings, resetting or installing new granite curbs as needed, replacement of hazardous sidewalks, alteration or replacement of sidewalk handicap ramps to bring into ADA compliance where it is feasible to do within the existing Right of Way, installation of pavement markings and replacement of traffic loops. These improvements will enhance the surface drainage and riding quality of the roadway, improve handicap accessibility, and expand the useful life of the pavement structure.

It is anticipated that construction will begin in spring 2020 with scheduled completion in fall 2020.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-35

Ordinance No. 2018-66  
(Int. No. 72)

March 20, 2018

**Amending Ordinance No. 2017-11 and appropriating funds for the 2020 Preventive Maintenance Northeast Group 9 Project**

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

Section 1. The Council hereby authorizes the receipt and use of \$20,528 in anticipated reimbursements from the New York State Department of Transportation Marchiselli Aid program (Marchiselli Aid) and appropriates that sum to fund a portion of the 2020 Preventive Maintenance Northeast Group 9 Project (Project) design services.

Section 2. Section 3 of Ordinance No. 2017-11 is hereby amended by allocating \$20,528 of the funds appropriated under Section 1 herein to replace portions of the shares of the Project design services funded by other sources so as to reduce by \$19,672 the amount of the 2016-17 Cash Capital appropriated therein and so as to reduce by \$856 the amount of FHWA reimbursements appropriated therein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-67 and  
Ordinance No. 2018-68  
Re: Hazardous Sidewalk Replacement  
Program

Transmitted herewith for your approval is legislation related to the 2018 Hazardous Sidewalk Program. This legislation will:

1. Establish \$540,000 as maximum compensation for a professional services agreement with Vanguard Engineering, PC, (Principal Joseph Ardieta), Rochester, New York, for resident project representation (RPR) services; and
2. Authorize the issuance of bonds totaling \$1,241,000 and the appropriation of the proceeds thereof to finance of the Project.

The Hazardous Sidewalk Replacement Program Southwest Quadrant 2018 Phase 1 Project will replace hazardous sidewalks in the southwest quadrant of the city. The Term RPR Services for Hazardous Sidewalk Replacement Projects includes project representation for construction phases of hazardous sidewalk replacement contracts. The agreement will be for a term of three years and may extend until three months after completion and acceptance of a two year guarantee inspection of the projects covered by the agreement.

Bids for construction were received on December 19, 2017. The apparent low bid of \$3,497,350.00 was submitted by Sunshine Concrete Company Inc., (President Joseph Farruggia) 3461 Stevenson Ct, N Tonawanda, NY 14120 which is 7.8% more than the engineer's estimate. An additional \$159,189 will be allocated for project contingencies.

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

March 20, 2018

|                                  | <u>Construction</u> | <u>Contingency</u> | <u>RPR</u>       | <u>Total</u>       |
|----------------------------------|---------------------|--------------------|------------------|--------------------|
| Debt to be issued                | \$1,241,000         |                    |                  | \$1,241,000        |
| 2014-15 Local Works Cash Capital |                     |                    | \$540,000        | 540,000            |
| 2017-18 Local Works Cash Capital | <u>2,256,350</u>    | <u>\$159,189</u>   |                  | <u>2,415,539</u>   |
| Total                            | <u>\$3,497,350</u>  | <u>\$159,189</u>   | <u>\$540,000</u> | <u>\$4,196,539</u> |

Vanguard Engineering was selected for RPR services through a request for proposal process, which is described in the attached summary. The Project is anticipated to start construction in spring 2018 and be completed by fall 2018. The project will result in the creation and/or retention of the equivalent of 45.6 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-36

Ordinance No. 2018-67  
(Int. No. 73)

**Authorizing an agreement for resident project representation services for the Hazardous Sidewalk Replacement Program Southwest Quadrant 2018 Phase 1 Project**

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Vanguard Engineering, PC to provide resident project representation services for the Hazardous Sidewalk Replacement Program Southwest Quadrant 2018 Phase 1 Project (the Project). The maximum annual compensation for the agreement shall be \$540,000 and said amount, or so much thereof as may be necessary, shall be funded from 2014-15 Cash Capital. The term of the agreement shall be for three years and may extend until 3 months after completion and acceptance of a 2-year guarantee inspection of the work covered by the agreement.

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

Section 3. This ordinance shall take effect immediately.

Councilmember Evans moved to amend Int. No. 74.

The motion was seconded by Councilmember Spaull.

Adopted unanimously.

Ordinance No. 2018-68

(Int. No. 74, as amended)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,241,000 Bonds of said City to finance certain costs of ~~Southeast~~ Southwest Quadrant 2018 Phase 1 Hazardous Sidewalk Replacement Program**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the costs of ~~Southeast~~ Southwest Quadrant 2018 Phase 1 Hazardous Sidewalk Replacement Program, along streets noted on the attached Area Map, including costs of design, repair and replacement of hazardous and failing sidewalks (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$4,196,539, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,241,000 bonds of the City to finance said appropriation, application of \$540,000 of 2014-2015 Local Works Cash Capital, \$2,415,539 of 2017-2018 Local Works Cash Capital and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,241,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,241,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 24. of the Law, is ten (10) years.

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

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds

herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

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

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

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

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2018-69  
Re: Authorizing a Traffic Flow Change -  
Pindle Alley

Transmitted herewith for your approval is legislation authorizing a change in the direction of traffic flow on Pindle Alley, between Church and Allen Streets, from two-way (Church Street to 200-foot north of Church Street) and one-way northbound (from 200-foot north of Church Street to Allen Street) to one-way southbound traffic.

The Pindle Alley southbound one-way is requested by the Department of Environmental Services. Vehicles traveling northbound on Pindle have been observed in conflict with vehicles entering Pindle from the City Hall parking lot. By reversing the direction of traffic flow, vehicles will no longer be able to cut through from Church Street to Allen Street, which will resolve a sight distance concern at the first parking lot driveway north of the B-building as well as concerns related to pedestrian safety when crossing Pindle on Allen Street.

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The City is pursuing this change as a matter of public safety and, as such, no petition is required. The change to southbound one-way traffic was reviewed and endorsed by the City's Traffic Control Board at its February 20, 2018 meeting.

A public hearing is required.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-37

Ordinance No. 2018-69  
(Int. No. 75)

**Authorizing a change in traffic flow on Pindle Alley**

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

Section 1. The Council hereby approves the following changes in the direction of the traffic flow on Pindle Alley between Church and Allen Streets:

- a. from Church Street to 200 feet north of Church Street, from two-way to one-way southbound; and
- b. from 200 feet north of Church Street to Allen Street, from one-way northbound to one-way southbound.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2018-70  
Re: Agreement - Lu Engineering, P.C. -  
Resident Project Representation (RPR)  
Professional Services, ROW Permit RPR

Transmitted herewith for your approval is legislation establishing \$150,000 as maximum compensation for an agreement with Joseph C. Lu Engineering, P.C., 339 East Avenue Rochester 14607 (Principal, Cletus O. Ezenwa, P.E.) for resident project representation (RPR) services for City Right of Way (ROW) permit construction. The term of the agreement will be twenty seven (27) months and will be financed equally from the 2017-18 and 2018-19 budgets of the Department of

March 20, 2018

Environmental Services, contingent upon council approval of later budget. Permit fees for trench work done in the City ROW are collected as a means of offsetting these RPR services.

The City ROW includes street pavement, curbing, sidewalks, tree lawns and areas behind sidewalks. Construction within the City ROW is performed under the jurisdiction of either City issued street construction contracts or City issued ROW work permits. ROW permit work is done by various entities including public or private utility agencies, property owners, and private contractors. Services under this agreement will involve RPR on construction activities that are under the jurisdiction of a City issued ROW work permit. Services will include providing a part or full time resident engineer or inspectors for construction as needed. Duties would involve observation of construction procedures of a permit holder for compliance with ROW work permit requirements such as: construction site cleanup and protection of vehicular and pedestrian traffic; proper trench backfill; temporary and final site restoration; and meeting permit schedule requirements. Work would also include: coordination with City residents affected by the work and addressing resident questions and concerns; and coordination with permit holders on the correct location and depth of new work to ensure new work will not conflict with existing or proposed City facilities.

The proposed agreement is intended to expedite consultant assignments to the numerous permit construction projects that occur each year in the City ROW. This will facilitate management of the permit work by providing greater flexibility with respect to the assignment of RPR services for various permit projects.

Joseph C. Lu Engineering, P.C. was selected for RPR Services through a Request for Proposal process, which is described in the attached summary. Consultant services will begin in spring 2018. The ROW work permit projects are ongoing yearly projects.

The RPR services will result in the creation and/or retention of the equivalent of 1.6 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-38

Ordinance No. 2018-70  
(Int. No. 76)

**Authorizing an agreement with Joseph C. Lu Engineering, P.C.**

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Joseph C. Lu Engineering, P.C. for resident project representation services for City Right of Way permit construction. Maximum compensation for the agreement shall be \$150,000 and shall be funded in the amounts of \$75,000 from the 2017-18 Budget of the Department of Environmental Services (DES) and \$75,000 from the 2018-19 Budget of DES, contingent on approval of the latter budget. The term of the agreement shall be 27 months.

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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. 2018-71 and  
Ordinance No. 2018-72  
Re: Agreement - Bergmann Associates,  
Architects, Engineers, Landscape  
Architects & Surveyors, D.P.C.,  
Gardiner Firehouse Upgrades

Transmitted herewith for your approval is legislation related to Gardiner Firehouse Upgrades. This legislation will:

1. Establish \$110,000 as maximum compensation for a professional services agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Pietro Giovenco, P.E., President and CEO), 280 East Broad Street, Suite 200, Rochester, NY for architectural and engineering design and construction administration services. The cost of the agreement will be financed from bonds to be issued herein.
2. Authorize the issuance of bonds totaling \$711,000 and the appropriation of the proceeds thereof to finance the Project.

The project includes, but is not limited to, replacement of the heating, ventilating and air conditioning systems, a kitchen renovation, and a roof restoration. The agreement shall extend until three (3) months after completion of a two (2) year guarantee inspection of the Project.

Bergmann Associates was selected for architectural and engineering services through a request for proposal process, which is described in the attached summary.

Design will begin in spring 2018; with anticipated construction to begin in spring 2019 with scheduled completion in fall 2019. The project will result in the creation and/or retention of the equivalent of 7.7 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor



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Attachment No. AR-39

Ordinance No. 2018-71  
(Int. No. 77)

**Authorizing an agreement for Gardiner Firehouse Upgrades**

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. to provide architectural and engineering design and construction administration services for the Gardiner Firehouse Upgrades (Project). The maximum compensation for the agreement shall be \$110,000 and that amount, or so much thereof as may be necessary, shall be funded from the proceeds of a bond ordinance to be adopted for the Project. The term of the agreement shall continue to 3 months after completion of a 2-year guarantee inspection of the Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2018-72  
(Int. No. 78)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$711,000 Bonds of said City to finance costs of the 2018 Gardiner Firehouse Renovation Project**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the costs of renovation of the Gardiner Firehouse, including costs of replacement of the HVAC system, a kitchen renovation and a roof restoration (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$711,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$711,000 bonds of the City to finance said appropriation and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$711,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$711,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 13. of the Law, is ten (10) years.

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

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

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

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

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

Passed unanimously.

March 20, 2018

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2018-73  
Re: Intermunicipal Agreement - Rochester  
Housing Authority, Vehicle Fueling  
and Maintenance Services

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester Housing Authority (RHA) located at 675 West Main Street, Rochester, NY, for Vehicle Fueling and Maintenance Services.

The City has provided routine vehicle fueling and maintenance and repair services for RHA since 2007. The current agreement was signed in May, 2013 and will expire on April 30, 2018. RHA's present fleet size is 58. The City will charge a markup of \$0.15 per gallon over cost to cover administrative expenses associated with tracking the fuel sales.

In fiscal year 2017, the City received revenue of \$33,137.17 for fuel and \$49,475.5 for maintenance. The City estimates future annual revenues of \$30,000 for fuel and \$50,000 for maintenance.

The agreement will be for three years with the option of up to two additional one-year terms.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2018-73  
(Int. No. 79)

### **Authorizing an intermunicipal agreement with Rochester Housing Authority**

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

Section 1. The Mayor is hereby authorized to enter into an intermunicipal agreement with the Rochester Housing Authority for the City to provide services related to vehicle fueling and maintenance.

Section 2. The term of the agreement shall be for three years, with the option of up to two additional one-year terms.

Section 3. The City shall charge a markup of \$.15 per gallon for administrative expenses.

Section 4. The agreement shall have such additional terms and conditions as the Mayor deems appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

March 20, 2018

By Councilmember Lightfoot  
March 20, 2018

To the Council:

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

- Int. No. 80 Authorizing an agreement with the New York State Department of Environmental Conservation
- Int. No. 81 Authorizing an agreement with LeadsOnline, Inc.
- Int. No. 82 Authorizing an agreement with Government Payment Services, Inc.
- Int. No. 83 Authorizing acceptance of Petco Foundation grant for Animal Services
- Int. No. 84 Authorizing an agreement with Eskay Concerts, Inc. for concert series management services

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

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2018-74  
Re: Agreement - Oil Spill Response Trailer  
Loan from New York State Department  
of Environmental Conservation

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of Environmental Conservation (NYSDEC) for the loan and use of an oil spill response trailer for responses to a discharge of oil or hazardous material to the lands or waters of New York State. The term of the agreement is five (5) years upon approval of the Office of State Comptroller, with an option to renew for an additional five (5) years.

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The loan of the spill trailer and related equipment is provided to enhance the ability of the Rochester Fire Department (RFD) to assist in and support oil and hazardous materials spill responses in bodies of water in New York State.

While in receipt of the trailer and equipment, the City of Rochester is responsible for the security of the equipment and replacement of expendable supplies for local responses. NYSDEC is responsible for equipment maintenance and supplies for regional responses. In return for the use of the spill response trailer, the RFD will provide a vehicle as needed for responses to tow the trailer and trained staff for response to a spill incident. Existing vehicles will be utilized when a response is required. The value of the trailer and equipment is \$30,000. The trailer will be stationed at the Public Safety Training Facility Training Division located at 1190 Scottsville Road.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2018-74  
(Int. No. 80)

**Authorizing an agreement with the New York State Department of Environmental Conservation**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Environmental Conservation (NYSDEC) for the loan and use of an oil spill response trailer. NYSDEC shall loan the trailer to the City in exchange for the Rochester Fire Department's agreement to provide trained response staff, a towing vehicle, and transport of the trailer to spill incidents.

Section 2. The term of the agreement shall be five years with an option to renew for an additional five-year term.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2018-75  
Re: Agreement - LeadsOnline, Inc., Retail  
Transactions Report System

March 20, 2018

Transmitted herewith for your approval is legislation establishing \$34,000 annually as maximum compensation for an agreement with LeadsOnline, Inc., (Principal: David K. Finley), Plano, Texas, for continued online reporting of transactions conducted at pawnbrokers, secondhand dealers, and scrap yards. The cost of the agreement will be funded from the 2017-18 and subsequent Budgets of the Police Department, contingent upon their approval.

In March 2012, City Council amended the Municipal Code via Ordinance Nos. 2012-120, 2012-121 and 2012-122, requiring the daily upload of all reportable transactions at pawnbrokers, secondhand dealers and scrap yards to an electronic reporting service provided by the Rochester Police Department (RPD). To ensure compliance, and at the direction of RPD, these establishments are currently using LeadsOnline, Inc., to report their transactions. This agreement will continue to provide an online database, as required by the Code, and assist RPD in quickly identifying suspicious transactions to improve the likelihood of recovering stolen property.

LeadsOnline, Inc., serves a dual purpose for RPD by ensuring compliance with City regulations and providing case support for on-going investigations. LeadsOnline, Inc., provides a suite of query, analytical, and reporting tools with which to analyze transaction data and compliance metrics. Information from LeadsOnline, Inc., is also accessed by crime analysts and investigators to research transaction logs for stolen property for both local and national transactions, often directly contributing to solvability factors in active investigations.

A justification for not issuing an RFP is attached. The term of this agreement will be June 15, 2018 through June 14, 2019, with the option to renew for up to three additional one-year periods.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-40

Ordinance No. 2018-75  
(Int. No. 81)

### **Authorizing an agreement with LeadsOnline, Inc.**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with LeadsOnline, Inc. for online reporting of transactions conducted at pawnbrokers, secondhand dealers, and scrap yards. The maximum annual compensation shall be \$34,000, which shall be funded from the 2017-18 Budget of the Police Department. The annual compensation for each extended term of the agreement, if any, shall be funded from a subsequent budget of the Police Department, contingent upon approval.

Section 2. The term of the agreement shall be June 15, 2018 through June 14, 2019, with three optional one-year renewals.

March 20, 2018

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2018-76  
Re: Agreement - Government Payment  
Service, Inc., Bail Credit Card Services

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an agreement with Government Payment Service, Inc., dba GovPayNet (Principal: Mark MacKenzie), Indianapolis, IN, for the processing of credit card payments for bail posted for individuals in police custody. There is no cost to the City for this service.

The Rochester Police Department currently accepts only cash for bail transactions. These transactions are unique since the funds are required to be transferred to a State fund specifically for this purpose.

Using GovPayNet is common in NY State; 60 of the 62 County Sheriff Departments, including Monroe County, use them for credit card services for bail. Through this agreement, GovPayNet will:

- Provide credit card services for bail transactions, equipment, and training with no charge to the City.
- Charge the cardholder a 9% fee for all transactions. This fee is assessed on the bail amount, and is added to the overall transaction cost.
- Provide the State bail fund with bail funds collected. GovPayNet is then responsible for collecting the funds from the cardholder.
- Assume the risk for fraud, collection, default, and the return of funds.

This payment and pricing model is the industry standard, and addresses the risks associated with bail transactions. RPD's goal is to reduce the risks associated with handling cash while enhancing opportunities for people to make bail payments. A no cost option of accepting cash payments will still be available.

A justification for not issuing an RFP is attached. The term of this agreement will be for one year with the option to renew for up to three additional one-year periods.

Respectfully submitted,  
Lovely A. Warren  
Mayor

March 20, 2018

Attachment No. AR-41

Ordinance No. 2018-76  
(Int. No. 82)

**Authorizing an agreement with Government Payment Service, Inc.**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Government Payment Service, Inc. d/b/a GovPayNet for processing of bail posted using a credit card. The term of the agreement shall be for one year with up to three optional one-year extensions.

Section 2. The company shall be entitled to charge credit card holders a transaction fee of up to 9%. There shall be no cost to the City for this service.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2018-77  
Re: Agreement - Petco Foundation,  
Animal Services Grant

Transmitted herewith for your approval is legislation authorizing an agreement with Petco Foundation for the receipt and use of a grant in the amount of \$10,000, and amending the 2017-18 Budget of the Police Department by \$7,000 to reflect a portion of this grant. The term of this agreement is February 5, 2018 through February 4, 2019.

The funding from this grant will be used for fee-waived adoption events, which will prepare animals for adoption and promote adoption of shelter pets.

This is the fourth time we have received this grant.

Respectfully submitted,  
Lovely A. Warren  
Mayor



March 20, 2018

Ordinance No. 2018-77  
(Int. No. 83)

**Authorizing acceptance of Petco Foundation grant for Animal Services**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Petco Foundation for the receipt and use of a grant in the amount of \$10,000 to promote pet adoptions. The term of the agreement shall be from February 5, 2018 through February 4, 2019.

Section 2. Ordinance No. 2017-154, the 2017-18 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Police Department by the sum of \$7,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2018-78  
Re: Agreement - Eskay Concerts, Inc,  
Bands on the Bricks Concert Series  
at the Public Market

Council Priority: Creating and Sustaining a  
Culture of Vibrancy

Transmitted herewith for your approval is legislation authorizing an agreement with Eskay Concerts, Inc. d/b/a Up All Night, Principal Gerard Fisher, Rochester, New York, for event management and beverage concession services for the 2018 Bands on the Bricks Concert series and establishing \$26,000 as maximum compensation for these services. The term of the agreement will be for one year and the cost will be funded from the 2017-18 (\$23,000) and 2018-19 (\$3,000) Budgets of the Department of Recreation and Youth Services (DRYS) contingent upon Council approval of the latter budget.

Eskay Concerts will provide talent, production, sound, and beverage services for the Bands on the Bricks concert series to be held at the Rochester Public Market on Friday evenings during July and August 2018. Eskay Concerts has provided these services for the past 18 years and was selected through a request for proposals process in December 2014. DRYS will issue a new RFP in the fall of 2018 for any future services.

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This was last authorized by City Council via Ordinance Nos. 2015-27 and 2017-108.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-42

Ordinance No. 2018-78  
(Int. No. 84)

**Authorizing an agreement with Eskay Concerts, Inc. for concert series management services**

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement in the maximum amount of \$26,000 with Eskay Concerts, Inc. (d/b/a Up All Night) to provide event management and beverage concession services for the 2018 Bands on the Bricks Concert Series. The agreement shall have a term of one year.

Section 2. The cost of the agreement shall be funded in the amounts of \$23,000 from the 2017-18 Budget of the Department of Recreation and Youth Services (DRYS) and \$3,000 from the 2018-19 Budget of DRYS, contingent upon approval of the latter budget.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Spaul  
March 20, 2018

To the Council:

The ARTS & CULTURE COMMITTEE recommends for adoption the following entitled legislation:

Int. No. 85      Authorizing an agreement for the 2018 Gus Macker 3-on-3 basketball tournament

Int. No. 86      Authorizing an agreement with YellowJacket Racing, LLC

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Respectfully submitted,  
Elaine Spaul  
Molly Clifford  
Michael A. Patterson  
Adam C. McFadden  
Loretta C. Scott  
ARTS & CULTURE COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2018-79  
Re: Agreement - Rochester Youth Sports  
Foundation, Gus Macker 3-on-3

Council Priority: Creating and Sustaining a  
Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with Rochester Youth Sports Foundation (president: Anthony Jordan) to produce the second annual Gus Macker 3-on-3 basketball tournament in Downtown Rochester. The cost of this agreement will be financed from the 2017-18 Budget of the Bureau of Communications.

The Gus Macker 3-on-3 basketball tournament is a national tournament that began in 1987. The tournament is designed so anyone can play: men, women, adults, and youth, experienced or inexperienced. Since 1987, 972 tournaments have been played in 75 cities across the United States, by more than 2.2 million players, and more than 23 million spectators have enjoyed watching this driveway-style, outdoor basketball tournament.

This is the second year the Gus Macker tournament will be held in Rochester. It will take place June 30 and July 1, 2018 at the Riverside Festival Site (the parking lot on the southeast corner of Court and Exchange streets) and the adjacent block of Court Street. Last year, the tournament drew more than 140 teams. In 2018, organizers are anticipating more than 300 teams, 1,200 players and 4,000 spectators. The event features more than just basketball- it produces family fun in a festival atmosphere with a youth entertainment stage and food vendors.

The City's investment helps to cover, among other items, Gus Macker equipment costs (courts, basketball hoops, etc.), security, police services, and other site infrastructure items. The City will be recognized as a presenting sponsor on all marketing materials and the investment will also allow for 15 city-based teams to enter the tournament free of charge.

The term of the agreement will be for one year. A similar agreement for the 2017 event was executed via Ordinance No. 2017-115 in April 2017.

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Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-43

Ordinance No. 2018-79  
(Int. No. 85)

**Authorizing an agreement for the 2018 Gus Macker 3-on-3 basketball tournament**

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 in the maximum amount of \$50,000 with the Rochester Youth Sports Foundation for the 2018 Gus Macker 3-on-3 basketball tournament (Tournament) in downtown Rochester. Said amount, or so much thereof as may be necessary, shall be funded from the 2017-18 Budget of the Bureau of Communications. The term of the agreement shall be one year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2018-80  
Re: Agreement - Rochester Flower City  
Challenge, YellowJacket Racing, LLC  
Council Priority: Creating and Sustaining a  
Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum compensation for an agreement with YellowJacket Racing, LLC (Principals: David Boutillier and Ellen Brenner), for production of the Rochester Flower City Challenge: a half-marathon running event and other sports events planned for April 21 and 22, 2018. The cost of this agreement will be financed from the 2017-18 Budget of the Bureau of Communications.

This will be the ninth year of the event and will include the Rochester River Challenge Duathlon/Paddle Triathlon on Saturday, April 21, and the Rochester Flower City Half-Marathon and a Family 5K run on Sunday, April 22. The Duathlon is a 5K run, followed by a 20-mile bicycle race, and finishing with a second 5K run. The Paddle Triathlon is a 5K run, followed by a 20-mile bicycle race,

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and a 3-mile canoe/kayak segment. These two events will be based at the Genesee Waterways Center in Genesee Valley Park. YellowJacket Racing provides free training workshops and programs leading up to the races.

The Half Marathon and Family 5K run will be based at the Blue Cross Arena with the course showcasing the city's historic neighborhoods, river and canal. This is the only half-marathon distance running event in the Rochester area in the spring. It is marketed regionally to draw entrants from a 600-mile radius. In 2017, there were 28 states represented (including New York) and participation from Canada, Poland and the Netherlands.

The 2017 Duathlon and Triathlon totaled 352 finishers. The 2017 Half-Marathon & 5K race had 3,537 registrants, including 163 children who participated in quarter-mile, half-mile, and mile races. In addition to the participants, more than 2,000 spectators lined the course. During the half-marathon, participating neighborhoods host a spirit contest. Neighborhoods voted "most enthusiastic" by the runners receive donations from Yellow Jacket Racing. In 2017, a combined \$1,250 was donated to the Highland Park Neighborhood (1<sup>st</sup> place) and Susan B. Anthony Neighborhood (2<sup>nd</sup> place).

The term of the agreement will be for one year. An agreement for the same amount was executed for the 2017 event via Ordinance No. 2017-57.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-44

Ordinance No. 2018-80  
(Int. No. 86)

### **Authorizing an agreement with YellowJacket Racing, LLC**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with YellowJacket Racing, LLC to produce the 2018 Rochester Flower City Challenge. The maximum compensation for the agreement shall be \$40,000, which shall be funded from the 2017-18 Budget of the Bureau of Communications.

Section 2. The agreement shall have a term of one year.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

March 20, 2018

By President Scott  
March 20, 2018

To the Council:

The Committee of the Whole recommends the following entitled legislation be held in committee:

|             |  |
|-------------|--|
| Int. No. 87 | Resolution confirming the appointment of the Commissioner of Recreation and Youth Services |
|-------------|--|

Respectfully submitted,  
Molly Clifford  
Malik Evans  
Mitch Gruber  
Willie J. Lightfoot  
Jacklyn Ortiz  
Michael A. Patterson  
Elaine Spaul  
Adam C. McFadden  
Loretta C. Scott  
COMMITTEE OF THE WHOLE

Councilmember Lightfoot moved to discharge Int. No. 87 from committee.

The motion was seconded by Councilmember Spaul.

Adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Resolution No. 2018-12  
Re: Confirmation of the Commissioner,  
Department of Recreation and Youth  
Services

Transmitted herewith for your approval is legislation confirming, as required by the City Charter, the appointment of Daniele Lyman-Torres as Commissioner, Department of Recreation and Youth Services.

Daniele Lyman-Torres' resume is on file in the City Clerk's Office.

March 20, 2018

Respectfully submitted,  
Lovely A. Warren  
Mayor

Resolution No. 2018-12  
(Int. No. 87)

**Resolution confirming the appointment of the Commissioner of Recreation and Youth Services**

WHEREAS, the Mayor has appointed Daniele Lyman-Torres to the position of Commissioner of the Department of Recreation and Youth Services, subject to confirmation by the City Council, and

WHEREAS, Council has reviewed the qualifications of the appointee and determined that she has the ability and qualifications to execute the duties and responsibilities of the office.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Rochester hereby confirms the appointment of Daniele Lyman-Torres as Commissioner of the Department of Recreation and Youth Services.

This resolution shall take effect immediately.

Adopted unanimously.

The meeting was adjourned at 8:17 p.m.

HAZEL L. WASHINGTON  
City Clerk