

ROCHESTER CITY COUNCIL

REGULAR MEETING

April 17, 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:**

\* C. Mitchell Rowe

**ECD:**

\* Timothy A. Yauch

**LIB:**

\* Nancy J. Cutaia

**RPD:**

\* Daniel D. Carlson  
Wayne E. Johnson

\*Did not attend

**APPROVAL OF THE MINUTES**

By Councilmember Clifford

RESOLVED, that the minutes of the Regular Meeting of February 20, 2018 and the Regular Meeting of March 20, 2018 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

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

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

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges –April 2018 – 4283-18  
Quarterly Reports – Delinquent Receivables – 4284-18  
Quarterly Reports – Workers Compensation Claims - 4285-18

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The Council submits Disclosure of Interest Forms from President Scott on Int. No. 136 and Int. No. URA-4 and Councilmember Gruber on Int. No. 136 and Int. No. URA-4.

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

None presented.

**REPORTS OF STANDING COMMITTEES  
AND ACTION THEREON**

By Vice President McFadden  
April 17, 2018

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

- Int. No. 97 Resolution approving reappointment and appointment to the Rochester Civil Service Commission
- Int. No. 99 Authorizing an amendatory agreement with Rochester Market Driven Community Corporation
- Int. No. 100 Authorizing a professional services agreement for expert witness services for the Law Department
- Int. No. 101 Amending Ordinance No. 2014-365 and authorizing an amendatory agreement with CEB, SHL Talent Measurements Solutions
- Int. No. 102 Authorizing an agreement for actuary services
- Int. No. 130 Authorizing an agreement for auditing services
- Int. No. 132 Authorizing an agreement to support the implementation of a new payroll system
- Int. No. 133 Authorizing an agreement for a Workers' Compensation actuarial consultant
- Int. No. 134 Authorizing an agreement for insurance broker services

The Finance committee recommends for consideration the following entitled legislation:

- Int. No. 98 Local Improvement Ordinance – Establishing the operating and maintenance costs of neighborhood commercial and residential parking areas

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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:

Resolution No. 2018-13  
Re: Reappointment and Appointment  
Civil Service Commission

Council Priority: Jobs and Economic  
Development

Transmitted herewith for your approval is legislation confirming the reappointment of Sarah Farrell Partner, 76 Vassar Street, Rochester, New York 14607 and the appointment of Serina M. Brown, 59 Second Street, Rochester, New York 14605, to the Civil Service Commission.

Ms. Partner was appointed in February 2010 to complete the term of a commissioner who resigned and was reappointed in June 2012 to a six year term. Of the 72 regular meetings held during her current six year term, Ms. Partner attended 58 or 81%. Ms. Partner is a Democrat whose current term expires on May 31, 2018. Her new term will extend to May 31, 2024.

Ms. Brown will replace Leslie B. Smith who resigned from the Commission on April 21, 2016. Ms. Brown is a Democrat and will serve the remainder of Ms. Smith's term, which will extend to May 31, 2022.

Resumes for Ms. Partner and Ms. Brown are available for review in the City Clerk's Office.

A summary description of the Commission and its current membership is attached.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-46

Resolution No. 2018-13  
(Int. No. 97)

April 17, 2018

**Resolution approving reappointment and appointment to the Rochester Civil Service Commission**

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

Section 1. The Council hereby approves the reappointment of Sarah Farrell Partner, 76 Vassar Street, Rochester, NY 14607, to the Rochester Civil Service Commission for a term which shall expire on May 31, 2024.

Section 2. The Council hereby approves the appointment of Serina M. Brown, 59 Second Street, Rochester, NY 14605, to the Rochester Civil Service Commission for a term which shall expire on May 31, 2022.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

**THE COUNCIL**

Ladies and Gentlemen:

Local Improvement Ordinance No. 1738  
Re: Special Assessment District  
Parking Lots

Council Priority: Jobs and Economic  
Development

Transmitted herewith for your approval is legislation authorizing special district assessment for the neighborhood commercial and residential parking lots appropriating \$64,191.00 for operation and maintenance of the parking areas during 2018-19.

Special Assessment District parking lots established by City Council in 1979 include: Culver/Merchants, Monroe Avenue/Oxford Square Lot, North Street, Lyell Avenue and Woodside Street/Goodwill Street. A sixth lot was created in 2011-12 for Mt. Hope in the College town district. Annual operating and maintenance costs of the areas are assessed against all properties within the district according to their respective parking space requirements.

The assessments reflect the cost of snow plowing, cleaning, landscaping, maintenance, lighting and parking regulation enforcement. These services are provided either by City personnel, by private companies under contract to the City or by the property owners themselves. The total assessments required and total appropriation for 2018-19 is:

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<b>Lot Name</b>	<b>18/19 Budget</b>	<b>17/18 Budget</b>	<b>Variance</b>	<b>Reason</b>
Lyell Avenue	\$11,221.00	\$11,221.00	\$0.00	N/A
Monroe/Oxford	16,200.00	16,200.00	0.00	N/A
Woodside/Goodwill	13,060.00	13,360.00	-300.00	Decrease in contingency fund and beautification
Culver/Merchants	10,010.00	9,980.00	30.00	Increase in lot maintenance
North Street	13,700.00	10,000.00	3,700.00	Increase in lot maintenance and repairs (more cleaning, repairs to lot pot holes, pavement crack filling and sealant)
Mt Hope	1,000.00	1,000.00	\$0.00	N/A
<b>Sub-total</b>	<b>\$65,191.00</b>	<b>\$61,761.00</b>	<b>\$3,430.00</b>	
<b>Rollover Untaxed</b>				
Monroe/Oxford	-1,000.00	.00	-1,000.00	Prior years carry over
<b>Total</b>	<b>\$64,191.00</b>	<b>\$61,761.00</b>	<b>\$2,430.00</b>	

A public hearing is required for these local improvements

Respectfully submitted,  
Lovely A. Warren  
Mayor

Local Improvement Ordinance No. 1738  
(Int. No. 98)

**Local Improvement Ordinance - Establishing the operating and maintenance costs of neighborhood commercial and residential parking areas**

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

Section 1. The 2018-19 assessment for operation and maintenance of the special assessment district parking lots listed below shall be \$64,191. The following amounts are hereby authorized and appropriated and shall be allocated and levied against the properties benefited by the special assessment district parking lots, as follows:

<b>Lot Name</b>	<b>2018-19 Assessment</b>
Lyell Avenue	\$11,221
Monroe/Oxford	\$15,200
Woodside/Goodwill	\$13,060
Culver/Merchants	\$10,010
North Street	\$13,700
Mt. Hope	\$1,000

Section 2. The 2018-19 budget for the operation and maintenance of the special assessment district parking lots shall be \$65,191, comprised of the assessed amounts specified in Section 1 herein,

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plus \$1,000 in funds for the Oxford/Monroe district that are left over from that district's prior assessments.

Section 3. This ordinance shall take effect on July 1, 2018.

Passed by the following vote:

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-81  
Re: Amendatory Agreement –  
Market Driven Community  
Corporation – Business  
Development Services

Council Priority: Jobs and Economic  
Development

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Rochester Market Driven Community Corporation dba OWN Rochester (MDCC) for additional community cooperative business development services. The original agreement authorized in November 2016 (Ordinance No. 2016-354), established maximum compensation of \$50,000 for a term of one year with an optional one-year renewal term. The City and MDCC intend to exercise the one-year renewal option. This amendment will increase the maximum compensation by \$50,000 for a maximum total contract value of \$100,000. The additional cost will be funded from the Job Development Fund.

MDCC is a non-profit holding company that develops, incubates, and supports for-profit worker-owned businesses, including performing market analysis and business planning, leveraging fundraising for operational budget and capitalization costs for the businesses, and supporting business site selection and development activities. The MDCC mission is to develop businesses in distressed and disinvested neighborhoods to create living wage job opportunities for residents and build community wealth.

MDCC will continue to provide cooperative business development services to support the development, launch, and growth of one additional worker-owned businesses. Via the renewal term and increased compensation, MDCC will support the development of one additional worker-owned business that will provide floor care services to local retailers and anchor institutions.

Under the initial term of the agreement, MDCC helped launch and support ENEROC LLC, a for-profit subsidiary of the MDCC that provides LED lighting installation and retrofitting services for large commercial and institutional customers, as well as subcontract labor for larger contractors. ENEROC has completed several large scale retrofitting projects including two parking garages and other facilities at Rochester Regional Health campuses. ENEROC is currently installing LED strip lighting on the roof of 3 City Center, the new home of M&T Bank, and has several large institutional contracts in the pipeline. MDCC continues to grow and build capacity, having fundraised over \$300,000 in support from

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local philanthropy that will help it increase its impact and sustainability. ENEROC currently employs three full-time workers and has achieved self-sustaining revenue.

The MDCC was incorporated as a fully independent non-profit corporation in September 2016 and received 501c3 status in June 2017.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2018-81  
(Int. No. 99)

**Authorizing an amendatory agreement with Rochester Market Driven Community Corporation**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Rochester Market Driven Community Corporation, dba OWNRochester, to provide additional community cooperative business development services. The amendment shall increase the maximum compensation of the existing agreement, which was authorized by Ordinance No. 2016-354, by \$50,000 to a new total of \$100,000. The amendatory amount shall be funded from the Job Development Fund.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2018-82  
Re: Agreement – Expert Witness  
Services

Transmitted herewith for your approval is legislation authorizing a professional services agreement with Legal Med, LLC (General Manager, Christine Wintringer) to provide expert witness services necessary to defend the City in lawsuits involving personal injury claims. The maximum amount of the agreement shall be \$40,000. Said amount shall be funded from the 2017-18 Budget of the Law Department.

The agreement will allow the Law Department to obtain the services of expert physicians to review treatment and therapy records and examine and report on the physical and psychological condition of personal injury plaintiffs. The City lawyers have more than 12 years of experience with the

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professionals provided by Legal Med, including under a previous professional services agreement in the amount of \$40,000 authorized in Ordinance No. 2016-264, as amended by Ordinance No. 2016-255. Legal Med has provided highly credentialed, practicing physicians in the relevant medical disciplines, including an orthopedic surgery, neurology and psychology, who also excel at explaining the facts on the witness stand.

The Law Department anticipates that it may require up to \$40,000 for the experts' services for pending lawsuits if they proceed through to trials and verdicts. The term of the agreement may extend until completion of those lawsuits.

A justification for not conducting a Request for Proposal process is attached.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-47

Ordinance No. 2018-82  
(Int. No. 100)

**Authorizing a professional services agreement for expert witness services for the Law Department**

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Legal Med, LLC to provide expert witness services in conjunction with personal injury litigation.

Section 2. The maximum cost of the agreement shall be \$40,000, which cost shall be funded from the 2017-18 Budget of the Law Department. The term of the agreement may extend until completion of the cases for which the expert services are requested.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2018-83  
Re: Amendatory Agreement - CEB,  
SHL Talent Measurement  
Solutions Occupational



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Personality Testing Services

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with CEB, SHL Talent Measurement, Alpharetta, Georgia, for administration of an occupational personality test to supplement the Civil Service Testing regimen for entry level positions at the 911 Call Center. The original agreement authorized in December 2014 (Ordinance No. 2014-365), established maximum compensation of \$19,990 for a term of two years with two optional one-year renewal term. The City and CEB, SHL Talent Measurement intends to exercise the second one-year renewal option. Last year DHRM mistakenly believed that the prior ordinance authorized funding for the subsequent year and that, therefore, \$9,995 of the funding that would be authorized under this ordinance would cover fees and expenses already incurred by the consultant. This amendment will increase the maximum compensation by \$19,990 or a maximum total contract value of \$39,980. The additional cost will be funded from the 2017-18 (\$9,995) and 2018-19 (\$9,995) Budget of the Department of Human Resource Management, contingent upon the adoption of the subsequent budget.

The Consultant will continue to provide the City with an occupational personality test which has been administered in conjunction with the Civil Service Examination for the two entry level positions at the 911 Call Center, 911 Dispatcher and 911 Telecommunicator, since 1993.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2018-83  
(Int. No. 101)

**Amending Ordinance No. 2014-365 and authorizing an amendatory agreement with CEB, SHL Talent Measurement Solutions**

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 CEB, SHL Talent Measurement Solutions to amend the professional services agreement related to administration of occupational personality tests, as authorized in Ordinance No. 2014-365, which is now amended so as to increase the total maximum compensation under the agreement by \$19,990 for a total maximum compensation of \$39,980. Of the increase in funds, \$9,990 funded from the 2017-18 Budget of the Department of Human Resource Management (DHRM) shall pay for expenses incurred under the first renewal term of the agreement. The additional \$9,990 shall fund the second and final renewal term and shall be funded from the 2018-19 Budget of DHRM, contingent upon approval.

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.

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Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-84

Re: Agreement - GASB 45-75  
Actuary Services

Transmitted herewith for your approval is legislation establishing \$37,000 as maximum compensation for an agreement with Aquarius Capital (Michael Frank, President, Port Chester NY) for the provision of actuary services necessary to comply with financial reporting requirements. The first year of this agreement will be funded from the 2017-18 Budget of the Finance Department. The cost for subsequent years will be funded from the annual budgets of the department, contingent upon their approval. The costs, by year, are summarized below:

2017-18	\$11,000	2020-21	\$2,000
2018-19	\$2,000	2021-22	\$11,000
2019-20	\$11,000		

In order to comply with Generally Accepted Accounting Principles, the City's annual financial statements must report the accrued liabilities for other post-employment benefit based on actuarial analysis. Compliance with this regulation, GASB Statement No. 45-75, requires us to report the values of such costs, not the funding of it. Thus, no budgetary impact is expected.

The Rochester City School District, a component unit in the City's annual financial reports, must also comply with the GASB 45-75 standards. A request for proposals for these services was jointly issued on February 9<sup>th</sup>, 2018. On this joint effort, the City of Rochester and the Rochester City School District solicited proposals from nine firms, and received responses from five of those firms.

In addition to Aquarius Capital's, proposals were received from Burke Group (Rochester, NY), Nyhart (Indianapolis, IN), Rudd and Wisdom, Inc. (Austin, TX) and Segal Consulting (New York, NY). A review team representing the City and the District evaluated the proposals, and based on expertise and cost recommend Aquarius Capital. The District will engage under their own agreement and funding.

The proposed five year agreement will provide for the actuarial estimate needed for the June 30, 2018 statements, along with the required biannual updates through June 30, 2022.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2018-84  
(Int. No. 102)

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**Authorizing an agreement for actuarial services**

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Aquarius Capital Solutions Group LLC for the provision of actuarial services necessary to comply with financial reporting requirements. The maximum compensation for the agreement shall be \$37,000, which shall be funded from the 2017-18 Budget of the Department of Finance(the Department)(\$11,000), 2018-19 Budget of the Department (\$2,000), 2019-20 Budget of the Department (\$11,000), 2020-21 Budget of the Department (\$2,000) and 2021-22 Budget of the Department (\$11,000), contingent upon approval of the subsequent budgets. The term of the agreement shall be five years.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-85

Re: Agreement – Freed Maxick  
CPAs, P.C. Auditing Services

Council Priority: Deficit reduction  
and long term financial stability

Transmitted herewith for your approval is legislation establishing an agreement with Freed Maxick CPAs, P.C. 100 Meridian Center, Suite 310, Rochester, New York 14618 for auditing services.

Auditing services will be provided to the City of Rochester, Rochester City School District, Rochester Joint School Construction Board, REDCO, Rochester Land Bank and the Library. The contract will be 3 years with an option of two 1-year extensions.

Freed Maxick CPAs, P.C. was selected through a request for proposal process and the summary is attached.

Respectfully submitted,  
Loretta C. Scott  
President  
Councilmember-at-Large

Adam McFadden Vice President  
Chair, Finance Committee  
District Councilmember

Attachment No. AR-48

Ordinance No. 2018-85  
(Int. No. 130)

**Authorizing an agreement for auditing services**

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

Section 1. The sum of \$914,300 or so much thereof as may be necessary, is hereby established as the maximum compensation for a professional services agreement with Freed Maxick CPAs, P.C. to provide auditing services to the City of Rochester and the Rochester City School District, and for special audits and/or services requested by the City. The agreement shall be funded in the amounts of \$552,550 from the 2017-18 and subsequent budgets of the City and \$361,750 from the 2017-18 and subsequent budgets of the District, contingent upon adoption of subsequent budgets. The agreement shall have a term of three years, with two one-year renewal options.

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. 2018-86

Re: Agreement-Amy Jasinski,  
Payroll Project

Council Priority: Deficit Reduction  
and Long Term Financial Stability

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for a one year agreement with Amy Jasinski, 144 S. 3<sup>rd</sup> Street Unit 302, San Jose, California 95112 for continued support of the implementation of the new payroll system for the City of Rochester. The cost of the agreement will be financed from the 2017-18 Budget of the Department of Finance (\$7,500) and 2018-19 Budget of the Department of Finance (\$7,500), contingent upon approval of the latter budget.

Ms. Jasinski retired as Payroll Supervisor for the Department of Finance in 2017. An initial contract established in March 2017 provided for consultation and programming support for the operation of the City's current payroll system as development for the new system was underway and for the configuration and testing of the new system.

Ms. Jasinski's considerable expertise and knowledge of the City's payroll operations has assisted the City in successfully moving from a thirty-year old mainframe system to a modern, state-of-the-art system with Workday. This contract will provide for continued support with respect to Workday stabilization and consultation, configuration and testing for implementation of the new Kronos timekeeping system.

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Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-49

Ordinance No. 2018-86  
(Int. No. 132)

**Authorizing an agreement to support the implementation of a new payroll system**

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Amy Jasinski for continued support of the implementation of the City’s new payroll system. The maximum compensation for the agreement shall be \$15,000, which shall be funded from the 2017-18 Budget of the Department of Finance (\$7,500) and 2018-19 Budget of the Department of Finance (\$7,500), contingent upon approval of the latter budget. The term of the agreement shall be one year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

**TO THE COUNCIL**

Ladies and Gentlemen:

Re: Ordinance No. 2018-87  
Agreement – Madison  
Consulting Group, Inc.,  
Workers’ Compensation  
Actuarial Consultant

Transmitted herewith for your approval is legislation establishing \$17,500 as maximum compensation for a five year agreement with Madison Consulting Group, Inc., (Principal, John Gleba, Secretary/Treasurer), Madison, Georgia, for actuarial services related to the City’s liability for workers’ compensation. The cost will be funded from the annual budgets of the Finance Department, beginning with fiscal year 2017-18. The cost for subsequent years will be funded from the annual budgets of the department, contingent upon their approval. The costs, by year, are summarized below:

2017-18	\$3,500	2020-21	\$3,500
2018-19	\$3,500	2021-22	\$3,500
2019-20	\$3,500		

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Actuarial-based estimates would reduce the risk of misstatement of such liabilities in the City's annual financial statements and would be an improvement over the currently used in-house estimates that are based on historical cost.

Madison Consulting Group, Inc., was selected through a Request for Proposal process, which is described in the attached summary.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-50

Ordinance No. 2018-87  
(Int. No. 133)

**Authorizing an agreement for a Workers' Compensation actuarial consultant**

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 Madison Consulting Group, Inc. for actuarial services related to the City's liability for workers' compensation. The maximum compensation for the agreement shall be \$17,500, which shall be funded from the 2017-18 Budget of the Department of Finance (the "Department")(\$3,500), 2018-19 Budget of the Department (\$3,500), 2019-20 Budget of the Department (\$3,500), 2020-21 Budget of the Department (\$3,500) and 2021-22 Budget of the Department (\$3,500), contingent upon approval of the subsequent budgets. The term of the agreement shall be five years.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Re: Ordinance No. 2018-88  
Agreement – Haylor, Freyer  
and Coon, Inc. Insurance  
Broker Services

Council Priority: Deficit Reduction  
and Long Term Financial Stability

April 17, 2018

Transmitted herewith for your approval is legislation authorizing the Mayor to enter into an agreement with Haylor, Freyer and Coon, Inc., (Principal, Steven G. DeRegis, Vice President), Risk Management Advisor, Syracuse, New York, for insurance broker services. The term of this agreement will be for three years, with an option for two one-year renewals. Compensation is provided to the broker by the insurance company that underwrites policies carried by the City. Current policies and premiums are summarized in the attached list.

Compensation of agents and brokers is regulated by NY State Insurance Laws which prevent agents and brokers from “netting” premium and replacing commissions with a fee, especially as it relates to placing coverage. Standard commission rates are typically in the range of 10% to 15%. Based on their proposal, it is anticipated that Haylor, Freyer & Coon, Inc. will receive an average of 12%, or approximately \$80,000. Specific amounts will be disclosed by the firm as policies are produced and will be included in the annual report they provide to the City.

Haylor, Freyer and Coon, Inc. was selected through a Request for Proposal process, which is described in the attached summary.

Premiums for existing policies total \$668,499. Premiums for coverage for the six City-owned parking garages, currently \$226,586, are paid directly by the Parking Bureau. REDCO pays a total of \$30,668 for their policies. The remaining premiums for other coverage, currently \$411,245, are charged to the Undistributed Allocation of the annual City Budget.

The last agreement for insurance broker services was authorized in April 2013 via Ordinance No. 2013-86.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-51

Ordinance No. 2018-88  
(Int. No. 134)

### **Authorizing an agreement for insurance broker 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 Haylor, Freyer and Coon, Inc. for insurance broker services for a term of three years, with two one-year renewal options.

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.

April 17, 2018

By Councilmember Patterson  
April 17, 2018

To the Council:

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

- Int. No. 103     Authorizing the sale of real estate
- Int. No. 104     Authorizing a lease agreement with Bill Gray's Inc.
- Int. No. 136     Amending Ordinance No. 2018-57 to correct the legal description of the stair tower parcel #1 conveyance approved therein

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

- Int. No. 105     Local Improvement Ordinance - Establishing the cost of assessments related to the High Falls Business Improvement District and authorizing an agreement
- Int. No. 131     Local Improvement Ordinance reestablishing the South Avenue/Alexander Street Open Space Special Assessment District and establishing the cost of related special work and service

The following entitled legislation is being held in committee

- Int. No. 106     Local law amending the City Charter with respect to the abatement of nuisances
- Int. No. 135     Amending the Municipal Code with respect to the abatement of nuisances

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

Received, filed and published.



April 17, 2018

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-89  
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.

Both properties are vacant lots sold by negotiated sale to the adjacent owners. On the first property, the purchaser will combine the lot with his existing lot and utilize it as green space. On the second, the purchasers will put in a driveway and combine the lot with their existing lot within twelve months.

The first year projected tax revenue for these two properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$671.

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-52

Ordinance No. 2018-89  
(Int. No. 103)

**Authorizing the sale of real estate**

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

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

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<b>Address</b>	<b>S.B.L.#</b>	<b>Lot Size</b>	<b>Sq. Ft.</b>	<b>Price</b>	<b>Purchaser</b>
317 Avenue B	106.22-1-23	40 x 128	5,120	\$450	Chad Council
64-66 Rialto St	091.78-2-12	37 x 116	4,307	\$50	Rhonda D. Carter Barineka Sampson

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-90

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 Bill Gray's Inc. (John Gonzalez, Principal, 964 Ridge Road, Webster, NY). The restaurant chain will lease approximately 4,596 square feet of space in the Port Terminal Building, suites 101, 102, and 103. The term of the lease will be five (5) years with five (5) renewal options of five (5) years each. The monthly rental amount for the initial term will be \$3,830 calculated at a rate of \$10 per square foot which was established through an independent appraisal performed by Kevin Bruckner, MAI, of Bruckner, Tillett, Cahill & Rossi Inc. as of February 2018. The monthly rental amount for the first renewal term, if applicable, will be as follows:

<b>Term</b>	<b>Monthly Rent</b>
May 1, 2023 to April 30, 2024	\$3,868
May 1, 2024 to April 30, 2025	\$3,907
May 1, 2025 to April 30, 2026	\$3,946
May 1, 2026 to April 30, 2027	\$3,986
May 1, 2027 to April 30, 2028	\$4,025

If exercised, the monthly rental amounts for any additional renewal periods will be \$4,025 each month and annually increased by the Consumer Price Index (CPI). Throughout the life of the lease, including any renewals, the rent for winter months from November 1<sup>st</sup> through March 31<sup>st</sup>, will be reduced by 50% if the establishment stays open and to \$0.00 if the establishment closes for the winter season.

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Bill Gray's, Inc. projects to expend \$1,200,000 to renovate the leased space. The buildout is estimated at \$800,000 and equipment at \$400,000.

Bill Gray's, Inc. was founded in 1938 and today operates eighteen (18) restaurants in the Rochester and Buffalo areas of Western New York. This location is expected to add between 30-45 full and part time jobs (6-9 full). Bill Gray's Inc. has indicated they will make every effort to hire City residents and will participate in a job fair at the Port Terminal location.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-53

Ordinance No. 2018-90  
(Int. No. 104)

**Authorizing a lease agreement with Bill Gray's Inc.**

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 of a year-round restaurant by a tenant who has been successful in conducting similar businesses elsewhere in the Rochester area; and

WHEREAS, the Council affirmatively finds that the term of such proposed lease, which is five years with five optional five-year renewals, 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 Bill Gray's Inc. for use of 4,596 square feet of space in Suites 101, 102, and 103 of the Port Terminal Building. The agreement shall have a term of 5 years with five optional renewal terms of five years each.

Section 2. The monthly rental amount for the initial term shall be \$3,830 each month from May 1, 2018 through April 30, 2023, except that in winter months from November 1<sup>st</sup> through March 31<sup>st</sup>, monthly rent shall be reduced to \$1,915 if the establishment stays open and to \$0.00 if the establishment closes for the winter season.

Section 3. The initial renewal term, if exercised, shall be as follows:

<b>Term</b>	<b>Monthly Rent</b>
May 1, 2023 to April 30, 2024	\$3,868
May 1, 2024 to April 30, 2025	\$3,907
May 1, 2025 to April 30, 2026	\$3,946
May 1, 2026 to April 30, 2027	\$3,986
May 1, 2027 to April 30, 2028	\$4,025

Except that in winter months from November 1<sup>st</sup> through March 31<sup>st</sup>, monthly rent shall be reduced by 50% if the establishment stays open and to \$0.00 if the establishment closes for the winter season.

Section 4. If exercised, the monthly rental amounts for any additional renewal periods shall be \$4,025 each month and annually increased by the Consumer Price Index (CPI), except that during the winter months from November 1<sup>st</sup> through March 31<sup>st</sup>, monthly rent shall be reduced by 50% if the establishment stays open and to \$0.00 if the establishment closes for the winter season.

Section 5. The lease agreement shall have such additional terms and conditions as the Mayor deems appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Local Improvement Ordinance No. 1739  
Re: High Falls Business  
Improvement District Management  
Association, Inc.

Transmitted herewith for your approval is legislation related to the High Falls Business Improvement District Management Association, Inc. (BID) established via Local Law No.1 in December 2003. This legislation will:

1. Approve the 2018-19 Budget totaling \$25,000 submitted by the High Falls BID Board.
2. Establish \$25,000 as the 2018-19 assessment for the district and authorize the apportionment of the cost among the subject properties.
3. Authorize an agreement with the High Falls BID for implementation of the services outlined in the BID plan.

The amount of the annual levy is determined by the budget proposed by the BID. The amount assessed to an individual property is determined by its primary use, which is verified annually. Funds are used for additional clean-up, beautification, landscaping, marketing, advertising, and promotional materials.

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Funds have also been used for special purposes such as historic signage and a lunchtime summer concert series produced in conjunction with the Hochstein School of Music.

The High Falls BID Plan outlines a description of the BID boundaries, and the assessment formula used to determine each building owners' share. The plan is on file in the City Clerk's office.

A public hearing on the assessment is required.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-54

Local Improvement Ordinance No. 1739  
(Int. No. 105)

**Local Improvement Ordinance - Establishing the cost of assessments related to the High Falls Business Improvement District and authorizing an agreement**

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

Section 1. The Council hereby approves the continuation of the High Falls Business Improvement District. The 2018-19 Budget for the High Falls Business Improvement District is established at \$25,000, which amount shall be assessed and levied in accordance with Local Law No. 1 of 2004. The Mayor is hereby authorized to enter into an agreement with the High Falls Business Improvement District Management Association, Inc. for implementation of the services outlined in the District Plan.

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

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Re: Local Improvement Ordinance No. 1740  
South Avenue/Alexander  
Street Open Space  
Maintenance Special  
Assessment District

Council Priority: Creating and  
Sustaining a Culture of Vibrancy

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Transmitted herewith for your approval is legislation for renewal of the South Avenue/Alexander Street Open Space Maintenance Special Assessment District surrounding existing open space at 62 Alexander Street (SBL #121.56-2-55, at South Avenue and Alexander Street). This special assessment will finance the cost of maintenance of this property as developed open space.

The assessment reflects annual maintenance costs of \$8,900, based on estimates obtained by the South Wedge Area Neighborhood Council (SWANC). The maintenance includes grass cutting, trimming shrubs, watering, weeding, trash pick-up and removal, fall leaf clean-up, lighting, general maintenance, and a reserve to pay for repairs to structures and pavement installed in the open space.

The assessment district includes 256 properties near the site, and is classified into two tiers:

- 1.) The Inner Tier of the district consisting of properties fronting on South Avenue from Comfort Street to Hamilton Street and properties fronting on Alexander Street between South Clinton Avenue and Kirley Alley/Stebbins Street, but excluding the corner parcels at South Clinton Avenue.
- 2.) The Outer Tier of the district consisting of the remaining properties in the area bounded by Mt. Hope Avenue, Byron Street, South Clinton Avenue, and Hamilton Street, including the parcels on the south side of Hamilton Street and the parcels fronting on South Avenue between Hamilton Street and Averill Avenue.

The annual charges for maintenance of the open space will be apportioned among these properties based upon their assessed values, and also in relation to their proximity to the open space (without consideration for any exemptions):

- The charges for properties within the Inner Tier will be 36 cents per \$1,000 of assessed property value while the charges for the Outer Tier will be 18 cents per \$1,000 of assessed property value.
- The average annual assessment for Inner Tier properties is \$59.04 and the average annual assessment for Outer Tier properties is \$25.98.

The establishment of the district is supported by 91% of the assessment district property owners (25% is required by Code). The petition containing the request is on file in the Office of the City Clerk.

The district will become effective immediately. The term of the district will be 10 years.

The City finds that it would be impracticable to select a maintenance contractor through competitive bidding and designates the South Wedge Area Neighborhood Council to provide the maintenance.

A public hearing concerning the renewal of the district is required.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-55

Local Improvement Ordinance No. 1740  
(Int. No. 131)

**Local Improvement Ordinance reestablishing the South Avenue/Alexander Street Open Space Special Assessment District and establishing the cost of related special work and services**

WHEREAS, the City-owned parcel at 62 Alexander Street has been developed as a landscaped open space, utilizing funds from the City through the Sector Targeted Funding Initiative program and funds from New York State;

WHEREAS, a Local Improvement District that was established to maintain that landscaped open space in 2004 by Local Improvement Ordinance No. 1537 has lapsed; and

WHEREAS, a substantial number of surrounding property owners have again petitioned the City requesting that a special assessment district be reestablished to pay the annual maintenance costs, such petition being on file in the Office of the City Clerk.

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

Section 1. The Council hereby authorizes the maintenance for a period of ten years of the landscaped open space at 62 Alexander St. (SBL #121.56-2-55). Such maintenance shall include cutting grass, trimming shrubs, watering, weeding, trash pick-up and removal, fall leaf clean-up, lighting, repairs to structures and pavement, a reserve for replacement and other similar services deemed appropriate.

Section 2. The Council finds that the maintenance of the open space will benefit the parcels within a district described as follows: The Inner Tier of the district shall consist of properties fronting on South Avenue from Comfort Street to Hamilton Street and properties fronting on Alexander Street between South Clinton Avenue and Kirley Alley/Stebbins Street, but excluding the corner parcels at South Clinton Avenue. The Outer Tier of the district shall consist of the remaining properties in the area bounded by Mt. Hope Avenue, Byron Street, South Clinton Avenue, and Hamilton Street, including the parcels on the south side of Hamilton Street and the parcels fronting on South Avenue between Hamilton Street and Averill Avenue. The parcels are listed on an attachment filed in the City Clerk's Office. Such district is defined to be the special assessment district for the maintenance costs of the South/Alexander Open Space, and the full amount of the annual maintenance costs shall be annually assessed against such parcels for each of the next ten years.

Section 3. The Council finds that the maintenance of the South/Alexander Open Space will benefit the parcels within the district in proportion to their assessed values, because property values will be enhanced thereby, and also in relation to their proximity to the open space. Therefore, the annual maintenance costs shall be allocated annually among the parcels in the district in proportion to their assessed values (without reduction for exemptions), with the parcels in the Outer Tier charged at half the rate as the Inner Tier parcels.

Section 4. The cost of the special work and services for the 2018-19 fiscal year for the South Avenue/Alexander Street Open Space District is established at \$8,900, which amount shall be assessed and billed on the 2018-19 tax bill as follows: Inner Tier properties will be charged \$.36 per \$1,000 of assessed property value and Outer Tier properties will be charged \$.18 per \$1,000 of assessed property value. Any assessment not paid by its due date shall be a lien upon the property billed and a personal obligation of the property owner. The rate for subsequent years shall be fixed at that time by the Council.

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Section 5. The Council hereby finds that it would be impracticable to select a maintenance contractor through competitive bidding, designates the South Wedge Area Neighborhood Council to perform the special work and services, and authorizes the Mayor to enter into an agreement with said Association for this purpose.

Section 6. The agreement shall obligate the City to pay an amount not to exceed \$8,900, and said amount, or so much thereof as may be necessary, is hereby appropriated from the assessments authorized herein. The term of the agreement shall be July 1, 2018 through June 30, 2019.

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

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-91

Re: RURA Sale of Real Estate:  
Correcting Legal Description

Transmitted herewith for your approval is legislation that corrects a mistake in the legal description of an unused portion of the South Avenue Garage property that the City Council authorized the Rochester Urban Renewal Agency to sell to Action for a Better Community. It amends the legal description specified in Ordinance No. 2018-57, which was approved in March. The corrected legal description is consistent with the size, location, and value of the parcel that the City officials intended to have authorized in March.

Time is of the essence for this correction because the closing on the sale transaction is scheduled to occur this month and the sale cannot occur without an authorization from City Council that accurately describes the land to be conveyed.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2018-91  
(Int. No. 136)



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**Amending Ordinance No. 2018-57 to correct the legal description of the stair tower parcel #1 conveyance approved therein**

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

Section 1. Ordinance No. 2018-57, approving the Rochester Urban Renewal Agency's sale of an unused portion of its South Avenue Garage property, is hereby amended in Section 2 to correct the legal description of the stair tower parcel #1 conveyance to read as follows:

**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~~ 135.00 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,
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.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Re:     Introductory No. 106  
       Amending the City's Nuisance  
       Abatement Law

Transmitted herewith for your approval is legislation amending the Charter of the City of Rochester to reflect changes to the City's Nuisance Abatement Law

The City originally enacted a Nuisance Abatement Law ("NAL") in 1985, and has amended the law on a number of occasions since that time. The NAL aims to improve the public health, safety and welfare by identifying and remedying properties and establishments that become nuisances due to repeated violations of Penal Law, Municipal Code, and other quality of life provisions. To accomplish this goal, the NAL implements a Nuisance Points system, pursuant to which violations of specified laws and code provisions result in the assignment of Nuisance Points. The NAL assigns each assessable violation a Nuisance Point value of 3, 4, or 6 points, depending upon an ascending scale of adverse nuisance impact.

If a location accumulates 12 Nuisance Points in a six-month period, or 18 Nuisance Points in a 12-month period, the location is deemed to be a public nuisance and the City may take action to abate it. The abatement powers under the NAL are subject to notice and opportunity for a hearing and may include an order to: close a building or place to the extent necessary to abate the nuisance, or to suspend for up to six months or revoke for up to one year any City-issued business or occupational license related to the business or trade conducted at the premises and extend that sanction to any other place where the operator chooses to conduct business; suspend for up to six months or revoke for up to one year the operator's eligibility to secure City grants or loans; or any combination of the above measures. The abatement powers provided under the NAL are in addition to other the City's other enforcement authorities provided under other State and City laws.

The City, with the assistance of its consultant Strategic Community Intervention LLC, the staff of the Neighborhood Service Centers and their Director Daisy Algarin, and representatives of the Police, Fire and Law Departments, have engaged with neighbors, neighborhood associations, business and property owners and others to develop a NAL that is more effective, precise, and fair. This collective effort has generated the following proposal, which preserves the Nuisance Point system, but would improve upon it with the following amendments:

First, the NAL is moved from Section 3-15 of the City Charter to Section 10-12 of the Charter. This places administration of the law squarely under the Department of Neighborhood and Business Development. The current NAL at Charter Section 3-15 will be repealed.

Second, the revised NAL eliminates certain violations that are best addressed through municipal code violation tickets. The Nuisance Point values assigned to violations are also revised, with 10 points being assigned for violations involving dangerous weapons or the sale of controlled substances or marijuana, and six points being assigned for all other violations. Where an owner or tenant of the property is the victim of the violation, no points are to be assessed against the property.

Third, the revised NAL establishes a Nuisance Point waiver process. A property is eligible for a point waiver if no points have been assessed against the property in the past year and the violation at issue does not involve a weapons offense, a violation of the fire code, or the sale of alcohol or tobacco to a minor. The owner of an eligible property is given the opportunity to design an abatement plan in consultation with the Administrator of the area's Neighborhood Service Center ("NSC") office. If the owner does so and thereafter abides by the abatement plan for six months with no further violations, the points will be waived. A property will be eligible for a waiver only once in a twelve-month period.

Fourth, the revised NAL provides for coordination between the Municipal Code Violations Bureau ("MCVB") and the NSC for those instance when a MCVB ticket is issued and Nuisance Points are

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assessed for the same violation. Where the MCVB ticket is dismissed on the merits, notice is to be given to the NSC so that the points may also be removed from the property.

Fifth, the revised NAL establishes a Citywide Nuisance Advisory Board. The Board will be made up of nine members—one resident and one business owner from each City quadrant and a resident from Center City. Where a violation occurs at a location such that assessment of points will result in the property being deemed a public nuisance, (i.e. 12 points in a six-month period or 18 points in a 12-month period), the property owner will have the opportunity to seek a hearing before the Board to contest the pending assessment of points. After the hearing, the Board will make a recommendation to the NSC Administrator as to whether the points should be assessed.

Sixth, once a property accumulates points sufficient to be deemed a public nuisance, the property owner will be notified of a mandatory abatement meeting at which the owner and NSC Administrator will devise an abatement plan. If the owner attends the meeting and abides by the plan, no further action is taken by the City and the points are allowed to “age out.” If the owner fails to attend the meeting or abide by the plan, the matter is referred to the Law Department for enforcement proceedings.

Seventh, the Law Department will decide whether to abate an actionable public nuisance through a court action or an administrative hearing. In the event of a hearing, the owner and/or tenants may raise a defense of innocence by establishing that the tenant and/or owner (i) did not know of the conduct giving rise to nuisance; or (ii) upon learning of the conduct giving rise to the nuisance, did all that reasonably could be expected under the circumstances to terminate the nuisance activity. If innocence is established in this manner, then the remedy ultimately imposed, if any, may not infringe on the innocent party’s rights in the property.

Finally, in the event that a public nuisance is to be remedied through an order of closure, tenants are to be given 30 days to vacate the premises before closure.

This legislation would go into effect on June 1, 2018.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Introductory No. 106

**LOCAL LAW AMENDING THE CITY CHARTER WITH RESPECT TO THE ABATEMENT OF NUISANCES**

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

Section 1. Chapter 755 of the Laws of 1907, entitled “An Act Constituting the Charter of the City of Rochester”, as amended, is hereby further amended by repealing Section 3-15, Abatement of nuisances.

Section 2. Chapter 755 of the Laws of 1907, entitled “An Act Constituting the Charter of the City of Rochester”, as amended, is hereby further amended by adding to the end of Article X, Department of Neighborhood and Business Development, the following new section:

§ 10-12. Abatement of nuisances.

A. Declaration of legislative findings. The Council finds that public nuisances exist in the City of Rochester in the operation of certain establishments and the use of property in flagrant violation of certain Penal Law and Municipal Code provisions, which nuisances substantially and seriously interfere with the interest of the public in the quality of life and total community environment, commerce in the City, property values and the public health, safety and welfare. The Council further finds that the continued occurrence of such activities and violations is detrimental to the health, safety and welfare of the people of the City of Rochester and of the businesses thereof and the visitors thereto. It is the purpose of the Council to establish a means to remedy these public nuisances, which shall be in addition to the use of procedures and remedies available under other laws. The Council further finds that the remedies that may be implemented pursuant to this law are reasonable and necessary in order to protect the health and safety of the people of the City and to promote the general welfare. The Council finds that it is the public policy of the City of Rochester to ensure that all crime victims, including victims of domestic violence, dating violence, stalking, or sexual abuse in an emergency, are able to contact police or emergency assistance without penalty under this ordinance. The Council further finds that this law is not intended to sanction, penalize or displace victims of triggering enumerated crimes or violations that are deemed public nuisances pursuant to this City Charter Section; accordingly points, sanctions and penalties assessed hereunder shall not be applied against the premises where an owner, lessor, lessee, mortgagee or any other person in possession or having charge of as agent or otherwise, or having any interest in the property, real or personal was a victim of the enumerated crime or violation triggering the public nuisance incident.

B. Public nuisances defined. For purposes of this Section, a public nuisance shall be deemed to exist whenever through violations of any of the following provisions resulting from separate incidents at a building, erection or place, or immediately adjacent to the building, erection or place as a result of the operation of the business, 12 or more points are accumulated within a period of six months, or 18 or more points within a period of 12 months, in accordance with the following point system. Where more than one violation occurs during a single incident, the total points for the incident shall be the highest point value assigned to any single violation. Such violations shall be proven by a preponderance of evidence, as set forth in subsection F below, before the imposition of any remedy to abate the nuisance.

(1) The following violations shall be assigned a point value of ten points:

- (a) Article 265 of the Penal Law — Firearms and Other Dangerous Weapons.
- (b) Section 47-5 of the Code of the City of Rochester — Firearms, shotguns, rifles and other dangerous weapons.
- (c) Sections and subsections 220.06(1), 220.16(1), 220.16(2), 220.16(3), 220.16(4), 220.16(5), 220.16(6), 220.16(7), 220.28, 220.31, 220.34, 220.39, 220.41, 220.43, 220.44 and 220.65 of the Penal Law — Offenses Involving the Sale or Intent to Sell Controlled Substances

- (d) Sections 221.35, 221.40, 221.45, 221.50 and 221.55 of the Penal Law — Offenses Involving the Sale of Marihuana.
- (2) The following violations shall be assigned a point value of six points:
- (a) Sections and subsections 220.03, 220.06(2), (3), (4), (5), (6), (7), and (8), 220.09, 220.16(8), (9), (10), (11), (12), and (13), 220.18, 220.21, 220.25, 220.45, 220.46, 220.50, 220.55, 220.60, 220.70, 220.71, 220.72, 220.73, 220.74, 220.75 and 220.76 of the Penal Law — Controlled Substance Offenses Not Involving the Sale or Intent to Sell.
  - (b) Sections 221.05, 221.10, 221.15, 221.20, 221.25 and 221.30 of the Penal Law — Marihuana Offenses Not Involving Sale.
  - (c) Article 225 of the Penal Law — Gambling Offenses.
  - (d) Article 230 of the Penal Law — Prostitution Offenses.
  - (e) Sections and subsections 165.15(4), (6), (7), and (8), 165.40, 165.45, 165.50, 165.52, 165.54, 165.71, 165.72, and 165.73 of the Penal Law — Criminal Possession of Stolen Property.
  - (f) The Alcoholic Beverage Control Law.
  - (g) Sections 260.20 and 260.21 of the Penal Law — Unlawfully Dealing with a Child.
  - (h) Possession, use, sale or offer for sale of any alcoholic beverage in violation of Article 18 of the Tax Law, or of any cigarette or tobacco products in violation of Article 20 of the Tax Law.
  - (i) Article 178 of the Penal Law — Criminal Diversion of Prescription Medications and Prescriptions.
  - (j) Section 147 of the Social Services Law — Food stamp program fraud.
  - (k) Section 3383 of the Public Health Law — Imitation controlled substances.
  - (l) Operating a premises without the requisite business permit in violation of § 90-33 of the City's Municipal Code.
  - (m) Sections 240.36 and 240.37 of the Penal Law — Loitering in the First Degree and Loitering for the Purpose of Engaging in a Prostitution Offense.
  - (n) Section 2024 of Title 7 of the United States Code — Supplemental Nutrition Assistance Program.
  - (o) Suffering or permitting the premises to become disorderly, including suffering or permitting fighting.

- (p) Chapter 75 of the City’s Municipal Code— Noise.
  - (q) Chapter 29 of the City’s Municipal Code— Amusements.
  - (r) Chapter 66 of the City’s Municipal Code — Junkyard Operators, Junk Dealers and Scrap Processors.
  - (s) Sections of the New York State Uniform Fire Prevention and Building Code and Chapter 54 of the City’s Municipal Code, as applied to places of assembly and other non-residential structures and uses, concerning occupancy requirements, capacity of means of egress and fire protection systems.
  - (t) Chapter 569, Article 7 (Service Food Establishments) and Article 8 (Food and Food Establishments) of the Laws of the County of Monroe — Sanitary Code.
- (3) It shall be the responsibility of the City department or bureau with primary enforcement responsibility for each of the above-listed violations, including but not limited to the Rochester Police Department, Rochester Fire Department, Bureau of Buildings and Zoning code enforcement officers employed in the Department of Neighborhood and Business Development, and code enforcement inspectors and Bureau of Operations supervisors employed in the Department of Environmental Services, to expeditiously notify the Administrator of the Neighborhood Service Center for that portion of the City in which the subject building, erection or place is located (hereinafter, the “NSC Administrator”) of a nuisance point violation and to provide to the NSC Administrator all supporting documentation of the violation, including copies of tickets and/or arrest paperwork.
- (4) With regard to a residential property, no points, sanctions and penalties assessed under this ordinance shall be applied against the premises where an owner, lessor, lessee, mortgagee or any other person in possession or having charge of as agent or otherwise, or having any interest in the property, real or personal was a victim of the enumerated crime or violation triggering the public nuisance incident.

C. Notice of Nuisance Points.

- (1) Written Notice of Nuisance Points.
  - a. Any time one of the above-identified violations occurs, the NSC Administrator, or another City employee as may be designated by the Commissioner of Neighborhood and Business Development, shall, within fifteen calendar days from the date of the violation, send a notice of nuisance points to the owner of the building, erection or place. The notice shall be sent by first class mail with delivery confirmation, and shall identify the violation and the number of points assessed against the property.
  - b. The NSC Director shall adopt a standard Notice of Nuisance Points letter to be used by every Neighborhood Service Center (“NSC”). The letter shall set forth the address where the nuisance activity took place, the specific violation, the date

and time of the violation, and the number of points being assessed as a result of the violation. The letter will also set forth the total points accrued against the property during the preceding 12 months, inclusive of those that are the subject of the notice. The letter shall be signed by the NSC Administrator or, in the NSC Administrator's absence, by his or her designee.

- c. If, at the time the Notice of Nuisance Points letter is sent, the total number of nuisance points then accrued is less than that which would be deemed a public nuisance under this Section, the notice letter shall include the following language: "If the conduct giving rise to this violation is not abated and recurs, your property is in jeopardy of being deemed a public nuisance pursuant to City Charter § 10-12B, which could result in the closure of your property. You are encouraged to contact the Neighborhood Service Center at [PHONE NUMBER] to arrange a meeting to discuss this violation and a means to prevent a nuisance from developing."

(2) Waiver of Nuisance Points.

a. Eligibility:

- i. To be eligible for a waiver of nuisance points, no nuisance points shall have been assessed against a property during the preceding twelve months.
- ii. A property is eligible for the waiver of nuisance points no more than one time in any twelve-month period.
- iii. Points resulting from the following violations are not eligible for waiver:
  - 1. Article 265 of the Penal Law — Firearms and Other Dangerous Weapons.
  - 2. Section 47-5 of the City's Municipal Code — Firearms, shotguns, rifles and other dangerous weapons.
  - 3. Sections of the New York State Uniform Fire Prevention and Building Code and Chapter 54 of the City's Municipal Code concerning occupancy requirements.

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4. Sections 260.20 and 260.21 of the Penal Law — Unlawfully Dealing with a Child.

b. Waiver of Nuisance Points Letter.

- i. If a property to be assessed nuisance points is eligible for a waiver, then the NSC Administrator shall send, in the same mailing as the Notice of Nuisance Points Letter, a Waiver of Nuisance Points Letter.
- ii. The NSC Director shall adopt a standard Waiver of Nuisance Points letter to be used by every NSC. The Waiver of Nuisance Points letter shall inform the owner that his/her property is eligible for waiver of nuisance points, and shall direct the owner to contact the NSC within ten calendar days of the date of the Waiver of Nuisance Points Letter to schedule a waiver meeting to discuss and implement an abatement plan.

c. Abatement Plan and Waiver.

- i. If the owner timely requests and attends the waiver meeting, the owner and NSC Administrator shall negotiate in good faith to develop an appropriate written plan to abate the nuisance. If their effort succeeds, the plan shall be dated, signed by the owner and by the NSC Administrator, and shall be kept on file at the NSC. A copy of the abatement plan shall be provided to the owner.
- ii. If the owner abides by the abatement plan and no new nuisance activity occurs within the six months following the date of the abatement plan, the points that are subject to waiver shall be cancelled as if they had never existed on the property.

d. Records of Abatement Plans and Waivers. Each NSC shall maintain for a minimum of two years records of abatement plans established and waivers issued for each property.

(3) Nuisance Points Advisory Board.

- a. Composition. There shall be a nine-member Nuisance Points Advisory Board (“Advisory Board”) appointed by the Mayor, comprising one resident and one business owner each from the Northeast District, East District, South District and Northwest District as such districts are defined by City Charter § 5-3, and one resident from the Center City District as that district is defined by City



Zoning Code § 120-166B. The members shall not be City officers or employees at the time of their appointments. Board members shall serve a term of two years. Any member may be reappointed and, after the expiration of his or her term, each member shall hold over until a successor is appointed, if necessary. The board may appoint a Chairperson from among its members.

b. Advisory Board Review.

i. Notice of Potential Nuisance.

1. Where a violation takes place at a building, erection or place such that assessment of points for that violation would result in the building, erection or place being deemed a public nuisance pursuant to this Section, the NSC Administrator shall give notice of the violation to the owner, the impending assessment of points, and the fact that, upon assessment of the points, the building, erection or place will be deemed a public nuisance that is subject to the imposition of abatement actions pursuant to this Section. This Notice of Potential Nuisance shall be sent to the owner within fifteen calendar days of the violation in the same manner as a Notice of Nuisance Points.
2. The NSC Director shall adopt a standard Notice of Potential Nuisance letter to be used by every NSC. The Notice of Potential Nuisance shall inform the owner that he or she may, within ten calendar days of the date of the Notice, contact the NSC to request that the Advisory Board review the most recent violation and the points to be assessed therefor.

- ii. Review by Advisory Board. If a review is requested by an owner, the NSC Administrator shall submit to the Advisory Board a package containing all relevant reports upon which the potential assessment of nuisance points is based. The board shall review the package and any written submissions by the owner, and may allow the owner and any witnesses to offer oral statements, within a time limit to be set by the board, which time shall not exceed 30 minutes, as to why the points should not be assessed. An Advisory Board member shall not participate in any review proceeding with regard to any place that is located within a radius of 500 feet from the member's residence or with regard to which the member possesses an operational or ownership interest. The board shall review all submissions and explanations and submit a written recommendation to the NSC Administrator concerning issuance of the nuisance points. A copy of this written recommendation shall be sent by

the board to the owner by first class mail with delivery confirmation. The board's function shall be advisory, and its recommendations shall not be construed to be a final decision.

- iii. Final Determination by NSC Administrator. The NSC Administrator shall make a final determination as to the assessment of points within ten calendar days of the receipt of the recommendation of the Nuisance Points Advisory Board. The final determination shall be sent to the owner in the same manner as a Notice of Nuisance Points. A courtesy copy of the final determination shall be produced to the Advisory Board.
  - c. Meetings. The Advisory Board shall meet at least once a month as long as matters are pending. A majority of the full board, of which no fewer than two are residents and two are business owners, shall constitute a quorum and shall be necessary to make a recommendation on proposed nuisance points. The board shall maintain an orderly set of records, including minutes of its meetings. The Commissioner of Neighborhood and Business Development shall provide staff support to the board, and members of the Police Department and Law Department may also advise the board and attend board meetings.
  - d. Bylaws. The Advisory Board shall prepare and adopt bylaws from time to time outlining meeting times and related procedures. The bylaws shall be submitted to the NSC Director for review and acceptance.
- (4) Notice of Abatement Meeting. Where a building, erection or place accrues points sufficient to be deemed a public nuisance pursuant to City Charter §10-12B, the NSC Administrator shall schedule a meeting with the building owner or the owner's authorized representative (hereinafter collectively "owner") to devise a plan to abate the nuisance. The owner shall be notified by letter of the date, time and location of the meeting. The owner shall also be notified that if he or she fails to attend the meeting, the City may immediately proceed with an administrative abatement proceeding or civil action to abate the nuisance. The NSC Director shall adopt a standard Notice of Abatement Meeting letter to be used by every NSC, which shall be sent to the owner in the same fashion as a Notice of Nuisance Points. The owner shall be allowed to adjourn and reschedule the abatement meeting no more than one time and to a date no more than fourteen calendar days after the original scheduled date.
- (5) Abatement Plan. If the owner attends the Abatement Meeting, he or she shall negotiate in good faith with the NSC Administrator to devise an abatement plan intended to remedy the nuisance activity. If they succeed and the owner signs a commitment to perform the agreed upon abatement plan, the City will not advance with an administrative proceeding or civil action to abate the nuisance for so long as the owner abides by the plan.

D. Concurrent Adjudication by Municipal Code Violations Bureau.

- (1) Where the NSC Administrator assesses nuisance points based upon a violation of the Rochester City Code for which a Municipal Code Violations Bureau ticket is issued, the Administrator shall request in writing that the Municipal Code Violations Bureau provide to the NSC Administrator notice of the ultimate ticket disposition.
- (2) Where the Municipal Code Violations Bureau ticket disposition indicates a dismissal on the merits, the NSC Administrator shall cancel the nuisance points stemming from the underlying violation and shall notify the owner of the same.

E. Powers of the Commissioner with Respect to Public Nuisances. In addition to the enforcement procedures established elsewhere, the Commissioner of Neighborhood and Business Development, shall be authorized:

- (1) To order the closing of the building, erection or place to the extent necessary to abate the nuisance but in no event for a period longer than one year; or
- (2) To suspend for a period not to exceed six months or revoke for a period of one year a business permit issued for such premises, and to prevent the operator from obtaining a new business permit for another location for the period of suspension or revocation; or
- (3) To suspend for a period not to exceed six months or revoke for a period of one year any occupational license or permit issued by the City related to the conduct of a business or trade at the premises, which suspension or revocation may also apply to any other locations operated by the holder for which the license or permit is required; or
- (4) To suspend for a period not to exceed six months or revoke for a period of one year eligibility to secure grants or loans from the City of Rochester; or
- (5) Any combination of the above; or
- (6) Any other remedy rationally related to the nuisance to be abated and otherwise within the authority of the Commissioner.

F. Adjudication Procedure. Where a public nuisance is deemed to exist pursuant to Subsection B of this Section, and the owner of the property fails to attend the Abatement Meeting or fails to accept and abide by an abatement plan, the Commissioner of Neighborhood and Business Development, or his or her designee, shall notify the Corporation Counsel for the City of Rochester of the nuisance activity and recommend a remedy or remedies pursuant to Subsection E of this Section to abate the nuisance. The Corporation Counsel shall decide whether to implement the remedy by means of either an

administrative abatement proceeding as described below or through a civil action as authorized by City Charter § 9-21.

(1) Administrative Abatement Proceeding

- a. Notice of Abatement Hearing. The Corporation Counsel shall establish a date for a hearing at which it will be determined whether a public nuisance exists and evidence will be presented as to the remedy appropriate to abate the public nuisance. A Notice of Hearing shall be provided to the owner, lessor, lessee and mortgagee of the building, erection or place wherein the public nuisance is being conducted, maintained or permitted. The Notice of Hearing shall contain the following:
  - i. The name of the owner.
  - ii. A description of the premises, including the street address.
  - iii. A statement of each and every incident during the relevant period giving rise to nuisance points, and a description of the remedy or remedies proposed to abate the public nuisance.
  - iv. The date, time and location of the hearing.
  - v. A statement that the failure to attend the hearing may constitute a default, which could result in the closure of the building, erection or place, the suspension or revocation of the owner's relevant business or occupational licenses, and/or the suspension or revocation of City grants or loans.
  - vi. A statement that no points shall be assessed against the building, erection or place for an enumerated crime or violation for which it is demonstrated that an owner, lessor, lessee, mortgagee or any other person in possession or having charge of as agent or otherwise, or having any interest in the property, real or personal was a victim.
- b. Service of Notice. The Notice of Hearing, along with a copy of the text of this Section, shall be served upon the owner, lessee and mortgagee at least thirty calendar days before the scheduled hearing, in the following manner:
  - i. Owner: The owner shall be served in accordance with Article 3 of the Civil Practice Law and Rules or by means of first-class mail with delivery confirmation sent to the owner's address as it is maintained on record with the City Treasurer pursuant to City Charter §§ 6-118 and 6-119. If served by

mail, service shall be deemed to be complete upon mailing. In no event shall it be necessary to file proof of service with the clerk of any court before the hearing.

- ii. Lessee: Each lessee shall be served in accordance with Real Property Actions and Proceedings Law § 735, except it shall not be necessary to file proof of service with the clerk of any court before the hearing.
  - iii. Mortgagee: A mortgagee shall be served by means of first-class mail with delivery confirmation sent to the mortgagee's last known address as shown in the property records, Service shall be complete upon mailing, and there shall be no requirement to file proof of service with the clerk of any court before the hearing.
- c. Posting of Notice of Hearing: A copy of the Notice of Hearing shall be posted on the premises at least thirty calendar days before the hearing. Mutilation or removal of the posted notice of hearing shall be punishable by a fine of not more than \$250 provided that the posted notice contains therein a notice of such penalty.
- d. Hearing procedure.
- i. The hearing shall be conducted by an independent hearing officer appointed by the Corporation Counsel. The owner and other interested parties may be represented at the hearing by counsel. The owner and other interested parties may present evidence and call witnesses on their behalf, and may cross-examine any witnesses that testify for the City. The rules of evidence prevailing in a court of record shall not be controlling in abatement hearings. The Mayor and/or the Corporation Counsel are authorized to develop and implement other rules and regulations concerning the procedures for the abatement hearing not inconsistent with the rules here stated. Any such other rules and regulations shall be reduced to writing and shall be served on all parties along with the Notice of Hearing.
  - ii. For purposes of this Section, a conviction by a court of competent jurisdiction or an administrative bureau of the violation or crime that gives rise to the assessment of nuisance points shall not be required. Instead, to assess the points, the City shall be required to prove by a preponderance of the evidence that each element of the charged offense has occurred. However, a conviction as defined and applied in accordance with the provisions of Section 1.20 of the Criminal Procedure Law, in any court of competent jurisdiction, or a conviction or plea of guilty in the Municipal Code Violations Bureau, shall

constitute conclusive proof of a point-assessable crime or violation under this Section.

- iii. Defense of Innocence. An innocent party's interest in property shall not be forfeited. The party claiming innocence shall have the burden of proving innocence by a preponderance of the evidence. Such innocence may be demonstrated by proof that the party (i) did not know of the conduct giving rise to nuisance; or (ii) upon learning of the conduct giving rise to the nuisance, did all that reasonably could be expected under the circumstances to terminate such use of the property. For the purposes of this subsection, ways in which a person may show that he or she did all that reasonably could be expected may include demonstrating that such person, to the extent permitted by law, (a) gave timely notice to an appropriate law enforcement agency of information that led the person to know that nuisance activity was occurring or would occur, and (b) in a timely fashion revoked or made a good faith attempt to revoke permission for those engaging in such nuisance activity to use the property. However, a person shall not be required by this subparagraph to take steps that the person reasonably believes would be likely to subject any person to physical danger. Even where a party with an interest in the property establishes his or her innocence in accordance with this subsection, still the City may impose any reasonable and legally permissible remedy to abate the nuisance so long as it does not infringe upon the innocent party's interest in the property.
  
- iv. Defense of Victims. In accordance with the public policy and findings calling for the protection of victims of crimes and violations in Subdivision A of this Section, a party shall be entitled to testify or present other evidence in support of a claim that nuisance points should not be assessed for a specified violation or crime wherein an owner, lessor, lessee, mortgagee or any other person in possession or having charge of as agent or otherwise, or having any interest in the property, real or personal was a victim of the enumerated violation or crime that triggered the assessment of nuisance points. The party claiming the victim defense shall have the burden of proving its factual elements by a preponderance of the evidence in order to be entitled to the removal of assessed nuisance points.
  
- e. Hearing Officer Report and Recommendation. Within fourteen calendar days after the conclusion of the hearing, the hearing officer shall render a written report and recommendation to the Commissioner of Neighborhood and Business Development, which shall set forth factual findings based upon evidence in the record and shall state whether a public nuisance was proven by a preponderance of the evidence. In the event that a public nuisance is so proven, the hearing officer shall also render a written recommendation as to the remedy to be imposed to abate the public nuisance.

The hearing officer's written recommendation shall be served upon all interested parties in the same manner as the original Notice of Hearing.

- f. Final Determination. Within seven calendar days after receipt of the hearing officer's report and recommendation, the Commissioner of Neighborhood and Business Development shall issue a final determination either accepting, modifying, or rejecting the hearing officer's report and recommendation. If the Commissioner determines that there is a public nuisance, based on either the recommendation of the hearing officer or the Commissioner's own assessment of the hearing record, the final determination shall articulate the remedy to be imposed and set forth a reasonable manner in which the remedy elected is expected to abate the public nuisance. No remedy shall be imposed that goes beyond the remedy or remedies previously specified in the Notice of Hearing. The final determination shall be served on all interested parties in the same manner as the Notice of Hearing. A copy of the final determination shall also be posted at the building, erection or place where a public nuisance exists or is occurring in violation of law.
  
- g. Closure. Where the final determination orders the closure of a building, erection or place, the closure shall become effective thirty calendar days after the posting of the final determination upon the building, erection or place, and may after that time be enforced by the Rochester Police Department. The effective date shall be specified in the final determination.
  - i. In no event shall any closing ordered under this Section be for a period of more than one year from the issuance of the Commissioner's final determination.
  
  - ii. A closing directed by the Commissioner pursuant to this Section shall not be deemed to constitute an act of possession, ownership or control by the City of the closed premises.
  
  - iii. It shall be a violation of this Section for any person to permit any other person to use or occupy any building, erection or place, or portion thereof, ordered closed by the Commissioner. Such a violation or mutilation or removal of a posted order of the Commissioner designee shall be punishable by a fine of not more than \$250 or by imprisonment not exceeding fifteen calendar days, or both, provided such posted order contains therein a notice of such penalty.

#### G. Additional Provisions

- (1) The Mayor, Commissioner of Neighborhood and Business Development ("Commissioner") or NSC Director may promulgate rules, regulations, policies and procedures to carry out and

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give full effect to the provisions of this Section. Any such rules, regulations, policies and procedures shall be filed with the City Clerk.

- (2) The Commissioner or NSC Director shall implement a training program for NSC employees involved in the enforcement of this Section and for other City employees as needed.
- (3) If any provision of this Section or the application thereof to any person or circumstances is held invalid, the remainder of this Section and the application of such provisions to other persons and circumstances shall not be rendered invalid thereby.
- (4) The Commissioner shall prepare an annual report to be submitted to City Council summarizing the actions taken under this Section and indicating the results of such action.

Section 3. This local law shall take effect upon the latter of either: a) its filing in the Office of the Secretary of State as provided by Section 27 of the NYS Municipal Home Rule Law, or b) June 1, 2018.

Held in committee.

TO THE COUNCIL

Ladies and Gentlemen:

Introductory No. 135

Re: Municipal Code Amendments:  
Nuisance Abatement Law

Transmitted herewith for your approval is legislation that revises the Municipal Code to be consistent with the Introductory No. 106, the Local Law amending the City Charter with respect to the abatement of nuisances. That Local Law will substantially amend the nuisance abatement law and transfer it from Section 3-15 of the City Charter to Section 10-12. The ordinance, which would take effect on the same day as the Local Law, makes no substantive changes to the nuisance abatement law. Instead, it changes from Section 3-15 to Section 10-12 all of the Municipal Code's references to the City Charter's nuisance abatement law in order to track the Local Law's relocation of that law within the Charter.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Introductory No. 135



**AMENDING THE MUNICIPAL CODE WITH RESPECT TO THE ABATEMENT OF NUISANCES**

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

Section 1. Chapter 68 of the Municipal Code, Licenses – Businesses and Trades, as amended, is hereby further amended in Subsection E of Section 68-10, Revocation of licenses and permits, to read as follows:

E. In addition to the power granted to the authority issuing a license or permit either in this chapter or in other chapters of the Municipal Code, a license or permit for a business or trade issued by the City of Rochester may be revoked or suspended in accordance with the procedures established in ~~§ 3-15~~ § 10-12, Abatement of nuisances, of the City Charter.

Section 2. Chapter 90 of the Municipal Code, Property Code, Article II, Business Permits, as amended, is hereby further amended in Subsection B of Section 90-36, Issuance of business permit, to read as follows:

B. No business permit shall be issued unless the applicant and business have fully complied with the provisions of this article and have obtained all necessary licenses and permits for the operation. No business permit shall be issued to a premises while charges are pending pursuant to ~~§ 3-15~~ § 10-12 of the City Charter, or while any other nuisance abatement proceeding or action is pending against the premises.

Section 3. Chapter 90 of the Municipal Code, Property Code, Article II, Business Permits, as amended, is hereby further amended in Subsection F(14) of Section 90-37, Operation of businesses, to read as follows:

F. The owner or operator of any business shall maintain good order on and about the premises at all times when the business is open. The premises shall include the building in which the business is located, as well as accessory structures and uses, including parking lots, and the land on which the building is located. The owner or operator of any business shall be responsible to remove refuse and obstructions from the sidewalk in accordance with Municipal Code requirements, and to operate the business so that neither the business nor its patrons become a source of disruption on the sidewalks, streets or other private property in the vicinity of the business. The lack of good order shall include, but not be limited to, suffering or permitting the following:

(14) Any other nuisance activity listed in ~~§ 3-15~~ § 10-12 of the City Charter.

Section 4. Chapter 96 of the Municipal Code, Secondhand Dealers, as amended, is hereby further amended in Subsection D of Section 96-5, Issuance of secondhand dealer's license, to read as follows:

D. No secondhand dealer's license shall be issued unless the applicant and business have fully complied with the provisions of this chapter and have obtained all necessary licenses and permits for the operation. No secondhand dealer's license shall be issued to a premises while charges are pending pursuant to ~~§ 3-15~~ § 10-12 of the City Charter or

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while any other nuisance abatement proceeding or action is pending against the premises or owner or operator.

Section 5. Chapter 96 of the Municipal Code, Secondhand Dealers, as amended, is hereby further amended in Subsection F(14) of Section 96-8, General operation of secondhand dealer's businesses, to read as follows:

F. Secondhand dealers shall maintain good order on and about the premises at all times when the business is open. The premises shall include the building in which the business is located, as well as accessory structures and uses, including parking lots and the land on which the building is located. The owner or operator of any secondhand dealer's business shall be responsible to remove refuse and obstructions from the sidewalk in accordance with Municipal Code requirements and to operate the business so that neither the business nor its patrons become a source of disruption on the sidewalks, streets or other private property in the vicinity of the business. The lack of good order shall include, but not be limited to, suffering or permitting the following:

...

(14) Any other nuisance activity listed in ~~§ 3-15~~ § 10-12 of the City Charter.

Section 6. Chapter 99 of the Municipal Code, Shooting Ranges, as amended, is hereby further amended in Subsection D of Section 99-7, Issuance of shooting range license, to read as follows:

D. No shooting range license shall be issued unless the applicant and business have fully complied with the provisions of this chapter and have obtained all necessary licenses and permits for the operation. No shooting range license shall be issued to a premises while charges are pending pursuant to ~~§ 3-15~~ § 10-12 of the City Charter or while any other nuisance abatement proceeding or action is pending against the premises or owner or operator.

Section 7. This ordinance shall take effect on the effective date of an accompanying local law amending the City Charter with respect to the abatement of nuisances.

Held in committee.

By Councilmember Evans  
April 17, 2018

To the Council:

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

Int. No. 107	Amending Ordinance No. 2017-10 and appropriating funds for the 2018 Preventive Maintenance Group 2 Project
Int. No. 108	Amending Ordinance No. 2017-12 and appropriating funds for the 2020 Preventive Maintenance Group 11 Project

- Int. No. 109 Authorizing an agreement for resident project representation services for the Alpha Street Group Project
- Int. No. 110 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,762,000 Bonds of said City to finance the reconstruction of certain portions of the streets located in the Alpha Street Group Project
- Int. No. 111 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$605,000 Bonds of said City to finance the reconstruction of water services along certain portions of streets included in the Alpha Streets Group Project, as amended
- Int. No. 112 Authorizing a design services agreement for the Scottsville Road-Elmwood Avenue Improvement Project (Western City Line-Mt. Hope Avenue)
- Int. No. 117 Authorizing agreement for the North Winton Village Streetscape Improvements
- Int. No. 118 Authorizing a grant agreement and appropriation for a Climate Smart Communities Climate Adaptation Plan
- Int. No. 119 Amending Ordinance No. 2017-98 and authorizing an amendatory agreement with North East Area Development, Inc., as amended
- Int. No. 120 Authorizing a grant agreement and appropriation for improvements to the Cobbs Hill Basketball Courts
- Int. No. 121 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$600,000 Bonds of said City to finance a portion of the City's Conduit Modernization – Transmission System Cathodic Protection Project
- Int. No. 123 Authorizing an agreement for East Main Street Improvement Project design services and an agreement for the receipt, use and appropriation of funds

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

- Int. No. 113 Local Improvement Ordinance – establishing the operation, installation and maintenance costs of street lighting special assessment districts
- Int. No. 114 Local Improvement Ordinance – establishing the operating and maintenance costs of special assessments for streetscape enhancements

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| Int. No. 115 | Local Improvement Ordinance – care and embellishment of street malls for 2018-2019   |
| Int. No. 116 | Local Improvement Ordinance – establishing the cost of the special work and services related to Main Street improvements of the Downtown Enhancement District      |
| Int. No. 122 | Amending the Official Map to discontinue the park designation of approximately 12.466 acres of land and to dedicate to park purposes approximately of 12.467 acres |

Respectfully submitted,  
Malik Evans  
Mitch Gruber  
Elaine M. Spaul (Absent)  
Adam C. McFadden  
Loretta C. Scott  
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2018-92  
Re: Appropriate and Amendment –  
2018 Preventive Maintenance  
Group No. 2 Project

Transmitted herewith for your approval is legislation related to the 2018 Preventive Maintenance Group 2 Project. This legislation will:

1. Appropriate \$38,649.71 from anticipated New York State (NYS) Marchiselli Aid to fund a portion of the design services for the 2018 Preventive Maintenance Group 2 Project; and
2. Amend Ordinance No. 2017-10, which originally established funding for the agreement with C&S Engineers, Inc. for design services related to this project, by reducing the 2014-15 Cash Capital by \$38,649.71 and replacing those funds with the NYS Marchiselli Aid appropriated herein.

This project, administered by the City under agreement with NYSDOT, includes two locations:

- Alexander Street from Mount Hope Avenue to East Main Street; and
- Scio Street from East Avenue to Central Park.

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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, catch basins, and water valve castings; and replacement of traffic markings. These improvements will enhance the surface drainage and riding quality of the roadway, improve accessibility, and expand the useful life of the pavement structure.

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

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-56

Ordinance No. 2018-92  
(Int. No. 107)

**Amending Ordinance No. 2017-10 and appropriating funds for the 2018 Preventive Maintenance Group 2 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 \$38,649.71 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 2018 Preventive Maintenance Group 2 Project design services.

Section 2. Ordinance No. 2017-10 is hereby amended by allocating \$38,649.71 of the funds appropriated under Section 1 herein to replace and reduce by \$38,649.71 the amount of the 2014-15 Cash Capital funds appropriated therein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2018-93  
Re: Appropriate and Amendment –  
2020 Preventive Maintenance  
Group No. 11 Project

Transmitted herewith for your approval is legislation related to the 2020 Preventive Maintenance Group No. 11 Project. This legislation will:

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1. Appropriate \$18,600 from anticipated New York State (NYS) Marchiselli Aid to fund a portion of the design services for the 2020 Preventive Maintenance Group 11 Project; and
2. Amend Ordinance No. 2017-12, which originally established funding for the agreement with T.Y. Lin International Engineering, Architecture & Land Surveying, P.C. for design services related to this project, by reducing the 2016-17 Cash Capital by \$18,600 and replacing those funds with the NYS Marchiselli Aid appropriate herein.

This project, administered by the City under agreement with NYSDOT, includes Lyell Avenue from Lake Avenue to Mount Read Boulevard.

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, catch basins, and water valve castings; and replacement of traffic markings. These improvements will enhance the surface drainage and riding quality of the roadway, improve accessibility, and expand the useful life of the pavement structure.

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

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-57

Ordinance No. 2018-93  
(Int. No. 108)

**Amending Ordinance No. 2017-12 and appropriating funds for the 2020 Preventive Maintenance Group 11 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 \$18,600 in anticipated reimbursements from the New York State Department of Transportation Marchiselli Aid program and appropriates that sum to fund a portion of the 2020 Preventive Maintenance Group 11 Project design services.

Section 2. Ordinance No. 2017-12 is hereby amended by allocating \$18,600 of the funds appropriated under Section 1 herein to replace and reduce by \$18,600 the amount of the 2016-17 Cash Capital funds appropriated therein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

April 17, 2018

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-94  
Ordinance No. 2018-95  
Ordinance No. 2018-96

Re: Alpha Street Group Project

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

1. Establish \$250,000 as maximum compensation for an agreement with Vanguard Engineering, P.C. (Joseph Ardieta, President), Rochester, NY 14610 for resident project representation (RPR) services;
2. Authorize the issuance of bonds totaling \$1,762,000 and appropriate the proceeds thereof to partially finance the street portion of the project, and;
3. Authorize the issuance of bonds totaling \$605,000 and appropriate the proceeds thereof to partially finance the water portion of the project.

Streets included in the project group are: Alpha Street (Wilder Terrace to Beach Avenue); Wilder Terrace (Alpha Street to Beach Avenue); Meriden Street (Alpha Street to Wilder Terrace); and Braddock Street (Alpha Street to Henley Street). The improvement project will consist of a combination of pavement reconstruction and rehabilitation; new stone curbs with underdrain pipe; new driveway aprons; replacement of existing sidewalks with pervious concrete sidewalks to address the 25% reduction in impervious surface requirement to satisfy the Storm Water Pollution Prevention Plan (SWPPP) for the project that meets NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit (GP 0-15-002); installation of street LED lighting (as a separate City Street Lighting contract); new water main on Braddock Street and on a section of Wilder Terrace; replacement of all lead and galvanized water services with polyethylene pipe; installation of corrosion resistant anodes on the Meriden Street water main; some new hydrants; replacement of catch basins within the reconstruction sections; replacement of capstone catch basins within the rehabilitation sections and the addition of a few new catch basins for improved drainage; manhole cover and catch basin grate adjustments; installation of a new two-rail pipe fence along the sidewalk near the CYAA ball fields; and regrading and hydro-seeding of all lawn areas disturbed by construction activities.

Previous legislation includes Ordinance No. 2017-300 that authorized changes in pavement width, and two de minimus corner acquisitions for street purposes.

Bids for construction were received on March 14, 2018. The apparent low bidder did not submit the correct bid proposal sheets provided in the addendum therefore the low bid was rejected. The second low bid of \$2,519,731.25 was submitted by Seneca Roadways which is 13.46% higher than the engineer's estimate. An additional \$253,298.11 will be allocated for project contingencies.

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

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Sources	Construction	RPR	Street Lighting	Contingency	Total
Street Bond	\$1,350,688	\$200,000	\$29,900	\$181,412	\$1,762,000
Water Bond	504,043	50,000	0	50,957	605,000
Community Development Block Grant Funds as appropriated in Ord. No. 2017-298	475,000	0	0	0	475,000
Rochester Pure Waters District (Ord. No. 18-039)	190,000	0	0	20,686	210,686
Total	\$ 2,519,731	\$250,000	\$29,900	\$253,055	\$3,052,686

Vanguard Engineering, P.C. was selected for RPR services through a request for proposal process, which is described in the attached summary. The agreement will be funded with bonds appropriated herein and may extend until three months after completion and acceptance of a two year guarantee inspection of the project.

Public informational meetings were held on December 11, 2014; February 8, 2017 and December 20, 2017. Minutes from those meetings are on file in the City Clerk's Office. The pavement width changes were endorsed by the Traffic Control Board at its August 1, 2017 meeting.

Construction is anticipated to commence in spring 2018 and be completed in spring 2019. The project will result in the creation and/or retention of the equivalent of 32.6 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-58

Ordinance No. 2018-94  
(Int. No. 109)

**Authorizing an agreement for resident project representation services for the Alpha Street Group Project**

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



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Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Vanguard Engineering, P.C. to provide resident project representation services for the Alpha Street Group Project (the Project). The maximum compensation for the agreement shall be \$250,000 and said amount, or so much thereof as may be necessary, shall be funded with the bonds to be appropriated for the Project. The term of the agreement shall extend until 3 months after completion and acceptance of a 2-year guarantee inspection of the Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2018-95  
(Int. No. 110)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,762,000 Bonds of said City to finance the reconstruction of certain portions of the streets located in the Alpha Street Group Project**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of milling, resurfacing and reconstruction, including new stone curbs with underdrain pipes, replacement of catch basins, new sidewalks and LED street lighting, of certain portions of Alpha Street (from Wilder Terrace to Beach Avenue), Wilder Terrace (from Alpha Street to Beach Avenue), Meriden Street (from Alpha Street to Wilder Terrace) and Braddock Street (from Alpha Street to Henley Street) related to the Alpha Street Group Project (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,447,686. The plan of financing includes the issuance of \$1,762,000 bonds of the City, which amount is hereby appropriated therefor, \$475,000 in Community Development Grant Funds appropriated in Ordinance No. 2017-298, \$210,686 Rochester Pure Waters District funds appropriated in Ordinance No. 2018-39 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 \$1,762,000 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 \$1,762,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

April 17, 2018

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

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

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

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

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

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

Passed unanimously.

Ordinance No. 2018-96  
(Int. No. 111, as amended)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$605,000 Bonds of said City to finance the reconstruction of water services along certain portions of streets included in the Alpha Streets Group Project**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of repair and replacement of water mains, and hydrants and installation of a new water main on Braddock Street and Wilder Terrace, replacement of all lead and galvanized water services with polyethylene pipe installation cathodic protection system along certain portions of Alpha Street (from Wilder Terrace to Beach Avenue), Wilder Terrace (from Alpha Street to Beach Avenue), Meriden Street (from Alpha Street to Wilder Terrace) and Braddock Street (from Alpha Street to Henley Street) related to the Alpha Streets Group Project (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$605,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$605,000 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 \$605,000 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 \$605,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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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. 2018-97  
Re: Agreement – Joseph C. Lu  
Engineering & Land Surveying,  
P.C, Scottsville Road-Elmwood Ave  
West City Line-Mt. Hope Avenue

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

Transmitted herewith for your approval is legislation establishing \$210,000 as maximum compensation for an agreement with Joseph C. Lu Engineering & Land Surveying, P.C, (Cletus O. Ezenwa, P.E., Principal, East Ave Suite 200, Rochester, NY 14604) for design services for Scottsville Road-Elmwood Ave WCL-Mount Hope Ave. The cost of the agreement will be fully funded with a DASNY grant as appropriated in Ordinance No. 2015-120. The term of the agreement will be 6 months after completion and acceptance of the construction of the project.

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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 accessibility, and expand the useful life of the pavement structure.

Joseph C. Lu Engineering & Land Surveying, P.C 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 fall 2019. The project will result in the creation and/or retention of the equivalent of 2.3 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-59

Ordinance No. 2018-97  
(Int. No. 112)

**Authorizing a design services agreement for the Scottsville Road-Elmwood Avenue Improvement Project (Western City Line-Mt. Hope Avenue)**

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 design services for the Scottsville Road-Elmwood Avenue Improvement Project (Western City Line-Mt. Hope Avenue), hereinafter, the "Project." The maximum compensation for the agreement shall be \$210,000, which shall be funded from the appropriation of Dormitory Authority of the State of New York funds that was authorized pursuant to Ordinance No. 2015-120. The term of the agreement may extend 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 appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

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TO THE COUNCIL  
Ladies and Gentlemen:

Local Improvement Ordinance No. 1741  
Re: Street Lighting Enhancement  
Special Assessment Districts

Council Priority: Public Safety; Creating  
and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing the 2018-19 budgets for street lighting enhancement special assessment districts. The districts and assessments are as follows:

The history and purpose of each district are described in the attached summary.

Local Imp. Ord.	District	2018-19	2017-18	Variance	Capital/Operating	Type
1547	Wilson Boulevard	\$534.08	\$539.03	\$-4.95	Operating	Street lighting
1502	Lyell Avenue I	0	\$2,119.90	\$-2,119.90	Operating	Street lighting
1503	Lyell Avenue II	0	\$2,243.45	\$-2,243.45	Operating	Street lighting
1413	Monroe I	\$1,290.57	\$1,301.46	\$-10.89	Operating	Street lighting
1412	Monroe II	\$599.43	\$604.20	-4.77	Operating	Street lighting
1429	Cascade Historic	\$1,543.03	\$1,546.33	-\$3.30	Operating	Street lighting
1601	Norton Street URD	\$1,327.34	\$1,335.72	-\$8.38	Operating	Street lighting
1472	Lake Avenue	\$3,895.94	\$3,925.04	-\$29.10	Operating	Street lighting
1552	St. Paul Street	\$503.29	\$507.60	-\$4.31	Operating	Street lighting
1627	East Main Street	\$308.48	\$351.37	-\$42.89	Operating	Street lighting
1658	Browncroft Neighborhood	\$9,508.99	\$9,508.99	\$-0-	Capital	Street lighting
1677	Cobbs Hill / Nunda Neighborhood	\$8,449.38	\$-0-	\$-0-	Capital	Street lighting

A public hearing on renewing the Wilson Boulevard district, renewing the Lyell Avenue districts, and renewing the Cascade Historic district and the assessments for all the districts is required.

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Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-60

Local Improvement Ordinance No. 1741  
(Int. No. 113)

**Local Improvement Ordinance - establishing the operation, installation and maintenance costs of street lighting special assessment districts**

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

Section 1. The following amounts are hereby established and the new assessments shall be allocated and levied against the benefited properties in accordance with the applicable local improvement ordinances for the operation, installation and maintenance of special assessment districts for street lighting enhancements during the 2018-19 fiscal year:

<b>District</b>	<b>2018-19 Budget</b>	<b>LIO</b>
Wilson Boulevard	\$534.08	1547
Lyell Avenue I	\$0.00	1725
Lyell Avenue II	\$0.00	1726
Monroe I	\$1,290.57	1672
Monroe II	\$599.43	1671
Cascade Historic	\$1,543.03	1673
Norton Street URD	\$1,327.34	1601
Lake Avenue	\$3,895.94	1697
St. Paul Street	\$503.29	1696
East Main Street	\$308.48	1627
Browncroft Neighborhood	\$9,508.99	1658
Cobbs Hill/Nunda Neighborhood	\$8,449.38	1677

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

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Local Improvement Ordinance No. 1742  
Re: Local Improvement  
Ordinance-Streetscapes

April 17, 2018

Transmitted herewith for your approval is legislation authorizing the care and embellishment of streetscape improvements during 2018-19 and the assessment of the associated costs of \$40,815 among the benefitted properties.

The associated budgets are summarized below:

LIO	Streetscape District	2018-19	2017-18	Variance	Type
1685	Cascade Historic	\$8,000	\$8,000	0	Capital and Operating
1619	Norton Street Urban Renewal District	\$2,815	\$2,815	0	Capital and Operating
1652	Mt. Hope	\$30,000	\$30,000	0	Capital and Operating

A public hearing on the assessments for all the districts is required.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Local Improvement Ordinance No. 1742  
(Int. No. 114)

**Local Improvement Ordinance - establishing the operating and maintenance costs of special assessments for streetscape enhancements**

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

Section 1. The following amounts are hereby established and the new assessments shall be allocated and levied against the benefitted properties in accordance with the applicable local improvement ordinances for the operation and maintenance of special assessment districts for streetscape enhancements during 2018-2019:

<b>Streetscape District</b>	<b>2018-19 Budget</b>	<b>LIO</b>
Cascade Historic District	\$8,000	1685
Norton Street Urban Renewal District	\$2,815	1619
Mt. Hope	\$30,000	1652

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

Passed unanimously.



April 17, 2018

TO THE COUNCIL  
Ladies and Gentlemen:

Local Improvement Ordinance No. 1743  
Re: Care and Embellishment  
of Street Malls

Transmitted herewith for your approval is legislation authorizing the care and embellishment of street malls during 2018-19 and the assessment of the associated costs of \$31,644 among the benefitted properties.

Each street mall budget is prepared by a street mall association and is based on actual costs from the previous year and planned maintenance and improvements. Budget items may include: plants (ranging from annual flowering plants to trees and shrubs), mulch, water, grass seed, repair or replacement of decorative signage and spring and fall cleanup. Budgets are reviewed at a neighborhood meeting. Meeting notices are sent by the City to the owners of all affected properties.

The malls and associated budgets are summarized below:

Street Mall	Budget 2018-19	LIO 1731 2017-18	Variance	Reason for Variance
Arnold Park	2,450.00	2,500.00	-50.00	Increased budgeted amounts for lawn care, fall and spring cleanups and plants. Using surplus from prior year.
Hazelwood Terrace	600.00	400.00	200	Increased budgeted amounts for flowers, garden materials and sprinkler maintenance.
Hillside Avenue	1,500.00	5,000.00	-3,500.00	Budgeted amounts are the same, Using surplus from prior year.
Huntington Park	3,600.00	3,600.00	0	N/A <i>Note: performs own mowing, trimming</i>
Lafayette Park	3,689.00	3,109.00	580.00	Increased budgeted amounts for Neighborhood Association Incorporation Fees.
Nunda Boulevard	7,155.00	9,647.00	-2,492.00	Increased budget amounts for lawn care, mowing, raking. Using surplus from prior year. <i>Note: performs own mowing, trimming, tree care.</i>
Oxford Street	11,050.00	5,420.00	5,630.00	Budgeted amounts are the same. <i>Note: performs own mowing, trimming, tree care, leaf pickup.</i>
Rundel Park	.00	3,500.00	-3,500.00	The Association leader has decided to end the mall enhancements due to non-participation from neighbors.
Sibley Place	1,600.00	1,065.00	535.00	Budgeted amounts are the same. Using surplus from prior year.

The Department of Environmental Services Bureau of Operations provides mowing and trimming, tree pruning and leaf pickup unless otherwise noted (see Huntington, Nunda and Oxford).

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The costs of the maintenance are apportioned among the benefitted properties on the basis of the specified unit charges for each area. Charges are included on the annual tax bill and are payable in July. Funds are appropriated in the Care & Embellishment Fund.

A public hearing on these assessments is required.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Local Improvement Ordinance No. 1743  
(Int. No. 115)

**Local Improvement Ordinance – care and embellishment of street malls for 2018-2019**

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

Section 1. It is hereby determined that for the fiscal year 2018-19 the street malls on the following streets shall be maintained at least in accordance with minimal standards established by the Department of Environmental Services, in the following amounts:

Arnold Park	\$2,450.00
Hazelwood Terrace	600.00
Hillside Avenue	1,500.00
Huntington Park	3,600.00
Lafayette Park	3,689.00
Nunda Boulevard	7,155.00
Oxford Street	11,050.00
Rundel Park	0.00
Sibley Place	1,600.00
<b>Total</b>	<b>\$31,644.00</b>

Section 2. The district of assessment for each street mall shall consist of all the parcels of property that front on the mall, or on any extension of the street or streets containing the mall up to the next intersecting street. The cost of maintenance of each street mall, in the amount set forth in Section 1, shall be apportioned among the parcels in the district based on each parcel's footage along the street containing the mall.

Section 3. Assessments for the cost of such improvements and work shall be due in one payment and shall be added to the tax rolls for the fiscal year commencing July 1, 2018.

Section 4. The total cost of such improvements and work, estimated at \$31,644.00, shall be charged as heretofore described in this ordinance and paid from the Care & Embellishment Fund, and said amount, or so much thereof as may be necessary, is hereby appropriated for the aforesaid purpose.

Section 5. It is hereby determined that it is impracticable to have the work described herein done by competitive contract. Therefore, contracts for the work described herein may be awarded to such qualified persons or neighborhood associations as may be selected from those located in or adjacent to the aforementioned streets and areas.

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Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Local Improvement Ordinance No. 1744  
Re: Local Improvement  
Ordinance – Downtown  
Enhancement District,  
2018-19 Budget

Council Priority: Creating and  
Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation approving the 2018-19 Budget of the Downtown Enhancement District (District) and authorizing the apportionment of the budget costs among the properties within the District.

The District, established in 1989, enters its 30<sup>th</sup> year of providing an enhanced level of care and maintenance in the downtown area and plays a key role in the vitality of Downtown Rochester. These services may include sidewalk cleaning, sweeping, snow removal and litter removal, as well as installation, repair and maintenance of improvements such as benches, planters and street lighting.

The District includes all properties within the area between Church Street, Bragdon Place and Pleasant Street on the north, Chestnut Street on the east, Broad Street on the south, and Plymouth Avenue on the west; and all other properties within 1,600 feet of Main Street that were included in the original enclosed walkway system. The Downtown Enhancement District Advisory Board, consisting of 11 representatives of property owners or tenants, oversees the administration of the program by City staff.

Unless otherwise approved by the Advisory Board, the annual costs to be assessed are restricted by a formula using the base year (1989-90) cost of \$400,000 adjusted by the cumulative increase in the consumer price index (CPI). The total cost is apportioned among the properties, based equally on assessed valuation and gross area of each property. Also, properties directly on Main Street are weighted at twice the factors of other properties.

The maximum permissible assessment for 2018-19 based upon the 29 year cumulative increase in the CPI (104.1%) is \$816,310. The recommended assessment is \$640,000, an increase of \$35,900 (5.6%). The Advisory Board agreed to use the fund balance of \$46,900 to partially offset employee benefits.

<u>Category of Expense</u>	<u>2017-18</u>	<u>2018-19</u>	<u>Variance</u>
Personnel Total	632,500	655,800	23,300
<i>Salary and wages</i>	<i>435,800</i>	<i>447,000</i>	<i>11,200</i>
<i>Employee Benefits</i>	<i>196,700</i>	<i>208,800</i>	<i>12,100</i>
Operational Expenses	84,800	86,100	1,300

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<i>Materials and supplies</i>	<i>62,300</i>	<i>63,400</i>	<i>1,100</i>
<i>Contractual Services</i>	<i>22,500</i>	<i>22,700</i>	<i>200</i>
Contingency (wage increase)	0	0	0
Less: Operating Revenues	<u>-55,000</u>	<u>-55,000</u>	<u>0</u>
Net Expense	662,300	686,900	24,600
Less: Use of Fund Balance	<u>-58,200</u>	<u>-46,900</u>	<u>-11,300</u>
Required Assessment	604,100	640,000	35,900

The proposed budget was approved by the Downtown Enhancement District Advisory Board on March 15, 2018 by a unanimous vote of 9 - 0.

A public hearing on the District assessment is required.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Local Improvement Ordinance No. 1744  
(Int. No. 116)

**Local Improvement Ordinance – establishing the cost of the special work and services related to Main Street improvements of the Downtown Enhancement District**

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

Section 1. The cost of the special work and services for the 2018-19 fiscal year for the Downtown Enhancement District to be allocated and levied in accordance with Local Improvement Ordinance No. 1291, as continued by Local Improvement Ordinances No. 1355, 1444, 1531, 1597, 1686, 1705, 1715 and 1730, is established at \$640,000, except that Zone 2 shall continue to include those properties which have been within the District as a result of their previously having enclosed walkway access to Main Street. Said amount, plus the sum of \$46,900 from the District's fund balance, or so much thereof as may be necessary, are hereby appropriated to fund the Downtown Enhancement District for the 2018-19 fiscal year.

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

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

April 17, 2018

Ordinance No. 2018-98  
Re: North Winton Village  
Association – Streetscape  
Improvements

Transmitted herewith for your approval is legislation that authorizes the Mayor to enter into an agreement for the receipt and use of \$20,000 with North Winton Village Association, LTD, Marilyn R. Schutte, Co-Chair, Rochester, New York, 14610, for streetscape improvements within North Winton Village Association boundaries.

The project includes purchasing and hanging North Winton Village banners, purchasing and installing benches and purchasing and placing flower pots and flowers throughout the North Winton Village neighborhood boundaries. The term of the agreement will be for four months. The North Winton Village Association has received a New York State Department of State grant in the amount of \$20,000 to support the project. (See attached budget)

Construction will be completed in summer of 2018. The project will result in the creation and/or retention of the equivalent of .2 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-61

Ordinance No. 2018-98  
(Int. No. 117)

### **Authorizing agreement for the North Winton Village Streetscape Improvements**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the North Winton Village Association, Ltd. for the receipt and use of \$20,000 to install streetscape improvements within the boundaries of the Association's neighborhood. The agreement shall have a term of four months.

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:

April 17, 2018

Ordinance No. 2018-99  
Re: Grant Acceptance – New York  
State Department of  
Environmental Conservation  
Climate Smart Communities  
Program Climate Adaptation Plan

Transmitted herewith for your approval is legislation related to developing a climate adaptation plan for the City of Rochester. This legislation will:

1. Authorize the Mayor to enter into a grant agreement with the New York State Department of Environmental Conservation (NYSDEC); and
2. Authorize the receipt of \$50,000 in anticipated grant funds from the NYSDEC to finance the project.

In December 2017, the City was selected to receive \$50,000 through the Climate Smart Communities (CSC) Program administered by the NYSDEC. This grant program is designed to provide communities with the opportunity to conduct an adaptation plan, which will outline specific actions to take to adapt to the local impacts of climate change, which are projected to include warmer summers, more intense storms, colder winters and increasing drought. The Climate Adaptation Plan will serve as an important supporting resource to the City's Climate Action Plan.

A City match of \$35,000 in 2017-18 cash capital funds of the Department of Environmental Services and \$15,000 of in-kind technical staff time will be provided to support the development of the plan.

Developing a Climate Adaptation Plan will assist the City in preparing for climate change impacts, help to create a sustainable community, ready for continued growth and vibrancy. Implementing changes in advance of changing climate conditions positions Rochester to reduce the negative impacts of such changes. Proactive planning for climate change impacts is a more cost effective method than reactively responding to extreme climate events. Increased economic investment is anticipated to occur in communities that are adequately prepared for climate change impacts. This will allow Rochester to differentiate itself from peer communities and to provide a competitive advantage to attract and retain human capital, businesses, and investment. Because the effects of climate change often disproportionately impact the most vulnerable people, including the elderly, children, and those living in poverty, preparation for climate change becomes even more important as the City works to assist those in need.

Once the grant contract with the NYSDEC is in place, a consultant will be selected to assist in the development of the climate adaptation plan. Note that although the NYSDEC MWBE office has decided that the Climate Smart Communities program is exempt from the MWBE requirements the City will still adhere to its MWBE goals for any consultant selected through the RFP process to work on this project. The Climate Adaptation Plan is expected to be completed by December 2020.

Respectfully submitted,  
Lovely A. Warren  
Mayor  
Ordinance No. 2018-99  
(Int. No. 118)

April 17, 2018

**Authorizing a grant agreement and appropriation for a Climate Smart Communities Climate Adaptation Plan**

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 receipt and use of Climate Smart Communities Program funds in the amount of \$50,000 for the development of a Climate Adaptation Plan (“Plan”). The term of the agreement shall extend to the City’s and NYSDEC’s acceptance of the Plan after it is completed.

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

Section 3. The receipt and use of the sum of \$50,000 in anticipated reimbursements from NYSDEC that are provided pursuant to the agreement authorized herein is hereby authorized and appropriated to fund the costs to be incurred to develop the Plan.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-100  
Re: Amendatory Agreement –  
North East Area Development,  
Inc. (NEAD) / Community Lot  
Mowing Program

Council Priorities: Jobs and Economic  
Development, Safer and More Vibrant  
Neighborhoods

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with North East Area Development, Inc. (NEAD) George Moses, President, for the expansion of a community landscaping and beautification program. The original agreement for \$27,000 was authorized in April 2017 (Ordinance No. 2017-98). The original term of the agreement was for a one-year period from May 1, 2017 through April 30, 2018, with the provision of two (2) one-year renewal periods. This amendment will increase annual maximum compensation by \$43,000 to a total of \$70,000 for each of the two (2) one-year renewal periods authorized by the original agreement. The increase in compensation for the first renewal period shall be funded in the amount of \$17,400 from the 2017-18 Budget of the Department of Environmental Services (DES) and \$25,600 from the 2018-19 Budget of DES, contingent upon approval.

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The second renewal period shall be funded in the amount of \$17,400 from the 2018-19 Budget of DES and \$25,600 from the 2019-20 Budget of DES, contingent upon approval of the subsequent budgets.

The program began last May as a pilot, and was very successful during its first year of operation. The lots were mowed and maintained by NEAD at a high standard of care, and service was provided on a timely basis. Given the success of the pilot program, we would like to expand the current program by expanding the program area. The program will still be located in the Northeast quadrant, and will now be bounded by Portland Avenue on the western side, Atlantic Avenue on the south, Culver Road on the east, and Clifford Avenue on the north (see attached map). The maintenance season will commence at approximately the midpoint of May and conclude by the end of October. NEAD will continue to provide a work force for the "Keep it Green and Clean" program to provide debris cleaning, mowing, trimming of shrubs, pulling of weeds, raking, mulching, pruning and application of fertilizer to the ground to enhance the growth of grass on an area of City-owned properties.

The City shall provide performance expectations and reviews of the work performed. Work performance shall be reviewed by the same process the City uses to review its contracted mowing program, with visible inspections of each property by a City lot inspector.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No 2018-100  
(Int. No. 119)

**Amending Ordinance No. 2017-98 and authorizing an amendatory agreement with North East Area Development, Inc.**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with North East Area Development, Inc. to amend the professional services agreement related to community landscaping and beautification, as authorized in Ordinance No. 2017-98, so as to increase the maximum annual compensation for each renewal period by \$43,000 to a new total of \$70,000 for each renewal period. The increase in compensation for the first renewal period shall be funded in the amount of \$17,400 from the 2017-18 Budget of the Department of Environmental Services (DES) and \$25,600 from the 2018-19 Budget of DES, contingent upon approval. The second renewal period, if applicable, shall be funded in the amount of \$17,400 from the 2018-19 Budget of DES and \$25,600 from the 2019-20 Budget of DES, contingent upon approval of the budgets.

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.



April 17, 2018

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2018-101  
Re: Cobbs Hill Basketball Courts

Transmitted herewith for your approval is legislation authorizing improvements to Cobbs Hill Basketball Courts. This legislation will authorize a grant agreement in the amount of \$101,000 with the Dormitory Authority of the State of New York (DASNY).

The improvements are to commemorate the life and accomplishments of Rochester's own Tony Boler. Tony Boler was a community staple as he was the co-host of the Saturday-morning "Memory Lane" and the weeknight "Quiet Storm" soul and R&B shows on WDKX-FM (103.9). The grant funds for this project were provided by Senator Joseph Robach.

The Cobbs Hill basketball courts are located at Cobbs Hill Park on Norris Drive. The two courts are the most heavily used courts in the City of Rochester. Improvements include surface repairs to the court including commemorative center court logo, fencing upgrades and asphalt pathways to the courts from Norris Drive. The total project costs of \$101,000 are totally grant funded

Respectfully submitted,  
Lovely A. Warren  
Mayor  
Attachment No. AR-62

Ordinance No. 2018-101  
(Int. No. 120)

**Authorizing a grant agreement and appropriation for improvements to the Cobbs Hill Basketball Courts**

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 Dormitory Authority of the State of New York ("DASNY") for the receipt and use of funds in the amount of \$101,000 for improvements to the Cobbs Hill Basketball Courts (the "Project"). The term of the agreement shall extend to the City's and DASNY's acceptance of the Project after it is completed.

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

Section 3. The receipt and use of the sum of \$101,000 in anticipated reimbursements from DASNY that are provided pursuant to the agreement authorized herein is hereby authorized and appropriated to fund the Project.

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Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-102  
Re: Bond Authorization – Conduit  
Modernization – Conduit  
Transmission System Cathodic  
Protection

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$600,000 and appropriating the proceeds thereof to fund Conduit Modernization - Conduit Transmission System Cathodic Protection Project.

The City's water supply conduit transmission system consists of 3 large diameter pipes (Conduits 1, 2, and 3, ranging in size from 24-inch to 42-inches in diameter) that convey treated water from the Hemlock Filtration Plant to Highland and Cobbs Hill Reservoirs. A consultant was hired in 2015 to design a cathodic protection system for a portion of the Conduits (Ordinance No. 2015-133). Cathodic protection will inhibit external corrosion of these 100+ year-old metallic water mains.

Funds will be used to implement recommended design improvements and other various system improvements. Construction will be performed in phases. A portion of the work will be completed by Water Bureau forces with the remaining work to be completed by a contractor through the City's public works bidding process. The work is anticipated to begin late summer of 2018 and be completed in 2019. Project inspection will be performed by Water Bureau personnel.

This project results in the creation and/or retention of the equivalent of 6 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2018-102  
(Int. No. 121)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$600,000 Bonds of said City to finance a portion of the City's Conduit Modernization – Transmission System Cathodic Protection Project**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of installing a cathodic protection system and other related system rehabilitation as part of the City's Conduit Modernization – Transmission System Cathodic Protection Project, including three (3) large diameter pipes that convey treated water from the Hemlock Filtration Plant to Highland and Cobbs Hill Reservoirs (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$600,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$600,000 bonds of the City to finance said appropriation and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$600,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$600,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds

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herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

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

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

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

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Local Improvement Ordinance No. 1745  
Re: Official Map Amendment:  
Parkland Trade

Transmitted herewith for your approval is legislation that amends the Official Map to remove the parkland designation for land used as part of the Public Safety Training Facility (PSTF), to allow its use for public safety training purposes. The legislation offsets the loss of dedicated parkland by dedicating as parkland an equivalent amount of land along the Genesee River between Plymouth Avenue and Ford Street.

This legislation will amend the City's Official Map to:

1. Remove the parkland designation from 12.466 acres that is currently designated as parkland, so that it may be used for training facilities in conjunction with the PSTF at 1190 Scottsville Road; and

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2. Dedicate as parkland 12.467 acres of land along the Genesee River that is located between South Plymouth Avenue and Ford Street.

The locations of those two areas are depicted in the attached drawings.

In 1954, the City constructed a fire and police training academy at 1190 Scottsville Road. Under an agreement authorized by City Council on August 19, 1997, the City leased to Monroe County the adjacent land to the southeast of the facility, now called the Public Safety Training Facility, to provide for the renovation and expansion of additional training facilities. In preparing the development plan, the parties recognized that a portion of the facilities was located on land that had been officially dedicated as part of the Genesee Valley Park more than 100 years ago.

Subsequently, in June, 1998, City Council approved a home rule message (Resolution No. 98-19) that requested state legislation that would allow the City to discontinue the parkland designation for 12.466 acres at the PSTF in return for the City offsetting that loss by dedicating as parkland a different specified area of riverside land comprised of 12.467 acres along the western bank of the Genesee River between Plymouth Avenue and Ford Street. The land to be newly dedicated as parkland was determined to be of equal or greater value as that of the park area that would be discontinued. The State Legislature approved and the Governor signed the legislation into law in July, 1998 (Chapter 417 of the Laws of 1998).

Although the City and County have been managing the two land areas in accordance with the state approval ever since, the City realized recently that the parkland alienation and dedication had not yet been made official in City law and on the City's Official Map. Therefore, in February the City confirmed and authorized making the parkland removal official in Ordinance No. 2018-45. This legislation amends the City's Official Map to be consistent with that parkland removal and dedication.

The attached maps depict the area that is discontinued as parkland and the area that is dedicated as parkland. As indicated on the first map, the discontinuance of the parkland designation for the PTSF will leave intact a strip of riverside parkland that will continue to extend uninterrupted pass the PTSF area. That parkland strip includes the Genesee Riverway Trail, which will remain on the Official Map as parkland and will continue to link the rest of Genesee Valley Park to the north with a connection to the Genesee River Greenway Trail to the south. As for the proposed parklands in the Plymouth-Exchange neighborhood on the second map, any change in recreational, open space, trail or other use of that land will not proceed until after plans are reviewed in public and with the neighbors in accordance with the City's rezoning process and with the ongoing planning process for the Vacuum Oil - South Genesee River Corridor Brownfield Opportunity Area.

On March 5, the City Planning Commission conducted a public information meeting and recommended approval of the Official Map amendment by a vote of 7-0-0. Minutes of that meeting, along with the recommendation, are attached.

A public hearing is required on the official map amendment.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-63

Local Improvement Ordinance No. 1745  
(Int. No. 122)

**Amending the Official Map to discontinue the park designation of approximately 12.466 acres of land and to dedicate to park purposes approximately of 12.467 acres**

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

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by discontinuing the park designation for the following described property in accordance with Chapter 417 of the 1998 Laws of New York and subject to such additional conditions and adjustments as the City Engineer deems to be appropriate:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York known and distinguished as a part of the Sixth Tract of the 3,000 acre tract and being more particularly bounded and described as follows:  
Commencing at a point in the centerline of Scottsville Road and the northwest corner of property conveyed by Willie Britton and wife to James O'Neil on July 7, 1925 by deed filed in Liber 1257 of deeds at page 112 and also being 266.46 feet along said centerline from the south property line of lands owned formerly by the Pennsylvania Railroad; thence S 30° 01' 31" E along the northerly line of said O'Neil's land a distance of 574.97 feet to a point; Thence 1) S 30° 01' 31" E a distance of 112.31 feet to a point; Thence 2) Northerly and curving to the left with a radius of 935.37 feet and forming a central angle of 30° 20' 23" a chord bearing of N 2° 41' 56" E and chord distance of 489.54, a distance of 495.30 feet to a point of tangent; Thence 3) N 12° 28' 15" W a distance of 236.45 feet to the southerly line of Scottsville Road; Thence 4) N 59° 58' 29" E along the southerly line of Scottsville Road a distance of 62.93 feet to a point; Thence 5) S 12° 28' 15" E along the northerly line of lands owned formerly by the Pennsylvania Railroad a distance of 255.43 feet to a point of curvature; Thence 6) Southerly and curving to the right with a radius of 995.37 feet and forming a central angle of 23° 22' 01" a chord bearing of S 00° 47' 15" E and chord distance of 403.13 feet a distance of 405.94 feet to a point; Thence 7) Northeasterly and curving to the right with a radius of 562.5 feet and forming a central angle of 9° 38' 32" a chord bearing of N 46° 18' 11" E and a chord distance of 94.55 feet a distance of 94.66 feet to a point; Thence 8) N 51° 07' 27" E a distance of 138.73 feet to a point; Thence 9) N 51° 32' 27" E a distance of 571.24 feet to a point; Thence 10) S 39° 10' 55" E a distance of 146.35 feet to a point; Thence 11) S 51° 31' 27" W a distance of 326.00 feet to a point; Thence 12) S 50° 21' 37" W a distance of 64.01 feet to a point; Thence 13) S 49° 16' 05" W a distance of 66.05 feet to a point; Thence 14) S 53° 51' 02" W a distance of 64.05 feet to a point; Thence 15) S 55° 06' 01" W a distance 64.12 feet to a point; Thence 16) S 52° 34' 52" W a distance of 31.93 feet to the true point or PLACE OF BEGINNING;  
Thence 1) S 47°52'57"E a distance of 211.90 feet to a point;  
Thence 2) S 34°15'49"W a distance of 653.41 feet to a point;  
Thence 3) S 39°53'26"W a distance of 182.17 feet to a point;  
Thence 4) S 49°26'57"W a distance of 237.55 feet to a point;  
Thence 5) S 55°00'59"W a distance of 205.00 feet to a point;

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Thence 6) S 77°24'09"W a distance of 330.00 feet to a point;  
Thence 7) S 74°38'03"W a distance of 465.00 feet to a point;  
Thence 8) N 18°20'13"W a distance of 122.00 feet to a point on the City line;  
Thence 9) N 61°58'27"E along the City line a distance of 228.02 feet to a point;  
Thence 10) N 61°57'09"E along the City line a distance of 262.00 feet to a point;  
Thence 11) N 59°55'49"E along the City line a distance of 64.51 feet to a point;  
Thence 12) N 60°37'24"E along the City line a distance of 68.62 feet to a point;  
Thence 13) N 58°13'30"E along the City line a distance of 62.64 feet to a point;  
Thence 14) N 65°12'16"E along the City line a distance of 68.04 feet to a point;  
Thence 15) N 47°02'32"E along the City line a distance of 67.42 feet to a point;  
Thence 16) N 43°13'56"E along the City line a distance of 69.21 feet to a point;  
Thence 17) N 44°42'26"E along the City line a distance of 68.61 feet to a point;  
Thence 18) N 43°08'44"E along the City line a distance of 192.35 feet to a point;  
Thence 19) N 47°04'21"E along the City line a distance of 70.19 feet to a point;  
Thence 20) N 42°32'35"E along the City line a distance of 389.70 feet to a point;  
Thence 21) N 45°30'27"E along the City line a distance of 71.57 feet to a point;  
Thence 22) N 47°27'19"E along the City line a distance of 67.58 feet to a point;  
Thence 23) N 49°30'30"E along the City line a distance of 63.58 feet to a point;  
Thence 24) N 55°19'46"E along the City line a distance of 67.72 feet to a point;  
Thence 25) N 52°34'52"E along the City line a distance of 31.85 feet to the point or  
PLACE OF BEGINNING.

Hereby intending to describe a parcel of land containing 12.466 Acres of land to be removed from park purposes.

Section 2. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating to park purposes the following described property in accordance with Chapter 417 of the 1998 Laws of New York and subject to such additional conditions and adjustments as the City Engineer deems to be appropriate:

Hereby intending to describe parcel 1 and 2 of land cumulatively containing 12.467 Acres of land.

#### PARCEL 1

All that tract or parcel of land situate in the Town of Chili, County of Monroe, State of New York known and distinguished as a part of the Sixth Tract of the 3,000 acre tract and being more particularly bounded and described as follows:

Commencing at a point in the centerline of Scottsville Road and the northwest corner of property conveyed by Willie Britton and wife to James O'Neil on July 7, 1925 by deed filed in Liber 1257 of deeds at page 112 and also being 266.46 feet along said centerline from the south property line of lands owned formerly by the Pennsylvania Railroad; thence S 30° 01' 31" E along the northerly line of said O'Neil's land a distance of 574.97 feet to a point; Thence 1) S 30° 01' 31" E a distance of 112.31 feet to a point; Thence 2) Northerly and curving to the left with a radius of 935.37 feet and forming a central angle of 30° 20' 23" a chord bearing of N 2° 41' 56" E and chord distance of 489.54, a distance of 495.30 feet to a point of tangent; Thence 3) N 12° 28' 15" W a distance of 236.45 feet to the southerly line of Scottsville Road; Thence 4) N 59° 58' 29" E along the southerly line of Scottsville Road a distance of 62.93 feet to a point; Thence 5) S 12° 28' 15" E along the northerly line of lands owned formerly by the Pennsylvania Railroad a distance of 255.43 feet to a point of curvature; Thence 6) Southerly and

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curving to the right with a radius of 995.37 feet and forming a central angle of 23° 22' 01" a chord bearing of S 00° 47' 15" E and chord distance of 403.13 feet a distance of 405.94 feet to a point; Thence 7) Northeasterly and curving to the right with a radius of 582.5 feet and forming a central angle of 9° 36' 32" a chord bearing of N 46° 18' 11" E and a chord distance of 94.55 feet a distance of 94.66 feet to a point; Thence 8) N 51° 07' 27" E a distance of 138.73 feet to a point; Thence 9) N 51° 32' 27" E a distance of 571.24 feet to the true place or POINT OF BEGINNING;

Thence 1) N 51° 32' 27" E a distance of 881.16 feet to a point;

Thence 2) N 51° 41' 22" E a distance of 238.76 feet to a point;

Thence 3) N 72° 07' 06" E a distance of 259.92 feet to a point;

Thence 4) N 34° 58' 39" E a distance of 79.34 feet to a point;

Thence 5) N 62° 08' 59" E a distance of 19.34 feet to a point;

Thence 6) N 63° 19' 14" E a distance of 53.74 feet to a point;

Thence 7) S 55° 02' 55" E a distance of 121.35 feet to a point on the City line;

Thence 8) S 64° 52' 31" W along the City line a distance of 43.59 feet to a point;

Thence 9) S 63° 20' 51" W along the City line a distance of 65.15 feet to a point;

Thence 10) S 62° 12' 52" W along the City line a distance of 63.22 feet to a point;

Thence 11) S 57° 48' 27" W along the City line a distance of 43.48 feet to a point;

Thence 12) S 56° 30' 10" W along the City line a distance of 84.89 feet to a point;

Thence 13) S 55° 45' 50" W along the City line a distance of 65.13 feet to a point;

Thence 14) S 53° 16' 07" W along the City line a distance of 63.16 feet to a point;

Thence 15) S 50° 39' 02"W along the City line a distance of 65.55 feet to a point;

Thence 16) S 51° 31' 27"W along the City line a distance of 646.00 feet to a point;

Thence 17) S 56° 17' 16"W along the City line a distance of 76.27 feet to a point;

Thence 18) S 50° 37' 17"W along the City line a distance of 330.04 feet to a point;

Thence 19) N 39° 10' 55"W a distance of 146.35 feet to the POINT OR PLACE OF BEGINNING.

Hereby intending to describe a parcel of land containing 4.723 Acres of land to be dedicated for park purposes.

#### PARCEL 2

All That Tract or Parcel of land situate in the City of Rochester, County of Monroe and State of New York and being more particularly bounded and described as follows: Commencing at a point on the southeasterly line of South Plymouth Avenue (60' wide) at its intersection with the southwesterly line of Luther Circle (50' wide); thence S 47-38-27 W along said line of South Plymouth Avenue a distance of 793.42 feet to an angle point in the said line of South Plymouth Avenue; thence S 28-02-37 W along said line of South Plymouth Avenue a distance of 30.96 feet to the POINT OF BEGINNING; said point being the southwesterly corner of lands conveyed to Spronz Incinerator Corp. by Pendell Company and Penn Central Company by deed recorded August 1, 1969 and filed in the Monroe County Clerks Office in deed Liber 4001 Page 125;

thence, 1) N 86-02-15 E along the southerly line of Spronz Incinerator Corp. a distance of 1179.98 feet to a point;

thence (2) N 03-57-27 W along the easterly line of Spronz Incinerator Corp a distance of 73.16 feet to a point on the northerly bounds of the former Pennsylvania Railroad;

thence along the northerly bounds of the Pennsylvania Railroad the following courses (3) thru (16);

thence, 3): N 77-19-39 E a distance of 67.25 feet to a point;



thence, 4): N 87-36-45 E a distance of 72.01 feet to a point;  
thence, 5): S 88-54-16 E a distance of 62.24 feet to a point;  
thence, 6): N 85-30-05 E a distance of 63.37 feet to a point;  
thence, 7): N 81-46-32 E a distance of 62.78 feet to a point;  
thence, 8): N 79-01-28 E a distance of 59.14 feet to a point;  
thence, 9): N 71-04-41 E a distance of 61.03 feet to a point;  
thence, 10): N 71-38-44 E a distance of 60.81 feet to a point;  
thence, 11): N 68-16-17 E a distance of 61.48 feet to a point;  
thence, 12): N 66-05-56 E a distance of 67.26 feet to a point;  
thence, 13): N 64-35-30 E a distance of 61.81 feet to a point;  
thence, 14): N 59-10-38 E a distance of 59.94 feet to a point;  
thence, 15): N 55-53-18 E a distance of 1.83 feet to a point;  
thence, 16) leaving said westerly bounds and crossing the said  
Pennsylvania Railroad N 79-30-16 E parallel to and 60.0 feet northerly  
of the south line of lands conveyed to the City of Rochester by the University  
of Rochester by deed recorded September 18, 1970 and filed in Liber 4079  
Page 55 a distance of 840.66 feet to a non-tangent point of curve having  
a radius bearing of N 49-48-40 W;  
thence, 17) along a curve to the left having a radius of 612.69 feet and  
forming a central angle of 11-27' 46" a distance of 122.58 feet to a point  
of compound curvature;  
thence, 18) along a curve to the left having a radius of 2684.36 feet and  
forming a central angle of 7-36' 30" a distance of 356.46 feet to a point of  
tangency;  
thence, 19) N 21-07-04 E crossing over lands of the former Erie Railroad  
a distance of 910.68 feet to a point on the westerly bounds of the former  
Erie Railroad and the easterly bounds of the former Pennsylvania Railroad;  
thence northerly along the easterly bounds of the former Pennsylvania  
Railroad the following courses (20) thru (29);  
thence, 20) N 38-29-14 E a distance of 58.82 feet to a point;  
thence, 21) N 38-36-20 E a distance of 67.68 feet to a point;  
thence, 22) N 38-53-47 E a distance of 69.56 feet to a point;  
thence, 23) N 34-12-02 E a distance of 57.29 feet to a point;  
thence, 24) N 31-28-03 E a distance of 75.67 feet to a point;  
thence, 25) N 24-59-19 E a distance of 63.56 feet to a point;  
thence, 26) N 28-12-44 E a distance of 69.23 feet to a point;  
thence, 27) N 26-31-55 E a distance of 66.17 feet to a point;  
thence, 28) N 23-29-10 E a distance of 64.11 feet to a point;  
thence, 29) N 23-47-04 E a distance of 71.26 feet to a point at the south  
corner of lands conveyed to 760 Exchange Street Partnership by the  
City of Rochester by deed recorded October 2, 1985 and filed in Liber  
6785 Page 239;  
thence, 30) N 28-47-16 E along the easterly bounds of 760 Exchange  
Partnership a distance of 1186.50 feet to a point 90.0 feet south of the  
southerly line of Ford Street;  
thence, 31) S 54-41-55 E on a line parallel to and 90.0 feet distant from  
the south line of Ford Street a distance of 46.20 feet to a non-tangent point of  
curve on the westerly bounds of land appropriated by the State of New York  
from The Erie Railroad by appropriation and map recorded January 23, 1917

and filed in Liber 988 Page 134; thence, southerly along the westerly bounds of the State of New York the following courses (32) thru (38);  
thence, 32) along a non-tangent curve to the left having a radius of 1117.50 feet bearing S 54-02-42 E, and forming a central angle of 5-11'47", a distance of 101.35 feet to a point of tangency;  
thence, 33) S 30-45-31 W a distance of 589.05 feet to a point of curvature;  
thence, 34) along a tangent curve to the left having a radius of 3978.70 feet and forming a central angle of 5-44'40" a distance of 398.90 feet to a point of reverse curvature;  
thence, 35) along a tangent curve to the right having a radius of 5485.53 feet and forming a central angle of 4-08'45" a distance of 396.92 feet to a point of tangency;  
thence, 36) S 29-09-36 W a distance of 133.79 feet to a point of curvature;  
thence, 37) along a tangent curve to the left having a radius of 4309.28 feet and forming a central angle of 7-23'38" a distance of 556.10 feet to a point on the easterly bounds of the former Erie Railroad;  
thence, 38) S 29-09-36 W along said former Erie Railroad a distance of 15.26 feet to a point at the intersection of the centerline of Flint Street (60.0' wide) extended to the easterly bounds of the former Erie Railroad;  
thence 39) S 44-39-48 E along the centerline of Flint Street extended a distance of 6.95 feet to a point at the northwesterly corner of lands appropriated by the State of New York from James L. Hotchkiss by appropriation and map recorded June 15, 1917 in deed Liber 988 Page 225;  
thence, southerly along the westerly bounds of the State of New York the following courses (40) thru (43);  
40) S 21-07-04 W a distance of 550.64 feet to a point of curvature;  
thence, 41) along a tangent curve to the right having a radius of 2734.36 feet and forming a central angle of 7°-36' 30" a distance of 363.10 feet to a point of Compound curvature;  
thence, 42) along a tangent curve to the right having a radius of 662.69 feet and forming a central angle of 32-09' 10" a distance of 371.88 feet to a point of tangency;  
thence, 43) S 60-52-44 W a distance of 22.00 feet to a point on the easterly bounds of the former Erie Railroad;  
thence, 44) S 29-09-36 W along the easterly bounds of the Former Erie Railroad (99.0' wide) a distance of 26.12 feet to the waters edge of the Genesee River on the northerly bank thereof;  
thence, westerly along the edge of water the following courses (45) thru (48);  
thence, 45) S 63-08-29 W a distance of 29.57 feet to a point; thence, 46) S 65-28-56 W a distance of 13.40 feet to a point;  
thence, 47) S 83-28-35 W a distance of 46.67 feet to a point;  
thence, 48) S 77-52-41 W a distance of 48.75 feet to a point on the westerly bounds of the former Erie Railroad;  
thence, 49) N 29-09-36 E along the westerly bounds of the former Erie Railroad a distance of 169.92 feet to a point at the southeasterly corner of lands conveyed to the City of Rochester by the University of Rochester by deed recorded September 18, 1970 and filed in Liber 4079 Page 55; thence, 50) S 79-30-16 W along the southerly bounds of lands of the City of Rochester a distance of 505.00 feet to a point on the south-

erly bounds of the former Pennsylvania Railroad; thence, westerly along the southerly bounds of the former Pennsylvania Railroad the following courses (51) thru (76);

thence, 51) S 56-24-08 W a distance of 67.24 feet to a point;  
thence, 52) S 58-42-47 W a distance of 63.56 feet to a point;  
thence, 53) S 62-09-43 W a distance of 66.43 feet to a point;  
thence, 54) S 66-01-17 W a distance of 72.44 feet to a point;  
thence, 55) S 68-15-05 W a distance of 66.36 feet to a point;  
thence, 56) S 47-30-57 W a distance of 73.45 feet to a point;  
thence, 57) S 83-20-54 W a distance of 68.63 feet to a point;  
thence, 58) S 89-08-44 W a distance of 66.40 feet to a point;  
thence, 59) S 79-34-10 W a distance of 68.88 feet to a point;  
thence, 60) S 83-10-12 W a distance of 68.87 feet to a point;  
thence, 61) S 85-28-00 W a distance of 61.99 feet to a point;  
thence, 62) S 86-11-06 W a distance of 71.99 feet to a point;  
thence, 63) S 84-00-04 W a distance of 68.03 feet to a point;  
thence, 64) S 86-34-08 W a distance of 61.99 feet to a point;  
thence, 65) S 86-01-44 W a distance of 65.99 feet to a point;  
thence, 66) S 86-01-10 W a distance of 67.99 feet to a point;  
thence, 67) S 86-42-58 W a distance of 65.99 feet to a point;  
thence, 68) S 87-52-37 W a distance of 68.03 feet to a point;  
thence, 69) S 84-38-00 W a distance of 62.01 feet to a point;  
thence, 70) S 86-01-29 W a distance of 69.99 feet to a point;  
thence, 71) S 86-28-12 W a distance of 63.99 feet to a point;  
thence, 72) S 86-28-12 W a distance of 63.99 feet to a point;  
thence, 73) S 86-35-44 W a distance of 50.00 feet to a point;  
thence, 74) S 71-34-51 W a distance of 41.30 feet to a point;  
thence, 75) S 85-05-52 W a distance of 62.00 feet to a point;  
thence, 76) S 89-23-08 W a distance of 52.41 feet to a point at the northeast corner of lands conveyed to the City of Rochester by the University of Rochester by deed recorded on November 11, 1931 in Liber 1587 Page 260;

thence, 77) S 00-36-52 W along the easterly bounds of lands of the City of Rochester a distance of 34.04 feet to the waters edge on the north bank of the Genesee River; thence, westerly along the waters edge of the Genesee River the following courses (78) thru (85);

78) S 74-51-51 W a distance of 83.83 feet to a point;  
Thence, 79) S 85-56-45 W a distance of 108.42 feet to a point;  
Thence, 80) S 80-15-05 W a distance of 86.50 feet to a point;  
Thence, 81) S 78-43-02 W a distance of 55.90 feet to a point  
Thence, 82) S 61-58-10 W a distance of 15.16 feet to a point;  
Thence, 83) S 82-12-50 W a distance of 15.01 feet to a point;  
Thence, 84) S 70-54-39 W a distance of 8.51 feet to a point;  
Thence, 85) S 75-49-28 W a distance of 56.59 feet to a point;  
thence, 86) N 29-36-12 W a distance of 29.16 feet to an angle point in the southeasterly line of South Plymouth Avenue;  
thence, 87) N 28-02-37 E along the southeasterly line of South Plymouth Avenue a distance of 104.69 feet to the POINT OR PLACE OF BEGINNING; containing within said bounds 7.744 Acres of land more or less.

April 17, 2018

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-103

Re: Agreement and Appropriate  
Funds for East Main Street  
Improvement Project  
(North Goodman Street to Culver  
Road)

Transmitted herewith for your approval is legislation related to the East Main Street Improvement Project from North Goodman Street to Culver Road:

1. Authorize the Mayor to enter into agreements with New York State Department of Transportation (NYSDOT) necessary to participate in and administer the projects;
2. Appropriate \$748,258 in anticipated reimbursements from the Federal Highway Administration (FHWA) to finance a portion of the design of the project;
3. Appropriate \$44,524 in anticipated New York State Marchiselli Aid to finance a portion of the design of the project;
4. Establish \$1,000,000 as maximum compensation for a professional services agreement with Erdman, Anthony and Associates, Inc., (William P. McCormick, P.E., Principal), Rochester, NY 14620, for design services related to this project. The cost of the agreement will be funded from 2017-18 Cash Capital (\$19,750); 2015-16 Cash Capital (\$104,872); 2016-17 Cash Capital (\$82,596) and the following anticipated reimbursements appropriated herein: FHWA (\$748,258), and NYS Marchiselli Aid (\$44,524). The term of the agreement shall continue to 6 months after completion and acceptance of the project.

Street improvements will include full depth pavement reconstruction, curb bump outs, bicycle facilities, widened sidewalks, enhanced street lighting, and landscaping.

Erdman, Anthony and Associates, Inc. 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 2020 with scheduled completion in fall 2021. The design phase of this project results in the creation or retention of the equivalent of 10.9 full-time jobs.

Respectfully submitted,

April 17, 2018

Lovely A. Warren  
Mayor

Attachment No. AR-64

Ordinance No. 2018-103  
(Int. No. 123)

**Authorizing an agreement for East Main Street Improvement Project design services and an agreement for the receipt, use and appropriation of funds**

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Erdman, Anthony and Associates, Inc. for design services for the East Main Street Improvement Project (Project). Maximum compensation for the agreement shall be \$1,000,000. That amount, or so much of that amount as necessary to complete the project, shall be funded \$19,750 from 2017-18 Cash Capital, \$104,872 from 2015-16 Cash Capital, \$82,596 from 2016-17 Cash Capital, and \$792,782 from the anticipated reimbursements appropriated for the Project in Sections 2 and 3 herein. The term of the agreement shall continue to 6 months after completion and acceptance of the Project.

Section 2. The Mayor is hereby authorized to enter into an agreement for the receipt and use of \$748,258 in anticipated reimbursements from the Federal Highway Administration and appropriates that sum to fund a portion of the Project herein.

Section 3. The Mayor is hereby authorized to enter into an agreement for the receipt and use of \$44,524 in anticipated reimbursements from the New York State Department of Transportation Marchiselli Aid program and appropriates that sum to fund a portion of the Project herein.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Lightfoot  
April 17, 2018

To the Council:

April 17, 2018

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

- Int. No. 124      Appropriating Federal forfeiture funds for the Police Department
- Int. No. 126      Authorizing an agreement for the receipt and use of funding for the Rochester Public Market
- Int. No. 127      Authorizing an agreement for resident project representation services for Parks projects
- Int. No. 128      Authorizing an intermunicipal agreement for DWI Program Crackdown Weekend Enforcement Grant
- Int. No. 129      Authorizing an agreement for an evaluation of the Fire Department's fire suppression deployment model

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

- Int. No. 125      Local Improvement Ordinance – security and snow removal services at the Public Market for 2018-19

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

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2018-104  
Re: Federal Forfeiture Funds

Council Priority: Public Safety

Transmitted herewith for your approval is legislation appropriating up to \$26,400 from federal forfeiture funds generated by the Rochester Police Department (RPD) and amending the 2017-18 Budget of the Police Department by this amount.

April 17, 2018

This funding will be used to upgrade the current software used by RPD's Professional Standards Section (PSS) to provide a more efficient data management and transfer solution. Currently PSS uses IAPro Software for several different functions which include an Early Identification and Intervention module, managing statistical data for the department, and management and review of Internal Affairs Investigations, Fleet Motor Vehicle Accidents, Police Pursuits, and Use of Force data. Up to \$4,000 will be used to upgrade this software to reduce departmental redundancy by allowing a systems integration that will transfer data directly from the department's Records Management System into IAPro on an automated basis.

The remaining \$22,400 will be used to purchase and install an add-on to IAPro called Blue Team. Blue Team is a frontline web-based software that will allow officers to complete specified reports online and submit electronically to supervisors. Once approved, the reports will be routed to PSS to be reviewed and merged into IAPro. Some benefits to this integrated process are electronic data storage, a decrease in the number of errors on reports, a decrease in the time to route and review reports, and an increase in analytical data availability based on immediate data collection.

This appropriation will result in a balance of approximately \$1,089,590 in the Federal Forfeiture Justice Fund.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2018-104  
(Int. No. 124)

**Appropriating Federal forfeiture funds for the Police Department**

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 Rochester Police Department by the sum of \$26,400, which amount is hereby appropriated from Federal funds realized from seized and forfeited assets to upgrade the software used by the Department's Professional Standards Section to provide more efficient data management and transfer.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Local Improvement Ordinance No. 1746  
Re: Public Market Snow Removal  
and Security Services

Council Priority: Creating and  
Sustaining a Culture of Vibrancy;

Public Safety

Transmitted herewith for your approval is legislation authorizing the appropriations and assessments for snow removal and security services at the Public Market for 2018-19. The snow removal and security districts were established in 1990 and 1991, respectively, and include 15 properties adjacent to the Public Market.

The City provides special snow removal services, including plowing and salting, as necessary. The security services include foot patrols from 5:00 pm to 5:00 am, Monday through Saturday, and all day on Sunday. Part of the cost of these services is apportioned among the properties within the district. For each property, these assessments include both a fixed fee and a fee per frontage foot.

Snow Removal: For 2018-19 snow removal services, the fixed fee will be \$100 per property, while the footage fee will be \$3.01 per foot. The total amount of the assessment will be \$5,888.07, which is the same as the prior year.

Security Services: For 2018-19 security services, the fixed fee will be \$1,190 per property, while the front footage fee will be \$15.99 per foot. The total amount of the assessment will be \$41,160.70, which is the same as the prior year.

	Fixed Fee	# Properties	Subtotal	Footage Fee	Footage	Subtotal	Total
<b><i>Snow</i></b>							
2017-18	\$100	15	\$1,500.00	\$3.01	1,457.83	\$4,388.07	\$5,888.07
2018-19	\$100	15	\$1,500.00	\$3.01	1,457.83	\$4,388.07	\$5,888.07
						Change	0
<b><i>Security</i></b>							
2017-18	\$1,190	15	\$17,850.00	\$15.99	1,457.83	\$23,310.70	\$41,160.70
2018-19	\$1,190	15	\$17,850.00	\$15.99	1,457.83	\$23,310.70	\$41,160.70
						Change	0

Public hearings are required for these assessments.

Respectfully submitted,  
 Lovely A. Warren  
 Mayor

Local Improvement Ordinance No. 1746  
 (Int. No. 125)

**Local Improvement Ordinance - security and snow removal services at the Public Market for 2018-19**

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



April 17, 2018

Section 1. The Council authorizes special security services for the Public Market during the fiscal year from July 1, 2018 to June 30, 2019. The Council hereby finds that such services will benefit both the City-owned portions of the Public Market and the privately-owned properties adjacent to the Public Market. The Council directs that a portion of the cost of providing such services be assessed against the privately-owned properties adjacent to the Public Market as listed below, which properties shall constitute the district of assessment. The total amount to be assessed for the 2018-19 year shall be \$41,160.70. The amount to be assessed against each parcel shall include a fee of \$1,190 per parcel plus \$15.99 per foot of frontage. The frontage assessed upon may be on more than one side of the parcel. The Council hereby determines that such formula represents the relative amount of benefit received by each such parcel from such services.

Section 2. The Council authorizes special snow plowing and salting services for the Public Market during the fiscal year from July 1, 2018 to June 30, 2019. The Council hereby finds that such services will benefit both the City-owned portions of the Public Market and the privately-owned properties adjacent to the Public Market. The Council directs that a portion of the cost of providing such services be assessed against the privately-owned properties adjacent to the Public Market as listed below, which properties shall constitute the district of assessment. The total amount to be assessed for the 2018-19 year shall be \$5,888.07. The amount to be assessed against each parcel shall include a fee of \$100 per parcel plus \$3.01 per foot of frontage that receives plowing and/or salting services. The frontage assessed upon may be on more than one side of the parcel. The Council hereby determines that such formula represents the relative amount of benefit received by each such parcel from such services.

Section 3. The security, snow plowing, and salting services authorized herein shall be provided by competitive contracts. The special assessments levied hereunder shall be paid into the Public Market Enterprise Fund. The cost of providing such services shall be paid from the Public Market Enterprise Fund and the amounts assessed herein are hereby appropriated for that purpose.

Section 4. The assessments shall be billed on the tax bill issued on July 1, 2018 and shall be due in one installment.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-105

Re: Grant Agreement - Dormitory  
Authority of the State of New  
York, Public Market Nutrition  
Education Center

Council Priority: Creating and  
Sustaining a Culture of Vibrancy

April 17, 2018

Transmitted herewith for your approval is legislation authorizing an agreement with the Dormitory Authority of the State of New York for the receipt and use of a \$100,000 State and Municipal Facilities Program grant award for the Rochester Public Market.

The grant will be utilized for construction of a new Nutrition Education Center and Demonstration Kitchen at the Rochester Public Market. The Market partners with Foodlink and the Friends of the Rochester Public Market to provide nutrition education as well as cooking and chef demonstrations and instruction to more than 4,000 SNAP beneficiaries. The new facility will be equipped with state-of-the-art equipment and facilities as well as audio and video feeds and display screens to enhance the experience. Construction is expected to be completed by December 2018.

Please see attached concept design for the kitchen.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-65

Ordinance No. 2018-105  
(Int. No. 126)

**Authorizing an agreement for the receipt and use of funding for the Rochester Public Market**

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

Section 1. The Mayor is hereby authorized to enter into an agreement for the receipt and use of \$100,000 in anticipated funds from the Dormitory Authority of the State of New York (DASNY) for the construction of a Nutrition Education Center and Demonstration Kitchen at the Rochester Public Market (the Project).

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

Section 3. The receipt and use of the sum of \$100,000 in anticipated reimbursements from DASNY that are provided pursuant to the agreement authorized herein is hereby authorized and appropriated to fund the Project.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

April 17, 2018

Ordinance No. 2018-106

Re: Agreement- LaBella Associates,  
D.P.C. Park Projects Resident  
Project Representation Services

Council Priority: Creating and  
Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$60,000 as maximum annual compensation for a one-year agreement with LaBella Associates, D.P.C. (Steve Metzger, principal) for resident project representation (RPR) services for Parks projects with the option to extend for two additional one-year terms. The cost of \$60,000 will be financed from 2015-16 and 2017-18 Cash Capital, and the extensions will be funded from future years' Cash Capital contingent upon approval of the said budgets.

Typically, RPR services for the construction of Parks and Recreation projects are provided by either City personnel or private consultants on a "project by project" basis. However, during peak periods of the summer construction season, sufficient City personnel are not available to inspect projects. To address this problem, the proposed agreement will expedite private consultant assignment to the various park projects, facilitating project management and completion by providing greater flexibility for assigning both City personnel and private consultants.

A request for proposal was advertised on the City website on December 27, 2017 with proposals due January 12, 2018. LaBella Associates, D.P.C. was selected from a process detailed in the attached summary.

Projects covered by this agreement include but are not limited to maintenance work at various park facilities; installation of new park play equipment; grading; and concrete, asphalt, and landscaping construction at various parks located within the City of Rochester. Consultant services will begin in spring 2018.

The RPR services will result in the creation and/or retention of the equivalent of 0.7 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-66

Ordinance No. 2018-106  
(Int. No. 127)

**Authorizing an agreement for resident project representation services for Parks projects**

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

April 17, 2018

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with LaBella Associates D.P.C. to provide resident project representation services for Parks projects. The term of the agreement shall be for one year with two optional one-year extensions. The maximum annual compensation for the agreement shall be \$60,000 and said amount, or so much thereof as may be necessary, shall be funded \$30,000 from 2015-16 Cash Capital and \$30,000 from 2017-18 Cash Capital with the funding of any extensions contingent upon the approval of subsequent budgets.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-107  
Re: Agreement – Monroe County,  
DWI Crackdown Weekend  
Enforcement Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the receipt and use of up to \$3,400 for the 2017-18 STOP DWI Foundation, Inc. Crackdown Weekend Enforcement grant, and amending the 2017-18 Budget of the Police Department by \$1,700 to reflect a portion of this grant. The remaining funds will be included in the 2018-19 Budget of the Police Department.

The grant funds will be used to pay for overtime for police officers and, as necessary for police experts to detect drug abuse in drivers during Memorial Day, Fourth of July and possibly Labor Day holiday crackdowns. This grant does not allow fringe expenses, estimated at \$1,096.

The term of this grant is October 1, 2017 through September 30, 2018. This is the fifth time the City has received this grant.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2018-107  
(Int. No. 128)

**Authorizing an intermunicipal agreement for DWI Program Crackdown Weekend Enforcement Grant**

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

April 17, 2018

Section 1. The Mayor is hereby authorized to enter into an intermunicipal agreement with the County of Monroe for the receipt and use of a 2017-18 STOP DWI Foundation, Inc. Crackdown Weekend Enforcement Grant in the amount of \$3,400. The term of agreement shall be October 1, 2017 through September 30, 2018.

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

Section 3. 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 Rochester Police Department by the sum of \$1,700 received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Re: Ordinance No. 2018-108  
Agreement – Fitch & Associates,  
LLC Organizational Evaluation  
of the Rochester Fire Department  
Fire Suppression Deployment Model

Council Priority: Deficit Reduction and  
Long Term Financial Stability & Public  
Safety

Transmitted herewith for your approval is legislation establishing \$45,000 as maximum compensation for an agreement with Fitch & Associates, LLC (FITCH) (Joseph J. Fitch, PhD, Founding Partner & President, Platte City, MO) for an organizational evaluation of the Rochester Fire Department fire suppression deployment model. The cost of this agreement will be funded from the 2017-18 Budget of Undistributed. The term of this agreement will be six months. The final report is expected in the fall.

FITCH will provide objective data-driven analyses that will include identification of strengths and weaknesses of the current model through analysis of call response data, staffing, and deployment; budgetary analysis of the operating and capital resources allocated for the fire suppression and special operations functions; comparisons of inter-jurisdictional and national best practice models; and recommendations containing implementation and recurring costs associated with any alternatives.

The primary intent and goal of this evaluation is to determine whether the current fire suppression deployment model (Engine/Truck) is adequate to provide a level of service within the City of Rochester that aligns with generally accepted standards and benchmarks for safety by similar cities and based on standards and “best practices” for modern day fire service, while maintaining sound fiscal responsibility for the City’s residents and taxpayers.

Fitch & Associates, LLC was selected through a request for proposal process described in the attached summary.

April 17, 2018

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AR-67

Ordinance No. 2018-108  
(Int. No. 129)

**Authorizing an agreement for an evaluation of the Fire Department's fire suppression deployment model**

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 Fitch & Associates, LLC to perform an organizational evaluation of the Rochester Fire Department ("RFD") fire suppression deployment model. The maximum compensation for the agreement shall be \$45,000, which shall be funded from the 2017-18 Budget of Undistributed Expense. The agreement shall have a term of six months.

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.

The meeting was adjourned at 8:09 p.m.

HAZEL L. WASHINGTON  
City Clerk