

ROCHESTER CITY COUNCIL

REGULAR MEETING

September 18, 2018

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

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

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

Recognition Ceremony

DES:

*Karen Caverly
*Ann Huff

ECD:

*Cory Chelini

FIN:

Charles Benincasa

RFD:

*John H. Dix
*Robert Mulcahy
*John L. Whitley

RPD:

*Peter Curtis
*James R. May

RPL:

*Gail S. Boldt

*Did not attend

APPROVAL OF THE MINUTES

By Councilmember Ortiz

RESOLVED, that the minutes of the Regular Meeting of August 21, 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:

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The Council submits Disclosure of Interest Forms from President Scott on Int. No. 331, Councilmember Ortiz on Int. No. 345, from Councilmember Gruber on Int. No. 331, and from Councilmember Spaul on Int. No. 328 and Int. No. 346.

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

Vice President McFadden presented 125 signatures opposing Highland Hospital plans Pet. No. 1757

THE COUNCIL PRESIDENT --- INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-284
Re: Joe U. Posner Way
Memorialization

Transmitted herewith for your approval is legislation authorizing and directing the initiation of an amendment to the Official Map of the City of Rochester to memorialize a portion of East Avenue from Alexander Street to Goodman Street as Joe U. Posner Way.

Pursuant to Section 76-4C of the Rochester City Code, Official Map Amendments may be initiated by the City Council and filed with the City Engineer.

The Rochester Area Community Foundation, founded by Mr. Posner, is an anchor institution on East Avenue. The building is located at 500 East Avenue within the portion of the street that is being requested to be memorialized in honor of Joe U. Posner.

Amending the Official Map of the City of Rochester to memorialize Joe U. Posner Way is a fitting and appropriate honor to the career and legacy of Mr. Posner. It will be a lasting tribute to his commitment to empowering the community to make change through collective philanthropy.

Respectfully Submitted,

Loretta C. Scott
Council President

Adam C. McFadden
Council Vice President

Ordinance No. 2018-284
(Int. No. 348)

Authorizing the initiation of an Official Map amendment to memorialize a street in honor of Joe U. Posner

WHEREAS, memorializing the section of East Avenue extending from Alexander Street to the intersection with North and South Goodman Street in honor of Mr. Posner is a fitting and appropriate honor to the career and legacy of Mr. Posner as a lasting tribute to the work that he did to benefit the Rochester community; and

WHEREAS, under Section 76-4C of the Municipal Code, the City Council may initiate the process of memorializing an existing designated street, a process that will also require a public review and recommendation by the City Planning Commission and a public hearing prior to a final vote by the City Council.

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

Section 1. The City Council hereby approves and directs the initiation of an application on behalf of the City Council to amend the Official Map of the City of Rochester to memorialize East Avenue, from the intersection with Alexander Street to the intersection with North and South Goodman Streets, as “Joe U. Posner Way.”

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

REPORTS OF STANDING COMMITTEES
AND ACTION THEREON

By Vice President McFadden
September 18, 2018

To the Council:

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

- | | |
|--------------|------------------------------------------------------------------------------------------------------------------------------|
| Int. No. 318 | Authorizing competitive grant applications |
| Int. No. 344 | Appropriation from the Insurance Reserve Fund |
| Int. No. 345 | Amending the 2017-18 Budget for year-end Budget transfers and the 2018-19 Budget for 200 East Main Street sublease agreement |

Respectfully submitted,
Adam C. McFadden
Molly Clifford (Absent)
Malik Evans (Excused)
Michael A. Patterson

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Loretta C. Scott
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2018-285
Re: Competitive Grant Applications
Fiscal Year 2018-19

Council Priority: Deficit Reduction
and Long Term Financial
Stability

Transmitted herewith for your approval is legislation authorizing certain competitive grant applications for the 2018-19 fiscal year. This legislation helps streamline the application process. Council has approved such grant applications annually since 2007.

There are hundreds of federal, state, regional, and private grant opportunities that the City qualifies for as a municipality. Frequently, granting agencies require City Council endorsement as part of the application process. Providing this “up front” approval will enable staff to respond to funding opportunities more quickly.

Grant applications will continue to require individual Council endorsement when:

- The City is required to pay more than \$250,000 of the cost of the project;
- The award exceeds \$1,000,000; or
- For capital projects, completion is required in one calendar year or less.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2018-285
(Int. No. 318)

Authorizing competitive grant applications

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

Section 1. The Mayor is hereby authorized to submit applications to Federal, State, and regional governments, agencies and authorities, as well as private foundations and other funding sponsors, for funding that will support City programs, services and capital operations.

Section 2. For successful award applications, the Mayor shall obtain City Council approval to enter into agreements for receipt of the funding and necessary professional services agreements for performance of the work, and for appropriation of the funds.

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

Section 4. Grant applications which obligate the City of Rochester to pay more than \$250,000 in City funding shall require City Council authorization.

Section 5. Applications for grants exceeding \$1,000,000 and awards for capital projects that require project completion in one calendar year or less shall require City Council authorization.

Section 6. The Director of Finance shall submit quarterly reports to Council for grants received through applications authorized herein, detailing dollar amounts received and expended.

Section 7. This ordinance shall be in effect for the 2018-19 fiscal year.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-286

Re: Appropriation – Insurance
Reserve Fund

Council Priority: Deficit Reduction and
Long Term Financial Stability

Transmitted herewith for your approval is legislation appropriating \$5 million from the Insurance Reserve Fund to finance the payment of general liability claims.

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

The monies maintained as reserves are invested until needed for disbursement. The interest earned on these investments is added to the fund balance. Interest income for fiscal year 2017-18 was \$46,046.

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As of June 30, 2018, the fund balance was \$13,644,405; of that amount \$0 is appropriated for disbursement. Under the proposed legislation, \$5 million will be appropriated for the payment of claims, leaving an unappropriated balance of \$8,644,405.

The most recent appropriation was for \$4 million and was approved by City Council in February 2016.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2018-286
(Int. No. 344)

Appropriation from the Insurance Reserve Fund

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

Section 1. There is hereby appropriated from the Insurance Reserve Fund the sum of \$5 million, or so much thereof as may be necessary, to finance the payment of general liabilities and claims against the City.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2018-287
Re: 2017-18 Year-End Budget
Amendment

Council Priority: Deficit Reduction and
Long Term Financial Stability

Transmitted herewith for your approval is legislation amending the 2017-18 Budget as follows:

1. Transfers of appropriations totaling \$4,717,000 from the Contingency Account to the following departments:

| | |
|--------------|-------------|
| Police | \$4,307,400 |
| Cash Capital | 409,600 |
2. Transfers of appropriations totaling \$2,515,400 from the following departments to Cash Capital:
 - a) \$1,215,400 from Undistributed;

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- b) \$800,000 from the Department of Environmental Services; and
 - c) \$500,000 from Neighborhood & Business Development.
3. Appropriation of unanticipated revenues totaling \$62,300 to increase the budget of City Council and Clerk.

Also for your approval is a technical amendment to Ordinance No. 2018-259.

The appropriation transfers are authorized pursuant to Section 6-13 of the City Charter. The appropriation of unanticipated revenues is authorized by section 6-14.

The City Council has previously authorized 33 other amendments to the 2017-18 Budget. These amendments reflect 4 appropriation transfers and 30 appropriation increases based upon the receipt of additional revenues.

Actual receipts and expenditures for 2017-18 will be audited by the City's external auditors, Freed, Maxick, and Battaglia. The proposed amendments are required to complete the audit process and ensure adherence to Section 6-16 of the City Charter, which prohibits expenditures in excess of authorized appropriations.

The proposed total increase of \$2,925,000 to the Cash Capital allocation is to fund capital projects as follows:

1. \$1,500,000 for the land acquisition and construction related to police section offices;
2. \$500,000 in grant matching funds to be used towards ROC the Riverway projects;
3. \$390,000 for required mechanical upgrades and roof replacement at the Blue Cross Arena at the War Memorial;
4. \$250,000 in additional funding for timeclocks and implementation of the police department scheduling portion of the the HR/Payroll Enterprise Process and System Solution;
5. \$225,000 to be transferred to the Land Bank to acquire more residential structures to increase owner occupancy or auction to pre-qualified investors;
6. \$50,000 for necessary upgrades to the Council chambers video camera system; and
7. \$10,000 for playground apparatus requested as part of the 2017-18 Council member item designations.

On June 19, 2018, when the 2017-18 Budget was adopted by City Council, salary and wage rates had not yet been established for uniformed employees represented by the Rochester Police Locust Club, Inc. The collective bargaining agreement for the Rochester Police Locust Club expired June 30, 2016. After several negotiation sessions, the Rochester Police Locust Club, Inc. ultimately filed for impasse in August of 2017. Attempts to settle the contract with a Public Employee Relations Board-appointed mediator were unsuccessful which has led to the PERB appointment of an interest arbitrator who will resolve the impasse through a more formal interest arbitration process. An allowance is being made for the projected anticipated costs of this unsettled contract.

The additional expense in City Council and Clerk resulted from the primary that occurred in late June, 2018 for the 25th Congressional District seat. The cost of this special election has already been reimbursed by Monroe County.

The City Senior Management Team effectively managed their 2017-18 operating budgets, with actual spending less than 2017-18 Budget allocations. Savings resulted from personnel vacancies and associated fringe benefit expense. There was also savings available from lower than expected motor equipment expense including fuel prices, utility expense, and other costs including professional fees. Ordinance No. 2018-259 authorized an amendatory lease agreement and a new sublease for additional office space at 200 East Main Street to be funded by Monroe County Department of Motor Vehicle lease payments to the City; however the funding amount for the Finance Department of \$28,998 was not rounded to the nearest hundred as required by the Office of Management and Budget. This technical amendment corrects this.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2018-287
(Int. No. 345)

Amending the 2017-18 Budget for year-end Budget transfers and the 2018-19 Budget for 200 East Main Street sublease agreement

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 transferring the total sum of \$4,717,000 from Contingency to the following departments:

- a) \$4,307,400 to the Police Department; and
- b) \$409,600 to Cash Capital.

Section 2. Ordinance No. 2017-154, the 2017-18 Budget of the City of Rochester, as amended, is hereby further amended by transferring the total sum of \$2,515,400 from the following departments to Cash Capital:

- a) \$1,215,400 from Undistributed;
- b) \$800,000 from Environmental Services; and
- c) \$500,000 from Neighborhood & Business Development.

Section 3. Ordinance No. 2017-154, the 2017-18 Budget of the City of Rochester, as amended, is hereby further amended by appropriating unanticipated revenues in the amount of \$62,300 to the Budget of City Council and Clerk.

Section 4. Ordinance No. 2018-259, authorizing lease and sublease agreements for additional office space at 200 East Main Street, is hereby amended in Section 5 to read as follows:

Section 5. Ordinance No. 2018-157, the 2018-19 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Department of Finance by the sum

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of ~~\$28,998~~ \$29,000, which amount is hereby appropriated from Monroe DMV's payments for the first ten months of the sublease authorized herein.

Section 5. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

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

Nays - None -0.

Councilmember Ortiz abstained due to a professional agreement.

By Councilmember Patterson
September 18, 2018

To the Council:

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

- | | |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| Int. No. 319 | Authorizing the sale of real estate |
| Int. No. 320 | Affirming and approving the sale of properties for the 52 Broadway Development Project |
| Int. No. 321 | Authorizing a lease agreement with Bill Gray's Inc. |
| Int. No. 322 | Authorizing the acquisition by negotiation or condemnation of permanent easements over numbers 108 and 116 Newcroft Park for a water main |
| Int. No. 323 | Authorizing a lease agreement for the Southeast Neighborhood Service Center |
| Int. No. 324 | Authorizing funding and agreements for the Northwest Quadrant Historic Resource Survey |
| Int. No. 325 | Amending Ordinance No. 2018-181 authorizing a loan agreement for the 49 Stone Street Redevelopment Project |

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Int. No. 341 Authorizing the sale of the Mortimer Street Garage
Int. No. 342 Authorizing the sale of the East End Garage
Int. No. 343 Authorizing a long-term capital lease agreement for the Genesee
Crossroads Garage

Respectfully submitted,
Michael A. Patterson
Willie J. Lightfoot
Jacklyn Ortiz (Voted against Int. No.342)
Adam C. McFadden
Loretta C. Scott
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2018-288
Re: Sale of Real Estate

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation approving the sale of six 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.

All six properties are unbuildable vacant lots being sold for \$1.00 (as per City policy) to its adjacent owners who will combine the lots with their existing properties.

The first year projected tax revenue for these six properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$1,685.

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-153

Ordinance No. 2018-288
(Int. No. 319)

Authorizing the sale of real estate

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

Section 1. The Council hereby approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

| Address | SBL# | Lot Size | Sq. Ft. | Purchaser |
|---------------------------------------|---------------|----------|---------|-------------------------------|
| 478 Jefferson Ave South portion of | 120.60-2-95 | 31 x 128 | 4,052 | Reginald C. Webb |
| 21 Mineola St | 135.57-2-32.1 | 18 x 120 | 2,150 | Ryan Pierson & Shelby Zink |
| 60 Rosemary Dr | 091.83-2-76 | 40 x 78 | 3,018 | Kohobi Scott |
| 84 Saxton St | 120.27-2-20 | 40 x 90 | 3,600 | Lisa Turner |
| 11-15 Texas St | 105.74-1-9 | 33 x 86 | 2,785 | 190 Murray St Associates, LLC |
| 21 Wadsworth St | 106.41-4-58 | 34 x 108 | 3,099 | Richard Lewis |

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. 2018-289
Re: 52 Broadway – Sale of Land for
Development

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

Transmitted herewith for your approval is legislation authorizing the sale of seven (7) adjoining parcels known collectively as 52 Broadway (“Site”) to Fallon Properties or an entity to be formed by managing member Robert Fallon (“Developer”). The Site (addresses attached) is owned by the Rochester Urban Renewal Agency (RURA). The site would be sold to the Developer for the appraised

value of Three Hundred Thirty Thousand Dollars (\$330,000). The sale price of the Site was determined by an independent appraisal completed by Bruckner, Tillett, Rossi, Cahill & Associates on December 7, 2017.

As part of the City's continuing efforts to revitalize Center City, a Request for Proposals (RFP) for the sale of the land for development was issued on January 8, 2018. The RFP was posted on the City's website and emailed to developers. An information session was held on January 17, 2018. Three proposals were received by the deadline of March 9, 2018. The proposals were evaluated by City staff from BHD, DES, Law, and Planning. The proposal submitted by the Developer for the Inn on Broadway expansion was selected as it presented the highest and best use/development plan for this specific location.

The Inn on Broadway expansion project consists of the addition of a new six-story adjoining building and the reconfiguration of the existing four-story building. When completed, the Inn will offer a new banquet facility, a new spa, approximately 66 additional guest rooms to the existing 22, approximately 18 new residential rental apartments, two levels of parking (partially below grade) integrated into the new building, and the reconfiguration of the existing restaurant, bar, kitchens, and lobby. Façade renderings of the proposed project as completed are attached.

The estimated total development cost is \$25,765,000, and the proposed sources and uses of funds for the Inn on Broadway expansion project are as follows:

| Sources | | Uses | |
|-------------------------|---------------------|--------------------|---------------------|
| Bank Loan | \$23,188,500 | Land Acquisition | \$330,000 |
| <u>Developer Equity</u> | <u>2,576,500</u> | Hard Costs | 21,535,000 |
| Total | \$25,765,000 | Soft Costs | 1,400,000 |
| | | <u>Contingency</u> | <u>2,500,000</u> |
| | | Total | \$25,765,000 |

The Developer has agreed to demonstrate best efforts to achieve the City's MWBE goal of 30%, workforce minority goal of 20%, workforce women goal of 6.9%, and workforce city resident goal of 25%. In addition, the Developer projects the creation of 21 new jobs, the retention of 28 jobs, and the creation of 38 temporary construction jobs.

The State Environmental Quality Review (SEQR) process is underway and an environmental determination is expected to be issued by the lead agency on or before September 18, 2018. A companion RURA item is submitted with this transmittal. A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AR-154

Ordinance No. 2018-289
(Int. No. 320)

Affirming and approving the sale of properties for the 52 Broadway Development Project

WHEREAS, this Ordinance pertains to the redevelopment of seven adjoining parcels owned by the Rochester Urban Renewal Agency (“Agency”) and known collectively as 52 Broadway (the “Site”);

WHEREAS, the City issued a request for proposals to redevelop the Site and received from Fallone Properties, Ltd. a proposal for that company or an entity to be formed by its managing member Robert Fallone (collectively, the “Developer”) to expand upon the Inn on Broadway located adjacent to the Site at 26 Broadway by reconfiguring the Inn’s existing four-story building and adding an adjacent building on the Site in order to add approximately 66 guest rooms, approximately 18 residential apartments, enclosed parking, a new banquet facility, and a new spa (collectively, the “Project”);

WHEREAS, the Developer is proposing to purchase the Site from the Agency in order to develop the Project for a purchase price of \$330,000 that is based on an independent fair market value appraisal;

WHEREAS, the City desires that the Developer’s proposed purchase proceed in accordance with Sections 507 and 556 of the Urban Renewal Law in Articles 15 and 15-A of the General Municipal Law and subject to terms and conditions that require the development of the Project in accordance with the purposes and objectives of the City’s continuing efforts to revitalize the Center City, the Agency and the Urban Renewal Law;

WHEREAS, a legal notice has been issued giving public notice as to the availability for public examination of the proposed terms for the disposition and redevelopment of the Site as well as the Developer’s Statement for Public Disclosure;

WHEREAS, the Agency has found the Developer to be a qualified and eligible sponsor to carry on the Project; and

WHEREAS, the City Council, pursuant to Article 15 of the General Municipal Law and after due notice, has held a public hearing on September 13, 2018 to consider the proposed disposition and redevelopment of the Site.

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

Section 1. The Council hereby approves and affirms the Agency’s sale to the Developer of the following parcels comprising the 52 Broadway Development Project Site for an appraised value of \$330,000:

| Address | SBL# | Size (acre) |
|----------------|-------------|--------------------|
|----------------|-------------|--------------------|

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| | | |
|----------------|-------------|------|
| 40 Broadway | 121.25-2-33 | 0.09 |
| 46-48 Broadway | 121.25-2-34 | 0.09 |
| 52 Broadway | 121.25-2-35 | 0.07 |
| 54-60 Broadway | 121.25-2-36 | 0.14 |
| 66 Broadway | 121.25-2-37 | 0.03 |
| 70 Broadway | 121.25-2-38 | 0.18 |
| 50 Broadway | 121.25-2-39 | 0.02 |

Section 2. The Council hereby finds that disposition by request for proposal and negotiation is the appropriate method for making the Site properties available for redevelopment. The purchase agreement shall be subject to terms and conditions that require the development of the Project in accordance with the purposes and objectives of the City's program to revitalize the Center City, the Agency and the Urban Renewal Law.

Section 3. The Mayor is hereby authorized to enter into such agreements and to execute such other instruments as may be necessary to implement the actions authorized herein. The agreements and other instruments shall contain such other terms and conditions as the Mayor deems appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-290

Re: Lease Agreement
Bill Gray's Inc. - Storage

Council Priority: Creating and Sustaining
a Culture of Vibrancy

Transmitted herewith for your approval is legislation approving a lease agreement between the City of Rochester and Bill Gray's Inc. (John Gonzalez, Principal Shareholder and Chief Executive Officer; Webster, NY), for the use of 1,100 SF of space at 1000 North River St (Suite 107), which is part of The Port of Rochester. The term of the lease will be five (5) years with five (5) additional 5 year terms. The monthly rental amount will be \$642 calculated at a rate of \$7.00 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 rent will remain at \$642 for the initial 5

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year term and for the first year of the first renewal term. It will then be increased by 1% per year through the end of the first renewal period. Any increases in the amount during the remaining renewal periods will be tied to the Consumer Price Index (CPI).

Bill Gray's restaurant lease was approved at the April, 2018 City Council meeting. They requested this additional space (Suite 107) for off season storage of materials and equipment related specifically to its operation of its business as a restaurant and bar in the leased premises of Suites 101,102 and 103.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AR-155

Ordinance No. 2018-290
(Int. No. 321)

Authorizing a lease agreement with Bill Gray's Inc.

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

WHEREAS, the City of Rochester has received a proposal for the lease of 1,100 square feet of space in Suite 107 of 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 off season storage of materials and equipment related to the operation of Bill Gray Inc.'s restaurant and bar in the leased premises of Suites 101, 102, and 103; 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 1,100 square feet of space in Suite 107 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 \$642. The monthly rental amount for the first renewal period, if exercised shall be \$642 for the first year and increased by 1%

annually each subsequent year of the first renewal period. If exercised, the monthly rental amounts for any additional renewal periods shall be annually increased based on the Consumer Price Index.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Re: Ordinance No. 2018-291
Water Line Easement
Acquisitions –Newcroft Park

Council Priority: Rebuilding and
Strengthening Neighborhoods

Transmitted herewith for your approval is legislation approving the acquisition of permanent easements by negotiation or condemnation of two (2) properties on Newcroft Park. These acquisitions will be used for water main installation/repairs and maintenance on properties at 108 and 116 Newcroft Park.

The two properties are noted below with the appraised values, property use and zoning:

- 116 Newcroft Park (Lot 10 on attached map). Single-family structure, privately owned, Zoned: R-1, Appraised value of Easement: \$360.
- 108 Newcroft Park (Lot 9 on attached map). Single-family structure, privately owned, Zoned: R-1, Appraised value of Easement: \$200.

In the event that said easements cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for their acquisition. In the event of condemnation, the amounts set forth herein for the acquisitions shall be the amount of the offers.

Nothing in this transmittal shall be deemed to limit in any way the liability of the City for further claims arising from the acquisition of said easements pursuant to the Eminent Domain Procedure Law.

It should be noted that the third lot shown on the attached map (Lot 26) is a city owned, vacant parcel located at 2177 E Main St., and the easement will not require negotiation or condemnation for that parcel.

Respectfully submitted,
Lovely A. Warren

Mayor

Attachment No. AR-156

Ordinance No. 2018-291
(Int. No. 322)

Authorizing the acquisition by negotiation or condemnation of permanent easements over numbers 108 and 116 Newcroft Park for a water main

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

Section 1. The Council hereby approves the acquisition by negotiation or condemnation of permanent easements over de minimis portions of numbers 108 and 116 Newcroft Park for the installation, operation, maintenance and repair of a water main. The easements shall consist of portions of the following two parcels:

| Address | Owners | Boundaries | Value |
|-------------------|-------------------------------------|-------------------|--------------|
| 108 Newcroft Park | Gregory S. Tripp Linda M. Hedden | Exhibit A | \$ 200 |
| 116 Newcroft Park | Joseph and Carol Tantillo | Exhibit B | \$ 360 |

Section 2. The acquisition shall obligate the City to pay an amount not to exceed \$760, consisting of the aggregate appraised easement value of \$560 plus recording fees and any other incidental costs. Said amount, or so much thereof as may be necessary, shall be funded by the 2018-19 Budget of the Department of Environmental Services.

Section 3. In the event that either of said easements cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcel. In the event of condemnation, the amount set forth herein as the acquisition value shall be the amount of the offer. Nothing in this ordinance shall be deemed to limit in any way the liability of the City for further claims arising from the acquisition of said easements pursuant to the Eminent Domain Procedure Law.

Section 4. This ordinance shall take effect immediately.

Exhibit A
WATERMAIN EASEMENT WE-1

September 18, 2018

**PART OF 108 NEWCROFT PARK
S.B.L #107.810-02-017.002**

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Lot 9 of the Atlantic-Woodstock Subdivision, as filed in the Monroe County Clerk's Office in Liber 317 of Maps, Page 13 and being more particularly bounded and described as follows:
Beginning at a point on the easterly ROW line of Newcroft Park (50' ROW) at the northwest corner of said Lot 9, said corner being the Point or Place of Beginning; thence

- 1) N 66° 26' 00" E, along the northerly line of said Lot 9, a distance of 136.58 feet to the northeast corner thereof; thence
- 2) S 21° 25' 55" W, along the easterly line of said Lot 9, a distance of 14.14 feet to a point; thence
- 3) S 66° 26' 00" W, parallel with and 10.0 feet distant from said northerly line of Lot 9, a distance of 125.63 feet to the said easterly ROW line of Newcroft Park; thence
- 4) Northwesterly, along said ROW line, a distance of 10.27 feet to the said northwest corner of Lot 9, being the Point or Place of Beginning.

**Exhibit B
WATERMAIN EASEMENT WE-1
PART OF #116 NEWCROFT PARK
S.B.L. #107.810-02-017.001**

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Lot 10 of the Atlantic-Woodstock Subdivision, as filed in the Monroe County Clerk's Office in Liber 317 of Maps, Page 13 and being more particularly bounded and described as follows:
Beginning at a point on the easterly ROW line of Newcroft Park (50' ROW) at the southeast corner of said Lot 10, said corner being the Point or Place of Beginning; thence

- 1) Northwesterly, along said ROW line, a distance of 10.27 feet to a point; thence
- 2) N 66° 26' 00"E, parallel with and 10.0 feet distant from the easterly line of said Lot 10, a distance of 121.35 feet to an angle point; thence
- 3) N 21° 25' 55"E, continuing parallel with and 20.0 feet distant from said easterly line of Lot 10, a distance of 62.92 feet to the northerly line of said Lot 10; thence
- 4) S 68° 53' 18" E, along said northerly line of Lot 10, a distance of 20.00 feet to the northeast corner thereof; thence
- 5) S 21° 25' 55"W, along the said easterly line of Lot 10, a distance of 57.18 feet to an angle point; thence
- 6) S 66° 26' 00"W, continuing along said easterly line of Lot 10, a distance of 136.58 feet to the said southeast corner thereof, being the Point or Place of Beginning

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

September 18, 2018

Ordinance No. 2018-292
Re: Lease Agreement
Southeast Neighborhood
Service Center

Council Priority: Creating and Sustaining
a Culture of Vibrancy

Transmitted herewith for your approval is legislation approving a lease agreement between the City of Rochester and Gary & Marcia Stern Family Limited Partnership (Allan Stern, Principal, Rochester, NY 14607) for the continued use of office space at 320 North Goodman Street, which is part of Village Gate. The Southeast Neighborhood Service Center (SE-NSC) has been located at this site since 2013. The term of the new lease will be for two (2) years, with 3, one-year renewal options and will commence on October 1, 2018. The SE NSC office will lease approximately 3,800 square feet of office space.

The annual lease amount is \$29,840 and each additional year will increase by a fixed 2% annual escalator. The City will be responsible for an initial payment of \$2,486 monthly, which is calculated at \$7.85/SF/Year. The appraisal was prepared by Midland Appraisal Associates in July 2018. The City will be responsible for utilities, information technology, telephones, security, furniture and janitorial services. The previous lease payment was \$2,437 per month or \$29,244 annually.

The annual cost of this lease will be funded through the 2018-2019 Department of Neighborhood & Business Development budget and subsequent budgets, contingent upon their approval..

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AR-157

Ordinance No. 2018-292
(Int. No. 323)

Authorizing a lease agreement for the Southeast Neighborhood Service Center

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Gary & Marcia Stern Family Limited Partnership for the lease of office space at 320 North Goodman Street for the Southeast Neighborhood Service Center. The agreement shall have a term of two years commencing on October 1, 2018 with three one-year renewal options.

Section 2. The lease agreement shall obligate the City to pay \$29,840 annually and each additional year shall increase by a fixed 2% annual escalator. The City shall be responsible for utilities, information technology, telephones, security, furniture and janitorial services. Said amounts shall be funded from the 2018-19 Budget of the Department of Neighborhood and Business

September 18, 2018

Development (the Department) for the first year, and, in the following years, subsequent budgets of the Department contingent upon their approval.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-293
Re: Agreement - Landmark Society of
WNY, Inc. Northwest Quadrant
Historic Resource Survey

Council Priority: Creating and Sustaining
a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the implementation of the Northwest Quadrant Historic Resource Survey, which is the third phase of a four-phase survey to identify properties eligible for listing in the National Register of Historic Places. The Southwest Quadrant was surveyed in 2017, and the Southeast Quadrant was surveyed in 2016. Given the limited funds available this year, only half of the properties in the Northwest Quadrant will be surveyed at this time. The rest of the properties in the Northwest will be surveyed next year, along with the properties in the Northeast.

This legislation will:

- 1) Authorize the receipt and use of a \$16,000 grant from the State Historic Preservation Office (SHPO);
- 2) Authorize the receipt and use of a \$5,500 grant from the Preservation League of New York State; and
- 4) Establish \$21,500 as maximum compensation for an agreement with the Landmark Society of Western New York, Inc. (LSWNY) to manage the grants, solicit and hire consultants to conduct the survey work, and coordinate the findings with SHPO. The cost of the agreement will be funded from the above grants and supplemented with in-kind City staff time. The term of the agreement will be for one year.

The last city-wide survey of this kind was completed in 1986. Pursuant to an agreement with SHPO, the City of Rochester is required to maintain an up-to-date inventory of historic resources.

LSWNY is uniquely qualified to oversee this work and to manage this contract, as it is one of the oldest and most active preservation organizations in the nation. LSWNY is a not-for-profit

September 18, 2018

membership organization dedicated to protecting the unique architectural heritage of our region and promoting preservation and planning practices that foster healthy, livable and sustainable communities. A justification for not issuing a request for proposals is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AR-158

Ordinance No. 2018-293
(Int. No. 324)

Authorizing funding and agreements for the Northwest Quadrant Historic Resource Survey

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 or agreements with the New York State Historic Preservation Office (SHPO) for the receipt and use of \$16,000 to fund a historic resource survey that focuses on properties in the City's Northwest Quadrant (the "Project").

Section 2. The Mayor is hereby authorized to enter into an agreement with the Preservation League of New York State for the receipt and use of a grant of \$5,500 to fund the Project.

Section 3. The Mayor is hereby authorized to enter into an agreement with The Landmark Society of Western New York, Inc. to implement the Project by managing the grants, soliciting and hiring consultants, and coordinating findings with the SHPO. The maximum compensation for the agreement shall be \$21,500. That amount, or so much thereof as may be necessary, is hereby appropriated for the agreement from the anticipated grants authorized herein.

Section 4. The agreements shall be for a term of one year.

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

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

September 18, 2018

Ordinance No. 2018-294
Re: Amending Ordinance No.
2018-181 49 Stone Street
Redevelopment Project

Transmitted herewith for your approval is legislation amending Ordinance No. 2018-181 which authorized a loan agreement with 49 Stone Street LLC, or an entity to be formed by Hudson Partners Development LLC, in the amount of \$400,000. This amendment will change the source of a portion of the loan amount from Prior Years' Cash Capital (in the amount of \$22,852) and instead fund the same amount from 2017-18 Cash Capital. All other aspects of the ordinance remain unchanged.

In June 2018, City Council approved the appropriation of the sum of \$400,000 for a project at 49 Stone Street and the Mayor was authorized to enter into a loan agreement for the same amount. 49 Stone Street LLC will use this gap funding toward the redevelopment of the property located at 49 Stone Street in Center City. The loan amount of \$400,000 will now be funded as follows: \$257,676.30 from 2016-17 Cash Capital – NBD Land Acquisition and \$142,323.70 from 2017-18 Cash Capital – NBD Land Acquisition.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2018-294
(Int. No. 325)

Amending Ordinance No. 2018-181 authorizing a loan agreement for the 49 Stone Street Redevelopment Project

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

Section 1. Ordinance No. 2018-181, authorizing a loan agreement for the 49 Stone Street Redevelopment Project, is hereby amended in Section 1 to read in its entirety as follows:

Section 1. The sum of \$400,000 from the following sources is hereby appropriated to the Housing Revolving Loan Fund to finance the redevelopment of the property located at 49 Stone Street in the Center City (the Project): ~~\$22,852 from Prior Years' Cash Capital,~~ \$257,676.30 from 2016-17 Cash Capital, and ~~\$119,471.70~~ \$142,323.70 from 2017-18 Cash Capital.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2018-295
Re: Sale of the Mortimer Street
Parking Garage to Sibley
Redevelopment Limited
Partnership and CGI
Communications

Transmitted herewith for your approval is legislation authorizing the sale of the Mortimer Street Parking Garage (the “Garage”) to a to-be-formed limited partnership between Sibley Redevelopment Limited Partnership (structure attached) and CGI Communications (principal, Bob Bartosiewicz), controlled by key principals Gilbert Winn and Bob Bartosiewicz respectively, (collectively, the “Purchaser”). The Purchaser was selected through a Request for Proposals (“RFP”) issued on April 17, 2018. The purchase price for the Garage will be \$3,105,000.

The Garage is a 7-story structure consisting of 600 parking spaces situated on a 0.91 acre parcel on North Clinton Avenue between Mortimer and Division streets. An independent appraisal of the Garage completed by Kevin L. Bruckner, MAI, CCIM, of Bruckner, Tillett, Rossi, Cahill & Associates in January 2018 determined an appraised value of \$0. The RFP Review Committee attributed the low appraisal value to the fact that the Sibley Building, linked to the Garage by a pedestrian skyway, had been vacant for a substantial period of time, resulting in diminished demand for the Garage. The Committee felt that reoccupying the Sibley Building and the redevelopment of The Metropolitan, the Granite Building (CGI) and the former McCrory’s Building (where the City’s Traffic Violation Agency is now located) would bring demand for parking to Mortimer Street Garage. Thus, the Committee attributed a \$3,000,000 value to the Garage and established that as the minimum bid for the responses to the City’s RFP.

Sibley (through its affiliates) is the developer and owner of Sibley Square, which, as stated above, is connected to the Garage. Sibley Square is home to Lifespan Senior Center, Rochester Childfirst Network, Eastman Dental, NextCorp, Spectra apartments with 104 units, and Landmark apartments with 72 units. Future Sibley Square development plans include over 100 units of workforce housing, a charter school, a technology workspace, and a food destination. CGI is investing approximately \$45 million to develop its Main Street properties adjacent to the Garage. Combined, the Purchaser currently needs 400 parking spaces for its respective tenants and employees. Ownership and control of the Garage will support the continued tenancy and viability of these downtown buildings.

Sibley currently operates 34 properties with multi-story garages and 300 properties with adjacent surface lots. Through its affiliates, WinnResidential and WinnMilitary, Sibley owns over 100,000 parking spaces nationally. The Purchaser will contract with AllPro Parking to serve as parking manager. Allpro Parking contracted with the City to provide operating assistance for the Mortimer Street Parking Garage operations until June 30, 2018.

The City entered into a 2017 parking agreement that reserves up to 400 spaces for ten years with two ten-year renewal options with the Sibley Redevelopment Limited Partnership, an entity affiliated with Winn. The Purchaser will be required to provide a perpetual easement in favor of Rochester Police Department (“RPD”) reserving thirty (30) parking spaces for RPD use without compensation to the Purchaser. The City is also in the process of granting an easement to the Rochester Genesee

Regional Transportation Authority (“RGRTA”) for three shelters recessed into the Garage. The Purchaser will be required to honor the RGRTA easement.

The sale of the Garage, to include the skyway across Clinton Avenue linking the garage to the Sibley Building, will provide revenue to the City up front upon sale, and moving forward, via savings on annual maintenance costs as well as increased tax revenue. The Purchaser understands that the Garage will be assessed at full real estate taxes with no tax abatements. Additionally, the sale will continue the provision of public parking for visitors and for employees and customers of area businesses. The Purchaser recognizes the City’s parking needs and projects 400-500 monthly parking users, allowing additional availability for daily parking and preserving 30 spaces for RPD.

In accordance with Section 72-j of the General Municipal Law, the Purchaser shall maintain the existing parking fee rates, as set forth in Section 111-119 of the Municipal Code, through calendar year 2019, except as Council may consider and approve in a subsequent Ordinance. Thereafter parking rates may be increased to reflect periodic adjustments for inflation and to offset the Purchaser’s capital costs of garage rehabilitation and renovation projects.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2018-295
(Int. No. 341)

Authorizing the sale of the Mortimer Street Garage

WHEREAS, in response to a request for proposals, the City of Rochester has received a proposal from the principals of Sibley Redevelopment Limited Partnership and CGI Communications, Inc. to purchase the Mortimer Street Garage, which is a 7-story structure that holds approximately 600 parking spaces located at 83 Mortimer Street (S.B.L. 106.79-1-55.2), together with a pedestrian skyway that spans North Clinton Avenue and links the garage to the Sibley Building (collectively, the “Garage”);

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

WHEREAS, City Director of Real Estate deems the proposed sale to be in the best interest of the City because it will generate revenue through the upfront payment of the purchase price, allow for continued use of the Garage for parking by visitors, customers, employees and residents of area businesses and residences, save the City ongoing maintenance costs, and generate new real property tax revenues.

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

Section 1. The Council hereby approves the sale of the Mortimer Street Garage and its associated skyway (collectively, the “Garage”) to a limited partnership to be formed between Sibley

Redevelopment Limited Partnership and CGI Communications, Inc. (the “Purchaser”) for the sum of \$3,105,000, subject to the terms set forth herein and to such additional terms and conditions as the Mayor deems to be appropriate.

Section 2. The terms of the sale shall require the Purchaser to: continue the operation of the Garage for public parking purposes for the remainder of the economic useful life of the garage building; assume the obligation to inspect, maintain and repair the Garage; assume the rights to receive all parking fees; accept an assessment of real property taxes based on the purchase price of \$3,105,000, with future tax reassessments based on the then current fair market value; forgo requesting or accepting any real property tax abatement; and provide to the City a perpetual easement that reserves thirty parking spaces for Rochester Police Department vehicles free of charge.

Section 3. In accordance with Section 72-j of the General Municipal Law, the Purchaser shall maintain the existing parking fee rates, as set forth in Section 111-119 of the Municipal Code, through calendar year 2019, except as Council may consider and approve in a subsequent Ordinance. Thereafter parking rates may be increased to reflect periodic adjustments for changes in the Consumer Price Index and to offset the Purchaser’s capital costs of Garage rehabilitation and renovation projects.

Section 4. The Council hereby further approves the granting and acceptance of any easements for utilities, ancillary development, and public access to and within the Garage, as necessary to effectuate the purposes and other terms of the lease.

Section 5. The Mayor is hereby authorized to enter into such other agreements and to execute such other instruments as may be necessary to implement the transaction authorized herein.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-296
Re: Long-Term Capital Lease of the
Genesee Crossroads Parking
Garage to CRR Parking LLC

Transmitted herewith for your approval is legislation authorizing the long-term capital lease of the Genesee Crossroads Parking Garage (the “Garage”) to CRR Parking LLC (the “Lessee”), whose principals are Robert Gordon and Chris Hill (managing members of I. Gordon Corp.), and Richard Goldstein (President & CEO of Mapco Auto Parks). The Lessee was selected from a set of proposals received in response to a Request for Proposals (“RFP”) issued on April 17, 2018. The conveyance value of the garage will be the appraised value of \$3,165,000 and the term of the lease will be 30 years with an option to renew for an additional 10 years.

The Garage consists of 604 parking spaces over four half levels, one of which is at grade and three of which are below grade. The Garage is located along Andrews Street and is adjacent to the Genesee

River, and its roof serves as a plaza for the Charles Carroll Park. An independent appraisal of the Garage completed by Kevin L. Bruckner, MAI, CCIM, of Bruckner, Tillett, Rossi, Cahill & Associates in January 2018 determined an appraised value of \$3,165,000.

MAPCO is a Brighton-based parking management company that has operated the Civic Center Garage, a 1,300-parking space underground facility in downtown Rochester, since 1985. MAPCO operates additional surface lots downtown, as well as parking at the Greater Rochester International Airport. I. Gordon has owned and operated real estate in the Rochester region for 75 years, including the Reynolds Arcade and First Federal Plaza in downtown Rochester where its corporate office is located.

The Lessee has pledged to provide a well-maintained facility, with easy access to all entries and exits, and to ensure that the Garage is well-lit, heated, and secure. MAPCO will work closely with area property owners to accommodate needs for event parking, valet services, reserved parking, and daily visitor parking. MAPCO will also work with industry consultants who will assist in maximizing traffic flow and install cutting-edge technology that will provide a better customer service for those parking in the Garage. The Lessee recognizes that their management and maintenance of the Garage will support visitors' ROC the Riverway experience.

The City currently has no parking agreements with private entities for use of the Garage. The Lessee will be required to maintain easements with Rochester District Heating Cooperative ("RDH") and Rochester Gas & Electric ("RG&E"). The RDH easement is for an insulated steam line that runs on the interior of the Garage from Andrews Street, and the RG&E easement is for a transformer at the north end of the Garage. The Lessee will additionally be required to provide the City access to the Garage as it relates to the City's rehabilitation of Charles Carroll Plaza.

The Lessee will pay the City \$3,165,000 upon initiation of the lease. The lease of the Garage will provide revenue to the City up front upon lease, and moving forward, via savings on annual maintenance costs as well as increased tax revenue. The Lessee understands that the Garage will be assessed at full real estate taxes with no tax abatements. Additionally, the lease will continue the provision of public parking for visitors and for employees and customers of area businesses. The Lessee will assume the liability of the Garage maintenance.

In accordance with Section 72-j of the General Municipal Law, the Lessee shall maintain the existing parking fee rates, as set forth in Section 111-119 of the Municipal Code, through calendar year 2019, except as Council may consider and approve in a subsequent Ordinance. Thereafter parking rates may be increased to reflect periodic adjustments for inflation and to offset the Lessee's capital costs of garage rehabilitation and renovation projects.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2018-296
(Int. No. 343)

Authorizing a long-term capital lease agreement for the Genesee Crossroads Garage

WHEREAS, in response to a request for proposals, the City of Rochester has received a proposal from the principals of I. Gordon Corporation and Mapco Auto Parks Ltd. to lease the Genesee Crossroads Garage (the "Garage"), which is located beneath the plaza of Charles Carroll Park at 69 Andrews Street (S.B.L. # 106.79-1-65) and comprised of approximately 604 parking spaces with entrances and exits on Corinthian Street and Andrews Street;

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

WHEREAS, the Council has formally reviewed the independent appraisal of the value of the Garage 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 provide revenue to the City through the upfront payment of the lease amount, allow for continued use of the Garage for parking by visitors, customers and employees of area businesses, save the City ongoing maintenance costs, and generate new real property tax revenues; and

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

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

Section 1. The Mayor is hereby authorized to enter into an agreement with CRR Parking LLC or a corporation or limited partnership to be formed by Robert Gordon and Chris Hill (managing members of I. Gordon Corporation) and Richard Goldstein (President and CEO of Mapco Auto Parks Ltd.) (collectively, the "Lessee") to lease the Genesee Crossroads Garage from the City. The agreement shall extend for a term of thirty years, with an option to renew for an additional term of ten years.

Section 2. The agreement shall obligate the Lessee to pay the City \$3,165,000 upon the initiation of the lease.

Section 3. The agreement shall require the Lessee, for the term of the lease, to: continue the operation of the Garage for public parking purposes; assume the obligation to inspect, maintain and repair the Garage; assume the rights to payment of all parking fees; accept an assessment of real property taxes based on the Garage's current appraised value of \$3,165,000, with future reassessments based on the then current fair market value; forgo requesting or accepting any real property tax abatement; and provide the City access to the Garage as it relates to the rehabilitation of the Charles Carroll Park plaza.

Section 4. In accordance with Section 72-j of the General Municipal Law, the Lessee shall maintain the existing parking fee rates, as set forth in Section 111-119 of the Municipal Code, through calendar year 2019, except as Council may consider and approve in a subsequent Ordinance. Thereafter parking rates may be increased to reflect periodic adjustments for changes in the Consumer Price Index and to offset the Lessee's capital costs of Garage rehabilitation and renovation projects.

Section 5. The Council hereby further approves the granting and acceptance of any easements for utilities, ancillary development, and public access to and within the Garage, as necessary to effectuate the purposes and other terms of the lease.

Section 6. The Mayor is hereby authorized to enter into such other agreements and to execute such other instruments as may be necessary to implement the transaction authorized herein. The lease agreement and any other agreements and instruments shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Re: Sale of the East End Parking
Garage to 475 East Main St, LLC

Transmitted herewith for your approval is legislation authorizing the sale of the East End Parking Garage (the "Garage") to 475 East Main St, LLC which is owned by Woodlawn Real Holdings LLC (owned by a trust of which Thomas Masaschi is the managing member), Olin Ventures, LLC (owned by Mark Gaffney), and Trason Elm, LLC (owned by Dr. Daniel Elstein) (the "Purchaser"). The Purchaser was selected via a Request for Proposals ("RFP") process initiated on April 17, 2018. The purchase price for the Garage will be \$4,300,000.

The Garage is a two-section, 5- and 6-story structure consisting of 1,282 parking spaces situated on a 2.28 acre parcel located at the southwest corner of Scio and East Main Streets. An independent appraisal of the Garage completed by Kevin L. Bruckner, MAI, CCIM, of Bruckner, Tillett, Rossi, Cahill & Associates in January 2018 determined an appraised value of \$3,045,000.

The Purchaser has redeveloped and owns over 500,000 square feet of real estate within three blocks of the Garage, comprising 397 residential units and 31 commercial units. These properties include 111 on East, The Columbus Building, 88 on Elm, the Rochester Club Center, and the Cadillac Hotel. Ownership and control of the Garage will support the continued tenancy and viability of these buildings. The Purchaser will contract with Allpro Parking, LLC to serve as parking manager. Allpro Parking currently manages the Purchaser's parking lot portfolio, and was contracted with the City to provide customer service for the East End Parking Garage until June 30, 2018.

The Purchaser has indicated a commitment to 24-hour surveillance, security cameras, increased signage, improved garage efficiencies, maintenance staff to keep floors, walls, and sidewalks clean year-round, periodic condition assessments and prompt repairs, and additional ongoing improvements. Potential improvements discussed include enhanced lighting, a public art component, 24-hour virtual concierge system, shuttle services to major destinations, and the development of a smart phone app to inform customers of nearby events, pricing, and parking availability.

The City has entered into a parking agreement with the Eastman School of Music that reserves 111 spaces until 2021 and a parking agreement with the Sagamore on East, LLC that reserves 46 spaces for residents until 2052. The Purchaser will be required to maintain these agreements and will seek to expand partnerships with other East End businesses. The Purchaser has stated that the garage will be open to the public at all times of day.

The sale of the Garage will provide revenue to the City up front upon sale, and moving forward, via savings on annual maintenance costs as well as increased tax revenue. The Purchaser understands that the Garage will be assessed at full real estate taxes with no tax abatements. Additionally, the sale will continue the provision of public parking for visitors and for employees and customers of area businesses.

In accordance with Section 72-j of the General Municipal Law, the Purchaser shall maintain the existing parking fee rates, as set forth in Section 111-119 of the Municipal Code, through calendar year 2019, except as Council may consider and approve in a subsequent Ordinance. Thereafter parking rates may be increased to reflect periodic adjustments for inflation and to offset the Purchaser's capital costs of garage rehabilitation and renovation projects.

Respectfully submitted,
Lovely A. Warren
Mayor

(Int. No. 342)

Authorizing the sale of the East End Garage

WHEREAS, in response to a request for proposals, the City of Rochester has received a proposal from the principals of Woodlawn Real Holdings LLC, Olin Ventures, LLC and Trason Elm, LLC to purchase the East End Garage, which is located at 475 East Main Street (S.B.L. # 106.81-2-3.003 and consists of a two-section, 5- and 6-story structure containing approximately 1,282 parking spaces (the "Garage");

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

WHEREAS, City Director of Real Estate deems the proposed sale to be in the best interest of the City because it will generate revenue through the upfront payment of the purchase price, allow for continued use of the Garage for parking by visitors, customers, employees and residents of area businesses and residences, save the City ongoing maintenance costs, and generate new real property tax revenues.

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

Section 1. The Council hereby approves the sale of the East End Garage ("Garage") to 475 East Main St, LLC or a to a corporation or limited partnership to be formed between Woodlawn Real

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Holdings LLC, Olin Ventures, LLC and Trason Elm, LLC (the “Purchaser”) for the sum of \$4,300,000, subject to the terms set forth herein and to such additional terms and conditions as the Mayor deems to be appropriate.

Section 2. The terms of the sale shall require the Purchaser to: continue the operation of the Garage for public parking purposes for the remainder of the economic useful life of the garage building; assume the obligation to inspect, maintain and repair the Garage; assume the rights to receive all parking fees; accept an assessment of real property taxes based on the purchase price of \$4,300,000, with future tax reassessments based on the then current fair market value; forgo requesting or accepting any real property tax abatement; and abide by the terms of the certain existing agreements wherein the City has reserved set numbers of parking spaces for certain third parties.

Section 3. In accordance with Section 72-j of the General Municipal Law, the Purchaser shall maintain the existing parking fee rates, as set forth in Section 111-119 of the Municipal Code, through calendar year 2019, except as Council may consider and approve in a subsequent Ordinance. Thereafter parking rates may be increased to reflect periodic adjustments for changes in the Consumer Price Index and to offset the Purchaser’s capital costs of Garage rehabilitation and renovation projects.

Section 4. The Council hereby further approves the granting and acceptance of any easements for utilities, ancillary development, and public access to and within the Garage, as necessary to effectuate the purposes and other terms of the lease.

Section 5. The Mayor is hereby authorized to enter into such other agreements and to execute such other instruments as may be necessary to implement the transaction authorized herein.

Section 6. This ordinance shall take effect immediately.

Failed by the following vote:

Ayes – Councilmembers Evans, Lightfoot -2.

Nays – President Scott, Councilmembers Clifford, Gruber, McFadden, Ortiz, Patterson, Spaul -7.

By Councilmember Evans
September 18, 2018

To the Council:

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

- Int. No. 326 Authorizing an amendatory agreement for the 2017 Preventive Maintenance Contract #4 Project

- Int. No. 327 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$400,000 Bonds of said City to finance the reconstruction of certain portions of Cleveland Street, Draper Street, Central Park, Merchants Road and Browncroft Boulevard related to the 2017 Preventative Maintenance Contract #4 Project

- Int. No. 328 Authorizing reimbursement agreement for areaway improvements at 1 South Clinton Avenue

- Int. No. 329 Authorizing an amendatory agreement for the Rundel Library Structural Terrace Improvements Phase IV Project

- Int. No. 330 Authorizing agreements for a transitional job training and placement program

- Int. No. 331 Authorizing reimbursement agreement for abandonment of areaway at 49 Stone Street

Respectfully submitted,
Malik Evans (Excused)
Mitch Gruber (Abstained from Int. No. 331)
Elaine M. Spaul
Adam C. McFadden
Loretta C. Scott
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2018-297
Ordinance No. 2018-298
Re: 2017 Preventive Maintenance
Contract #4 Project

Transmitted herewith for your approval is legislation related to 2017 Preventive Maintenance Contract #4 Project. This legislation will:

1. Authorize an amendatory agreement with Joseph C. Lu Engineering and Land Surveying, PC, Rochester 14604 (Cletus O. Ezenwa, PE., CEO), for additional resident project representation (RPR) services.
2. Authorize the issuance of bonds totaling \$400,000 for construction and RPR services.

The original agreement for \$300,000 was authorized in June 2017 (Ordinance No. 2017-172). This amendment will increase maximum compensation by \$135,000 to a total of \$435,000. The term of the agreement may extend until three months after project completion. The cost of the amendatory agreement will be financed from bonds to be issued herein.

Project costs are as follows:

| Source | Construction | Contingency | RPR | Total |
|----------------------------------------------------|--------------------|------------------|------------------|--------------------|
| FHWA Authorized Ordinance No. 2017-172 | \$1,254,020 | \$87,200 | \$240,000 | \$1,581,220 |
| NYS Marchiselli Aid | 235,129 | 16,350 | 45,000 | \$296,479 |
| Bond authorized Ordinance No. 2017-173 | 73,914 | 11,086 | 15,000 | \$100,000 |
| Bonds to be issued | 0 | 265,000 | 135,000 | \$400,000 |
| 2011-12 Cash Capital | 644 | 56 | 0 | \$700 |
| 2016-17 Cash Capital | 354,135 | 0 | 0 | \$354,135 |
| Rochester Pure Waters District (Ord. No. 2016-376) | 3,818 | 332 | 0 | \$4,150 |
| Total | \$1,921,660 | \$380,024 | \$435,000 | \$2,736,684 |

The project is a federal aid project, administered by the City under agreement with the NYS Department of Transportation (DOT) and includes five locations:

- Browncroft Boulevard (Merchants Road- East City Line)
- Merchants Road (Browncroft Boulevard - Culver Road)
- Central Park (Portland Avenue- North Goodman Street)
- Cleveland Street (Hudson Avenue- North Street)
- Draper Street (North Street- Portland Avenue)

Joseph C. Lu Engineering and Land Surveying, PC will provide additional resident project representation (RPR) services. During the project, sixty nine (69) pedestrian compliant ramps were

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added to meet the requirements of the Americans with Disabilities Act (ADA). This change combined with unforeseen field conditions and extensive coordination efforts required for the construction of the Upper Falls Square Apartment Complex (Depaul Properties, Inc.) at the corner of Hudson Ave and Cleveland, resulted in a 75 day extension to the contract.

Construction is currently underway with a substantial completion date of November 2018. This additional bonding results in the creation and/or retention of the equivalent of 3.2 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AR-159

Ordinance No. 2018-297
(Int. No. 326)

Authorizing an amendatory agreement for the 2017 Preventive Maintenance Contract #4 Project

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Joseph C. Lu Engineering and Land Surveying, P.C. for additional resident project representation services for the 2017 Preventive Maintenance Contract #4 Project. The amendment shall increase the maximum compensation of the existing agreement, which was authorized by Ordinance No. 2017-172, by \$135,000 to a total amount of \$435,000. The amendatory compensation amount shall be funded from bonds to be appropriated for the Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2018-298
(Int. No. 327)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$400,000 Bonds of said City to finance the reconstruction of certain portions of Cleveland Street,

Draper Street, Central Park, Merchants Road and Browncroft Boulevard related to the 2017 Preventative Maintenance Contract #4 Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of milling, resurfacing and reconstruction of certain portions of Cleveland Street (Hudson Avenue to North Street), Draper Street (North Street to Portland Avenue), Central Park (Portland Avenue to N. Goodman Street), Merchants Road (Browncroft Boulevard to Culver Road) and Browncroft Boulevard (Merchants Road to East City Line) related to the 2017 Preventative Maintenance Contract #4 Project in the City, for construction and resident project representation services (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 \$2,736,684, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$400,000 bonds of the City to finance a portion of said appropriation, \$1,581,220 in anticipated reimbursements from the Federal Highway Administration (Ordinance No. 2017-172), \$296,479 in NYS Marchiselli Aid Program reimbursements, the issuance of \$100,000 bonds of the City authorized in Ordinance No. 2017-173, \$700 from 2011-2012 Cash Capital, \$354,135 in 2016-17 Cash Capital and \$4,150 from Rochester Pure Waters District (Ordinance No. 2016-376) 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 \$400,000 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 \$400,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and

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

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

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

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

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-299
Re: Reimbursement Agreement –
Gallina Development Corp., 1
South Clinton Avenue Areaway
Improvements

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum compensation for a reimbursement agreement with Gallina Development Corp. for areaway improvements. The cost of the agreement will be financed from bond funds appropriated for the project in Ordinance No. 2017-51 and the term will be for one year.

The project includes areaway waterproofing, demolition and sidewalk replacements on East Main Street in front of 1 South Clinton Avenue as part of the ongoing Main Street Revitalization Project. It is anticipated that construction will begin in September 2018 with scheduled completion in December 2018. The project will result in the creation and/or retention of the equivalent of 0.4 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AR-160

Ordinance No. 2018-299
(Int. No. 328)

Authorizing reimbursement agreement for areaway improvements at 1 South Clinton Avenue

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

Section 1. As part of the Main Street Streetscape and Pedestrian Wayfinding Enhancement Project (“Project”), the Council hereby authorizes the Mayor to enter into an agreement with Gallina Development Corp. (“Gallina”) wherein the City shall reimburse Gallina for up to \$40,000 as a portion of the costs incurred to implement the special treatment of the areaway at 1 South Clinton Avenue in the form of areaway waterproofing, demolition and replacement of the overlaying sidewalk, and the construction or reconstruction of the necessary incidentals thereto. The reimbursement shall be funded from the bond funds appropriated for the Project in Ordinance No. 2017-51 and the term of the agreement shall be for one year.

Section 2. The work described in Section 1 shall be performed and constructed in accordance with the provisions of Chapter 10 of the Municipal Code and City Standards and Specifications.

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. 2018-300
Re: Amendatory Agreement –
LaBella Associates, D.P.C.,
Rundel Library Structural
Terrace Improvements Phase
IV Project

Council Priority: Creating and Sustaining
a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Rundel Library Structural Terrace Improvements Phase IV Project. This legislation will authorize an amendatory agreement

with LaBella Associates, D.P.C., Rochester, New York, (Sergio Esteban, Chief Executive Officer) for additional engineering, planning and landscape architectural services.

The original agreement for \$750,000 was authorized by City Council Ordinance No. 2016-343 for evaluating the existing conditions of the substructures supporting the Rundel Library north terrace and elevated east sidewalk, assessing the integrity of previous repairs, and identifying priority repairs necessary to extend the serviceable life of this vital center city infrastructure. This amendment will increase maximum compensation by \$550,000 to a total of \$1,300,000 to include additional design and resident project representation services. The additional services will include increased engineering due to existing structural conditions, and creation of a greatly enhanced public realm that includes new seating, raised planters, public art, water feature(s), historical interpretive features, and a fully ADA accessible river theatre overlook. The agreement shall extend until three (3) months after completion of a two (2) year guarantee inspection of the project. The cost of the agreement will be financed from bonds authorized by Ordinance No. 2016-344.

The overall project will reconstruct the closed north riverfront terrace and elevated east sidewalk and create a more vibrant public space that celebrates the Library and the history of the aqueduct and Erie Canal. The estimated overall cost of the project is \$7.8 million. \$1.5 million of this project will be funded by ROC the Riverway awarded by the Honorable Governor Andrew Cuomo.

Engineering inspections, design and public outreach began in early 2017 and are in progress. It is anticipated that construction will begin in spring 2019 with scheduled completion in fall 2020. The amendment will result in the creation and/or retention of the equivalent of 6.0 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2018-300
(Int. No. 329)

Authorizing an amendatory agreement for the Rundel Library Structural Terrace Improvements Phase IV Project

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with LaBella Associates, D.P.C. for additional engineering, planning and landscape architectural services for the Rundel Library Structural Terrace Improvements Phase IV Project (the Project). The amendment shall increase the maximum compensation of the existing agreement, which was authorized by Ordinance No. 2016-343, by \$550,000 to a total amount of \$1,300,000. The amendatory compensation amount shall be funded from bonds authorized for the Project in Ordinance No. 2016-344.

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

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Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-301
Re: Agreement – New York State
Department of Corrections and
Community Supervision /
Center for Employment
Opportunities, Inc., Job
Training Program

Transmitted herewith for your approval is legislation establishing an agreement with the New York State Department of Corrections and Community Supervision (DOCCS) to partner with the City in a transitional job training and placement program. The agreement was formerly executed directly with the Center for Employment Opportunities, Inc., (CEO), and the City reimbursed DOCCS for the funds they paid CEO to provide the program. DOCCS is now requiring that all agencies that have partnered in the past with CEO now have a direct agreement with DOCCS instead, as CEO functions as DOCCS's subcontractor to provide this service. As before, CEO will continue to be paid directly by DOCCS and the City will continue to reimburse DOCCS for the payments they make on the City's behalf. The proposed agreement will replace the existing one.

The agreement will have a term of one (1) year, from July 1, 2018 through June 30, 2019, with the provision for five (5) one-year extension periods, and will be funded from the 2018-19 Budget of the Department of Environmental Services for the first year in the amount of \$141,500, and subsequent budgets for the 2019-20, 2020-21, 2021-22, 2022-23 and 2023-24 extension periods, contingent upon adoption of the latter budgets. The maximum compensation for each subsequent extension period shall be as follows: \$145,800 for 2019-20, \$150,200 for 2020-21, \$154,700 for 2021-22, \$159,400 for 2022-23, and \$164,200 for 2023-24. The maximum compensation amounts will rise in the subsequent extension periods to reflect the minimum wage increases mandated by NYS living wage law over the course of the extension periods.

While DOCCS requires the City to have an agreement with them to provide the job training program through CEO, DOCCS also requires the City to enter into an agreement with CEO with respect to the latter's commitment to adhere to the City's living wage requirements and for CEO to provide insurance requirements commensurate with any agreement into which the City enters. Therefore, a second agreement, between the City and CEO, for these items is also necessary and is transmitted herewith for your approval as well.

Participants in the program have criminal conviction(s), are currently under criminal justice supervision and live in the City of Rochester. DOCCS, through their agreement with CEO, will provide a work crew comprised of six people and one supervisor to the City for a period of 52 weeks, commencing on July 1, 2018. The work crews will perform agreed upon services and assignments as determined by City staff and mainly consisting of but not limited to litter collection and hand-

sweeping, and snow and ice control as needed during the winter. DOCCS, through their agreement with CEO, will provide supervision of the crews. The City shall provide performance expectations and reviews of the work performed.

Each of the six people comprising the work crew will work six and one-half hours a day for four days a week. Litter collection and hand-sweeping will occur on City sidewalks, street corners and curb lanes on Norton Street, Upper Falls Blvd / Cleveland Street and Central Park, all from N. Clinton Avenue to North Street, Clifford Avenue from N. Clinton Avenue to N. Goodman Street, Joseph Avenue, Hudson Avenue and North Street, all from Norton Street to Central Park, and Portland Avenue from Norton Street to Bay Street. The area will also include 100 feet along all adjacent cross streets at their intersection in both directions (please see the attached map). This work area will be solely assigned to the CEO crew supplied by DOCCS. In addition, the City will reserve the authority to direct work at other locations as priorities and conditions dictate. CEO will submit invoices to DOCCS for payment of the services provided, and the City will reimburse DOCCS for the use of the CEO crew.

Results from last year's program with CEO were favorable, with neighborhood businesses, merchants and private citizens giving the program positive reviews. There were 35 participants in the program.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AR-161

Ordinance No. 2018-301
(Int. No. 330)

Authorizing agreements for a transitional job training and placement program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Corrections and Community Supervision (DOCCS) to partner with the City in a transitional job training and placement program (the Program). The agreement shall have a term of one year with five one-year extension options. The maximum compensation for the first year shall be \$141,500 and the extension periods, if exercised, shall be \$145,800, \$150,200, \$154,700, \$159,400 and \$164,200. The compensation amounts shall be funded from the 2018-19 Budget of the Department of Environmental Services (the Department) for the first year, and from subsequent budgets of the Department for the extension periods, contingent upon approval.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Center for Employment Opportunities, Inc. who will provide work crews under the supervision of DOCCS for the Program. The agreement shall run concurrently with the term of the DOCCS agreement and contain language regarding the City's Living Wage and insurance requirements.

September 18, 2018

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Re: Ordinance No. 2018-302
Reimbursement Agreement –
Action for a Better Community,
Incorporated 49 Stone Street
Areaway Abandonment

Transmitted herewith for your approval is legislation establishing \$26,000 as maximum compensation for a reimbursement agreement with Action for a Better Community, Incorporated (ABC) for areaway improvements. The cost of the agreement will be financed from 2014-15 Cash Capital and the term will be for one year.

The areaway located at 49 Stone Street has been of concern to the City for over a decade. Since 2003, communications between the City and ABC have occurred regarding repairs needed to their areaway roof which was causing the sidewalks above the areaway to fail. The City performed interim repairs to the sidewalks to maintain accessibility. ABC contracted to have the work done in early 2018 prior to sale of the property in August of 2018. The City shares a portion of this cost per the City's policy on areaway abandonment, Ordinance No. 1981-104 which encourages the removal of underground areaways and vaults.

The work performed by ABC included: utility relocation, building a block wall to close off the building opening to the areaway, waterproofing the wall and removal of the areaway roof. The City's share of the work included the cost to: demolish the areaway walls, breakup the areaway floor, backfill the abandoned areaway with structural fill, construct the sidewalk over the abandoned areaway and install granite curb.

The project resulted in the creation and/or retention of the equivalent of 0.3 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2018-302
(Int. No. 331)

Authorizing reimbursement agreement for abandonment of areaway at 49 Stone Street

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

Section 1. The Council hereby authorizes the Mayor to enter into an agreement with Action for a Better Community, Incorporated (“ABC”) wherein the City shall reimburse ABC for up to \$26,000 as a portion of the costs incurred to implement the special treatment of the areaway at 49 State Street in the form of the abandonment of said areaway, and the construction or reconstruction of the necessary incidentals thereto. The reimbursement shall be funded from 2014-15 Cash Capital and the term of the agreement shall be for one year.

Section 2. The work described in Section 1 shall be performed and constructed in accordance with the provisions of Chapter 10 of the Municipal Code and City Standards and Specifications.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays – None - 0.

Councilmember Gruber abstained due to a professional relationship.

By Councilmember Lightfoot
September 18, 2018

To the Council:

The **PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

- | | |
|--------------|------------------------------------------------------------------------------------------------------------------------------------|
| Int. No. 332 | Appropriating funds and authorizing an agreement to support community programs |
| Int. No. 333 | Amending Ordinance Nos. 2017-309 and 2018-22 to extend animal population control program |
| Int. No. 334 | Authorizing agreement with the New York State Division of Homeland Security and Emergency Services for Tactical Team Program Grant |

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- Int. No. 335 Authorizing grant agreement with the New York State Division of Homeland Security and Emergency Services for Critical Infrastructure Grant Program
- Int. No. 336 Amending the 2018-19 Budget for after-school programming
- Int. No. 337 Authorizing an agreement and amending the budget for the Concrete to Canvas Project
- Int. No. 338 Authorizing a grant agreement and funding for the Child Passenger Safety Program
- Int. No. 339 Amending the 2018-19 Budget for the reimbursement of overtime costs and other expenses related to electronic crime investigations
- Int. No. 340 Authorizing agreements and amending the budget related to the Rochester Urban Skate Park
- Int. No. 346 Authorizing agreements for the Teenage Pregnancy Prevention Program

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

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2018-303
Appropriation – Federal
Forfeiture Funds for Center
for Teen Empowerment, Inc.

Council Priority: Public Safety

Transmitted herewith for your approval is legislation related to federal forfeited property revenues attributable to the Rochester Police Department (RPD). This legislation will:

1. Appropriate \$5,000 in RPD federal forfeiture funds to support Center for Teen Empowerment, Inc. and amend the 2018-19 Budget of the Police Department by said amount.

2. Establish \$5,000 as maximum compensation for an agreement with Center for Teen Empowerment, Inc. (Director of Rochester Programs: Doug Ackley) to continue its programs to improve police and youth dialog for engagement and relationship building as a component of RPD's commitment towards community engagement and training. The cost of this agreement will be funded from the 2018-19 Budget of the Police Department and have a term of one year.

The appropriations requested this month will result in a balance of approximately \$949,300 in the federal forfeiture Justice fund.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2018-303
(Int. No. 332)

Appropriating funds and authorizing an agreement to support community programs

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

Section 1. Ordinance No. 2018-157, the 2018-19 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 \$5,000, which amount is hereby appropriated from Federal funds realized from seized and forfeited assets to support community programs.

Section 2. The Mayor is hereby authorized to enter into an agreement in the maximum amount of \$5,000 with the Center for Teen Empowerment, Inc. to continue its program to improve police and youth dialogue for engagement and relationship building. Said amount shall be funded from the appropriation in Section 1 herein and the term of the agreement shall not exceed one year.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2018-304
Re: Amendment – Ordinance No. 2017-
309 and Ordinance No. 2018-22

Council Priority: Public Safety

September 18, 2018

Transmitted herewith for your approval is legislation amending Ordinance No. 2017-309 and 2018-22 relating to the 2017 American Society for the Prevention of Cruelty to Animals (ASPCA), Animal Population Control Program grant.

This grant is assisting low-income residents in paying for spay and neuter services for their pets with the purpose of reducing the number of animals born and surrendered to the shelter. No-cost spay/neuter vouchers are being provided to qualifying residents for redemption at a local veterinary service provider where their pets can be spayed or neutered.

RPD requested an extension from the grantor in order to fully expend the funds. Therefore, the ordinance for the grant (Ordinance No. 2017-309) and the Ordinance for the agreement with Animal Hospital of Pittsford, P.C. (Ordinance No. 2018-22) are amended as follows:

- Section 1 of Ordinance No. 2017-309 is amended from “The agreement shall have a term from August 3, 2017 to August 2, 2018” to “The agreement shall have a term from August 3, 2017 to December 31, 2018.”
- Section 1 of Ordinance No. 2018-22 is amended from “The term of the agreement shall be August 3, 2017 through August 2, 2018” to “The term of the agreement shall be August 3, 2017 through December 31, 2018.”

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2018-304
(Int. No. 333)

Amending Ordinance Nos. 2017-309 and 2018-22 to extend animal population control program

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

Section 1. Ordinance No. 2017-309, authorizing a grant agreement to fund no-cost animal spay/neuter vouchers for qualified residents, is hereby amended in Section 1 as follows:

Section 1. The Mayor is hereby authorized to enter into a grant agreement with the American Society for the Prevention of Cruelty to Animals for the receipt and use of \$25,000 to fund no-cost spay/neuter vouchers for qualifying residents. The agreement shall have a term from August 3, 2017 to ~~August 2, 2018~~ December 31, 2018.

Section 2. Ordinance No. 2018-22, authorizing a professional services agreement to provide the animal spay/neuter services funded by the grant authorized in Section 1 herein, is hereby amended in Section 1 as follows:

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Animal Hospital of Pittsford, P.C. to provide spay and neuter services for the pets of those who have received animal population control program vouchers funded by

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American Society for the Prevention of Cruelty to Animals grant authorized by Ordinance No. 2017-309. The term of the agreement shall be August 3, 2017 through ~~August 2, 2018~~ December 31, 2018. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the maximum compensation for the agreement. Said amount shall be funded from the 2017-18 Budget of the Police Department.

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-305
Ordinance No. 2018-306
Re: Grant Agreements – New York
State Division of Homeland
Security and Emergency Services

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing agreements with the New York State Division of Homeland Security and Emergency Services for the receipt and use of two grants described below.

2017 Tactical Team Grant Program, July 26, 2018 – August 31, 2020

This \$100,000 grant will be used to enhance and maintain the capabilities of the Police Department's SWAT team. The grant budget includes funds for low/no light vision equipment, a pole camera, and breaching equipment. In furtherance of our efforts to maintain required SWAT team standards, funding is designated for costs associated with command/leadership, sniper, and breaching capabilities training. This is the fourth time RPD has received this grant.

2017 Critical Infrastructure Grant Program, August 1, 2018 – August 31, 2020

This award of \$49,028 is being provided to mitigate vulnerabilities at special event sites. These funds will be used to purchase multiple Portable Vehicle Barriers (PVB) to be deployed at special events to aid in protecting the public from vehicle-borne attacks. This is the first time RPD has received this grant.

No matching funds are required.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2018-305
(Int. No. 334)

**Authorizing agreement with the New York State Division of Homeland Security and
Emergency Services for Tactical Team Program Grant**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Homeland Security and Emergency Services for receipt and use of funding for the Rochester Police Department for the 2017 Tactical Team Program Grant in the amount of \$100,000, which funds are hereby appropriated for said purpose. The term for this agreement shall be July 26, 2018 through August 31, 2020.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2018-306
(Int. No. 335)

**Authorizing grant agreement with the New York State Division of Homeland Security and
Emergency Services for Critical Infrastructure Grant Program**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Homeland Security and Emergency Services for receipt and use of funding for the 2017 Critical Infrastructure Grant Program in the amount of \$49,028, which funds are hereby appropriated for said purpose. The term of this agreement shall be August 1, 2018 through August 31, 2020.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2018-307
Re: Inter-Municipal Agreement –

September 18, 2018

Rochester City School District
for Afterschool Recreation Programming

Council Priority: Creation of Effective
Educational Systems

Transmitted herewith for your approval is legislation amending the 2018-19 Budgets of the Department of Recreation and Youth Services (DRYS) by \$62,300 and Undistributed Expenses by \$3,200 for additional after-school programming. The Rochester City School District was awarded a five-year Empire State After-School Program grant from the New York State Office of Children and Family Services (OCFS) for September 1, 2017 to August 31, 2022, and is sub-contracting with the City to fund afterschool services related to the grant.

Prior to this partnership, DRYS provided afterschool recreation programming for 45 students. Under this agreement with the District, DRYS will hire six additional part-time Recreation staff to deliver three hours of daily afterschool academic enrichment and recreation programming for an additional 100 students, serving a total of 145 students. Students will also be provided with a snack and meal.

DRYS received prior Council authorization to enter into an agreement with the District for a pilot program from February to June 2018, authorized by Council Ordinance No. 2018-19. Renewal agreements were previously authorized as well. However DRYS was not notified of the District's intent to renew the agreement for the 2018-19 school year until after the 2018-19 budget submission process was complete.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2018-307
(Int. No. 336)

Amending the 2018-19 Budget for after-school programming

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

Section 1. Ordinance No. 2018-157, the 2018-19 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Department of Recreation and Youth Services by the sum of \$62,300 and Budget of Undistributed Expenses by the sum of \$3,200, which amounts are hereby appropriated from funds received from the Rochester City School District to provide after-school recreation programming.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

September 18, 2018

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-308

Re: Agreement – KaBOOM!, Inc.
Play Everywhere Challenge Grant

Council Priority: Creating and
Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the KaBOOM!, Inc. Play Everywhere Challenge Grant. This legislation will;

1. Authorize a grant agreement with the KaBOOM!, Inc. and the Ralph C. Wilson Jr. Foundation for the receipt and use of a one-year Play Everywhere Challenge Grant for \$20,000 for the Roc Paint Division's Concrete to Canvas project.
2. Amend the 2018-19 Budget of the Department of Recreation and Youth Services by \$20,000 for the Concrete to Canvas Project.

Through the support of the Play Everywhere grant, DRYS will pilot the "Concrete to Canvas" project as a strategy to use interactive, artistic art installations to activate underutilized park spaces. DRYS was strategic in selecting Jones Square Park as the location for the project because Jones Square is one of the focus areas of the National Park and Recreation Association's (NRPA) 10-Minute Walk to Parks grant. The 10-Minute Walk to Parks grant focuses on reclaiming park spaces for community use by addressing barriers to park access and reinvigorating the parks with new activities and amenities.

Through the Concrete to Canvas project, Roc Paint Division mural arts program will engage with Edgerton neighborhood residents and stakeholders to activate the historic Jones Square Park by creating and installing mural arts elements that enhance creative play opportunities and pay homage to the cultural heritage of the residents in the surrounding neighborhood. Utilizing a "Run Jump Play" theme- youth artists will incorporate playful elements with culturally representative mural art designs into the existing pathways and fountain area. These playful features will encourage youth and families to engage in more imaginative play and foster greater interaction with the park environment. The grant funds will be used for supplies, staff, guest artist fees, and community engagement meetings and activities.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2018-308
(Int. No. 337)

Authorizing an agreement and amending the budget for the Concrete to Canvas Project

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

Section 1. The Mayor is hereby authorized to enter into an agreement with KaBOOM!, Inc. and the Ralph C. Wilson Jr. Foundation for receipt and use of funding for the Play Everywhere Challenge Grant in the amount of \$20,000, which funds are hereby appropriated for the Concrete to Canvas Project. The term for this agreement shall be for one year.

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

Section 3. Ordinance No. 2018-157, the 2018-19 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Department of Recreation and Youth Services by the sum of \$20,000 to reflect the receipt of the funds authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Re: Ordinance No. 2018-309
Governor's Traffic Safety
Committee, 2019 Child
Passenger Safety Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing the receipt and use of up to \$600 from the New York State Governor's Traffic Safety Committee for a Child Passenger Safety grant, and amending the 2018-19 Budget of the Police Department by this amount.

The Governor's Traffic Safety Committee provides this funding to support the Police Department's efforts to ensure correct use of car child seats during the period of October 1, 2018 through September 30, 2019. Funding will be used for certification and continuing education of those officers teaching about safety seats at community-based, seat-checking events.

This is the seventh year the Police Department has received this grant. During the first half of the current grant period (through March 31, 2018), 22 car seats were inspected and one new seat was provided to residents. No matching funds are required.

Respectfully submitted,
Lovely A. Warren
Mayor

September 18, 2018

Ordinance No. 2018-309
(Int. No. 338)

Authorizing a grant agreement and funding for the Child Passenger Safety Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Governor's Traffic Safety Committee for receipt and use of \$600 in grant funds for the Child Passenger Safety Program which funds are hereby appropriated for said purpose. The term of the agreement shall be October 1, 2018 through September 30, 2019.

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

Section 3. Ordinance No. 2018-157, the 2018-19 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$600 to reflect the receipt of the funds authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-310
Re: Budget Amendment – 2018-19
Budget of the Police Department

Council Priority: Public Safety

Transmitted herewith for your approval is legislation amending the 2018-19 Budget of the Police Department (RPD) by up to \$15,000 to reflect the receipt and use of funding from the United States Secret Service (USSS) for the reimbursement of overtime costs and other expenses related to electronic crime investigations.

The USSS provided equipment for use by members of RPD that provides the ability to collect and analyze evidence on electronic devices. The USSS will reimburse the RPD in an amount not to exceed \$15,000 for the purchase of office equipment and/or miscellaneous supplies that are in support of the equipment already provided by the USSS, and/or overtime expenses, not including fringe, incurred in support of the USSS Buffalo Electronic Crimes Task Force.

Use of these funds are contingent upon the availability of funds allocated to the USSS through the Department of Treasury.

September 18, 2018

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2018-310
(Int. No. 339)

Amending the 2018-19 Budget for the reimbursement of overtime costs and other expenses related to electronic crime investigations

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

Section 1. Ordinance No. 2018-157, the 2018-19 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 \$15,000 which amount is hereby appropriated from funds received from the United States Secret Service for the reimbursement of overtime costs and other expenses related to electronic crime investigations.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2018-311
Re: Rochester Urban Skate Park

Council Priority: Creating and
Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to Rochester Urban Skate Park. This legislation will:

1. Authorize an agreement with Stantec Consulting Services, Inc. (Jim Hofman, principal; Rochester, NY) for the Rochester Urban Skate Park for total maximum compensation not to exceed \$350,000. The Consultant will provide preliminary and final design, bid documents, construction phase design services, and resident project representative (RPR) services. The agreement will be funded from the 2016-17 (\$160,000) and 2018-19 (\$190,000) Cash Capital allocations. The term of the agreement shall terminate six months after completion and acceptance of the construction of the project. In the event that project construction is not undertaken, the agreement shall terminate one year after the completion of the contract documents by the consultant and the acceptance by the City of such contract documents.

2. Authorize an agreement with the Tony Hawk Foundation for the receipt and use of a \$250,000 Built To Play Skatepark grant award for the construction of the Rochester Urban Skate Park;
3. Amend the 2018-19 Cash Capital in the amount of \$250,000 to reflect receipt of the grant.

Of the 125 largest cities nationwide, Rochester is the only one without a public skate park and there is significant local demand for this recreational amenity. With this in mind, DRYs has worked with the Friends of the Roc City Skate Park to develop a concept for a 38,000 square foot, custom-concrete wheel-friendly regional skate park located under and adjacent to the Susan B Anthony/Frederick Douglass Bridge along the Genesee River in downtown Rochester.

Stantec Consulting Services, Inc. was selected for design and RPR services through a request for proposal process which is described in the attached summary. The project has been broken into phases to reflect secured and anticipated funding, and the design consultant will provide options for construction budgets of \$1,500,000 and \$2,000,000. Fundraising will continue and skate-able features will be added to the park as additional funding is secured. The Tony Hawk Foundation grant will be utilized for construction and related costs of the planned skate park. This is part of the ROC the Riverway project.

Design will begin in the fall of 2018 and it is anticipated that construction will begin in the spring of 2019 with scheduled completion in October 2019. Please see attached concept design.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AR-162

Ordinance No. 2018-311
(Int. No. 340)

Authorizing agreements and amending the budget related to the Rochester Urban Skate Park

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Stantec Consulting Services Inc. in the maximum amount of \$350,000 to provide preliminary and final design, bid documents, construction phase design services and resident project representative services for the Rochester Urban Skate Park (the Project). Said amount shall be funded from 2016-17 Cash Capital (\$160,000) and 2018-19 Cash Capital (\$190,000) and the term of the agreement shall be six months after completion and acceptance of the construction of the Project. In the event that project construction is not undertaken, the agreement shall terminate one year after the completion of the contract documents by the consultant and the acceptance by the City of such contract documents.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Tony Hawk Foundation for the receipt and use of funding for the Built to Play Skatepark grant in the amount of \$250,000, which funds are hereby appropriated for the Project.

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

Section 4. Ordinance No. 2018-157, the 2018-19 Budget of the City of Rochester, as amended, is hereby further amended by increasing Cash Capital by the sum of \$250,000 to reflect the receipt of the funds authorized in Section 2 herein.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-312
Re: Agreements – Federal Teenage
Pregnancy Prevention Grant

Transmitted herewith for your approval is legislation related to the Teenage Pregnancy Prevention (TPP) program. This legislation will:

1. Authorize an agreement with the U.S. Department of Health and Human Services for the receipt and use of a \$999,999 grant for year four of the Program;
2. Establish maximum compensation of \$389,214 from the grant authorized herein for agreements with the following organizations to provide related services:

| | |
|---------------------------------------------------------------------|---------------|
| Baden Street Settlement | \$188,385 |
| The Center for Youth | 57,341 |
| Highland Hospital of Rochester (Family Planning - clinical partner) | 73,488 |
| Christopher Sweadner (evaluation partner) | <u>70,000</u> |
| | \$389,214 |

3. Amend the 2018-19 Budget of the Department of Recreation and Youth Services by \$260,300 and the 2018-19 Budget of Undistributed Expenses by \$97,100 for staff costs associated with the City’s role as lead agency, including the salary and wage costs for a Project Manager, one Pregnancy Prevention Trainer, and four Grant Support Associates.

The remaining \$253,407 will be accounted for in the Teenage Pregnancy Prevention Special Revenue Fund to cover non-personnel costs such as travel, program and office supplies, printing and indirect costs.

The official name of this federal program is the Teenage Pregnancy Prevention Replication of Evidence-Based Programs to Scale in Communities with the Greatest Need (Tier 1B). The funder,

the U.S. Department of Health and Human Services, provided the Notice of Award on August 17, 2018. This will be year four of a five-year grant spanning from July 1, 2015 to June 30, 2020. The program was last approved by City Council in June 2017 via Ordinance No. 2017-194.

The goals of the TPP program are to: (1) successfully plan, develop, and implement TPP to scale using evidence-based curriculum with fidelity; (2) reduce adolescent pregnancy rates; and (3) improve high school graduation rates. The program, locally promoted as THRIVE (Teens Helping to Reinvent Identity, Values and Empowerment), will serve 1,875 youth each year in the remainder of the grant cycle. Services will be provided in areas with the highest teen birth rates (zip codes 14605, 14608, 14611, 14613 and 14621).

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2018-312
(Int. No. 346)

Authorizing agreements for the Teenage Pregnancy Prevention Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Health and Human Services for the receipt and use of \$999,999 in funding for the operation of the Teenage Pregnancy Prevention Program (Program).

Section 2. The Mayor is hereby authorized to enter into professional services agreements with the following organizations for the following not-to-exceed amounts to provide Program services:

| | |
|--------------------------------------------|---------------|
| Baden Street Settlement of Rochester, Inc. | \$188,385 |
| The Center for Youth Services, Inc. | 57,341 |
| Highland Hospital of Rochester | 73,488 |
| Christopher Sweadner | <u>70,000</u> |
| TOTAL | \$389,214 |

Section 3. The Program service agreements shall obligate the City to pay an amount not to exceed \$389,214, and said amount, or so much thereof as may be necessary, is hereby appropriated from the funds to be received from the United States Department of Health and Human Services under the grant agreement authorized herein. The agreements shall have a term of one year.

Section 4. The sum of \$253,407 is hereby appropriated from the funds to be received from the United States Department of Health and Human Services under the grant agreement authorized herein to fund non-personnel expenses of the Program.

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

September 18, 2018

Section 6. Ordinance No. 2018-157, the 2018-19 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Department of Recreation and Youth Services by the sum of \$260,300 and Budget of Undistributed Expenses by the sum of \$97,100, which amount is hereby appropriated from funds received from the grant agreement authorized in Section 1 herein.

Section 7. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays – None -0.

Councilmember Spauld abstained due to a professional relationship.

By Councilmember Spauld
September 18, 2018

To the Council:

The **ARTS AND CULTURE COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

Int. No. 347 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$250,000 Bonds of said City to finance a portion of the costs of the Rundel Library Structural Terrace Improvements Phase IV

Respectfully submitted,

Elaine M. Spauld
Molly Clifford (Absent)
Michael A. Patterson
Adam C. McFadden
Loretta C. Scott
ARTS AND CULTURE COMMITTEE

Received filed and published

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2018-313

Re: Appropriation – Rochester Public Library, Rundel Terrace Art Installation

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$250,000 and the appropriation of the proceeds thereof to finance a public art installation at the Rundel Memorial Library building, as part of the Rundel terrace reconstruction project.

The project, known as Rundel Library Terrace Structural Improvements Phase IV, shall reconstruct the Rundel north terrace (Broad Street) structural concrete and steel framing, slabs, columns and foundations. It will create a new, updated public riverfront terrace and replace the east (South Avenue) sidewalk. The reconstructed Rundel north terrace will include river viewing platforms, historical and educational interpretive features, public seating, landscaping, railings, and lighting upgrades. Project costs are as follows:

| Source | Emergency work performed | Design and RPR | Construction | Public Art | Total |
|--------------------------------|--------------------------|--------------------|--------------------|------------------|--------------------|
| Bond authorized 2016-344 | \$110,170 | \$1,300,000 | \$2,046,830 | | \$3,457,000 |
| DASNY grant authorized 2018-53 | - | - | 2,000,000 | | 2,000,000 |
| Bonds to be issued | - | - | | \$250,000 | 250,000 |
| Total | \$110,170 | \$1,300,000 | \$4,046,830 | \$250,000 | \$5,707,000 |

As part of the Project budget, a public art installation shall be located at the north terrace. The commissioned artist, Chevo Studios of Commerce City, CO (Andrew P. Dufford, Owner/Lead Artist) shall be compensated \$250,000 to develop a public art work within the north terrace. Mr. Dufford was selected based on an extensive Request for Qualifications/Call for Artist process, where 63 call submissions were received and four artist finalists were selected to develop a concept proposal for the Rundel site.

September 18, 2018

A committee of arts, downtown, City and Library representatives responsible for reviewing all artist calls and finalist proposals recommended Chevo Studios for the commission, with agreement authorization by the Rochester Public Library Board of Trustees on August 29, 2018. The selection process is described in the attached summary.

Chevo Studios shall work with the Project design team (LaBella Associates D.P.C., under Ordinance No. 2016-343), City and Library to create a piece that compliments and is coordinated with overall site design and construction. The artist will be responsible for design, fabrication, transportation, and installation of the features. Installation of the art feature(s) is anticipated in the spring and summer of 2020.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AR-163

Ordinance No. 2018-313
(Int. No. 347)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$250,000 Bonds of said City to finance a portion of the costs of the Rundel Library Structural Terrace Improvements Phase IV

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the costs of the Rundel Library Terrace Improvements Phase IV project that will include a public art installation at the Rundel Memorial Library Building as part of the reconstruction of the Rundel north terrace (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$5,707,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$250,000 of bonds of the City to finance a portion of said appropriation, the issuance of \$3,457,000 in bonds authorized in Ordinance No. 2016-344, \$2,000,000 in anticipated reimbursements from the Dormitory Authority of the State of New York authorized in Ordinance No. 2018-53 and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$250,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

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

amount of \$250,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 76 of the Law, is ten (10) years.

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

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

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

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

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

Passed unanimously.

September 18, 2018

The meeting was adjourned at 8:07 p.m.

HAZEL L. WASHINGTON
City Clerk