

ROCHESTER CITY COUNCIL

REGULAR MEETING

January 18, 2022

Due to the current high transmission rate of the Delta variant of the Covid-19 coronavirus in Monroe County under CDC guidelines and in accordance with the new State law enacted on September 2 (Chapter 417), the meeting was conducted remotely via video conferencing on Zoom and streamed live for public viewing on the Internet via the Council's Facebook and YouTube pages and on City 12, the City's government access channel that is available to Spectrum Cable subscribers – Channel 1303.

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

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

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

Retirement:

COMM:

Joseph Fratta

DES:

Brian Connors
Mark Irwin
Alex Madrid

DHRM:

Tassie Demps
Jane Simpson

ECD:

Joseph Demars

NBD:

Lisa Teuchert

RFD:

Tom Givens
Kevin Wallenhorst

RPD:

Darin Maxwell
Steven Savitcheff

APPROVAL OF THE MINUTES

By Councilmember Gruber

RESOLVED, that the minutes of the Regular Meeting on December 14, 2021 and the Organizational Meeting on January 3, 2022 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

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

The Council submits Disclosure of Interest Forms from **Councilmember Gruber** on Int. No. 4, **Councilmember Harris** on Int. No. 2, **Councilmember Patterson** on Int. No. 5 and **President Meléndez** on Int. No. 29

THE COUNCIL PRESIDENT --- RECEIVED AND FILED.

PUBLIC HEARINGS.

Pursuant to law, public hearings were held on January 13, 2022 on the following matters:

Authorizing a grant application relating to the CARES Act Community Development Block Grant funding for the rehabilitation of affordable rental housing Int. No. 7

No speakers

Amending the Zoning Map by changing the zoning classification of 10-10.5 Jones Avenue Int. No. 10

No speakers

Amending the Zoning Map by changing the zoning classification of properties on Merchants Road Int. No. 11

No speakers

Amending the Zoning Map by changing the zoning classification of 350 Benton Street Int. No. 12

No speakers

REPORTS OF STANDING COMMITTEES
AND ACTION THEREON

By Councilmember Gruber
January 18, 2022

To the Council:

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

- Int. No. 1 Authorizing administrative tax cancellations and refunds of \$1,000 or less for 2022
- Int. No. 2 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$19,955,000 Bonds of said City to finance the costs of improvements to specified City School District schools
- Int. No. 3 Resolution approving appointments to the Rochester Civil Service Commission
- Int. No. 4 Resolution approving appointment and reappointment to the Rochester Public Library Board of Trustees
- Int. No. 5 Authorizing agreements and amending the 2021-22 Budget for the Financial Empowerment Center initiative
- Int. No. 44 Resolution reappointing Marriage Officer

Respectfully submitted,
Mitch Gruber
Michael A. Patterson (*abstained on Int. No. 5*)
Kimberly Smith
Mary Lupien
Miguel Meléndez
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-2
Re Authorization – 2022 Administrative
 Tax Cancellations and Refunds

Transmitted herewith for your approval is legislation authorizing the Director of Finance to cancel or refund certain erroneous *ad valorem* taxes, charges and fees up to \$1,000 per account during the 2022 calendar year.

Each year, approximately 63,000 tax bills are issued by the City. In 2020-21 these bills contained a total of \$265,106,318.63 in City and School taxes, charges and fees, and delinquencies. Of that amount, taxes and charges totaling \$2,542,729.94 or 0.96 % of the total billed amount, were subsequently determined to be erroneous and were canceled. These cancellations involved 701 accounts or 0.011 % of the total number.

Pursuant to Section 556 of the New York State Real Property Tax Law, the City Council is required to approve all cancellations. Under the provisions of Chapter 383 of the Laws of 1984, however, it may delegate to the Director of Finance the authority to approve such cancellations, under certain conditions. Additionally, under Chapter 515 of the Laws of 1997, the State allows administrative cancellations of up to \$2,500 per account.

Delegation of this authority was initially approved by the Council in March 1987. Annual authorization is required. In December 2020, Council re-authorized the Director of Finance to cancel up to \$1,000 per account during 2021 (Ord. No. 2020-397). Such delegation reduces the amount of time required to correct a taxpayer's account and, in some instances, to issue a refund.

The following conditions will continue to apply:

1. A report summarizing all cancellations approved by the Director of Finance during any month will be submitted to the Council by the fifteenth day of the subsequent month; and
2. The total cancellations approved by the Director for any fiscal year will not exceed the amount of the tax reserve (provision for uncollected or delinquent amounts) established by the Council for that year.

Respectfully submitted,
James P. Smith
Mayor

Ordinance No. 2022-2
(Int. No. 1)

Authorizing administrative tax cancellations and refunds of \$1,000 or less for 2022

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

Section 1. The Director of Finance is hereby authorized to approve the cancellation of real property taxes and/or charges or fees added to those taxes subject to the following conditions:

- a. The amount to be cancelled for any year for any particular account shall be \$1,000 or less.
- b. A report summarizing all cancellations approved by the Director during any month shall be submitted to the City Council by the 15th day of the subsequent month.
- c. The total amount of cancellations approved by the Director for any fiscal year shall not exceed the amount of the tax reserve (provisions for uncollected or delinquent amounts) established by the City Council for that year.

Section 2. This ordinance shall be in effect for calendar year 2022.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-3
Re Capital Improvement Program –
City School District

City Council Priority: Deficit Reduction
and Long-Term Financial Stability,
Support the Creation of Effective
Educational Systems

Transmitted herewith for your approval is legislation relating to the Capital Improvement Program (CIP) of the Rochester City School District. This legislation will:

1. Authorize \$19,955,000 as debt to be authorized for the 2021-22 fiscal year for the RCSD;
and
2. Authorize the issuance of bonds for \$19,955,000 and the appropriation of the proceeds thereof for capital improvements to existing school buildings in the District.

By City Council Policy, borrowing in any fiscal year may not exceed the principal on outstanding debt redeemed for that year. During fiscal year 2021-22 the RCSD will liquidate \$19,956,850 in principal. *Attachment A* is a projection of the School District debt to be repaid over the current and next four fiscal years.

For cities with dependent school districts, the NY State Constitutional Debt Limit is established at 9.0% of the 5-year average full valuation. As specified in the City Charter, Rochester splits this limit into 5.5% for the City and 3.5% for the School District. This split provides the District with a remaining borrowing capacity of \$113,636,034 (*Attachment B*).

In accordance with the City Council Policy adopted April 20, 2016, bonding for schools in the CIP will not include schools in a current phase of the Facilities Modernization Program unless for reasons of health and safety; the RCSD will use cash capital as defined by New York State Finance law.

Attachment C is a letter from the School District detailing the planned uses of the new bonds and the use of cash capital as well as a copy of the Board of Education Resolution approving the capital plan.

In addition, the Policy of April 2016 requires the City of Rochester's Engineering and Architecture staff to review the RCSD's request and for the District to provide school closings. *Attachment D* is a memorandum from the Assistant City Engineer confirming said E&A review.

The New York State Education Department, by letter dated December 7, 2021, has confirmed the RCSD has met the Maintenance of Effort (MOE) requirement for 2021-22. When the City issues this debt the repayments will be structured to the extent possible to continue meeting the MOE requirements, while remaining within the constraints of Local Finance Law

Respectfully submitted,
James P. Smith
Mayor

Attachment No. AV-1

Ordinance No. 2022-3
(Int. No. 2)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$19,955,000 Bonds of said City to finance the costs of improvements to specified City School District schools

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 \$19,995,000 of the costs of the City School District 2021-22 Capital Improvement Program, including the costs of the design, renovation and improvements of the City School District schools indicated on the attached Schedule A (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 \$19,955,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$19,955,000 bonds of the City to finance said appropriation and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$19,955,000 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. The principal of the Bonds authorized by this Ordinance does not exceed the principal of the Bonds being redeemed on behalf of the School District during the City's 2021-22 Fiscal Year. The proceeds of the Bonds authorized herein shall not be applied to any School District facility in the current phase of the School District Facilities Modernization Program.

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 \$19,955,000. 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. 12(a)(1) of the Law, is twenty five (25) 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.

Schedule A
2021-22 CONSTRUCTION PROJECTS

School Name	Project Description	Budget
Dr. Alice Holloway Young School of Excellence/ Adams Street Recreation Center	Additional request by the City to increase the funding for the project. Work includes pool deck replacement, doors and sitework.	\$ 700,000
School #8/Roberto Clemente	Modify retaining wall along driveway with handrail, reconstruct exterior stairs to upper entry, refurbish amphitheater concrete and stairs, adjust site drainage near playground and basketball court. Replace gym folding door. Replace flooring at entrances 1, 2 and upper level entrance. Replace upper playground for Pre-K - 2 use.	\$ 1,200,000
School # 17/Enrico Fermi	Install classroom fans with supporting connections to the structural framing on the first and second floors. Install emergency circuits in health & dental clinics. Add AC for 3rd floor classrooms. Add AC for selected rooms in 1st/2nd floor addition. Add coil to existing AHU. Construct canopy at Exit 5 to protect students waiting for security screening. Complete	\$ 1,800,000

	interior renovations. Work may include: privacy in main office, improve main entry security/waiting area, rebid Montessori classroom shelving modifications, add shelving in community kitchen, and create waiting area for students visiting clinic.	
School #19/Dr. Charles T. Lunsford/Willie Walker Lightfoot Recreation Center	This is a City Rec Center project and involves the following: Exterior facade panel replacement, joint sealant replacement, door and window replacement, new window openings, glass block removal and new window installation, gymnasium equipment, terrazzo flooring replacement other finishes, fire alarm system, computer lab refurbish, electrical distribution upgrades, exterior building lighting, clock and PA systems integration with the school, site work including parking lot and sidewalk reconstruction.	\$ 2,200,000
School #33/ John James Audubon	Pneumatic control conversion to electric. Construct canopy over new loading dock.	\$ 700,000
Charlotte Campus	Replace corridor doors. Window balance replacement and reconditioning. Provide artificial turf field, eight lane track and bleachers. Provide LED light towers for field with motorized serviceable light racks. Provide press box.	\$ 4,375,000
East High School	Replace three existing boilers with six cast iron sectional boilers to match work completed under the FMP. Replace feed water tank and pump set. Replace boiler room lighting.	\$ 2,650,000
Franklin campus	Sidewalk replacement bid as alternate in previous projects. Masonry reconstruction on west parapet. Roofing of small porticos. Add doors and cameras for security in lower level corridor outside of locker rooms near the loading dock.	\$ 1,600,000
Dr. Freddie Thomas Learning Center	Boiler replacement. Provide minor classroom upgrades and modifications. Dock equipment replacement. Gym partition replacement.	\$ 1,530,000
Wilson Commencement	Reconstruct/stabilize attic floor slab, replace lighting in attic. Replace roofing on flat areas, drain bodies and conductors. Upgrade elevator.	\$ 2,800,000
Wilson Foundation	Replace VAV boxes on Floors 2 and 3. Replace auditorium seating, replace carpeting. Provide minor classroom upgrades and modifications.	\$ 400,000
GRAND TOTAL 2021-22 BOND REQUEST		\$19,955,000

Passed by the following vote:

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

Nays - None - 0.

Councilmember Harris abstained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2022-5
Re Appointments Civil Service
Commission

Council Priority: Jobs and Economic
Development

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation confirming the appointments of Tashanda D. Thomas, 27 Fairview Avenue, Rochester, New York 14619 and Andrew W. Dimock, 261 Edgerton Street, Rochester, New York 14607, to the Civil Service Commission.

Ms. Thomas will replace Serina Brown who resigned from the Commission on November 2, 2021. Ms. Thomas is a Democrat and will serve the remainder of Ms. Brown's term, which will extend to May 31, 2022.

Mr. Dimock will replace John Feola who resigned from the Commission on June 7, 2021. Mr. Dimock is a Democrat and will serve the remainder of Mr. Feola's term, which will extend to May 31, 2022.

Resumes for Ms. Thomas and Mr. Dimock are available for review in the City Clerk's Office.

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

Respectfully submitted,
James P. Smith
Mayor

Attachment No. AV-2

Resolution No. 2022-5
(Int. No. 3)

Resolution approving appointments to the Rochester Civil Service Commission

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

Section 1. The Council hereby approves the appointment of Tashanda D. Thomas to the Rochester Civil Service Commission for a term which shall expire on May 31, 2022.

Section 2. The Council hereby approves the appointment of Andrew W. Dimock to the Rochester Civil Service Commission for a term which shall expire on May 31, 2022.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2022-6
Re Appointment and reappointment –
Rochester Public Library Board of
Trustees

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation confirming the appointment of Erick Stephens, 60 Inglewood Drive, Rochester, NY 14619, and the reappointment of Alinda Drury, 430 Yarmouth Road, Rochester, NY 14610, to the Rochester Public Library (RPL) Board of Trustees for five-year terms.

Mr. Stephens is the member selected by the Monroe County Library System Board to be their liaison to the RPL Board. His term will expire on December 31, 2026.

Ms. Drury is a trustee whose current term expires December 31, 2021. The Board unanimously voted to recommend her for an additional five-year term at the November Board Meeting. Her term will expire on December 31, 2026.

Mr. Stephens' resume and MCLS Board Meeting attendance record have been submitted to the City Clerk.

Ms. Drury's resume and RPL Board Meeting attendance record have been submitted to the City Clerk.

Respectfully submitted,
James P. Smith
Mayor

Resolution No. 2022-6
(Int. No. 4)

Resolution approving appointment and reappointment to the Rochester Public Library Board of Trustees

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

Section 1. The Council hereby approves the appointment of Erick Stephens, 60 Inglewood Drive, Rochester, NY 14619, to the Rochester Public Library Board of Trustees for a term which shall expire on December 31, 2026.

Section 2. The Council hereby approves the reappointment of Alinda Drury, 430 Yarmouth Road, Rochester, NY 14610 to the Rochester Public Library Board of Trustees for a term which shall expire on December 31, 2026.

Section 3. This resolution shall take effect immediately.

Adopted Unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2022-4
Re: Financial Empowerment Center
Grant Acceptance

Council Priority: Jobs and Economic
Development

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity & Opportunity

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

- 1) Authorize an agreement with the Rochester Economic Development Corporation (REDCO) (Baye Muhammad, CEO, 55-57 St. Paul Street, Rochester NY) as fiscal intermediary for receipt and use of a \$50,000 grant originating from M&T Bank for the purpose of supporting the Rochester Financial Empowerment Center. REDCO will retain 3% of the grant funds and the remaining \$48,500 will transfer to the City of Rochester. The agreement will have a term of two years, with the option to extend for one additional year.
- 2) Authorize an agreement with the Rochester Area Community Foundation (RACF) (Jennifer Leonard, CEO, 500 East Avenue, Rochester NY) as fiscal intermediary for receipt and use of a \$150,000 grant originating from JPMorgan Chase Foundation for the purpose of supporting the Rochester Financial Empowerment Center. The agreement will have a term of one year.
- 3) Authorize an amendatory agreement with the Cities for Financial Empowerment Fund, Inc. (CFE) (Jonathan Mintz, 44 Wall St # 1050, New York, NY 10005) for the receipt and use of \$90,000 in expansion funding to launch a Financial Empowerment Center pilot "Small Business Boost." This amendment will extend the existing agreement through February 15, 2023. The current agreement was authorized in Ordinance No. 2019-248 and amended in Ordinance Nos. 2021-3 and 2021-166.
- 4) Amend the 2021-22 Budget of the Office of the Mayor by \$288,500 for the funding from CFE, RACF, and REDCO outlined above.

- 5) Authorize an amendatory agreement with Consumer Credit Counseling Services of Rochester, Inc. (CCCS) (Jason Tracy, CEO, 1050 University Avenue, Suite A, Rochester, NY) to provide additional services related to financial counseling. The original agreement, authorized via Ordinance No. 2019-248 established maximum compensation at \$400,000 for a term of one year with two additional one-year extensions. This amendment will extend the agreement by three one-year extensions to September, 2025 and increase the maximum annual compensation in years three through six by \$100,000, to a maximum annual total of \$500,000. This additional cost will be funded from the 2021-22 Budget of the Office of the Mayor and future years, contingent upon approval.

The REDCO funding will provide ongoing operating support for the Financial Empowerment Center. The CFE Fund funding will provide support for a Small Business Boost pilot to integrate financial counseling with small business support services. The RACF funding will support an effort to provide financial counseling to prospective homeowners who are receiving Section 8 assistance.

Due to the need for financial institutions to donate program funding to a qualified non-profit agency to receive community development credit under the Community Reinvestment Act, REDCO and RACF are serving as fiscal sponsors for the City of Rochester and may accept funding for the FEC initiative.

Respectfully submitted,
James P. Smith
Mayor

Ordinance No. 2022-4
(Int. No. 5)

Authorizing agreements and amending the 2021-22 Budget for the Financial Empowerment Center initiative

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Economic Development Corporation (REDCO) to serve as fiscal intermediary for the receipt and use of a \$50,000 grant from M&T Bank to fund a portion of the Financial Empowerment Center initiative (Initiative). REDCO may retain up to 3% of the grant amount as a fiscal sponsor fee. The agreement shall have a term of 2 years, with the option to extend 1 additional year.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Rochester Area Community Foundation to serve as fiscal intermediary for the receipt and use of a \$150,000 grant from the JPMorgan Chase Foundation to fund a portion of the Initiative. The agreement shall have a term of 1 year.

Section 3. The Mayor is hereby authorized to enter into an amendatory agreement with the Cities for Financial Empowerment Fund, Inc. for the receipt and use of funds to implement the Initiative. The agreement authorized in Ordinance No. 2019-248 and amended in Ordinance Nos. 2021-3 and 2021-166 is hereby further amended to increase the maximum funding by \$90,000 to a

new total of \$420,000, to devote the increase to a pilot “Small Business Boost” program for the Initiative, and to extend the term of the agreement through February 15, 2023.

Section 4. Ordinance No. 2021-174, the 2021-22 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Mayor’s Office by \$288,500 to reflect the receipt of the funds authorized in Sections 1,2 and 3 herein, which funds are hereby appropriated to the Initiative.

Section 5. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Consumer Credit Counseling Service of Rochester, Inc. to provide financial counseling services for the Initiative. The agreement authorized in Ordinance No. 2019-248 is hereby amended to authorize the option to extend the term by up to three additional periods of 1 year each and to increase the maximum annual compensation for the Initiative years 3, 4, 5 and 6, if so opted for, by \$100,000 for a new annual total of \$500,000 each. The increased compensation shall be funded from the 2021-22 Budget of the Office of the Mayor for Initiative year 3 and from future years’ budgets of the Office of the Mayor for Initiative years 4, 5 and 6, contingent upon approval.

Section 6. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Patterson abstained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2022-7

Re: Reappointment of Marriage Officer

Transmitted herewith for your approval is legislation appointing the City Clerk, Hazel L. Washington, as a Marriage Officer. Ms. Washington was last appointed in 2018 to a term that expires this month.

The New York State Domestic Relations Law authorizes the governing body of any village, town, or city to appoint one or more Marriage Officers, for a term of up to four years, to have the authority to solemnize a wedding.

The position of Marriage Officer was created in Rochester in September 1995; the City Clerk and Deputy City Clerk have been appointed to serve as Marriage Officers since that time. The Deputy Clerk, Bridgette Burch White, was appointed as a Marriage Officer in February 2021, and her term expires in February 2025. The fee of \$75.00 charged for providing the service becomes part of the revenue of the City Clerk’s licensing account. Approximately 300 marriage ceremonies are provided each year.

Respectfully submitted,
Miguel A. Meléndez Jr.
President

Resolution No. 2022-7
(Int. No. 44)

Resolution reappointing Marriage Officer

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

Section 1. Pursuant to Section 5-10 of the Municipal Code, the Council hereby reappoints City Clerk Hazel L. Washington as Marriage Officer for a term of four years beginning January 16, 2022 and continuing through January 15, 2026, provided that she remains employed in the City Clerk's Office.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember Patterson
January 18, 2022

To the Council:

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

- | | |
|-------------|--|
| Int. No. 6 | Authorizing lease for portion of 1 Mt. Hope Avenue |
| Int. No. 9 | Amending Ordinance No. 96-9 and extending the term of the payment in lieu of taxes agreement for the Woodward Affordable Housing Project |
| Int. No. 45 | Amending the Municipal Code with respect to Elevators, Escalators and Other Conveyances |
| Int. No. 46 | Local Law discontinuing the Elevator Examining Board |

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

- | | |
|-------------|---|
| Int. No. 10 | Amending the Zoning Map by changing the zoning classification of 10-10.5 Jones |
| Int. No. 11 | Amending the Zoning Map by changing the zoning classification of properties on Merchants Road |

Int. No. 12 Amending the Zoning Map by changing the zoning classification of
350 Benton Street

The **NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE** recommends the following entitled legislation to be **HELD** in Committee

Int. No. 7 Authorizing a grant application relating to the CARES Act
Community Development Block Grant funding for the rehabilitation
of affordable rental housing

Int. No. 8 Authorizing the extension of payment in lieu of tax agreements for
qualifying affordable housing projects

Respectfully submitted,
Michael A. Patterson
LaShay D. Harris (*Absent*)
Kimberly Smith
Mary Lupien
Miguel Meléndez
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed, and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-5
Re: Lease Agreement- 1 Mt. Hope Ave,
Bivona Child Advocacy Center

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing a lease agreement between the City and Bivona Child Advocacy Center, (Deborah Rosen, President, 1 Mt. Hope Ave, Rochester, NY). The City will lease approximately 1,872 square feet of space on the interior of 1 Mt. Hope Ave for use as office space for the Rochester Police Department as a partner agency in the Bivona Child Advocacy Center. The Rochester Police Department has leased space with Bivona Child Advocacy Center since 2016 via Ordinance No. 2016-57 and modified via Ordinance No. 2019-82.

The agreement will commence February 1, 2022 and end June 30, 2023. The initial term will be 17 months to align the lease termination with the City Budget year. The cost for the lease for the first term and for renewal terms, as established by an appraisal prepared in November, 2021, by Bruckner, Tillet, Rossi, Cahill & Associates, will be \$10.50 per square foot on an annual basis, payable in monthly installments of \$1,638 (\$27,846 for the first 17-month term). This increases from the prior rate of \$10.30/SF annually. There are two (2) optional one (1) year renewals at \$19,656 annually. The initial annual cost of this lease will be funded by the 2021-22 Operating Budget of the Rochester Police Department. Subsequent annual lease costs will be funded from subsequent

budgets of the Rochester Police Department. The amount of space allocated to the Rochester Police Department has been decreased from 2,250 Square feet from prior lease agreements due to a reduced space need of the Rochester Police Department.

The RPD utilizes the space in Bivona Child Advocacy Center for their “IMPACT” team, a part of the Major Crimes unit, primarily involved in investigating cases of child death, serious injury or suspected physical or sexual abuse. Their presence in the Bivona Child Advocacy Center as a partner agency working in conjunction with medical services, child protective services, and mental health services for victims greatly improves services and response times and limits trauma to victims in these delicate matters.

Respectfully submitted,
James P. Smith
Mayor

Attachment No. AV-3

Ordinance No. 2022-5
(Int. No. 6)

Authorizing lease for portion of 1 Mt. Hope Avenue

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

Section 1. The City is hereby authorized to enter into an agreement with the Bivona Child Advocacy Center for the City to lease approximately 1,872 square feet of space in Bivona’s facility located at 1 Mount Hope Avenue to house personnel assigned to the Rochester Police Department (RPD)’s IMPACT Team for a monthly rent of \$1,638. The lease shall have an initial term that extends from February 1, 2022 through June 30, 2023, with the option to extend for up to two additional periods of 1 year each. The cost of said lease agreement shall be funded from the 2021-22 Budget of the Police Department for the initial term and a subsequent year’s budget, contingent upon approval, for each optional term extension.

Section 2. The lease 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.

Councilmember Patterson recommended Int. No. 7 be discharged from Committee; 2nd by Councilmember Harris.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-6
Re: Authorizing Grant Application-
NYS Homes and Community
Renewal, CARES Act CDBG CV

Council Priority: Creating and Sustaining
a Culture of Vibrancy; Rebuilding and
Strengthening Neighborhood Housing

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to a grant opportunity from New York State Homes and Community Renewal. This legislation will:

1. Authorize the submission of a grant application to New York State Homes and Community Renewal (NYS HCR) for up to \$5 million of CARES Act Community Development Block Grant (CDBG CV) funding.

This funding will be used to expand the City's grant program available to rehab rental units and expand the supply of decent, safe and affordable rental housing. Eligible properties are 1-4 unit privately-held residential structures built before 1978. Tenant income cannot exceed 50% of the area median income as defined by HUD. Should the grant application be successful, legislation will be presented at a future City Council meeting to approve the grant agreement with HCR and the receipt and use of the funding.

The additional funding will enable the Lead Hazard Control grant funded rehab projects to exceed the current maximum of \$20,000 in grant funding per unit and renovate features of the unit not normally eligible under the program due to federal regulations. This could include the ability to abate other non-lead related health hazards, repair deteriorated roofs, etc. The additional funding will also help make assistance available to units in targeted redevelopment areas regardless of the presence of lead hazards. Landlords are required to lease all renovated units to households at or below 50% of Area Median Income for a period of 5 years after receiving the grant.

Unlike the City's CARES Act CDBG entitlement funding that was received directly from the federal Department of Housing and Urban Development (HUD), this funding does not get included in the City's Annual Action Plan or require a substantial amendment. Instead, the funding is accounted for in the State's Annual Action Plan with reporting and compliance oversight from NYS HCR.

However, a public hearing in front of City Council is still required prior to submission of the grant application to provide the opportunity for citizen input on the proposed spending plan.

A public hearing is required.

Respectfully submitted,
James P. Smith
Mayor

Attachment No. AV-4

Ordinance No. 2022-6
(Int. No. 7)

Authorizing a grant application relating to the CARES Act Community Development Block Grant funding for the rehabilitation of affordable rental housing

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

Section 1. The Mayor is hereby authorized to submit an application to New York State Homes and Community Renewal for up to \$5,000,000 in funding through the Coronavirus Aid, Relief, and Economic Security Act of 2020 (CARES Act) Community Development Block Grant to fund the rehabilitation of affordable rental housing.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Patterson recommended Int. No. 8 be discharged from Committee; 2nd by Councilmember Harris.

Passed by the following vote:

Ayes – President Meléndez, Councilmembers Gruber, Harris, Patterson, Peo – 5.
Nays – Vice President Lupien, Councilmembers Lightfoot, Martin, Smith – 4.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2022-7
Re: Authority to Extend Qualifying
PILOT Agreements- Affordable
Rental Housing Projects

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to the extension and reinstatement of Payment in Lieu of Taxes (PILOT) Agreements for affordable rental housing projects. This legislation will authorize the Mayor to enter into amendatory agreements to extend the term of any Qualifying PILOT Agreement as the Mayor may deem appropriate and fiscally prudent to maintain and continue the provision of affordable housing to low-income households, subject to the qualifications and restrictions as described below:

A Qualifying PILOT Agreement shall refer to every PILOT agreement that supports a housing project that is affordable primarily to households making no more than 60% of the Area Median Income (AMI) for the Rochester Metropolitan Statistical Area and:

- a. Was approved by City Council prior to or during 2021;

- b. Obligates the developer to make payments that are not less than 10% of the project’s “shelter rent,” defined as gross rents less utility costs; and
- c. Is proposed to be extended in time in order to continue to the project’s provision of affordable housing.

A Qualifying PILOT Agreement shall not be extended for a term that exceeds:

- a. The term of the project’s authorized mortgage loans, including any additional mortgage loan used primarily for the affordable housing project;
- b. The term of the Regulatory Agreement as established by the NYS Division of Housing and Community Renewal or other state agency with jurisdiction; or
- c. The maximum term allowed by the NYS Private Housing Finance Law or any other applicable state or federal law.

Qualifying PILOT Agreements will be extended only after the City has verified that that it supports a project that continues to comply with all NYS and City requirements to provide safe, decent and affordable rental housing primarily for households at or below 60% of the Area Median Income.

The original City Shelter Rent PILOT agreements were approved for terms that are shorter than the life-span of affordable housing projects that they support, generally due to being based on the initial project financing terms. The expiration of a Shelter Rent PILOT Agreement prior to the end of its project’s outstanding mortgage(s), and related Regulatory Agreement, can cause unforeseen economic pressure for the projects, which have ongoing debt service and property upkeep expenses and limited ability to increase tenant rental rates.

Shelter Rent PILOT agreements are a mechanism typically utilized by the City of Rochester to determine and collect annual payments to the City for properties that otherwise would be eligible to be assessed under a complex formula set forth in Section 581-A of the NYS Real Property Tax Law. Section 581-A requires an annual submission of audited financial statements to be reviewed annually by Bureau of Assessment staff in order to come up with the project’s tax assessment valuation for the following tax roll year. Annual 581-A reviews require City staff to review annual operating statements using the Income Capitalization Approach. This is a time intensive detail-oriented process which needs to be undertaken at an already busy time of year. The PILOT agreement provides a much more efficient method of calculating appropriate tax payments to the City of Rochester for affordable housing projects that were established with Shelter Rent PILOT agreements.

The Covid-19 pandemic has brought an elevated awareness of the critical need for additional and sustained affordable housing locally, as well as across the state and country. It therefore is appropriate and reasonable for the City of Rochester to take the opportunity to extend administrative authority for Shelter Rent PILOT terms to be consistent with, or co-terminus with related NYS regulatory agreements governing the provision of such housing locally.

The PILOT Review Committee approved the proposed Shelter Rent PILOT Agreement extensions on December 20, 2021.

Respectfully submitted,
James P. Smith
Mayor

Ordinance No. 2022-7
(Int. No. 8)

Authorizing the extension of payment in lieu of tax agreements for qualifying affordable housing projects

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

Section 1. The Mayor is hereby authorized to enter into amendatory agreements to extend the term of any Qualifying PILOT Agreement as the Mayor may deem appropriate and fiscally prudent to maintain and continue the provision of affordable housing to low-income households, subject to the qualifications and restrictions specified herein.

Section 2. “Qualifying PILOT Agreement” shall refer to every payment in lieu of taxes (PILOT) agreement that: (a) supports a housing project that is affordable to households making no more than 60% of the Area Median Income for the Rochester Metropolitan Statistical Area (“affordable housing”); (b) was approved by Council prior to or during 2021; (c) obligates the developer to make payments that are not less than 10% of the project’s “shelter rent,” defined as gross rents less utility costs; and (d) is proposed to be extended in time in order to continue the project’s provision of affordable housing.

Section 3. A Qualifying PILOT Agreement shall not be extended for a term that exceeds: (a) the term of the project’s authorized mortgage loans, including any additional mortgage loan used primarily for the affordable housing project; (b) the term of the regulatory agreement governing the project as established by the NYS Division of Housing and Community Renewal or other state agency with jurisdiction; or (c) the maximum term allowed by the NYS Private Housing Finance Law or any other applicable state or federal law.

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

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes -President Meléndez, Councilmembers Gruber, Harris, Patterson, Peo - 5.

Nays –Vice President Lupien, Councilmembers Lightfoot, Martin, Smith - 4.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2022-8
Re: Amend Ord. No. 96-9 – PILOT:
Woodward Affordable Housing
Project

Council Priority: Rebuilding and Strengthening
Neighborhood Housing

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation to amend Ord. No. 96-9, related to the payment in lieu of taxes (PILOT) agreement for the Woodward Affordable Housing Project, an existing affordable housing project located on multiple sites in Marketview Heights and in or near the Plymouth Exchange neighborhoods in Rochester. Ordinance No. 96-9 was approved by City Council on January 29, 1996. The Owner, Woodward, L.P, an entity formed for the project, is an affiliate of PathStone Corporation (formerly Housing Opportunities) (Alex D. Castro, President & CEO, 400 East Avenue, Rochester). This legislation will amend the ordinance to extend the PILOT term from 25 years, to 30 years.

The requested PILOT extension is necessary to preserve 23 units of affordable housing until at least 2026. PathStone expects to pursue a funding application to refinance and rehabilitate the project, possibly in combination with one or more additional PathStone developed projects, to be able to create a larger scale rental community that would benefit from some operational efficiencies due to cost sharing.

The 23 affordable rental units included in the Woodward Affordable Housing Project are situated on 9 properties located in northeast and southwest Rochester, serving 10 households at or below 50% of Median Family Income (MFI) and 13 units for households at or below 60% MFI. The current Shelter Rent PILOT agreement provides an exemption for an annual in-lieu payment equal to 10% of the property's shelter rents (gross rents minus utility costs). The project continues to be subject to income and rent restrictions through at least 2026, through a related NYS Homes and Community Renewal (NYS HCR) Regulatory Agreement that requires the property to be maintained in safe, decent and sanitary condition. The proposed PILOT extension would allow the City's agreement to be co-terminus with the state's regulatory compliance period, and related outstanding mortgage.

Woodward Affordable Housing Project is comprised of two (2) single-family houses, five (5) two-family houses, one (1) three-family house, and one (1) eight-unit apartment building. The project includes three (3) studio units, six (6) one-bedroom units, six (6) two-bedroom units, seven (7) three-bedroom units, and one (1) four-bedroom unit. The two single family houses, each with three bedrooms, are subject to a NYS Homeless Housing Assistance agreement and serve households receiving public assistance benefits. Thirteen of the units are located in the Marketview Heights neighborhood and the other ten are located in or near the Plymouth/Exchange neighborhood in southwest Rochester.

The PILOT Review Committee approved this request on December 20, 2021.

Respectfully submitted,
James P. Smith
Mayor

Ordinance No. 2022-8
(Int. No. 9)

Amending Ordinance No. 96-9 and extending the term of the payment in lieu of taxes agreement for the Woodward Affordable Housing Project

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

Section 1. Ordinance No. 96-9, approving the redevelopment plan, property tax exemption and in-lieu-of-tax agreement for the Woodward Affordable Rental Housing Project, is hereby amended in Sections 2 and 3 thereof as follows:

Section 2. Pursuant to Section 125 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of ~~25~~ 30 years, the property of the Woodward Affordable Rental Housing Project (Project), to be used for low-income rental housing, consisting of the following parcels:

Address	SBL #
62 Chili Avenue	120.50-01-72
454 Chili Avenue	120.56-01-21
69 Columbia Avenue	121.69-02-22
108-110 Davis Avenue	106.57-03-56.1
396 Seward Street	120.76-02-60
152-154 Shelter Street	120.75-03-75
163 N. Union Street	106.74-01-30
53 Woodward Street	106.65-03-23
81 Woodward Street	106.65-03-36

The continuation of the Project tax exemption provided herein shall be contingent upon the maintenance and continued compliance with a shelter rent in-lieu-of-tax payment agreement that complies with Section 3 herein.

Section 3. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement with Woodward, L.P., for the affordable rental housing project, whereby Woodward, L.P. shall be obligated to make annual payments to the City of Rochester equal to 10% of its annual “shelter rent”. “Shelter rent” shall equal gross rents less utility costs. The term of the agreement shall be extended to match the term of the real property tax exemption authorized in Section 2 herein.

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. 2022-9
Re: Zoning Map Amendment –
10-10.5 Jones Avenue

Council Priority:
Creating and Sustaining a Culture of
Vibrancy

Comprehensive Plan 2034 Initiative Area:
The Placemaking Plan

Transmitted herewith for your consideration is legislation amending the Zoning Map of the City of Rochester by rezoning the property located at 10-10.5 Jones Av from R-1 Low Density Residential District to C-2 Community Center District.

10-10.5 Jones Av is 0.14 acres and contains a three-unit, multifamily dwelling and a two-story, garage in the rear. The applicant, James A. Magee of Paradigm Environmental Services, Inc. at 179 Lake Av, Rochester, NY 14608 seeks to convert the first floor apartment to office to provide additional space for the abutting environmental laboratory at 179 Lake Av.

The R-1 Low-Density Residential District is characterized predominantly by owner-occupied, single-family detached and attached homes. The proposed C-2 Community Center District will connect to the existing C-2 Community Center District to the east. The purpose of the C-2 Community Center District is to provide diverse commercial development along gateway transportation corridors and neighborhood or village centers with a dense mixture of uses such as housing, retail and other complementary uses that serve the adjacent neighborhood and the community at large.

10-10.5 Jones Av is located on the boundary of Rochester 2034's Placemaking Plan's Medium Density Residential, High Density Residential, and Flexible Mixed-Use Character Areas.

Notification of the proposed rezoning was provided to the surrounding property owners and the official neighborhood contact. The City Planning Commission held an informational meeting on December 13, 2021. The applicant's representative spoke in support of the proposed action. There was no written or verbal opposition or support to the proposed action. By a vote of 6-0-0, the City Planning Commission recommended approval.

A public hearing is required.

Respectfully submitted,
James P. Smith
Mayor

Attachment No. AV-5

Ordinance No. 2022-9
(Int. No. 10)

Amending the Zoning Map by changing the zoning classification of 10-10.5 Jones Avenue

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning map classification of 10-10.5 Jones Avenue, S.B.L. # 105.60-1-13, from R-1 Low Density Residential District to C-2 Community Center District. The change in classification shall also extend from the parcel to the center line of any adjoining street, alley, and right of way.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-10
Re: Zoning Map Amendment –
222 and 226 Merchants Rd

Council Priority: Creating and Sustaining
a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
The Placemaking Plan

Transmitted herewith for your consideration is legislation amending the Zoning Map of the City of Rochester by rezoning the properties located at 222 and 226 Merchants Rd from R-1 Low Density Residential District to C-2 Community Center District.

The applicant, Christopher Wightman, CEO of CCW Auto Services, Inc. at 738 N Winton Rd Rochester, NY 14609 seeks to expand their vehicle repair station by combining the subject properties with 218 Merchants Rd, to construct a 2,400 square foot building addition, and to construct a 17-space parking lot. This redevelopment project is undergoing site plan review and is subject to certain code requirements for building additions and parking lots which include but are not limited to façade elevations, landscape screening, fencing, etc.

222 and 226 Merchants Rd are both vacant residential land and total 0.20 acres. The R-1 Low-Density Residential District is characterized predominantly by owner-occupied, single-family detached and attached homes. The proposed C-2 Community Center District will connect to the existing C-2 Community Center District to the east and south. The purpose of the C-2 Community Center District is to provide diverse commercial development along gateway transportation corridors and neighborhood or village centers with a dense mixture of uses such as housing, retail and other complementary uses that serve the adjacent neighborhood and the community at large. The subject properties are situated in the Neighborhood Mixed-Use character area of the *Rochester 2034* Placemaking Plan. The Neighborhood Mixed-Use character area calls for auto-oriented uses to be subject to additional requirements in order to mitigate impacts on the public realm.

Notification of the proposed rezoning was provided to the surrounding property owners and the official neighborhood contact. The City Planning Commission held an informational meeting on December 13, 2021. The applicant and three members of the public spoke in support of the proposed action. One written comment in support of the proposed action was received. No members of the public spoke in opposition and no written comment in opposition was received. By a vote of 6-0-0, the City Planning Commission recommended approval.

A public hearing is required.

Respectfully submitted,
James P. Smith
Mayor

Attachment No. AV-6

Ordinance No. 2022-10
(Int. No. 11)

Amending the Zoning Map by changing the zoning classification of properties on Merchants Road

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning map classification of 222 Merchants Road, S.B.L. # 107.74-3-24.001, and 226 Merchants Road, S.B.L. # 107.74-3-25, from R-1 Low Density Residential District to C-2 Community Center District. The change in classification shall also extend from the parcel to the center line of any adjoining street, alley, and right of way.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-11
Re: Zoning Map Amendment – 350 Benton St

Council Priority:
Creating and Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
The Placemaking Plan

Transmitted herewith for your consideration is legislation amending the Zoning Map of the City of Rochester by rezoning the property at 350 Benton St from R-1 Low Density Residential District to C-1 Neighborhood Center District

The applicant, Larry Wong (PEPIC, LLC, 877 Harvard St Rochester, NY 14610) seeks to combine the subject property with 1012 S Clinton Av in order to establish an ancillary parking lot. This redevelopment project is undergoing site plan review and will require review/determination by the City Planning Commission.

The subject property is 0.07 acre brownfield site. The R-1 Low-Density Residential District is characterized predominantly by owner-occupied, single-family detached and attached homes. The proposed C-1 Neighborhood Center District will connect to the existing C-1 Neighborhood Center District to the east. The C-1 Neighborhood Center District provides for small-scale commercial uses offering primarily convenience shopping and services for adjacent residential areas. The subject property is situated in the boundary between the Neighborhood Mixed-Use and the Low Density Residential character areas of the *Rochester 2034* Placemaking Plan.

Notification of the proposed rezoning was provided to the surrounding property owners and the official neighborhood contact. The City Planning Commission held an informational meeting on December 13, 2021. The applicant spoke in support of the proposed action. No members of the public

signed up to speak at the virtual hearing. Seven written comments from the public were received. Of the seven comments received, three supported the proposed re-use of the brownfield site, three requested screening from the adjacent residence and pedestrian realm, two comments expressed concern regarding the property owner's ability to maintain the site, and all seven comments expressed concern about the proposed curb cut on the neighborhood street. This project also requires a special permit from the Planning Commission to establish the ancillary parking lot. The Planning Commission does not support the proposed curb cut on the neighborhood street. By a vote of 6-0-0, the City Planning Commission recommended approval.

A public hearing is required.

Respectfully submitted,
James P. Smith
Mayor

Attachment No. AV-7

Ordinance No. 2022-11
(Int. No. 12)

Amending the Zoning Map by changing the zoning classification of 350 Benton Street

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning map classification of 350 Benton Street, SBL No. 121.74-5-66, from R-1 Low Density Residential District to C-1 Neighborhood Center District. The change in classification shall also extend from the parcel to the center line of any adjoining street, alley, and right-of-way.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-12
Local Law #4
Re: City Charter and Code Amendments:
Repealing the Elevator Licensing Program

Council Priority: Rebuilding and Strengthening
Neighborhood Housing

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation repealing the City's Elevator Licensing Program. This legislation will amend the City Charter and Code to repeal the City's Elevator License Program and Elevator Examining Board, which will be replaced by a New York State run elevator licensing program effective January 1, 2022.

These amendments will eliminate the Elevator Licensing Program and Elevator Examining Board, whose responsibility was to evaluate the suitability of applicants to take the Elevator Exam, and to review complaints against licensed individuals. New York State launched a State administered elevator licensing program on January 1, 2022, which supersedes the City's authority, thus prompting the repeal of the locally administered licensing program.

The City will retain responsibility for enforcing requirements for building permits for elevators and for the annual elevator certification process.

A full summary of the Charter and Code changes is attached.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2022-12
(Int. No. 45)

Amending the Municipal Code with respect to Elevators, Escalators and Other Conveyances

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

Section 1. Chapter 50 of the Municipal Code, Elevators, Escalators and Other Conveyances, as amended, is hereby further amended in Article I, Purpose and Acceptance, to read as follows:

§ 50-1 Purpose and short title.

The purpose of this chapter is to provide for the protection of public health and safety by establishing rules relating to the installation and maintenance of elevators, dumbwaiters, escalators, moving walks and other conveyances in the City of Rochester. This chapter shall be known as the "Conveyance Code."

§ 50-2 Acceptance and scope.

The provisions of this chapter shall apply to the installation and maintenance of all conveyances in the City of Rochester. According to the provisions of the New York State Executive Law, Article 18, § 374-a, the Council of the City of Rochester, New York, hereby accepts the applicability of the New York State Uniform Fire Prevention and Building Code, including Chapter 30 of the Building Code of New York State, Section 606 of the Property Maintenance Code of New York State and ANSI ASME A17.1 and any other pertinent code or standard contained or referenced therein, and hereinafter designates the standards as set forth therein to apply within the City of Rochester.

Section 2. Chapter 50 of the Municipal Code, Elevators, Escalators and Other Conveyances, as amended, is hereby further amended in Article II, Administrative Regulations, to read as follows:

§ 50-3 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABANDONED LICENSE/REGISTRATION

~~A license or registration renewal application which was not filed by the March 1 next following the January 31 expiration date.~~

ALTERATION

Any major change made on existing equipment other than the repair or replacement of damaged, worn or broken parts necessary for normal operation and maintenance.

ANSI

~~American National Standards Institute.~~

ASME

American Society of Mechanical Engineers

ANSI ASME A17.1

~~The edition of the American National Standard Safety Code~~ ASME Safety Code for Elevators and Escalators for Elevators, Dumbwaiters, Escalators and Moving Walks, as supplemented by published amendments and additions as referenced by the New York State Uniform Fire Prevention and Building Code.

BOARD

~~The Elevator Examining Board, as established in § 12-42 of the Charter of the City of Rochester.~~

CERTIFICATE OF INSPECTION

The document issued by the Commissioner which certifies each conveyance defined herein as being in operating order and in compliance with this chapter.

CERTIFICATE OF REGISTRATION

~~The document issued by the Board which allows an installer or inspection company to do business in the City of Rochester.~~

COMMISSIONER

The Commissioner of Neighborhood and Business Development of the City of Rochester or the Commissioner's duly designated representative.

CONDITIONAL CERTIFICATION

A document issued by the Commissioner which allows for use of a noncompliant conveyance by the general public for a limited time while repairs are being completed.

CONVEYANCE

Any elevator, escalator or other device as defined in ANSI ASME A17.1.

ELEVATOR MECHANIC

~~Any person who has been found qualified by the Board and/or has successfully passed the examination given by the Board and possesses a current mechanic license (issued by the City of Rochester) to work independently at the job site under the direct day-to-day supervision of a licensed elevator installer.~~

EXISTING INSTALLATION

Any installation or alteration of a conveyance certified by the City prior to the effective date of this chapter.

INSPECTION CERTIFICATION

A form completed by a licensed inspector certifying the periodic safety tests and inspections of a conveyance which is filed at required intervals with the Commissioner by the owner, lessee or occupant of any building or structure.

~~**INSPECTION COMPANY**~~

~~A person or firm certified to conduct inspections of conveyances in the City of Rochester.~~

INSPECTION REPORT

The report of an conveyance inspection performed by a licensed inspector certifying full use of the pieces of equipment and designating that the equipment is maintained in operative condition, ready for service at all times.

INSPECTOR

A person witnessing tests and conducting inspections on conveyances.

INSTALL

To erect, construct, install, alter, maintain, repair and/or replace conveyances in the City of Rochester.

~~**INSTALLER**~~

~~A person or firm erecting, constructing, installing, altering, maintaining, repairing and/or replacing conveyances in the City of Rochester.~~

~~**LAPSED LICENSE/REGISTRATION**~~

~~A license or registration renewal application which has expired because the application was filed after the January 31 expiration date but prior to the abandonment date of March 1.~~

~~**LATE LICENSE/REGISTRATION**~~

~~A license or registration renewal application which is filed after the renewal date of December 30, but prior to the January 31 expiration date.~~

LICENSED

~~A document which is issued by the Board to an inspector or mechanic to engage in their respective trades as defined. Describing an occupation, business or category of work or inspection of conveyances that is performed by an individual or business that possesses the appropriate classification of State license required by Article 33 of the NYS Labor Law.~~

~~**MECHANIC**~~

~~A person working on a conveyance under the direct supervision of an installer.~~

NEW INSTALLATION

Any conveyance not previously certified by the Commissioner or an existing conveyance which has been moved to a new location subsequent to the effective date of this chapter.

SECURED INSTALLATION

An installation whose power feed lines have been disconnected from the mainline disconnect switch and:

- A. An electric elevator, dumbwaiter, or material lift whose suspension ropes have been removed, whose car and counterweight rest at the bottom of the hoistway, and whose hoistway doors have been permanently barricaded or sealed in the closed position on the hoistway side.
- B. An hydraulic elevator, dumbwaiter or material lift whose car rests at the bottom of the hoistway; whose pressure piping has been disassembled and a section removed from the premises; whose hoistway doors have been permanently barricaded or sealed in the closed position from the hoistway side; suspension ropes removed and counterweights, if provided, landed at the bottom of the hoistway.
- C. An escalator or moving walk whose entrances have been permanently barricaded.

SIMPLE REPAIR

The replacement of existing work with the same or like materials used in the existing work.

TAMPERING

Any unauthorized use or alteration of a conveyance.

TEMPORARILY OUT OF SERVICE

A conveyance which is locked at the top floor with its disconnect pulled and car and hoistway doors closed. Such a conveyance may remain out of service for not more than one year with inspections occurring in accordance with this code.

TEMPORARY USE PERMIT

A document issued by the Commissioner which allows for use of a noncompliant conveyance prior to certification for use by the general public.

~~§ 50-4 Elevator Examining Board.~~

~~The Elevator Examining Board is established by and shall have the powers and duties as set forth in § 12-42 of the Charter of the City of Rochester.~~

§ 50-4 Licensing Required.

Businesses and individuals that engage in design, construction, installation, inspection, testing, maintenance, alteration, service, and repair of conveyances shall possess the appropriate classification of State license that is required by Article 33 of the NYS Labor Law.

§ 50-5 Duties of Commissioner of Neighborhood and Business Development.

In addition to the powers and duties set forth in §§ 10-2A and 10-7 of the Charter of the City of Rochester and Chapter 39 of the Municipal Code, the Commissioner of Neighborhood and Business Development shall have the authority and responsibility to:

- A. Enforce all provisions of applicable state, county and local laws, ordinances and regulations regulating the installation, reinstallation or alteration of conveyances in the City.
- B. Provide for the orderly administration of all applicable state, county and local laws, ordinances and regulations regulating the installation, reinstallation or alteration of conveyances in the City. This administration shall include the receiving of applications, reviewing of plans and specifications and issuing of permits for all work performed in the City which is regulated by this chapter, for the purpose of ensuring compliance with all applicable laws, ordinances and regulations. The Commissioner shall review plans and specifications with specific emphasis on the appropriate code's public health and life safety provisions.
- ~~C. Consult with the Elevator Examining Board, as necessary, regarding the meaning and intent of the regulations governing work as identified in this code.~~
- ~~D. Attend meetings of the Elevator Examining Board as a representative of the City at his or her discretion. The Commissioner shall not have a vote at Board meetings.~~
- E.C. Make all inspections which are necessary or proper for the carrying out of these duties, except that the Commissioner may accept written reports of inspections from other qualified employees of the Department or may, in the Commissioner's discretion, accept and rely on written reports by a licensed inspector, ~~working for a certified inspection company.~~
- ~~F. Consult with the Board to determine and establish such fees as may be necessary for permits and licensing for conveyance work.~~
- G.D. Maintain records of the Department's activities, including applications for permits, permits issued, ~~licensed inspectors, registered installers,~~ fees collected, inspection reports, notices and orders issued and certificates issued.
- E. Based on information derived from the implementation of this chapter, notify the State licensing agency when:
 - (1) a licensed business or individual performs conveyance work or proffers an inspection that materially violates, or authorizes a material violation of, this chapter, the New York State Uniform Fire Prevention and Building Code, including Chapter 30 of the Building Code of New York State, Section 606 of the Property Maintenance Code of New York State and ASME A17.1, and any code or standard contained or referenced therein; or
 - (2) a business or individual performs conveyance work or proffers an inspection report without possessing a valid State license required by

Article 33 of the NYS Labor Law.

The individual or business that is the subject of the notification to the State licensing agency shall be provided with a copy immediately by first-class mail with delivery confirmation to the subject's 's last known mailing address.

§ 50-6 Appeals.

- A. Objective. It is the intent of this section to provide a definite and orderly administrative appeal process which will prevent unnecessary delay or litigation.
- B. Procedure.
- (1) An owner or owner's agent may appeal the Commissioner's decision or interpretation involving this chapter by requesting a hearing before ~~the Board~~ the Commissioner by filing a written request within 30 days after the Commissioner's decision or interpretation. ~~The Board shall review the appeal at its next regularly scheduled meeting or as soon thereafter as the Board may determine. After hearing the appeal, the Board shall render its decision no later than the next regularly scheduled meeting of the Board, and if no decision is rendered at that time, the appeal is deemed denied. The Board shall notify the applicant, in writing, and furnish a copy of its decision to the Commissioner. The Commissioner shall conduct a hearing within 15 days of receipt of the appeal and render a decision within 15 days of completing the hearing. If no decision is rendered within that time, the appeal will be deemed denied.~~
- (2) If ~~the Board~~ Commissioner decides against the appellant or the appeal is deemed denied, the appellant may appeal within 30 days of the decision or expiration of the decision deadline by filing a petition with ~~to~~ the Supreme Court, State of New York, pursuant to Article 78 of the Civil Practice Law and Rules, unless the appeal requests a variance or ~~further~~ interpretation of the New York State Uniform Fire Prevention and Building Code. In the latter event, the appellant ~~must~~ shall appeal ~~to the~~ a New York State Board of Review, ~~established by~~ in accordance with Section 381 of the NYS Executive Law and regulations set forth in Title 19 NYCRR, Part 1205 ~~prior to appealing to the Supreme Court, State of New York.~~
- ~~C. Fees. The Elevator Examining Board shall have the power to charge and collect reasonable fees and to make rules governing such charges.~~

Section 3. Chapter 50 of the Municipal Code, Elevators, Escalators and Other Conveyances, as amended, is hereby further amended by deleting in their entirety the following Articles:

Article III Licenses for Inspectors (§§ 50-7 through 50-10)

Article IV Registration of Installers and Inspection Companies (§§ 50-11 through 50-13)

Article V Licenses for Mechanics (§§ 50-14 through 50-14.2) and

Article VI Penalties (§§ 50-15 through 50-16)

Section 4. Chapter 50 of the Municipal Code, Elevators, Escalators and Other Conveyances, as amended, is hereby further amended in Article VII, Permits, Applications, Drawings and

Specifications, as follows:

- A. Redesignating said Article as Article III.
- B. Amending § 50-17 to read as follows:

~~§ 50-17~~ **50-7 Permits required.**

- A. A building permit is required for the installation, reinstallation, removal, demolition or major alteration of any conveyance. A building permit is not required for simple repairs. Written application shall be made by an authorized agent of a ~~registered~~ licensed installation company for permission to perform work. No work shall be commenced until the application has been approved by the Commissioner of Neighborhood and Business Development. The permit card shall be conspicuously posted on the premises where work is being done. The permit shall cover only the work specified in the application.
- B. A building permit shall be required for all work other than simple repairs as defined in ~~§ 50-17A~~ 50-7A and including but not limited to the following major alterations to all elevators:
 - (1) Increase in rated load or speed.
 - (2) Increase in deadweight of a car by more than 5%.
 - (3) Increase in the rate of travel.
 - (4) Change in the type of operation or control.
 - (5) Change in the size or number of suspension ropes.
 - (6) Change in the size or type of guide rails.
 - (7) Replacement, change in type or addition of a car or counterweight safety.
 - (8) Permissive use of freight elevators to transport employees.
 - (9) Change in classification from freight to passenger service.
 - (10) Change in power supply.
 - (11) Replacement of an existing machine.
 - (12) Addition of hoistway-door-locking devices or car-door or gate-electric contacts.
 - (13) Addition of hoist-door and/or car-door or gate-operating devices.
 - (14) Addition of car-leveling or truck-zoning devices.
 - (15) Addition of automatic transfer devices.

- C. A building permit shall also be required for the following major alteration to hydraulic elevators:
- (1) Increase in working pressure of more than 5%.
 - (2) Change in type of operation.
 - (3) Change in type of control.
- D. Permits shall be obtained from the City of Rochester with the following exception: Mercantile and factory operations shall obtain permits from the New York State Department of Labor, as defined by 12 NYCRR, Part 8.
- E. A certificate of inspection is required prior to the operation or use of any conveyance in any building or structure in the City which has been installed, constructed or altered. Any such operation or use without the required certificate of inspection is unlawful.
- F. A valid certificate of inspection is required for the continuing operation or use of any conveyance in any building or structure in the City and prior to the subsequent operation of any such conveyance which has been placed out of service or secured. Any such operation or use without the required certificate of inspection is unlawful.
- G. The Commissioner may permit the temporary use of any conveyance during its installation or construction, prior to certification for use by the general public, upon compliance with such conditions as the Commissioner may impose. A notice bearing the information that the equipment has not been finally approved shall be conspicuously posted on, near or visible from each entry to such device. In the case of elevators, such permission shall not be granted until the elevator shall have been tested with the rated load and the car safety and the terminal stopping equipment have been tested to determine their safety and until either permanent or temporary guards or enclosures are placed on the car and around the hoistway and at the landing entrances on each floor. Landing entrance guards shall be provided with locks that can be released from the hoistway side only. Automatic and continuous pressure elevators shall not be placed in temporary operation by the use of landing push buttons unless door-locking devices and/or interlocks are installed and in operation.
- H. Any person, firm, association, partnership or corporation who is the owner, lessee or occupant of a building or structure in the City and who operates or causes to be operated therein any conveyance herein defined shall be responsible for compliance with the provisions of this chapter.
- I. Failure to obtain a permit will result in penalties as established in § 39-225 of the Building Code of the City of Rochester.

C. Redesignating § 50-18, Drawings and Specifications, as § 50-8.

Section 5. Chapter 50 of the Municipal Code, Elevators, Escalators and Other Conveyances, as amended, is hereby further amended in Article VIII, Inspections, Tests and Violations, as follows:

A. Redesignating said Article as Article IV.

B. Amending §50-19 to read as follows:

~~§ 50-19~~ 50-9 **Filing.**

An inspection certification form, with an inspection report, shall be filed with the Commissioner before the last day of the month in which the certificate expires. An inspection certification form shall be filed:

A. For each existing conveyance in any building or structure in the City within the required inspection interval set forth in ~~§ 50-25~~ 50-15 for each such conveyance.

B. For any conveyance in any building or structure in the City which has been installed, constructed or altered.

C. Prior to the subsequent operation and use of any such conveyance which has been placed out of service or secured.

C. Amending § 50-20 to read as follows:

~~§ 50-20~~ 50-10 **Inspection time.**

The inspection certification and inspection report shall be based upon an inspection performed by an licensed inspector ~~licensed by the City~~ within 30 days prior to the date of filing said documents.

D. Redesignating § 50-21, Code violations, as § 50-11.

E. Amending § 50-22 to read as follows:

~~§ 50-22~~ 50-12 **Certification of correction of Code violations.**

Certification from a ~~registered~~ licensed conveyance installer or a licensed inspector may be submitted as evidence of compliance.

F. Amending § 50-23 to read as follows:

~~§ 50-23~~ 50-13 **Fees.**

A. Each inspection certification form shall be accompanied by a filing fee of \$110 for each conveyance.

B. For any conveyance which has not filed for an inspection certificate within the time frame as outlined in ~~§ 50-19~~ 50-9, there shall be a charge of \$75, in addition to the filing fee.

G. Redesignating § 50-24, Certificates of inspection, as § 50-14:

H. Amending § 50-25 to read as follows:

~~§ 50-25~~ 50-15 **Periodic inspections and tests.**

A. Inspections.

- (1) Basic requirements. All existing installations of conveyances in any type of building shall be subjected to inspections, in accordance with ~~ANSI~~ ASME A17.1, by a licensed inspector at intervals no longer than:
 - (a) Six months for all conveyances, except those located within a dwelling unit of a single- or two-family residence.
 - (b) An alternate interval required by the Commissioner for any conveyance pursuant to Subsection D herein.

- B. Periodic safety tests; basic requirements. All existing installations of conveyances in any type of building (except private residences) shall be subjected to periodic safety tests, in accordance with ASME A17.1 and ASME A18.1. Tests shall be witnessed by ~~an inspector~~ licensed inspector ~~by the City of Rochester.~~

- C. Other tests and repairs.
 - (1) The Commissioner may, as the result of the licensed inspector's report of unsafe conditions, require that:
 - (a) Additional inspections and/or repairs be made to any conveyance and inspection reports be submitted to the Commissioner within a time specified by the Commissioner.
 - (b) Full-load overspeed tests be performed on any elevator equipped with car and/or counterweight safeties.
 - (c) Load tests be performed on any escalator and/or moving walk.
 - (2) If the load tests required by the Commissioner pursuant to Subsection B herein are not performed within the time prescribed, the Commissioner may cause such tests to be performed, and the costs of such tests will be charged to the owner of the real property as prescribed by § 6-94 of the Charter and § 14-10 of the Code of the City of Rochester.

- D. Alternate inspection intervals. The licensed inspector shall submit to the Commissioner by the end of each calendar quarter, or as conditions necessitate, a list of those conveyances inspected by the agency in which conditions indicate an inspection interval more frequent than the intervals set forth in Subsection A(1)(a) and (b) herein to ensure the safe operation of such conveyances. The Commissioner shall review such lists and may, where deemed appropriate, require an alternative inspection interval for any such conveyance.

- E. Inspection reports. All inspection reports resulting from inspections required by this section shall be submitted electronically or otherwise made available to the City within seven days of the inspection being performed.

Section 6. Chapter 50 of the Municipal Code, Elevators, Escalators and Other Conveyances, as amended, is hereby further amended in Article IX, Miscellaneous Regulations, as follows:

- A. Redesignating said Article as Article V.
- B. Redesignating § 50-26, Alteration or service of elevators; safety precautions, as § 50-16.
- C. Amending § 50-27 to read as follows:

~~§ 50-27~~ 50-17 **Tampering with conveyances.**

- A. No person shall at any time tamper with any electrical or mechanical device on any conveyance.
- B. No person shall operate any freight or passenger elevator with the electric contacts made inoperative by plugging or operate such an elevator by use of the emergency release button, except when operated by a licensed inspector or ~~registered~~ licensed installer, in case of an emergency or during authorized tests and maintenance.
- D. Redesignating § 50-28, Reporting of accidents, as § 50-18.
- E. Redesignating § 50-29, Conveyances taken out of service or secured, as § 50-19.
- F. Redesignating § 50-30, Penalties, as § 50-20.
- G. Redesignating § 50-31, Severability, as § 50-21.
- H. Amending § 50-32 to read as follows:

~~§ 50-32~~ 50-22 **Retroactive provisions.**

- A. The provisions of this Code are not retroactive, except for those set forth in Subsection B(1) through (4) below. However, applicants who have filed applications prior to the effective date of this chapter may, at their own election, conform to the code adopted herein or to the previous code. If the applicants who have filed applications prior to the effective date of this chapter choose to be adjudged under the previously applicable code, they must complete installation within one year after the effective date of this chapter. Owners of existing installations which need to be retrofitted must complete retrofitting within one year after the effective date of this chapter.
- B. Required for retrofitting.
 - (1) Car emergency signaling devices. Existing elevators shall be provided with emergency signaling and communication devices conforming to ~~ANSI ASME~~ A17.1, Rule 211.1.
 - (2) Car gates/doors. Existing elevators shall be provided with car gates or doors conforming to the applicable requirements of ~~ANSI ASME~~ A17.1, Rules 204.4, 204.5 and 204.6.
 - (3) Hoistway-door-locking devices and car door/gate electric contacts. Existing elevators shall be provided with hoistway-door-locking devices and car door/gate

electric contacts conforming to the applicable requirements of ~~ANSI ASME~~ A17.1, Section 111.

- (4) Pit access, illumination and stop switch. Existing elevators shall be provided with pit access, illumination and a stop switch conforming to the applicable requirements of ~~ANSI ASME~~ A17.1, Rules 106.1d, 106.1e and 106.1f.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

Local Law # 4
(Int. No. 46)

Local Law discontinuing the Elevator Examining Board

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, (hereinafter, the City Charter) is hereby further amended in Article XII, Part C, Boards, by deleting Section 12-42, Elevator Examining Board, in its entirety.

Section 2. This local law shall take effect immediately upon filing in the Office of the Secretary of State as provided by Section 27 of the NYS Municipal Home Rule Law.

Passed unanimously.

By Councilmember Peo
January 18, 2022

To the Council:

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

- | | |
|-------------|---|
| Int. No. 13 | Appropriating Federal Highway Administration, Marchiselli Aid and American Rescue Plan Act funds and authorizing an agreement relating to the State Street Reconstruction Project |
| Int. No. 14 | Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$981,000 Bonds of said City to finance the costs of the State Street Reconstruction Project |

- Int. No. 15 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$3,812,000 Bonds of said City to finance water service improvements associated with the State Street Improvement Project

- Int. No. 16 Resolution authorizing the implementation, and funding in the first instance of 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefor relating to the State Street Reconstruction Project

- Int. No. 17 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,456,000 Bonds of said City to finance the costs of the Orange Street & Saxton Street Rehabilitation Project

- Int. No. 18 Appropriating Community Development Block Grant funds and authorizing an agreement relating to the Orange Street & Saxton Street Rehabilitation Project

- Int. No. 19 Authorizing a professional services agreement for the Brewery Line Trail project

- Int. No. 20 Appropriating funds for the Rochester Fire Department Firehouse Needs Assessment program

- Int. No. 21 Amending Ordinance No. 2021-364 in relation to the 2021 Preventive Maintenance Northwest Group 12 Project

- Int. No. 22 Appropriating funds from the Rochester Pure Waters District for sewer improvements associated with street improvement projects

- Int. No. 23 Authorizing an agreement for hydraulic model simulation support services

- Int. No. 24 Authorizing an amendatory license agreement for water quality monitoring equipment located at a Livingston County Water and Sewer Authority facility

- Int. No. 25 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$2,300,000 Bonds of said City to finance the costs of the 2022 Water Main Lining & Lead Service Replacement Project

- Int. No. 26 Authorizing an amendatory agreement with the New York State Department of Transportation to provide snow and ice control

Respectfully submitted,
 Jose Peo
 Mitch Gruber
 Willie J. Lightfoot
 Mary Lupien
 Miguel Meléndez
 PARKS & PUBLIC WORKS COMMITTEE

Received filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2022-13

Ordinance No. 2022-14

Ordinance No. 2022-15

Resolution No. 2022-8

Re: State Street Reconstruction Project
(Basin Street to Inner Loop)

Council Priority: Jobs and Economic
Development

Comprehensive Plan 2034 Initiative Area:
Sustaining Green & Active Systems

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

1. Appropriate \$5,461,600 in anticipated reimbursements from the Federal Highway Administration (FHWA) to finance a portion of the construction and Resident Project Representation (RPR) services for the project; and,
2. Appropriate \$1,024,050 in anticipated reimbursements from the New York State Marchiselli Aid Program to finance a portion of the construction and RPR services for the project; and,
3. Authorize the issuance of bonds totaling \$981,000 and the appropriation of the proceeds thereof to partially finance a portion of the construction and RPR services for the project; and,
4. Authorize the issuance of water bonds totaling \$3,812,000 and the appropriation of the proceeds thereof to partially finance the water portion of the construction and RPR services for the project; and,
5. Authorize the receipt and use of \$2,000,000 from the American Rescue Plan Act (ARPA) and appropriate the proceeds thereof to partially finance the water portion of the construction for the project; and
6. Establish \$1,400,000 as maximum compensation for a professional services agreement with Stantec Consulting Services Inc. (James R. Hofmann, Jr., Principal, 61 Commercial Street, Suite 100, Rochester, New York) for RPR services for the project. The cost of the agreement will be funded from the sources outlined in the chart on the following page; and
7. Approve a resolution, in a form that is required by the New York State Department of Transportation (NYSDOT), that will confirm the City's prior authorizations of the Project, commit the City to pay for the State-funded portion of the Project in the first instance before seeking reimbursement from the State, and, if applicable, commit the City Council to meet promptly to consider appropriating money to make up any cost overruns.

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

The City of Rochester received a \$202.1 million award from the Coronavirus State and Local Fiscal Recovery Fund established by the American Rescue Plan Act (ARPA). The water main betterment work associated with this project is an eligible use of ARPA funding per the following Treasury Interim Guidelines Expenditure Category: 5.11 - Drinking Water: Transmission & Distribution.

This project includes pavement reconstruction and widening, curbs, sidewalks, curb ramps, catch basins, manhole frames and covers, water main, water main structural lining, water services, water anodes, hydrants, telecommunications conduit, street lighting, signal upgrades, signage, pavement markings, tree plantings, and other various streetscape improvements. These improvements will enhance traffic safety and efficiency, improve the surface drainage and riding quality of the roadway, improve accessibility, and enhance the streetscape.

The project was designed by LaBella Associates, D.P.C. as authorized by Ordinance No. 2019-201, and as amended by Ordinance No. 2020-328 and Ordinance No. 2021-54.

Stantec Consulting Services Inc. was selected for RPR services through a Request for Proposal process, which is described in the attached summary.

Bids for construction were received on November 24, 2021. The apparent low bid of \$12,195,735.00 was submitted by Villager Construction, Inc. (Timothy O. Lawless, President, 425 Old Macedon Center Road, Fairport, New York).

The project will be funded as follows:

Source of Funds	Design	Construction	RPR	Contingency	Total
Federal Aid appropriated Ordinance No. 2019-201	203,200	0	0	0	\$203,200
Federal Aid appropriated Ordinance No. 2020-328 and as Amended by Ordinance No. 2021-272	320,615	0	0	0	\$320,615
Marchiselli Aid appropriated Ordinance No. 2020-197	38,100	0	0	0	\$38,100
Marchiselli Aid appropriated Ordinance No. 2021-272	55,765	0	0	0	\$55,765
Federal Aid appropriated herein	0	\$4,899,200.10	\$562,399.90	0	\$5,461,600
Marchiselli Aid appropriated herein	0	\$918,600.02	\$105,449.98	0	\$1,024,050
ARPA funds appropriated herein	0	\$2,000,000	0	0	\$2,000,000

Bonds authorized herein	0	\$867,773.74	\$113,210	\$16.26	\$981,000
Water bonds authorized herein	0	\$3,271,089.95	\$540,910.05	0	\$3,812,000
Pure Waters Reimbursement to be appropriated	0	\$118,425.70	0	0	\$118,425.70
2014-15 Cash Capital	23,700	0	0	0	\$23,700
2016-17 Cash Capital	64,352.96	0	0	0	\$64,352.96
2019-20 Cash Capital	2,869.95	0	\$64,180.66	\$35,819.34	\$102,869.95
2020-21 Cash Capital	46,397.09	\$120,645.49	\$13,849.41	0	\$180,891.99
Total	\$755,000	\$12,195,735	\$1,400,000	\$35,835.60	\$14,386,570.60

Construction is anticipated to begin in spring 2022 with substantial completion in fall 2023. The construction of the project will result in the creation and/or retention of the equivalent of 148.2 full-time jobs.

The agreement shall have a term of six (6) months after final completion of the project.

Respectfully submitted,
James P. Smith
Mayor

Attachment No. AV-8

Ordinance No. 2022-13
(Int. No. 13)

Appropriating Federal Highway Administration, Marchiselli Aid and American Rescue Plan Act funds and authorizing an agreement relating to the State Street Reconstruction Project

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

Section 1. The sum of \$5,461,600 in anticipated reimbursements from the Federal Highway Administration (FHWA) is hereby appropriated to fund a portion of the construction and resident project representation (RPR) services for the State Street Reconstruction Project extending from Basin Street to the Inner Loop (the Project).

Section 2. The sum of \$1,024,050 in anticipated reimbursements from the New York State Marchiselli Aid Program is hereby appropriated to fund a portion of the construction and RPR services for the Project.

Section 3. The Council hereby authorizes the receipt and use of \$2,000,000 provided by the United States Treasury pursuant to the American Rescue Plan Act of 2021 (ARPA) and appropriates said amount to fund a portion of the construction of the Project's water service improvements.

Section 4. The Mayor is hereby further authorized to execute any FHWA, Marchiselli, or ARPA grant agreement or to provide such other documentation as may be necessary to fund and carry out the Project.

Section 5. The Mayor is hereby authorized to enter into a professional services agreement with Stantec Consulting Services Inc. to provide RPR services for the Project. The maximum compensation for the agreement shall be \$1,400,000, which shall be funded in the amounts of \$562,399.90 from FHWA reimbursements appropriated in Section 1 herein, \$105,449.98 from Marchiselli Aid reimbursements appropriated in Section 2 herein, \$113,210 from the proceeds of Project street bonds authorized in a concurrent ordinance, \$540,910.05 from the proceeds of Project water bonds authorized in a concurrent ordinance, \$64,180.66 from 2019-20 Cash Capital and \$13,849.41 from 2020-21 Cash Capital. The term of the agreement shall continue until six months after final completion of the Project.

Section 6. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2022-14
(Int. No. 14)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$981,000 Bonds of said City to finance the costs of the State Street Reconstruction 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 a portion of the costs of the State Street Reconstruction Project from Basin Street to the Inner Loop, including pavement reconstruction and widening, new curbs, curb ramps and sidewalks, catch basins, manhole frames and covers, telecommunications conduit, street lighting, signal upgrades, signage, pavement markings, tree plantings, and other various streetscape improvements (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 \$8,363,821. The plan of financing includes the issuance of \$981,000 in bonds of the City, which amount is hereby appropriated therefor, \$203,200 in reimbursements from the Federal Highway Administration (FHWA) appropriated in Ordinance No. 2019-201, \$320,615 in reimbursements from the FHWA appropriated in Ordinance No. 2020-328 as amended by Ordinance No. 2021-272, \$38,100 in Marchiselli Aid appropriated in Ordinance No. 2020-197, \$55,765 in Marchiselli Aid appropriated in Ordinance No. 2021-272, \$5,461,600 from the FHWA appropriated in a concurrent ordinance, \$1,024,050 in Marchiselli Aid appropriated in a concurrent ordinance, \$118,426 in anticipated reimbursements from Pure Waters authorized in a concurrent ordinance and hereby appropriated therefor, \$23,700 in 2014-15 Cash Capital, \$2,870 in 2019-20 Cash Capital, \$134,495 in 2020-21 Cash Capital and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$981,000 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 \$981,000. 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 Section 11.00 a. 20(c) of the Law, is fifteen (15) years.

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

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

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

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

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

Passed unanimously.

Ordinance No. 2022-15
(Int. No. 15)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$3,812,000 Bonds of said City to finance water service improvements associated with the State Street Improvement 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 water service improvements, including water main, water main structural lining, water anodes, and hydrants, related to the State Street Reconstruction Project from Basin Street to the Inner Loop (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 \$6,022,750. The plan of financing includes the issuance of \$3,812,000 bonds of the City, which amount is hereby appropriated therefor, \$2,000,000 in American Rescue Plan Act funds appropriated in a concurrent ordinance, \$64,353 in 2016-17 Cash Capital, \$100,000 in 2019-20 Cash Capital, \$46,397, in 2020-21 Cash Capital and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$3,812,000 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 \$3,812,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

issuance of the bonds 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.

Resolution No. 2022-8
(Int. No. 16)

Resolution authorizing the implementation, and funding in the first instance of 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefor relating to the State Street Reconstruction Project

WHEREAS, a Project for the State Street Reconstruction (Basin Street to Inner Loop), P.I.N. 4CR0.06 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Rochester desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of design, right-of-way incidentals, right-of-way acquisition, construction, construction support and construction inspection services.

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

THAT the Council of the City of Rochester hereby approves the above-subject Project;

THAT the Council of the City of Rochester hereby authorizes the City of Rochester to pay in the first instance 100% of the federal and non-federal share of the cost of design, right-of-way incidentals, right-of-way acquisition, construction, construction support and construction inspection work for the Project or portions thereof;

THAT the sum of \$14,386,570.60 appropriated pursuant to Ordinance Nos. 2022-14 and 2022-15 (\$13,631,570.60) and prior Ordinance Nos. 2019-201, 2020-197, 2020-328, 2021-272 (\$755,000) are made available to cover the cost of participation in the above described phases of the Project;

THAT, in the event the full federal and non-federal share costs of the Project exceeds the amount appropriated above, the Council of the City of Rochester shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the City Engineer thereof;

THAT the Mayor of the City of Rochester be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Rochester with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible;

THAT a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and

THAT this Resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-16
Ordinance No. 2022-17
Re: Orange Street & Saxton Street
Rehabilitation Project – Orange
Street (Saxton Street to West Broad
Street), Saxton Street (Jay Street to
West Broad Street)

Council Priority: Jobs and Economic
Development

Comprehensive Plan 2034 Initiative Area:
Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to the Orange Street & Saxton Street Rehabilitation Project. This legislation will:

1. Authorize the issuance of bonds totaling \$1,456,000 and the appropriation of the proceeds thereof to partially finance a portion of the construction and Resident Project Representation (RPR) services for the project; and,
2. Appropriate \$400,000 from the 2021-22 Community Development Block Grant (CDBG) Residential Street Rehabilitation allocation for infrastructure improvements to partially finance a portion of the construction for the project; and,

3. Establish \$300,000 as maximum compensation for a professional services agreement with Joseph C. Lu Engineering, P.C. (Cletus O. Ezenwa, CEO, 339 East Avenue, Suite 200, Rochester, New York) for RPR services for the project. The cost of the agreement will be funded from the sources outlined in the chart on the following page.

The project includes pavement milling and resurfacing, new curb, spot sidewalk replacement, curb ramp upgrades, new driveway aprons, street lighting improvements, fiber telecommunication conduit, signage, tree removal and planting, and adjustment and/or repair of manholes, catch basin and water valve castings. These improvements will enhance traffic safety and efficiency, improve the surface drainage and riding quality of the roadway, and improve accessibility.

The project was designed by the City of Rochester Bureau of Architecture and Engineering Street Design Division with design support from Fisher Associates, P.E., L.S., L.A., D.P.C. through the Civil Engineering Professional Term Services Agreement.

Joseph C. Lu Engineering, P.C. was selected for RPR Services through a Request for Proposal process, which is described in the attached summary.

Bids for construction were received on November 9, 2021. The apparent low bid of \$1,657,600 was submitted by Villager Construction, Inc. (Timothy O. Lawless, President, 425 Old Macedon Center Road, Fairport, New York).

The project will be funded as follows:

Source of Funds	Design & Material Testing	Construction	Street Lighting	RPR	Contingency	Total
CDBG funds appropriated herein	0	400,000	0	0	0	\$400,000
Bonds authorized herein	0	1,071,751.88	40,000	275,000	69,248.12	\$1,456,000
Pure Waters Reimbursement to be appropriated	0	160,528.35	0	0	8,000	\$168,528.35
2012-13 Cash Capital	59,723	0	0	0	0	\$59,723
2014-15 Cash Capital	5,000	0	0	0	0	\$5,000
2015-16 Cash Capital	3,134	0	0	0	0	\$3,134
2016-17 Cash Capital	2,140	0	0	25,000	1,071.65	\$28,211.65
2019-20 Cash Capital	0	25,319.77	0	0	680.23	\$26,000
Total	\$69,997	\$1,657,600	\$40,000	\$300,000	\$79,000	\$2,146,597

Construction is anticipated to begin in spring 2022 with substantial completion in fall 2022. The construction of the project will result in the creation and/or retention of the equivalent of 22.6 full-time jobs.

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

Respectfully submitted,
James P. Smith
Mayor

Attachment No. AV-9

Ordinance No. 2022-16
(Int. No. 17)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,456,000 Bonds of said City to finance the costs of the Orange Street & Saxton Street Rehabilitation 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 a portion of the costs of the Orange Street (Saxton Street to West Broad Street) & Saxton Street (Jay Street to West Broad Street) Rehabilitation Project, including pavement milling and resurfacing, new curb, spot sidewalk replacement, curb ramp upgrades, new driveway aprons, street lighting improvements, fiber telecommunication conduit, signage, tree removal and planting, and adjustment and/or repair of manholes, catch basin and water valve castings (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 \$2,146,597. The plan of financing includes the issuance of \$1,456,000 in bonds of the City, which amount is hereby appropriated therefor, \$400,000 from the Residential Street Rehabilitation allocation of Community Development Block Grant funds in the 2021-22 Action Plan appropriated in a concurrent ordinance, \$168,528.35 in anticipated reimbursements from Pure Waters authorized in a concurrent ordinance and hereby appropriated therefor, \$59,723 in 2012-13 Cash Capital, \$5,000 in 2014-15 Cash Capital, \$3,134 in 2015-16 Cash Capital, \$28,211.65 in 2016-17 Cash Capital, \$26,000 in 2019-20 Cash Capital and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,456,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,456,000. 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 Section 11.00 a. 20(c) of the Law, is fifteen (15) years.

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

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

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

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

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

Passed unanimously.

Ordinance No. 2022-17
(Int. No. 18)

Appropriating Community Development Block Grant funds and authorizing an agreement relating to the Orange Street & Saxton Street Rehabilitation Project

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

Section 1. The sum of \$400,000 from the Residential Street Rehabilitation allocation of the Community Development Block Grant authorized in the 2021-22 Action Plan is hereby appropriated to fund a portion of the construction and resident project representation (RPR) services for the Orange Street (Saxton Street to West Broad Street) & Saxton Street (Jay Street to West Broad Street) Rehabilitation Project (the Project).

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with Joseph C. Lu Engineering, P.C. to provide RPR services for the Project. The maximum compensation for the agreement shall be \$300,000, which shall be funded in the amounts of \$275,000 from the proceeds of bonds authorized for the Project in a concurrent ordinance and \$25,000 from 2016-17 Cash Capital. The term of the agreement shall continue until three months after completion of a two-year guarantee inspection of the project.

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. 2022-18
Re: Agreement – Bergmann Associates,
Architects, Engineers, Landscape
Architects & Surveyors, D.P.C,
Brewery Line Trail Project

Council Priority: Jobs and Economic
Development

Comprehensive Plan 2034 Initiative Area:
Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation establishing \$160,000 as maximum compensation for a professional service agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C, (Pietro V. Giovenco, C.E.O., 280 East Broad Street, Suite 200, Rochester, New York) for Resident Project Representative (RPR) Services for the Brewery Line Trail project. The cost of the agreement will be financed from 2020-21 Cash Capital (\$70,000) and 2021-22 Cash Capital (\$90,000).

The project is located between the Pont de Rennes Bridge and the High Falls Overlook and includes improvements to the existing trail, trail furnishings, river railing, shoring the gorge edge, opening views by clearing scrub growth, and lighting.

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

It is anticipated that construction will begin in spring 2022 with scheduled completion in late 2022. The project will result in the creation and/or retention of the equivalent of 1.7 full-time jobs.

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

Respectfully submitted,
James P. Smith
Mayor

Attachment No. AV-10

Ordinance No. 2022-18
(Int. No. 19)

Authorizing a professional services agreement for the Brewery Line Trail project

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for Resident Project Representative (RPR) services for the Brewery Line Trail project (Project). The maximum compensation for the agreement shall be \$160,000, which shall be funded in the amounts of \$70,000 from 2020-21 Cash Capital and \$90,000 from 2021-22 Cash Capital. The term of the agreement shall extend until three months after completion of a two-year guarantee inspection of the Project.

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

Section 3. This ordinance shall take effect immediately.

Passed Unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-19
Re: Rochester Fire Department
Firehouse Needs Assessment

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Planning for Action

Transmitted herewith for your approval is legislation related to the Rochester Fire Department Firehouse Needs Assessment. This legislation will appropriate \$250,000 from the American Rescue Plan Act (ARPA) funding to finance the assessment.

The City of Rochester received a \$202.1 million award from the Coronavirus State and Local Fiscal Recovery Fund established by the American Rescue Plan Act (ARPA). This initiative was included

in the City of Rochester Strategic Equity and Recovery Plan, shared with City Council on September 29, 2021. This project is an eligible use of ARPA funding per the following Treasury Interim Guidelines Expenditure Category: 6.1 Provision of Government Services.

The Rochester Fire Department (RFD) operates 15 fire stations and 20 fire companies. Department personnel respond to Fire and Emergency Medical Service (EMS) calls, as well as a wide variety of technical rescue specialties from these stations. The Rochester firehouses are, on average 70 years old, with the majority built between 1950 and 1965. The RFD response model and emergency services needs of our community have changed significantly in the years since these facilities were designed and constructed. These changes include increasing workforce diversity, operational mission evolution, and increasing safety standards to mitigate firefighter exposure risks to hazardous materials via facilities that adequately accommodate decontamination procedures. The assessment will include a detailed operational, architectural and engineering evaluation of all facilities. The assessment will result in prioritized capital and operational improvement recommendations, estimates and phased implementation plans.

The scope of the study will assume that the existing station locations will not change.

A Request for Proposals (RFP) is anticipated to be issued in early 2022 for professional engineering and architectural services. The study will result in the creation and/or retention of the equivalent of 2.7 full-time jobs.

Respectfully submitted,
James P. Smith
Mayor

Attachment No. AV-11

Ordinance No. 2022-19
(Int. No. 20)

Appropriating funds for the Rochester Fire Department Firehouse Needs Assessment program

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

Section 1. The Council hereby authorizes the receipt and use of \$250,000 provided by the United States Treasury pursuant to the American Rescue Plan Act of 2021 and appropriates said amount to fund the Fire Department Firehouse Needs Assessment program (Program).

Section 2. The Mayor is hereby further authorized to execute any grant agreement or to provide such other documentation as may be necessary to fund and carry out the Program as authorized in Section 1 herein.

Section 3. The agreement and documents authorized herein 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. 2022-20
Re: Amending Ordinance No. 2021-364:
2021 Preventive Maintenance
Northwest Group 12 -
Driving Park Avenue (Ramona Street
to Dewey Avenue), Emerson Street
(Mt. Read Boulevard to Sherman Street),
Jay Street (Mt. Read Boulevard to
at-grade Railroad Crossing)

Council Priority: Jobs and Economic
Development

Comprehensive Plan 2034 Initiative Area:
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation related to the 2021 Preventive Maintenance Northwest Group 12 Project. This legislation will amend Ordinance No. 2021-364 to specify that the \$469,050 in New York State Marchiselli Aid Program funds appropriated to the Project shall be used to fund construction and Resident Project Representation services. This amendment corrects a drafting error in the original ordinance that directed the appropriated Marchiselli funds to design and construction administration services.

The project includes milling and resurfacing of the pavement, spot curb replacements, installation or upgrade of sidewalk curb ramps, adjustment and repair of manholes, receiving basins, and water valve castings, and replacement of traffic pavement markings. Additional enhancements include new bike lanes, curb bump-outs, new left turn lanes on Emerson Street at Glide Street and an evaluation for converting a signalized intersection of Jay Street and Glide Street to a four-way stop. These improvements will enhance the surface drainage and riding quality of the roadway, improve accessibility for all users, and expand the useful life of the pavement structure.

Construction began in spring 2021 and is anticipated to be substantially complete in fall 2021.

Respectfully submitted,
James P. Smith
Mayor

Ordinance No. 2022-20
(Int. No. 21)

**Amending Ordinance No. 2021-364 in relation to the 2021 Preventive Maintenance
Northwest Group 12 Project**

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

Section 1. Ordinance No. 2021-364, appropriating funds and amending Ordinance No. 2021-83 relating to the 2021 Preventive Maintenance Northwest Group 12 Project, is hereby amended in Section 1 thereof as follows:

Section 1. The Mayor is hereby authorized to accept and use \$469,050 in anticipated reimbursements from the New York State Marchiselli Aid program, which amount is hereby appropriated to fund a portion of the ~~design and construction administration~~ construction and Resident Project Representation services for the Preventive Maintenance Northwest Group 12 - Driving Park Avenue (Ramona Street to Dewey Avenue), Emerson Street (Mt. Read Boulevard to Sherman Street), Jay Street (Mt. Read Boulevard to at-grade Railroad Crossing) (collectively, the Project).

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.2022-21
Re: Appropriation – Rochester Pure
Waters District, Street Improvement
Projects

Council Priority: Jobs and Economic
Development

Comprehensive Plan 2034 Initiative Area:
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation authorizing the receipt and use of up to \$750,000 in anticipated reimbursements from the Rochester Pure Waters District (RPWD) to fund eligible portions of sewer costs on street improvement projects in accordance with the agreement authorized between the City and RPWD via Ordinance No. 2010-438.

Street improvements can require ancillary repairs to the sewer system including adjustments, repairs, replacements, and improvements to the sewer system manholes and catch basins. In the agreement referenced above, RPWD assumed responsibility for these maintenance costs and agreed to reimburse the City annually for the work.

The sewer improvements will result in the creation and/or retention of the equivalent of 8.2 full-time jobs.

Respectfully submitted,
James P. Smith
Mayor

Ordinance No. 2022-21
(Int. No. 22)

Appropriating funds from the Rochester Pure Waters District for sewer improvements associated with street improvement projects

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

Section 1. The Mayor is hereby authorized to accept and use reimbursement funds in the amount of \$750,000 from the Rochester Pure Waters District for sewer improvements associated with the City's street improvement program in accordance with the agreement authorized by Ordinance No. 2010-438.

Section 2. This ordinance shall take effect immediately.

Passed Unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2022-22
Re: Agreement – MRB Group, Engineering,
Architecture & Surveying, D.P.C.
Hydraulic Model Simulation
Support Services

Comprehensive Plan 2034 Initiative Area:
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation establishing \$36,000 as maximum compensation for an agreement with MRB Group, Engineering, Architecture & Surveying, D.P.C. (Ryan T. Colvin, C.E.O., 145 Culver Road, Suite 160, Rochester, New York) to provide hydraulic model simulation support services. The term of this agreement will be for three years. The cost of this agreement will be funded from FY 2020-21 Cash Capital.

MRB Group will provide support services required to update the Water Bureau's InfoWater hydraulic software model of the City's water system and will also assist in programming the software to simulate various changes to the water system and resultant impacts on hydraulic and water quality parameters such as fire flows, pressures and water age. The hydraulic model has been a vital tool used for optimizing pressures in the City's south-west quadrant and will be used extensively when evaluating options for bringing Highland and Cobbs Hill Reservoirs into compliance with USEPA regulations for open reservoirs.

MRB Group has 15 years of experience in hydraulic and water quality modeling and 10 years working exclusively with the proprietary InfoWater software program, making it uniquely qualified for this work. Innovyze Inc., the software developer, initially recommended MRB Group for this work six years ago and MRB Group recently completed two successful 3 year agreements with the Water Bureau for similar services. The last agreement was approved by Council through Ord No. 2018-407. A full justification for not issuing a request for proposals is attached.

Respectfully submitted,
James P. Smith
Mayor

Attachment No. AV-12

Ordinance No. 2022-22
(Int. No. 23)

Authorizing an agreement for hydraulic model simulation support services

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with MRB Group, Engineering, Architecture & Surveying, D.P.C. to provide hydraulic model simulation support services. The agreement shall have a term of three years and a maximum compensation of \$36,000, which shall be funded from the 2020-21 Budget of Cash Capital.

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. 2022-23
Re: Amendatory Agreement – Livingston
County Water and Sewer Authority –
License Agreement

Comprehensive Plan 2034 Initiative Area:
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Livingston County Water and Sewer Authority, for a license to maintain water quality monitoring equipment at their facility. The original agreement authorized in February 2012, established ~~\$1~~ \$100.00 compensation for a term of 10 years. This amendment will extend the term for an additional 10 years until February 2, 2032, at no charge to the City.

The Livingston County Water and Sewer Authority is the owner of property used as a pump house located at 7650 Big Tree Road, Livonia, NY 14487 where the City maintains water quality monitoring equipment for its water system pursuant to this agreement.

Respectfully submitted,
James P. Smith
Mayor

Ordinance No. 2022-23
(Int. No. 24)

Authorizing an amendatory license agreement for water quality monitoring equipment located at a Livingston County Water and Sewer Authority facility

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

Section 1. The City is hereby authorized to enter into an amendatory agreement with the Livingston County Water and Sewer Authority (LCWSA) for a license to operate and maintain the City's water quality monitoring equipment in the LCWSA pump house located at 7650 Big Tree Road, Livonia, New York. The amendatory agreement shall amend the original agreement dated February 3, 2012, to extend the term for an additional 10 years and to delete the provision requiring the City to pay LCWSA an annual \$100 utility fee.

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.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2022-24
Re: Bond Authorization - 2022 Water
Main Lining & Lead Service
Replacement Project

Comprehensive Plan 2034 Initiative Area:
Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$2,300,000 and appropriating the proceeds thereof to fund a portion of the 2022 Water Main Lining & Lead Service Replacement Project.

The project will rehabilitate approximately 3.4 miles of City water mains and replace the residential lead service lines along those mains. This rehabilitation method consists of mechanically cleaning the interior of the existing water mains and installing a corrosion-resistant cement lining to restore hydraulic capacity, improve available fire flows and water quality and to extend the useful life of the mains. The cost to rehabilitate a water main by cement lining is approximately 20% of the cost required to replace a water main. The project will replace 195 lead containing services as part of this project.

Work is expected to be performed during the spring and summer of 2022.

The total cost of the project is estimated to be \$2,500,000. The balance of funding will be \$200,000 from 2015-2016 Cash Capital.

A list of the affected streets and a map of the area are attached. Construction is scheduled to begin this spring and be completed by the fall. Project inspection will be performed by Water Bureau personnel.

This project results in the creation and/or retention of the equivalent of 27 full-time jobs.

Respectfully submitted,
James P. Smith
Mayor

Attachment No. AV-13

Ordinance No. 2022-24
(Int. No. 25)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$2,300,000 Bonds of said City to finance the costs of the 2022 Water Main Lining & Lead Service Replacement 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"), hereby authorizes the issuance of \$2,300,000 bonds of the City to finance a portion of the costs of the 2022 Water Main Lining & Lead Service Replacement Project to rehabilitate approximately 3.4 miles of existing water mains as well as replace residential lead service lines connected to those mains as indicated on the attached Schedule A ("Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,500,000. The plan of financing includes the issuance of \$2,300,000 bonds of the City, which amount is hereby appropriated therefor, \$200,000 from 2015-16 Cash Capital and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$2,300,000 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 \$2,300,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

SCHEDULE A

2022 Water Main Lining & Lead Service Replacement Project

STREET	FROM	TO	SIZE	LENGTH	Lead services
Alliance Av.	Pinnacle Rd.	Monroe Av.	6"	846	32
Beaufort St.	S. Clinton Av.	Henrietta St.	6"	997	32
Baird Rd.	Norton St.	Rexford St.	6"	1160	0
Evergreen	No. 97	Conkey Av.	6"	1014	17
Emanon St.	St. Paul St.	Dead End	6"	405	6
Finney St.	Ontario St.	Woodard St.	8"	317	2
Galusha St.	Oakman St.	Upper Falls Blvd.	6"	890	22
Gilmore St.	Edwards St.	Hudson Av.	8"	594	6
Gilmore St.	Hudson Av.	North St.	8"	790	3
Malone St.	Carter St.	Dead End	6"	475	1
Nellis Pk.	Jefferson Av.	Magnolia St.	8"	336	9
Nester St.	Hudson Av.	Wakefield St.	6"	568	1
Parker Al.	N. Union St.	Alexander St.	8"	576	0
Pearl St.	N. Goodman St.	Meigs St.	6"	713	0*
Pearl St.	Meigs St.	Averill Av.	8"	716	
Richmond St.	N. Union St.	No. 80	4"	216	

Richmond St.	No. 80	Alexander St.	8"	360	16*
Rowley St.	Harvard St.	Brighton St.	6"	360	0*
Rowley St.	Monroe Av.	Harvard St.	8"	680	
Rowley St.	Brighton St.	Park Av.	8"	632	
Shuart St.	Lawrence St.	Alexander St.	6"	280	1
Sullivan St.	N. Clinton Av.	Joseph Av.	6"	1360	14
Van Olinda St.	Northlane Rd.	Baird St.	6"	675	1
Vose St.	Henry St.	Reed Pk.	8"	872	7
Wanda St.	Wakefield St.	Hudson Av.	6"	570	5
Weeger St.	Hudson Av.	Thomas St.	6"	1368	16
Zygment St.	Wakefield St.	Hudson Av.	6"	570	4
*Combined number of services for 2 or more segments of the same street.					

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2022-25
 Re: Amendatory Agreement –
 New York State Department of
 Transportation, Snow & Ice
 Control Services

Council Priority: Jobs and Economic
 Development

Comprehensive Plan 2034 Initiative Area:
 Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation authorizing a change to the current agreement with the New York State Department of Transportation (NYSDOT) for the provision by the City of snow and ice control services on the following State highways:

1. Lake Avenue, from Lyell Avenue to West Ridge Road; and,
2. Plymouth Avenue, from Commercial Street to Troup Street.

The total length of these two streets is 2.7 miles. The requirement for an agreement for snow and ice control services on Plymouth Avenue will be eliminated in the future, when jurisdiction of the street is formally transferred from the State to the City.

The current agreement was previously authorized by City Council in September 2020 (Ordinance No. 2020-298) and later amended in January 2021 (Ordinance No. 2021-10). This current amendment is required by the NYSDOT to adjust the annual amount of compensation for the 2021-22 winter to reflect the City’s current costs to provide these services. The adjusted amount is \$86,739.97, an increase of \$8,476.45 from the previous amount from last year of \$78,263.52. All other conditions of the agreement remain the same.

As a reminder, the current agreement has an initial five (5) year term, with up to three (3) separate five year renewal periods, up to a maximum contract life of twenty (20) years. The current initial term will be from July 1, 2019 through June 30, 2024. The City can opt out of the agreement at the completion of any of the five year periods.

Respectfully submitted,
James P. Smith
Mayor

Ordinance No. 2022-25
(Int. No. 26)

Authorizing an amendatory agreement with the New York State Department of Transportation to provide snow and ice control

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the New York State Department of Transportation (NYSDOT) for the City to provide snow and ice control services on portions of Lake Avenue and Plymouth Avenue. The amendatory agreement shall amend the existing agreement, which was authorized in Ordinance No. 2020-298 and amended in Ordinance No. 2021-10, to further increase the annual Base Amount compensation by NYSDOT to the City by \$8,476.45 to a new total of \$86,739.97 in order to reflect the City's additional costs.

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.

By President Meléndez
January 18, 2022

To the Council:

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

- | | |
|-------------|---|
| Int. No. 29 | Appropriating American Rescue Plan Act funds, amending the 2021-22 Budget and authorizing an agreement relating to International Plaza improvements |
| Int. No. 30 | Authorizing a professional services agreement for the Youth Basketball Training program |

- Int. No. 31 Authorizing an agreement with the County of Monroe for the U.S. Justice Department Grant for Improving the Criminal Justice Response to Sexual Assault, Domestic Violence, Dating Violence and Stalking
- Int. No. 32 Authorizing an agreement for the STOP Violence Against Women grant program
- Int. No. 33 Appropriating ARPA funds, amending the 2021-22 Budget and authorizing an agreement for COVID Response and Vaccination Incentives
- Int. No. 34 Appropriating American Rescue Plan Act funds, amending the 2021-22 Budget and authorizing an agreement relating to the Healthcare Workforce Resiliency Program
- Int. No. 35 Amending Ordinance No. 2021-368 in relation to Society for the Protection and Care of Children services for the Comprehensive Adolescent Pregnancy Prevention program

The **PUBLIC SAFETY, RECREATION & HUMAN SERVICES COMMITTEE** recommends the following entitled legislation to be **HELD** in Committee

- Int. No. 27 Appropriating federal forfeiture funds and amending the 2021-22 Budget to purchase equipment
- Int. No. 28 Amending the 2021-22 Budget and authorizing agreements relating to the Trauma Training and Officer Wellness program
- Int. No. 47 Authorizing an agreement for Investigations Case Management Software

Respectfully submitted,
 Miguel A. Meléndez, Jr. (*Abstained on Int. No. 29*)
 LaShay D. Harris (*Absent*)
 Stanley Martin
 Jose Peo (*Voted no on Int. No. 33*)
 Mary Lupien

PUBLIC SAFETY, RECREATION & HUMAN SERVICES COMMITTEE

Received, filed and published.

President Meléndez recommended discharging Int. No. 27 from Committee; 2nd by Councilmember Peo.

Passed by the following vote:
 Ayes – President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Peo – 5.
 Nays – Vice President Lupien, Councilmembers Martin, Patterson, Smith – 4.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-26
Re: Appropriation of Federal Forfeiture
Funds

Council Priority: Public Safety

Transmitted herewith for your approval is legislation appropriating \$12,200 from federal forfeited funds generated by the Police Department, and amending the 2021-22 Budget of the Police Department to reflect this amount.

On occasion, the Police Department is involved with an investigation that seizes a vehicle, and as a result of the seizure, has the opportunity to take ownership of the vehicle by paying the U.S. Marshals Service for only sharing and processing costs. The sharing and processing costs vary based on the vehicle, but are approximately \$2,500 per vehicle. Prior to taking ownership of a seized vehicle, it is checked by personnel from the Mt. Read garage to verify that it is in good condition and fleet worthy. The newly acquired vehicles are used to replace older vehicles that are in poor condition in the Special Investigations Section's fleet. The Rochester Police Department will use \$6,000 to purchase seized vehicles as opportunities arise.

Up to \$3,500 will be used to purchase a 3D printer and supplementary materials. The 3D printer will be used to create uniquely designed plastic materials needed to encase and protect high-tech equipment from extreme weather conditions and other elemental factors.

The remaining \$2,700 will be used to purchase approximately 30 police headset-earpieces, designed to be compatible with the department issued Harris brand portable police radios. Clear communication is vitally important for police personnel. These earpieces will enhance officer safety and improve communications for our plainclothes and undercover officers.

The appropriations requested this month will result in a balance of approximately \$340,100 in the federal forfeiture treasury fund.

Respectfully submitted,
James P. Smith
Mayor

Ordinance No. 2022-26
(Int. No. 27)

Appropriating federal forfeiture funds and amending the 2021-22 Budget to purchase equipment

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

Section 1. There is hereby appropriated from federal forfeiture funds the sum of \$12,200, or so much thereof as may be necessary, to purchase seized vehicles, communications equipment, a 3D printer and associated materials.

Section 2. Ordinance No. 2021-174, the 2021-22 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Police Department by \$12,200, which amount is hereby appropriated for the purposes authorized in Section 1 herein.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

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

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

President Meléndez recommended discharging Int. No. 28 from Committee; 2nd by Councilmember Lightfoot.

Passed by the following vote:

Ayes – President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Lupien, Patterson, Peo – 7.

Nays – Councilmembers Martin, Smith – 2.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2022-27
Re: Agreements – RASE Funds –
Trauma Training and Officer
Wellness for RPD

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to the use of the City’s designated RASE implementation funding. This legislation will:

1. Transfer a total of \$122,400 from the 2021-22 Budget of Undistributed RASE allocation to the 2021-22 Budget of the Police Department to fund an agreement with Solution Point Plus and overtime related to the training.
2. Authorize an agreement with Solution Point Plus LLC, San Antonio, TX (Principal: Joe Smarro) for \$50,000 for Trauma Training for the Rochester Police Department. The term of the agreement will be for one year.
3. Authorize a Subscription Agreement with Cordico Inc., Frisco, TX (Principal: Van Holland) for \$27,000 annually for three years, for a total cost of \$81,000, for a CordicoShield Law Enforcement Wellness App subscription. The cost of this agreement will be funded from the 2021-22 Budget of Undistributed RASE allocations, and future budgets upon approval.

The RASE Commission recommended that uniformed personnel of the Rochester Police Department be provided training on the consequences of trauma for themselves and the community and have more resources available for officer wellness.

Solution Point Plus LLC is a Law Enforcement and Veteran-owned consulting and training firm specializing in mental health training for members of law enforcement and corporations. Solution Point Plus has built a reputation as a premier leader in this industry. They put an innovative and compassionate approach to policing into action. Solution Point Plus will provide a customized Trauma Training program for sworn officers to RPD in a “train-the-trainer” format. Representatives of the company will create the training program and train 20 RPD Training Officers in the program. The 20 Training Officers will train the remaining sworn Officers in the Rochester Police Department over a 7-week period.

The CordicoShield law enforcement wellness app, provided by Lexipol, offers a complete range of self-assessments as well as continuously updated videos and guides on more than 60 behavioral health topics, all designed specifically for first responders. The app will provide confidential access and utilization. This will provide RPD officers and their family members with the option to contact and receive resources from the RPD Wellness Unit while remaining completely confidential.

The remaining \$72,400 will be used as necessary to pay overtime to backfill Officers’ shifts while they are attending training. The fringe, estimated at \$26,600, will be paid for out of undistributed.

A No RFP Justification Statement for Solution Point Plus is attached.

Respectfully submitted,
James P. Smith
Mayor

Attachment No. AV-13

Ordinance No. 2022-27
(Int. No. 28)

Amending the 2021-22 Budget and authorizing agreements relating to the Trauma Training and Officer Wellness program

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

Section 1. Ordinance No. 2021-174, the 2021-22 Budget of the City of Rochester, as amended, is hereby further amended by transferring \$122,400 from the Budget of Undistributed Expenses to the Budget of the Police Department, which funds are hereby appropriated to the Trauma Training and Officer Wellness program for the Rochester Police Department (Program).

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with Solution Point Plus LLC to provide Program training for sworn officers of the Rochester Police Department (RPD). The term of the agreement shall be for one year. The maximum compensation for the agreement shall be \$50,000, which shall be funded from the 2021-22 Budget of the Police Department.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement with Cordico Inc. to provide access to and customize the CordicoShield Law Enforcement Wellness App for the use of RPD officers and their family members. The term of the agreement shall be for 3 years. The maximum annual compensation for the agreement shall be \$27,000, which shall be funded from the 2021-22 Budget of Undistributed Expenses for the first year and from future years' budgets of the City of Rochester, contingent upon approval, for the second and third years.

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

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays – Councilmembers Martin, Smith – 2.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2022-28
Re: Appropriation and Budget Amendment
– American Rescue Plan Act (ARPA),
the International Plaza

Council Priority: Jobs and Economic
Development

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to the use of American Rescue Plan Act (ARPA) to further develop the International Plaza. This legislation will:

1. Appropriate the receipt and use of \$75,000 from the American Rescue Plan Act (ARPA) for the International Plaza.
2. Amend the 2021-22 Budget of Department of Recreation and Human Services (DRHS) by \$75,000 to reflect the appropriation authorized herein.
3. Authorize \$75,000 as maximum compensation for a grant agreement with the Ibero-American Development Corporation (IADC) (Eugenio Marlin, Executive Director, Rochester, NY 14621) for the continued development of the International Plaza site. The term of this agreement will not exceed two years.

The City of Rochester received a \$202.1 million award from the Coronavirus State and Local Fiscal Recovery Fund established by the American Rescue Plan Act (ARPA). This project was included in the City of Rochester's Strategic Equity and Recovery Plan, shared with City Council on September 29, 2021, and is an eligible use of ARPA funding per the following Treasury Interim Guidelines Expenditure Category: 2.9 Small Business Economic Assistance (General).

These funds will be designated for the purchase of additional vending “kiosks” for the site and other amenities, fixtures and equipment including but not limited to, outdoor furniture and sound and stage enhancements. These improvements will continue to reinforce the Plaza as a community gathering and event space as well as providing additional vending opportunities for small businesses and entrepreneurs. IADC will be required to abide by all regulations and reporting requirements required under the ARPA. All improvements, equipment and fixtures after installation, will become the property of the City who will be responsible for on-going maintenance and repair.

Respectfully submitted,
James P. Smith
Mayor

Ordinance No. 2022-28
(Int. No. 29)

Appropriating American Rescue Plan Act funds, amending the 2021-22 Budget and authorizing an agreement relating to International Plaza improvements

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

Section 1. The Council hereby authorizes the receipt and use of \$75,000 provided by the United States Treasury pursuant to the American Rescue Plan Act of 2021 (ARPA) and appropriates said amount to fund improvements to the International Plaza (Improvements). The Mayor is hereby further authorized to execute any grant agreement or to provide such other documentation as may be necessary to fund the Improvements.

Section 2. Ordinance No. 2021-174, the 2021-22 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 Human Services (DRHS) by \$75,000 to reflect the receipt of the funds appropriated to the Improvements in Sections 1 herein.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement with the Ibero-American Development Corporation to acquire and install the Improvements. The maximum compensation for the agreement shall be \$75,000, which shall be funded from the 2021-22 Budget of DRHS. The term of the agreement shall be up to 2 years.

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

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

President Meléndez abstained due to a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-29
Re: Agreement – Youth Basketball
Training

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

Comprehensive Plan 2034 Initiative Area:
Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum annual compensation for an agreement with Hoop and Motivate LLC (Rochester, NY) to provide year round Youth Basketball Training. The cost of this agreement will be funded from the 2021-22 Budget of the Department of Recreation and Human Services. The term of this agreement be January 1, 2022 through December 31, 2022 with the option to renew for three additional one-year periods funded by future Budgets of DRHS, contingent upon approval.

Prior to this agreement, DRHS partnered with Hoop and Motivate LLC to conduct Sports Camp sessions and Citywide Basketball clinics since 2019. Founders John Ivy, Brandon Caruthers, and Norman Simmons are all RCSD graduates and former Section V Basketball All Greater Rochester honorees. They all went on to achieve great success playing college basketball while earning their degrees. John and Brandon are currently playing professionally. Hoop and Motivate LLC was founded in 2018 and has trained hundreds of boys and girls throughout New York State.

Hoop and Motivate LLC was selected for these services based on our successful collaborations for the last 3 years. A full justification for not issuing a request for proposals is attached.

Respectfully submitted,
James P. Smith
Mayor

Attachment No. AV-14

Ordinance No. 2022-29
(Int. No. 30)

Authorizing a professional services agreement for the Youth Basketball Training program

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Hoop and Motivate LLC for services related to the Youth Basketball Training program (Program). The term of the agreement shall extend for one year, with three one-year renewal options. The maximum annual compensation for the agreement shall be \$20,000, which shall be funded from the 2021-22 Budget of the Department of Recreation and Human Services (DRHS) for the initial term and from subsequent budgets of DRHS, contingent upon approval, for any optional renewal.

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. 2022-30
Re: Inter-Municipal Agreement – Monroe
County’s Improving Criminal Justice
Responses to Domestic Violence,
Dating Violence, Sexual Assault,
and Stalking Grant

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to Monroe County’s Improving Criminal Justice Responses to Domestic Violence, Dating Violence, Sexual Assault, and Stalking Grant program. This legislation will:

1. Authorize an inter-municipal agreement with Monroe County for the receipt and use of \$111,890. The term of the agreement is October 1, 2020 through September 30, 2023.
2. Amend the 2021-22 Budget of the Department of Recreation and Human Services (DRHS) by \$10,600.
3. Amend the 2021-22 Budget of the Rochester Police Department (RPD) by \$10,300.
4. Amend the 2021-22 Budget of Undistributed Expenses by \$4,600 for personnel fringe expenses.

The remaining grant funds will be anticipated and included in future budgets of the Departments of Recreation and Human Services, Police, and Undistributed Expenses.

The County received \$1,000,000 from US Department of Justice Office on Violence Against Women, Grant for Improving the Criminal Justice Response to Sexual Assault, Domestic Violence, Dating Violence and Stalking (SADVS) to implement a comprehensive collaborative among agencies dealing with domestic violence. The funds received by the City will be used to support the salary and fringe benefits of a part-time staff member in Crisis Intervention Services Unit Section who will assist up to 750 victims of domestic violence, dating violence, sexual assault, and stalking. The grant will also support the cost of overtime and associated fringe benefits for the Rochester Police Department’s Domestic Violence Response Team (DART), comprised of police officers and police supervisors as needed, to respond to targeted domestic violence situations.

This agreement was approved by the Monroe County Legislature Resolution No. 21.301 on September 14, 2021. The agreement was last authorized by City Council Ordinance No. 2017-367.

Respectfully submitted,
James P. Smith
Mayor

Ordinance No. 2022-30
(Int. No. 31)

Authorizing an agreement with the County of Monroe for the U.S. Justice Department Grant for Improving the Criminal Justice Response to Sexual Assault, Domestic Violence, Dating Violence and Stalking

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 County of Monroe for receipt and use of funding from the U.S. Department of Justice Grant for Improving the Criminal Justice Response to Sexual Assault, Domestic Violence, Dating Violence and Stalking in the amount of \$111,890. The agreement shall have a term of October 1, 2020 through September 30, 2023.

Section 2. The Mayor is hereby authorized to execute such other documents as may be necessary for the City to participate in and administer the use of the grant funds authorized herein. The agreement and documents shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2021-174, the 2021-22 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 \$10,300, to the Budget of the Department of Recreation and Human Services by \$10,600, and to the Budget of Undistributed Expenses by \$4,600 for funds received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2022-31

Re: Grant Agreement – New York State
Services Training Officers Prosecution
Violence Against Women Formula Grant

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:

Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing a grant agreement with New York State Division of Criminal Justice Services for the receipt and use of a Services Training Officers Prosecution Violence Against Women (STOP VAWA) Formula grant totaling \$50,000. The term of this agreement is January 1, 2022 through December 31, 2022 and this is the second year of a previously awarded five-year grant. This award was anticipated in the 2021-22 Budget of DRHS.

The STOP VAWA grant supports the personnel expenses of a full-time Community Support Counselor in the Department of Recreation and Human Services Crisis Intervention Services (CIS) Unit. The Community Support Counselor will provide support, referrals, counseling, advocacy, and safety planning to victims of domestic violence, dating violence, sexual assault, or stalking. It is

anticipated that the Community Support Counselor will assist around 500 victims during the program term.

This was last authorized by City Council on March 16, 2021 via Ordinance No. 2021-96.

Respectfully submitted,
James P. Smith
Mayor

Ordinance No. 2022-31
(Int. No. 32)

Authorizing an agreement for the STOP Violence Against Women 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 Criminal Justice Services for the receipt and use of 2022 STOP Violence Against Women grant funding in the amount of \$50,000 to support the City's Crisis Intervention Services staff. The term of the agreement shall be one year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-32
Re: Appropriation and Budget Amendment –
American Rescue Plan Act, COVID
Response and Vaccination Incentives

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation relating to the appropriation of American Rescue Plan Act (ARPA) funds. This legislation will:

1. Appropriate the receipt and use of \$5,000 from the American Rescue Plan Act (ARPA) for adult vaccination incentives.
2. Amend the 2021-22 Budget of the Department of Recreation and Human Services (DRHS) by \$5,000 to reflect the appropriation authorized herein.

3. Authorize an agreement with the United Way of Greater Rochester and the Finger Lakes, Inc. (Jamie Saunders, Rochester, NY) for the receipt and use of these funds. The term of this agreement will not exceed one year.

The City of Rochester received a \$202.1 million award from the Coronavirus State and Local Fiscal Recovery Fund established by the American Rescue Plan Act (ARPA). This project is an eligible use of ARPA funding per the following Treasury Interim Guidelines Expenditure Category: 1.1 COVID-19 Vaccination.

The United Way has partnered with the City of Rochester to provide additional support and relief to city residents in response to the COVID-19 pandemic. Supports include but are not limited to providing personal protective equipment and incentives for vaccination.

Respectfully submitted,
James P. Smith
Mayor

Ordinance No. 2022-32
(Int. No. 33)

Appropriating ARPA funds, amending the 2021-22 Budget and authorizing an agreement for COVID Response and Vaccination Incentives

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

Section 1. The Council hereby authorizes the receipt and use of \$5,000 provided by the United States Treasury pursuant to the American Rescue Plan Act of 2021 (ARPA) and appropriates said amount to fund COVID Response and Vaccination Incentives (the Program). The Mayor is hereby further authorized to execute any grant agreement or to provide such other documentation as may be necessary to fund and carry out the Program.

Section 2. Ordinance No. 2021-174, the 2021-22 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 Human Services (DRHS) by \$5,000 from the ARPA funds appropriated for the Program in Section 1 herein.

Section 3. The Mayor is hereby authorized to enter into an agreement with United Way of Greater Rochester and the Finger Lakes, Inc. for reimbursement of Program expenses. The maximum compensation for the agreement shall be \$5,000 and shall be funded from the 2021-22 Budget of DRHS. The term of the agreement shall be up to one year.

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

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - Councilmember Peo - 1.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2022-33

Re: Appropriation and Budget Amendment –
American Rescue Plan Act, Healthcare
Workforce Resiliency

Council Priority: Jobs and Economic
Development

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation relating to the appropriation of American Rescue Plan Act (ARPA) funds. This legislation will:

1. Appropriate the receipt and use of \$500,000 from the American Rescue Plan Act (ARPA) for Healthcare Workforce Resiliency Program.
2. Amend the 2021-22 Budget of the Department of Recreation and Human Services (DRHS) by \$500,000 to reflect the appropriation authorized herein.
3. Establish \$500,000 as maximum annual compensation for a grant agreement with the Center for Healthcare Workforce Development Inc. (Sandi Vito, New York, NY) to deliver the Healthcare Workforce Resiliency Program. The term of this agreement will be for one year.

The 1199SEIU Upstate New York Training and Upgrading Fund is a negotiated benefit between multiple healthcare employers and 1199SEIU, covering more than 15,000 employees.

Through this collaboration, the Fund provides career and educational advising, adult education, skills enhancement programs, tuition vouchers/reimbursement and professional development opportunities to thousands of healthcare workers throughout Upstate New York.

The Healthcare Workforce Resiliency Program will provide entry level healthcare with career exploration, employment skills training and co-operative service and career pathway navigation to participants already in the field. Academic assessment services and case management including stipends and wraparound service coordination will be provided throughout the program, based on the individual's specific needs. The program anticipates supporting 60 City residents in achieving licensure and/or certification.

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

29, 2021, and is an eligible use of ARPA funding per the following Treasury Interim Guidelines Expenditure Category: 2.7 Job Training Assistance.

Respectfully submitted,
James P. Smith
Mayor

Ordinance No. 2022-33
(Int. No. 34)

Appropriating American Rescue Plan Act funds, amending the 2021-22 Budget and authorizing an agreement relating to the Healthcare Workforce Resiliency Program

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

Section 1. The Council hereby authorizes the receipt and use of \$500,000 provided by the United States Treasury pursuant to the American Rescue Plan Act of 2021 (ARPA) and appropriates said amount to fund the Healthcare Workforce Resiliency Program (Program). The Mayor is hereby further authorized to execute any grant agreement or to provide such other documentation as may be necessary to fund and carry out the Program.

Section 2. Ordinance No. 2021-174, the 2021-22 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 Human Services (DRHS) by \$500,000 to reflect the receipt of the funds appropriated to the Program in Section 1 herein.

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with the Center for Healthcare Workforce Development, Inc. to implement the Program. The maximum compensation for the agreement shall be \$500,000, which shall be funded from the 2021-22 Budget of DRHS. The term of the agreement shall be 1 year.

Section 3. The agreements authorized herein 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. 2022-34
Re: Agreement – Society for the
Protection and Care of Children,
Comprehensive Adolescent Pregnancy
Prevention Grant

Council Priority: Support the Creation of
Effective Educational Systems

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing \$72,590 as maximum compensation for an agreement with the Society for the Protection and Care of Children (SPCC) (Laurie Valentine, Rochester, NY) for comprehensive sexual health education to youth in specialized populations. The term of the agreement will be from January 1, 2022 to December 31, 2022. The agreement will be funded by New York State Department of Health (NYSDOH) Comprehensive Adolescent Pregnancy Prevention (CAPP) Grant program previously appropriated via Council Ordinance No. 2021-368. This agreement was originally authorized at a lesser amount, however the increased maximum annual compensation is requested to reflect additional SPCC staff hours dedicated to the program.

The goal of the NYSDOH CAPP Grant program is to significantly reduce the rate of pregnancy among teenagers in targeted areas. The primary goals of the program are to provide evidence-based curricula in the Rochester City School District (RCSd), Charter schools, R-Centers and community based agency settings, reduce adolescent pregnancy and STI rates in the city of Rochester and improve high school graduation rates in the city of Rochester. Services are provided by City employees as well as community agency partners that were selected through a request for qualifications process and included in the original five-year grant application.

Under the amended agreement, SPCC will utilize the additional funds to increase staff hours and capacity in order to enroll 75 youth from specialized populations in evidence-based programming through the Be Proud Be Responsible curricula, including youth at the Monroe County Jail and the Industry Youth Detention Facility. Staff will also provide evidence based sexual health curriculum to youth in grades 9-12 at RCSd and Charter schools, recruit and facilitate participation from a minimum of 25 parents/ caregivers/ teen mother support circles in *Caring Conversations* curriculum and coordinate and support youth access to health care services. SPCC has been a partner on this program for more than 10 years.

Respectfully submitted,
James P. Smith
Mayor

Ordinance No. 2022-34
(Int. No. 35)

Amending Ordinance No. 2021-368 in relation to Society for the Protection and Care of Children services for the Comprehensive Adolescent Pregnancy Prevention program

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

Section 1. Ordinance No. 2021-368, authorizing agreements and funding and amending the 2021-22 Budget for the Comprehensive Adolescent Pregnancy Prevention program (Program), is hereby amended in Section 3 thereof as follows:

Section 3. The Mayor is hereby authorized to enter into professional service agreements to provide Program services with each of the following organizations for the maximum compensation amounts specified herein for a term of one year:

Baden Street Settlement of Rochester, Inc.	\$83,242
Anthony L. Jordan Health Center	\$20,000
Society for the Protection and Care of Children	\$63,441 <u>\$72,590</u>
YWCA of Rochester and Monroe County	\$56,537
TOTAL \$223,220 <u>\$232,369</u>	

provided that, in the event that all funds allocated for any listed provider are not expended, the Mayor is authorized to enter into an amendatory agreement with one or more of the other providers to use the unexpended funds to provide additional Program services.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

President Meléndez recommended discharging Int. No. 47 from Committee; 2nd by Councilmember Peo.

Passed by the following vote:

Ayes – President Meléndez, Councilmembers Gruber, Harris, Lupien, Martin, Patterson, Peo, Smith – 8.

Nays – Councilmember Lightfoot – 1.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2022-35
 Re: Agreement – Customer Expressions Corporation d/b/a i-Sight

Council Priority: Public Safety

Investigations Case Management Software

Transmitted herewith for your approval is legislation establishing \$106,950 as maximum compensation for an agreement with Customer Expressions Corporation d/b/a i-Sight (Jakub Ficner, Director of Partnership Development and Government Sales) for subscription based software services and associated implementation services to assist the Police Accountability Board in its investigatory work. The term of the agreement shall be up to one year. The cost of this agreement will be funded from the 2021-22 Budget of the City Council & Clerk.

Customer Expressions Corporation d/b/a i-Sight, 2255 Carling Avenue, Suite 500, Ottawa, Ontario, K2B 7Z5, was selected for these services on a best value basis after reviewing demonstrations and proposals from a number of vendors. A full justification for not issuing a request for proposals is attached.

Respectfully Submitted,
Miguel A. Meléndez, Jr.
President

Attachment No. AV-15

Ordinance No. 2022-35
(Int. No. 47)

Authorizing an agreement for Investigations Case Management Software

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 Customer Expressions Corporation to provide subscription based case management software and associated implementation services to the Police Accountability Board for its investigatory work. The term of the agreement shall be up to one year. The maximum compensation for the agreement shall be \$106,950, which shall be funded from the 2021-22 Budget of the City Council & Clerk.

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 by the following vote:

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

Nays –Councilmember Lightfoot - 1.

By President Meléndez
January 18, 2022

To the Council:

The **COMMITTEE OF THE WHOLE** recommends for the following entitled legislation to be **HELD** in committee:

- | | |
|-------------|--|
| Int. No. 41 | Resolution confirming the appointment of the Commissioner of Recreation and Human Services |
| Int. No. 42 | Resolution confirming the appointment of the Commissioner of Environmental Services |
| Int. No. 43 | Resolution confirming the appointment of the Corporation Counsel |

Respectfully submitted,

Mitch Gruber
LaShay D. Harris (*Absent*)
Willie J. Lightfoot (*Absent*)
Stanley Martin
Michael A. Patterson
Jose Peo
Kimberly Smith
Mary Lupien
Miguel A. Meléndez Jr

COMMITTEE OF THE WHOLE

President Meléndez recommended discharging Int. No. 41 from Committee; 2nd by Councilmember Peo.

Passed by the following vote:

Ayes – President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Patterson, Peo, Smith – 7.
Nays – Vice President Lupien, Councilmember Martin – 2.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2022-9
Re: Confirmation of the Commissioner of
Recreation and Human Services

Transmitted herewith for your approval is legislation confirming, as required by the City Charter, the appointment of Shirley J.A. Green as Commissioner of the Department of Recreation and Human Services.

Shirley J.A. Green's resume is on file in the City Clerk's Office.

Respectfully submitted,
Malik D. Evans
Mayor

Resolution No. 2022-9
(Int. No. 41)

Resolution confirming the appointment of the Commissioner of Recreation and Human Services

WHEREAS, the Mayor has appointed Shirley J.A. Green to the position of Commissioner of Recreation and Human Services, subject to confirmation by the City Council, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Rochester hereby confirms the appointment of Shirley J.A. Green as Commissioner of Recreation and Human Services.

This resolution shall take effect immediately.

Adopted unanimously.

President Meléndez recommended discharging Int. No. 42 from Committee; 2nd by Councilmember Peo.

Passed by the following vote:

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

Nays – Vice President Lupien, Councilmember Martin – 2.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2022-10
Re: Confirmation of the Commissioner
of Environmental Services

Transmitted herewith for your approval is legislation confirming, as required by the City Charter, the appointment of Richard Perrin as Commissioner of the Department of Environmental Services.

Richard Perrin's resume is on file in the City Clerk's Office.

Respectfully submitted,
Malik D. Evans
Mayor

Resolution No. 2022-10
(Int. No. 42)

Resolution confirming the appointment of the Commissioner of Environmental Services

WHEREAS, the Mayor has appointed Richard Perrin to the position of Commissioner of Environmental Services, subject to confirmation by the City Council, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Rochester hereby confirms the appointment of Richard Perrin as Commissioner of Environmental Services.

This resolution shall take effect immediately.

Adopted unanimously.

President Meléndez recommended discharging Int. No. 43 from Committee; 2nd by Councilmember Peo.

Passed by the following vote:

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

Nays – Vice President Lupien, Councilmember Martin – 2.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2022-11
Re: Confirmation of Corporation
Counsel

Transmitted herewith for your approval is legislation confirming, as required by the City Charter, the appointment of Linda J. Kingsley as Corporation Counsel.

Linda J. Kingsley's resume is on file in the City Clerk's Office.

Respectfully submitted,
Malik D. Evans
Mayor

Resolution No. 2022-11
(Int. No. 43)

Resolution confirming the appointment of the Corporation Counsel

WHEREAS, the Mayor has appointed Linda S. Kingsley to the position of Corporation Counsel, subject to confirmation by the City Council, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Rochester hereby confirms the appointment of Linda S. Kingsley as Corporation Counsel.

This resolution shall take effect immediately.

Adopted by the following vote:

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

Nays - Councilmembers Martin, Smith - 2.

The meeting was adjourned at 9:06 p.m.

HAZEL L. WASHINGTON
City Clerk