

ROCHESTER CITY COUNCIL

REGULAR MEETING

April 25, 2023

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.
Councilmember Peo

THE COUNCIL PRESIDENT --- RECOGNITION CEREMONIES.

Special Recognitions:

Neighborhood Association President/Chair/Executive Recognitions:

A.C.E Neighborhood Association Co-Chairs
Luis Aponte-Charles House Neighbors in Action
Tom Bruce-Charlotte Community Association
Bill Collins-Maplewood Neighborhood Association
Delaine Cook- Greene-CONEA
Kyle Crandall-Beechwood Neighborhood Coalition
Mike Evans-South East Area Coalition
LeRoy Harris-Seth Green Seneca Towers Tenants Association
Judy Lee Hay-Neighbors Building Neighborhoods (NBN6)
Jeff Holdsworth-Corn Hill Neighborhood Association
Suzanne Mayer-SW/Center City
Josie McClary-19th Ward Community Association
Emma Morrison-UNITY N.E. Block Club
Dawn Noto-Susan B. Anthony Neighborhood Association
Lisa Reagan-Neighbors Building Neighborhoods (NBN6)
Vincent Russello-The Vineyards Neighborhood Association
Deborah T. Smith-Edgerton Area Neighborhood Association
Dorothy Tucker-Hudson Ridge Resident Council

First Upstate NY MWBE Conference Recognitions

Members of the City's Purchasing Team
Constance Mitchell-Jefferson
Sandra J. Simon
Shemeka Davis

Retirement:

DES:

Carlos Pagan

Library:

Julie Batista

RFD:

Alphonse White III
Robert Zink

RPD:

Timothy Corrado
Brian DiSalvo
Christine Drumgoole **
Cedric Felton
Daryl Gaston
Kelly O'Hara
James Ott
Flamur Zenelovic

** Will attend the meeting

APPROVAL OF THE MINUTES

By Councilmember Lightfoot

RESOLVED, that the minutes of the Regular Meeting on March 21, 2023 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 Mayor submits the following:

Delinquent Receivables for the month ending March 31, 2023

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

The Council submits Disclosure of Interest Forms from Vice President Lupien and Councilmember Harris on Int. No. 124; Councilmember Gruber on Int. No. 146

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

Vice President Lupien presented a Petition for 24/7 public bathrooms in downtown with approximately 500 signatures.

Councilmember Peo presented a Petition regarding an optimal location for a section office and a NSC in Northwest quadrant with 12 signatures.

THE COUNCIL PRESIDENT --- RECEIVED AND FILED.

PUBLIC HEARINGS.

Pursuant to law, a public hearing was held on April 20, 2023 on the following matters:

Accepting land donation, amending the Official Map and altering pavement widths in order to establish on street parking spaces along Graves Street as part of the Aqueduct Street Group project Int. No. 118

No speakers

Local Improvement Ordinance establishing the operation, installation and maintenance costs of street lighting special assessment districts for 2023-24 Int. No. 119

No speakers

Local Improvement Ordinance for the care and embellishment of street malls for 2023-24 Int. No. 121

No speakers

Local Improvement Ordinance-establishing the operating and maintenance costs of special assessments for streetscape enhancements for 2023-24 Int. No. 122

No speakers

Determinations and findings relating to the acquisition of property for the West River Wall Reconstruction Project – Segment 2 and the Brownfield Cleanup Program for Former Vacuum Oil Refinery sites Int. No. 126

No speakers

Authorizing the acquisition by negotiation or condemnation of a property for the West River Wall Reconstruction Project – Segment 2 and the Brownfield Cleanup Program for Former Vacuum Oil Refinery sites Int. No. 127

One speaker

Local Improvement Ordinance establishing the cost of special services for the East Avenue/Alexander Street Entertainment District for 2023-24 Int. No. 128

No speakers

Local Improvement Ordinance establishing the 2023-24 assessments and authorizing an agreement for the High Falls Business Improvement District Int. No. 130

No speakers

Local Improvement Ordinance providing security and snow removal services at the Public Market for 2023-24 Int. No. 134

No speakers

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

By President Meléndez

President Meléndez introduced a motion to reconsider Int. No. 92, which failed at the March 21, 2023, City Council Meeting.

Motion to reconsider passed by the following vote:

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

Nays – Councilmember Martin - 1.

President Meléndez introduced motion to adopt Int. No. 92.

Motion to adopt passed by the following vote:

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

Nays - Councilmembers Lightfoot, Martin - 2.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2023-124

Re: Amendment to Ordinance No. 2022-146

Transmitted herewith for your approval is legislation establishing \$60,000 as **additional maximum compensation** for an amendatory agreement with Constangy, Brooks, Smith and Prophete, LLP as outside counsel to investigate personnel complaints at the Police Accountability Board.

The original agreement with Constangy, Brooks, Smith and Prophete, LLP was authorized on May 19, 2022 (Ordinance No. 2022-145) at \$25,000 and amended on June 14, 2022 (Ordinance No. 2022-146) to increase the maximum compensation to \$150,000. The proposed amendment will increase the maximum compensation by \$60,000 for a total of \$210,000. The amendatory amount will be funded from the 2022-23 Budget of the City Council and Clerk.

The final report was provided publicly and to both the City Council & the Police Accountability Board members on November 16, 2022. This amendment reflects the final hours billed and costs incurred by the counsel necessary to complete that report. A summary of the allocations and expenses thus far is attached.

Respectfully submitted,
Miguel A. Meléndez, Jr.
President

Attachment No. AW-70

Ordinance. No. 2023-124
(Int. No. 92)

Authorizing an amendatory agreement relating to an investigation of the Police Accountability Board

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 Constangy, Brooks, Smith & Prophete, LLP to investigate and prepare a report regarding complaints by personnel of the Police Accountability Board. The amendment shall increase the maximum compensation of the existing agreement, which was authorized by Ordinance No. 2022-

145 and amended by Ordinance No. 2022-146, by \$60,000 to a new total of \$210,000. The amendatory compensation shall be funded from the 2022-23 Budget of the City Council and Clerk.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - Councilmembers Lightfoot, Martin - 2.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Lightfoot
April 25, 2023

To the Council:

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

- Int. No. 109 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$92,000 Bonds of said City to finance the Cobbs Hill Upper Gatehouse Low Roof Replacement Project
- Int. No. 110 Authorizing an agreement for Public Safety Building Mechanical Improvements
- Int. No. 111 Authorizing an agreement for Blue Cross Arena Generator and Sprinkler System Assessment
- Int. No. 112 Authorizing an amendatory agreement concerning the Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Project
- Int. No. 113 Authorizing agreements and appropriating funds for the Pont de Rennes Bridge and Brown's Race Rehabilitation Project
- Int. No. 114 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$10,099,000 Bonds of said City to finance a portion of the costs of the Pont de Rennes Bridge Rehabilitation Project
- Int. No. 115 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$3,513,000 Bonds of said City to finance the Brown's Race Rehabilitation Project
- Int. No. 116 Resolution authorizing the implementation and funding in the first instance of the State-aid Program eligible costs of a capital project and appropriating funds for the Pont de Rennes Bridge project
- Int. No. 117 Authorizing an amendatory agreement related to the Main Street Streetscape Phase II project

- Int. No. 120 Authorizing an agreement for the Shared Mobility System
- Int. No. 123 Authorizing an agreement for 2023 Lead Service Line Replacement Projects 3B and 3C
- Int. No. 124 Authorizing intermunicipal agreement for the fueling of Fire Department vehicles

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

- Int. No. 118 Accepting land donation, amending the Official Map and altering pavement widths in order to establish on-street parking spaces along Graves Street as part of the Aqueduct Street Group project
- Int. No. 119 Local Improvement Ordinance establishing the operation, installation and maintenance costs of street lighting special assessment districts for 2023-24
- Int. No. 121 Local Improvement Ordinance for the care and embellishment of street malls for 2023-24
- Int. No. 122 Local Improvement Ordinance – establishing the operating and maintenance costs of special assessments for streetscape enhancements for 2023-24

Respectfully submitted,
 Willie J. Lightfoot
 Mitch Gruber (*absent for Int. Nos. 109, 110, 111 & 112*)
 Jose Peo
 Mary Lupien
 Miguel A. Meléndez, Jr.
PARKS & PUBLIC WORKS COMMITTEE

Received filed and published

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2023-99
 Re: Bond Authorization – Cobbs Hill
 Upper Gatehouse Low Roof
 Replacement Project

Council Priority: Creating and
 Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
 Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$92,000 and appropriating the proceeds thereof to partially finance the construction of the Cobbs Hill Upper Gatehouse Low Roof Rehabilitation Project.

The project was designed by Richard A. Mauser, R.A., dba RAM Architects or Richard Alfred Mauser Architects (Richard Mauser, R.A., C.E.O., 91 Pinnacle Road, Rochester, NY) under an existing professional services term agreement.

The project will replace the rear portion of the Upper Gate House roof area with a new roofing for both the flat and sloped gable areas. The front facing portico roof will not be affected.

The estimated overall cost of the project is \$139,400. The project is financed as follows:

	Design	Construction	Total
2019-20 Cash Capital	\$19,400	0	\$19,400
2018-19 Cash Capital	0	\$28,000	\$28,000
Bond appropriated herein	0	\$92,000	\$92,000
Total	\$19,400	\$120,000	\$139,400

Bids for construction were received on February 24, 2023. The apparent low bid of \$85,588 base bid with \$6,000 alternate one totaling \$91,588 was submitted by Leo J. Roth Corporation. An additional \$28,412 will be allocated for project contingencies.

Work will be performed when the reservoir is out of service in the fall of 2023.

This project results in the creation and/or retention of the equivalent of 1.5 full-time jobs.

Respectfully submitted,
 Malik D. Evans
 Mayor

Attachment No. AW-51

Ordinance No. 2023-99
 (Int. No. 109)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$92,000 Bonds of said City to finance the Cobbs Hill Upper Gatehouse Low Roof 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"), is hereby authorized to finance the costs of the Cobbs Hill Upper Gatehouse Low Roof Replacement Project comprised of replacing the rear portion of the roof on the Upper Gate House of the Cobbs Hill Reservoir (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 \$139,400. The plan of financing includes the issuance of \$92,000 bonds which are hereby appropriated therefor, \$28,000 from 2018-19 Cash Capital, \$19,400 from 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 \$92,000 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 \$92,000. 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 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.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2023-100
Re: Agreement – Labella Associates,
D.P. C. - Public Safety Building
Mechanical Improvements

Council Priority: Public Safety

Comprehensive PLAN 2034 Initiative Area:
Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation establishing \$175,000 as maximum compensation for a professional services agreement with LaBella Associates, D.P.C. (Steve Metzger, PE, C.E.O., 300 State Street, Suite 100, Rochester, NY), for design and construction administration services for the Public Safety Building Mechanical Improvements project. The cost of the agreement will be financed from 2022-23 Cash Capital.

Construction of the Public Safety Building was completed in 2002 and the majority of the mechanical equipment is original and near the end of its useful life. This project will include, but is not limited to, refurbishment of the existing make up air unit (MAU) and replacement of the MAU compressors and coils, and the domestic water system two pump booster skid. Refurbishing the MAU will require a complete engineering design to ensure compliance with current code requirements and may result in rebalancing the existing ductwork throughout the building. The building is dependent on the booster skid to provide sufficient water pressure to all domestic fixtures throughout the facility including sinks, toilets and showers. The new booster skid will utilize a variable speed booster system which can help improve life expectancy and reduce energy usage.

LaBella Associates, DPC, was selected for design and construction oversight services through a request for Proposal process, which is described in the attached summary.

Construction is anticipated to begin in early 2024 with estimated completion in fall 2024. The professional service agreement will result in the creation and/or retention of the equivalent of 1.9 full-time jobs.

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

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-52

Ordinance No. 2023-100
(Int. No. 110)

Authorizing an agreement for Public Safety Building Mechanical Improvements

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 LaBella Associates, D.P.C. to provide design and construction administration services for the Public Safety Building Mechanical Improvements, including refurbishing the existing make up air unit (MAU), replacing MAU compressors and coils and replacing the domestic water system two pump booster skid (collectively, the Project). The maximum compensation for the agreement shall be \$175,000, which shall be funded from 2022-23 Cash Capital. The term of the agreement shall continue to three months after completion of the two-year guarantee inspection of the Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2023-101
Re: Agreement- Stantec Consulting
Services, Inc. Blue Cross Arena
Generator and Sprinkler
System Assessment

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 services agreement with Stantec Consulting Services Inc. (Gordon A. Johnston, C.E.O., 61 Commercial Street, Suite 100, Rochester, New York) for engineering services for a Blue Cross Arena Generator and Sprinkler System Assessment. The cost of the agreement will be financed from 2022-23 Cash Capital.

The Generator and Sprinkler System Assessment will provide both near term repair and maintenance recommendations and an analysis of repair and replacement options for long term capital planning.

The existing 1980s back-up power diesel generator feeds a single transfer switch, which supports limited safety lighting and fire/security circuits. The generator is past its useful life, is inadequately sized to support critical systems, ice plant compressors, and other mechanical building systems, and is not compliant with current electrical codes.

The sprinkler system has many unknown factors, including the age, quantity, and condition of the fire pump, sprinkler heads, system piping, and all other accessories and appurtenances serving the fire protection system.

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

The assessment will take place through the fall of 2023. The professional services agreement will result in the creation and/or retention of the equivalent of 1.7 full-time jobs.

The agreement shall extend until six (6) months after the submission of the final report.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-53

Ordinance No. 2023-101
(Int. No. 111)

Authorizing an agreement for Blue Cross Arena Generator and Sprinkler System Assessment

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Stantec Consulting Services Inc. to provide engineering and design services for the Blue Cross Arena Generator and Sprinkler System Assessment (the Project). The maximum compensation for the agreement shall be \$160,000, which shall be funded from 2022-23 Cash Capital. The term of the agreement shall continue to six months after submission of the Project's final report.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-102
Re: Amendatory Agreement –
T.Y. Lin International,
Charles Carroll Plaza and
Genesee Crossroads Parking
Garage Roof Slab
Reconstruction Project

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

Transmitted herewith for your approval is legislation related to the Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Project. This legislation will authorize an amendatory agreement with T.Y. Lin International Engineering & Architecture, P.C. (Robert J. Radley, C.E.O., 255 East Avenue, Rochester, New York) which was originally authorized in Ordinance No. 2015-71 and as amended in

Ordinance Nos. 2016-404, 2019-96 and 2021-294, 2021-295, and 2022-277. This amendment will increase the compensation by \$400,000 for a maximum total of \$2,740,000. The amendatory agreement will be funded with bonds as authorized for the project by Ordinance No. 2021-295.

The amendatory agreement authorized herein will fund additional construction administration services needed to support the complexity of the project being split into two phases, unforeseen general conditions, iterative coordinated field design adjustments with RGE for their vault and high voltage duct bank that is within the project limits, and final design of a Americans with Disabilities Act-compliant connection from State Street to Charles Carroll Park.

Charles Carroll Plaza is located on the west side of the Genesee River between Main Street and Andrews Street and is built on top of the Genesee Crossroads Parking Garage.

Phase one of this ROC the Riverway project included renovation and extension of the Sister Cities Bridge to achieve a bicycle friendly, fully ADA accessible link across the Genesee River from Bragdon Place to the Charles Carroll Plaza.

Phase two includes the removal of the plaza to perform structural repairs to the garage roof slab underneath, replacement of the slab waterproofing system, and construction of a modernized plaza, with an updated, naturally flowing space with ADA accessible connections serving as a critical link in the Genesee Riverway Trail system.

Construction of phase one is substantially complete, however, the area will remain closed until completion of the plaza renovation under phase two. Construction of phase two is underway and anticipated to be complete by late 2023.

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

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-54

Ordinance No. 2023-102
(Int. No. 112)

Authorizing an amendatory agreement concerning the Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Project

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with T.Y. Lin International Engineering & Architecture, P.C. to provide additional construction administration services for the Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Project (Project). The amendatory agreement shall add additional services to the scope of work and increase the maximum compensation of the existing agreement, which was authorized in Ordinance No. 2015-71 and as amended in Ordinance Nos. 2016-404, 2019-96, 2021-294 and 2022-277, by \$400,000 to a new total of \$2,740,000. The amendatory compensation shall be funded from the proceeds of bonds appropriated to the Project in Ordinance No. 2021-295.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2023-103

Ordinance No. 2023-104

Ordinance No. 2023-105

Resolution No. 2023-10

Re: Pont de Rennes Bridge
and Brown's Race
Rehabilitation Project

Council Priority: Creating & Sustaining
a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation related to the Pont de Rennes Bridge and Browns Race Rehabilitation Project. The legislation will:

1. Authorize the Mayor to enter into an agreement with New York State Department of Transportation (NYSDOT) to participate in and administer the project; and,
2. Appropriate \$3,424,000 in anticipated reimbursements from ROC the Riverway / Upstate Revitalization Initiative funding administered by the New York State Department of Transportation (NYSDOT) to finance a portion of the construction and Resident Project Representative (RPR) services for the project; and,
3. Authorize the issuance of bonds totaling \$10,099,000 and the appropriation of the proceeds thereof to partially finance the bridge construction and RPR; and,
4. Authorize the issuance of bonds totaling \$3,513,000 and the appropriation of the proceeds thereof to partially finance the street construction and RPR; and,
5. Establish \$1,600,000 as maximum compensation for an agreement with Ravi Engineering and Land Surveying, P.C. (Nagappa Ravindra, C.E.O., 2100 S Clinton Ave, Suite 1, Rochester, NY) for Resident Project Representative (RPR) services. The cost of the agreement will be funded from the sources outlined in the chart on the following page; and,
6. Approve a resolution, in a form that is required by the New York State Department of Transportation (NYSDOT), committing 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.

The project includes significant structural repairs to protect the historic asset of Pont de Rennes Bridge and to ensure its safety and viability for generations to come. In addition to the needed structural repairs, the City will create a more dynamic public space on the bridge with creative lighting, public art, plantings, and trail connections to enhance the visitor experience. Brown's Race street improvements

includes replacing underdrain systems, removal and resetting of pavers, bollard and light fixture replacements, and site amenity upgrades. The limits of the Brown's Race street improvements are from Platt Street to Furnace Street. Both projects are being progressed under the same contract to utilize efficiencies during the design and construction phases.

The project is partially funded with \$4,000,000 in ROC the Riverway funds awarded by New York State and administered through the NYSDOT.

The project was designed by Labella Associates, D.P.C. (Steven Metzger, C.E.O., 300 State Street, Rochester, New York) authorized by Ordinance No. 2020-313.

Ravi Engineering and Land Surveying, 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 February 7, 2023. The apparent low bid of \$14,590,185.50 was submitted by Cold Spring Construction Company (Stephen R. Forrestel, C.E.O., P.O. Box 358, Akron, New York)

The project will be funded as follows:

Source of Funds	Design	Construction	RPR	Total
NYSDOT funds appropriated Ordinance No. 2020-313	576,000	0	0	\$576,000
NYSDOT funds a appropriated herein	0	2,967,000	457,000	\$3,424,000
Bridge Bonds authorized herein	0	9,273,520	825,480	\$10,099,000
Street bonds authorized herein	0	3,197,300	315,700	\$3,513,000
2017-18 Cash Capital	601,000	0	0	\$601,000
2022-23 Cash Capital	0	23,615	1,820	\$ 25,435
Pure Waters Reimbursement Authorized Ordinance No. 2023-44	0	66,256	0	\$ 66,256
Total:	\$ 1,177,000	\$ 15,527,691	\$ 1,600,000	\$ 18,304,691

Construction is anticipated to begin in summer 2023 with substantial completion in winter 2024. The construction of the project will result in the creation and/or retention of the equivalent of 186.2 full-time jobs.

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

Respectfully submitted,
 Malik D. Evans
 Mayor

Attachment No. AW-55

Ordinance No. 2023-103
(Int. No. 113)

Authorizing agreements and appropriating funds for the Pont de Rennes Bridge and Brown’s Race Rehabilitation Project

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

Section 1. The sum of \$3,424,000 in additional anticipated reimbursements from the New York State Department of Transportation awarded through the ROC the Riverway/Upstate Revitalization Initiative agreement authorized in Ordinance No. 2020-313 is hereby appropriated to fund a portion of the costs of the Pont de Rennes Bridge and Brown’s Race Rehabilitation Project (the Project).

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with Ravi Engineering and Land Surveying, P.C. to provide Resident Project Representative services for the Project. The maximum compensation for the agreement shall be \$1,600,000, which shall be funded in the amounts of \$457,000 from the appropriation authorized in Section 1 herein, \$825,480 from the proceeds of bonds authorized and issued for the Pont de Rennes Bridge Rehabilitation portion of the Project in a concurrent ordinance, \$315,700 from the proceeds of bonds authorized and issued for the Brown’s Race Rehabilitation portion of the Project in a concurrent ordinance and \$1,820 from 2022-23 Cash Capital. The term of the agreement shall continue until six months after final completion of the Project.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays – Councilmember Martin - 1.

Ordinance No. 2023-104
(Int. No. 114)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$10,099,000 Bonds of said City to finance a portion of the costs of the Pont de Rennes Bridge 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"), hereby authorizes the issuance of \$10,099,000 bonds of the City to finance a portion of the costs of the Pont de Rennes Bridge Rehabilitation Project comprised of structural repairs to the supporting structure and improvements to the pedestrian walkway and other public space on the deck (“Project”). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$14,575,000. The plan of financing includes the issuance of \$10,099,000 bonds of the City, which amount is hereby appropriated therefore, \$576,000 in anticipated reimbursements from the New York State Department of Transportation (“NYSDOT”) through the ROC the Riverway/Upstate Revitalization Initiative (“Initiative”) appropriated in Ordinance No. 2020-313,

\$3,424,000 in anticipated reimbursements from NYSDOT Initiative funding appropriated for the Project in a concurrent ordinance, \$476,000 from 2017-18 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 \$10,099,000 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 \$10,099,000. 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.10 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.

Ordinance No. 2023-105
(Int. No. 115)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$3,513,000 Bonds of said City to finance the Brown's Race 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 cost of street improvements, including the replacement of underdrain systems, removal and resetting of pavers, replacing bollards and light fixtures and upgrading amenities, on and along Platt Street (Mill Street to Brown's Race), Brown's Race (Platt Street to Furnace Street) and Furnace Street (Brown's Race to Mill Street) comprising the Brown's Race Rehabilitation Project (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,729,691. The plan of financing includes the issuance of \$3,513,000 bonds of the City, which amount is hereby appropriated therefor, \$66,256 in Monroe County Pure Waters reimbursements for sewer work associated with street improvement projects appropriated in Ordinance No 2023-44, \$125,000 from 2017-18 Cash Capital, \$25,435 from 2022-23 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 \$3,513,000 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 \$3,513,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

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

Passed unanimously.

Resolution No. 2023-10
(Int. No. 116)

Resolution authorizing the implementation and funding in the first instance of the State-aid Program eligible costs of a capital project and appropriating funds for the Pont de Rennes Bridge project

WHEREAS, a Project for Pont de Rennes Bridge identified as PIN 4RTR.02 (the "Project") is eligible for funding under a New York State Program administered by the NYS Department of Transportation (NYSDOT);

WHEREAS, a sum not to exceed \$4,000,000 in Program funding is available to progress the Project; and

WHEREAS, the City of Rochester desires to advance the Project by making a commitment of 100% of the State share of the costs of design, construction, and Resident Project Representative (RPR) works.

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

THAT the Council hereby approves the above-subject Project;

THAT the Council hereby authorizes the City of Rochester to pay in the first instance 100% of the cost of design construction, and Resident Project Representative works for the Project or portions thereof;

THAT the sum of \$4,000,000 is hereby appropriated from Ordinance No. 2020-313 (\$576,000) and Ordinance No. 2023-103 (\$3,424,000), and made available to cover the cost of participation in the above phases of the Project;

THAT, in the event the full State 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 State 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 of the State of New York by attaching it to any necessary Agreement in connection with the Project between the City of Rochester and the State of New York; and

THAT this Resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Re: Ordinance No. 2023-106
Amendatory Agreement –
C&S Engineers, Inc.
Main Street Streetscape
Phase II Project

Council Priority: Creating and
Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation related to the Main Street Streetscape Phase II project. This legislation will authorize an amendatory agreement with C&S Engineers, Inc. (John D. Trimble, C.E.O., 150 State Street, Suite 120, Rochester, New York) to provide additional Resident Project Representative (RPR) services for the project. The original agreement for \$580,000 was authorized by Ordinance No. 2021-93. An amendatory agreement was authorized by Ordinance No. 2022-169, which increased maximum compensation to \$797,000. This amendment will increase the maximum total compensation by \$154,000 to a maximum total of \$951,000 and will be funded with \$147,058.06 of bond authorized in Ordinance No. 2021-94 and \$6,941.94 of 2020-21 Cash Capital.

The project replaced the existing streetscape between Exchange Boulevard / State Street and South Avenue / St. Paul Street. Work items included new sidewalk, landscaping, streetscape amenities, green infrastructure, new street lighting, and aesthetic treatments. The project also included roadway improvements including milling and overlay of the existing pavement, minor bridge rehabilitation of the

existing stone masonry and metal railings, new granite curbs, installation of new concrete recessed parking areas, drainage improvements, replacement of existing traffic signs and signals, and accent lighting for the Albert Paley bridge railing on the Main Street Bridge.

The amendatory agreement authorized herein will fund additional Resident Project Representation (RPR) and on-site construction inspection services related to the project and to complete the required New York State Department of Transportation (NYSDOT) and Federal Highway Administration (FHWA) closeout procedures for the project. The project timeline has been extended due to contractor and subcontractor delays and manpower issues.

Project construction is now substantially complete with anticipated final completion in spring 2023.

The amended agreement shall extend until six (6) months after completion and acceptance of the project.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-56

Ordinance No. 2023-106
(Int. No. 117)

Authorizing an amendatory agreement related to the Main Street Streetscape Phase II project

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with C & S Engineers, Inc. related to the Main Street Streetscape Phase II project (Project). The amendments shall add additional Resident Project Representation and on-site construction inspection services to the scope of work and increase the maximum compensation of the existing agreement, which was authorized by Ordinance No. 2021-93 and as amended by Ordinance No. 2022-169, by \$154,000 to a new total of \$951,000. The amendatory compensation shall be funded in the amounts of \$147,058.06 from the proceeds of bonds appropriated to the Project in Ordinance No. 2021-94 and \$6,941.94 from 2020-21 Cash Capital.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-107
Re: Aqueduct Street Group

Council Priority: Creating and Sustaining
a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to the creation of an on-street parking area on the east side of Graves Street. This legislation will:

1. Authorize acquisition, by donation of one de minimus portion of parcel as follows:

Reputed Owner	Address	Area in Square Feet +/-	Appraised Value
A50EB LLC - COMIDA	47-59 E. Main Street	957	N/A (Donation)

The property acquisition is being donated to the City by A50EB LLC – COMIDA, and,

2. Authorize changes in pavement width on Graves Street as follows: an increase in pavement width of 8 feet, from 19.5 feet to 27.5 feet, beginning approximately 47.5 feet south of the south curb line of East Main Street and continuing approximately 36 feet southward; and,
3. Amend the Official Map by dedicating 957 square feet or .022 acres of 47-59 E. Main Street (T.A. #121.23-1-24) as right-of-way and incorporate it into the Graves Street right-of-way.

In coordination with the ROC the Riverway Initiative, the Aqueduct District is being transformed into a more pedestrian friendly environment, while still accommodating needs for vehicular access. To better supporting visitors and local business, a public on-street parking area will be constructed on the east side of Graves Street as a part of the project, extending beyond the current highway boundary line. The property required to accommodate the parking area is being donated by A50EB LLC.

The project will include, but is not limited to the installation of two parallel parking spaces along the east side of Graves Street between Race Street and E. Main Street, pavement reconstruction, curbs, sidewalks, hydrants and street lighting. These improvements will enhance the streetscape, improve accessibility for all users of the public right-of-way.

The proposed improvements were discussed during the City’s Stakeholder Group Meeting for the Aqueduct District Street Improvements, held on November 3, 2022. A copy of the meeting minutes is attached. The pavement width changes were endorsed by the Traffic Control Board February 1, 2023 meeting.

The dedication shall take effect upon the compliance by the applicant with the recommendations and conditions established by the City Engineer. The City Planning Commission, at its January 30, 2023 meeting recommended approval of this dedication by a vote of 6-0-0. Minutes of that meeting, along with the application, are attached.

Construction is anticipated to begin in spring 2023 with substantial completion in late 2023.

A public hearing is required.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-57

Accepting land donation, amending the Official Map and altering pavement widths in order to establish on-street parking spaces along Graves Street as part of the Aqueduct Street Group project

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

Section 1. The Council hereby authorizes the acceptance of the donation of the following described parcel of real estate from A50EB LLC or its successors and assigns (collectively, the Donor) for the purpose of providing on-street parking spaces along the east side of Graves Street as part of the Aqueduct Street Group project.

LEGAL DESCRIPTION OF LANDS TO BE DONATED

Address	Reputed Owners	SBL #	Parcel Size
Portion of 47-59 East Main Street	A50EB LLC and County of Monroe Industrial Development Agency	121.23-1-24	957 sq. ft.

ALL THAT TRACT OR PARCEL OF LAND, SITUATED IN THE CITY OF ROCHESTER, COUNTY OF MONROE, AND STATE OF NEW YORK, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF GRAVES STREET (30' R.O.W.) AND THE SOUTHERLY RIGHT-OF-WAY OF EAST MAIN STREET (R.O.W. VARIES).

1. NORTH 69°23'34" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 13.02 FEET TO A POINT; THENCE,
2. SOUTH 17°48'07" EAST, A DISTANCE OF 66.93 FEET TO A POINT; THENCE,
3. SOUTH 20°54'17" WEST, A DISTANCE OF 20.79 FEET TO A POINT OF INTERSECTION WITH THE AFOREMENTIONED EASTERLY RIGHT-OF-WAY OF GRAVES STREET; THENCE,
4. NORTH 17°48'07" WEST ALONG SAID EASTERLY RIGHT-OF-WAY, A DISTANCE OF 82.52 FEET TO THE POINT AND PLACE OF BEGINNING, SAID PARCEL CONTAINING 957 SQUARE FEET OR 0.022 ACRES MORE OR LESS.

Section 2. Upon the date of closing, any City taxes and other charges owed against said parcel shall be canceled. Any taxes levied after the date of closing, while the City owns the parcel, shall also be cancelled. The property shall be conveyed to the City with no other outstanding liens.

Section 3. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by dedicating the above-described donated parcel of land as public right-of-way. This map amendment shall be contingent upon the City Engineer affirming the satisfaction of conditions necessary for the donated parcel to serve as additional public right-of-way along Graves Street.

Section 4. Council hereby approves changes in the pavement width on Graves Street as follows: an increase in pavement width of 8 feet, from 19.5 feet to 27.5 feet, beginning approximately 47.5 feet south of the south curb line of East Main Street and continuing approximately 36 feet southward. The pavement width changes authorized herein shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

THE COUNCIL

Ladies and Gentlemen:

Local Improvement Ordinance No. 1794

Re: Local Improvement Ordinance –
Street Lighting Enhancement
Special Assessment Districts

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

Transmitted herewith for your approval is legislation establishing the 2023-24 budgets for Street Lighting Enhancement Special Assessment Districts. The districts and assessments are as follows:

Local Imp. Ord.	District	2023-24	2022-23	Variance	Capital/Operating	Type
1374/ 1724	Wilson Boulevard	\$585.84	\$529.05	\$56.79	Operating	Street lighting
1429/ 1727	Cascade Historic	\$1,288.48	\$1,539.68	\$-251.20	Operating	Street lighting
1422/ 1753	Norton Street Urban Renewal District	\$1,415.14	\$1,318.78	\$96.36	Operating	Street lighting
1472/ 1697	Lake Avenue	\$4,200.25	\$3,866.31	\$333.94	Operating	Street lighting
1552/ 1696	St. Paul Street	\$548.24	\$498.92	\$49.32	Operating	Street lighting
1658/ NA	Browncroft Neighborhood	\$9,508.99	\$9,508.99	\$-0-	Capital	Street lighting
1677/ NA	Cobbs Hill/Nunda Neighborhood	\$8,449.38	\$8,449.38	\$-0-	Capital	Street lighting

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

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

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-58

Local Improvement No. 1794
(Int. No. 119)

Local Improvement Ordinance establishing the operation, installation and maintenance costs of street lighting special assessment districts for 2023-24

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

Section 1. The following amounts are hereby established and the new assessments shall be allocated and levied against the benefited properties in accordance with the applicable local improvement ordinances (LIOs) for the operation, installation and maintenance of special assessment districts for street lighting enhancements during the 2023-24 fiscal year:

District	2023-24 Assessment	LIO No.	Renewed LIO No
Wilson Boulevard	\$585.84	1374	1724
Cascade Historic	\$1,288.48	1429	1727
Norton Street URD	\$1,415.14	1422	1753
Lake Avenue	\$4,200.25	1472	1697
St. Paul Street	\$548.24	1552	1696
Browncroft Neighborhood	\$9,508.99	*1658	NA
Cobbs Hill/Nunda Neighborhood	\$8,449.38	1677	NA

* As amended by Ordinance No. 2015-75 (in 2015 to assess interest on the construction cost) and LIO No. 1712 (in 2016 to remove 1 parcel and correct frontage lengths on other parcels).

Section 2. This ordinance shall take effect on July 1, 2023.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-108
Re: Agreement – VeoRide, Inc. –
Shared Mobility System

Council Priority: Creating and Sustaining
a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to the Rochester Shared Mobility System. This legislation will authorize an agreement with VeoRide Inc. dba Veo (Candice Xie, C.E.O., 1334 Third Street Promenade, Suite 300, Santa Monica, CA) for the exclusive operation of a shared mobility system in the public right-of-way and on public land.

The City of Rochester has contracted with private operators since 2017 to provide a system of shared bicycles, e-bikes and e-scooters for public use. Through a partnership with Regional Transit Service (RTS), the City currently has an agreement in place with CycleHOP, LLC dba HOPR. The RTS agreement with HOPR will end in April 2023, and the City's agreement will expire along with it.

Veo has operated a similar shared mobility program in the City of Syracuse since 2021 and has operated in 50+ markets nationwide since its founding in 2017. The Veo-operated system in Rochester will require no municipal funds to launch. While past agreements for shared mobility in Rochester relied on securing local sponsors and ads to sustain operations, this one will not rely on local funds beyond user fees. As in past seasons, users will be able to access and return shared mobility devices at locations in the public right-of-way or on publicly accessible property. The system will offer various memberships

and payment options, including discounted rates, to provide equitable access to the system. Veo will be responsible for developing, installing, owning, managing and maintaining the system.

Veo was selected as the operator of the shared mobility system through a Request for Proposal process, which is described in the attached summary. Reviewers included staff from DES, the Department of Neighborhood and Business Development, and the Office of City Planning.

Veo anticipates offering a mixed fleet of e-bikes and e-scooters starting in mid-2023.

The term of the agreement will be three (3) years, with the option to extend for two additional one-year terms.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-59

Ordinance No. 2023-108
(Int. No. 120)

Authorizing an agreement for the Shared Mobility System

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

Section 1. The Mayor is hereby authorized to enter into an agreement with VeoRide Inc. for the exclusive right to develop, install, operate and maintain a Shared Mobility System that includes bicycles, e-bicycles and e-scooters (the System) in the public right-of-way and on public land (System). The term of the agreement shall be three years with the option to extend for up to two additional one-year periods.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1795
Re: Care and Embellishment
of Street Malls

Council Priority: Creating and
Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation authorizing the care and embellishment of street malls during 2023-24 and the assessment of the associated costs of \$31,303.00 among the benefitted properties.

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

The malls and associated budgets are summarized below:

Street Mall	LIO 1788 2022-23	Proposed Levy 2023- 2024	Variance	Reason for Variance
Arnold Park	\$2,985	\$6,680	\$3,695	Change in cost of services & repair of monument
Hazelwood Terrace	\$600	\$600	0	Budgeted amounts are the same
Hillside Avenue	\$6,000	0	0	Using funds from prior year
Huntington Park	\$4,000	\$4,000	0	Budgeted amounts are the same
Lafayette Park	\$2,850	\$3,000	\$150	Inflation
Nunda Boulevard	\$7,290	\$7,652	\$362	Pruning costs
Oxford Street	\$9,500	\$8,135	-\$1365	Using funds from prior year
Sibley Place	\$2,000	\$1,236	-\$764	Using funds from prior year

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

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

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-60

Local Improvement No. 1795
(Int. No. 121)

Local Improvement Ordinance for the care and embellishment of street malls for 2023-24

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

Section 1. It is hereby determined that for the fiscal year 2023-24 the street malls on the following streets shall be maintained at least in accordance with minimal standards established by the Department of Environmental Services, to be funded by 2023-24 district assessments in the following amounts:

Street Mall	Assessments 2023-24
Arnold Park	\$ 6,680
Hazelwood Terrace	600
Hillside Avenue	0
Huntington Park	4,000
Lafayette Park	3,000
Nunda Boulevard	7,652
Oxford Street	8,135
Sibley Place	1,236
Total	\$31,303

For some street malls, the maintenance costs shall also be funded from unspent assessments for 2022-23 appropriated in Local Improvement Ordinance No. 1788.

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

Section 3. Assessments for the cost of such improvements and work shall be due in one payment and shall be added to the tax rolls for the fiscal year commencing July 1, 2023.

Section 4. The total cost of such improvements and work, estimated \$31,303, shall be charged as heretofore described in this ordinance and paid from the Care & Embellishment Fund, and said amount, or so much thereof as may be necessary, is hereby appropriated for the aforesaid purpose.

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

Section 6. This ordinance shall take effect July 1, 2023.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1796
Re: Local Improvement Ordinance
– Streetscapes

Council Priority: Creating and
Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation authorizing the care and embellishment of streetscape during 2023-24 and the assessment of the associated costs of \$24,000.00 among the benefitted properties.

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

The associated budgets are summarized below:

Streetscape District	LIO 1792 2022-23	Proposed Levy 2023-24	Variance	Reason for Variance
Cascade Historic	\$10,000	\$4,000	-\$6,000	Utilizing prior years funds
Norton Street Urban Renewal District	\$0	\$0	0	Utilizing prior year funds
Mt. Hope	\$20,000	\$20,000	0	Budgeted amounts are the same

The costs of the maintenance are apportioned among the benefitted properties on the basis of the specified unit charges for each area. Charges are included on the annual tax bill and are payable in July. A public hearing on the assessments for all the districts is required.

Respectfully submitted,
 Malik D. Evans
 Mayor

Attachment No. AW-61

Local Improvement Ordinance No. 1796
 (Int. No. 122)

Local Improvement Ordinance – establishing the operating and maintenance costs of special assessments for streetscape enhancements for 2023-24

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

Section 1. The following amounts are hereby established and the new assessments shall be allocated and levied against the benefitted properties for each streetscape district in accordance with the applicable cited local improvement ordinances (LIOs) for the operation and maintenance of special assessment districts for streetscape enhancements during the 2023-24 fiscal year:

Streetscape District	New Amount	LIO
Cascade Historic	\$4,000	1430/1729
Norton Street Urban Renewal	\$0	1421/1766
Mt. Hope	\$20,000	1652

For some streetscape districts, the operation and maintenance costs for the 2023-24 fiscal year shall also be funded from unspent assessments for 2022-23 appropriated in LIO No. 1792 or from assessments in prior years.

Section 2. This ordinance shall take effect July 1, 2023.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2023-109
Re: Agreement – Labella Associates D.P.C.
2023 Lead Service Line Replacement
Projects 3B & 3C

Comprehensive Plan 2034 Initiative Area:
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation establishing \$1,250,000 as maximum compensation for an agreement with Labella Associates D.P.C. (Steven Metzger, C.E.O., 300 State Street, Suite 201, Rochester, New York) to provide design and construction management services related to the 2023 Lead Service Line Replacement Projects 3B & 3C.

The cost of this agreement will be funded by \$1,100,000 of American Rescue Plan Act (ARPA) funds as appropriated in Ordinance No. 2022-314 and \$150,000 from 2021-22 Cash Capital.

Labella Associates D.P.C. was selected for design and construction management services through a request for proposal process described in the attached summary.

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

Respectfully submitted,
Malik D. Evans
Mayor

Attachment AW-62

Ordinance No. 2023-109
(Int. No. 123)

Authorizing an agreement for 2023 Lead Service Line Replacement Projects 3B and 3C

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 LaBella Associates, D.P.C. to provide design and construction management services for 2023 Lead Service Line Replacement Projects 3B and 3C (collectively, the Project). The maximum compensation for the agreement shall be \$1,250,000, which shall be funded in the amounts of \$1,100,000 from American Rescue Plan Act of 2021 funds appropriated to the Project in Ordinance No. 2022-314 and \$150,000 from 2021-22 Cash Capital. The term of the agreement shall continue to three months after completion of the two-year guarantee inspection of the Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-110
Re: Inter-Municipal Agreement –
Rochester City School District,
Fueling of Rochester Fire
Department Vehicles.

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester City School District (RCSD) for the provision of fuel for Rochester Fire Department vehicles. The City will reimburse the RCSD for the actual cost of fuel for the monthly cost of these services.

This agreement will allow the Rochester Fire Department to purchase diesel fuel and gasoline from the RCSD at their location at 835 Hudson Avenue. The present agreement, which will expire on June 30, 2023, was passed under Ordinance No. 2018-139.

The term of this agreement will be five (5) years.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-110
(Int. No. 124)

Authorizing intermunicipal agreement for the fueling of Fire Department vehicles

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

Section 1. The Mayor is hereby authorized to enter into an intermunicipal agreement with the Rochester City School District (RCSD) for the fueling of Rochester Fire Department vehicles at the RCSD Transportation Department at 835 Hudson Avenue. The agreement shall commence on July 1, 2023 and may continue for a term of five years. The agreement shall obligate the City to reimburse the RCSD for the actual cost of the fuel plus an administrative charge of \$0.15 per gallon. Said reimbursements shall be funded from the 2023-24 and subsequent years' Budgets of the Department of Environmental Services, contingent upon their adoption.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Patterson
April 25, 2023

To the Council:

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

- Int. No. 125 Authorizing the sale of real estate
- Int. No. 129 Authorizing the sale of real estate and grant agreement with Flower City Habitat for Humanity, Inc.
- Int. No. 131 Appropriating funds and amending the 2022-23 Budget to support a clinic and wellness center for the True North Apartments project
- Int. No. 132 Amending Ordinance No. 2023-53 and amending the 2022-23 Budget relating to improvements for Peace Village
- Int. No. 153 Authorizing the acquisition of 170-172 East Main Street to establish Main Street Commons
- Int. No. 154 Authorizing an access easement through 170-172 East Main Street and licenses for the seasonal use of said premises as elements of the Main Street Commons project

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

- Int. No. 126 Determinations and findings relating to the acquisition of property for the West River Wall Reconstruction Project – Segment 2 and the Brownfield Cleanup Program for Former Vacuum Oil Refinery sites
- Int. No. 127 Authorizing the acquisition by negotiation or condemnation of a property for the West River Wall Reconstruction Project – Segment 2 and the Brownfield Cleanup Program for Former Vacuum Oil Refinery sites
- Int. No. 128 Local Improvement Ordinance establishing the cost of special services for the East Avenue/Alexander Street Entertainment District for 2023-24
- Int. No. 130 Local Improvement Ordinance establishing the 2023-24 assessments and authorizing an agreement for the High Falls Business Improvement District

Respectfully submitted,
 Michael A. Patterson
 LaShay D. Harris
 Kimberly Smith (*voted against Int. No. 132*)
 Mary Lupien (*absent for Int. Nos. 131, 132, 153 and 154*)
 Miguel A. Meléndez, Jr.

NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2023-111
 Re: Sale of Real Estate

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Comprehensive Plan 2034 Initiative Area:
Strong Neighborhoods

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

The first property, 358 Alphonse Street is listed on the attached spreadsheet under the heading, I. Negotiated Sale - Vacant Land and will be sold to DeBorah Rice, 352 Alphonse Street, Rochester, New York. The second parcel, 321 Portland Avenue will be sold to 149 Portland Ave, Inc. (Robert C. Richardson, Sole Director, 309 Portland Avenue, Rochester, New York). This sale will cure an encroachment. Each property will be combined with the adjoining parcels.

The remaining six properties are listed on the attached spreadsheet under the heading, II. Negotiated Sale - Unbuildable Vacant Land. The parcel at 335 Fernwood Avenue will be sold to Joseph J. and Joanne M. Macko, 180 Chambers Street, Spencerport, New York; 7 Flora Street will be sold to James McLaughlin and Erma Tisdale-Scott, 9 Flora Street, Rochester, New York; 42 Lill Street will be sold to Hatice Orr, 54 Lill Street, Rochester, New York; 755 South Plymouth Avenue will be sold to Tracey W. Jones of 683 Gillette Road, Spencerport, New York; 79 Ravine Avenue will be sold to Mark P. and Colleen Dulieu, 85 Ravine Avenue, Rochester, New York; and 33 Sheldon Terrace will be sold to Alex J. Landry, 35 Sheldon Terrace, Rochester, New York. The parcels are each being sold for \$1.00 (as per City policy) and will be combined with the primary parcels owned by the identified adjoining owners.

The first year projected tax revenue for these properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$1,979.

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

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-63

Ordinance No. 2023-111
(Int. No. 125)

Authorizing the sale of real estate

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

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

Address	SBL#	Lot Size	Sq.Ft.	Price	Purchaser
358 Alphonse St	106.26-3-44	39 x 143.5	5,596	\$450	DeBorah Rice

321 Portland Av 106.42-1-19 35x 120 4,200 \$425 149 Portland Ave, Inc.

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

Address	SBL#	Lot Size	Sq.Ft.	Purchaser
335 Fernwood Av	106.28-2-35	33.66 x 100.33	3,227	Joseph J. & Joanne M. Mack
7 Flora St	121.69-3-58	33 x 90.94	2,990	James McLaughlin & Erma Tisdale-Scott
42 Lill St	106.30-4-14.2	29.62 x 78.5	2,325	Hatice Orr
755 S. Plymouth Av	121.69-2-42	33 x 103.9	3,212	Tracey W. Jones
79 Ravine Av	105.35-3-3	34 x 66	2,244	Mark P. & Colleen M. Dulieu
33 Sheldon Ter	135.32-2-43.6	36.9 x 55	2,006	Alex J. Landry

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-112
Ordinance No. 2023-113
Re: Acquisition - 5 Flint Street

Council Priority: Creating and
Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation authorizing the acquisition by negotiation or condemnation of a vacant property located at 5 Flint Street. The City is acquiring the parcel at 5 Flint Street to effectuate the Vacuum Oil Brownfield Cleanup Program and West River Wall Segment 2 Reconstruction Project.

The parcel at 5 Flint Street is known to be contaminated due to the long history of oil refinery operations associated with the former Vacuum Oil facility. The property is surrounded on all sides by City owned brownfield properties (see Figure), the remediation and development of which cannot be completed unless the 5 Flint Street property is incorporated into the City's remedy. The remedy includes: excavation and removal of contaminated soil from portions of the City owned properties and the 5 Flint Street property, elevating the surrounding area out of the 100-year flood plain, and restoration of the Genesee River west river wall. Facilitating the environmental remediation of the property will position the site for future residential, commercial and recreational development. Currently, the 1.61 acre

industrial site contains a vacant 3-story warehouse building which will be evaluated as part of the project.

The acquisition will be funded through 2022-2023 DES Cash Capital. The City will pay the current owners \$60,000 for the property and will appropriate an additional \$10,000 to cover any costs associated with the closing. The total appropriation will be \$70,000.

The address is noted below with the appraised value and property use:

Address	Reputed Owner	SBL #	Type	Maximum Acquisition Amount
5 Flint Street	One Flint St LLC	121.77-1-10.001	Warehouse	\$60,000

The maximum acquisition amount is supported through an independent appraisal performed as of October 2022 by Bruckner, Tillett, Rossi, Cahill & Associates.

In the event that the property cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for its acquisition. In the event of condemnation, the amount set forth herein for the acquisition shall be the amount of the offer. Nothing in this ordinance shall be deemed to limit in any way the liability of the City for further claims arising from the acquisition pursuant to the eminent domain procedure law.

Pursuant to the requirements of the New York State Environmental Quality Review Act (SEQ), this was classified as a Type I Action. On October 6, 2022, a Negative Declaration was issued indicating that this project will not result in any significant adverse impacts on the environment.

A public hearing is required.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-64

Ordinance No. 2023-112
(Int. No. 126)

Determinations and findings relating to the acquisition of property for the West River Wall Reconstruction Project – Segment 2 and the Brownfield Cleanup Program for Former Vacuum Oil Refinery sites

WHEREAS, the City of Rochester proposes to acquire an approximately 1.6 acre parcel at 5 Flint Street, S.B.L. # 121.77-1-10.001 (the “Property”) in order to effectuate the West River Wall Reconstruction Project – Segment 2 involving the reconstruction and preservation of a riverbank wall extending along the west side of the Genesee River from the Erie-Lackawanna Pedestrian Bridge north to Ford Street (the “Wall Project”) and in order to effectuate the remediation of environmental contamination of the Property and surrounding City-owned properties arising from the historic operation of the Former Vacuum Oil Refinery (the “Remediation Project”);

WHEREAS, the Wall Project will require the City to demolish an abandoned warehouse building on the Property and to engage in excavation and filling activities to elevate the Property and the surrounding area out of the 100-year flood plain and so as to line up with the height of the new wall, activities that cannot be completed if the City does not have control of the Property;

WHEREAS, the Property, together with 15 Flint Street, is enrolled in the NYS Brownfield Cleanup Program (BCP) as the 5 & 15 Flint Street Site, No. C828162, as is a combination of several surrounding, City-owned properties denominated as the Portion of Former Vacuum Oil Refinery Site, No. C828190, and both BCP enrollments address environmental contamination arising out of the long history (from approximately 1866 to 1935) of Former Vacuum Oil refining operations that encompassed both BCP sites;

WHEREAS, in 2017 the Property owner submitted to the State a proposed BCP remediation plan for the Property, which was circulated for public review, but then the owner withdrew the proposal and has not submitted a new plan since;

WHEREAS, the Property is tax delinquent and the Remediation Project cannot be completed without the cooperation and participation of the Property owner; and

WHEREAS, the Council of the City of Rochester held a public hearing on April 20, 2023 pursuant to Article 2 of the Eminent Domain Procedure Law to consider the acquisition of this parcel and no speakers appeared at the hearing.

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

Section 1. The Council hereby makes the following determinations and findings concerning the acquisition of the Property for the West River Wall Reconstruction Project – Segment 2 (“Wall Project”) and for the Brownfield Cleanup Program for Former Vacuum Oil Refinery sites (“Remediation Project”), which are collectively referenced herein as the “Projects”:

A. Project descriptions:

- (1) The Wall Project will repair the failing river wall and fill in low-lying parcels adjoining the wall at the Property and at surrounding City-owned properties.
- (2) The levels of contamination at the Property and at surrounding Former Vacuum Oil impacted BCP sites require remediation before redevelopment or planned public improvements can take place. The remediation work will require the demolition of the Property’s vacant warehouse building in order to remediate subsurface contamination located beneath it. The BCP sites will be restored to Restricted-Residential standards, and the Property will be graded as required to be consistent with the restoration of public parklands and to serve as a future private development site as per the recommendations of the Vacuum Oil Brownfield Opportunity Area (“VO BOA”) plan for a 148-acre area that encompasses the Former Vacuum Oil area and nearby neighborhoods developed in accordance with the NYS Brownfield Opportunity Area Program. The Remediation Project will include targeted excavations to remove contaminated material, followed by placement of a clean soil cover to cap the Property.

B. Project purposes:

- (1) The Property is located in the center of the area to be benefited by the Wall Project, which is an initiative of the ROC the Riverway Restore the Shore project. Repairs and enhancements to the deteriorating wall constructed more than 100 years ago will provide enhanced protection from flood waters. The Wall Project will also elevate the Property and surrounding City-owned properties out of the floodplain. Acquisition of the 1.6 acre, tax delinquent Property and the remediation of known environmental contamination is essential to completing the Wall Project.

- (2) Remediation of known environmental contamination on the Property is critical to the redevelopment of the area in accordance with the VO BOA plan. Without incorporating the Property into the City’s BCP plans, some of the unaddressed residual contaminants from the Property would likely migrate onto the City’s adjacent BCP site, which would defeat the purposes of Remediation Project activities conducted on adjoining properties and which could pose a health risk to construction workers on the Wall Project and future redevelopment projects, and to residents, public parkland users, and businesses on and around the Property.
- C. Relocation benefits and compensation: no need is anticipated because the property is currently vacant.
 - D. Project effect: The Projects will have no significant adverse environmental effects, which is determined as follows in accordance with the State Environmental Quality Review Act (“SEQR”) and Chapter 48 of the Municipal Code.
 - (1) The Wall Project has been reviewed by means of a completed SEQR Environmental Assessment Form and determined to have no potential significant adverse environmental impacts pursuant to a Negative Declaration issued by the City of Rochester on October 6, 2022.
 - (2) The Remediation Project will be implemented only in accordance with work plans approved by the NYS Department of Environmental Conservation as protective of human health and the environment through the BCP program. Therefore, the Remediation Project activities are exempt from SEQR. 6 NYCRR §375-3.11(b)(1).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2023-113
(Int. No. 127)

Authorizing the acquisition by negotiation or condemnation of a property for the West River Wall Reconstruction Project – Segment 2 and the Brownfield Cleanup Program for Former Vacuum Oil Refinery sites

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

Section 1. The Council hereby approves the acquisition of the following parcel for the maximum acquisition amount indicated to effectuate the West River Wall Reconstruction Project – Segment 2 and the Brownfield Cleanup Program for Former Vacuum Oil Refinery sites:

Address	Reputed Owner	SBL #	Type	Maximum Acquisition Amount
5 Flint Street	One Flint St., LLC	121.77-1-10.001	Warehouse	\$60,000

Section 2. The acquisition amount and necessary closing costs shall be funded from 2022-23 Cash Capital.

Section 3. City taxes and other current-year charges against said parcel shall be canceled from the date of acquisition closing forward. If the present owner has paid any taxes or other current-year charges attributable to the period after the closing, such charges shall be credited to such owner at

closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City owns the parcel, shall also be canceled.

Section 4. In the event that said parcel cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings to acquire said parcel. In the event of condemnation, the amount set forth herein for the acquisition shall be the amount of the offer. Nothing in this ordinance shall be deemed to limit in any way the liability of the City for further claims arising from the acquisition of said parcel pursuant to the Eminent Domain Procedure Law.

Section 5. This ordinance shall take effect immediately.

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:

Re: Local Improvement Ordinance No. 1797
East Avenue/Alexander Street
Entertainment District,
Local Improvement Ordinance (LIO)

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

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation reauthorizing the East Avenue/Alexander Street Entertainment Local Improvement District and establishing the amount of \$22,032 for special assessments for trash removal in the district for the 2023-24 fiscal year.

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

In 2023-24 the fixed fee for additional street cleaning services is determined by type of establishment and square footage as agreed upon by the entertainment establishments and property owners in the district. The total annual charge estimate determined by the Department of Environmental Services.

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

Code	Use	Annual Charge
1	Parking lot under 2500 Sq Ft	\$205
2	Parking Lot 2500-4999 Sq Ft	\$409
3	Parking Lot 5000-9999 Sq Ft	\$612
4	Parking Lot 10000 Sq Ft or more	\$831
5	Small Sit down Restaurant	\$205
6	Take out Restaurant/Smaller Bar	\$409
7	Large Bar/Sit Down Restaurant	\$960

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

A public hearing is required.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-65

Local Improvement Ordinance No. 1797
(Int. No. 128)

Local Improvement Ordinance establishing the cost of special services for the East Avenue/Alexander Street Entertainment District for 2023-24

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

Section 1. The 2023-24 budget for upgraded street cleaning and trash removal services for the East Avenue/Alexander Street Entertainment District (District) is established at \$22,032 and the charge per use code shall be as set forth below, and said amount is hereby appropriated from the Special Assessments as set forth below and shall be assessed and levied on the 2023-24 tax bill for the District properties and use codes as designated in Local Improvement Ordinance No. 1666.

Code	Use	Annual Charge
1	Parking Lot under 2500 Sq Ft	\$205
2	Parking Lot 2500-4999 Sq Ft	\$409
3	Parking Lot 5000-9999 Sq Ft	\$612
4	Parking Lot 10,000 Sq Ft or more	\$831
5	Small Sit down Restaurant	\$205
6	Take out Restaurant/Smaller Bar	\$409
7	Large Bar/Sit Down Restaurant	\$960

Section 2. This ordinance shall take effect on July 1, 2023.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen

Ordinance No. 2023-114
 Re: Sale of Real Estate and Grant
 Agreement with Flower City
 Habitat for Humanity, Inc.

Council Priority: Rebuilding and
 Strengthening Neighborhood Housing

Comprehensive Plan 2034 Initiative Area:
 Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to Flower City Habitat for Humanity’s single-family new-construction project, including the sale of City-owned real estate and authorization of a grant in the amount of \$300,000 for the construction of 10 new, affordable, single-family homes in the City of Rochester.

This legislation will:

- 1) Authorize the sale of 10 vacant parcels to Flower City Habitat for Humanity (FCHH or Habitat) for the development of single-family homes for first time home buyers.

Address	Tax ID/SBL	Price	Lot Size (SF)	Zoning
108-110 Ackerman St.	107.45-1-58	425	4,020	R-2
34-36 Copeland St.	107.45-2-32	450	5,300	R-2
179 Melville St.	107.54-3-3	400	3,646	R-1
64-68 Parsells Ave.	107.53-3-63	500	7,900	R-2
321 Parsells Ave.	107.62-1-18	400	3,900	R-2
378 Parsells Ave.	107.54-3-52	475	6,320	R-2
536 Hayward Ave.	107.61-3-47	450	5,498	R-2
535 Hayward Ave.	107.69-1-12	425	4,574	R-2
344 Garson Ave.	107.61-2-70	475	6,400	R-2
560 Garson Ave.	107.62-2-64	450	5,600	R-1
TOTAL		\$4,450		

- 2) Authorize an agreement in the amount of \$300,000 for a grant to Flower City Habitat for Humanity, Inc. (Matthew Flanigan, President & CEO, 755 Culver Road, Rochester).
- 3) Appropriate \$300,000 in HOME funds as described below to fund the grant as follows:

Annual Action Plan	Project	Funding Amount
2021-22	Affordable Housing Fund	\$14,691
2022-23	Affordable Housing Fund	\$285,309
TOTAL		\$300,000

- 4) The term of the agreement is for two years, with a maximum grant amount of \$30,000 per home. The funds will be used to support the construction of single-family homes on the 10 aforementioned lots.

The grant will be used as a subsidy to support construction of the 10 owner-occupied single-family houses in and adjacent to the Beechwood neighborhood – see attached map for location information.

These 10 homes comprise the second phase of Habitat’s planned Beechwood infill project. Habitat started the first phase of the project in 2022, and will complete construction on those seven (phase one) homes by June 2023. If Council approval is granted, the development team will start construction on phase two immediately.

FCHH’s new construction activity aligns with the residential goals identified in the *Comprehensive Plan for the EMMA and Beechwood Neighborhoods* (2020) (Beechwood Plan), and the City’s *Comprehensive Plan: Rochester 2034*. This project and the parcels were specifically highlighted in the Beechwood Plan, and are part of a larger infill housing initiative being undertaken by Habitat, Home Leasing, Rochester Housing Authority, and other local partners. These units will provide low- and very-low income households much needed homeownership opportunities. FCHH has been building new, single-family housing in the City for Rochester for many years. They employ construction managers to oversee development, and utilize volunteers to help construct the homes.

The new houses will be sold to low-income families who currently reside in sub-standard, overcrowded, and/or cost-prohibitive housing situations. These families are selected by an FCHH committee using the following criteria:

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

The houses will be sold for appraised value (between \$70,000 and 100,000), but mortgages are sized to ensure affordability. FCHH typically provides a 30-year mortgage with a 0% interest rate. Habitat is on schedule to complete seven homes during FY2022-23 (Phase I Beechwood), with five homes for households earning at or below 30-50% AMI and two homes for households earning at or below 50-70% AMI.

A SEQRA review has been completed, and a negative declaration was issued on November 10, 2022. A NEPA review is underway and will be completed prior to entering into any agreements for the New Construction project.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-66

Ordinance No. 2023-114
(Int. No. 129)

Authorizing the sale of real estate and grant agreement with Flower City Habitat for Humanity, Inc.

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

Section 1. The Council hereby approves the negotiated sale of the following vacant parcels to Flower City Habitat for Humanity, Inc. with proposal to construct affordable single-family dwellings thereon:

Address	Tax ID/SBL	Price	Lot Size (SF)
108-110 Ackerman St.	107.45-1-58	425	4,020
34-36 Copeland St.	107.45-2-32	450	5,300
179 Melville St.	107.54-3-3	400	3,646
64-68 Parsells Ave.	107.53-3-63	500	7,900
321 Parsells Ave.	107.62-1-18	400	3,900
378 Parsells Ave.	107.54-3-52	475	6,320
536 Hayward Ave.	107.61-3-47	450	5,498
535 Hayward Ave.	107.69-1-12	425	4,574
344 Garson Ave.	107.61-2-70	475	6,400
560 Garson Ave.	107.62-2-64	450	5,600
	TOTAL	\$4,450	

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

Section 3. The Mayor is hereby authorized to enter into a grant agreement with Flower City Habitat for Humanity, Inc. to support the construction of ten affordable single-family dwellings on the vacant parcels conveyed pursuant to Section 1 herein. The maximum amount of the agreement shall be \$300,000, which shall be funded in the amounts of \$14,691 from the allocation for Project No. 26, Affordable Housing Fund, in the 2021-22 Annual Action Plan and \$285,309 from the allocation for Project No. 28, Affordable Housing Fund, in the 2022-23 Annual Action Plan. The term of the agreement shall be two years.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Local Improvement Ordinance No. 1798
 Re: High Falls Business
 Improvement District

Council Priority: Creating and
 Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
 Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to the High Falls Business Improvement District (BID) established via Local Law No.1 of 2004, enacted in December 2003. This legislation will:

- 1) Approve the 2023-2024 Budget totaling \$25,000 submitted by the High Falls BID Board.

- 2) Establish \$25,000 as the 2023-2024 assessment for the district and authorize the apportionment of the cost among the subject properties.
- 3) Authorize an agreement with the High Falls Business Improvement District Management Association, Inc. for implementation of the services outlined in the BID plan.

The amount of the annual levy is determined by the budget proposed by the BID. The amount assessed to an individual property is determined by its primary use, which is verified annually. Funds are used for additional clean-up, beautification, landscaping, marketing, advertising, and promotional materials. Funds have also been used for special purposes such as historic signage and a lunchtime summer concert series produced in conjunction with the Hochstein School of Music.

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

A public hearing on the assessment is required.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-67

Local Improvement Ordinance No. 1798
(Int. No. 130)

Local Improvement Ordinance establishing the 2023-24 assessments and authorizing an agreement for the High Falls Business Improvement District

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

Section 1. The Council hereby approves the continuation of the High Falls Business Improvement District (District). The 2023-24 Budget for the District is established at \$25,000, which amount shall be assessed and levied among the benefited properties in accordance with Local Law No. 1 of 2004.

Section 2. The Mayor is hereby authorized to enter into an agreement with the High Falls Business Improvement District Management Association, Inc. to provide the services outlined in the District Plan.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-115
Re: Agreement - DePaul Properties, Inc.
– True North Apartments –
Clinic and Wellness Center

Council Priority: Rebuilding and

Strengthening Neighborhood Housing

Comprehensive Plan 2034 Initiative Area: Public Health and Safety

Transmitted herewith for your approval is legislation related to the construction of a clinic and wellness center for individuals in recovery at 365-373 North Street as part of the True North Apartments project. The proposed clinic will serve as a critical community anchor for wellness services in northeast Rochester. DePaul Properties, Inc. (Mark H. Fuller, President, 1931 Buffalo Road, 14624) is partnering with the Rochester Interfaith Development Corporation, Inc. (RIDC) (Pastor Franklin Ross, President, 6 Oregon Street, Rochester, 14605) for the True North Apartments. This project will also result in the development of 70 affordable and supportive rental housing units at two locations, 536 Central Avenue and 115-141 Portland Avenue. This legislation will transfer funds for this True North project to Neighborhood and Business Development which has responsibility for housing related functions.

This legislation will:

- 1) Transfer \$500,000 from the 2022-23 Budget of City Council & Clerk to Neighborhood and Business Development. This transfer results from Resolution No. 2022-50, approved on December 20, 2022, to reallocate and reappropriate a portion of unspent Police Accountability Board (PAB) funds to four specified community need categories (Community Needs) for the following:
 - a. \$500,000 for the True North project; and
- 2) Authorize a \$500,000 grant agreement with DePaul Properties, Inc., funding a portion of the costs associated with construction of the clinic and wellness center as appropriated in Section 1.

The clinic and wellness center, to be located at 365-373 North Street, will be operated by the Finger Lakes Area Counseling and Recovery Agency (FLACRA) (Jennifer Carlson, President & CEO), 28 E. Main Street, Clifton Springs, 14432.

FLACRA is partnering with DePaul and RIDC to create a new state-of-the-art integrated outpatient clinic to provide mental health and substance abuse services in proximity to the apartment buildings. The proposed clinic site will be easily accessible by public transportation, and the 8,600 square foot two-story structure will feature a secure reception area with separate waiting rooms for adults and families with children; a secure medication room and patient record storage facilities, a nurse's station, staff break rooms, and ample private and group meeting spaces. It will be licensed by NYS Office of Mental Health to provide integrated outpatient services including evaluation, treatment planning, individual counseling, certified one-on-one peer coaching, group sessions, family and youth counseling, relapse prevention, planning, as well as additional crisis services and support in the community.

The overall True North Apartments project will include the new construction of a three-story building with 30 units at 536 Central Avenue, a three-story building with 40 units at 115-141 Portland Avenue, and the clinic and wellness center noted above. The project is specifically designed to meet the needs of smaller households that struggle to find affordable housing, including the chronically homeless, seniors, and individuals with disabilities as well as to create accessible units and opportunities for aging in place. There will be a mix of studio, one-, and two- bedroom units serving households with incomes at or below 30% and 60% Median Family Income (MFI), including 35 supportive housing units (rental subsidy through NYS Empire State Supportive Housing Initiative, (ESSHI)), and 3 units available for households with incomes up to 90% MFI. Of the 35 supportive housing units, 15 will be for frail/elderly households with services provided by DePaul, and 20 will be for individuals or families experiencing chronic homelessness, with services to be provided by Person Centered Housing Options, Inc. (PCHO) (Charlie Albanese, CEO and President, 400 West Avenue, Suite 200, Rochester, 14611). An anticipated rent chart is listed below.

Unit Size		# of units	Anticipated Gross Rent
Studio ESSHI		3	\$702
1 BR ESSHI		31	\$752
1 BR		31	\$787
1 BR		3	\$873
2 BR ESSHI		1	\$902
2 BR		1	\$946
		Total: 70	

The three development sites, comprised of four parcels, are owned by the City of Rochester, and were awarded for sale to the developer in 2021 through a Request for Proposals process for each site, followed by executed purchase options in Fall 2022. In addition, due to review via the City's 2022 Housing RFP process, the City anticipates providing a HOME loan of \$750,000 and a Shelter Rent Payment in Lieu of Taxes, all of which will be submitted to City Council at a future date, subsequent to the Project's receipt of full funding.

The True North Apartments Project was submitted to New York State Homes and Community Renewal (NYS HCR) for primary project funding in December 2022. However, due to maximum funding limitations related to the clinic there is a \$500,000 funding gap. The proposed \$500,000 grant agreement will provide funding to fill the gap. The total development cost is anticipated to be \$36,725,623. It is anticipated that NYS HCR will announce funding awards in Spring 2023.

The draft development budget below is provided for reference purposes.

<u>Uses</u>		<u>Permanent Sources</u>	
Acquisition	\$69,000	NYS HCR Tax Credits	\$14,513,049
Hard Costs	\$27,312,356	NYS HCR Supportive Housing Opportunity Program (SHOP)	\$4,792,966
Soft Costs and Working Capital	\$5,091,444	Federal Housing Trust Fund	\$7,045,608
Developer Fee	\$4,080,000	NYSHCR Clean Energy Initiatives (CEI)	\$385,000
Reserves	\$172,823	Community Investment Fund	\$2,000,000
		City of Rochester HOME	\$750,000
		Office of Temporary and Disability Assistance Homeless Housing and Assistance Program (OTDA HHAP)	\$5,515,000
		City of Rochester Clinic funds	\$500,000
		DePaul Sponsor Loan	\$1,000,000

		Deferred Developer Fee	\$224,000
TOTAL	\$36,725,623	TOTAL	\$36,725,623

Respectfully submitted,
 Malik D. Evans
 Mayor

Miguel A. Meléndez, Jr.
 City Council President

Michael A. Patterson
 NBD Committee Chair

Attachment No. AW-68

Ordinance No. 2023-115
 (Int. No. 131)

Appropriating funds and amending the 2022-23 Budget to support a clinic and wellness center for the True North Apartments project

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

Section 1. The sum of \$500,000 allocated for the Police Accountability Board in the 2022-23 Budget of the City Council & Clerk is hereby appropriated to help fund the establishment of a clinic and wellness center at 365-373 North Street to serve individuals in recovery as part of the True North Apartments affordable and supportive housing project (the Clinic).

Section 2. Ordinance No. 2022-157, the 2022-23 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Department of Neighborhood and Business Development (NBD) by \$500,000 from the funds appropriated in Section 1.

Section 3. The Mayor is hereby authorized to enter into a grant agreement with DePaul Properties, Inc., or another entity formed by a developer of the Clinic, to fund the establishment of the Clinic in the maximum amount of \$500,000, which shall be funded from the 2022-23 Budget of NBD.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2023-116
 Re: Budget Amendment –
 Peace Village Improvements

Council Priority: Rebuilding and
 Strengthening Neighborhood Housing

Comprehensive Plan 2034 Initiative Area:
 Public Health and Safety

Transmitted herewith for your approval is legislation to amend Ordinance No. 2023-53, approved February 23, 2023, to transfer funds allocated for Peace Village to Neighborhood and Business Development, which has responsibility for housing related functions.

This legislation will:

1. Transfer \$750,000 from the 2022-23 Budget of City Council & Clerk to Neighborhood and Business Development. This transfer results from Resolution No. 2022-50, approved on December 20, 2022, to reallocate and reappropriate a portion of unspent Police Accountability Board (PAB) funds to four specified community need categories (Community Needs) for the following:
 - a. \$750,000 for the Peace Village project.
2. Amending Ordinance No. 2023-53, to fund the agreements with Pallet SPC and Person Centered Housing Options, Inc., or another organization if deemed more appropriate, by 2022-23 Budget of Neighborhood and Business Development as appropriated in Section 1.

Respectfully submitted,
Malik D. Evans
Mayor

Miguel A. Meléndez Jr.
President

Ordinance No. 2023-116
(Int. No. 132)

Amending Ordinance No. 2023-53 and amending the 2022-23 Budget relating to improvements for Peace Village

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

Section 1. Ordinance No. 2023-53, Appropriating funds and authorizing agreements for Peace Village improvements, is hereby amended in Sections 1, 2, 3, 4 and 5 to read as follows:

Section 1. The sum of \$750,000 allocated for the Police Accountability Board in the 2022-23 Budget of the City Council & Clerk is hereby reallocated and appropriated to improve the Peace Village at 97 Industrial Street to serve more unhoused people with better quality facilities (the Improvements).

Section 2. Ordinance No. 2022-157, the 2022-23 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Department of Neighborhood and Business Development (NBD) by \$750,000 from the funds appropriated for the Improvements in Section 1.

~~Section 3.~~ Section 3. The Mayor is hereby authorized to enter into a professional service agreement with Pallet SPC to produce and install at Peace Village approximately 15 insulated transitional housing units with 2 beds apiece and supporting hygiene, storage and community space structures. The term of the agreement shall be one year with the option to renew for one additional year. The maximum compensation shall be \$460,000, which shall be funded from the ~~appropriation to Improvements in Section 1~~ 2022-23 Budget of NBD.

~~Section 4.~~ Section 4. The Mayor is hereby authorized to enter into a grant agreement with Person Centered Housing Options Inc. or another organization if deemed more appropriate to fund improvements to the Peace Village site to accommodate the structures authorized in Section 2 and to maintain and improve the quality of the site for the people it serves. The term of the agreement shall be one year with the option to renew for one additional year. The

maximum grant amount shall be \$290,000, which shall be funded from the ~~appropriation to Improvements in Section 4~~ 2022-23 Budget of NBD.

~~Section 4.5.~~ The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems appropriate.

~~Section 5.6.~~ This ordinance shall take effect immediately.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed by the following vote:

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

Nays - Councilmember Peo - 1.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2023-117
Ordinance No. 2023-118
Re: Main Street Commons:
Acquisition of 170-172
East Main Street,
Access Easement, and Seasonal
Use License

Council Priority: Creating and
Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation related to the establishment of Main Street Commons, a public plaza and gathering space at 170-172 East Main Street. It authorizes the acquisition of the lot to be cleared and redeveloped for the Commons. It also authorizes the City to grant an access easement to the adjoining owner and enter into a seasonal license agreement with the operators of one or more adjoining businesses located 176-182 East Main to establish outdoor seating or dining along a ten-foot wide portion of the Commons. The seasonal license is intended to establish dining or other seating spaces that will complement and add to the enjoyment of the Commons.

Consistent with the Downtown Revitalization Initiative (ORI), the City intends to acquire 170-172 East Main Street and demolish the vacant single-story building. Following the demolition, the City will construct Main Street Commons, a public plaza and gathering space, facilitating pedestrian circulation between East Main Street and Division Street. Main Street Commons is anticipated to feature a landscaped center walkway with public access to the two adjoining properties. This legislation will:

- 1) Authorize acquisition by negotiation of 170-172 East Main Street, owned by Kresge Building LLC (Patrick Dutton, sole proprietor), a vacant commercial building, for \$800,000. The value of the property was established via an appraisal performed by Bruckner, Tillett, Rossi, Cahill and Associates as of October 2022.
- 2) Simultaneously with the acquisition of 170-172 East Main Street, a permanent, nonexclusive access easement will be granted to East Main Realty LLC (Patrick Dutton, sole proprietor) for use by East Main Realty LLC, their guests and invitees over that property, which will serve as the primary access point for the adjoining parcel, 176-182 East Main Street, which is planned to be renovated into a boutique hotel, restaurant, and event space. The value of the easement has been established at \$9,600. The value of the property was established via an appraisal performed by Bruckner, Tillett, Rossi, Cahill and Associates as of February 2023.
- 3) Authorize the City to enter into an agreement establishing a 10-year seasonal license for the operator(s) of first-floor business(es) located in 176-182 East Main Street adjacent to the future Commons to use a 10' wide portion of the Commons for outdoor dining or seating. The agreement will have an initial 5-year term with a 5-year renewal option. The value of the license agreement has been established at \$60.00/month. The value of the use license was established by an independent appraisal performed by Bruckner, Tillett, Rossi, Cahill and Associates as of February 2023.

The access easement and use license are being authorized now, well in advance of the establishment of Main Street Commons, in order to encourage the rehabilitation of the adjoining property with a boutique hotel, restaurant, and/or other suitable first floor establishments that would benefit from and contribute to the Commons by providing complementary uses and amenities for a public plaza.

The acquisition and closing costs are estimated to be an amount not to exceed \$880,000 (\$800,000 for the acquisition plus 10% estimate for closing costs). The City intends to fund the \$880,000 in costs as follows: \$133,000 in anticipated repayments and interest from Urban Development Action Grant (UDAG) loans appropriated from the City Development Fund (CDF) for the purpose in Ordinance No. 2019-166, \$40,867.35 in anticipated repayments and interest from UDAG loans appropriated from the CDF for the purpose in Ordinance No. 2020-189, \$281,132.65 from 2019-20 Cash Capital, and \$425,000 from 2022-23 Cash Capital.

Demolition of the current building, as well as design and construction of Main Street Commons, will be funded through State DRI monies to be appropriated at a future date.

Pursuant to the requirements of the New York State Environmental Quality Review Act (SEQRA), this was classified as an Unlisted Action, and a Negative Declaration was issued on January 7, 2023.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-117
(Int. No. 153)

Authorizing the acquisition of 170-172 East Main Street to establish Main Street Commons

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

Section 1. The Council hereby authorizes the acquisition by negotiation of the parcel described below for a maximum purchase price of \$800,000 in order to effectuate the development of a public plaza and gathering space to be known as Main Street Commons.

Address	Owner	SBL#
170-172 East Main St	Kresge Building LLC	121.23-2-7

The purchase price as well as necessary closing costs of up to \$80,000 shall be funded as follows: \$133,000 in anticipated repayments and interest from Urban Development Action Grant (UDAG) loans appropriated to the City Development Fund (CDF) in Ordinance No. 2019-166, \$40,867.35 in anticipated UDAG loan repayments and interest appropriated to the CDF in Ordinance No. 2020-189, \$281,132.65 from 2019-20 Cash Capital, and \$425,000 from 2022-23 Cash Capital.

Section 2. Upon the date of closing, any City taxes and other charges owed against said parcel shall be canceled. Any taxes levied after the date of closing, while the City owns the parcel, shall also be cancelled. The property shall be conveyed to the City with no other outstanding liens.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays – Councilmember Martin - 1.

Ordinance No. 2023-118

(Int. No. 154)

Authorizing an access easement through 170-172 East Main Street and licenses for the seasonal use of said premises as elements of the Main Street Commons project

WHEREAS, the City of Rochester in a concurrent ordinance is authorizing the acquisition of 170-172 East Main Street, for the purpose of demolishing the vacant single-story building in order to establish Main Street Commons (Commons), a public plaza and gathering space;

WHEREAS, the owner of the adjoining parcel to the east at 176-182 East Main Street (176-182 EM), seeks a permanent, non-exclusive easement over the Commons for use by 176-182 EM's owner and its successors, guests and invitees to access 176-182 EM;

WHEREAS, an independent appraisal has placed the value of such access easement at \$9,600;

WHEREAS, in addition to the above described access easement, the City has determined that allowing the operators of one or more dining or retail establishments located in the first floor of the 176-182 EM premises to establish seasonal outdoor dining or other public seating along the adjoining 10-foot wide portion of the Commons would complement and add to the public enjoyment of the Commons;

WHEREAS, an independent appraisal has placed the aggregate value of such license(s) at \$60 per month;

WHEREAS, authorizing the City in advance to provide an access easement and enter into one or more seasonal licenses with adjoining establishments at 176-182 EM would encourage the redevelopment of the those premises with a boutique hotel, restaurants, event spaces or other establishments that would complement the public use and enjoyment of the Commons;

WHEREAS, the access easement would be permanent and the use license would be authorized for a term of up to five years with the option to extend the term for an additional period of up to five years; and

WHEREAS, in accordance with Section 21-23 of the Municipal Code, the Council hereby finds that the term of the use license is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the license.

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

Section 1. The Council hereby approves the sale of a permanent, non-exclusive easement over 170-172 East Main Street (SBL No. 121.23-2-7) to East Main Realty Holdings LLC (the Grantee) for use by Grantee, Grantee's guests and invitees to serve as the primary means of access to establishments on the Grantee's premises at 176-182 East Main Street, SBL No. SBL No. 121.23-2-8 (176-182 EM). The easement's purchase price shall be \$9,600, it may be conveyed to the Grantee simultaneously with the City's acquisition of 170-172 East Main Street, and it may encompass the entire premises as follows:

Two parcels conveyed by Deed recorded in Monroe County Clerk's Office in Liber 3626 of Deeds, page 524, which together form a single parcel more particularly described as follows:

Commencing at a point in the north line of Main Street East, which point is 316.73 feet east of the intersection of the east line of St. Paul Street and the north line of Main Street East; thence north, making an interior angle with Main Street East of 99°41'05" and through the center line of a party wall, a distance of 159.01 feet to the south line of Division Street; thence easterly making an interior angle with the last described course of 90°13'40" and along the south line of Division Street a distance of 32.25 feet; thence south making an interior angle with the last described course of 89°46'20" a distance of 158.95 feet to the north line of Main Street East; thence westerly making an interior angle with the last described course of 90°18'55" and along the north line of Main Street, a distance of 32.25 feet to the place of beginning.

Together with and subject to all of the rights and liabilities of the grantor in and under two certain agreements, the one dated June 16, 1904, recorded in Monroe County Clerk's Office in Uber 1357 of Deeds, page 51, and the other dated March 31, 1950, and recorded in Monroe County Clerk's Office in Liber 2604 of Deeds, page 23, the premises herein described being known as 170-172 Main Street East, Rochester, New York and comprised in part of the premises described in said agreement recorded in Liber 2604 of said Deeds, page 23, as 172-174 Main Street East.

Section 2. The City is hereby authorized to enter into a license agreement to allow the seasonal use of a 10-foot wide portion of the Main Street Commons to be established at 170-172 East Main Street (the Commons) by the operator of a restaurant or other establishment located in the first floor of the adjoining 176-182 EM premises to establish outdoor dining, other seating, or other amenity in the Commons, provided that the City determines that the seasonal use will complement and add to the public enjoyment of the Commons. The license agreement shall require the payment of a monthly fee in the aggregate amount of \$60 during the operating season. The length of 10-foot wide licensed area shall be reduced, and the monthly license fee adjusted proportionately, as may be necessary to accommodate the Grantee's access rights under the easement authorized in Section 1 herein. The term of each license agreement shall be up to five years, with the option to extend the term for an additional period of 5 years.

Section 3. The easement transaction and the license agreement authorized herein shall be subject to such additional terms and conditions as the Mayor deems appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays – Councilmember Martin - 1.

By Councilmember Harris

April 25, 2023

To the Council:

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

Int. No. 133 Appropriating American Rescue Plan Act funds for a multi-purpose Emergency Response Outreach Vehicle

The **RECREATION & HUMAN SERVICES COMMITTEE** recommends for **CONSIDERATION** the following entitled legislation:

Int. No. 134 Local Improvement Ordinance providing security and snow removal services at the Public Market for 2023-24

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

Int. No. 158 Amending the Municipal Code with respect to the tethering of dogs

Respectfully submitted,

LaShay D. Harris

Willie J. Lightfoot (*absent*)

Stanley Martin

Mary Lupien (*absent for Int. Nos. 133 and 134*)

Miguel A. Meléndez, Jr.

RECREATION & HUMAN SERVICES COMMITTEE

Received filed and published

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2023-119

Re: Appropriation – American
Plan Act, Mobile Unit

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation appropriating the receipt and use of \$50,000 in American Rescue Plan Act (ARPA) funds for the purchase and build-out for a multi-purpose mobile unit for the Department of Recreation and Human Services (DRHS). This additional \$50,000 will ensure that the mobile unit has all of the features DRHS needs, including a bathroom, handicap-accessible entrance, and retractable awning.

The City of Rochester received \$202.1 million award from the Coronavirus State and Local Fiscal Recovery Fund established by the American Rescue Plan Act (ARPA). The DRHS mobile unit is an eligible use of ARPA funding under the Final Rule 6.1 Provision of Government Services Expenditure Category. This project was shared by the current Administration in a Council work session on September 29, 2022.

Previous ARPA funds of \$175,000 were allocated to this project by Council from Ordinance No. 2022-356 on November 15, 2022. It was determined that additional ARPA funding was needed after DRHS received the quote from the vendor for the mobile unit.

This mobile unit will be a multi-purpose vehicle used to promote and provide DRHS programming directly to City residents in their neighborhoods. Specifically, the mobile unit will be primarily used by the Crisis Intervention Services unit to provide a safe place away from the media, crowd, and weather for families and residents in crisis. Additionally, the unit will be used to provide workforce development services in City neighborhoods. This could include resume writing workshops, job search assistance, and job application completion assistance. DRHS staff may also use the unit to promote other DRHS services such as youth employment, Animal Services, and/or community athletics.

The ARPA funds will be used to supplement the cost of this mobile unit from a \$225,000 grant received from the U.S. Health Resources and Services Administration previously approved by Council on September 20, 2022 via Ordinance No. 2022-291.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-119
(Int. No. 133)

Appropriating American Rescue Plan Act funds for a multi-purpose Emergency Response Outreach Vehicle

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

Section 1. The Council hereby appropriates the sum of \$50,000 provided by the United States Treasury pursuant to the American Rescue Plan Act of 2021 (ARPA) to fund the purchase, build-out, and ancillary programmatic supplies and equipment for a multi-purpose Emergency Response Outreach Vehicle for the Department of Recreation and Human Services (Project). This appropriation shall supplement previous appropriations to the Project from the U.S. Health Resources and Services Administration and ARPA as authorized in Ordinance Nos. 2022-291 and 2022-356, respectively.

Section 2. The Mayor is hereby authorized to execute any grant agreement or to provide such other documentation as may be necessary to fund the Project authorized herein. Any such agreements and documents shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1799
Re: Public Market Snow Removal
and Security Services

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

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation authorizing the appropriations and assessments for snow removal and security services at the Public Market for 2023-24. The snow removal and security districts were established in 1990 and 1991, respectively, and include 15 properties adjacent to the Public Market.

The City provides special snow removal services, including plowing and salting, as necessary. The security services include foot patrols from 5:00 pm to 5:00 am, Monday through Saturday, and all day on Sunday. Part of the cost of these services is apportioned among the properties within the district. For each property, these assessments include both a fixed fee and a fee per frontage foot. The rates are unchanged for the 2023-24 Fiscal year and remain the same as last year.

Snow Removal: For 2023-24 snow removal services, the fixed fee will be \$100 per property, while the footage fee will be \$3.25 per foot. The total amount of the assessment will be \$6,237.95

Security Services: For 2023-24 security services, the fixed fee will be \$1,190 per property, while the front footage fee will be \$19.06 per foot. The total amount of the assessment will be \$45,636.24.

<i>Snow</i>	Fixed	#	Subtotal	Footage			Total
	Fee	Properties		Fee	Footage	Subtotal	
2022-23	\$100	15	\$1,500.00	\$3.25	1475.83	\$4,737.95	\$6,237.95
2023-24	\$100	15	\$1,500	\$3.25	1475.83	\$4,737.95	\$6,237.95
						Change	\$0.00

<i>Security</i>	Fixed	#	Subtotal	Footage			Total
	Fee	Properties		Fee	Footage	Subtotal	
2022-23	\$1,190	15	\$17,850.00	\$19.06	1475.83	\$27,786.24	\$45,636.24
2023-24	\$1,190	15	\$17,850.00	\$19.06	1475.83	\$27,786.24	\$45,636.24
						Change	\$0.00

Public hearings are required for these assessments

Respectfully submitted,
Malik D. Evans
Mayor

Local Improvement Ordinance providing security and snow removal services at the Public Market for 2023-24

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

Section 1. The Council hereby authorizes special security services for the Public Market during the fiscal year from July 1, 2023 to June 30, 2024. The Council hereby finds that such services will benefit both the City-owned portions of the Public Market and the privately-owned properties adjacent to the Public Market. The Council hereby directs that a portion of the cost of providing such services be assessed against the privately-owned properties adjacent to the Public Market that are listed in Local Improvement Ordinance No. 1733, which properties shall constitute the district of assessment. The assessments shall be allocated in the manner described below. The total amount to be assessed for the 2023-24 year shall be \$45,636.24. The amount to be assessed against each parcel shall include a fee of \$1,190 per parcel plus \$19.06 per foot of frontage. The frontage assessed upon may be on more than one side of the parcel. The Council hereby determines that such formula represents the relative amount of benefit received by each such parcel from such services.

Section 2. The Council hereby authorizes special snow plowing and salting services for the Public Market during the fiscal year from July 1, 2023 to June 30, 2024. The Council hereby finds that such services will benefit both the City-owned portions of the Public Market and the privately-owned properties adjacent to the Public Market. The Council hereby directs that a portion of the cost of providing such services be assessed against the privately-owned properties adjacent to the Public Market that are listed in Local Improvement Ordinance No. 1732, which properties shall constitute the district of assessment. The assessments shall be allocated in the manner described below. The total amount to be assessed for the 2023-24 year shall be \$6,237.95. The amount to be assessed against each parcel shall include a fee of \$100 per parcel plus \$3.25 per foot of frontage that receives plowing and/or salting services. The frontage assessed upon may be on more than one side of the parcel. The Council hereby determines that such formula represents the relative amount of benefit received by each such parcel from such services.

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

Section 4. The assessments shall be billed on the tax bill issued on July 1, 2023 and shall be due in one installment.

Section 5. This ordinance shall take effect on July 1, 2023.

Passed unanimously.

Motion to discharge Int. No. 158
Moved by Councilmember Harris; 2nd by Councilmember Peo
Motion passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-120
Re: Re: Amending the Municipal Code
with respect to Tethering dogs

Transmitted herewith for your approval is legislation related to the tethering of dogs. This legislation will amend Chapter 31 of the Municipal Code, Animals - Dog Control, to:

1. Insert definitions of hunting dogs, tether or tethering, and working dogs.
2. Add a new section prohibiting the tethering of a dog overnight, with less than 5 feet in length, and/or for more than one hour in certain weather conditions.
3. Establish penalties for any of the above offences in line with the current leash law.

After a thorough analysis, aspects of tethering proposed in other cities are addressed in state cruelty laws and therefore are not included here since they would be duplicative of those state provisions. These amendments will take effect June 1, 2023..

Respectfully submitted,
Jose Peo
Councilmember, Northwest District Representative

Ordinance No. 2023-120
(Int. No. 158)

Amending the Municipal Code with respect to the tethering of dogs

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

Section 1. Chapter 31 of the Municipal Code, Animals - Dog Control, as amended, is hereby further amended:

- a. in Section 31-2, Definitions, to insert in alphabetical order the following definitions:

HUNTING DOG

Shall mean any dog that is trained to aid in the taking of wildlife and is actually or has been used for such purposes, consistent with applicable law and regulation, including NYS Environmental Conservation Law Section 11-0923, and any local permitting process.

TETHER OR TETHERING

Shall include the act of leashing, fastening, securing, chaining, tying or otherwise restraining a dog to any object, stationary or otherwise, except when such acts occur as part of the lawful engagement of a hunting dog or a working dog as defined in this section. The area in which the dog is tethered must be clean and the dog must have access to food, potable water, and shelter from the weather. The tether should be at least 5 feet in length.

WORKING DOG

Shall mean any dog that is trained to herd and/or protect livestock, control bird and/or wildlife populations, or is actually or has been used in connection with farming or agricultural purposes.

- b. by inserting a new Section 31-4.1, Tethering, to read as follows:

§31-4.1. Tethering

The following shall constitute prohibited conduct:

- A. Tethering a dog overnight.
 - B. Tethering a dog with a tether less than 5 feet in length.
 - C. Tethering a dog for a period in excess of one hour in blizzard, heavy rain, thunder and lightning, or a snow storm generating more than 6 inches of accumulation.
- c. in § 31-17, Penalties for offences, by modifying Subsection A(2) thereof, to read as follows:

(2) Leash law and tethering violations (§§ 31-4 and 31-4.1).

	Initial Penalty	Penalty upon Default
First offense	\$ 100	\$ 200
Second offense	250	500
Third and subsequent offense	500	1,000

Section 2. This ordinance shall take effect June 1, 2023.

Underlining indicates new text

Passed unanimously.

By President Meléndez
April 25, 2023

To the Council:

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

- Int. No. 150 Authorizing an agreement for the Peacemaker Fellowship program
- Int. No. 151 Authorizing an agreement and amending the 2022-23 Budget for the Non-Fatal Shooting Initiative Grant
- Int. No. 152 Authorizing an agreement and amending the 2022-23 Budget for the Pathways to Peace Anti-Violence Initiative
- Int. No. 159 Resolution appointing members for the Police Accountability Board

The **PUBLIC SAFETY COMMITTEE** recommends the following entitled legislation to be **HELD** in Committee:

- Int. No. 157 Approving appointment to the Police Accountability Board

Respectfully submitted,
Miguel A. Meléndez Jr.
Mary Lupien
Mitch Gruber
LaShay D. Harris
Willie J. Lightfoot (*absent*)
Stanley Martin (*voted against Int. No. 151*)
Michael A. Patterson
Jose Peo (*voted against Int. No. 159*)
Kimberly Smith
PUBLIC SAFETY COMMITTEE

Received filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-121
Re: Authorizing Agreement –
Advance Peace

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation establishing \$160,000 as maximum compensation for an agreement with Advance Peace (Devone Boggan, CEO, Oakland, California) for professional development, technical assistance, and rights to use the Peacemaker Fellowship® program. The term of the agreement will be for 12 months and will be funded from the 2022-23 Budget of the Office of the Mayor. The agreement will have an option to renew for one additional 12- month period for a maximum compensation per period of \$160,000 to be funded by future budgets of the Office of the Mayor, contingent upon approval.

The City's Office of Neighborhood Safety is a unit within OVP to lead the development and implementation of programs to prevent and interrupt violence. Advance Peace will provide technical assistance and professional development to the Office of Neighborhood Safety on all aspects of the Peacemaker Fellowship® model including assessment, operations, and program evaluation.

The Peacemaker Fellowship® model is a transformative mentoring program which enrolls the highest risk individuals into a high-touch, personalized and structured cohort for a 12-month period. The program is monitored and evaluated by University of California, Berkeley. The model has been effective in bridging the gap between anti-violence programming such as outreach and breaking the cycle for the hard to reach populations at the center of violence in urban areas.

Advance Peace was selected based on the program's successful deployment in cities with similar demographics. In addition, the CEO of Advance Peace was the founding Director of the first Office Neighborhood Safety in Richmond, CA. This was last authorized by City Council Ordinance No. 2021- 282 and No. 2021-334.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-121
(Int. No. 150)

Authorizing an agreement for the Peacemaker Fellowship 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 Advance Peace to provide professional development, technical assistance, and rights to use the Peacemaker Fellowship® program. The term of the agreement shall be 12 months with the option to extend for one additional 12-month period. The maximum annual compensation shall be \$160,000, which shall be funded from the 2022-23 Budget of the Office of the Mayor (Mayor's Budget) for the initial term and from future Mayor's Budgets for the extended term, contingent upon approval.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Re: Ordinance No. 2023-122
Grant Agreement - New York State
Division of Criminal Justice
Services, Non- Fatal Shooting
Initiative Grant

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to a New York State Division of Criminal Justice Services (DCJS) grant. The legislation will:

1. Authorize an agreement with DCJS for the receipt and use of a Non-Fatal Shooting Initiative grant in the amount of \$134,100 for the term of March 1, 2023 to June 30, 2023; and
2. Amend the 2022-23 Budget of the Police Department by \$92,900 and Undistributed by \$41,200 to reflect the receipt and use of this grant.

This funding will ensure the comprehensive investigation of non-fatal shooting cases, with particular focus on circumstances where victims are uncooperative. DCJS intends to continue this funding in the next fiscal year under the Gun Involved Violence Elimination grant program (last authorized by Ordinance No. 2022-221). Funds will be used for the salary and fringe of two full-time investigators to work on non-fatal shooting cases and overtime in the amount of \$32,900. The grant does not cover fringe benefits on overtime, estimated at \$11,640.

This is the first time the City has received this grant.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-122
(Int. No. 151)

Authorizing an agreement and amending the 2022-23 Budget for the Non-Fatal Shooting Initiative Grant

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services (DCJS) for the receipt and use of a Non-Fatal Shooting Initiative Grant in the amount of \$134,100 to fund the comprehensive investigation of shooting cases that do not result in a fatality (Initiative). The term of the agreement shall run from March 1, 2023 to June 30, 2023.

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

Section 3. Ordinance No. 2022-157, the 2022-23 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations of the Budget of the Police Department by \$92,900 and of Undistributed Expense by \$41,200, which amounts are hereby appropriated for the Initiative from the DCJS grant authorized in Section 1.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - Councilmember Martin - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-123
Re: Appropriation, NYS
Division of Criminal Justice Services Grant

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation to authorize an agreement for receipt and use of a \$50,000 grant from the NYS Division of Criminal Justice Services for the Pathways to Peace Anti-Violence Initiative, and to amend the 2022-23 Budget of the Mayor's Office to reflect receipt of these funds. The term of the agreement will be one year.

As the city continues to experience gun violence, Pathways to Peace has expanded its holistic approach to not only aid the primary client, but the direct family members affected as well. This expanded approach has proven to aid in the interruption and reduction of gun violence within the Rochester community. Staff involved in this type of community outreach and intervention work do not always work a typical 9 to 5 schedule and are often called out for overtime when incidents occur overnight. In addition some Pathways to Peace part time street outreach workers have been converted to full time roles to enhance the City's outreach efforts to combat gun violence. This grant funding will offset some of these additional expenses.

The Office of Violence Prevention's re-entry and Peacemaker Fellowship programs continue to work alongside Pathways to Peace to cover all aspects of gun violence, and to interrupt and disrupt the violence seen in our community and schools.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-123
(Int. No. 152)

Authorizing an agreement and amending the 2022-23 Budget for the Pathways to Peace Anti-Violence 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 New York State Division of Criminal Justice Services (DCJS) for the receipt and use of \$50,000 grant to fund the Pathways to Peace Anti-Violence Initiative (Program). The term of the agreement shall be one year.

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

Section 3. Ordinance No. 2022-157, the 2022-23 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations of the Budget of the Office of the Mayor by the amount of \$50,000, which is hereby appropriated for the Program from the DCJS grant authorized in Section 1.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2023-11
Re: Police Accountability
Board Appointments

Transmitted herewith for your approval are two resolutions appointing Reverend Keith Patterson and Mary E. Wambach to the Police Accountability Board for the Police Accountability Board Alliance Seats 1 and 3, respectively. Both candidates were nominated by the Police Accountability Board Alliance (PABA) and interviewed by City Council members.

PABA Seat 1 was vacated by a previous Board member on January 31, 2023, however, that member was sitting in a seat that expired June 30, 2021, and was eligible for a full 3-year term. Therefore, Reverend Patterson will serve the remaining portion of that term, expiring June 30, 2024 .

PABA Seat 3 was vacated by a previous Board member on June 10, 2022, and that term expires on June 30, 2023. Ms. Wambach will serve the remaining portion of that term, and then begin a full 3- year term starting July 1, 2023 and expiring June 30, 2026.

City residency was verified and their resumes are on file with the City Clerk.

Respectfully submitted,
Miguel A. Meléndez, Jr.
President

Resolution No. 2023-11
(Int. No. 159)

Resolution appointing members for the Police Accountability Board

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

Section 1. The Council hereby appoints Reverend Keith Patterson to the Police Accountability Board to fill a vacancy in the first seat designated for the Police Accountability Board Alliance for a term that expires on June 30, 2024.

Section 2. The Council hereby appoints Mary E. Wambach to the Police Accountability Board to fill a vacancy in the third seat designated for the Police Accountability Board Alliance for the remainder of the current term that expires on June 30, 2023 and for an additional term that expires on June 30, 2026.

Section 3. This resolution shall take effect immediately.

Adopted by the following vote:

Ayes - President Meléndez, Councilmembers Gruber, Harris, Lupien, Martin, Patterson, Smith - 7.

Nays - Councilmembers Lightfoot, Peo - 2.

Motion to discharge Int. No. 157

Moved by President Meléndez, 2nd by Councilmember Patterson

Motion passed by the following vote:

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

Nays - Councilmember Martin - 1.

TO THE COUNCIL

Ladies and Gentlemen:

Re: Resolution No. 2023-12
Appointment - Police
Accountability Board

Transmitted herewith for your approval is legislation to approve the appointment of William G. Clark to the Police Accountability Board (PAB) as required by the City Charter.

William G. Clark's resume is on file in the City Clerk's Office.

Respectfully submitted,
Malik D. Evans
Mayor

Resolution No. 2023-12
(Int. No. 157)

Approving appointment to the Police Accountability Board

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

Section 1. The Council hereby approves the appointment of William G. Clark to the Police Accountability Board as appointed by the Mayor for a term expiring on June 30, 2026.

Section 2. This resolution shall take effect immediately.

Adopted by the following vote:

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

Nays - Councilmembers Lightfoot, Martin - 2.

By Councilmember Gruber
April 25, 2023

To the Council:

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

- Int. No. 135 Authorizing an agreement for special event production services
- Int. No. 136 Authorizing an agreement regarding box office and ticket sales management for City-produced events
- Int. No. 137 Authorizing an agreement with the Rochester Philharmonic Orchestra for public music performances
- Int. No. 138 Authorizing an agreement for the 2023 Rochester International Jazz Festival
- Int. No. 139 Authorizing an agreement for the 2023 Rochester Harborfest
- Int. No. 140 Amending the Municipal Code to add the Fire Chief to the Traffic Control Board
- Int. No. 142 Authorizing the cancellation or refund of erroneous taxes and charges
- Int. No. 143 Amending Bond Ordinances of the City of Rochester, New York

- Int. No. 144 Authorizing a professional services agreement relating to the 2023 ROC Pride Festival
- Int. No. 146 Amending the 2022-23 Budget to fund the Central Library Bausch & Lomb Building HVAC Upgrade Project
- Int. No. 147 Authorizing amendatory agreements related to an Accounts Receivable and Utility Billing solution
- Int. No. 148 Authorizing an agreement for actuarial services
- Int. No. 149 Authorizing an agreement for a Workers' Compensation actuarial consultant
- Int. No. 155 Authorizing an agreement relating to City website development
- Int. No. 156 Authorizing an amendatory agreement relating to securities litigation services

The **FINANCE COMMITTEE** recommends the following entitled legislation to be **HELD** in Committee:

- Int. No. 141 Amending the 2022-23 Budget to account for the Rochester Police Locust Club interest arbitration award
- Int. No. 145 Amending the 2022-23 Budget to account for the settlement of a collective bargaining agreement with Rochester Fire Department personnel

Respectfully submitted,
 Mitch Gruber
 Michael A. Patterson
 Kimberly Smith
 Mary Lupien
 Miguel A. Meléndez, Jr.
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2023-125
 Re: Agreement – Northeastern
 Production Systems, Inc.,
 Special Event Production Services

Council Priority: Creating and Sustaining
 a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
 Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation approving an agreement with Northeastern Production Systems, Inc., (principal: Ray DiBiase), Rochester, New York, for production services at City-produced special events. The term of the contract will be for three years with two, one- year renewals

based upon mutual agreement of the parties. The agreement is for a not-to-exceed amount of \$170,000 in the first year, and adjusted annually by the Consumer Price Index (CPI), not to exceed 3% each subsequent year. Pending approval by City Council, funding will be available in the 2023-2024 Budget of the Bureau of Communications, and subsequent budgets over the course of the contract.

Special events produced by the City typically require the provision of various sound, lighting, and staging services. In some cases, they also require generators for power and distribution of such power. Under its proposed agreement, Northeastern will provide the sound, lighting, stage, stage roof, power and power distribution equipment for City-produced special events like Party in the Park, Roc Summer Soul Music Festival, Roc'n Ritmo, and various smaller events that may require production support throughout the year.

In January, the City sent out a request for proposals for these services to three firms. Northeastern Productions was the sole respondent. Northeastern has provided quality and dependable sound, lighting, and staging services to the City of Rochester for more than a decade. The most recent 5 year agreement with Northeastern was approved via ordinance 2017-382.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-71

Ordinance No. 2023-125
(Int. No. 135)

Authorizing an agreement for special event production 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 Northeastern Production Systems, Inc. to provide production services for City-sponsored special events. The term of the agreement shall be 3 years with two optional renewals of 1 year each. The maximum compensation shall be \$170,000 for the first year, and increased each year thereafter by the lesser of the change in the Consumer Price Index or three percent. The compensation shall be funded from the Budgets of the Bureau of Communications, beginning with the 2023-24 Budget for the first year and continuing with subsequent years' Budgets, contingent upon the adoption thereof.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2023-126
Agreement – Rochester Broadway
Theatre League, Inc.,
City-Produced Events
Box Office and Ticket Sales
Management Services

Council Priority: Creating and Sustaining
a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$23,000 as annual maximum compensation for an agreement with Rochester Broadway Theatre League (Principal: Arnie Rothschild) for box office management services and on-site ticket sales during City-produced events. The cost of this agreement will be funded from the 2023-2024 Budget of the Bureau of Communications, pending its approval. The term of this agreement will be for three years with the option of two, one-year renewals, for a maximum of five years, contingent upon approval of future budgets of the Bureau of Communications.

Rochester Broadway Theater Leage (RBTL) has provided on-site ticket sales and dedicated, licensed security personnel for such sales during City-produced events like Party in the Park at Dr. Martin Luther King, Jr., Park and other events since 2018 (via Council ordinance 2018-414). Because that contract expires at the end of the current fiscal year, the City issued a new Request for Qualifications for these services in January 2023. RBTL was the only responder. The City was more than satisfied with the level of service and attention provided by RBTL over the course of the last contract and is confident in their abilities moving forward, too.

In addition to the on-site ticket sales, RBTL also provides general box office management services for each event. This includes the creation of an online Ticketmaster outlet, printed tickets, and the production of weekly sales reports. Patrons will be able to purchase tickets in person at the Auditorium Theatre's box office at 885 E. Main Street. At the end of each season, RBTL will provide the City with revenue from the ticket sales.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-72

Ordinance No. 2023-126
(Int. No. 72)

Authorizing an agreement regarding box office and ticket sales management for City-produced events

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 Rochester Broadway Theatre League, Inc. to provide box office and ticket sales management services for City-produced events. The agreement shall have a term of three years with two optional one-year renewals. The maximum annual compensation for the agreement shall be \$23,000. Funding for the first year shall be from the 2023-24 Budget of the Bureau of Communications, and funding for each subsequent year shall be from the subsequent annual Budgets of the Bureau of Communications, contingent upon their approval.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-127
Re: Agreement – Rochester
Philharmonic Orchestra Inc.,
Music Performances

Council Priority: Creating and Sustaining
a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with the Rochester Philharmonic Orchestra, Inc. (President: Curtis S. Long), Rochester, New York, for music performances. The term of the agreement is one year, and cost of the agreement will be funded from the 2023-2024 Budget of Communications, pending its approval.

The Rochester Philharmonic Orchestra (RPO) will present “RPO Under the Stars,” a free, full orchestra concert at Parcel 5 that will take place in July 2023. This will be the second year the full orchestra show is being offered in the heart of Downtown at Parcel 5. Last year, more than 4,000 people attended the show there. Local food and drink was offered and community organizations interacted with the public. Also continuing this year, the RPO will present its four “Around the Town” ensemble concerts, one in each quadrant of the city. They will also be free and open to the public.

In 2022, the City provided the RPO with the same amount of funding via ordinance 2022-116.

The RPO performances are City-sponsored events that applied for support through the annual Special Events Funding Application (or SEFA) process. New this season, the City will enhance its financial sponsorship for all events receiving SEFA funding with in-kind equipment rental from the Department of Environmental Services.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-73

Ordinance No. 2023-127
(Int. No. 137)

Authorizing an agreement with the Rochester Philharmonic Orchestra for public music performances

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 Philharmonic Orchestra Inc. to provide public music performances. The maximum compensation for the agreement shall be \$50,000, which shall be funded from the 2023-24 Budget of the Bureau of Communications contingent upon approval. The term of the agreement shall be one year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2023-128

Re: Agreement - Rochester International
Jazz Festival LLC

Council Priority: Creating and Sustaining
a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$243,000 as the annual maximum compensation for an agreement with Rochester International Jazz Festival LLC (principal: Marc Iacona) to designate the City of Rochester as the lead government sponsor of the 2023 Rochester International Jazz Festival (RIJF). The cost of this agreement will be funded from the 2022-2023 Budget of the Bureau of Communications. The term of the agreement is one year.

The 21st annual festival will be 9 days long, from June 23- July 1 and will include more than 325 shows at 20 diverse indoor and outdoor city venues within walking distance of each other in the East End and Center City. The City's sponsorship will help to underwrite upwards of 64 free outdoor concerts- 10 of them featuring internationally renowned headliner acts. The Gibbs Street (referred to as the "Jazz Street") stage will present free performances by local high schools, continuing education music programs, regional, and national acts. The Parcel 5 stage will feature free local, regional, national, and international talent. This year, the East and Chestnut stage returns to feature free national headliners as well. In addition to these major public free shows, the festival also provides an additional 30 free performances, jam sessions, and jazz workshops, including a free lunch series the Central Library in the heart of Downtown.

The events are designed to attract approximately 15,000-25,000 visitors each night of the festival. In 2022, after the festival returned from two years off due to COVID, overall attendance estimates topped 210,000 people.

City Council approved legislation in the same amount for last year's festival via ordinance 2022-39. The festival did not take place in 2021 due to the COVID-19 pandemic. In 2020, 2019, 2018, and 2017, City Council also approved agreements with the festival for the same amount (note that in 2020, Council approved the funding early in the year but nothing was disbursed due to the pandemic canceling all events).

The Jazz Festival is a City-sponsored event that applied for support through the annual Special Events Funding Application (or SEFA) process. New this season, the City will enhance its financial sponsorship for all events receiving SEFA funding with in-kind equipment rental from the Department of Environmental Services.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-74

Ordinance No. 2023-128
(Int. No. 138)

Authorizing an agreement for the 2023 Rochester International Jazz Festival

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 Rochester International Jazz Festival LLC to designate the City as the lead government sponsor for the 2023 Rochester International Jazz Festival. The maximum compensation for the agreement shall be \$243,000 which shall be funded from the 2022-23 Budget of the Bureau of Communications. The term of the agreement shall be one year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-129
Re: Agreement – Harborfest - Ontario
Beach Park Program
Committee, Inc.

Council Priority: Creating and Sustaining
a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$15,000 as the annual maximum compensation for an agreement with the Ontario Beach Park Program Commmittee, Inc (chair: James Farr) for sponsorship of the 2023 Harborfest. The cost of this agreement will be funded from the 2022-23 Budget of the Bureau of Communications. The term of the agreement is one year.

Harborfest takes place at Ontario Beach Park in the City’s northwest quadrant. The 2023 festival will be June 23-25. Admission to the festival is free. Offerings include music, food, sand sculptures, boat parade, car shows, tours of the historic lighthouse, rides on the Denzel Carousel, and more. The festival originally began in 1986, but was discontinued during port and marina construction, and then during covid. Harborfest finally returned in 2022 with approximately 10,000 visitors.

Harborfest is a City-sponsored event that applied for support through the annual Special Events Funding Application (or SEFA) process. New this season, the City will enhance its financial sponsorship for all events receiving SEFA funding with in-kind equipment rental from the Department of Environmental Services.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-75

Ordinance No. 2023-129
(Int. No. 139)

Authorizing an agreement for the 2023 Rochester Harborfest

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 Ontario Beach Park Program Committee, Inc. to provide City sponsorship for the 2023 Rochester Harborfest. The maximum compensation for the agreement shall be \$15,000, which shall be funded from the 2022-23 Budget of the Bureau of Communications. The term of the agreement shall be one year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-130
Re: Adding Fire Chief to
Traffic Control Board

Council Priority: Public Safety

Transmitted herewith for your approval is legislation amending Municipal Code §111-83 to add the Fire Chief to the membership of the Traffic Control Board (the TCB). At present, the TCB consists of 6 members: the Chief of Police, the Commissioner of Neighborhood and Business Development, the Monroe County Director of Transportation, the Corporation Counsel, the Director of Finance and the City Engineer, or their designees. Adding the Fire Chief or their designee will help assure that TCB decisions account for the need for uninterrupted passage through the City's streets and alleys for Rochester Fire Department (RFD) fire engines and other large emergency response vehicles.

Although the RFD presently is invited to attend the TCB meetings to provide input, given the importance of the RFD's role, it will be better to give the RFD a formal board position. The TCB is required to review and approve the plans for the maintenance and protection of traffic (MPOT) during street construction projects, including road and alley closures, detours, directional changes and staging areas. Keeping the City right-of-way and private properties safe and accessible to emergency responders is a critical part of each MPOT plan.

The TCB is required to provide recommendations to Council on changes to the pavement widths of City streets. It is important for RFD to weigh in and assure that its vehicles can be accommodated by the modified roadway.

The TCB also oversees on-street parking. The RFD often requests changes to parking regulations and decisions to better accommodate the width and longer turning radius of its vehicles. The RFD's participation in all TCB decisions to help ensure that parking arrangements do not adversely affect RFD operations.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-130
(Int. No. 140)

Amending the Municipal Code to add the Fire Chief to the Traffic Control Board

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

Section 1. Chapter 111 of the Municipal Code, Vehicle and Traffic, as amended, is hereby further amended by modifying Subsection A of § 111-83, Traffic Control Board, to read as follows:

The Traffic Control Board shall consist of the Chief of Police, the Fire Chief, the Commissioner of Neighborhood and Business Development, the Monroe County Director of Transportation, the Corporation Counsel, the Director of Finance and the City Engineer, or their designees. The City Engineer shall chair said Board.

Section 2. This ordinance shall take effect immediately.

Underlining indicates new text

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2023-131
Cancellation or Refund of
Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$3,453.03.

The property located at 395 Campbell Street had been classified as "non-homestead" when it was vacant land and taxed at the commercial tax rate. A single family home was constructed by Habitat For Humanity and went on the tax roll as such for 2021-22. Due to a clerical error, after the home was constructed, it should have been classified as "homestead". The amount of taxes being cancelled is the difference between the homestead and non-homestead tax rates.

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

	<u>Accounts</u>	
City Council	7	\$19,993.05
Administrative	<u>414</u>	<u>\$72,890.01</u>
Total	421	\$92,883.06

These cancellations represent 0.0335% of the tax receivables as of July 1, 2022.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-76

Authorizing the cancellation or refund of erroneous taxes and charges

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

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

S.B.L. #	Class	Address	Tax Year	Cancelled
120.26-1-78	H	395 Campbell Street	2022	\$1,740.51
			2023	\$1,712.52
TOTAL				\$3,453.03

The property mistakenly remained classified as "non-homestead," even after a single family home was constructed by Habitat for Humanity and it went on the tax roll as such for 2021-22. After the home was constructed, it should have been classified as "homestead". The amount of taxes being cancelled is the difference between the homestead and non-homestead tax rates.

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-132
Re: Rescinding Authorization
of Previous Bonds

City Council Priority: Deficit Reduction and
Long Term Financial Stability

Transmitted herewith for your approval is legislation requesting the deauthorization of specific Bond Authorizations. The funds are no longer needed for the specific projects because the actual costs were less than originally estimated. The ordinances to deauthorize are:

<u>Ordinance</u>	<u>Original Authorization</u>	<u>Amount to Deauthorize</u>	<u>Original Project</u>
2017-51	\$1,299,000	\$ 38,000	Street –Main St. Streetscape
2017-230	560,000	140,000	Genesee Valley Park Field House
2019-226	1,335,000	163,000	Street –South Ave & Monroe Ave
2020-72	783,000	15,000	Street –Magee Ave/Raines Park
2020-105	1,456,000	120,000	Street -2020 Lake Ave Milling & Res.
2020-143	1,342,000	104,000	Street –Sager Drive
2021-49	750,000	100,000	Street -2021 LED Upgrades & Pole

2021-73	1,172,000	99,000	Street –2021 Milling & Resurfacing
2021-84	655,000	21,000	Street –2021 Prev. Maint. NW
2021-90	200,000	23,000	Bridge –East Main St. over CSX

The “amount to deauthorize” referenced above are the authorized, unissued amounts remaining on the specific Bond Authorizations. The amounts to be deauthorized were provided to the Finance Director’s Office by the Department of Environmental Services. The purpose of the deauthorizations is to allow for the allocation of the funds no longer needed for the current projects future projects, and thereby remain within each annual debt limit established by Council Ordinance.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-77

Ordinance No. 2023-132
(Int. No. 143)

Amending Bond Ordinances of the City of Rochester, New York

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 directed to amend the following listed Bond Ordinances to deauthorize a certain portion of the principal amount of bonds of the City authorized to be issued as follows:

Bond Ord. Number	Original Authorization	Amount to Deauthorize	Project
2017-51	\$1,299,000	\$ 38,000	Street – Main St. Streetscape
2017-230	\$ 560,000	\$140,000	Genesee Valley Park Field House
2019-226	\$1,335,000	\$163,000	Street – South Ave and Monroe Ave
2020-72	\$ 783,000	\$ 15,000	Street – Magee Ave and Raines Pk
2020-105	\$1,456,000	\$120,000	Street – 2020 Lake Ave Milling & Resurface.
2020-143	\$1,342,000	\$104,000	Street -- Sager Drive
2021-49	\$ 750,000	\$100,000	Street -- 2021 LED Upgrades & Pole Replacements
2021-73	\$1,172,000	\$ 99,000	Street -- 2021 Milling & Resurface
2021-84	\$ 655,000	\$ 21,000	Street -- 2021 Preventive Maint. NW Group 12
2021-90	\$ 200,000	\$ 23,000	Bridge -- East Main Street over CSX

Section 2. For each amended Bond Ordinance listed above, the City shall remain authorized to issue bonds to finance the project specified therein with bonds in a principal amount equal to the Original Authorization less the Amount to Deauthorize and the financing shall proceed in all other respects in accordance with the provisions specified therein.

Section 3. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-133
Re: Agreement – ROC
Pride Festival, Bella Events
Group LLC

Council Priority: Creating and Sustaining
a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for an agreement with the Bella Events Group LLC (principal: Jenna Manetta- Knauf), 67 White Rabbit Trail, Rochester, New York, for production of the 2023 ROC Pride Festival. The term of the agreement is one year, and cost of the agreement will be funded from the 2023-24 Budget of Communications, pending its approval.

Similarly to 2022, Bella Weddings and Events has been contracted to produce the 2023 Roc Pride Fest by the Roc Pride Collective, a consortium of Rochester-area organizations including Trilium Health, the Men of Color Health Awareness (MOCHA) Center, Rainbow Seniors ROC, Rochester Black Pride, ImageOut, Rochester Gay Men’s Chorus, and Rochester LGBTQ+ Together.

The festival will take place Saturday, July 15 at Cobb’s Hill Park. Festival offerings will include a main stage with musicians and performers, local food and drink, lawn games, retail vendors, and community exhibitors. General admission will be \$5.

This will be the sixth year that the festival is located at Cobb’s Hill Park. Prior to that, it took place at Genesee Valley Park. The location change led to a tremendous uptick in attendance as it proved to be an ideal location due its close proximity to the Pride Parade that takes place along Park Avenue earlier in the day. Last year, organizers estimated more than 10,000 people attended the festival portion of the day at Cobbs Hill Park, with another 10,000 people lining the parade route.

The Pride Festival is a City-sponsored event that applied for support through the annual Special Events Funding Application (or SEFA) process. New this season, the City will enhance its financial sponsorship for all events receiving SEFA funding with in-kind equipment rental from the Department of Environmental Services.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-78

Ordinance No. 2023-133
(Int. No. 144)

Authorizing a professional services agreement relating to the 2023 ROC Pride Festival

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 Bella Events Group LLC in the maximum amount of \$15,000 for production of the 2023 ROC Pride Festival. The term of the agreement shall extend for one year. The cost of the agreement shall be funded from the 2023-24 Budget of the Bureau of Communications, contingent upon its approval.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2023-134
Re: Budget Amendment –
Rochester Public Library

Council Priority: Creating and Sustaining
a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation amending the 2022-23 Budget of Cash Capital by a total of \$300,000, appropriating said funds from the Library fund balance to support the Central Library, Bausch & Lomb building (114 South Avenue, 146204) HVAC upgrade project.

Funding for the Bausch & Lomb project construction, which includes heat pump and intake air unit replacements, was previously authorized by Council (Ord. Nos 2020-340 and 2021-312) totaling \$1,050,516. Construction bids were received for only three of four prime contracts on October 11, 2022; negotiations to secure a General Contractor under Term Contract Services led to delays in award wherein remaining bidders could not hold fall 2022 pricing. Anticipated spring 2023 re-bids are projected to exceed current budget, excluding contingencies. Timelines are a concern as this project is funded from a NYSED library construction grant, which has completion requirements that necessitate moving forward with the project. Therefore, the Library fund appropriation shall enable spring re-bid to recapture the project schedule.

The Library Board of Trustees will consider the request for appropriation of \$300,000 from the Library fund balance to support the award of construction contracts and construction contingency at its March 29, 2023 meeting. Available Library fund balance as of June 30, 2022 was \$1,186,329 of which \$175,000 was appropriated in the 2022-23 Budget. This additional appropriation will result in a remaining fund balance of approximately \$711,000.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-134
(Int. No. 146)

Amending the 2022-23 Budget to fund the Central Library Bausch & Lomb Building HVAC Upgrade Project

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

Section 1. Ordinance No. 2022-157, the 2022-23 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of Cash Capital by \$300,000, which amount is hereby transferred from the Library Fund and appropriated to fund a portion of the Central Library Bausch & Lomb Building HVAC Upgrade Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2023-135
Re: Amendment to Appropriation –
American Rescue Plan Act and
Amendatory Agreements,
Accounts Receivable
Enterprise Solution

Council Priority: Deficit Reduction and
Long Term Financial Stability

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity and Growth

Transmitted herewith for your approval is legislation related to the funding to procure and implement an enterprise Accounts Receivable and Utility Billing software solution to replace three critical Mainframe systems. This legislation will:

1. Amend Council Ordinance No. 2022-361 to revoke the increase of \$760,015 to the maximum compensation for the Software as a Service (SaaS) agreement with Infor Public Sector, Inc. (Infor), [Kevin Samuelson, CEO, 641 Avenue of the Americas, New York, NY 10011].
2. Authorize an increase of \$782,816 to the maximum compensation for the professional services agreement with Visionary Integration Professionals, LLC (VIP) [Jonna Ward, CEO, 80 Iron Point Circle, Suite 100 Folsom, CA 95630] to a total of \$4,442,120. This increase will provide software licensing services for the Utility Billing and Asset Management modules of Infor's Public Sector software suite. The term of the agreement will be extended by 6 months to a total of five years. The cost of this increase will be funded as follows:
 - \$200,000 from American Rescue Plan Act (ARPA) funding
 - \$9,937 from 2022-2023 Cash Capital
 - \$131,217 from 2023-2024 Cash Capital, contingent upon future budget approval
 - \$441,662 from future operating budgets of IT, contingent upon future budget approval

The amendment of the prior ordinance is necessary due to funding source requirements imposed by the American Rescue Plan Act of 2021 (ARPA), which was previously approved for this project. Following approval of the agreement with Infor, contract negotiations came to a halt due to lack of agreement with Infor on the required ARPA terms for the agreement. As such, it was determined that software licensing would be procured through VIP as a reseller, rather than from Infor directly.

VIP will provide software licensing and implementation services including project management, data migration, system configuration, process refinement, and end user training. A request for proposals was not issued for these services as Infor Public Sector serves as the City's current permitting, licensing, and

code enforcement system and includes cashiering and financial configuration that is currently integrated with the City's financial system. VIP currently serves as the implementor for the existing Infor solutions in use at the City and has unique knowledge of the City's current configuration of the solution. The initial contracts with Infor Public Sector, Inc. and Visionary Integration Professionals, LLC for the Infor implementation were authorized by Council Ordinance 2021-265. It was anticipated that implementation of the new modules will begin in January 2023, and that the modules will be implemented in stages through January 2025. The balance of the appropriation will be included in future budgets of the Department Information Technology, contingent upon their approval, for maintenance costs.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-135
(Int. No. 147)

Authorizing amendatory agreements related to an Accounts Receivable and Utility Billing solution

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Infor Public Sector, Inc. relating to software licensing for the enterprise Accounts Receivable and Utility Billing solution (Project). The amendatory agreement shall modify the existing authorizations for the agreement, which includes the original authorization in Ordinance No. 2021-265, and amendments authorized in Ordinance Nos. 2022-361 and 2023-97, to: revoke the assignment of the agreement to Infor (U.S.) LLC; remove the provision of Project software licensing from the scope of work; and decrease the authorized maximum compensation by \$760,015 to a new maximum total of \$2,461,729. To account for the \$760,015 decrease in the maximum authorized compensation, the following amounts and sources of funds shall no longer be earmarked for the agreement: \$200,000 from American Rescue Plan Act of 2021 (ARPA) funds appropriated to the Project in Ordinance No. 2022-361; \$131,217 from Prior Years Cash Capital; \$214,399 from the 2024-25 Budget of the Department of Information Technology (IT); and \$214,399 from the 2025-26 Budget of IT,

Section 2. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Visionary Integration Professionals, LLC relating to the Project. The amendatory agreement shall modify the existing agreement, which was authorized by Ordinance No. 2021-265 and as amended in Ordinance No. 2022-361, to: add to the scope of work the provision of software licensing services for the Project; increase the maximum compensation by \$782,816 to a new total of \$4,442,120; and increase the term by six months to total maximum term of 5 years. The amendatory compensation shall be funded in the amounts of \$200,000 from ARPA funds appropriated to the Project in Ordinance No. 2022-361, \$9,937 from 2022-2023 Cash Capital, \$131,217 from 2023-2024 Cash Capital, and \$441,662 from future years' Budgets of IT, contingent upon the approval of future year's Cash Capital and IT Budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-136
Re: Agreement - GASB 45-75
Actuarial Services

Council Priority: Deficit Reduction and
Long Term Financial Fiscal Stability

Transmitted herewith for your approval is legislation establishing \$28,000 as maximum compensation for an agreement with Risk Strategies Consulting .(Principle, Michael L. Frank Boston, MA) (formerly known as Aquarius Capital Solutions, Group LLC) for the provision of actuarial services necessary to comply with financial reporting requirements. The first year of this agreement will be funded from the 2023-24 Budget of the Finance Department. The cost for subsequent years will be funded from the annual budgets of the department, contingent upon their approval. The costs, by year, are summarized below:

2023-24	\$2,000	2026-27	\$11,000
2024-25	\$11,000	2027-28	\$2,000
2025-26	\$2,000		

In order to comply with Generally Accepted Accounting Principles (GAAP), the City's annual financial statements must report the accrued liabilities for other post-employment benefit based on actuarial analysis. Compliance with this regulation under GASB Statement No. 45 and GASB Statement No. 75, requires us to report these liabilities.

The City has worked with Aquarius Capital Solutions Group which is now a division of Risk Strategies Consulting during the past five year period. They have provided timely reporting and services that meet both GAAP and the GASB requirements as well as our annual auditing deadlines.

The proposed five year agreement will provide for the actuarial estimates needed for the June 30, 2023 statements, along with the required biannual updates through June 30, 2027.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-79

Ordinance No. 2023-136
(Int. No. 148)

Authorizing an agreement for actuarial services

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Risk Strategies Consulting, Inc. to provide actuarial services necessary to comply with municipal financial reporting standards. The term of the agreement shall be five years. The maximum compensation for the agreement shall be \$28,000, which shall be funded from the following fiscal years' Budgets of the Department of Finance contingent upon approval: \$2,000 in 2023-24; \$11,000 in 2024-25; \$2,000 in 2025-26; \$11,000 in 2026-27; and \$2,000 in 2027-28.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2023-137
Re: Workers' Compensation
Actuarial Consultant

Council Priority: Deficit Reduction and
Long Term Financial Fiscal Stability

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum compensation for a five-year agreement with Madison Consulting Group, Inc., (John Gleba)Madison, Georgia, for actuarial services related to the City's liability for workers' compensation. The cost will be funded from the annual budgets of the Finance Department, beginning with fiscal year 2023-24. The annual cost will be \$4,000.00 per year.

Actuarial-based estimates will reduce the risk of misstatement of such liabilities in the City's annual financial statements and are consistent with the current estimates that are based on actuarial analysis.

Madison Consulting Group, Inc, which serves clients throughout the country, including Rochester, has demonstrated their ability to produce the desired reports and analysis of our Worker's Compensation liability on a timely basis in accordance with Generally Accepted Accounting Principles (GAAP) and Government Accounting Standards Board (GASB) standards over the past 5 years. They will continue to provide these services to allow the City of Rochester to report our estimated Worker's Compensation liability in accordance with these standards and requirements.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-80

Ordinance No. 2023-137
(Int. No. 149)

Authorizing an agreement for a Workers' Compensation actuarial consultant

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Madison Consulting Group, Inc. for actuarial services related to the City's workers' compensation obligations. The term of the agreement shall be five years. The maximum compensation shall be \$20,000, which shall be funded at the rate of \$4,000 per fiscal year starting with 2023-24 and continuing with subsequent years' Budgets of the Department of Finance, contingent upon their approval.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-138
Re: Agreement: Website Development

Council Priority: Creating and
Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$655,929 as the maximum compensation for an agreement with Promet Source (President: Andrew Kucharski, Chicago, IL) to undertake a complete redevelopment and redesign of the City's www.CityOfRochester.gov website and provide continuing hosting updates and technical support for five years.

The term of the agreement is five years. Year one will be funded from 2021-22 Cash Capital, and years two through five will be funded from the Bureau of Communications, contingent upon future budget approvals.

	Implementation (Website Creation)	Annual Hosting and Tech Support	Year Max Total
Year One	\$321,635	\$63,790	\$385,425
Year Two	-	\$65,250	\$65,250
Year Three	-	\$66,782	\$66,782
Year Four	-	\$68,391	\$68,391
Year Five	-	\$70,081	\$70,081
Max Total	\$321,635	\$334,294	\$655,929

The last major website redevelopment took place in 2009, and the website received a minor graphics makeover in 2015. The current operating system software is obsolete and the City will no longer receive technical support for it in less than one year's time. Over time, the site's content and functionality have become less robust for external users, and the process of maintaining the site is cumbersome for all internal users.

Input was sought from internal and external stakeholders. Meetings were held with every department in the City. Public input was collected via an online survey and targeted input meetings. In addition, Communications added a Digital Media Specialist to oversee the implementation of the new website as well as ongoing content governance, technical maintenance, and continued functionality of the City's website.

To determine the best partner to work with the City on this significant undertaking, the Communications Bureau issued an RFP, please see attached RFP Process Summary.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-81

Ordinance No. 2023-138
(Int. No. 155)

Authorizing an agreement relating to City website development

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 Promet Solutions Corporation to undertake the redevelopment and redesign of the City's www.CityofRochester.gov website. The term of the agreement shall be five years. The maximum compensation shall be \$655,929, which shall be funded in the amount of \$385,425 from 2021-22 Cash Capital for the first year with the remainder allocated among future years' Budgets of the Bureau of Communications, contingent upon approval.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-139
Re: Amendatory legal services
agreement with Harter Secrest
& Emery LLP for securities litigation

Transmitted herewith for your approval is legislation increasing the maximum compensation for a professional services agreement with Harter Secrest & Emery LLP related to securities litigation commenced last year by the U.S. Securities and Exchange Commission. This litigation is wholly related to an attempt to hold the City of Rochester and the City's former Finance Director liable for the failure of the Rochester City School District to disclose certain financial information.

The professional services agreement, as authorized last July in Ordinance No. 2022-183 and amended in January by Ordinance No. 2023-30, authorizes maximum compensation in the amount of \$100,000. The legislation would increase the maximum compensation by \$50,000 to a new total of \$150,000, which will be funded from the 2022-23 Budget of Undistributed Expenses.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-139
(Int. No. 156)

Authorizing an amendatory agreement relating to securities litigation services

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Harter Secrest & Emery LLP to continue to provide legal services with regard to securities litigation . The amendatory agreement shall amend the existing agreement authorized by Ordinance No. 2022-183 and as amended by Ordinance No. 2023-30 to increase the maximum compensation by \$50,000 to a new total of \$150,000. The amendatory compensation shall be funded from the 2022-23 Budget of Undistributed Expenses.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Motion to discharge Int. No. 141

Moved by Councilmember Gruber; 2nd by Councilmember Patterson

Motion passed by the following vote:

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

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

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2023-140
Re: 2022-23 Budget Amendment –
Police Locust Club Interest
Arbitration Award

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation amending the 2022-23 Budget reflecting the impact of an Interest Arbitration Award for the Rochester Police Locust Club. To finance the contract settlement this amendment will:

1. Transfer an appropriation from Contingency of \$8,595,500 to the Police Department; and
2. Increase revenue estimates and expenditures by appropriating \$9,354,500 in fund balance reserved for tax relief to the following departments:
 - a. Police Department \$8,078,800
 - b. Undistributed \$1,275,700

On June 14, 2022, when the 2022-23 Budget was adopted by City Council, salary and wage rates had not yet been established for uniformed employees represented by the Rochester Police Locust Club, Inc. The collective bargaining agreement had expired June 30, 2019. After multiple negotiation sessions, the

union ultimately filed for impasse on April 27, 2022. Attempts to settle the contract with the assistance of a Public Employee Relations Board (PERB)-appointed mediator were unsuccessful, which led to the dispute advancing to an Interest Arbitration proceeding for final resolution of the impasse.

The Interest Arbitration Panel met on numerous occasions from November 21, 2022-January 11, 2023 to review proposals and listen to arguments and positions advanced by representatives of the City and the Locust Club. Subsequently, the Panel issued an Interest Arbitration Award covering the period from July 1, 2019 through June 30, 2024.

A Summary of Award was issued on January 13, 2023 which resulted in the following wage adjustments:

July 1, 2019	3.0%
July 1, 2020	3.5%
July 1, 2021	3.5%
July 1, 2022	4.0%
July 1, 2023	4.5%

In addition to base wage adjustments which are granted retroactively, longevity payments were increased effective July 1, 2022 for personnel to incentivize retention efforts. Additionally, a one-time lump sum payment of \$4,000 will be given to members employed by the City of Rochester between March 2020 – March 2022 and who are on the payroll at the time the payment is made. Juneteenth will be added to the list of recognized holidays. Lastly, education incentives will now be applied for members who hold or attain a Master’s Degree or have military veteran service.

Estimates of the total cost of the potential wage settlement were accrued at year-end for each expired contract year based on factors including but not limited to the city’s financial condition and the status of negotiations. An estimate was also included in Contingency for 2022-23. Ultimately inflationary pressures resulted in wage increases that were larger than what had been accrued resulting in the need to appropriate fund balance to pay the total liability resulting from the final award settlement. The City will benefit from this award in the form of greater flexibility afforded in personnel assignments, transfers, and recruitment backgrounding efforts.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-140
(Int. No. 141)

Amending the 2022-23 Budget to account for the Rochester Police Locust Club interest arbitration award

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

Section 1. Ordinance No. 2022-157, the 2022-23 Budget of the City of Rochester, as amended, is hereby further amended to fund salary, wage and benefit increases for Police Department personnel resulting from the Locust Club interest arbitration award as follows:

- A. transferring \$8,595,500 from the Budget of Contingency to the Budget of the Police Department; and
- B. transferring and apportioning \$9,354,500 from the fund balance committed to real property tax relief as follows: (i) \$8,078,800 to the Budget of the Police Department, and (ii) \$1,275,700 to the Budget of Undistributed Expense.

Section 2. 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.

Motion to discharge Int. No. 145

Moved by Councilmember Gruber; 2nd by Councilmember Peo.

Motion passed by the following vote:

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

Nays - Vice President Lupien - 1.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2023-141

Re: 2022-23 Budget Amendment –
Fire Wage Settlement

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation amending the 2022-23 Budget reflecting the impact of settlement of the collective bargaining agreement with Local 1071 of the International Association of Fire Fighters, Inc. (IAFF) by:

1. Transferring \$3,760,200 from Contingency to the Fire Department for salary and wages pursuant to the agreement reached through negotiation and subsequent ratification; and
2. Transferring \$287,200 from Contingency to Undistributed to fund fringe benefits associated with settlement of the contract.

On June 14, 2022, when the 2022-23 Budget was adopted by City Council, salary and wage rates had not yet been established for uniformed employees represented by IAFF. The collective bargaining agreement had expired June 30, 2021. Negotiations with IAFF began in April 2021 prior to contract expiration. Multiple sessions were held with IAFF in an attempt to reach consensus on wage adjustments and operational matters. Negotiations with IAFF ultimately proved successful in February 2023 when terms of a successor agreement were approved and ratified by the membership of IAFF on March 13, 2023. The following wage adjustments were approved:

July 1, 2021	3.0%	July 1, 2024	3.5%
July 1, 2022	3.5%	July 1, 2025	3.0%
July 1, 2023	4.0%		

In addition to base wage adjustments which are granted retroactively, longevity payments were increased effective July 1, 2022 for personnel to incentivize retention efforts. Additionally, a one-time lump sum payment of \$2,000 will be given to members employed by the City of Rochester between March 2020 – March 2022 and who are on the payroll at the time the payment is made. Juneteenth will be added to the list of recognized holidays. A second full time union release position was granted in return for a reduction of 500 hours in the general bank of union release time. The option for the department to transition to a 24 hour schedule effective January 1, 2024 as a trial implementation has been included in the agreement. The city will also benefit from flexibility in some operational proposals.

An estimate of the cost of the potential wage settlement was accrued at year-end for 2021-22 and included in Contingency for 2022-23 based on factors including but not limited to the city's financial condition and the status of negotiations. Disabled fire personnel paid from the budget of Undistributed are also entitled to the same wage adjustments as active IAFF members however no budget amendment is required for this.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No, 2023-141
(Int. No. 145)

Amending the 2022-23 Budget to account for the settlement of a collective bargaining agreement with Rochester Fire Department personnel

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

Section 1. Ordinance No. 2022-157, the 2022-23 Budget of the City of Rochester, as amended, is hereby further amended to fund salary, wage and benefit increases for Fire Department personnel resulting from the settlement of a collective bargaining agreement with Local 1071 of the International Association of Fire Fighters, Inc. as follows:

- A. Transferring \$3,760,200 from the Budget of Contingency to the Budget of the Fire Department; and
- B. Transferring \$287,000 from the Budget of Contingency to the Budget of Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - Vice President Lupien - 1.

The meeting was adjourned at 8:22 pm.

HAZEL L. WASHINGTON
City Clerk