

ROCHESTER CITY COUNCIL

REGULAR MEETING

March 28, 2017

Present – Vice President Miller, Councilmembers Clifford, Conklin, Haag, McFadden, Ortiz, Patterson, Spaul –8

Absent – President Scott - 1

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

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

Recognition Ceremonies

Service on Boards and Commissions:

Zoning Board of Appeals

Eric Van Dusen

Retirement:

ECD:

*Tina Marie Carson

*Vicki Vanhalle

DES:

*Daniel A. Fallon

LIB:

*Barbara L. Nichols

NBD:

*Gregory P. Cutt

*Jon Rimmel

RFD:

*Jefferey T. McQuay

*John J. Whitehair

RPD:

*Edmond D. Bernabei

*Jennifer L. Morales

**Not attending meeting*

APPROVAL OF THE MINUTES

By Vice President Miller

March 28, 2017

RESOLVED, that the minutes of the Regular Meeting of February 21, 2017 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

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

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

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges March 2017 -4254-17
Quarterly Report- Grant Administration -4255-17

The Council submits Disclosure of Interest Forms from Vice President Miller on Int. No. 65 and Int. No. 82.

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

Councilmember Patterson presented 980 signatures in support of Visionary Square – Petition No. 1735

Councilmember Spauld presented 318 signatures in support of banning EPS-AKA Styrofoam – Petition No. 1736

REPORTS OF STANDING COMMITTEES
AND ACTION THEREON

By Councilmember McFadden
March 28, 2017

To the Council:

March 28, 2017

The Finance Committee recommends for adoption the following entitled legislation:

- | | |
|-------------|--|
| Int. No. 60 | Authorizing cancellation of taxes and charges |
| Int. No. 61 | Authorizing an agreement for the 2017 Rochester Flower City Challenge |
| Int. No. 62 | Authorizing an agreement for ticket sales and box office management of City-produced events |
| Int. No. 63 | Authorizing a parking lease with Eastman Kodak Company |
| Int. No. 78 | Authorizing an amendatory professional services agreement for expert witness services for the Law Department |
| Int. No. 79 | Resolution approving an appointment to the Board of Ethics |
| Int. No. 83 | Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$15,625,000 Bonds of said City to finance the costs of improvements to specified City School District schools |

Respectfully submitted,

Molly Clifford
Adam C. McFadden
Dana K. Miller
Loretta C. Scott
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2017-56
Re: 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 \$26,156.51.

The owner of 23 Greig Street is the Cornhill Village Homeowners Association. Due to a clerical error regarding when the property was subdivided during the 2013-14 fiscal year, the property was put into the adjacent property owner's name: Clarissa Santiago Homeowners Association. Although not owned

by the Clarissa Santiago Homeowners Association, they inadvertently paid the tax bill. An omitted tax bill for the applicable years will be sent to the Cornhill Village Homeowners Association.

The owner of the property located at 1 Woodbury Boulevard had filed an application with the New York State Attorney General's office to split the property into four condominium units. All the information was provided to the City's Bureau of Assessment; the property was split and four tax account numbers were created. However, the Condominium Declaration was never filed at the Monroe County Clerk's Office, which made the subdivision null and void. Therefore, the property is being restored to the original account number.

If these cancellations are approved, total cancellations thus far for the 2016-17 fiscal year will be as follows:

	<u>Accounts</u>	
City Council	15	\$164,171.86
Administrative	<u>44</u>	<u>14,960.18</u>
Total	59	\$179,132.04

These cancellations represent 0.07% of the tax receivables as of July 1, 2016.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2017-56
(Int. No. 60)

Authorizing cancellation of 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.

- (A) The owner of the 23 Greig Street is Cornhill Village Homeowners Association. Due to an error when the property was subdivided for the 2013-14 fiscal year, the property was put into the adjacent property owner's name, Clarissa Santiago Homeowners Association. The Clarissa Santiago HOA mistakenly paid the tax bill even though it did not own the property. An omitted tax bill for the applicable years will be sent to Cornhill Village Homeowners Association.

S.B.L. #	Class	Address	Tax Year	Cancelled	Subtotal
121.54-1-32.27	N	23 Greig Street	2015	\$2,001.20	\$2,001.20

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2016	\$2,021.07	\$2,021.07
2017	\$2,021.66	\$2,021.66

(B) The owner of the property located at 1 Woodbury Boulevard had filed an application with the New York State Attorney General's office to split the property into four condominium units. All the information was provided to the Bureau of Assessment and the property was split and four tax account numbers were created. However, the Condominium Declaration was never filed at the Monroe County Clerk's office which made the subdivision null and void and the property is being restored to the original account number.

S.B.L. #	Class	Address	Tax	Amount	Subtotal
			Year	Cancelled	
121.32-1-13.2/101	N	1 Woodbury Blvd UN101	2017	\$7,590.36	\$7,590.36
121.32-1-13.2/102	N	1 Woodbury Blvd UN102	2017	\$3,081.46	3,081.46
121.32-1-13.2/200	N	1 Woodbury Blvd UN200	2017	\$4,720.38	4,720.38
121.32-1-13.2/300	N	1 Woodbury Blvd UN300	2017	\$4,720.38	4,720.38
Grand Total					\$26,156.51

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. 2017-57
Re: Agreement – YellowJacket
Racing, LLC, Rochester Flower

City Challenge

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum compensation for an agreement with YellowJacket Racing, LLC (Principals: David Boutillier and Ellen Brenner) for production of the Rochester Flower City Challenge. The cost of this agreement will be funded from the 2016-17 Budget of the Bureau of Communications and have a term of one year.

The Rochester Flower City Challenge is a half marathon running event and other sports events planned for April 29 and 30, 2017. This will be the eighth year of the event and will include the Rochester River Challenge Duathlon/ Paddle Triathlon on Saturday, April 29, and the Rochester Flower City Half Marathon and a Family 5K run on Sunday, April 30. The Duathlon is a 5K run, followed by a 20 mile bicycle race, and finishing with a second 5K run. The Paddle Triathlon is a 5K run, followed by a 20 mile bicycle race, and a three mile canoe/kayak segment. These two events will be based at the Genesee Waterways Center in Genesee Valley Park. YellowJacket Racing provides free training workshops and programs leading up to the races.

The Half Marathon and Family 5K run will be based at the Blue Cross Arena at the War Memorial with the course showcasing the city's historic neighborhoods, river and canal. This is the only half marathon distance running event in the Rochester area in the spring. It is marketed regionally to draw entrants from a 600-mile radius area. In 2016, there were 26 states represented (including New York) and participation from Canada and Great Britain.

The 2016 Duathlon and Triathlon totaled 384 finishers. The 2016 Half Marathon and 5K race had 3,531 registrants, including 176 children who participated in quarter mile, half mile and mile races. In addition to the participants, more than 2,000 spectators lined the course. During the half marathon, participating neighborhoods host a spirit contest. Neighborhoods that are voted "most enthusiastic" by the runners receive donations from YellowJacket Racing. In 2016, a combined \$1,250 was donated to the Highland Park Neighborhood (1st place) and Susan B. Anthony Neighborhood (2nd place).

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AQ-30

Ordinance No. 2017-57
(Int. No. 61)

Authorizing an agreement for the 2017 Rochester Flower City Challenge

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

March 28, 2017

Section 1. The Mayor is hereby authorized to enter into an agreement with YellowJacket Racing, LLC to produce the 2017 Rochester Flower City Challenge. The maximum compensation for the agreement shall be \$40,000, which shall be funded from the 2016-17 Budget of the Bureau of Communications.

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

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2017-58
Re: Agreement – SMG/Blue Cross
Arena at the War Memorial,
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 \$17,800 as maximum compensation for an agreement with SMG/Blue Cross Arena at the War Memorial (Jeff Calkins, Manager) for box office management services, on-site ticket sales during City-produced events, and charges for City events hosted at the Blue Cross Arena at the War Memorial. The cost of this agreement will be funded from the 2016-17 Budget of the Bureau of Communications and the term will be for one year.

SMG will provide on-site ticket sales and dedicated, licensed security personnel for such sales during City-produced events like Windstream Party in the Park, ROC the Park, a concert celebrating the centennial anniversary of women's suffrage in New York State, and other City events if needed. Services will include printing tickets, setting up an online Ticketmaster outlet for their purchase, staffing, handling cash on-site, managing the box office, producing weekly reports, and providing the City with the revenue from the ticket sales. The Blue Cross Arena at the War Memorial will also be the location of the Mayor's Distinguished Gentleman event; a networking event that connects young men with local role models in various career fields.

A similar agreement with SMG was authorized in March 2016 (Ord. No. 2016-60) at a cost of \$17,800.

A justification for not issuing a request for proposals is attached.

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Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AQ-31

Ordinance No. 2017-58
(Int. No. 62)

Authorizing an agreement for ticket sales and box office management of 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 SMG/Blue Cross Arena at the War Memorial to provide ticket sales and box office management services for the Windstream Party in the Park, ROC the Park, and other City-produced events if needed. The maximum compensation for the agreement shall be \$17,800, which shall be funded from the 2016-17 Budget of the Bureau of Communications. The agreement shall have a term of one year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2017-59
Re: Lease Agreement –Eastman
Kodak Company, Parking Lot

Transmitted herewith for your approval is legislation authorizing a lease agreement with Eastman Kodak Company for the City's use of 50 parking spaces on the surface parking lot located at 343 State Street. This agreement will have a term of three years, beginning on June 1, 2017 and expiring on May 31, 2020, and the cost will be funded from the 2017-18 and subsequent budgets of the Department of Finance (Parking Fund), contingent upon approval of future budgets.

March 28, 2017

The City will pay Eastman Kodak Company \$2,250 per month (\$45 per space) for the first year of the three-year term. The remaining two years will have a rate of \$2,500 per month (\$50 per space). The spaces will be made available for public rental at a rate of \$20 less than the monthly rate charged at the High Falls Parking Garage (currently \$72).

The agreement will include a provision allowing the City to increase or decrease the total number of spaces being rented from Eastman Kodak in blocks of 10, three times a year, up to a maximum of 100 spaces, such that maximum compensation would be \$5,000 per month (as dependent upon the number of spaces leased). This arrangement is designed to provide a net increase in available parking spaces in the High Falls business district.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AQ-32

Ordinance No. 2017-59
(Int. No. 63)

Authorizing a parking lease with Eastman Kodak Company

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

Section 1. The Mayor is hereby authorized to enter into a lease agreement with Eastman Kodak Company for the City's use of 50 parking spaces in the parking lot owned by Kodak at 343 State Street. The agreement shall give the City an option to increase or decrease the number of spaces leased up to a maximum of 100 parking spaces. This agreement shall have a term of 3 years, beginning on June 1, 2017 and expiring on May 31, 2020. The monthly lease rate shall be \$45 per space for the first year and \$50 per space for the second and third years of the agreement.

Section 2. The cost of the agreement for the first year in the maximum amount of \$54,000 shall be funded from the 2017-18 Budget of the Department of Finance (Parking Fund). The cost for the second and third years of the agreement in the maximum annual amounts of \$60,000 shall be funded from future budgets of the Department of Finance (Parking Fund), contingent upon approval of those budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

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TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2017-60
Re: Agreement – Crash Data
Specialists LLC, Expert
Witness Services

Transmitted herewith for your approval is legislation establishing \$10,000 as maximum compensation for an amendatory agreement with Crash Data Specialists LLC (Principal: Jon Northrup) for the continued provision of expert accident reconstruction services. The amendatory agreement increases the total maximum cost of this service from \$10,000, as originally executed in October 2016, to \$20,000. The cost of the amendatory agreement will be funded from the 2016-17 Budget of the Law Department and the term may extend until completion of the cases for which the consultant's services are requested.

Each year the City of Rochester is named as a defendant in various lawsuits that require the services of an expert in forensic accident reconstruction. These services may involve file review, physical inspection of the accident scene, accessing and analyzing stored vehicle data or other information which may be available from the involved vehicles, the preparation of reports, and other activities necessary to assist the Law Department to assess and defend against claims arising from vehicle collisions. If a case proceeds to trial, the expert may also assist with trial preparation and/or provide testimony at trial.

In 2015, the Law Department found that the City needed an expert on short notice to defend the Rochester Police Department (RPD) in the *Hills* case involving a police car collision. Jon Northrup of Crash Data Specialists satisfied this need using his expertise derived from 27 years of experience with the RPD as a road patrol officer and then accident reconstructionist. After his retirement from the RPD, Mr. Northrup offered his services as a private expert consultant for others. His value to the City is enhanced by his ready availability on short notice (because he lives and works in the area), and by his reasonable hourly fee, which is presently \$150. The cost of his consultancy for the *Hills* case accrued to approximately \$3,500.

The Law Department has since engaged Mr. Northrup for several additional cases by means of additional agreements and has been satisfied with the quality of his work. A justification statement for not issuing a request for proposals for this service is attached.

Respectfully submitted,
Lovely Warren
Mayor

Ordinance No. 2017-60
(Int. No. 78)

March 28, 2017

Authorizing an amendatory professional services agreement for expert witness services for the Law Department

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Crash Data Specialists LLC to provide expert witness services in conjunction with pending and future litigation.

Section 2. The amendatory agreement shall increase the maximum cost of the prior agreement entered into in October, 2016, by \$10,000 to a total of \$20,000, which cost shall be funded from the 2016-17 Budget of the Law Department. The term of the agreement may extend until completion of the cases for which the consultant's services are requested.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2017-6
Re: Appointments - Board of Ethics

Transmitted herewith for your approval is legislation to approve the appointment of Daniel Karin, 191 Highland Parkway, Rochester, New York 14620 to the Board of Ethics. Mr. Karin is being appointed to fill the vacant seat that was previously held by the late Christopher Lindley. Mr. Karin's term will expire January 2018.

Mr. Karin's resume` is on file with the City Clerk.

Respectfully submitted,
Loretta C. Scott
President

Resolution No. 2017-6
(Int. No. 79)

Resolution approving an appointment to the Board of Ethics

March 28, 2017

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

Section 1. The Council hereby approves the appointment of Daniel Karin, 191 Highland Parkway, Rochester, NY 14620, to the Board of Ethics for a term which shall expire on January 31, 2018.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2017-61

Re: Capital Improvement Program –
Rochester City School District

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

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

1. Authorize \$15,625,000 as debt to be authorized for the 2016-17 fiscal year for the RCSD;
and
2. Authorize the issuance of bonds for \$15,625,000 and the appropriation of the proceeds thereof for capital improvements to existing school buildings in the RCSD.

Per City Council policy, borrowing in any fiscal year may not exceed the principal on outstanding debt redeemed for that year (Res. No. 81-4). During fiscal year 2016-17 the RCSD will liquidate \$18,880,999 in principal. *Attachment A* is a projection of RCSD debt to be repaid over the current and next four fiscal years.

For cities with dependent school districts, the New York State (NYS) Constitutional Debt Limit is established at 9.0% of the five-year average full valuation. As specified in the City Charter, Rochester splits this limit into 5.5% for the City and 3.5% for the RCSD. This split provides the RCSD with a remaining borrowing capacity of \$54,235,331 (*Attachment B*).

In accordance with the City Council policy adopted April 20, 2016 (Res. No. 2016-8), bonding for schools in the CIP will not include schools in a current phase of the Facilities Modernization Program unless for reasons of health and safety; the RCSD will use cash capital as defined by NYS Finance law.

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Attachment C is a letter from the RCSD detailing the planned uses of the new bonds and the use of cash capital. A copy of the Board of Education Resolution approving the capital plan is forthcoming.

In addition, Resolution No. 2016-8 requires the City of Rochester's Bureau of Engineering and Architecture staff to review the RCSD's request and for the RCSD to provide school closings.

Attachment D is a memorandum from the Assistant City Engineer confirming said Bureau of Engineering and Architecture review. *Attachment E* is a letter from the RCSD regarding school closure.

The NYS Education Department, by letter dated November 2, 2016, has confirmed that the RCSD has met the Maintenance of Effort (MOE) requirement for 2016-17. When the City issues this debt, the repayments will be structured to the extent possible to continue meeting the MOE requirements, while remaining within the constraints of Local Finance Law.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AQ-33

Ordinance No. 2017-61
(Int. No. 83)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$15,625,000 Bonds of said City to finance the costs of improvements to specified City School District schools

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance \$15,625,000 of the costs of the City School District 2016-2017 Capital Improvement Program, including the costs of the design, renovation and improvement of the City School District schools indicated on the attached Exhibit A (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$15,625,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$15,625,000 bonds of the City to finance said appropriation and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$15,625,000 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 \$15,625,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 12(a)(1) of the Law, is twenty five (25) years.

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

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

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

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

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

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

Exhibit A

2016-17 CONSTRUCTION PROJECTS

School Name	Project Description	Amount
No. 3 - Adams Street Recreation Center	Locker room renovations, pool improvements, ventilation upgrades, upgrade audio systems, PA, clocks, fire alarm, cameras and locks.	\$2,110,000
No. 8 - Roberto Clemente	Replace chilled water and heating system pumps, chiller, water heater, valves and pumps, return air fans and remove concrete walkway, install railings and provide access to gym roof.	818,000
No. 9 - Dr. Martin Luther King Jr./ Clinton/Baden Rec. Center	Toilet room reconstruction, hybrid kitchen installation, masonry and concrete reconstruction, replace VAT flooring in cafeteria and provide acoustical control, replace pneumatic damper actuators and network controller, replace cabinet unit heaters	1,293,000
No. 34 - Dr. Louis A. Cerulli	Remove abandoned chimney, masonry reconstruction, rekey building and provide classroom lockdown hardware, window and wardrobe door replacement, toilet room reconstruction. Construct security entrance.	1,357,000

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No. 42 - Abelard Reynolds	Hot water pump replacement, VSD pump upgrades, replace pneumatic control valves, damper actuators, VAT flooring in classrooms, toilet room renovations, masonry reconstruction and install Lockdown hardware in the classrooms.	1,249,000
No. 46 - Charles Carroll	Reconstruct slate roofing and gym wood windows, replace fire alarm system, install a walk draw gym curtain and abate asbestos ceiling at structural connections.	577,000
No. 52 - Frank Fowler Dow	Toilet room renovations, replace pneumatic control valves and damper actuators.	862,000
Jefferson Educational campus	Remove chimney, provide masonry reconstruction, window replacement, roofing rehabilitation, penthouse on roof for mechanical equipment, complete gym ceiling from AHU work and paint, install ductless split system to two data closets, add split system to computer lab.	2,137,000
Marshall Educational Campus	Provide natatorium to locker room HC accessibility, pool drain replacement, provide handicapped access to pool, replace pool pak and provide enclosure, replace piping and fittings, fire alarm upgrade, reconstruct water damaged areas in classrooms and stair towers, replace gym roofing and construct access to pool roof.	2,531,000
107 N. Clinton - Early Childhood Education Center	Construct large motor skills room, construct toilet rooms in pre-K classrooms, replace roof, reconstruct corridor walls, waterproof exterior walls, provide outdoor play area, replace elevator and reconstruct building entry and stair exits.	1,896,000
Ryan Center Gymnasium	Air conditioning	795,000
Total		\$15,625,000

Passed unanimously

By Councilmember Ortiz
March 28, 2017

To the Council:

March 28, 2017

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

- Int. No. 64 Authorizing the sale of real estate
- Int. No. 65 Authorizing the acquisition of real estate
- Int. No. 66 Authorizing an agreement for property management services
- Int. No. 69 Authorizing an agreement with the Community Design Center Rochester, Inc. for services related to a Charlotte community charrette process
- Int. No. 70 Authorizing appropriation and agreement for the Targeted Housing Repair Program

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

- Int. No. 68 Amending the Zoning Map for 50, 54, 60, 64 and 68 Herald Street

The following entitled legislation is being held in committee:

- Int. No. 67 Amending the Zoning Map for 618 Upper Falls Boulevard and 379 and 387 Hudson Avenue

Respectfully submitted,

Jacklyn Ortiz
Molly Clifford
Dana K. Miller
Loretta C. Scott
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2017-62
 Sale of Real Estate

March 28, 2017

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation approving the sale of 20 properties. City records have been checked to ensure that purchasers (except those buying unbuildable vacant lots) do not own other properties with delinquent taxes, open code violations, have not been in contempt of court or fined as a result of an appearance ticket or unsatisfied judgments during the past five years.

The first four properties are buildable vacant lots sold by negotiated sales to the adjacent owners. The purchasers will combine the lots with their existing properties and utilize them as green space.

The next ten properties are buildable vacant lots sold by negotiated sale to Habitat for Humanity, Inc., who will construct single family homes on the lots which will be offered for sale to owner occupant, first time home buyers who meet income requirements.

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

The first year projected tax revenue for these 20 properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$9,192.

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AQ-34

Ordinance No. 2017-62
(Int. No. 64)

Authorizing the sale of real estate

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

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

March 28, 2017

Address	S.B.L.#	Lot Size	Sq. Ft.	Price	Purchaser
26 Concord St	106.49-2-29.1	80 x 100	8,013	\$525	Renewal of Life N Church of God in Christ, Inc.
75 Glendale Pk	105.34-2-30	46 x 121	5,543	450	Michael R. Nock, II
17 Pomeroy St	091.68-3-2	40 x 114	4,560	425	Sharla White
24 Seward St	121.53-1-85.1	117 x 50	5,881	450	Michael & Marisol Grisby
205 Campbell St	120.27-1-56	50 x 128	6,469	475	Flower City Habitat for Humanity
225 Campbell St	120.27-1-61.1	50 x 128	6,404	475	Flower City Habitat for Humanity
454 Child St	105.74-2-46.1	76 x 130	8,141	525	Flower City Habitat for Humanity
470-472 Child St	105.74-2-50.1	80 x 88	4,885	*	Flower City Habitat for Humanity
19 Eddy St	120.43-1-4.1	66 x 102	6,732	475	Flower City Habitat for Humanity
93-97 Lime St	105.74-2-16.4	87 x 77	4,868	550	Flower City Habitat for Humanity
87 Silver St	120.35-2-77-1	49 x 165	8,167	525	Flower City Habitat for Humanity
91 Silver St	120.35-2-76.2	49 x 165	8,167	525	Flower City Habitat for Humanity
179 Whitney St	105.82-1-55	40 x 86	3,452	475	Flower City Habitat for Humanity
185 Whitney St	105.82-1-54	38 x 86	3,268	**	Flower City Habitat for Humanity

*Combination pending: included in sale price of 93-97 Lime St

**Combination pending: included in sale price of 179 Whitney St

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

Address	S.B.L.#	Lot Size	Sq. Ft	Purchaser
87 Conkey Av	106.29-4-22	40 x 95	3,807	Richard Lochner
75-77 Dr.Samuel McCree	121.53-1-5	50 x 88	4,400	Michael & Marisol

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Way 48 Felix St	105.50-2-47	36 x 117	4,119	Grisby Wayne T. Lorraine, Jr
25 Melville St	107.53-3-9.2	22 x 83	1,942	Thomas Madden & Edith Hugye
27 Melville St	107.53-3-10	45 x 83	3,846	Thomas Madden & Edith Hugye
43 Seabrook St	106.23-2-46	38 x 74	2,721	Terriono L. Coley

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. 2017-63
Re: Real Estate Acquisitions and
Donations- Rochester Land
Bank Corporation

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the acquisitions and donations of certain real properties from the owner, Rochester Land Bank Corporation (RLBC). The RLBC acquired the properties by purchase at the City of Rochester Tax Foreclosure Auction on November 10, 2016. Council authorization is needed to accept the following properties:

<u>Address</u>		<u>Purpose</u>
5 Harlow Park	14608	Homeownership program/demo or Auction Sale
31 Pollard Avenue	14612	Homeownership program/demo or Auction Sale
132 Seventh Street	14605	Homeownership program/demo or Auction Sale
396-398 Ames Street	14611	Campbell Street Recreation Center Project
16 Beechwood Street	14609	Vacant lot sale to adjoining owner for green space

City Council authorized the Home Ownership Pilot Program for Vacant Houses on October 18, 2016 via Ordinance No. 2016-336. The first three houses were identified as single family homes, located on a residential street, having at least three bedrooms, one full bathroom and off street parking. If any or all of these identified homes will not be included in the program, they will be added to the City's inventory and offered for sale via the Surplus Auction or demolished and the vacant lots will be offered for sale. The City will acquire these properties for an amount not to exceed \$25,000, which will be funded from the appropriation in Ordinance No. 2016-336, mentioned above.

The last two properties were structures that were acquired by the RLBC and demolished as part of the Strategic Blight Removal Initiative. 396-398 Ames Street will be included in the Campbell Street Recreation Center renovation project, and 16 Beechwood Street will be offered to the adjoining owner to expand their yard. These properties are being donated to the City.

The purpose of the RLBC is to acquire, hold and dispose of real property that is vacant, abandoned or underutilized for purposes of returning those properties to productive use.

Upon acquisition by the City, any taxes or charges levied after the date of closing shall be canceled. The property is to be conveyed with no other outstanding liens or encumbrances.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AQ-35

Ordinance No. 2017-63
(Int. No. 65)

Authorizing the acquisition of real estate

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

Section 1. The Council hereby approves the acquisition from the Rochester Land Bank Corporation of the parcels described below. The acquisition costs, including the appraised valued and closing costs, shall not exceed \$25,000, and shall be paid from the funds appropriated to the Home Ownership Pilot Program for Vacant Houses in Ordinance No. 2016-336.

Address	S.B.L.#	Lot Size
5 Harlow Pk	121.61-2-69	27 x 74
31 Pollard Av	047.69-2-52	66 x 165
132 Seventh St	106.52-2-45	40 x 120

Section 2. The Council hereby authorizes the acceptance of the donation of two parcels of real estate from the Rochester Land Bank Corporation as follows:

March 28, 2017

Address	S.B.L.#	Lot Size
396-398 Ames St	105.81-3-37	55 x 188
16 Beechwood St	107.69-1-61	40 x 62

Section 3. City taxes and other taxes or charges levied against said parcels after the date of closing shall be canceled. The properties shall be conveyed to the City with no other outstanding liens or encumbrances.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote.

Ayes – Councilmembers Clifford, Conklin, Haag, McFadden, Ortiz, Patterson, Spaul-7

Nays – 0

Vice President Miller abstained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2017-64
Re: Agreement - Atlantic Property
Management Inc., Property
Management Services

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation establishing \$146,000 as maximum compensation for an agreement with Atlantic Property Management Inc. to provide property management services for City-owned real estate acquired through City and County tax foreclosure sales. The term of the agreement will be for two years, with the option for a one-year renewal, and will be funded by the 2016-17 (\$15,000), 2017-18 (\$50,000), 2018-19 (\$50,000) and 2019-20 (\$31,000) Budgets of the Department of Neighborhood and Business Development for a total of \$146,000, contingent upon the approval of future years' budgets and decision to renew the agreement.

Services will include responding to emergency/afterhours maintenance calls, performing emergency repairs, conducting periodic inspections of the occupied units and collecting rents.

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A request for proposals was issued in May 2016 and yielded submissions from four property management firms. Atlantic Property Management Inc. is recommended based on the range of services provided, fee schedule and experience in dealing with city properties. A summary of the selection process is attached.

Respectfully submitted,
Lovely A. Warren
Mayor.

Attachment No. AQ-36

Ordinance No. 2017-64
(Int. No. 66)

Authorizing an agreement for property management services

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Atlantic Property Management Inc. to provide property management services for real estate that the City has acquired through City and County tax foreclosure sales.

Section 2. The term of the agreement shall be two years, with the option to extend for one additional term of up to 1 year. The maximum cost of the agreement shall be \$146,000 and shall be funded from the Budgets of the Department of Neighborhood and Business Development (NBD) as follows: no more than \$15,000 from the 2016-17 Budget of NBD, no more than \$50,000 from each of the 2017-18 and 2018-19 Budgets of NBD, and no more than \$31,000 from the 2019-20 Budget of NBD, contingent upon the adoption of the future budgets of NBD and upon the parties' election to extend the term for a third year.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2017-65
Re: Zoning Map Amendment -
50, 54, 60, 64, and 68

Herald Street

Transmitted herewith for your approval is legislation amending the Zoning Map by rezoning the properties located at 50, 54, 60, 64, and 68 Herald Street from R-1 Low Density Residential District to M-1 Industrial District. The rezoning is being requested by the owner, Quality Vision International (QVI), so these properties can be combined with their main campus located at 850 Hudson Avenue for a possible expansion of their facilities.

The current legal uses for the properties are listed below:

50 Herald Street	Vacant land; single family demolished in 2015
54 Herald Street	Permit to demolish single family issued 2017
60 Herald Street	Permit to demolish single family issued 2017
64 Herald Street	Permit to demolish single family issued 2017
68 Herald Street	Permit to demolish single family issued 2017

The City Planning Commission held an informational meeting on the proposed rezoning on Monday, February 6, 2017; meeting minutes are attached. The applicant spoke in support of the rezoning; no one spoke in opposition. By a vote of 6-0, the Planning Commission recommended Approval.

A public hearing is required for the Zoning Map Amendment.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AQ-37

Ordinance No. 2017-65
(Int. No. 68)

Amending the Zoning Map for 50, 54, 60, 64 and 68 Herald Street

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by modifying the Zoning Map incorporated in Section 120-5 to change from R-1 Low Density Residential to M-1 Industrial the zoning classification of the following properties:

Address	SBL #
50 Herald Street	091.81-3-50
54 Herald Street	091.81-3-49
60 Herald Street	091.81-3-48
64 Herald Street	091.81-3-47

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68 Herald Street

091.81-3-46

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

Section 2. This ordinance shall take effect immediately

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2017-66
Re: Agreement - Community
Design Center Rochester, Inc.,
Charlotte Community Charrette

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

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum compensation for an agreement with the Community Design Center Rochester, Inc. (CDCR) for services related to a Charlotte community charrette process. The agreement will have a term of one year and be funded from the 2016-17 Budget of the Department of Neighborhood and Business Development.

CDCR was identified by the Charlotte community as an independent party to assist in their neighborhood charrette/visioning work. The entire project consists of a two-step process. The community charrette process is the first of these steps, for which the Charlotte community has requested City funding to partially cover CDCR's fee. The community charrette process has an estimated timeframe of seven months and generally includes: inventory/analysis of existing conditions; review of existing plan related documents; identification of key community stakeholders; multiple steering committee meetings; pre-charrette preparation; charrette event; and, post-charrette final report.

The second step includes the completion of a vision plan for the Charlotte community. CDCR would help create the vision plan based on the materials and findings generated during the charrette process. The Charlotte community is currently seeking additional funds for this step.

A justification statement for not issuing a request for proposals is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AQ-38

Ordinance No. 2017-66
(Int. No. 69)

Authorizing an agreement with the Community Design Center Rochester, Inc. for services related to a Charlotte community charrette process

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 not to exceed a maximum compensation of \$20,000 with Community Design Center Rochester, Inc. for services related to a Charlotte community charrette process. The agreement shall be funded from the 2016-17 Budget of the Department of Neighborhood and Business Development. The agreement shall have a term of one year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2017-67
Re: Targeted Housing Repair
Program

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation related to the City's Targeted Housing Repair Program. This legislation will:

1. Appropriate \$550,000 from the 2016-17 Community Development Block Grant, Targeted Housing Repair Program allocation of the Housing Development Fund for the City's use to operate the program; and

2. Establish \$18,000 as maximum compensation for an agreement with Environmental Testing & Consulting, Inc. The agreement will be funded from the appropriation made above and the term will be for one-year or as long as funding for the project remains.

The Targeted Housing Repair Program is designed to offer assistance to residential property owners that are located in and around neighborhoods where the City has made significant investments. The City attempts to offer the program each year through a round-robin approach to ensure that each quadrant of the City is represented. The last Targeted Housing Repair Program was approved by City Council in November 2016 for the EMMA neighborhood, located in the southeast quadrant. This year's program is proposed for the northwest quadrant.

The proposed Targeted Housing Repair Program will operate around the Holy Rosary Apartment project bounded by the following streets: Lake View Park (north), Glenwood Avenue (south), Lark /Linnet Streets (west) and Brooklyn/Pierpont Streets (east). This area has been selected to reinforce and support the \$15 million investment that has taken place at the Holy Rosary campus. The Holy Rosary affordable housing project was completed in July of 2013 and included the conversion of the Holy Rosary campus to 35 affordable rental units and the development of 25 single-family homes in and around the campus. This investment is in addition to the significant resources invested in the area through the Dewey/Driving Park Focused Investment Strategy.

Assistance will be provided to eligible owners of single-family or two-family owner-occupied properties to control lead-based paint hazards and other environmental health hazards, correct code violations, replace roofs, and perform other repairs as approved by the City. The remediation of health hazards will include, but not be limited to: mold and moisture remediation, pest control, attic insulation, duct cleaning, electrical repairs, correction of trip hazards, installation of carbon monoxide detectors and smoke alarms, furnace maintenance and replacement, new hot water tanks, and safety controls to prevent break-ins. The program is expected to serve 22 property owners at an average cost of \$24,000 per property.

Environmental Testing & Consulting, Inc. was selected for lead hazard evaluation services based upon a request for proposals completed in 2015 whereby Environmental Testing & Consulting, Inc., Rochester NeighborWorks and UNYSE were selected as vendors for the Lead Hazard Control Program. Thus far, Environmental Testing & Consulting, Inc. has performed the best. The cost for their services is \$675 for single-family and \$875 for two-family properties.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AQ-39

Ordinance No. 2017-67
(Int. No. 70)

Authorizing appropriation and agreement for the Targeted Housing Repair Program

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

Section 1. The sum of \$550,000 from the Targeted Housing Repair Program allocation of the Housing Development Fund in the 2016-17 Community Development Block Grant is hereby appropriated to the Targeted Housing Repair Program to fund housing repair targeted toward the City's Northwest quadrant (Program).

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with Environmental Testing & Consulting, Inc. to provide lead hazard evaluation services for the Program. The maximum compensation for the agreement shall be \$18,000, which shall be funded from the appropriation authorized in Section 1 herein. The term of the agreement shall be for 1 year with the option to extend for up to one additional year if funds remain from the amount allocated herein.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 67
Re: Zoning Map Amendment -
618 Upper Falls Boulevard and
379 and 387 Hudson Avenue

Transmitted herewith for your approval is legislation amending the Zoning Map by rezoning the properties located at 618 Upper Falls Boulevard from R-1 Low Density Residential District to C-2 Community Center District, and 379 and 387 Hudson Avenue from C-1 Neighborhood Center District to C-2 Community Center District. The owner of these properties, Muhammad Khan, is requesting the rezoning because he would like to combine the properties and possibly redevelop them as a convenience store with gas sales. (Gas sales are not permitted in the R-1 and C-1 Districts, and require Special Permits in C-2.)

The current legal uses for the properties are listed below.

618 Upper Falls Boulevard	Last Certificate of Occupancy - Auto and Truck Repair, vacant since 2009
379 Hudson Avenue	Vacant land- two family dwelling demolished in 1980
387 Hudson Avenue	Vacant land- two commercial buildings demolished in 1982

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The City Planning Commission held an informational meeting on the proposed rezoning on Monday, February 6, 2017; meeting minutes are attached. The owner's representatives and two others spoke in support of the rezoning; no one spoke in opposition. By a vote of 4-2, the Planning Commission recommended Approval.

A public hearing is required for the Zoning Map Amendment.

Respectfully submitted,
Lovely A. Warren
Mayor

Introductory No. 67

Amending the Zoning Map for 618 Upper Falls Boulevard and 379 and 387 Hudson Avenue

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by modifying the Zoning Map incorporated in Section 120-5 to change from R-1 Low Density Residential to C-2 Community Center the zoning classification of the following property:

Address	SBL #
618 Upper Falls Boulevard	106.48-1-7.1

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

Section 2. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by modifying the Zoning Map incorporated in Section 120-5 to change from C-1 Neighborhood Center to C-2 Community Center the zoning classifications of the following properties:

Address	SBL #
379 Hudson Avenue	106.48-1-11.1
387 Hudson Avenue	106.48-1-10.2

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

Section 3. This ordinance shall take effect immediately.

Held in committee.

March 28, 2017

By Councilmember Haag
March 28, 2017

To the Council:

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

- Int. No. 71 Authorizing an agreement with CHA Consulting, Inc. for resident project representation services related to the 2017 Preventive Maintenance Group 5 Project
- Int. No. 73 Authorizing an amendatory agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for the Dewey Avenue/Driving Park Avenue Intersection Realignment Project
- Int. No. 75 Authorizing agreements for materials testing services
- Int. No. 76 Appropriating funds for the Driving Park Bridge Preventive Maintenance Project
- Int. No. 80 Bond Ordinance of the City of Rochester, New York amending Ordinance No. 2016-21 and authorizing the issuance of \$400,000 Bonds of said City to finance additional costs of the 2016 Broad Street Bridge Preventative Maintenance Project
- Int. No. 81 Amending Chapters 13A and 69 of the Municipal Code with regard to penalties for littering
- Int. No. 82 Authorizing funding to acquire real estate.

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

- Int. No. 72 Amending 2005-06, 2006-07, 2008-09, 2009-10, 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17 Consolidated Community Development Plans and authorizing appropriations of Community Development Block Grant funds to infrastructure and playground improvements

The following entitled legislation is being held in committee:

- Int. No. 74 Authorizing an amendatory agreement with Stantec Consulting Services Inc. for the Ridgeway Avenue Transportation Improvement Project

Respectfully submitted,

March 28, 2017

Matt Haag
Michael A. Patterson
Elaine M. Spaul
Dana K. Miller
Loretta C. Scott
PARKS & PUBLIC WORKS COMMITTEE

Received, filed, and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2017-68
Re: Agreement- CHA Consulting, Inc.,
Resident Project Representation
Services, 2017 Preventive
Maintenance Group 5 Project

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation establishing \$398,000 as maximum compensation for an agreement with CHA Consulting, Inc. for resident project representation (RPR) services for the 2017 Preventive Maintenance Group 5 Project (Arnett Boulevard / Genesee Park Boulevard / Webster Avenue). The agreement will be funded with anticipated reimbursements from the Federal Highway Administration (FHWA) (Ord. No. 2017-33) (\$303,039), anticipated reimbursements from Marchiselli Aid (Ord. No. 2017-33) (\$47,820), 2013-14 Cash Capital (\$201) and Bonds (\$46,940) appropriated in February 2017 (Ord. No. 2017-34), and the term shall extend three months after the two-year guarantee inspection that follows project completion.

The 2017 Preventive Maintenance Group 5 Project was designed by engineering consultant, C & S Engineers, Inc., Rochester, New York, and is intended to address minor pavement distresses, drainage concerns, hazardous sidewalks, and upgrade accessible curb ramps to meet the newest Americans with Disabilities Act (ADA) requirements.

Prior Council actions related to this project include: Design services agreement in December 2014 (Ord. No. 2014-396), with an amendatory agreement in October 2015 for Marchiselli Aid (Ord. No. 2015-333) and in May 2016, an amendatory agreement for right of way professional services, acquisition authorization and official map amendment (OMA) (Ord. No. 2016-157); geometric changes in November 2016 (Ord. No. 2016-370); anticipated FHWA and Marchiselli Aid reimbursements in February 2017 (Ord. 2017-33) and bond authorization in February 2017 (Ord. 2017-34).

The project includes milling and resurfacing three arterial streets; installation of bump-outs for traffic calming and pedestrian safety at three intersections along Arnett Boulevard; adjustments to catch

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basin frames and grates, water valves and sewer castings; spot street base and sidewalk repair; installation of truncated domes at sidewalk ramps; installation of new pavement markings; replacement of traffic loops; and topsoil and seed of lawn areas disturbed by construction.

CHA Consulting, Inc. was selected for RPR services through a request for proposal process, which is described in the attached summary.

Construction is anticipated to commence in the spring of 2017 and be complete by fall of 2017.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AQ-40

Ordinance No. 2017-68
(Int. No. 71)

Authorizing an agreement with CHA Consulting, Inc. for resident project representation services related to the 2017 Preventive Maintenance Group 5 Project

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement not to exceed a maximum compensation of \$398,000 with CHA Consulting, Inc. for resident project representation services related to the 2017 Preventive Maintenance Group 5 project on Arnett Boulevard, Genesee Park Boulevard and Webster Avenue. The agreement shall be funded with \$303,039 from Federal Aid and \$47,820 from Marchiselli Aid, which were appropriated in Ordinance No. 2017-33, and with \$201 from 2013-14 Cash Capital and \$46,940 from Bonds, which were appropriated in Ordinance No. 2017-34. The term of the agreement shall extend until 3 months after the two-year guarantee inspection that follows project completion.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Haag moved to amend Int. No. 72.

Councilmember Spauld seconded the motion.

Motion adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2017-69
 Re: Consolidated Community
 Development Plan Amendments
 and Appropriation- Community
 Development Block Grant Funds
 for Infrastructure and
 Playground Improvements

Council Priority: Creating and
 Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to Consolidated Community
 Development Plan (Con Plan) amendments. This legislation will:

1. Amend the 2005-06, 2006-07, 2008-09, 2009-10, 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16 and 2016-17 Con Plan, Annual Action Plan to transfer and re-allocate \$1,345,535.89 of Community Development Block Grant (CDBG) funds from the above mentioned years' Con Plan funds, according to chart below, to the Infrastructure Improvements allocation of the General Community Needs fund.

Fund	Year	Amount	Prior Program
Promote Economic Stability	2005-06	63,769.54	Targeted Facade
Improve the Housing Stock and General Property Conditions	2006-07	344.74	NBD Program Delivery (Staff)
General Community Needs	2008-09	761.08	Family Roundtable
Promote Economic Stability	2008-09	8,735.14	Neighborhood Community Assistance Program
Neighborhood and Asset Based Planning Fund	2008-09	26,393.00	Neighborhood Asset Based Plan
General Community Needs	2009-10	9,922.96	Job Creation/Youth Develop
Neighborhood and Asset Based Planning Fund	2009-10	2,883.21	Neighborhood Asset Based Plan

Promote Economic Stability	2010-11	4,000.00	Economic Development Financial Assistance Loan & Grant
Housing Development Fund	2010-11	1,154.84	Housing Development Fund
Promote Economic Stability	2010-11	207.74	Neighborhood Community Assistance Program
Promote Economic Stability	2011-12	61,797.62	Neighborhood Community Assistance Program
General Community Needs	2012-13	0.21	Employment Opportunity Job Training Support
General Community Needs	2012-13	255.36	Fire Dept Small Equipment
Promote Economic Stability	2012-13	15,000.00	NBD Project Assistance Fund
Promote Economic Stability	2012-13	46,972.47	Neighborhood Community Assistance Program
Neighborhood and Asset Based Planning Fund	2013-14	150.00	Community Plan & Leadership
General Community Needs	2013-14	37,275.49	Employment Opportunity Job Training Support
Promote Economic Stability	2013-14	116,413.88	Neighborhood Community Assistance Program
General Community Needs	2013-14	30,000.00	SW Youth
Housing Development Fund	2013-14	0.46	Tenant Services
Neighborhood and Asset Based Planning Fund	2014-15	55,540.00	Community Plan & Leadership
Housing Development Fund	2014-15	155.27	Demolition
Promote Economic Stability	2014-15	135,255.40	Economic Development Financial Assistance Loan & Grant
General Community Needs	2014-15	35,833.67	Employment Opportunity Job Training Support
Improve the Housing Stock and General Property Conditions	2014-15	750.54	Foreclosure Prevention
General Community Needs	2014-15	66,672.74	Job Creation/Youth

			Development
Promote Economic Stability	2014-15	124,641.16	Neighborhood Community Assistance Program
General Community Needs	2015-16	42,068.04	Job Creation/Youth Development
Promote Economic Stability	2015-16	242,537.45	Neighborhood Community Assistance Program
Neighborhood and Asset Based Planning Fund	2015-16	15,403.27	Planning Staff
General Community Needs	2015-16	640.61	Youth Leader & Civic Engagement
Promote Economic Stability	2016-17	200,000.00	Manufacturing Job Training Incentive

2. Appropriate \$2,525,451.98 of CDBG funds from the Infrastructure Improvements allocation of the General Community Needs fund of the following years' Con Plans: 2005-06, 2006-07, 2008-09, 2009-10, 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16 and 2016-17.

Fund	Program Year	Amount	Allocation
General Community Needs	2005-06	63,769.54	Infrastructure Improvements
General Community Needs	2006-07	344.74	Infrastructure Improvements
General Community Needs	2008-09	35,889.22	Infrastructure Improvements
General Community Needs	2009-10	12,806.17	Infrastructure Improvements
General Community Needs	2010-11	5,362.58	Infrastructure Improvements
General Community Needs	2011-12	62,502.07	Infrastructure Improvements
General Community Needs	2012-13	62,228.04	Infrastructure Improvements
General Community Needs	2013-14	214,336.47	Infrastructure Improvements
General Community Needs	2014-15	1,567,563.78	Infrastructure Improvements
General Community Needs	2015-16	300,649.37	Infrastructure Improvements
General Community Needs	2016-17	200,000.00	Infrastructure Improvements

The appropriation will fund infrastructure and playground improvements at various locations including, but not limited, to the Berlin Street Group Street Rehabilitation Project (Berlin/ Bradford/Jacobs Streets), the Alpha Street Group Rehabilitation Project (Alpha/ Braddock/ Meridian/ Wilder Streets), and a concession stand and playground at Genesee Valley Park. Construction of the improvements will begin in summer 2017 with planned completion in summer 2018.

A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2017-69
(Int. No. 72, as amended)

Amending 2005-06, 2006-07, 2008-09, 2009-10, 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17 Consolidated Community Development Plans and authorizing appropriations of Community Development Block Grant funds to infrastructure and playground improvements

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

Section 1. The Council hereby approves amending the Consolidated Community Development Plan - Annual Action Plans (Con Plan) for each of the following program years to transfer and re-allocate \$1,345,535.89 of Community Development Block Grant (CDBG) funds to the Infrastructure Improvements allocation of the General Community Needs fund for each respective year as follows:

Year	Prior Fund	Prior Allocation	Amount
2005-06	Promote Economic Stability	Targeted Facade	\$ 63,769.54
2006-07	Improve the Housing Stock & General Property Conditions	NBD Prog Delivery (Staff)	\$344.74
2008-09	General Community Needs	Family Roundtable	\$761.08
2008-09	Promote Economic Stability	Neigh Comm Assist Prog	\$8,735.14
2008-09	Neighborhood and Asset Based Planning Fund	Neigh Asset Based Plan	\$26,393.00
2009-10	General Community Needs	Job Creation/Youth Develop	\$9,922.96

2009-10	Neighborhood and Asset Based Planning Fund	Neigh Asset Based Plan	\$2,883.21
2010-11	Promote Economic Stability	Ed Fin Asst Loan & Grant	\$4,000.00
2010-11	Housing Development Fund	Hous'g Development Fund	\$1,154.84
2010-11	Promote Economic Stability	Neigh Comm Assist Prog	\$ 207.74
2011-12	Promote Economic Stability	Neigh Comm Assist Prog	\$61,797.62
2012-13	General Community Needs	Employ Oppor Job Train Sup	\$0.21
2012-13	General Community Needs	Fire Dept Small Equipment	\$255.36
2012-13	Promote Economic Stability	NBD Project Asst Fund	\$15,000.00
2012-13	Promote Economic Stability	Neigh Comm Assist Prog	\$46,972.47
2013-14	Neighborhood and Asset Based Planning Fund	Comm Plan and Leadership	\$150.00
2013-14	General Community Needs	Employ Oppor Job Train Sup	\$37,275.49
2013-14	Promote Economic Stability	Neigh Comm Assist Prog	\$116,413.88
2013-14	General Community Needs	SW Youth	\$30,000.00
2013-14	Housing Development Fund	Tenant Service	\$0.46
2014-15	Neighborhood and Asset Based Planning Fund	Comm Plan and Leadership	\$55,540.00
2014-15	Housing Development Fund	Demolition	\$155.27
2014-15	Promote Economic Stability	Ed Fin Asst Loan & Grant	\$135,255.40
2014-15	General Community Needs	Employ Oppor Job Train Sup	\$35,833.67
2014-15	Improve the Housing Stock & General Property Conditions	Foreclosure Prevention	\$750.54
2014-15	General Community Needs	Job Creation/	\$66,672.74

Youth Develop			
2014-15	Promote Economic Stability	Neigh Comm Assist Prog	\$124,641.16
2015-16	General Community Needs	Job Creation/ Youth Develop	\$42,068.04
2015-16	Promote Economic Stability	Neigh Comm Assist Prog	\$242,537.45
2015-16	Neighborhood and Asset Based Planning Fund	Planning Staff	\$15,403.27
2015-16	General Community Needs	Youth Leader & Civic Engagemt	\$640.61
2016-17	Promote Economic Stability	Manufact Job Train Incent	\$200,000.00

Section 2. The Council hereby appropriates \$2,525,451.98 of CDBG funds from the Infrastructure Improvements allocation of the General Community Needs Fund of the Con Plans for various program years, as amended under Section 1 above, to infrastructure and playground improvements infrastructure and playground improvements at various locations including but not limited to the Berlin Street Group Street Rehabilitation Project, ~~the Alpha Street Group Rehabilitation Project~~, and a concession stand and playground at Genesee Valley Park, as follows:

Year	Fund	Allocation	Amount
2005-06	General Community Needs	Infrastructure Improvements	\$63,769.54
2006-07	General Community Needs	Infrastructure Improvements	\$344.74
2008-09	General Community Needs	Infrastructure Improvements	\$35,889.22
2009-10	General Community Needs	Infrastructure Improvements	\$12,806.17
2010-11	General Community Needs	Infrastructure Improvements	\$5,362.58
2011-12	General Community Needs	Infrastructure Improvements	\$62,502.07
2012-13	General Community Needs	Infrastructure Improvements	\$62,228.04
2013-14	General Community Needs	Infrastructure Improvements	\$214,336.47
2014-15	General Community Needs	Infrastructure Improvements	\$1,567,563.78
2015-16	General Community Needs	Infrastructure Improvements	\$300,649.37
2016-17	General Community Needs	Infrastructure Improvements	\$200,000.00

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2017-70

Re: Amendatory Agreement –
Bergmann Associates, Dewey
Avenue / Driving Park Avenue
Intersection Realignment Project

Council Priority: Rebuilding and
Strengthening Neighborhood and Housing

Transmitted herewith for your approval is legislation establishing \$42,000 as maximum compensation for an amendatory agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Bergmann Associates), Rochester, New York, for additional water main and areaway design, and right of way acquisition for the Dewey Avenue / Driving Park Avenue Intersection Realignment Project. The original agreement with Bergmann for \$433,600 was authorized in March 2014 (Ord. No. 2014-16). An amendatory agreement for \$90,000 was authorized on April 21, 2016 (Ord. No. 2016-112). The proposed amendment will increase maximum compensation by \$42,000 for a total of \$565,600. The cost of the agreement will be funded from 2014-15 Cash Capital (\$42,000) and the term may extend until six months after completion and acceptance of the construction of the project.

The realignment of the intersection of Dewey Avenue and Driving Park Avenue is a locally administered federal aid project that will improve safety, mobility for all users, and meet the community's goals. Bergmann Associates will provide additional coordination and design involving the replacement of a water main along Driving Park Avenue, design of an areaway abandonment located at 343 Driving Park Avenue, additional right of way coordination and updates to current cost estimates.

It is anticipated that construction will begin in the summer of 2017, with completion scheduled by the end of 2018, pending receipt of funding for the construction phase design, construction, and resident project representative tasks/phases.

The amendatory agreement will result in the creation and/or retention of the equivalent of 0.4 full-time jobs.

March 28, 2017

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2017-70
(Int. No. 73)

Authorizing an amendatory agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for the Dewey Avenue/Driving Park Avenue Intersection Realignment 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 Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for additional water main and areaway design, and right of way acquisition for the Dewey Avenue/Driving Park Avenue Intersection Realignment Project (Project). The amendatory agreement shall increase the maximum compensation of the agreement originally authorized in Ordinance No. 2014-16 and amended in Ordinance No. 2016-112 by \$42,000 to a new total of \$565,600. The increase in compensation shall be funded with 2014-15 Cash Capital. The term of the amendatory agreement may extend until 6 months after completion and acceptance of the construction of the Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2017-71
Re: Agreements - Materials
Testing Services

Transmitted herewith for your approval is legislation authorizing agreements with the following companies for the provision of various services related to the testing and analysis of various construction materials:

March 28, 2017

<u>Company</u>	<u>Address</u>
Apex Environmental Group LLC	Rochester, NY 14618
Asbestos & Environmental Consulting Corporation	Rochester, NY 14604
Atlantic Testing Laboratories, Limited	Henrietta, NY 14623
Barton & Loguidice, D.P.C.	Rochester, NY 14614
CME Associates, Inc.	Rochester, NY 14606
Fisher Associates, P.E., L.S., L.A., D.P.C.	Henrietta, NY 14623
LaBella Associates, D.P.C.	Rochester, NY 14614
Lozier Environmental Consulting, Inc.	Rochester, NY 14609
Nothnagle Drilling, Inc.	Wheatland, NY 14546
Paradigm Environmental Services, Inc.	Rochester, NY 14608
Professional Service Industries Engineering, PLLC	N. Tonawanda, NY 14120
SJB Services, Inc.	Henrietta, NY 14467
Terracon Consultants – NY, Inc.	Hilton, NY 14468

The agreements will have a term of two years and any adjustment to the specified unit prices during the second year will be subject to approval by the City Engineer. The cost of testing will be funded from the annual budgets of the Department of Environmental Services and, if necessary, the departments using the services, or from the capital funds appropriated for specific construction projects, contingent upon the approval of said budgets.

Testing services include: sampling and testing of soils, asbestos, asphalt, concrete, masonry, structural steel and road base materials and exploratory drilling. Such tests are routinely required by the Bureau of Architecture and Engineering for street, bridges, and building renovation projects.

The previous agreements for testing services were authorized by the City Council in March 2015 via Ordinance No. 2015-72. In anticipation of the expiration of these agreements, the Department of Environmental Services solicited proposals on the City's website; 13 firms responded. All responding firms were recommended. A vendor/consultant selection process summary is attached.

When tests are necessary, one or more of these companies will be utilized. The selection of a specific company will depend upon the type of test required, the company's special skills, and its ability to accommodate the City's schedule. The volume of tests will depend upon the number of construction projects that are authorized. The cost of the tests will be based on the unit prices specified in the company's proposal.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AQ-41

Ordinance No. 2017-71
(Int. No. 75)

Authorizing agreements for materials testing services

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following companies for the testing of various construction materials as required by the City:

Company	Address
Asbestos & Environmental Consulting Corporation	Rochester, NY 14604
Apex Environmental Group LLC	Rochester, NY 14618
Atlantic Testing Laboratories, Limited	Rochester, NY 14623
Barton & Loguidice, D.P.C.	Rochester, NY 14614
CME Associates, Inc. Fisher Associates, P.E., L.S., L.A., D.P.C.	Rochester, NY 14606 Henrietta, NY 14623
LaBella Associates, D.P.C.	Rochester, NY 14614
Lozier Environmental Consulting, Inc.	Rochester, NY 14609
Nothnagle Drilling, Inc.	Wheatland, NY 14546
Paradigm Environmental Services, Inc.	Rochester, NY 14608
Professional Service Industries Engineering, PLLC	N. Tonawanda, NY 14120
SJB Services, Inc.	Henrietta, NY 14467
Terracon Consultants – NY, Inc.	Gates, NY 14624

Section 2. Each agreement shall have a term of two years. Each agreement shall provide for a test to be performed on an as needed basis and shall establish a unit price to be paid for a particular test. The unit price may be adjusted during the second year with the approval of the City Engineer. The cost of said agreements shall be funded from the annual budgets of the Department of Environmental Services and of the departments using the services, or from the capital funds appropriated for specific construction projects, contingent upon adoption thereof.

March 28, 2017

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2017-72
Re: Appropriations- Driving Park
Bridge Preventive Maintenance
Project

Council Priority: Deficit Reduction and
Long Term Financial Stability

Transmitted herewith for your approval is legislation related to the Driving Park Bridge Preventive Maintenance Project. This legislation will:

1. Appropriate \$27,810 in anticipated reimbursements from the Federal Highway Administration to partially finance the federal share of the construction, inspection services and administrative costs for the project; and,
2. Appropriate \$5,364 in anticipated reimbursements from the New York State Marchiselli Program to partially finance the State share of the construction, inspection services and administrative costs for the project.

Appropriations of State and federal funds reflect the difference between previous appropriations (Ord. Nos. 2015-43 and 2016-273) and what is currently approved and available in the latest New York State Transportation Improvement Plan. This legislation appropriates and maximizes the State and federal funds available for the Driving Park Bridge Preventive Maintenance Project.

It is anticipated that construction will begin in April 2017 with scheduled completion in late fall 2018. The project results in the creation and/or retention of the equivalent of 61 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AQ-42

Ordinance No. 2017-72

(Int. No. 76)

Appropriating funds for the Driving Park Bridge Preventive Maintenance Project

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

Section 1. The sum of \$27,810 in anticipated reimbursements from the Federal Highway Administration (FHWA) is hereby appropriated to fund construction and inspection of the Driving Park Bridge Preventive Maintenance Project (Project). In addition, the Mayor is hereby authorized to enter into an agreement with the New York State Department of Transportation for the receipt and use of \$5,364 in anticipated reimbursements from the Marchiselli Aid Program, which amount also is hereby appropriated to fund Project construction and inspection.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2017-73
Re: Bond Authorization- Broad
Street Bridge Preventative
Maintenance Project

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

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$400,000 and appropriating the proceeds thereof to partially finance construction of the Broad Street Bridge Preventative Maintenance Project.

On March 29, 2016, the City awarded a low bid public works contract to Crane Hogan Structural Systems, Inc. to undertake preventative maintenance repairs to the Broad Street Bridge. The contract amount was \$4,311,410.80, which was financed through a combination of federal (\$2,205,680), State (\$1,300,000) and local bond (\$805,730.80) funds. A notice to proceed was issued on April 25, 2016.

On August 5, 2016, a localized section of the north sidewalk and concrete parapet wall collapsed while Crane Hogan Structural Systems, Inc. was working on concrete removals in and around the area. They were removing deteriorated concrete and exposing reinforcement bars as detailed in plans prepared by TY Lin International, Inc.

During the collapse, no workers were injured and the area was immediately secured to protect the public. The collapse included three individually placed 22 foot long composite sections. The damaged sections were immediately removed. The cause of the collapse appears to be directly related to the severing of primary reinforcement bars holding the cantilevered section of sidewalk in-place and the corresponding removal of the top 4" of concrete that served to engage the primary reinforcement steel. A third party engineering consultant (LaBella Associates) was retained by the City of Rochester to provide an independent analysis of the collapse and to ascertain the probable failure mode.

Following the collapse, clean-up efforts uncovered several serious and unforeseen conditions. The general condition of the north side upper arch wall supporting the collapsed sidewalk/parapet section had deteriorated to the point that substantial disintegration of the harden cement paste was occurring. The wall was previously covered with the façade stones and hence not visually seen. Previous inspection reports rated these components as in good shape and functioning as intended, however after the collapse exposed the upper arch wall, it was found to be severely compromised, as evidenced by the lack of integrity and soundness of the harden cement paste. This situation required immediate attention and resources.

The total cost for overruns due to both the collapse, unforeseen conditions and field changes is estimated to be \$874,550. A significant amount of these expenditures are directly related to strengthening the structure and repairing unforeseen conditions.

Costs directly attributed to the collapse itself are estimated to be \$407,000, and include items related to: clean-up, stone arch repairs, structural concrete removals, structural steel support systems, cantilevered shoring, work platforms and concrete restoration of the collapsed section.

The remaining costs for repairs to unforeseen conditions and field changes are estimated to be \$378,000 and include, but are not limited to, items related to shoring, placement of struts, sidewalk removal, scupper repairs, drainage modifications, lighting alterations, concrete removal, arch repairs, reinforcement bar exposure and the placement of self consolidating concrete.

To date, the combined costs associated with the collapse, arch wall deterioration and various field change items are summarized as follows:

• Collapse and Restoration Costs	\$ 407,000
• Arch /Wall Deterioration Repairs	217,550
• Various Field Changes	<u>250,000</u>
Projected Costs Overruns:	\$ 874,550

Use of underruns within the project will be used to offset the previously noted damage and unforeseen conditions and help alleviate the budgetary burden. Underruns are expected to yield \$349,130 in

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savings. After maximizing previously authorized State and federal aid (\$125,420), the remaining unfunded share will be \$400,000, for which the City is seeking bond authorization.

The City of Rochester will be negotiating a settlement with the project design team (TY Lin International, Inc.) based on an errors and omission claim. Restitution from this negotiated claim will be used as revenue to partially offset repayment of the bond. The negotiated amount of this claim will not be known until the project is substantially complete and final costs are established. The project is scheduled to be completed in fall 2017.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AQ-43

Ordinance No. 2017-73
(Int. No. 80)

Bond Ordinance of the City of Rochester, New York amending Ordinance No. 2016-21 and authorizing the issuance of \$400,000 Bonds of said City to finance additional costs of the 2016 Broad Street Bridge Preventative Maintenance 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 additional repair costs incidental to the collapse of a portion of the northerly sidewalk and concrete parapet wall during structural rehabilitation of the Broad Street Bridge crossing the Genesee River as part of the 2016 Broad Street Bridge Preventative Maintenance Project (the "Project"). The estimated maximum cost of the Project, including preliminary costs and costs incidental thereto and the financing thereof, is \$874,550, and said amount is hereby appropriated therefor. The plan of financing includes issuance of \$400,0000 bonds of the City authorized herein, application of \$349,130 in cost savings from the 2016 Broad Street Bridge Preventative Maintenance Project (Ordinance No. 2016-21), application of \$79,015 from the Federal Highway Authority and application of \$46,405 from the New York State PIT Bridge Initiative to finance said appropriation and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Ordinance No. 2016-21 is hereby amended to apply \$349,130 of said appropriated sum to costs of the Project.

Section 2. Bonds of the City in the principal amount of \$400,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$400,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 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

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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. 2017-74
Re: Code Amendment – Municipal
Code Violations Bureau,
Penalties for Offenses

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

Transmitted herewith for your approval is legislation increasing fines for littering contained in the Municipal Code, Section 13A-11(A). The proposed increases are in line with the City's "Keep Rochester Beautiful" initiative, which is affiliated with the national nonprofit Keep America Beautiful; Clean Sweep; and the City's anti-litter campaign. Increasing the fine for littering will help deter this activity and emphasize the City's commitment to beautifying the cityscape and protecting the environment.

The proposed increases to penalties for littering are as follows:

<u>Section 13A-11(A)</u>	<u>Initial Penalty</u>	<u>Penalty Upon Default</u>
First offense	from \$25 to \$100	from \$50 to \$150
Second offense	from \$35 to \$200	from \$70 to \$250
Third and Subsequent Offenses	from \$65 to \$400	from \$130 to \$500

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2017-74
(Int. No. 81)

Amending Chapters 13A and 69 of the Municipal Code with regard to penalties for littering

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

Section 1. Chapter 13A of the Municipal Code, Municipal Code Violations Bureau, as amended, is hereby further amended by amending Subsection A of Section 13A-11, Penalties for offenses, to read in its entirety as follows:

A. General and littering offenses.

1. General. Except as otherwise provided herein and in §§ 27-6 and 30-40 of the Municipal Code, the following penalties shall apply to violations referred to the Municipal Code Violations Bureau:

	Initial Penalty	Penalty Upon Default
First offense	\$25	\$50
Second offense	\$35	\$70
Third and subsequent offenses	\$65	\$130

2. Littering. The penalties for violations of §§ 20-16 (by individuals), 20-26, and 20-43B and C of Chapter 20, Refuse Code; §§ 69-3, 69-4, 69-5, 69-6, and 69-7 of Chapter 69, Littering and Smoking; § 79-4A, B, C, and D of Chapter 79, Parks that are referred to the Municipal Code Violations Bureau shall be as follows:

	Initial Penalty	Penalty Upon Default
<u>First offense</u>	<u>\$100</u>	<u>\$150</u>
<u>Second offense</u>	<u>\$200</u>	<u>\$250</u>
<u>Third and subsequent offenses</u>	<u>\$400</u>	<u>\$500</u>

provided, however, that the cost of cleanup and disposal shall be added to the penalties for individuals who violate § 20-16 and that the penalties for businesses violating § 20-16 shall be the same as those set forth in §13A-11F(1).

Section 2. Chapter 13A of the Municipal Code, Municipal Code Violations Bureau, as amended, is hereby further amended by amending Subsections F(1) and (2) of Section 13A-11, Penalties for offenses, to read in their entirety as follows:

F. The fines and penalties for any violation of Chapter 20, the Refuse Code, shall be as follows:

(1) For violations of any provision of Chapter 20, Article II, the fines shall be the same as those set forth in § 13A-11A(2) and shall apply to offenses occurring by a person within any two-year period, except that the penalties for businesses that violate violations of § 20-16 of the Municipal Code shall be as follows:

(a) For individuals:

Offense	Fine
First offense	\$100, plus cost of cleanup and disposal
Second offense	\$200, plus cost of cleanup and disposal
Third and subsequent offenses	\$300, plus cost of cleanup and disposal

(b) For businesses:

Offense	Fine
First offense	\$1,000, plus cost of cleanup and disposal
Second offense	\$2,500, plus cost of cleanup and disposal
Third and subsequent offenses	\$5,000, plus cost of cleanup and disposal

(2) Except for violations of §§ 20-43B and C, which shall be penalized in accordance with § 13A-11A(2), the fines for For violations of any provisions of Chapter 20, Article III, ~~the fines~~ shall be the same as those set forth in § 13A-11B and shall apply to offenses occurring by a person within any five-year period.

Section 3. Chapter 69 of the Municipal Code, Littering and Smoking, as amended, is hereby further amended with regard to the definition of Litter contained in Section 69-2, to read as follows:

LITTER Garbage, refuse and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare or tends to create blight which is thrown, deposited or discarded in or on a public place, park, or private premises or from a vehicle.

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2017-75
Re: Grant to Rochester Land Bank
Corporation for Purchase 935 and
951 East Main Street

Council Priority: Jobs and
Economic Development

Transmitted herewith for your approval is legislation authorizing a grant of up to \$195,347.92 to the Rochester Land Bank Corporation (RLBC) to enable its purchase of 935 and 951 East Main Street (the "Properties") from the current owner, 951 East Main St LLC. The purchase is part of a transaction that will effectuate a New York State (NYS)-funded environmental cleanup of the former Staub's Cleaners plant site and a privately funded redevelopment of the Properties to expand an existing business. The grant will be financed from 2016-17 Cash Capital.

The Properties comprise the former Staub's Cleaners facility, which operated as a dry cleaning plant from 1927 to 2005, and has been vacant since 2007. The Properties are in tax foreclosure with the City: total real estate taxes of \$195,347.92 were due as of March 1, 2017.

The site is a NYS Inactive Hazardous Waste Disposal (Superfund) Site with extensive soil and groundwater contamination that has been determined by the NYS Department of Environmental Conservation (NYSDEC) to pose a significant threat to public health and the environment. A multi-million dollar environmental cleanup of soil and groundwater contamination will be necessary.

The City intends to advertise the Properties for sale at a tax foreclosure auction to be conducted on March 30, 2017 with four weekly advertisements commencing March 8, 2017. If approved, the RLBC would acquire title at the tax foreclosure auction through a single member limited liability company formed by RLBC under Section 1607(21) of the Land Bank Act and convey the property to Circle Street Development LLC after the statutory waiting period of seven days.

The site has been a priority for City brownfields cleanup and redevelopment due to its prominent location on East Main Street between the Public Market and the Neighborhood of the Arts, and concerns about contamination from the historical operations on the site and State Superfund status. The approach the City is taking to the transfer and cleanup of the site is based on a model developed and implemented by an internal brownfields team and coordinated with the NYSDEC. The City's Department of Environmental Services, Department of Neighborhood and Business Development, Law Department and the NYSDEC have worked together on a way to achieve transfer of ownership, cleanup, and a viable reuse of this tax delinquent Superfund site.

The NYSDEC, in consultation with the New York State Department of Health (NYSDOH), established then formalized the cleanup plan in the site Record of Decision (ROD), which was issued on February 28, 2017. The ROD identifies the technical approach and estimated costs required to remediate contaminated soils in order to meet the remedial action objectives for the protection of public health and the environment.

Prior to, and as a condition of proceeding with the auction, the NYSDEC and Circle Street Development LLC (Circle Street) will have executed an order of consent defining short and long term responsibilities for the cleanup and operation of the site, including covenants not to sue. The purchaser's obligations under the consent order will be triggered upon acquisition of the property from the RLBC.

The RLBC has authorized the execution of a Land Disposition Agreement (LDA) between RLBC and Circle Street. The LDA specifically requires the purchaser to have entered into the consent order with the NYSDEC. The consent order requires that Circle Street abate the asbestos in the property and

demolish, at its expense, all the structures down to the slab to allow the NYSDEC to have full access to perform the soil and groundwater cleanup required under the ROD. Circle Street will construct a temporary parking lot on site under the oversight and approval of the NYSDEC. Circle Street will be able to use the lot for parking while the NYSDEC conducts design-phase investigations and cleanup activities. It is anticipated that the NYSDEC cleanup-related treatment and monitoring facilities will occupy a small portion of the site.

The public benefits to the City of Rochester for proceeding with this transaction include:

- An abandoned, vacant, tax delinquent site will be transferred to an established City business for expanded operations;
- Circle Street and the Pike Companies will be able to expand the existing corporate campus by acquiring 935 and 951 East Main Street, resulting in the relocation of 100 jobs from other company facilities outside of the City to this location;
- Circle Street and the Pike Companies will invest over \$5 million in renovations and improvements to their current facility and expect to create 50 new jobs over the next three years;
- NYS Superfund resources are projected to be in excess of \$2 million and will be used to remediate the site beginning in 2017, thereby eliminating public health and environmental threats to a City neighborhood. The NYSDEC is committing scarce cleanup funding and personnel resources to this site due to the RLBC's planned transfer of the properties to a viable new owner and the purchaser's commitment to perform supporting asbestos abatement and demolition. In the absence of this transfer, the site would likely sit vacant for an extended period of time;
- The City avoids the potentially high expenses often associated with abandoned commercial structures, including City-funded board-up, public safety responses and demolition costs; and
- Improved property maintenance and security would begin immediately upon transfer of the property.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law, and Chapter 48 of the City Code, a SEQR environmental review of the proposed actions has been completed and a negative declaration determination issued.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2017-75
(Int. No. 82)

Authorizing funding to acquire real estate

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

Section 1. The Council hereby appropriates \$195,347.92, or so much thereof as may be necessary, from 2016-17 Cash Capital to fund the Rochester Land Bank Corporation's (RLBC) acquisition of the following properties (the Properties) at a tax foreclosure sale in order to effectuate the State-funded environmental cleanup and commercial redevelopment of the former Staub Textile Services dry cleaning facility.

Property Address	SBL #	Area
951 E. Main Street	106.75-1-17	± 1.1 acres
935 E. Main Street	106.75-1-39	± 0.13 acres

Section 2. The funding shall be made contingent upon RLBC's commitment to convey the Properties to Circle Street Development LLC (the Developer), the Developer's entry into a consent order with the New York State Department of Environmental Conservation (NYSDEC) wherein the Developer will abate asbestos and demolish all structures on the Properties at its expense in order to give NYSDEC full access to perform NYSDEC's approved soil and groundwater cleanup, and such additional conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes – Councilmembers Clifford, Conklin, Haag, McFadden, Ortiz, Patterson, Spaul -7

Nays – None-0.

Vice President Miller abstained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Introductory No. 74
Re: Amendatory Agreement –
Stantec Consulting Services Inc.,
Ridgeway Avenue Transportation
Improvement Project

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation establishing \$360,000 as maximum compensation for an amendatory agreement with Stantec Consulting Services Inc., Rochester, New York, for additional construction phase design and resident project representation (RPR) services required for the Ridgeway Avenue Transportation Improvement Project. The original agreement was for \$998,000, as authorized on May 21, 2015 (Ord. No. 2015-129), which combined with the proposed amendatory agreement brings total maximum compensation to \$1,358,000. The term of the agreement is extended until June 2017, and the cost will be financed as follows:

FHWA (Ord. No. 2015-129)	\$ 285,601.73
Marchiselli Aid (Ord. No. 2015-129)	53,527.59
Debt (Ord. No. 2015-130)	<u>20,870.68</u>
TOTAL	\$360,000.00

The project will make improvements to Ridgeway Avenue from Ramona Street to Minder Street, and consist of installing new granite curb, new concrete sidewalks and new driveway aprons. Topsoil and seeding will be placed to restore areas impacted by construction. Drainage improvements include new catch basins and lateral connections. Street lighting improvements include new foundations, conduit, pullboxes, poles, luminaires and wiring. Traffic signal improvements at two locations will include new signal poles, controllers, conduit, pullboxes and traffic signal heads; pedestrian signals, loop wires and fiber optic inner-connect cable. A new 12" PVC water main will be installed from east of the CSX Railroad Crossing to Minder Street. New water mains will be installed within the limits of the work area on most of the side streets. Existing services and hydrants will be replaced throughout the project limits. A 16" ductile iron water main will also be replaced at the intersection of Ridgeway and Dewey Avenues.

Stantec Consulting Services will provide additional construction phase design and RPR services due to a project time extension, longer inspection duration, unforeseen conditions, additional overtime and design support.

Construction will begin in April 2017, with completion scheduled for June 2017. The project will result in the creation and/or retention of the equivalent of 3.9 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Introductory No. 74

Authorizing an amendatory agreement with Stantec Consulting Services Inc. for the Ridgeway Avenue Transportation Improvement 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 Stantec Consulting Services Inc. for additional construction phase design and resident

March 28, 2017

project representation services required for the Ridgeway Avenue Transportation Improvement Project. The amendatory agreement shall increase the maximum compensation for the agreement originally authorized in Ordinance No. 2015-129 by \$360,000 to a new total of \$1,358,000. The increase in compensation shall be funded by \$285,601.73 in Federal Highway Administration appropriations (Ordinance No. 2015-129), \$53,527.59 in Marchiselli Aid (Ordinance No. 2015-129), and \$20,870.68 in bonds (Ordinance No. 2015-130). The term of the amendatory agreement may extend until June 2017.

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

Section 3. This ordinance shall take effect immediately.

Held in committee

By Councilmember McFadden
March 28, 2017

To the Council:

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

Int. No. 77 Authorizing an agreement for a Police Protective Equipment Grant

Respectfully submitted,

Adam C. McFadden
Molly Clifford
Matt Haag
Dana K. Miller
Loretta C. Scott
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed, and published.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2017-76
 Agreement – New York State
 Division of Criminal Justice
 Services, Police Protective

March 28, 2017

Equipment Grant

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Criminal Justice Services for the receipt and use of \$282,180 from a Police Protective Equipment Grant.

This funding will allow the Rochester Police Department to purchase ballistic helmets and advanced ballistic vests, which are worn over the currently issued uniform and vest, to provide additional protection to our police officers in the event of an active shooter event. This grant is part of a statewide effort to enhance protective equipment for our officers when responding to critical incidents that are at an elevated risk level. Ten other police departments in Monroe County have also received this grant as part of this effort.

The term of this grant is January 1, 2017 through December 31, 2017. No matching funds are required.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2017-76
(Int. No. 77)

Authorizing an agreement for a Police Protective Equipment Grant

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services for receipt and use of funds in the amount of \$282,180 from a Police Protective Equipment Grant to purchase ballistic helmets and advanced ballistic vests. The term of the agreement shall be January 1, 2017 through December 31, 2017.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 7:56 p.m.

HAZEL L. WASHINGTON
City Clerk

March 28, 2017