

ROCHESTER CITY COUNCIL

REGULAR MEETING

May 23, 2017

Present – President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul –9.

Absent – None -0.

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

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

Recognition Ceremony

**Retirement:**

**DRYS:**

Carl Diliberto  
Joseph Diliberto

**RPD:**

\*David B. Blaho

\* *Did not attend meeting*

APPROVAL OF THE MINUTES

By Councilmember Patterson

RESOLVED, that the minutes of the Regular Meeting of April 25, 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:

Quarterly Report Schedule of Revenue and Expenditures - 4259-17

Quarterly Report Grant Administration – 3<sup>rd</sup> Quarter - 4260-17

Administrative Cancellation or Refund of Erroneous Taxes and Charges May 2017 - 4261-17

The Council submits Disclosure of Interest Forms from President Scott on Int. No. 99, Vice President Miller on Int. No. 97 and Int. No. 99 and Councilmember Haag on Int. No. 123 and Int. No. 124.

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

Councilmember Spauld presented 200 Signatures opposing Rochester Management/Cobbs Hill – 1737  
Councilmember Spauld presented 410 Signatures to ban Styrofoam - 1738

**INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS**

**TO THE COUNCIL**

Ladies and Gentlemen:

Resolution No. 2017-11  
Re: Home Rule Resolution - City Traffic  
Violations Agency

Transmitted herewith for your approval is a home rule resolution related to legislation that is currently being considered by the New York State Legislature. The legislation, Assembly Bill No. A. 1501-A and Senate Bill No. S. 6456, would authorize the establishment of a City Traffic Violations Agency (City Agency) to adjudicate traffic violations.

At present, traffic violations that occur in the City must go before a State Traffic Violations Bureau (State Bureau) within the Department of Motor Vehicles, while each town has jurisdiction over the traffic violations that occur within its boundaries. Town courts may accept plea bargains that allow for reducing a charged infraction to a lesser offense. However, State law prohibits the State Bureau from accepting pleas bargains.

This legal discrepancy presents an issue of substantial unfairness. Without the plea bargain option, City drivers face higher fines, higher points and, consequently, higher insurance premiums than those faced by drivers outside the City for the same infractions. The approval of a City Agency would eliminate that discrepancy by allowing the City to run its own traffic violations system freed of the State prohibition on plea bargains.

The creation of the City Agency would entail the hiring of judicial hearing officers and prosecutors to adjudicate tickets. However, the costs of hiring the necessary officers and employees, and of administering the system will be more than offset by the collection of the same administrative assessments that are presently charged by the State Bureau. For example, the City of Buffalo, which has been operating its traffic violations bureau since July 1, 2015, pursuant to similar State legislation, generates a net revenue increase of more than \$2 million annually for the city's budget.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Resolution No. 2017-11  
(Int. No. 179)

**Resolution for the purpose of a Home Rule Message regarding State legislation in relation to the adjudication of traffic infractions within the City of Rochester**

Concurring in the request by the Mayor of the City of Rochester to the Senate and the Assembly of the State of New York pursuant to Article IX of the New York State Constitution to enact into law certain legislation in relation to the adjudication of traffic infractions.

WHEREAS, the legislation above would be beneficial to the people of Rochester and the City of Rochester does not have the power to enact such legislation by local law.

BE IT RESOLVED, by the City Council of the City of Rochester that said Council concurs in the request of Lovely A. Warren, Mayor of the City of Rochester, to the Senate and the Assembly of the State of New York, constituting the New York State Legislature, that said Legislature enact the legislation set forth in the following bill entitled:

AN ACT to amend the vehicle and traffic law, the general municipal law, the state finance law, and the criminal procedure law, in relation to the adjudication of traffic infractions.

Being Senate Bill No. S. 6456 and Assembly Bill No. A.1501-A.

This resolution shall take effect immediately

Adopted unanimously.

REPORTS OF STANDING COMMITTEES  
AND ACTION THEREON

By Councilmember Conklin  
May 23, 2017

To the Council:

The Finance Committee recommends for Adoption the following entitled legislation:

- |              |  |
|--------------|--|
| Int. No. 144 | Cancellation of erroneous taxes and charges  |
| Int. No. 145 | Approving the apportionment of taxes and charges   |
| Int. No. 146 | Authorizing an amendatory professional services agreement for upgrading the 311 Call Center's Digital First Engagement Management system |
| Int. No. 148 | Authorizing competitive grant applications   |
| Int. No. 149 | Authorizing an agreement for receipt and use of the 2016-17 Poverty Action Lab Grant   |
| Int. No. 150 | Approving the commitment of reserve funds  |

- Int. No. 174 Approving certain matters and authorizing the execution and delivery of specified documents in conjunction with the 2017 Phase of the Rochester Joint Schools Construction Board Facilities Modernization Program
- Int. No. 176 Determining and certifying base proportions, current percentages, and base percentages for the 2017 Assessment Roll
- Int. No. 177 Determining and certifying adjusted base proportions, assessed value, and net changes in assessed value for the 2017 Assessment Roll
- Int. No. 178 Resolution amending the Rules of Council relating to Zoning, Official Map and Comprehensive Plan amendments.
- Int. No. 86 Authorizing an agreement for the 2017 Corn Hill Arts Festival
- Int. No. 87 Authorizing an agreement for the 2017 Park Ave Summer Art Fest
- Int. No. 88 Authorizing an agreement for the 2017 Puerto Rican Festival

The Finance Committee recommends for Consideration the following entitled legislation:

- Int. No. 147 Local Improvement Ordinance – Establishing the operating and maintenance costs of neighborhood commercial and residential parking areas

Respectfully submitted,

Carolee A. Conklin  
Molly Clifford  
Adam C. McFadden  
Dana K. Miller  
Loretta C. Scott

FINANCE COMMITTEE

Received, Filed and Published

Introductory No. 86 was introduced on April 6, 2017 and appears in its original form with its transmittal letter on page\_\_\_ of the current Council Proceedings

Ordinance No. 2017-116  
(Int. No. 86)

### **Authorizing an agreement for the 2017 Corn Hill Arts Festival**

Passed unanimously.

Introductory No. 87 was introduced on April 6, 2017 and appears in its original form with its transmittal letter on page\_\_\_ of the current Council Proceedings

Ordinance No. 2017-117  
(Int. No. 87)

**Authorizing an agreement for the 2017 Park Ave Summer Art Fest**

Passed unanimously.

Introductory No. 88 was introduced on April 6, 2017 and appears in its original form with its transmittal letter on page\_\_\_ of the current Council Proceedings

Ordinance No. 2017-118  
(Int. No. 88)

**Authorizing an agreement for the 2017 Puerto Rican Festival**

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-119  
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 \$13,118.

The owner of 33 Mead Street purchased the property on April 14, 2016 from a private foreclosure sale. The fines were issued to the former owner for exterior violations and were added to the 2017 tax bill. The City was unaware of the transfer of ownership because the deed wasn't filed until June 13, 2016. The current owner has de-converted the property to a single family dwelling which is now code compliant.

The property located at 294-296 Rosewood Terrace was purchased by a couple in October 2009. The property had been ticketed numerous times for code violations since the purchase all of which had been paid. The owners had started renovations but did not have the financial resources to complete the project, were ticketed several times from February 2014 through June 2014, and \$5,250 had been added to the tax bill. The husband had passed away in August 2014. Since that time, the City has provided whatever assistance possible, and the surviving spouse has completed the de-conversion to a single family. The only fine from 2014 that will remain is a \$300 ticket for high grass and weeds.

The owner of 692 Joseph Avenue purchased the property on December 14, 2015. However, the deed was not recorded until June 20, 2016. The prior owners had been ticketed numerous times from April 28 through November 12, 2015 for broken windows, grass-cutting, and board-up. The new owner was not aware of the pending charges and violations. The building is currently secure and the new owner has plans to rehabilitate the property.

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

	<u>Accounts</u>	
City Council	18	\$177,289.86
Administrative	<u>58</u>	<u>17,513.92</u>
Total	76	\$194,803.78

These cancellations represent 0.076% of the tax receivables as of July 1, 2016.

Respectfully submitted,  
 Lovely A. Warren  
 Mayor

Attachment No. AQ-78

Ordinance No. 2017-119  
 (Int. No. 144)

**Cancellation of erroneous taxes and charges**

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

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

- (A) The owner of 33 Mead Street purchased the property on April 14, 2016 from a private foreclosure sale. The fines were issued to the former owner for exterior violations and were added to the 2017 tax bill. The City was unaware of the transfer of ownership because the deed was not filed until June 13, 2016. The current owner has de-converted the property to a single family dwelling which is now code compliant.

<u>S.B.L. #</u>	<u>Class</u>	<u>Address</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>	<u>Subtotal</u>
106.30-2-16	H	33 Mead Street	2017	\$6,350.00	<b>\$6,350.00</b>

- (B) The property located at 294 Rosewood Terrace was purchased by a couple in October of 2009. The property had been ticketed numerous times for code violations since the purchase all of which had been paid. The owners had started renovations but did not have the financial resources to complete the project and were ticketed several times from February 2014 through June 2014 and \$5,250.00 had been added to the tax bill. The husband had passed away in August of 2014. Since that time the City has provided assistance and the surviving spouse has completed the de-conversion to a single family. The only fine from 2014 that will remain is a \$300 ticket for high grass and weeds.

<u>S.B.L. #</u>	<u>Class</u>	<u>Address</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>	<u>Subtotal</u>
107.46-2-16	H	294-296 Rosewood Ter	2016	\$4,950.00	<b>\$4,950.00</b>

- (C) The owner of 692 Joseph Avenue purchased the property on December 14, 2015. However, the deed was not recorded until June 20, 2016. The prior owners had been ticketed numerous times from 4/28/2015 through 11/12/2015

for broken windows; grass cutting and board up. The new owner was not aware of the pending charges and violations. The building is currently secure and the new owner has plans to rehabilitate the property.

<u>S.B.L. #</u>	<u>Class</u>	<u>Address</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>	<u>Subtotal</u>
106.23-3-41	N	692 Joseph Avenue	2017	\$1,818.00	<b>\$1,818.00</b>
<b>Grand Total</b>					<b>\$13,118.00</b>

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. 2017-120  
Re: Apportionment of Taxes and Charges  
Deficit Reduction and Long Term  
Financial Stability

Transmitted herewith for your approval is legislation authorizing the apportionment of taxes and charges for 54 properties. This apportionment has been certified by the Assessor and is authorized by 6-78 of the City Charter.

The apportionment consists of City School taxes and special district charges on properties subdivided or combined during fiscal year 2016-17. These taxes and charges, which total \$108,835.82, will be added to the new accounts established by the subdivisions or combinations of the former accounts.

If the proposed apportionment is approved, the taxes and charges will be added to the July 2017 tax bills of the new accounts. Owners of the subdivided or combined properties will be notified in writing of the potential charges in May 2017.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AQ-79

Ordinance No. 2017-120  
(Int. No. 145)

**Approving the apportionment of taxes and charges**

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

Section 1. The Council hereby approves the apportionment of taxes and charges upon various parcels of land as certified by the Assessor of the City of Rochester, pursuant to Section 6-78 of the Charter of the City of Rochester on April 17, 2017, in accordance with the list which is available in the Office of the City Clerk.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2017-120  
Re: Amendatory Agreement- Verint  
Americas Inc., Upgrade 311 Call  
Center Lagan V8 Environment

Transmitted herewith for your approval is legislation establishing \$179,050 as maximum compensation for an amendatory agreement with Verint Americas Inc., Alpharetta, Georgia, for additional services related to the 311 Call Center program. The original agreement for \$9,950 was executed in December 2016 for strategic consulting services to capture all business and functional requirements, cost and schedule to upgrade the Lagan environment to Verint Digital First Engagement Management (DFEM). The amendatory agreement of \$179,050 will be funded from \$29,050 of Prior Years' Cash Capital and \$150,000 of 2016-17 Cash Capital. The term of the agreement will be extended from December 31, 2017 to June 30, 2018.

This upgrade enhances the Knowledge Management System used by the 311 Call Center during interaction with callers by improving the search capabilities of the knowledge base. The consultant will replace the legacy Business Process Management tool, which is no longer supported, with enhanced core Verint DFEM functionality for process automation, and better map functionality and integration with the City's Enterprise Geographic Information System. It is anticipated these enhancements will result in increased staff performance, customer satisfaction and quality of service.

Lagan Technologies' government solution for Customer Relationship Management and Enterprise Case Management was implemented for the 311 Call Center program in 2008. The Lagan software was last upgraded in 2011. Lagan Technologies was acquired by Kana Software Inc. in 2010, and in February 2014, Verint Americas Inc. acquired Kana Software Inc. and rebranded their platform to "Verint Digital First Engagement Management".

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

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AQ-80

Ordinance No. 2017-121



(Int. No. 146)

**Authorizing an amendatory professional services agreement for upgrading the 311 Call Center's Digital First Engagement Management system**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Verint Americas Inc. to upgrade the 311 Call Center's Digital First Engagement Management system. The amendatory agreement shall increase the maximum compensation of the agreement originally executed in December 2016 by \$179,050 to a new total of \$189,000. Said amendatory amount shall be funded from Prior Years' Cash Capital in the amount of \$29,050 and from 2016-17 Cash Capital in the amount of \$150,000.

Section 2. The term of the amendatory agreement shall be extended to June 30, 2018.

Section 3. The amendatory 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:

Local Improvement Ordinance No. 1734  
Re: Special Assessment District  
Parking Lots

Council Priority: Jobs and  
Economic Development

Transmitted herewith for your approval is legislation authorizing special assessments for neighborhood commercial and residential parking lots and appropriating \$61,261 for the operation and maintenance of the parking lots during fiscal year 2017-18.

City Council first established special assessment district parking lots in 1979, with the Culver/Merchants, Monroe Avenue/Oxford Square Lot, North Street, Lyell Avenue and Woodside/Goodwill districts. A sixth lot was created in 2011-12 for Mt. Hope Avenue in the Collegetown Village District. Annual operating and maintenance costs of the areas are assessed against all properties within the district according to their respective parking space requirements.

The assessments reflect the cost of snow plowing, cleaning, landscaping, maintenance, lighting, and parking regulation enforcement. These services are provided by City personnel, or private companies under contract to the City, or by the property owners themselves. The total assessments required and total appropriation for 2017-18 is shown below.

<b>Lot Name</b>	<b>2017-18 Budget</b>	<b>2016-17 Budget</b>	<b>Variance</b>	<b>Reason</b>
Lyell Avenue	\$11,221	\$10,345	\$876	Increase in insurance rate

Monroe/Oxford	16,200	16,200	0	N/A
Woodside/Goodwill	13,360	11,660	1700.00	Increase in RG&E and beautification
Culver/Merchants	9,980	9,980	0	N/A
North Street	10,000	8,800	1,200.00	Increase in lot maintenance and repairs
Mt Hope	1,000	1,000	0	N/A
<b>Sub-total</b>	<b>\$61,761</b>	<b>\$57,985</b>	<b>\$3,776</b>	
<b>Rollover Untaxed</b>				
Monroe/Oxford	-500	0	-500	Prior year's carry over
<b>Total</b>	<b>\$61,261</b>	<b>\$57,985</b>	<b>\$3,276</b>	

A public hearing is required for these local improvements.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Local Improvement Ordinance No. 1734  
(Int. No. 147)

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

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

Section 1. The 2017-18 assessment for the operation and maintenance of the special assessment district parking lots listed below is \$61,261. The following amounts are hereby authorized and shall be allocated and levied against the properties benefited by the special assessment district parking lots as follows:

<b>Lot Name</b>	<b>Assessment</b>
Lyell Avenue	\$11,221
Monroe/Oxford	15,700
Woodside/Goodwill	13,360
Culver/Merchants	9,980
North Street	10,000
Mt Hope	1,000
<b>Total</b>	<b>\$61,261</b>

Section 2. This ordinance shall take effect on July 1, 2017.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-122

Re: Competitive Grant Applications –  
Fiscal Year 2017-18

Transmitted herewith for your approval is legislation authorizing certain competitive grant applications for the 2017-18 fiscal year. This legislation helps streamline the application process. Council has approved such grant applications annually since 2007.

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

Grant applications will continue to require individual Council endorsement when:

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

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2017-122  
(Int. No. 148)

### **Authorizing competitive grant applications**

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

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

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

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

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

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

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

Section 7. This ordinance shall be in effect for the 2017-18 fiscal year.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2017-123  
Re: Agreements – Catholic Family Center and  
the University of Notre Dame, 2016-19  
Abdul Latif Jameel Poverty Action  
Lab Grant, Phases I and II

Council Priority: Jobs and Economic  
Development

Transmitted herewith for your approval is legislation related to the 2016-19 Abdul Latif Jameel Poverty Action Lab (J-PAL) grant. This legislation will:

1. Authorize an agreement with the Catholic Family Center for the receipt and use of Phase I J-PAL grant funds in the amount of \$19,468.
2. Authorize an agreement with the University of Notre Dame's Wilson Sheehan Lab for Economic Opportunity (LEO) for the receipt and use of Phase II J-PAL grant funds totaling \$41,616 as follows: \$20,602 for the 2017-18 Budget of the Mayor's Office of Innovation and Strategic Initiatives (OISI), and \$21,014 for the 2018-19 Budget of OISI, contingent upon approval of the future budgets.

In partnership with the Rochester Monroe Anti-Poverty Initiative (RMAPI), the City of Rochester submitted a grant application in spring 2016 to J-PAL North America, an arm of the Massachusetts Institute of Technology (MIT), to their State and Local Initiatives Grant Program. This grant program supports the early stage development of randomized control trial evaluations of anti-poverty and human service programs, focused on rigorously documenting the impact of programs on key outcome measures. This type of evaluation is considered the gold standard within academic, governmental, and philanthropic circles.

The grant application focused on the evaluation design for RMAPI's Bridges to Success Program, previously titled the "Adult Mentor Program." The program pairs participants with a professional life coach, who helps them set and achieve their personal goals on a path towards economic self-sufficiency by connecting them to services to alleviate barriers. Catholic Family Center, selected by RMAPI as lead agency to administer the program, was designated as the direct recipient and fiduciary of the J-PAL grant funding. The \$100,000 grant was awarded in June 2016.

As part of the grant application, \$19,468 in grant funds were budgeted to reimburse the City for 20% of the 2016-17 fiscal year salary and fringe expenses of a staff person within the Mayor's Office of Innovation and Strategic Initiatives (OISI). This staff person currently provides data analysis and local evaluation support on the Bridges to Success project team.

The term of this grant and the proposed agreement is September 1, 2016 through December 31, 2017.

The Phase I grant helped secure academic partners at the Wilson Sheehan Lab for Economic Opportunity (LEO) at the University of Notre Dame. LEO has significant expertise in randomized control evaluations and ensures compliance with the highest academic and ethical standards. LEO submitted an application for J-PAL Phase II grant funding in February 2017 to support continued

research, data analysis, and evaluation of the Bridges to Success program, including staff time at LEO and with the City of Rochester OISI. The \$439,940 grant was awarded in April 2017. The Year 1 funding for the Phase II grant includes \$20,602 to reimburse the City for 20% of the 2017-18 fiscal year salary and fringe expenses of a staff person within OISI. Year 2 funding for the grant includes \$21,014 to reimburse the City for 20% of the 2018-19 fiscal year salary and fringe expenses of a staff person within OISI.

Throughout the term of this agreement, the designated staff person in OISI will provide continued data analysis support for the Bridges to Success program and work in collaboration with RMAPI and its partners, as well as the Lab for Economic Opportunity at the University of Notre Dame. The term of the Phase II grant and agreement with the University of Notre Dame will be from July 1, 2017 through June 30, 2019.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2017-123  
(Int. No. 149)

### **Authorizing an agreement for receipt and use of the 2016-17 Poverty Action Lab Grant**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Catholic Charities of the Diocese of Rochester (d/b/a Catholic Family Center) for the receipt and use of a Phase I 2016-19 Abdul Latif Jameel Poverty Action Lab (J-PAL) grant in the amount of \$19,468 to fund a portion of the salary and fringe benefits for a staff person to support the Bridges to Success Program. The term of the agreement shall be September 1, 2016 through December 31, 2017.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Wilson Sheehan Lab for Economic Opportunity at the University of Notre Dame for the receipt and use of a Phase II 2016-19 J-PAL grant in the amount of \$41,616 to fund a portion of the salary and fringe benefits for a staff person to support the Bridges to Success Program for two additional years. The term of the agreement shall be July 1, 2017 through June 30, 2019.

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. 2017-124  
Re: Committing Tax Relief and  
Retirement Reserves

Transmitted herewith for your approval is legislation authorizing the commitment of previously assigned funds for Property Tax Relief and Retirement Costs in accordance with Governmental Accounting Standards Board (GASB) Statement 54 *Fund Balance Reporting and Government Fund Type Definitions*.

At the beginning of fiscal year 2015-16, there were balances that remained assigned for Property Tax Relief \$1,319,100 and for Retirement Costs \$6,000,000. From the surplus available at the end of 2015-16, the Director of Finance, as authorized in the City Charter, assigned an additional \$4,019,100 to Property Tax Relief and \$4,500,000 to Retirement Costs. In order to change the classification from *assigned* to *committed*, City Council action is required. The commitment of these balances would bring the total General Fund Balance committed for Property Tax Relief to \$29,545,600 and for Retirement Costs to \$27,928,565. These balances are further reduced by the budgeted appropriations of fund balance for 2016-17 which are \$5,138,800 for Property Tax Relief and \$4,500,000 for Retirement Costs.

The committed fund balance classification includes amounts that can be used only for the specific purposes determined by the action of City Council. Specifically, funds committed for Property Tax Relief (formerly the Tax Relief Reserve) can only be used to address future projected budget deficits; and funds committed to Retirement Costs (formerly the Retirement Reserve) will be used to manage future retirement costs.

These additional funds are available as a result of favorable 2014-15 and 2015-16 year-end variances attributable to vacancy savings, motor equipment savings, unanticipated revenue including sale of property and excess foreclosure proceeds, and the cancellation of unspent prior year encumbrances.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2017-124  
(Int. No. 150)

### **Approving the commitment of reserve funds**

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

Section 1. The Council hereby approves the commitment of \$5,339,000 for the purpose of tax relief to assist in addressing future projected budget deficits. The Council hereby further approves the commitment of \$10,500,000 for the purpose of retirement to assist in managing future retirement costs

Section 2. The funds to be committed shall be funded from the surpluses available from the 2014-15 and 2015-16 Budgets, said funds having previously been assigned to the purpose of tax relief and to the purpose of retirement by the Director of Finance pursuant to the authority provided by the City Charter.

Section 3. This ordinance shall take effect immediately..

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-125  
Re: COMIDA Bonding – 2017 Rochester Schools  
Modernization Program

Transmitted herewith for your approval is legislation authorizing the lease and leaseback of certain school parcels and buildings and other approvals necessary for the issuance of bonds by the County of Monroe Industrial Development Agency (COMIDA) in the maximum amount of \$150 million to finance a portion the Phase II Projects of the Rochester Schools Modernization Program (RSMP) including preliminary engineering and design work, program management services, Phase II construction, and related and ancillary costs pertaining to Phase II projects.

The Rochester Joint Schools Construction Board (RJSCB) was created by the “Rochester School Facilities Modernization Program Act” (Chapter 416 of the Laws of 2007, as amended by Chapter 533 of the Laws of 2014) (the “Act”). Pursuant to the Act, the RJSCB is authorized to manage the design, reconstruction, or rehabilitation of existing school buildings for their continued use as schools of the School District and to create and coordinate efforts to enable compliance with, and monitor and report on, a program-wide diversity plan for the RSMP. The legislation provided for a maximum cost and bond authorization of up to \$325 million for Phase I of the project.

Legislation for Phase II of the RSMP was signed into law by the Governor of the State of New York on December 17, 2014. The total cost authorized for Phase II projects is a maximum of \$435 million.

The RJSCB, School District, and City have entered into a Cooperative Agreement dated February 22, 2010, and amended on August 4, 2016 (the “Cooperative Agreement”), in order to clarify the agency arrangement and delegation of authority among the School District, City, and RJSCB, as well as their respective obligations and expectations to achieve the objectives of the Act.

In June 2012, COMIDA issued the “Series 2012 Bonds” for the RSMP in the amount of \$124,100,000. That amount was used to finance the design and related costs of Phase 1A of the RSMP, which includes the rehabilitation of 12 schools and a district wide technology program (the “Series 2012 Project”).

In June 2013, COMIDA issued its \$103,055,000 School Facility Revenue Bonds (RSMP), Series 2013 (the “Series 2013 Bonds”), the proceeds of which were applied to (i) development and other costs incurred in connection with Phase 1A of the Program which were not financed from the proceeds of the Series 2012 Bonds; (ii) development and other costs incurred in connection with Phase 1B of the Program; and (iii) planning and design costs incurred in connection with Phase 1C of the Program (collectively, the “Series 2013 Project”).

In February 2015, COMIDA issued its \$44,225,000 School Facility Revenue Bonds (RSMP), Series 2015 (the “Series 2015 Bonds”), the proceeds of which were applied to (i) finance costs incurred in connection with Phase 1C of the Program which were not financed from the proceeds of the Series 2013 Bonds, and (ii) additional Phase I Projects or portions thereof which were eligible under the Act and which were part of the Program (collectively, the “Series 2015 Project”).

The Phase II Master Plan was completed and adopted by the School District on March 24, 2016 and by the RJSCB on April 4, 2016; it provides for 13 schools to be modernized and includes the District Wide Technology project.

The \$150 million bonds will finance costs incurred and to be incurred in connection with the development and other costs of Phase II of the Program, the rehabilitation of the following 13 existing schools and District Wide Technology for said schools:

1. James Monroe High School, 164 Alexander Street;
2. East High School, 1801 East Main Street;
3. Edison Technology Campus, 655 Colfax Street;
4. Freddie Thomas Learning Center, 625 Scio Street;
5. School Without Walls Commencement Academy, 480 Broadway Street;
6. Martin B. Anderson School No. 1, 85 Hillside Avenue;
7. Clara Barton School No. 2, 190 Reynolds Street;
8. George Mather Forbes School No. 4, 198 Dr. Samuel McCree Way;
9. 595 Upper Falls Boulevard (temporary swing space for School No. 15);
10. Virgil I. Grissom School No. 7, 31 Bryan Street;
11. Dr. Walter Cooper Academy No. 10, 353 Congress Avenue;
12. John Walton Spencer School No.16, 321 Post Avenue; and
13. The Flower City School No. 54, 36 Otis Street.

The School District has requested COMIDA to issue its School Facility Revenue Bonds (RSMP), Series 2017 (the "Series 2017 Bonds") in the maximum principal amount of \$150,000,000. The proceeds of the Series 2017 Bonds are also expected to finance the repayment of the principal of and a portion of the interest due on the \$32,000,000 Bond Anticipation Notes (BANs), 2017 Series I, issued by the City to provide short-term financing for Phase II of the Program, fund capitalized interest for the Series 2017 Bonds, and finance the cost of issuance of the Series 2017 Bonds. The BANs will mature August 4, 2017. COMIDA financing requires the City to enter a lease/leaseback with COMIDA for the schools. City approval is required because the City is the owner of the school properties.

The ordinance shall be contingent, as evidenced by the written advice of Corporation Counsel, upon approval of the bonding by the Office of the State Comptroller; the Amended and Restated Sublease by the School District and RJSCB; and COMIDA approval of the bonds and lease/leaseback arrangement.

Attached with this transmittal is Resolution No. 2016-17 of the School District Board of Education and Certified Resolution 2016-17:209 of the Rochester Joint Schools Construction Board, approving the lease/leaseback arrangement and financing.

All costs related to the COMIDA bonds, including issue costs and interest, as well as repayment of the bonds, will be the responsibility of the School District pursuant to the Agreement between the City, District and RJSCB for the RSMP.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AQ-81

Ordinance No. 2017-125  
(Int. No. 174)

**Approving certain matters and authorizing the execution and delivery of specified documents in conjunction with the 2017 Phase of the Rochester Joint Schools Construction Board Facilities Modernization Program**



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") has cooperated with the Rochester City School District (the "School District") and the Rochester Joint Schools Construction Board (the "RJSCB") in furtherance of the School District's Facilities Modernization Program.

Section 2. The RJSCB was created by the "Rochester School Facilities Modernization Program Act" (Chapter 416 of the Laws of 2007, as amended by Chapter 533 of the Laws of 2014) (the "Act"). Pursuant to the Act, the RJSCB is authorized to manage the design, reconstruction, or rehabilitation of existing school buildings for their continued use as schools of the School District (the "Facilities Modernization Program" or "Program"), and to create, coordinate efforts to enable compliance with, and monitor and report on, a program-wide diversity plan for the Program. The RJSCB, the School District and the City have entered into a Cooperative Agreement dated as of February 22, 2010, and amended as of August 4, 2016 (the "Cooperative Agreement"), in order to clarify the agency arrangement and delegation of authority among the School District, the City and the RJSCB, as well as their respective obligations and expectations to achieve the objectives of the Act.

Section 3. On June 20, 2012, the County of Monroe Industrial Development Agency ("COMIDA") issued its \$124,100,000 School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2012 (the "Series 2012 Bonds"), the proceeds of which were applied to development and other costs incurred in connection with Phase 1A of the Program, the rehabilitation of twelve (12) existing School District schools, as well as a district wide technology program (collectively, the "Series 2012 Project").

Section 4. On June 1, 2013, COMIDA issued its \$103,055,000 School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2013 (the "Series 2013 Bonds"), the proceeds of which were applied to (i) development and other costs incurred in connection with Phase 1A of the Program which were not financed from the proceeds of the Series 2012 Bonds; (ii) development and other costs incurred in connection with Phase 1B of the Program; and (iii) planning and design costs incurred in connection with Phase 1C of the Program (collectively, the "Series 2013 Project").

Section 5. On February 5, 2015, COMIDA issued its \$44,225,000 School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2015 (the "Series 2015 Bonds"), the proceeds of which were applied to (i) finance costs incurred in connection with Phase 1C of the Program which were not financed from the proceeds of the Series 2013 Bonds, and (ii) additional Phase I Projects or portions thereof which were eligible under the Act and which were part of the Program (collectively, the "Series 2015 Project").

Section 6. The School District now proposes to finance costs incurred and to be incurred in connection with the development and other costs of Phase II of the Program, the rehabilitation of the following thirteen (13) existing School District schools:

1. James Monroe High School, 164 Alexander Street;
2. East High School, 1801 East Main Street;
3. Edison Technology Campus, 655 Colfax Street;
4. Freddie Thomas Learning Center, 625 Scio Street;
5. School Without Walls Commencement Academy, 480 Broadway Street;
6. Martin B. Anderson School No. 1, 85 Hillside Avenue;
7. Clara Barton School No. 2, 190 Reynolds Street;

8. George Mather Forbes School No. 4, 198 Dr. Samuel McCree Way;
9. 595 Upper Falls Boulevard (temporary swing space for School No. 15);
10. Virgil I. Grissom School No. 7, 31 Bryan Street;
11. Dr. Walter Cooper Academy No. 10, 353 Congress Avenue;
12. John Walton Spencer School No.16, 321 Post Avenue; and
13. The Flower City School No. 54, 36 Otis Street.

Therefore, the School District has requested COMIDA to issue its School Facility Revenue Bonds (Rochester Schools Modernization Project), Series 2017 (the "Series 2017 Bonds") in the maximum principal amount of \$150,000,000. The proceeds of the Series 2017 Bonds are also expected to finance the repayment of the principal of and a portion of the interest due on the \$32,000,000 Bond Anticipation Notes, 2017 Series I, issued by the City to provide short-term financing for Phase II of the Program, fund capitalized interest for the Series 2017 Bonds, and finance the cost of issuance of the Series 2017 Bonds.

Section 7. The Director of Finance is hereby authorized and directed to enter into an Amended and Restated Sublease Agreement, a copy of which was also submitted herewith, an Amended and Restated State Aid Trust Agreement and all other ancillary documents necessary and appropriate to effect issuance of the Series 2017 Bonds, all in form and substance to be approved by the City's Corporation Counsel.

Section 8. The Director of Finance and Corporation Counsel are hereby authorized and instructed to comply and evidence compliance with all requirements of the Act necessary and appropriate to ensure that the Series 2017 Bonds are issued in accordance with the New York Local Finance Law and the Act and that the interest payable on the Series 2017 Bonds is the lowest possible rate obtainable under current market conditions.

Section 9. This ordinance shall be contingent, as evidenced by the written advice of Corporation Counsel, upon approval of the bonding and the Amended and Restated Sublease by the School District and RJSCB.

Section 10. This ordinance shall take effect immediately..

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2017-126

Ordinance No. 2017-127

Re: Tax Apportionment Assessment  
Classes – Tax Shift

Council Priority: Deficit Reduction and Long Term Financial Stability

Transmitted herewith for your approval is legislation certifying certain calculations related to the apportionment of property taxes between the homestead and non-homestead assessment

classifications. Such certification is required by Article 19 of the New York State Real Property Tax Law.

The certification involves the determination of the “base proportion.” In general, the base proportion for each class represents the share of the property tax levy to be allocated to that class. This determination process involves two computations. The first is the calculation of the current base proportions using 1989 and 2016 data. The second is the calculation of the adjusted base proportions using 2016 and 2017 data. Both calculations are attached.

The current base proportions, as calculated by the formula specified by Article 19, are as follows:

Homestead:	.4006098
Non-Homestead:	<u>.5993902</u>
Total:	1.0000000

In comparison, the new adjusted base proportions are as follows:

Homestead:	.3993527
Non-Homestead:	<u>.6006473</u>
Total:	1.0000000

The new proportions result in the following shifts in the share of the tax levy allocated to each class:

Homestead:	-4.49%
Non-Homestead:	+3.23%

These calculations have been reviewed by the New York State Office of Real Property Tax Services.

The actual tax burden is also determined by the tax levy and final assessment changes. These figures will be detailed in the proposed budget to be released on May 19, 2017.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AQ-82

Ordinance No. 2017-126  
(Int. No. 176)

**Determining and certifying base proportions, current percentages, and base percentages for the 2017 Assessment Roll**

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

Section 1. Under Section 1903 of the Real Property Tax Law, the Council determines the current base proportions, current percentages, and base percentages for the City’s 2017 assessment roll as follows:

	<b>Homestead Class</b>	<b>Non-Homestead Class</b>
Current base proportions	40.06098%	59.93902%

Current percentage	58.50300%	41.49700%
Base percentage	52.03550%	47.96450%

Section 2. The City Clerk is hereby directed to certify the figures set forth above to the New York State Department of Taxation and Finance, Office of Real Property Tax Services.

Section 3. This ordinance shall take effect immediately..  
Passed unanimously.

Ordinance No. 2017-127  
(Int. No. 177)

**Determining and certifying adjusted base proportions, assessed value, and net changes in assessed value for the 2017 Assessment Roll**

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

Section 1. Under Section 1903 of the Real Property Tax Law, the Council determines the adjusted base proportions, assessed value, and net change in assessed value for the City's 2017 assessment roll as follows:

	<b>Homestead Class</b>	<b>Non-Homestead Class</b>
Adjusted base proportion	.3993527	.6006473
Taxable assessed value	3,794,180,067	2,655,444,097
Net change in assessed value from 2016 resulting from physical and quantity changes	+565,600	-20,573,000
Net change in assessed value from 2016 resulting from other than physical and quantity changes	-1,326,750	-10,615,929

Section 2. The City Clerk is hereby directed to certify the figures set forth above to the New York State Department of Taxation and Finance, Office of Real Property Tax Services.

Section 3. This ordinance shall take effect immediately..

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Resolution No. 2017-12  
Re: Resolution – Amending the  
Rules of Council

Transmitted herewith for your approval is a resolution to amend the Rules of Council in relation to Zoning, Official Map and Comprehensive Plan amendments.

This resolution would give standing Council Committees the ability, through a majority vote, to refer a piece of legislation to the Zoning Director for the Planning Commission's review. The Planning Commission would be asked to make recommendations on any proposed changes in the legislation.

The Council has the ability to introduce amendments to the Zoning text, Official Map and Comprehensive Plan; this resolution creates a streamlined process for doing this. It should be noted that even with the passage of this resolution, the Planning Commission review and recommendation would still take place prior to the Council vote.

Respectfully submitted,  
Loretta C. Scott  
President

Michael A. Patterson  
Northeast District Member

Resolution No. 2017-12  
(Int. No. 178)

**Resolution amending the Rules of Council relating to Zoning, Official Map and Comprehensive Plan amendments**

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

Section 1. The Council hereby amends the Rules of Council as adopted in Resolution No. 2016-4, by inserting the following provision as the last paragraph of Section XVIII for Meetings and Procedures of Standing Committees:

In order to effectuate the provision of Section 120-190(C)(3)(a) of Chapter 120 of the Municipal Code, Zoning Code, that authorizes the City Council to initiate a proposal to amend the Zoning Code text, the Zoning Map, the Official Map or the Comprehensive Plan (collectively, a Proposal), any member of the Council may introduce a proposed ordinance. The Neighborhood & Community Development (NCD) Committee shall be authorized, upon approval of a motion by a majority vote, to submit a Proposal to the Director of Planning and Zoning (Director) for review by the Planning Commission in accordance with Zoning Code §120-190(C)(3)(c) on behalf of the Council without first discharging the Proposal to the Council. If the NCD Committee fails or refuses to refer a Proposal to the Director, the Council may refer the Proposal to the Director on a motion duly seconded by the affirmative vote of a majority of the Council. After the Planning Commission completes its review of a Proposal and transmits its recommendation to the City Clerk for Council action, the Proposal and the Planning Commission's recommendation shall be forwarded to the NCD for review and discharge to the Council in the normal course as prescribed elsewhere in these rules and subject to the timely action, right of objection of affected and adjoining property owners, public hearing and notice requirements set forth in Zoning Code §120-190(C)(3)(d).

Section 2. This resolution shall take effect immediately.

Underlining indicates new text.

Adopted by the following vote:

Ayes – President Scott, Councilmembers Clifford, Conklin, McFadden, Miller, Ortiz, Patterson, Spaul -8

Nays –Councilmember Haag - 1

By Vice President Miller  
May 23, 2017

To the Council:

The Business & Economic Development Committee recommends for Adoption the following entitled legislation:

Int. No. 151            Authorizing a lease agreement for a portion of the former subway bed

Respectfully submitted,

Dana K. Miller  
Michael A. Patterson  
Elaine M. Spaul  
Loretta C. Scott  
BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Received Filed and Published

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-128  
Re:     Renewal of Lease Agreement-  
        A Portion of the Former Subway Bed

Council Priority: Creating and  
Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation authorizing an exercise of the renewal option in a lease agreement between the City and American Packaging Corporation which will allow for the continued use of a portion (39,200 sq. ft.) of the premises known as the former subway bed, located behind the property of American Packaging Corporation at 777 Driving Park Avenue. The original lease, which was approved via Ordinance No. 2012-181, expired on March 31, 2017, and allows for one, five-year renewal option.

American Packaging Corporation has leased this area for more than twenty years rather than purchase it from the City because of liability related to environmental concerns at the subway bed.

An independent appraisal prepared by Kevin L. Bruckner, MAI on March 2, 2017 determined that \$810 is the appropriate annual rental amount for the property.

Respectfully submitted,  
Lovely A. Warren

Mayor

Ordinance No. 2017-128  
(Int. No. 151)

**Authorizing a lease agreement for a portion of the former subway bed**

WHEREAS, its lease agreement with the City gives American Packaging Corporation an option to renew for an additional term of 5 years its lease of an approximately 39,200 square foot portion of real property (SBL #090.80-2-2) located within the City-owned former subway bed and adjacent to 777 Driving Park Avenue (the Property);

WHEREAS, an independent appraisal prepared by Kevin L. Bruckner, MAI on March 2, 2017 determined that the rental of the Property has a fair market value of \$810 per year;

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

WHEREAS, the Council hereby finds that the term of the lease is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the lease.

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

Section 1. The Mayor is hereby authorized to enter into an agreement with American Packaging Corporation for the continued lease of the Property for a term of 5 years, commencing on April 1, 2017. The agreement shall obligate American Packaging Corporation to pay annual rent in the amount of \$810.

Section 2. In accordance with Section 21-23D of the Municipal Code, the agreement shall authorize the City's Director of Real Estate to conduct periodic reviews and to terminate the lease in the event there is a substantial change in the use and intent of the leasehold or in the business to which the lease relates. 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.  
By Councilmember Ortiz  
May 23, 2017

To the Council:

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

Int. No. 152      Authorizing the sale of real estate

Int. No. 153      Authorizing an amendatory agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. regarding the update of the City's Comprehensive Plan

Int. No. 154          Amending Ordinance No. 2016-102 with respect to the Lead Hazard Control Grant Program

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

Int. No. 100          Local Improvement Ordinance – authorizing special work and services related to the South Avenue/Alexander Street Open Space District

Respectfully submitted,

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

Received, filed and published.

Introductory No. 100 was introduced on April 6, 2017 and appears in its original form with its transmittal letter on page\_\_\_ of the current Council Proceedings

Attachment No. AQ-83

Local Improvement Ordinance No. 1735  
(Int. No. 100)

**Local Improvement Ordinance - authorizing special work and services related to the South Avenue/Alexander Street Open Space District**

Passed unanimously.  
TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-129  
Re:     Sale of Real Estate

Council Priority: Rebuilding and  
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation approving the sale of four 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 three properties are vacant lots sold by negotiated sales to the adjacent owners. The purchasers will combine the lot with their existing properties and utilize it as green space.

The fourth property is a buildable vacant lot sold by negotiated sale to Habitat for Humanity, Inc., who will construct a single family home on the lot which will be offered for sale to owner occupant, first time home buyers who meet income requirements.

The first year projected tax revenue for these four properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$1,815.

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-84

Ordinance No. 2017-129  
(Int. No. 152)

### **Authorizing the sale of real estate**

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

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

<b>Address</b>	<b>SBL#</b>	<b>Lot Size</b>	<b>Sq.Ft.</b>	<b>Price</b>	<b>Purchaser</b>
428 Ave A	106.22-3-25	44 x 100	4505	425	Carlos Dominguez
138 Indiana St	107.80-1-43	40 x 145	5800	450	Jeffrey P. & Mary Woodruff
27 McGuckin St	120.30-1-17	50 x 125	6250	475	Ahmed M. Ali Saleh
874 Smith St	105.74-2-40	42 x 196	8139	525	Flower City Habitat for Humanity

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

Section 3. This ordinance shall take effect immediately..

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-130

Re: Amendatory Agreement – Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., Comprehensive Plan Update Project

Council Priority: Rebuilding and Strengthening Neighborhood and Housing

Transmitted herewith for your approval is legislation establishing \$50,000 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 planning, public outreach and document preparation services regarding the update of the City's Comprehensive Plan titled "Rochester 4.0". The amendatory agreement will increase maximum compensation by \$50,000 for a total of \$150,000. The cost will be funded from the 2014-15 Community Development Block Grant, Community Planning and Leadership Development Allocation of the Neighborhood and Asset Planning Fund, and the term will be extended for one year through June 30, 2018.

Rochester 4.0 has been underway since July 2015. As part of Phase I of the plan update process, Bergmann Associates was hired to assist the City with public outreach, meeting facilitation, data research and analysis, and peer city reviews (Ord. No. 2015-88). Phase II of the project will begin in July 2017 and will include additional public meetings and outreach to review and discuss the five Planning Area Reports (PARs), development of a draft and final plan document based on the information and data presented in the five PARs, and final review and approval by the Mayor's Advisory Council and City Council. Bergmann Associates will assist the City during Phase II with public outreach, meeting facilitation and writing, graphic and mapping work associated with production of the draft, and final plan documents.

The Rochester 4.0 Comprehensive Plan Update is expected to be completed and submitted to City Council for approval in spring 2018.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2017-130  
(Int. No. 153)

**Authorizing an amendatory agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. regarding the update of the City's Comprehensive Plan**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for additional planning, public outreach and document preparation services regarding the update of the City's Comprehensive Plan ("Rochester 4.0"). The amendatory agreement shall increase the maximum compensation of the agreement originally authorized in Ordinance No. 2015-88 by \$50,000 to a new total of \$150,000. Said amendatory amount shall be funded from the Leadership Development allocation of the Neighborhood and Asset-Based Planning Fund of the 2014-15 Community Development Block Grant. The term of the agreement shall extend through June 30, 2018.

Section 2. Said 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 by the following vote.

Ayes – President Scott, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul-8

Nays – Councilmember Clifford - 1

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2017-131  
Re: Amending Ordinance No. 2016-102 –  
2016 Lead Hazard Control Grant  
Program, Extending Agreements

Council Priority: Rebuilding and  
Strengthening Neighborhood Housing

Transmitted herewith for your approval is legislation amending Ordinance No. 2016-102 to extend the term of agreements for lead hazard control services with Environmental Education Associates (EEA), Environmental, Testing & Consulting Inc. (ETC), and UNYSE Environmental Consultants (UNYSE).

EEA is under contract with the City to provide contractor training services for lead hazard control. The agreement expired on April 14, 2017. This legislation will extend the term of the agreement by two years.

ETC and UNYSE are under contract with the City to provide lead hazard evaluation services for the Lead Hazard Control Program. The agreements will expire on May 30, 2017. This legislation will extend the agreements by two years. Extending these agreements enables the continued work of the City's Lead Hazard Control Program.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2017-131  
(Int. No. 154)

**Amending Ordinance No. 2016-102 with respect to the Lead Hazard Control Grant Program**

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

Section 1. Sections 2, 3 and 4 of Ordinance No. 2016-102 are hereby amended to read in their entirety as follows:

Section 2. The Mayor is hereby authorized to enter into professional services agreements between the City and the following consultants for Program services to be funded from the appropriation made in Section 1.a:

- a. PathStone Corporation, 400 East Avenue, Rochester, NY 14607, for application intake in a maximum amount not to exceed \$42,000.
- b. Action for a Better Community, Incorporated, 550 East Main St., Rochester, NY 14604, for application intake in a maximum amount not to exceed \$44,957.
- c. Environmental Education Associates, Inc., 346 Austin St., Buffalo, NY 14207, for training of lead abatement contractors in a maximum amount not to exceed \$98,400.
- d. The Housing Council at PathStone, Inc., 75 College Avenue, Rochester, NY 14607, for lead hazard outreach and education in a maximum amount not to exceed \$39,340.

Section 3. The Mayor is hereby authorized to enter into professional services agreements between the City and the following consultants for lead hazard evaluation services in an aggregate amount not to exceed \$185,000 to be funded from the appropriation made in Section 1.a:

- a. Environmental, Testing & Consulting Inc., PO Box 466, Batavia, NY 14021.
- b. Neighborhood Housing Services of Rochester, Inc. d/b/a NeighborWorks Rochester, 570 South Main St., Rochester, NY 14620.
- c. UNYSE Environmental Consultants, 346 Austin St, Buffalo, NY 14207.

Section 4. The term of each agreement authorized herein shall be one year, except that the term for the agreements authorized under Sections 2.c, 3.a and 3.c herein shall be two years.

Section 2. This ordinance shall take effect immediately..

Underlining indicates new text.

Passed unanimously.

By Councilmember Haag  
May 23, 2017

To the Council:

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

Int. No. 155

Authorizing agreements for structural engineering services at various facilities

- Int. No. 156      Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$245,000 Bonds of said City to finance replacement of the roof and timbers for the 2017 Tay House Lodge Roof and Timber Repairs Project
- Int. No. 157      Authorizing an amendatory agreement related to the Center City Two-Way Conversion Project Phase II
- Int. No. 158      Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$58,000 Bonds of said City to finance certain additional costs of the Center City Two-Way Conversion Project Phase II
- Int. No. 159      Appropriating funds and authorizing an agreement related to the Erie Harbor Enhancements Phase II- Design Project
- Int. No. 160      Authorizing receipt and use of grant funds and authorizing agreements for the Brownfields Cleanup Revolving Loan Fund Program
- Int. No. 161      Resolution endorsing the Rochester Climate Action Plan
- Int. No. 162      Authorizing an agreement for the design and management of the Green Infrastructure Gateway Project at the Rochester Museum & Science Center
- Int. No. 163      Authorizing an agreement for the disposal of non-hazardous special solid waste
- Int. No. 164      Authorizing a grant agreement and appropriating funds related to the purchase of plug-in electric vehicles
- Int. No. 165      Amending Chapter 104 of the Municipal Code
- Int. No. 167      Amending the 2016-17 Budget and funding the Edgerton R-Center Stardust Ballroom shingle roof replacement

The following entitled legislation is being held in committee:

- Int. No. 166      Authorizing an agreement to allow the placement of cellular wireless communications equipment on City-owned street light poles

Respectfully submitted,

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. 2017-132  
Re: Agreements– Structural  
Engineering Services

Transmitted herewith for your approval is legislation authorizing agreements with the following companies for the provision of various services related to structural engineering:

<u>Company</u>	<u>Address</u>
Jensen/BRV Engineering, PLLC	1653 East Main Street, Rochester, 14609
LaBella Associates, P.C.	300 State Street, Suite 201, Rochester, 14614
MRB Group, Engineering, Architecture & Surveying, D.P.C.	The Culver Road Armory, 145 Culver Road, Suite 160, Rochester, 14620
Ravi Engineering and Land Surveying, P.C.	189 North Water Street, Suite 600, Rochester, 14604
Stantec Consulting Services, Inc.	61 Commercial Street, Suite 100, Rochester, 14614
T.Y. Lin International Engineering, Architecture & Land Surveying, P.C.	255 East Avenue, Rochester, 14604

The agreements will be financed from the annual budgets of the Department of Environmental Services and, if necessary, the departments using the services or from capital funds appropriated for specific projects. The agreements will have a term of three years and the cost for structural engineering services will be provided at specified unit prices.

Similar agreements for structural engineering services have been in place since 2005. These services include: structural investigations of existing facilities as requested by the City, preparing contract documents for contracted maintenance work, and providing resident project representation and inspection of that work during construction, and reviewing designs for specific construction projects.

The companies listed above were selected for structural engineering services through a request for proposals process, which is described in the attached summary. Engagement of a company will be based on project specific proposals, type of services required, and the ability to perform the services within the time specified by the City.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AQ-85

Ordinance No. 2017-132  
(Int. No. 155)

### **Authorizing agreements for structural engineering services at various facilities**

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 structural engineering services for construction and renovation of City facilities:

<b>Company</b>	<b>Address</b>
Jensen/BRV Engineering, PLLC	1653 East Main Street
LaBella Associates, D.P.C.	300 State Street, Suite 201
MRB Group Engineering, Architecture & Surveying, D.P.C.	The Culver Road Armory, 145 Culver Road, Suite 160
Ravi Engineering and Land Surveying, P.C.	189 North Water Street, Suite 600
Stantec Consulting Services Inc.	61 Commercial Street, Suite 100
T.Y. Lin International Engineering, Architecture & Land Surveying, P.C.	255 East Avenue

Section 2. The agreements shall extend for a term of three years, and shall obligate the City to pay based on unit prices in an amount not to exceed the amount budgeted for each project, which shall be funded from the annual budget of the Department of Environmental Services or of the department which requests each project or from project capital budget appropriations. Unit prices may only be changed with the approval of the City Engineer.

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. 2017-133  
Re: Bond Authorization – Tay House Lodge,  
Roof and Timber Repairs Project

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$245,000, and the appropriation of the proceeds thereof, to finance the Tay House Lodge Roof and Timber Repairs project.

The project includes roof and gutter replacement, structural repairs, and replacement of deteriorated timber siding. Construction is anticipated to begin in fall 2017 with scheduled completion in spring 2018. The additional project funding will result in the creation and/or retention of the equivalent of 2.7 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2017-133  
(Int. No. 156)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$245,000 Bonds of said City to finance replacement of the roof and timbers for the 2017 Tay House Lodge Roof and Timber Repairs Project**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of replacing the roof and gutters and deteriorated timbers for the 2017 Tay House Lodge Roof and Timber Repairs Project in the City's Cobbs Hill Park, 85 Hillside Avenue (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 \$245,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$245,000 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 \$245,000 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 \$245,000. 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. 11(c) of the Law, is fifteen (15) years.

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

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



bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

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

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

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

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-134  
Ordinance No. 2017-135  
Re: Center City Two-Way Conversion  
Project Phase II

Transmitted herewith for your approval is legislation related to the Center City Two-Way Conversion Project Phase II as follows:

1. Authorize the issuance of bonds totaling \$58,000 and the appropriation of the proceeds thereof to partially finance the street portion of the Project;
2. Establish \$27,000 as maximum compensation for an amendatory agreement with LaBella Associates, D.P.C., Rochester, New York, for design services for the project.

The Center City Two-Way Conversion Project Phase II will address South Clinton Avenue and the portion of Broad Street from South Clinton Avenue to Stone Street. Work on South Clinton Avenue will include milling and resurfacing of the pavement; spot curb replacements; repair; adjustment and repair of manholes, receiving basins, and water valve castings; replacement of traffic markings; and new traffic signs, as necessary.

Broad Street (from South Clinton Avenue to Stone Street), currently one-way west bound, will be converted to two-way traffic. Associated work will include: milling and resurfacing of the pavement from South Clinton Avenue to South Avenue; curblin modifications; installation of traffic signal poles and modifications to existing traffic signal equipment; adjustment and repair of manholes,

receiving basins, and water valve castings as necessary for the milling and resurfacing; replacement of traffic markings; and new traffic signs, as necessary.

The project was designed by LaBella Associates, D.P.C., as authorized in January 2014 (Ord. No. 2014-15). The additional services will pay for additional design for construction work added to the bid plans and for the re-biddings of the project. The amendment will increase maximum compensation by \$27,000 for a total of \$127,000. The term of the agreement is six months after completion and acceptance of the project. The cost of the agreement will be financed from the proposed street bond.

Bids for construction were received on April 13, 2017. The apparent low bid of \$1,030,857.28 was submitted by Concrete Applied Technologies Corp. (CATCO) which is 2% more than the engineer's estimate. An additional \$23,876 will be allocated for project contingencies.

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

<u>Source</u>	<u>Construction</u>	<u>Contingency</u>	<u>Amend. Agree. &amp; Precon. Costs</u>	<u>RPR</u>	<u>Total</u>
FHWA (Ord. No. 2016-206)	\$ 474,386		\$ 25,731	\$ 82,283	\$ 582,400
NYS (Ord. No. 2016-206)	25,033		4,825	4,342	34,200
Street Bond (Ord. No. 2016-207)	344,011	3,126	1,558	91,305	440,000
New Street Bond	14,924	16,076	27,000		58,000
2014-15 Cash Capital	11,691	2,239		2,070	16,000
Rochester Pure Waters District (Ord. No. 2015-132)	11,411	2,089			13,500
MCDOT Reimbursement	2,354	346			2,700
2012-13 Cash Capital	<u>147,047</u>				<u>147,047</u>
Total	\$ 1,030,857	\$ 23,876	\$ 59,114	\$ 180,000	\$ 1,293,847

Construction is anticipated to begin in summer 2017, with substantial completion in the fall 2017. The total project will result in the retention and/or creation of 14 jobs.

Respectfully submitted,  
 Lovely A. Warren  
 Mayor

Attachment No. AQ-87

Ordinance No. 2017-134  
 (Int. No. 157)

**Authorizing an amendatory agreement related to the Center City Two-Way Conversion Project Phase II**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with LaBella Associates, D.P.C. for design services related to the Center City Two-Way Conversion Project Phase II (Project). The amendatory agreement shall increase the maximum compensation of the agreement originally authorized in Ordinance No. 2014-015 by \$27,000 to a new total of \$127,000. Said amendatory amount shall be funded by the bonds to be authorized for the Project. The term of the agreement shall be 6 months after completion and acceptance 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.

Ordinance No. 2017-135  
(Int. No. 158)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$58,000 Bonds of said City to finance certain additional costs of the Center City Two-Way Conversion Project, Phase II**

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 certain additional costs of milling and resurfacing, certain curb, manhole and water valve replacements and new traffic markings and signage in connection with Phase II of the Center City Two-Way Conversion Project on South Clinton Avenue and Broad Street from South Clinton Avenue to Stone Street (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 \$1,293,847, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$58,000 bonds of the City authorized hereunder, \$440,000 bonds of the City appropriated under Ordinance No. 2016-207, \$13,500 bonds of the City (Pure Waters District) authorized under Ordinance, \$582,400 from the Federal Highway Administration, \$34,200 from the New York State Department of Transportation Marchiselli Aid Program, a \$2,700 reimbursement from the Monroe County Department of Transportation, \$147,047 from 2012-2013 City Cash capital and \$16,000 from 2014-2015 City Cash Capital and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$58,000 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 \$58,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-136  
Re: Agreement – Stantec Consulting  
Services Inc., Erie Harbor

Enhancements Phase II- Design

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Erie Harbor Enhancements Phase II– Design project. This legislation will:

1. Establish \$200,000 as maximum compensation for an agreement with Stantec Consulting Services Inc., Rochester, New York, for design of Erie Harbor Enhancements Phase II.
2. Appropriate \$100,000 in anticipated reimbursements from the New York State Department of State (NYS DOS) to partially finance the design of the project.

The term of the agreement is six months after completion and acceptance of the project; the cost will be financed as follows:

<u>Source</u>	<u>Amount</u>
2016-17 Cash Capital	\$100,000
NYS DOS	<u>100,000</u>
TOTAL	\$200,000

The Phase I public enhancements (completed in 2014) included the design and construction of enhanced public pedestrian access through three public access easements, to link the adjacent neighborhood with the Genesee River/Erie Canal waterfront; streetscape improvements along the west side of Mount Hope Avenue; and, a public art competition resulting in the selection, fabrication, and installation of five pieces on the project site. The Phase II- Design project will include the rehabilitation of Genesee Gateway Park and the Genesee Riverway Trail within the project area, which has been disturbed by site remediation, adjacent construction, and deterioration over time. Phase II will build on the success of the Phase I enhancements. The additional enhancements may include walkways, walls, landform, plantings, furnishings, wayfinding signage, recreational amenities, trail and river railing rehabilitation designed to provide sightlines and access to the waterfront and trail system, and public recreational use of the parkland. The consultant will provide preliminary and final design of the improvements. Construction for Phase II is currently unfunded.

Stantec Consulting Services Inc. was selected for design services through a request for proposals process, which is described in the attached summary. Design will begin in summer 2017 with scheduled completion in summer 2018. The agreement will result in the creation and/or retention of the equivalent of 2.2 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AQ-88

Ordinance No. 2017-136  
(Int. No. 159)

**Appropriating funds and authorizing an agreement related to the Erie Harbor Enhancements Phase II- Design Project**

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

Section 1. The sum of \$100,000 in anticipated reimbursements from the New York State Department of State is hereby appropriated to finance a portion of the Erie Harbor Enhancements Phase II – Design Project (Project).

Section 2. The Mayor is hereby authorized to enter into agreement not to exceed a maximum compensation of \$200,000 with Stantec Consulting Services Inc. for design of the Project. The agreement shall be funded from \$100,000 in 2016-17 Cash Capital and the appropriation in Section 1 herein. The term of the agreement shall extend to 6 months following completion and acceptance of the Project.

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

Section 4. This ordinance shall take effect immediately..

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2017-137  
Re: Brownfields Cleanup  
Revolving Loan Fund

Council Priority: Jobs and  
Economic Development

Transmitted herewith for your approval is legislation authorizing the receipt and use of \$200,000 in United States Environmental Protection Agency (USEPA) grant funds and authorizing the Mayor to enter into agreements as necessary for operation of the City's Brownfields Cleanup Revolving Loan Fund (RLF). The USEPA grant requires a 20% cost share, which will be funded with \$40,000 from the US Housing and Urban Development 108 Loan Collection Account.

In April 2016, the City applied for supplemental RLF grant funding from the USEPA, and in September 2016, the USEPA approved a \$200,000 grant award. The City has previously secured \$830,661 in RLF grant funding from the USEPA.

Under the City's guidelines for the RLF, financial resources are provided to businesses and real estate developers to cleanup brownfield sites as part of economic development expansion projects. Priority for funding is based on the extent to which the project meets the City's overall economic development goals for job creation and retention, results in an increase in the tax base, and adds to the inventory of land available for commercial/industrial development. The RLF can also be used to support cleanup of former industrial sites for multi-family housing reuses. Under the USEPA grant

requirements, the City may also sub-grant a portion of the RLF to qualifying nonprofits that are performing brownfields cleanup projects.

Previously, the City's RLF has been used for the following projects:

<u>Project Name</u>	<u>Amount/Type</u>
1. Germanow-Simon	\$226,000 loan
2. 1025 Chili Avenue LLC	\$111,000 loan
3. Michelsen Mills	\$115,000 loan
4. Collegetown	\$163,000 sub-grant

RLF funds may be used for cleanup actions associated with removing, mitigating, or preventing the release of a hazardous substance or contaminant. Cleanup actions may include capping contaminated soils; excavation and the removal of contaminated soils, drums barrels, tanks or other containers of hazardous substances; and, containment or treatment of hazardous materials. The RFL also can fund asbestos abatement and controlled demolition.

After the City receives a potential borrower's RLF application documentation, the USEPA reviews the information and determines site and borrower eligibility for the program. Cleanup work completed under the RLF must conform to New York State Department of Environmental Conservation (NYSDEC) or the New York State Department of Labor (NYSDOL) requirements. Loan recipients must enter into an appropriate brownfields cleanup agreement, stipulation agreement, or consent order with NYSDEC for any cleanup work that is RLF funded, except for asbestos abatement and controlled demolition, which are regulated by the NYSDOL.

The Department of Environmental Services (DES) and the Neighborhood and Business Development Department (NBD) jointly manage the fund. DES is responsible for reviewing eligibility under USEPA requirements and applicable environmental law; reviewing the Analysis of Brownfields Cleanup Alternatives (ABCA) prepared by the loan applicant, prior to selection of the remedy; and, issuing a Decision Memorandum documenting the approved remedy. The loan applicant is responsible for publicizing the ABCA and making it available for public review. NBD is responsible for marketing the program, analyzing the public benefits of the proposed project, analyzing financial feasibility, performing underwriting, and issuing RLF loan commitments and the disbursement of loan funds.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2017-137  
(Int. No. 160)

**Authorizing receipt and use of grant funds and authorizing agreements for the Brownfields Cleanup Revolving Loan Fund Program**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Environmental Protection Agency (USEPA) for receipt and use of \$200,000 in grant funds from the Brownfields Revolving Loan Fund to finance the City's Brownfields Cleanup Revolving Loan Fund Program (Program), and said amount is hereby appropriated for said purpose. The

Mayor is hereby authorized to enter into agreements for the operation and implementation of the Program.

Section 2. The agreements shall contain such other terms and conditions as the Mayor deems appropriate.

Section 3. The sum of \$40,000, or so much thereof as may be necessary, is hereby appropriated from the HUD 108 Loan Collection Account to provide the 20% funding match that USEPA requires.

Section 4. This ordinance shall take effect immediately..

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2017-13

Re: Resolution- Climate Action Plan

Transmitted herewith for your approval is a resolution endorsing the community-wide Rochester Climate Action Plan (CAP) prepared by the City. This resolution will:

1. Commit to a community-wide target greenhouse gas emissions reduction goal of 40% by 2030 from the baseline year of 2010;
2. Support the City's role in leading the implementation of actions identified in the CAP; and
3. Commit to the incorporation of the CAP into the City's updated comprehensive master plan titled "*Rochester 4.0 Our neighborhoods. Our future*", which is under development, as required by the terms of the grant funding received from the New York State Energy Research and Development Authority (NYSERDA) for the CAP.

The CAP was developed utilizing NYSERDA's Cleaner Greener Communities program grant funding, as authorized via Ordinance No. 2014-287. Upon receiving the NYSERDA grant, the City's Office of Energy and Sustainability worked with Bergmann Associates and its sub-consultant, Brendle Group, to develop the CAP. To assist in the development of the community-wide plan, a group of stakeholders was assembled that included representatives from Monroe County, community organizations, universities, transportation representatives, local experts, and City staff. The stakeholder group met several times during CAP development to discuss climate mitigation and adaptation strategies, generate feedback to refine strategies, and identify potential actions to include in the CAP.

Public input to the CAP was collected through the following means:

- Seneca Park Zoo's Earth Day Event on Saturday, April 23, 2016, 10 am – 4 pm
- Online survey available on the City website from April – September 2016
- CAP Open House Event, City Hall Atrium on Wednesday, November 9, 2016, 6 - 8 pm

The survey included questions asking participants about what climate-related actions they currently do or participate in, and what they would like to see more of in the community. Public response collected during the above referenced events was very positive, with respondents expressing interest



in actions to reduce material sent to landfills, increase energy efficiency and renewable energy, and reduce our reliance on fossil fuels.

The CAP includes an implementation framework designed to achieve community-wide goals for greenhouse gas reduction. Five key focus areas are identified in the CAP, around which strategies and actions were developed to reduce greenhouse gas emissions in the community. Those focus areas include:

- **Energy Use and Supply:** Encourage retrofits of residential, commercial, and industrial buildings, encourage new construction to exceed existing building code, implement neighborhood-level practices for energy efficiency, and increase installed renewable energy.
- **Transportation:** Reduce vehicle emissions and fossil fuel consumption through the promotion of alternative fuel vehicle use (e.g. electric vehicle charging stations), reduction of vehicle miles traveled, and promotion of public transit, as well actions to encourage biking and walking.
- **Waste Management:** Reduce the quantity of waste sent to landfills through actions that facilitate materials recycling, re-use and composting for residents and businesses, as well as policies that promote green purchasing.
- **Clean Water:** Regional cooperation for watershed management; leveraging, and building upon existing watershed groups; increase and improve storm water management, including green infrastructure.
- **Land Use:** Protect the natural environment through urban forest initiatives, green infrastructure projects, and incentives for water conservation and efficiency; green space protection; build upon an existing urban agriculture working group; and, brownfield redevelopment and in-fill development.

The City's Office of Energy and Sustainability will lead implementation of the CAP, working with local stakeholders within each focus area to coordinate actions, monitor progress and initiate CAP updates, as needed.

Climate action planning is a proactive, strategic effort to address climate change. The City of Rochester recognizes that local government can play a leading role in this effort to foster economic and environmental sustainability for the community. However, the goals will only be achieved in deliberate collaboration and partnership between Rochester's residents, businesses, organizations, and institutions, and through the integration of the CAP into the *Rochester 4.0* comprehensive plan, upon completion.

A copy of the CAP is on-file in the Office of the City Clerk.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Resolution No. 2017-13  
(Int. No. 111)

### **Resolution endorsing the Rochester Climate Action Plan**

WHEREAS, in Ordinance No. 2014-287 the Council authorized the Mayor to enter into an agreement with the New York State Energy Research and Development Authority (NYSERDA) to receive and use a \$100,000 grant to develop a City of Rochester Climate Action Plan that would

quantify current greenhouse gas emissions, identify a target greenhouse gas reduction goal, and provide specific approaches that the community can use to meet the target reduction goal;

WHEREAS, the City's Office of Energy and Sustainability, working with consultants it engaged for that purpose, has developed the Rochester Climate Action Plan (CAP), which proposes a community-wide target greenhouse gas emissions reduction goal of 40% from the baseline year of 2010 by the year 2030 and provides an implementation framework consisting of strategies and actions to reduce greenhouse gas emissions;

WHEREAS, the terms of the NYSERDA grant commit the City to incorporate the CAP into the City's Comprehensive Plan; and

WHEREAS, the Council believes that the goals, strategies and actions set forth in the CAP are consistent with and will further the Comprehensive Plan's campaign for Environmental Stewardship that is set forth in Section 130-5D of the Municipal Code.

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

Section 1. The Council hereby endorses the Rochester Climate Action Plan (CAP), including the target greenhouse gas reduction goal of 40% by 2030, and supports the City taking a leading role in implementing the strategies set forth therein.

Section 2. The Council hereby directs that the CAP be placed on file in the Office of the City Clerk.

Section 3. The Council hereby recommends that the CAP be included as a component of the updated City of Rochester Comprehensive Plan, which is currently in development.

Section 4. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-138  
Re: Agreement- Rochester Museum &  
Science Center, Green Infrastructure  
Gateway Project

Transmitted herewith for your approval is legislation establishing \$120,262 as maximum compensation for an agreement with the Rochester Museum & Science Center (RMSC) for the design and management of the Green Infrastructure Gateway Project (Gateway Project). The agreement will have an initial term of three years with the option to renew for one year.

The cost of this agreement will be financed from \$120,262 in previously authorized New York State Environmental Facilities Corporation (NYSEFC) Green Innovation Grant Program (GIGP) grant funds. The \$1,179,738 balance of the grant funds (authorized via Ordinance No. 2017-104) will be used to fund the construction of the Gateway Project.

In July 2016, in collaboration with and at the request of the RMSC, the City applied for and was subsequently awarded grant funding through the GIGP from the NYSEFC. The grant program is designed to provide communities with funding for projects that will support green infrastructure in New York State. As the City is the property owner of the RMSC site and an eligible applicant for GIGP funding under the program requirements, the application was submitted by the City in anticipation of using the funds in collaboration with RMSC to implement the project.

Under the proposed agreement, RMSC will complete tasks necessary for successful implementation of the project. These tasks include project design and engineering services, preparation of construction bid documents, construction project oversight, and grant administration. RMSC will also provide an in-kind match valued at \$116,944 to meet NYSEFC grant requirements, while City personnel will provide \$27,500 of in-kind staff support.

It is anticipated that the project will begin in October 2017 and be completed by October 2019.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AQ-87

Ordinance No. 2017-138  
(Int. No. 162)

**Authorizing an agreement for the design and management of the Green Infrastructure Gateway Project at the Rochester Museum & Science Center**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Museum & Science Center (RMSC) to design and manage the Green Infrastructure Gateway Project at RMSC's East Avenue campus (Project). The maximum compensation for the agreement shall be \$120,262, which shall be funded from the New York State Environmental Facilities Corporation (NYSEFC) grant funds authorized in Ordinance No. 2017-104.

Section 2. The agreement shall have a term of three years with one optional one-year renewal.

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. 2017-139  
Re: Agreement – Waste Management of  
New York, L.L.C., Non-Hazardous  
Special Solid Waste Disposal

Transmitted herewith for your approval is legislation authorizing an agreement with Waste Management of New York, L.L.C. for non-hazardous special solid waste disposal services. The term of the agreement will be for two years with two optional one-year renewals. The unit cost is determined through a specified review process based upon the type of waste.

Non-hazardous special solid waste streams include wastes such as petroleum contaminated soil, cinders, ash, foundry sands, railroad ties, and soil mixed with such wastes that are routinely generated at City of Rochester construction and environmental cleanup projects. In the past, such special solid wastes would have been disposed of at the Monroe County-operated Mill Seat Landfill in Riga under the terms and conditions of the City's agreement with the County for management and disposal of solid wastes. Operation of the Mill Seat Landfill is now performed directly by Waste Management and an agreement with them was last approved in 2012 via Ordinance No. 2012-464.

The need for non-hazardous special solid waste disposal services will be determined by the Department of Environmental Services, Division of Environmental Quality. The costs of such disposal services will be financed from the annual budgets of the departments using the services or from capital funds appropriated for specific environmental, construction and redevelopment projects.

Under the proposed agreement, Waste Management will provide non-hazardous special solid waste disposal for City-generated wastes. For each individual waste stream, the City will submit a completed Waste Management Generator's Non-Hazardous Waste Profile Sheet to the company. The profile will include analytical testing data for the particular waste stream requiring disposal. If the waste stream is acceptable, Waste Management will provide a waste approval to the City, including a unit rate price specific to the approved waste stream, a maximum quantity of waste approved, waste scheduling information and profile expiration date. The wastes covered under this agreement will be exclusive of those that are explicitly covered by the multi-year agreement for solid waste management between the City and Monroe County.

Waste Management was selected to provide disposal services because it operates the only permitted solid waste disposal facilities in Monroe County that can accept non-hazardous special solid waste. A justification statement for not issuing a request for proposals is attached.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AQ-88

Ordinance No. 2017-139  
(Int. No. 163)

### **Authorizing an agreement for the disposal of non-hazardous special solid waste**

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 Waste Management of New York, L.L.C. for the disposal of non-hazardous special solid waste at the Mill Seat Landfill. The agreement shall extend for a term of two years, with two one-year renewal options.

Section 2. The agreement shall obligate the City to pay unit rates specific to each specific approved waste stream. The costs of said agreement shall be funded from the annual budgets of the

departments using the services or from capital funds appropriated for the specific environmental, construction or redevelopment project that generates the wastes.

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. 2017-140  
Re: Grant Agreement – Energetics Incorporated,  
Cleaner, Greener Communities Program

Transmitted herewith for your approval is legislation related to the purchase of plug-in electric vehicles for the City of Rochester’s municipal fleet. This legislation will:

1. Authorize the Mayor to enter into a grant agreement with Energetics Incorporated; and
2. Authorize the receipt of \$107,500 in anticipated reimbursements from Energetics Incorporated to finance the projects.

In December 2015, Energetics Incorporated, Columbia, Maryland, was awarded funding through the Cleaner, Greener Communities (CGC) Program administered by the New York State Energy Research and Development Authority (NYSERDA). The grant program is designed to provide communities with funding to implement projects which result in greenhouse gas emissions reductions. In its application to NYSERDA, Energetics proposed partnering with a number of entities across New York State, including the City of Rochester, to fund projects that will result in the increased adoption of plug-in electric vehicles by individuals and fleets.

Under this awarded grant, Energetics will provide \$107,500 in reimbursement funding to the City for the purchase of five passenger and two utility plug-in electric vehicles, which will fund 50% of the cost of the vehicles. Utilizing funding they received under the CGC grant, Energetics will also provide charging stations to the City for each of these vehicles at no cost to the City. The vehicles represent planned replacements to the City’s fleet. The proposed vehicles and cost information is listed below:

Vehicle	Quantity	Energetics Reimbursement per vehicle	Total Reimbursement	City Cost
Plug-in Passenger vehicle (e.g. Chevrolet Volt)	5	\$17,500	\$87,500	\$87,500
Plug-in Utility Vehicle (e.g. John Deere TE 4x2)	2	\$10,000	20,000	20,000
<b>Total</b>	<b>7</b>		<b>\$107,500</b>	<b>\$107,500</b>

The City cost share for this project will be funded from 2014-15 Cash Capital, contingent upon approval of said budget. The addition of clean vehicles to the City’s municipal fleet fulfills goals of

both the City's community Climate Action Plan and the Rochester Energy Plan by encouraging more fuel-efficient transportation options that will reduce greenhouse gas emissions.

It is anticipated that the purchase of the vehicles will be completed by December 2017.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2017-140  
(Int. No. 164)

**Authorizing a grant agreement and appropriating funds related to the purchase of plug-in electric vehicles**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Energetics Incorporated for the receipt and use of funds in the amount of \$107,500 to partially fund the purchase of plug-in electric vehicles for the City's Municipal fleet. The term of the agreement shall be one year.

Section 2. The agreement will require the City to provide \$107,500 to match the grant funding, which shall be funded from 2014-15 Cash Capital.

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. 2017-141  
Re: Code Amendments- Public Right-Of-Way  
Management, Telecommunications

Transmitted herewith for your approval is legislation amending the City Code, Section 104 to reflect the use of telecommunications facilities in the right-of-way and make future permit fee changes more consistent with industry standards. This legislation will:

1. Create effective and efficient provisions for the installation of telecommunications facilities in the right-of-way in a manner that will retain the integrity and quality of the city-scape;
2. Update language in the City Code, Section 104;
3. Remove permit fees from the City Code, Section 104 and align them into a separate permit fee schedule maintained by the City Engineer and amended as necessary by City Council;  
and

4. Add telecommunications facilities permit fees to the fee schedule.

The use of cell phones and wireless data has grown exponentially in the last decade. As a result, the need for greater coverage, signal strength and reliability is in demand. Wireless providers are now attempting to improve their infrastructure and address the increased need with a variety of new telecommunications technologies.

Additional resources are required to review and assess telecommunications facility design plans, perform regular site inspections, and address health and safety concerns for the public during and after the permitting process.

The amended Section 104 will state that permit fees will be located in a permit fee schedule maintained by the City Engineer's Office and that any changes to the fee schedule must receive Council approval.

The changes for the new fee schedule are as follows:

<u>Telecommunications facilities attached to existing or replacement poles</u>	<u>104-33</u>	<u>\$2,000 per pole (New)</u>
<u>New poles with attached or embedded telecommunications facilities</u>	<u>104-33</u>	<u>\$2,500 per pole (New)</u>
<u>Utility pole installation</u>	<u>104-13</u>	<u>\$500</u> <u>(Increased from \$180)</u>

These changes reflect a current accounting of the actual City costs associated with reviewing, evaluating and administering the permit process for these items. The estimated revenue will have a positive effect on the City's budget.

Respectfully submitted,  
Lovely Warren  
Mayor.

Ordinance No. 2017-141  
(Int. No. 165)

### **Amending Chapter 104 of the Municipal Code**

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

Section 1. Chapter 104 of the Municipal Code, the Streets Code, as amended, is hereby further amended in Sections 104-1, 104-9, 104-10, 104-12, 104-13, 104-14, 104-15, 104-16, 104-17, 104-18, 104-19, 104-23, 104-24, 104-30, 104-32, 104-33, 104-34, 104-36, 104-50, 104-51, 104-52, 104-53, 104-54, 104-55, 104-56, 104-57 and 104-58 as follows:

§ 104-1 **Title; definitions.**

**A.**

This article which comprises Chapter 104 of the Municipal Code shall be known and cited as the "~~Streets~~ Right-of-Way Code"

**B.**

The following definitions shall apply to words used in this chapter:

**ABOVE SURFACE**

Above ground level.

**BARRICADE**

Device or structure used to prevent access to a specific area.

**CENTRAL BUSINESS DISTRICT**

The area bounded by the Inner Loop, but excluding the Inner Loop and its frontage.

**COMMISSIONER**

Commissioner of Environmental Services.

**CURBLINE**

The boundary line on either side of a roadway or paved portion of a street.

**ENCROACH**

To intrude upon, above or beneath ~~a street or other public place~~ the right-of-way.

**ENCROACHMENT**

A building or object which intrudes upon, above or beneath ~~a street or other public place~~ the right-of-way.

**PERMITTEE**

One who receives a permit under this Chapter.

**RIGHT-OF-WAY**

The area on, below, or above a City-owned or controlled street, roadway, alley or sidewalk, including the curbs, gutters, catch basins and related facilities adjacent thereto.

**RIGHT-OF-WAY LINE**

The boundary line on either side of the right-of-way.

**ROADWAY**

That portion of ~~a street~~ the right-of-way improved, designed or ordinarily used for vehicular traffic.

**SIDEWALK**

That paved portion of ~~a street~~ the right-of-way between the curb lines or the lateral lines of a roadway, and the adjacent property lines intended for pedestrian use.

**~~STREET~~**

~~The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the public for their use for the purposes of vehicular and/or pedestrian traffic.~~

**~~STREET LINE~~**

~~The boundary line on either side of a street.~~

**SUBSURFACE**

Below ground level.

**TELECOMMUNICATION FACILITIES**

The plant, equipment and property, including but not limited to cables, wires, fiber optic strands, conduits, ducts, dishes, pedestals, poles, antennae, radio equipment, electronics and



other appurtenances, including both underground and overhead facilities, used or to be used to transmit, receive, distribute, support, provide or offer telecommunication service.

### **TELECOMMUNICATION PROVIDER**

Any person who provides telecommunication service over telecommunication facilities.

### **TELECOMMUNICATION SERVICE**

The providing or offering for rent, sale or lease, or in exchange for other value received, of any service or telecommunication facility that includes the transmission and/or distribution of voice, data, image, graphic or video programming information between or among locations by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.

#### **§ 104-9 Repair of vehicles ~~on streets~~in the right-of-way.**

No person shall repair a vehicle ~~on a street~~in the right-of-way, except for such repairs as may be necessitated by an emergency.

#### **§ 104-10 Hindering or obstructing improvements.**

No person shall hinder or obstruct the construction or repair of any pavement, sidewalk, crosswalk, sewer or other public improvement which is being done under the direction of or with the consent of the City Engineer or hinder or obstruct any person employed by the City in cleaning ~~any street~~the right-of-way.

#### **§ 104-12 Excavations near ~~streets~~the right of way.**

Any person who digs a cellar or other excavation adjacent to and within five feet of the right-of-way line ~~of the street~~, must erect barriers between said excavation and the ~~street~~right-of-way sufficient to secure public safety and must at all times during the night keep lighted lamps upon said barriers in such manner as to give warning of the presence of the excavation. In case of failure to do so, the City Engineer may cause such barriers and lights to be placed at the expense of the owner or occupant of the property.

#### **§ 104-13 Excavations in ~~streets~~the right-of-way.**

- A. No person shall injure or interfere with ~~any street~~the right-of-way or make any opening therein or dig in any areaway, sewer, manhole or vault in ~~a street~~the right- of-way without a permit in writing from the City Engineer and under such conditions as he or she may impose. The City Engineer may order any areaway, sewer or other excavation dug or constructed contrary to the provisions of this section to be filled up or altered and the pavement replaced at the expense of the person causing the excavation. If the person causing the excavation does not comply with such an order, the City Engineer may cause the work to be performed and charge such person for the costs of the work and an additional 15% for administration.

- (1) The City Engineer shall have the authority to adopt rules and regulations regarding right-of-way management, including provisions to coordinate and limit excavations in an effort to protect the right-of-way from repeat excavations that limit the useful life of the City's right-of-way assets.

B. Notice to maintainers of underground utilities.

- (1) In all cases where excavations are to be made, applications for such permit shall be made in writing to the City Engineer, and the applicant shall comply with the applicable provisions of the Industrial Code of the New York State Department of Labor concerning notice to maintainers of underground utilities.
  - (2) Upon receipt of such notice, each public or private utility or government agency utility operating conduits or mains which transmit or distribute water, steam, communications, electricity, gas, sewage or any other thing or material in the vicinity of such excavation shall advise the person by whom or for whose benefit the work is being done as to the location of any such facility, and the excavation work shall be conducted so as not to disturb or damage such facilities.
- C. Nothing herein contained shall relieve the person by whom or for whose benefit the excavating is done from the duty of conducting the excavating in a safe and proper manner so that gas leakage or damage to mains, conduits, facilities or any other property will not result.

**§ 104-14 Traffic control devices and detours around ~~street~~ right-of-way work.**

Whenever work of any type occurs under, on or above ~~a street~~ the right-of-way, it is the duty of the person performing the work to place traffic control devices and maintain said devices about the place where the work is being done so as to secure the public safety and to establish and maintain required detours until said ~~street~~ right-of-way is returned to normal condition. The Traffic Control Board shall regulate traffic in the work area, and the person performing the work shall provide and install all traffic control devices necessary to conform to the requirements of the Traffic Control Board and the New York State Manual of Uniform Traffic Control Devices.

**§ 104-15 Permit required for construction or repair.**

No person shall construct or repair ~~a street~~ any element of the right-of-way or sidewalk without a permit in writing from the City Engineer.

**§ 104-16 Restoration of streets and public places.**

All persons working, obstructing or making excavations in ~~the right-of-way streets or public places in the City~~ must restore the right-of-way street or public place to its condition prior to the work, obstruction or excavation in a manner approved by the City Engineer. The City Engineer shall have the authority to order the proper restoration of right-of-way or any public place where work was done without a permit or in violation of any conditions of such a permit or of this chapter. If proper restoration is not made, the person shall be liable for any damages sustained as a result of the failure to properly restore the area. The City Engineer may, on five days' written notice served by ordinary mail, or the Commissioner or his or her representative may, without notice if an emergency situation exists, effect such restoration at the expense of the person doing such work in the right-of-way street or public place, with an additional 15% for administrative costs. An invoice for the total cost shall be mailed to the responsible person for payment within 30 days of the invoice date. Within this thirty-day period, the responsible person may appeal the invoice or any portion thereof to the Commissioner. The Corporation Counsel may institute an appropriate action or proceeding at law against such person for recovery of the costs and administrative expenses of such restoration by the City Engineer, plus any penalties prescribed by this chapter and the costs of such action or proceeding. No further permits shall be granted to such person until he or she has properly restored ~~all streets and public places~~ the right-of-way or has reimbursed the City Engineer for restoration

effected by the Ceity.

§ 104-17 **Restoration guaranty.**

- A. All persons working and making excavations in ~~the right-of-way streets or public places~~ must guarantee their permanent restoration work for a period of at least two years from the date of acceptance of the permanent restoration by the City Engineer. The permit holder may be required to completely reexcavate, refill and repave any permanent restoration that fails within the two-year guarantee period. At the City Engineer's discretion, a longer guarantee may be required based on the existing useful life of the right-of-way affected.
- B. If, at any time, whether during or after the ~~two-year~~ the required guarantee period, it is discovered that the permanent restoration was not made in accordance with City specifications, the permit holder shall be responsible for making a proper restoration.

§ 104-18 **Tests on right-of-way street restorations.**

The City has the right to order a test on any right-of-way street restoration in order to determine if the work has been completed in accordance with City specifications. If the test shows the ~~street~~ restoration to be acceptable, the testing costs will be borne by the City. If the first test shows the ~~street~~ restoration to be unacceptable, the permit holder must pay the amount of \$640, and for additional tests the amount of \$850, in addition to making the proper restoration. No further permits will be issued to said permit holder until the invoice for the testing and penalty has been paid.

§ 104-19 **Restoration by Ceity; costs.**

- A. Permanent restoration of a ~~street~~ cut or excavation in the right-of-way may be made by the Ceity, through its Street Maintenance Division, if the permit holder so desires and if approved by the Commissioner. The Commissioner shall establish rules and regulations regarding restoration by the City and the requirements for permit holders requesting the City to perform such restoration.
- B. The permit holder shall pay to the City the total cost estimate of the work based upon the current unit prices prepared by the Street Maintenance Division. The Street Maintenance Division may revise unit prices twice a year. The initial payment by the permit holder shall be calculated from his or her estimate of the size of the excavation including a six-inch cutback on all sides of the excavation to be performed by the Ceity. If the actual dimensions exceed the original estimate, the permit holder shall be responsible for the additional amount due.
- C. If any charge so made by the City remains unpaid after 30 days of the invoice date, no further permits for any excavation shall be issued to said permit holder until the payment is made.

§ 104-23 **Moving buildings along the right-of-way streets.**

No person shall move a building upon or along the right-of-way ~~street~~ without a permit in writing from the City Engineer, which permit shall specify the route to be taken and contain such additional conditions as the City Engineer deems necessary.

§ 104-24 **Right-of-way Street obstructions.**

- A. No person shall place or suffer to remain materials of any kind or any goods, wares, merchandise, equipment, machinery or other article or obstruction in ~~the right-of-way, upon or over any street, alley, sidewalk or other public place~~ without a permit in writing from the City Engineer, except while in the process of actively loading or unloading. Unless skids are necessary, a passageway for pedestrians shall be kept open while loading or unloading. This section shall not prohibit the doing of anything otherwise permitted by law or ordinance in the manner and form therein set forth, including the maintenance of newsstands so permitted.
- B. The permit shall contain such conditions and be effective for a period of time as shall be established by the City Engineer. Such permits may be revoked by the City Engineer without notice.
- C. The person to whom such permit is granted must cause all obstructions or materials to be enclosed with barriers sufficient to secure public safety and at all times during the night must keep lighted lamps upon said barriers to give warning to all persons.
- D. All such materials, obstructions and rubbish arising therefrom must be removed not later than the expiration date of the permit, and immediately upon the revocation of the permit.

**§ 104-30 Buildings.**

No person shall construct or alter a building so as to encroach upon ~~a street or public place~~ the right-of-way, except in accordance with and subject to provisions of the Charter and Code of the City of Rochester. Any permission, express or implied, to construct any part of a building so as to encroach shall be revocable at will by the Council or the City Engineer; and any aboveground portion of a building permitted to encroach shall be constructed so that it may be removed at any time without causing the building to become structurally unsafe, in whole or in part, subject to such exemptions as may be provided in the Charter and Code of the City of Rochester.

**§ 104-32 Promulgation of rules and regulations; permits; existing encroachments.**

**A.**

The City Engineer may adopt rules and regulations relating to the construction and maintenance of encroachments in the City, including encroachments by telecommunication facilities.

**B.**

Permits for the construction of encroachments shall be issued in writing by the City Engineer, and the City Engineer may place reasonable restrictions upon any permit granted hereunder.

**C.**

All encroachments existing prior to February 23, 1971, may be maintained as constructed, unless their removal, relocation or modification is directed by the Council or the City Engineer.

**§ 104-33 Above-surface encroachments.**

**A.**

No person shall construct an above-surface encroachment, including telecommunication facilities, without a permit in writing issued by the City Engineer. No permit shall be issued for any above-surface encroachment that is closer than two feet to the curblin. No permit shall be issued for any above-surface encroachment which creates a hazard or impairs the free passage of pedestrians, vehicles or maintenance equipment. In addition to the permit required hereunder, no person shall construct or install above-surface telecommunication facilities without a franchise or licensing agreement as required by the Municipal Code.

**B.**

The City Engineer may issue permits for above-surface encroachments which meet the following standards:

**(1)**

Veneer. A veneer may be applied to the entire facade of an existing building if such veneer does not encroach more than four inches beyond the streetright-of-way line.

**(2)**

Entrance details. Entrance details, including steps, and doors when fully opened, may be constructed to encroach not more than two feet beyond the streetright-of-way line. Entrance steps that encroach shall be guarded at each end by railings or cheek pieces at least three feet high or by other members of the entrance detail providing equivalent protection.

**(3)**

Architectural details. Details such as cornices, eaves, bases, sills, headers, band course, opening frames, sun-control devices, rustications, applied ornament or sculpture, grilles, windows when fully opened, air-conditioning units and other similar elements, may be constructed to encroach not more than four inches beyond the streetright-of-way line when less than 10 feet above the ground or sidewalk level and not more than 10 inches beyond the streetright-of-way line when more than 10 feet above the ground or sidewalk level.

**(4)**

Balconies. Balconies, including railings and supporting brackets, may be constructed to encroach not more than two feet beyond the streetright-of-way line, provided that no part of such balcony may be less than 10 feet above the ground or sidewalk level.

**(5)**

Fire escapes. When permitted by the Building Code, fire escapes that are part of a required exit may be constructed to encroach not more than four feet, six inches beyond the streetright-of-way line, provided that no part, including any movable ladder or stair, is lower than 10 feet above the ground or sidewalk level when not in use.

**(6)**

Marquees. Marquees may be constructed on a building, provided that no part of such marquee shall be lower than 10 feet above the ground or sidewalk level. Marquees shall be supported entirely from a building, except where the City Engineer determines that the sidewalk is sufficiently wide so that the marquee can be supported partly from footings on the ground without creating a hazard or impairing the free passage of pedestrians, vehicles or maintenance equipment. A marquee shall be defined as a roof-like structure projecting beyond the facade of a building and usually supported by rods or chains attached to the building.

**(7)**

Awnings, light fixtures and flagpoles. Awnings, light fixtures and flagpoles may be constructed on a building, provided that no part of such awning, light fixture or flagpole shall be lower than eight feet above the ground or sidewalk level, except that the fabric part of an awning or flag may extend to not lower than seven feet, six inches, above the ground or sidewalk level. Awnings, light fixtures and flagpoles shall be supported entirely from the building, except where the City Engineer determines that the sidewalk is sufficiently wide so that the awning, light fixture or flagpole can be supported partly from footings on the ground without creating a hazard or impairing the free passage of pedestrians, vehicles or maintenance equipment. Permits for canvas awnings shall be issued for a

period of five years, after which time the owner shall seek a renewal.

**(8)**

Signs. All signs which encroach must be constructed in conformance with the provisions of the Zoning Code in § 120-177.

**(9)**

Storm enclosures. Seasonal permits may be issued for the construction of storm enclosures encroaching not more than two feet beyond the ~~street~~right-of-way line. Such enclosure shall be permitted during the period from November 1 to the following May 1, and such enclosure shall be removed at the end of this period.

**(10)**

Sidewalk cafes. Seasonal permits may be issued for sidewalk cafes during the period between April 1 and the following November 30. Such permit shall only be issued to applicants who will operate the cafe or a vending unit in connection with the operation of a legally established business on the first floor of the adjoining premises which fronts or empties onto the ~~street~~right-of-way at the approximate location where the sidewalk cafe permit is requested and which is engaged in the sale of food or beverages or other goods which may be legally consumed on the sidewalk. Such permit shall allow operation of a vending unit in compliance with all provisions of Chapter 62 of the Municipal Code. Sidewalk cafe permits may take precedence over special Main Street vending permits if the sidewalk cafe permit has been applied for before a date specified by the Commissioner of Environmental Services and if said location is actually used for a sidewalk cafe in accordance with rules and regulations ~~which may be~~as established by the Commissioner of Environmental Services.

**(11)**

Public service facilities. Public service facilities, such as bus shelters and telephone booths, may be constructed, provided that they do not create a hazard or impair the free passage of pedestrians, vehicles or maintenance equipment.

**(12)**

Banners. Temporary permits may be issued for the construction of banners which encroach, provided that no part of such banner is lower than 14 feet above the ground or sidewalk level. The City Engineer may require a higher clearance along heavily traveled streets or where the banner may interfere with a driver's view of the road. Banners shall be securely anchored to the buildings with ties and stays sufficiently strong to support the banner in all types of weather conditions. Particular attention shall be paid to wind and moisture resistance in designing the anchors for the banner. Applicants for permits shall submit written proof of authorization from the owners of the buildings to which the banner shall be attached.

**(13)**

Telecommunication Facilities. All telecommunication facilities shall be constructed and installed using the least intrusive means and equipment reasonably available, and shall comply with all rules and regulations adopted by the City Engineer as well as the terms of the franchise or license agreement as required by the Municipal Code.

**C.** The City Engineer may issue a permit for an encroaching bridge to be constructed between buildings after the Council specifically approves the construction of such bridge.

**§ 104-34 Subsurface encroachments.**

**A.**

No person shall construct a subsurface encroachment without a permit in writing issued by the City

Engineer. In addition to the permit required hereunder, no person shall construct or install a subsurface telecommunication facilities encroachment without a franchise or licensing agreement as required by the Municipal Code.

**B.**

The City Engineer may issue permits for subsurface encroachments which meet the following standards:

**(1)**

Footings. Exterior wall and column footings may be constructed to encroach not more than 12 inches beyond the ~~street~~right-of-way line, provided that the top of the footing is not less than four feet below the ground or sidewalk level.

**(2)**

Foundation walls. Foundation walls which are required to support permitted encroachments may be constructed to encroach not more than the permitted encroachment does.

**(3)**

Vaults and areaways. Vaults and areaways may be constructed to encroach, provided that such encroachment does not extend beyond the curblin. Vaults and areaways must be maintained by the ~~abutting property owner~~permitee.

(4)

Telecommunication Facilities. All telecommunication facilities shall be constructed and installed using the least intrusive means and equipment reasonably available, and shall comply with all rules and regulations adopted by the City Engineer as well as the terms of the franchise or license agreement as required by the Municipal Code.

**C.**

The City Engineer may issue a permit for an encroaching tunnel to be constructed between buildings after the Council specifically approves the construction of such tunnel.

**§ 104-36 Maintenance or removal of certain encroaching walls.**

If the front or other exterior wall of any building erected after January 1, 1965, in the City encroaches not more than six inches ~~upon any street into the right-of-way~~, no action or proceeding to compel the removal of such wall shall be instituted or maintained by or on behalf of the City or by or on behalf of any person claiming an easement in or title to the portion of the street on which such wall encroaches, unless such action or proceeding is commenced within the period of one year from the time of the serving of a notice as hereinafter provided and unless within such period a notice of the pendency of such action or proceeding, describing the property on which said building stands and indexed against the owner thereof, is filed in the office of the Clerk of the County of Monroe. Any person having any interest in the property on which such building stands may serve a notice on the Corporation Counsel of the city, setting forth a brief description of the property, his or her interest therein and the existence of an encroachment on the ~~street or right-of-way or~~ highway. Such notice, together with proof or admission of service thereof, shall be filed in the office of the Clerk of the County of Monroe. The Clerk shall index and record such notice as if it were a notice of the pendency of an action and shall collect the usual fees for recording and indexing a notice of the pendency of an action. If no action be brought within the period hereby limited therefore, the owners and encumbrancers of such property shall be deemed to have an easement for the maintenance of the encroaching wall so long as the wall shall stand and no longer.

**§ 104-50 Requirements for bonds and insurance.**

Wherever bonds or insurance are required pursuant to this article or by a franchise or license agreement, such bonds or certificates evincing such insurance shall be filed with the City Engineer and approved by the Director of Finance. The bonds or insurance must be kept continuously

in force ~~and pending completion of the contractual undertaking to the written satisfaction of the City Engineer. Required insurance shall indemnify the City of Rochester against all loss, cost, damage or expense incurred or sustained by or recovered against the City by reason of the permitted activity and shall.~~ Bonds shall assure appropriate payment or performance of the contractual undertaking in accordance with the requirements of the Director of Finance. Such bonds and certificates of insurance shall each contain a provision that they shall not expire, nor shall they be canceled, altered or amended except on 30 days' prior written notice to the City Engineer, served personally or by certified mail. Municipal operations and property shall not be excluded from coverage. The insurance must Such bonds or insurance shall not limit the liability of the contract party. The City shall be the named beneficiary under any bonds and the certificate of insurance shall name the City as an additional insured party.

**§ 104-51 Bonds and insurance for projecting signs.**

**A.**

Either liability insurance or ~~surety company performance bonds, issued by entities authorized to do business in the State of New York and rated "B+" or better by A.M. Best,~~ shall be required for the construction ~~and maintenance~~ of signs projecting over the ~~street~~ right-of-way. For two signs or fewer, there shall be not less than a ~~fifty thousand dollar~~ \$50,000 performance bond ~~or and~~ not less than \$50,000-\$1,000,000 single limit general liability insurance covering both bodily injury and property damage. For more than two signs, there shall be not less than a ~~one hundred thousand dollar~~ \$100,000 performance bond ~~or and~~ not less than \$100,000-\$2,000,000 single limit general liability insurance covering both bodily injury and property damage. Performance bonds may be released upon successful completion of installation or construction of all such signs.

**B.**

~~Bonds and insurance policies~~ Insurance policy certificates heretofore filed for the maintenance of existing signs may continue in full force and effect until the renewal date thereof, at which time a ~~surety company bond or liability insurance policy certificate in the amount~~ amount hereinabove specified shall be filed. ~~Upon filing a new surety company bond or liability insurance policy complying with the provisions of this section, the former bond or insurance policy may be canceled.~~

**§ 104-52 Bonds and insurance for other types of construction.**

In cases in which applications are made to the City Engineer for a permit to construct and maintain ~~areaways under sidewalks or under any street or public place~~ in the right-of-way, or for a permit to place any permanent structure or construction of any kind in ~~or upon any street or other public place within the city~~ the right-of-way, ~~either liability insurance or and surety company performance bonds shall be required. The~~ With the exception of applications involving telecommunication facilities, the performance bonds shall be in an amount not less than \$250,000, or and there shall be not less than \$250,000-\$1,000,000 single limit general liability insurance covering both bodily injury and property damage. The bond and insurance requirements for all telecommunication facilities shall be as set forth in the license or franchise agreement.

**§ 104-53 (Reserved) Substitution of insurance for bonds for encroachments.** ~~Except as otherwise provided herein, in lieu of bonds required to be filed under ordinances heretofore adopted, authorizing permits for encroachments, other than signs, there may be filed single limit general liability insurance in an amount not less than \$50,000 covering both bodily injury and property damage.~~

**§ 104-54 (Reserved) Acceptance of substitute bonds.**

~~The City Engineer is hereby authorized, upon application of the principals on indemnity bonds~~



~~heretofore or hereafter given to the city, to protect it from loss or damage resulting from the construction and maintenance of arcaways and other street obstructions, to accept on behalf of the City substitute surety company bonds covering the same subject matter, in a form approved by the Director of Finance, in the place and stead of the bond or bonds which it is desired to have canceled and terminated; and whenever a proper substitute bond in like penalty with the bond it is intended to replace and in form and manner of execution approved by the Director of Finance has been given to the city, the City Engineer is hereby authorized to execute and deliver to the principal obligor a written certificate stating that a substitute for such former bond has been accepted by the City and that all obligation thereon subsequent to the delivery and acceptance of the bond therefor has ceased.~~

**§ 104-55 Annual bonds or insurance for plumbers and other contractors.**

**A.**

Licensed plumbers, contractors and other persons engaged in any business the nature of which requires or results in frequent applications for permits to make obstructions or excavations in the ~~streets~~ right-of-way, shall not be required to furnish a separate bond or insurance certificate for each permit, but a general bond or insurance certificate may be given annually, indemnifying the City from any and all loss, cost or damage resulting or arising from any act done or permitted in pursuance of such permits, which bonds or certificates shall be renewed from year to year so long as the person shall continue business within the ~~city~~ City.

**B.**

Annual insurance shall be in an amount required by the City Engineer, but not less than ~~\$100,000~~ \$1,000,000 for bodily injury and property damage, or an annual bond not less than \$100,000.

**§ 104-56 Irrevocable letter of credit required for excavations or obstructions.**

**A.**

The City Engineer is hereby directed, in all cases in which applications are made to him or her for consent or permission to make any excavation in ~~or upon any street or other public place~~ the right-of-way or for permission to place any materials, equipment or obstruction ~~on or in any street or other public place~~ in the right-of-way, to require an irrevocable unconditional letter of credit, approved by Director of Finance as to form and ~~method of execution~~ substance, in a minimum amount of ~~\$1,000~~ \$25,000, to be filed with the ~~city~~ City.

**B.**

The City Engineer is authorized to require a letter of credit for a higher amount for reasons such as previous failures to comply with City codes, specifications or permit requirements and for large-scale projects.

**C.**

The City Engineer is authorized to waive the requirement of an irrevocable letter of credit in all cases where the work to be done under permit will not cause damage to pavement, sidewalks, curbing or any other portion of the City right-of-way.

**D.**

The City Engineer is authorized to draw upon the letter of credit as may be necessary to cover the costs to the City including administrative costs to perform work which a permit applicant failed to perform after receiving a written request from the City to perform said work. The City Engineer may draw upon the letter of credit only after the permit applicant has failed to perform said work, failed to pay the invoice for the cost of the work performed by the City and failed to win an appeal to the Commissioner of Environmental Services of the invoice or failed to make such an appeal in a timely

fashion.

**E.**

No new ~~street~~ permits shall be issued to the permit applicant until the full amount of the letter of credit is restored.

**§ 104-57 Permit fees.**

**A.**

Applications for permits required by this chapter ~~for the following activities or objects~~ shall be made in writing to the City Engineer, shall contain such information as the City Engineer may require and shall be accompanied by the ~~following fees. Where a fee detailed in the permit from fee schedule maintained by the City Engineer is required and no other fee is specified herein, the fee.~~ The permit fee schedule shall be \$70, amended from time-to-time by the City Council. Any fee not specified in the fee schedule shall be determined by the City Engineer.

<b>Activity or Object</b>	<b>Code Section</b>	<b>Fee</b>	<b>Length of Permit</b>
Anode protection work	104-13	\$10 per location outside pavement	
Street construction	104-15	\$15 per linear foot	
Sidewalk construction or repair	104-15	\$35 for each street along which sidewalk runs	
New residential driveways (defined as any driveway accommodating 3 cars or fewer on a parcel used for residential purposes only)	104-25	\$130	
New commercial driveways (any driveway not included as a residential driveway as defined above)	104-25	\$450	
Enlargement of existing driveways (per linear foot)	104-25	\$35	
Extended maintenance fee, reconstructed	104-20		

<b>Activity or Object</b>	<b>Code Section</b>	<b>Fee</b>	<b>Length of Permit</b>
street excavation			
50 square feet or less		\$660	
51 to 100 square feet		\$1,910	
101 to 150 square feet		\$3,820	
Over 150 square feet		\$6,360	
Trenches less than 50 feet in length		Based on square feet as above	
Trenches greater than 50 feet in length		\$1,870, plus \$11 per linear foot	
Extended maintenance fee, resurfaced street excavation	104-20		
50 square feet or less		\$330	
51 to 100 square feet		\$1,020	
101 to 150 square feet		\$1,800	
Over 150 square feet		\$3,600	
Trenches less than 50 feet in length		Based on square feet as above	
Trenches greater than 50 feet in length		\$1,010, plus \$8.80 per linear foot	
Street reconstruction cost sharing	104-27		
Heavy-duty pavement		\$10 per square foot	
Medium-duty pavement		\$8 per square foot	
Light-duty pavement		\$6 per square foot	
Fixed projection (architectural character)	104-33	\$230	
Entrance details	104-33	\$70	
Architectural details	104-33	\$70	
Balconies and fire escapes	104-33	\$340	
Marquees	104-33	\$70	
Awnings	104-33	\$70	5 years
Flagpoles	104-33	\$70	
Light fixtures	104-33	\$70	
Signs	104-33	\$70	
Storm enclosures	104-33	\$70	6 months

<b>Activity or Object</b>	<b>Code Section</b>	<b>Fee</b>	<b>Length of Permit</b>
Sidewalk cafes (initial fee for three tables, four chairs per table)	104-33	\$120	8 months
Sidewalk cafes (more than three tables)	104-33	\$40 per additional table with four chairs	8 months
Moving a building	104-23	\$230 per move	
Street obstruction	104-24	\$50	1 day
		\$360	1 month
Phone booth installation Pole attachments	104-24	\$160	Annual
	104-33	\$2,000 per pole	Annual
Resurfacing existing driveway	104-13	\$50 per driveway	
		\$260	Annual
Utility pole installation	104-13	\$180	
Interference with survey monument	104-22	\$400 per occurrence	
Excavations	104-13		
50 square feet or less		\$125	
51 to 100 square feet		\$270	
101 to 150 square feet		\$510	
Over 150 square feet		\$1,050	
Trenches less than 50 feet in length		Based on square feet as above	
Trenches greater than 50 feet in length		\$340, plus \$1.10 per linear foot	1 week
Inspection fee		\$200	
Banners	104-33	\$50	1 month
Bridges	104-33	\$230 initially; \$35 thereafter	1 year 1 year
Footings	104-34	\$70	
Foundation walls	104-34	\$70	
Vaults and arcaways	104-34		
100 square feet or less		\$110 initially; \$35 thereafter	1 year 1 year
101 to 500 square feet		\$230 initially; \$60 thereafter	1 year 1 year

<del>Activity or Object</del>	<del>Code Section</del>	<del>Fee</del>	<del>Length of Permit</del>
Over 500 square feet		\$340 initially;	1 year
		\$85 thereafter	1 year
Tunnels	104-34	\$230 initially;	1 year
		\$120 thereafter	1 year

**B.**

Utility companies and other companies performing work in the City may pay an annual maintenance fee of ~~\$1,430 per company,~~ which shall include the fees for all work other than work requiring excavation in the City rights-of-way. ~~The fee for a one-time use permit for an oversized or overweight vehicle as required by § 111-78 of the Municipal Code shall be \$230. An annual permit for one oversized or overweight vehicle shall be \$680, while an annual permit for four or more vehicles shall be \$2,700.~~

**C.**

There shall be an additional fee for performing work for which a permit is required and for which no permit has been obtained or for which a permit was obtained but the work has been stopped by the City Engineer. The additional fee shall be equal to the applicable permit fee. The applicable permit fee shall also be paid.

**D.**

The City Engineer shall have the power to waive the permit fee for ~~that~~ work done by a contractor performing or accommodating a City project or a project of another government agency.

**E.**

Where multiple openings are made, the permit fee shall be the lesser of the fee based upon the total square footage of the multiple openings or the sum of the fees for the individual openings.

**F.**

~~**(Reserved)** The fee for a building wall permit authorized by § 5-35 of the City Charter and § 104-30 of the Code of the City of Rochester shall be \$450.~~

**G.**

The annual fee for vaults and areaways, bridges and tunnels shall be a lien upon the adjoining parcel or parcels of real property which they benefit. At the option of the Director of Finance, such fees may be added to the annual real property tax bill for such parcels.

**H.**

Fees for excavation in the right-of-way. No fee shall be required for excavation in the right-of-way, provided that the work does not disturb the ~~street~~roadway or public sidewalk and is for the renewal of

residential water service only.

**I.**

~~(Reserved) If work is not completed within the time established in a permit and a reinspection is required, a fee of \$80 per visit shall be required in addition to any other permit fees.~~

**§ 104-58 City activities in right-of-way.**

The permit fees and associated requirements under this section shall not apply to the City.

Section 2. This ordinance shall take effect immediately.. Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

Councilmember Haag moved to discharge Int. No. 166 from committee.

The motion was seconded by Councilmember Spaul.

Adopted by the following vote:

Ayes - President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Spaul - 8

Nays – Councilmember Patterson -1

Councilmember Haag moved to amend Int. No. 166

The motion was seconded by Councilmember McFadden

Adopted unanimously.

**TO THE COUNCIL**

Ladies and Gentlemen:

Ordinance No. 2017-143  
Re: Agreement – Mobilitie, LLC, Cellular  
Wireless Equipment

Transmitted herewith for your approval is legislation authorizing an agreement with Mobilitie, LLC (Mobilitie), a Nevada limited liability company which maintains its principal place of business in Newport Beach, California, to place small cell equipment in the public right of way in the City of Rochester for an annual fee. Mobilitie is a leading provider of telecommunications facilities and

April 25, 2017

equipment that provides a distributed network infrastructure to the wireless industry. Mobilitie maintains a Certificate of Public Convenience and Necessity to operate in New York State as a facilities-based provider. As part of the agreement, Mobilitie, must provide the City Engineer with a map showing the location and specific nature of all facilities which it plans to install or construct.

In order to provide enhanced wireless services, Mobilitie plans to place their small cell equipment on approximately 15 street light poles. Some street light poles will require replacement prior to mounting the equipment, which will require City approval and be undertaken at no cost to the City. The cellular wireless equipment will be operated and maintained by Mobilitie and will generate annual revenue in the amount of \$500 per street light pole used plus 5% of gross revenue and where requested by the City, the installation of a two inch conduit for the City's use. The term of the agreement will be five years with three, five-year extensions. At the conclusion of the term, all equipment will be removed from the street light poles.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AQ-89

Ordinance No. 2017-143  
(Int. No. 166, as amended)

**Authorizing agreement to allow the placement of cellular wireless communications equipment on City-owned street light poles**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Mobilitie, LLC to allow the company to place small cellular wireless communications equipment (Equipment) on approximately 15 City-owned street light poles for an annual fee. The agreement shall involve the placement of Equipment on up to 15 light poles initially and may be extended to up to 25 additional poles if approved by the City Engineer. and The agreement shall be subject to the following terms and conditions.

Section 2. The Equipment shall be installed, operated and maintained at no cost to the City. The company may replace some street light poles prior to installation of Equipment, provided that it obtains prior approval from the City to do so and the replacement is undertaken at no cost to the City. The company shall install conduit line for the City's use if the City requests it to do so.

Section 3. Mobilitie, LLC shall pay the City an annual fee comprised of \$500 plus 5% of its gross revenue derived from each street light pole utilized, provided, however, that the annual fee shall be modified if necessary to match the City's adoption of any subsequent annual fee schedule that applies to all like equipment pole attachments.

April 25, 2017

Section 4. The agreement shall be for a term of 5 years with the option to extend for up to three additional terms of 5 years each upon the mutual consent of the parties. At the conclusion of the agreement, the company shall remove all Equipment from the street light poles at no cost to the City.

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

Section 6. This ordinance shall take effect immediately..

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-142  
Re: Budget Amendment- Edgerton  
R-Center Stardust Ballroom Shingle  
Roof Replacement Project

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

Transmitted herewith for your approval is legislation authorizing the transfer of \$359,000 from Contingency to Cash Capital to fund the Edgerton R-Center Stardust Ballroom Shingle Roof Replacement project, and amending the 2016-17 Budget to reflect the transfer.

The proposed increase to the Cash Capital allocation will fund a full roof replacement of the Edgerton R-Center Stardust Ballroom. The existing asphalt shingle roof was installed in 1988 and was prioritized for replacement within three years due to its poor condition and numerous leaks. The roof incurred severe damage during the March 8, 2017 wind storm, which had sustained gusts up to 80 miles per hour, making the roof replacement a top priority.

Construction is anticipated to be performed in fall 2017. The project will result in the creation and/or retention of the equivalent of four full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2017-142  
(Int. No. 167)



**Amending the 2016-17 Budget and funding the Edgerton R-Center Stardust Ballroom shingle roof replacement**

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

Section 1. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by transferring a total of \$359,000 from Contingency to Cash Capital and said amount is hereby appropriated to fund the replacement of the Edgerton R-Center Stardust Ballroom shingle roof.

Section 2. This ordinance shall take effect immediately..

Passed unanimously.

By Councilmember McFadden  
May 23, 2017

To the Council:

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

- Int. No. 168 Authorizing an amendatory agreement with Personal Energy, Inc. relating to firefighter recruit training
- Int. No. 169 Authorizing agreements for the 2017 Summer Food Service Program
- Int. No. 170 Authorizing an agreement for the Clinton-Baden Community Center
- Int. No. 171 Authorizing agreements for the 2016-17 Gun Involved Violence Elimination Program
- Int. No. 172 Authorizing an amendatory grant agreement with the New York State Office of Victim Services
- Int. No. 173 Authorizing agreements and appropriating funds to support the Summer Literacy Program
- Int. No. 175 Authorizing an agreement for emergency telephone notification system services

Respectfully submitted,

April 25, 2017

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:

Ordinance No. 2017-144  
Re: Amendatory Agreement – Personal  
Energy, Inc., Physical Training for  
Firefighter Recruits and Trainees

Council Priority: Public Safety

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum annual compensation for an amendatory agreement with Personal Energy, Inc. for consultation on physical training for firefighter recruits in preparation for the Candidate Physical Agility Test (CPAT), and for Firefighter Trainees (FFT) in preparation for acceptance to the fire recruit class.

The original agreement, authorized via Ordinance No. 2016-217, established \$15,000 as maximum annual compensation. This amendment will increase said compensation by \$10,000 for a total of \$25,000, and will be funded from the 2017-18 and future Budgets of the Fire Department, contingent upon their approval. The increase in expense is due to a larger than normal recruit class in 2016-17, requiring a higher than anticipated level of service from the vendor. The term of the agreement will remain the same: two years, with the option of one, two-year renewal.

The services of a certified personal trainer during a fire recruit class has demonstrated improved results in the overall fitness of recruit class participants, and increased their ability to successfully complete the New York State mandated CPAT prior to graduation from the Fire Academy. Personal Energy, Inc. will also support the Firefighter Trainee program as participants prepare during their internship for entry into the fire recruit class. Services provided include:

- Education on weight training and aerobic exercise routines that will assist a successful outcome on the CPAT;
- Training on how to do exercises correctly, and how to prevent or reduce the risk of injuries;
- Instruction on the use of different exercise machines at the gym, and how to work all the major muscles of the body;
- Consultation and evaluation of each Fire Academy recruit for training and preparation for CPAT;
- Development of individual aerobic exercise programs for Firefighter Recruits and FFTs; and

April 25, 2017

- Teaching sound and necessary nutrition practices that will lead to better performance and healthier participants.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AQ-90

Ordinance No. 2017-144  
(Int. No. 168)

**Authorizing an amendatory agreement with Personal Energy, Inc. relating to firefighter recruit training**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with Personal Energy, Inc. for consultation on physical training for firefighter recruits. The amendatory agreement shall increase the maximum annual compensation of the agreement originally authorized in Ordinance No. 2016-217 by \$10,000 to a new total of \$25,000. Said amendatory amount shall be funded from the 2017-18 Budget of the Fire Department and future operating budgets of the Fire Department, contingent upon approval of said future budgets. The term of the agreement shall remain two years with an option to renew for one additional two-year period.

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. 2017-145  
Re: Summer Food Service Program

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of Education (NYSED) for the receipt and use of \$301,210 in anticipated reimbursements for the 2017 Summer Food Service Program (SFSP), and establishing \$250,000 as maximum compensation for an agreement with the Rochester City School District (District) for the

preparation and delivery of the breakfasts and lunches. The reimbursement amount will be included in the proposed 2017-18 Budget of the Department of Recreation and Youth Services (DRYS) to fund the agreement and City costs, contingent upon approval of said budget.

SFSP provides free breakfast and lunch to city children aged 18 and under, and to disabled persons over 18 who are enrolled in a school year program for children with disabilities. The program will operate from June 26 to August 25. Sites will be selected based upon proximity to youth service activities and satisfactory past participation in the program.

The program is administered by the City and reimbursed by the NYSED, using federal funding. The District will prepare and deliver the meals to the program sites. Federal regulations strongly encourage the City to first consider the local school district as the source for obtaining meal service, and do not require competitive bid procedures when doing so. In recent years, the District has become more responsive to requests to increase the quality and appeal of meals. The federal reimbursement rates and projected numbers of meals for this year are as follows:

	<u>Meals</u>	<u>Rate per Meal</u>	<u>Reimbursement</u>
Breakfast	42,000	\$2.145	\$ 90,090
Lunch	<u>56,000</u>	\$3.770	<u>211,120</u>
	98,000		\$301,210

In addition to funding the agreement with the District, a total of \$51,200 will be used to fund the salaries of City staff consisting of one coordinator, two monitors, and a clerk (\$32,400); refuse pickup (\$11,500); mileage (\$2,000); outreach (\$2,300); and supplies (\$3,000).

The 2016 program was authorized via Ordinance No. 2016-124. The number of meals served in past years are provided below:

	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
Breakfast	34,725	39,146	49,246	37,810	39,314
Lunch	<u>57,577</u>	<u>58,281</u>	<u>57,368</u>	<u>48,302</u>	<u>52,244</u>
Total	92,302	97,427	106,614	86,112	91,558

Last year's menu is attached. This will be revised to ensure that meals appeal to youth, based upon the results of a meal tasting done with youth in April. Meals are served at all R-Centers, and at churches and not-for-profit agencies. Last year's site list is also attached.

The City continues to partner with Foodlink, the Rochester Area Community Foundation, and Common Ground Health (formerly Finger Lakes Health Systems Agency), with the assistance of Causewave, to publicize the program to older youth, parents, and potential sites.

Respectfully submitted,  
 Lovely A. Warren  
 Mayor

Attachment No. AQ-91

Ordinance No. 2017-145  
(Int. No. 169)

**Authorizing agreements for the 2017 Summer Food Service Program**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Education for the receipt and use of anticipated reimbursements in the amount of \$301,210 for the 2017 Summer Food Service Program. Said amount, or so much thereof as may be necessary and received, shall be allocated to the 2017-18 Budget of the Department of Recreation and Youth Services and appropriated for the Program, contingent upon adoption of said Budget.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Rochester City School District for the preparation and delivery of meals for the Program, contingent upon receipt of the anticipated funding pursuant to Section 1. The agreement shall obligate the City to pay an amount based on the unit cost of the meals and not to exceed \$250,000, which shall be funded from the money appropriated in Section 1.

Section 3. The term of both agreements shall be one year.

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

Section 5. This ordinance shall take effect immediately..

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-146  
Re: Agreement – Baden Street Settlement, Inc.  
and Rochester City School District,  
Clinton-Baden Community Center

Council Priority: Public Safety; Support the  
Creation of Effective Educational Systems

Transmitted herewith for your approval is legislation authorizing a new tripartite agreement with Baden Street Settlement, Inc. (Baden) and the Rochester City School District (District) for the operation of the Clinton-Baden Community Center (Center). The term of the agreement will be from July 1, 2017 to June 30, 2018, with the option of four, one-year renewals.

April 25, 2017

Baden has operated this City-owned facility since 1977. They provide a full service recreation and aquatics program at the Center six days per week, including all staffing, supplies, and custodial services. Baden is responsible for the day-to-day maintenance of the facility and is reimbursed by the District for custodial services, while the City and District share responsibility for structural maintenance. The City and District also share responsibility for all utility costs. The District will pay for the total cost of gas, electric, fuel oil, steam, and water consumed at the Center, and the City will reimburse the District a pro rata share of actual utility costs incurred, upon receipt of itemized statements.

This agreement was last authorized in March 2013 via Ordinance No. 2013-84.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2017-146  
(Int. No. 170)

**Authorizing an agreement for the Clinton-Baden Community Center**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District and Baden Street Settlement, Inc. for the continued use and maintenance of the Clinton-Baden Community Center. The agreement shall extend for a term of one year from July 1, 2017 to June 30, 2018, with four one-year renewal options.

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

Section 3. This agreement shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-147

April 25, 2017

Re: Agreement – New York State Division of  
Criminal Justice Services,  
2017-18 GIVE Grant

Council Priority: Public Safety

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

1. Authorize an agreement with DCJS for the receipt and use of a Gun Involved Violence Elimination (GIVE) grant in the amount of \$561,700 for the term of July 1, 2017 to June 30, 2018;
2. Establish \$131,700 as maximum compensation for an agreement with the Rochester Institute of Technology (RIT) for data analysis services related to GIVE. The agreement will be funded from the 2017-18 Budget of the Police Department, contingent upon approval, and have a term of one year, from July 1, 2017 to June 30, 2018; and
3. Establish \$31,000 as maximum compensation for an agreement with Pathstone Foundation to cover the cost of direct service provider case management for focused deterrence participants. The agreement will be funded from the 2017-18 Budget of the Police Department, contingent upon approval, and have a term of one year, from July 1, 2017 to June 30, 2018.

This grant will build on the success of previous GIVE funding and support the continued work of a County-wide criminal justice taskforce to reduce violent crime in Rochester. GIVE strategies are exclusively focused on firearm related crime, primarily shootings and homicides. Methods of reducing firearm violence will be based upon empirically derived best-practices that focus on violent dispute intervention and resolution; deterring access to illegal firearms; and implementing offender-based tactics and place-based tactics. Taskforce priorities and activities are based on crime and crime response data.

The grant includes \$390,000 in overtime, but does not pay for the associated fringe cost of \$127,500. The Center for Public Safety Initiatives (CPSI) at RIT will receive \$131,700 as a sub-grantee to cover the cost of GIVE-related analysis and personnel. CPSI will employ a GIVE Analyst and a Focused Deterrence Coordinator to work directly with the taskforce. Pathstone Foundation will receive \$31,000 as a sub-grantee to cover the cost of direct service provider case management for the focused deterrence participants. Pathstone will employ one part-time case worker (20 hours per week) to manage the coordination of community-based services. The remaining \$9,000 will be used to purchase supplies for custom notifications, rental cars for undercover details, and training required by DCJS. No matching funds are required.

Justification statements for not issuing requests for proposals for the sub-grantees are attached.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AQ-92

Ordinance No. 2017-147  
(Int. No. 171, as amended)

**Authorizing agreements for the 2017-18 ~~2016-17~~ Gun Involved Violence Elimination Program**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Criminal Justice Services for receipt and use of funding for the 2017-18 Gun Involved Violence Elimination (GIVE) Program in the amount of \$561,700. The term of the agreement shall be from July 1, 2017 through June 30, 2018.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Rochester Institute of Technology Center for Public Safety Initiatives for data analysis services for the 2017-18 GIVE Program in the maximum amount of \$131,700. The agreement shall be funded from the 2017-18 Budget of the Police Department, contingent upon the approval of said future budget. The term of the agreement shall be from July 1, 2017 through June 30, 2018.

Section 3. The Mayor is hereby authorized to enter into an agreement with Pathstone Foundation in the maximum amount of \$31,000 to provide direct service provider case management for the focused deterrence participants in the GIVE Program. The agreement shall be funded from the 2017-18 Budget of the Police Department, contingent upon the approval of said future budget. The term of the agreement shall be from July 1, 2017 through June 30, 2018.

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

Section 5. This ordinance shall take effect immediately..

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-148  
Re: Amendatory Agreement –  
New York State Office of  
Victim Services Grant



April 25, 2017

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the New York State Office of Victim Services (NYSOVS) for the receipt and use of \$732,400 in additional grant funding for the Police Department to provide victim services. The amendatory agreement increases the total grant amount to \$1,019,565, and extends the term of the grant by two years, through September 30, 2019.

The additional funding will be included in the 2017-18 (\$359,000) and 2018-19 (\$373,400) Budgets of the Police Department, contingent upon approval of said budgets. For fiscal year 2017-18, the grant will primarily be used to finance salary expenses, including fringe, for the counseling positions in the Family and Victim Services Section (\$354,300). The remaining \$4,700 will be used for training for Family and Victim Services staff. The specific uses of the second year of the grant funds (\$373,400) will be finalized with NYSOVS at a later date.

The original NYSOVS grant was approved in June 2016 via Ordinance No. 2016-213.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2017-148  
(Int. No. 172)

**Authorizing an amendatory grant agreement with the New York State Office of Victim Services**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory grant agreement with the New York State Office of Victim Services (NYSOVS) relating to the receipt and use of a NYSOVS grant to support of the Police Department's provision of victim services. The amendatory agreement shall extend the term of the original agreement that was authorized in Ordinance No. 2016-213 by two years to September 30, 2019 and shall increase the original grant amount by \$732,400 to a total of \$1,019,565.

Section 2. Contingent upon the approval of subsequent fiscal year budgets of the Police Department, the increase in NYSOVS's grant shall be added to the 2017-18 Budget of the Police Department in the amount of \$359,000 to fund the Police Department's Family and Victim Services Section programs during the first year of the extended term (October 1, 2017 through September 30, 2018) and added to the 2018-19 Budget of the Police Department in the amount of \$373,400 to fund said Section's programs during the second year (October 1, 2018 through September 30, 2019).

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

Section 4. This ordinance shall take effect immediately..

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2017-149  
Re: Agreement - Rochester City School  
District, Summer Literacy  
Program in R-Centers

Council Priority: Support the Creation of  
Effective Educational Systems

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester City School District (RCSD) for the receipt and use of \$66,100 to employ 20 youth Literacy Aides for a Summer Literacy Program in City R-Centers. The term of the agreement will be for one year.

This will be the third year that the Department of Recreation and Youth Services (DRYS) will run this Summer Literacy Program, which is modeled after the successful collaboration that RCSD and the Rochester Public Library (RPL) have had in the provision of enhanced summer programming aimed at maintaining and improving children's reading skills with the support of youth staff. The RCSD grant will be used to employ up to 20 RCSD high school students as Literacy Aides at R-Centers during the summer of 2017.

The Literacy Aides will work 35 hours per week for nine weeks at R-Centers and summer camps at a total cost of \$65,100, including wages and benefits, and \$1,000 for supplies. These funds were anticipated in the 2017-18 Budgets of DRYS (\$1,000 for supplies and \$60,500 for wages) and Undistributed Expenses (\$4,600 for benefits).

In 2016, DRYS hired 18 youth Literacy Aides who delivered the Summer Literacy Program to a total of 555 youth at 13 R-Centers and DRYS summer camps (Ord. No. 2016-125).

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2017-149  
(Int. No. 173)

**Authorizing agreements and appropriating funds to support the Summer Literacy Program**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District for the receipt and use of \$66,100 for the Summer Literacy Program (Program) to employ Rochester City School District high school students as literacy aides at City R-Centers during the Summer of 2017 to assist children to maintain and improve their reading skills. The term of the agreement shall not exceed one year.

Section 2. The sum of \$4,600 anticipated under the agreement shall be allocated to the 2017-18 Budget of Undistributed and the sum of \$61,500 anticipated under the agreement shall be allocated to the 2017-18 Budget of the Department of Recreation and Youth Services (DRYS) and is hereby appropriated to the Program, contingent upon the approval of said 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.

**TO THE COUNCIL**

Ladies and Gentlemen:

Ordinance No. 2017-150  
Re: Agreement - Sam Asher Computing  
Services, Inc. d/b/a Asher Group, Emergency  
Telephone Notification System Services

Council Priority: Public Safety

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum annual compensation for an agreement with Sam Asher Computing Services, Inc. d/b/a Asher Group for emergency telephone notification system services. The cost of this agreement will be funded from the 2016-17 Budget of the Emergency Communications Department (ECD), and the term will be for one year, with the option of three, one-year renewals. Subsequent costs will be funded from the annual budgets of ECD, contingent upon approval of said budgets.

The emergency telephone notification system service enables ECD to assist law enforcement, fire, and emergency medical service agencies by quickly providing warnings and emergency instructions via telephone to large groups of people in the immediate area of a critical incident. The system will make up to three attempts to reach each telephone number within the selected group, and will leave messages on answering machines. Calling campaigns will include both listed and unlisted telephone numbers, and both residential and business telephone numbers.

April 25, 2017

The cost of this agreement will be reimbursed by Monroe County under the 9-1-1 Operating Agreement.

The Asher Group was selected through a request for proposals process, which is described in the attached summary.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AQ-93

Ordinance No. 2017-150  
(Int. No. 175)

**Authorizing an agreement for emergency telephone notification system services**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Sam Asher Computing Services, Inc. d/b/a Asher Group to provide emergency telephone notification system services to the Emergency Communications Department (ECD). The term of the agreement shall be one year, with the option for up to three extensions of 1 year each.

Section 2. The maximum annual compensation for the agreement shall be \$30,000, which shall be funded from the 2016-17 Budget of ECD for the first year and from a subsequent budget of ECD for any subsequent year, contingent upon the approval of the subsequent budget.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:10p.m.

HAZEL L. WASHINGTON  
City Clerk