

ROCHESTER CITY COUNCIL

REGULAR MEETING

October 22, 2024

Present – President Meléndez, Councilmembers Gruber, Lightfoot, Lupien, Martin, Monroe, Patterson, Smith – 8.

Absent – Vice President Harris – 1.

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

THE COUNCIL PRESIDENT --- RECOGNITION CEREMONIES.

Special Recognitions:

Breast Cancer Awareness Month:

Breast Cancer Coalition of Rochester

Christina Thompson
Pat Battaglia
Deb Bishop
Silvia Gambacorta-Hoffman
Lisa Martin
Yvonne Paul
Andrea Reynolds
Helana Shumway
Rachel Rosen Simpson
Carly Spadafora
Meredith Utman
Sue Hern

African American Health Coalition

Rev Sebrone Johnson
Jeffrey Freeman
Anika Griffiths

Cancer Support Community Rochester at Gilda’s Club Rochester

Maria Delgado-Sutton : Latinos Unidos Contra Cancer Group
Toni Phelps : Women of Color and Advocacy Group

Embrace Your Sisters

Megan Freida

Jordan Health

Dr. Linda Clark

Elizabeth Wende Breast Care Facility

Fire Prevention Week:

185 N. Chestnut St. Fire Station
1477 Dewey Ave. Fire Station
272 Allen St. Fire Station
704 Hudson Ave. Fire Station
1261 South Ave. Fire Station
315 Monroe Ave. Fire Station
1215 N. Clinton Ave. Fire Station
1051 Emerson St. Fire Station
450 Lyell Ave. Fire Station
873 Genesee St. Fire Station
740 N. Goodman St. Fire Station
160 Wisconsin St. Fire Station
4090 Lake Ave. Fire Station
977 University Ave. Fire Station
57 Gardiner Ave. Fire Station
Training Academy
Repair Shop
EMS Office
Special Operations
Fire Chief's Office
Fire Safety Division
Fire Investigation Division
Community Risk Reduction
Health & Safety Chief

Indigenous Health Coalition:

Hanna Shippee
Dalton LaBarge
Casey Magaris
Maureen Connell
Trish Corcoran
Kelly Keemer
Whitney Brooks
Kendall Scott
Shannon Seneca
Nancy Wood
Angelina Hilton
Flint Swamp
Pete Hill
Kristina LoBello
Dean Seneca
Ronnie Pollack
Todd Waite

Others:

Pete Hill
Holley Boots
Kendall Scott
Patricia Corcoran
Ansley Jemison
Courtney Shouse
Lauren Jimerson
Jamie Jacobs

Indigenous Peoples’ Day Committee

Ronnie Pollack
Patricia “Trish” Corcoran
Angelina Hilton

Proclamation

Dr. Ruth Holland Scott

Retirement:

DES:

Ronald Wargo

DRHS:

Andrew Goodrum

Finance:

Elisa Subrani

Public Library:

Nanci Rosenberg-Nugent

RFD:

Daniel O’Toole

RPD:

Tito Batson
Benjamin Critchley

APPROVAL OF THE MINUTES

By Councilmember Lupien

RESOLVED, that the minutes of the Regular Meeting on September 24, 2024 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

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

The Mayor submits the following:

- Administrative Cancellation or Refund of Erroneous Taxes and Charges during September 2024. **Comm. No. 4373-24**
- Delinquent Receivables report for the month ending September 2024 **Comm. No. 4374-24**

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

The Council submits Disclosure of Interest Forms from **President Meléndez** on Int. Nos. 394 and 400; **Vice President Harris and Councilmember Lupien** on Int. Nos. 412, 413, 414 and 416; **Councilmember Gruber** on Int. No. 421.

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

THE COUNCIL PRESIDENT --- RECEIVED AND FILED

PUBLIC HEARINGS.

Pursuant to law, public hearings were held on October 17, 2024 on the following matters:

Amending the Zoning Map by changing the zoning classification of 1369 East Avenue Int. No. 390

Two Speakers.

Authorizing a change in traffic flow on Federal Street Int. No. 399

No Speakers.

REPORTS OF STANDING COMMITTEES
AND ACTION THEREON

By Councilmember Patterson
October 22, 2024

To the Council:

The **NEIGHBORHOODS, JOBS & HOUSING COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

- Int. No. 386 Authorizing the sale of real estate
- Int. No. 388 Ordinance authorizing sale easement on 280 N. Union Street
- Int. No. 389 Resolution authorizing an appointment to the Rochester Environmental Commission

- Int. No. 391 Appropriating funds and authorizing an agreement to conduct focused revitalization planning for two sub-areas of the Bull's Head Brownfield Opportunity Area
- Int. No. 392 Authorizing appropriations, loan agreements, the sale of real estate, a payment in lieu of taxes agreement and amending the 2024-25 Budget for the True North Apartments Project
- Int. No. 393 Authorizing appropriations and agreements for the Emergency Solutions Grants Program
- Int. No. 394 Authorizing appropriation, budget amendment, and amendatory agreements related to the Buy the Block program
- Int. No. 395 Appropriating American Rescue Plan Act funds and amending the 2024-25 Budget for the Housing Rehabilitation Program
- Int. No. 396 Authorizing an intermunicipal agreement with Monroe County and amending the 2024-25 Budget relating lead paint poisoning prevention inspection services
- Int. No. 421 Appropriating additional funds, amending the 2024-25 Budget and amending agreements relating to improvements for Peace Village, **as amended**

The **NEIGHBORHOODS, JOBS & HOUSING COMMITTEE** recommends for **CONSIDERATION** the following entitled legislation:

- Int. No. 390 Amending the Zoning Map by changing the zoning classification of 1369 East Avenue

The **NEIGHBORHOODS, JOBS & HOUSING COMMITTEE** recommends for the following entitled legislation to be **HELD** in Committee:

- Int. No. 387 Authorizing a purchase option agreement for the development of a Joseph Avenue performing arts center
- Int. No. 420 Appropriating 2024-25 Annual Action Plan funds and authorizing agreements for Street Liaison services

Respectfully submitted,
 Michael A. Patterson
 Mitch Gruber (*absent*)
 Kimberly Smith
 LaShay D. Harris
 Miguel A. Meléndez, Jr. (*abstained from Int. No. 394*)
NEIGHBORHOODS, JOBS & HOUSING COMMITTEE

Received, filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2024-313
 Re: Sale of Real Estate

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Comprehensive Plan 2034 Initiative Area: Strong Neighborhoods

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

The first three properties were sold via onsite auctions and are listed on the spreadsheet in Attachment A under the heading, I. Auction – Improved Property:

- 9-11 Evergreen Street will be sold to Donna Antario of 520 Helendale Road, Rochester, New York;
- 605 Maple Street, will be sold to Teriance Hunter of 71 Berlin Street, Rochester, New York; and
- 5 Wayne Place, will be sold to Geno Fuentes, 838 Ashland Avenue, Buffalo, New York.

The next property was sold via sealed bid and is listed on the spreadsheet in Attachment A under the heading, II. Sealed Bid Sale – Improved Property. The two family structure at 281-283 Benton Street will be sold to Joseph Geraci of 16 Parham Drive, Penfield, New York.

The final property is listed on the spreadsheet in Attachment A under the heading, III. Request for Proposal – Vacant Land. The vacant lot at 150 Lyell Avenue will be sold to the adjoining owner, 158 Lyell Avenue LLC (Thomas LaBue, Member) of 561 State Street, Rochester, New York and will be combined with their primary parcel.

The first year projected tax revenue for these properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$6,446. Maps of these properties are included in Attachment B.

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

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-202

Ordinance No. 2024-313
(Int. No. 386)

Authorizing the sale of real estate

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

Section 1. The Council hereby approves the sale of the following parcels of improved property by regular auction:

Address	SBL	Lot Size	Price	Purchaser
9-11 Evergreen St	106.37-1-20	62 x 100	\$16,000	Donna Antario
605 Maple St	120.33-2-16	65 x 130	\$7,000	Teriance Hunter
5 Wayne Pl	120.58-2-14	40 x 86	\$2,000	Geno Fuentes

Section 2. The Council hereby approves the sale of the following parcel of improved property by sealed bid:

Address	SBL	Lot Size	Price	Purchaser
281-283 Benton St	121.82-1-61.001	49.5 x 100	\$120,100	Joseph Geraci

Section 3. The Council hereby approves the sale of the following vacant parcel pursuant to a request for proposal:

Address	SBL	Lot Size	Sq. Ft.	Price	Purchaser
150 Lyell Av	105.68-1-34	40 x 54	2,160	\$2,000	158 Lyell Avenue LLC

Section 4. 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 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2024-314
Re: Sale of Easement – 280 N. Union Street - Verizon

Council Priority: Rebuilding and Strengthening Neighborhoods

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing sale of a 25 year non-exclusive access easement to Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless (Mark Coon, Associate Director Regulatory/Real Estate). The easement includes approximately 3,020 SF over the City owned parcel 280 N. Union St (SBL No. 106.67-1-1.003) near the Railroad Street entrance. A map of the area is included in Attachment A.

The purchase price of \$450.00 was established via independent appraisal by Bruckner, Tillet, Rossi, Cahill & Associates in July, 2024.

The applicant and the owners of the adjacent building at 171 Railroad Street have agreed to install Verizon Wireless antennas on the northwest corner of the building to strengthen local service in the area. The non-exclusive access easement over the City owned adjacent property allows Verizon the area they need to use during the installation of the antenna, and for future service. A portion of this easement area is already encumbered with a right of way easement for a road connecting North Union Street to Railroad Street through the Public Market. This new easement should not affect the existing easement, or day-to-day operations at the Public Market.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-203

Ordinance No. 2024-314
(Int. No. 388)

Ordinance authorizing sale easement on 280 N. Union Street

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

Section 1. The Council hereby approves the sale of a 25-year non-exclusive access easement over a portion of 280 North Union Street (SBL# 106.67-1-1.003) to Bell Atlantic Mobile Systems LLC (dba Verizon Wireless) to install and maintain wireless communications antennas. The easement shall encompass approximately 3,020 square feet near the Railroad Street entrance, described as follows:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, all as shown on a map entitled "Rochester Public Market – Overall Site Plan – Project ID: 17039874" prepared by Costich Engineering, having Drawing No. 8982 CC100, last revised 6/26/2024, and being more particularly bounded and described as follows:

Beginning at the southwesterly corner of Railroad Street (50' Wide), said point being along the northerly line of lands now or formerly owned by Scott M. Stanton, Michael C. Stanton and Christopher S. Stanton, as Co-Trustees of the Scott C. Stanton Trust U/A (T.A.#106.67-1-78.001); thence

1. N54°28'17"W, along the northerly line of lands now or formerly owned by Scott M. Stanton, Michael C. Stanton and Christopher S. Stanton, as Co-Trustees of the Scott C. Stanton Trust U/A (T.A.#106.67-1-78.001), a distance of 32.34 feet to northwest corner of said lands; thence
2. S79°53'52"W, along the westerly line of lands now or formerly owned by Scott M. Stanton, Michael C. Stanton and Christopher S. Stanton, as Co-Trustees of the Scott C. Stanton Trust U/A (T.A.#106.67-1-78.001), a distance of 77.54 feet to a point being the common line of lands now or formerly owned by Curtis, LLC (T.A.# 106.66-1-14.001) to the south and lands now or formerly owned by the City of Rochester (T.A.# 106.67-1-1.003) to the north; thence
3. N50°10'05"W, along said common line of lands now or formerly owned by Curtis, LLC (T.A.# 106.66-1-14.001) to the south and lands now or formerly owned by the City of Rochester (T.A.# 106.67-1-1.003) to the north, a distance of 26.13 feet to a point; thence
4. N79°53'52"E, through said lands now or formerly owned by the City of Rochester (T.A.# 106.67-1 1.003), a distance of 142.54 feet to a point along the westerly line of Railroad Street; thence
5. S20°33'38"W, along the westerly line of Railroad Street a distance of 50.13 feet to the point and place of beginning. Containing 0.069 acres of land, more or less.

Section 2. The sale price for the easement to be sold shall be \$450.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2024-51
Re: Appointment – Rochester Environmental Commission

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation confirming the appointment of Richard Henahan as a full-time member to the Rochester Environmental Commission. Mr. Henahan currently serves as a Project Manager for a local solar developer.

Mr. Henahan will replace full-time member Mia Morgillo who recently resigned from the Commission. He will serve the remainder of her term which will expire on May 31, 2025. Mr. Henahan's resume is on file with the City Clerk.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-204

Resolution No. 2024-51
(Int. No. 389)

Resolution authorizing an appointment to the Rochester Environmental Commission

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

Section 1. The Council hereby approves the appointment of Richard Henahan to the Rochester Environmental Commission for a term which shall expire on May 31, 2025. This appointment is intended to fill out the remainder of the term of Mia Morgillo, who has resigned.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2024-315
Re: Zoning Map Amendment – 1369 East Avenue

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning the property located at 1369 East Avenue from the R-1 Low-Density Residential District to the R-3 High-Density Residential District. A map of the proposed rezoning is included in Attachment A, and a list of permitted and specially permitted uses in the R-3 District is included in Attachment B.

The applicant, buyer Kyle Fitzpatrick, proposes the map amendment as a means to rehabilitate and re-occupy the existing vacant property. City property records indicate that the property was originally constructed as a single family dwelling and later converted to a place of worship sometime in the 1960's. It remained a place of worship until recently when it became vacant and was put on the market for sale.

The applicant is seeking to convert the structure to a multi-family dwelling containing seven dwelling units. The benefit to the overall area will be the rehabilitation and restoration of an existing vacant building which is in need of repairs as a result of deferred maintenance, which has been exacerbated by its current vacancy.

The property is located in the East Avenue Preservation District; therefore, any changes to the exterior of the building or the site will require review and approval from the Rochester Preservation Board. The stretch of East Avenue where this building is located is comprised of a mix of housing types, including single family dwellings, both detached and attached (townhomes), apartment buildings, and condos. The building types are also varied, to include both large and small residential structures, as well as high rise apartment buildings.

The City Planning Commission (CPC) held an informational meeting on August 26, 2024. In addition to the applicant, four people spoke at the hearing and provided general comments, not in favor or opposition, and focused their questions on what the site will look like when the project is finished. No one spoke in opposition. By a vote of 7-0-0, the City Planning Commission recommended approval. Minutes of the informational meeting are included in Attachment C, and the CPC's recommendation is included in Attachment D. The one written comment that was received is included in Attachment E.

A public hearing is required for the Zoning Map Amendment.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-205

Ordinance No. 2024-315
(Int. No. 390)

Amending the Zoning Map by changing the zoning classification of 1369 East Avenue

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning map classification of the following property from R-1 Low-Density Residential to R-3 High-Density Residential:

Address	SBL#
1369 East Avenue	122.46-1-7.001

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-316

Re: Professional Services Agreement with Fisher Associates for Bull's Head BOA NYSDOS-funded Study

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

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to neighborhood revitalization within the Bull's Head Brownfield Opportunity Area (BOA). This legislation will appropriate \$300,000 from anticipated grant reimbursements from the New York State Department of State (NYSDOS) and establish \$300,000 as maximum compensation for an agreement with Fisher Associates, P.E., L.S., L.A., D.P.C. (Roseann Schmid, Chief Executive Officer) headquartered at 180 Charlotte Street, Rochester, New York, 14607 (Consultant), for neighborhood revitalization planning services within the BOA (Project).

The cost of the agreement will be financed from \$300,000 in NYSDOS grant funds. City Council authorized the City to apply for and enter into agreements with NYSDOS for the grant in Ordinance 2019-229. The total Project cost is \$333,334 and includes a ten percent local match of \$33,334 for City in-kind services.

The NYSDOS BOA program provides funding to assist municipalities with the costs of inventorying and assessing brownfields and completing neighborhood planning approaches in support of brownfields redevelopment and neighborhood revitalization.

The Bull's Head BOA is a 188 acre study area including properties in proximity to West Main Street and West Avenue between and including the property located at 95 Ames Street on the west and Rossenbach Place on the east. The City undertook the first phase of the Bull's Head BOA neighborhood revitalization planning project which concluded in 2020. The resulting Bull's Head BOA Revitalization Plan was approved by NYSDOS in January 2021. While recent focus has been centered on the Bull's Head Targeted Redevelopment Area, the Bull's Head BOA Revitalization Plan includes recommendations for addressing additional sites within the BOA. Accordingly, this project provides for revitalization planning of two important neighborhood focus areas outside of the current Targeted Redevelopment Area, as described below. A location map of the Bull's Head BOA and Project Focus Areas is included in Attachment A.

BOA West – Project Focus Area:

The BOA West – Project Focus Area is centered on identifying recommendations for repurposing an underutilized and blighted privately-owned property at 95 Ames Street. This 14.4 acre site was the former location of a small number of residential homes followed by a large industrial facility (Taylor Instruments) operated by different owners from 1904 to 1993. The facility was demolished over several years concluding in 2001. The property’s significant land area presents its potential as a catalyst for neighborhood revitalization. This Project will focus on both repurposing the site as well as strategies for integrating potential future uses of the site with the immediate surrounding area.

BOA East – Project Focus Area:

The eastern portion of the BOA includes a portion of the historic Susan B. Anthony neighborhood and sites being developed as an expansion to the National Susan B. Anthony Museum and House (SBAM&H) campus. In light of ongoing plans for a new SBAM&H interpretive center and other supporting amenities, this project will assess access, circulation, and streetscape amenity needs in anticipation of increased visitors to this national landmark and local community.

The City issued a request for proposals (RFP) on June 28, 2024. The RFP was posted on the City’s website with RFP notification emails sent to over 50 contacts within local firms having project-related disciplines/experience. The City subsequently received and reviewed proposals from: C&S Engineers Inc., Rochester, NY; Fisher Associates, P.E., L.S., L.A., D.P.C., Rochester, NY; and, LaBella Associates, D.P.C., Rochester, NY. An interdepartmental review team consisting of staff from NBD and DES evaluated and rated the three proposals. The proposal submitted by Fisher Associates, P.E., L.S., L.A., D.P.C. was unanimously selected by the team for final recommendation to City Council.

The agreement will have an initial term of three years with provisions for an additional one year extension.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-206

Ordinance No. 2024-316
(Int. No. 391)

Appropriating funds and authorizing an agreement to conduct focused revitalization planning for two sub-areas of the Bull’s Head Brownfield Opportunity Area

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

Section 1. The Council hereby appropriates \$300,000 in anticipated reimbursements from the New York State Department of State (NYSDOS) to fund focused revitalization planning for two sub-areas of the Bull’s Head Brownfield Opportunity Area (BH BOA): BOA West centered on 95 Ames Street property and BOA East in the vicinity of and adjoining the Susan B. Anthony Museum and House (collectively, the Project).

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with Fisher Associates, P.E., L.S., L.A., D.P.C. to provide neighborhood revitalization planning services for the Project. The maximum compensation for the agreement shall be \$300,000, which shall be funded from the NYSDOS reimbursements appropriated in Section 1 above. The term of the agreement shall be three year, with the option to extend for up to one additional year.

Section 3. The 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. 2024-317

Re: Agreements – American Rescue Plan Act – True North Apartments Project – Funding and Payment In Lieu of Taxes (PILOT)

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

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

- 1) Appropriate \$750,000 of American Rescue Plan Act funding to the Housing Revolving Loan Fund for purposes of disbursing a loan for the residential part of the Project. The City of Rochester received a \$202.1 million award from the Coronavirus State and Local Fiscal Recovery Fund established by the American Rescue Plan Act (ARPA). This project is an eligible use of ARPA funding under the Final Rule Expenditure Category 2.15 Long-term Housing Security: Affordable Housing.
- 2) Amend the 2024-25 Budget of the Department of Neighborhood and Business Development by increasing the revenue and expense estimates by \$500,000 from an appropriation of Fund Balance, and transfer the funds into the Housing Revolving Loan Fund for purposes of disbursing a loan for the Project's clinic and community wellness center. These funds were originally committed to the Project's clinic by City Council via Ordinance No. 2023-115.
- 3) Authorize two construction/permanent loan agreements with DePaul Properties, Inc., DePaul True North, L.P., a related entity, or an entity to be formed by DePaul for a total of \$1,250,000 to be funded by the appropriations made herein as follows:
 - a. One loan agreement for \$750,000 to be used for residential construction and development costs. The loan will serve initially as a 2% interest loan payable annually during construction. The permanent loan includes a 30-year term, and 2% interest-only payments due annually, with the outstanding principal balance and any accrued interest due at the end of the term.
 - b. One loan agreement for \$500,000 to be used for wellness/medical clinic construction and development costs. The loan will serve initially as a 0% interest loan payable annually during construction. The permanent loan includes a 30-year term at 0% interest-with no annual payments, and the outstanding principal balance due at the end of the term.

- 4) Authorize the sale of three parcels of City-owned land at a total of \$69,000, their combined appraised values, to DePaul Properties, Inc., DePaul True North, L.P., a related entity, or an affiliated partnership or housing development fund corporation to be formed by DePaul. See list of City owned parcels and detail below.

Street #	Street Name	SBL #	Lot Size	Pr
536	Central Avenue	106.64-2-70	120x250	\$2
115-141	Portland Avenue	106.49-2-22.002	150x336	\$3
365-373	North Street	106.64-3-28.001	151x114	\$1

- 5) Authorize property tax exemptions and payment-in-lieu of taxes agreements for the Project, which will provide a 30-year exemption for an annual in-lieu payment equal to 10% of the project shelter rents (gross rents minus utility costs). The agreement will include 536 Central Avenue, 115 and 141 Portland Avenue, which are currently owned by the City. 365-373 North Street will not be included in the PILOT. The parcels details are shown on the first two lines listed in 4) above.
- 6) Authorize the Mayor to execute such agreements and other documents as may be necessary to effectuate the agreement authorized herein.
- 7) Authorize the Mayor to adjust the interest rate and other terms and conditions of the loans in order to conform to legal and other requirements for the Project.

The proposed project includes affordable rental and permanent supportive housing and a community wellness clinic. The Project is located on three sites in the City’s Northeast Quadrant, and the project team will develop all three simultaneously as one project. This development results from a years-long partnership between DePaul and the Rochester Interfaith Development Corp. (RIDC), a group of faith leaders in Northeast Rochester dedicated to bringing affordable and supportive housing to their respective neighborhoods. A project map is included in Attachment A, and building renderings are included in Attachment B. A detailed project description, along with funding sources and uses, is included in Attachment C.

All parcels are owned by the City of Rochester, which provided DePaul with a Purchase Option. The Portland Avenue and North Street sites were already zoned appropriately for the proposed uses, and on June 14, 2022, the Central Avenue site was rezoned to accommodate the project. The Project has also completed Site Plan Review and received Approval from the City. The City anticipates that the Project will take ownership of the parcels at construction financing closing, scheduled for November or December 2024.

The PILOT was recommended for approval by the PILOT review committee on August 8, 2024. The Loan and Grants Review Committee approved the loans on August 22, 2024. The Project will include workforce goals of 6.9% women and 20% minority hours worked, as well as an obligation of 30% M/WBE contracts and a goal of 25% city residents working on the Project. The SEQR review is complete, and no adverse environmental impacts were identified.

Construction closing is anticipated in November or early December 2024. A 20-month construction schedule is expected to complete the affordable rental units and medical/wellness clinic development. Conversion to permanent financing is anticipated in the second half of 2026.

Respectfully submitted,
 Malik D. Evans
 Mayor

Attachment No. AX-207

Authorizing appropriations, loan agreements, the sale of real estate, a payment in lieu of taxes agreement and amending the 2024-25 Budget for the True North Apartments Project

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

Section 1. The Council hereby appropriates \$750,000 in funds provided by the United States Treasury pursuant to the American Rescue Plan Act of 2021 (ARPA) to the City's Housing Revolving Loan Fund for use as loan principal to finance the residential portion of the True North Apartments Project, which includes construction of 70 affordable and supportive rental housing units at two locations, 536 Central Avenue and 115 - 141 Portland Avenue, and of a clinic and community wellness center at 365- 373 North Street (the Project).

Section 2. Ordinance No. 2024-200, the 2024-25 Budget of the City of Rochester, as amended, is hereby further amended by increasing revenue estimates and appropriations to the Budget of the Department of Neighborhood and Business Development by \$500,000 with funds transferred from Fund Balance, which were appropriated to develop the Project's clinic and community wellness center (Project Clinic) by Ordinance No. 2023-115, and which amount is hereby authorized to be transferred to the Housing Revolving Loan Fund for use as loan principal to finance the Project Clinic.

Section 3. The Mayor is hereby authorized to enter into a loan agreement with DePaul Properties, Inc., DePaul True North, L.P., a related entity, or an entity to be formed by DePaul (collectively, the Developer) for construction and permanent financing of the Project's residential housing. The loan shall be in the amount of \$750,000, which shall be funded by, and is hereby appropriated for loan principal from, the Housing Revolving Loan Fund, as authorized in Section 1 herein. The loan agreement shall have a term that extends to 30 years following completion of construction. The loan shall function as a 2% interest construction loan with annual interest-only payments until construction is complete, whereupon it shall convert to permanent financing with a term of 30 years that is subject to an annual interest rate of 2% with interest-only payments due annually if the Developer has sufficient cash flow and repayment of the loan principal and any unpaid interest due at the end of the loan term.

Section 4. The Mayor is hereby authorized to enter into a loan agreement with the Developer for construction and permanent financing of the Project Clinic. The loan shall be in the amount of \$500,000, which shall be funded from the Housing Revolving Loan Fund as authorized in Section 2 herein. The loan agreement shall have a term that extends to 30 years following completion of construction. The loan shall function as a 0% interest construction loan until construction is complete, whereupon it shall convert to a permanent 0% interest loan for a term of 30 years and repayment of the loan principal due at the end of the term.

Section 5. The Mayor is hereby authorized to adjust the interest rate and other terms and conditions of the loan agreements in order to conform to legal and other requirements for the Project.

Section 6. The Council hereby approves the negotiated sale of the following three parcels to the Developer for purposes of establishing the Project for the following prices:

Address	SBL #	Lot Size	Price
536 Central Avenue	106.64-2-70	120x250	\$20,000
115-141 Portland Avenue	106.49-2-22.002	150x336	\$35,000
365-373 North Street	106.64-3-28.001	151x114	\$14,000
TOTAL			\$69,000

Section 7. The Mayor is hereby authorized to enter into a payment in lieu of taxes (PILOT) agreement with the Developer for the following listed parcels to effectuate the Project:

Address	SBL #
536 Central Avenue	106.64-2-70
115-141 Portland Avenue	106.49-2-22.002

This PILOT agreement shall provide that said parcels shall remain entitled to a real property tax exemption, provided that the Developer makes annual payments in lieu of taxes to the City of Rochester equal in total to no less than 10% of the Project’s annual "shelter rent," a phrase which refers to the amount of gross rents less utility costs.

Section 8. The term of the PILOT Agreement shall run for 30 years, provided that said agreement and the associated real property tax exemption shall cease prior to that date if and when the Project is no longer operated for the purpose of providing affordable and supportive rental housing in accordance with the conditions for maintaining low-income and supportive housing tax credits and financing as well as other legal requirements.

Section 9. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate. The Mayor is hereby authorized to execute such other agreements and other documents as may be necessary to effectuate the agreements authorized herein.

Section 10. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-318

Re: Agreements and Amendments, Emergency Solutions Grants (ESG) Program

Council Priority: Creating and Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to the City of Rochester’s Emergency Solutions Grants (ESG) Program. The legislation will:

- 1) Reallocate a total of up to \$220,902.16 of unspent ESG funds from prior program year authorizations for homeless services program implementation, as follows:

Funding Source	Ordinance	Available
ESG 2018-19	2018-189	12,797.80
ESG 2019-20	2019-179	34,188.21
ESG 2020-21	2020-183	84,876.62
ESG 2021-22	2021-200	81,702.07
ESG 2022-23	2022-186	7,337.46
TOTAL		<u>220,902.16</u>

- 2) Appropriate \$135,000 from the Project 32 HOME-ARP Supportive Services allocation of the 2021-22 Annual Action Plan, as amended by Ordinance No. 2022-129, to implement the program and fund the agreement for Person Centered Housing Options, Inc.’s Street Outreach program;

- 3) Amend each of the following three professional service agreements to provide additional Program services during the term already authorized therein as follows:
 - a. With Catholic Charities of the Diocese of Rochester dba Catholic Charities Family and Community Services (Principal: Lori VanAuken, CEO, 79 N Clinton Avenue, Rochester), as authorized by Ordinance 2024-166, to provide additional Homelessness Prevention Services by increasing the maximum compensation by \$58,455.41 to a new total of \$146,506.14, and to fund the amendatory compensation from a portion of the unspent ESG funds appropriated in Section 1;
 - b. With Coordinated Care Services, Inc. (President: Anne Wilder, 1099 Jay Street, Bldg J, Rochester), as authorized by Ordinance 2024-166, to provide additional Rapid Rehousing Services by increasing the maximum compensation by \$35,000 to a new total of \$243,802, and to fund the amendatory compensation from a portion of the of unspent ESG funds appropriated in Section 1;
 - c. With Person Centered Housing Options, Inc. (President/CEO: Charles Albanese, 400 West Ave, Suite 200, Rochester), as authorized by Ordinance 2023-165, to provide additional Street Outreach Services by increasing the maximum compensation by \$262,446.75 to a new total of \$292,336.75, and to fund the amendatory compensation in the amounts of: \$127,446.75 from a portion of the unspent ESG funds appropriated in Section 1; and \$135,000 from the HOME-ARP funds appropriated in Section 2;
 - d. The other terms of the agreements remain the same.
- 4) Authorize the Mayor to execute such agreements and other documents as may be necessary to effectuate the agreements authorized herein; and
- 5) Authorize the Mayor to adjust terms and conditions of the agreements in order to conform to legal and other requirements for the programs.

City Council last authorized the ESG program on June 18, 2024 via Ordinance No. 2024-166, and authorized the HOME-ARP program on May 10, 2022 via Ordinance No. 2022-129. ESG provides housing and support services for individuals and families who are homeless or at risk of homelessness. Eligible activities include street outreach, case management, support services, service coordination, shelter operations (staffing and operating costs) and addition of beds, financial assistance and related services for prevention of homelessness and rapid rehousing. All ESG activities are eligible under the HOME-ARP program, and these amendments will fund street outreach, homelessness prevention, and rapid rehousing.

The Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH) Emergency Solution Grants Program require that grantees (City and County) collaborate with the community of homelessness service providers. To that end, funding priorities were jointly determined with Partners Ending Homelessness (formerly Rochester/Monroe County Continuum of Care - CoC). ESG Program Year 2024-25 providers were selected through a Request for Proposal (RFP) process; the last RFP was issued on February 23, 2024. The increased support for these specific programs addresses an identified need and service gap in the community and, in the case of the ESG funding, quickly expends funds that will expire in 90- 120 days. The HOME-ARP funding allows for the continuation of street outreach activities at Peace Village and beyond, while that site transitions through the predevelopment phase until the Pallet Project is constructed and operational.

The City will enter into agreements for this program only with organizations that are in compliance with federal regulations. If funds are different, not available, or less than anticipated, agreement amounts and terms will be adjusted accordingly.

Respectfully submitted,
 Malik D. Evans
 Mayor

Ordinance No. 2024-318
(Int. No. 393)

Authorizing appropriations and agreements for the Emergency Solutions Grants Program

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

Section 1. The Council hereby appropriates the sum of \$220,902.16 to fund homeless services programs from the unspent portions of previous appropriations of Emergency Solutions Grants (ESG) Program funds from prior years' Annual Action Plans (AAP) as follows:

AAP Year	Project No.	Appropriation Ord. No.	Unspent Amount
2018-19	16	2018-189	\$ 12,797.80
2019-20	24	2019-179	\$ 34,188.21
2020-21	19	2020-183	\$ 84,876.62
2021-22	23	2021-200	\$ 81,702.07
2022-23	25	2022-186	\$ 7,337.46
TOTAL			\$ 220,902.16

Section 2. The Council hereby appropriates \$135,000 from the Project 32 HOME-ARP Supportive Services allocation of the 2021-22 Annual Action Plan, as amended by Ordinance No. 2022-129, to implement the ESG Program.

Section 3. The Mayor is hereby authorized to enter into three amendatory professional services agreements to provide additional ESG Program services as follows:

- a. With Catholic Charities of the Diocese of Rochester to amend the agreement authorized by Ordinance 2024-166 to provide additional Homelessness Prevention Services, to increase the maximum compensation by \$58,455.41 to a new total of \$146,506.14, and to fund the amendatory compensation from a portion of the unspent ESG funds appropriated in Section 1 herein;
- b. With Coordinated Care Services, Inc. to amend the agreement authorized by Ordinance 2024-166 to provide additional Rapid Rehousing Services, to increase the maximum compensation by \$35,000 to a new total of \$243,802, and to fund the amendatory compensation from a portion of the of unspent ESG funds appropriated in Section 1 herein; and
- c. With Person Centered Housing Options, Inc. to amend the agreement authorized by Ordinance 2023-165 to provide additional Street Outreach Services, to increase the maximum compensation by \$262,446.75 to a new total of \$292,336.75, and to fund the amendatory compensation in the amounts of: \$127,446.75 from a portion of the unspent ESG funds appropriated in Section 1 herein, and \$135,000 from the HOME-ARP funds appropriated in Section 2 herein.

Section 4. The Mayor is hereby further authorized to execute any additional agreement or to provide such other documentation as may be necessary to fund and carry out the Project and to adjust the terms and conditions of the agreements authorized herein to conform with the ESG Program's legal and other requirements.

Section 5. The agreements and documents authorized herein shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-319

Re: 2021-22 American Rescue Plan Act Funding - Buy the Block Program

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

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to the receipt and use of additional funds from the City's American Rescue Plan Act (ARPA) allocation for Phase I and Phase II of the Buy the Block program (the "Program") as set forth in 3) and 4) below. This legislation will:

- 1) Appropriate \$300,000 from the American Rescue Plan Act allocation to operate the Buy the Block program. The City of Rochester received a \$202.1 million award from the Coronavirus State and Local Fiscal Recovery Fund established by the American Rescue Plan Act (ARPA). The Project is an eligible use of ARPA funding under the Final Rule Expenditure Category 2.15 Long-term Housing Security: Affordable Housing;
- 2) Amend the 2024-25 Budget of the Department of Neighborhood and Business Development (NBD) by \$300,000 to receive the funds appropriated in #1 above;
- 3) Authorize an Amendatory Project Agreement with the Greater Rochester Housing Partnership, Inc. (GRHP; Principal: Theodora Finn, 16 East Main Street, Suite 610, Rochester, NY), Greater Rochester Partnership Housing Development Fund Corporation,
 - a Related entity, or an entity to be formed by GRHP, to increase Buy the Block Phase 1
 - b By \$55,000 to a new maximum of \$6,405,000 for Buy the Block Phase 1. Previously, City Council approved a \$6,000,000 maximum grant amount via Ordinance No. 2022-130 on May 10, 2022, and subsequently approved an amendment to increase the maximum grant amount by \$350,000 via Ordinance No. 2022-335 on November 16, 2022;
- 4) Authorize Amendatory Project Agreements for Buy the Block Phase 2 as follows:
 - a. with GRHP to increase the maximum grant amount approved by City Council via Ordinance 2024-73 on April 24, 2024 by \$122,500, to a new maximum amount of \$3,574,123 for Buy the Block Phase 2; and
 - b. with Flower City Habitat for Humanity d/b/a Greater Rochester Habitat for Humanity (Habitat; Principal: Matthew J. Flanigan, 755 Culver Road, Rochester, NY), a related entity, or an entity to be formed by Habitat to increase the maximum grant amount approved by City Council via Ordinance 2024-73 on April 24, 2024 by \$122,500, to a new maximum amount of \$3,574,123 for Buy the Block Phase 2.

Buy the Block subsidizes the creation of single-family homes to be sold to first-time homebuyers to households earning up to 80% of Median Family Income (MFI) are eligible. The homes are built on

vacant City-owned property in areas that have experienced disinvestment. City Council approved Ordinance No. 2021-385 on December 14, 2021, authorizing the appropriation of \$13,129,162 from the City's ARPA allocation to operate Buy the Block. The additional \$300,000 appropriation will increase the ARPA funding total for Buy the Block to \$13,429,162. Of this amount, \$55,000 in funds will be used in Phase 1 for lead soil removal and environmental due diligence for the parcels located at 33, 35, and 39 Thomas Street, and \$245,000 will be used for Phase 2 toward increased project costs.

The first phase of the Program in the Northeast quadrant is almost complete. Buyers have closed on the purchases of the first nineteen homes, with construction of five additional homes set to begin in late summer 2024. The second phase of Buy the Block in the Southwest quadrant will begin this fall. Construction of the first six model homes will begin in September 2024, with up to 26 additional homes planned, for a total of up to 32 Phase 2 homes. GRHP and Habitat will each build up to 16 Phase 2 homes. The Program complements and coordinates with other housing programs to assist nearby existing properties, resulting in an overall revitalization and 'lifting up' of the neighborhood.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2024-319
(Int. No. 394)

Authorizing appropriation, budget amendment, and amendatory agreements related to the Buy the Block program

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

Section 1. The Council hereby appropriates the sum of \$300,000 provided by the United States Treasury pursuant to the American Rescue Plan Act of 2021 (ARPA) to fund the operation of the Buy the Block program (Program).

Section 2. Ordinance No. 2024-200, the 2024-25 Budget of the City of Rochester, as amended, is hereby further amended by increasing the appropriations to the Budget of the Department of Neighborhood and Business Development by \$300,000 to receive the funds appropriated in Section 1 herein.

Section 3. The Mayor is hereby authorized to enter into an amendatory agreement with Greater Rochester Housing Partnership, Inc. (GRHP), a related entity, or an entity to be formed by GRHP, to increase Buy the Block Phase 1 funding. The amendatory agreement shall amend the existing agreement authorized by Ordinance No. 2022-130, and amended by Ordinance Nos. 2022-335, 2024-10, and 2024-72, to increase the maximum grant amount for Buy the Block Phase I by \$55,000 to a new total of \$6,405,000.

Section 4. The Mayor is hereby authorized to enter into an amendatory project agreement with GRHP related to Buy the Block Phase II. This amendatory agreement shall modify the existing agreement authorized by Ordinance No. 2024-73 to increase the maximum grant amount by \$122,500 to a new total of \$3,574,123.

Section 5. The Mayor is hereby authorized to enter into an amendatory agreement with Flower City Habitat for Humanity, Inc. (Habitat), a related entity, or an entity to be formed by Habitat for funding related to Buy the Block Phase II. This amendatory agreement shall modify the existing agreement authorized by Ordinance No. 2024-73 to increase the maximum grant amount by \$122,500 to a new total of \$3,574,123.

Section 6. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmembers Gruber, Lightfoot, Lupien, Martin, Monroe, Patterson, Smith - 7.

Nays - None - 0.

President Meléndez abstained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-320

Re: Appropriation and Budget Amendment – Housing Rehabilitation Program, American Rescue Plan Act

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to the Housing Rehabilitation Program. This legislation will:

- 1) Appropriate \$700,000 from the City’s American Rescue Plan Act (ARPA) for the Housing Rehabilitation Program.
- 2) Amend the 2024-25 Budget of the Department of Neighborhood and Business Development (NBD) by adding \$792,800 to reflect the ARPA appropriation authorized herein (\$700,000) and the unspent ARPA funding from the 2023-24 Budget of NBD (\$92,800) for the Housing Rehabilitation Program.

In 2021, the City of Rochester received a \$202.1 million award from the Coronavirus State and Local Fiscal Recovery Fund established by ARPA. The Housing Rehabilitation Program is an eligible use of ARPA funding under the ARPA Final Rule Expenditure Category 2.23 for Strong Healthy Communities: Demolition and Rehabilitation of Properties. ARPA funds were first appropriated for this program via Ordinance No. 2021-354.

An additional \$700,000 is being re-appropriated to the Housing Rehabilitation Program from a portion of the \$2,080,000 in ARPA funds originally appropriated to the Targeted Mixed-Use Rehabilitation program. The City received fewer applications for the Targeted Mixed-Use Rehabilitation program than anticipated, leaving a portion of the funding available for reprogramming to other projects. The \$92,800 in unspent 2023-24 ARPA funds is being added to the 2024-25 Budget of NBD Housing Rehabilitation Program so that we do not lose this funding.

The Housing Rehabilitation Program provides financial assistance to eligible property owners who own a 1-4 family residential structure. Owners must be current with City and Monroe County property taxes and not be subject to tax or mortgage foreclosure. Household incomes must be at or below 80% of the Housing and Urban Development (HUD) area median income to be adjusted annually.

Since the program began in 2022 a total of 163 properties received assistance. It is anticipated that 31 more properties will be assisted with this additional funding. These properties have already been identified through the application process and are awaiting funding to proceed. A list of these properties is included in Attachment A.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-208

Ordinance No. 2024-320
(Int. No. 395)

Appropriating American Rescue Plan Act funds and amending the 2024-25 Budget for the Housing Rehabilitation Program

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

Section 1. The Council hereby appropriates \$700,000 in funds provided by the United States Treasury pursuant to the American Rescue Plan Act of 2021 (ARPA) to implement the Housing Rehabilitation Program.

Section 2. Ordinance No. 2024-200, the 2024-25 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Department of Neighborhood and Business Development (NBD) by \$792,800 to reflect the receipt of:

- (a) the appropriation of \$700,000 of ARPA funds authorized in Section 1 above; and
- (b) \$92,800 in unspent ARPA funds in the 2023-24 Budget of NBD, which are hereby appropriated to implement the Housing Rehabilitation Program.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-321

Re: Inter-Municipal Agreement - Monroe County, Lead Paint Poisoning Prevention Inspection Services

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to an inter-municipal agreement with Monroe County for the enforcement of the New York State Public Health Law 1377, Rental Registry and Proactive Inspections to Identify Lead Hazards. This legislation will:

- 1) Authorize an inter-municipal agreement with Monroe County for the receipt and use of up to \$1,254,257 for the City's provision of lead paint poisoning prevention inspection services to enforce Public Health Law 1377. The initial term of the agreement will be for one year and cover a reimbursement period from April 1, 2024 to March 31, 2025. The initial reimbursement period is partially retroactive due to delays in Monroe County receiving the source grant from New York State. The agreement shall include options to extend for four additional one-year periods, with each authorizing the receipt and use of up to \$1,254,257. The Mayor shall be authorized to enter into these extensions, including any amendments to the maximum compensation amount as directed by Monroe County. The agreement will reimburse the City for new and existing expenses related to the enforcement of Public Health Law 1377 including lead dust wipe lab testing expenses, IT system enhancements, training, public outreach, and staff costs associated with inspections, administration, and program oversight.
- 2) Amend the 2024-25 Budget of the Department Neighborhood and Business Development by \$413,300 to reflect a portion of the grant appropriated herein. The funding will be used for salary costs for seven full-time positions for the remainder of the fiscal year as well as additional professional services, supplies, and IT expenses necessary to implement the new law and additional caseload.
- 3) Amend the 2024-25 Budget of the Law Department by \$20,200 to reflect a portion of the grant appropriated herein for salary costs for one full-time position for the remainder of the fiscal year to support the anticipated increase in workload for legal enforcement.
- 4) Amend the 2024-25 Budget of Undistributed Expenses by \$101,800 to reflect a portion of the grant utilized for fringe costs for the eight full-time positions for the remainder of the fiscal year.
- 5) Authorize an amendatory agreement with Visionary Integration Professionals, LLC (VIP) (Jonna Ward, CEO, 80 Iron Point Circle, Suite 100 Folsom, CA) to increase the maximum compensation by \$150,000 to a new total of \$8,189,480. The cost of this amendment will be funded from the 2024-25 Budget of the Department of Neighborhood and Business Development as amended herein. The scope of work added to the agreement includes necessary modifications to the Infor software system to support the implementation of the new law, including adjustments to the Certificate of Occupancy program and reporting functions. This agreement was originally authorized via Ordinance No. 2021-265 and was most recently amended via Ordinance No. 2023-297.

The new agreement with Monroe County supports the implementation and enforcement of New York State Public Health Law 1377 which goes into effect November 3, 2025. The source of these funds is the NYS Department of Health (DOH) Lead Rental Registry Program, of which Monroe County is the primary grantee. Monroe County is delegating enforcement authority to the City and subgranting the funds to the City to pay for the expenses. The revenue covers the City's costs of conducting visual inspections for lead hazards, lead dust wipe sampling tests, clerical and IT support, administrative oversight, required IT system modifications, outreach and communications, and development and updating of policies and procedures manuals. The new law will require Code Enforcement to inspect approximately 15% more units per year than they do currently, which will in turn require additional inspector and legal staff positions to manage the workload. This is primarily driven by the requirement for subjected 2-unit properties to be inspected every 3 years, where the City currently inspects them every 6 years via the Certificate of Occupancy renewal process. The new law applies to any buildings built before 1980 with 2 or more units and are located inside the boundaries of the City's Lead High-Risk Area. See Attachment A for a map of the current boundaries of the Lead High-Risk Area and the new boundary that will go into effect with the new law on November 3, 2025.

Monroe County has contracted with the City for similar lead paint inspection services since October 1, 2007 and the City of Rochester has been eligible for up to \$310,000 in reimbursements annually for the past 10 years. Historically this has been limited to the enforcement of the City's Lead-Based Paint Poisoning Prevention Ordinance and the source of funds has been the NYS Department of

Health (DOH) Childhood Lead Poisoning Primary Prevention Program. With the implementation of the new NYS PHL 1377 law, the prior DOH program is sunseting and being replaced by Lead Rental Registry Program. Similarly, the City's Lead-Based Paint Poisoning Prevention Ordinance will be superseded by the new NYS law in some instances where the NYS law is more stringent.

While PHL 1377 statute outlines some aspects of the new inspection requirements, the NYS Department of Health has yet to publish detailed enforcement regulations. Once the regulations are further understood, additional legislation will be submitted to City Council to amend the City Code to help bring it into alignment with NYS law and associated regulations. For example, it is anticipated that two-family owner-occupied properties will not be exempt from the new inspection requirement, where they are currently exempt from the City's local Certificate of Occupancy recurring inspections.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-209

Ordinance No. 2024-321
(Int. No. 396)

Authorizing an intermunicipal agreement with Monroe County and amending the 2024-25 Budget relating lead paint poisoning prevention inspection 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 intermunicipal agreement Monroe County for the receipt and use of up to \$1,254,257 per year, which is hereby appropriated for the City's provision of lead paint poisoning prevention inspection services to enforce Public Health Law Section 1377 (Program). The initial term of the agreement shall be one year and cover a reimbursement period from April 1, 2024 to March 31, 2025, with the option to extend for four addition one-year periods. Each extension term shall authorize the receipt and use of an additional \$1,254,257 or such maximum compensation as may be directed by Monroe County.

Section 2. Ordinance No. 2024-200, the 2024-25 Budget of the City of Rochester, as amended, is hereby further amended as follows:

- A. Increasing the Budget of the Department of Neighborhood and Business Development (NBD) by \$413,300 to receive a portion of the funds appropriated in Section 1 herein.
- B. Increasing the Budget of the Law Department by \$20,200 to receive a portion of the funds appropriated in Section 1 herein.
- C. Increasing the 2024-25 Budget of Undistributed Expenses by \$101,800 to receive a portion of the funds appropriated in Section 1 herein.

Section 3. The Mayor is hereby authorized to enter into an amendatory agreement with Visionary Integration Professionals, LLC to support implementation of the Program. This amendatory agreement shall amend the existing agreement authorized by Ordinance No. 2021-265, and amended by Ordinance Nos. 2022-361, 2023-135, 2023-269 and 2023-297, to amend the scope of work to cover any necessary modifications to the Infor software system to support implementation of the Program and to increase the maximum compensation by \$150,000 to a new total of \$8,189,480. The amendatory compensation shall be funded from the 2024-25 Budget of NBD.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-322

Re: Professional Services Agreement – Pallet Shelters at Peace Village

Council Priority: Creating and Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to improvements at Peace Village, 97 Industrial Street, to better serve unhoused people by providing higher quality facilities (the "Project"). This legislation will:

- 1) Amend the 2024-25 Budget of the Department of Neighborhood and Business Development (NBD) by appropriating \$400,600 of Fund Balance committed by City Council via the following legislation:
 - a. \$70,000 in Resolution No. 2024-24 for the purposes of affordable housing and equity home ownership; and
 - b. \$330,600 in funds previously appropriated, but unspent, to improve Peace Village via Ordinance No. 2023-53.
- 2) Amend the agreement with Pallet SBC (Amy King, Principal; Everett, Washington), previously authorized by Ordinance No. 2023-53 and amended by Ordinance No. 2023-116 to create and install transitional housing units and supporting structures at Peace Village, by reducing the maximum compensation by \$40,528 to a new total of \$419,472.
- 3) Authorize an agreement with City Roots Community Land Trust, Inc. (20 First Street, Rochester, 14605) for a maximum total compensation of \$400,528 to fund site improvements at Peace Village necessary to accommodate the transitional housing units and supporting structures. The agreement will be funded by the 2024-25 Budget of NBD, utilizing the appropriation authorized herein.

In 2023, City Council authorized, via Ordinances No. 2023-53 and 2023-116, an agreement to carry out the site improvements for total maximum compensation of \$290,000. That agreement was to be with Person Centered Housing Options Inc. or another organization deemed more appropriate. That agreement was not executed due to a funding shortfall. The revised maximum total compensation above reflects additional funding necessary to complete the improvements. Under this agreement, City Roots Community Land Trust, Inc. (20 First Street, Rochester, 14605) will enter into a contract with Christa Construction, LLC (President; Mike Seaman, 64 Commercial Street, Rochester, 14614) and start construction. The scope of work required to prepare the location for the Pallet units includes bringing utilities to the site, installing concrete pads or foundations and asphalt, new lighting, and fencing. This scope of work ensures the site is adequately prepared and remain a viable sheltering option long-term, and that the Pallet units are ready to be occupied as soon as possible.

If funds are different, not available, or less than anticipated, agreement amounts and terms will

be adjusted accordingly.

Respectfully submitted,
Malik D. Evans
Mayor

Miguel A. Meléndez Jr.
Council President

Attachment No. AX-210

Ordinance No. 2024-322
(Int. No. 421)

Ordinance No.

~~Amending Ordinance No. 2023-53 to increase the funding for Peace Village improvements~~

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

~~Section 1. Ordinance 2023-53 is hereby revised to read as follows:~~

~~**Appropriating funds and authorizing agreements for Peace Village improvements**~~

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

~~Section 1. The sum of \$820,000 — consisting of \$750,000 allocated for the Police Accountability Board in from the 2022-23 Budget of the City Council & Clerk is hereby reallocated and appropriated by Ordinance No. 2023-53 and \$70,000 hereby appropriated from remaining Fund Balance of the 2023-24 Budget of the City Council & Clerk, which Council committed for the purposes of affordable housing and equity home ownership in Resolution No. 2024-24 — has been appropriated to improve the Peace Village at 97 Industrial Street to serve more unhoused people with better quality facilities (the Improvements).~~

~~Section 2. The Mayor is hereby authorized to enter into a professional service agreement with Pallet SPC to produce and install at Peace Village approximately 15 insulated transitional housing units with 2 beds apiece and supporting hygiene, storage and community space structures. The term of the agreement shall be one year with the option to renew for one additional year. The maximum compensation shall be \$460,000 \$419,472, which shall be funded from the appropriations to Improvements in Section 1.~~

~~Section 3. The Mayor is hereby authorized to enter into a grant agreement with Person Centered Housing Options Inc. or another organization if deemed more appropriate to fund improvements to the Peace Village site to accommodate the structures authorized in Section 2 and to maintain and improve the quality of the site for the people it serves. The term of the agreement shall be one year with the option to renew for one additional year. The maximum grant amount shall be \$200,000 \$400,528, which shall be funded from the appropriations to Improvements in Section 1.~~

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

~~Section 5. This ordinance shall take effect immediately.~~

~~Section 2. This ordinance shall take effect immediately.~~

Appropriating additional funds, amending the 2024-25 Budget and amending agreements relating to improvements for Peace Village

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

Section 1. Ordinance No. 2024-200, the 2024-25 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Department of Neighborhood and Business Development (NBD) by \$400,600 to fund improvements to the Peace Village at 97 Industrial Street to serve more unhoused people with better quality facilities (the Improvements). The increase shall be comprised of \$330,600 hereby appropriated from the unspent portion of funds appropriated to the 2022-23 Budget of NBD for the Improvements by Ordinance No. 2023-116 and \$70,000 hereby appropriated from remaining Fund Balance of the 2023-24 Budget of the City Council & Clerk, which Council committed for the purposes of affordable housing and equity home ownership in Resolution No. 2024-24.

Section 2. The Mayor is hereby authorized to enter into an amendatory agreement with Pallet SPC to produce and install at Peace Village insulated transitional housing units and supporting hygiene, storage and community space structures. The amendatory agreement shall amend the existing agreement authorized by Ordinance No. 2023-53 and amended by Ordinance No. 2023-116 to decrease the maximum compensation by \$40,528 to a new total of \$419,472 and to fund the unpaid remainder of that compensation from the 2024-25 Budget of NBD.

Section 3. The Mayor is hereby authorized to enter into an amendatory grant agreement for the Improvements. The amendatory agreement shall amend the existing agreement authorized by Ordinance No. 2023-53 and amended by Ordinance No. 2023-116 to increase the maximum compensation by \$110,528 to a new total of \$400,528 and to fund the unpaid remainder of that compensation from the 2024-25 Budget of NBD.

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, double-strikeout indicates deleted in original Intro. No. 421, new text is single underlined, double underlining indicates text added in the original.

Passed by the following vote:

Ayes - President Meléndez, Councilmembers Lightfoot, Lupien, Martin, Monroe, Patterson, Smith - 7.

Nays - None - 0.

Councilmember Gruber abstained due to a professional relationship.

Councilmember Patterson introduced a motion to discharge Int. No. 420;
2nd by Councilmember Smith
Motion to discharge passed unanimously.

Councilmember Patterson introduced a motion to amend Int. No. 420;

2nd by President Meléndez.
Motion to amend passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-323

Re: 2024-25 Annual Action Plan, Consolidated Community Development Plan, Street Liaison Services

Council Priority: Creating and Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to the Quadrant Planning Support Program. This legislation will:

- 1) Appropriate \$90,000 from the Street Liaison allocation of the 2024-25 Annual Action plan for the City's use to operate the program.
- 2) Establish the following as maximum compensation for agreements with the following entities to provide business development street liaison services for each of the city's quadrants. This program will be funded from the appropriation listed in number 1 above.

Northeast Quadrant

- Action for a Better Community, Incorporated, \$20,000 (CEO: Jerome Underwood)
Serving:
 - Portland Avenue
 - Joseph Avenue
 - Hudson Avenue
 - Public Market
- Isla Housing and Development Corporation, \$5,000 (Executive Director: Sonia Nunez)
Serving:
 - North Clinton Avenue

Northwest Quadrant

- ~~Cameron Community Ministries, Inc. \$20,000 (Executive Director: Olivia Kassoum Amadou)~~
Serving:
 - ~~Lyell Avenue~~
 - ~~Dewey Avenue~~
 - ~~West Ridge Road~~
 - ~~Lake Avenue~~

Southeast Quadrant

- Highland Planning LLC, \$20,000 (Principal: Tanya M. Zwahlen)
Serving:
 - South Avenue
 - South Clinton Avenue
 - Monroe Avenue
 - East Main Street

Southwest Quadrant

- 19th Ward Community Association of Rochester, New York, Inc., \$25,000 (President: Josie T. McClary)
Serving:

- West Main Street
- Arnett Boulevard/Thurston Road/Brooks Avenue
- Genesee Street/Jefferson Avenue/Plymouth Avenue
- Mt. Hope Avenue
- Chili Avenue

The mission of the Street Liaison role is to function as a liaison between the City of Rochester Business Development Team, the Neighborhood Service Center Administrators and neighborhood businesses; provide detailed reports of business activities and concerns faced by businesses to City of Rochester staff; and work collaboratively with business associations and City of Rochester teams to attract and populate business corridors with products and services that meet the consumer needs of the local community.

Three of the above agencies were selected through a Request For Qualifications (RFQ) that was completed in March 2023.

Action for a Better Community and Highland Planning have been contracted to serve the City in this capacity as far back as 2014. The 19th Ward Community Association began contracting in 2017, and Isla Housing and Development Corporation began in 2019.

~~In the Northwest Quadrant, Cameron Community Ministries, Inc. will facilitate the 2024-2025 contract as the previously awarded organization (Highland Planning) has opted out of pursuing the Northwest Street Liaison contract at this time.~~

The agreements will be in effect from November 1, 2024 through June 30, 2025.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-211

Ordinance No. 2024-323
(Int. No. 420)

Appropriating 2024-25 Annual Action Plan funds and authorizing agreements for Street Liaison services, as amended

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

Section 1. The sum of ~~\$90,000~~ \$70,000 is hereby appropriated from the Project No. 3 Street Liaison allocation of the 2024-25 Annual Action Plan (Plan) to implement a Street Liaison program.

Section 2. The Mayor is hereby authorized to enter into professional services agreements to obtain business development Street Liaison services for ~~each~~ three of the City's four quadrants for the maximum compensation amounts as follows:

- a) Northeast Quadrant: with Action for a Better Community, Incorporated for \$20,000 and with Isla Housing and Development Corporation for \$5,000;
- ~~b) Northwest Quadrant: with Cameron Community Ministries, Inc. for \$20,000;~~
- e**b**) Southeast Quadrant: with Highland Planning LLC for \$20,000; and

d) Southwest Quadrant: with 19th Ward Community Association of Rochester, New York, Inc. for \$25,000.

The agreements shall be funded from the funds appropriated in Section 1 herein, and the term for each agreement shall be from July 1, 2024 to June 30, 2025.

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

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

By President Meléndez
October 22, 2024

To the Council:

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

- Int. No. 397 Authorizing agreements for a Bull’s Head Revitalization Project
- Int. No. 398 Resolution authorizing the implementation and funding of a State “Marchiselli” Program-aid eligible transportation federal-aid project, to fully fund the local share of federal- and state-aid eligible and ineligible project costs for the Bull’s Head Revitalization project and appropriating funds therefor
- Int. No. 400 Authorizing an agreement and appropriating funds for the Martin Luther King Jr. Memorial Playground Renovation
- Int. No. 401 Appropriating American Rescue Plan Act funds for the 2023 Lead Service Line Replacement Project 3C
- Int. No. 402 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$992,000 Bonds of said City to finance the 2023 Lead Service Line Replacement Project 3C (Contiguous Street Betterment)
- Int. No. 403 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,244,000 Bonds of said City to finance the 2023 Lead Service Line Replacement Project 3C (Adjacent Street Restoration)
- Int. No. 404 Authorizing agreements related to the Rochester Peace Collective Initiative
- Int. No. 405 Authorizing a land lease at the Public Market
- Int. No. 406 Authorizing an intermunicipal grant agreement to support recreation and positive youth development programming

Int. No. 407 Authorizing an amendatory agreement related to Animal Services' spay and neuter voucher program

Int. No. 408 Authorizing agreement for the Railroad Underpass Improvements Project, **as amended**

The **PEOPLE, PARKS & PUBLIC WORKS COMMITTEE** recommends for **CONSIDERATION** the following entitled legislation:

Int. No. 399 Authorizing a change in traffic flow on Federal Street

Respectfully submitted,
LaShay D. Harris
Willie J. Lightfoot
Mary Lupien (*absent on Int. No. 407 & 408*)
Michael A. Patterson
Miguel A. Meléndez, Jr.
PEOPLE, PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2024-324
Resolution No. 2024-52
Re: Bull's Head Revitalization Project

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to the Bull's Head Revitalization Project. This legislation will:

1. Appropriate \$21,209 in anticipated reimbursements from the New York State (NYS) Marchiselli Aid Program to finance a portion of right-of-way (ROW) acquisition services for the Project; and,
2. Authorize an amendatory agreement with New York Department of Transportation (NYSDOT) to participate in and administer a portion of the ROW acquisition services for the Project. The original agreement for \$7,000 was authorized in Ordinance No. 2023-69. This amendment will increase the compensation by \$27,399 to a maximum total of \$34,399. The cost of amendatory agreement will be funded with \$21,209 in NYS Marchiselli aid appropriated herein and \$6,190 in 2021-22 Cash Capital.
3. Approve a resolution, in a form that is required by NYSDOT, that will confirm the City's prior authorizations of the project, commit the City to pay for the State-funded portion of the Project in the first instance before seeking reimbursement from the State, and if applicable, commit the City Council to meet promptly to consider appropriating money to make up any cost overruns.

This is a Federal Aid Project administered by the City under an agreement with NYSDOT.

The Project includes, but is not limited to, a combination of new street construction, pavement reconstruction and rehabilitation, milling and resurfacing, realignment of intersecting streets, curbs, sidewalks, street lighting improvements, water main installation, water services and hydrants, sewer

main extensions, catch basins, manholes, adjustment of utility appurtenances, landscaping, the addition of bicycle facilities and other various improvements as funding allows.

Public meetings were held on February 27, 2024 and June 17, 2024. A copy of the meeting minutes are attached. The next public meeting is anticipated to be held in Fall 2024.

Construction is anticipated to begin in 2026 pending right-of-way acquisitions and contractor availability.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-212

Ordinance No. 2024-324
(Int. No. 397)

Authorizing agreements for a Bull's Head Revitalization Project

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

Section 1. The Council hereby appropriates \$21,209 in anticipated reimbursements from the New York State Marchiselli Aid Program to fund the right-of-way (ROW) acquisition services for the Bull's Head Revitalization Project (Project).

Section 2. The Mayor is hereby authorized to enter into an amendatory agreement with the New York State Department of Transportation to provide additional ROW acquisition services for the Project. The amendatory agreement shall modify the existing agreement authorized by Ordinance No. 2023-69 to increase the compensation by \$27,399 to a new total of \$34,399. The amendatory compensation shall be funded in the amounts of \$21,209 from the Marchiselli funds appropriated in Section 1 above and \$6,190 in 2021-22 Cash Capital.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Resolution No. 2024-52
(Int. No. 398)

Resolution authorizing the implementation and funding of a State "Marchiselli" Program-aid eligible transportation federal-aid project, to fully fund the local share of federal- and state-aid eligible and ineligible project costs for the Bull's Head Revitalization project and appropriating funds therefor

WHEREAS, a Project for Bull's Head Revitalization identified as PIN 4CR019 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds; and

WHEREAS, the City of Rochester desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of ROW incidental and ROW acquisition work for the Project or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation ("NYSDOT") pursuant to Agreement.

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

THAT the Council hereby approves the Project;

THAT the Council hereby authorizes the City of Rochester to pay in the first instance the full non-federal share of the cost of ROW incidental and ROW acquisition work for the Project or portions thereof;

THAT the sum of \$34,399.00 is hereby appropriated from Ordinance No. 2023-69 (\$7,000.00) and Ordinance No. 2024-324 (\$27,399.00) and made available to cover the cost of participation in the above phases of the Project;

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

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

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

THAT this Resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-325

Re: Federal Street – Change in Direction of Traffic Flow

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation to authorize a change in the direction of traffic flow on Federal Street, between Cedarwood Terrace and East Main Street, from two-way to one-way southbound.

This conversion was initiated at the request of the residents of Federal Street in the interest of public safety. Federal Street is 22 feet wide with parking on one side of the street, leaving little room for two vehicles to pass each other. A petition in support of changing the direction of traffic to one-way

southbound was submitted to DES by neighborhood residents. The petition was verified to meet the minimum requirement of at least 60% of all properties on the street. The Traffic Control Board endorsed the change at its July 17, 2024 meeting. The conversion is anticipated to go into effect within two to three months after City Council approval.

A public hearing on the change in the direction of traffic flow is required.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-213

Ordinance No. 2024-325
(Int. No. 399)

Authorizing a change in traffic flow on Federal Street

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

Section 1. The Council hereby approves a change in the direction of the traffic flow on Federal Street, between Cedarwood Terrace and East Main Street, from two-way to one-way southbound.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2024-326
Re: Grant Agreement – Martin Luther King Jr. Memorial Playground Renovation

Council Priority: Creating and Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area: Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to the Martin Luther King Jr. Memorial Playground Renovation Project. This legislation will:

1. Authorize an agreement with the Rochester Downtown Development Corporation (RDDC) (Galin Brooks, President & CEO, 100 Chestnut Street, Suite 1910, Rochester, New York) for the receipt and use of an \$80,000 ESL Community Engagement through Placemaking grant. Per ESL's request, the RDDC will be acting as the 501(c) fiduciary for the grant and will be administering the grant funds to the City; and,
2. Appropriate \$80,000 in anticipated reimbursements from RDDC to partially finance the construction of the Project.

The Project includes the renovation of the existing playground and adjacent park spaces at Martin Luther King Jr. Memorial Park. The playground, last renovated in 2004, has reached the end of its useful life and is in need of significant renovation. Portions of the playground are presently closed to the public due to failed safety surfacing as well as damaged and broken play features.

This grant will allow the playground to be an inclusive play space by funding the purchase and installation of two inclusive play features. An inclusive playground is a safe and open space designed to encourage play among children of different ages, abilities, and backgrounds. Inclusive playgrounds are intended to break down physical and social barriers by providing a level playing field for children with and without disabilities.

An initial Public Meeting to present and discuss the preliminary design alternatives was held on July 16, 2024. A second Public Meeting will be held late 2024 to discuss the draft final design.

Design is anticipated to be complete by late 2024 with construction anticipated to begin in spring 2025 with completion in fall 2025.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-214

Ordinance No. 2024-326
(Int. No. 400)

Authorizing an agreement and appropriating funds for the Martin Luther King Jr. Memorial Playground Renovation

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 Downtown Development Corporation for the receipt and use of \$80,000 through the ESL Community Engagement through Placemaking grant program, which amount is hereby appropriated to fund a portion of the costs of the Martin Luther King Jr. Memorial Playground Renovation project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-327

Ordinance No. 2024-328

Ordinance No. 2024-329

Re: 2023 – 3C Lead Service Line Replacement Project

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation related to the 2023 – 3C Lead Service Line Replacement Project. This legislation will:

1. Authorize the issuance of bonds totaling \$992,000 and the appropriation of the proceeds thereof to partially finance the street betterment portion of the construction for the Project; and,
2. Authorize the issuance of water bonds totaling \$1,244,000 and the appropriation of the proceeds thereof to partially finance the street portion of the construction for the Project; and,
3. Appropriate \$1,477,281 of American Rescue Plan Act (ARPA) funding to finance a portion of the construction for the Project.

The Project will include the replacement of residential lead service lines in an effort to reduce the amount of lead in drinking water. It is anticipated that 991 services will be replaced. The scope of work also includes street restoration for streets where lead services are replaced, as well as contiguous streets co-located within the project area. Streets will be restored by chip sealing. The locations for this work have been identified by prioritizing streets that are within environmental justice areas, serve vulnerable populations, or have a history of high lead levels.

Design, construction management and resident project representation (CM/RPR) services are provided by LaBella Associate DPC as authorized by Ordinance No. 2023-109 and amended by Ordinance No. 2024-127.

The City of Rochester received a \$202.1 million award from the Coronavirus State and Local Fiscal Recovery Fund established by the American Rescue Plan Act (ARPA). The Project was included in the prior Administration's Strategic Equity and Recovery Plan shared with City Council on September 29, 2021, and was shared by the current Administration in a Council work session on September 29, 2022. This Project is an eligible use of ARPA funding under the Final Rule Expenditure Category 6.1 Provision of Government Services.

The additional \$1,477,281 in ARPA funding is being re-appropriated from a portion of the \$37,315,000 in ARPA funds originally appropriated to the Lead Service Replacement program in Ordinance Nos. 2021-240, 2021-410, and 2022-63. The 2021 and 2022 phases of the Lead Service Replacement program were completed under budget, leaving a portion of ARPA funds available for reprogramming.

Bids for construction were received on September 10, 2024. The apparent low bid of \$7,555,797 was submitted by Nardozzi Paving & Construction LLC (James Nardozzi, President, 124 N. Genesee Street, Geneva, New York).

The Project will be funded as follows:

Source of Funds	Design CM & RPR	Construction	Construction Contingency	Total
ARPA Funding Ordinance No. 2022-314	\$465,190	\$3,891,805	\$0	\$4,356,995
ARPA Funding authorized herein	0	1,132,558	0	1,132,558
2024-25 Cash Capital	0	0	251,000	251,000
LSLR Construction Subtotal	465,190	5,024,363	251,000	5,740,553
ARPA Funding Ordinance No. 2022-314	123,984	0	0	123,984
ARPA Funding authorized herein	0	344,723	0	344,723
Water Bonds authorized herein (for pavement restoration)	0	1,244,000	0	1,244,000
2024-25 Cash Capital	0	427	79,000	79,427
LSLR Street Restoration Subtotal	123,984	1,589,150	79,000	1,792,134
2022-23 Cash Capital Ordinance No. 2024-127	73,516	0	0	73,516
Bonds authorized herein (for betterment pavement restoration)	0	942,284	49,716	992,000
Street Betterment Subtotal	73,516	942,284	49,716	1,065,516
Total	\$662,690	\$7,555,797	\$379,716	\$8,598,203

MWBE goals are below:

Contract Type	Aggregate Annual Award	Aggregate Annual Award: Minorities	Aggregate Annual Award: Women
Public Works Construction Projects	30%	20%	10%
Public Works Consultants	30%	15%	15%
Professional Services Consultants	30%	15%	15%

Construction is anticipated to begin in early 2025 and be substantially complete in late 2026. The additional funding authorized here will result in the creation and/or retention of the equivalent of 44 full-time jobs.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2024-327
(Int. No. 401)

Appropriating American Rescue Plan Act funds for the 2023 Lead Service Line Replacement Project 3C

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

Section 1. The Council hereby appropriates \$1,477,281 in funds provided by the United States Treasury pursuant to the American Rescue Plan Act of 2021 (ARPA) to fund the 2023 Lead Service Line Replacement Project 3C (Project), consisting of the replacement of approximately 992 residential lead water service lines and the restoration of streets where the replacements occur. The ARPA funds appropriated herein shall consist of the unspent portions of ARPA funds appropriated to previous lead line replacement projects in Ordinance Nos. 2021-240, 2021-410 and 2022-63.

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

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2024-328
(Int. No. 402)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$992,000 Bonds of said City to finance the 2023 Lead Service Line Replacement Project 3C (Contiguous Street Betterment)

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 chip sealing and associated spot improvements on the street segments listed on the attached Project Street List annexed hereto as Exhibit A, which comprise the 2023 Lead Service Line Replacement Project 3C (Contiguous Street Betterment) (hereinafter 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 \$1,065,516. The plan of financing includes the issuance of \$992,000 bonds of the City, which amount is hereby appropriated for the Project, \$73,516 in 2022-23 Cash Capital, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$992,000 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 \$992,000. 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.b of the Law, is ten (10) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

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

Exhibit A

Project Street List

The Project entails chip sealing and associated spot repairs of the following street segments:

STREET	FROM	TO
CADY ST	REYNOLDS ST	OLEAN ST
CHAMPLAIN ST	OLEAN ST	FORD ST
CHAMPLAIN ST	EPWORTH ST	JEFFERSON AVE
CORETTA SCOTT CROSSING	OLEAN ST	OLEAN ST
COULTON PL	DEAD END	S PLYMOUTH AVE
DORAN ST	S PLYMOUTH AVE	EXCHANGE ST
EDITH ST	S PLYMOUTH AVE	DORAN ST
EPWORTH ST	CHAMPLAIN ST	DR SAMUEL MCCREE WAY
ETHEL ST	S PLYMOUTH AVE	FLORA ST
EXCHANGE ST	VIOLETTA ST	FORD ST
FAXON AL	DEAD END	OLEAN ST
FLORA ST	VIOLETTA ST	DEAD END
FROST AVE	GENESEE ST	OLEAN ST
FULLER PL	DEAD END	S PLYMOUTH AVE
HARLOW PARK	COLUMBIA AVE	DEAD END
HEISEL AL	EPWORTH ST	JEFFERSON AVE
LENOX ST	GENESEE ST	EPWORTH ST
LUNDSFORD LA	OLEAN ST	FORD ST
LUTHER CIR	S PLYMOUTH AVE	CUL-DE-SAC
MAGNOLIA ST	GENESEE ST	SEWARD ST
NELLIS PARK	MAGNOLIA ST	JEFFERSON AVE
OLEAN ST	BARTLETT ST	DR SAMUEL MCCREE WAY
REYNOLDS ST	CADY ST	DR SAMUEL MCCREE WAY
RUFF AL	EPWORTH ST	REYNOLDS ST
SCHELL PL	DEAD END	S PLYMOUTH AVE
SERENITY CI	UTICA PL	DEAD END
SEWARD ST	CADY ST	DR SAMUEL MCCREE WAY
STANLEY ST	FENWICK ST	VIOLETTA ST
UTICA PL	COTTAGE ST	SERENITY CIR
VIOLETTA ST	S PLYMOUTH AVE	EXCHANGE ST
WHITTLESEY	JEFFERSON AVE	OLEAN ST
AVENUE A	N CLINTON AVE	REMINGTON ST
BARONS ST	ALPHONSE ST	BERNARD ST
BERNARD ST	CARTER ST	PORTLAND AVE
BREWER ST	ST PAUL ST	AVENUE A
CONKEY AVE	CLIFFORD AVE	AVENUE A
DALE ST	REMINGTON ST	JOSEPH AVE
EIFFEL PL	JOSEPH AVE	DEAD END
HARRIS STREET	CLIFFORD AVE	AVENUE A
HARVEY AL	THOMAS ST	KASTNER PARK

STREET (cont'd)

KASTNER PARK
LAFORCE ST
MEAD ST
MORRILL ST
NIELSON ST
ORPHEUM ST
REMINGTON ST
ROTH ST
STAUDINGER
WILKINS
WEIGEL AL
WOOD ST

FROM (cont'd)

CLIFFORD AVE
N CLINTON AVE
N CLINTON AVE
N CLINTON AVE
HARRIS ST
CLIFFORD AVE
CLIFFORD AVE
CLIFFORD AVE
CLIFFORD AVE
HUDSON ST
THOMAS ST
BERNARD ST

TO (cont'd)

BERNARD ST
REMINGTON ST
REMINGTON ST
REMINGTON ST
CONKEY AVE
CARTER ST
AVENUE D
AVENUE A
BERNARD ST
NORTH ST
HUDSON AVE
DEAD END

Passed unanimously.

Ordinance No. 2024-329
(Int. No. 403)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,244,000 Bonds of said City to finance the 2023 Lead Service Line Replacement Project 3C (Adjacent Street Restoration)

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 chip sealing and associated spot improvements on the street segments listed on the attached Project Street List annexed hereto as Exhibit A, which comprise the 2023 Lead Service Line Replacement Project 3C (Adjacent Street Restoration) (hereinafter 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 \$1,792,134. The plan of financing includes the issuance of \$1,244,000 bonds of the City, which amount is hereby appropriated for the Project, \$123,984 in American Rescue Plan Act of 2021 ("ARPA") funds appropriated in Ordinance No. 2022-314, \$344,723 in ARPA funds appropriated in a concurrent ordinance, \$79,427 in 2024-25 Cash Capital and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,244,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,244,000. 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.b of the Law, is ten (10) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

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

Exhibit A

Project Street List

The Project entails chip sealing and associated spot repairs of the following street segments:

Street	From	To
Cady St	Epworth St	Reynolds St
Iceland Park	Epworth St	Jefferson Ave
Epworth St	Columbia St	Champlain St
Florence St	Columbia St	Bartlett St
Kenmore St	Columbia St	Bartlett St
Arnett Blvd	Genesee St	Epworth St
Bartlett St	Epworth St	S Plymouth Ave
Champlain St	Jefferson Ave	Reynolds St
Champlain St	School No. 2	Olean St
Reynolds St	Columbia St	Cady St
Hawley St	Genesee St	Seward St
Costello Park	Flint St	Hawley St
Flint St	Genesee St	Seward St
Walter Park	Shelter St	Flint St
Manila St	Magnolia St	Shelter St
Lloyd St	Shelter St	Flint St
Schwartz St	Shelter St	Flint St
Earl St	Genesee St	Jefferson Ave
Cottage St	Genesee St	Seward St
Sawyer St	Genesee St	Elgin St
Stratford St	Genesee St	Elgin St
Elgin St	Seward St	Cottage St
Barton St	Genesee St	S Plymouth Ave
Flint St	Seward St	Exchange St
Cottage St	Seward St	Jefferson Ave
Day Place	Lee St	Columbia St
Lee St	Day Place	Columbia St
Elba St	Cottage St	Magnolia St
Exchange St	Magnolia St	Violetta St
Mt Pleasant Park	S Plymouth St	Exchange St
Riverview Park	Exchange St	Dead End
Fenwick St	S Plymouth St	Exchange St
Violetta St	Exchange St	Dead End
Seward St	Genesee St	Cady St
Rauber St	Joseph Ave	Widman Ave
Thomas St	Upper Falls Blvd	Clifford Ave
Hixson St	Maria St	Thomas St
Barons St	Weeger St	Clifford St
Dudley St	Weeger St	Clifford St
Henry St	Upper Falls Blvd	Weeger St
Edward St	Upper Falls Blvd	Merrimac St

Street (Cont'd)	From (Cont'd)	To (Cont'd)
Reed Park	Hudson Ave	North St
Wadsworth St	Hudson Ave	North St
Nash St	Hudson Ave	North St
Grace St	North St	Concord St
Hollister St	Merrimac St	Clifford Ave
Stevens St	Lincoln St	Hollister St
Miller St	Bay St	Clifford Ave
Wright Ter	Miller St	Dead End
Vetter St	Scio St	Hebard St
Merle St	Vetter St	Hebard St
Hebard St	Central Park	Bay St
Dake St	Hebard St	Niagara St
Davis St	Scio St	Railroad Tracks
Lewis St	Davis St	N Union St
McFarlin St	Weld St	Woodward St

Passed unanimously.

President Melendez introduced a motion to move Int. No. 404 to the Committee; 2nd by Councilmember Martin.
Motion passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Int. No. 404
Re: Agreements - American Rescue Plan Act, Rochester Peace Collective

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation establishing \$790,000 as total maximum compensation for twelve agreements related to the Rochester Peace Collective Initiative, as follows. Nine of the agreements are new while three are returning under new contracts. Each agreement will have a term of one year, with an optional no-cost, six-month extension to ensure that the organizations can exhaust all of their awards before the U.S. Treasury spending deadline. Agreements will be funded from the 2024-25 Budget of the Mayor's Office.

Initial funding for the Rochester Peace Collective was from the American Rescue Plan Act (ARPA) in the amount of \$5,000,000, appropriated in Ordinance No. 2022-140. Eighteen agreements were subsequently authorized in Ordinance Nos. 2022-387 and 2023-58. The twelve additional organizations named in this legislation will be funded from the remaining balance of the \$5,000,000 initially appropriated.

The Rochester Peace Collective was established in 2022 with the goal of uniting organizations to address violence in the city. The collective aims to work together to eliminate barriers, reduce violence, and ensure that each organization provides violence prevention programming and services with skill and

competence. As the collective enters its second phase, it seeks to expand its network and enhance its impact through regular meetings, shared resources, and ongoing evaluations of community-based violence prevention strategies.

These twelve organizations were selected through a request for proposals process described in the vendor selection forms. Each organization will provide violence prevention programming and services in a skillful and competent manner while working collaboratively to eliminate silos in an effort to reduce violence.

Respectfully submitted,
 Malik D. Evans
 Mayor

Int. No. 404

Authorizing agreements related to the Rochester Peace Collective Initiative

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

Section 1. The Mayor is hereby authorized to enter agreements related to the Rochester Peace Collective Initiative as follows:

Organization	Project Focus	Maximum Compensation Amount
A Horse’s Friend, Inc.	Youth development	\$30,000
Alternatives to Violence Project, Inc.	Job training and preparation, life skills training, mental health support	\$75,000
Changing The Community Inc.	Youth development, life skills training, mediation/conflict resolution	\$100,000
Coordinated Care Services, Inc.	Youth development, arts/entertainment	\$40,000
Father Laurence (“Larry”) Tracy Advocacy Center Inc.	On-the-ground outreach, life skills, job training and preparation	\$100,000
Friends of the Gardenaerial, Inc.	Job training and preparation, skills training	\$100,000
Isaac Tec LLC	Job training and preparation, skills training	\$50,000
Line ‘em Up	Skills training, youth development	\$30,000
Mentors Inspiring Boys & Girls, Inc.	Arts, music, entertainment, youth development	\$100,000
Multi-Craft Apprenticeship Preparation Program, Inc.	Job training and preparation, skills training, conflict resolution, outreach	\$40,000
Partners in Restorative Initiatives, Incorporated	Re-entry services, mediation/conflict resolution, mental health support, life skills training	\$50,000

Southwest Area Neighborhood, Incorporated	Job training and preparation, youth development	\$75,000
	Total Expense:	\$790,000

Section 2. The agreements shall be funded by the appropriation authorized by Ordinance No. 2022-140.

Section 3. Each agreement shall have a term of one year, with the option to extend it for up to six months if funds remain from the appropriation provided for herein.

Section 4. The agreements authorized in Section 1 herein shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 5. This ordinance shall take effect immediately.

Item was HELD.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2024-330
Re: Land Lease– Shawn Timmerman LLC.

Council Priority: Creating and Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation establishing a 10 year Land Lease with Shawn Timmerman LLC (Lessee, 175 Trabold Rd., Rochester NY 14624), for the use of approximately 240 square feet of City owned property at the Rochester Public Market (Leased Space) to operate a food service business, presently Zimmermann’s Hots, out of a kiosk owned by Lessee.

This year the Lessee purchased the kiosk from its previous owners, who had operated the kiosk on the Leased Space to enhance their operation of Zimmermann’s Hots. The present Lessee has continued operating the business pursuant to a short-term rental agreement with the City. This legislation would authorize the City to enter into a long-term agreement to allow Lessee to continue operating the kiosk on the Leased Space for a term of up to ten years.

The rent rate for the first year of the agreement will be \$209 per month. That rate, as well as the rental rates charged to the other vendors who lease space in the Market, may be adjusted each year thereafter pursuant to operating the Public Market as an enterprise activity of the City of Rochester, in accordance with Section 91-10D of the City’s Market Ordinance in Chapter 91 of the Municipal Code.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2024-330
(Int. No. 405)

Authorizing a land lease at the Public Market

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

Section 1. The Council hereby authorizes the City to enter into a 10-year land lease with Shawn Timmerman LLC for use of approximately 240 square feet of City owned property at the Rochester Public Market (a portion of 280 N. Union Street, SBL# 106.67-1-1.003).

Section 2. The rental rate for the first year of the agreement shall be \$209 per month, which may be adjusted each year thereafter in accordance with Section 91-10D of the Market Ordinance in Chapter 91 of the Municipal Code.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-331

Re: Grant Agreement - Monroe County, Rochester - Monroe County Youth Bureau

Council Priority: Support the Creation of Effective Educational Systems

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with the County of Monroe, on behalf of the Rochester-Monroe County Youth Bureau, (Executive Director, Anthony Jordan), for the receipt and use of a \$54,301 grant to support recreation and positive youth development programming. These funds were anticipated and included in the 2023-24 and 2024-25 Budgets of the Department of Recreation and Human Services. The term of the inter-municipal agreement is October 1, 2023 – September 30, 2024 and the funds will be used to reimburse the City for recreation programming that took place during that period. This grant has been received retroactively from the County each year.

The Rochester-Monroe County Youth Bureau annually receives funding from the New York State Office for Children and Family Services (OCFS) for youth development activities and awards a portion of these funds to the City. In 2023, this grant was used to fund part-time Refs on the Move positions and supplies for youth athletics leagues, sports clinics and youth development programs which collectively serve more than 7,000 youth participants. These positions are utilized at the Rochester Community Sports Complex and Genesee Valley Sports Complex sites and help facilitate our youth sports leagues and clinics such as basketball, football, softball/baseball, soccer, rugby and lacrosse.

The Rochester-Monroe County Youth Bureau, jointly established by the City and County, provides a County-wide planning and service delivery system devoted to the welfare and development of children and youth. The most recent Council action on this item was in August 2023 via Ordinance No. 2023-290. The City has received this grant for more than 15 years.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2024-331
(Int. No. 406)

Authorizing an intermunicipal grant agreement to support recreation and positive youth development programming

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

Section 1. The Mayor is hereby authorized to enter into an intermunicipal agreement with the County of Monroe for the receipt and use of \$54,301 to support recreation and positive youth development programming. The term of the agreement shall be from October 1, 2023 to September 30, 2024.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-332
Re: Amendatory Agreement – Pathway Vet Alliance, LLC – Spay and Neuter Services for Rochester Animal Services

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Pathway Vet Alliance, LLC doing business as Rochester Community Animal Clinic (Dr. Robert Murtaugh, Principal, 985 Bay St, Rochester, NY 14609) for additional surgeries related to the spay and neuter voucher program. The original agreement, Ordinance No. 2022-224, authorized on July 19, 2022, established a maximum compensation of \$68,000 for a term of two years. This amendment will increase the compensation by \$17,000 for a maximum of \$85,000. The additional cost will be funded from the Animal Services Gift Fund.

The increase in the amount of the agreement is needed due to the overwhelming number of spay and neuter vouchers that were given to low income residents to have this important surgery performed at the Rochester Community Animal Clinic (RCAC) for free. The spay/neuter surgery voucher program is a service through Rochester Animal Services where low income City residents receive a voucher to spay or neuter their pet at RCAC and then RCAC invoices the City for the surgery. The demand for the voucher

program far exceeded the \$68,000 of the original amount allocated for this program, which were received from a grant courtesy of the American Society for the Protection and Care of Animals. These additional funds will be used to pay for 121 surgeries that occurred in January and February of 2024.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2024-332
(Int. No. 407)

Authorizing an amendatory agreement related to Animal Services' spay and neuter voucher 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 amendatory agreement with Pathway Vet Alliance LLC to provide for additional surgeries related to Animal Services' spay and neuter voucher program. The amendatory agreement shall amend the existing agreement authorized by Ordinance No. 2022-92 and amended by Ordinance No. 2022-224, to increase the maximum compensation by \$17,000 to a new total of \$85,000. The amendatory compensation shall be funded from the Animal Services Gift Fund.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2024-333
Re: Railroad Underpass Improvements Project (Atlantic Avenue, Culver Road, and Winton Road)

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to the Railroad Underpass Improvements Project. This legislation will establish \$25,000 as maximum compensation for an agreement with CSX Transportation, Inc. (Jacksonville, Florida) for project-related services and will be funded with 2023-24 Cash Capital.

Railroad underpasses have been in a state of disrepair for numerous years. The railroad companies have limited their work to completing safety repairs to the most severely distressed elements. The Project is consistent with similar projects undertaken by the City of Rochester in the past to improve safety, maintenance and aesthetic elements outside of the strict safety categories adhered to by the railroad companies. These improvements reinforce the safety, stability and economic viability of the surrounding

neighborhoods. The railroad underpasses included in the Project were prioritized based on condition and include Atlantic Avenue, Culver Road and Winton Road.

The Project includes necessary repairs to sidewalks, retaining walls, and pedestrian railing under the Atlantic Avenue, Culver Road, and Winton Road underpasses. These repairs will also include repairs to existing bridge scupper drains and gutters to mitigate standing water present on the existing sidewalks. The project is currently under design with Fisher Associates, P.E., L.S., L.A., D.P.C. as authorized by Ordinance No. 2024-60.

The City of Rochester's Minority and Women-owned Business Enterprises (MWBE) goals cannot be applied to agreements with CSX Transportation, Inc.

Design began in summer 2024. Construction funding will require council approval at a later date. Construction is anticipated to begin in spring 2025. The agreement will result in the creation and/or retention of the equivalent of 0.3 full-time jobs.

The term of the agreement shall extend until the coordination items defined within the agreement are complete.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-216

Ordinance No. 2024-333
(Int. No. 408)

Authorizing agreement for the Railroad Underpass Improvements Project, as amended

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 CSX Transportation, Inc. (CSX) to reimburse CSX for the engineering ~~design and inspection~~ services that it requires related to the City's Railroad Underpass Improvements Project, which includes necessary repairs to sidewalks, retaining walls, existing bridge scupper drains and gutters, and pedestrian railing under the Atlantic Avenue, Culver Road, and Winton Road railroad underpasses. The maximum total compensation for the agreement shall be \$25,000, which shall be funded from 2023-24 Cash Capital. The term of the agreement shall extend until the coordination items defined within the agreement are complete.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Gruber
October 22, 2024

To the Council:

The **BUDGET, FINANCE & GOVERNANCE COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

- Int. No. 409 Authorizing an agreement relating to the GROW Rochester program
- Int. No. 410 Authorizing an agreement supporting the Financial Empowerment Center
- Int. No. 411 Authorizing an amendatory agreement for labor and employment law services
- Int. No. 412 Local Law establishing a School Bus Stop-Arm Camera Demonstration Program
- Int. No. 413 Authorizing agreements for implementation and administration of a school bus stop arm enforcement program
- Int. No. 414 Authorizing an intermunicipal agreement relating to the acquisition of a parking lot for the World of Inquiry School No. 58

The **BUDGET, FINANCE & GOVERNANCE COMMITTEE** recommends for the following entitled legislation to be **HELD** in Committee:

- Int. No. 419 Authorizing an agreement for the management and operation of the Blue Cross Arena at the War Memorial

Respectfully submitted,
Mitch Gruber
Stanley Martin (*voted against Int. No. 411, 412 & 413*)
Bridget Monroe
LaShay D. Harris
Miguel A. Meléndez, Jr. (*left before voting began*)
BUDGET, FINANCE, & GOVERNANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2024-334
Re: Agreement - Children's Institute, Inc. GROW Rochester

Council Priority: Support the Creation of Effective Educational Systems

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with the Children's Institute, Inc. (Lauri Stano, Director, Rochester, NY 14604) for the administration of the GROW Rochester program. The cost of the agreement will be funded from the 2024-25 Budget of Undistributed Expenses, and the term will be for one year. Council authorized a previous agreement in Ord. No. 2021-339 for comprehensive health and developmental screenings for one to three-

year-olds in the City of Rochester. The service under the new agreement will provide screenings through age five.

GROW Rochester is a collaborative of various early childhood agencies created to conduct comprehensive health and developmental screenings for one to five-year-old children in the city of Rochester. The screenings will cover the following areas: vision, hearing, language and speech, social, emotional, dental and general health. The aim of this project is to develop a system whereby children-serving professionals conduct such screenings, provide referrals to appropriate health systems, and monitor and measure associated outcomes.

The Children’s Institute (CI) will have ultimate programmatic and fiscal responsibility for the day-to-day management of this project. CI will provide training for all screeners on how to conduct standardized screenings and appropriately communicate results with parents or caregivers. Screeners are CI employees as well as partner agency staff or students under faculty/staff supervision. The Children's Institute will track referrals and record the various screening outcomes, provide reminders, and communicate results to parents. CI provides quarterly reports on screenings, referrals, and service outcomes to funders, policymakers, community stakeholders, and program representatives.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-217

Ordinance No. 2024-334
(Int. No. 409)

Authorizing an agreement relating to the GROW Rochester program

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with the Children’s Institute, Inc. to administer the GROW Rochester program. The agreement shall have a term of one year. The maximum compensation for the agreement shall be \$50,000, which shall be funded from the 2024-25 Budget of Undistributed Expenses.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2024-335
Re: Financial Empowerment Special Revenue Fund and CCSI Grant acceptance

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation related to Financial Empowerment Initiative grants. Due to the frequent grants and contributions for Financial Empowerment activities, and the use of such funds exclusively for financial empowerment programming, the Administration will create a Special Revenue Fund for this purpose. This legislation will:

1. Authorize a the use and receipt of a \$100,000 grant from Coordinated Care Services, Inc. (CCSI) (Anne Wilder, CEO) originating from M&T Bank for the purpose of supporting the Rochester Financial Empowerment Center.
2. Appropriate the \$100,000 in CCSI grant funding to the Financial Empowerment Special Revenue Fund.

The City's Financial Empowerment Center (FEC) provides free one-on-one financial counseling as a public service. Day-to-day operations are administered through the Housing Council at PathStone. Since its launch in 2020, the FEC has served over 3,000 clients who have cumulatively saved more than two million dollars and reduced their debt by more than four million dollars. Due to the need for financial institutions to donate program funding to a qualified non-profit agency to receive community development credit under the Community Reinvestment Act, CCSI is serving as the fiscal sponsor for the City of Rochester and may accept funding for the FEC initiative.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2024-335
(Int. No. 410)

Authorizing an agreement supporting the Financial Empowerment 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 Coordinated Care Services, Inc. for the receipt and use of a \$100,000 grant from M&T Bank to support the Financial Empowerment Center (FEC).

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

Section 3. The Council hereby appropriates the \$100,000 grant authorized in Section 1 above to the City's Financial Empowerment Special Revenue Fund for the purpose of supporting the FEC.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Int No. 411
Re: Amendatory Agreement – Labor and Employment Legal Services

Transmitted herewith for your approval is legislation for an amendatory professional services agreement with the law firm of Hancock Estabrook, LLP (lead partner John F. Corcoran, Esq., Syracuse, NY) to provide additional labor and employment law services with regard to the Police Accountability Board (PAB). The law firm has been providing the City with advice and representation for responding to a petition filed with the New York State Public Employment Relations Board (PERB) by the Workers United union to represent certain employees of the PAB. The original agreement, authorized by Ordinance No. 2023-1, authorized a professional services agreement with Hancock Estabrook in the maximum amount of \$50,000, with a term to extend to the conclusion of the PERB proceeding. Subsequently, Ordinance No. 2024-49 authorized the City to amend that agreement to increase the maximum compensation by \$30,000 up to a new maximum total of \$80,000.

While the City and AFSCME have agreed to accrete the at-issue PAB employees into the AFSCME union, which the City views as the most appropriate bargaining unit, Workers United continues to press its case before the Public Employment Relations Board. Therefore, two multiday hearings have been held, and post-hearing briefs are about to be submitted, on a variety of issues, including the question of whether AFSCME is the most appropriate bargaining unit to represent these employees. As a result, costs of representation have been higher than originally anticipated, and we are seeking to increase the contract amount by an additional \$50,000.

Accordingly, this legislation will authorize the City to amend the agreement to increase the maximum compensation by an additional \$50,000, to a new maximum total of \$130,000, funded from the 2024-2025 Budget of Undistributed Expenses. All other terms will remain the same.

Hancock Estabrook's lead partner on this engagement and his labor and employment practice group have extensive experience representing public employers before the PERB, as well as in collective bargaining, grievance and arbitration procedures.

Respectfully submitted,
Malik D. Evans
Mayor

Int. No. 411

Authorizing an amendatory agreement for labor and employment law services

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Hancock Estabrook, LLP to provide additional legal services with regard to the Workers United union's petition to the New York State Public Employment Relations Board (PERB) seeking to represent certain employees of the Police Accountability Board. The amendatory agreement shall amend the agreement authorized in Ordinance No. 2023-1, as amended by Ordinance No. 2024-49, by increasing the maximum compensation by \$50,000 to a new total of \$130,000. The amendatory agreement shall be funded from the 2024-24 Budget of Undistributed Expenses.

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

Section 3. This ordinance shall take effect immediately.

Failed by the following vote:

Ayes - Councilmembers Gruber, Monroe, Patterson - 4.

Nays - President Meléndez, Councilmembers Lightfoot, Lupien, Martin, Smith - 5.

TO THE COUNCIL

Ladies and Gentlemen:

Local Law No. 2024-~~xxx~~

Ordinance No. 2024-336

Re: Local Law and Agreements – School Bus Stop Arm Enforcement

Transmitted herewith for your approval is legislation:

- (1) Establishing a local law to charge penalties for the overtaking and passing of a school bus while a stop arm is engaged (Stop Arm Local Law);
- (2) Authorizing an agreement with BusPatrol America LLC (BusPatrol) to provide the photo violation monitoring equipment and other services necessary to implement the Stop Arm Local Law (Operating Services) including assistance with annual reporting; and
- (3) Authorizing an intermunicipal agreement with the Rochester City School District (RCSD) to allow BusPatrol to extend its Operating Services to RCSD and its bus operators.

Section 1174 of the New York State Vehicle and Traffic Law (VTL) requires drivers to stop when encountering a school bus with its stop-arm and red visual signal engaged (Stop Arm Law). VTL § 1174-a authorizes a city located within a school district to adopt a Stop Arm Local Law that fines the owners of vehicles that violate the Stop Arm Rule and that provides for the installation and operation of photo violation monitoring systems on the school buses owned or operated within the city.

The proposed Stop Arm Local Law and agreements authorized herein will allow the City to detect and assess fines for violations of the Stop Arm Law that involve school buses transporting RCSD students, thereby extending to the City school students the protections that already exist for certain suburban school districts and students in the Greater Rochester area. Monroe County has adopted Local Law No. 3 of 2022 to establish its own Stop Arm Local Law enforcement program for certain suburban school districts and their school bus providers. However, the City is required to adopt its own Stop Arm Local Law because VTL §1174-a does not allow counties to extend the operation of their stop arm local laws to any school district (such as RCSD) that is wholly contained within a city.

The Operating Services to be provided by BusPatrol will include installing and maintaining monitoring equipment on the buses, providing to the City preliminary review of the exterior camera footage to be confirmed by a municipal technician, issuing notices of violation, assisting the City with the adjudication of violations, and providing a web-based system for processing the payment of penalties. This will significantly reduce the operating and enforcement burden on the City. It also will allow the City to assure that RCSD does not incur any costs that the City would be required to reimburse without the City's advance knowledge.

BusPatrol's compensation for the Operation Services starts with a base of 60% of the fine revenues. The City may collect up to a maximum of 40% of fine revenues, but that share may be reduced to reimburse BusPatrol for technology costs and other predetermined and agreed administrative expenses that it incurs.

The fines to be assessed will mirror those already in effect for Monroe County:

- a. \$250 for a first violation;
- b. \$275 for a second violation committed within 18 months of a first violation;
- c. \$300 for a third violation or subsequent violation all of which were committed within 18 months of the first violation; and
- d. An additional fine of \$25 for each failure to respond to a notice of liability within the prescribed time period.

All fines and penalties collected pursuant to the local law will be deposited with the City's Finance Department, into the City General Fund.

The third item authorizes the City to enter into an intermunicipal agreement with RCSD to cooperate on enforcing the Stop Arm Law by providing BusPatrol with access to buses to install, maintain and recover data and documentation from photo violation monitoring equipment, exchanging contact information, and limiting access to said monitoring equipment to authorized personnel. The cooperation shall be provided for at no upfront cost to RCSD, as required by VTL § 1174-a and the Stop Arm Local Law. The term of this intermunicipal agreement will run concurrently with the City's agreement with BusPatrol.

At present, VTL § 1174-a limits the application of the stop arm local law enforcement to a demonstration period that expires on December 1, 2029 (the "Demonstration Period"), a date that could be modified by a subsequent amendment to VTL § 1174-a. The term of the agreement shall be three years with the option to extend for up to two additional periods of one year each, provided that any such extension shall not extend the term beyond the December 1, 2029 demonstration expiration date or such other expiration date established by a subsequent amendment to VTL § 1174-a.

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

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-218

Local Law No. 2024-xxx
(Int. No. 412-pending NY State approval)

Local Law establishing a School Bus Stop-Arm Camera Demonstration Program

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by inserting the following new Part L at the end of Article VI, Department of Finance, in order to establish a School Bus Stop-Arm Camera Demonstration Program:

Part L. School Bus Stop-Arm Camera Demonstration Program

§ 6-161 Definitions.

As used in this Part, the following words shall have the following respective meanings:

CITY

The City of Rochester.

OWNER

The registered owner of a motor vehicle.

SCHOOL BUS PHOTO VIOLATION MONITORING SYSTEM

A device that is capable of operating independently of an enforcement officer which is installed on a school bus to work in conjunction with a school bus stop-arm and which automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of a vehicle at the time it is used or operated in violation of Subdivision (a) of NYS Vehicle and Traffic Law § 1174.

SCHOOL DISTRICT

The Rochester City School District.

STOPPED SCHOOL BUS VIOLATION

A violation of NYS Vehicle and Traffic Law § 1174(a), which requires a motor vehicle operator to stop when approaching a bus that is signaling a stop to receive or discharge passengers using the stop arms, lights and other equipment provided for in Subdivisions 20 and 21-c of NYS Vehicle and Traffic Law § 375

§ 6-162 Program established.

- A. There is hereby established, pursuant to NYS Vehicle and Traffic Law § 1174-a, a demonstration program (the Program) imposing monetary liability on owners of vehicles for failure of the operators thereof to comply with § 1174(a) of the NYS Vehicle and Traffic Law, when meeting a school bus marked and equipped as provided in Subdivisions 20 and 21-c of NYS Vehicle and Traffic Law § 375 (Stopped School Bus Violation), and operated in the City.
- B. To carry out the Program, the City is hereby authorized to enter into an agreement with the School District to provide for the installation, maintenance, and use of school bus photo violation monitoring systems as well as for the proper handling and custody of data received by the such systems, subject to the provisions of § 1174-a of the NYS Vehicle and Traffic Law. This authorization is contingent upon the City's enactment of an ordinance and the School District's approval of a resolution pursuant to §§ 1604, 1709, 2503, 2554 or 2590-h of the NYS Education Law, as applicable, each of which approves the terms of the agreement. Once the School District has entered into an agreement with the City, such systems shall be installed on school buses owned or operated by the School District or privately owned and operated for compensation under a contract with the School District.

§ 6-163 Program costs, privacy protection and warning signs.

- A. The entire costs to the School District of the installation, maintenance and use of school bus photo violation monitoring systems pursuant to the agreement authorized by this Part shall be borne entirely by the City. School District's certification of any such costs and the City's reimbursement of such costs shall be conducted on an annual basis in accordance with the schedule set forth in § 1174-a of the NYS Vehicle and Traffic Law. Not later than twenty days after each such payment is submitted or is due, whichever occurs first, the School District shall submit to the State's Director of the Budget and to the chairpersons of the fiscal committees of the State Legislature a report showing the amount of costs so certified and the amount of payments so received or due. If the City fails to make the required payment by the twentieth day after the date such payment was due, School District shall notify the same State parties of such occurrence within twenty-four hours of such date and the Program shall be suspended until such time as the City makes the required payment to the School District. The School District shall notify the same State parties of such payment within seven business days of its receipt, provided, however, that any notice of liability issued prior to such date shall not be voided.
- B. The School District shall provide any information necessary or desirable to the City in order to meet the City's reporting obligations under § 1174-a of the NYS Vehicle and Traffic Law.
- C. Pursuant to § 1174-a(a)(3)(i) of the NYS Vehicle and Traffic Law, the School District shall be prohibited from accessing any photographs, microphotographs, videotapes, other recorded images and data from school bus photo violation monitoring systems but shall provide, pursuant to the agreement with the City, as provided in this Part, for the proper handling and custody of such photographs, microphotographs, videotapes, other recorded images and data produced by such systems, and for the forwarding of such photographs, microphotographs, videotapes, other recorded images and data to the City for the purpose of determining whether a Stopped School Bus Violation has been committed.

- D. Photographs, microphotographs, videotapes, other recorded images and data produced by school bus photo violation monitoring systems shall be destroyed:
- (1) Ninety days after the date of the alleged Stopped School Bus Violation if a notice of liability is not issued for such alleged violation pursuant to this Part; or
 - (2) Upon final disposition of a notice of liability for an alleged Stopped School Bus Violation issued pursuant to this Part.
- E. The City shall adopt and enforce measures to protect the privacy of drivers, passengers, pedestrians and cyclists whose identity and identifying information may be captured by a school bus photo monitoring device. Such measures shall include:
- (1) Using necessary technologies to ensure, to the extent practicable, that photographs produced by such school photo violation monitoring systems shall not include images that identify the driver, the passengers, the contents of the vehicle, pedestrians and cyclists; provided, however, that no notice of liability issued pursuant to this Part shall be dismissed solely because a photograph or photographs allow for the identification of the contents of a vehicle, provided that the City has made a reasonable effort to comply with the provisions of this Subsection;
 - (2) Prohibiting the use or dissemination of vehicles' license plate information and other information and images captured by school bus photo violation monitoring systems except:
 - (a) As required to establish liability under this Part or to collect payment of penalties;
 - (b) As required by court order; or
 - (c) As otherwise required by law;
 - (3) Implementing oversight procedures to ensure compliance with the privacy protection measures required herein; and
 - (4) Such additional measures as may be mandated by NYS Vehicle and Traffic Law § 1174-a or other applicable law.
- F. The City shall undertake the installation of signage giving notice of the installation and use of school bus photo violation monitoring systems to enforce against Stopped School Bus Violations. Such signage shall conform to standards established in the Manual of Uniform Traffic Control Devices and shall be installed at each roadway entering the boundaries of the City. For the purposes of this Subsection, the term "roadway" shall not include state expressway routes or state interstate routes but shall include controlled-access highway exit ramps that enter the boundaries of the City.

§ 6-164 Penalties for offenses.

- A. An owner liable for a Stopped School Bus Violation shall be liable for monetary penalties in accordance with the following schedule:
- (1) \$250 for a first violation;
 - (2) \$275 for a second violation committed within 18 months of the first violation;
 - (3) \$300 for a third violation or subsequent violation all of which were committed within 18 months from the first violation; and

- (4) An additional penalty of \$25 for each violation for the failure to respond to a notice of liability within the prescribed time period.
- B. An imposition of liability under this Part shall not be deemed a conviction and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be factored into the provision of motor vehicle insurance coverage.
- C. The fines and penalties paid to the City pursuant to this Part shall be deposited in the City's General Fund.

§ 6-165 Notice of liability.

- A. A notice of liability shall be sent as provided by state law by first-class mail to each person alleged to be liable as an owner for a violation of Subdivision (a) of NYS Vehicle and Traffic Law § 1174. Personal delivery on the owner shall not be required. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein. The notice of liability shall be prepared and mailed by the City, or by any other entity authorized by the City to prepare and mail such notice of liability and recover any such monetary penalty.
- B. A notice of liability shall contain the name and address of the person alleged to be liable as an owner for a violation of Subdivision (a) of NYS Vehicle and Traffic Law § 1174, the registration number of the vehicle involved in such violation, the location where such violation took place, the date and time of such violation and the identification number of the camera which recorded the violation or other document locator number, and the registration number of the school bus on which the school bus photo violation monitoring system which recorded the violation was installed. The notice shall contain such additional information as may be required by § 1174-a of the NYS Vehicle and Traffic Law or by the Rochester Traffic Violations Agency, City's Violations Bureau, or Rochester City Court adjudicating the matter pursuant to § 6-167 of this Part.
- C. A notice of liability shall contain information advising the person charged of the manner and the time in which he or she may contest the liability alleged in the notice. Such notice of liability shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.
- D. A notice of liability may contain such other information as the entity causing such notice of liability to be mailed deems appropriate to communicate the law, and the adjudicatory process if the addressee of the notice wishes to contest the notice of liability.

§ 6-166 Owner liability.

- A. The owner of a vehicle shall be liable for a penalty imposed pursuant to this Part if such vehicle was used or operated with the permission of the owner, express or implied, in violation of Subdivision (a) of NYS Vehicle and Traffic Law § 1174 and such violation is evidenced by information obtained from a school bus photo violation monitoring system; provided, however, that no owner of a vehicle shall be liable for a penalty imposed pursuant to this Part where the operator of such vehicle has been convicted of the underlying violation of Subdivision (a) of NYS Vehicle and Traffic Law § 1174. For the purpose of i) this Section, and ii) this Part, there shall be a presumption that such vehicle was used and operated with the consent of the owner at the time it was used and operated in violation of Subdivision (a) of NYS Vehicle and Traffic Law § 1174.
- B. If the owner receives a notice of liability pursuant to § 6-165 of this Part for any time period during which the vehicle was reported to the police as having been stolen, it shall be a valid defense to an allegation of liability for a violation of Subdivision (a) of NYS Vehicle and

Traffic Law § 1174 pursuant to this Part that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For purposes of asserting the defense provided by this Subsection, it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent or delivered to the agency, bureau, court or other body that is adjudicating the matter pursuant to § 6-167.

- C. An owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to this Part shall not be liable for the violation of Subdivision (a) of NYS Vehicle and Traffic Law § 1174, provided that he or she complies with the provisions of of the NYS Vehicle and Traffic Law and otherwise sends to the agency, bureau, court or other body that is adjudicating the matter pursuant to § 6-167 herein, a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation, with the name and address of the lessee clearly legible, within 37 days after receiving notice from the agency or entity which caused such notice of liability to be issued, together with the information contained in the original notice of liability. Failure to send such information within the thirty-seven-day time period shall render the owner liable for the penalty prescribed by this Part. Where the lessor complies with the provisions of this Subsection, the lessee of such vehicle for purposes of this Section shall be deemed to be the owner of such vehicle on the date of such violation, shall be subject to liability for the violation of Subdivision (a) of NYS Vehicle and Traffic Law § 1174-a and shall be sent a notice of liability pursuant to § 6-165 of this Part.
- D. A certificate, sworn to or affirmed by a technician employed by the City in which the charged violation occurred, or a facsimile thereof, upon inspection of photographs, microphotographs, videotapes, and other recorded images produced by a school bus photo violation monitoring system, and other documents or declarations pertaining to inspections by the department of transportation, shall be prima facie evidence of the facts contained therein. Such certificate, or a facsimile thereof, shall provide the identification number of the school bus photo violation monitoring system which recorded the violation, a statement confirming that at the time such violation was recorded by such school bus photo violation monitoring system, such school bus photo violation monitoring system was installed on a school bus marked and equipped as provided in subdivisions 20 and 21(c) of NYS Vehicle and Traffic Law § 375 as evidenced by a valid certificate of inspection issued to such school bus by the NYS Department of Transportation pursuant to NYS Transportation Law §140 and the safety rules and regulations promulgated thereunder, and the registration number of the school bus to which such school bus photo violation monitoring system was attached. Any photographs, microphotographs, videotape or other recorded images evidencing such a violation shall include a recorded image of the outside of the motor vehicle involved in such violation, the registration number of such vehicle, at least one activated school bus stop-arm, and an electronic indicator or indicators showing the activation of the flashing red signal lamps of the school bus to which the school bus photo violation monitoring system producing such photographs, microphotographs, videotape or other recorded images was installed at the time such violation occurred, and shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to a local law or ordinance adopted pursuant to this Section. Where recorded images from a school bus photo violation monitoring system attached to a school bus, as certified pursuant to this Subsection, show the activation of at least one school bus stop-arm and an electronic indicator or indicators as required pursuant to this Subsection, there shall be a rebuttable presumption that such school bus was stopped for the purpose of receiving or discharging any passengers or because a school bus in front of it had stopped to receive or discharge any passengers. A certificate, sworn to or affirmed by a technician employed by City in which the charged violation occurred, or a facsimile thereof, after reviewing evidence that on the day the charged violation occurred such school bus had a valid certificate of inspection issued by the NYS Department of Transportation pursuant to NYS Transportation Law and the safety rules and regulations promulgated thereunder, shall be prima facie evidence that such school bus was marked and equipped as provided in subdivisions 20 and 21-c of NYS Vehicle and Traffic Law § 375 and that the flashing red signal lamp of such school bus was in operation at the time the violation occurred.

- E. It shall be a defense to any prosecution for or allegation of a violation of Subdivision (a) of NYS Vehicle and Traffic Law § 1174 pursuant to this Part that such school bus stop-arms were malfunctioning at the time of the alleged violation.
- F. The presumptions and defenses to owner liability provided for herein may be adjusted to account for existing or modified provisions of the NYS Vehicle and Traffic Law or of other applicable law.

§ 6-167 Adjudication of liability.

The adjudication of liability imposed upon owners pursuant to this Part shall be conducted by the Rochester Traffic Violations Agency in accordance with NYS General Municipal Law §§ 371 and 371-a, or by the Parking Violations Bureau in accordance with NYS Vehicle and Traffic Law §§ 235(1)(f) and 237(7) and City Charter § 6-6C, or by the Rochester City Court when preceded by multiple prior adjudicated violations in accordance with NYS General Municipal Law § 371, or by such other agency, bureau, board or court mandated by the NYS Vehicle and Traffic Law or other applicable law.

§ 6-168 Action for indemnification.

If the owner held liable for a violation of Subdivision (a) of NYS Vehicle and Traffic Law § 1174 pursuant to this Part was not the operator of the vehicle at the time of the violation, the owner may maintain an action for indemnification against the operator.

§ 6-169 Reporting requirements.

- A. The City shall develop and cause to be submitted an annual report on the results of the use of a school bus photo violation monitoring system to the Governor, the temporary president of the Senate and the speaker of the Assembly on or before June 1 of each year in which the Program is operable. Such report shall include any information required by § 1174-a(m) of the NYS Vehicle and Traffic Law, and such other information required by other provisions of said Law or other applicable laws.
- B. Pursuant to the requirements of NYS Vehicle and Traffic Law § 1174-a, courts, bureaus, and agencies conducting adjudications as a result of this Part shall report at least annually to the City on the quality of the adjudication process and its results, including the total number of hearings scheduled, rescheduled, and held; the total number of persons scheduled for such hearings; the total number of cases where fines were paid on or before the hearing date; and the total number of default judgments entered.

§6-170 Program expiration.

The Program set forth in this Part shall expire on December 1, 2029, unless extended further by act of the New York State Legislature, provided, however, that the expiration of the Program shall not affect or disregard any act done or violation committed prior to the expiration date, so that the motor vehicle owner's liability for a monetary penalty for such prior act or violation may be asserted and collected as fully and to the same extent as if the program had not expired.

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

Adopted unanimously.

Ordinance No. 2024-336
(Int. No. 413)

Authorizing agreements for implementation and administration of a school bus stop arm enforcement 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 BusPatrol America LLC (BusPatrol) to provide photo violation monitoring equipment and services necessary to operate an enforcement program to detect and assess fines for violating NYS Vehicle and Traffic Law (VTL) §1174, which requires drivers to stop when encountering a school bus with its stop-arm and red visual signal engaged violations of the (the Program). The Program shall be operated in accordance with VTL §1174-a and a concurrent local law that extends the VTL §1174-a enforcement authority to violations involving school buses that transport students of the Rochester City School District (District). The compensation for the Program services shall be 60% of Program Revenues together with reimbursement for administrative expenses, said Program Revenues being defined as the sum of one hundred percent of the gross revenues collected by the City for every uncontested violation and ninety percent of gross revenues collected by the City for every contested violation. The term of the agreement shall be three years with the option to extend for up to two additional periods of one year each, provided that any such extension shall not extend the term beyond the December 1, 2029 demonstration expiration date set forth VTL § 1174-a or such other demonstration expiration date established by a subsequent amendment to VTL § 1174-a.

Section 2. The Mayor is hereby authorized to enter into an intermunicipal agreement with the Rochester City School District that commits the parties to cooperate on the provision of Program services authorized in Section 1 herein at no cost to the District. The cooperation authorized herein shall include but not necessarily be limited to arranging for BusPatrol to access buses owned by the District or its school bus transport providers as necessary to install, maintain and recover data and images from the monitoring equipment used to detect and document violations of VTL §1174. The term of this agreement shall run concurrent with the term of the Program services agreement authorized in Section 1 herein.

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

Section 4. This ordinance shall take effect immediately, although the agreements authorized herein shall go into effect no sooner than the filing of the aforementioned concurrent local law in the Office of the Secretary of State as provided by Section 27 of the NYS Municipal Home Rule Law.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance. No. 2024-337

Re: Intermunicipal Agreement – School 58 Parking Lot at East Main and Scio Streets

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to the City's acquisition and the Rochester City School District's (RCSD) management of a parking lot to serve World of Inquiry School No. 58 (Parking Lot). By City Ordinance No. 2023-314 and RCSD Resolution No. 2022-23:834, the City of Rochester already is authorized to acquire the Parking Lot for a purchase price of \$1,100,000 to be funded from RCSD's Cash Capital budget.

The Parking Lot is deficient with regard to several general parking lot standards and requirements set forth in the City's Zoning and Building codes (Code Deficiencies). Both the City and RCSD wish to establish a program to resolve the Code Deficiencies before the City's acquires the Parking Lot (Acquisition). To do that, this legislation authorizes an intermunicipal agreement with RCSD (Agreement) to establish a phased program and timetable to rectify the Code Deficiencies as follows:

- 1) Prior to the Acquisition, RCSD will provide to the City proof that it has secured \$1,500,000, which is the estimated cost of the work and improvements necessary to rectify the Code Deficiencies.
- 2) Soon after the Acquisition, RCSD submits a proposal acceptable to the City to make interim improvements to the Parking Lot that include: (a) removing the current signage; (b) removing loose stones that may spill on to the adjoining streets and properties; and (c) installing landscaping or barriers to visually screen the parking lot (Interim Improvements). Once approved, RCSD will complete the Interim Improvements promptly.
- 3) For a term of five years commencing with the Acquisition, the City will refrain from issuing any notices, orders, fines, or other enforcement mandates pertaining to the Code Deficiencies, provided that RCSD abides by its obligations under the Agreement.
- 4) Six months prior to the end of the five-year term, RCSD will submit a plan, with a timeline that is acceptable to the City, to acquire new property elsewhere to satisfy its parking requirements (Replacement Parking).
- 5) If, at the end of the five-year term, RCSD fails to complete either or both of the Interim Improvements and Replacement Parking plan as set forth in Items 2 and 4 herein, RCSD will rectify all of the Parking Lot's remaining Code Deficiencies.

The Parking Lot adjoins East Main and Scio streets and consists of the following seven lots: 494 E. Main Street, 500 E. Main Street, 135 Scio Street, 141 Scio Street, 147 Scio Street, 151 Scio Street, and 163 Scio Street. RCSD has been leasing the Parking Lot from its present owner for the School's use. However, the owner is no longer willing to continue that arrangement prefers to sell the Parking Lot to the City for the agreed upon price of \$1,100,000, which is consistent with the fair market value as determined by an independent appraiser.

This legislation will allow School No. 58 to continue using a parking lot that it needs now to accommodate its teachers, staff and visitors, while providing interim improvements and rectifying the Code Deficiencies in phases over an agreed upon 5-year timetable, and while RCSD investigates whether it can obtain suitable parking for the School at another location.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2024-337
(Int. No. 414)

Authorizing an intermunicipal agreement relating to the acquisition of a parking lot for the World of Inquiry School No. 58

WHEREAS, the City of Rochester is authorized to acquire the following seven land parcels in order to provide off-street parking spaces for the Rochester City School District (RCSD) World of Inquiry School No. 58 (Parking Lot) for a purchase price of \$1,100,000 to be funded from RCSD's Cash Capital budget, as provided for by City Ordinance No. 2023-314 and by RCSD Resolution No. 2022-23:834:

Property Address	SBL
494 East Main St	106.81-1-26
500 East Main St	106.81-1-27
135 Scio St	106.81-1-28
141 Scio St	106.81-1-29
147 Scio St	106.81-1-30
151 Scio St	106.81-1-31
163 Scio St	106.81-1-32;

WHEREAS, at present, the Parking Lot is deficient with regard to several general parking lot requirements set forth in the City's Zoning Code and Building Code (Code Deficiencies); and

WHEREAS, RCSD has notified the City that time is of the essence to resolve the Code Deficiencies so that RCSD may proceed with the acquisition of the Parking Lot soon because, without the Parking Lot, the World of Inquiry School No. 58 does not have the off-street parking spaces needed to accommodate its teachers, staff and visitors safely and conveniently.

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

Section 1. The City is hereby authorized to enter into an intermunicipal agreement with RCSD to resolve the pending Code Deficiencies and to complete the prompt acquisition of the Parking Lot (Acquisition) as follows:

- A. Prior to the Acquisition, RCSD shall provide to the City proof that it has secured \$1,500,000, as may be necessary to install the interim improvements and to rectify the Code Deficiencies as provided for herein.
- B. For a term of five years commencing with the Acquisition, the City shall refrain from issuing any notices of violation, corrective orders, fines, or other enforcement mandates pertaining to the Code Deficiencies, provided that RCSD abides by the other provisions of the agreement set forth in this section.
- C. Within a commercially reasonable period of time following the Acquisition, RCSD shall submit to the City a proposal for interim improvements to the Parking Lot that include: (i) removing the current signage; (ii) removing loose stones that may spill on to the adjoining streets and properties; and (iii) installing landscaping or barriers to visually screen off the view of the parking surfaces from adjoining streets and properties (Interim Improvements). The City shall provide a prompt written response to RCSD's proposal, which shall not be unreasonably denied. Once the plan is approved, RCSD shall complete the Interim Improvements promptly.
- D. Six months prior to the end of the five-year term, RCSD shall present to the City a plan, with an appropriate timeline, to acquire new property elsewhere to satisfy its off-street parking requirements (Replacement Parking). The City shall provide a prompt written response to the plan, which shall not be unreasonably denied.
- E. If, at the end of the five-year term, RCSD fails to complete either or both of the Interim Improvements and Replacement Parking plan in accordance with Subsections 1C and 1D herein, RCSD shall take the actions necessary to rectify all of the Parking Lot's Code Deficiencies.

Section 2. The Agreement shall contain such additional terms and Conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Gruber introduced a motion to discharge Int. No. 419;
2nd by Councilmember Monroe.
Motion to discharge passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Int. No. 2024-338
Re: License Agreement with VenuWorks, Inc. as Operator for the Blue Cross Arena at the War Memorial

Council Priority: Creating and Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation authorizing an agreement with VenuWorks, Inc. (Steve Peters, CEO, Ames, Iowa), a related entity, or an entity to be formed by VenuWorks, Inc. for management and operation of the Blue Cross Arena at the War Memorial. The initial term of the agreement will be five years with the option for 2 five year renewals. VenuWorks will be responsible for all aspects of operations, including but not limited to concessions, ticketing, booking events, security, administering tenant agreements, and facility maintenance. This new agreement is proposed as a result of the City receiving notification from the current operator, Rochester Arena, LLC (RA), of their desire to opt out of their license agreement effective April 30, 2025. The original expiration of the agreement with RA, authorized by ordinance 2018-408, would have been June 30, 2033.

An RFP was released on April 2, 2024 seeking a new operator for the Arena. Four proposals were received which were reviewed by an inter-departmental committee consisting of representatives from the Department of Environmental Services, the Law Department and the Office of Management Budget. Formal presentations were made by all 4 respondents in addition to interviews conducted by the committee. The proposals were ranked on the basis of: quality of proposal; prior experience with operating an arena similar to the size of the BCA; proposed compensation; operational plan; and other variables. Further details of this process can be found on the attached RFP Summary.

VenuWorks was selected as the new operator of the Arena based on the following:

- Experience with similar mid-sized arenas and markets;
- Emphasis on opportunities to increase use of the Arena through diverse, new entertainment offerings including concerts and stage attractions;
- Willingness to include City participation in budget development, operational control and right to audit financial records;
- Incentive based financial proposal with no base management fee; and
- Employee-owned and community-focused organization.

Of the four respondents, VenuWorks was the only respondent that did not propose an annual base management fee. This incentivizes VenuWorks to maximize the financial performance of the Arena to their benefit as well as the City's. The principal terms of the agreement are:

- Five year term, with options for two additional five year extensions;
- VenuWorks will receive 8% of gross food, beverage and catering revenue;

- VenuWorks will receive an attendance incentive consisting of 50 cents per attendee for all events, excluding hockey and lacrosse games; and
- VenuWorks will invest of up to \$1,250,000 for capital improvements to be forgiven by the City in equal installments over ten years.

The 2024-25 Approved Budget for the War Memorial Fund includes a \$934,400 property tax subsidy based on terms currently in place with RA. Approval of this agreement and the timing of the transition to VenuWorks is expected to have little impact on the 2024-25 Budget; however, the full impact will be known when the proposed 2025-26 Budget is released in May 2025. Certain revenues will continue to accrue to the City to offset capital expenditures and annual debt service requirements. This includes the annual fixed contribution of \$905,000 from Hotel/Motel Tax as well as \$195,000 from corporate naming rights through 2028. VenuWorks will assess and collect user fees in accordance with Ordinance 2018-408 which established a user fee of \$2.75 for all tickets with a face value of \$6.00 or more. The City shall retain \$2.25 and VenuWorks shall retain \$0.50 of the revenue generated for each ticket user fee as part of their compensation arrangement.

The City will retain responsibility for the structure and replacement of building systems, while ~~RA~~ VenuWorks will be responsible for routine maintenance and repairs. As mentioned earlier, VenuWorks has committed to a capital investment, primarily in food service support areas, of \$1,250,000 at no cost to the City if the agreement term extends for 10 years, with a pro-rata reimbursement due to VenuWorks if the agreement runs for a shorter term, based upon the number of years short of 10 years that the contract is terminated.

The proposed license agreement may also contain other terms and conditions as the Mayor deems appropriate.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AX-219

Ordinance No. 2024-338
(Int. No. 419)

Authorizing an agreement for the management and operation of the Blue Cross Arena at the War Memorial

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 VenuWorks, Inc., a related entity, or an entity to be formed by VenuWorks, Inc. (the Manager) for the management and operation of the Blue Cross Arena at the War Memorial (the Arena) in accordance with the terms set forth in this ordinance and for a term of five years with the option to extend for up to two additional periods of five years each.

Section 2. The Manager shall be responsible for all aspects of Arena operations, including but not limited to concessions, ticketing, booking events, security, administering tenant agreements, and facility maintenance. The Manager shall also make up to \$1,250,000 in capital improvements to the Arena (the Capital Improvements), contingent upon the contract with Manager continuing for 10 years. In the event that the contract expires or is terminated prior to ten years, the City shall be responsible to reimburse Manager a pro-rata share of the Capital Improvements investment amount, based upon the number of years short of 10 years that the contract terminated.

Section 3. As compensation, the Manager shall be entitled to:

- a. 8% of the Arena's gross food, beverage and catering revenues;
- b. \$0.50 as an attendance incentive for each ticketed patron attending an Arena event, other than a hockey and lacrosse game; and
- c. \$0.50 for each ticket that is assessed the \$2.75 user fee authorized by Ordinance No. 2018-408 for tickets exceeding \$6 in face value.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously

By Councilmember Lightfoot
October 22, 2024

To the Council:

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

- Int. No. 415 Authorizing an agreement and amending the 2024-25 Budget to fund the Pedestrian Safety Enforcement and Education Program
- Int. No. 416 Authorizing an intermunicipal agreement with the Rochester City School District with regard to overtime police services for traffic and crowd control services
- Int. No. 417 Authorizing an intermunicipal agreement and amending the 2024-25 Budget relating to the Tobacco/Vape Compliance Inspections grant
- Int. No. 418 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$3,520,000 Bonds of said City to finance the replacement of Truck 5 at the Gardiner Avenue Firehouse and Truck 6 at the Hudson Avenue Firehouse

Respectfully submitted,
Willie J. Lightfoot
Mitch Gruber
Mary Lupien (*absent*)
Stanley Martin
Bridget Monroe
Michael A. Patterson
Kimberly Smith
LaShay D. Harris
Miguel A. Meléndez, Jr. (*absent*)
PUBLIC SAFETY COMMITTEE

Received, filed & published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-339

Re: Governor's Traffic Safety Committee, 2025 Pedestrian Safety Enforcement and Education Program

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing the receipt and use of \$65,600 from the New York State Governor's Traffic Safety Committee (GTSC) for a New York State Highway Safety grant, and amending the 2024-25 Budget of the Police Department by this amount. The term of the grant is October 1, 2024 through September 30, 2025.

GTSC provides this funding to support the Police Department's Pedestrian Safety Enforcement and Education Program, the goal of which is to reduce the number of vehicle crashes, injuries and deaths, with a focus on pedestrian-involved vehicle accidents. The program includes an educational component which will utilize officers from the Community Relations Unit and Traffic Enforcement Unit to disseminate safety information and inform the public of the program; much of this activity will coincide with the annual GTSC "Operation See! Be Seen!" campaign in June 2025. Traffic enforcement details will focus on four roadway corridors (11 miles of roadway) that have resulted in a disproportionate number of the City's pedestrian-involved crashes in recent years:

- Dewey Avenue, from Lyell Avenue to W Ridge Road
- Lake Avenue, from Lyell Avenue to Denise Road
- Lyell Avenue, from Mt Read Boulevard to State Street/Lake Avenue
- North Clinton Avenue, from Upper Falls Boulevard to Norton Street

The grant will be used to pay travel and conference registration costs (\$3,800) and police overtime for the enforcement details (\$58,000), but does not pay for the associated fringe cost (\$21,065). Children's bicycle helmets (\$3,800) will be purchased for distribution at community events.

This is the fifth time the Police Department has received this grant. No matching funds are required. The previous award was approved under Ordinance No. 2023-356.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2024-339
(Int. No. 415)

Authorizing an agreement and amending the 2024-25 Budget to fund the Pedestrian Safety Enforcement and Education 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 State of New York through the New York State Governor's Traffic Safety Committee (GTSC) for receipt and use of a New York State Highway Safety grant in the amount of \$65,600 to support the City's Pedestrian Safety Enforcement and Education Program (Program). The term of the agreement shall be October 1, 2024 through September 30, 2025.

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

Section 3. Ordinance No. 2024-200, the 2024-25 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Police Department by \$65,600, which amount is hereby appropriated for the Program from the GTSC grant authorized in Section 1 herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-340

Re: Agreement – Rochester City School District, Traffic and Crowd Control Services

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong neighborhoods

Transmitted herewith for your approval is legislation authorizing an Inter-municipal Agreement with the Rochester City School District (RCSD) for the receipt and use of \$100,000 for reimbursement of the cost of traffic and crowd control services provided by the Rochester Police Department.

RCSD has requested assignment of Police Officers on a reimbursable overtime basis for traffic and crowd control, or an events sponsored in part or in full by RCSD, such as football games, basketball games, graduation ceremonies, proms, and school dances. The agreement will provide for reimbursement by RCSD of the cost of these services at the Special Events overtime rate of \$107 per hour, which includes fringe, up to a maximum of \$100,000 during fiscal year 2024-25.

The term of the agreement is September 1, 2024 through June 30, 2025. The previous agreement was approved by Ordinance No. 2023-324.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2024-340
(Int. No. 416)

Authorizing an intermunicipal agreement with the Rochester City School District with regard to overtime police services for traffic and crowd control 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 intermunicipal agreement with the Rochester City School District (RCSD) for City of Rochester Police Officers to provide traffic and crowd control services and for RCSD to reimburse the City for such services at a minimum overtime rate of \$107

per hour per officer and not to exceed a total of \$100,000. The term of the agreement shall be from September 1, 2024 through June 30, 2025.

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

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Meléndez, Councilmembers Gruber, Lightfoot, Lupien, Monroe, Patterson, Smith - 7.

Nays - Councilmember Martin - 1.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-341

Re: Agreement – Monroe County, Tobacco/Vape Compliance Inspections Grant

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to a Monroe County grant. This legislation will:

1. Authorize an agreement with Monroe County for the receipt and use of \$70,000 for a Tobacco/Vape Compliance Inspections grant. The term of the agreement is April 1, 2024 through March 31, 2025 with the option to renew annually for up to four consecutive one-year terms;
2. Amend the 2024-25 Budget of the Police Department by \$51,400; and
3. Amend the 2024-25 Undistributed Budget by \$18,600.

Monroe County will reimburse costs of up to \$70,000 in overtime and fringe benefits (\$51,400 in overtime; \$18,600 in fringe) for compliance checks conducted during the contract term. This agreement continues the enforcement program begun in April 1998, under which the Police Department conducts inspections of licensed tobacco/vape outlets in the City. These inspections track compliance with the age restrictions on tobacco/vape sales by using underage "agents" who attempt to buy tobacco/vape products. Police Officers accompanying the purchasers will record and report any illegal underage sales, and will inspect sellers' premises for compliance with restrictions on product placement, and the possession of proper documents and certificates.

RPD has received this grant for over 10 years. The previous grant was approved under Ordinance No. 2023-341.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2024-341
(Int. No. 417)

Authorizing an intermunicipal agreement and amending the 2024-25 Budget relating to the Tobacco/Vape Compliance Inspections 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 intermunicipal agreement with the County of Monroe for the receipt and use of up to \$70,000 per year for reimbursement of the City's overtime and fringe benefit costs for police officers conducting tobacco and vaping sales compliance enforcement pursuant to the Tobacco/Vape Compliance Inspections grant program. The term of the agreement shall be April 1, 2024 through March 31, 2025, with the option to renew annually for up to four consecutive one-year terms.

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

Section 3. Ordinance No. 2024-200, the 2024-25 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Police Department by \$51,400 and to the Budget of Undistributed Expenses by \$18,600, which amounts are hereby appropriated from the Tobacco/Vape Compliance Inspections grant authorized in Section 1 herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2024-342
Re: Bond Authorization for Fire Apparatus

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing the issuance of \$3,520,000 in bonds and appropriating the proceeds thereof to finance the purchase of firefighting apparatus. Authorize the issuance of bonds totaling \$3,520,000 and the appropriation of the proceeds thereof to finance the replacement of Truck 5 at firehouse location Gardiner Avenue and Truck 6 located at Hudson Avenue firehouse.

The Fire Department routinely replaces firefighting and rescue apparatus based upon a combination of use and age at time of replacement. The trucks being replaced are first line apparatus with the age at and use details regarding the apparatus as follows:

<u>Apparatus No.</u>	<u>Age</u>	<u>Location</u>	<u>Annual Runs</u>
Truck 5	8 years	Gardiner Avenue	2192
Truck 6	8 years	Hudson Avenue	2395

Upon replacement, the existing apparatus currently 8 years old will be placed into reserve status for an additional 10-12 years. Then the existing reserve apparatus averaging 20 years old will be eligible for disposal through the Purchasing Bureau's surplus process.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2024-342
(Int. No. 418)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$3,520,000 Bonds of said City to finance the replacement of Truck 5 at the Gardiner Avenue Firehouse and Truck 6 at the Hudson Avenue Firehouse

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City") is hereby authorized to finance the costs of the replacement of the following firefighting apparatus: Truck 5 at the Gardiner Avenue Firehouse and Truck 6 at the Hudson Avenue Firehouse. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,520,000. The plan of financing includes the issuance of \$3,520,000 bonds of the City, which amount is hereby appropriated for the firefighting apparatus, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$3,520,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$3,520,000. 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. 27 of the Law, is twenty (20) 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. 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.

The meeting was adjourned at 7:32pm.

HAZEL L. WASHINGTON
City Clerk