

ROCHESTER CITY COUNCIL

REGULAR MEETING

November 10, 2020

Due to the social distancing and other health and safety measures necessary to slow the progress of the COVID-19 pandemic and in accordance with emergency Executive Orders issued by the Governor and Local Emergency Orders issued by the Mayor, the meeting was conducted via video conferencing on Zoom and streamed live for public viewing on the Internet via the Council's Facebook and YouTube pages and on City 12, the City's government access channel that is available to Spectrum Cable subscribers – Channel 1303.

Present –Vice President Lightfoot, Councilmembers Evans, Gruber, Harris, Lupien, Meléndez, Patterson, Peo – 8.

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

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

Retirement:

DES:

*Thomas Cicatelli

FIN:

*Michelene Marvin

*Roslyn Phillips

LAW:

*Scott Smith

NBD:

*Glenda Walker

*Jeffrey West

RFD:

*Aylln Borrino

*Thomas Byrnes

*Richard McQuilkin

*Robert Zorn

RPD:

*Michael Callari

*Michael Jennings

*Jeffery Koehn

*Edward McDonald

RPL:

*Denise Enders

**Not attending meeting*

APPROVAL OF THE MINUTES

By Councilmember Gruber

RESOLVED, that the minutes of the Regular Meeting on October 13, 2020 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:

Quarterly Report – Delinquent Receivables– September 30, 2020 -4331-20
Administrative Cancellation or Refund of Erroneous Taxes and Charges – October 2020 – 4332-20

The Council submits Disclosure of Interest Forms from Vice President Lightfoot on Int. No. 378, Councilmember Gruber on Int. No. 391, Councilmember Meléndez on Int. No. 379 and Councilmember Patterson on Int. No. 378.

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

Councilmember Harris presented a petition with 19 signatures related to quality of life issues on Cady St. Petition No. 1773

THE COUNCIL PRESIDENT --- RECEIVED AND FILED.

NO PUBLIC HEARINGS.

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

Councilmember Evans moved to introduce Int. No. 396.

Councilmember Gruber seconded the motion.

Motion passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2020-37
Re: Confirmation of the Executive
Director of the Police Accountability
Board

Transmitted herewith for your approval is a resolution confirming, as required by the City Charter, the appointment of Conor Dwyer Reynolds as the Executive Director of the Police Accountability Board.

A copy of his résumé is on file in the City Clerk's office.

Respectfully submitted,

Loretta C. Scott
President

Resolution No. 2020-37
(Int. No. 396)

Resolution confirming the appointment of the Executive Director of the Police Accountability Board

WHEREAS, the Police Accountability Board has appointed Conor Dwyer Reynolds to the position of Executive Director, subject to confirmation by the City Council pursuant to City Charter §18-6C(1), and

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

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Rochester hereby confirms the appointment of Conor Dwyer Reynolds to the position of Executive Director of the Police Accountability Board.

This Resolution shall take effect immediately.

Adopted unanimously.

REPORTS OF STANDING COMMITTEES
AND ACTION THEREON

By Councilmember Evans
November 10, 2020

To the Council:

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

- Int. No. 373 Authorizing a professional services agreement for the Employee Assistance Program
- Int. No. 374 Establishing maximum compensation for a professional services agreement for a Drug and Alcohol Testing Program
- Int. No. 375 Authorizing an agreement for employee recruitment and applicant tracking software and services
- Int. No. 376 Authorizing an agreement to upgrade the City's enterprise process and system solution for employee scheduling, time and attendance
- Int. No. 377 Authorizing the cancellation or refund of erroneous taxes and charges
- Int. No. 378 Authorizing funding agreement and budget amendments for the Financial Empowerment Center Initiative
- Int. No. 379 Authorizing agreements relating to small business and entrepreneur support

The following entitled legislation is being **HELD** in Committee:

- Int. No. 394 Local Law amending the City Charter to establish an Office of Inspector General

Respectfully submitted,
Malik Evans
LaShay D. Harris
Michael A. Patterson
Willie J. Lightfoot
Loretta C. Scott
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-317
Re: Agreement – Employee Network, Inc.,
Employee Assistance Program

Council Priority: Jobs and Economic
Development

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation establishing \$88,776 as maximum total compensation for a three-year agreement with the Employee Network, Inc. (Gene Raymondi, Chief Executive Officer), of Vestal, New York, to provide services for the City's Employee Assistance Program (EAP). The term of this agreement will be from January 1, 2021 through December 31, 2023 and the approximate cost of \$29,592 per calendar year will be financed from the 2020-21 Budget of Undistributed Expenses and subsequent budgets, contingent on their approval.

The employee assistance program provides professional support services to employees whose job performance is affected by factors such as legal, financial and marital difficulties, emotional instability, alcoholism, and drug addiction. Non-uniformed City employees (1,487 people) and their families are eligible for participation. Uniformed Police and Fire employees are covered through their own programs.

Employee Network, Inc. was selected through a request for proposals process, as described in the attached summary. Critical to selection was the ability to meet the following criteria:

- The EAP line is staffed 24 hours a day, 365 days a year by mental health professionals with a Master's level degree or higher, which affords our employees direct access to trained counselors;
- The firm has a national provider network of over 40,000 credentialed counselors; and
- The firm offers state-of-the-art technological resources including web-based services, such as a mobile app and a personal assistant service for our employees to use to achieve and maintain a healthy work/life balance.

Employee Network, Inc. has provided EAP services for City employees since 2015 and will continue to provide counseling and referral services to eligible employees and their family members as appropriate. The firm will also conduct training programs for City personnel and supervisors through in-person and online training as required or as requested.

During calendar year 2019, Employee Network, Inc. provided services for 271 employees and their family members and 23 people utilized their personal assistant service. These numbers show that a total of 20% of the eligible workforce used EAP, which exceeds the national average of 3% to 6%.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AT-183

Ordinance No. 2020-317
(Int. No. 373)

Authorizing a professional services agreement for the Employee Assistance 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 in the maximum amount of \$88,776 with Employee Network, Inc., to provide services for the City's Employee Assistance Program. The term of the agreement shall be three years. The compensation of \$29,592 for the first year of the agreement shall be funded from the 2020-21 Budget of Undistributed Expenses and \$29,592 annually for each of the remaining two years from future years' Budgets of Undistributed Expenses, contingent upon approval.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-318
Re Agreement – Energetix Corporation,
Drug and Alcohol Testing Services

Council Priority: Jobs and Economic
Development

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation establishing \$192,660 as maximum total compensation for a three-year agreement with Energetix Corporation (Susan Lobsinger, President) of Centereach, New York, for drug and alcohol testing services. The term of this agreement will be from January 1, 2021 through December 31, 2023 and the approximate cost of \$64,220 per calendar year will be financed from the 2020-21 Budget of Undistributed Expenses and subsequent budgets, contingent on their approval.

Energetix Corporation has provided drug and alcohol testing services for the City since 2012 and will continue to provide, as required by the Omnibus Transportation Employee Testing Act, random, follow-up and post-accident testing for drugs and alcohol for employees whose duties require the possession of a commercial driver's license, and drug and alcohol testing of Emergency Communications Department employees, as required by the AFSCME collective bargaining agreement. Additionally, pre-employment testing will be performed for all new hires with the City, in addition to pre-employment testing for Police Officer and Firefighter candidates.

In accordance with Ordinance No. 2020-126, under this agreement tetrahydrocannabinol (THC), a compound found in marijuana, will continue not to be included in the controlled substances tested for in pre-employment drug tests, with the exception of positions required to hold a commercial driver's license and those related to public safety.

Energetix Corporation was selected through a request for proposals process, as described in the attached summary, based on their competitive pricing structure and ease of access to collection sites.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AT-184

Ordinance No. 2020-318
(Int. No. 374)

Establishing maximum compensation for a professional services agreement for a Drug and Alcohol Testing 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 in the maximum amount of \$192,660 with Energetix Corporation, to provide drug and alcohol testing for pre-employment and New York State Department of Transportation compliance testing and reporting. The term of the agreement shall be from January 1, 2021 through December 31, 2023. The compensation of \$64,220 for the first year of the agreement shall be funded from the 2020-21 Budget of Undistributed Expenses and \$64,220 annually for each of the remaining two years shall be funded from future years' Budgets of Undistributed Expenses, contingent upon approval.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2020-319
Re: Agreement – GovernmentJobs.com, Inc.,
Recruitment and Applicant Tracking
Software and Services

Council Priority: Jobs and Economic
Development

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation establishing \$165,495 as total maximum compensation for an agreement with GovernmentJobs.com, Inc., (Shane Evangelist, CEO) of El Segundo, California, to provide recruitment and applicant tracking software and services. The term of the agreement will be for three years with one three-year renewal option. The cost of this agreement includes an initial implementation service fee of \$28,995 and annual subscription fees of \$45,500 and will be funded from the 2020-21 (\$74,495), 2021-22 (\$45,500) and 2022-23 (\$45,500) Budgets of the Department of Human Resource Management, contingent upon approval.

GovernmentJobs.com, Inc. will provide a software solution to replace and enhance the City's current recruitment, selection, applicant tracking, and reporting and analysis system while ensuring conformance with New York State Civil Service requirements. Additional services which will be provided under this agreement include: the development of bidirectional integrations with Workday (the City's payroll and personnel system); the migration of active Civil Service data from the City's current applicant tracking system; the training of City end users on the software's functionality as well as future enhancements and new versions of the software; and the ability for individuals to pay for Civil Service Examination fees online with either a credit or debit card.

GovernmentJobs.com, Inc. was selected to provide these services because of their exclusive focus on providing applicant tracking service to public sector agencies which possess similar system requirements as the City.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AT-185

Ordinance No. 2020-319
(Int. No. 375)

Authorizing an agreement for employee recruitment and applicant tracking software and services

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with GovernmentJobs.com, Inc. to provide employee recruitment and applicant tracking software and services. The term of the agreement shall be 3 years with the option to renew for one additional term of 3 years. The maximum compensation for the first three years shall be \$165,495, which shall be funded in the amounts of \$74,495 from the 2020-21 Budget of the Department of Human Resource Management (DHRM), \$45,500 from the 2021-22 Budget of DHRM and \$45,500 from the 2022-23 Budget of DHRM, contingent upon the approval of the latter two budgets. The maximum compensation for the subsequent 3-year term, if so opted for, shall be \$136,500, which shall be funded in the amounts of \$45,500 from each of the 2023-24, 2024-25, and 2025-26 Budgets of DHRM, contingent upon the approvals thereof.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-320

Re: Agreement – UKG Inc., Enterprise Process
and System Solution for Scheduling,
Time and Attendance Upgrade

Council Priority: Jobs and Economic
Development

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation establishing \$50,000 as total maximum compensation for an agreement with UKG Inc. (Aron Ain, CEO) of Lowell, Massachusetts and Weston, Florida, for the implementation of an upgrade to the City's enterprise process and system solution for scheduling, time and attendance. The term of the agreement will be for one year and will be funded from the 2020-21 Budget of the Department of Human Resource Management.

UKG Inc., formerly Kronos Incorporated, has served as the City's enterprise process and system solution for scheduling, time and attendance since 2018, when it replaced a legacy system which required manual processes for time entry, attendance tracking and reporting. This agreement will allow for the migration from the existing Kronos perpetual software licenses to Kronos Workforce Dimensions.

The benefit of moving to Kronos Workforce Dimensions is that the City will be moving from an on-premise version of Kronos to a cloud hosted version. This cloud hosted version will provide for automatic updates, which are included in our existing subscription fees, and will not require additional Kronos resources, for which we are currently paying approximately \$45,000 every twelve to eighteen months for. By using this subscription model, the City will be utilizing the latest version of the software and will eliminate the need for remote access to Kronos through VPN or Remote Desktop, as this solution will be hosted in the cloud. Automatic backups will be included for which the City is currently required to purchase backup servers, storage and licenses. Finally, our current version of Kronos will be at the end of its life cycle in two years, at which time we will be required to move to Workforce Dimensions.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2020-320
(Int. No. 376)

Authorizing an agreement to upgrade the City’s enterprise process and system solution for employee scheduling, time and attendance

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 in the maximum amount of \$50,000 with UKG Inc., for the implementation of an upgrade to the City’s enterprise process and system solution for employee scheduling, time and attendance. The term of the agreement shall be one year and shall be funded from the 2020-21 Budget of the Department of Human Resource Management.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-321

Re: **Charter Amendment - Office of
Inspector General Legislation**

Transmitted herewith for your approval is legislation amending the City Charter to create an Office of Inspector General (OIG). The OIG will be authorized to conduct a program of investigations, audits, and reviews to provide increased accountability and oversight and to assist in improving City operations and identifying fraud, waste, and illegal acts. The proposed legislation establishes the OIG’s scope of jurisdiction to include all City elected officials and employees within the Executive and Legislative branches of City government, to include the Rochester Police Department.

This legislation was drafted in coordination with consultants from Bloomberg Associates and based on best practices recommended by the Association of Inspectors General (AIG). The AIG’s guiding principles and standards are set forth in their *Principles and Standards for Offices of Inspectors General*, commonly known as the “Green Book” which is attached for reference.

The proposed legislation addresses a number of critical issues referenced by the AIG to include the Inspector General’s (IG’s) independence and powers.

Independence

Article 6C-3 requires the IG to be appointed to a fixed term of five years. The IG may be removed only for misconduct, or malfeasance in office after a public hearing.

Article 6C-7 authorizes the IG to exercise independent judgment in determining matters to investigate and prohibits the Mayor, City Council or other City employees from obstructing an investigation, audit, or review.

Article 6C-12 prevents the IG from engaging in any political activity except as otherwise authorized by the law, to include membership on a political committee, participating in a political campaign, or attending political fundraising events.

These sections reflect an increased level of independence in both fact and appearance and act as safeguards against undue influence.

Article 6C-3 creates a fixed term of office for the IG which requires a referendum vote, to be held November _____ during the general election, in accordance with General Municipal Law, Section 23. This is required since the local law curtails the power of the Mayor to remove an employee.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AT-186

Ordinance No. 2020-321
(Int. No. 377)

Authorizing the cancellation or refund of erroneous taxes and charges

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

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

S.B.L. #	Class	Address	Tax Year	Cancelled
106.30-4-72	H	22 Roth Street	2021	\$1,450.00
105.27-1-24	H	166 Glenwood Av	2021	\$1,352.72
105.75-2-80.1	H	382 Saxton Street	2021	\$1,183.00
106.60-4-19.3	N	143-147 Webster Av	2021	\$2,844.38
120.34-2-36.1	H	72 Eddy Street	2021	\$1,401.78
106.43-2-14	H	299 First Street	2021	\$1,028.03
GRAND TOTAL				\$9,259.91

The properties listed above were sold at the City of Rochester's Tax Foreclosure Auction on November 13, 2019. All the Code Enforcement and Rehabilitation charges were valid prior to the auction date and were supposed to be either paid or cancelled prior to the transfer to the new owner. However, the pre-auction charges were mistakenly billed to each of the properties after the auction date and, when they were unpaid by March 15, 2020, they were added to the 2020-21 tax bill.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-322
Re: Agreement – REDCO, Rochester Financial
Empowerment Center Initiative, and
Budget Amendment

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation amending the 2020-21 Budget of the Office of the Mayor by \$100,000 to reflect the balance of carryover funds from an existing grant, and the receipt of new funds from REDCO. This legislation will:

1. Authorize an agreement with the Rochester Economic Development Corporation, 55-57 St. Paul Street, Rochester, New York (Bayé Muhammad, CEO), for the receipt and use of \$50,000, and amend the 2020-21 Budget of the Office of the Mayor to reflect the funding.
2. Amend the 2020-21 Budget of the Office of the Mayor by \$50,000 to reflect carry over funding from JPMorgan Chase, which was initially authorized by Council via Ordinance No. 2019-109.

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, Rochester Economic Development Corporation agreed to serve as fiscal sponsor for the City of Rochester and accept funding for the FEC initiative. This relationship was formalized via resolution at the July 18, 2019 meeting of the Rochester Economic Development Corporation Board of Directors.

The Rochester Financial Empowerment Centers Initiative launched in February 2020 and offers free, professional, one-on-one financial counseling as a public service to Rochester residents without qualification. Highly-trained financial counselors work with clients to drive positive financial outcomes related to banking access, savings and asset building, access to safe and affordable credit, and debt reduction. Counselors have continued to safely provide services to over 500 community members through tele-counseling, and continue to engage with key community partners.

Day-to-day operations of the financial counselors are performed by Consumer Credit Counseling Service of Rochester under a Professional Services Agreement with the City of Rochester, authorized in Ordinance No. 2019-248 at the August 2019 City Council meeting.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2020-322
(Int. No. 378)

Authorizing funding agreement and budget amendments for the Financial Empowerment Center Initiative

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Rochester Economic Development Corporation (REDCO) for the receipt and use of \$50,000 for the Financial Empowerment Center Initiative (the Initiative).

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

Section 3. Ordinance No. 2020-161, the 2020-21 Budget of the City of Rochester, as amended, is hereby further amended to increase the Budget of the Office of the Mayor by \$100,000, which amount is hereby appropriated for the Initiative and consists of \$50,000 from REDCO as authorized in Section 1 herein and \$50,000 from a portion of the JPMorgan Chase Foundation funds authorized in Ordinance No. 2019-109.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-323
Re: Agreements – Urban League of Rochester Inc.
and IBERO-American Action League Inc.,
Small Business and Entrepreneurship Support

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation to establish agreements for Small Business and Entrepreneurship support. This legislation will:

1. Establish \$11,350 as maximum compensation for an agreement with the Urban League of Rochester Inc., 265 N. Clinton Avenue, Rochester, NY (Dr. Seanelle Hawkins, President and CEO) to provide services related to small business and entrepreneurship support. The term of this agreement will be one year and will be funded from the 2020-21 Budget of the Office of the Mayor.
2. Establish \$11,350 as maximum compensation for an agreement with IBERO-American Action League Inc., 817 East Main Street, Rochester, NY (Angelica Perez-Delgado, President and CEO) to provide services related to small business and entrepreneurship support. The term of this agreement will be one year and will be funded from the 2020-21 Budget of the Office of the Mayor.

The above agencies will collaborate with the Office of Community Wealth Building to develop culturally-relevant marketing and eCommerce platforms the agencies will subsequently administer

in service to underserved small business constituents. This is the final component of the City Accelerator Initiative grant, received by the City via Ordinance No. 2018-222. “The City Accelerator is an initiative led by Living Cities and supported by the Citi Foundation that helps to accelerate the adoption of such innovations” to address economic inequality and infrastructure issues within and across local governments, disproportionately impacting residents with low to moderate incomes. For more information: <https://www.governing.com/cityaccelerator/about>.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2020-323
(Int. No. 379)

Authorizing agreements relating to small business and entrepreneur support

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 Urban League of Rochester, N.Y., Inc. to provide services relating to a small business and program and entrepreneurship support program (the Program). The maximum compensation for the agreement shall be \$11,350, which shall be funded from the 2020-21 Budget of the Office of the Mayor. The term of the agreement shall be one year.

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with Ibero-American Action League, Inc. to provide services relating to the Program. The maximum compensation for the agreement shall be \$11,350, which shall be funded from the 2020-21 Budget of the Office of the Mayor. The term of the agreement shall be one year.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following:

Ayes – President Scott, Councilmembers Evans, Gruber, Harris, Lightfoot, Lupien, Ortiz, Patterson, Peo -8

Nays – None -0

Councilmember Meléndez abstained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-394
Re: Charter Amendment - Office of
Inspector General Legislation

Transmitted herewith for your approval is legislation amending the City Charter to create an Office of Inspector General (OIG). The OIG will be authorized to conduct a program of investigations, audits, and reviews to provide increased accountability and oversight and to assist in improving City operations and identifying fraud, waste, and illegal acts. The proposed legislation establishes the OIG's scope of jurisdiction to include all City elected officials and employees within the Executive and Legislative branches of City government, to include the Rochester Police Department.

This legislation was drafted in coordination with consultants from Bloomberg Associates and based on best practices recommended by the Association of Inspectors General (AIG). The AIG's guiding principles and standards are set forth in their *Principles and Standards for Offices of Inspectors General*, commonly known as the "Green Book" which is attached for reference.

The proposed legislation addresses a number of critical issues referenced by the AIG to include the Inspector General's (IG's) independence and powers.

Independence

Article 6C-3 requires the IG to be appointed to a fixed term of five years. The IG may be removed only for misconduct, or malfeasance in office after a public hearing.

Article 6C-7 authorizes the IG to exercise independent judgment in determining matters to investigate and prohibits the Mayor, City Council or other City employees from obstructing an investigation, audit, or review.

Article 6C-12 prevents the IG from engaging in any political activity except as otherwise authorized by the law, to include membership on a political committee, participating in a political campaign, or attending political fundraising events.

These sections reflect an increased level of independence in both fact and appearance and act as safeguards against undue influence.

Article 6C-3 creates a fixed term of office for the IG which requires a referendum vote, to be held November _____ during the general election, in accordance with General Municipal Law, Section 23. This is required since the local law curtails the power of the Mayor to remove an employee.

Respectfully submitted,
Lovely A. Warren
Mayor

Introductory No. 394

Local Law amending the City Charter to establish an Office of Inspector General

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 adding a new article, Article VIC, Office of the Inspector General, to read in its entirety as follows:

Article VIC. Office of Inspector General

§6C-1. Office of Inspector General

There shall be an Office of Inspector General, the head of which shall be the Inspector General. The Office is authorized to conduct a program of investigations, audits, inspections and

performance reviews to provide increased accountability and oversight and to assist in improving City operations and deterring and identifying fraud, waste, and illegal acts. The Office's scope of jurisdiction shall include all City elected officials, employees, and departments within the Mayoral and Council branches of City government, including the Rochester Police Department.

§6C-2. Appointment

The Inspector General shall be appointed by the Mayor subject to confirmation of Council in accordance with §3-3D of the City Charter. The Inspector General shall be appointed without regard to political affiliation and on the basis of integrity, and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, investigation, or criminal justice administration or other closely related fields. The Inspector General shall report directly to the Mayor but shall be operationally independent and no City officer or employee shall prevent, impair, or prohibit the Inspector General from initiating, carrying out, or completing any audit, investigation or review. The position of Inspector General shall be the equivalent of a Commissioner for all purposes of this Charter.

§6C-3. Term of office

The Inspector General shall be appointed for a term of five (5) years. The Inspector General may be removed from office by the Mayor during his or her term only for misconduct, or malfeasance in office after being served with written charges and after a public hearing held by the Mayor or a hearing officer appointed by the Mayor, with an opportunity to be heard.

§6C-4. Duties of the Inspector General

The Office of Inspector General is authorized to engage in the following specific functions:

- A. Conduct any investigation directed by the Mayor, City Council, or at the discretion of the Inspector General.
- B. Audit, evaluate, investigate, and inspect the activities and records of any City department to include the Rochester Police Department, City Council, any board or commission, and any person or entity doing business with the City or that receives funds from the City with regard to that entity or person's transaction with the City. The Inspector General shall not be authorized to audit, evaluate, investigate and inspect the activities and records of any other municipal corporation, public authority or agency of the State or Federal Government.
- C. Conduct potential criminal investigations and administrative investigations into allegations of wrongdoing involving individuals and agencies within the scope of its jurisdiction.
- D. Audit the economy, efficiency, and effectiveness of City operations and functions.
- E. Recommend remedial actions to be taken by City departments in response to an audit, review or investigation and monitor their implementation.
- F. Refer matters for further administrative and criminal action to appropriate law enforcement, administrative, and prosecutorial agencies.

§6C-5. Powers of the Inspector General

The Inspector General shall have the following powers:

- A. Shall have access, at all reasonable times, to offices of the City departments, boards and commissions.
- B. May examine all books, papers, records and documents in any such department, board or commission or any person or entity doing business with the City, or any person or entity who receives funds from the City.
- C. May require any City officer or head of a department, board or commission and any person or entity doing business with the City or that receives funds from the City with regard to that entity or person's transaction with the City, to furnish such data, information or statements as may be necessary, unless prohibited or limited by law.
- D. May take and hear proof and testimony, administer oaths, subpoena and compel the attendance of witnesses and compel the production of books, papers, records and documents.
- E. §6C-6. Expert services

Within the amounts budgeted for said purpose, the Inspector General may enter into professional services agreements with Certified Public Accountants, qualified consultants, or other professional experts necessary to independently perform the functions of the office, in amounts not to exceed \$10,000 in a fiscal year with any consultant, without further approval from City Council.

§ 6C-7. Independent authority

The Inspector General shall investigate matters at the direction of the Mayor or City Council but shall also be authorized to exercise independent judgment in determining which matters to investigate. The Mayor, City Council or other City employees shall not obstruct the Inspector General from initiating, carrying out, or completing any audit, investigation or review.

§ 6C-8. Public records

Inspector General audit and investigation reports shall be public records as provided in Article 6 of the Public Officers Law. The Inspector General shall maintain the confidentiality of any public records that are made confidential by law.

§ 6C-9. Reports of investigations and audits

When an investigation or audit has been completed, the Inspector General is authorized to report the findings thereof to the head of any City agency that is the subject of those findings, Corporation Counsel, and to the Mayor. Agency heads shall be given the opportunity to respond in writing. The Inspector General is also authorized to report any findings that involve possible criminal activities to the appropriate law enforcement agencies. The IG is

required to keep all matters confidential to the extent permitted by law.

The IG shall provide an annual report to the Mayor and City Council of its activities, and any additional reports that the IG deems necessary.

§ 6C-10. Duties of other individuals, agencies, and entities

- A. City employees and any other person or entity doing business with the City, have a duty to report suspected fraud, waste, and abuse to the Office of Inspector General.
- B. City departments shall not conduct their own investigations and must refer suspected fraud, waste, and abuse to the Office of Inspector General.
- C. City departments must respond in writing to Office of Inspector General reports to address findings and confirm any corrective actions taken by the department.
- D. Office of Inspector General reports and related documentation should remain confidential to the extent permitted by law.

§ 6C-11. Whistleblower Protection

The City shall not take any adverse personnel action against an employee because such employee discloses a violation of a law, rule or regulation or which constitutes an improper governmental action, as provided in Section 75-b of the Civil Service Law.

§ 6C-12. Political activities prohibited.

The Inspector General shall not directly or indirectly engage in any political activity except as otherwise authorized by this section or by law. The Inspector General may vote and enroll himself or herself as a voter as a member of a political party, or advocate on behalf of measures to improve the law, the legal system or the administration of justice. Prohibited political activity shall include:

- A. Being a member or officer of a political committee or political party, or any other group the principal purpose of which is to further the election or appointment of candidates to political office, other than voter enrollment in a political party;
- B. Participating in any political campaign for any elected office or permitting his or her name to be used in connection with any activity of a political campaign or committee, or publicly endorsing or publicly opposing a candidate for public office; or
- C. Soliciting funds for or making a contribution to a political committee or candidate, or purchasing tickets for politically sponsored events.

Section 2. The City Charter is hereby further amended to delete Section 3-13, Director of the Office of Public Integrity, in its entirety.

Section 3. The City Charter is hereby further amended in the second paragraph of Section 3-1, Mayor, to read in its entirety as follows:

There shall be in the office of the Mayor a Bureau of Communications, the head of which shall be Director of Communications; an Office of Inspector General ~~Public Integrity~~, the head of which shall be the Inspector General ~~Director of the Office of Public Integrity~~; and such other operating or staff units as may be deemed necessary by the Mayor to effectively administer City affairs, programs or projects that may from time to time be required.

Section 4. The City Charter is hereby further amended in Subsection G(1) of Section 2-18, Code of Ethics, by amending the list of officials required to file financial disclosure statements to delete the job title of “Director of the Office of Public Integrity” and replace it with the title of “Inspector General.”

Section 5. The City Charter is hereby further amended in the last paragraph of Attachment 1, Statement of Financial Disclosure, to read in its entirety as follows:

PLEASE RETURN TO:
INSPECTOR GENERAL ~~SECRETARY OF THE BOARD OF ETHICS OFFICE OF~~
INSPECTOR GENERAL ~~PUBLIC INTEGRITY~~
85 ALLEN STREET, SUITE 100 ROCHESTER, NEW YORK 14608 FAX: 585-428-7972

Section 6. This local law shall be submitted for the approval of the electors at the general election to be held on November 2, 2021 and shall take effect immediately upon certification of its approval by the affirmative vote of a majority of the qualified electors voting on said proposition.

Strikeout indicates deleted text, new text is underlined.

HELD IN COMMITTEE

By Councilmember Patterson
November 10, 2020

To the Council:

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

- Int. No. 380 Authorizing the sale of real estate
- Int. No. 382 Amending Ordinance No. 2020-293 in relation to the L2P Westside Housing Project
- Int. No. 395 Authorizing the sale of City-owned parcels, a \$1,000,000 Home loan, and a payment in lieu of taxes agreement for the CDS Clifford and Joseph Apartments Project

The following entitled legislation is being **HELD** in Committee:

- Int. No. 381 Authorizing and funding an agreement relating to Land Management Software Acquisition and Implementation

Respectfully submitted,
Michael A. Patterson
Mary Lupien
Miguel Meléndez
Willie J. Lightfoot
Loretta C. Scott
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed, and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2020-324
Re: Sale of Real Estate

Council Priority: Rebuilding and Strengthening
Neighborhood Housing

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of six properties. City records have been checked to ensure that purchasers (except those buying unbuildable vacant lots) do not own other properties with code violations or delinquent taxes (unless noted), and have not been in contempt of court or fined as a result of an appearance ticket during the past five years. The properties are listed on the attached spreadsheet under the heading, I. Negotiated Sale – Unbuildable Vacant Land. Each is being sold for \$1.00 (as per City policy).

The first, second and third lots – 982 Avenue D, the south portion of 747 Hudson Avenue and the east portion of 189-193 Kirkland Road, are being sold to the adjoining owners and will be used as additional green space.

The fourth lot, which is the west portion of 5 Lamont Place, is being sold to the adjoining owner of the two parcels to the west and north in order to resolve a title issue. An encroachment onto the City-owned parcel will be cured when title is vested in the owner's name.

The fifth lot, which is the west portion of 21 Mineola Street is being sold to the owner of the adjoining parcel. The owner intends to combine their existing lot with the west portion of the City lot and construct a single-family home for owner occupancy.

The sixth lot, 119 Otis Street, is being sold to the adjoining owner and will be used as additional green space.

Each of these will be combined with the primary parcel owned by the identified adjoining owner. The first year projected tax revenue for these six properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$750. City taxes and other charges, except water charges against properties being sold by the City, will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the

properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AT-187

Ordinance No. 2020-324
(Int. No. 380)

Authorizing the sale of real estate

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

Section 1. The Council hereby approves the negotiated sale with proposal of the following vacant unbuildable parcels of land for \$1 each:

Address	SBL#	Lot Size	Sq.Ft.	Purchaser
982 Ave D	091.81-2-42.3	18 x 112	2,063	Francisco D. Gonzalez
South Portion 747 Hudson Ave	106.25-1-31	15 x 94	1,410	Eric J. Young
East Portion 189-193 Kirkland Rd	120.57-3-42.1	20 x 81	1,620	Quinn P. Doubet
West Portion 5 Lamont Pl	106.60-3-21	33 x 39	1,221	Michael Faggiano
West Portion 21 Mineola St	135.57-2-32.2	46 x 20	920	Nelson R. DeLong
119 Otis St	105.57-4-1	30 x 47	1,441	ROC City Rentals, LLC

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2020-325
Re: Technical Amendment – Ordinance
No. 2020-293, L2P Westside
Affordable Housing Project

Council Priority: Rebuilding and
Strengthening Neighborhood Housing

Rochester 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation amending Ordinance No. 2020-293 to correct minor errors in the property address details for the acquisitions associated with the L2P Westside Affordable Housing Project. L2P Westside (“Lease to Purchase”) is a new construction project, a mixed-use, low-income housing project consisting of multiple sites located in the Southwest quadrant being undertaken by the Urban League of Rochester Economic Development Corporation (ULREDC) (Carolyn Vitale, Vice-President and COO), 312 State Street, Rochester, NY. The City is selling 39 parcels to ULREDC, or an affiliated Housing Development Corporation, in order to build 41 single-family properties for households at or below 60% Median Family Income (MFI).

The changes are detailed below:

Original Property Address	Original SBL	Revised Property Address	Revised SBL
173 Bartlett St	120.67-3-10	173-173.5 Bartlett Street	NA
184-186 Bartlett St	120.67-2-4.001	NA	120.67-2-74
414 Columbia St	120.67-3-50	414-416 Columbia Street	NA
15 Elgin St	120.27-1-22.001	15-19 Elgin Street	135.27-1-22.001
33 Elgin St	120.27-1-24.001	NA	135.27-1-24.001
281 Jefferson Ave	120.51-2-14.001	281-283 Jefferson Ave	NA
49-51 Reynolds St	120.44-1-71.001	49-51.5 Reynolds St	NA

All other terms and conditions approved in Ordinance No. 2020-293 remain the same.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2020-325
(Int. No. 382)

Amending Ordinance No. 2020-293 in relation to the L2P Westside Housing Project

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

Section 1. Section 1 of Ordinance No. 2020-293, authorizing the sale of City-owned parcels and a payment in lieu of taxes agreement for the L2P Westside Housing Project, is hereby amended to read as follows:

Section 1. The Council hereby approves the sale of the following parcels of land at the following appraised values to the Urban League of Rochester Economic Development Corporation (~~ULREDC~~) or an affiliated partnership or housing development fund corporation formed for the purpose (the Developer) to develop the L2P (“Lease to Purchase”) Westside project comprised of a variety of new low-income rental units on scattered sites throughout the city’s Southwest Quadrant that, after 15 years, may be purchased by their tenants by means of affordable mortgages (the Project):

Address	Parcel Number	Sales Price
392 Aberdeen St	120.72-2-19	\$ 425.00
202 Atkinson St	120.44-2-57	\$ 425.00
26 Bartlett St	121.6-1-30	\$ 425.00
120 Bartlett St	120.68-1-72	\$ 425.00
173- 173.5 Bartlett St	120.67-3-10	\$ 425.00
177-179 Bartlett St	120.67-3-8.001	\$ 500.00
180-182 Bartlett St	120.67-2-75	\$ 450.00
184-186 Bartlett St	120.67-2-74.001 <u>120.67-2-74</u>	\$ 450.00
28 Cady St	121.53-1-81.001	\$ 450.00
186 Cady St	120.59-1-52.001	\$ 600.00
96 Chili Ave	120.50-1-77	\$ 600.00
363 Columbia Ave	120.75-1-31	\$ 425.00
414- 416 Columbia Ave	120.67-3-50	\$ 425.00
189 Cottage St	135.28-2-15	\$ 425.00
73 Dr. Samuel McCree Way	121.53-1-6	\$ 425.00
215 Dr. Samuel McCree Way	120.59-1-10.001	\$ 500.00
15- 19 Elgin St	120.27-1-22.001 <u>135.27-1-22.001</u>	\$ 500.00
33 Elgin St	120.27-1-24.001 <u>135.27-1-24.001</u>	\$ 525.00
101 Frost Ave	121.61-1-16	\$ 450.00
107 Frost Ave	121.61-1-15	\$ 450.00
128 Frost Ave	121.53-3-36	\$ 475.00
134 Frost Ave	121.53-3-37	\$ 475.00
151-153 Frost Ave	121.61-1-6.001	\$ 500.00
278 Jefferson Ave	120.44-1-50.001	\$ 475.00
281- 283 Jefferson Ave	120.51-2-14.001	\$ 450.00
180 Kenwood Ave	120.58-2-75	\$ 450.00
300 Kenwood Ave	120.66-1-59	\$ 450.00
189-193 Kirkland Rd	120.57-3-42.001	\$ 475.00

21 Milton St	120.81-1-77	\$	475.00
227 Normandy Ave	120.65-1-40	\$	475.00
140 Post Ave	120.64-3-7	\$	450.00
49 – <u>51.5</u> Reynolds St	120.44-1-71.001	\$	475.00
53 - 57 Reynolds St	120.44-1-72	\$	475.00
219 Reynolds St	120.68-1-38.001	\$	450.00
54 Seward St	121.53-1-42	\$	475.00
109 Seward St	121.53-3-46	\$	550.00
177 Sherwood Ave	120.64-3-21	\$	425.00
315 Sherwood Ave	120.72-2-20	\$	425.00
325 Troup St	120.44-1-21	\$	450.00
	Total:	\$	18,175.00

Section 2. Section 3 of Ordinance No. 2020-293, authorizing the sale of City-owned parcels and a payment in lieu of taxes agreement for the L2P Westside Housing Project, is hereby amended to read as follows:

Section 3. The Mayor is hereby authorized to enter into a payment in lieu of taxes agreement (PILOT Agreement) with the ~~ULREDC Developer~~ for the parcels listed in Section 1 in order to effectuate the Project. This PILOT Agreement shall provide that said parcels shall remain entitled to a real property tax exemption, provided that the ~~ULREDC 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 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-326
 Re: CDS Clifford and Joseph
 Apartments Project

Council Priority: Rebuilding and
 Strengthening Neighborhood Housing

Comprehensive Plan 2034 Initiative Area:
 Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to CDS Clifford and Joseph Apartments, an affordable and supportive rental housing community project for families and individuals. The project is being developed and will be owned by CDS Monarch, Inc. (CDS) (Sankar Sewnauth, President/CEO), with offices at 860 Hard Road, Webster, NY 14580. CDS Clifford and

Joseph Apartments will be located at the southeast corner of Clifford and Joseph Avenues and on Maria Street in the CONEA Neighborhood in Northeast Rochester.

This legislation will:

1. Authorize the sale of twenty-three (23) parcels of City-owned land, at the south-east corner of Clifford and Joseph Avenues (see attached City-owned Parcel detail) at a total of \$20,700, their combined appraised values, to CDS Monarch, Inc., CDS Clifford Ave, LLC, or an affiliated partnership or housing development fund corporation to be formed by CDS. See attached list of City owned parcels and detail below.

Street #	Street Name	SBL #	Lot Size	S/F	Purchase Price
562-566	Joseph Ave	106.31-3-28	48X131	6,288	\$2,500
576-590	Joseph Ave	106.31-3-30.002	144x122	17,689	\$8,800
615	Clifford Ave	106.31-3-15	40x120	4,800	\$425
621	Clifford Ave	106.31-3-16	42 x120	5,040	\$450
625	Clifford Ave	106.31-3-17	42 x120	4,848	\$425
1	Theodore St	106.31-3-18	40 x 124	4,984	\$425
2	Theodore St	106.31-3-19	40 x 124	4,766	\$425
3	Theodore St	106.31-3-20	40 x 124	5,097	\$450
4	Theodore St	106.31-3-21	40 x 125	4,920	\$425
14	Maria St	106.32-4-24	36 x102	3,972	\$400
16	Maria St	106.32-4-25	36x102	3,617	\$400
18	Maria St	106.32-4-26	35 x155	5,425	\$450
20	Maria St	106.32-4-27.001	53 x155	8,215	\$525
23	Maria St	106.32-4-41.001	46 X 120	5,553	\$450
24	Maria St	106.32-4-29.001	54 x155	8,370	\$525
25	Maria St	106.32-4-40.001	46x120	5,549	\$450
26	Maria St	106.32-4-30.001	64x150	9,600	\$550
29	Maria St	106.32-4-37.002	46x120	5,534	\$450
30	Maria St	106.32-4-32.001	65x100	6,500	\$475
31	Maria St	106.32-4-36.002	46x120	5,527	\$450
34	Maria St	106.32-4-34	33x70	2,310	\$400
35	Maria St	106.32-4-1.001	46x120	5,580	\$450
36	Maria St	106.32-4-2	33x70	2,310	\$400
				TOTAL	\$20,700

2. Authorize a \$1,000,000 HOME funded permanent loan agreement for the project, and appropriate the same amount from the Consolidated Plan/2020-21 Annual Action Plan, Affordable Housing Fund allocation to fund the loan. The permanent loan includes a 30 year term, and 2% interest-only, cash flow dependent payments due annually, with the outstanding principal balance and any accrued interest due at the end of the 30 year term.

3. Authorize a property tax exemption and payment-in-lieu of taxes agreement for the CDS Clifford Avenue Apartments Affordable Housing 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). See attached list of parcels.

Current Owner	Street #	Street Name	SBL #
City of Rochester	562-566	Joseph Ave	106.31-3-28
City of Rochester	576-590	Joseph Ave	106.31-3-30.002
City of Rochester	615	Clifford Ave	106.31-3-15
City of Rochester	621	Clifford Ave	106.31-3-16
City of Rochester	625	Clifford Ave	106.31-3-17
City of Rochester	1	Theodore St	106.31-3-18
City of Rochester	2	Theodore St	106.31-3-19
City of Rochester	3	Theodore St	106.31-3-20
City of Rochester	4	Theodore St	106.31-3-21
City of Rochester	14	Maria St	106.32-4-24
City of Rochester	16	Maria St	106.32-4-25
City of Rochester	18	Maria St	106.32-4-26
City of Rochester	20	Maria St	106.32-4-27.001
City of Rochester	23	Maria St	106.32-4-41.001
City of Rochester	24	Maria St	106.32-4-29.001
City of Rochester	25	Maria St	106.32-4-40.001
City of Rochester	26	Maria St	106.32-4-30.001
City of Rochester	29	Maria St	106.32-4-37.002
City of Rochester	30	Maria St	106.32-4-32.001
City of Rochester	31	Maria St	106.32-4-36.002
City of Rochester	34	Maria St	106.32-4-34
City of Rochester	35	Maria St	106.32-4-1.001
City of Rochester	36	Maria St	106.32-4-2
Antonio Garcia	570	Joseph Ave	106.31-3-29
CDS Monarch, Inc.	6	Theodore St	106.31-3-23.001

4. Authorize the Mayor to execute such agreements and other documents as may be necessary to effectuate the agreement authorized herein; and
5. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal and other requirements for the Project.

The CDS Clifford and Joseph Apartments project includes the construction of seven buildings on three adjacent parcels totaling 214,229 square-feet. The project meets the guidelines in the City's Affordable Housing Policy as codified in section 10-11 of the City Code. All 164 units will be reserved for extremely low-income, very low-income, and low-income households, including 48 units

set aside for special needs populations. The largest building will contain 94 units, a second will contain 20 units, and the remaining five buildings will have ten units each. This project will be comprised of 37 one-bedroom, 96 two-bedroom, 24 three-bedroom, and five (5) four-bedroom units. The development will provide 106 parking spaces, a commercial space, management and support services staff offices, a business/computer center, exercise room, and a community center. Rents include heat, hot water, and refuse services. Tenants will pay for electricity, cable, internet, and laundry.

The project includes 42 units targeted to households with incomes at or below 50% of AMI, 50 units targeted to households with incomes at or below 60% of AMI, and 16 units targeted to households with incomes at or below 80% of AMI. Eight (8) units will have project based vouchers, or section 8 rental subsidy, from the Rochester Housing Authority, and will be targeted to households between 0-50% of AMI. The 48 special needs housing units are set aside for individuals and families with mental illness and survivors of domestic violence, and rental subsidies and support services will be provided to these households. The development team has secured Empire State Supportive Housing Initiative (ESSHI) funding to subsidize the supportive services required by the special needs tenants and to provide those tenants with rental assistance.

The site includes 25 individual parcels, of which 23 are City-owned vacant land, and will be re-subdivided into three parcels. The privately owned properties include an automotive use on Joseph Avenue and a single family home on Theodore Street, both of which will be demolished. CDS has completed the purchase of one privately owned parcel, and will complete the purchase of the remaining privately owned parcel in October. The project has received Site Plan approval, and the abandonment of Theodore Street and Official Map Amendment were submitted to City Council for review during the October (2020) Council meeting. The re-subdivision will occur after all parcels are owned by CDS, anticipated for November 2020. The site is close to other investment and development efforts, such as the Pueblo Nuevo affordable housing development, La Marketa project, El Camino Estates 1 and 2, Mildred John Estates 1 and 2, and Upper Falls Square Apartments

CDS Monarch, Inc. is a non-profit organization that provides housing and supportive services to special needs populations across Upstate New York, and has been in existence for over 40 years. CDS currently owns and manages 27 group homes throughout Monroe County, and is the owner and developer of several affordable and integrated supportive multifamily housing developments in New York. Other development team members include consulting developer CSD Housing, LLC, management agent Rochester Management, Inc., architect and engineer Passero & Associates, and general contractor Christa Construction, LLC. This is the City's first project with CDS.

Willow Domestic Violence Center (Willow) and Mental Health Association of Rochester (MHAR) will provide supportive services for the tenants of the 48 special needs units. Willow will provide on-site services including counseling, court accompaniment, support groups, medical referrals, and education and training for parents and children that have experienced domestic violence. MHAR will provide on-site support services to tenants with mental illness including educational opportunities, referral services, case management and counseling, and life skills training. Participants can attend workshops for recovery, emotional skills development, budgeting and household skills, and general wellness strategies. MHAR and Willow both collaborate with a variety of providers to ensure each client's needs are met, and will offer services specific to each individual situation.

The project is funded primarily with tax-exempt bonds, the proceeds from the sale of 4% low income housing tax credits (LIHTCs), deferred developer fee, and several "soft" sources of funds, including the NYS Supportive Housing Opportunities Program (SHOP) and the Federal Housing Trust Fund (FHTF). Total development cost is \$48.8 million, with \$36 million in hard construction costs, \$6 million in soft costs, and \$6 million in developer fee. The sources and uses for the project are summarized below:

Permanent Sources		Uses	
HFA 1st Mortgage	8,830,000	Acquisition Costs*	212,250
SHOP	11,174,482	Construction Costs	36,066,503
CIF	450,000	Soft Costs	6,152,811
City HOME Loan	1,000,000	Reserves and Escrows	382,887
Owner Loan	875,000	Developer Fee	6,000,000
4% LIHTCs	17,241,605	Total Uses	48,814,451
Federal HTF	7,622,135		
Deferred Developer Fee	1,621,229		
Total Sources	48,814,451		

*Acquisition costs include, but are not limited to, real estate sold by the City of Rochester.

CDS Clifford is anticipated to close on project funding and begin construction in December 2020. Workforce goals for the project are 6.9% women and 20% minorities and 25% City residents, along with a combined goal of 30% for MBE/WBE firms.

The loan was approved by the Loan Review Committee at their meeting on October 28, 2020, and the PILOT was recommended for approval by the PILOT Review Committee on October 1, 2020. A National Environmental Policy Act or NEPA review is underway and will be completed prior to entering into any agreements for the CDS Clifford and Joseph Apartments project. SEQR review has been completed, and a Negative Declaration was issued for the project on January 15, 2020.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AT-188

Ordinance No. 2020-326
 (Int. No. 395)

Authorizing the sale of City-owned parcels, a \$1,000,000 HOME loan, and a payment in lieu of taxes agreement for the CDS Clifford and Joseph Apartments Project

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

Section 1. The Council hereby approves the sale of the following 23 parcels of land at the following appraised values to CDS Monarch, Inc., CDS Clifford Ave, LLC, or an affiliated partnership or housing development fund (collectively, the Developer) to develop the CDS Clifford and Joseph Apartments Project comprised of approximately 164 units of housing affordable to households with extremely low, very low and low incomes and other amenities (the Project):

Address	SBL #	Lot Size	Sq. Ft.	Appraised Value
562-566 Joseph Ave	106.31-3-28	48X131	6,288	\$2,500
576-590 Joseph Ave	106.31-3-30.2	144x122	17,689	\$8,800
615 Clifford Ave	106.31-3-15	40x120	4,800	\$425
621 Clifford Ave	106.31-3-16	42 x120	5,040	\$450
625 Clifford Ave	106.31-3-17	42 x120	4,848	\$425
1 Theodore St	106.31-3-18	40 x 124	4,984	\$425
2 Theodore St	106.31-3-19	40 x 124	4,766	\$425
3 Theodore St	106.31-3-20	40 x 124	5,097	\$450
4 Theodore St	106.31-3-21	40 x 125	4,920	\$425
14 Maria St	106.32-4-24	36 x102	3,972	\$400
16 Maria St	106.32-4-25	36x102	3,617	\$400
18 Maria St	106.32-4-26	35 x155	5,425	\$450
20 Maria St	106.32-4-27.1	53 x155	8,215	\$525
23 Maria St	106.32-4-41.1	46 X 120	5,553	\$450
24 Maria St	106.32-4-29.1	54 x155	8,370	\$525
25 Maria St	106.32-4-40.1	46x120	5,549	\$450
26 Maria St	106.32-4-30.1	64x150	9,600	\$550
29 Maria St	106.32-4-37.2	46x120	5,534	\$450
30 Maria St	106.32-4-32.1	65x100	6,500	\$475
31 Maria St	106.32-4-36.2	46x120	5,527	\$450
34 Maria St	106.32-4-34	33x70	2,310	\$400
35 Maria St	106.32-4-1.1	46x120	5,580	\$450
36 Maria St	106.32-4-2	33x70	2,310	\$400
			TOTAL	\$20,700

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

Section 3. The Mayor is hereby authorized to enter into a loan agreement with the Developer to provide permanent financing for the Project. The loan shall be in the amount of \$1,000,000, which shall be funded by, and is hereby appropriated from, the Affordable Housing Fund of the 2020-21 Annual Action Plan. The loan agreement shall have a term that extends for 30 years commencing upon the closing on permanent financing that follows the completion of Project construction. The loan shall be subject to an annual interest rate of 2%. The payment of interest

shall be paid annually if the Developer has sufficient cash flow and repayment of the loan principal and any unpaid interest shall come due at the end of the loan term. The Mayor is hereby authorized to adjust the loan interest rate and other terms and conditions in order to conform to legal and other requirements for the Project.

Section 4. The Mayor is hereby authorized to enter into a payment in lieu of taxes agreement (PILOT Agreement) with the Developer for the following 25 parcels of land in order to effectuate the Project. 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.

Current Owner	Address	SBL #
City of Rochester	562-566 Joseph Ave	106.31-3-28
City of Rochester	576-590 Joseph Ave	106.31-3-30.2
City of Rochester	615 Clifford Ave	106.31-3-15
City of Rochester	621 Clifford Ave	106.31-3-16
City of Rochester	625 Clifford Ave	106.31-3-17
City of Rochester	1 Theodore St	106.31-3-18
City of Rochester	2 Theodore St	106.31-3-19
City of Rochester	3 Theodore St	106.31-3-20
City of Rochester	4 Theodore St	106.31-3-21
City of Rochester	14 Maria St	106.32-4-24
City of Rochester	16 Maria St	106.32-4-25
City of Rochester	18 Maria St	106.32-4-26
City of Rochester	20 Maria St	106.32-4-27.1
City of Rochester	23 Maria St	106.32-4-41.1
City of Rochester	24 Maria St	106.32-4-29.1
City of Rochester	25 Maria St	106.32-4-40.1
City of Rochester	26 Maria St	106.32-4-30.1
City of Rochester	29 Maria St	106.32-4-37.2
City of Rochester	30 Maria St	106.32-4-32.1
City of Rochester	31 Maria St	106.32-4-36.2
City of Rochester	34 Maria St	106.32-4-34
City of Rochester	35 Maria St	106.32-4-1.1
City of Rochester	36 Maria St	106.32-4-2
Antonio Garcia	570 Joseph Ave	106.31-3-29
CDS Monarch, Inc.	6 Theodore St	106.31-3-23.1

Section 5. 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 housing in accordance with the conditions for maintaining low-income housing tax credits and financing as well as other legal requirements.

Section 6. The loan and PILOT agreements 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 sale and agreements authorized herein.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Introductory No. 381
Re: Agreement- Launch IT, Corp., Land
Management Software Acquisition &
Implementation

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 Land Management IT project. This project will replace the legacy mainframe data system currently supporting the permitting, trade licensing, building inspection, and code enforcement, as well as some Neighborhood Service Center operations within the Department of Neighborhood and Business Development (NBD). This legislation will:

1. Authorize the transfer of \$50,000 in unspent Cities RISE Phase III grant funds from the 2020-21 Budget of the Office of The Mayor, to the 2020-21 Budget of Cash Capital to fund the project agreement.
2. Authorize \$4,021,190 as maximum compensation for an agreement with Launch IT, Corp. (Principal: Hiram Houghton, 4430 NW Urbandale Dr., Urbandale, Iowa) to provide hosting, managed services, and implementation of a land management software solution. The term of the agreement will be for 5 years. The cost of this agreement will be funded as follows:
 - \$401,000 from 2018-19 Cash Capital, \$750,000 from 2019-20 Cash Capital, and \$50,000 from 2020-21 Cash Capital as appropriated above. This is inclusive of \$300,000 in Cities RISE Phase III grant funds previously appropriated for this use.
 - \$1,382,235 from the 2021-22 Cash Capital budget contingent upon its approval.
 - \$1,437,955 from future operating budgets, contingent upon their approval.

The total implementation costs for the project are \$2,583,235 and the total operating costs are \$1,437,955 (annual costs are broken out by year in the table, below).

Budget Year	Budget Type	Annual Amount
FY 2018-19	Cash Capital	\$401,000
FY 2019-20	Cash Capital	\$750,000
FY 2020-21	Cash Capital	\$50,000
FY 2021-22	Cash Capital	\$1,382,235
FY 2022-23	Operating	\$468,204
FY 2023-24	Operating	\$477,754
FY 2024-25	Operating	\$491,997
Total		\$4,021,190

Launch IT, Corp. will be subcontracting with software companies Calytera and Bluebeam Inc. A request for proposals for these services was issued in December 2019 on the City Website and sent directly to 42 companies. Responses were received from 16 companies and four vendors were invited for a virtual scripted demonstration. From this process, the selection was narrowed down to two vendors, who were then asked to provide a brief additional demonstration on one of NBD's key processes (Certificate of Occupancy renewals). The second demonstration made it clear to staff that the Calytera solution, as proposed by Launch IT, Corp., was the only option that would meet our needs. The software provider adapted their software to make our workflow quicker and more efficient in the field, a key requirement to better position our staff in serving our customers. Staff further explored Launch IT, Corp., Calytera, and Bluebeam Inc. through reference checks with Salem, Oregon, Snohomish County, Washington, and Austin, Texas. An RFP summary is attached.

Staff from the Department of Information Technology, the Office of Data Analytics and Performance, and the Project Management Office have been actively involved in reviewing and providing input into all aspects of the selection process.

It is anticipated that implementation will begin in January 2021, and that the new land management system will go-live in late spring, 2022.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Introductory No. 381

Authorizing and funding an agreement relating to Land Management Software Acquisition and Implementation

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

Section 1. Ordinance No. government, the 2020-21 Budget of the City of Rochester, as amended, is hereby further amended to transfer \$50,000 from the Budget of the Office of the Mayor to 2020-21 Cash Capital.

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with Launch IT, Corp. to provide hosting, managed services, and implementation of a land management software solution to replace the City's legacy mainframe data system that supports permitting, trade licensing, building inspection, code enforcement and some Neighborhood Service Center operations. The maximum compensation for the agreement shall be \$4,021,190, which shall be funded in the amounts of \$401,000 from 2018-19 Cash Capital, \$750,000 from 2019-20 Cash Capital, \$50,000 from 2020-21 Cash Capital, \$1,382,235 from 2021-22 Cash Capital, \$468,204 from the 2022-23 Budget of the Information Technology Department (IT), \$477,754 from the 2023-24 Budget of IT, and \$491,997 from the 2024-25 Budget of IT, contingent upon the approval of the 2021-22 and later budgets. The term of the agreement shall be five years.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Gruber
November 10, 2020

To the Council:

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

- | | |
|---------------|---|
| Int. No. 383 | Authorizing agreements for the River Street Realignment Project |
| Int. No. 384 | Authorizing an appropriation and amending Ordinance No. 2019-201 for the State Street Reconstruction Project |
| *Int. No. 385 | Resolution authorizing the implementation and funding in the first instance of the State-aid Program eligible costs of a capital project and appropriating funds therefor |
| Int. No. 386 | Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$925,000 Bonds of said City to finance the Maguire Building Renovation Project |
| Int. No. 387 | Appropriating an amendatory agreement relating to the Maguire Building Renovation Project |

* Int. No. 385 was recommended up to Council at November Committee Meeting, but will be voted on at the December 15, 2020 Council Meeting.

Respectfully submitted,
Mitch Gruber
Malik Evans
Jose Peo
Willie J. Lightfoot
Loretta C. Scott
PARKS & PUBLIC WORKS COMMITTEE

Received filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-327
Re: Agreement – CHA Consulting,
Inc. and CSX Transportation, Inc.,
Engineering Design and Construction
Administration Services, River Street
Realignment Project

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area:
Sustaining Green and Active Systems

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

1. Establish \$175,000 as total maximum compensation for a professional services agreement with CHA Consulting, Inc. (Michael D. Carroll, CEO, 16 West Main Street, Rochester, NY) for engineering design and construction administration services related to this project to be funded with 2019-20 Cash Capital. The term of the agreement shall extend until three (3) months after completion of a two-year guarantee inspection of the project; and,
2. Establish \$50,000 as a total maximum compensation for an agreement with CSX Transportation, Inc. (Jacksonville, Florida) for project related services and will be funded with 2019-20 Cash Capital. The term of the agreement shall extend until five (5) years after the project completion.

The project includes the realignment of River Street from the CSX crossing (adjacent to 503 River Street) to 565 River Street. This work was originally planned within the Port of Rochester Harbor Improvement Project but was subsequently placed on hold pending needed property acquisitions. The City is now in the final stages of acquiring the properties and design is commencing to align with the Lake Ontario Resiliency and Economic Development Initiative (REDI). Properties to be acquired include the Coast Guard Auxiliary property at 520 River Street, and 527 River Street.

The project will include full-depth pavement, granite curbs, driveway aprons, receiving basins, signage, pavement markings, and on-street parking. In addition, the project includes a multi-use trail that will connect the existing Genesee Riverway Trail (at the CSX at-grade railroad crossing) to the newly constructed multi-use trail along River Street to the north.

CHA Consulting, Inc. was selected to provide engineering design and construction administration services through a request for proposal process described in the attached summary.

Engineering design services are anticipated to begin in winter 2020 and construction is preliminarily planned to begin in the spring of 2022. The engineering design phase of this project results in the creation and/or retention of the equivalent of 2.4 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AT-189

Ordinance No. 2020-327
(Int. No. 383)

Authorizing agreements for the River Street Realignment Project

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with CHA Consulting, Inc. for engineering design and construction administration services related to the River Street Realignment Project consisting of the realignment of the roadway and other improvements extending from the CSX railroad crossing adjacent to 503 River Street to 565 River Street and the construction of an adjacent multi-use trail (collectively, the Project). The term of the agreement shall continue until 3 months after completion of the two-year guarantee inspection of the Project. The maximum compensation for the agreement shall be \$175,000, which shall be funded from 2019-20 Cash Capital.

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with CSX Transportation, Inc. to provide services relating to the at-grade railroad crossing as part of the Project. The maximum annual compensation for the agreement shall be \$50,000, which shall be funded from 2019-20 Cash Capital. The term of the agreement shall extend to 5 years after completion of the Project.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2020-328
Re: State Street Reconstruction Project

(Basin Street to Inner Loop)

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

Comprehensive Plan 2034 Initiative Area: Sustaining Green & Active Systems

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

1. Appropriate \$345,600 in anticipated reimbursements from the Federal Highway Administration (FHWA) to finance a portion of the final design services, construction administration services and right-of-way acquisitions for the project; and,
2. Authorize an amendatory agreement with LaBella Associates, D.P.C. (Steve Metzger, C.E.O., 300 State Street, Suite 201, Rochester, New York) for final design and construction administration services related to the project. This amendment will increase the maximum compensation by \$490,000 to a maximum total of \$755,000. The term of the agreement shall extend until six (6) months after final acceptance of the project.

The original agreement authorized in June 2019 (Ordinance No. 2019-201) was for preliminary design services and established maximum compensation at \$265,000. This amendment will be to complete final design and right-of-way acquisitions for the project. The amendatory agreement will be funded from:

2016-17 Cash Capital	\$ 85,748.46
2019-20 Cash Capital	\$ 8,651.54
2020-21 Cash Capital	\$ 50,000.00
<u>NYSDOT funds appropriated herein</u>	<u>\$345,600.00</u>
Total	\$490,000.00

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

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

A public meeting was held on September 23, 2020.

Preliminary design services began in summer 2019. Final design services are anticipated to begin in fall 2020. Construction is anticipated to begin in spring 2022. This amendatory agreement will result in the creation and/or retention of the equivalent of 5.3 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AT-190

Ordinance No. 2020-328
(Int. No. 384)

Authorizing an appropriation and amending Ordinance No. 2019-201 for the State Street Reconstruction Project

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

Section 1. The Mayor is hereby authorized to accept and use \$345,600 in anticipated reimbursements from the Federal Highway Administration (FHWA), which amount is hereby appropriated to fund a portion of the final design services, construction administration services and right-of-way acquisitions for the State Street Reconstruction Project (Project).

Section 2. The Mayor is hereby authorized to enter into an amendatory agreement with LaBella Associates, D.P.C. to provide additional services related to the Project. The agreement authorized in Ordinance No. 2019-201 as amended by Ordinance No. 220-197 is hereby further amended to add final design and construction administration to the scope of services and to increase the maximum compensation by \$490,000 to a new total of \$755,000. The increase in compensation shall be funded by \$345,600 from the FHWA reimbursement appropriated in Section 1, \$85,748.46 from 2016-17 Cash Capital, \$8,651.54 from 2019-20 Cash Capital, and \$50,000 from 2020-21 Cash Capital.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following:

Ayes – President Scott, Councilmembers Evans, Gruber, Harris, Lightfoot, Meléndez, Patterson, Peo-8.

Nays – Councilmember Lupien -1.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-329

Ordinance No. 2020-330

Re: Maguire Building Renovation Project

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 Maguire Building Renovation project. This legislation will:

1. Authorize the issuance of bonds totaling \$925,000 and the appropriation of the proceeds thereof to partially finance the project; and,
2. Amend the professional services agreement with Stantec Consulting Services Inc., (James Hofmann, Principal, 61 Commercial Street, Rochester, NY) approved in Ordinance No. 2020-75 to change the scope of services to include Resident Project Representation (RPR) services. Preliminary project design work was provided by Konopka Architecture, P.C. and any additional ancillary design work will be provided through the cooperative purchasing network and the City's existing term contracts as described below.

The project includes renovations to the Maguire Building, 448 Smith Street, to create an indoor Rochester Community and Youth Sports Complex. The renovated facility will include turf and court sports training areas, classroom training room, weight lifting room, restroom upgrades, new mechanical, heating and air conditioning equipment, and the relocation of scoreboard equipment. The City intends to acquire the Maguire Building, which is currently owned by the Rochester Economic Development Corporation, prior to the construction project.

In addition to the bond financing, the project will be funded by a \$460,000 grant administered through the Rochester Area Community Foundation (RACF) on behalf of the Ralph C. Wilson, Jr. Foundation fund authorized under Ordinance No. 2020-18, \$500,000 in 2018-19 Cash Capital authorized in Ordinance No. 2019-277, \$450,000 in 2019-20 Cash Capital, and \$22,550 from the 2018-19 Budget of the Department of Environmental Services.

The City is saving time and money by procuring most of the construction and ancillary design services for the project through a cooperative purchasing network set up by the Town of Greece (Town). The Town has a Municipal Agreement for Contracting Services with The Gordian Group, Inc. (Bill Pollak, President, Greenville, SC) by which a wide array of construction-related services have already been let out for competitive bidding consistent with state law and now are made available for use by other local governments pursuant to General Municipal Law §103(16). This network enables the City to utilize publically bid construction contractors, piggybacking off of the Town's agreement with Gordian. A small portion of services, worth \$69,433.92, will be obtained through the City's existing term contracts, instead of through the Town's cooperative arrangement.

The estimated project cost is \$2,357,550 and will be funded as follows:

Source of Funds	Preliminary Design	Construction (incl. ancillary design)	RPR	Contingency	Total
2018-19 DES Operating Budget	\$22,550				\$22,550
2019-20 Cash Capital		231,065.15	200,000	18,934.85	\$450,000
2018-19 Cash Capital authorized by Ordinance No. 2019-277		499,735.06	0	264.94	\$500,000
RACF grant authorized by Ord. No. 2020-18		460,000.00	0	0	\$460,000
Bonds authorized herein		750,000.00	0	175,000.00	\$925,000
Total	\$22,550	\$1,940,800.21	\$200,000	\$194,199.79	\$2,357,550

Construction began in summer 2020 and is anticipated to be completed in winter 2021. The additional issuance of bond will result in the creation and/or retention of the equivalent of 10.9 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2020-329
(Int. No. 386)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$925,000 Bonds of said City to finance the Maguire Building Renovation Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the cost of renovations to the Maguire Building, 448 Smith Street, to create an indoor Rochester Community and Youth Sports Complex (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,357,550. The plan of financing includes the issuance of \$925,000 bonds of the City, which amount is hereby appropriated therefor, \$22,550 from the 2018-19 Budget of the Department of Environmental Services, \$500,000 in 2018-19 Cash Capital authorized by Ordinance No. 2019-277, \$450,000 in 2019-20 Cash Capital, a \$460,000 grant administered through the Rochester Area Community Foundation (RACF) on behalf of the Ralph C. Wilson, Jr. Foundation fund authorized under Ordinance No. 2020-18, 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 \$925,000 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 \$925,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and

interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

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

Passed unanimously.

Ordinance No. 2020-330
(Int. No. 387)

Authorizing an amendatory agreement relating to the Maguire Building Renovation Project

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Stantec Consulting Services Inc. for services relating to the Maguire Building Renovation Project. The agreement authorized in Ordinance No. 2020-75 is hereby amended to add resident project representation to the scope of services. The other services and terms authorized in Ordinance No. 2020-75 shall remain the same.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Vice President Lightfoot
November 10, 2020

To the Council:

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

- | | |
|--------------|--|
| Int. No. 372 | Authorizing an agreement and funding to review critical policies, procedures, and training requirements of the Rochester Police Department |
| Int. No. 388 | Authorizing an Animal Services licensing and operating agreement with the Friends of the Verona Street Animal Shelter Inc. |
| Int. No. 389 | Appropriating funds from the sale of mounted police patrol horse |
| Int. No. 390 | Authorizing an intermunicipal agreement and funding for the 2021 STOP DWI Program |
| Int. No. 391 | Authorizing a license agreement to operate an early childhood development center in the David F. Gantt R-Center |
| Int. No. 392 | Authorizing a grant agreement for the Flower City AmeriCorps Program |
| Int. No. 393 | Accepting and appropriating a grant for fire prevention and safety education |

Respectfully submitted,
Willie Lightfoot
Mitch Gruber (*Voted against Int. No. 390 and Abstained against Int. No. 391*)
Lashay D. Harris
Jose Peo
Loretta C. Scott
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2020-331

Re: Agreement with WilmerHale to review critical RPD policies, procedures and trainings

Transmitted herewith for your approval is legislation authorizing an agreement with Wilmer Cutler Pickering Hale and Dorr LLP (“WilmerHale”) for a team lead by Partner Danielle Conley, former Associate Deputy Attorney General with the U.S. Department of Justice, to conduct a deep-dive review of RPD policies, procedures and training related to (1) use of force; (2) de-escalation of critical incidents; (3) body worn cameras; and (4) responding to mental health-related calls for assistance. WilmerHale will complete this review in approximately four months and will provide written findings and recommendations that the City may use to revise its law enforcement training, policies and procedures. There shall be a flat fee of \$250,000, which shall be paid from 2020-2021 federal asset forfeiture funds.

The review to be conducted by WilmerHale will include interviews with both RPD personnel and community stakeholders to ensure that voice is given to a diversity of local concerns and perspectives. To further ensure community involvement, WilmerHale will interface with a committee comprised of two City Council representatives, two Administration representatives, and one representative each from the Commission on Racial and Structural Equity, the Police Accountability Board, and the United Christian Leadership Ministry.

Upon conclusion of the review, WilmerHale will make specific recommendations for change, including enhancements to RPD’s training program on uses of force, de-escalation, and responding to those experiencing mental health issues. These recommendations will guide the RPD in developing a training curriculum, schedule, and ongoing certification program for officers to acknowledge that they have completed the training, and for RPD to ensure that the training is effectively and regularly reinforced. The findings and recommendations of the WilmerHale review will also be used to inform the City’s comprehensive review of, and plan to improve, the RPD’s force deployments, strategies, policies, procedures and practices as required by Governor Cuomo’s Executive Order No. 203.

Respectfully submitted,
Lovely A. Warren
Mayor

Loretta C. Scott
President

Ordinance No. 2020-331
(Int. No. 372)

Authorizing an agreement and funding to review critical policies, procedures and training requirements of the Rochester Police Department

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

Section 1. Ordinance No. 2020-161, the 2020-21 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to Budget of the Police Department by the amount of \$250,000, which is hereby appropriated from Federal Forfeiture funds generated by the Rochester Police Department.

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with Wilmer Cutler Pickering Hale and Dorr LLP (“WilmerHale”) to review and provide written

findings and recommendations with regard to Police Department policies, procedures and training relating to use of force, de-escalating critical incidents, body worn cameras, and responding to mental health-related calls for assistance. The term of the agreement shall be up to 6 months. The compensation for the agreement shall be \$250,000, which shall be funded from the Federal Forfeiture funds appropriated in Section 1 herein.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following:

Ayes – President Scott, Councilmembers Evans, Gruber, Harris, Lightfoot, Meléndez, Patterson, Peo -8.

Nays – Councilmember Lupien – 1.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-332
Re: Animal Services Agreement –
Verona Street Animal Society, License
and Operating Agreement

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing a License and Operating Agreement with Friends of the Verona Street Animal Shelter, Inc. dba Verona Street Animal Society (Friends).

This no cost agreement will provide for mutual licensing and use of names and marks, license the use of office space and equipment, and memorialize the relationship and responsibilities for each party. Under this agreement, Friends will coordinate and manage the volunteer program for RAS, including providing staff or volunteers to augment programs, and will coordinate and manage the communications, marketing, and fundraising activities for Rochester Animal Services (RAS). Friends will allow the City to promote the partnership and utilize the Friends logo and will utilize the City's mark to promote fundraising events and other joint events. The City will provide office space and equipment within Animal Services for Friends for RAS-related purposes only at no charge to Friends.

The term of this agreement shall be for one year and will renew annually unless terminated by either party with at least ninety (90)-day notice. This is the first time for this agreement with Friends.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2020-332
(Int. No. 388)

Authorizing an Animal Services licensing and operating agreement with the Friends of the Verona Street Animal Shelter Inc.

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

Section 1. The Mayor is hereby authorized to enter into a licensing and operating agreement with the Friends of the Verona Street Animal Shelter Inc. (Friends) relating to Rochester Animal Services (RAS). Under the agreement, the Friends, a not-for-profit corporation, shall manage a volunteer program to augment RAS programs and conduct fundraising activities for the RAS and RAS in return shall provide its cooperation and allow the Friends to use a portion of the RAS office facilities rent-free to conduct those supportive programs and activities. The agreement also shall provide for the mutual limited licensing of each party's names, logos and marks to the other for purposes of promoting fundraising events and other activities. The agreement shall have a term of one year, after which it shall be renewed for 12 months each year thereafter unless terminated by either party upon at least 90 days prior written notice to the other.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-333
Re: Receipt and Use of Funds from
Sale of Mounted Horse

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation for the receipt and use of \$5,100 from the sale of a Mounted horse, and amending the 2020-21 Cash Capital Budget of the Police Department by this amount.

Shamrock, a horse with the Rochester Police Department's Mounted unit, was not able to handle working in an urban environment. As a result, Shamrock was sold through a bid process. RPD's Mounted Unit is in need of replacing Shamrock so these funds will be used for the purchase of a new horse.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2020-333
(Int. No. 389)

Appropriating funds from the sale of mounted police patrol horse

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

Section 1. Ordinance No. 2020-161, the 2020-21 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations for the Budget of the Police Department by the sum of \$5,100, which amount is hereby appropriated from the sale of a retired mounted patrol horse, to fund the purchase of a new horse.

Section 2. This ordinance shall take effect immediately.

Passed by the following:

Ayes – President Scott, Councilmembers Evans, Gruber, Harris, Lightfoot, Meléndez, Patterson,
Peo -8.

Nays – Councilmember Lupien -1.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-334
Re: Agreement – Monroe County,
STOP DWI Grant

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the receipt and use of \$61,000 for the 2020 STOP DWI Program, and amending the 2020-21 Budget of the Police Department (\$29,700) and Undistributed Expenses (\$8,300) to reflect a portion of this grant. The remaining funds will be included in the 2021-22 Budget of the Police Department and Undistributed Expenses.

The grant funds will be used for enhanced detection and enforcement of driving while intoxicated and related offenses for the 2021 calendar year. Supported activities include expenses for STOP DWI overtime details and associated fringe costs, supplies, training, breathalyzer calibration, and underage alcohol enforcement.

The term of this grant is January 1, 2021 through December 31, 2021. No matching funds are required. The City has received this grant for more than ten years.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2020-334
(Int. No. 390)

Authorizing an intermunicipal agreement and funding for the 2021 STOP DWI 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 intermunicipal agreement with the County of Monroe for the City's receipt and use of \$61,000 in New York State funding for the 2021 STOP DWI Program. The term of the agreement shall be one year.

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

Section 3. Ordinance No. 2020-161, the 2020-21 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 the sum of \$29,700 and to the Budget of Undistributed Expenses by \$8,300, both of which are appropriated from reimbursements to be received pursuant to the grant agreement authorized in Section 1 hereof.

Section 4. This ordinance shall take effect immediately.

Passed by the following:

Ayes – President Scott, Councilmembers Evans, Harris, Lightfoot, Meléndez, Patterson, Peo -7.

Nays – Councilmembers Gruber, Lupien -2.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-335

Re: License Agreement - Action for a
Better Community

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 a license agreement with Action for a Better Community, Incorporated (ABC), Rochester, New York, to utilize 6,100 square feet at the David F. Gantt R-Center to operate an early childhood development center. The term of this license agreement will be for one year and shall be renewable for four additional one-year terms.

In the first year, the fee for the use of this space, including utilities, will be \$6.00 per square foot, for an annual total of \$36,600 to be received by the City. This rate was determined by an analysis of similar space in the area provided by the City's Real Estate Division. This amount may be adjusted by the City in future years, as determined by the Real Estate Division. ABC will continue to provide all custodial and cleaning services. The City will provide heating, plumbing and electrical repairs as well as maintain the structural integrity of the community center.

ABC has utilized this space since 1973 and their use was most recently authorized by City Council approval in November 2014 via Ordinance No. 2014-352. ABC has the capacity to serve up to 72 children at the center.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2020-335
(Int. No. 391)

Authorizing a license agreement to operate an early childhood development center in the David F. Gantt R-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 Action for a Better Community, Incorporated (ABC) for the license of approximately 6,100 square feet of space at the David F. Gantt R-Center to operate an early childhood development center. The license agreement shall obligate ABC to pay an annual fee of \$36,600, and to provide custodial and cleaning services. The City shall be responsible for utilities and for repairs to heating, plumbing and electrical systems and building structure.

Section 2. The agreement shall have a term of one year, with four optional one-year renewals. If the parties agree to renew the agreement in future years, the amount of the rent may be increased by the City.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following:

Ayes – President Scott, Councilmembers Evans, Harris, Lightfoot, Meléndez, Patterson, Peo -8.

Nays – None -0.

Councilmember Gruber abstained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-336
Re: Grant Agreement - New York State
Office of Children and Family Services,
AmeriCorps

Council Priority: Jobs and Economic
Development; Support the Creation of
Effective Educational Systems

Transmitted herewith for your approval is legislation authorizing the receipt and use of a grant award of \$411,944 from the New York State Office of Children and Family Services (NYS OCFS) for the Flower City AmeriCorps program. The term of this grant will be from November 1, 2020 to January 31, 2022. This funding was anticipated and included in the 2020-21 Budgets of the Department of Recreation and Human Services and Undistributed Expenses.

The goal of the Flower City AmeriCorps program is to inspire and prepare the next wave of human service professionals by providing the skills, information, and experience needed for success as they serve at local organizations working to mitigate poverty in our community. Thirty AmeriCorps members will be selected to provide one year of service through placement at various City departments including in DRHS and Neighborhood and Business Development, as well as several community organizations. Members will engage approximately 800 individuals in youth development, health and wellness, economic opportunity, and community building programming. Oversight of the program will be performed by two full-time DRYS staff.

AmeriCorps members are volunteers and, if serving full time (40 hours per week), will receive a \$14,300 annual "living allowance" and an education award of \$6,195 upon successful completion of the program. AmeriCorps members serving half time (20 hours per week) will receive a \$7,150 annual "living allowance" and an education award of \$3,097.50 upon successful completion of the program.

This will be the sixth year of the Flower City AmeriCorps program and the grant was last authorized in September 2019 via Ordinance No. 2019-292.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AT-191

Ordinance No. 2020-336
(Int. No. 392)

Authorizing a grant agreement for the Flower City AmeriCorps program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Children and Family Services for the receipt and use of a grant of \$411,944 to operate the Flower City AmeriCorps program. The term of the agreement shall be from November 1, 2020 through January 31, 2022.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-337
Re: Grant Agreement – The Hartford
Financial Services Group, Inc.,
Fire Prevention and Safety

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with The Hartford Financial Services Group, Inc. for the receipt and use of a \$5,000 grant, and amending the 2020-21 Budget of the Fire Department to reflect receipt of said grant. The term of the agreement will be November 12, 2020 to November 11, 2021.

The RFD received a grant from the Hartford Group, Inc. in 2017, to support the purchase of a Fire Safety Education Bounce House. The Fire Department's Community Risk Reduction unit reaches thousands of adults and school age children with fire prevention and safety curriculum at schools and other community events throughout the year. With the 2020 Hartford Financial Services Group, Inc. grant, the department will purchase strobe smoke alarms for the deaf and hard of hearing. These funds will also be used to purchase fire prevention educational equipment to aide in the development of virtual educational video and curriculum. This will enable RFD to continue to provide instruction on home fire safety skills and promote fire safety awareness to families and children during social restrictions due to the COVID-19 pandemic.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2020-337
(Int. No. 393)

Accepting and appropriating a grant for fire prevention and safety education

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 Hartford Financial Services Group, Inc. for the receipt and use of a grant in the amount of \$5,000 to support and enhance the Rochester Fire Department's ongoing program to provide fire prevention and safety education to families and school-age children (the Education Program). The term of the agreement shall be from November 12, 2020 to November 11, 2021.

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

Section 3. Ordinance No. 2020-161, the 2020-21 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Fire Department by the sum of \$5,000, which amount is hereby appropriated for the Education Program from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:18 p.m.

HAZEL L. WASHINGTON
City Clerk