

ROCHESTER CITY COUNCIL

REGULAR MEETING

December 15, 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 –President Scott, Councilmembers Evans, Gruber, Harris, Lightfoot, Lupien, Meléndez, Patterson, Peo – 9.

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:**

\*Randall Santillo

**RFD:**

\*Thomas Geen Jr.

**RPD:**

\*Leslie Brown

\*Mark Wiater

*\*Not attending meeting*

**APPROVAL OF THE MINUTES**

By Councilmember Harris

RESOLVED, that the minutes of the Regular Meeting on November 10, 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 – Professional Services Agreements– September 30, 2020

Quarterly Report – Schedule of Revenue and Expenditures – September 30, 2020

The Council submits Disclosure of Interest Forms from Councilmember Gruber on Int. No. 398, Int. No. 399 and Int. No. 431, Councilmember Harris on Int. No. 432 and Councilmember Meléndez on Int. No. 431.

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

**THE COUNCIL PRESIDENT** --- RECEIVED AND FILED.

**THE CITY CLERK** --- PURSUANT TO LAW, PUBLIC HEARING WILL NOW BE HAD ON THE FOLLOWING MATTER:

Amending the Zoning Code and Map to delete six expired U-R Urban Renewal Districts Int. No. 405  
No Comments

**THE CITY CLERK** --- PURSUANT TO LAW, PUBLIC HEARING WILL NOW BE HAD ON THE FOLLOWING MATTER:

Amending the Consolidated Community Development Plan/2019-20 Annual Action Plan, authorizing submittal of a plan and entering into agreements, and appropriating funds in relation to a third award of Community Development Block Grant-Coronavirus funds Int. No. 406  
No Comments

**THE CITY CLERK** --- PURSUANT TO LAW, PUBLIC HEARING WILL NOW BE HAD ON THE FOLLOWING MATTER:

Authorizing geometric changes relating to the Main Street Streetscape Phase II project Int. No. 420  
No Comments

REPORTS OF STANDING COMMITTEES  
AND ACTION THEREON

By Councilmember Evans  
December 15, 2020

To the Council:

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

- Int. No. 397      Authorizing administrative tax cancellations and refunds of \$1,000 or less for 2021, **as amended**
- Int. No. 398      Authorizing receipt and use of a grant to fund building improvements and repairs to the Rochester Public Library's Bausch & Lomb and Arnett Branch buildings
- Int. No. 399      Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$500,000 Bonds of said City to finance the costs of improvements to the heating, ventilation and air conditioning system of the Central Library Bausch & Lomb Building
- Int. No. 400      Authorizing an intermunicipal agreement with the County of Monroe relating to CARES Act funding
- Int. No. 428      Resolution establishing the maximum number of Commissioners of Deeds
- Int. No. 431      Authorizing an agreement for medical services for the Police and Fire Departments
- Int. No. 432      Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$19,260,000 Bonds of said City to finance the costs of improvements to specified City School District Schools
- Int. No. 434      Authorizing an agreement for State lobbying services

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. 2020-338  
Re: Authorization – 2021 Administrative  
Tax Cancellations and Refunds

Transmitted herewith for your approval is legislation authorizing the Director of Finance to cancel or refund certain erroneous *ad valorem* taxes, charges and fees up to \$1,000 per account during the 2021 calendar year.

Each year, approximately 63,000 tax bills are issued by the City. In 2019-20 these bills contained a total of \$251,140,707.40 in City and School taxes, charges and fees, and delinquencies. Of that amount, taxes and charges totaling \$1,290,891.22 or 0.51 % of the total billed amount, were subsequently determined to be erroneous and were canceled. These cancellations involved 247 accounts or 0.39 % of the total number.

Pursuant to Section 556 of the New York State Real Property Tax Law, the City Council is required to approve all cancellations. Under the provisions of Chapter 383 of the Laws of 1984, however, it may delegate to the Director of Finance the authority to approve such cancellations, under certain conditions. Additionally, under Chapter 515 of the Laws of 1997, the State allows administrative cancellations of up to \$2,500 per account.

Delegation of this authority was initially approved by the Council in March 1987. Annual authorization is required. In December 2018, Council re-authorized the Director of Finance to cancel up to \$1,000 per account during 2019 (Ord. No. 2018-383). Such delegation reduces the amount of time required to correct a taxpayer's account and, in some instances, to issue a refund.

The following conditions will continue to apply:

1. A report summarizing all cancellations approved by the Director of Finance during any month will be submitted to the Council by the fifteenth day of the subsequent month; and
2. The total cancellations approved by the Director for any fiscal year will not exceed the amount of the tax reserve (provision for uncollected or delinquent amounts) established by the Council for that year.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2020-338  
(Int. No. 397)

**Authorizing administrative tax cancellations and refunds of \$1,000 or less for 2021, as amended**

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

Section 1. The Director of Finance is hereby authorized to approve the cancellation of real property taxes and/or charges or fees added to those taxes subject to the following conditions:

- a. The amount to be cancelled for any year for any particular account shall be \$1,000 or less.
- b. A report summarizing all cancellations approved by the Director during any month shall be submitted to the City Council by the 15th day of the subsequent month.
- c. The total amount of cancellations approved by the Director for any fiscal year shall not exceed the amount of the tax reserve (provisions for uncollected or delinquent amounts) established by the City Council for that year.

Section 2. This ordinance shall be in effect for calendar year ~~2020~~ 2021.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-339  
Ordinance No. 2020-340  
Re Budget Amendment – Rochester  
Public Library

Council Priority: Creating and Sustaining a  
Culture of Vibrancy

Transmitted herewith for your approval is legislation authorizing the receipt and use of New York State Education Department, Division of Library Development construction grant funds in the amount of \$566,135 for projects at the Arnett Branch Library and Central Library of Rochester and Monroe County.

Each year the Monroe County Library System is allocated state funds for library construction projects, awarded on a competitive basis within the system. The Central Library, Bausch & Lomb building will replace its original rooftop make up air unit with increased cooling capacity and freeze protection; replace controls and exhaust fans; and replace priority heat pump units. An estimated construction cost of \$1,013,000 will be funded from the NYSED grant (\$473,000), Library debt allocation (\$500,000) and Library cash capital (\$40,000).

The Arnett Branch Library has a roofing system installed in 1997; a roof restoration is recommended to extend the life of the existing roof and provide a new 10-year warranty. The restoration consists of asbestos abatement, removing the existing ballast, replacing insulation, installing new perimeter flashings and roof drain reinforcements. An estimated construction cost of \$205,000 will be funded from the NYSED grant (\$93,135), and anticipated Library cash capital as part of its fiscal year 2021-22 Capital Improvement Program.

All projects are managed by the Department of Environmental Services, Bureau of Architecture and Engineering. Design of the projects will begin in winter 2020; construction is required by NYSED to be completed within three years of grant award.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2020-339  
(Int. No. 398)

**Authorizing receipt and use of a grant to fund building improvements and repairs to the Rochester Public Library's Bausch & Lomb and Arnett Branch buildings**

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

Section 1. The Council hereby authorizes the receipt and use of a \$566,135 grant from the New York State Education Department, Division of Library Development to fund a portion of the costs of building improvements and repairs to the Rochester Public Library's Bausch & Lomb and Arnett Branch buildings.

Section 2. The Mayor is hereby authorized to enter into a grant agreement with the funding agency or its designee if necessary to effectuate the City's receipt of the grant. If there is an agreement, it shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. The Council hereby appropriates \$473,000 from the grant authorized in Section 1 to fund a portion of the costs of improvements to the heating, ventilation and air conditioning system of the Central Library Bausch & Lomb Building.

Section 4. The Council hereby appropriates \$93,135 from the grant authorized in Section 1 to fund a portion of the costs of restoring and extending the operational life of the existing roof for the Arnett Branch Library building.

Section 5. This ordinance shall take effect immediately.

Passed the following:

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

Nays: None – 0.

Councilmember Gruber abstained due to a professional relationship.

Ordinance No. 2020-340  
(Int. No. 399)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$500,000 Bonds of said City to finance the costs of improvements to the heating, ventilation and air conditioning system of the Central Library Bausch & Lomb Building**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the costs of improvements to the heating, ventilation and air conditioning system of the Central Library Bausch & Lomb Building, including replacing a rooftop make up air unit, replacing controls and exhaust fans and replacing certain heat pump units (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,013,000. The plan of financing includes the issuance of \$500,000 in bonds of the City, which amount is hereby appropriated therefor, \$473,000 in anticipated reimbursements from the New York State Education Department as appropriated in an accompanying ordinance, \$40,000 in 2019-20 Cash Capital, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$500,000 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 \$500,000. 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.13 of the Law, is ten (10) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, pay-able 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 the following:

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

Nays: None – 0.

Councilmember Gruber abstained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-341

Re: Agreement – Inter-municipal agreement  
with Monroe County

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:  
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing an intermunicipal agreement with Monroe County for the receipt of \$3,362,500, plus any additional funds the County makes available to the City at the County's sole discretion for the reimbursement of expenditures incurred by the City due to the Coronavirus disease (COVID-19).

The County is an eligible unit of local government under the CARES Act, has received an allocation of Coronavirus Relief Funds, and desires to distribute a portion of its allocation to the City as a local government in order to assist the City in mitigating the impacts of the COVID-19 emergency. The City made a request to the County for reimbursement of certain expenditures incurred due to the public health emergency. These expenditures were identified as "Eligible Expenses" that:

- 1) were necessary expenditures incurred due to the public health emergency with respect to COVID-19;
- 2) were not accounted for in its budget most recently approved as of March 27, 2020; and
- 3) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

A summary of these expenditures is attached.



The City shall maintain complete records documenting its use of funds under this agreement. This is a one-time payment and it is the first time the City is receiving these funds. This agreement is pursuant to resolution 188 of 2020 of the Monroe County Legislature adopted on June 9, 2020 and approved by County Executive Adam J. Bello on June 16, 2020.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AT-192

Ordinance No. 2020-341  
(Int. No. 400)

**Authorizing an intermunicipal agreement with the County of Monroe relating to CARES Act funding**

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 (County) for the receipt and use of \$3,362,500, plus any additional funds that the County chooses to provide at its sole discretion, from Federal funds provided to mitigate difficulties arising out of the coronavirus pandemic pursuant to the Coronavirus Aid, Relief and Economic Security Act enacted on March 27, 2020 (CARES Act). The funds provided under this agreement shall be limited to the reimbursement of City expenses incurred on March 1, 2020 through December 30, 2020.

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:

Resolution No. 2020-38  
Re: Commissioners of Deeds

Transmitted herewith for your approval is legislation related to the appointment of Commissioners of Deeds. The proposed legislation establishes the number of Commissioners of Deeds at no more than 250 per year during calendar years 2021 and 2022. Since Fiscal Year 2004-05, not more than 175 have been issued per year, so the 250 annual maximum is expected to be sufficient to meet demand.

Respectfully submitted,  
Loretta C. Scott

President

Resolution No. 2020-38  
(Int. No. 428)

**Resolution establishing the maximum number of Commissioners of Deeds**

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

Section 1. During calendar years 2021 and 2022, there shall be appointed no more than 250 Commissioners of Deeds annually.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-342

Re: Agreement - Medical Services for  
Uniformed Employees

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:  
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with Rochester Regional Health, Division of Occupational Medicine (RRH-OM) (Dr. Eric Bieber, Chief Executive Officer) for medical examinations and occupational medical services for candidates, sworn employees and disabled retirees of the Rochester Police Department (RPD) and Rochester Fire Department (RFD). The term of this contract will be for a period of three years beginning January 1, 2021 with renewal options for two additional one year periods. The initial cost of this agreement will be funded from the 2020-21 Budgets of RPD, RFD, and Undistributed. The agreement shall provide for all regular medical services and for additional special services, the fees for which shall be established in the agreement and which shall not exceed funds available in the annual budgets for the Fire Department, Police Department, and Undistributed for this purpose. There is no base contract amount; this is a fee-for-service contract. Subsequent costs will be funded from the annual of budgets of RPD, RFD, and Undistributed contingent upon Council approval.

These services will include but are not limited to:

- Pre-employment medical examinations and assessments
- Evaluation, treatment (acute care and emergency care), and case management for on-duty injuries and illnesses
- Return to work and/or fitness for duty examinations for on or off-duty injuries or illnesses
- Required miscellaneous examinations and immunizations
- Provision of referrals to specialists as needed
- Other care and or examinations as deemed appropriate

RRH-OM was selected through a Request for Proposal process which is described in the attached summary. RRH-OM was selected based on their flexibility in terms of scheduling, hours of

availability, qualifications of key personnel, and willingness to provide a customized case management approach to the City's medical needs. RRH-OM currently provides similar services in a satisfactory manner for non-uniformed employees (Ord. 2019-107). The current contract for these services with Workfit Medical LLC will expire December 31, 2020.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2020-342  
(Int. No. 431)

### **Authorizing an agreement for medical services for the Police and Fire Departments**

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Rochester Regional Health for medical services for sworn employees and disabled retirees of the Rochester Police and Fire Departments for a term of three years beginning January 1, 2021, with two one-year renewal options. The agreement shall provide for all regular medical examinations and occupational medical services and for additional special services. The fees for services shall be established in the agreement and shall not exceed funds available in the 2020-21 and subsequent budgets of the Rochester Police and Fire Departments and Undistributed Expense for this purpose, contingent upon adoption of the subsequent budgets.

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. 2020-343  
Re: Capital Improvement Program –  
City School District

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

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

1. Authorize \$19,260,000 as debt to be authorized for the 2020-21 fiscal year for the RCSD; and
2. Authorize the issuance of bonds for \$19,260,000 and the appropriation of the proceeds thereof for capital improvements to existing school buildings in the District.

By City Council Policy, borrowing in any fiscal year may not exceed the principal on outstanding debt redeemed for that year. During fiscal year 2020-21 the RCSD will liquidate \$20,650,527 in principal. *Attachment A* is a projection of the School District debt to be repaid over the current and next four fiscal years.

For cities with dependent school districts, the NY State Constitutional Debt Limit is established at 9.0% of the 5-year average full valuation. As specified in the City Charter, Rochester splits this limit into 5.5% for the City and 3.5% for the School District. This split provides the District with a remaining borrowing capacity of \$71,806,295 (*Attachment B*).

In accordance with the City Council Policy adopted April 20, 2016, bonding for schools in the CIP will not include schools in a current phase of the Facilities Modernization Program unless for reasons of health and safety; the RCSD will use cash capital as defined by New York State Finance law.

*Attachment C* is a letter from the School District detailing the planned uses of the new bonds and the use of cash capital as well as a copy of the Board of Education Resolution approving the capital plan.

In addition, the Policy of April 2016 requires the City of Rochester's Engineering and Architecture staff to review the RCSD's request and for the District to provide school closings. *Attachment D* is a memorandum from the Assistant City Engineer confirming said E&A review.

The New York State Education Department has yet to confirm the City has met its fiscal effort for its component school district for 2020-21. We will advise once we receive confirmation from NYSED. When the City issues this debt the repayments will be structured to the extent possible to continue meeting the MOE requirements, while remaining within the constraints of Local Finance Law.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AT-194

Ordinance No. 2020-343  
(Int. No. 432)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$19,260,000 Bonds of said City to finance the costs of improvements to specified City School District schools**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance \$19,260,000 of the costs of the City School District 2020-21 Capital Improvement Program, including the costs of the design, renovation and improvement of the City School District schools indicated on the attached Exhibit A (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$19,260,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$19,260,000 bonds of the City to finance said appropriation and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$19,260,000 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. The principal of the Bonds authorized by this Ordinance does not exceed the principal of the Bonds being redeemed on behalf of the School District during the City's 2020-21 Fiscal Year. The proceeds of the Bonds authorized herein shall not be applied to any School District facility in the current phase of the School District Facilities Modernization Program.

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 \$19,260,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

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

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

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

Exhibit A  
2020-21 CONSTRUCTION PROJECTS

School Name	Project Description	Budget
School #3 Nathaniel Rochester Community/Adams Street Rec Center	City Recreational Center project. This work is scheduled for 2022.	\$ 2,000,000
School #12 Anna Murray-Douglass School & Rec. Center	Realignment of bus drop off areas, expansion of parking and lighting improvements. Provide vault construction for secure storage of exams.	\$ 2,000,000
School #33 John James Audubon	Replace roof over main office bid as an alternate in 2019, but not accepted. Replace coping and clean stain at gym wall in courtyard. Rebuild loading dock and reconstruct sump. Additional funds are redirected to this project for subsurface conditions at the dock area.	\$ 1,300,000
School #34 Dr. Louis A Cerulli	Replace main entrance exterior doors and install HC lift. Replace deteriorated wood windows in various classrooms. Replace heating zone pumps and place on VFD's, modify system in nurse suite. Replace PA system. Update burner Controls. Convert building system controls to DDC.	\$ 1,200,000
School #35 Pinnacle	Replace electrical service from transformer to \$ 800,000 MDP. Replace folding partition on gym stage. Install freezer and cooler for kitchen.	\$ 800,000
School #39 Andrew J. Townson	Construct accessible ramp at front entry, adjust door, raise entrance slab. Gymnasium reconstruction - replace corridor panels, replace lighting, replace doors, replace wall mats. Toilet room reconstruction - add HC stalls on second floor east side toilets. Replace corridor flooring cove base. Rekey the entire building and provide selected door and frame replacement. Resurface playground area with soft tiles.	\$ 3,000,000
School #42 Abelard Reynolds	Remove asbestos panels on gym wall and reconstruct gym wall interiors. Abate asbestos in crawl space areas and install mud slab. Replace gym doors. Replace stage curtains. Adjust outdoor equipment storage room overhead door for grounds equipment access. Construct conference room and pull out spaces in current library to be near main office. Construct staff toilet area. Relocate and reconstruct classroom for library. Provide lights on rear parking lot.	\$ 2,900,000
School #58 World of Inquiry	Replace epoxy flooring damaged from moisture and modify door on service corridor for controlled access. Site development of adjacent property, contingent on the City's acquisition of 236 University Avenue for the School's use.	\$ 600,000
Jefferson	Roofing - rebid of alternates not selected in 2017. Window replacement - rebid of alternates not selected in 2017. Additional funds are redirected to this project for additional windows and roofing.	\$ 1,900,000

School of the Arts	Install below grade waterproofing in courtyard area. Replace heat coils for ten mechanical units. Modify building system controls. Replace doors/door hardware on Black Box and small theater. Replace damaged stone tile in main lobby. Replace bleachers and wall pads in gym. Additional funds are redirected to this project for gym folding partition replacement and courtyard subsurface conditions.	\$ 2,360,000
District Wide - 5, 8, 12, 17, 28, 33, 45, 58 with 42 as an alternate	Phase I - Door Security Alarm Initiative. Additional funds are redirected to this project for three additional buildings.	\$ 1,200,000
<b>GRAND TOTAL 2020-21 BOND REQUEST</b>		<b>\$19,260,000</b>

Passed by the following:

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

Nays – None -0.

Councilmember Harris abstained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-344

Re: Agreement – Mercury Public Affairs  
 LLC – State Lobbying Services

Transmitted herewith for your approval is legislation establishing \$96,000 as maximum annual compensation for an agreement with Mercury Public Affairs LLC (Christopher Bombardier, Managing Director, Charlie King, Partner) to research, track, and advocate for the City’s legislative and administrative agenda with New York State. The term will be for one year (January 1 – December 31, 2021) with the option of one, one-year renewal contingent upon approval of both parties. The cost of the agreement for the first year will be funded from the 2020-21 (\$48,000) and 2021-22 (\$48,000) Budgets of the Mayor’s Office, contingent upon approval of the latter budget.

Until this year, the City engaged Ostroff Associates primarily to advocate for ROC the Riverway and other capital priorities, while engaging Capitol Hill Management Services on other State priorities. Mercury Public Affairs LLC was selected through a request for proposal (RFP) process as described in the attached summary.

The scope of services includes:

- Arrange for introduction, consideration, and approval of specific bills,
- Identify, review, and present comments on legislation affecting the City,
- Review of the State budget with respect to its impact on the City,
- Arrange and coordinate meetings between State and City officials,
- Coordinate Rochester’s activities with the NY State Conference of Mayors and the other large cities in New York, and
- General guidance on legislative matters.



Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AT-195

Ordinance No. 2020-344  
(Int. No. 434)

**Authorizing an agreement for State lobbying 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 Mercury Public Affairs LLC for the provision of State lobbying services. The term of the agreement shall be one year with the option to extend the term for one additional year. The maximum annual compensation for the agreement shall be \$96,000. The compensation for the first year shall be funded in the amounts of \$48,000 from the 2020-21 Budget of the Office of the Mayor and \$48,000 from the 2021-22 Budget of the Office of the Mayor, contingent upon approval of the latter Budget. The compensation for the optional subsequent year shall be funded from subsequent years' Budgets of the Office of Mayor, contingent upon their approval.

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 by the following:

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

Nays – Councilmember Lupien-1.

By Councilmember Patterson  
December 15, 2020

To the Council:

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

Int. No. 401	Authorizing the sale of real estate
Int. No. 402	Authorizing a real estate lease agreement with Voyager Boat Sales, Inc.
Int. No. 403	Authorizing an amendatory lease agreement for 25-37 Canal Street

- Int. No. 404 Authorizing the sale of 62-64 Scio Street
- Int. No. 407 Appropriating Community Development Block Grant-Coronavirus funds to Business Emergency Response Grant and Business Food Establishment Grant programs
- Int. No. 429 Amending Ordinance No. 2020-326 in relation to a payment in lieu of taxes agreement for the CDS Clifford and Joseph Apartments Project
- Int. No. 435 Amending Ordinance No. 2020-293 and 2020-325 in relation to the L2P Westside Housing Project

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

- Int. No. 405 Amending the Zoning Code and Map to delete six expired U-R Urban Renewal Districts
- Int. No. 406 Amending the Consolidated Community Development Plan/2019-20 Annual Action Plan, authorizing submittal of a plan and entering into agreements, and appropriating funds in relation to a third award of Community Development Block Grant-Coronavirus funds

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. 2020-345  
 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 three 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 first property, 141 Atkinson St is listed on the attached spreadsheet under the heading, I. Request for Proposal (RFP) Sale –Vacant Land. A public offering of the parcel was made on the City’s website. One proposal was received. It was reviewed and approved. The purchaser is an owner-occupant of the adjoining property and will use it for additional green space.

The remaining two properties, Northwest portion of 55 Cuba Pl and 122 First St are listed on the attached spreadsheet under the heading, II. Negotiated Sale – Unbuildable Vacant Land. The second property is a portion of a City-owned parcel being sold to the adjoining owner for additional yard space while leaving a lot of sufficient size for residential development in City ownership. The third property is being sold to owner of the adjoining vacant lot who is purchasing it so as to create a parcel large enough to support construction. Each of these properties is being sold for \$1.00 (as per City policy) and will be combined with the primary parcel owned by the identified adjoining owner.

The first year projected tax revenue for these three properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$968.

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

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AT-196

Ordinance No. 2020-345  
(Int. No. 401)

**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 parcel of land:

<b>Address</b>	<b>SBL#</b>	<b>Lot Size</b>	<b>Sq. Ft.</b>	<b>Price</b>	<b>Purchaser</b>
141 Atkinson St	121.37-1-12	29 x 141	4,955	\$50	Cecelia Mitchell

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

<b>Address</b>	<b>SBL#</b>	<b>Lot Size</b>	<b>Sq.Ft.</b>	<b>Purchaser</b>
55 Cuba Pl (northwest portion)	106.40-1-53.1	15 x 94	1410	Alberto D. Rios
122 First St	106.51-1-25	34 x 48	1,498	Matthew Jonathan Denker

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-346

Re: Lease Agreement – 1015 Thomas  
Avenue & 25 Stutson Street

Council Priority: Creating and Sustaining  
a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:  
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing a three (3) year lease agreement with two three (3) year renewal options between the City and Voyager Boat Sales, Inc (Mark Bohner, President, 5 Stutson St, Rochester, NY) for the continued use of the premises located at 1015 Thomas Avenue and 25 Stutson Street. Voyager has leased this area from the City for more than thirty years.

The current lease expires on December 31, 2020. The new lease will commence as of January 1, 2021 and expire on December 31, 2023 with renewal options through December 31, 2029. The monthly rental amount will be \$2,750 and was established through an independent appraisal prepared by Kevin Bruckner, MAI as of October, 2020. The previous amount was \$2,650 per month.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AT-197

Ordinance No. 2020-346  
(Int. No. 402)

**Authorizing a real estate lease agreement with Voyager Boat Sales, Inc.**

WHEREAS, the City of Rochester has received a proposal for the lease of 1015 Thomas Avenue and 25 Stutson Street to Voyager Boat Sales, Inc for a term of 3 years, commencing January 1, 2021, with options to renew for up to two additional 3-year terms;

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

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

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

Section 1. The Director of Real Estate is hereby authorized to enter into an agreement with Voyager Boat Sales, Inc. for the lease of 1015 Thomas Avenue (SBL# 047.78-1-10) and 25 Stutson Street (SBL# 047.78-1-6) for a term of 3 years, with up to two 3-year renewal options. The agreement shall obligate Voyager Boat Sales, Inc. to pay rent of \$2,750 per month.

Section 2. The agreement shall be subject to the conditions specified in Section 21-23 of the Municipal Code and 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. 2020-347

Re: Lease Revision: 25-37 Canal Street

Council Priority: Creating and Sustaining  
a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:  
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing a revision to the lease agreement with 67-89 Canal LLC (Kenneth Glazer, Member, 259 Alexander St, Rochester, NY) for the reduction in size of the leased premises at 25-37 Canal St. The existing lease for 25-37 Canal St, authorized through City Council Ordinance No. 2012-460, has been in effect since February 1, 2013. The lease term is for five (5) years with three (3) optional five (5) year renewals through January 1, 2033.

The City has negotiated with the current tenant to reclaim 0.15 acres (6,537 square feet) of vacant lot space from the 0.83 acre leased premises with the intent to address encroachments of the building at 9-13 Canal St on the City owned lot at 25-37 Canal St. The annual rental amount for the remaining 0.68 acre portion of 25-37 Canal St will be reduced from \$3,960 to \$3,250 per year, commensurate with the 18% reduction in size of the leased premises.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AT-198

Ordinance No. 2020-347  
(Int. No. 403)

**Authorizing an amendatory lease agreement for 25-37 Canal Street**

WHEREAS, as authorized by Ordinance No. 2012-460, the City of Rochester has leased to 67-89 Canal LLC an approximately 0.83 acre parcel of land located at 25-37 Canal Street for use as a parking lot, beginning on February 1, 2013 for a term of five years, with three five-year renewal options;

WHEREAS, the City has negotiated with the tenant to remove an approximately 0.15 acre portion of the leased parcel in order to address encroachments of the building located on the adjacent property at 9-13 Canal Street;

WHEREAS, the current rent is based on the appraisal of an independent consultant and increased by 10% for each five-year renewal option;

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

WHEREAS, offsetting the removal of a 0.15 acre portion of the leased area with an approximately 18% reduction in the annual rent is appropriate because the leased area would be reduced by approximately 18%, the term of the amended lease is reasonable and necessary in light of its intended purpose, and the public will benefit from the continued use of the remaining leased area for needed parking while enabling the City to use the reserved portion of the parcel to resolve building encroachment issues that would interfere with the marketability and use of the adjoining property at located at 9-13 Canal Street.

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with 67-89 Canal LLC that modifies the lease agreement authorized in Ordinance No. 2012-460 by subtracting from the leased area an approximately 0.15 acre area described in Exhibit "A" annexed hereto and by reducing the current annual rent from \$3,960 to \$3,250. The provisions of the lease that shall remain unchanged include the requirement of Council approval prior to the parties' opting to proceed with the second five-year renewal term and a 10% annual rent increase for each of the second and third optional five-year renewal terms.

Section 2. The amendatory lease 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. 2020-348  
Re: 62-64 Scio Street Project

Council Priority: Rebuilding and Strengthening  
Neighborhood Housing

Comprehensive Plan 2034 Initiative Area:  
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing the sale of one City-owned property located at 62-64 Scio Street, Rochester, NY (the “Property”) to an entity to be formed by The Pardi Partnership Architects, P.C. (Principals: Scott Fiske, Alfred Pardi, Jason Dobbs) (the “Developer”), located at 25 Circle Street, Suite 101, Rochester, NY, for the appraised value of \$100,000.

The sale price of the Property was determined by an independent appraisal completed by Bruckner, Tillett, Rossi, Cahill & Associates.

The Property was remediated as part of the City of Rochester’s 2010 Brownfield Cleanup Grant from the United States Environmental Protection Agency (EPA). The grant’s purpose was to prepare the Property for commercial or mixed-use residential development, and to return it to a taxable use. A request for proposals for the purchase and redevelopment of the Property was issued on November 28, 2018. The City received three proposals, which were evaluated by staff from the Department of Neighborhood and Business Development, the Department of Environmental Services, and the Office of Planning. The Developer’s proposal was recommended for selection based on the proposed development program.

The selected proposal includes four market rate owner-occupied townhomes: two along Scio Street and two along Mathews Street. The Rochester 2034 Comprehensive Plan and the City of Rochester’s 2008 Housing Policy support sustaining and increasing homeownership, and this proposal promotes homeownership in a key Downtown location. The Developer is not requesting financial assistance from the City. The Developer intends to apply to COMIDA for the Core Housing Owner Incentive Exemption (CHOICE), a tax abatement for the creation of owner-occupied residential units.

The Property is narrow and will be somewhat challenging to develop. The proposed design consists of two buildings and setbacks from Mathews and Scio streets that will make staging and construction feasible. Due to the risk of soil vapor intrusion, permanent living space is not permitted on the ground floor, and the proposed design with first floor garages successfully mitigates that risk. The Developer proposes commencing construction in spring 2021 and completion in 2022.

The estimated sources and uses of funds for the Property are as follows:

<b>Sources</b>		<b>Uses</b>	
Canandaigua Nat’l Bank Loan	\$1,500,000	Land Acquisition	\$100,000
Developer Equity	<u>\$204,892</u>	Construction Costs	\$1,261,480
<b>Total</b>	<b>\$1,704,892</b>	Soft Costs	<u>\$343,412</u>
		<b>Total</b>	<b>\$1,704,892</b>

The Developer will comply with the City’s policy on Minority and Women-Owned Business Enterprise (MWBE) and workforce participation. The City’s MWBE goal is 30% of the purchase

price, the workforce minority goal is 20% of workforce hours, the workforce female goal is 6.9% of workforce hours, and the Rochester city resident workforce goal is 25% of workforce hours.

SEQRA review is in progress. An environmental determination will be issued prior to Council Committee meetings.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AT-199

Ordinance No. 2020-348  
(Int. No. 404)

**Authorizing the sale of 62-64 Scio Street**

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

Section 1. The Council hereby approves the sale of the following parcel of land at the following appraised value to The Pardi Partnership Architects, P.C. or an entity to be formed by its principals (collectively, the Developer), in order to develop four owner-occupied townhomes:

Address	SBL #	Lot Size	Appraised Value
62-64 Scio Street	106.81-2-57	55 x 200	\$100,000

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

**TO THE COUNCIL**

Ladies and Gentlemen:

Ordinance No. 2020-349  
Re: Zoning Text and Map Amendment –  
Removal of Six Expired U-R Urban  
Renewal Districts.

Council Priority: Creating and Sustaining a  
Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:  
Reinforcing Strong Neighborhoods



Transmitted herewith for your approval is legislation amending the Zoning Code and the Zoning Map of the City of Rochester by removing six expired U-R Urban Renewal Districts. Each such District was established in accordance with an Urban Renewal Plan (Plan) that was adopted by City Council for a period of 40 years. The Plan approval and expiration dates for each of the U-R Districts were as follows:

<b>U-R Urban Renewal District</b>	<b>Plan Approved</b>	<b>Ordinance or Resolution</b>	<b>Expired</b>	<b>Current Underlying Zoning District</b>
Genesee Crossroads	June 25, 1963	Resolution No. 63-79	June 25, 2003	CCD-R, CCD-M,
Third Ward	July 12, 1966	Ordinance No. 66-132	July 12, 2006	R-2, R-3, C-2, M-1, O-S, CCD-R, CCD-C
Mt. Read – Emerson	November 22, 1966	Ordinance No. 66-283	November 22, 2006	R-1, R-2, M-1, O-S
Southeast Loop	April 23, 1968	Ordinance No. 68-110	April 23, 2008	CCD-T CCD-B
Upper Falls	July 22, 1969	Ordinance No. 69-328	July 22, 2009	R-2, R-3, C-2, C-3, M-1, O-S, CCD-B, CCD-R
Genesee Crossroads South	September 25, 1979	Ordinance No. 79-518	September 25, 2019	CCD-R, CCD-M, CCD-T

The primary objective of the Plans was to eliminate substandard and deteriorated structures and other blighting influence in an area of the City, through demolition and subsequent redevelopment.

The land use controls and administrative procedures for the Plans were added to the Zoning Code and the Zoning Map. Although the Plans have expired, the controls and procedures continue to appear in the Zoning Code and the Zoning Map. Therefore, it is necessary to amend the Zoning Code and Zoning Map to remove the special provisions applicable to the expired Urban Renewal Districts because those provisions are part of Plans that are no longer valid.

A public hearing is required.

Respectfully Submitted  
 Lovely A. Warren  
 Mayor

Attachment No. AT-200

Ordinance No. 2020-349  
 (Int. No. 405)

**Amending the Zoning Code and Map to delete six expired U-R Urban Renewal Districts**

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

Section 1. Chapter 120 of the Municipal Code, the Zoning Code, as amended, is hereby further amended in Section 120-119, Urban Renewal Districts in the City of Rochester, so that Subsections A through Q read as follows:

- A. Cascade Area Urban Renewal District.
- ~~B. Genesee Crossroads South I Urban Renewal District.~~
- ~~C. Genesee Crossroads Urban Renewal District.~~
- ~~D. Mt. Read - Emerson Urban Renewal District.~~
- E.B. Norton Street Urban Renewal District.
- F.C. Ridgeway Urban Renewal District.
- ~~G. Southeast Loop Urban Renewal District.~~
- H.D. St. Joseph's Area Urban Renewal District.
- ~~I. Third Ward Urban Renewal District.~~
- ~~J. Upper Falls Urban Renewal District.~~
- K.E. Washington Square Urban Renewal District.
- L.F. Brooks Landing Urban Renewal District.
- M.G. Erie Canal Urban Renewal District.
- N.H. La Marketa North Clinton Avenue Urban Renewal District.
- O.I. Midtown Urban Renewal District.
- P.J. Dewey-Driving Park Urban Renewal District.
- Q.K. Marketview Heights Urban Renewal District.

Section 2. Chapter 120 of the Municipal Code, the Zoning Code, as amended, is hereby further amended in Section 120-120, Zoning designations and modifications, to delete Subsections B, C, D, G, I and J and to revise the headings of the remaining Subsections to read as follows:

- A. Cascade Area Urban Renewal District.
- ~~E.B.~~ Norton Street Urban Renewal District.
- ~~F.C.~~ Ridgeway Urban Renewal District.
- ~~H.D.~~ St. Joseph's Area Urban Renewal District.
- ~~K.E.~~ Washington Square Urban Renewal District.
- ~~L.F.~~ Brooks Landing Urban Renewal District.
- ~~M.G.~~ Erie Canal Urban Renewal District.
- ~~N.H.~~ La Marketa North Clinton Avenue Urban Renewal District.
- ~~O.I.~~ Midtown Urban Renewal District.
- ~~P.J.~~ Dewey-Driving Park Urban Renewal District.
- ~~Q.K.~~ Marketview Heights Urban Renewal District.

Section 3. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning map to remove the following U-R Urban Renewal District classifications so that the land parcels so classified shall revert to their respective underlying zone classifications:

Genesee Crossroads South I Urban Renewal District;  
 Genesee Crossroads Urban Renewal District;  
 Mt. Read - Emerson Urban Renewal District;  
 Southeast Loop Urban Renewal District;  
 Third Ward Urban Renewal District; and  
 Upper Falls Urban Renewal District.

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-350  
Re: Amending the 2019-20 Annual  
Action Plan, Consolidated Community  
Development Plan

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

Comprehensive Plan 2034 Initiative Area:  
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation amending the 2019-20 Annual Action Plan, Consolidated Community Development Plan, which was approved by City Council at the June 18, 2019 City Council Meeting, Ordinance No. 2019-164. This legislation will:

- 1) Amend the 2019-20 Annual Action Plan to reflect the receipt and use of \$2,371,177 in round three Community Development Block Grant-Coronavirus (CDBG-CV3) funds from the Coronavirus Aid, Relief, and Economic Security (CARES) ACT.
- 2) Authorize the submission of the Plan to the U.S. Department of Housing and Urban Development (HUD); and
- 3) Authorize agreements with HUD for the receipt and use of grants to fund the Plan.
- 4) Appropriate \$237,100 of the CDBG-CV3 funds from the 2019-20 Annual action Plan to reimburse the City for staff costs associated with the administration of the funds.

The CARES Act was signed into law on March 27, 2020 and provides fast and direct economic support for American workers, families, and small businesses. The Amended Annual Action Plan describes projects and activities that will be undertaken with these federal funds to address priority needs. A public hearing on the Amended 2019-20 Annual Action Plan will be held on December 10, 2020.

The 2019-20 Annual Action Plan was previously amended at the May 12, 2020 City Council meeting, Ordinance No. 2020-131, which authorized programs funded by the first round of CDBG-CV, ESG-CV, and HOPWA-CV funding through the CARES Act. The City was not allocated any funds in the second tranche of CDBG-CV funding, as these funds were exclusively allocated to States and insular areas. Approval by the City Council of the Amended Annual Action Plan is required by HUD.

Respectfully Submitted  
Lovely A. Warren  
Mayor

Ordinance No. 2020-350  
(Int. No. 406)

**Amending the Consolidated Community Development Plan/2019-20 Annual Action Plan, authorizing submittal of a plan and entering into agreements, and appropriating funds in relation to a third award of Community Development Block Grant-Coronavirus funds**

WHEREAS, in Ordinance No. 2019-164, the City approved and adopted a Consolidated Community Development Plan/2019-20 Annual Action Plan (the 2019-20 Action Plan) to fund and implement community development programs under the federal Community Development Block Grant (CDBG) program;

WHEREAS, the federal Coronavirus Aid, Relief and Economic Security Act enacted on March 27, 2020 (CARES Act) authorizes the U.S. Department of Housing and Urban Development (HUD) to provide supplemental CDBG program funding to municipalities to implement additional activities to prevent, prepare for, and respond to difficulties arising out of the coronavirus pandemic;

WHEREAS, on April 2, 2020, HUD awarded the City of Rochester a portion of its first round of supplemental CARES Act funding that included \$4,881,038 for the CDBG-Coronavirus (CDBG-CV) program;

WHEREAS, on May 13, 2020 in Ordinance No. 2020-130, the City adopted amendments to the 2019-20 Action Plan that include the addition of \$4,881,038 for CDBG-CV program services (CDBG-CV1 Fund);

WHEREAS, after HUD issued a second round of CDBG-CV funding that went only to states, on September 11, 2020, HUD awarded the City a third round of supplemental CARES Act funding for CDBG programs consisting of \$2,371,177 to continue and enhance the City's CDBG-CV programs (CDBG-CV3 Fund);

WHEREAS, a plan for amending the 2019-20 Action Plan to incorporate the receipt and use of a \$1,424,700 portion of the CDBG-CV3 Fund for coronavirus epidemic relief activities (Amendment Plan) has been prepared, presented to the City Council, and circulated for public review and comment through a process that was designed to engage residents and stakeholders in compliance with the CARES Act's expedited review requirements, consistent with emergency social distance and public safety requirements, and as set forth in the amended 2019-20 Citizen Participation Plan that is included in the Amendment Plan;

WHEREAS, the publication of the Amendment Plan and the solicitation of community input included:

- (1) Beginning Friday, December 4, 2020, posting the Amendment Plan on-line to the City's Consolidated Plan webpage: <https://www.cityofrochester.gov/conplan> and emailing notice of the Plan and a link to the webpage to a list of over 400 local stakeholders, including staff of community organizations and agencies, neighborhood and business association leaders, and Rochester residents and inviting the submittal of comments for a public comment period to extend through 5:00 PM on December 9, 2020;
- (2) Presenting the written comments received to the members of City Council beforehand and reading them into the record during a City Council Public Hearing held on December 10, 2020; and

(3) streaming the Public Hearing live on the Council's Facebook <https://www.facebook.com/RochesterCityCouncil/> and YouTube [https://www.youtube.com/channel/UC\\_U7nbtS5kEz4bjEM8AGXIQ?view\\_as=subscriber](https://www.youtube.com/channel/UC_U7nbtS5kEz4bjEM8AGXIQ?view_as=subscriber) pages;

WHEREAS, the City Council has reviewed the public comments and recommendations on the Amendment Plan; and

WHEREAS, the City Council has reviewed with City staff the needs, strategies and proposed actions to be addressed in the Amendment Plan.

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

Section 1. The Council hereby approves and adopts the Amendment Plan as an amendment to the 2019-20 Action Plan, including the addition and appropriation of \$1,424,700 in CARES Act funding for the City's CDBG-CV program.

Section 2. The Mayor is hereby authorized to submit the Amendment Plan to HUD. The Mayor is hereby further authorized to provide any such information that may be required by HUD and to execute any grant agreement, project sponsor agreement, or any other documentation as may be necessary to fund and carry out the activities provided for in the Amendment in accordance with the CARES Act and with any other applicable community development laws and regulations.

Section 3. The Council hereby appropriates \$237,100 from the CDBG-CV3 Fund added to the CDBG program allocations of the 2019-20 Action Plan in Section 1 herein for the Department of Neighborhood and Business Development to administer and monitor the CDBG-CV projects and services that are provided for under the 2019-20 Action Plan as amended.

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

Section 5. This ordinance shall take effect immediately.

Passed Unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-351  
Re: Business Emergency Retention Grant,  
Assistance for Food Establishments  
Grant, and Aging in Place Food Distribution  
Programs, CDBG-CV3 - CARES Act

Council Priority: Jobs and Economic  
Development

Comprehensive Plan 2034 Initiative Area:  
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to the receipt and use of the third round of CARES Act Community Development Block Grant-Coronavirus (CDBG-CV3) as identified in the 2019-20 Annual Action Plan, Consolidated Community Development Plan. The funding will be used to implement programs to assist businesses who have been severely impacted during the COVID 19 crisis. This legislation will:

- 1) Appropriate \$500,000 in CDBG-CV3 funding from the 2019-20 Annual Action Plan for the Business Emergency Retention Grant (BERG) program, and authorize the Mayor to enter into agreements with businesses necessary to implement the program. The funds will be utilized towards working capital for businesses who are incurring daily operating expenses without income revenue due to the COVID 19 crisis. Eligible operating expenses will include: rent/mortgage, utilities, payroll, insurance, and inventory among other similar related operating expenses.
- 2) Appropriate \$637,600 in CDBG-CV3 funding from the 2019-20 Annual Action Plan for the Assistance for Food Establishments Grant program, and authorize the Mayor to enter into agreements with businesses and organizations necessary to implement the program. The funds will be utilized by restaurants to prepare meals for city residents and will cover operating expenses required to assist in preparing and distributing meals for city residents, including similar related expenses as mentioned above for the BERG program.
- 3) Authorize \$40,000 as maximum compensation for an agreement with Goodwill of the Finger Lakes, Inc. (Jennifer Lake, President/CEO, 422 South Clinton Ave, Rochester, NY) to manage intake and program logistics for the Assistance for Food Establishments Grant program through the 211 call center. The cost of the agreement will be funded from the CDBG-CV3 program funding appropriated herein. The term of the agreement will extend from execution through June 30<sup>th</sup>, 2021.
- 4) Authorize \$50,000 as maximum compensation for an agreement with Lifespan of Greater Rochester, Inc. (Anne Marie Cook, President/CEO, 1900 S. Clinton Avenue, Brighton) for services to implement the Aging in Place Home Food Distribution Program. The cost of the agreement will be appropriated from the CDBG-CV3 funding allocation in the 2019-20 Annual Action Plan. The term of the agreement will extend from execution through June 30<sup>th</sup>, 2021. The program will support food purchase and delivery in order to help provide a safe and comfortable environment for the elderly amid COVID 19 concerns. Elderly city homeowners are eligible to participate in the program if they earn 80% or less than the median area income, as established and updated by HUD.

The BERG and Assistance for Food Establishments Grant programs were originally authorized via Ordinance No. 2020-131. The programs have been successful to date, drawing large demand from businesses and citizens respectively. Please see program outcomes as of October 31st in the chart below.

**Program Outcomes as of October 31, 2020**

<b>Program</b>	<b>Funding Previously Allocated</b>	<b>Funding Spent as of 10/31</b>	<b>Businesses Assisted</b>	<b>Food Deliveries</b>	<b>Senior Citizens Served</b>
Aging in Place Home Food Distribution	\$20,000	\$20,000	N/A	Not Reported	3,736
Assistance for Food Establishments Grant	\$300,000	\$123,850.93	20	13,741	1,802
Business Emergency Retention Grant – CDBG-CV funded	\$2,000,000	\$1,409,623.67	221		
Business Emergency Retention Grant – CDF funded	\$411,135	\$411,135	215		

Goodwill was previously contracted for the same services for Phase I of the Assistance for Food Establishments Grant program and it is proposed that they continue in this capacity for Phase II. A no-RFP justification is attached. The funding previously allocated for the program is expected to run out in November, and the Department of Neighborhood and Business Development is working swiftly to ensure Phase II of the program is up and running to serve residents throughout the winter months. As was done during Phase I of the program, restaurants will be awarded contracts following a Notice of Funding Availability.

The Aging in Place Home Food Distribution Program was originally authorized via Ordinance No.: 2020-137. Lifespan of Greater Rochester was previously contracted for the same services for Phase I of the program and it is proposed that they continue in this capacity for Phase II. The funding previously allocated for the program has been fully spent. 3,736 senior homeowners were served through Phase I of the program.

Respectfully Submitted  
 Lovely A. Warren  
 Mayor

Attachment No. AT-201

Ordinance No. 2020-351  
 (Int. No. 407)

**Appropriating Community Development Block Grant-Coronavirus funds to Business Emergency Response Grant and Business Food Establishment Grant programs**

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

Section 1. The Council hereby appropriates \$500,000 from the third round Community Development Block Grant-Coronavirus (CDBG-CV3) allocation of the Consolidated Community Development Plan/2019-20 Annual Action Plan (2019-20 Action Plan) to implement the Business Emergency Retention Grant program (BERG program) as provided for in the Amendment Plan approved in Ordinance No. 2020-350.

Section 2. The Council hereby appropriates \$637,600 from the CDBG-CV3 allocation of the 2019-20 Action Plan to implement the Assistance for Food Establishments Grant program as provided for in the Amendment Plan (Food Establishment program) approved in Ordinance No. 2020-350, provided, however, that if the full amount of the appropriation cannot be expended on a timely basis for the Food Establishment program, the remainder is hereby appropriated to the BERG program.

Section 3. The Mayor is hereby authorized to enter into grant agreements with the recipients of funding from the programs authorized in Sections 1 and 2 herein. The term of each such agreement shall extend to no later than June 30, 2021.

Section 4. The Mayor is hereby authorized to enter into a professional services agreement with Goodwill of the Finger Lakes, Inc. to manage intake and program logistics for the Assistance for Food Establishments Grant program. The maximum compensation for the agreement shall be \$40,000, which shall be funded from the CDBG-CV3 allocation appropriated in Section 2 herein. The term of the agreement shall extend through June 30, 2021.

Section 5. The Mayor is hereby authorized to enter into a professional services agreement with Lifespan of Greater Rochester, Inc. for services to implement the Aging in Place Home Food Distribution Program. The maximum compensation for the agreement shall be \$50,000, which shall be funded from the CDBG-CV3 allocation of the 2019-20 Action Plan as provided for in the Amendment Plan approved in Ordinance No. 2020-350. The term of the agreement shall extend through June 30, 2021.

Section 6. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.



TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-352  
Re: Technical Amendment- 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 amending Ordinance No. 2020-326 relating to developing 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). The ordinance authorized the sale of 23 parcels of land to CDS Monarch, Inc., CDS Clifford Ave, LLC, or an affiliated partnership or housing development fund (collectively, the Developer), a loan agreement in the amount of \$1,000,000, and a payment in lieu of taxes agreement (PILOT Agreement) with the Developer for 25 parcels of land for a term of 30 years.

This amendment will change the term of the PILOT Agreement from 30 years to a term commensurate with that of the loan provided by the New York State Housing Finance Authority, which loan has a maturity date of March 1, 2053. This change is pursuant to New York Private Housing Finance Law Section 33(1) (a), which allows that such a “shelter rent” PILOT Agreement may continue in force and effect as long as loans used primarily for the residential portion of a project remain outstanding.

Respectfully Submitted  
Lovely A. Warren  
Mayor

Ordinance No. 2020-352  
(Int. No. 429)

**Amending Ordinance No. 2020-326 in relation to 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. Ordinance No. 2020-326, authorizing the sale of City-owned parcels, a loan agreement and a payment in lieu of taxes (PILOT) agreement for the CDS Clifford and Joseph Apartments Project, is hereby amended to read in Section 5 thereof as follows:

Section 5. The term of the PILOT Agreement shall ~~run for 30 years~~ be commensurate with that of the Project loan provided by the New York State Housing Finance Authority or its successor in interest, which loan currently has a maturity date of March 1, 2053, 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 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-353  
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 a typographical error in the SBL number for one property 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. Ordinance No. 2020-293 was previously amended via Ordinance 2020-317 to fix a typographical error. 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 change is detailed below:

<b>Original Property Address</b>	<b>Original SBL</b>	<b>Revised Property Address</b>	<b>Revised SBL</b>
26 Bartlett St	121.6-1-30	26 Bartlett St	121.61-1-30

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

Respectfully Submitted  
Lovely A. Warren  
Mayor

Ordinance No. 2020-353  
(Int. No. 435)

**Amending Ordinance Nos. 2020-293 and 2020-325 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 as amended by Ordinance No. 2020-325, authorizing the sale of City-owned parcels and a payment in lieu of taxes agreement for the L2P Westside Housing Project, is hereby further amended so that the entry for 26 Bartlett Street shall read as follows:

Address	Parcel Number	Sales Price
26 Bartlett St	<del>121.6-1-30</del> <u>121.61-1-30</u>	\$ 425.00

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

By Councilmember Gruber  
December 15, 2020

To the Council:

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

- Int. No. 408 Authorizing an agreement for a composting education pilot program
- Int. No. 409 Authorizing an agreement for occupational health services related to the City’s REJob 2.0 Training Program
- Int. No. 410 Resolution authorizing the implementation, and funding in the first instance of 100%, of the federal-aid State “Marchiselli” Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefor
- Int. No. 411 Amending Ordinance Nos. 2009-247 and 2019-192 relating to acquisitions for the Lawn Street Improvement Project and the Manor Parkway Improvement Project
- Int. No. 412 Authorizing funding and agreement for the East Main Street Improvement Project

- Int. No. 413      Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$3,462,000 Bonds of said City to finance the costs of the East Main Street Improvement Project
- Int. No. 414      Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,700,000 Bonds of said City to finance water line and water service improvements associated with the East Main Street Improvement Project
- Int. No. 415      Resolution authorizing the implementation, and funding in the first instance of 100%, of the federal-aid State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefor
- Int. No. 416      Appropriating funds from the Rochester Pure Waters District
- Int. No. 417      Authorizing an amendatory agreement in relation to the Waring Road Improvement Project
- Int. No. 418      Authorizing an agreement for the Genesee Firehouse Upgrades project
- Int. No. 419      Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$350,000 Bonds of said City to finance the costs of the Genesee Firehouse Upgrades project
- Int. No. 421      Authorizing agreement for Vacuum Oil Brownfield Opportunity Area River Trail project
- Int. No. 422      Authorizing an amendatory agreement for the Priority Bicycle Boulevards Implementation Project

The **PARK & PUBLIC WORKS COMMITTEE** recommends for **CONSIDERATION** the following entitled legislation:

- Int. No. 420      Authorizing geometric changes relating to the Main Street Streetscape Phase II project

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:

Resolution No. 2020-39

Re: Grant Agreement – Inner Loop North  
Transformation Project Scoping Study

Comprehensive Plan 2034 Initiative Area:  
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation related to the Inner Loop North Transformation Project Scoping Study. This legislation will approve a resolution, in a form that is required by the New York State Department of Transportation (NYSDOT), that will confirm the City's prior authorizations of the Project, commit the City to pay for the State-funded portion of the Project in the first instance before seeking reimbursement from the State, and, if applicable, commit the City Council to meet promptly to consider appropriating money to make up any cost overruns.

This is a New York State-funded project that is administered by the City under an agreement with NYSDOT.

The Inner Loop North Transformation Project Scoping Study will perform an in-depth alternatives analysis to assess the feasibility for highway removal or reconstruction within the Inner Loop North corridor, from I-490 to the Inner Loop Expressway's new terminus at North Union Street. The goal is to extend the proven success of the recently-completed Inner Loop East Transformation project and continue reconnecting neighborhoods with downtown, creating developable land and green space, generating investment and economic growth, and enhancing livability and competitiveness.

The project will evaluate alternatives for removing the expressway and/or minimizing its negative impact on the surrounding area. The result will be a preferred alternative, detailed cost estimates, and a thorough Benefit-Cost Analysis, which can be advanced as one or more projects to the engineering and design process in the future.

Concept-level planning and design services started in early 2020. The source of funds is New York State, secured through the efforts of the late Assemblyman David F. Gantt, with no City match required. The agreement will result in the creation and/or retention of the equivalent of 12 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Resolution No. 2020-39  
(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**

WHEREAS, a Project for Inner Loop North Study, PIN 4CR0.10 (the "Project") is eligible for funding under a New York State Program administered by the NYS Department of Transportation (NYSDOT);

WHEREAS, a sum not to exceed \$1,000,000 in Program funding is available to progress the Project; and

WHEREAS, the City of Rochester desires to advance the Project by making a commitment of 100% of the State share of the costs of preliminary engineering and design work.

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

THAT the Council of the City of Rochester hereby approves the above-subject Project;

THAT the Council of the City of Rochester hereby authorizes the City of Rochester to pay in the first instance 100% of the cost of preliminary engineering and design work for the Project or portions thereof;

THAT the sum of \$1,000,000 is hereby appropriated from Ordinance No. 2018-240 and made available to cover the cost of participation in the above described phase of the Project;

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

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

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

THAT this Resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-354  
Re: Grant Acceptance–New York State  
Pollution Prevention Institute Community  
Grant Program – Composting Education  
Pilot Program

Comprehensive Plan 2034 Initiative Area:  
Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to the development of a Composting Education Program for the City of Rochester. This legislation will:

1. Authorize the Mayor to enter into a grant agreement with the New York State Pollution Prevention Institute (NYSP2I); and,
2. Authorize the receipt and use of \$20,000 in anticipated grant funds from the NYSP2I to finance the Project.

In September 2020, the City was selected to receive \$20,000 in grant funds through NYSP2I's Community Grant Program. NYSP2I is sponsored by the New York State Department of Environmental Conservation and operated by Rochester Institute of Technology. The grant program is designed to support projects that raise awareness of pollution prevention practices leading to implementation at the local level. With this grant, the City will implement a pilot-scale education program that will raise awareness related to the pollution prevention practices of food waste reduction and composting. This grant will provide partial reimbursement for City staff time to implement the pilot educational component for the City's Food Waste Reduction, Donation and Organics Recycling program. Staff in the Department of Environmental Services Division of Environmental Quality will implement the Project. The City will provide \$20,000 in match funds through in-kind staff time.

The Project will reduce the amount of landfilled food waste resulting in lower greenhouse gas emissions in accordance with strategies and actions outlined in the City of Rochester Community-wide Climate Action Plan and help to create a sustainable community, ready for continued growth and vibrancy.

Once the grant agreement with the NYSP2I is in place, the City will begin to implement the Project. The Project is expected to be completed by December 2021. The term of the agreement is one year.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2020-354  
(Int. No. 408)

### **Authorizing an agreement for a composting education pilot 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 Pollution Prevention Institute for the receipt and use of a grant in the amount of \$20,000 to implement a pilot composting education program as part of the City's Food Waste Reduction, Donation and Organics Recycling 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. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Re: Ordinance No. 2020-355  
USEPA Environmental Workforce  
Development & Job Training Program  
Professional Services Agreement –  
Occupational Health Services

Council Priority: Jobs and Economic  
Development

Comprehensive Plan 2034 Initiative Area:  
Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation related to Occupational Health Screening Services as part of the Environmental Workforce Development and Job Training Program (EWDJT) funded by the United States Environmental Protection Agency (USEPA).

This legislation will establish \$26,000 as maximum compensation for an agreement with Workfit Medical, LLC (Brian Banas, Chief Executive Officer, 1160 Chili Avenue, Suite 200, Rochester, NY) to provide occupational health services including drug and alcohol testing and independent medical examinations to candidates selected to participate in the City of Rochester REJob 2.0 Training Program. Drug testing parameters, which include THC, are determined by USEPA.

The REJob Training Program is a comprehensive, multi-partner effort designed to lead to sustainable, long-term environmental employment and to ensure affected residents share in the economic benefits derived from brownfield redevelopment. The REJob program will specifically target dislocated workers; severely underemployed individuals; and unemployed individuals including low-income and minority residents, veterans, and those with little or no advanced education.

The cost of the agreement will be financed from \$26,000 in USEPA Environmental Workforce Development & Job Training grant funds appropriated in Ordinance 2019-375. The City issued a request for proposal (RFP) for occupational health services on October 2, 2020 and received three proposals. Workfit Medical, LLC was selected based on the experience and expertise of the proposed project team, its ability to meet the City's schedule, the quality and cost of its proposal, and positive prior experience with the firm on the City's previous USEPA EWDJT grant.

The proposed agreement will have an initial term of two years with a provision for a one-year extension based on mutual written agreement. It is anticipated that the project will begin in December 2020.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AT-202

Ordinance No. 2020-355  
(Int. No. 409)



**Authorizing an agreement for occupational health services related to the City’s REJob 2.0 Training Program**

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Workfit Medical, LLC to provide occupational health services to candidates selected to participate in the City’s REJob 2.0 Training Program. The maximum compensation for the agreement shall be \$26,000, which shall be funded from United States Environmental Protection Agency Environmental Workforce Development and Job Training grant funds appropriated in Ordinance No. 2019-375. The term of the agreement shall be two years with the option to extend for one additional year upon mutual agreement.

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:

Resolution No. 2020-40

Re: Grant Agreement – 2019 Preventive  
Maintenance Northwest Group 5  
(Beach Avenue, Dewey Avenue and Lake Avenue)

Comprehensive Plan 2034 Initiative Area:  
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation related to the 2019 Preventive Maintenance Northwest Group 5 project. This legislation will approve a resolution, in a form that is required by the New York State Department of Transportation (NYSDOT), that will confirm the City’s prior authorizations of the Project (Ordinance No. 2017-36, Ordinance No, 2020-7, and Ordinance No. 2020-8), commit the City to pay for the State-funded portion of the Project in the first instance before seeking reimbursement from the State, and, if applicable, commit the City Council to meet promptly to consider appropriating money to make up any cost overruns.

This federal aid project, administered by the City under agreement with the NYSDOT includes three locations:

- 1) Beach Avenue from Lake Avenue to the West City Line; and,
- 2) Dewey Avenue from Eastman Avenue to the North City Line; and,
- 3) Lake Avenue from the Lake Ontario State Parkway to Beach Avenue

The project included milling and resurfacing of the pavement, spot curb replacements, installations and upgrades of sidewalk curb ramps, manhole repairs and adjustments, receiving basins, water valve castings, and new traffic markings.

Construction began in spring 2020 and is substantially complete.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AT-203

Resolution No. 2020-40  
(Int. No. 410)

**Resolution authorizing the implementation, and funding in the first instance of 100%, of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefor**

WHEREAS, a Project for the Northwest Preventive Maintenance Group 5, P.I.N. 4CR0.02 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Rochester desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of design, construction and construction inspection services.

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

THAT the Council of the City of Rochester hereby approves the above-subject Project;

THAT the Council of the City of Rochester hereby authorizes the City of Rochester to pay in the first instance 100% of the federal and non-federal share of the cost of design, construction and construction inspection works for the Project or portions thereof;

THAT the sum of \$4,859,707 appropriated pursuant to Ordinance No. 2017-36 (\$384,000), Ordinance No. 2020-7 (\$3,675,550) and Ordinance No. 2020-8 (\$800,157) are made available to cover the cost of participation in the above described phases of the Project;

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

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

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

THAT this Resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-356  
Re: Technical Amendment –  
Ordinance No. 2009-247 and  
Ordinance No. 2019-192 for the  
Lawn Street and Manor Parkway  
Improvement Projects

Council Priority: Rebuilding and  
Strengthening Neighborhood Housing

Comprehensive Plan 2034 Initiative Area:  
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation amending Ordinance No. 2009-247 and Ordinance No. 2019-192, to revise the values of acquisitions associated with the Lawn Street Improvement Project and the Manor Parkway Improvement Project. The changes are detailed below:

<u>Property Address</u>	<u>Owner</u>	<u>Ordinance Number</u>	<u>Original Value</u>	<u>Revised Value</u>
89 East Avenue	RG&E	2009-247	\$1,400	\$1,525
141 East Avenue	Christ Church	2009-247	\$ 400	\$ 450
80-110 Manor Parkway	S&P Developers	2019-192	\$ 200	\$ 500

The acquisition and recording of the above listed permanent easements lapsed requiring new appraisals to be completed resulting in value changes. Appraisal reports were prepared by Bruckner, Tillett, Rossi, Cahill & Associates on May 4, 2020.

Property addresses and their associated street improvement project are as follows, 89 and 141 East Avenue (Lawn Street Improvement Project) and 80-110 Manor Parkway (Manor Parkway Improvement Project).

The properties compensation amount increased from \$1,400 to \$1,525 for 89 East Avenue, from \$400 to \$450 for 141 East Avenue and from \$200 to \$500 for 80-110 Manor Parkway. The total additional cost of \$475 will be funded with 2018-19 Cash Capital.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2020-356  
(Int. No. 411)

**Amending Ordinance Nos. 2009-247 and 2019-192 relating to acquisitions for the Lawn Street Improvement Project and the Manor Parkway Improvement Project**

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

Section 1. Sections 1 and 2 of Ordinance No. 2009-247 are hereby amended to read in their entirety as follows:

Section 1. The Council hereby approves the acquisition of de minimis easements over the following parcels for street purposes as a part of the Lawn Street Improvement Project:

Property Owner	SBL #	Sq. Ft.	Type	Value
Rochester Gas and Electric Corporation	121.24-2-38	61+/-	Permanent Easement	<del>\$1,400</del> <u>\$ 1,525</u>
Christ Church	121.25-2-2	18+/-	Permanent Easement	<del>400</del> <u>450</u>
Rochester Gas and Electric Corporation	121.24-2-38	629+/-	Temporary Easement	1,600

Section 2. The acquisitions shall obligate the City to pay an amount not to exceed ~~\$3,400~~ \$3,575, and said amount, or so much thereof as may be necessary, and necessary closing costs, shall be funded in the amount of \$175 from 2018-19 Cash Capital and the remainder from the 2007-08 Cash Capital Allocation.

Section 2. Sections 4 of Ordinance No. 2013-294, as modified by Section 1 of Ordinance No. 2019-192, is hereby amended to read in its entirety as follows:

Section 4. The Mayor is hereby authorized to acquire for dedication as Manor Parkway right-of-way the de minimus parcel comprising approximately 236 square feet as set forth in Section 3 from S & P Developers, Inc. by negotiation or condemnation in conjunction with improvements for the Manor Parkway Improvement Project. The cost of the acquisition shall not exceed ~~\$200~~ \$500 plus necessary closing costs, which shall be funded in the amount of \$300 from 2018-19 Cash Capital and the remainder from 2017-18 Cash Capital.

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. 2020-357  
Ordinance No. 2020-358  
Ordinance No. 2020-359  
Resolution No. 2020-41

Re: East Main Street Improvement Project  
(North Goodman Street to Culver Road)

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 East Main Street Improvement Project. This legislation will:

1. Appropriate \$4,495,980 in anticipated reimbursements from the Federal Highway Administration (FHWA) to finance a portion of the construction and Resident Project Representation (RPR) services for the project; and,
2. Authorize the issuance of bonds totaling \$3,462,000 and the appropriation of the proceeds thereof to partially finance a portion of the construction and RPR services for the project; and,
3. Authorize the issuance of water bonds totaling \$1,700,000 and the appropriation of the proceeds thereof to finance the water portion of construction and RPR services for the project; and,
4. Authorize the receipt and use of \$1,500,000 from anticipated reimbursements from New York State Urban Development Corporation, doing business as Empire State Development (ESD) for the project; and,
5. Establish \$1,750,000 as maximum compensation for a professional services agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Pietro Giovenco, P.E., C.E.O., Rochester, New York) for Resident Project Representation (RPR) services. The cost of the agreement will be funded from the sources outlined in the chart on the following page; and,
6. Approve a resolution, in a form that is required by the New York State Department of Transportation (NYSDOT), that will confirm the City's prior authorizations of the Project, commit the City to pay for the State-funded portion of the Project in the first instance before seeking reimbursement from the State, and, if applicable, commit the City Council to meet promptly to consider appropriating money to make up any cost overruns.

Street improvements include street reconstruction, new sidewalks and curb ramps, bicycle accommodations, driveway aprons, receiving basins, water main, water services, hydrants, lighting, signals, signage, pavement markings, tree plantings, and other streetscape improvements.

The project was designed by Erdman, Anthony and Associates, Inc. (Ordinance No. 2018-103 and Ordinance No. 2020-40).

Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Pietro Giovenco, P.E., C.E.O., Rochester, New York) was selected for RPR Services through a Request for Proposal process, which is described in the attached summary. The agreement shall have a term of 6 months after final completion of the project.

Bids for construction were received on October 21, 2020. The apparent low bid of \$9,933,000 was submitted by Villager Construction, Inc. (Timothy O Lawless, C.E.O., 425 Old Macedon Center Road, Fairport, New York).

The project will be funded as follows:

Source of Funds	Design & ROW Acquisition	Construction	RPR	Contingency	Total
Federal Aid Appropriated Ordinance Nos. 2018-103 and 2020-40	726,983	0	0	0	\$726,983
Marchiselli Aid appropriated Ordinance No. 2018-103	44,524	0	0	0	\$44,524
Marchiselli Aid appropriated Ordinance No. 2020-40	95,160	0	0	0	\$95,160
Federal Aid appropriated herein	0	3,820,000	675,980	0	\$4,495,980
Bonds authorized herein	0	2,559,160	794,050	108,790	\$3,462,000
Water bonds authorized herein	0	1,424,340	250,530	25,130	\$1,700,000
ESD grant appropriated herein	0	1,500,000	0	0	\$1,500,000
Pure Waters Reimbursement appropriated December 2020 Council	0	461,710	0	38,290	\$500,000
2015-16 Cash Capital	104,872	0	0	0	\$104,872
2016-17 Cash Capital	12,086	0	0	0	\$12,086
2017-18 Cash Capital	19,750	0	0	0	\$19,750
2018-19 Cash Capital	99,837	0	0	0	\$99,837
2019-20 Cash Capital	0	2,790	29,440	2,770	\$35,000
2020-21 Cash Capital	0	165,000	0	0	\$165,000
<b>Total</b>	<b>\$1,103,212</b>	<b>\$9,933,000</b>	<b>\$1,750,000</b>	<b>\$174,980</b>	<b>\$12,961,192</b>

Construction is anticipated to begin in early 2021 with substantial completion in fall 2022. The construction of the project will result in the creation and/or retention of the equivalent of 128.9 full-time jobs.

Respectfully submitted,  
 Lovely A. Warren  
 Mayor

Attachment No. AT-204

Ordinance No. 2020-357  
(Int. No. 412)

**Authorizing funding and agreement for the East Main Street Improvement Project**

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

Section 1. The sum of \$4,495,980 in anticipated reimbursements from the Federal Highway Administration (FHWA) is hereby appropriated to fund a portion of the costs of construction and resident project representation services for the East Main Street Improvement Project (North Goodman Street to Culver Road) (the Project).

Section 2. The Council hereby authorizes the receipt and use of \$1,500,000 in anticipated reimbursements from the New York State Urban Development Corporation, doing business as Empire State Development (ESD) to fund a portion of the costs of the Project.

Section 3. The Mayor is hereby authorized to enter into grant agreements with the funding agencies or their designees if necessary to effectuate the City's receipt of the funds authorized in Sections 1 and 2 herein.

Section 4. The Mayor is hereby authorized to enter into a professional services agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. to provide resident project representation services for the Project. The maximum compensation for the agreement shall be \$1,750,000, which shall be funded in the amounts of \$675,980 from the FHWA reimbursements appropriated in Section 1 hereof, \$794,050 from the proceeds of City bonds authorized for the Project in a concurrent ordinance, \$250,530 from the proceeds of City bonds authorized for water line and water service improvements related to the Project in a concurrent ordinance, and \$29,440 in 2019-20 Cash Capital. The term of the agreement shall continue to six months after final completion of the Project.

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

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2020-358  
(Int. No. 413)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$3,462,000 Bonds of said City to finance the costs of the East Main Street Improvement 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 costs of the East Main Street Improvement Project from

North Goodman Street to Culver Road, including street reconstruction, new sidewalks and curb ramps, bicycle accommodations, driveway aprons, receiving basins, water mains, services and hydrants, lighting, traffic signals, signage, pavement markings, tree plantings and other streetscape improvements (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 \$11,261,192. The plan of financing includes the issuance of \$3,462,000 in bonds of the City, which amount is hereby appropriated therefor, \$4,495,980 in reimbursements from the Federal Highway Administration (FHWA) appropriated in a concurrent ordinance, \$726,983 in reimbursements from the FHWA appropriated in Ordinance No. 2018-103 as modified by Ordinance No. 2020-40, \$44,524 in Marchiselli Aid appropriated in Ordinance No. 2018-103, \$95,160 in Marchiselli Aid appropriated in Ordinance No. 2020-40, \$1,500,000 from Empire State Development appropriated in a concurrent ordinance, \$500,000 in anticipated reimbursements from Pure Waters authorized in a concurrent ordinance and hereby appropriated therefor, \$104,872 in 2015-16 Cash Capital, \$12,086 in 2016-17 Cash Capital, \$19,750 in 2017-18 Cash Capital, \$99,837 in 2018-19 Cash Capital, \$35,000 in 2019-20 Cash Capital, \$165,000 in 2020-21 Cash Capital and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$3,462,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$3,462,000. 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 Section 11.00 a. 20 of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, pay-able 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 by the following:

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

Nays - None -0.

Councilmember Harris vote was not recorded due to technical difficulties during Zoom Council meeting.

Ordinance No. 2020-359  
(Int. No. 414)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,700,000 Bonds of said City to finance water line and water service improvements associated with the East Main Street Improvement Project**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of water line and water service improvements for the entire length of the street related to the East Main Street Improvement Project extending from North Goodman Street to Culver Road (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,700,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,700,000 bonds of the City to finance said appropriation and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,700,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of

the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,700,000. 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. 1. of the Law, is forty (40) years.

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

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

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

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

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

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

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

Passed unanimously.

Resolution No. 2020-41  
(Int. No. 415)

**Resolution authorizing the implementation, and funding in the first instance of 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefor**

WHEREAS, a Project for the East Main Street Reconstruction (N. Goodman Street to Culver Road), P.I.N. 4CR0.05 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Rochester desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of design, construction support and construction inspection.

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

THAT the Council of the City of Rochester hereby approves the above-subject Project;

THAT the Council of the City of Rochester hereby authorizes the City of Rochester to pay in the first instance 100% of the federal and non-federal share of the cost of design, construction support and construction inspection works for the Project or portions thereof;

THAT the sum of \$12,961,192 appropriated pursuant to Ordinance No. 2018-103 as amended by Ordinance No. 2020-40 (\$1,008,000), Ordinance No. 2020-227 (\$95,212), Ordinance No. 2020-357 (\$6,695,980), Ordinance No. 2020-358 (\$3,462,000), and Ordinance No. 2020-359 (\$1,700,000) are made available to cover the cost of participation in the above described phases of the Project;

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

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

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

THAT this Resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-360  
Re: Appropriation – Rochester Pure  
Waters District, Street Improvement  
Projects

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area:  
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation authorizing the receipt and use of up to \$750,000 in anticipated reimbursements from the Rochester Pure Waters District (RPWD) to fund eligible portions of sewer costs on street improvement projects in accordance with the agreement authorized between the City and RPWD via Ordinance No. 2010-438.

Street improvements can require ancillary repairs to the sewer system including adjustments, repairs, replacements, and improvements to the sewer system manholes and catch basins. In the agreement referenced above, RPWD assumed responsibility for these maintenance costs and agreed to reimburse the City annually for the work.

The sewer improvements will result in the creation and/or retention of the equivalent of 8.2 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2020-360  
(Int. No. 416)

**Appropriating funds from the Rochester Pure Waters District**

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

Section 1. The Mayor is hereby authorized to accept and use reimbursement funds in the amount of \$750,000 from the Rochester Pure Waters District for sewer improvements associated with the City's street improvement program in accordance with the agreement authorized by Ordinance No. 2010-438.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-361

Re: Waring Road Improvement Project  
(Culver Road to Norton Street)

Comprehensive Plan 2034 Initiative Area:  
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation related to the Waring Road Improvement Project. This legislation will authorize an amendatory agreement with CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. (Todd M. Liebert, C.E.O., 205 Saint Paul Street, Suite 500, Rochester, New York) to provide additional design services related to the project.

The original agreement authorized in October 2019 (Ordinance No. 2019-313) was for engineering design, right-of-way incidentals, and acquisition plan and established maximum compensation at \$175,000. The original agreement was amended in August 2020 (Ordinance No. 2020-263) to reduce the anticipated reimbursement from NYSDOT and replace with Cash Capital to maintain the maximum compensation at \$175,000. This amendment will increase the maximum compensation by \$100,000 to a maximum total of \$275,000 for additional engineering services related to greater vehicular fluency in final design, and optimization of maintenance and protection of traffic plans to provide a greater level of service throughout the construction phase.

The amendatory agreement will be funded from:

2014-15 Cash Capital	\$ 21,401
<u>2016-17 Cash Capital</u>	<u>\$ 78,599</u>
Total	\$100,000

The term of the agreement shall extend until six (6) months after final acceptance of the project.

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

The Project includes pavement reconstruction, pavement width changes, realignment of intersecting streets, new curb and bump-outs at Northland Avenue and Culver Road, curb ramps, sidewalks, driveway aprons, new water main, water services, hydrants, catch basins, manhole adjustments/replacements, stormwater bioretention features, traffic signal upgrades, telecommunication conduit, pavement markings, designated bicycle lanes, signage and tree plantings.

Design will be complete in late 2020 and construction is anticipated to begin in spring 2021 with substantial completion by fall 2022. This amendatory agreement will result in the creation and/or retention of the equivalent of 1.1 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AT-205

Ordinance No. 2020-361  
(Int. No. 417)

**Authorizing an amendatory agreement in relation to the Waring Road Improvement Project**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with the CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. to provide additional design services for the Waring Road Improvement Project (Culver Road to Norton Street). The agreement authorized in Ordinance No. 2019-313 and amended in Ordinance No. 2020-263 is hereby amended to increase the maximum compensation by \$100,000 to a new total of \$275,000. The amendatory compensation shall be funded in the amounts of \$21,401 from 2014-15 Cash Capital and \$78,599 from 2016-17 Cash Capital.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-362

Ordinance No. 2020-363

Re: Genesee Firehouse Upgrades

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 Genesee Firehouse Upgrades. This legislation will:

- 1) Establish \$110,000 as maximum compensation for a professional services agreement with Architectura, P.C.,(Jennifer F. Takatch, R.A., Principal, 17 Pitkin Street, Suite 100, Rochester, NY) for design and construction administration services; and,
- 2) Authorize the issuance of bonds totaling \$350,000 and the appropriation of the proceeds thereof to finance design and construction for the Project.

The project includes design and construction administration services for replacement of the Genesee Firehouse windows and boiler. The single pane windows are original to the building, which was constructed in 1913, and will be replaced with insulated, aluminum clad windows. The boiler, installed in 2002, is inefficient and at the end of its useful life. It will be replaced with a new, high-efficiency boiler.

Architectura, P.C., was selected for design through construction administration services through a Request for Proposal process, which is described in the attached summary. The agreement shall extend until a term of three (3) months after the completion of two-year guarantee inspection of the project.

Construction duration is anticipated to start the spring 2022 with completion fall 2022. The project will result in the creation and/or retention of the equivalent of 4.1 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AT-206

Ordinance No. 2020-362  
(Int. No. 418)

### **Authorizing an agreement for the Genesee Firehouse Upgrades 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 Architectura, P.C. for design and construction administration services for the Genesee Firehouse Upgrades project (the Project). The maximum compensation shall be \$110,000, which shall be funded from the proceeds of bonds authorized and appropriated in a concurrent ordinance. The term of the agreement shall continue to 3 months after completion of a two-year guarantee inspection of the Project.

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.

Ordinance No. 2020-363  
(Int. No. 419)

### **Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$350,000 Bonds of said City to finance the costs of the Genesee Firehouse Upgrades project**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the costs of design and construction for the Genesee Firehouse Upgrades project, which includes replacing the windows and heating boiler in the firehouse located

at 885 Genesee Street (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$350,000. The plan of financing includes the issuance of \$350,000 bonds of the City to finance this appropriation and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$350,000 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 \$350,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

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

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



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

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-364  
Re: Geometric Changes - Main Street  
Streetscape Phase II

Council Priority: Creating and Sustaining a  
Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:  
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation related to the Main Street Streetscape Phase II project. This legislation will authorize the attached geometric changes to East Main Street between State Street/Exchange Street in the west and St. Paul Street / South Avenue in the east.

The Main Street Streetscape Phase II project will result in streetscape enhancements along Main Street between State Street/Exchange Street in the west and St. Paul Boulevard/South Avenue in the west. The project will implement similar improvements installed as part of the Phase I project completed in 2019.

A public hearing on the pavement width changes is required. The proposed pavement width changes will provide a total of 17 curb-side parking spaces. The pavement width changes will also provide space for the new pedestrian streetscape while accommodating dedicated on-street bike and bus/bike lanes.

A public informational meeting was held on November 12, 2020. A copy of the minutes of this meeting are attached. The pavement width changes were endorsed at the November 18, 2020 Traffic Control Board meeting.

Design of the project is underway. Construction is anticipated to begin in spring 2021 with completion in spring 2022.

A public hearing is required.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AT-207

**Authorizing geometric changes relating to the Main Street Streetscape Phase II project**

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

Section 1. The Council hereby approves the following changes in the pavement width of East Main Street from its intersection with State Street and Exchange Boulevard to its intersections with St. Paul Street and South Avenue to accommodate streetscape improvements, bus lanes and recessed parking for the Main Street Streetscape Phase II project:

- a) Increase in width of 2 feet, from 55 feet to 57 feet, beginning 33 feet east of Exchange Boulevard and continuing eastward to a point 54 feet east of Aqueduct Street;
- b) Decrease in width of 3 feet ,from 55 feet to 52 feet, beginning 54 feet east of Aqueduct Street and continuing eastward to a point opposite Graves Street;
- c) Decrease in width of 11 feet, from 55 feet to 44 feet, beginning opposite Graves Street and continuing eastward to a point 391 feet east of Graves Street;
- d) Increase in width of 7 feet, beginning 391 feet east of Graves Street and continuing eastward to a point 551 feet east of Graves Street; and
- e) Decrease in width of 1 foot, from 45 feet to 44 feet, beginning 67 feet west of St. Paul Street and continuing eastward to St. Paul Street.

The pavement width changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-365

Re: Vacuum Oil BOA River Trail

Comprehensive Plan 2034 Initiative Area:  
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation related to the Vacuum Oil BOA River Trail project. This legislation will authorize the Mayor to enter into agreements with the Dormitory Authority State of New York (DASNY) as necessary to participate in and administer the project.

After more than two decades of investigation, study and planning, and in collaboration with the state and neighborhood stakeholders, the City published the final Vacuum Oil Brownfield Opportunity

Area (BOA) recommendations in 2019. A key component of the BOA is a Preferred Parks, Open Space, and Public Waterfront Concept Master Plan.

The Vacuum Oil BOA River Trail project will be one of the initial key public improvements projects to implement the BOA Master Plan recommendations. The project will include the design of a new neighborhood trail connector between the Genesee Riverway Trail at Violetta Street and Plymouth Avenue. The State and Municipal Facilities Capital Program (SAM) grant provided by DASNY will fund a portion of the project construction. Council has previously authorized a \$100,000 (Ordinance No. 2020-111) design agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., (Pietro V. Giovenco – C.E.O., 280 E. Broad Street, Suite 200, Rochester, New York).

Design of the project is ongoing and construction is anticipated to being in fall 2021.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AT-208

Ordinance No. 2020-365  
(Int. No. 421)

**Authorizing agreement for Vacuum Oil Brownfield Opportunity Area River Trail project**

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

Section 1. The Mayor is hereby authorized to enter into agreements with the Dormitory Authority of New York State to participate in and administer the Vacuum Oil Brownfield Opportunity Area River Trail project.

Section 2. The agreements 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:

Re: Ordinance No. 2020-366  
Priority Bicycle Boulevards  
Implementation Project

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 authorizing an amendatory agreement with T.Y. Lin International Engineering & Architecture, P.C. (Robert J. Radley, CEO, 255 East Avenue, Rochester, New York), for additional final design and construction support services related to the Priority Bicycle Boulevards Implementation Project. The original agreement, authorized in November 2019 (Ordinance No. 2019-339), established maximum compensation at \$195,000. This amendment will increase the maximum compensation by \$85,000 to a maximum total of \$280,000. The cost of the amendment will be financed with \$82,075 from 2019-20 Cash Capital and \$2,925 from 2020-21 Cash Capital. The term of the agreement shall extend until three (3) months after completion of the two (2) year guarantee inspection of the project.

The purpose of the Priority Bicycle Boulevards Implementation Project is to design and install approximately twenty centerline miles of neighborhood Bicycle Boulevard routes throughout the City. This investment will enable the City to accelerate implementation of the Bicycle Boulevard Master Plan. Bicycle Boulevards are local, residential streets that are optimized for bicycle travel through the use of pavement markings, directional signage, and traffic calming features.

Bicycle Boulevards provide a low-stress alternative to busy arterial streets and a cost-effective technique for improving the overall bike-friendliness of our city. The additional final design services, for which the amendatory agreement is sought, will complete design for milling and resurfacing of certain streets that are part of the Priority Bicycle Boulevard network.

Design of the project began in January 2020. Construction is anticipated to begin in spring 2021 and be substantially complete by fall 2021. The amendatory agreement will result in the creation and/or retention of the equivalent of 0.9 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AT-209

Ordinance No. 2020-366  
(Int. No. 422)

### **Authorizing an amendatory agreement for the Priority Bicycle Boulevards Implementation Project**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with T.Y. Lin International Engineering & Architecture, P.C. for additional final design and construction support services related to the Priority Bicycle Boulevards Implementation Project. The amendatory agreement shall amend the existing agreement that was authorized by Ordinance No. 2019-339 to increase the maximum compensation by \$85,000 to a new total of \$280,000. The amendatory compensation shall be funded by \$82,075 from 2019-20 Cash Capital and \$2,925 from 2020-21 Cash Capital.

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  
December 15, 2020

To the Council:

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

- |              |                                                                                                     |
|--------------|-----------------------------------------------------------------------------------------------------|
| Int. No. 423 | Authorizing an intermunicipal agreement and funding for the DWI Crackdown Weekend Enforcement Grant |
| Int. No. 424 | Authorizing an amendatory agreement relating to police complaint management services                |
| Int. No. 425 | Authorizing an agreement for ATM machines at the Public Market and International Plaza              |
| Int. No. 426 | Authorizing agreements and funding for the Comprehensive Adolescent Pregnancy Prevention Program    |
| Int. No. 427 | Authorizing an agreement for the Crisis Intervention Services Unit                                  |
| Int. No. 430 | Amending Ordinance No. 2020-333 in relation to replacement of a mounted police patrol horse         |

Respectfully submitted,  
Willie Lightfoot  
Mitch Gruber  
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. 2020-367  
Re: Agreement – Monroe County,  
DWI Crackdown Weekend Enforcement  
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 up to \$4,200 for the 2020-21 STOP DWI Foundation, Inc. Crackdown Weekend Enforcement grant, and amending the 2020-21 Budget of the Police Department by \$2,400 to reflect a portion of this grant. The remaining funds will be included in the 2021-22 Budget of the Police Department.

The grant funds will be used to pay for overtime for police officers and, as necessary for police experts to detect drug abuse in drivers during Memorial Day, Fourth of July and possibly Labor Day holiday crackdowns. This grant does not allow fringe expenses, estimated at \$1,310.

The term of this grant is October 1, 2020 through September 30, 2021. This is the eighth time the City has received this grant.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2020-367  
(Int. No. 423)

**Authorizing an intermunicipal agreement and funding for the DWI Crackdown Weekend Enforcement Grant**

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

Section 1. The Mayor is hereby authorized to enter into an intermunicipal agreement with the County of Monroe for the receipt and use of the 2020-21 STOP DWI Foundation, Inc. Crackdown Weekend Enforcement Grant in the amount of \$4,200. 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 \$2,400 received under the grant agreement authorized in Section 1 herein.

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. 2020-368  
Re: Agreement – Center for Dispute Settlement,  
Complaint Management Services

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Center for Dispute Settlement, Inc. (CDS) (Principal: Frank Alberti) to continue providing services relating to complaints involving members of the Rochester Police Department (RPD). This amendment will continue the agreement authorized in Ordinance No. 2015-410, which presently is set to expire on December 31, 2020. It extends the agreement for up to six months, with the option to extend for up to six additional months. The amendment is also subject to the terms of Section 18-3(A) of the Charter. The maximum compensation for the first six months will be \$75,000 which will be funded from the 2020-21 Budget of the Police Department. Maximum compensation of up to \$75,000 for the optional additional extension of the agreement will be funded from the 2021-22 Budget of the Police Department.

On September 28, 2015, RPD issued a request for proposals (RFP) for Police Complaint Services. The RFP was posted on the City's website and mailed to four local companies: CDS, Action for Better Community, Urban League of Rochester, and Baden Street Settlement. CDS was the sole respondent and has demonstrated its ability to satisfy the requirements set forth in the RFP.

The citizen complaint review process was established by City Council Resolution No. 92-40, and modified by Resolution No. 95-8. CDS will continue to select and train panelists, conduct hearings, provide conciliation services, maintain related records, and provide a Community Advocate. The agreement is being extended with some flexibility as to its termination date in order for the Police Accountability Board to absorb the complaint management responsibility when it is ready to do so.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2020-368  
(Int. No. 424)

**Authorizing an amendatory agreement relating to police complaint management services**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with the Center for Dispute Settlement, Inc. for services relating to citizen complaints involving members of the Rochester Police Department. The agreement authorized in Ordinance No. 2015-410 is hereby amended to continue the term of the agreement up to six additional months to June 30, 2021, and to give the parties the option to extend the term up to six additional months to December 31, 2021. The maximum compensation for the first six months shall be \$75,000, which shall be funded from the 2020-21 Budget of the Police Department. The term and compensation shall be adjusted within these parameters in order to transfer Civilian Review Board functions to the Police Accountability Board consistent with City Charter §18-3A. The maximum compensation for the optional additional extension shall be \$75,000, which shall be funded from the 2021-22 Budget of the Police Department, contingent upon approval.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-369  
Re: Agreement – Sundberg ATM,  
Automated Teller Machines for the  
Rochester Public Market and the  
International Plaza

Council Priority: Creating and Sustaining  
a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:  
Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation authorizing an agreement with Sundberg ATM LLC, 10 Mt. Read Blvd., Suite E, Rochester, New York, to provide and maintain Automated Teller Machines (ATMs) at the Rochester Public Market and the International Plaza. Under the agreement the City will be reimbursed \$1.50 per transaction. No City funds are required for this agreement. The term will be for one year, with the option to extend for four additional one-year terms.

Currently, there are four ATMs at the Public Market. The vendor may install up to three additional units based on demand as well as two at the newly opened International Plaza. The proposed customer fee is \$2.95 per transaction.

Sundberg ATM was selected through a request for proposals process described in the attached summary.



Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment AT-210

Ordinance No. 2020-369  
(Int. No. 425)

**Authorizing an agreement for ATM machines at the Public Market and International Plaza**

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 Sundberg ATM LLC to provide and maintain ATM machines at the Rochester Public Market and the International Plaza. The term of the agreement shall be one year with the option to extend for up to four additional one-year terms. The agreement shall obligate Sundberg ATM LLC to pay to the City of Rochester the sum of \$1.50 per transaction.

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. 2020-370  
Re: Agreements – New York State  
Department of Health, Comprehensive  
Adolescent Pregnancy Prevention Grant

Council Priority: Support the Creation of  
Effective Educational Systems

Comprehensive Plan 2034 Initiative Area:  
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to the Comprehensive Adolescent Pregnancy Prevention (CAPP) Grant program to address teen pregnancy. This legislation will:

1. Authorize an agreement with the New York State Department of Health (NYSDOH) for the receipt and use of \$598,407 for the January 1 through December 31, 2021 program period.
2. Establish \$219,823 as total maximum compensation for the following agreements, funded from the grant authorized herein, for a term of one year:

Baden Street Settlement of Rochester, Inc./	
Metro Council for Teen Potential	\$83,242
Anthony L. Jordan Health Corporation	\$20,000
Rochester Society for the Prevention of Cruelty to Children, Inc.	\$60,044
The YWCA of Western New York, Inc.	\$56,537
<b>TOTAL</b>	<b>\$219,823</b>

The \$145,853 of grant funds apportioned to personnel costs and benefits for four full-time employees for January 1, 2021 through June 30, 2021, was anticipated and included in the 2020-21 Budgets of the Department of Recreation and Human Services and Undistributed Expenses. The remaining \$148,772 apportioned to personnel costs and benefits for those grant-funded employees for July 1, 2021 through December 31, 2021, will be anticipated and included in the 2021-2022 Budgets of the Department of Recreation and Human Services and Undistributed Expenses, contingent upon approval. The remaining \$83,959 will be accounted for in the Teenage Pregnancy Prevention Special Revenue Fund to cover non-personnel expenses such as educational supplies, printing, and office supplies, as well as indirect expenses.

The NYSDOH CAPP Grant program is for a five-year term, from January 1, 2017 through December 31, 2021. This will be year five of the five year grant. The grant was last authorized by City Council Ordinance No. 2019-377. The goal of this program is to significantly reduce the rate of pregnancy among teenagers in targeted areas. The primary goals of the program are to:

- Provide evidence-based curricula in the Rochester City School District and Charter Schools
- Reduce adolescent pregnancy rates in the city of Rochester
- Improve high school graduation rates in the city of Rochester

The program will be locally promoted as RISE and will serve a total of 810 unduplicated youth and 200 parents each year. Rochester teen birth rates have steadily declined since 2008 (from 80 births per 1000 to 29 births per 1000 girls ages 14-19). Please see the attachment for additional information on Rochester youth health trends over time.

Respectfully submitted,  
 Lovely A. Warren  
 Mayor

Attachment No. AT-211

Ordinance No. 2020-370  
 (Int. No. 426)

**Authorizing agreements and funding for the Comprehensive Adolescent Pregnancy Prevention Program**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Health (NYSDOH) for the receipt and use of \$598,407 in funding for the Comprehensive Adolescent Pregnancy Prevention Program (Program) for the January 1, 2021 to December 31, 2021 program period.

Section 2. The Mayor is hereby authorized to enter into professional service agreements to provide Program services with each of the following organizations up to the maximum amount specified therein for a term of one year:

Baden Street Settlement of Rochester, Inc.	\$ 83,242
Anthony L. Jordan Health Corporation	20,000
Rochester Society for the Prevention of Cruelty to Children, Inc.	60,044
The YWCA of Western New York, Inc.	56,537
TOTAL	\$219,823

provided that, in the event that all funds for any listed provider are not expended, the Mayor is authorized to enter into amendatory agreements with one or more of the other above providers to use the unexpended funds to provide additional Program services.

Section 3. The provider agreements shall obligate the City to pay an aggregate amount not to exceed \$219,823, and said amount, or so much thereof as may be necessary, is hereby appropriated from the funds to be received from NYSDOH under the grant agreement authorized in Section 1 herein.

Section 4. Funds in the amount of \$83,959 from the grant agreement authorized in Section 1 are hereby appropriated to the Teenage Pregnancy Prevention Special Revenue Fund to pay for non-personnel and indirect expenses relating to the Program.

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

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2020-371

Re: Agreement – White Bird Clinic

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:

Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum annual compensation for an agreement with the White Bird Clinic (Tim Black, Director of Consulting, Eugene, Oregon) for professional development and technical assistance for the Crisis Intervention Services Unit. The term of the agreement will not exceed one year and will be funded from the 2020-21 Budget of Department of Recreation and Human Services (DRHS), with an option to renew for one additional, one-year term, contingent upon approval of the future budget.

The City's Crisis Intervention Services unit is a newly formed unit within DRHS to respond to crisis situations with trained and experienced behavioral and mental health professionals independent of

law enforcement protocols. The White Bird Clinic will provide technical assistance and professional development to the Crisis Intervention Services Unit including the development of mobile response policies, procedures, and documentation as well as development of routing criteria for crisis calls for service.

The White Bird Clinic was selected based on their more than thirty years of experience in crisis intervention, including the implementation of the successful CAHOOTS (Crisis Assistance Helping Out On The Streets) mobile crisis team in Eugene, Oregon. CAHOOTS is community-based and provides first-responder crisis stabilization utilizing counseling and de-escalation techniques to address non-violent non-criminal crises. Though not driven by law enforcement, CAHOOTS works in collaboration with the Eugene Police Department. The Clinic has been nationally recognized model for the CAHOOTS model and has consulted with many cities including Vancouver (Washington), Denver, San Francisco, and Portland on implementation of mobile crisis services respective cities. A Justification for No RFP is attached.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AT-212

Ordinance No. 2020-371  
(Int. No. 427)

### **Authorizing an agreement for the Crisis Intervention Services Unit**

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 White Bird Clinic to provide professional development and technical assistance to the Crisis Intervention Services Unit. The term of the agreement shall be up to one year with the option to renew for one additional year. The maximum annual compensation for the agreement shall be \$25,000, which shall be funded from the 2020-21 Budget of the Department of Recreation and Human Services (DRHS) for the first year and, for the second optional year, from the 2021-22 Budget of DRHS, contingent upon approval.

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. 2020-372  
Re: Amend Ordinance No. 2020-333

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:  
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation amending Ordinance No. 2020-333 relating to appropriation of funds from the sale of a mounted police patrol horse. The ordinance erroneously amended the Operating Budget of the Police Department in the amount of \$5,100.

This amendment will correct the budget amendment of \$5,100 from the Operating Budget of the Police Department to the 2020-21 Cash Capital Budget of the Police Department.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2020-372  
(Int. No. 430)

**Amending Ordinance No. 2020-333 in relation to the replacement of a mounted police patrol horse**

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

Section 1. Ordinance No. 2020-333, appropriating the proceeds from the sale of a mounted police patrol horse to obtain a replacement, is hereby amended in Section 1 to read 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~~ Cash Capital 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.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

By President Scott  
December 15, 2020

To the Council:

The **COMMITTEE OF THE WHOLE** recommends for **ADOPTION** the following entitled legislation:

Int. No. 433     Approving an appointment to the Police Accountability Board

Respectfully submitted,

Malik Evans  
Mitch Gruber  
LaShay D. Harris  
Mary Lupien  
Miguel Meléndez Jr.  
Michael A. Patterson  
Jose Peo  
Willie J. Lightfoot  
Loretta C. Scott

**COMMITTEE OF THE WHOLE**

**TO THE COUNCIL**

Ladies and Gentlemen:

Resolution No. 2020-42  
Re:     Appointment – Police Accountability  
       Board

Council Priority – Public Safety

Transmitted herewith for your approval is a resolution to approve the appointment of Arlene Brown to the Police Accountability Board (PAB). Ms. Brown was selected from among 3 nominees provided to the City Council by the Police Accountability Board Alliance (PABA) as outlined in Local Law No. 2019-2.

The initial Police Accountability Board members must be appointed to serve staggered terms beginning July 1, 2020. This seat was vacated due to the resignation of the previous Board member and the term will expire on June 30, 2022. Ms. Brown will serve the remaining portion of this term, and will be eligible to serve one additional 3 year term. City residency was verified for Ms. Brown and a resume is on file with the City Clerk.

Respectfully submitted,  
Loretta C. Scott  
President

Resolution No. 2020-42  
(Int. No. 433)

**Approving an appointment to the Police Accountability Board**

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

Section 1. The Council hereby appoints Arlene Brown, who has been nominated for the position by the Police Accountability Board Alliance, to the Police Accountability Board for a term that expires on June 30, 2022.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

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

HAZEL L. WASHINGTON  
City Clerk