

ROCHESTER CITY COUNCIL

REGULAR MEETING

May 11, 2021

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.

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

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

**Retirement:**

**DES:**

- \*Janet Gomez
- \*John McGoggle
- \*Carole Reed

**NBD**

- \*Retha Rogers

**RFD**

- \*John Bretz
- \*Devin Stefano
- \*Jeffrey Vogt

**RPD:**

- \*Samuel Choates
- \*Patricia Colon
- \*Elena Correia
- \*Tracy Dwyer
- \*Antonio Gonzalez
- \*Guy McNamara
- \*Andrew McPherson
- \*Kimberly Rasbeck
- \*John Woods

*\*Not attending meeting*

**APPROVAL OF THE MINUTES**

By Councilmember Peo

RESOLVED, that the minutes of the Regular Meeting on April 13, 2021 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 – **Administrative Cancellation or Refund of Erroneous Taxes and Charges**  
– April 2021

Quarterly Report – **Delinquent Receivables** – March 31, 2021

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

**Councilmember Gruber** on Int. No. 158, **Councilmember Harris** on Int. No. 188,  
**Councilmember Meléndez** on Int. No. 188.

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

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

PUBLIC HEARINGS.

Pursuant to law, public hearings were held on May 6, 2021 on the following matters:

Local Improvement Ordinance - Establishing the operating and maintenance costs of neighborhood commercial and residential parking areas for 2021-22 Int. No. 153

No Comments

Amending the Official Map to release a portion of the North Street Highway Reservation adjoining 37-59 Delevan Street Int. No. 177

No Comments

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

By President Scott

Determining and certifying adjusted base proportions, assessed value, and net changes in assessed value for the 2021 Assessment Roll  
Int. No. 190A

**THE COUNCIL PRESIDENT** --- ROLL CALL

Passed unanimously.

REPORTS OF STANDING COMMITTEES  
AND ACTION THEREON

By Councilmember Evans  
May 11, 2021

To the Council:

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

- Int. No. 152 Authorizing an amendatory agreement providing independent legal counsel services for City Council
- Int. No. 154 Approving the apportionment of taxes and charges
- Int. No. 155 Authorizing an agreement for fireworks displays
- Int. No. 156 Authorizing an agreement for a drone light show
- Int. No. 157 Authorizing an agreement for public music performances
- Int. No. 158 Endorsing the Rochester Food Policy Council
- Int. No. 159 Authorizing the cancellation or refund of erroneous taxes and charges
- Int. No. 160 Authorizing a professional services agreement for real estate title services
- Int. No. 190 Determining and certifying base proportions, current percentages, and base percentages for the 2021 Assessment Roll

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

- Int. No. 153 Local Improvement Ordinance - Establishing the operating and maintenance costs of neighborhood commercial and residential parking areas for 2021-22

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. 2021-127  
Re: Amendatory Agreement – Emery, Celli,  
Brinkerhoff, Abady, Ward & Maazel LLP –  
Independent Investigation and Legal  
Services for City Council

Transmitted herewith for your approval is legislation establishing \$54,600 as maximum compensation for an amendatory agreement with Emery, Celli, Brinkerhoff, Abady, Ward & Maazel LLP, New York, NY (principal: Andrew Celli) for legal services relating to funding an independent investigation into the internal communications, processes, and procedure that took place related to the death of Daniel Prude while in police custody.

The original agreement for \$100,000 was authorized by Ordinance 2020-283 for case expenses for the Prude Matter. This amendment will increase total compensation to \$154,600. This amendatory agreement will be funded by the 2020-21 Budget of the City Council and Clerk.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2021-127  
(Int. No. 152)

**Authorizing an amendatory agreement providing independent legal counsel services for City Council**

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

Section 1. The Council President is hereby authorized to enter into an amendatory professional services agreement with the law firm of Emery, Celli, Brinkerhoff, Abady, Ward & Maazel LLP relating to an independent investigation into the City's communications, processes, and procedures that took place related to the death of Daniel Prude in police custody. The amendatory agreement shall increase the maximum compensation by \$54,600 to a new total of \$154,600. The additional compensation shall be funded from the 2020-21 Budget of City Council and Clerk.

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:

Local Improvement Ordinance No. 1782  
 Re LIO Continuing Assessments and  
 Agreements for Special District  
 Parking Lots

Council Priority: Jobs and Economic  
 Development

Transmitted herewith for your approval is a local improvement ordinance (LIO) authorizing special district tax assessments for each of six neighborhood commercial and residential parking lots during 2021-22 and authorizing the City to enter into one-year agreements with various contractors to operate and maintain each of the lots. The LIO authorizes total aggregate special district tax assessments for fiscal year 2021-22 in the amount of \$63,605, as broken down by individual districts in the chart below. The legislation also authorizes a total aggregate 2021-22 budget of \$65,605 for the operation and maintenance of the parking lots. The total aggregate district budget exceeds the total aggregate assessments by \$2,000 because the Monroe Avenue/Oxford Square district has a \$2,000 roll-over from prior years' assessments.

Lot Name	21/22 Budget	20/21 Budget	Variance	Reason	Consultant/Contractor
Lyell Avenue	\$9,955	\$9,955	\$0	N/A	Quality Home Furnishings, LLC/ Thomas Sullivan
Monroe/Oxford	\$16,200	\$16,200	\$0	N/A	Thomas M. Adams Realty, LLC/ Thomas Adams
Woodside/Goodwill	\$15,150	\$14,850	\$300	Increase in utilities & insurance	Woodside Goodwill Parking Lot LLC/ Dominic C. Zicari
Culver/Merchants	\$10,650	\$9,810	\$840	Increase in utilities & insurance	Culver Merchants Business Association, Inc./ Ann Page
North Street	\$12,650	\$12,650	\$0	N/A	Domicello Enterprises, LLC/ Phillip Domicello
Mt Hope	\$1,000	\$1,000	\$0	N/A	1400 Mt. Hope Ave LLC/ David L. Gandell
<b>Total Budgets</b>	<b>\$65,605</b>	<b>\$64,465</b>	<b>\$1,140</b>		
<b>Rollover Monroe/Oxford</b>	<b>-\$2,000</b>	<b>-\$2,000</b>		Carry over from prior year	
<b>Total Assessments</b>	<b>\$63,605</b>	<b>\$62,465</b>	<b>\$1,140</b>		

The City Council first authorized the establishment of Special Assessment District parking lots in 1979 in Resolution Nos. 79-15 and 79-16. The authorized districts currently are: Lyell Avenue, Monroe Avenue/Oxford Square, Woodside/Goodwill, Culver/Merchants, and Mt. Hope, in the Collegetown district. Annual operating and maintenance costs of the areas are assessed against all properties within the district according to their respective parking space requirements.

The assessments fund snow plowing, cleaning, landscaping, maintenance, lighting and parking enforcement. These services are provided either by City personnel, by private companies

under contract to the City, or by the property owners themselves. It is impractical to go out to bid due to the direct involvement of each contractor to each respective lot.

A public hearing is required for these local improvements.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AU-65

Local Improvement Ordinance No. 1782  
(Int. No. 153)

**Local Improvement Ordinance - Establishing the operating and maintenance costs of neighborhood commercial and residential parking areas for 2021-22**

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

Section 1. The 2021-22 assessment for operation and maintenance of the special assessment district parking lots listed below shall be \$63,605. The assessment amounts are hereby authorized and appropriated and shall be allocated and levied against the properties benefited by the special assessment district parking lots that were established and continued by the Local Improvement Ordinances (LIOs) specified, as follows:

<b>Lot Name</b>	<b>Establishing LIO No.</b>	<b>Last Amended LIO No.</b>	<b>2021-22 Assessment</b>
Lyell Avenue	1548	1704	\$ 9,955
Monroe/Oxford	1289	1770	\$14,200
Woodside/Goodwill	1517	1665	\$15,150
Culver/Merchants	1534	1688	\$10,650
North Street	1258	1771	\$12,650
Mt. Hope	1651	NA	\$ 1,000

Section 2. The 2021-22 budget for the operation and maintenance of the special assessment district parking lots shall be \$65,605, comprised of the assessed amounts specified in Section 1 herein, plus \$2,000 in funds for the Monroe/Oxford district that are left over from that district's prior assessments.

Section 3. It is hereby determined that it is impracticable to have the work described herein done by competitive contract. Therefore, contracts for the work described herein may be awarded to such qualified persons, companies or neighborhood associations as may be selected from those located in or adjacent to the aforementioned special assessment districts.

Section 4. This ordinance shall take effect on July 1, 2021.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2021-128  
Re: Apportionment of Taxes and Charges

City Council Priority: Deficit Reduction and  
Long Term Financial Stability

Transmitted herewith for your approval is legislation authorizing the apportionment of taxes and charges for 17 properties. This apportionment has been certified by the Assessor and is authorized by §6-78 of the City Charter.

The apportionment consists of City and School taxes and special district charges on properties subdivided or combined in 2020-2021. These taxes and charges, which total \$78,891.78, will be added to the new accounts established by the subdivisions or combinations of the former accounts.

If the proposed apportionment is approved, the taxes and charges will be added to the July 2021 tax bills of the new accounts. Owners of the subdivided or combined properties will be notified in writing of the potential charges in May 2021.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AU-66

Ordinance No. 2021-128  
(Int. No. 154)

**Approving the apportionment of taxes and charges**

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

Section 1. The Council hereby approves the apportionment of taxes and charges upon 17 parcels of land as certified by the Assessor of the City of Rochester on April 12, 2021, pursuant to Section 6-78 of the Charter of the City of Rochester, in accordance with the list which is available in the Office of the City Clerk.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2021-129

Re: Agreement - Young Explosives Corp.,  
Fireworks Displays

Council Priority: Creating and Sustaining a  
Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:  
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum compensation for an agreement with Young Explosives Corp. (Jim Young, Principal), Brighton, New York, to provide fireworks displays. The term of the agreement is one year, and the cost will be funded from the 2021-22 Budget of the Bureau of Communications, contingent upon adoption of said budget.

The agreement will allow Young Explosives, Corp. to provide large and/or small scale aerial fireworks displays if and when the City's event programming requires it. Depending on the the New York State executive orders regarding mass gatherings and events, the City may use Young Explosives for the Fourth of July. Authorization of the funding will provide the City with maximum flexibility to hold a display as time and conditions permit.

Young Explosives Corp. will be responsible for obtaining the necessary permits from the Fire Department and for acquiring the necessary liability insurance. To be licensed in the United States, all fireworks manufacturers and dealers must meet state and federal regulations stating that no persons under the age of 18 are employed; Young Explosives Corp. does not employ any persons below the age of 18. The company also has assured us that their domestic purchases come solely from licensed vendors.

An agreement for the same amount was authorized by Ordinance 2020-155 in June 2020. An agreement was never executed due to New York State Covid-19 restrictions.

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

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AU-67

Ordinance No. 2021-129  
(Int. No. 155)

**Authorizing an agreement for fireworks displays**

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 Young Explosives Corp. to provide fireworks displays. The maximum compensation shall be \$30,000, which



shall be funded from the 2021-22 Budget of the Bureau of Communications, contingent upon approval. 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:

Ordinance No. 2021-130

Re: Agreement – Firefly Drone Shows, LLC,  
Drone Light Show

Council Priority: Creating and Sustaining a  
Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:  
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation establishing \$65,000 as maximum compensation for an agreement with Firefly Drone Shows, LLC (Kyle Dorosz, President), Waterford Township, Michigan, to provide a drone light show. The term of the agreement is one year with three, one-year renewal options. The cost for the first year will be funded from the 2020-2021 Budget of the Bureau of Communications. Subsequent years will be funded with future budgets of the Bureau of the Communications, contingent upon their approval.

The agreement will allow Firefly Drone Shows (or Firefly) to provide an aerial drone light show on a date to be mutually determined between the City and vendor in 2021. Depending on the New York State executive orders regarding mass gatherings and events, the City may host the show on the Fourth of July, or on a subsequent date agreed upon by both parties. Authorization of the funding will provide the City with maximum flexibility to hold a display as time and conditions permit.

Firefly Drone Shows, LLC was established in 2017 and began providing drone light shows in 2018. As the 3<sup>rd</sup> company in the world to be fully licensed by the United States Federal Aviation Administration, they've performed shows across the U.S. and internationally. Previous clients include T-Mobile, Capital One, Acura, Ford Motor Co., the University of Illinois, as well as the Town of North Hempstead, NY, and the Milwaukee Downtown BID.

A request for qualifications was issued on March 31, 2021. Firefly was the only response. An interdepartmental team composed of staff from Communications and Special Events, the Rochester Police Department, and the Rochester Fire Department reviewed the submission and had a question and answer session with the vendor.

Respectfully submitted,  
Lovely A. Warren  
Mayor

**Authorizing an agreement for a drone light show**

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 Firefly Drone Shows, LLC to provide a drone light show. The term of the agreement shall be one year with the option to extend for up to three additional one-year periods. The maximum annual compensation shall be \$65,000, which shall be funded from the 2020-21 Budget of the Bureau of Communications for the initial term and from future years' Budgets of the Bureau of Communications, contingent upon approval, for any optional extended terms.

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, Councilmember Evans, Harris, Lightfoot, Lupien, Meléndez, Patterson, Peo – 8.

Nays – Councilmember Gruber -1.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2021-131  
Re Agreement – Rochester Philharmonic  
Orchestra Inc., Music Performances

Council Priority: Creating and Sustaining  
a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum compensation for an agreement with the Rochester Philharmonic Orchestra Inc. (RPO), Rochester, New York, for music performances. The term of the agreement is one year, and cost of the agreement will be funded from the 2020-21 Budget of Communications.

Depending on scheduling and musician availability, the RPO will provide up to six free outdoor concerts in May and/or June 2021. The concerts will be similar to the “Around the Town” series that the City produces annually each July with the RPO, featuring various ensembles from the full orchestra. These are a small-scale way of bringing music to the neighborhoods and Center City while staying within the current New York State mass gathering restrictions.

In 2019, an agreement for \$70,000 was approved via ordinance 2019-213. This amount is what is historically approved for RPO events, and it also includes a full orchestra concert. This agreement is

adjusted to only provide funding for the smaller ensemble series to occur before the end of the current fiscal year.

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

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AU-69

Ordinance No. 2021-131  
(Int. No. 157)

### **Authorizing an agreement for public music performances**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Philharmonic Orchestra Inc. to provide public music performances. The maximum compensation shall be \$40,000, which shall be funded from the 2020-21 Budget of the Bureau of Communications. 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:

Ordinance No. 2021-132  
Re: Endorsing the Rochester Food Policy  
Council

Council Priority: Creating and Sustaining a  
Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:  
Reinforcing Strong Neighborhoods, Sustaining  
Green and Active Systems

Transmitted herewith for your approval is legislation endorsing the City of Rochester's participation in the establishment and implementation of the Rochester Food Policy Council.

During the development of *Rochester 2034*, residents shared input, issues, and ideas about improving access to quality, affordable food in the city. Many conversations included a desire for more community gardens and urban agriculture, better access to healthy food retail in city neighborhoods, and decreasing the negative impacts of corner stores on commercial corridors. As a

result, *Rochester 2034* includes numerous strategies to improve access to healthy food, including convening a local Food Policy Council.

A Food Policy Council is a tool used in many cities to engage community members and stakeholders in an effort to foster an equitable, healthy food system. More than 300 Food Policy Councils operate across the country.

The City, Foodlink, Common Ground Health, and residents have been working to develop a Food Policy Council for Rochester. The goal is for the Food Policy Council to be resident-driven and representative of the diversity of the city. It will focus on researching, developing, and recommending policies related to the food system; advising governments and organizations on food-related plans, reports, and programs; and engaging the public and building community awareness of food system issues.

Throughout the planning process, hundreds of community members participated in public events and surveys to learn about this effort and provide feedback on the structure of the Food Policy Council and what issues it should prioritize. The planning team also consulted with national experts to learn about Food Policy Councils in other cities to inform the best structure for Rochester.

The City will maintain a representative on the Food Policy Council who is appointed by the Mayor. This representative will serve in an administrative seat, providing support and serving as a liaison with the Mayor and City Council to ensure that the City considers policy recommendations generated by the Food Policy Council.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AU-70

Ordinance No. 2021-132  
(Int. No. 158)

### **Endorsing the Rochester Food Policy Council**

WHEREAS, during the development of *Rochester 2034*, residents shared input, issues, and ideas about improving access to quality, affordable food in the city, and discussed a desire for more community gardens and urban agriculture, better access to healthy food retail in city neighborhoods, and decreasing the negative impacts of corner stores on commercial corridors;

WHEREAS, *Rochester 2034* has an emphasis on equity and healthy living and includes numerous strategies to improve access to healthy food and reduce the abundance of unhealthy food, including convening a local Food Policy Council;

WHEREAS, there are more than 300 Food Policy Councils in communities across the country working with community members and stakeholders to foster an equitable, healthy food system;

WHEREAS, the City of Rochester, Common Ground Health, Foodlink, and city residents have been working to develop a Food Policy Council for Rochester;

WHEREAS, community members and local organizations have been engaged in the planning process and have provided input on the proposed Rochester Food Policy Council;

WHEREAS, the goal is for the Rochester Food Policy Council to be resident-driven, representative of the diversity of the city, and work toward fostering a food system that supports the health of the environment, where every resident has equitable access to high-quality foods that support their health and opportunities to participate in a vibrant local food economy; and

WHEREAS, the Rochester Food Policy Council will focus on researching, developing, and recommending policies related to the food system; advising governments and organizations on food-related plans, reports, and programs; and engaging the public and building community awareness of food system issues.

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

Section 1. The Council hereby endorses the City's participation in the establishment and implementation of the Rochester Food Policy Council.

Section 2. The Mayor shall appoint a City of Rochester employee to represent the City on the Food Policy Council and support the work of the Food Policy Council.

Section 3. The Mayor and City Council shall review and consider policy recommendations from the Food Policy Council.

Section 4. This ordinance shall take effect immediately.

Passed by the following:

Ayes – President Scott, Councilmember 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. 2021-133  
Re: Cancellation or Refund of  
Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$15,250.00.

The property located at 158 Lyell Avenue had a history of being vacant and was a blight to the neighborhood. The current owner purchased the property with the intent to rehabilitate the building. At the time of purchase, the buyer was not aware of the total fines against the property and did not believe they would be responsible for the fines issued to the prior owner. The amount of fines levied against the building does not make the project viable. The code violation fines will be sent to collection against the former owner.

A defaulted ticket amount of \$3,900 was added to the tax bill in error prior to a postponed hearing due to the pandemic shut down for the property located at 133 Maryland Street. The hearing was

finally able to occur after the fine was added to the tax bill. The owner was found not guilty during the hearing because title to the property had transferred prior to the ticket being issued. Title to the property transferred on July 10, 2019, the ticket wasn't issued until October 16, 2019 and the deed wasn't recorded until August 26, 2020.

If these cancellations are approved, total cancellations thus far for 2020-21 will be as follows:

	<u>Accounts</u>	
City Council	137	\$591,559.15
Administrative	<u>227</u>	<u>\$31,733.04</u>
Total	364	\$623,292.19

These cancellations represent 0.2278% of the tax receivables as of July 1, 2020.

Respectfully submitted,  
 Lovely A. Warren  
 Mayor

Attachment No. AU-71

Ordinance No. 2021-133  
 (Int. No. 159)

**Authorizing the cancellation or refund of erroneous taxes and charges**

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

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

(A)	S.B.L. #	Class	Address	Tax Year	Amount Cancelled	Subtotal
	105.68-1-33	N	158 Lyell Avenue	2020	\$11,350.00	\$11,350.00

This property had a history of being vacant and was a blight to the neighborhood. The current owner purchased the property with the intent to rehabilitate the building. At the time of purchase, the buyer was not aware of the total code violation fines against the property and did not believe they would be responsible for the fines issued to the prior owner. Paying the high amount of fines levied against the property would make the present owner's rehabilitation project unviable. The fines will be sent to collection against the former owner.

(B)	S.B.L. #	Class	Address	Tax Year	Amount Cancelled	Subtotal
	105.26-2-53	H	133 Maryland St	2021	\$3,900.00	\$3,900.00

A defaulted ticket amount of \$3,900 for this property was added to the tax bill in error prior to a Municipal Code Violations Bureau hearing that had been postponed due to the pandemic. At the hearing conducted after the fine was added to the tax bill, the owner was found not guilty because title to the property had transferred prior to the ticket being issued. Title to the property transferred

on July 10, 2019, before the issuance of the ticket on October 16, 2019. The transfer in ownership was not detected prior to the issuance of the ticket because the deed was not recorded until August 26, 2020.

**GRAND TOTAL \$15,250.00**

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2021-134  
Re: Amendatory Agreement – Independent  
Title Agency, LLC, Real Estate Title  
Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Independent Title Agency, LLC, Brighton, New York (Denise Harbaugh, Manager), for the continued provision of real estate title services in support of the City's tax foreclosure action and other real estate transactions. The amendatory agreement will authorize the term of the contract to be extended for another year, through the conclusion of fiscal year 2022, and will authorize an additional fee of up to \$135,000 from the 2021-2022 Budget of Undistributed Expenses, contingent upon adoption.

Each year, the City requires title services for properties that are involved in tax foreclosure proceedings and other real estate transactions. These services have been provided by Independent Title Agency under agreements authorized by City Council in 2002, 2005, 2006, 2009, 2012, 2015 and, most recently, 2018. The 2018 legislation authorized a one year agreement with two annual renewals, with an annual not-to-exceed fee of \$135,000 to be funded from the 2018-2019, 2019-2020, and 2020-2021 Budgets of Undistributed Expenses. While the City did not undertake a tax foreclosure proceeding during calendar year 2020 due to the COVID-19 pandemic, it recently decided to move forward with a tax foreclosure proceeding this year involving a smaller pool of properties and, therefore, a one-year extension of the current agreement is required.

The last time that the City issued a request for proposals (RFP) for this title work was in 2015; the City anticipates issuing another RFP during fiscal year 2022 but did not have time to issue one before deciding to undertake the tax foreclosure action this year. the final report of the Celli Investigation and any response thereto.

Respectfully submitted,  
Lovely A. Warren  
Mayor

**Authorizing a professional services agreement for real estate title 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 Independent Title Agency, LLC to provide additional real estate title services in support of the City’s tax foreclosure action and other real estate transactions. The amendatory agreement shall modify the existing agreement authorized by Ordinance No. 2018-220 by extending the term to June 30, 2022 and by increasing the maximum compensation by \$135,000. The amendatory compensation shall be funded from the 2021-22 Budget of Undistributed Expenses, contingent upon its adoption.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2021-135

Ordinance No. 2021-136

Re: Tax Apportionment Assessment Classes – Tax Shift

Council Priority: Deficit Reduction and Long Term Financial Stability

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation certifying certain calculations related to the apportionment of property taxes between the homestead and non-homestead assessment classifications. Such certification is required by Article 19 of the New York State Real Property Tax Law.

The certification involves the determination of the “base proportion.” In general, the base proportion for each class represents the share of the property tax levy to be allocated to that class. This determination involves two computations. The first is the calculation of the current base proportions using 1989 and 2020 data. The second is the calculation of the adjusted base proportions using 2020 and 2021 data. Both calculations are attached.

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

Homestead:	.4167488
Non-Homestead:	<u>.5832512</u>
Total:	1.0000000



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

Homestead:	.4160944
Non-Homestead:	<u>.5839056</u>
Total:	1.0000000

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

Homestead:	-2.12%
Non-Homestead:	+1.56%

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2021-135  
(Int. No. 190)

**Determining and certifying base proportions, current percentages, and base percentages for the 2021 Assessment Roll**

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

Section 1. Under Section 1903 of the Real Property Tax Law, the Council determines the current base proportions, current percentages, and base percentages for the City's 2021 assessment roll to be as follows:

	<u>Homestead Class</u>	<u>Non-Homestead Class</u>
Current base proportions	41.67488%	58.32512%
Current percentage	60.11470%	39.88530%
Base percentage	52.03550%	47.96450%

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2021-136  
(Int. No. 190A)

**Determining and certifying adjusted base proportions, assessed value, and net changes in assessed value for the 2021 Assessment Roll**

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

Section 1. Under Section 1903 of the Real Property Tax Law, the Council determines the adjusted base proportions, assessed value, and net change in assessed value for the City's 2021 assessment roll to be as follows:

	<u>Homestead Class</u>	<u>Non-Homestead Class</u>
Adjusted base proportion	.4160944	.5839056
Taxable assessed value	4,547,141,792	3,001,105,255
Net change in assessed value from 2020 resulting from physical and quantity changes	+12,453,950	+1,796,585
Net change in assessed value from 2020 resulting from other than physical and quantity changes	-964,350	-12,913,862

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Patterson  
May 11, 2021

To the Council:

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

- Int. No. 161     Authorizing the sale of real estate
- Int. No. 162     Authorizing the acquisition of 39, 43, 47 and 51 Merrimac Street
- Int. No. 163     Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$60,000 Bonds of said City to finance costs to acquire 39, 43, 47 and 51 Merrimac Street

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. 2021-137  
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 four 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, 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, 6 Madison Street, is listed on the attached spreadsheet under the heading I. Sale of Improved Property and is being sold to Rochester Land Bank Corporation. The property will be included in a grant program that will provide rehabilitation subsidy subject to a ten-year owner-occupancy requirement or a ten-year requirement to rent at HUD fair market rent levels.

The second property, 106 White Street, is listed on the attached spreadsheet under the heading, II. Request for Proposal – Vacant Land. This lot was offered online via request for proposal. The purchaser will combine the parcel with his two adjoining parcels to construct a 7,000 square foot addition to his existing automotive storage building.

The third and fourth properties – the East Portion of 64 Aebersold Street and 157-161 Avenue B, respectively – are listed on the attached spreadsheet under the heading, III. Negotiated Sale - Unbuildable Vacant Land. Each 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 four properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$2,216.

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. AU72

Ordinance No. 2021-137  
(Int. No. 161)

**Authorizing the sale of real estate**

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

Section 1. The Council hereby approves the negotiated sale of the following parcel of improved property:

<b>Address</b>	<b>SBL#</b>	<b>Lot Size</b>	<b>Use</b>	<b>Price</b>	<b>Purchaser</b>
6 Madison St	120.36-1-28.002	39 x 44	2 Family	\$8,000	Rochester Land Bank Corporation

Section 2. The Council hereby approves the negotiated sale with proposal of the following parcel of vacant land:

<b>Address</b>	<b>SBL#</b>	<b>Lot Size</b>	<b>Sq. Ft.</b>	<b>Price</b>	<b>Purchaser</b>
106 White St	105.68-1-62	50 x 71	3,530	\$800	Neil Silvarole

Section 3. The Council hereby approves the negotiated sale of the following vacant unbuildable parcels of land for \$1:

<b>Address</b>	<b>SBL#</b>	<b>Lot Size</b>	<b>Sq. Ft.</b>	<b>Purchaser</b>
East Portion of 64 Aebersold St	Portion of 106.35-1-93.001	20 x 70	1,400	Joseph Woods
157-161 Avenue B	106.21-1-18	52 x 40	2,094	Stick Fram Corp

Section 4. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2021-138  
Ordinance No. 2021-139  
Re: Acquisitions – 39, 43, 47 & 51  
Merrimac St

Council Priority: Rebuilding and Strengthening  
Neighborhood Housing

Comprehensive Plan 2034 Initiative Area:  
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing the acquisition of real property by negotiation of four properties on Merrimac Street as part of an assemblage of land for the Upper Falls Housing Initiative and the issuance of bonds in the amount of \$60,000 to finance the acquisition and closing costs related to these property acquisitions. The four (4) property addresses are noted below with the appraised values and property use:

Address	Reputed Owner	SBL #	Type	Maximum Acquisition Amount
39 Merrimac St	Estate of James Peterson	106.40-4-46.002	1 Family	\$40,000
43, 47 and 51 Merrimac St	James Peterson Jr, Timothy Peterson, George Peterson and David Peterson	106.40-4-47; 106.40-4-48; 106.40-4-49	Vacant Land	\$10,000

The maximum acquisition amounts are supported through independent appraisals performed by Steven V. Ferrara of Midland Appraisal Associates, Inc. from June 2020-January 2021. These prices do not include any consideration for environmental or geotechnical conditions and assume environmentally clean sites.

The existing vacant structure (39 Merrimac St) will be demolished and the resulting vacant lot will be graded and seeded. The demolition of the vacant house will be funded through 2020-2021 Cash Capital. The remaining 3 parcels on Merrimac St are vacant lots. A property project-area map is included.

Pursuant to the requirements of the New York State Environmental Quality Review Act (SEQRA), a determination regarding the environmental significance of this acquisition will be made prior to City Council approval.

All City taxes and current year charges shall be cancelled from the date of acquisition closing forward. If the present owner has paid any taxes or other current year charges attributable to the period after closing, such charges shall be credited to the owner at closing, and may, if appropriate,

be refunded. Any taxes levied after the date of closing while the City owns the parcels, shall also be cancelled.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AU-73

Ordinance No. 2021-138  
(Int. No. 162)

**Authorizing the acquisition of 39, 43, 47 and 51 Merrimac Street**

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

Section 1. The Council hereby approves the acquisition by negotiation of the parcels described below for a maximum aggregate purchase price of \$50,000. The purchase price as well as necessary closing costs shall be funded from the proceeds of a concurrent bond ordinance.

<b>Address</b>	<b>Reputed Owner</b>	<b>SBL #</b>	<b>Lot Size</b>	<b>Maximum Acquisition Amount</b>
39 Merrimac St	James Peterson Estate	106.40-4-46.002	±0.36 acre	\$40,000
43, 47 and 51 Merrimac St	James Peterson Jr, Timothy Peterson, George Peterson and David Peterson, together for all 3 lots	106.40-4-47 106.40-4-48 106.40-4-49, respectively	±0.11 acre ±0.05 acre ±0.07 acre, respectively	\$10,000, for all 3 lots collectively

Section 2. Upon the date of closing, any City taxes and other charges owed against said parcel shall be canceled. Any taxes levied after the date of closing, while the City owns the parcel, shall also be cancelled. The property shall be conveyed to the City with no other outstanding liens.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2021-139  
(Int. No. 163)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$60,000 Bonds of said City to finance costs to acquire 39, 43, 47 and 51 Merrimac Street**

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 to acquire real estate parcels located at 39, 43, 47 and 51 Merrimac Street as part of the initial stage assemblage of land for the Upper Falls Housing Initiative (the "Project"). The estimated maximum cost of said class of objects or purposes for this stage of the Project, including the purchase price, closing costs, other preliminary costs and costs incidental thereto and the financing thereof, is \$60,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$60,000 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 \$60,000 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 \$60,000. 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.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2021-140  
Re: Agreement – The Legal Aid Society of  
Rochester, New York – COVID-Related  
Housing Relief Fund

Council Priority: Rebuilding and Strengthening  
Neighborhood Housing

Comprehensive Plan 2034 Initiative Area:  
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation establishing \$165,000 as maximum compensation for an agreement with The Legal Aid Society of Rochester, New York (Principal: Carla Palumbo, 1 West Main Street, Rochester, NY) for administration of a COVID-Related Housing Relief Fund. The cost of the agreement will be funded by a portion of the New York State Anti-Displacement Learning Network (ADLN) grant funds authorized for receipt from Enterprise Community Partners, Inc. via Ordinance No. 2021-8 on January 19, 2021. The term of the agreement will be one year.



In response to the ongoing COVID-19 pandemic, this grant award will go towards an Emergency Fund to cover pandemic-related emergency and peripheral expenses that affect the ability of a lower-income rental household to pay for housing, but are not covered by other community and federal resources such as CDBG-CV or the Eviction Prevention Pilot Initiative (EPPI). The Legal Aid Society of Rochester, New York (Legal Aid) will administer the Fund and provide financial assistance on behalf of households at risk of housing displacement and affected by the COVID-19 pandemic, with incomes at or below 100% MFI (currently \$76,400 for a household of 4) while prioritizing those with lower incomes and/or female-headed households. The Fund includes \$150,000 for direct assistance and \$15,000 for agency administration costs.

Eligible financial assistance may include but would not be limited to the following:

- supplementing household's eligible assistance for other funds if those funds have a cap (ex., CDBG-CV or ESG-CV);
- rent arrears if household is not eligible for other assistance;
- utility arrears or service turn-on payment;
- financial assistance for new unit (may include first month's rent, security deposit, and/or moving expenses, if case can be made that new unit will increase housing stability and reduce transience);
- payments in certain circumstances to a landlord to complete minor health/safety issues that are directly causing household to be ineligible for other financial assistance.

An RFP for *COVID-Related Housing Relief* was issued on March 5, 2021. Legal Aid was identified as the recommended consultant through the process described in the attached Vendor Selection Form. The selection committee included City staff from Housing, Law/Policy, and Planning, as well as ADLN team representatives from Catholic Family Center, the City-Wide Tenant Union of Rochester, and the Anthony L. Jordan Health Corporation.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AU-74

Ordinance No. 2021-140  
(Int. No. 164)

### **Authorizing an agreement for a COVID-Related Housing Relief Fund**

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with The Legal Aid Society of Rochester, New York for administration of a COVID-Related Housing Relief Fund. The maximum compensation for the agreement shall be \$165,000, which shall be funded from the New York State Anti-Displacement Learning Network grant funds appropriated in Ordinance No. 2021-8. 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.

By Councilmember Gruber  
May 11, 2021

To the Council:

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

- Int. No. 165 Authorizing an amendatory agreement for occupational and environmental core training services
- Int. No. 166 Authorizing an agreement to implement a Remedial Action Work Plan for the former Emerson Street Landfill
- Int. No. 167 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$2,155,000 Bonds of said City to finance implementing a Remedial Action Work Plan for the former Emerson Street Landfill
- Int. No. 168 Authorizing an agreement for a corrosion control treatment study
- Int. No. 169 Authorizing an agreement for drinking water laboratory services for Cobbs Hill and Highland Reservoirs
- Int. No. 170 Authorizing an agreement for drinking water quality laboratory services
- Int. No. 171 Authorizing an agreement for waste water analysis
- Int. No. 172 Authorizing an agreement for the Pedestrian Safety Action Plan – Phase III project
- Int. No. 173 Resolution authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of the Pedestrian Safety Action Plan Phase III transportation federal-aid project, and appropriating funds therefor
- Int. No. 174 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$250,000 Bonds of said City to finance the Eastman Trail Phase I project
- Int. No. 175 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$250,000 Bonds of said City to finance improvements for the Roc City Skatepark
- Int. No. 176 Appropriating Community Development Block Grant funds to playground improvements
- Int. No. 178 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$685,000 Bonds of said City to finance the 2021 Annual Parking Garage Repair & Reconstruction Project

Int. No. 179 Authorizing an agreement for the 2021 Annual Parking Garage Evaluation & Repair Project

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

Int. No. 177 Amending the Official Map to release a portion of the North Street Highway Reservation adjoining 37-59 Delevan Street

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

Received filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2021-141  
Re: Amendatory Agreement – Yehl  
Environmental, Incorporated –  
Occupational and Environmental  
Core Training Services for the  
Rochester’s Environmental Job  
(REJob 2.0) Training Program

Comprehensive Plan 2034 Initiative Area:  
Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation related to funding for additional training in support of employer requested certifications for REJob 2.0 program graduates.

This legislation will authorize an amendatory agreement with Yehl Environmental Incorporated, (Darren Yehl, President, 460 State Street Rochester, NY) in the amount of \$95,400 to provide additional employer requested training for certifications including but not limited to Asbestos Project Monitor and Air Sampling Technician.

In December 2019, City Council authorized an agreement with Yehl Environmental Incorporated (Ordinance No. 2019-375) which established \$85,400 as maximum compensation to provide occupational and health and safety training services as part of the City’s Rochester Environmental REJob 2.0 training program. These services, including the additional training in the amendatory agreement, are funded with the Environmental Workforce Development and Job Training Program (EWDJT) grant from the United States Environmental Protection Agency (USEPA) also authorized in the Ordinance referenced above.

The objectives of the REJob 2.0 program are to recruit and train unemployed or underemployed City residents in core occupational and environmental areas that provide certifications toward work in the asbestos abatement, hazardous waste remediation, and environmental cleanup fields. Yehl

Environmental Incorporated provides core training to all students as well as additional training for certifications for high achieving students after the core training is completed.

The additional employer requested training has been designed based on substantial input from environmental employers and the Workforce Advisory Council and will continue through late fall 2021.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2021-141  
(Int. No. 165)

**Authorizing an amendatory agreement for occupational and environmental core training 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 Yehl Environmental Incorporated to provide additional training for employer requested certifications as part of the Rochester Environmental Job (REJob 2.0) Training Program. The amendatory agreement shall amend the existing agreement authorized by Ordinance No. 2019-375 to increase the maximum compensation by \$10,000 to a new total of \$95,400. The amendatory compensation shall be funded from United States Environmental Protection Agency grant funds appropriated in Ordinance No. 2019-375.

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. 2021-142  
Ordinance No. 2021-143  
Re: Bond Authorization & Professional  
Services Agreement Environmental  
Services, Former Emerson Street Landfill  
Inactive Hazardous Waste Disposal  
Site Cleanup

Comprehensive Plan 2034 Initiative Area:  
Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to environmental cleanup services at the Former Emerson Street Landfill, 1700 Emerson Street (the Site). This legislation will:

1. Establish \$ 2,213,600 as maximum compensation for a professional services agreement with LaBella Associates, D.P.C. (LaBella), Steve Metzger, Principal in Charge, Rochester, New York, 14614, for remedial cleanup services; and,
2. Authorize the issuance of bonds totaling \$2,155,000 (and the appropriation of the proceeds thereof to finance the project.

The balance of the agreement, \$58,600, will be financed from bonds previously authorized by City Council (Ordinance No. 2015-095).

The City owned and operated the approximately 250-acre landfill known as the Former Emerson Street Landfill (FESL) from the 1940s through 1971 for the disposal of municipal solid waste. The FESL is currently comprised of more than 40 individual parcels, with the majority developed by privately-owned commercial and industrial facilities constructed subsequent to the closure of the FESL. The Edison Career & Technology High School is also located on a portion of the FESL; however, investigations have confirmed that the FESL waste was removed prior to construction of the school building complex.

Since 2000, the City and LaBella have performed environmental investigations on several portions of the FESL in an effort to define the extent of the groundwater contaminated with chlorinated volatile organic compounds (VOCs) and to evaluate soil vapor intrusion associated with the FESL. The source of the VOC groundwater contamination plume is located on the northern portion of the City-owned 1700 Emerson Street property, an approximate 12-acre vacant land parcel that is designated by the New York State Department of Environmental Conservation (NYSDEC) as Inactive Hazardous Waste Disposal Site (IHWDS). Under an Order on Consent between the City and the NYSDEC executed in 2009, LaBella, on behalf of the City, has performed extensive investigations at the FESL, including a Remedial Investigation, a Remedial Pilot Study, a Feasibility Study, and a Design Phase Investigation to evaluate potential remedial cleanup remedies.

In March 2020, a Record of Decision (ROD) was issued by the NYSDEC documenting the selected cleanup remedy for the VOC groundwater plume at FESL, which will consist of a 400 foot long blasted bedrock trench filled with Zero-Valent Iron (ZVI) to act as a Permeable Reactive Barrier (PRB) to remediate VOC contaminated groundwater flowing through the PRB. The ROD remedy also requires Monitored Natural Attenuation, a minimum 1-foot clean site over cap, a Site Management Plan with various Environmental and Institutional Controls, and a long-term Operation and Maintenance (O&M) Plan. In March 2021, LaBella, on behalf of the City, submitted a Remedial Action Work Plan to the NYSDEC to implement the cleanup remedy in accordance with the ROD. NYSDEC approved the Remedial Action Work Plan on April 6, 2021.

As a result of the work completed by LaBella to date, the City submitted a successful delisting petition to the NYSDEC for 13 acres of land which is currently used as a 2 mW solar photovoltaic power generating site at 1655 Lexington Ave. After this remediation is completed, the potential future use of 1700 Emerson Street is also anticipated to be a solar photovoltaic power generating site of similar size and capacity.

The environmental services funded under this bond authorization are anticipated to be initiated in the summer of 2021, and it is anticipated that that initial construction phase of the cleanup project will take approximately two years to complete, with additional performance monitoring and reporting requiring an additional three years.

This phase of the project will result in the creation or retention of the equivalent of 23 full-time jobs.

The term of the agreement is three (3) years and will include a provision for two (2) additional one-year extensions beyond the initial term.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AU-75

Ordinance No. 2021-142  
(Int. No. 166)

**Authorizing an agreement to implement a Remedial Action Work Plan for the former Emerson Street Landfill**

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 LaBella Associates, D.P.C. in the maximum amount of \$2,213,600 to implement the Remedial Action Work Plan approved by the New York State Department of Environmental Conservation for the portion of the former Emerson Street Landfill located at 1700 Emerson Street (the Project). The agreement shall extend for a term of 3 years, with options to renew for up to 2 additional one-year periods. The compensation shall be funded by proceeds of bonds appropriated for the Project in the amount of \$2,155,000 by a concurrent ordinance and in the amount of \$58,600 in Ordinance No. 2015-95.

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. 2021-143  
(Int. No. 167)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$2,155,000 Bonds of said City to finance implementing a Remedial Action Work Plan for the former Emerson Street Landfill**

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 the "City"), is hereby authorized to finance a portion of the cost of performing a Remedial Action Work Plan approved by the New York State Department of Environmental Conservation for a portion of

the former Emerson Street Landfill located at 1700 Emerson Street (the Project). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,213,600. The plan of financing includes the issuance of \$2,155,000 bonds of the City, which amount is hereby appropriated for the Project, \$58,600 in bonds previously appropriated in Ordinance No. 2015-95 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 \$2,155,000 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 improvement 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 \$2,155,000. 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 specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.6-e of the Law, is twenty (20) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City 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 of (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 Section 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, have 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:

Re: Ordinance No. 2021-144  
Agreement – Ramboll Americas  
Engineering Solutions, Inc. Joint  
RWW-MCWA Corrosion Control  
Treatment Study

Comprehensive Plan 2034 Initiative Area:  
Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation establishing \$475,000 as maximum compensation for an agreement with Ramboll Americas Engineering Solutions, Inc., (George Rest, Senior Division Officer, Syracuse, NY), for services to conduct a comprehensive corrosion control treatment study as required by regulations recently enacted by the US Environmental Protection Agency. The cost of this agreement will be funded from the 2014-15 (\$233,000) and 2017-18 (\$242,000) Cash Capital Budget.

Water Bureau staff have reviewed existing lead testing data from the past 5 years and have concluded that without additional corrosion control treatment, it is likely that the City will exceed EPA's newly enacted lead limits when the rule takes effect in 2024. The goal of the study will be to enhance corrosion control in the City's drinking water to minimize the release of lead from service line and customers' plumbing. The agreement also engages the Ramboll team to assist the City in developing an aggressive lead service line replacement program, and to enhance its communication about lead to City residents.

The Ramboll team was selected through a rigorous request for qualifications and request for proposal process as described in the attached summary.

Ramboll has successfully completed projects for the City in the past, including the Reservoir Optimization Study in 2008. Both Ramboll has extensive experience in conducting corrosion control studies with Cities in the northeast. Ramboll's Project Manager is based in their Rochester office, and will focus on this project.

The term of this agreement will be for four (4) years.

Respectfully submitted,  
Lovely A. Warren  
Mayor



Attachment No. AU-76

Ordinance No. 2021-144  
(Int. No. 168)

**Authorizing an agreement for a corrosion control treatment study**

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 Ramboll Americas Engineering Solutions, Inc. to conduct a comprehensive corrosion control treatment study of the City's water distribution system. The maximum compensation shall be \$475,000, which shall be funded by \$233,000 from 2014-15 Cash Capital and \$242,000 from 2017-18 Cash Capital. The term of the agreement shall be four years.

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. 2021-145  
Agreement – Analytical Services, Inc.  
Laboratory services - Cryptosporidium &  
Giardia

Comprehensive Plan 2034 Initiative Area:  
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum annual compensation for an agreement with Analytical Services, Inc., (Paul Warden, Vice President and Director of Operations, Williston, Vermont), for laboratory services to detect cryptosporidium and giardia in drinking water at Cobbs Hill and Highland Reservoirs. The agreement will be funded from the 2021-22 Budget of the Department of Environmental Services (DES) and future years' annual budgets, contingent upon their approval.

The testing covered by this agreement is required by the City's current Long Term 2 Enhanced Surface Water Treatment Rule (LT2) Bilateral Compliance Agreement with the New York State Department of Health. The agreement has allowed the City to defer the undertaking of multi-million dollar capital projects at both Highland and Cobb's Hill Reservoirs. The results of the testing covered by this agreement prove the safety of drinking water provided to the City. Although the Water Bureau maintains a NYS accredited laboratory, testing for cryptosporidium and giardia is a very labor intensive method that would require highly specialized equipment. Therefore, each year the Water Bureau contracts with an outside testing lab for these services.

Analytical Services, Inc. was selected through a request for proposal process described in the attached summary. ASI is a full service microbiology laboratory and has successfully service our account for over 12 years. No local firms responded to the RFP.

The term of this agreement will be for one (1) year with the option of two (2) one-year renewals.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AU-77

Ordinance No. 2021-145  
(Int. No. 169)

**Authorizing an agreement for drinking water laboratory services for Cobbs Hill and Highland Reservoirs**

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 Analytical Services, Inc. for laboratory services to detect cryptosporidium and giardia in drinking water at Cobbs Hill and Highland Reservoirs. The term of the agreement shall be one year with the option to extend for up to two additional one-year periods. The maximum annual compensation shall be \$30,000, which shall be funded from the 2021-22 Budget of the Department of Environmental Services (DES) for the initial term and future years' Budgets of DES, contingent upon approval, for any optional extended terms.

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. 2021-146  
Agreement – Eurofins Eaton Analytical,  
LLC – Analytical Services: Drinking  
Water, Annual Water Quality Report  
Compliance Monitoring

Comprehensive Plan 2034 Initiative Area:  
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum annual compensation for an agreement with Eurofins Eaton Analytical, LLC, (Brian

Remus, Senior Account Manager – Northeast, South Bend, IN), for laboratory services to analyze drinking water quality. The cost of this agreement will be funded from the 2021-22 Budget of the Department of Environmental Services (DES) and future years' budgets, contingent upon their approval.

As part of the New York State Sanitary Code (SSC), Title 10 NYCRR, Part 5, Subpart 5-1, Public Water Systems must perform system wide water quality monitoring. Much of this monitoring stems from requirements from the EPA and consists of testing for disinfection-by-products, over 130 organic and inorganic chemicals and other contaminants as required for the City's Annual Water Quality Report and for National and State drinking water regulations compliance. The requirements are very stringent and compliance is critical to the safety of our drinking water.

Eurofins Eaton Analytical, LLC was selected through a request for proposal process described in the attached summary. Eurofins has successfully serviced this contract for the last 5 years. Eurofins has a number of service centers throughout New York State including Buffalo and Syracuse to support the City of Rochester, if needed.

The term of this agreement will be for one (1) year with the option of two (2) one-year renewals.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AU-78

Ordinance No. 2021-146  
(Int. No. 170)

### **Authorizing an agreement for drinking water quality laboratory 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 Eurofins Eaton Analytical, LLC for laboratory services to analyze drinking water quality. The term of the agreement shall be one year with the option to extend for up to two additional one-year periods. The maximum annual compensation shall be \$30,000, which shall be funded from the 2021-22 Budget of the Department of Environmental Services (DES) for the initial term and from future years' Budgets of DES, contingent upon approval, for any optional extended terms.

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. 2021-147  
Re: Agreement – Paradigm Environmental  
Services – Waste Water

Comprehensive Plan 2034 Initiative Area:  
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation establishing \$5,000 as maximum compensation for an agreement with Paradigm Environmental Services, (Marshall Shannon, Environmental Sales Director, Rochester, NY), for analysis of waste water from the Hemlock Water Treatment Plant's permitted discharge system. The agreement will be funded from the 2021-22 Budget of the Department of Environmental Services (DES), and any renewals will be funded from subsequent budgets of DES, contingent upon adoption of said budgets.

The testing covered by this agreement is required by the City's current New York State Pollutant Discharge Elimination System (SPDES) Permit. The permit allows the discharge of treated backwash water from the Treatment Plant to Hemlock Lake. Although the Water Bureau maintains a NYS accredited laboratory, testing for waste water requires additional certifications. Therefore, each year the Water Bureau contracts with an outside testing lab for these services.

Life Science Laboratories was selected through a request for proposal process described in the attached summary. One other firm responded to our RFP, however Paradigm is located within the City of Rochester and has performed wastewater analysis in the City for over 25 years. They currently provide service to more than 95% of the permitted discharges to Monroe County's collection system. The cost for professional services with Paradigm is \$1,097 more per year than that quoted by Life Science Laboratory (LSL), however Paradigm specified a turnaround time of 5 days compared to 10 days specified by LSL. LSL is our current contract and we have had to complain about analysis results being returned within their specified timeframe.

The term of this agreement will be for one (1) year with the option of two (2) one-year renewals.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AU-79

Ordinance No. 2021-147  
(Int. No. 171)

### **Authorizing an agreement for waste water analysis**

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 Paradigm Environmental Services, Inc. for analysis of treated backwash waste water from the

Hemlock Water Treatment Plant's permitted discharge system. The term of the agreement shall be one year with the option to extend for up to two additional one-year periods. The maximum annual compensation shall be \$5,000, which shall be funded from the 2021-22 Budget of the Department of Environmental Services (DES) for the initial term and from future years' Budgets of DES, contingent upon approval, for any optional extended terms.

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. 2021-148

Resolution No. 2021-16

Re: Pedestrian Safety Action Plan – Phase III

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 Pedestrian Safety Action Plan (PSAP) – Phase III Project. This legislation will:

1. Establish \$340,000 as maximum compensation for a professional services agreement with Stantec Consulting Services Inc. (James R. Hoffman, Jr., Principal, 61 Commercial Street, Suite 100 Rochester, NY) for RPR services for the project; and,
2. 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 Federally-funded portion of the Project in the first instance before seeking reimbursement from NYSDOT, and, if applicable, commit the City Council to meet promptly to consider appropriating money to make up any cost overruns.

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

This project entails installation of pedestrian safety treatments at about 90 signalized intersections and 80 midblock crosswalks throughout the city. Treatments include, but are not limited to, upgraded pavement markings, improved signage, traffic signal modifications, curb extensions, raised crosswalks, and pedestrian-activated rectangular rapid flashing beacons.

The project was designed by C&S Engineers, Inc. (Ordinance No. 2020-12).

Stantec Consulting Services, Inc. was selected for RPR services through a Request for Proposal process. The agreement will be funded with federal aid appropriated in Ordinance No. 2021-118.

Bids for construction were received on March 23, 2021. The apparent low bid of \$1,915,252 was submitted by Millennium Construction, Inc. (Thomas Cefalu, C.E.O./C.O.O., 8320 Quarry Road, Niagara Falls, NY).

The agreement shall have a term of six (6) months after final completion of the project.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AU-80

Ordinance No. 2021-148  
(Int. No. 172)

**Authorizing an agreement for the Pedestrian Safety Action Plan – Phase III 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 Stantec Consulting Services Inc. in the maximum amount of \$340,000 to provide resident project representation services for the Pedestrian Safety Action Plan – Phase III project (the Project). The compensation amount shall be funded from anticipated reimbursements from the Federal Highway Administration appropriated to the Project in Ordinance No. 2021-118. The term of the agreement shall continue to 6 months after final completion of the Project construction.

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.

Resolution No. 2021-16  
(Int. No. 173)

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

WHEREAS, a Project for the Pedestrian Safety Action Plan Phase III (City of Rochester), P.I.N. 40PS.04 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the Project costs to be borne at the ratio of 100% Federal funds and 0% 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 the preliminary engineering, detailed design and construction phases.

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

THAT the Council hereby approves the above described Project;

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

THAT the sum of \$3,016,000 is hereby appropriated from Ordinance Nos. 2019-369 and 2020-12 (\$486,000) and Ordinance No. 2021-118 (\$2,530,000) and 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 exceed the amount appropriated above, this Council shall convene as soon as possible to appropriate said excess amount immediately upon notification by the City Engineer thereof;

THAT the Mayor of the City of Rochester 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 City'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 shall 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. 2021-149

Re: Bond Authorization – Eastman Trail  
Phase I

Comprehensive Plan 2034 Initiative Area:  
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$250,000 and the appropriation of the proceeds thereof to finance the construction of the Eastman Trail Phase I project.

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

The project will implement the first phase of the Eastman Trail proposed in the 2013 Urban Trail Linkages – Planning & Preliminary Design Study. As proposed in the study the trail will establish an east/west connection between the City’s Genesee Riverway Trail at Kings Landing and the State’s proposed Route 390 Trail in the Town of Greece. The Phase I project includes the design and construction of pedestrian and bicycle facilities along the Ridgeway Avenue corridor between Mt. Read Boulevard in the east and Latona Road and the proposed 390 Trail in the west.

The project will be funded as follows:

Source of Funds	Design/RPR	Construction	Contingency	Total
Federal Aid appropriated Ordinance No. 2017-302	\$320,000	1,080,000	0	\$1,400,000
Bond authorized herein	0	250,000	0	\$250,000
2014-15 Cash Capital	0	25,000	0	\$25,000
2017-18 Cash Capital	80,000	0	0	\$80,000
2018-19 Cash Capital	0	2,000	68,000	\$70,000
2019-20 Cash Capital	75,000	0	0	\$75,000
Total	\$475,000	\$1,357,000	\$68,000	\$1,900,000

Construction is anticipated to begin in summer 2021 with substantial completion in fall 2021. The bonds issued herein will result in the creation and/or retention of the equivalent of 2.7 full-time jobs.

Respectfully submitted,  
 Lovely A. Warren  
 Mayor

Attachment No. AU-81

Ordinance No. 2021-149  
 (Int. No. 174)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$250,000 Bonds of said City to finance the Eastman Trail Phase I 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 Eastman Trail Phase I comprised of a pedestrian and bicycle trail to be constructed along a corridor adjoining and paralleling Ridgeway Avenue extending westward from Mt. Read Boulevard to a proposed trail along Route 390 (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 \$1,900,000. The plan of financing includes the issuance of \$250,000 bonds of the City, which amount is hereby appropriated for the Project, \$1,400,000 in anticipated reimbursements from the Federal Highway Administration appropriated in Ordinance No. 2017-302, \$25,000 in 2014-15 Cash Capital, \$80,000 in 2017-18 Cash Capital, \$70,000 in 2018-19 Cash Capital, \$75,000 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 \$250,000 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 \$250,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 20(a) of the Law, is five (5) 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. 2021-150  
Re: Bond Authorization – Roc City  
Skatepark

Comprehensive Plan 2034 Initiative Area:  
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation authorizing the issuance of \$250,000 bonds to finance site improvements at the Roc City Skatepark facility. Site improvements may include, but are not limited to, signage, seating, and permanent fencing with gates to close the facility during non-operational hours. This project will replace existing chain link fencing with a refined design of durable and attractive picket fencing that will enable the City to close the facility during inclement weather, winter/off season, for maintenance, and during all non-operational hours as posted at the facility. The adjacent Genesee River Trail will be separate from the fencing and will be fully accessible at all times.

The Roc City Skatepark, a customized wheel-friendly skatepark located under and adjacent to the Susan B. Anthony/Frederick Douglass Bridge is the first outdoor public skatepark in Rochester. Construction was substantially complete in November 2020.

The project is anticipated to begin in spring 2021 with substantial completion shortly thereafter. The bonds issued herein will result in the creation and/or retention of the equivalent of 2.7 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AU-82

Ordinance No. 2021-150  
(Int. No. 175)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$250,000 Bonds of said City to finance improvements for the Roc City Skatepark**

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 site improvements to the Roc City Skatepark consisting primarily of signage, seating, and permanent fencing with gates to close the facility during non-operational hours (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 \$250,000. The plan of financing includes

the issuance of \$250,000 bonds of the City, which amount is hereby appropriated for the Project, 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 \$250,000 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 \$250,000. 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. 19(c) of the Law, is fifteen (15) years.

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

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

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

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

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

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

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice

attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

**TO THE COUNCIL**

Ladies and Gentlemen:

Re: Ordinance No. 2021-151  
Appropriation – Community  
Development Block Grant,  
Infrastructure and Playground  
Improvements

Council Priority: Creating and Sustaining a  
Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:  
Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to the appropriation of Community Development Block Grant (CDBG) funds for playground improvements. This legislation will:

1. Authorize the appropriation of \$470,461 of 2019-20 Community Development Block Grant (CDBG) funds from the Department of Recreation and Human Services (DRHS), formerly known as the Department of Recreation and Youth Services (DRYS), Infrastructure – Play Apparatus allocation of the General Community Needs Fund of the Community Development Plan for infrastructure and playground improvements and related RPR services at various locations including, but not limited to, Merriman playground, Troup playground and Edgerton playground; and,
2. Amend Ordinance No. 2020-109 to include improvements at Merriman playground.

The anticipated work at the playgrounds is outlined below:

<b>Site</b>	<b>Proposed Improvements</b>
Don Samuel Torres Park	Replacement of basketball court, enhanced baseball field and shade trees
Merriman Playground	Replacement of play equipment and surfacing, replacement of basketball court pavement, shade trees, boulders
Troup Street Playground	Safety surface replacement
Edgerton Playground	Safety surface replacement

Construction of the Don Samuel Torres Park improvements began in summer 2020 and is substantially complete. Construction of the Merriman, Troup and Edgerton playground improvements is anticipated to begin in summer 2021 with substantial completion in fall 2021. The CDBG funds issued herein will result in the creation and/or retention of the equivalent of 5.1 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment AU-83

Ordinance No. 2021-151  
(Int. No. 176)

**Appropriating Community Development Block Grant funds to playground improvements**

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

Section 1. The Council hereby appropriates \$470,461 in Community Development Block Grant (CDBG) funds to fund improvements at Don Samuel Torres Park, Merriman Playground, Troup Street Playground and Edgerton Playground. The CDBG funds shall be appropriated from the DRYS Infrastructure – Play Apparatus allocation of the Consolidated Community Development Plan/2019-2020 Annual Action Plan.

Section 2. The title and Section 1 of Ordinance No. 2020-109 are hereby amended to read as follows:

**Appropriating Community Development Block Grant funds to  
improvements at Don Samuel Torres Park and Merriman Playground**

...

Section 1. The Council hereby appropriates \$300,000 in Community Development Block Grant (CDBG) funds to fund improvements at Don Samuel Torres Park and Merriman Playground. The CDBG funds shall be appropriated from the DRYS Infrastructure – Play Apparatus allocation of the Consolidated Community Development Plan/2019-2020 Annual Action Plan.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2021-152  
Re: Official Map Amendment – Release  
of Highway Reservation – Portion of  
North Street at 37-59 Delevan Street

Council Priority: Reinforcing Strong  
Neighborhoods and Fostering Prosperity &  
Opportunity

Transmitted herewith for your approval is legislation amending the Official Map by authorizing the proposed abandonment of the Release of Highway Reservation on North Street at Delevan Street. This legislation will amend the Official Map by releasing 0.063 acre portion of North Street Highway Reservation currently encumbering an existing 2 story brick building. The abandonment was referred to city maps and survey for comment.

The portion of highway reservation is in conflict with an existing structure, and denies the property owner of future development rights. The amendment ordinance would disencumber the property for sale or development.

The City Planning Commission, in its April 12, 2021 meeting recommended approval of this abandonment by a vote of 5-0-0. Minutes of that meeting, along with the application, are attached.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal is a Type II Action requiring no further environmental review.

A public hearing is required.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AU-84

Ordinance No. 2021-152  
(Int. No. 177)

**Amending the Official Map to release a portion of the North Street Highway Reservation adjoining 37-59 Delevan Street**

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

Section 1. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by changing and deleting therefrom the following portion of the highway reservation for the easterly side of North Street adjoining the property at 37-59 Delevan Street:

ALL THAT TRACT OR PARCEL of land situated in Parts of Lots 1 thru 7 of the Riley & Farm Tract, Town Lot 66, Township 13, Range 7 in the City of Rochester, County of Monroe and State of New York being further described as follows.

BEGINNING at the easterly right of way line of North Street at its intersection with the southerly right of way line of the Rochester Inner Loop; thence,

1. Easterly along the southerly line of the Rochester Inner Loop, a distance of 9.44 feet to a point of angle; thence,
2. Northerly, forming an included angle with course (1) of 204°27'55", a distance of 9.96 feet to a point; thence,

3. Southerly, forming an included angle with course (2) of 65°30'31", a distance of 175.45 feet to the North right of way line of University Avenue; thence,
4. Westerly, forming an included angle with course (3) of 49°05'07" along the northerly right of way of University Avenue, a distance of 11.37 feet to a point of angle; thence,
5. Northerly, along the right of way of University Avenue and forming an included angle with course (4) of 139°03'12", a distance of 70.00 feet to the East right of way line of North Street; thence,
6. Northerly, along the right of way of North Street and forming an included angle with course (5) of 171°51'41", a distance of 94.58 feet to the POINT OF BEGINNING.

CONTAINING 2,739.1 Square Feet or 0.063 Acres of land more or less.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2021-153  
Ordinance No. 2021-154  
Re: 2021 Annual Parking Garage Repair &  
Reconstruction Project

Council Priority: Creating and Sustaining a  
Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:  
Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to the 2021 Annual Parking Garage Repair & Reconstruction Project. This legislation will:

1. Authorize the issuance of bonds totaling \$685,000 and the appropriation of the proceeds thereof to finance the Stone Street Wing of the South Avenue Garage portion of the construction cost of the Project; and,
2. Establish \$300,000 as maximum annual compensation for a professional services agreement with T.Y. Lin International Engineering & Architecture, P.C. (Robert J. Radley, CEO, 245

East Avenue, Rochester, New York), for Resident Project Representation (RPR) services. The cost of the agreement shall be funded from the 2019-20 Parking Cash Capital allocation, and any renewals shall be funded from the Parking Cash Capital allocation or a Bond Ordinance adopted and appropriated for said purpose in subsequent budgets, contingent upon the adoption of said budgets.

The 2021 Annual Parking Garage Repair & Reconstruction Project will consist primarily of full-depth repairs and supplemental structural support within the South Avenue and Stone Street Wings of the South Avenue Garage. Construction will include, but is not limited to, repair and reconstruction of concrete decks, concrete beams and columns, supplemental post-tensioning systems, waterproofing, and expansion joints.

Bids for construction were received on March 2, 2021. The apparent low bid of \$1,733,336.50 was submitted by Crane-Hogan Structural System Inc. (Daniel Hogan, C.E.O., 3001 Brockport Road, Spencerport, NY).

The project was designed through the City's Parking Garage Evaluation and Repair Program by T.Y. Lin International Engineering & Architecture, P.C. as authorized in July 2020 by Ordinance No. 2020-224.

The Parking Garage Evaluation and Repair Program, created in 2009, is an annual parking garage inspection and repair program for preserving the safety, structural integrity and service life of eight City owned parking garages as follows: Court Street Garage, East End Garage, Genesee Crossroads Garage, High Falls Garage, Mortimer Street Garage, Sister Cities Garage, South Avenue Garage, and the Washington Square Garage. Repair contracts are bid annually to address high priority structural and safety needs within the garage inventory.

T.Y. Lin International Engineering & Architecture, P.C. was selected for RPR services through a Request for Proposal process, which is described in the attached summary.

The project will be funded as outlined on the following table:

<b>Source of Funds</b>	<b>Design</b>	<b>Construction</b>	<b>RPR</b>	<b>Contingency</b>	<b>Total</b>
Bonds to be issued herein	0	651,299.50	0	33,700.50	\$685,000
2019-20 Parking Cash Capital	334,500	1,000,000	300,000	0	\$1,634,500
2020-21 Parking Cash Capital	0	82,037	0	217,963	\$300,000
<b>Total</b>	<b>\$334,500</b>	<b>\$1,733,336.50</b>	<b>\$300,000</b>	<b>\$251,663.50</b>	<b>\$2,619,500</b>

Construction is anticipated to begin in spring 2021 with substantial completion in spring 2022.

The construction of the project will result in the creation and/or retention of the equivalent of 24.8 full-time jobs.

The agreement shall have a term of one (1) year with four (4) optional one-year renewals.

Respectfully submitted,



Lovely A. Warren  
Mayor

Attachment No. AU-85

Ordinance No. 2021-153  
(Int. No. 178)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$685,000 Bonds of said City to finance the 2021 Annual Parking Garage Repair & Reconstruction 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 the 2021 Annual Parking Garage Repair & Reconstruction Project, which includes repair and reconstruction of concrete decks, concrete beams and columns, supplemental post-tensioning systems, waterproofing, and expansion joints within the South Avenue and Stone Street wings of the South Avenue Garage located at 36-70 South Avenue (the "Program"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,619,500. The plan of financing includes the issuance of \$685,000 bonds of the City, which amount is hereby appropriated for the Program, \$1,634,500 of 2019-20 Cash Capital, \$300,000 of 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 \$685,000 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 \$685,000. 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, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

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

Passed unanimously.

Ordinance No. 2021-154  
(Int. No. 179)

### **Authorizing an agreement for the 2021 Annual Parking Garage Evaluation & Repair 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 T.Y. Lin International Engineering & Architecture, P.C. to provide resident project representation services for the 2021 Parking Garage Repair & Reconstruction Project (the Project). The term of the agreement shall be 1 year, with options to extend the term for up to four periods of 1 year each. The maximum annual compensation for the agreement shall be \$300,000, which shall be funded from 2019-20 Cash Capital. The compensation for subsequent optional extended term years, if any, shall be funded from the Cash Capital allocations of subsequent Budgets or a bond ordinance adopted and appropriated for said purpose, contingent upon their adoption.

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.

By Vice President Lightfoot  
May 11, 2021

To the Council:

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

- Int. No. 180 Authorizing an agreement for a Tobacco Sales Compliance grant
- Int. No. 181 Authorizing agreements relating to the Gun Involved Violence Elimination grant
- Int. No. 182 Authorizing an agreement and Budget amendment for an Animal Services grant
- Int. No. 183 Amending the 2020-21 Budget and appropriating federal forfeiture funds to upgrade the Police Department's Records Management System
- Int. No. 184 Authorizing grant agreement with the New York State Division of Homeland Security and Emergency Services for Targeted Tactical Team Program
- Int. No. 185 Authorizing grant agreement with the New York State Division of Homeland Security and Emergency Services for the Bomb Squad Initiative
- Int. No. 186 Authorizing an agreement for the Roc City Skatepark Mural Arts Project – Phases I and II, **as amended**
- Int. No. 187 Authorizing an agreement and Budget amendment for a Human Animal Support Services Implementation Grant
- Int. No. 188 Authorizing an agreement for My Brother's Keeper summer programming

The **PUBLIC SAFETY, RECREATION & HUMAN SERVICES COMMITTEE** recommends the following entitled legislation to be **HELD** in Committee

- Int. No. 191 Amending the Municipal Code with respect to operating all-terrain vehicles, dirt bikes and other off-road motorized vehicles

Respectfully submitted,  
Willie Lightfoot  
Mitch Gruber  
Lashay D. Harris (*Abstained Int. No. 188*)  
Jose Peo  
Loretta C. Scott  
PUBLIC SAFETY, RECREATION & HUMAN SERVICES COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2021-155  
Re: Agreement – Monroe County, Tobacco  
Sales Compliance 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 \$41,000 for a Tobacco Sales Compliance grant. The term of the agreement is April 1, 2021 through March 31, 2022.

Monroe County will reimburse costs of up to \$41,000 in overtime and fringe benefits (\$30,900 of overtime; \$10,100 fringe) for compliance checks conducted during the contract term. This agreement continues the enforcement program begun in April 1998, under which the Police Department conducts inspections of licensed tobacco outlets in the City. These inspections track compliance with the age restrictions on tobacco sales by using underage "agents" who attempt to buy tobacco products. Police Officers accompanying the purchasers will record and report any illegal underage sales, and will inspect sellers' premises for compliance with restrictions on product placement, and the possession of proper documents and certificates.

The \$30,900 for overtime will be included in the 2021-22 Budget of the Police Department and \$10,100 for fringe will be included in the 2021-22 Budget of Undistributed Expenses, contingent upon approval of the budget. RPD has received this grant for over 10 years.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2021-155  
(Int. No. 180)

**Authorizing an agreement for a Tobacco Sales Compliance grant**

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

Section 1. The Mayor is hereby authorized to enter into an intermunicipal agreement with the County of Monroe for the receipt and use of up to \$41,000 for the City to implement a Tobacco Sales Compliance program. The term of the agreement shall be from April 1, 2021 through March 31, 2022.

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

Section 3. This ordinance shall take effect immediately.

Passed 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. 2021-156  
Re: Agreement – New York State Division  
of Criminal Justice Services, 2021-22  
GIVE Grant

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:  
Reinforcing Strong Neighborhoods

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

1. Authorize an agreement with DCJS for the receipt and use of a Gun Involved Violence Elimination (GIVE) grant in the amount of \$676,400 for the term of July 1, 2021 to June 30, 2022;
2. Establish \$31,000 as maximum compensation for an agreement with PathStone Corporation (Principal: Alex Castro) to cover the cost of direct service provider case management for focused deterrence participants. The agreement will be funded from the 2021-22 Budget of the Police Department, contingent upon approval, and have a term of one year, from July 1, 2021 to June 30, 2022.

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

The grant includes \$346,800 in overtime, but does not pay for the associated fringe cost of \$114,400. PathStone Corporation will receive \$31,000 as a sub-grantee to cover the cost of direct service provider case management for the focused deterrence participants. PathStone Corporation will employ one part-time case worker (20 hours per week) to manage the coordination of community-based services. Rochester Institute of Technology will receive \$234,300 to employ a GIVE Director, GIVE Analyst, and two part-time students to work with the taskforce (approved in Ordinance 2018-251). The remaining \$64,300 will be used to purchase supplies for custom notifications and community engagement, rental cars for undercover details, supplies for a Crime Prevention through Environmental Design (CPTED) project, and training required by DCJS. This will be the eighth year RPD has received this award.

A Justification statement for not issuing a Request for Proposal or Pathstone Corporation is attached.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AU-86

Ordinance No. 2021-156  
(Int. No. 181)

### **Authorizing agreements relating to the Gun Involved Violence Elimination grant**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services for the receipt and use of a \$676,400 Gun Involved Violence Elimination (GIVE) grant. The term of the agreement shall be from July 1, 2021 through June 30, 2022.

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with PathStone Corporation to provide case management services for participants in GIVE's focused deterrence program. The maximum compensation for the agreement shall be \$31,000, which shall be funded from the 2021-22 Budget of the Police Department, contingent upon approval. The term of the agreement shall be from July 1, 2021 through June 30, 2022.

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

Section 4. This ordinance shall take effect immediately.

Passed 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. 2021-157  
Re: Agreement – The Petco Foundation,  
Animal Services Grant

Transmitted herewith for your approval is legislation authorizing an agreement with The Petco Foundation, aka Petco Love, for the receipt and use of a grant in the amount of \$10,000, and amending the 2020-21 Budget of the Police Department by this amount. The term of this agreement is for a period of one year.

The funding from this grant will be used for purchasing pet food, supplies, and medicine for animals in the City's shelter or foster care, and for owned pets to support them staying with their families.

This is the seventh time we have received this grant.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2021-157  
(Int. No. 182)

**Authorizing an agreement and Budget amendment for an Animal Services grant**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with The Petco Foundation for the receipt and use of a grant to Rochester Animal Services (RAS) in the amount of \$10,000 to purchase pet food, supplies, and medicine for animals in RAS's shelter and to encourage owned pets to remain with their families. The term of the agreement shall be for one year.

Section 2. 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 \$10,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2021-158  
Re: Appropriation of Forfeiture Funds –  
Records Management System Upgrade

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:  
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation appropriating \$150,000 from federal forfeiture funds generated by the Police Department, and amending the 2020-21 Cash Capital Budget of the Police Department by this amount.

The County is replacing their current arrest system MoRIS (Monroe/Rochester Identification System) which is currently utilized for RPD's arrests. These funds will be used to update RPD's current Records Management System (RMS) which is necessary in order to integrate with the County's new system. A failure to upgrade RMS for this new booking system would require RPD to create and maintain a system independent of the County at a much greater cost. In addition, this upgrade will allow RPD to send warrants to New York State and ensure compliance with the State's new reporting standards. At this time, warrants are sent to the State through MoRIS which will be disconnected in the very near future due to outdated technology and the inability to send the required information.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2021-158  
(Int. No. 183)

**Amending the 2020-21 Budget and appropriating federal forfeiture funds to upgrade the Police Department's Records Management System**

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

Section 1. Ordinance No. 2020-161, the 2020-21 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to 2020-21 Cash Capital by \$150,000, which amount is hereby appropriated from funds received from the Federal Government from seized and forfeited assets. The appropriation herein shall be used to upgrade the Police Department's Records Management System.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.



TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2021-159

Ordinance No. 2021-160

Re: Grant Agreements – New York State  
Division of Homeland Security and  
Emergency Services

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:

Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing agreements with the New York State Division of Homeland Security and Emergency Services for the receipt and use of two grants described below.

FY2019 Targeted Tactical Team Program Grant, April 1, 2021 – August 31, 2022

This \$75,000 grant will be used to enhance and maintain the capabilities of the Police Department's SWAT team. The grant budget includes funds for equipment and training. A breaching ram, rescue saws, and a radio communication system will be purchased. Training for command and leadership as well as sniper, breacher, and munitions training will be included. This is the fifth year RPD has received this grant.

FY2019 Bomb Squad Initiative Grant, April 1, 2021 – August 31, 2022

This \$112,500 grant will be used to enhance and maintain the capabilities of the Police Department's Bomb Squad. The grant budget includes funds for equipment and training. Equipment to be purchased includes upgrades for a robot system, a remote firing system for bomb disabling, a radiological isotope identifier device, radio communications systems, an x-ray system, and hand tools. Funds will also be used for registration and travel expenses for the International Association of Bomb Technicians & Investigators (IABTI) conference and other training. This is the sixth year RPD has received this grant.

No matching funds are required.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2021-159  
(Int. No. 184)

**Authorizing grant agreement with the New York State Division of Homeland Security and Emergency Services for Targeted Tactical Team 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 Division of Homeland Security and Emergency Services for the Rochester Police Department's receipt and use of a FY2019 Targeted Tactical Team Program grant in the amount of \$75,000, which

funds are hereby appropriated for said purpose. The term of the agreement shall be from April 1, 2021 through August 31, 2022.

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

Section 3. This ordinance shall take effect immediately.

Passed by the following:

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

Nays – Councilmember Lupien – 1.

Ordinance No. 2021-160  
(Int. No. 185)

**Authorizing grant agreement with the New York State Division of Homeland Security and Emergency Services for the Bomb Squad Initiative**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Homeland Security and Emergency Services for the Rochester Police Department's receipt and use of a FY2019 Bomb Squad Initiative grant in the amount of \$112,500, which funds are hereby appropriated for said purpose. The term of the agreement shall be April 1, 2021 through August 31, 2022.

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:

Ordinance No. 2021-161  
Re: Agreement – The Synthesis  
Collaborative Incorporated, Mural  
Arts

Council Priority: Creating and sustaining a  
culture of vibrancy

Comprehensive Plan 2034 Initiative Area:  
Reinforcing Strong Neighborhood

Transmitted herewith for your approval is legislation establishing ~~\$25,000~~ \$30,000 as maximum compensation for an agreement with The Synthesis Collaborative Incorporated. (Ian Wilson, Rochester, NY) for the design and installation of murals at the Roc City Skatepark. The term of the agreement will be for one year and the cost of the agreement will be funded from the 2020-21 Budget of the Department of Recreation & Human Services.

The Synthesis Collaborative Incorporated, best known locally for their mural arts project Wall/Therapy, is a mural arts and community intervention program that uses public murals as a means to transform the urban landscape, inspire City residents, and build community. Under this agreement, The Synthesis Collaborative Incorporated will work with professional artists to plan, design, and install several large scale murals project at the Roc City Skatepark. As part of the mural process, artists from The Synthesis Collaborative Incorporated will mentor youth artists from the City's Roc Paint Division mural arts program. Youth artists will shadow the professional artists, and will assist with mural design and installation wherever possible.

The Synthesis Collaborative Incorporated has a proven track record of excellence in the arena of public art, and has proven to be an innovative and reliable partner on several of the City's previous public arts initiatives. The Synthesis Collaborative Incorporated was selected for these services based on their expertise, community connections, and experience working on large scale mural projects in the City of Rochester.

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

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AU-87

Ordinance No. 2021-161  
(Int. No. 186, as amended)

**Authorizing an agreement for the Roc City Skatepark Mural Arts Project – Phases I and II**

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with The Synthesis Collaborative Incorporated to design and coordinate the installation of Phases I and II of a mural project at the Roc City Skatepark. The maximum compensation for the agreement shall be ~~\$25,000~~ \$30,000, which shall be funded from the 2020-21 Budget of the Department of Recreation and Human Services. The term of the agreement shall be one year.

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. 2021-162  
Re: Agreement – Maddie’s Fund, Human  
Animal Support Services Implementation  
Grant

Comprehensive Plan 2034 Initiative Area:  
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with Maddie’s Fund for the receipt and use of \$50,000 from the Maddie’s Fund Human Animal Support Services (HASS) Implementation Grant and amending the 2020-21 Budget of the Police Department by \$10,000. The remaining funds will be included in next fiscal year’s Operating budget, contingent upon approval. The term of this grant is May 1, 2021 through October 31, 2021.

The goal of this grant is to assist with implementation of the HASS elements at Rochester Animal Services. The specific focus areas for this project are Pet Support, Keeping Families Together, Foster-Centric Care, and Lost Pet Reunification.

This is the third time we have received a grant from Maddie’s Fund.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2021-162  
(Int. No. 187)

**Authorizing an agreement and Budget amendment for a Human Animal Support Services Implementation Grant**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Maddie’s Fund, a charitable foundation, for the receipt and use of a \$50,000 Human Animal Support Services (HASS) Implementation Grant to Rochester Animal Services. The term of the agreement shall be from May 1, 2021 through October 31, 2021.

Section 2. The grant agreement authorized herein shall contain such additional terms and conditions as the Mayor deems 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 \$10,000, which amount is hereby appropriated from the HASS grant authorized in Section 1 herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2021-163  
Re: Intermunicipal Agreement – Rochester  
City School District (RCSD), Rochester  
My Brother’s Keeper Summer  
Programming

Council Priority: Support the Creation of  
Effective Educational Systems

Comprehensive Plan 2034 Initiative Area:  
Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation authorizing an intermunicipal agreement with the Rochester City School District (RCSD) for the receipt and use of \$825,000 for a Rochester My Brother’s Keeper (Roc MBK) Summer Career Institute and related youth programming. This funding was anticipated and included in the 2021-22 Budget of the Department of Recreation and Human Services, contingent upon approval. The term of the agreement will be through July 31, 2021.

The City will utilize the funding to operate a Roc MBK Summer Career Institute which will serve 250 youth participants who will gain work experience and enrichment training including interview skills and job readiness. The funds will be used for stipends for youth participants and processing fees (\$550,000), seasonal staff wages (\$20,000), and supplies, materials, and furnishings for a Roc MBK Engagement Center for program participants (\$170,000). The remaining \$85,000 will be used to support the City’s victim support services for youth and men of color (\$75,000) and program evaluation services (\$10,000).

My Brother’s Keeper is a national initiative launched by President Barack Obama in 2014 that targets mentoring and support for the personal, academic, and social success for youth of color. The Roc MBK program is a collaboration between the City of Rochester and the Rochester City School District, and is funded by the New York State Education Department (NYSED), with the primary goals of providing educational and community-based outcomes for young boys and men of color. The grant funded programs and services are overseen by the Roc MBK Steering Committee consisting of representatives from the RCSD, the City of Rochester and other community based agencies.

The last City Council action for Roc MBK programming was funded via Ordinance No. 2021-102.

Respectfully submitted,  
Lovely A. Warren  
Mayor

**Authorizing an agreement for My Brother’s Keeper summer programming**

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

Section 1. The Mayor is hereby authorized to enter into an intermunicipal agreement with the Rochester City School District (RCSD) for the receipt and use of \$825,000 from RCSD to implement the Rochester My Brother’s Keeper (Roc MBK) Summer Career Institute and related youth programming. The term of the agreement shall continue to and include July 31, 2021.

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, Lightfoot, Lupien, Patterson, Peo-7.

Nays – None -0.

Councilmembers Harris and Meléndez abstained due to a professional relationship.

**TO THE COUNCIL**

Ladies and Gentlemen:

Introductory No. 191  
Re: Amending the Municipal Code Requirements  
Relating to Vehicle and Traffic

Transmitted herewith for your approval is legislation authorizing amendments to Chapter 111 of the Municipal Code, Vehicle and Traffic and Chapter 79 of the Municipal Code, Parks. These amendments are necessary in order to provide greater clarity in defining the affected vehicles. The amendments will aid in supporting efforts to reduce the level of dangerous, illegal use of these vehicles in the public right of way.

The operation of dirt bikes, ATVs and similar off-road vehicles on city streets is creating an increasingly negative impact on the quality of life. The factors which are of concern to many residents -- loud sounds, inordinate speed and intricate driving patterns produced on these vehicles – are greatly enjoyed by a growing group of vehicle owners.

This legislation would ban the use of ATVs, dirt bikes, go-karts, golf carts, mini-bikes, and off-road motorized vehicles from operating on city streets, sidewalks, property, and in city parks. The legislation would also set rules for confiscating such vehicles when rules are violated and will also set fees and penalties for violating these laws.

A county wide law enforcement effort is currently coordinating strategies to respond to the safety concerns presented by the riding of ATVs throughout the area. It is the intent of City Council to partner in developing a community-led, coordinated approach, to help identify suitable alternative options for the legal enjoyment and operation of these vehicles while ensuring the safety of the public on local thoroughfares.

Respectfully Submitted,  
Loretta C. Scott  
President

Jose Peo  
Northwest District

INTRODUCTORY NO. 191

**AMENDING THE MUNICIPAL CODE WITH RESPECT TO OPERATING ALL-TERRAIN VEHICLES, DIRT BIKES AND OTHER OFF-ROAD MOTORIZED VEHICLES**

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

Section 1. Chapter 111 of the Municipal Code, Vehicle and Traffic, as amended, is hereby further amended to:

- a. Add to Section 111-2, Definitions, definitions for all-terrain vehicle (ATV), dirt bike, go-kart, golf cart, mini-bike, and off-road motorized vehicle to read as follows:

ALL-TERRAIN VEHICLE (ATV)

Any self-propelled vehicle that is manufactured for operation primarily on off-road trails or in off-road competitions, provided that such vehicle does not exceed 70 inches in width or 1,000 pounds.

DIRT BIKE

A motorcycle designed for use on off-road trails or in off-road competitions that is also referred to as an off-road motorcycle.

GO-KART

A small, motorized device with four wheels, created for off-road use.

GOLF CART

A small, motorized device with four wheels designed to carry people.

MINI-BIKE

A small, motorized device with two wheels and created for off-road use. A mini-bike doesn't qualify as a moped, motorcycle, or ATV.

OFF-ROAD MOTORIZED VEHICLE

A vehicle designed for off-road use, including but not limited to, an ATV, dirt bike, go-kart, golf cart, mini-bike, or motorized bicycle, not including an electric bicycle as defined in §34-1.

- b. Revise Subsection B of Section 111-72, Illegal parking and towing of vehicles, to remove minibikes from the list of vehicles with a redemption fee of \$140.
- c. Replace Section 111-80, (Reserved), with a new Section 111-80 to read in its entirety as follows:

§111-80. Off-road motorized vehicles

A. Operation of off-road motorized vehicles prohibited.

(1) Public property. No person shall operate an off-road motorized vehicle on public right-of-ways, including but not limited to streets, sidewalks, and tree lawns, nor on any trail, park, parking garage or any other property owned or leased by the City, except as expressly authorized in state law or on streets designated for such use by the Traffic Control Board.

(2) Private property. No person shall operate an off-road motorized vehicle on private property in the City unless such person has first obtained the express consent of the owner of such property to operate the off-road motorized vehicle on the property.

B. Penalties for offenses; impoundment and redemption.

(1) The City of Rochester Traffic Violations Agency shall have jurisdiction over penalties imposed pursuant to subsection B(2) herein.

(2) Any person who operates an off-road motorized vehicle in violation of Section 111-82A shall be guilty of an offense punishable by a fine not exceeding \$1,000.

(3) An off-road motorized vehicle operated in violation of Section 111-82A may be immediately removed to a vehicle pound designated by the Chief of Police and stored by the Rochester Police Department pending the identification of the owner if registered with the New York State Department of Motor Vehicles (NYSDMV). If a title owner is so identified by NYSDMV, such title owner shall be sent notice of the impoundment by certified mail at the address on file with NYSDMV within seven days of the impoundment. Neither the Rochester Police Department nor the City of Rochester, nor any agent or employee thereof, shall be liable for any damages arising out of the provision of an erroneous name or address of such owner.

(4) The owner of the off-road motorized vehicle operated in violation of Section 111-82A may redeem such off-road motorized vehicle within 30 days of the impoundment upon satisfactory proof of ownership and payment to the Chief of Police a redemption fee of \$2,000 and a storage fee not exceeding \$20 per day for each day impounded. If an off-road motorized vehicle is not claimed within 30 days of being impounded, ownership shall vest in the City, and the off-road motorized vehicle may be sold for scrap.

C. Proof of ownership.

Acceptable proof of ownership shall include:

(1) Registration from the Department of Motor Vehicles.

(2) A bill of sale or receipt from a certified seller or reseller.



(3) If the off-road motorized vehicle was bought used from an individual, a notarized bill of sale or receipt from the previous owner, provided to the Chief of Police by the previous owner, along with a completed certified form stating when, where, and how the previous owner obtained the off-road motorized vehicle.

(4) If the off-road motorized vehicle has never been registered and the above acceptable documents are not available, a "Statement of Ownership" form filed with the Department of Motor Vehicles prior to the confiscation of the vehicle.

D. The prohibitions and penalties set forth in this section shall not apply to police officers or authorized employees or security guards while performing their official duties, nor to persons with a permit in writing from the Chief of Police or Director of Communications.

- d. Replace Section 111-82, Snowmobiles and all-terrain vehicles, with a new Section 111-82 to read in its entirety as follows:

§111-82. Snowmobiles

A. No person shall operate a snowmobile on property owned or leased by the City, nor on City streets or right-of-ways, except as expressly authorized in state law or on streets designated for such use by the Traffic Control Board.

B. This section shall not apply to police officers, authorized employees or authorized security guards while performing their official duties, nor to persons with a permit in writing from the Chief of Police.

- e. Revise Subsection B of Section 111-85, Fines and penalties for offenses and fees, to read as follows:

B. Violations of this chapter other than parking violations and other than violations of §111-80 regarding off-road motorized vehicles may be punishable by a fine not exceeding \$150 or imprisonment not exceeding 15 days, or by both such fine and imprisonment, or by a penalty of not less than \$25 nor more than \$500 to be recovered by the City of Rochester in a civil action.

Section 2. Chapter 79 of the Municipal Code, Parks, as amended, is hereby further amended to revise Section 79-17, Snowmobiles and off-road and limited-use vehicles, to read as follows:

§79-17. Snowmobiles and off-road ~~and limited-use~~ motorized vehicles

A. No person, ~~except authorized employees,~~ shall operate a snowmobile within a park. A "snowmobile" shall be defined as any self-propelled vehicle designated for travel on snow or ice, steered by skis or runners and supported in whole or in part by one or more skis, belts or cleats.

B. No person, ~~except authorized employees and persons with written permission from the Commissioner,~~ shall operate ~~motor powered~~ an off-road ~~motorized or limited use~~ vehicle, as defined in §111-2, in a park, ~~except that off road or limited use vehicles properly registered in accordance with the New York State Vehicle and Traffic Law may be operated on park roads and parked in park parking lots in~~

~~accordance with laws and regulations governing motor vehicles. Off road or limited use vehicles shall include, but are not limited to, four wheel drive vehicles; vehicles equipped for operation in or on sand, mud, snow, gravel or wetlands; dune buggies; motorcycles or minibikes equipped for off road uses; dirt bikes; trail bikes; or any similar type of vehicle or conveyance.~~

C. The prohibitions in this section shall not apply to police officers or authorized employees or security guards while performing their official duties, nor to persons with a permit in writing from the Commissioner, Chief of Police, or Director of Communications.

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

HELD IN COMMITTEE

The meeting was adjourned at 8:06 p.m.

HAZEL L. WASHINGTON  
City Clerk