

ROCHESTER CITY COUNCIL

REGULAR MEETING

March 16, 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.

**Joint Proclamation:**

**Retirement:**

**DES:**

- \*Jessie Martin Sr.
- \*William Slocum

**RPD:**

- \*Bryan Trombley
- \*Daniel Zimmerman

*\*Not attending meeting*

**APPROVAL OF THE MINUTES**

By Councilmember Meléndez

RESOLVED, that the minutes of the Regular Meeting on February 16, 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 – **Professional Services Agreements**– December 31, 2020 -**4335-21**
- Quarterly Report – **NBD Grants Report** –September 30, 2020 & December 31, 2020 -**4336-21**
- Quarterly Report – **Administrative Cancellation or Refund of Erroneous Taxes and Charges**– December 31, 2020 -**4337-21**
- Quarterly Report – **Delinquent Receivables**– December 31, 2020 -**4338-21**

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

The Council submits Disclosure of Interest Forms from **Vice President Lightfoot** on Int. No. 77, Int. No. 106, Int. No. 107, Int. No. 108, Int. No. 109 and Int. No. 110 **Councilmember Gruber** on Int. No. 95 and Int. No. 96, **Councilmember Harris** on Int. No. 87, Int. No. 88 and Int. No. 113, **Councilmember Meléndez** on Int. No. 112 and Int. No. 113 and **Councilmember Patterson** on Int. No. 77, Int. No. 106, Int. No. 107, Int. No. 108, Int. No. 109 and Int. No. 110.

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

Councilmember Evans presented a petition from Change.Org with 502 signatures related to adding the name “Garth Fagan Way”, to a portion of Chestnut St. **Petition No. 1774.**

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

PUBLIC HEARINGS.

Pursuant to law, public hearings were held on March 11, 2021 on the following matters:

Authorizing pavement width changes for the Holland Townhomes project Int. No. 99

One Speaker

Local Improvement Ordinance – security and snow removal services at the Public Market for 2021-22 Int. No. 104

No Comments

REPORTS OF STANDING COMMITTEES  
AND ACTION THEREON

By Councilmember Evans  
March 16, 2021

To the Council:

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

Int. No. 72 Amending Bond Ordinances of the City of Rochester, New York

Int. No. 74 Authorizing an amendatory agreement for legal services

- Int. No. 75 Amending the Municipal Code in relation to the Freedom of Information Law program
- Int. No. 76 Authorizing agreements for auctioneer services
- Int. No. 77 Authorizing agreements and Budget amendment relating to Small Business and Entrepreneurship Support
- Int. No. 114 Authorizing an agreement for the lease and maintenance of duplicating equipment

Respectfully submitted,  
 Malik Evans  
 LaShay D. Harris  
 Michael A. Patterson (*Abstained Int. No. 77*)  
 Willie J. Lightfoot (*Abstained Int. No. 77*)  
 Loretta C. Scott  
 FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2021-63  
 Re: Rescinding Authorization of  
 Previous Bonds

City Council Priority: Deficit Reduction and  
 Long Term Financial Stability

Comprehensive Plan 2034 Initiative Area:  
 Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation requesting the deauthorization of specific Bond Authorizations. The funds are no longer needed for the specific projects because the actual costs were less than originally estimated. The ordinances to deauthorize are:

<u>Ordinance</u>	<u>Original Authorization</u>	<u>Amount to Deauthorize</u>	<u>Original Project</u>
2017-052	\$ 355,000	\$ 45,000	Water –Main St Streetscape & Ped
2017-179	428,000	16,000	Street –Dewey Ave/Driving Pk Realign
2017-180	463,000	24,000	Water –Dewey Ave/Driving Pk Realign
2018-013	1,310,700	93,000	Street –2018 Reynolds & Seward Sts
2018-014	334,000	13,000	Water -2018 Reynolds & Seward Sts
2018-096	605,000	50,000	Water –Alpha St Group
2018-126	4,999,000	131,000	Street -2018 Res Milling 48 Sts NWQ
2018-127	111,000	17,000	Water –2018 Res Milling 48 Sts NWQ
2018-269	720,000	42,500	Street –Elmwood/Collegetown CycleT
2018-272(17-186)	300,000	192,000	Street -2017 Marketview Heights RMR
2018-336	825,000	315,000	Street –2018 Prev Maint NE Group 1
2019-186	1,729,000	173,000	Street –Scottsville Rd-Elmwood Ave

The “amount to deauthorize” referenced above are the authorized, unissued amounts remaining on the specific Bond Authorizations. The amounts to be deauthorized were provided to the Finance Director’s Office by the Department of Environmental Services. The purpose of the deauthorizations is to allow for the allocation of the funds no longer needed for the current projects to be allocated towards future projects, and thereby remain within each annual debt limit established by Council Ordinance.

Respectfully submitted,  
 Lovely A. Warren  
 Mayor

Ordinance No. 2021-63  
 (Int. No. 72)

**Amending Bond Ordinances of the City of Rochester, New York**

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 directed to reduce the principal amounts of bonds of the City that were authorized to be issued in prior Bond Ordinances as follows:

<b>Ordinance No.</b>	<b>Original Authorization</b>	<b>Amended Authorization</b>	<b>Project</b>
2017-052	\$ 355,000	\$ 310,000	Water –Main St Streetscape & Ped
2017-179	428,000	412,000	Street –Dewey Ave/Driving Pk Realign
2017-180	463,000	439,000	Water –Dewey Ave/Driving Pk Realign
2018-013	1,310,700	1,217,700	Street –2018 Reynolds & Seward Sts
2018-014	334,000	321,000	Water -2018 Reynolds & Seward Sts
2018-096	605,000	555,000	Water –Alpha St Group
2018-126	4,999,000	4,868,000	Street -2018 Res Milling 48 Sts NWQ
2018-127	111,000	94,000	Water –2018 Res Milling 48 Sts NWQ
2018-269	720,000	677,500	Street –Elmwood/Collegetown CycleT
2018-272	300,000	108,000	Street -2017 Marketview Heights RMR
2018-336	825,000	510,000	Street –2018 Prev Maint NE Group 1
2019-186	1,729,000	1,556,000	Street –Scottsville Rd-Elmwood Ave

Section 2. For each amended Bond Ordinance listed above, the City shall remain authorized to issue bonds to finance the project specified therein with bonds in a principal amount equal to the Amended Authorization amount and the financing shall proceed in all other respects in accordance with the provisions specified therein.

Section 3. 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. 2021-64  
Re Professional Services Agreement  
Amendment for Legal Services for  
Cable Franchise Issues

Council Priority: Jobs and Economic  
Development

Comprehensive Plan 2034 Initiative Area:  
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation authorizing an amendatory Professional Services Agreement amendment in the amount of forty thousand dollars (\$40,000.00) with the Cohen Law Group, 100 Gamma Drive, Pittsburgh, Pennsylvania, a law firm that specializes in cable and telecommunications issues. We have worked with the firm in the past when they helped us recover a substantial underpayment of our cable franchise fee from our prior cable franchisee and when the firm submitted comments on the City's behalf to the Federal Communications Commission (FCC). The engagements for these services were authorized and amended by Council in Ordinance Nos. 2014-369, 2016-132 and 2017-252.

The Cohen Group is continuing to assist the City to oppose new cable regulations that are detrimental to the City and in negotiating the renewal of our cable franchise agreement with Spectrum Northeast, LLC. ("Charter") under the current agreement, which was entered into last July and provides for a maximum compensation of \$10,000.

The ongoing negotiations with Charter and a subsequent development require additional services from the law firm, including the possibility of litigation. In the February payment of the quarterly franchise fee to the City, Charter deducted the amount of \$346,153.93, which is one half the 2020 Public Education and Government (PEG) fee that is allocated to public access television. Charter claims that the deduction complies with recent amendments to the FCC regulations. It is our position that this unilateral action by Charter is not consistent with the FCC regulations and is in violation of Charter's Cable Franchise Agreement with the City. We require the Cohen Law Group's legal services to challenge Charter's action with possible litigation.

Therefore, the legislation would extend the term and increase the maximum compensation of the existing agreement by \$40,000 to a new total of \$50,000.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2021-64  
(Int. No. 74)

## **Authorizing an amendatory agreement for legal services**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with the Cohen Law Group to provide additional legal representation of the City with regard to cable television franchise issues. The amendment shall increase the maximum compensation of the present agreement dated July 17, 2020 by \$40,000 to a new total of \$50,000 and shall extend the term for one additional year with the option to extend the term in order to complete any pending settlement or litigation. The increase in compensation shall be funded from the 2020-21 Budget of the Law Department.

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. 2021-65

Re: Amending the Municipal Code  
Public Records

Transmitted herewith for your approval is legislation amending Chapter 18 of the Municipal Code, Public Records, to update the designation of Records Access Officer.

In an effort to streamline and make more transparent the City's Freedom of Information Law ("FOIL") response, and ensure that it comports with the Public Officers Law, the FOIL Program is moving from the Department of Communications to the Law Department. Following this move, the Director of Communications will no longer be involved in the City's FOIL Program. This transfer requires an amendment to Chapter 18 of the Municipal Code. The Mayor will appoint two (2) Municipal Attorneys in the Law Department to act as the City's Record Access Officers. The Law Department is also in the process of hiring three paralegals to support the administration of the program who will be accessible to the community to answer questions.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2021-65  
(Int. No. 75)

**Amending the Municipal Code in relation to the Freedom of Information Law program**

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

Section 1. Chapter 18 of the Municipal Code, Public Records, as amended, is hereby further amended by modifying Subsection A of Section 18-1, Access to Records, to read as follows:

- A. Two (2) Municipal Attorneys designated by the Mayor shall be the Records Access Officers ~~The Director of Communications shall be the records access officer~~ of the City of Rochester to whom requests for access to City records shall be made pursuant to the Freedom of Information Law. The Records Access Officers ~~records access officer~~ may establish procedures governing access to records in accordance with the Freedom of Information Law.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

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. 2021-66

Re: Agreements – Auctioneer Services

Council Priority: Deficit Reduction and  
Long Term Financial Stability

Transmitted herewith for your approval is legislation authorizing agreements with Reynolds Auction Co., Inc., Palmyra, New York; Roy Teitsworth Inc., Geneseo, New York; Rowe Realty, Auctions and Appraisal, Inc., Macedon, New York for auctioneer services. The term of the agreements will be for one year from April 1, 2021 to March 30, 2022, with the option for four one-year renewals.

Costs for these services will be paid either as a fee that the auction company deducts from the gross sales payable to the City based upon the final bid prices, or as a buyer's fee that is added to the final bid price and paid by the buyer to the auction company, or some combination of these two methods, as itemized at the end of this letter.

Traditionally, the City has sold surplus City equipment and materials and Police Department auto impound vehicles through live public auctions. While local live auctions continue to be a

viable option where there is sufficient local demand for these items, the City is seeking to take advantage of the new model of selling surplus items over the internet. Therefore, the City solicited proposals from qualified auction services companies for five different groups of items:

<u>Group</u>	<u>Description of Items Included</u>
Group A	Live City Impound Auction
Group B	Live City Light Vehicles and Misc. Surplus
Group C	Live City Heavy Vehicles and Misc. Surplus
Group D	Internet Auctions
Group E	Police Property Clerk Items

Two local companies, who have provided local live auction services to the City for the last decade, are recommended as auctioneers for the live auctions (Groups A, B, C). One company, who is new to the City but specializes in on-line auctions, is recommended for Groups D and E. This company is also a WBE, which will enhance our MWBE goals. The agreements with these companies will provide the City with the flexibility to utilize any of these companies for auctioneer services.

It is possible that more sales will shift to internet auctions over time. However, this will depend on the City's experience with determining the right mix of live and internet auctions. This year in the midst of COVID-19 internet sales were quite lucrative for us. I think this next year will be a test to determine which method is most beneficial. Actual net revenues to the City for any given year are subject to substantial fluctuations based upon the timing of when large equipment is replaced and the impact of auto pound activity. The following is a summary of auction results for the past two years:

**FY-18-19**

Gross Sales:	\$665,830
Advertising/Other Fees:	3,998
Commissions:	<u>29,556</u>
Net Proceeds to the City:	\$632,276

**FY 19-20**

Gross Sales:	\$503,525
Advertising/Other Fees:	4,452
Commissions:	<u>34,416</u>
Net Proceeds to the City:	\$464,657

The three firms chosen to provide auctioneer services were selected through a request for proposal process that is described in the attached summary. Their fees will be generated as follows:

<u>Auction Company</u>	<u>Fee for Service</u>
Reynolds Auction Co., Inc.	Group A – 8.5% of Gross plus Public Notice Printing
Reynolds Auction Co., Inc.	Group B - 8% of Gross plus Public Notice Printing
Roy Teitworth Inc.	Group C - 10% of Gross plus 2% Buyer's Fee for internet sales
Rowe Realty, Auctions and Appraisals, Inc.	Group D - 0% of Gross plus 5% Buyer's Fee and 2.75% for credit card purchases



Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2021-66  
(Int. No. 76)

**Authorizing agreements for auctioneer 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 Reynolds Auction Co., Inc. for the provision of auctioneer services for the disposal of surplus City equipment, materials and vehicles. The agreement shall authorize the firm to conduct the following types of auctions for the compensation specified:

- (a) Live City Impound Auction: 8.5% of gross proceeds, plus the firm's direct costs for publishing legal notice of the auction; and
- (b) Live City Auction of Light Vehicles and Miscellaneous Surplus: 8% of gross proceeds, plus the firm's direct costs for publishing legal notice of the auction.

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with Roy Teitsworth, Inc. for the provision of auctioneer services for the disposal of surplus City equipment, materials and vehicles. The agreement shall authorize the firm to conduct the following type of auction for the compensation specified:

- (a) Live City Auction of Heavy Vehicles and Miscellaneous Surplus: 10% of gross proceeds, plus 2% buyer's fee for internet sales.

Section 3. The Mayor is hereby authorized to enter into an agreement with Rowe Realty and Appraisal, Inc. for the provision of auctioneer services for the disposal of surplus City equipment, materials and vehicles. The agreement shall authorize the firm to conduct the following types of auctions for the compensation specified:

- (a) Internet Auctions: 5% buyer's fee and 2.75% for credit card purchases; and
- (b) Police Property Clerk Items: 40% of gross proceeds.

Section 4. The term of each agreement authorized herein shall be one year from April 1, 2021 to March 31, 2022, with the option for up to four renewals of one year each.

Section 5. The agreements shall give the City the flexibility to allocate its auctionable property among the three companies and among the various methods of auction in the manner that the City deems best for maximizing revenue and efficiency.

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

Section 7. 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. 2021-67

Re: Agreement – Rochester Economic  
Development Corporation

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area:  
Fostering Prosperity and Opportunity

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

1. Authorize an agreement with the National League of Cities (NLC) (Kathy Maness, President), headquartered in Washington, DC, for the receipt and use of \$15,000 to fund the execution of the program and to sponsor seed capital grants to aspiring entrepreneurs.
2. Amend the 2020-21 Budget of the Mayor's Office by \$15,000 to reflect the receipt and use of the grant.
3. Establish \$14,000 as maximum compensation for an agreement with the Rochester Economic Development Corporation, (Baye Muhammad, CEO), headquartered in Rochester, NY to administer the provision of seed capital grants of approximately \$600 to each of the aspiring entrepreneurs who successfully complete the FastTrac training program that REDCO will offer on behalf of the City, and to pay for facilitation of the FastTrac program. REDCO will retain \$1,000 to defray their administrative expenses in managing the budget for the program while the balance will be used for seed grants and FastTrac facilitation. The term of this agreement will be six months and will be funded by the grant funds authorized above.

The remaining \$1,000 of grant funding will be used for the purchase of program-related supplies. As an Entrepreneurial Support Organization (ESO) designated by the NLC and the Kauffman Foundation, REDCO will collaborate with the Mayor's Office to provide training to underserved aspiring entrepreneurial and small business constituents through the Kauffman FastTrac program. The FastTrac program will be administered and facilitated by sub-ESOs who have employees with training in the FastTrac Facilitators Training Program. FastTrac equips aspiring entrepreneurs with the business skills and insights, tools, resources, and peer networks necessary to start and grow successful businesses from idea to business start. This program honors the commitment of Mayor Lovely Warren for Rochester under the National

League of Cities' City Innovation Ecosystems (CIE) Commitments Program, supported by the Kauffman Foundation, to accelerate the growth of Rochester entrepreneurs to address economic inequality that disproportionately impacts residents with low to moderate incomes. It also furthers the goals outlined in Rochester 2034 to create entrepreneurial opportunities and support urban entrepreneurship as well as the City's Equity & Recovery Agenda (ERA).

For more information, see <https://fastrac.org>.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2021-67  
(Int. No. 77)

### **Authorizing agreements and Budget amendment relating to Small Business and Entrepreneurship Support**

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

Section 1. The Mayor is hereby authorized to enter into a grant agreement with the National League of Cities for the receipt and use of \$15,000 to fund a Small Business and Entrepreneurship Support program that includes the provision of training and seed capital grants to aspiring entrepreneurs (the Program).

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 Office of the Mayor by \$15,000 to reflect the receipt of the Program funds authorized in Section 1 herein.

Section 3. The Mayor is hereby authorized to enter into an agreement with Rochester Economic Development Corporation (REDCO) for REDCO to administer the Program. The maximum compensation for the agreement shall be \$14,000, which amount shall be funded from the 2020-21 Budget of the Office of the Mayor.

Section 4. The agreements shall each have a term of 6 months.

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

Section 6. This ordinance shall take effect immediately.

Passed by the following:

Ayes – President Scott, Councilmembers Evans, Gruber, Harris, Lupien, Meléndez, Peo - 7.

Nays – None – 0.

Vice President Lightfoot and Councilmember Patterson abstained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2021-68

Re: Agreement – Managed Print Services

Transmitted herewith for your approval is legislation authorizing agreement with Xerox Corporation for a five year lease agreement for Managed Print Services Equipment and Maintenance agreements for all new and existing equipment.

The City has maintained a 5-year contract with Xerox Corporation which ended on January 31, 2021. The City did an RFQ for prices and services related to replacing both our color and black and white duplicating machines; updating of software and continued maintenance on all existing pre-owned center equipment to include: BORG, Plockmatic , Rotate Creaser, FFRM machine and the Xerox 5855 small free standing copier.

Three firms were solicited: Xerox, Konica-Minolta and Toshiba. Xerox provided the most competitive pricing structure which allowed the City to piggyback off of a national Co-op contract that provided the best pricing structure. This agreement will be for a five year period with no additional provisions for renewal.

The maximum compensation for the agreement shall be \$635,250, which shall be funded from the following fiscal years' Budgets of the Department of Finance: \$30,750 from FY 2020-21, \$92,500 from 2021-22, \$124,000 from 2022-23, \$ 127,000 from 2023-24, \$129,000 from 2024-25, and \$132,000 for FY 2025-26, contingent upon the approval of the budgets for the future fiscal years.

All monies shall be paid from the budgets of the Department of Finance.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2021-68  
(Int. No. 114)

**Authorizing an agreement for the lease and maintenance of duplicating equipment**

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 Xerox Corporation for the lease of duplicating equipment and the maintenance thereof. The term of the agreement shall be 5 years. The maximum compensation for the agreement shall be \$635,250, which shall be funded from the following fiscal years' Budgets of the Department of Finance: \$30,750 from FY 2020-21, \$92,500 from 2021-22, \$124,000 from 2022-23, \$ 127,000 from 2023-24, \$129,000 from 2024-25, and \$132,000 for FY 2025-26, contingent upon the approval of the budgets for the future fiscal 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.  
By Councilmember Patterson  
March 16, 2021

To the Council:

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

- Int. No. 78      Authorizing the sale of real estate
- Int. No. 79      Authorizing an agreement for Housing Trust Fund planning and design services
- Int. No. 112     Amending Ordinance No. 2020-294 relating to the Pueblo Nuevo Phase II project

Respectfully submitted,  
Michael A. Patterson  
Mary Lupien  
Miguel Meléndez (*Abstained Int. No. 112*)  
Willie J. Lightfoot  
Loretta C. Scott  
**NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE**

Received, filed, and published.

**TO THE COUNCIL**  
Ladies and Gentlemen:

Ordinance No. 2021-69  
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 two 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, 477 Lyell Ave, is listed on the attached spreadsheet under the heading, I. Request for Proposal – Improved Property. This property was offered online via request for proposal. Its current use is a parking lot and it is being sold to the adjacent owner who will combine it with his primary parcel and continue the parking lot use to support his business – 1-story retail store.

The final property, 114 Rexford St, is listed on the attached spreadsheet under the heading, II. Negotiated Sale - Unbuildable Vacant Land. It is being sold for \$1.00 (as per City policy). The lot is being sold to an adjoining owner in order to resolve a title issue and will be combined with the primary parcel owned by the identified adjoining owner.

The first year projected tax revenue for these two properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$443.

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. AU-35

Ordinance No. 2021-69  
(Int. No. 78)

**Authorizing the sale of real estate**

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

Section 1. The Council hereby approves the negotiated sale with proposal of the following parcel of land improved with a parking lot:

<b>Address</b>	<b>SBL#</b>	<b>Lot Size</b>	<b>Use</b>	<b>Price</b>	<b>Purchaser</b>
477 Lyell Ave	105.66-3-1.003	38 x 190	Parking Lot	\$3,000	Abdulsallam Yehia

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

<b>Address</b>	<b>SBL#</b>	<b>Lot Size</b>	<b>Sq. Ft.</b>	<b>Purchaser</b>
114 Rexford St	091.50-1-37	1 x 115	104	Kham & Amax Saysomvang

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2021-70  
Re: Agreement – HR&A Advisors, Inc. –  
Housing Trust Fund (HTF) Planning  
and Design Services

Council Priority: Rebuilding and Strengthening  
Neighborhood Housing

Comprehensive Plan 2034 Initiative Area:  
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation establishing \$150,000 as maximum compensation for an agreement with HR&A Advisors, Inc. (CEO: Eric Rothman, 99 Hudson Street 3<sup>rd</sup> Floor, New York, NY) for Housing Trust Fund (HTF) planning and design services. The cost of the agreement will be funded by a portion of the New York State Anti-Displacement Learning Network (ADLN) grant funds received from Enterprise Community Partners, Inc. that was authorized in January 2021 via Ordinance No. 2021-8. The term of the agreement will be one year, with an option to extend for an additional six-month period.

The main focus of the ADLN grant is to research and create the framework for a local HTF. HR&A Advisors, Inc. (with Highland Planning as a sub-consultant on their team) will conduct a needs assessment to inform the potential activities and target populations to be served by an HTF; a revenue study to assess and recommend the best potential sources to sustainably and adequately fund an HTF; research and analysis to develop a formal HTF Proposal with recommendations for effective programs, governance, and administration of a local HTF; and community and stakeholder engagement to inform HTF planning and development.

An RFP for *Housing Trust Fund (HTF) Planning and Design Services* was issued on January 8, 2021. HR&A Advisors, Inc. (with Highland Planning) 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

Ordinance No. 2021-70  
(Int. No. 79)

**Authorizing an agreement for Housing Trust Fund planning and design 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 HR&A Advisors, Inc. for Housing Trust Fund planning and design services. The maximum compensation for the agreement shall be \$150,000, which shall be funded by New York State Anti-Displacement Learning Network grant funds authorized by Ordinance No. 2021-8. The term of the agreement shall be one year with the option to extend for an additional six-month period.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2021-71  
Re: Amending Ordinance No. 2020-294  
Pueblo Nuevo II Housing Project

Council Priority: Rebuilding and Strengthening  
Neighborhood Housing

Comprehensive Plan 2034 Initiative Area:  
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to the Pueblo Nuevo II project (the Project), the second phase of the larger Pueblo Nuevo affordable rental community project, which is being undertaken by Ibero-American Development Corporation (IADC).

In the original Ordinance No. 2020-294 approved in September 2020, City Council authorized the sale of 18 City-owned land parcels to IADC for a portion of the Project site. The legislation herein amends Sections 1 and 3 of the original ordinance to allow the properties to be conveyed to and developed by either IADC, Pueblo Nuevo II Housing Development Fund Corporation, or an affiliated partnership or housing development fund corporation formed by IADC for the Project. The permission for a specially-designated affiliated entity to acquire the properties on IADC's behalf is necessary to allow IADC to utilize low income housing tax credits and other forms of State and federal assistance to finance this affordable housing project. The prior ordinance's lists of properties are also revised to update the SBL tax parcel number and/or dimensions of four of the Project properties.

Respectfully submitted,  
Lovely A. Warren  
Mayor



Ordinance No. 2021-71  
(Int. No. 112)

**Amending Ordinance No. 2020-294 relating to the Pueblo Nuevo Phase II project**

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

Section 1. Sections 1 and 3 of Ordinance No. 2020-294, Authorizing sale of City-owned parcels and payment in lieu of taxes and loan agreement for the Pueblo Nuevo II project, is hereby amended to read as follows:

Section 1. The Council hereby approves the sale of the following parcels of land at the following appraised values to Ibero-American Development Corporation (IADC), to Pueblo Nuevo II Housing Development Fund Corporation, or to an affiliated partnership or housing development fund corporation (collectively, the Developer) to develop the Phase II of the Pueblo Nuevo Affordable Rental Housing Project (the Project):

<b>STREET ADDRESS</b>	<b>SBL NUMBER</b>	<b>SIZE</b>	<b>PRICE</b>
54 SULLIVAN STREET	106.31-4-42.002	175 x 82.98	\$1,400.00
62 SULLIVAN STREET	106.31-4-38	35 x 82.98	\$350.00
30 SULLIVAN STREET	106.31-4-54	34 x 94.16	\$350.00
32 SULLIVAN STREET	106.31-4-53.001	68 x 93.2	\$350.00
38 SULLIVAN STREET	106.31-4-50.001	68 x 93.2	\$475.00
42 SULLIVAN STREET	<u>106.31-4-48.001</u> <del>106.31-4-48.1</del>	68.43 x 92.23	\$350.00
24 SULLIVAN STREET	106.31-4-57	34 x 96.1	\$350.00
26 SULLIVAN STREET	106.31-4-56	34 x 95.61	\$350.00
37 SULLIVAN STREET	106.39-1-18.002	<u>102.83 X 137</u> <del>51.86 x 99</del>	\$550.00
51 HOELTZER STREET	106.39-2-23.002	50 x 99	\$475.00
55 HOELTZER STREET	106.39-2-26	40 x 99	\$400.00
27 HOELTZER STREET	106.39-2-13	37.5 x 82.5	\$350.00
29 HOELTZER STREET	106.39-2-14	37.75 x 82.5	\$350.00
21 HOELTZER STREET	106.39-2-10.001	75 x 82.5	\$475.00
6 KAPPEL PLACE	106.38-2-17.001	70 x 74.5	\$450.00
18 KAPPEL PLACE	106.38-2-23	35 x 78.25	\$350.00
24 KAPPEL PLACE	<u>106.38-2-25.002</u> <del>106.38-2-25.001</del>	105 x 79	\$450.00
781 NORTH CLINTON AVENUE	106.38-2-40	40.85 x 130.21	\$2,600.00
<b>Total Sale Price</b>			<b>\$10,425.00</b>

Section 3. The Mayor is hereby authorized to enter into a payment in lieu of taxes agreement with the Developer ~~IADC~~ for the following parcels to effectuate the Project:

<b>STREET ADDRESS</b>	<b>SBL NUMBER</b>
54 SULLIVAN STREET	106.31-4-42.002
62 SULLIVAN STREET	106.31-4-38
30 SULLIVAN STREET	106.31-4-54
32 SULLIVAN STREET	106.31-4-53.001
38 SULLIVAN STREET	106.31-4-50.001
42 SULLIVAN STREET	<u>106.31-4-48.001</u>
	<del>106.31-4-48.1</del>
24 SULLIVAN STREET	106.31-4-57
26 SULLIVAN STREET	106.31-4-56
37 SULLIVAN STREET	106.39-1-18.002
51 HOELTZER STREET	106.39-2-23.002
55 HOELTZER STREET	106.39-2-26
27 HOELTZER STREET	106.39-2-13
29 HOELTZER STREET	106.39-2-14
21 HOELTZER STREET	106.39-2-10.001
6 KAPPEL PLACE	106.38-2-17.001
18 KAPPEL PLACE	106.38-2-23
24 KAPPEL PLACE	<u>106.38-2-25.002</u>
	<del>106.38-2-25.001</del>
781 NORTH CLINTON AVENUE	106.38-2-40
200 CLIFFORD AVENUE	106.29-2-2.002
208-214 CLIFFORD AVENUE	<u>106.29-2-22</u>
	<del>106.29-2-22</del>

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

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed by the following:

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

Nays – None – 0.

Councilmember Meléndez abstained due to a professional relationship.

By Councilmember Gruber  
March 16, 2021

To the Council:

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

- Int. No. 73            Amending the Municipal Code with respect to operating electric bicycles, electric scooters, in-line skates and skateboards, **as amended**
- Int. No. 80            Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,172,000 Bonds of said City to finance the 2021 Milling & Resurfacing Project
- Int. No. 81            Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$119,000 Bonds of said City to finance water service improvements associated with the 2021 Milling & Resurfacing Project
- Int. No. 82            Authorizing an agreement for the 2021 Milling & Resurfacing Project
- Int. No. 83            Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$280,000 Bonds of said City to finance certain costs of the Hazardous Sidewalk Replacement Program Northwest Quadrant Contract 2021 - Phase II
- Int. No. 84            Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$111,000 Bonds of said City to finance water service improvements associated with the Helena Group Street Rehabilitation
- Int. No. 85            Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$260,000 Bonds of said City to finance the Helena Group Street Rehabilitation
- Int. No. 86            Authorizing agreement for the Helena Group Street Rehabilitation
- Int. No. 87            Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$465,000 Bonds of said City to finance the 2020 Preventive Maintenance Group 9 Project
- Int. No. 88            Authorizing an amendatory agreement and amending the 2020-21 Budget for the 2020 Preventive Maintenance Group 9 Project
- Int. No. 89            Authorizing funding for the 2020 Preventive Maintenance Group 11 project
- Int. No. 90            Authorizing funding and an agreement for the 2021 Preventive Maintenance Northwest Group 12 Project

- Int. No. 91      Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$655,000 Bonds of said City to finance the 2021 Preventive Maintenance Northwest Group 12 Project
- Int. No. 92      Appropriating funds from the Rochester Pure Waters District
- Int. No. 93      Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,625,000 Bonds of said City to finance the Genesee Valley Park Pool and Plaza Upgrades project
- Int. No. 94      Authorizing an agreement for the Genesee Valley Park Pool and Plaza Upgrades project
- Int. No. 95      Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$600,000 Bonds of said City to finance the costs of the Rundel Library Structural Terrace Improvements Phase IV Project
- Int. No. 96      Authorizing an amendatory agreement for the Rundel Library Structural Terrace Improvements Phase IV Project
- Int. No. 97      Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$200,000 Bonds of said City to finance a portion of the costs of the East Main Street Bridge over CSX Trans/Amtrak project
- Int. No. 98      Authorizing an agreement for the East Main Street Bridge over CSX Trans/Amtrak project
- Int. No. 100      Authorizing funding and agreements for the Main Street Streetscape Phase II project
- Int. No. 101      Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$4,124,000 Bonds of said City to finance the Main Street Streetscape Phase II project
- Int. No. 102      Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$79,000 Bonds of said City to finance water service improvements associated with the Main Street Streetscape Phase II project
- Int. No. 103      Resolution authorizing the implementation and funding in the first instance of 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefor relating to the Main Street Streetscape & Pedestrian Wayfinding enhancement Phase 2

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

Int. No. 99                      Authorizing pavement width changes for the Holland Townhomes project

Respectfully submitted,  
Mitch Gruber (*Abstained Int. Nos. 95 and 96*)  
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. 2021-72  
Re:     Municipal Code Changes Related to  
          Electric Bicycles, Electric Scooters,  
          In-line Skating, and Skateboarding

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 amending the Municipal Code to include regulations for electric bicycles and electric scooters and to update the regulations for in-line skating and skateboarding.

The New York State Fiscal Year 2021 enacted budget included legislation that legalized electric bicycles and electric scooters and incorporated regulations for how they may be operated on public roadways through amendments to the State Vehicle and Traffic Law. This legislation will include local regulations for these modes of transportation in our Municipal Code that build on the State regulations.

In August 2020 via Ordinance No. 2020-268, the City was authorized to enter into an agreement with CycleHop, LLC dba HOPR to develop, install, operate, and maintain a shared mobility system that includes bicycles, electric bicycles, and electric scooters. It is anticipated that the system will launch later this spring. The amendments to the Municipal Code will regulate the use of the electric bicycles and electric scooters rented through the share system as well as individuals who are using their own personal electric bicycles and electric scooters. Putting these regulations in place prior to the launch of the share system will allow time for the City to work with local organizations and HOPR on community outreach to share the rules for riding so people are aware before they rent an electric bicycle or electric scooter from the system.

In addition, the legislation will amend the regulations related to in-line skating and skateboarding. With the opening of the Roc City Skatepark there was a need to clarify and update

the regulations included in the Municipal Code. The legislation will also bring regulations regarding these various modes of active transportation into one chapter of the Municipal Code to make it easier to access and understand the regulations.

Stakeholder meetings were held with community members and local organizations that work on transportation, bicycling, and skateboarding to review the proposed regulations, and feedback received was incorporated into the legislation.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2021-72  
(Int. No. 73, as amended)

**Amending the Municipal Code with respect to operating electric bicycles, electric scooters, in-line skates and skateboards**

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

Section 1. Chapter 34 of the Municipal Code, Bicycles, as amended, is hereby further amended to:

- a. Revise the title of Chapter 34 to read as follows:

Bicycles, Electric Bicycles, Electric Scooters, In-Line Skates and Skateboards

- b. Revise Section 34-1, Definitions, to remove the definition of Central Traffic District and to add definitions for Center City District, electric bicycle, electric scooter, in-line skate, Roc City Skatepark, and skateboard to read as follows:

CENTRAL TRAFFIC DISTRICT

~~The area bounded by the Inner Loop, North Union Street, South Union Street, Howell Street and Interstate 490, but shall exclude the Inner Loop, Interstate 490 and their respective frontages.~~

CENTER CITY DISTRICT

Center City District as established pursuant to Chapter 120 of the Municipal Code, Zoning.

ELECTRIC BICYCLE

A bicycle which is no more than 36 inches wide, has an electric motor of less than 750 watts[that ceases or is not capable of providing additional power assistance when such bicycle reaches a speed of 20 miles per hour], is equipped with operable pedals, and qualifies to be operated on public roadways as a class one or class two “bicycle with electric assist” as defined and regulated in the New York State Vehicle and Traffic Law.

### ELECTRIC SCOOTER

A wheeled device weighing less than 100 pounds that has handlebars and a floorboard or a seat that can be stood or sat upon while operating, can be powered by an electric motor and/or human power, has a maximum speed of no more than 20 miles per hour on a paved level surface when powered solely by the electric motor, and qualifies to be operated on public roadways as an “electric scooter” as defined and regulated in the New York State Vehicle and Traffic Law.

### IN-LINE SKATE

A device consisting of a frame or shoe that is intended to be secured to a person’s foot, with either a pair of small wheels near the toe and another pair at the heel or a series of wheels in a row mounted or permanently attached to the frame or shoe, for skating or gliding by means of human power, including but not limited to devices referred to as in-line skates, rollerblades, roller skates, quad skates, and skate shoes.

### ROC CITY SKATEPARK

An outdoor area located under the Frederick Douglass-Susan B. Anthony Memorial Bridge adjacent to the Genesee Riverway Trail near South Avenue having structures and surfaces purpose built for skateboarding. The definition and regulation of Roc City Skatepark in this Chapter shall not be construed as the designation of a park pursuant to Chapter 79 of the Municipal Code, nor is it to be construed as having otherwise dedicated the area as parkland unless the area is explicitly dedicated as such by City Council.

### SKATEBOARD

A device consisting of a platform having a pair of small wheels near the front and another pair at the rear mounted or permanently attached to the platform, for skating or gliding by means of human power.

- c. Revise the title of Section 34-2, (Reserved), and insert text to read as follows:

~~(Reserved) Bicycles and electric bicycles~~

A. Bicycle riding rules for persons 12 years of age or under. Unless accompanied by a rider over 18 years of age, children 12 years of age or under shall ride bicycles on the sidewalk, cycle track, Genesee Riverway Trail or other multi-use trail.

B. Bicycle riding rules for persons over age 12. Persons over 12 years of age shall ride a bicycle either on a usable bike lane or cycle track or, if a usable bike lane or cycle track has not been provided, near the right-hand curb or edge of the roadway or upon a usable right-hand shoulder. Riding should be in such a manner as to prevent undue interference with the flow of traffic, except when preparing for a left turn or when reasonably necessary to avoid conditions that would make it unsafe to continue along the bike lane, cycle track or right-hand curb or edge of the roadway. Conditions to be taken into consideration as potentially unsafe include,

but are not limited to, fixed or moving objects, motor vehicles, pedestrians, bicyclists, in-line skaters, skateboarders, animals or surface hazards.

Within the Center City District, persons over 12 years of age shall not ride a bicycle on the sidewalk except where the sidewalk is identified as part of the Genesee Riverway Trail or other multi-use trail system, or if riding with a child 12 years old or under, or if reasonably necessary to avoid unsafe conditions in a bike lane, cycle track or roadway. Outside of the Center City District, persons over 12 years of age may ride bicycles upon the sidewalk, Genesee Riverway Trail or any multi-use trail.

C. Permissible ages and places for operating electric bicycles. No person less than 16 years of age shall operate an electric bicycle. Electric bicycles may be operated on streets within the City of Rochester with a posted speed limit of 35 miles per hour or less. Persons 16 years of age or older shall operate an electric bicycle either on a usable bike lane or cycle track or, if a usable bike lane or cycle track has not been provided, near the right-hand curb or edge of the roadway or upon a usable right-hand shoulder. Riding should be in such a manner as to prevent undue interference with the flow of traffic except when preparing for a left turn or when reasonably necessary to avoid conditions that would make it unsafe to continue along the bike lane, cycle track or right-hand curb or edge of the roadway. Conditions to be taken into consideration as potentially unsafe include, but are not limited to, fixed or moving objects, motor vehicles, pedestrians, bicyclists, in-line skaters, skateboarders, animals or surface hazards.

Within the Center City District, no person shall operate an electric bicycle on the sidewalk except where the sidewalk is identified as part of the Genesee Riverway Trail or other multi-use trail system, or if riding with a child 12 years old or under, or if reasonably necessary to avoid unsafe conditions in a bike lane, cycle track or roadway. Outside of the Center City District, persons 16 years of age or older may operate electric bicycles upon the sidewalk, Genesee Riverway Trail or any multi-use trail. Any persons operating electric bicycles on the sidewalk shall ride single file.

D. Yield to pedestrians. The operator of a bicycle or electric bicycle shall yield the right-of-way to pedestrians.

~~[E. Speed limit for electric bicycles. No person shall operate an electric bicycle at a speed greater than 20 miles per hour.]~~

~~[F]. Passengers and towing. No bicycle or electric bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. The operators of bicycles and electric bicycles shall not pull another person on in-line skates, a skateboard or similar device and shall not pull or tow a sled, wagon or other item unless by the use of a bicycle trailer, trailing bicycle or other device designed and intended to be connected to a bicycle for that purpose.~~

~~[G]. Parking on sidewalks. Bicycles and electric bicycles shall be parked at bike racks where available. No person shall park or leave a bicycle or~~



electric bicycle in a manner that interferes with the free passage of pedestrians on a sidewalk or that blocks handicap accessible ramps or curb access.

[HG]. Police and other officials. Restrictions on where bicycles and electric bicycles may be operated, parked or placed shall not apply to police officers, City personnel and designated government officials in the performance of their duties.

[IH]. Additional provisions. Further rules regarding the operation of bicycles and electric bicycles are included in Article 34 of Title 7 of the New York State Vehicle and Traffic Law.

- d. Revise the title of Section 34-3, (Reserved), and insert text to read as follows:

~~(Reserved)~~ Electric scooters

A. Permissible ages and places for operating electric scooters. No person less than 16 years of age shall operate or ride as a passenger upon an electric scooter, and no person 16 years of age or older shall allow any person less than 16 years of age to operate or ride as a passenger upon an electric scooter. Electric scooters may be operated on streets within the City of Rochester with a posted speed limit of 35 miles per hour or less. Persons 16 years of age or older shall operate an electric scooter either on a usable bike lane or cycle track or, if a usable bike lane or cycle track has not been provided, near the right-hand curb or edge of the roadway or upon a usable right-hand shoulder. Riding should be in such a manner as to prevent undue interference with the flow of traffic except when preparing for a left turn or when reasonably necessary to avoid conditions that would make it unsafe to continue along the bike lane, cycle track or right-hand curb or edge of the roadway. Conditions to be taken into consideration as potentially unsafe include, but are not limited to, fixed or moving objects, motor vehicles, pedestrians, bicyclists, in-line skaters, skateboarders, animals or surface hazards.

Within the Center City District, no person may operate an electric scooter on the sidewalk except where the sidewalk is identified as part of the Genesee Riverway Trail or other multi-use trail system or if reasonably necessary to avoid unsafe conditions in a bike lane, cycle track or roadway. Outside of the Center City District, persons 16 years of age or older may operate electric scooters upon the sidewalk, Genesee Riverway Trail or any multi-use trail. Any persons operating electric scooters on the sidewalk shall ride single file.

B. Yield to pedestrians. The operator of an electric scooter shall yield the right-of-way to pedestrians.

C. Speed limit. No person shall operate an electric scooter at a speed greater than 15 miles per hour.

D. Passengers and towing. No electric scooter shall be used to carry more than one person at one time. A person operating an electric scooter shall

not carry any person as a passenger in a pack fastened to the operator or to the scooter and shall not pull or tow any separate device.

E. Parking on sidewalks. Electric scooters shall be parked in designated scooter parking areas or at bike racks where available. No person shall park or leave an electric scooter in a manner that interferes with the free passage of pedestrians on a sidewalk or that blocks handicap accessible ramps or curb access.

F. Police and other officials. Restrictions on where electric scooters may be operated, parked or placed shall not apply to police officers, City personnel and designated government officials in the performance of their duties.

G. Additional provisions. Further rules regarding the operation of electric scooters are included in Article 34-D of Title 7 of the New York State Vehicle and Traffic Law.

- e. Revise the title of Section 34-4, (Reserved), and insert text to read as follows:

~~(Reserved)~~ In-line skating and skateboarding

A. In-line skating and skateboarding rules for persons 12 years of age or under. Unless accompanied by a person over 18 years of age, children 12 years of age or under shall skate or skateboard on the sidewalk, cycle track, Genesee Riverway Trail or other multi-use trail.

B. In-line skating and skateboarding rules for persons over age 12. Persons over 12 years of age shall skate or skateboard either on a usable bike lane or cycle track or, if a usable bike lane or cycle track has not been provided, near the right-hand curb or edge of the roadway or upon a usable right-hand shoulder in such a manner as to prevent undue interference with the flow of traffic. Persons over 12 years of age may skate or skateboard upon the sidewalk, Genesee Riverway Trail or any multi-use trail.

C. Prohibited areas for in-line skating and skateboarding. In-line skating and skateboarding are prohibited in the following areas:

- (1) In parks within the Center City District, not including Roc City Skatepark.
- (2) In the Liberty Pole area bordered by the east facade of the Sibley Building, East Main Street and Franklin Street.
- (3) On the ramps, steps and plaza in front of and adjacent to the Rochester Riverside Convention Center.
- (4) In the parking garages designated in §111-118 of the Municipal Code, as well as all entrances thereto.
- (5) On the Inner Loop and its frontage.
- (6) On interstate highways.

The Commissioner of the Department of Recreation and Human Services shall have the authority to designate additional prohibited areas on City recreation center properties and City-operated parks and open spaces. The Commissioner of the Department of Environmental Services shall have the authority to designate additional prohibited areas within the public right-of-way and within other City-owned properties other than recreation centers, parks and open spaces. Such designated prohibited areas shall be marked with signage.

D. Yield to pedestrians. Persons skating or skateboarding shall yield the right-of-way to pedestrians.

E. Additional provisions. Further rules regarding the operation of in-line skates and skateboards are included in Article 34 of Title 7 of the New York State Vehicle and Traffic Law.

F. Roc City Skatepark. The Commissioner of the Department of Recreation and Human Services shall establish, and amend as needed, rules for the Roc City Skatepark, and such rules shall be posted at the park and on the City of Rochester website.

f. Delete Section 34-6, Regulations, in its entirety.

Section 2. Chapter 104 of the Municipal Code, Streets and Street Encroachments, as amended, is hereby further amended by deleting Section 104-6, Roller-skating and skateboarding, in its entirety.

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined, and brackets indicate amendments to previous new text.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2021-73

Ordinance No. 2021-74

Ordinance No. 2021-75

Re: 2021 Milling & Resurfacing Project –  
Child Street (I-490 to Lyell Avenue),  
Dewey Avenue (Emerson Street to  
Driving Park Avenue) and Glide Street  
(Buffalo Road to Lyell Avenue)

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area:  
Sustaining Green and Active System

Transmitted herewith for your approval is legislation related to 2021 Milling & Resurfacing Project. This legislation will:

1. Authorize the issuance of bonds totaling \$1,172,000 and the appropriation of the proceeds thereof to partially finance a portion of the construction and RPR Services for the project; and,
2. Authorize the issuance of water bonds totaling \$119,000 and the appropriation of the proceeds thereof to finance the water portion of construction and RPR services for the project; and,
3. Establish \$300,000 as maximum compensation for a professional services agreement with Popli, Architecture + Engineering & LS, D.P.C. (Om P. Popli, CEO, 555 Penbrooke Drive, Penfield, New York) for Resident Project Representation (RPR) services. The cost of the agreement will be funded from the sources outlined in the chart on the following page.

The project includes pavement milling and resurfacing, curb ramp upgrades, spot curb and hazardous sidewalk replacement, pavement markings, and adjustment and repair of manholes, receiving basins, and water valve castings. These improvements will enhance the surface drainage and riding quality of the roadway, improve handicap accessibility, and expand the useful life of the pavement structure.

The Project was designed by the City of Rochester Bureau of Architecture and Engineering – Street Design Division.

Popli, Architecture + Engineering & LS, D.P.C. was selected for RPR Services through a Request for Proposal process, which is described in the attached summary.

Bids for construction were received on December 22, 2020. The apparent low bid of \$1,794,700.00 was submitted by Villager Construction, Inc. (Timothy O. Lawless, President, 425 Old Macedon Center Road, Fairport, New York).

The project will be funded as follows:

<b>Source of Funds</b>	<b>CSX</b>	<b>Construction</b>	<b>RPR</b>	<b>Contingency</b>	<b>Total</b>
DASNY grant appropriated Ordinance No. 2015-120	0	677,474.72	0	35,000	\$712,474.72
Bonds authorized herein	0	823,196.15	284,100	64,703.85	\$1,172,000
Water bonds authorized herein	0	97,838.80	15,900	5,261.20	\$119,000
Pure Waters Reimbursement authorized Ordinance No. 2020-360	0	188,797.61	0	28,202.39	\$217,000
2016-17 Cash Capital	25,000	0	0	0	\$25,000
2019-20 Cash Capital	0	7,392.72	0	1,107.28	\$8,500
<b>Total</b>	<b>\$25,000</b>	<b>\$1,794,700</b>	<b>\$300,000</b>	<b>\$134,274.72</b>	<b>\$2,253,974.72</b>

Construction is anticipated to begin in spring 2021 with substantial completion in fall 2021. The project will result in the creation and/or retention of the equivalent of 24.5 full-time jobs.

The agreement shall have a term of three (3) months after completion of the two-year guarantee of the project.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AU-37

Ordinance No. 2021-73  
(Int. No. 80)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,172,000 Bonds of said City to finance the 2021 Milling & Resurfacing Project**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the cost of pavement milling and resurfacing, curb ramp upgrades, spot replacements of curbs and hazardous sidewalks, pavement markings and adjustment and repair of manholes and receiving basins along Child Street (I-490 to Lyell Avenue), Dewey Avenue (Emerson Street to Driving Park Avenue) and Glide Street (Buffalo Road to Lyell Avenue) comprising a portion of the 2021 Milling & Resurfacing Project (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,134,975. The plan of financing includes the issuance of \$1,172,000 bonds of the City, which amount is hereby appropriated for the Project, \$712,475 in funds from the Dormitory Authority of the State of New York appropriated in Ordinance No. 2015-120, the application of \$217,000 in Monroe County Pure Waters reimbursements for sewer work associated with street improvement projects appropriated in Ordinance No 2020-360, \$25,000 from 2016-17 Cash Capital, \$8,500 from 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 \$1,172,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,172,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

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

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

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

Passed unanimously.

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$119,000 Bonds of said City to finance water service improvements associated with the 2021 Milling & Resurfacing Project**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of water service improvements along Child Street (I-490 to Lyell Avenue), Dewey Avenue (Emerson Street to Driving Park Avenue) and Glide Street (Buffalo Road to Lyell Avenue) comprising a portion of the 2021 Milling & Resurfacing Project (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 \$119,000. The plan of financing includes the issuance of \$119,000 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 \$119,000 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 \$119,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1 of the Law, is forty (40) years.

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

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

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

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

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

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

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

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

Passed unanimously.

Ordinance No. 2021-75  
(Int. No. 82)

### **Authorizing an agreement for the 2021 Milling & Resurfacing 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 Popli, Architecture + Engineering & L.S., D.P.C. to provide resident project representation services for the 2021 Milling & Resurfacing Project along Child Street (I-490 to Lyell Avenue), Dewey Avenue (Emerson Street to Driving Park Avenue) and Glide Street (Buffalo Road to Lyell Avenue) (the Project). The maximum compensation shall be \$300,000, which shall be funded in the amounts of \$284,100 in street work bonds issued for the Project in a concurrent ordinance and \$15,900 in water service bonds issued for the Project in a concurrent ordinance. The term of the agreement shall extend until three months after completion of the Project's two-year guarantee inspection.

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. 2021-76  
Hazardous Sidewalk Replacement  
Program Northwest Quadrant  
Contract 2021 – Phase II

Comprehensive Plan 2034 Initiative Area:  
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation related to the Hazardous Sidewalk Replacement Program Northwest Quadrant Contract 2021 – Phase II. This legislation will authorize the issuance of bonds totaling \$280,000 and the appropriation of the proceeds thereof to partially finance a portion of the construction for the project.

The project will replace sidewalk flags that are in hazardous condition in the Northwest quadrant of the City.

The Project was designed by the City of Rochester Bureau of Architecture and Engineering – Street Design Division.

The existing term contract for Resident Project Representation (RPR) services for hazardous sidewalk replacement will be utilized for this project.

Bids for construction were received on January 19, 2021. The apparent low bid of \$1,312,777 was submitted by Espana Enterprises, LLC (Scott Spring, President, 174 Culvin Street, Rochester, New York).

The project will be funded as follows:

<b>Source of Funds</b>	<b>Construction</b>	<b>Contingency</b>	<b>Total</b>
Bonds authorized herein	280,000	0	\$280,000
2018-19 Cash Capital	355,000	45,658	\$400,658
2019-20 Cash Capital	677,777	154,342	\$832,119
Total	\$1,312,777	\$200,000	\$1,512,777

Construction is anticipated to begin in spring 2021 with substantial completion in fall 2021. The construction of the project will result in the creation and/or retention of the equivalent of 16.4 full-time jobs.

Respectfully submitted,  
Lovely A. Warren  
Mayor

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$280,000 Bonds of said City to finance certain costs of the Hazardous Sidewalk Replacement Program Northwest Quadrant Contract 2021 - Phase II**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the costs of the Hazardous Sidewalk Replacement Program Northwest Quadrant Contract 2021 - Phase II along the streets noted on the attached Project Area and Street List (Exhibit A), including costs of replacing hazardous sidewalk segments (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 \$1,512,777, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$280,000 bonds of the City, which amount is hereby appropriated for the Project, \$400,658 from 2018-2019 Cash Capital, \$832,119 from 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 \$280,000 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 \$280,000. 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. 24 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.

## Exhibit A

### Project Area and Street List

The Project entails replacing sidewalks along the portions of the following named streets that are located within an area of the Northwest Quadrant that is bounded by Mt. Read Boulevard to the west, Driving Park Avenue to the north, the Genesee River to the east and Lyell Avenue and Smith Street to the south:

Aab St	Elsdon St	Lorimer St	Robin St
Abbott St	Emerson St	Malvern St	Rockview Ter
Admiral Park	Farleigh Ave	Maryland St	Rogers Ave
Aldern Pl	Felix St	Mason St	Rutter St
Ambrose St	Fern St	McNaughton St	Santee St
Austin St	Finch St	Merlin St	Santee St
Avery St	Freeland St	Michigan St	Saratoga Ave
Backus St	Fulton Ave	Montrose St	Sherman St
Bauer St	Glendale Park	Mt Read Blvd	Spar Cir
Bergen St	Glenwood Ave	Murray St	Spencer St
Bloss St	Glide St	Myrtle Hill Park	Starling St
Broezel St	Haloid St	Myrtle St	Sterling St
Brooklyn St	Holmes St	N Plymouth Ave	Straub St
Burrows St	Isabelle St	N Vincent St	Sunset St
Cameron St	Jones Ave	Northampton St	Tacoma St
Canary St	Karnes St	Oriole St	Thorn St
Canton St	Kay Ter	Orlando St	Trento St
Chace St	Kestrel St	Otis St	Villa St
Clarkson St	Lake Ave	Parkway	Waldo St
Costar St	Lark St	Petrel St	Warner St
Curlew St	Laurel St	Phelps Ave	Welstead Pl
Curtis St	Leavenworth St	Pierpont St	White St
Dana St	Lexington Ave	Placid Pl	Willow St
Delmar St	Linnet St	Plover St	Wolff St
Dewey Ave	Locust St	Rainier St	Woodrow St
Dix St	Lois St	Ravine Ave	Wren St
Ellsinore St			

Passed unanimously.

#### TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2021-77  
Ordinance No. 2021-78  
Ordinance No. 2021-79  
Re: Helena Group Street Rehabilitation  
Helena and Wilson Streets  
(Hudson Avenue to North Street),  
Putnam and Frederick Streets  
(Helena Street to Cleveland Street)  
and Merrimac Street  
(North Street to Portland Avenue)

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area:  
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation related to the Helena Group Street Rehabilitation project. This legislation will:

1. Authorize the issuance of water bonds totaling \$111,000 and the appropriation of the proceeds thereof to finance the water portion of construction and RPR services for the project; and,
2. Authorize the issuance of bonds totaling \$260,000 and the appropriation of the proceeds thereof to finance RPR services for the project; and
3. Establish \$275,000 as maximum compensation for a professional services agreement with Vanguard Engineering, P.C. (Joseph Ardieta, P.E., President, 133 S. Fitzhugh Street, Rochester, New York) for Resident Project Representation (RPR) services. The cost of the project will be funded from the sources outlined in the chart on the following page.

The project includes pavement milling and resurfacing, new stone curbs, curb ramps, hazardous sidewalk replacements, driveway aprons, catch basin and manhole adjustments, fiber telecommunication conduit, signage, striping and tree plantings. In addition, replacement of lead water service lines and installation of anodes on Helena Street and are included in the project. These changes will improve accessibility, drainage and rideability.

The project was designed by the City of Rochester Bureau of Architecture and Engineering – Street Design Division.

Vanguard Engineering, P.C. was selected for RPR Services through a Request for Proposal process, which is described in the attached summary.

Bids for construction were received on January 19, 2021. The apparent low bid of \$1,655,000.91 was submitted by Sealand Contractors Corp. (Daniel Bree, CEO., 89 High Tech Drive, Rush, New York).

The project will be funded as follows:

Source of Funds	Construction	Street Lighting	RPR	Contingency	Total
DASNY grant appropriated Ordinance No. 2015-120	1,393,257.90	5,400	0	104,756.89	\$1,503,414.79
Bonds authorized herein	0	0	259,819	181	\$260,000
Water bonds authorized herein	91,360.83	0	15,181	4,458.17	\$111,000
Pure Waters Reimbursement appropriated March 2021 Council	169,782.18	0	0	16,979	\$186,761.18
2020-21 Cash Capital	600	0	0	600	\$1,200
Total	\$1,655,000.91	\$5,400	\$275,000	\$126,975.06	\$2,062,375.97

Construction is anticipated to begin in spring 2021 with substantial completion in fall 2021. The project will result in the creation and/or retention of the equivalent of 22.4 full-time jobs.

The agreement shall have a term of three (3) months after completion of the two-year guarantee inspection of the project.

Respectfully submitted,  
 Lovely A. Warren  
 Mayor

Attachment No. AU-39

Ordinance No. 2021-77  
 (Int. No. 84)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$111,000 Bonds of said City to finance water service improvements associated with the Helena Group Street Rehabilitation**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of water service improvements, including the replacement of lead water service lines and installation of anodes, along Helena and Wilson streets (Hudson Avenue to North Street), Putnam and Frederick streets (Helena Street to Cleveland Street) and Merrimac Street (North Street to Portland Avenue) comprising the Helena Group Street Rehabilitation (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 \$111,000. The plan of financing includes the issuance of \$111,000 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 \$111,000 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 \$111,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1 of the Law, is forty (40) years.

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

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

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

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

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

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

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a

newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2021-78  
(Int. No. 85)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$260,000 Bonds of said City to finance the Helena Group Street Rehabilitation**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of street rehabilitation, including pavement milling and resurfacing and installing new stone curbs, curb ramps, hazardous sidewalk replacements, driveway aprons, catch basin and manhole adjustments, fiber telecommunication conduit, signage, striping and tree plantings, along Helena and Wilson streets (Hudson Avenue to North Street), Putnam and Frederick streets (Helena Street to Cleveland Street) and Merrimac Street (North Street to Portland Avenue) comprising the Helena Group Street Rehabilitation (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 \$1,951,376. The plan of financing includes the issuance of \$260,000 bonds of the City, which amount is hereby appropriated for the Project, \$1,503,415 from Dormitory Authority of the State of New York grant funds appropriated in Ordinance No. 2015-120, \$186,761 in reimbursements from the Rochester Pure Waters District appropriated in a concurrent ordinance, \$1,200 from 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 \$260,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

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

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

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



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

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

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

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

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

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

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

Passed unanimously.

Ordinance No. 2021-79  
(Int. No. 86)

### **Authorizing agreement for the Helena Group Street Rehabilitation**

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 Vanguard Engineering, P.C. to provide resident project representation services for the Helena Group Street Rehabilitation, including associated water service improvements (the Project). The maximum compensation shall be \$275,000, which shall be funded in the amounts of \$259,819 in street bonds issued for the Project in a concurrent ordinance, \$15,181 in water service bonds issued for the Project in a concurrent ordinance. The term of the agreement shall extend until three months after completion of the Project's two-year guarantee inspection.

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. 2021-80  
Ordinance No. 2021-81  
Re: 2020 Preventive Maintenance Group 9  
Hudson Avenue (North Street to NY  
Route 104) and St. Paul Street  
(Central Avenue to Gorham Street)

Council Priority: Jobs and Economic  
Development

Comprehensive Plan 2034 Initiative Area:  
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation related to the 2020 Preventive Maintenance Group 9 Project. This legislation will:

1. Authorize the issuance of bonds totaling \$465,000 and the appropriation of the proceeds thereof to partially finance a portion of the design and construction for the 2020 Preventive Maintenance Group 9 Project, and;
2. Authorize an amendatory agreement with Erdman, Anthony and Associates, Inc. (Curt Helman, CEO, 145 Culver Road, Suite 200, Rochester, New York) to provide additional design services related to the project. The original agreement for \$359,000 was authorized in January 2017 (Ordinance No. 2017-11). This amendment will increase maximum compensation by \$50,000 to a maximum total of \$409,000 for engineering services related to changes in ADA curb ramp design criteria, expanded project limits, changes to sewer adjustment guidelines, revisions to the bicycle treatment along St Paul Street at the CSX underpass, and other out-of-scope work. The amendment will be funded with bonds authorized herein (\$25,000) and 2016-17 Cash Capital (\$25,000); and,
3. Amend the Cash Capital budget to reflect the receipt and use of \$78,000 from the Rochester City School district for additional requested sidewalk work done in front of school 22.

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

Street improvements included pavement milling and resurfacing, curb ramp upgrades, spot curb and hazardous sidewalk replacement, pavement markings, and adjustment and repair of manholes, receiving basins, and water valve castings. These improvements enhance the surface drainage and riding quality of the roadway, improve handicap accessibility, and expand the useful life of the pavement structure. Improvements to pedestrian and bicycle facilities in accordance with the Rochester Complete Streets Policy have been integrated into the design.

The project will be funded as follows:

<b>Source of Funds</b>	<b>Design</b>	<b>Construction</b>	<b>RPR</b>	<b>Total</b>
Federal Aid appropriated Ordinance No. 2017-011	287,200	0	0	\$287,200
Marchiselli Aid appropriated Ordinance No. 2018-066	20,528	0	0	\$20,528
Federal Aid appropriated Ordinance No. 2020-101	0	2,634,570	322,230	\$2,956,800
Marchiselli Aid appropriated Ordinance No. 2020-101	26,697.29	493,980	60,420	\$581,097.29
Bonds authorized Ordinance No. 2020-102	0	1,197,185	157,815	\$1,355,000
Bonds appropriated herein	25,000	440,000	0	\$465,000
Pure Waters Reimbursement appropriated Ordinance No. 2020-108	0	98,570	0	\$98,570
2014-15 Cash Capital	0	14,580.94	0	\$14,580.94
2015-16 Cash Capital	0	26,680.26	0	\$26,680.26
2016-17 Cash Capital	49,574.71	0	0	\$49,574.71
2017-18 Cash Capital	0	31,458.80	8,900	\$40,358.80
2019-20 Cash Capital	0	0	50,635	\$50,635
Rochester City School District	0	78,000	0	\$78,000
<b>Total</b>	<b>\$409,000</b>	<b>\$5,015,025</b>	<b>\$600,000</b>	<b>\$6,024,025</b>

Construction began in spring 2020 and was substantially completed in fall 2020. The additional construction funding is required primarily due to the unforeseen amount of underlying pavement base repair that was necessary along Hudson Avenue after milling operations were completed.

The additional design and construction funding will result in the creation and/or retention of the equivalent of 5.3 full-time jobs.

Respectfully submitted,  
 Lovely A. Warren  
 Mayor

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$465,000 Bonds of said City to finance the 2020 Preventive Maintenance Group 9 Project**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the costs for the 2020 Preventive Maintenance Group 9 Project consisting of pavement milling and resurfacing, curb ramps upgrades, spot curb and hazardous sidewalk replacement, pavement markings, and adjustment and repair of manholes, receiving basins, and water valve castings on portions of Hudson Avenue (North Street to NY Route 104) and St. Paul Street (Central Avenue to Gorham Street) (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$6,024,025. The plan of financing includes the issuance of \$465,000 bonds of the City, the proceeds of which are hereby appropriated to the Project, \$287,200 in anticipated reimbursements from the Federal Highway Administration authorized in Ordinance No. 2017-11 as amended in Ordinance No. 2018-66, \$20,528 in NYS Marchiselli Aid Program reimbursements authorized in Ordinance No. 2018-66, \$2,956,800 in anticipated reimbursements from the Federal Highway Administration appropriated in Ordinance No. 2020-101, \$581,097 in NYS Marchiselli Aid Program reimbursements appropriated in Ordinance No. 2020-101, \$98,570 in anticipated reimbursements from the Rochester Pure Waters District authorized in Ordinance No. 2020-108, \$1,355,000 in the proceeds of bonds of the City appropriated in Ordinance No. 2020-102, \$14,581 from 2014-15 Cash Capital, \$26,680 from 2015-16 Cash Capital, \$49,575 from 2016-17 Cash Capital, \$40,359 from 2017-18 Cash Capital, \$50,635 from 2019-20 Cash Capital, \$78,000 from 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 \$465,000 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 \$465,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as

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

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

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

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

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

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

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

Passed by the following:

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

Nays – None- 0.

Councilmember Harris abstained due to a professional relationship

Ordinance No. 2021-81  
(Int. No. 88)

**Authorizing an amendatory agreement and amending the 2020-21 Budget for the 2020 Preventive Maintenance Group 9 Project**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Erdman, Anthony and Associates, Inc., to provide additional design services for the 2020 Preventive Maintenance Group 9 Project (Project). The amendatory agreement shall amend the existing agreement which was authorized by Ordinance No. 2017-11 by increasing the maximum compensation by \$50,000 to a new total of \$409,000. The additional compensation shall be funded by \$25,000 from the proceeds of City bonds issued for the Project in a concurrent ordinance and by \$25,000 from 2016-17 Cash Capital.

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

Section 3. Ordinance No. 2020-161, the 2020-21 Budget of the City of Rochester, as amended, is hereby further amended to increase Cash Capital by the sum of \$78,000 in anticipated reimbursements from the Rochester City School District, which amount is hereby appropriated to construct enhancements to the sidewalks along the School No. 22 campus as part of the Project.

Section 4. This ordinance shall take effect immediately.

Passed by the following:

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

Nays – None- 0.

Councilmember Harris abstained due to a professional relationship

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2021-82  
Re: 2020 Preventive Maintenance Group 11  
Lyell Avenue (Mt. Read Boulevard to  
State Street)

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area:  
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation appropriating \$123,476 in anticipated reimbursements from the New York State Marchiselli Aid Program to finance a portion of construction of the Preventive Maintenance Group 11 project.

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 includes milling and resurfacing of the pavement, spot curb replacements, installation or upgrade of sidewalk curb ramps, adjustment and repair of manholes, receiving basins, and water valve castings, and replacement of traffic markings. These improvements will enhance the surface drainage and riding quality of the roadway, improve handicap accessibility, and expand the useful life of the pavement structure.

Construction started in spring 2020 with substantial completion in fall 2020.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AU-41

Ordinance No. 2021-82  
(Int. No. 89)

**Authorizing funding for the 2020 Preventive Maintenance Group 11 project**

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

Section 1. The sum of \$123,476 in anticipated reimbursements from the New York State Marchiselli Aid Program is hereby appropriated to fund a portion of the cost of construction of the 2020 Preventive Maintenance Group 11 project, which includes Lyell Avenue from Mt. Read Boulevard to State Street.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2021-83  
Ordinance No. 2021-84  
Re: 2021 Preventive Maintenance  
Northwest Group 12 -  
Driving Park Avenue (Ramona Street to  
Dewey Avenue), Emerson Street  
(Mt. Read Boulevard to Sherman Street),  
Jay Street (Mt. Read Boulevard to at  
-grade Railroad Crossing)

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area:  
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation related to the 2021 Preventive Maintenance Northwest Group 12 Project. This legislation will:

1. Appropriate \$2,501,600 in anticipated reimbursements from the Federal Highway Administration (FHWA) to finance a portion of the construction and Resident Project Representation (RPR) services for the project; and,
2. Appropriate \$27,086 in anticipated reimbursements from the New York State Marchiselli Aid Program to finance a portion of the design and right-of-way services for the project; and,
3. Authorize the issuance of bonds totaling \$655,000 and the appropriation of the proceeds thereof to partially finance a portion of the construction and RPR services for the project; and,
4. Establish \$450,000 as maximum compensation for a professional services agreement with Fisher Associates, P.E., L.S., L.A., D.P.C. (Rosenn B. Schmid, P.E., CEO, 180 Charlotte Street, Rochester, New York) for RPR services for the project.

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 includes milling and resurfacing of the pavement, spot curb replacements, installation or upgrade of sidewalk curb ramps, adjustment and repair of manholes, receiving basins, and water valve castings, and replacement of traffic pavement markings. Additional enhancements include new bike lanes, curb bump-outs, new left turn lanes on Emerson Street at Glide Street and an evaluation for converting a signalized intersection of Jay Street and Glide Street to a four-way stop. These improvements will enhance the surface drainage and riding quality of the roadway, improve accessibility for all users, and expand the useful life of the pavement structure.

The project was designed by Joseph C. Lu Engineering, P.C. (Ordinance No. 2019-258).

Fisher Associates, P.E., L.S., L.A., D.P.C. was selected for RPR services through a Request for Proposal process, which is described in the attached summary.

Bids for construction were received on February 5, 2021. The apparent low bid of \$2,742,000.96 was submitted by Sealand Contractors Corp. (Daniel Bree, CEO, 89 High Tech Drive, Rush, New York).



The project will be funded as follows:

Source of Funds	Design & ROW	CSX	Construction	RPR	Contingency	Total
Federal Aid appropriated Ordinance No. 2019-258	228,000	0	0	0	0	\$228,000
Federal Aid appropriated herein	0	0	2,148,930.93	352,669.07	0	\$2,501,600
Marchiselli Aid Appropriated herein	27,086	0	0	0	0	\$27,086
Bonds authorized herein	0	0	529,894.94	92,961.81	32,143.25	\$655,000
2016-17 Cash Capital	29,914	35,000	0	0	0	\$64,914
2020-21 Cash Capital	0	0	26,622.50	4,369.12	0	\$30,991.62
Pure Waters Reimbursement authorized Ordinance No. 2020-108	0	0	36,552.59	0	0	\$36,552.59
<b>Total</b>	<b>\$285,000</b>	<b>\$35,000</b>	<b>\$2,742,000.96</b>	<b>\$450,000</b>	<b>\$32,143.25</b>	<b>\$3,544,144.21</b>

Construction is anticipated to begin in spring 2021 with substantial completion in fall 2021. The construction of the project will result in the creation and/or retention of the equivalent of 38.5 full-time jobs.

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

Respectfully submitted,  
 Lovely A. Warren  
 Mayor

Attachment AU-42

Ordinance No. 2021-83  
(Int. No. 90)

**Authorizing funding and an agreement for the 2021 Preventive Maintenance Northwest Group 12 Project**

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

Section 1. The sum of \$2,501,600 in anticipated reimbursements from the Federal Highway Administration (FHWA) is hereby appropriated to fund a portion of the 2021 Preventive Maintenance Northwest Group 12 Project encompassing Driving Park Avenue (Ramona Street to Dewey Avenue), Emerson Street (Mt. Read Boulevard to Sherman Street), and Jay Street (Mt. Read Boulevard to at-grade Railroad Crossing) (the Project).

Section 2. The Council hereby authorizes the receipt and use of \$27,086 in anticipated reimbursements from the New York State Department of Transportation's Marchiselli Aid program and appropriates that sum to fund the Project.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement with Fisher Associates, P.E., L.S., L.A., D.P.C. to provide resident project representation services for the Project. The maximum compensation shall be \$450,000, which shall be funded in the amounts of \$352,669 from FHWA funds appropriated in Section 1 herein, \$92,962 from bonds issued for the Project in a concurrent ordinance, and \$4,369 from 2020-21 Cash Capital. The term of the agreement shall continue to six months after final completion of the Project.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2021-84  
(Int. No. 91)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$655,000 Bonds of said City to finance the 2021 Preventive Maintenance Northwest Group 12 Project**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the costs for the 2021 Preventive Maintenance Northwest Group 12 Project consisting of milling and resurfacing of the pavement, spot curb replacements, installing or upgrading sidewalk curb ramps, adjusting and repairing manholes, receiving basins, and water valve castings, replacing traffic pavement markings, and adding bike lanes, curb bump-outs, and new left turn lanes on portions of Driving Park Avenue (Ramona Street to Dewey Avenue), Emerson Street (Mt. Read Boulevard to Sherman Street), and Jay

Street (Mt. Read Boulevard to at-grade Railroad Crossing) (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 \$3,544,144. The plan of financing includes the issuance of \$655,000 bonds of the City, the proceeds of which are hereby appropriated to the Project, \$228,000 in anticipated reimbursements from the Federal Highway Administration ("FHWA") authorized in Ordinance No. 2019-258, \$2,501,600 in anticipated reimbursements from the FHWA authorized in a concurrent ordinance, \$27,086 in NYS Marchiselli Aid Program reimbursements authorized in a concurrent ordinance, \$64,914 from 2016-17 Cash Capital, \$30,992 from 2020-21 Cash Capital, \$36,552 in anticipated reimbursements from the Rochester Pure Waters District authorized in Ordinance No. 2020-108 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 \$655,000 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 \$655,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2021-85

Re: Appropriation – Rochester Pure  
Waters District, Street Improvement  
Projects

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area:  
Sustaining Green & Active Systems

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

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

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

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2021-85  
(Int. No. 92)

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

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

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

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2021-86  
Ordinance No. 2021-87  
Re: Genesee Valley Park Pool and  
Plaza Upgrades

Council Priority: Creating and Sustaining a  
Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:  
Fostering Prosperity and Opportunity &  
Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to the Genesee Valley Park Pool and Plaza Upgrades. This legislation will:

1. Authorize the issuance of bonds totaling \$1,625,000 and the appropriation of the proceeds thereof to partially finance the construction and resident project representation (RPR) services for the Project; and,
2. Establish \$150,000 as maximum compensation for a professional services agreement with The Pike Company, Inc. (Rufus M. Judson, CEO, One Circle Street, Rochester, New York), for resident project representation (RPR) services. The cost of the agreement will be funded as outlined in the chart below.

The project includes exterior renovations to the pool and plaza area at the Genesee Valley Park pool and plaza. Renovations include a new concrete pool deck, pool accessories including a new pool bulkhead, drainage upgrades, LED lighting and an extended concrete bleacher pad. The entry plaza will be fully accessible and include a new seat wall, LED lighting and electronic signage.

The project will be funded as follows:

Source of Funds	Design	Construction	RPR	Contingency	Total
2018-19 Cash Capital	219,530	0	3,444.16	297,526.69	\$520,500.85
Debt authorized herein	0	1,478,444.16	146,555.84	0	\$1,625,000
<b>TOTAL</b>	<b>\$219,530</b>	<b>\$1,478,444.16</b>	<b>\$150,000</b>	<b>\$297,526.69</b>	<b>\$2,145,500.85</b>

The project was designed by Passero Associates, Engineering, Architecture & Surveying D.P.C. (John Caruso P.E., CEO, 242 West Main Street Suite 100, Rochester, NY) as authorized by Ordinance No. 2019-284.

The Pike Company, Inc. was selected for Resident Project Representation services through a Request for Proposal process, which is described in the attached summary.

Bids for construction were received January 2021. The apparent low bid General Contractor (GC) bid of \$1,241,195.78 and GC-Alt.#1 of \$54,448.38 was submitted by C.P.Ward, Inc. (Kenneth Stewart, President, 100 W. River Road, PO Box 900, Scottsville, NY). The apparent low Electrical Contractor (EC) bid of \$121,900 and EC-Alt. No. 1 of \$60,900 was submitted by North Coast Electrical Solutions, LLC (Diane Fico, President, 30 Grace Marie Drive, Webster, NY).

Construction is anticipated to begin in spring 2021 with substantial completion in fall 2021. The construction will result in the creation and/or retention of the equivalent of 21 full-time jobs.

The agreement shall have a term of three (3) months after completion of the two-year guarantee of the project.

Respectfully submitted,  
 Lovely A. Warren  
 Mayor

Attachment No. AU-43  
 Ordinance No. 2021-86  
 (Int. No. 93)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,625,000 Bonds of said City to finance the Genesee Valley Park Pool and Plaza Upgrades project**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the costs for the Genesee Valley Park Pool and Plaza Upgrades to the pool and plaza located at 115 Elmwood Avenue to include a new concrete pool deck, new bulkhead and other pool accessories, drainage upgrades, LED lighting, an extended concrete bleacher pad, electronic signage and accessibility improvements (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and

costs incidental thereto and the financing thereof, is \$2,145,501. The plan of financing includes the issuance of \$1,625,000 bonds of the City, the proceeds of which are hereby appropriated to the Project, \$520,501 from 2018-19 Cash Capital and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,625,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,625,000. 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 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.

Ordinance No. 2021-87  
(Int. No. 94)

**Authorizing an agreement for the Genesee Valley Park Pool and Plaza Upgrades project**

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with The Pike Company, Inc. to provide resident project representation services for the Genesee Valley Park Pool and Plaza Upgrades (the Project). The maximum compensation shall be \$150,000, which shall be funded in the amounts of \$146,555.84 from bonds issued for the Project in a concurrent ordinance, and \$3,444.16 from 2018-19 Cash Capital. The term of the agreement shall continue to three months after completion of the Project's two-year guarantee inspection.

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. 2021-88  
Ordinance No. 2021-89  
Re: Rundel Library Structural Terrace  
Improvements Phase IV Project

Council Priority: Creating and Sustaining  
a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:  
Sustaining Green & Active Systems



Transmitted herewith for your approval is legislation related to the Rundel Library Structural Terrace Improvements Phase IV project. This legislation will:

1. Authorize the issuance of bonds totaling \$600,000 and the appropriation of the proceeds thereof to partially finance the construction and resident project representation (RPR) of the Project. The estimated total project cost will increase to \$9,825,027 including the bonds issued herein. The total cost of the project will be funded from the sources outlined below; and,
2. Authorize an amendatory agreement with LaBella Associates, D.P.C. (Steve Metzger, CEO, 300 State Street, Suite 201, Rochester, New York). This amendment will increase the maximum total compensation by \$250,000 to a maximum total of \$1,570,000 and will be funded with bonds appropriated herein.

The project includes the reconstruction of the Rundel Library north terrace and elevated east sidewalk over the former subway tunnel. High priority structural repairs to the substructure are included along with amenities such as a fully accessible river theater, tiered seating overlooking the Genesee River, landscape architectural features, LED accent lighting, and a public art installation with LED lighted gateway and illuminated runnel.

This ROC the Riverway project will create a vibrant terrace that celebrates the library and the history of the Erie Canal and aqueduct, improves visibility and public access to the riverfront and provides enhanced outdoor public space for gathering and library programming.

The bonds authorized herein, along with prior approved funding, will be utilized for construction services related to unforeseen structural and environmental site conditions identified during construction. The amendatory agreement authorized herein will fund additional construction phase design services and resident project representation (RPR) services related to the project and unforeseen conditions and structural design adjustments.

Ordinance No. 2016-343, Ordinance No. 2018-300, and Ordinance No. 2020-113 authorized an agreement with LaBella Associates, D.P.C. for engineering, planning and landscape architectural services in a maximum amount of \$1,320,000. Ordinance No. 2019-09 authorized an agreement with Rochester District Hearing Cooperative, Inc. for the relocation of existing steam pipe in preparation for the project in a maximum amount of \$35,000.

\$1,500,000 was appropriated by Ordinance No. 2019-370 which was awarded by the Honorable Governor Andrew Cuomo through the ROC the Riverway initiative.

The construction of the project will be funded as follows:

Source of Funds	Design and RPR	Construction & Site Preparation	Total
Bonds authorized Ordinance No. 2016-344	1,300,000	2,157,000	\$3,457,000
Rochester Gas & Electric grant appropriated Ordinance No. 2020-113	20,000	158,027	\$178,027
DASNY Grants appropriated Ordinance No. 2018-53	0	2,000,000	\$2,000,000
Bonds authorized Ordinance No. 2018-313	0	250,000	\$250,000
ROC the Riverway grant appropriated Ordinance 2019-370	0	1,500,000	\$1,500,000
Bonds authorized Ordinance No. 2019-371	0	1,070,000	\$1,070,000
Bonds authorized Ordinance No. 2020-45	0	770,000	\$770,000
Bonds authorized herein	250,000	350,000	\$600,000
<b>Total:</b>	<b>\$1,570,000</b>	<b>\$8,255,027</b>	<b>\$9,825,027</b>

Project construction is underway with anticipated completion in fall 2021. The additional funding will result in the creation and/or retention of the equivalent of 6.5 full-time jobs.

The amended agreement shall extend until three (3) months after completion of a two-year guarantee inspection of the project

Respectfully submitted,  
 Lovely A. Warren  
 Mayor

Attachment No. AU-44

Ordinance No. 2021-88  
 (Int. No. 95)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$600,000 Bonds of said City to finance the costs of the Rundel Library Structural Terrace Improvements Phase IV Project**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the costs of the Rundel Library Structural

Terrace Improvements Phase IV Project, including reconstruction of the north terrace, structural repairs to the underlying substructure, enhanced outdoor gathering spaces, improved public access and visibility to the riverfront, landscape features, terrace lighting, and, along the east sidewalk on South Avenue, reconstruction of the sidewalk and the adjacent elevated sidewalk and bus stop, and illuminated runnel (collectively, 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 \$9,825,027. The plan of financing includes the issuance of \$600,000 in bonds of the City, which amount is hereby appropriated therefor, the issuance of \$3,457,000 bonds of the City authorized in Ordinance No. 2016-344, the issuance of \$770,000 bonds of the City authorized in Ordinance No. 2020-45, \$178,027 from a Rochester Gas and Electric Corporation grant appropriated in Ordinance No. 2020-113, \$2,000,000 in anticipated reimbursements from the Dormitory Authority of the State of New York appropriated in Ordinance No. 2018-53, the issuance of \$250,000 bonds of the City authorized in Ordinance No. 2018-313, \$1,500,000 in anticipated reimbursements from the New York State ROC the Riverway/Upstate Revitalization Initiative appropriated in Ordinance No. 2019-370, the issuance of \$1,070,000 bonds of the City authorized in Ordinance No. 2019-371, 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 \$600,000 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 \$600,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of Section 11.00 a. 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 by the following:

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

Nays – None- 0.

Councilmember Gruber abstained due to a professional relationship.

Ordinance No. 2021-89  
(Int. No. 96)

### **Authorizing an amendatory agreement for the Rundel Library Structural Terrace Improvements Phase IV Project**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with LaBella Associates, D.P.C. for additional engineering, design and resident project representation services for the Rundel Library Structural Terrace Improvements Phase IV Project (Project). The agreement for those services authorized in was authorized by Ordinance No. 2016-343 as amended by Ordinance Nos. 2018-300 and 2020-113, is hereby further amended to increase the maximum compensation by \$250,000 to a new total of \$1,570,000. The amendatory compensation amount shall be funded from the issuance of City bonds authorized in a concurrent ordinance.

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 by the following:

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

Nays – None- 0.

Councilmember Gruber abstained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2021-90

Ordinance No. 2021-91

Re: East Main Street Bridge over  
CSX Trans/Amtrak

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area:  
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation related to the East Main Street Bridge over CSX Tran/Amtrak. This legislation will:

1. Authorize the issuance of bonds totaling \$200,000 and the appropriation of the proceeds thereof to finance an agreement with CSX Transportation; and,
2. Establish \$200,000 as total maximum compensation for an agreement with CSX Transportation, Inc. (Jacksonville, Florida) for construction engineering and inspection services. The cost of the agreement will be funded from bonds authorized herein.

The agreement with CSX Transportation is required to provide construction engineering and inspection services (flagman) to protect the interests of CSXT. Flagging services are required by federal law when projects are within close proximity to active rail lines and are thus required for the East Main Street Bridge over CSX Trans/Amtrak preventative maintenance project. These services can only be performed by personnel qualified by CSXT.

The project will be funded as follows:

Source of Funds	Design & Material Testing	Construction	CSX Construction Agreement	RPR	Total
Federal Aid appropriated Ordinance No. 2019-223	124,450	0	0	0	\$ 124,450
Federal Aid appropriated Ordinance No. 2021-20	0	1,200,000	0	88,580	\$ 1,288,580
Bond authorized Ordinance No. 2021-21	0	91,952.45	0	133,047.55	\$ 225,000
Bonds Authorized herein	0	0	200,000	0	\$ 200,000
2012-13 Cash Capital	23,133.85	0	0	0	\$ 23,133.85
2014-15 Cash Capital	24,350	0	0	0	\$ 24,350
2017-18 Cash Capital	36,866.15	0	0	0	\$ 36,866.15
2018-19 Cash Capital	25,000	0	0	0	\$ 25,000
2019-20 Cash Capital	0	0	0	28,372.45	\$ 28,372.45
<b>Total</b>	<b>\$ 233,800</b>	<b>\$ 1,291,952.45</b>	<b>\$ 200,000</b>	<b>\$ 250,000</b>	<b>\$ 1,975,752.45</b>

Construction is anticipated to begin in the spring 2021 and completed in fall 2021. The agreement will result in the creation and/or retention of the equivalent of 2.2 full-time jobs.

The term of the agreement will extend until five (5) years after project completion.

Respectfully submitted,  
 Lovely A. Warren  
 Mayor

Attachment No. AU-45

Ordinance No. 2021-90  
 (Int. No. 97)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$200,000 Bonds of said City to finance a portion of the costs of the East Main Street Bridge over CSX Trans/Amtrak 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"), hereby authorizes the issuance of \$200,000 bonds of the City to finance a portion of the costs of the East Main Street Bridge over CSX Trans/Amtrak project comprised of maintenance and repairs which include milling the existing overlay, completing a top mat exposure utilizing hydro

demolition, pouring a new concrete overlay, eliminating the existing bridge joint system, modifying the backwall to accept the jointless detail, removing and replacing granite curbs, repairing sidewalks, removing and replacing the concrete parapet and fencing system, and construction engineering and inspectors to preserve safety when work occurs along active rail lines ("Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,975,752. The plan of financing includes the issuance of \$200,000 bonds of the City, which amount is hereby appropriated therefor, \$225,000 in City bonds authorized in Ordinance No. 2021-21, \$124,450 in Federal Highway Administration (FHWA) aid appropriated in Ordinance No. 2019-223, \$1,288,580 in FHWA aid appropriated in Ordinance No. 2021-20, \$23,134 from 2012-13 Cash Capital, \$24,350 from 2014-15 Cash Capital, \$36,866 from 2017-18 Cash Capital, \$25,000 from 2018-19 Cash Capital, \$28,372 from 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 \$200,000 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 \$200,000. 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.10.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 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. 2021-91  
(Int. No. 98)

**Authorizing an agreement for the East Main Street Bridge over CSX Trans/Amtrak 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 CSX Transportation, Inc. to provide construction engineering and inspection services for the East Main Street Bridge over CSX Tran/Amtrak project (Project). The maximum compensation shall be \$200,000, which shall be funded from the proceeds of the City bonds authorized in a concurrent ordinance. The term of the agreement shall continue until five years after Project completion.

Section 2. The agreement authorized herein 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. 2021-92  
Re: Geometric Changes – Holland  
Townhomes (250 Holland Street)

Council Priority: Creating and Sustaining a  
Culture of Vibrancy and Jobs and Reinforcing  
Strong Neighborhoods Culture of Vibrancy  
and Jobs and Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing geometric changes for the Rochester Housing Authority Holland Townhomes project located at 250 Holland Street.

Geometric changes for the project include:

1. Kelly Street; from Holland Street to Hudson Ave
  - a. Beginning at point 35' east of the southeast corner of Kelly Street and Holland Street; increase the pavement width from 40' to 60' for a distance of 135'
2. Holland Street; from Kelly Street to Angle Point
  - a. Beginning at a point 44' north of the southeast corner of Kelly Street and Holland Street; increase the pavement width from 30' to 48' for a distance of 48'
  - b. Continue north along the existing curb-line unchanged a distance of 113'
  - c. Increase the pavement width from 30' to 48' for a distance of 10'
  - d. Continue north along the existing curb-line unchanged a distance of 189'
  - e. Increase the pavement width from 30' to 48' for a distance of 81'
3. Holland Street from Hudson Avenue to Angle Point
  - a. Beginning at a point 143' west of the southwest corner of Hudson Avenue and Holland Street; increase the pavement width from 29' to 45' for a distance of 27'
  - b. Continue west along the existing curb-line unchanged a distance of 148'
  - c. Increase the pavement width from 30' to 45' for a distance of 63'

This change includes the addition and construction of 44 parking spaces along the perimeter of the complex with code compliant accessible parking spaces. In addition to the pavement width changes, the project includes new access ramps, installation of curb and sidewalk replacement.

A public informational meeting was held on January 20, 2021. A copy of the minutes from this meeting are attached. The geometric changes required for the project were endorsed by the Traffic Control Board on October 7, 2020.

Construction is anticipated to begin in spring of 2021, and completion. Construction is anticipated to begin in spring of 2021, and completion is anticipated by fall of 2021. A public hearing on the pavement width changes is required.

Respectfully submitted,  
Lovely A. Warren  
Mayor

**Authorizing pavement width changes for the Holland Townhomes project**

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

Section 1. Council hereby approves the following payment width changes adjacent to the Rochester Housing Authority Holland Townhomes property (the Project):

1. On Kelly Street, between Holland Street and Hudson Avenue:
  - a. Increase the pavement width by 20 feet, from 40 feet to 60 feet, beginning at a point 35 feet east of the southeast corner of Kelly Street and Holland Street and continuing eastward a distance of 135 feet.
2. On Holland Street, between Kelly Street and Angle Point:
  - a. Increase the pavement width by 18 feet, from 30 feet to 48 feet, beginning at a point 44 feet north of the southeast corner of Kelly Street and Holland Street and continuing northward for a distance of 48 feet;
  - b. Leave the existing pavement width unchanged, beginning at a point 92 feet north of the southeast corner of Kelly Street and Holland Street and continuing northward for a distance of 113 feet;
  - c. Increase the pavement width by 18 feet, from 30 feet to 48 feet, beginning at a point 205 feet north of the southeast corner of Kelly Street and Holland Street and continuing northward for a distance of 10 feet;
  - d. Leave the existing pavement width unchanged, beginning at a point 215 feet north of the southeast corner of Kelly Street and Holland Street and continuing northward a distance of 189 feet; and
  - e. Increase the pavement width by 18 feet, from 30 feet to 48 feet, beginning at a point 404 feet north of the southeast corner of Kelly Street and Holland Street and continuing northward for a distance of 81 feet.
3. On Holland Street, between Hudson Avenue to Angle Point:
  - a. Increase the pavement width by 16 feet, from 29 feet to 45 feet, beginning at a point 143 feet west of the southwest corner of Hudson Avenue and Holland Street and continuing westward for a distance of 27 feet;

- b. Leave the existing pavement width unchanged, beginning at a point 170 feet west of the southwest corner of Hudson Avenue and Holland Street and continuing westward for a distance of 148 feet; and
- c. Increase the pavement width by 15 feet, from 30 feet to 45 feet, beginning at a point 318 feet west of the southwest corner of Hudson Avenue and Holland Street and continuing westward for a distance of 63 feet.

Section 2. The changes authorized herein shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ladies and Gentlemen:

Ordinance No. 2021-93  
Ordinance No. 2021-94  
Ordinance No. 2021-95  
Resolution No. 2021-8

Re: Main Street Streetscape Phase II

Council Priority: Creating and Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation related to the Main Street Streetscape Phase II project. This legislation will:

1. Appropriate \$1,725,000 in anticipated reimbursements from the Federal Highway Administration (FHWA) to finance a portion of design, construction and Resident Project Representation (RPR) services for the project; and,
2. Authorize the issuance of bonds totaling \$4,124,000 and appropriating the proceeds thereof to partially finance the construction and RPR services for the project; and,
3. Authorize the issuance of water bonds totaling \$79,000 to finance the cost of relocation of water hydrants and water service curb stops; and,
4. Authorize an amendatory agreement with Stantec Consulting Services Inc. (James R. Hofmann, PE, Principal), Rochester, NY 14614, for construction administration services for the project. The original agreement for \$473,000 was authorized in November 2017 (Ordinance No. 2017-360). This amendment will increase maximum compensation by \$110,000 to a total of \$583,000; and,
5. Establish \$580,000 as maximum compensation for a professional services agreement with C & S Engineers, Inc., (John D. Trimble, CEO, 499 Col. Eileen Collins Blvd., Syracuse, New York) for RPR services; and,

6. Approve a resolution, in a form that is required by the New York State Department of Transportation (NYSDOT), that will confirm the City's prior authorizations of the Project, commit the City to pay for the State-funded portion of the Project in the first instance before seeking reimbursement from the State, and, if applicable, commit the City Council to meet promptly to consider appropriating money to make up any cost overruns.

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

The amendatory agreement with Stantec Consulting Services Inc. will fund construction administration services during construction. The amendatory agreement will be financed with \$89,800 2014-15 Cash, \$20,000 in anticipated RG&E reimbursements as appropriated in Ordinance No. 2018-341, and \$200 in anticipated reimbursements from FHWA appropriated herein.

C & S Engineers, Inc., was selected for RPR services through a Request for Proposal process, which is described in the attached summary.

Bids for construction were received on February 2, 2021. The apparent low bid of \$5,656,000.25 was submitted by Sealand Contractors Corp. (Daniel Bree, CEO, 89 High Tech Drive, Rush, NY).

The project will be funded as follows:

Source of Funds	Design	Construction	RPR	Contingency	Total
RG&E grant appropriated Ordinance No. 2018-341	20,000	0	0	0	\$20,000
Federal Aid appropriated Ordinance No. 2017-360	179,000	0	0	0	\$179,000
Federal Aid authorized herein	200	1,552,000	172,800	0	\$1,725,000
Bond authorized herein	0	3,737,098.04	386,648.22	253.74	\$4,124,000
Water Bond authorized herein	0	70,407.09	6,847.29	1,745.62	\$79,000
Pure Waters Reimbursement appropriated March 2021 Council	0	155,579.07	0	0	\$155,579.07
2014-15 Cash Capital	274,800	0	0	0	\$274,800
2015-16 Cash Capital	25,000	0	0	0	\$25,000
2016-17 Cash Capital	0	105,800	0	0	\$105,800
2017-18 Cash Capital	84,000	35,116.05	13,704.49	0	\$132,820.54
Total	\$583,000	\$5,656,000.25	\$580,000	\$1,999.36	\$6,820,999.61

Construction is anticipated to begin in spring 2021 with substantial completion in spring 2022. The project will result in the creation and/or retention of the equivalent of 67.8 full-time jobs.

The consultant agreement shall terminate six (6) months after completion and acceptance of the construction of the Project.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Attachment No. AU-47

Ordinance No. 2021-93  
(Int. No. 100)

**Authorizing funding and agreements for the Main Street Streetscape Phase II project**

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

Section 1. The sum of \$1,725,000 in anticipated reimbursements from the Federal Highway Administration (FHWA) is hereby appropriated to fund a portion of the costs of the Main Street Streetscape Phase II project (the Project).

Section 2. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Stantec Consulting Services Inc. to provide additional design and construction administration services for the Project. The agreement for those services authorized in Ordinance No. 2017-360 is hereby amended to increase the maximum compensation by \$110,000 to a new total of \$583,000. The additional compensation shall be funded by \$89,800 from 2014-15 Cash Capital, \$20,000 from Rochester Gas and Electric Corporation reimbursements appropriated in Ordinance No. 2018-341 and \$200 from FHWA reimbursements appropriated in Section 1 herein.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement with C & S Engineers, Inc. to provide resident project representation services for the Project. The maximum compensation shall be \$580,000, which shall be funded in the amounts of \$172,800 from FHWA reimbursements appropriated in Section 1 herein, \$386,648.22 in street work bonds issued for the Project in a concurrent ordinance, \$6,847.29 in water service bonds issued for the Project in a concurrent ordinance and \$13,704.49 from 2017-18 Cash Capital. The term of the agreement shall continue until six months after completion and acceptance of the construction of the Project.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2021-94  
(Int. No. 101)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$4,124,000 Bonds of said City to finance the Main Street Streetscape Phase II project**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the cost of Main Street Streetscape Phase II project along Main Street from its intersection with State Street/Exchange Street and extending east to the intersection with St. Paul Street/South Avenue, including new curbs and new sidewalk finishes, milled and resurfaced roadway pavement with revised striping for dedicated and shared bike and bus lanes, bus passenger shelters, lighting, recessed parking at First Federal Plaza, Convention Center, Rochester Riverside Hotel and adjacent retail storefronts, wayfinding provided via pavement markings, signs and kiosk, street trees and planters, benches, bicycle racks, recycling and compacting trash receptacles, phone and computer charging stations, relocated and reset historic plaques and interpretive signs, repainting and restoring the decorative "Paley" railing, stone masonry and parapet walls on the Main Street Bridge, reinstalling the Convention Center "Rotary Clock", new pedestrian crossing on the west side of the Main Street bridge, relocated and new vehicular signage and other streetscape enhancements (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 \$6,742,000. The plan of financing includes the issuance of \$4,124,000 street bonds of the City, which amount is hereby appropriated for the Project, \$20,000 from a Rochester Gas and Electric Corporation grant appropriated in Ordinance No. 2018-341, \$179,000 in reimbursements from Federal Highway Administration ("FHWA") appropriated in Ordinance No. 2017-360, \$1,725,000 in reimbursements from FHWA appropriated in a concurrent ordinance, \$155,579 in Rochester Pure Waters District reimbursements appropriated in a concurrent ordinance, \$274,800 from 2014-15 Cash Capital, \$25,000 from 2015-16 Cash Capital, \$105,800 from 2016-17 Cash Capital, \$132,821 from 2017-18 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 \$4,124,000 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 \$4,124,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

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

Passed unanimously.

Ordinance No. 2021-95  
(Int. No. 102)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$79,000 Bonds of said City to finance water service improvements associated with the Main Street Streetscape Phase II project**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of water service improvements along Main Street from its intersection with State Street/Exchange Street and extending east to the intersection with St. Paul Street/South Avenue, including the relocation of water hydrants and water service

curb stops comprising the Main Street Streetscape Phase II project (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 \$79,000. The plan of financing includes the issuance of \$79,000 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 \$79,000 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 \$79,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1 of the Law, is forty (40) years.

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

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

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

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

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



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

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

Passed unanimously.

Resolution No. 2021-8  
(Int. No. 103)

**Resolution authorizing the implementation and funding in the first instance of 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefor relating to the Main Street Streetscape & Pedestrian Wayfinding enhancement Phase 2**

WHEREAS, a Project for Main Street Streetscape & Pedestrian Wayfinding enhancement Phase 2, P.I.N. 4CR0.09 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

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

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

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

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

THAT the sum of \$6,820,999.61 appropriated pursuant to Ordinance No. 2017-360 (\$473,000), Ordinance No. 2021-93 (\$1,725,000), Ordinance No. 2021-94 (\$4,543,999.61) and Ordinance No. 2021-95 (\$79,000) are made available to cover the cost of participation in the above described phases of the Project;

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

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

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

THAT this Resolution shall take effect immediately.

Adopted unanimously.

By Vice President Lightfoot  
March 16, 2021  
To the Council:

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

- |              |   |
|--------------|---|
| Int. No. 105 | Authorizing an agreement for the STOP Violence Against Women grant program  |
| Int. No. 106 | Authorizing the acquisition of 55-57 and 61 St. Paul Street   |
| Int. No. 107 | Resolution approving an exception to the 2020-21 debt limit for general municipal purposes relating to the acquisition of 55-57 and 61 St. Paul Street  |
| Int. No. 108 | Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,630,000 Bonds of said City to finance costs to acquire the former Chamber of Commerce Building property at 55-57 and 61 St. Paul Street |
| Int. No. 109 | Authorizing a lease agreement for 55-57 St. Paul Street   |
| Int. No. 110 | Authorizing the acquisition of 448 Smith Street   |
| Int. No. 111 | Authorizing a grant agreement and Budget amendment for the Motor Vehicle Theft and Insurance Fraud Prevention program   |
| Int. No. 113 | Authorizing agreements and amending the Budget for My Brother's Keeper program  |

The **PUBLIC SAFETY, RECREATION & HUMAN SERVICES COMMITTEE** recommends for **CONSIDERATION** the following entitled

- |              |   |
|--------------|---|
| Int. No. 104 | Local Improvement Ordinance – security and snow removal services at the Public Market for 2021-22 |
|--------------|---|

Respectfully submitted, Willie Lightfoot (*Abstained Int. No. 106, 107, 108, 109, 110*)  
 Mitch Gruber (*Voted against Int. No. 111*)  
 Lashay D. Harris (*Abstained Int. No. 113*)  
 Jose Peo  
 Loretta C. Scott  
 PUBLIC SAFETY, RECREATION & HUMAN SERVICES COMMITTEE

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Local Improvement Ordinance No. 1774  
 Re: Public Market Snow Removal  
 and Security Services

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

Comprehensive Plan 2034 Initiative Area:  
 Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation authorizing the appropriations and assessments for snow removal and security services at the Public Market for 2021-22. The snow removal and security districts were established in 1990 and 1991, respectively, and include 15 properties adjacent to the Public Market.

The City provides special snow removal services, including plowing and salting, as necessary. The security services include foot patrols from 5:00 pm to 5:00 am, Monday through Saturday, and all day on Sunday. Part of the cost of these services is apportioned among the properties within the district. For each property, these assessments include both a fixed fee and a fee per frontage foot.

Snow Removal: For 2021-22 snow removal services, the fixed fee will be \$100 per property, while the footage fee will be \$3.25 per foot. The total amount of the assessment will be \$6,237.95

Security Services: For 2021-22 security services, the fixed fee will be \$1,190 per property, while the front footage fee will be \$17.80 per foot. The total amount of the assessment will be \$43,799.37.

<b><i>Snow</i></b>	Fixed Fee	# Properties	Subtotal	Footage Fee	Footage	Subtotal	Total
2020-21	\$100	15	\$1,500.00	\$3.25	1,457.83	\$4,737.95	\$6,237.95
2021-22	\$100	15	\$1,500.00	\$3.25	1,457.83	\$4,737.95	\$6,237.95
						Change	\$0.00
<b><i>Security</i></b>							
2020-21	\$1,190	15	\$17,850.00	\$17.80	1,457.83	\$25,949.37	\$43,799.37
2021-22	\$1,190	15	\$17,850.00	\$17.80	1,457.83	\$25,949.37	\$43,799.37
						Change	\$0.00

Public hearings are required for these assessments.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Local Improvement Ordinance No. 1774  
(Int. No. 104)

**Local Improvement Ordinance – security and snow removal services at the Public Market for 2021-22**

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

Section 1. The Council hereby authorizes special security services for the Public Market during the fiscal year from July 1, 2021 to June 30, 2022. The Council hereby finds that such services will benefit both the City-owned portions of the Public Market and the privately-owned properties adjacent to the Public Market. The Council hereby directs that a portion of the cost of providing such services be assessed against the privately-owned properties adjacent to the Public Market that are listed in Local Improvement Ordinance No. 1733, which properties shall constitute the district of assessment. The assessments shall be allocated in the manner described as follows. The total amount to be assessed for the 2021-22 year shall be \$43,799.37. The amount to be assessed against each parcel shall include a fee of \$1,190 per parcel plus \$17.80 per foot of frontage. The frontage assessed upon may be on more than one side of the parcel. The Council hereby determines that such formula represents the relative amount of benefit received by each such parcel from such services.

Section 2. The Council hereby authorizes special snow plowing and salting services for the Public Market during the fiscal year from July 1, 2021 to June 30, 2022. The Council hereby finds that such services will benefit both the City-owned portions of the Public Market and the privately-owned properties adjacent to the Public Market. The Council hereby directs that a portion of the cost of providing such services be assessed against the privately-owned properties adjacent to the Public Market that are listed in Local Improvement Ordinance No. 1732, which properties shall constitute the district of assessment. The assessments shall be allocated in the manner described as follows. The total amount to be assessed for the 2021-22 year shall be \$6,237.95. The amount to be assessed against each parcel shall include a fee of \$100 per parcel plus \$3.25 per foot of frontage that receives plowing and/or salting services. The frontage assessed upon may be on more than one side of the parcel. The Council hereby determines that such formula represents the relative amount of benefit received by each such parcel from such services.

Section 3. The security, snow plowing, and salting services authorized herein shall be provided by competitive contracts. The special assessments levied hereunder shall be paid into the Public Market Enterprise Fund. The cost of providing such services shall be paid from the Public Market Enterprise Fund and the amounts assessed herein are hereby appropriated for that purpose.

Section 4. The assessments shall be billed on the tax bill issued on July 1, 2021 and shall be due in one installment.

Section 5. This ordinance shall take effect on July 1, 2021.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2021-96  
Re: Grant Agreement – New York State  
Division of Criminal Justice Services

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:  
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Criminal Justice Services for the receipt and use of the 2021 STOP Violence Against Women (VAWA) grant totaling \$50,000. The term of this agreement is January 1, 2021 through December 31, 2021 and this is the first year of a five-year commitment by the state to provide these funds. The grant was anticipated and included in the 2020-21 Budget of the Department of Recreation and Human Services and will be included in the 2021-22 Budget of DRHS, contingent upon approval.

The grant funds will be used to pay salaries of Crisis Intervention Services staff and the City's required 25% match will be used to fund fringe expenses for those staff. These staff members provide assistance and support to victims of domestic violence, dating violence and stalking as identified by 911 emergency response dispatch systems. During the past year, victims received on-scene crisis counseling, case management, referrals and ongoing support through the use of these grant funds.

The previous STOP VAWA grant was approved via Ordinance No. 2015-19 and amended by Ordinance 2019-316.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2021-96  
(Int. No. 105)

**Authorizing an agreement for the STOP Violence Against Women grant 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 Criminal Justice Services for the receipt and use of 2021 STOP Violence Against Women grant funding in the amount of \$50,000 to support the City's Crisis Intervention Services staff. 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. 2021-97  
Resolution No. 2021-9  
Ordinance No. 2021-98  
Ordinance No. 2021-99  
Ordinance No. 2021-100

Re: Purchasing the Maguire Building –  
Purchasing and Leasing Former  
Chamber of Commerce Building

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area:  
Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation authorizing the City to acquire both the former Chamber of Commerce Building and the Maguire Building from the Rochester Economic Development Corporation (REDCO) and to lease back to REDCO a portion of the former Chamber of Commerce Building, all in order to promote the redevelopment and use of both facilities. This legislation will:

1. Authorize the negotiated purchase of the former Chamber of Commerce Building and adjacent parking located at 55-57 and 61 St. Paul Street (Chamber Building) from REDCO for the purchase price of \$1,580,000, the amount REDCO paid for it in November 2020. Last week, the REDCO Board approved the sale and leaseback of the Chamber Building in accordance with the terms set forth herein.
2. Authorize the issuance of bonds totaling \$1,630,000 to finance the purchase of the Chamber Building and up to \$50,000 of necessary closing costs. Since this bonding was not factored into the overall debt limit of \$21,853,000 established for fiscal year 2020-21 last June in Resolution No. 2020-24, it will be authorized as an exception to the 2020-21 debt limit using a portion of the \$10,000,000 exception allocation no longer being used for the Goodman Section Rochester Police Department section office on East Main Street.
3. Authorize the Mayor to enter into lease agreement that allows REDCO to continue to occupy approximately 3,110 square feet of office space in the Chamber Building. The lease is anticipated to encompass approximately 3,110 square feet at the outset with the right to build out and occupy additional space later on. The agreement will have a term of 10 years with two 5-year renewal options. During the initial term, REDCO will pay an annual rental based on the amount of spaced lease at a rate of \$12 per square foot, with the rental for each subsequent year to be adjusted based on the amount of leased space and the Consumer Price Index. The rent payments will cover the costs of gas and electric utilities (estimated to be \$4.00 per square foot), building security (\$1.00 per sq. ft.) and janitorial services (\$1.00 per sq. ft.). The annual rental payment for the optional renewals shall be based on the market rate.
4. Authorize the negotiated purchase of the Maguire Building located at 448 Smith Street from REDCO for \$425,000, to be paid in the form of credits against the lease payments that REDCO will be required to pay for its space in the Chamber Building as authorized in item 3 above. Last week, the REDCO Board approved the sale of the Maguire Building in accordance with the terms set forth herein.

The legislation will allow the City to complete the transformation of the Maguire Building on the campus of the soccer stadium from a warehouse-type facility into indoor playing and training facilities as part of the Rochester Community and Youth Sports Complex. REDCO presently owns the Maguire Building and leases it to the City. The City is transforming the building, in

combination with the adjacent soccer stadium, into a combined indoor and outdoor community sports complex, using funding that includes a generous grant of \$460,000 from the Ralph C. Wilson, Jr. Foundation and the issuance of \$925,000 of City bonds authorized in Ordinance No. 2020-329. In order to use the bond funds, the City needs to demonstrate control and/or ownership of the facility. This legislation serves that purpose and will fund the purchase price of \$425,000 by granting REDCO credits of an equal amount toward the rent that REDCO will owe for its lease of the Chamber Building.

The Chamber Building was previously owned by the State for the Rochester MetroCenter campus of SUNY Brockport, which in 2017 was transferred to and consolidated with the facilities of the Rochester Education Opportunity Center at 165 Chestnut Street. Since then, by means of a lease and sublease and, eventually, REDCO's purchase of the Chamber Building from the State, REDCO and the City have relocated some of their facilities to the building, including REDCO's headquarters and the headquarters and offices for the Department of Recreation and Human Services (DRHS).

The purchase of the approximately 109,000 square-foot Chamber Building and the lease back to REDCO of a portion thereof will maximize the usefulness of this historic building for years to come. This past January the City appropriated a portion of the racial equity initiative funds necessary to relocate the offices of the Victims Assistance Unit and Family Crisis Intervention Team (FACIT) from the City's Public Safety Building to the Chamber Building. This move will embed these services in the same space as the rest of the DRHS Crisis Intervention Services Unit. The building's location directly across the street from public transportation will make the services easily accessible.

The lease to REDCO of a portion of the Chamber Building will provide useful office space to REDCO in return for the payment of rent to the City, a portion of which will fund the City's aforementioned acquisition of the Maguire Building. The initial rental amount of \$12 per square foot was established through an independent appraisal prepared by Midland Appraisal Associates, Inc. as of January, 2021. REDCO will be responsible for making any improvements to the leased space and may finance those improvements through the City, at cost plus 10%, by means of supplemental rent payments amortized over 10 years at an annual interest rate of 5%. The City also will grant REDCO the right of first refusal to rent additional space of approximately 3,000 square feet, in the Chamber Building. Moreover, if the City sells the building during the term of the lease, the City will offer suitable replacement office space to REDCO without increasing REDCO's rent.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2021-97  
(Int. No. 106)

**Authorizing the acquisition of 55-57 and 61 St. Paul 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 \$1,580,000. The purchase price as well as necessary closing costs shall be funded from the proceeds of a concurrent bond ordinance.

<b>Address</b>	<b>S.B.L.#</b>	<b>Lot Size</b>	<b>Owner</b>
55-57 St. Paul Street	106.79-1-61	±0.53 acres	Rochester Economic Development Corporation
61 St. Paul Street	106.79-1-62	±0.23 acres	Rochester Economic Development Corporation

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 by the following:

Ayes – President Scott, Councilmembers Evans, Gruber, Harris, Lupien, Meléndez, Peo -7.

Nays – None – 0.

Vice President Lightfoot and Councilmember Patterson abstained due to a professional relationship.

Resolution No. 2021-9  
(Int. No. 107)

**Resolution approving an exception to the 2020-21 debt limit for general municipal purposes relating to the acquisition of 55-57 and 61 St. Paul Street**

WHEREAS, in June 2020 by Resolution No. 2020-24 the Council of the City of Rochester resolved that it is the intent and general policy of the City to limit the amount of bonds and notes authorized in fiscal year 2020-21 to \$20,593,000 for general municipal purposes.

WHEREAS, in that same Resolution No. 2020-24, the Council approved the sum of \$21,853,000 as an exception to that debt limit in order to fund a portion of the costs for several capital projects, including \$10,000,000 to develop the Goodman Section Rochester Police Department section office on East Main Street (Goodman Section).



WHEREAS, in August 2020 by Ordinance Nos. 2020-270 and 2020-271, Council authorized the following actions to develop Goodman Section: issuing \$12,573,000 in City bonds to finance a portion of the cost; accepting and using funding from other sources; and an agreement for construction management services.

WHEREAS, in September 2020 by Ordinance No. 2020-280, Council repealed Ordinance Nos. 2020-270 and 2020-271 after being reconsidering the appropriateness of construction of a new the Goodman Section office.

WHEREAS, the Mayor has proposed that the City purchase the former Chamber of Commerce Building and adjacent parking located at 55-57 and 61 St. Paul Street (Chamber Building) from the Rochester Economic Development Corporation (REDCO) for the purchase price of \$1,580,000, the amount REDCO paid for it in November 2020, and to finance the purchase and up to \$50,000 in closing costs by the issuance of \$1,630,000 in City Bonds.

WHEREAS, funding the acquisition of the Chamber Building by City bonds will require the Council to issue an exception to the City's debt limit for 2020-21 because the acquisition is not one of the projects authorized by the Council in Resolution No. 2020-24 for City debt funding under either the general debt limit of \$20,593,000 or under the exceptions to debt limit amounting to \$21,853,000.

WHEREAS, pursuant to the Debt Authorization Policy adopted by City Council in Resolution No. 81-4, an exception to the debt limit policy is to be approved only for projects and purposes which could not reasonably be foreseen and, if not approved, would result in an obvious public danger or economic loss.

WHEREAS, the purchase of the approximately 109,000 square-foot Chamber Building and the lease back to REDCO of up to 8,110 square feet thereof has been recommended as a means for maximizing the usefulness of the historic building for years to come.

WHEREAS, the City is presently paying REDCO to lease space in the Chamber Building for the Department of Recreation and Human Services (DRHS) Crisis Intervention Services Unit.

WHEREAS, in January 2021 by Ordinance No. 2021-26, the Council appropriated \$249,500 of racial equity initiative funds to relocate the Victims Assistance Unit and Family Crisis Intervention Team (FACIT) offices from the City's Public Safety Building to the Chamber Building, a move which will integrate these services in space shared with the DRHS Crisis Intervention Services Unit and locate these services in a place that is more accessible to public transport.

WHEREAS, given these recent developments, now it is desirable to expedite the acquisition of the Chamber Building in order to allow the City to outfit and expand the building space that DRHS will require for its Victims Assistance, FACIT and Crisis Intervention Services programs that are needed to enhance and reform how the City responds to calls for emergency assistance.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester, that the sum of \$1,630,000 to fund the acquisition of the Chamber Building is hereby approved as an additional exception to the 2020-21 debt limit established in Resolution No. 2020-24 and that the same amount of \$1,630,000 is hereby subtracted from the debt limit exception for the Goodman Section authorized therein, so that there shall be no increase in the total amount of \$21,853,000 in debt authorized as exceptions to the City's debt limit for Fiscal Year 2020-21.

BE IT FURTHER RESOLVED, that, in accordance with the Debt Authorization Policy established in Resolution No. 81-4, the Council hereby finds that the need for an additional exception to the 2020-21 debt limit to acquire the Chamber Building could not reasonably have been foreseen when Council approved the original debt limit resolution in June 2020, and that the failure to adopt the new debt limit exception presented herein would jeopardize public safety by depriving the City of the funding and the control of the Chamber Building facilities that it needs to implement programs that are needed to mitigate racial and structural inequities in the City's response to emergency calls for service.

This resolution shall take effect immediately.

Passed by the following:

Ayes – President Scott, Councilmembers Evans, Gruber, Harris, Lupien, Meléndez, Peo -7.

Nays – None – 0.

Vice President Lightfoot and Councilmember Patterson abstained due to a professional relationship.

Ordinance No. 2021-98  
(Int. No. 108)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,630,000 Bonds of said City to finance costs to acquire the former Chamber of Commerce Building property at 55-57 and 61 St. Paul 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 the former Chamber of Commerce Building and adjoining parking lot located at 55-57 and 61 St. Paul Street, respectively (collectively the "Property"). The estimated maximum cost of said class of objects or purposes, including the purchase price, closing costs, other preliminary costs and costs incidental thereto and the financing thereof, is \$1,630,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,630,000 bonds of the City to finance said appropriation and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,630,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this

Ordinance, in the amount of \$1,630,000. 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 by the following:

Ayes – President Scott, Councilmembers Evans, Gruber, Harris, Lupien, Meléndez, Peo -7.

Nays – None – 0.

Vice President Lightfoot and Councilmember Patterson abstained due to a professional relationship.

Ordinance No. 2021-99  
(Int. No. 109)

**Authorizing a lease agreement for 55-57 St. Paul Street**

WHEREAS, in a concurrent ordinance Council has authorized the City to purchase from the Rochester Economic Development Corporation (REDCO) the former Chamber of Commerce Building located at 55-57 St. Paul Street (the Property);

WHEREAS, the City of Rochester has received a proposal from REDCO to lease approximately 3,110 square feet of space on the lower level of the Property;

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

WHEREAS, the Council affirmatively finds that the proposed lease authorized herein is in the public interest because it will complete the City's acquisition of the Property from the State University of New York with the cooperation of REDCO as intended while allowing for continued use of the leased office space by REDCO, a valued partner in the City's mission to promote community-based development; and

WHEREAS, the Council affirmatively finds that the term of such proposed lease, which is ten years with two five-year renewal options, is reasonable and necessary in light of the lease's intended purpose and that the public will benefit throughout that term.

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

Section 1. Upon the City's acquisition of the Property, the Mayor is hereby authorized to enter into a lease agreement with the Rochester Economic Development Corporation for approximately 3,110 square feet of space on the lower level of the former Chamber of Commerce Building. The agreement shall have a term of 10 years with two five-year renewal options contingent upon the approval of Council in accordance with Municipal Code §21-23(D)(2).

Section 2. The annual rental amount for the first year of the term shall be up to \$37,320, based on the amount of space leased at a rate of \$12 per square foot. The annual rental amount for each subsequent year during the initial 10-year term shall be adjusted based on the amount of space leased and the Consumer Price Index for All Urban Consumers (CPI-U). The annual rental amount for the renewal term, if so elected, shall be based on the market rate.

Section 3. REDCO shall be responsible for its own leasehold improvements or may finance those improvements through the City, at cost plus 10%, by means of supplemental rent payments fully amortized over 10 years at an annual interest rate of 5%.

Section 4. The lease shall grant REDCO the right of first refusal to rent an additional space in the building of approximately 3,000 square feet.

Section 5. If the City sells the Property during the term of the lease, the City shall offer suitable alternative office space to REDCO in return for rental payments that do not exceed the annual rental amounts provided for herein.

Section 6. The lease agreement shall have such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. This ordinance shall take effect immediately.

Passed by the following:

Ayes – President Scott, Councilmembers Evans, Gruber, Harris, Lupien, Meléndez, Peo -7.

Nays – None – 0.

Vice President Lightfoot and Councilmember Patterson abstained due to a professional relationship.

Ordinance No. 2021-100  
(Int. No. 110)

**Authorizing the acquisition of 448 Smith 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 parcel containing the former Maguire Building as described below from the present owner Rochester Economic Development Corporation (REDCO) for a maximum purchase price of \$425,000. The purchase price shall be paid in the form of future credits in the amount of \$425,000 against the annual rental payments that REDCO will be obligated to pay for office space in the former Chamber of Commerce Building located at 55-57 St. Paul Street, pursuant to a lease authorized by a concurrent ordinance. Necessary closing costs for the acquisition shall be funded from 2020-21 Cash Capital.

<b>Address</b>	<b>S.B.L.#</b>	<b>Lot Size</b>	<b>Owner</b>
448 Smith Street	105.76-1-58	±1.5 acres	Rochester Economic Development Corporation

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 by the following:

Ayes – President Scott, Councilmembers Evans, Gruber, Harris, Lupien, Meléndez, Peo -7.

Nays – None – 0.

Vice President Lightfoot and Councilmember Patterson abstained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2021-101  
Re: Agreement – New York State Division  
of Criminal Justice Services, Motor  
Vehicle Theft and Insurance Fraud  
Prevention Grant

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:  
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Criminal Justice Services for the receipt and use of \$49,600 for the Motor Vehicle Theft and Insurance Fraud Prevention (MVTIFP) grant, and amending the 2020-21 Budget of the Police Department by \$23,000 to reflect a portion of this grant.

This award, for the reduction of auto theft and insurance fraud, will provide overtime to support Police Department deployment in high-theft areas and increased investigations of insurance fraud. This grant does not cover fringe which is estimated at \$16,400.

The term of this agreement is January 1, 2021 through December 31, 2021. RPD has received this grant for over 10 years.

Respectfully submitted,  
Lovely A. Warren  
Mayor

Ordinance No. 2021-101  
(Int. No. 111)

**Authorizing a grant agreement and Budget amendment for the Motor Vehicle Theft and Insurance Fraud Prevention program**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services for receipt and use of grant funds from the Motor Vehicle Theft and Insurance Fraud Prevention program in the amount of \$49,600. The term of the agreement shall be one year.

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

Section 3. Ordinance No. 2020-161, the 2020-21 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Police Department by the sum of \$23,000 to reflect the receipt of a portion of the funds authorized in Section 1 herein.

Section 4. This ordinance shall take effect immediately.

Passed by the following:

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

Nays – Councilmembers Gruber, Lupien – 2.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2021-102  
Re: Budget Amendment and Intermunicipal  
Agreement – Rochester City School  
District (RCSD)

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 amending the 2020-21 Budget of the City of Rochester related to the Rochester My Brother's Keeper (MBK) program. This legislation will:

1. Authorize an intermunicipal agreement with the Rochester City School District (RCSD) for the receipt and use of \$472,019 for the Rochester My Brother's Keeper (Roc MBK) program. The term of the agreement will be from March 15, 2021 through the remainder of the 2020-21 fiscal year; and

2. Amend the 2020-21 Budget of the Department of Recreation and Human Services (DRHS) by \$472,100 to reflect the grant; and
3. Establish \$425,000 as total maximum compensation for the following agreements, funded from the Roc MBK funding authorized herein, for a term ending on June 30, 2021.

Black Men Achieve of Greater Rochester, Inc. (B.M.A.)	\$91,000
University of Rochester Center for Human Athleticism & Musculoskeletal Performance & Prevention (CHAMPP) Urban Outreach Program	\$60,000
Generation Outreach, LLC (G.O.)	\$36,000
Herbert Smith (Herb Smith City Trumpets)	\$15,000
The Center for Teen Empowerment, Inc.	\$150,000
Changing the Community Inc. (C.T.C.)	\$73,000
<b>TOTAL</b>	<b>\$425,000</b>

The remaining grants funds (\$47,019) will be used to hire an independent evaluator as required by the funder and to support school-based youth-led Roc MBK programming.

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.

Respectfully submitted,  
 Lovely A. Warren  
 Mayor

Attachment No. AU-48

Ordinance No. 2021-102  
 (Int. No. 113)

**Authorizing agreements and amending the Budget for My Brother’s Keeper program**

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

Section 1. The Mayor is hereby authorized to enter into an intermunicipal agreement with the Rochester City School District (RCSD) for the receipt and use of \$472,019 from RCSD to implement the My Brother’s Keeper program (the Program). The term of the agreement shall continue to and include June 30, 2021.

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 Department of Recreation and Human Services (DRHS) by the sum of \$472,100, which amount is hereby appropriated from funds to be received under the Program agreement authorized in Section 1 herein.

Section 3. The Mayor is hereby authorized to enter into a professional service agreement with each of the following organizations and individual to implement the Program:

<b>Organization/Individual (operating component)</b>	<b>Maximum Compensation</b>
Black Men Achieve of Greater Rochester, Inc.	\$ 91,000
University of Rochester (Center for Human Athleticism & Musculo-skeletal Performance & Prevention Urban Outreach Program)	\$ 60,000
Generation Outreach, LLC	\$ 36,000
Herbert Smith (Herb Smith City Trumpets)	\$ 15,000
The Center for Teen Empowerment, Inc.	\$150,000
Changing the Community Inc.	\$ 73,000
<b>TOTAL</b>	<b>\$425,000</b>

The maximum compensation for each agreement shall be as specified above and shall be funded from the 2020-21 Budget of DRHS. The term of each agreement shall continue to and include June 30, 2021.

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

Section 5. This ordinance shall take effect immediately.

Passed by the following:

Ayes – President Scott, Councilmembers Evans, Gruber, Lightfoot, Lupien, Patterson, Peo -7.

Nays – None – 0.

Councilmembers Harris, Meléndez abstained due to a professional relationship.

By President Scott  
March 16, 2021

To the Council:

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

Int. No. 115      Resolution urging the Administration to take immediate disciplinary action in the Daniel Prude matter

Respectfully submitted,

Malik Evans  
Mitch Gruber  
LaShay D. Harris  
Mary Lupien  
Miguel Meléndez Jr.  
Michael A. Patterson  
Jose Peo (*Voted against Int. No. 115*)  
Willie J. Lightfoot  
Loretta C. Scott  
COMMITTEE OF THE WHOLE

Received Filed and Published.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2021-10  
Re: Resolution Urging the Administration  
to take Immediate Disciplinary Action  
in the Daniel Prude Matter

Transmitted herewith for Council approval is a resolution urging the Administration to take immediate disciplinary action in the Daniel Prude matter.

On February 23, 2021, the Grand Jury investigation into the Daniel Prude case concluded with no criminal charges having been brought against any of the officers.

The City Council of Rochester is requesting that the City administration and City Police Chief immediately and expeditiously move forward with the conclusion of disciplinary action against the officers involved in the Prude incident and is recommending disciplinary action up to and including termination of the officers involved in that case.

Respectfully submitted,

Loretta C. Scott      Willie J. Lightfoot      Malik D. Evans      Miguel A. Meléndez Jr.

Mitch Gruber      LaShay D. Harris      Mary Lupien      Michael A. Patterson

**Resolution urging the Administration to take immediate disciplinary action in the Daniel Prude matter**

WHEREAS, on March 23, 2020 officers of the Rochester Police Department interacted with Daniel Prude;

WHEREAS, at the conclusion of that interaction Daniel Prude was left with fatal injuries which ultimately resulted in his death on March 30, 2020;

WHEREAS, the death certificate listed three causes of death with the primary cause being complications of asphyxia in the setting of physical restraint;

WHEREAS, internal disciplinary charges were commenced but not concluded, with the explanation being given that the Rochester Police Department was awaiting the outcome of the criminal charges;

WHEREAS, on February 23, 2021 it was revealed that a Grand Jury investigation had concluded with no criminal charges having been brought against any of the officers;

WHEREAS, the Council has been advised by legal counsel that failure to indict the officers does not in any way preclude disciplinary action against the officers; and

WHEREAS, the residents of the City of Rochester have now waited one year since the death of Daniel Prude and have yet to see anyone subjected to any ramifications for their actions,

NOW, THEREFORE, BE IT:

RESOLVED, that the Council of the City of Rochester believes that the residents of this city have the right to see a conclusion to this matter and to see justice served; and it is further

RESOLVED, that the Council of the City of Rochester demands that the City Administration and City Police Chief immediately and expeditiously move forward with the conclusion of disciplinary action against the officers involved in the Prude incident; and it is further

RESOLVED, that it is the recommendation of the Council of the City of Rochester that the disciplinary penalty of termination be considered and that the City Administration and City Police Chief provide in writing the anticipated timeline for conclusion of the charges for each of the officers involved in the initial incident; and it is further

RESOLVED, that, upon reaching a conclusion as to the disciplinary penalty for each officer, the Council of the City of Rochester expects the City Administration and City Police Chief to provide to Council an immediate written report of that conclusion and, if the conclusion is not termination, an explanation as to why termination was not chosen; and it is further

RESOLVED, that this Resolution shall take effect immediately.

Adopted by the following:

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

Nays –Councilmember Peo – 1.

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

HAZEL L. WASHINGTON  
City Clerk