

ROCHESTER CITY COUNCIL

REGULAR MEETING

September 14, 2021

Due to the current high transmission rate of the Delta variant of the Covid-19 coronavirus in Monroe County under CDC guidelines and in accordance with the new State law enacted on September 2 (Chapter 417), the meeting was conducted remotely via video conferencing on Zoom and streamed live for public viewing on the Internet via the Council's Facebook and YouTube pages and on City 12, the City's government access channel that is available to Spectrum Cable subscribers – Channel 1303.

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

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

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

Retirement:

DES:

- * Peter Baldassare
- * Cathy Downey
- * Chong O
- * Richard Rebar
- * Michael Rosello
- * Kimberly Voss

ECD:

- * Michele Terrill

RFD

- * Mark Pascuzzi
- * Milton Walker

RPD:

- * Roy Adukkalil
- * Matthew Balch
- * Ralph Montinarelli
- * Lillian Sepulveda
- * Charles Zlotkus

**Not attending meeting*

APPROVAL OF THE MINUTES

By Councilmember Meléndez

RESOLVED, that the minutes of the Regular Meeting on August 17, 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 Council submits Disclosure of Interest Forms from **Vice President Lightfoot** on Int. No. 320, **Councilmember Patterson** on Int. No. 320 and **Councilmember Harris** on Int. No. 342

THE COUNCIL PRESIDENT --- RECEIVED AND FILED.

PUBLIC HEARINGS.

Pursuant to law, public hearings were held on September 9, 2021 on the following matters:

Amending the Zoning Map by changing the zoning classification of 632-634 North Street Int. No. 323

No speakers

Affirming and approving the sale of property for Southeast Towers Rehabilitation Project Int. No. 346

No speakers

**REPORTS OF STANDING COMMITTEES
AND ACTION THEREON**

By Councilmember Evans
September 14, 2021

To the Council:

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

Int. No. 320 Authorizing funding and agreements for the Financial Empowerment Centers program

Int. No. 348 Amending the 2020-21 Budget for year-end Budget transfers

Int. No. 349 Authorizing the cancellation or refund of erroneous taxes and charges at 269 Gregory Street, 42 Elgin Street, and 104 Burrows Street

Respectfully submitted,
Malik Evans
LaShay D. Harris
Michael A. Patterson (*Abstained on Int. No. 320*)
Willie J. Lightfoot (*Abstained on Int. No. 320*)
Loretta C. Scott
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2021-284
Re: Appropriating the 2019-20 Annual
Action Plan, Consolidated Community
Development Plan, CDBG-CV3 –
CARES Act, Agreement – CCCSR,
Agreement – REDCO

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area:

Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation related to the Financial Empowerment Centers program. This legislation will:

- 1) Appropriate \$125,000 from the 2019-20 Annual Action Plan CDBG-CV3 fund for the implementation of the Financial Empowerment Centers program years 3 and 4.
- 2) Establish \$125,000 as maximum compensation for an agreement with Consumer Credit Counseling Services of Rochester, Inc (CCCSR) (Jason Tracy, CEO, 1050 University Ave, Rochester, NY) to provide funding for one full-time equivalent financial counselor in the FEC program. The cost of the agreement will be funded from the appropriation herein and the term will be two years.
- 3) Authorize an agreement with the Rochester Economic Development Corporation (REDCO) (Baye Muhammad, CEO, 55-67 St. Paul Street, Rochester NY) for receipt and use of grants totaling \$275,000, and amending the 2021-22 Budget of the Office of the Mayor to reflect the \$150,000 portion for this fiscal year. The remaining \$125,000 will be anticipated and included in the 2022-23 Budget of the Office of the Mayor. ESL awarded a \$250,000 grant over two years (program years 3 and 4), First Niagara awarded \$25,000 for program year 3.

The CDBG-CV3 funding will provide resources for one full time equivalent financial counselor to focus on residents who have been severely financially impacted by the COVID 19 crisis. The REDCO funding will provide ongoing operating support.

Due to the need for financial institutions to donate program funding to a qualified non-profit agency to receive community development credit under the Community Reinvestment Act, REDCO serves as fiscal sponsor for the City of Rochester and accept funding for the FEC initiative.

Day to day operations of the financial counselors are performed by the Consumer Credit Counseling Service of Rochester, Inc. under a professional services agreement with the City of Rochester, authorized in Ordinance No. 2019-248.

Financial Empowerment Centers Contract Funding				
	Program Year			
	1	2	3	4
Funder	<u>9/2019-9/2020</u>	<u>9/2020-9/2021</u>	<u>9/2021-9/2022</u> (to date)	<u>9/2022-9/2023</u> (to date)
City funds	\$ 3,300			
CFE Fund	\$ 138,900	\$ 180,000		
JPMorgan/Chase	\$ 150,000	\$ 50,000		
United Way (via REDCO)	\$ 15,000			
5 Star Bank (via REDCO)	\$ 10,000			
ESL (via REDCO)	\$ 50,000		\$ 125,000	\$ 125,000
M&T (via REDCO)	\$ 25,000	\$ 25,000		
First Niagara (via REDCO)		\$ 25,000	\$ 25,000	
Cities Rise		\$ 50,000		
CDBG CV3 - CARES	\$ -	\$ -	\$ 62,500	\$ 62,500
TOTAL	\$392,200	\$330,000	\$212,500	\$187,500

Respectfully submitted,
 Lovely A. Warren
 Mayor

Ordinance No. 2021-284
 (Int. No. 320)

Authorizing funding and agreements for the Financial Empowerment Centers program

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

Section 1. The Council hereby appropriates \$125,000 from the Financial Empowerment Centers allocation of CDBG-CV3 Fund of the 2019-20 Annual Action Plan, as amended in Ordinance No. 2021-183, for the implementation of the Financial Empowerment Centers program (“Program”).

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with Consumer Credit Counseling Service of Rochester, Inc. to provide financial counseling services for the Program equivalent to one full-time counselor. The term of the agreement shall be 2 years. The maximum compensation for the agreement shall be \$125,000, which shall be funded from the appropriation authorized in Section 1 herein.

Section 3. The Mayor is hereby authorized to enter into an agreement with the Rochester Economic Development Corporation for the receipt and use of \$275,000 in funding to implement the Program. The agreement shall have a term of two years.

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

Section 5. Ordinance No. 2021-174, the 2021-22 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Mayor's Office by \$150,000 to reflect the receipt of a portion of the funds authorized in Section 3 herein.

Section 6. This ordinance shall take effect immediately.

Passed by the following vote:

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. 2021-285
Re 2020-21 Year-End Budget Amendment

Council Priority: Deficit Reduction and
Long Term Financial Stability

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation amending the 2020-21 Budget as follows:

1. Transfers of appropriations totaling \$4,260,300 to the Police Department from the following departments:

Contingency	\$2,687,800
Undistributed	\$1,572,500

2. Transfers of appropriations totaling \$5,000,000 from the following departments to Cash Capital:

Administration	\$600,000
Environmental Services	\$1,000,000
Fire	\$300,000
Neighborhood and Business Development	\$300,000
Recreation and Human Services	\$1,300,000
Undistributed Expenses	\$1,500,000

The appropriation transfers are authorized pursuant to Section 6-13 of the City Charter.

The City Council has previously authorized 46 other amendments to the 2020-21 Budget. These amendments reflect 5 appropriation transfers, 39 appropriation increases based upon the receipt of additional revenues, 1 appropriation decrease, and 1 technical amendment.

Actual receipts and expenditures for 2020-21 will be audited by the City's external auditors, Freed, Maxick, and Battaglia. The proposed amendments are required to complete the audit process and ensure adherence to Section 6-16 of the City Charter, which prohibits expenditures in excess of authorized appropriations.

The proposed total increase of \$5,000,000 to the Cash Capital allocation is to fund capital projects as follows:

1. \$968,500 in additional funding for street right-of-way improvements
2. \$725,000 in additional funding for R-Center facility improvements including restroom facility renovation at Avenue D, fitness center equipment replacements at multiple sites, and interior and exterior lighting improvements at multiple sites
3. \$600,000 in additional funding for the Lincoln Branch Library renovation project to add parking at the site and to offset an anticipated reduction in NYS funding for the project
4. \$500,000 in additional funding to support Land Bank housing acquisitions
5. \$400,000 in additional funding for the Erie Harbor Enhancements Phase II park improvement project
6. \$205,000 in additional funding for the Running Track Bridge project
7. \$200,000 in additional funding for the Brewery Line Trail improvement project
8. \$200,000 for the implementation of a new enterprise budget development and budget book production software solution
9. \$170,000 for investigation and remediation efforts related to the former quarry and landfill at the Goodman Plaza site
10. \$150,000 for schematic design for a potential future renovation of the Genesee Waterways Center
11. \$150,000 for the development of a Parks Master Plan for the Edgerton, Lagrange, and Flint parks
12. \$150,000 in additional funding for the relocation and renovation of the Parks Operations and Forestry facility
13. \$150,000 for the replacement of Animal Services motor equipment reaching end of useful life
14. \$131,500 for the replacement of Police equipment
15. \$100,000 in additional funding for the West River Wall (Vacuum Oil) project
16. \$75,000 for replacement of Public Market motor equipment reaching end of useful life and the addition of new maintenance equipment
17. \$70,000 in additional funding for storm sewer and site work at the Public Market
18. \$35,000 for security and structural improvements in Police operating facilities and office needs of the newly created Compliance and Audit Unit
19. \$20,000 in additional funding for the Olean Street Home Expo site

On June 16, 2020, when the 2020-21 Budget was adopted by City Council, salary and wage rates had not yet been established for uniformed employees represented by the Rochester Police Locust Club, Inc. The collective bargaining agreement for the Rochester Police Locust Club expired June 30, 2019. Contract negotiations with the Locust Club on a successor agreement have not yet been successful and will continue into 2021-22. An allowance is being made for the projected anticipated costs of this unsettled contract.

The City Senior Management Team effectively managed their 2020-21 operating budgets with actual spending less than 2020-21 Budget allocations, despite the pressures imposed by the COVID-19 pandemic. The majority of savings resulted from personnel vacancies and associated fringe benefit expense. There were also savings from reduced discretionary spending, lower than expected motor equipment expense, utility expense, and other costs including professional services.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2021-285
(Int. No. 348)

Amending the 2020-21 Budget for year-end Budget transfers

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

Section 1. Ordinance No. 2020-161, the 2020-21 Budget of the City of Rochester, as amended, is hereby further amended by transferring the total sum of \$4,260,300 to the Police Department from the following departments:

- a) \$2,687,800 from Contingency; and
- b) \$1,572,500 from Undistributed Expenses.

Section 2. Ordinance No. 2020-161, the 2020-21 Budget of the City of Rochester, as amended, is hereby further amended by transferring the total sum of \$5,000,000 to Cash Capital from the following departments:

a) Administration	\$600,000
b) Environmental Services	\$1,000,000
c) Fire	\$300,000
d) Neighborhood and Business Development	\$300,000
e) Recreation and Human Services	\$1,300,000
f) Undistributed Expenses	\$1,500,000

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays – Councilmembers Gruber, Lupien– 2.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2021-286
Re: Cancellation or Refund of
Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$10,702.53.

The property located at 269 Gregory Street was converted from a mixed-use building to a single family dwelling. Previously, the property had been taxed at the non-homestead tax rate. Due to a clerical error upon conversion of the assessment records to that of a homestead property, the tax code was not updated and the property was taxed at the commercial rate when it should have been taxed at the residential rate.

The property located at 42 Elgin Street had been ticketed for various code violations. The notices were sent to an incorrect address on file. All the violations had been corrected before the add to tax process and prior to the property being sold in March of 2021.

104 Burrows Street was ticketed for failure to obtain a Certificate of Occupancy for an owner occupied single family dwelling and for failure to schedule a lead dust wipe test in the “non high risk” lead area. The violations were incorrectly applied and should not have been assessed to the property and added to tax.

If these cancellations are approved, total cancellations thus far for 2021-22 will be as follows:

	<u>Accounts</u>	
City Council	7	\$50,850.36
Administrative	<u>3</u>	<u>\$1,010.58</u>
Total	10	\$51,860.94

These cancellations represent 0.0187% of the tax receivables as of July 1, 2021.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Ordinance No. 2021-286
 (Int. No. 349)

Authorizing the cancellation or refund of erroneous taxes and charges at 269 Gregory Street, 42 Elgin Street, and 104 Burrows Street

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

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

(A) S.B.L. #	Class	Address	Tax Year	Cancelled	Subtotal
121.64-1-52	N	269 Gregory Street	2022	\$3,202.53	\$3,202.53

The property located at 269 Gregory Street was converted from a mixed-use building to a single family dwelling. Prior to this conversion, the property had been taxed at the non-homestead tax rate. Due to a clerical error, the tax roll was not updated on time to account for the property’s new homestead status, and the property was taxed incorrectly at the higher commercial rate.

(B) S.B.L. #	Class	Address	Tax Year	Cancelled	Subtotal
135.27-2-09	H	42 Elgin Street	2021	\$4,500.00	\$4,500.00

The property located at 42 Elgin Street had been ticketed for various code violations, but the notices for these code violations were sent to an incorrect owner address on file with the City Treasurer. Therefore, the penalties were revoked because they were assessed without providing the owner with adequate notice and an opportunity to cure the violations. Nonetheless, the code violations for which fines had been levied were corrected before the “add to tax” process.

<u>(C) S.B.L. #</u>	<u>Class</u>	<u>Address</u>	<u>Tax Year</u>	<u>Cancelled</u>	<u>Subtotal</u>
105.56-2-47	H	104 Burrows St	2020	\$3,000.00	\$3,000.00

The property located at 104 Burrows Street was ticketed both for failure to obtain a Certificate of Occupancy for an owner occupied single family dwelling, and for failure to schedule a lead dust wipe test in a “non-high-risk” lead area. The violations were incorrectly applied, and should not have been assessed to the property or added to the tax.

GRAND TOTAL \$10,702.53

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Patterson
September 14, 2021

To the Council:

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

- Int. No. 321 Authorizing the sale of real estate
- Int. No. 322 Authorizing a lease for space located at 151 Cumberland Street
- Int. No. 324 Authorizing a grant application relating to the New York State Downtown Revitalization Initiative
- URA-4 Authorizing the sale of 120 Savannah Street for the Southeast Towers Rehabilitation Project
- Int. No. 347 Amending Ordinance No. 2019-85 relating to a PILOT agreement for the Southeast Towers Rehabilitation Project

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

- Int. No. 323 Amending the Zoning Map by changing the zoning classification of 632-634 North Street

Int. No. 346 Affirming and approving the sale of property for Southeast Towers
Rehabilitation Project

The **NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE** recommends the following entitled legislation to be **HELD** in Committee

Int. No. 323 Amending the Zoning Map by changing the zoning classification of 632-
634 North Street

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

Received, filed, and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2021-287
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 one property. City records have been checked to ensure that the purchasers (except those buying unbuildable vacant lots) do not own other properties with code violations or delinquent taxes, and have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The property, a portion of 17 Oscar Street, is listed on the attached spreadsheet under the heading I. Request for Proposal – Vacant Land. The parcel was offered online via request for proposal. The purchasers, Kelly Borger and Nakeeta Wills, are adjoining owners and will combine the lot with their parcel for additional green space.

The first year projected tax revenue for this property, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$128.

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AU-152

Ordinance No. 2021-287
(Int. No. 321)

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 vacant land:

Address	SBL#	Lot Size	Sq. Ft.	Price	Purchaser
17 Oscar St east portion	091.70-3-58 east portion	15 x 97	1,459	\$50	Kelly Borger and Nakeeta Wills

Legal Description

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York and being the easterly 15.0 feet of Lot 13 of the F & E Schaefer Subdivision, as filed in the Monroe County Clerk's Office in Liber 8 of Maps, Page 2. Said easterly part of Lot 13 fronts 15.0 feet on the south side of Oscar Street and is 97.25 feet in depth, all as shown on said subdivision.

Subject to covenants, easements or restrictions of record, if any.

Being a part of one of the parcels conveyed to the City of Rochester by a deed dated November 7, 2003 and filed in Liber 9875 of Deeds, Page 325.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2021-288
Re: Lease Agreement- 151
Cumberland St

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing a lease agreement between the City of Rochester and Salem Evangelical Church of Rochester, N.Y. (Kathi Horch, Chair-Board of Trustees, 60 Bittner St, Rochester, NY). The City will lease from the Landlord, approximately 7,324 square feet of space at 151 Cumberland Street, for continued use by DES as the offices for the Downtown District Services. The initial term will be 21 months starting October 1, 2021 and ending June 30, 2023 (to align the lease with the City budget year). The cost for the lease for the initial term, as established by an appraisal prepared in June, 2021, by Bruckner, Tillet, Rossi, Cahill & Associates, will be \$14,400.00 annualized, payable in monthly installments of \$1,200.00. The prior lease was \$1,200.00 per month. There shall be 4 one (1) year renewal options beginning July 1, 2023. Annual rent increases of 1% over base rent shall occur at each renewal period. The lease agreement shall be funded from the 2021-2022 Budget of the Department of Environmental Services and subsequent operating budgets contingent upon their approval.

The City has leased this facility for use by the Street Maintenance Bureau since 2006.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AU-153

Ordinance No. 2021-288
(Int. No. 322)

Authorizing a lease for space located at 151 Cumberland Street

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

Section 1. The City is hereby authorized to enter into an agreement with Salem Evangelical Church of Rochester, N.Y. for the lease of approximately 7,324 feet of office space at 151 Cumberland Street for municipal use. The term of the agreement shall be for 21 months commencing on October 1, 2021, with the option to extend for up to four additional periods of 1 year each.

Section 2. The monthly rent payments shall be \$1,200 for the initial term, which rate may be increased by 1% for each optional annual term extension, if any, agreed to by the parties. The rent payments shall be funded from the 2021-22 Budget of the Department of Environmental Services (DES) for the initial term, and from the future years' Budgets of DES for any term extensions, contingent upon the approval of the future years' budgets.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor and/or Corporation Counsel deem to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2021-289
Re: Authorizing Grant Application –
Downtown Revitalization Initiative

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing the submission of an application for New York State's Downtown Revitalization Initiative (DRI) for up to \$20 million in grant funding. The DRI will provide the City an opportunity to target a specific geography within downtown Rochester to implement transformative development projects.

The City will target the section of downtown bounded by N. Clinton Avenue, E. Main Street, the Genesee River, and Mortimer Street. The anticipated DRI grant will focus on completing the revitalization of this section of downtown to complement the investments made at Midtown, the Sibley Building, the transit center, The Metropolitan, and other immediately adjacent sites.

If the City's application is successful, we will work with a consultant to conduct a six to nine-month public planning process to create a vision and priorities for the DRI projects. In order to do this, the City will form a Local Planning Committee comprised of local stakeholders to provide input and feedback, and to approve a detailed DRI Strategic Investment Plan. Grant funding could cover up to 100% of the cost for projects undertaken by public entities and up to 40% of the cost of projects undertaken by private developers.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AU-154

Ordinance No. 2021-289
(Int. No. 324)

Authorizing a grant application relating to the New York State Downtown Revitalization Initiative

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

Section 1. The Mayor is hereby authorized to submit an application to New York State for up to \$20,000,000 in grant funding through the Downtown Revitalization Initiative to assist with the planning and implementation of a targeted revitalization program for the area of downtown Rochester bounded by North Clinton Avenue, East Main Street, the Genesee River and Mortimer Street.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2021-290
Re: Sale of Real Estate: 120 Savannah
Street Southeast Towers
Rehabilitation Project

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 120 Savannah Street (the Property) to SET Housing Development Fund Company, Inc., as nominee for Preserve Set, LLC (Sam Leone, Sr. Vice President), or an affiliated entity formed by Preserve SET (collectively, the Developer) in connection with the ownership and operation of the Southeast Towers (SET) Rehabilitation Project (the Project) to continue to provide affordable rental housing at 463 East Broad Street.

<u>Address</u>	<u>SBL#</u>	<u>Lot Size</u>	<u>Sq.Ft.</u>	<u>Price</u>	<u>Purchaser</u>	<u>Zoning/</u>
120 Savannah St	121.33-1-90	30.95 x 115.49	3,574	\$48,500	SET Housing Development Fund Company, Inc.	CCD-B

Section 21-13 of the City Code requires both the Agency and the Council to approve the sale of Agency-owned real property. The Property, which is owned by the Rochester Urban Renewal Agency (Agency), is currently used as an entrance to the adjoining lot at 16 Savannah Street, which is owned and maintained by the Developer as a parking lot for the Project. Under concurrent legislation, the Property will be added to the Project Site covered by the Project's PILOT agreement authorized in Ordinance No. 2019-85. Upon sale, the Property will be combined with 16 Savannah Street.

Since June 2019, the Developer has had a license to use the Property for the purposes of access and parking for the Project and Project's tenants in return for a monthly payment of \$400. The purchase price of \$48,500 is based on an independent appraisal prepared by Midland Appraisal Associates in July 2019. The Developer will be allowed to credit toward the purchase price all monthly license payments paid by the Developer from July 2019 through October 2021 (\$11,200), in addition to any additional license rents received by the Agency should the sale not close before the end of October.

As set forth in the preamble to the legislation, the Agency will not be required to sell the property by public auction or sealed bid provided that the Agency and Council determine: 1) that the Project will promote the purposes and goals of the City's urban renewal program; and 2) that the Developer is eligible and qualified to construct and maintain the Project consistent with those urban renewal purposes and goals.

As to the first requirement, the original affordable housing constructed on the Project Site was established in accordance with the urban renewal plan for the Southeast Loop Urban Renewal Project, NYR-175, adopted by the City in 1968 via Ordinance No. 68-110. The attached Land Use & Disposition Map dated December 1975 and updated through May 1990, indicates that the housing and parking layout of the proposed Project, including the continued use of 120 Savannah Street and 16 Savannah Street for parking, is consistent with the City's adopted urban renewal plan.

As to the second requirement, this legislation requires a public hearing of Council and information regarding the Developer's qualifications will be made available to the Council and public prior to the hearing.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AU-155

Ordinance No. 2021-290
(Int. No. 346)

Affirming and approving the sale of property for the Southeast Towers Rehabilitation Project

WHEREAS, this Ordinance pertains to the Southeast Towers Rehabilitation Project (the "Project"), which consists rehabilitating an existing 376-unit affordable housing apartment complex built in the 1970's ("Original Development") to provide approximately 336 units of affordable rental housing that will be targeted to households with incomes at or below 50% or 60% of the Area Median Income on a site that is comprised of 463 East Broad Street, where the apartment towers are located, and two lots for parking located at 16 Savannah Street and 120 Savannah Street (the "Project Site");

WHEREAS, the Original Development of the Project Site for affordable housing was carried out to effectuate part of the urban renewal plan for the Southeast Loop Urban Renewal Project, NYR-175, which was adopted by the City in 1968 via Ordinance No. 68-110 ("SE Loop Urban Renewal Plan");

WHEREAS, Project developer, SET Housing Development Fund Company, Inc. ("Developer"), has acquired two of the Project Site parcels located at 463 East Broad Street and 16 Savannah Street by deed recorded in the office of the Monroe County Clerk on December 22, 2017 in Deeds Liber 11965, Page 215;

WHEREAS, the Rochester Urban Renewal Agency ("Agency") owns the third Project Site parcel located at 120 Savannah Street (SBL# 121.33-1-90) (the "Property"), which it acquired by deed recorded in the office of the Monroe County Clerk on August 30, 1971 in Deeds Liber 4147 of Deeds, Page 75 and which parcel (designated as "Savannah Street Abandonment Map 8") the City authorized to be removed from the dedicated right-of-way for Savannah Street in Ordinance No. 2017-43;

WHEREAS, by Ordinance No. 2019-85 approved in April 2019, Council authorized the Mayor to enter into a payment in lieu of taxes (“PILOT”) agreement and \$1,400,000 loan agreement with the Developer for the purpose of developing and operating the Project;

WHEREAS, by an ordinance approved concurrent with this Ordinance, the Council approves amending the above described PILOT and loan agreements to incorporate the Property into the Project to be funded thereunder;

WHEREAS, the Property is currently used as an entrance to the adjoining lot at 16 Savannah Street, which is owned and maintained by the Developer as a parking lot for the Project, and since June 2019, the Developer has had a license to use the Property for the purposes of providing vehicular access and parking for the Project and Project’s tenants in return for monthly payments of \$400;

WHEREAS, an independent appraisal prepared by Midland Appraisal Associates in July 2019 values the Property at \$48,500;

WHEREAS, the Developer is proposing to purchase the Property from the Agency in order to maintain access and parking that is necessary to develop and operate the Project for a purchase price of \$48,500, with the payment to be offset by credit for the sum of the aforementioned \$400 monthly license payments paid by the Developer;

WHEREAS, the City desires that the Developer’s proposed purchase proceed in accordance with the New York State Urban Renewal Law, including in particular Subsections 507 and 556 of the General Municipal Law, and subject to terms and conditions that are in accordance with the purposes and objectives of the City’s urban renewal program;

WHEREAS, the arrangement of housing and parking on the Project Site that is proposed for the Project, particularly with regard to the continued use of 120 Savannah Street and 16 Savannah Street to provide access and parking for the affordable housing units, is consistent with the purposes of the SE Loop Urban Renewal Plan, as depicted by the Land Use & Disposition Map dated December 1975 and updated through May 1990;

WHEREAS, a legal notice has been issued giving public notice as to the availability for public examination of the proposed terms for the disposition and redevelopment of the Property as well as the Developer’s Statement for Public Disclosure;

WHEREAS, the Agency has found the Developer to be a qualified and eligible sponsor to carry out the Project;

WHEREAS, the Section 21-13 of the Municipal Code requires the City to affirm any sale of real property approved by the Agency; and

WHEREAS, the City Council, pursuant to Article 15 of the General Municipal Law and after due notice, has held a public hearing on September 9, 2021 to consider the proposed disposition and redevelopment of the Site.

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

Section 1. The Council hereby approves of the Developer as a qualified and eligible sponsor for the Project in accordance with Subsection 507(2)(c) of the General Municipal Law.

Section 2. The Council hereby finds that the disposition by proposal and negotiation as set forth herein, is the appropriate method for making the Property available for the Southeast Towers Rehabilitation Project based on terms and conditions necessary to develop and maintain the Project in accordance with the purposes and objectives of the City's urban renewal program.

Section 3. The Council hereby approves and affirms the Agency's sale of the Property to the Developer for the purchase price of \$48,500 and crediting toward the purchase price the sum of all monthly license payments paid by the Developer for the use of the Property on and after June, 2019.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2021-291
Re: Amend Ordinance No. 2019-85 –
Southeast Towers – Affordable
Rental 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 Southeast Towers Revitalization Project (Project), which is being undertaken by affiliates of Conifer Realty, LLC (Thomas Johnson and Barbara Ross, Interim Co-CEOs). This legislation amends Ordinance No. 2019-85, which approved a payment in lieu of taxes (PILOT) arrangement and loan for the Project, by including the Project's parking lots in the PILOT and other financing arrangements.

This legislation will amend Section 1 of Ordinance No. 2019-85 to add the two parking lot parcels as follows:

- a) 120 Savannah Street (SBL# 121.33-1-90), which the Project owner, Preserve SET, LLC will acquire from the Rochester Urban Renewal Agency, in accordance with a concurrent ordinance and resolution presented under separate cover; and
- b) 16 Savannah Street (SBL# 121.33-1-86), a tenant parking lot, already owned by Preserve SET, LLC.

The two parcels are necessary to provide sufficient parking for the Project's tenants and staff. Number 16 Savannah Street, the larger parcel, contains most of the parking spaces, while 120 Savannah Street serves primarily as an entrance to the larger lot.

The City's PILOT Review Committee approved the Project's original PILOT agreement on March 7, 2019. On August 23, 2021, the PILOT Review Committee approved the parking lot amendment to the PILOT as proposed herein.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2021-291
(Int. No. 347)

Amending Ordinance No. 2019-85 relating to a PILOT agreement for the Southeast Towers Rehabilitation Project

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

Section 1. Ordinance No. 2019-85, as amended by Ordinance No. 2019-281, is hereby further amended in Section 1 to read as follows:

Section 1. The Mayor is hereby authorized to enter into a payment in lieu of taxes agreement (PILOT agreement) for the Southeast Towers Rehabilitation Project at 463 East Broad Street (SBL # 121.33-1-3.001), 16 Savannah Street (SBL# 121.33-1-86) and 120 Savannah Street (SBL# 121.33-1-90) (the Project) with Conifer Realty, LLC or an affiliated partnership or housing development fund corporation to be formed by Conifer for the Project (collectively, the Developer). The PILOT agreement shall provide that the Project remain entitled to a real property tax exemption for 30 years, provided that the Developer makes annual payments in lieu of taxes to the City of Rochester equal in total to no less than 10% of the Project's annual "shelter rent," a phrase which refers to the amount of gross rents less utility costs. Said agreement and the associated real property tax exemption shall cease prior to the end of the 30-year term if and when the Project is no longer operated for the purpose of providing affordable housing in substantial compliance with Article 11 of the NYS Private Housing Finance Law.

Section 2. This ordinance shall take effect immediately.

New text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 323
Re: Zoning Map Amendment – 632-634
North Street

Council Priority: Creating and Sustaining
a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity and Opportunity

Transmitted herewith for your consideration is legislation amending the Zoning Map of the City of Rochester by rezoning the property located at 632-634 North Street from R-1 Low Density Residential District to C-1 Neighborhood Center District.

This rezoning is at the request of the property owner who seeks to redevelop the underutilized property to an auto-related use which would require a use variance at a minimum. This proposed rezoning will connect to the existing C-1 Neighborhood Center District to the north of the subject property. Notification of the proposed rezoning was provided to the surrounding property owners.

The City Planning Commission held an informational meeting on August 9, 2021. The applicant provided favorable testimony of the proposed rezone. The Planning Office submitted a letter in opposition to the proposed rezone. No other comment was received. By a vote of 0-5-0, the City Planning Commission recommended denial.

A public hearing is required.

Respectfully submitted,
Lovely A. Warren
Mayor

Introductory No. 323

AMENDING THE ZONING MAP BY CHANGING THE ZONING CLASSIFICATION OF 632-634 NORTH STREET

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

Section 1. Chapter 120 of the Municipal Code, Zoning, as amended, is hereby further amended by changing the zoning map classification of the following parcel from R-1 Low Density Residential to C-1 Neighborhood Center District:

Address	SBL #
632-634 North Street	106.49-2-77

as well as the area extending from that parcel to the center line of any adjoining street, alley, and right-of-way.

Section 2. This ordinance shall take effect immediately.

HELD IN COMMITTEE.

By Councilmember Gruber
September 14, 2021

To the Council:

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

- | | |
|--------------|---|
| Int. No. 325 | Authorizing an agreement relating to the Blue Cross Arena Building Management System Upgrades Project |
| Int. No. 326 | Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,700,000 Bonds of said City to finance the costs of the Blue Cross Arena Building Management System Upgrades Project |
| Int. No. 327 | Authorizing funding and amendatory agreements relating to the Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Project |
| Int. No. 328 | Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$4,912,000 Bonds of said City to finance Phase 2 of the Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Project |
| Int. No. 329 | Amending the Municipal Code with respect to violations of the Right-of-Way Code |
| Int. No. 330 | Authorizing funding and an agreement for the Durand Eastman Beach House project |
| Int. No. 331 | Appropriating funds and amending Ordinance No. 2020-357 relating to the East Main Street Improvement Project |
| Int. No. 332 | Amending Bond Ordinance No. 2020-358 of the City of Rochester, New York |
| Int. No. 333 | Amending Bond Ordinance No. 2020-359 of the City of Rochester, New York |
| Int. No. 334 | Authorizing an agreement for the Humboldt R-Center Water Park Improvements Project |
| Int. No. 335 | Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$281,000 Bonds of said City to finance the William A. Johnson, Jr. Terminal Building at the Port of Rochester Roof Project |
| Int. No. 336 | Amending Ordinance No. 2021-270 relating to the ROC City Skatepark – Phases II and III |

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

Received filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2021-292
Ordinance No. 2021-293
Re: Blue Cross Arena Building
Management System Upgrades

Council Priority: Creating and
Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area: Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to the Blue Cross Arena Building Management System Upgrades Project. This legislation will:

1. Authorize the issuance of bonds totaling \$1,700,000 and the appropriation of the proceeds thereof to finance the entire Project, and;
2. Establish \$150,000 as maximum compensation for a professional services agreement with M/E Engineering, P.C. (John A. Dredger, C.E.O.), 300 Trolley Boulevard, Rochester, NY for engineering design, construction administration and commissioning services;

The project includes the complete replacement and expansion of the facilities electronic building management system. The project will include replacement of all of the digital control components with a new, modern digital control system that can be maintained and upgraded, as needed, to meet the building needs.

M/E Engineering, P.C. was selected for engineering design services through a Request for Proposal process, which is described in the attached summary.

Construction is anticipated to begin in the fall of 2022 with anticipated substantial completion in the summer of 2023. The project will result in the creation and/or retention of the equivalent of 18.5 full-time jobs.

The term of the agreement shall extend until three (3) months after the completion of the two (2) year guarantee inspection of the project.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AU-156

Ordinance No. 2021-292
(Int. No. 325)

Authorizing an agreement relating to the Blue Cross Arena Building Management System 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 M/E Engineering, P.C. to provide engineering design, construction administration and commissioning services for the Blue Cross Arena Building Management System Upgrades Project (Project). The maximum compensation for the agreement shall be \$150,000, which shall be funded from the proceeds of bonds appropriated for the Project in a concurrent ordinance. The term of the agreement shall continue until 3 months after the completion of the 2-year guarantee inspection of the Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2021-293
(Int. No. 326)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,700,000 Bonds of said City to finance the costs of the Blue Cross Arena Building Management System Upgrades Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the costs of the Blue Cross Arena Building Management System Upgrades Project, which consists of the design, replacement and expansion of the facility's electronic building management system with digital control components that can be maintained and upgraded to meet the facility's needs (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,700,000. The plan of financing includes the issuance of \$1,700,000 bonds of the City, which amount is hereby appropriated therefor, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,700,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New

York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,700,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a.13 of the Law, is ten (10) years.

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

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

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

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

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

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

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

Passed Unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2021-294
Ordinance No. 2021-295
Re: Grant Authorization - Charles Carroll
Plaza and Genesee Crossroads Parking
Garage Roof Slab Reconstruction Project

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

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation related to the Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Project. This legislation will:

1. Appropriate \$10,900,000 of funding from Upstate Revitalization Initiative (URI), administered by the New York State Department of State (NYSDOS), to finance a portion of phase two of the project; and,
2. Appropriate \$1,500,000 from the American Rescue Plan Act (ARPA) to fund a portion of phase two of the project; and,
3. Authorize an amendatory agreement with LiRo Engineers, Inc. (Luis Tormenta, C.E.O., 85 Allen Street, Suite 300, Rochester, NY) to provide additional construction management services. The original agreement, authorized in March 2020 by Ordinance No. 2020-67, established maximum compensation at \$1,250,000 for phase one of the project. This amendment will increase the compensation by \$1,979,000, to a maximum total of \$3,229,000 to complete the project. The additional cost will be funded with debt authorized herein. The term of the amendatory agreement shall extend until three (3) months after completion of a two (2) year guarantee inspection of the project; and,
4. Authorize an amendatory agreement with T.Y. Lin International Engineering & Architecture, P.C., (T.Y. Lin) 255 East Avenue, Rochester, (Robert J. Radley, Chief Executive Officer), for additional engineering services. The original agreement with T.Y. Lin was authorized in March 2015 by Ordinance No. 2015-71 for a maximum compensation of \$700,000, was amended in December, 2016 by Ordinance No. 2016-404, and further amended in April, 2019 by Ordinance No. 2019-96. This amendment will increase the compensation by \$140,000 to a maximum total of \$2,340,000 for construction administration services related to phase two of the project. The term of the amendatory agreement shall extend until three (3) months after completion of a two (2) year guarantee inspection of the project. The cost of the agreement will be financed per the chart below; and,
5. Authorize the issuance of bonds totaling \$4,912,000 and the appropriation of the proceeds thereof to partially finance phase two of the project; and,
6. Authorize the receipt and use of \$219,129 in anticipated reimbursements from Rochester Gas and Electric (RGE) to finance a portion of the design and construction of electric infrastructure and lighting installations for phase one of the project.

Charles Carroll Plaza is located on the west side of the Genesee River between Main Street and Andrews Street. Much of the plaza is built on top of the Genesee Crossroads Parking Garage roof, which is deteriorated and requires waterproofing and structural repairs.

Phase one of this ROC the Riverway project entails railing replacements throughout the project and renovation of the Sister Cities Bridge superstructure. Bridge modifications take place throughout to achieve a bicycle friendly, fully ADA accessible link across the river from Bragdon Place to the Charles Carroll Plaza.

Phase two includes the removal of the plaza to perform structural repairs to the garage roof slab underneath, replace the slab waterproofing system, and construction of a new modernized plaza, creating a more natural, flowing space with ADA accessible connections serving as a critical link in the Riverway Trail system. New park amenities, play elements, lighting and landscaping, and space for programmed activities is included.

The estimated overall cost of the project is \$26,481,129. The project is financed as follows:

	Design	Construction (phase one and phase two)	CM/RPR	Total
2012-13 Cash Capital	250,000	0	0	\$250,000
2013-14 Cash Capital	300,000	0	0	\$300,000
2014-15 Cash Capital	150,000	0	0	\$150,000
NYSDOS appropriated Ord. No. 2016-404	400,000	0	0	\$400,000
URI / NYSDOS appropriated Ord. No. 2019-96	1,100,000	0	0	\$1,100,000
Bonds authorized Ord. No. 2020-68	0	0	1,250,000	\$1,250,000
URI / NYSDOS Funding as appropriated Ord. No. 2020-67	0	5,500,000	0	\$5,500,000
URI / NYSDOS Funding as appropriated herein	0	10,900,000	0	\$10,900,000
Debt authorized herein	120,000	2,813,000	1,979,000	\$4,912,000
ARPA funds appropriated herein	0	1,500,000	0	\$1,500,000
RGE Reimbursement appropriated herein	20,000	199,129	0	\$219,129
Total	\$2,340,000	\$20,912,129	\$3,229,000	\$26,481,129

Construction of phase one is currently underway. Construction of phase two is anticipated to begin in fall 2021 with substantial completion in summer 2023. The additional funding appropriated herein will result in the creation and/or retention of the equivalent of 190.6 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AU-157

Ordinance No. 2021-294
(Int. No. 327)

Authorizing funding and amendatory agreements relating to the Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Project

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

Section 1. The Council hereby appropriates \$10,900,000 to fund a portion of the construction of Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Project (the Project). This appropriation shall come from a portion of the Urban Revitalization Initiative grant funds administered by the New York State Department of State that were allocated to the Riverway Main to Andrews segments of the ROC the Riverway initiative by Ordinance No. 2019-62.

Section 2. The Council hereby authorizes the receipt and use of \$1,500,000 provided by the United States Treasury pursuant to the American Rescue Plan Act of 2021 to fund a portion of phase two of the Project.

Section 3. The Council hereby authorizes the receipt and use of \$219,129 in anticipated reimbursements from the Rochester Gas and Electric Corporation (RGE) to fund a portion of the design and construction of electric infrastructure and lighting installations for the Project.

Section 4. The Mayor is hereby authorized to enter into an amendatory professional services agreement with LiRo Engineers, Inc. to provide additional construction management services for the Project. The amendment shall increase the maximum compensation of the original agreement, which was authorized in Ordinance No. 2020-67, by \$1,979,000 to a new total of \$3,229,000. The increase shall be funded from the proceeds of bonds authorized for the Project in a concurrent ordinance.

Section 5. The Mayor is hereby authorized to enter into an amendatory professional services agreement with T.Y. Lin International Engineering & Architecture, P.C. to provide additional engineering services for the Project. The amendments shall increase the maximum compensation of the existing agreement, which was authorized in Ordinance No. 2015-71 and as amended in Ordinance Nos. 2016-404 and 2019-96, by \$140,000 to a new total of \$2,340,000. The increase shall be funded in the amounts of \$120,000 from the proceeds of bonds authorized for the Project in a concurrent ordinance and \$20,000 in anticipated reimbursements from RGE authorized herein in Section 3.

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

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2021-295
(Int. No. 328)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$4,912,000 Bonds of said City to finance Phase 2 of the Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the costs of Phase 2 of the Charles Carroll Plaza and Genesee Crossroads Parking Garage Roof Slab Reconstruction Project consisting of removing the plaza platform to perform structural repairs to the underlying garage roof slab, replacing the slab waterproofing system and constructing a new modernized plaza (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 \$26,481,129. The plan of financing includes the issuance of \$4,912,000 bonds of the City, which amount is hereby appropriated for the Project, \$400,000 from the New York State Department of State (NYSDOS) appropriated in Ordinance No. 2016-404, \$1,100,000 in Urban Revitalization Initiative (URI) grant funds from NYSDOS appropriated in Ordinance No. 2019-96, the proceeds of bonds appropriated to the Project in Ordinance No. 2020-68, \$5,500,000 in URI grant funds from NYSDOS appropriated in Ordinance No. 2020-67, \$10,900,000 in URI grant funds from NYSDOS appropriated in a concurrent ordinance, \$1,500,000 in United States Treasury funds provided pursuant to the American Rescue Plan Act of 2021 and appropriated in a concurrent ordinance, \$219,129 in reimbursements from the Rochester Gas and Electric Corporation appropriated in a concurrent ordinance, \$250,000 in 2012-13 Cash Capital, \$300,000 in 2013-14 Cash Capital, \$150,000 in 2014-15 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 \$4,912,000 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 \$4,912,000. 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 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.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2021-296
Re: Municipal Code Changes Related
to Right-of-Way Penalties

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 §13A-11 of the Municipal Code to address public safety within the City's Right-of-Way. This amendment will promote safety and greater accountability for compliance with City regulations by establishing a higher level of penalties for violations that create or contribute to a Severe Right-of-Way Hazard.

Severe Right-Of-Way Hazard is a condition arising out of one or more violations of the Right-of-Way Code that poses an imminent and substantial threat to human life, health or safety, as determined by the Commissioner of the Department of Environmental Services in consultation with the City Engineer, based on the City's adopted rules and regulations for work in the right-of-way and the specific circumstances of a particular violation.

Violations are set forth in §104-26C the Municipal Code and the following proposed penalties shall apply to violations referred to the Municipal Code Violations Bureau:

a. **Standard.** (Current Penalties in §13A-11.B)

Violation of any provision to the Right-of-Way code, except violations creating or contributing to a Severe Right-of-Way Hazard.

	Initial Penalty	Penalty Upon Default
First Offense	\$75	\$150
Second Offense	\$150	\$300
Third and Subsequent Offense	\$375	\$750

b. **Severe Right-of-Way Hazard** (Proposed new penalties)

Violation of any provision to the Right-of-Way code creating or contributing to a Severe Right-of-Way Hazard.

	Initial Penalty	Penalty Upon Default
First Offense	\$500	\$1,000
Second Offense	\$1,000	\$2,000
Third and Subsequent Offense	\$1,500	\$3,000

Tickets may be issued daily for unabated violations. Enforcement will continue to be implemented through the Department of Environmental Services Right-of-Way Permit Office.

Respectfully submitted,
Lovely A. Warren
Mayor

Amending the Municipal Code with respect to violations of the Right-of-Way Code

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

Section 1. Article I in Chapter 104 of the Municipal Code, the Right-of-Way Code, as amended, is hereby further amended:

- A. to add a new definition to Subsection B of Section 104-1, Title: definitions, to read as follows:

SEVERE RIGHT-OF-WAY HAZARD A condition arising out of one or more violations of the Right-of-Way Code that poses an imminent and substantial threat to human life, health or safety, as determined by the Commissioner of the Department of Environmental Services in consultation with the City Engineer, based on the City's adopted rules and regulations for work in the right-of-way and the specific circumstances of a particular violation.

and

- B. to revise Subsection C of Section 104-26, Jurisdiction and penalties, to read as follows:

- C. For purposes of § 13A-11, the following sections are designated as sections for which violators shall be subject to the penalties established in ~~§ 13A-11B~~ § 13A-11C:

Section	Subject
104-10	Hindering or obstructing improvements
104-12	Excavations near streets
104-13	Excavations in streets
104-14	Traffic control devices and detours around street work
104-15	Permit required for construction or repair
104-16	Restoration of streets and public places
104-22	Interference with survey monuments
104-23	Moving buildings along streets
104-24	Street obstructions
104-25	Driveways and curb cuts

Section 2. Chapter 13A of the Municipal Code, Municipal Code Violations Bureau, as amended, is hereby further amended in Subsections B and C of Section 13A-11, Penalties for offenses, to read as follows:

- B. For violations of those sections specifically set forth in ~~§ 104-26C of the Municipal Code~~, Chapter 54 of the Municipal Code, and the Fire Prevention Code, except for violations of the New York State Uniform Fire Prevention

and Building Code, the following penalties shall apply to violations referred to the Municipal Code Violations Bureau:

	Initial Penalty	Penalty Upon Default
First offense	\$75	\$150
Second offense	\$150	\$300
Third and subsequent offenses	\$375	\$750

C. ~~(Reserved)~~ For violations of any of those provisions of the Right-of-Way Code referenced in § 104-26C, the following penalties shall apply to violations referred to the Municipal Code Violations Bureau. In accordance with § 104-26, every day of a violation may be held to constitute a separate offense.

1. Standard Violation. For a violation that is not determined to constitute a Severe Right-of-Way Hazard:

<u>Standard violation</u>	<u>Initial Penalty</u>	<u>Penalty Upon Default</u>
<u>First offense</u>	<u>\$75</u>	<u>\$150</u>
<u>Second offense</u>	<u>\$150</u>	<u>\$300</u>
<u>Third and subsequent offenses</u>	<u>\$375</u>	<u>\$750</u>

2. Severe Right-of-Way Hazard. For a violation that is determined to constitute a Severe Right-of-Way Hazard and ticketed as such:

<u>Severe Right-of-Way Hazard</u>	<u>Initial Penalty</u>	<u>Penalty Upon Default</u>
<u>First offense</u>	<u>\$500</u>	<u>\$1,000</u>
<u>Second offense</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>Third and subsequent offenses</u>	<u>\$1,500</u>	<u>\$3,000</u>

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2021-297
Re: Agreement – Popli Design Group,
Durand Eastman Park Beach House

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 Durand Eastman Park Beach House. This legislation will:

1. Appropriate \$225,000 in anticipated reimbursements from New York State Department of State (NYS DOS) through the 2019-20 Consolidated Funding Application, to finance design and engineering of the project; and,
2. Establish \$300,000 as maximum compensation for an agreement with Popli Architecture + Engineering & L.S., D.P.C. dba Popli Design Group (Sanjeev (Jay) Popli, 555 Penbrooke Drive, Penfield, New York) for site and engineering surveys, State Environmental Quality Review (SEQR), programming and preliminary design for the proposed Project. The cost of the agreement will be financed as follows:

Source of Funds	Amount
NYSDOS grant funding appropriated herein	\$225,000
2020-21 Cash Capital	\$75,000
Total	\$300,000

The project includes design of a beach house to support the public swimming beach and staff at Durand Eastman Park Beach on Lake Ontario. The beach currently operates under a variance and temporary permit due to a lack of permanent facilities. The beach house concept includes restrooms, changing rooms, lifeguard office and first aid facilities, storage, and safe fully accessible beach access. The City, in partnership with grants from the New York State Department of State (NYS DOS) Environmental Protection Fund (EPF) Local Waterfront Revitalization Program (LWRP) and Federal Environmental Protection Agency (EPA), have completed projects to improve this significant public asset, including the Durand Beach Master Plan, water quality improvements, beach outfall repairs, and site utilities and parking lot improvements to serve the future beach house.

Popli Design Group was selected through a Request for Proposal process, which is described in the attached summary, to provide design and engineering services for the Project.

Design shall begin in fall 2021. The agreement will result in the creation and/or retention of the equivalent of 3.3 full-time jobs.

The term of the agreement shall extend until 6 months after final acceptance of the Project.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AU-158

Ordinance No. 2021-297
(Int. No. 330)

Authorizing funding and an agreement for the Durand Eastman Beach House project

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

Section 1. The sum of \$225,000 in anticipated reimbursements from the New York State Department of State (NYS DOS) to be received in accordance with the Consolidated Funding Application authorized by Ordinance No. 2018-239 is hereby appropriated to fund design and engineering of the Durand Eastman Beach House (the Project).

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with Popli Architecture + Engineering & L.S., D.P.C. in the maximum amount of \$300,000 to provide site and engineering surveys, State Environmental Quality Review Act evaluation, programming and preliminary design for the Project. Said amount shall be funded in the amount of \$225,000 from the NYSDOS funds appropriated in Section 1 herein plus \$75,000 in 2020-21 Cash Capital. The term of the agreement shall continue to 6 months after final acceptance of the Project.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2021-298

Ordinance No. 2021-299

Ordinance No. 2021-300

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

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

Comprehensive Plan 2034 Initiative Area:
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation related to the East Main Street Improvement Project. This legislation will:

1. Appropriate \$2,189,600 in anticipated reimbursements from the Federal Highway Administration (FHWA) to finance a portion of construction and Resident Project Representation (RPR) services for the project; and,

2. Amend Section 4 of Ordinance No. 2020-357, which established funding for an agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for Resident Project Representation (RPR) services related to this project, by reducing \$355,010 of street bonds authorized in Ordinance No. 2020-358, reducing \$74,200 of water bonds authorized in Ordinance No. 2020-359, reducing \$19,390 of 2019-20 Cash Capital, and replacing those funds with \$122,000 of the NYS Marchiselli Aid appropriated in Ordinance No 2021-213, and \$326,600 of the federal funding appropriate herein.
3. Amend Bond Ordinance No. 2020-358 which authorized the issuance of \$3,462,000 of bonds to finance the cost of the East Main Street Project by reducing the total bonds authorized by \$1,718,000 to a total of \$1,744,000; reducing anticipated reimbursements from Pure Waters authorized in Ordinance No. 2020-360 by \$170,840 to a total of \$329,160; reducing 2019-20 Cash Capital by \$10,880 to a total of \$24,120 and by reducing 2020-21 Cash Capital by \$61,880 to a total of \$103,120 and replacing with FHWA funds appropriated herein.
4. Amend Bond Ordinance No. 2020-359 which authorized the issuance of \$1,700,000 of bonds to finance water line and water service improvements associated with the East Main Street Improvement Project by reducing the total bonds authorized by \$228,000 to a total of \$1,472,000 and replacing with FHWA funds appropriated herein.

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

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

Construction started in early 2021 and is anticipated to be substantially complete by fall 2022.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AU-159

Ordinance No. 2021-298
(Int. No. 331)

Appropriating funds and amending Ordinance No. 2020-357 relating to the East Main Street Improvement Project

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

Section 1. The Mayor is hereby authorized to accept and use \$2,189,600 in anticipated reimbursements from the Federal Highway Administration (FHWA), which amount is hereby appropriated to fund a portion of construction and resident project representation services for the East Main Street Improvement Project (North Goodman Street to Culver Road).

Section 2. Section 4 of Ordinance No. 2020-357, authorizing an agreement for the Project, is hereby amended to read as follows:

Section 4. The Mayor is hereby authorized to enter into a professional services agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. to provide resident project representation services for the Project. ~~in~~ The maximum compensation for the agreement shall be \$1,750,000, which shall be funded in the amounts of \$675,980 from the FHWA reimbursements appropriated in Section 1 hereof, ~~\$794,050~~ \$439,040 from the proceeds of City bonds authorized for the Project in ~~a concurrent ordinance~~ Ordinance No. 2020-358, \$250,530 \$176,330 from the proceeds of City bonds authorized for water line and water service improvements related to the Project in ~~a concurrent ordinance~~ Ordinance No. 2020-359, and \$29,440 \$10,050 in 2019-20 Cash Capital, \$122,000 in NYS Marchiselli Aid appropriated in Ordinance No. 2021-213 and \$326,600 in FHWA reimbursements appropriated in an ordinance approved in September, 2021. The term of the agreement shall continue to six months after final completion of the Project.

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

Ordinance No. 2021-299
(Int. No. 332)

Amending Bond Ordinance No. 2020-358 of the City of Rochester, New York

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

Section 1. Bond Ordinance No. 2020-358, Bond Ordinance of the City of Rochester, New York, authorizing the issuance of \$3,462,000 Bonds of said City to finance the costs of the East Main Street Improvement Project, is hereby amended in the title and in Sections 1, 2 and 3 thereof as follows:

Bond Ordinance of the City of Rochester, New York authorizing the issuance of ~~\$3,462,000~~ \$1,744,000 Bonds of said City to finance the costs of the East Main Street Improvement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the costs of the East Main Street Improvement Project from North Goodman Street to Culver Road, including street reconstruction, new sidewalks and curb ramps, bicycle accommodations, driveway aprons, receiving basins, water mains, services and hydrants, lighting, traffic signals, signage, pavement markings, tree plantings and other streetscape improvements (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$11,261,192. The plan of financing includes the issuance of ~~\$3,462,000~~ \$1,744,000 in bonds of the City, which amount is hereby appropriated therefor, \$4,495,980 in reimbursements from the Federal Highway Administration (FHWA) appropriated in ~~a concurrent ordinance~~ Ordinance No. 2020-357, \$726,983 in

reimbursements from the FHWA appropriated in Ordinance No. 2018-103 as modified by Ordinance No. 2020-40, \$44,524 in Marchiselli Aid appropriated in Ordinance No. 2018-103, \$95,160 in Marchiselli Aid appropriated in Ordinance No. 2020-40, \$1,500,000 from Empire State Development appropriated in ~~a concurrent ordinance~~ Ordinance No. 2020-357, \$500,000 \$329,160 in anticipated reimbursements from Pure Waters authorized in ~~a concurrent ordinance and hereby appropriated therefor~~ Ordinance No. 2020-360, \$104,872 in 2015-16 Cash Capital, \$12,086 in 2016-17 Cash Capital, \$19,750 in 2017-18 Cash Capital, \$99,837 in 2018-19 Cash Capital, \$35,000 \$24,120 in 2019-20 Cash Capital, ~~\$165,000~~ \$103,120 in 2020-21 Cash Capital, \$1,961,600 from FHWA reimbursements appropriated in an ordinance to be approved in September, 2021 and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of ~~\$3,462,000~~ \$1,744,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of ~~\$3,462,000~~ \$1,744,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 2. For the amended Bond Ordinance, the City shall remain authorized to issue bonds to finance the Project specified therein with bonds in a principal amount equal to \$1,744,000 and the financing shall proceed in all other respects in accordance with the provisions specified in the original Bond Ordinance.

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.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

Ordinance No. 2021-300
(Int. No. 333)

Amending Bond Ordinance No. 2020-359 of the City of Rochester, New York

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

Section 1. Bond Ordinance No. 2020-359, Bond Ordinance of the City of Rochester, New York, authorizing the issuance of \$1,700,000 Bonds of said City to finance water line and water service improvements associated with the East Main Street Improvement Project, is hereby amended in the title and in Sections 1, 2 and 3 thereof as follows:

Bond Ordinance of the City of Rochester, New York authorizing the issuance of ~~\$1,700,000~~ \$1,472,000 Bonds of said City to finance water line and water service improvements associated with the East Main Street Improvement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of water line and water service improvements for the entire length of the street related to the East Main Street Improvement Project extending from North Goodman Street to Culver Road (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,700,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of ~~\$1,700,000~~ \$1,472,000 bonds of the City to finance said appropriation, \$228,000 from FHWA reimbursements appropriated in an ordinance to be approved in September, 2021 and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of ~~\$1,700,000~~ \$1,472,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of ~~\$1,700,000~~ \$1,472,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 2. For the amended Bond Ordinance, the City shall remain authorized to issue bonds to finance the Project specified therein with bonds in a principal amount equal to \$1,472,000 and the financing shall proceed in all other respects in accordance with the provisions specified in the original Bond Ordinance.

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.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2021-301
Re: Agreement – LaBella Associates,
D.P.C. Engineering Services,
Humboldt R-Center Water Park
Improvements Project

Comprehensive Plan 2034 Initiative Area:
Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to the Humboldt R-Center Water Park Improvements Project. This legislation will establish \$75,000 as total maximum compensation for a professional services agreement with LaBella Associates, D.P.C. (Steven Metzger, C.E.O., 300 State Street, Rochester, NY) for engineering design and construction administration services for this project to be funded with 2020-21 Cash Capital.

The existing water park, installed in 2001, was the City's first water spray park. The spray park is reaching the end of its service life and the aging infrastructure does not function properly and requires frequent repairs. The project will update the mechanical, electrical, plumbing, control, and surfacing systems.

LaBella Associates, D.P.C. was selected to provide engineering design and construction administration services through a request for proposal process described in the attached summary.

Design is anticipated to begin in fall 2021 with construction anticipated to begin in fall of 2022. The design phase of this project results in the creation and/or retention of the equivalent of 0.8 full-time jobs.

The term of the agreement shall extend until three (3) months after completion of the two (2) year guarantee inspection of the project.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AU-160

Ordinance No. 2021-301
(Int. No. 334)

Authorizing an agreement for the Humboldt R-Center Water Park Improvements 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 LaBella Associates, D.P.C. in the maximum amount of \$75,000 to provide engineering design and construction administration services for the Humboldt R-Center Water Park Improvements Project. The term of the agreement shall extend until 3 months after completion of the two-year guarantee inspection of the Project. The agreement shall be funded from the 2020-21 Cash Capital.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2021-302

Re: William A. Johnson Jr. Terminal
Building at the Port of Rochester
Roof 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 William A. Johnson Jr. Terminal Building at the Port of Rochester Roof Project. This legislation will authorize the issuance of bonds totaling \$281,000 and the appropriation of the proceeds thereof to finance the cost of design and construction to address select areas of the Terminal Building roofing systems.

The Terminal Building was renovated in 2005 and includes 12 different roofs. Some of the roofs were constructed or replaced within that renovation while others remained due to being in better condition. These older roofs are now out of warranty and experiencing issues typical with their age. This project will address up to six of these roofs and will include a mix of replacements, restorations, and strategic lightning protection modifications and spot recoating.

Design services will be provided utilizing term agreements authorized by Ordinance No. 2020-309.

Design will begin in summer 2021 with construction anticipated to begin in spring 2022. This project will result in the creation and/or retention of the equivalent of 3.0 full-time jobs.

The term of the agreement shall extend until three (3) months after the completion of the two (2) year guarantee inspection of the project.

Respectfully submitted,
Lovely A. Warren
Mayor

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$281,000 Bonds of said City to finance the William A. Johnson, Jr. Terminal Building at the Port of Rochester Roof Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the costs of the William A. Johnson, Jr. Terminal Building at the Port of Rochester Roof Project, consisting of the design and implementation of measures where needed to maintain the integrity of the terminal building's various roofs, including but not limited to replacement, restoration, lightning protection modifications and spot re-coating (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 \$281,000. The plan of financing includes the issuance of \$281,000 bonds, which are hereby appropriated therefor, 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 \$281,000 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 \$281,000. 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.11(b) of the Law, is twenty-five (25) years.

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

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

level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2021-303

Re: Amending Ordinance No. 2021-270
ROC City Skatepark

Comprehensive Plan 2034 Initiative Area:
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation Amending Ordinance No. 2021-270 which authorized a professional services agreement with Stantec Consulting Services, Inc. (James R. Hoffman, Jr., Principal, 61 Commercial Street, Suite 100, Rochester, New York) in the maximum compensation of \$150,000 to provide design services for ROC City Skate Park – Phase II (the Project). This amendment will increase the compensation by \$75,000 to a maximum total of \$225,000 and revise the scope to add cost estimating, SEQR review and preliminary design work for Phase III of the project. The additional cost for the agreement will be funded with 2021-22 Cash Capital.

The ROC City Skatepark is a customized wheel-friendly skate park located under and adjacent to the Susan B. Anthony-Frederick Douglass Bridge. Phase I of the first outdoor public skate park in Rochester opened to the public in November 2020.

The project includes design of Phase II and Phase III of the ROC City Skatepark, which will include an additional 11,200 square feet of custom concrete skate area and a new facility that may include, but is not limited to, concession and restroom facilities.

These improvements will add amenities to create one of the largest skateparks in the area at a time when skateboarding has increased significantly in popularity from the addition of the sport to the Olympics.

The term of the agreement shall terminate six (6) months after completion and acceptance of the design of the project.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AU-162

Ordinance No. 2021-303
(Int. No. 336)

Amending Ordinance No. 2021-270 relating to the ROC City Skatepark – Phases II and III

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

Section 1. The title and Section 1 of Ordinance No. 2021-270 is hereby amended to read as follows:

Authorizing an agreement for ROC City Skatepark – Phases II and III

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Stantec Consulting Services Inc. in the maximum amount of ~~\$150,000~~ \$225,000 to provide design services for ROC City Skatepark – Phase II and to provide cost estimating, State Environmental Quality Review Act assessment and preliminary design services for ROC City Skatepark – Phase III (collectively, the Project). The term of the agreement shall extend until 6 months after the completion and acceptance of the Project design. The compensation shall be funded from 2021-22 Cash Capital.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

By Vice President Lightfoot
September 14, 2021

To the Council:

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

- | | |
|--------------|---|
| Int. No. 337 | Authorizing an agreement for Fire Department counseling and stress management services |
| Int. No. 338 | Authorizing an agreement relating to Agency Medical Director services for the Fire Department |
| Int. No. 339 | Amending Ordinance No. 2020-117 and amending the 2021-22 Budget relating to the Petco Love 2020 grant |
| Int. No. 340 | Authorizing an agreement for a Victim and Witness Assistance Grant |
| Int. No. 341 | Authorizing a grant agreement and budget amendment for the Flower City AmeriCorps program |
| Int. No. 342 | Authorizing an intermunicipal agreement and amending the 2021-22 Budget for the Pathways to Peace program |
| Int. No. 343 | Amending the 2021-22 Budget of the Rochester Police Department to carry over unspent grant funds |

Respectfully submitted,
Willie Lightfoot
Mitch Gruber
Lashay D. Harris (*Abstained on Int. No. 342*)
Jose Peo
Loretta C. Scott
PUBLIC SAFETY, RECREATION & HUMAN SERVICES COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2021-304
Re: Agreement - Counseling and
Stress Management Services

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation establishing \$45,000 as maximum annual compensation for an agreement with Strong Behavioral Health/Cooperative Officer Assistance Program (COAP), a division of Strong Memorial Hospital for the provision of counseling and critical incident stress services to the Rochester Fire Department employees and their family members. The RFD has worked with COAP for at least 20 years, and the most recent contract with Strong Behavioral Health was authorized by Ord. No. 2017-307. The term of the agreement will be for two years, with the option for one - two-year renewal. The cost will be funded from FY2021-22 and subsequent Budgets of the Fire Department upon adoption.

Strong Behavioral Health/COAP was selected through a request for proposal process described in the attached summary.

Strong Behavioral Health/COAP will provide a comprehensive package of employee assistance services to address individual, family, and work-life needs. These services include confidential assessment and short term treatment; consultation and training for supervisors and managers to identify and resolve job performance issues; and direct linkage to mental health and wellness resources on a 24/7 basis for crisis coverage.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AU-163

Ordinance No. 2021-304
(Int. No. 337)

Authorizing an agreement for Fire Department counseling and stress management services

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement in the maximum annual amount of \$45,000 with Strong Behavioral Health/Cooperative Officer Assistance Program, a division of the University of Rochester Medical Center, to provide counseling and critical incident stress services to Rochester Fire Department employees and their family members. The term of the agreement shall be two years with the option to extend for one additional two-year period. The first year of the agreement shall be funded from the 2021-22 Budget of the Fire Department and subsequent years from future budgets of the Fire Department, contingent upon approval of the future budgets.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2021-305
Re: Medical Director Consultation Services

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation establishing annual maximum compensation of \$35,000 for an agreement with the University of Rochester Medical Center for Jeremy Cushman, M.D., M.S., EMT-P, FACEP to act as the Agency Medical Director. Dr. Cushman has provided Medical Director Services to the Rochester Fire Department (RFD) since 2013. The most recent contract was authorized by Ord. No. 2013-366. The term of this agreement will be for two years with an option for one two-year renewal. Compensation will be funded from the 2021-22 and subsequent annual Budgets of the Fire Department, contingent upon their approval.

The Rochester Fire Department is the primary local first responder EMS agency, and is required by New York State to provide medical consultation services for the enhancement and maintenance of integrated, systematic preparedness for pre-hospital emergency medical care. As such the City must contract with a physician with knowledge and experience in the delivery of emergency medical care to provide the following services:

- Direction and guidance of pre-hospital emergency medical provision and documentation procedures.
- Review EMS Patient Care Reports and other documentation necessary to monitor quality of care;
- Participate in Rochester Fire Department Quality Improvement and Quality Assurance programs;
- Provide technical expertise on the design and structure of emergency medical procedures in the field;
- Review EMS documentation of quality of care provided by RFD;
- Provide technical assistance in the development of medical guidelines for health and safety of RFD personnel;
- Participate in EMS certification training for Rochester Fire Department (RFD) personnel;
- Advise RFD in the administration of the Ambulance contract on issues associated with patient care;
- Represent the interests of the RFD in the medical community.

University of Rochester Medical Center was selected through a request for proposal process described in the attached summary.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AU-164

Ordinance No. 2021-305
(Int. No. 338)

Authorizing an agreement relating to Agency Medical Director services for the Fire Department

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 University of Rochester Medical Center to provide a physician to serve as Agency Medical Director for the Rochester Fire Department for the purpose of maintaining and enhancing the Fire Department's provision of quality pre-hospital emergency medical care. The agreement shall have a term of two years with the option to extend for one additional period of two years. The maximum annual compensation for the agreement shall be \$35,000, which shall be funded from the 2021-22 Budget of the Fire Department for the first year and from a future year's Budget of the Fire Department for each subsequent year, contingent upon approval of the future budget.

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. 2021-306
Re: Budget Amendment – Petco Love
2020 grant

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation amending the 2021-22 Budget of the Department of Recreation and Human Services by \$3,100 related to the Petco Love (formerly Petco Foundation) grant.

The grant was initially appropriated in the 2019-20 Budget of the Rochester Police Department for Animal Services via Ordinance No. 2020-117 and subsequently in the 2020-21 Budget of RPD for Animal Services via Ordinance No. 2020-273. These funds are the remainder of the \$10,000 grant initially awarded in 2020 to increase shelter lifesaving. Animal Services has historically used such funding to support fee-waived adoption events as a marketing tool to stimulate community interest in obtaining pets from our shelter. For this grant project, Animal Service held one subsidized pet adoption event early in 2020. However, with the shift to housing most animals in foster homes during the COVID-19 pandemic, there was not the same need for events focused on emptying the shelter. As such, no adoption events were scheduled throughout the remainder of 2020 nor have any been scheduled in 2021 thus far. Because of this, Animal Services was unable to fully spend down the funds and therefore needs the grant funds to be carried forward into 2021-22.

With the seasonal increase in shelter intakes coupled with the slow-down in adoptions and foster care recruitment, Animal Services is planning to exhaust the remaining funds with a month-long promotion. This amendment shall extend the original agreement term through December 31, 2021.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2021-306
(Int. No. 339)

Amending Ordinance No. 2020-117 and amending the 2021-22 Budget relating to the Petco Love 2020 grant

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with The Petco Foundation for the continued use of Petco Love 2020 grant funds to promote the adoption of shelter pets. The amendment shall amend the original agreement authorized in Ordinance No. 2020-117 by extending its term to December 31, 2021.

Section 2. Ordinance No. 2021-174, the 2021-22 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations of the Budget of DRHS by the amount of \$3,100, which amount is hereby appropriated from the unspent portion of the \$10,000 2020 Petco Foundation grant that was appropriated to the 2020-21 Budget of the Rochester Police Department by Ordinance No. 2020-273. The \$3,100 reappropriated herein shall be utilized by Rochester Animal Services to promote the adoption of shelter pets in accordance with the amendatory agreement with The Petco Foundation authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2021-307
Re: Grant Agreement – New York
State Office of Victim Services

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing a grant agreement with New York State Office of Victim Services (NYSOVS) for the receipt and use of a Victim and Witness Assistance grant totaling \$338,261.50. The term of this agreement is October 1, 2021 through September 30, 2022 and this is the third and final year of a previously awarded three-year grant. This award was anticipated in the 2021-22 Budget of DRHS.

The Victim and Witness Assistance grant funds a portion of personnel expenses of the Department of Recreation and Human Services Crisis Intervention Services Unit. Staff in this unit assist

victims of crime with any assistance they need, including referrals for wrap-around support, applications for funding from the NYSOVS, and walk them through the legal process by providing updates on their pending criminal cases. The unit has typically serviced 1,200 unduplicated cases under this grant program per year.

This was last authorized by City Council via Ordinance No. 2021-24.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2021-307
(Int. No. 340)

Authorizing an agreement for a Victim and Witness Assistance Grant

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Victim Services for the receipt and use of a Victim and Witness Assistance Grant of up to \$338,261.50 to fund a portion of the services provided by Department of Recreation and Human Services' Crisis Intervention Services Unit. The term of the agreement shall cover October 1, 2021 through September 30, 2022.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2021-308
Re: Grant Agreement - New York State
Office of Children and Family
Services, AmeriCorps

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

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation related to a grant from the New York State Office of Children and Family Services for the Flower City AmeriCorps program. This legislation will:

1. Authorize the receipt and use of a grant award from the New York State Office of Children and Family Services (NYS OCFS) for the Flower City AmeriCorps Program for a term of November 1, 2021 to January 31, 2025. This grant consists of three, overlapping 15-month program periods from November 1, 2021 to January 31, 2023, November 1, 2022 to January 31, 2024, and November 1, 2023 to January 31, 2025. The City will receive a grant award of \$448,196 for the first program period of November 1, 2021 to January 31, 2023.
2. Amend the 2021-22 Budget of the following departments to reflect a portion of the first program period authorized herein:

Department of Recreation and Human Services	\$49,900
Undistributed Expenses	\$174,200

The total grant funding of \$448,196 is for the full grant period of November 1, 2021 to January 31, 2023, however the budget amendments are for the remaining eight months of the 2021-22 fiscal year. The remaining grant funds will be anticipated and included in future years' budgets, subject to approval by Council.

3. Amend the 2021-22 Budget by transferring a total of \$71,600 from Contingency to the following departments for the required City matching funds:

Department of Recreation and Human Services	\$20,400
Undistributed Expenses	\$51,200

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

AmeriCorps members are volunteers and, if serving full time (40 hours per week), will receive a \$15,100 annual "living allowance". Upon successful completion of their fulltime service, members are also eligible for the Segal AmeriCorps Education Award provided by the federal government in the amount of \$6,345. AmeriCorps members serving half time (20 hours per week) will receive a \$7,550 annual "living allowance". Upon successful completion of their half time service, members are also eligible for the Segal AmeriCorps Education Award provided by the federal government in the amount of \$3,172.50.

This will be the seventh year of the Flower City AmeriCorps program, which was last authorized via City Council Ordinance No. 2020-336.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Ordinance No. 2021-308
 (Int. No. 341)

Authorizing a grant agreement and budget amendment for the Flower City AmeriCorps program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Children and Family Services for the receipt and use of a grant funds to operate the Flower City AmeriCorps program (the Program). The term of the agreement shall be from November 1, 2021 through January 31, 2025. The initial Program grant in the amount of \$448,196 shall fund the Program from November 1, 2021 through January 31, 2023.

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

Section 3. Ordinance No. 2021-174, the 2021-22 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations of the Budget of the Department of Recreation and Human Services by the amount of \$49,900 and of the Budget of Undistributed Expenses by the amount of \$174,200, both of which are hereby appropriated to operate the Program from the proceeds of the grant agreement authorized in Section 1 herein.

Section 4. Ordinance No. 2021-174, the 2021-22 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$71,600 from the Budget of Contingency to the Budget of the Department of Recreation and Human Services in the amount of \$20,400 and to the Budget of Undistributed Expenses in the amount of \$51,200, which sum is hereby appropriated to fund a portion of the costs of operating the Program.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2021-309
Re: Inter-Municipal Agreement –
Rochester City School District’s
Utilization of Pathways to Peace

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with the Rochester City School District for the receipt and use of \$15,000 and amending the 2021-22 Budget of the Department of Recreation and Human Services (DRHS) by the funds authorized herein to provide Pathways to Peace (PTP) staff support at District athletic and special events. The term of the agreement will not exceed one year.

Under this agreement, the District will reimburse the City for PTP staff expenses for the following services:

1. Emergencies Before or After Athletic Event – at the District’s request, PTP will respond to emergency situations to assist in preventing and mitigating the risk of violence among students and conduct ongoing outreach with the schools to identify and address risks.
2. School District Special Events - At the District’s request, PTP will monitor entry points at special events and activities and will identify potentially violent individuals. PTP will monitor actions of youth at the events, work with District staff and, if applicable, the Rochester Police Department to intervene and prevent violence.

This was last authorized by City Council Ord. No. 2020-275, however services were not provided due to the COVID-19 RCSD shutdown. In previous years, Pathways to Peace has provided these services to the District for 30-35 events throughout the school year.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2021-309
(Int. No. 342)

Authorizing an intermunicipal agreement and amending the 2021-22 Budget for the Pathways to Peace 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 for the receipt and use of \$15,000 from the Rochester City School District (RCSD) in return for the City providing Pathways to Peace staff support at RCSD athletic and special events. The term of the agreement shall be for up to 1 year.

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

Section 3. Ordinance No. 2021-174, the 2021-22 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations of the Budget of the Department of Recreation and Human Services by the sum of \$15,000, which amount is hereby appropriated from funds to be received under the agreement and for the purpose authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

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. 2021-310
Re: Budget Amendment – 2021-22
Budget of the Police Department
and Undistributed

Council Priority: Public Safety

Transmitted herewith for your approval is legislation amending the 2021-22 Budget of the Police Department by \$53,400 and Undistributed by \$6,700 to reflect the balance of carryover funds from existing grants. The funds are itemized below, and will be used for their original intended purpose.

GRANT	RPD Carryover	Undistributed Carryover
2021 Child Passenger Safety Grant – 9 years	\$1,500	\$0
Complex Coordinated Terrorist Attack – 1 st time	\$1,800	\$600
2021 Motor Vehicle Theft Grant – over 10 years	\$13,700	\$0
Pedestrian Safety Grant – 1 st time	\$10,600	\$0
Project CLEAN – 1 st time	\$3,400	\$0
2020-21 Stop DWI Crackdown – 8 years	\$400	\$0
2021 Stop DWI – over 10 years	\$22,000	\$6,100
Total	\$53,400	\$6,700

The Child Passenger Safety Grant supports the Police Department’s efforts to ensure correct use of child car seats. These remaining funds will be used for certification and continuing education of those officers teaching about safety seats at community-based, seat-checking events.

The Complex Coordinated Terrorist Attack Grant is used for overtime and fringe benefits for Police Officers for the purpose of planning and applicable training that is focused on building or enhancing capabilities to improve the ability to prepare for, prevent, and respond to complex coordinated terrorist attacks.

The Motor Vehicle Theft Grant provides funding to support the reduction of auto theft and insurance fraud. These funds will be used for overtime to support Police Department deployment in high-theft areas and increased investigations of insurance fraud.

The goal of the Pedestrian Safety Grant is to reduce the number of vehicle crashes, injuries and deaths, with a focus on pedestrian-involved vehicle accidents. The funds are used to pay for police overtime for enforcement details.

Project CLEAN (Community, Law Enforcement, and Assistance Network) is aimed at developing community and police crime prevention strategies in the N. Clinton Avenue Neighborhood facing specific and unique crime challenges. These funds are for overtime for Community Engagement Patrols aimed at improving the conditions within Target areas and for enforcement details aimed at reducing the heroine epidemic in the Target areas.

The Stop DWI Crackdown grant provides overtime for police officers and, as necessary for police experts to detect drug abuse in drivers during Fourth of July and Labor Day holiday crackdowns.

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

Respectfully submitted,
 Lovely A. Warren
 Mayor

Ordinance No. 2021-310
 (Int. No. 343)

Amending the 2021-22 Budget of the Rochester Police Department to carry over unspent grant funds

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

Section 1. Ordinance No. 2021-174, the 2021-22 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 \$53,400, and by increasing the revenue estimates and appropriations to the Budget of Undistributed Expenses by the sum of \$6,700, which amounts are hereby appropriated from unspent grant funds appropriated in previous budgets as shown below. Said funds shall be used for their original purposes.

Grant	RPD Carryover	Undistributed Carryover
2021 Child Passenger Safety Grant	\$1,500	\$0
Complex Coordinated Terrorist Attack	\$1,800	\$600
2021 Motor Vehicle Theft Grant	\$13,700	\$0
Pedestrian Safety Grant	\$10,600	\$0
Project CLEAN	\$3,400	\$0
2020-21 Stop DWI Crackdown	\$400	\$0
2021 Stop DWI	\$22,000	\$6,100
Total	\$53,400	\$6,700

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays – Councilmember Lupien-1.

TO THE COUNCIL

Ladies and Gentlemen:

Introductory No. 344
Re: Establishing a Notification Process
regarding Police Incidents and Body
Worn Camera Footage

Council Priority: Public Safety

Transmitted herewith for your approval is legislation establishing a notification and access policy related to the City Council in certain incidents involving the Rochester Police Department. This legislation will:

1. Ensure City Council and the Administration receive direct and immediate notification within 24 hours of incidents involving the Rochester Police Department as to:
 - a. Any officer involved shooting
 - b. Any other use of force that results in serious physical injury or death of a civilian
 - c. Any vehicular pursuit that results in a serious accident or serious injury
 - d. Any incident involving physical restraint of a child under the age of 12
 - e. Any use of chemicals, Tasers, or other force against a child under 12
 - f. Any use of force, chemicals, LRADs or other actions in response to a civilian protest
2. Provide Council access to all unredacted body worn camera footage of officers as soon as it is available to the Chief of Police to be viewed through a digital reading room that allows Councilmembers to view and discuss the footage outside of the presence of members of the Rochester Police Department.

Last September, City Council was made aware of the body camera footage of Daniel Prude’s arrest as it was released to the public, learning of his death months after it occurred. City Council commissioned the “Celli Report” which demonstrated in detail the complete lack of transparency in notifying the City’s leadership about Daniel Prude’s arrest and death. This lack of transparency, in addition to subsequent incidents like the responses to community protests and the pepper spraying of a minor, severely comprised the trust between our community, law enforcement, and government. This policy is aimed to create more transparency and to rebuild trust in the community, as the Council will be able to better perform its oversight role.

Respectfully submitted,
Loretta C. Scott
President

Mitch Gruber
Councilmember At-Large

Introductory No. 344

AN ORDINANCE ESTABLISHING A NOTIFICATION AND ACCESS POLICY

WHEREAS, prompt knowledge of certain types of incidents as well as access to information about those incidents is a necessity to insure transparency and to permit Council to perform its oversight role; and

WHEREAS, there have been incidents of a lack of prompt reporting to the Council and in some cases to the Mayor; and

WHEREAS, in particular, information regarding interactions between the Rochester Police and the members of the community is of particular concern to the Council;

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

Section 1- The Council of the City of Rochester shall receive direct and immediate notification within 24 hours of incidents involving the Rochester Police Department as to:

- a-any officer involved shooting
- b-any other use of force that results in serious physical injury or death of a civilian
- c-any vehicular pursuit that results in a serious accident or serious injury
- d-any incident involving physical restraint of a child under the age of 12
- e-any use of chemicals, Tasers or other force against a child under 12
- f-any use of force/chemicals/LRADS or other actions in response to a civilian protest

Section 2- The Council of the City of Rochester shall receive access, in unredacted form, to all body worn camera footage of officers as soon as the same is available to the Chief of Police. They shall be entitled to view the footage through a digital reading room that allows them to view and discuss the footage outside of the presence of members of the Rochester Police Department.

Section 3- That the Council understands and expects that all information provided to City Council by the terms of this ordinance shall also be provided to the Mayor.

Section 4- That this ordinance shall take effect immediately.

HELD IN COMMITTEE

TO THE COUNCIL

Ladies and Gentlemen:

Introductory No. 345
Re: Amending Chapter 18 of the
Municipal Code with Respect to
Freedom of Information Requests

Council Priority: Public Safety

Transmitted herewith for your approval is legislation amending Section 18-1 of the Municipal Code by adding a new subsection C.

Chapter 18 of the Municipal Code governs public records, and Section 18-1 specifically establishes municipal attorneys, designated by the Mayor, to serve as Records Access Officers and further establishes the Corporation Counsel to hear and determine all appeals of denial of access to records.

This proposed amendment to Section 18-1 of the Municipal Code will require the Records Access Officer provide a monthly report of all denied records access requests to City Council, including the identity of the requestor, a brief summary of the request, and the reason for the denial. Additionally, this amendment will require the Corporation Counsel to provide City Council a separate report of all denied appeals with the same set of information.

This amendment is crucial to achieving a higher level of transparency and understanding regarding the freedom of information requests process, and will provide City Council the proper tools to review all requests and appeals adequately.

Respectfully submitted,
Loretta C. Scott
President

Mitch Gruber
Councilmember At-Large

Introductory No. 345

An Ordinance Amending the Municipal Code in Relation to Reporting of Denied Freedom of Information Requests

WHEREAS, Chapter 18 of the Code of the City of Rochester governs public records; and

WHEREAS, Section 18-1 of that Chapter establishes municipal attorneys (as designated by the Mayor) as Records Access Officers and further establishes the Corporation Counsel to hear and determine all appeals of denial of access to records; and

WHEREAS, the Council of the City of Rochester affirms its interest in the City providing all possible records access available by law; and

WHEREAS, in the interest of serving in its role of oversight as well as encouraging transparency, the Council believes it must be aware of all denials of freedom of information requests (and the reasons therefore) and the denial of all appeals (as well as the reasons therefore);

NOW, THEREFORE, 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 adding a new sub-section C to Section 18-1 as follows:

C. The Records Access Officer shall provide the Council of the City of Rochester with a monthly report of all denied records access requests including the identity of the requestor, a brief summary of the nature of the request and the reason for the denial. Further, the Corporation Counsel shall provide the Council of the City of Rochester with a separate monthly report of all denied appeals including the identity of the requestor, the nature of the request and the reason for the denial of the appeal.

Section 2- This ordinance shall take effect immediately.

HELD IN COMMITTEE

The meeting was adjourned at 7:56 p.m.

HAZEL L. WASHINGTON
City Clerk