

ROCHESTER CITY COUNCIL

REGULAR MEETING

April 24, 2024

Present – President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Lupien, Martin, Monroe, Patterson, Smith – 9.

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

**THE COUNCIL PRESIDENT --- RECOGNITION CEREMONIES.**

**Special Recognitions:**

City of Rochester DES Forestry Division (Earth Day)

Tyrone T. Anderson	Carol M. Kodweis
Corey J. Cook	Dominic R. Nicolosi
Darien L. Cotton	Andrew J. Place
Stefon Gassaway	Melissa E. Rivelis
James D. Hart	Daniel A. Vankouwenberg
Tyran D. Hoyte Sr.	Ronald E. Wargo

Rochester Women’s vs Parkinson’s (Parkinson’s Awareness Month)

Pat Braus  
Sheila Driscoll  
Cindy Finestone  
Yvonne Selbig Hylton  
Amy Jones  
Jo Zimmerman

U Prep Boys’ Basketball Section V Champions

Grefory Bodine	Ja’Mere Pringle
Jermelle Cotton	Percy Robinson
Damari Davis	Ja’yvion Sampson
Jaymanny Hamilton	Demetrius Walker
Justice Hardy	Alex Webb
Cai’ryn Jessie	James Willingham
Knekose Mack	Gavin White
Keone Manigault	Head Coach Jerice Crouch
Xavier McDonald	Assistant Coach Ray’von Higdon
Quentin Nowden	Assistant Coach Aigner Hudson

U Prep Indoor Track Team (Winner Class A2 Indoor Track Sectionals)

Calease Anderson  
Anthony Berkley  
Kendrell Brooks  
Tavion Byrd  
De'Avonte Fields  
Julius Gerald  
Julius Jones

Jah'mir McLamore  
Jaylyn Melton  
Jayvon Johnson  
Kenyatta Johnson  
Romeo Lopez  
Isaiah Moonshein  
CJ Robinson

Juelz Russell  
Tyrell Simmons  
James Spaight  
Gavin White  
Coach Cory Cox  
Coach Brian Smith

**Retirement:**

**ECD:**

Steven Johnson

**LIBRARY:**

Nanci Rosenberg-Nugent

**RFD:**

Christopher Giordano  
Michael Loomis  
Thomas Reina

**RPD:**

Theodore Coriddi  
Thomas Frye  
Patrick Hopwood  
Kevin Sizer

**APPROVAL OF THE MINUTES**

By Councilmember Lupien

RESOLVED, that the minutes of the Regular Meeting on March 19, 2024 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

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

The Mayor submits the following:

Delinquent Receivables report for the month ending March 31, 2024.

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

The Council submits Disclosure of Interest Forms from **President Meléndez** on Int. Nos. 88, 92, 93, 112, and 119; **Councilmember Gruber** on Int. No. 90 and **Councilmember Patterson** on Int. No. 123.

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

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

**PUBLIC HEARINGS.**

**Pursuant to law, public hearings were held on April 18, 2024 on the following matters:**

Local Improvement Ordinance reestablishing the East Avenue/Alexander Street Entertainment District and setting the assessment for special services for 2024-25 Int. No. 91

No Speakers

Appropriating funds, authorizing agreements and amending the Official Map for the 2024 State Touring Route Milling & Resurfacing Project Int. No. 100

No Speakers

Local Improvement Ordinance establishing the operation, installation and maintenance costs of street lighting special assessment districts for 2024-25 Int. No. 105

No Speakers

Local Improvement Ordinance for the care and embellishment of street malls for 2024-25 Int. No. 106

No Speakers

**REPORTS OF STANDING COMMITTEES  
AND ACTION THEREON**

By Councilmember Patterson  
April 24, 2024

To the Council:

The **NEIGHBORHOODS, JOBS & HOUSING COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

Int. No. 88 Authorizing the sale of real estate

Int. No. 89 Authorizing a license agreement for a fiber conduit in the subterranean truck tunnel beneath 20 South Clinton Avenue

Int. No. 90 Authorizing the sale of real estate to Foodlink Farm, LLC

Int. No. 92 Authorizing an amendatory agreement relating to the Buy the Block project

- Int. No. 93      Authorizing the sale of real estate and grant agreements for the Buy the Block Phase 2 Project
- Int. No. 94      Authorizing a intermunicipal agreement relating to lead paint poisoning prevention inspection services
- Int. No. 95      Appropriating funds and authorizing a loan agreement and payment in lieu of taxes agreement for the Park Square Phase II Project
- Int. No. 129     Authorizing agreements for the Targeted Home Improvement Program

The **NEIGHBORHOODS, JOBS & HOUSING COMMITTEE** recommends for **CONSIDERATION** the following entitled legislation:

- Int. No. 91      Local Improvement Ordinance reestablishing the East Avenue/Alexander Street Entertainment District and setting the assessment for special services for 2024-25

Respectfully submitted,  
 Michael A. Patterson  
 Mitch Gruber (*abstained Int. No. 90*)  
 Kimberly Smith  
 LaShay D. Harris  
 Miguel A. Meléndez, Jr. (*abstained on Int. No. 88, 92, 93*)  
**NEIGHBORHOODS, JOBS & HOUSING COMMITTEE**

Received, filed and published.

TO THE COUNCIL  
 Ladies and Gentlemen:

Ordinance No. 2024-69  
 Re:     Sale of Real Estate

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Comprehensive Plan 2034 Initiative Area: Strong Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of one residential structure, two non-residential improved parcels and four vacant lots being sold to the adjoining owners. 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 first property, listed on Attachment A under the heading I. Negotiated Sale – Residential Property, is 122 Raeburn Avenue which will be sold to Rochester Housing Development Fund Corporation (Theodora Finn, President), 16 East Main Street, Rochester, New York. The purchaser will rehabilitate the property for sale to an income-qualified owner occupant through the HOME Rochester program.

The next two properties are listed on Attachment A under the heading, II. Request for Proposal–

Improved Property. The first property is 1225 Mt. Read Boulevard, a parking lot which will be sold to the adjoining business owners, David and Natalie Vazzana of 1400 #4 East Avenue, Rochester, New York. The second property is 19 Steel Street, a storage structure which will be sold to Noah Nuciolo of 180 Birr Street Rochester, New York. The purchaser will renovate the building for continued use as a cold storage facility. The Request for Proposals for 1225 Mt. Read Boulevard is included in Attachment B.

The next three properties, listed on Attachment A under the heading III. Request for Proposal– Vacant Land, are 349-353 Brown Street, 92-98 King Street, and 87 Litchfield Street, which will all be sold to the adjoining owner, Amaira Medina of 85 Litchfield Street, Rochester, New York. The purchaser will install fencing to secure the properties and support their business.

The remaining property, listed on Attachment A under the heading IV. Negotiated Sale - Vacant Land, is 228 Dewey Avenue which will be sold to the adjoining owner, Iglesia Revelacion, Inc. (Rev. Eduardo Roque, Pastor), of 234 Dewey Avenue, Rochester, New York and will be combined with its primary parcel. All applicable Maps and Lot Analyses are included in Attachment C.

The first year projected tax revenue for these properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$5,779.

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,  
Malik D. Evans  
Mayor

Attachment No. AX-47

Ordinance No. 2024-69  
(Int. No. 88)

**Authorizing the sale of real estate**

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

Section 1. The Council hereby approves the negotiated sale of the following parcel of residential land to the purchaser for the purpose of rehabilitation and sale to an income-qualified owner-occupant:

Address	SBL#	Lot Size	Price	Purchaser
122 Raeburn Av	120.79-3-53	40 x 107.49	\$34,000	Rochester Housing Development Corporation

Section 2. The Council hereby approves the negotiated sale of each of the following parcels of improved property for redevelopment and use in accordance with the purchaser’s response to the City’s requests for proposals:

<b>Address</b>	<b>SBL#</b>	<b>Lot Size</b>	<b>Price</b>	<b>Use</b>	<b>Purchaser</b>
1225 Mt. Read Blvd	105.30-1-7	144.2 x 209.5	\$6,800	parking lot	David and Natalie Vazzana
19 Steel St	105.61-1-55	40 x 117.43	\$10,200	other-storage	Noah Nuciolo

Section 3. The Council hereby approves the negotiated sale of the following parcels of vacant land to the owner of an adjoining parcel to secure business operations in accordance with the purchaser's response to the City's requests for proposals:

<b>Address</b>	<b>SBL#</b>	<b>Lot Size</b>	<b>Sq.Ft.</b>	<b>Price</b>	<b>Purchaser</b>
349-353 Brown St	120.28-1-11	46 x 114.32	5,524	\$6,500	Amaira Medina
92-98 King St	120.28-1-12	30 x 126.58	5,213	aggregate	for all three
87 Litchfield St	120.28-1-22	41.7 x 126.6	5,273	for first two parcels	
				\$4,000	

Section 4. The Council hereby approves the negotiated sale of the following parcel of vacant land to the owner of an adjoining parcel:

<b>Address</b>	<b>SBL#</b>	<b>Lot Size</b>	<b>Sq.Ft.</b>	<b>Price</b>	<b>Purchaser</b>
228 Dewey Av	105.50-2-15	50 x 145	7,275	\$500	Iglesia Revelacion, Inc.

Section 5. 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 6. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmembers Gruber, Harris, Lightfoot, Lupien, Martin, Monroe, Patterson, Smith - 8.

Nays - None - 0.

President Meléndez abstained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-70

Re: License Agreement – 20 S Clinton Avenue Tunnel/South Clinton Avenue Right-of-Way

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 license agreement between the City of Rochester and Crown Castle Fiber LLC (Selena Beaver, Sr. Contract Specialist, 2000 Corporate Drive, Canonsburg, PA). Crown Castle Fiber LLC will license from the City, 91 linear feet of wall space near the ceiling in the subterranean Truck Tunnel below 20 S. Clinton Ave, SBL No. 121.24-1-28.006 (also known as the Midtown Truck Tunnel) and beneath the S. Clinton Ave right-of-way, for continued use, maintenance, repair and/or replacement of Fiber Conduit installed in 2013. A map of the tunnel location is included in Attachment A, and a map of the license area is included in Attachment B.

Crown Castle Fiber LLC shall pay \$1,100 annually with an annual adjustment tied to the Consumer Price Index (CPI-U) or 3% maximum annually. Lease costs are supported by an appraisal by Bruckner, Tillet, Rossi, Cahill & Associates, Inc. as of January 2024.

The initial term will be five (5) years commencing May 1, 2024 and ending April 30, 2029. There shall be one optional, five-year renewal.

The City has licensed this Conduit since May 2014, initially to Fibertech LLC which was absorbed through merger with Crown Castle Fiber LLC in 2019.

Respectfully submitted,  
Malik D. Evans  
Mayor

Attachment No. AX-48

Ordinance No. 2024-70  
(Int. No. 89)

**Authorizing a license agreement for a fiber conduit in the subterranean truck tunnel beneath 20 South Clinton Avenue**

WHEREAS, Crown Castle Fiber LLC (Crown Castle) owns a fiber conduit that is approximately 91 feet long and runs along a wall near the ceiling of a portion of the former Midtown truck tunnel beneath 20 South Clinton Avenue (SBL #121.24-1-28.6) and the adjacent South Clinton Avenue right-of-way (the Conduit);

WHEREAS, the Conduit was placed at its present location and has been used and maintained by Crown Castle and its predecessor Fiber Technologies Networks, LLC since 2014 pursuant to an agreement authorized in Ordinance No. 2014-112 that will soon expire;

WHEREAS, the City of Rochester has received a proposal from Crown Castle to continue to use, maintain, repair and replace the Conduit at its present location pursuant to a license agreement that would require Crown Castle to pay an annual license fee of \$1,100 for the first year and with an adjustment each year thereafter that is based on the lesser of the increase in the Consumer Price Index-Urban or 3%;

WHEREAS, the proposed license agreement would have an initial term of five years with the option to extend for an additional five years; and

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

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

Section 1. The Council hereby finds that the term of the license is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the lease.

Section 2. The Mayor is hereby authorized to enter into a license agreement with Crown Castle Fiber LLC to allow the company as licensee to continue to use, maintain, repair and replace the Conduit for a term of five years, with the option to extend for one additional five-year periods.

Section 2. The lease agreement shall obligate the licensee to pay an annual fee commencing with \$1,100 for the first year and adjusting the fee each year thereafter based on the lesser of the increase in the Consumer Price Index-Urban or 3%.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-71

Re: Sale of Real Property – Foodlink Farm, LLC

Council Priority: Creating and Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation approving the sale of five city-owned parcels to Foodlink Farm, LLC (2011 Mt. Read Blvd, Rochester, NY 14615 – Julia Tedesco, President) for the expansion of their existing community garden, currently located at 617-619 Lexington Avenue. The existing community garden has been in place for many years and is one of the more successful gardens in the City. The purchase price for the five lots shall be \$15,000 as established through appraisal by Bruckner, Tillet, Rossi, Cahill & Associates in August 2023. The five lots are identified below and shown on the map included in Attachment A:

<u>Street Address</u>	<u>SBL #</u>	<u>Lot</u>	<u>Size Zoning</u>
585 Lexington Avenue	105.25-1-1	4,356 SF	R-1
589 Lexington Avenue	105.24-2-15.2	10,018 SF	R-1
16 Bantel Place	105.25-1-56	3,049 SF	R-1
20 Bantel Place	105.25-1-57	3,049 SF	R-1
27 Starling Street	105.25-1-46	10,018 SF	R-1

Foodlink is a Rochester-based not-for-profit committed to ending hunger and building healthier communities. Foodlink serves as the hub of the emergency food system across the Rochester



MSA, 10-county service area. Foodlink purchased the lands of the existing community garden from the City of Rochester in 2021 and seeks a partnership with the City towards the shared goals of addressing food shortages and hunger related issues.

The expansion of the existing community garden will include the development of a farm-stand, an enhanced community space, additional farm plots for area residents, a play area, an additional greenhouse and a parking lot. The acquisition and development of these parcels will provide many benefits. Neighborhood stabilization will be enhanced due to the increased Foodlink presence and on-going daily activities as well as the increased access to fresh food.

The expansion and enhancement of the Foodlink program is directly in alignment with the City’s initiative of providing additional resources and accessibility to fresh, healthy foods and an emphasis on urban agriculture.

Pursuant to the requirements of the New York State Environmental Quality Review Act (SEQRA), this was classified as a Type I Action. On January 24, 2024, a Negative Declaration was issued indicating that this project will not result in any significant adverse impacts on the environment.

Respectfully submitted,  
Malik D. Evans  
Mayor

Attachment No. AX-49

Ordinance No. 2024-71  
(Int. No. 90)

**Authorizing the sale of real estate to Foodlink Farm, LLC**

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

Section 1. The Council hereby approves the negotiated sale of the following five vacant City-owned parcels to Foodlink Farm, LLC for a total price of \$15,000 for the purchaser to develop additional farming space and other facilities to expand upon or complement the purchaser’s existing community garden located at 617-619 Lexington Avenue.

Street Address	SBL #	Lot Size
585 Lexington Avenue	105.25-1-1	4,356 SF
589 Lexington Avenue	105.24-2-15.2	10,018 SF
16 Bantel Place	105.25-1-56	3,049 SF
20 Bantel Place	105.25-1-57	3,049 SF
27 Starling Street	105.25-1-46	10,018 SF

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. Any purchase agreement to execute this transaction shall contain such additional terms and conditions as the Mayor deems appropriate.

Passed by the following vote:

Ayes - President Meléndez, Councilmembers Harris, Lightfoot, Lupien, Martin, Monroe, Patterson, Smith - 8.

Nays - None - 0.

Councilmember Gruber abstained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Local Improvement Ordinance No. 1806

Re: East Avenue/Alexander Street Entertainment District, Local Improvement Ordinance

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

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation reauthorizing the East Avenue/Alexander Street Entertainment Local Improvement District and establishing the amount of \$22,032 for special assessments for trash removal in the district for the 2024-25 fiscal year. A map of the district is included in Attachment A.

This assessment provides for additional trash removal on Saturday and Sunday, from 3:00 to 5:00 am, from April through October, to address trash resulting from the increased activity in the District during this period. The assessment covers the additional cost of these services and is apportioned among the properties within the district that cater to the patrons of the establishments (e.g., bars, restaurants and parking lots who profit from the patrons).

In 2024-25 the fixed fee for additional street cleaning services is determined by type of establishment and square footage as agreed upon by the entertainment establishments and property owners in the district. The total annual charge estimate determined by the Department of Environmental Services.

All affected properties have been examined and any change in use is reflected in the attached list of subject properties. The operating assessment is apportioned among properties based on type and function of their use, using the following schedule:

Code	Use	Annual Charge
1	Parking Lot under 2,500 Sq Ft	\$205
2	Parking Lot 2,500-4,999 Sq Ft	\$409
3	Parking Lot 5,000-9,999 Sq Ft	\$612
4	Parking Lot 10,000 Sq Ft or more	\$831
5	Small Sit Down Restaurant	\$205
6	Take out Restaurant/Smaller Bar	\$409
7	Larger/Sit Down Restaurant	\$960

This assessment will be included on the annual tax bill of the affected properties. Residential properties with no entertainment venues or parking lots are not affected. A list of the property owner's signatures is included in Attachment B. It is important to note that signatures are required from property owners responsible for at least 25% of the proposed assessment district.

A public hearing is required.

Respectfully submitted,  
Malik D. Evans  
Mayor

Attachment No. AX-50

Local Improvement Ordinance No. 1806  
(Int. No. 91)

**Local Improvement Ordinance reestablishing the East Avenue/Alexander Street Entertainment District and setting the assessment for special services for 2024-25**

WHEREAS, a petition proposing to continue in 2024 the provision of special trash removal and street cleaning services within the East Avenue/Alexander Street Entertainment District and to assess the cost of such services to the owners of the benefited properties in proportion to the types and sizes of the restaurants, bars and parking lots located on their properties;

WHEREAS, the petition has been signed by the owners of properties that would be assessed for approximately 48% of the total annual assessment for such services; and

WHEREAS, advanced notice of the proposal was published and the opportunity to testify about it was provided during a public hearing held in Council Chambers on April 18, 2024.

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

Section 1. Council hereby reestablishes East Avenue/Alexander Street Entertainment District (District) to provide upgraded street cleaning and trash removal services and to assess the benefited properties for the cost of those special services as a local improvement in accordance with Article XIII of the City Charter. The District shall be comprised of the properties specified in Local Improvement Ordinance No. 1666 (the District Properties), which shall be assessed based on the types of benefited uses present on each property.

Section 2. The 2024-25 budget for the District is established at \$22,032 and the charge per each benefited use category shall be as set forth below, and said amount is hereby appropriated from the Special Assessments as set forth below and shall be assessed and levied on the 2024-25 tax bill for each District Property at the following rates for each type of use present on the premises the use or designated in Local Improvement Ordinance No. 1666.

<b>Code</b>	<b>Use</b>	<b>Annual Charge</b>
1	Parking Lot under 2500 Sq Ft	\$205
2	Parking Lot 2500-4999 Sq Ft	\$409
3	Parking Lot 5000-9999 Sq Ft	\$612
4	Parking Lot 10,000 Sq Ft or more	\$831
5	Small Sit down Restaurant	\$205
6	Take out Restaurant/Smaller Bar	\$409
7	Large Bar/Sit Down Restaurant	\$960

Section 3. This ordinance shall take effect on July 1, 2024.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-72

Re: Buy the Block Project, Amendatory Agreement - Greater Rochester Housing Partnership

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing an Amendatory Project Agreement for Phase 1 of the City's Buy the Block initiative with the Greater Rochester Partnership Housing Development Fund Corporation (GRHP; Principal: Theodora Finn, 16 East Main Street, Suite 610, Rochester, NY). This legislation will amend the Project Agreement authorized by Ordinance No. 2022-130 to extend the term of the agreement to June 30, 2026.

As part of the City's Buy the Block initiative, City Council authorized the sale of 24 parcels to GRHP and established \$6,000,000 as maximum compensation for an agreement with GRHP for development subsidies for Phase 1 of Buy the Block via Ordinance No. 2022-130 on May 10, 2022. City Council authorized an additional \$350,000 in Cash Capital funding to provide supplementary subsidy for the construction of two-bedroom houses via Ordinance No. 2022-335 on November 15, 2022 and authorized the sale of three additional parcels via Ordinance No. 2024-10 on January 23, 2024.

Phase 1 of Buy the Block is expected to result in the new construction of 24 homes in a formerly-redlined neighborhood in the Northeast quadrant. A map of the home locations is included in Attachment A. GRHP has undertaken Phase 1 in partnership with Atlas Contractors LLC and Ibero American Development Corporation. To date, owner-occupants have closed on the purchases of the first fifteen homes. Four homes are currently under construction. GRHP has applied for additional funding from New York State Homes and Community Renewal (NYS HCR) for construction of the final five homes. Once funding is awarded, which is anticipated in summer or fall 2024, construction will begin. Extending the term of the Project Agreement will allow for the completion of all twenty-four Buy the Block Phase 1 homes. Homes built through the Buy the Block initiative are sold to first-time homebuyers with incomes at or below 80% of Median Family Income (MFI).

Respectfully submitted,  
Malik D. Evans  
Mayor

Attachment No. AX-51

Ordinance No. 2024-72  
(Int. No. 92)

**Authorizing an amendatory agreement relating to the Buy the Block project**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the Greater Rochester Housing Partnership, Inc. (GRHP), Greater Rochester Partnership Housing Development Fund Corporation, a related entity, or an entity to be formed by GRHP (collectively, the Developer) to develop single-family houses on certain vacant lots for sale to income-eligible first-time homeowners pursuant to the Buy the Block Project (Project). The amendatory agreement shall

amend the existing Project agreement authorized in Ordinance No. 2022-130, and as amended in Ordinance No. 2022-335 and Ordinance No. 2024-10, to extend its term to June 30, 2026.

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

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmembers Gruber, Harris, Lightfoot, Lupien, Martin, Monroe, Patterson, Smith - 8.

Nays - None - 0.

President Meléndez abstained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-73

Re: 2021-22 American Rescue Plan Act Funding - Sale of Real Estate and Agreement – Buy the Block Phase 2 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 second phase of the Buy the Block program (the “Project”). City Council approved Ordinance No. 2021-385 on December 14, 2021, authorizing the appropriation of \$13,329,862 from the City of Rochester’s American Rescue Plan Act (ARPA) allocation to operate Buy the Block.

Buy the Block subsidizes the creation of single-family homes to be sold to income-eligible first-time homeowners. The second phase of Buy the Block is expected to result in the new construction of up to 32 homes in areas of the Southwest quadrant that have experienced disinvestment. Sixteen Phase 2 homes will be constructed by the Greater Rochester Housing Partnership, Inc. (GRHP; Theodora Finn, Principal, 16 East Main Street, Suite 610, Rochester, NY) in partnership with Atlas Contractors LLC (Atlas) and Ibero American Development Corporation (IADC), and sixteen Phase 2 homes will be constructed by Flower City Habitat for Humanity, Inc. (Habitat; Matthew J. Flanigan, Principal, 755 Culver Road, Rochester, NY) in partnership with smart DESIGN Architecture/BuildHappy, Livingston Associates, and US Ceiling Corp. A map of these home locations is included in Attachment A. This legislation will:

- 1) Authorize the sale of 16 City-owned vacant parcels to the Greater Rochester Housing Partnership, Inc., Greater Rochester Partnership Housing Development Fund Corporation, a related entity, or an entity to be formed by GRHP. The parcels are as follows:

<b>Address</b>	<b>SBL #</b>	<b>Price</b>	<b>Lot Size</b>	<b>Zoning</b>
655 Frost Avenue	120.66-1-72	\$425	40'x120'	R-2
660 Frost Avenue	120.66-1-16	\$425	40'x120'	R-1
675 Frost Avenue	120.66-1-68	\$425	40'x120'	R-2
702 Frost Avenue	120.66-1-7	\$425	40'x120'	R-1
142 Lenox Street	120.66-1-34	\$425	40'x120.21'	R-2
197 Dr. Samuel McCree Way	120.59-1-18	\$425	44'x113.93'	R-1
193-193.5 Dr Samuel McCree Way	120.59-1-19	\$425	44'x113.99'	R-1
191-191.5 Dr. Samuel McCree Way	120.59-1-20.001	\$525	77'x114.1'	R-1
185 & 187 DR. Samuel McCree Way	120.59-1-23 & 120.59-1-22	\$400	66'x114'	R-1
152 Atkinson Street	121.37-1-38	\$400	40'x100'	R-2
198 Atkinson Street	120.44-2-55	\$400	40'x86.88'	R-2
57 Waverly Place	121.37-1-47	\$475	70'x100'	R-2
42 Tilden Street	121.37-1-54-001	\$450	67'x80'	R-2
68 Prospect Street	120.44-2-40	\$425	41'x98.34'	R-2
279 Troup Street	120.44-2-81-001	\$450	104x12'x54'	R-2
38-40 Reynolds Street	120.44-2-88	\$450	60'x100'	R-2
	<b>TOTAL</b>	<b>\$6,950</b>		

- 2) Authorize the sale of 17 City-owned vacant parcels to Flower City Habitat for Humanity, Inc. d/b/a Greater Rochester Habitat for Humanity, a related entity, or an entity to be formed by Habitat. The parcels are as follows:

Address	SBL #	Price	Lot Size	Zoning
63 Superior Street	120.58-3-30	\$425	40'x120'	R-1
67 Superior Street	120.58-3-31	\$425	40'x120'	R-1
83 Superior Street	120.58-2-57	\$425	40'x120'	R-1
95 Superior Street	120.58-2-59	\$425	40'x120'	R-1
110 Superior Street	120.58-2-52	\$425	40'x198'	R-1
116 Superior Street	120.58-2-53	\$425	40'x198'	R-1
120 Superior Street	120.58-2-54	\$500	38'x198'	R-1
115 Superior Street and east portion of 119 Superior Street	120.58-2-63 & 120.58-2-64.001	\$500	53'x120'	R-1
West portion of 119 Superior Street	120.58-2-64.001	\$500	54'x120'	R-1
9 Henion Street	120.43-2-64	\$400	38'x100'	R-2
11 Henion Street	120.43-2-63	\$425	42'x100'	R-2
North portion of 25 Henion Street	120.51-1-31.002	\$475	53'x100'	R-2
Middle portion of 25 Henion Street	120.51-1-31.002	\$475	53'x100'	R-2
South portion of 25 Henion Street	120.51-1-31.002	\$475	53'x100'	R-2
397 Troup Street	120.43-3-1.002	\$475	66'x90'	R-2
393 Troup Street	120.43-3-4	\$475	51'x128'	R-2
12 Lamberton Park	120.43-2-51	\$450	50'x107'	R-2
	TOTAL	\$7,875		

- 3) Establish \$3,451,623 each as maximum compensation for agreements with GRHP or a related entity, as referenced in Item 1, and Habitat or a related entity, as referenced in Item 2, for development subsidies for the Project. The cost of the agreements will be funded from the above-referenced appropriation of \$13,329,862 from the City of Rochester's ARPA allocation, authorized by City Council via Ordinance No. 2021-385 on December 14, 2021. The agreement will expire on or before December 31, 2026.

A Request for Proposals for the development of affordable owner-occupied homes was issued on August 25, 2023. The City received two proposals, which were evaluated by staff from the Department of Neighborhood and Business Development, the Department of Environmental Services, and the Office of Planning. Both proposals were recommended for selection based on the proposed development programs. The Vendor Selection Form is included in Attachment B.

GRHP's proposal provided seven single-family home designs, ranging in size from a fully-accessible 1,033 square foot two-bedroom, one-bath single story home to a 1,729 square foot four-bedroom, 2.5-bath home. The estimated development cost for each home ranges from \$445,620 to \$498,033 and anticipated purchase prices for buyers range from \$89,000 to \$139,000.

Habitat's proposal provided four single-family home designs, ranging in size from an accessible 1,310 square foot three-bedroom, two-bath ranch home to a 1,700 square foot four-bedroom, two-bath two-story home. The estimated development cost for each home ranges from \$453,753 to \$463,803 and

anticipated purchase prices for buyers range from \$100,000 to \$140,000. Habitat will acquire 17 parcels and resubdivide 110, 116, and 120 Superior Street into two parcels after acquisition, resulting in 16 total lots for building new houses.

GRHP and Habitat’s proposals will uplift the neighborhood and complement significant ongoing and planned investment, including the Bull’s Head Revitalization Project. The materials proposed are high quality and the designs are reflective of the architecture typically seen in Rochester, including porches and pitched roofs. These two organizations have a strong understanding of households’ needs based on their experiences building homes in Rochester and engaging with homebuyers. All proposed homes will be all-electric with heat pumps as standard features. Renderings of two examples of each developer partner’s proposed homes are included in Attachment C. Each organization will build three model homes starting in summer 2024, and each will begin construction of up to 13 additional homes in late 2024, with completion of all homes anticipated by early 2026.

The combined total of \$6,903,245 in ARPA funding proposed for development subsidies will provide an average of approximately \$215,726 each for the new construction of approximately 32 single-family owner-occupied homes. For the first six homes to be built in 2024, it is expected that the City of Rochester will provide all subsidy necessary to make sale prices affordable to low income homebuyers. GRHP and Habitat will apply to New York State Homes and Community Renewal and other sources for additional funding for the subsequent 26 homes. This additional funding will reduce the amount of ARPA subsidy required for each home.

The Project was designed to be affordable to homebuyers with incomes of no more than 60% of Median Family Income (MFI), though the Buy the Block program allows for the sale of homes to purchasers up to 80% MFI, promoting income diversity. All purchasers will be required to attend pre- and post-purchase homebuyer training classes. Purchasers must occupy the homes for a minimum of ten years. Sale of the homes will be permitted after 15 years, but the homes must be owner-occupied for a minimum of 50 years.

The Project meets the guidelines in the City’s Affordable Housing Policy as codified in Section 10-11 of the City Code. The Rochester 2034 Comprehensive Plan and the City of Rochester’s 2008 Housing Policy support sustaining and increasing homeownership, and this proposal promotes homeownership in a neighborhood that has experienced disinvestment.

GRHP and Habitat will comply with the City’s policy on Minority and Women-Owned Business Enterprise (MWBE) and workforce participation. The City’s MWBE goal is 30% of the subsidy provided, the workforce minority goal is 20% of workforce hours, the workforce female goal is 6.9% of workforce hours, and the Rochester city resident workforce goal is 25% of workforce hours.

Respectfully submitted,  
Malik D. Evans  
Mayor

Attachment No. AX-52

Ordinance No. 2024-73  
(Int. No. 93)

**Authorizing the sale of real estate and grant agreements for the Buy the Block Phase 2 Project**

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



Section 1. The Council hereby approves the negotiated sale of the following 16 vacant City-owned parcels to the Greater Rochester Housing Partnership, Inc. (GRHP), Greater Rochester Partnership Housing Development Fund Corporation, a related entity, or an entity to be formed by GRHP (collectively, the Developer) for a total price of \$6,950 to develop single-family houses thereon for sale to income-eligible first-time homeowners pursuant to the Buy the Block Phase 2 Project (Project):

<b>Address</b>	<b>SBL #</b>	<b>Price</b>	<b>Lot Size</b>
655 Frost Avenue	120.66-1-72	\$425	40'x120'
660 Frost Avenue	120.66-1-16	\$425	40'x120'
675 Frost Avenue	120.66-1-68	\$425	40'x120'
702 Frost Avenue	120.66-1-7	\$425	40'x120'
142 Lenox Street	120.66-1-34	\$425	40'x120.21'
197 Dr. Samuel McCree Way	120.59-1-18	\$425	44'x113.93'
193-193.5 Dr. Samuel McCree Way	120.59-1-19	\$425	44'x113.99'
191-191.5 Dr. Samuel McCree Way	120.59-1-20.1	\$525	77'x114.1'
185 & 187 Dr. Samuel McCree Way	120.59-1-23 & 120-59-1-22	\$400	66'x114'
152 Atkinson Street	121.37-1-38	\$400	40'x100'
198 Atkinson Street	120.44-2-55	\$400	40'x86.88'
57 Waverly Place	121.37-1-47	\$475	70'x100'
42 Tilden Street	121.37-1-54.1	\$450	67'x80'
68 Prospect Street	120.44-2-40	\$425	41'x98.34'
279 Troup Street	120.44-2-81.1	\$450	104.12'x54'
38-40 Reynolds Street	120.44-2-88	\$450	60'x100'
<b>TOTAL:</b>		<b>\$6,950</b>	

Section 2. The Council hereby approves the negotiated sale of the following 17 vacant City-owned parcels to Flower City Habitat for Humanity, Inc. (FCHH), a related entity, or an entity to be formed by FCHH (collectively, Habitat) for a total price of \$7,875 to develop single-family houses thereon for sale to income-eligible first-time homeowners pursuant to the Buy the Block Phase 2 Project (Project):

<b>Address</b>	<b>SBL #</b>	<b>Price</b>	<b>Lot Size</b>
63 Superior Street	120.58-3-30	\$425	40'x120'
67 Superior Street	120.58-3-31	\$425	40'x120'
83 Superior Street	120.58-2-57	\$425	40'x120'
95 Superior Street	120.58-2-59	\$425	40'x120'
110 Superior Street	120.58-2-52	\$500	40'x198'
116 Superior Street	120.58-2-53	\$525	40'x198'
120 Superior Street	120.58-2-54	\$500	38'x198'
115 Superior Street and east portion of 119 Superior Street	120.58-2-63 & 120.58-2-64.1	\$500	53'x120'
West portion of 119 Superior Street	120.58-2-64.1	\$500	54'x120'
9 Henion Street	120.43-2-64	\$400	38'x100'
11 Henion Street	120.43-2-63	\$425	42'x100'
North portion of 25 Henion Street	120.51-1-31.2	\$475	53'x100'
Middle portion of 25 Henion Street	120.51-1-31.2	\$475	53'x100'

South portion of 25 Henion Street	120.51-1-31.2	\$475	53'x100'
397 Troup Street	120.43-3-1.2	\$475	66'x90'
393 Troup Street	120.43-3-4	\$475	51'x128'
12 Lamberton Park	120.43-2-51	\$450	50'x107'
<b>TOTAL:</b>		<b>\$7,875</b>	

Each parcel that includes or is comprised entirely of just a portion of an SBL parcel is marked with a parenthetical number in the chart above. Each such enumerated partial parcel shall have the location and boundaries specified in the corresponding legal description, each as specified in Attachment “A,” which is hereby incorporated into this ordinance.

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

Section 4. The Mayor is hereby authorized into two agreements, one with each of Developer and Habitat entities identified in Sections 1 and 2 above, to support the development of the Project on the real estate parcels conveyed pursuant to Sections 1 and 2 herein. The maximum compensation for each agreement shall be \$3,451,623, which shall be funded from a portion of the U.S. Treasury funds appropriated to the City’s Buy the Block Program in Ordinance No. 2021-385 pursuant to the American Rescue Plan Act of 2021. The term of each agreement shall expire on or before December 31, 2026.

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

Section 6. This ordinance shall take effect immediately.

### **Attachment “A”**

For the City-owned parcels to be sold to Habitat pursuant to Section 2 of this ordinance, the extent of parcels that include or are comprised entirely of just a portion of an SBL parcel are marked with parenthetical numbers therein and shall be bounded as described in the following legal descriptions:

#### **Partial Parcel (1)**

#115 & EAST PART OF #119 SUPERIOR STREET

SBL #120.580-02-063 & PART OF SBL #120.580-02-064.001

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being Lot 16 and the easterly part of Lot 17 of the McLean Tract, as filed in the Monroe County Clerk’s Office in Liber 1 of Maps, Page 60. Said Lot 16 and the easterly part of Lot 17 together front 53.49 feet on the south side of Superior Street, are of equal width in the rear, and are 120.0 feet in depth, all as shown on said subdivision.

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

Being one of the parcels conveyed to the City of Rochester by a deed dated May 14, 2012, filed in Liber 11120 of Deeds, Page 353 and a deed dated November 30, 2004, filed in Liber 10054 of Deeds, Page 655.

#### **Partial Parcel (2)**

W. PART OF #119 SUPERIOR STREET

PART OF SBL #120.580-02-064.001

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being Lot 18 and the westerly part of Lot 17 of the McLean Tract, as filed in the Monroe County Clerk's Office in Liber 1 of Maps, Page 60. Said Lot 18 and the westerly part of Lot 17 together front 53.48 feet on the south side of Superior Street, are 54.6 feet wide in the rear, and are 120.0 feet in depth, all as shown on said subdivision.

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

Being one of the parcels conveyed to the City of Rochester by a deed dated November 17, 2000, filed in Liber 9388 of Deeds, Page 490 and a deed dated November 30, 2004, filed in Liber 10054 of Deeds, Page 655.

### **Partial Parcel (3)**

NORTH PART OF #25 HENION STREET  
PART OF SBL #120.510-01-031.002

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Lot 2 and 3 of the John B Henion Subdivision, as filed in the Monroe County Clerk's Office in Liber 6 of Maps, Page 100 and being more particularly bounded and described as follows: Beginning at a point on the westerly ROW line of Henion Street (32' ROW) at the northeast corner of said Lot 3, being the Point or Place of Beginning; thence

- 1) Southerly, along said ROW line, a distance of 53.33 feet to a point; thence
  - 2) Westerly, parallel with the north line of said Lot 2 and 3, a distance of 100.45 feet to the west line of said Lots; thence
  - 3) Northerly, along said west line of Lots 2 and 3, a distance of 53.33 feet to the northwest corner of said Lot 3; thence
  - 4) Easterly, along the north line of said Lot 3, a distance of 100.45 feet to the said westerly ROW line of Henion Street, being the Point or Place of Beginning.
- Subject to covenants, easements or restrictions of record, if any.

Being one of the parcels conveyed to the City of Rochester by a deed dated May 14, 2012, filed in Liber 11120 of Deeds, Page 353, and a deed dated May 28, 2014, filed in Liber 11396 of Deeds, Page 1.

### **Partial Parcel (4)**

MIDDLE PART OF #25 HENION STREET  
PART OF SBL #120.510-01-031.002

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Lot 1 and 2 of the John B Henion Subdivision, as filed in the Monroe County Clerk's Office in Liber 6 of Maps, Page 100 and being more particularly bounded and described as follows: Beginning at a point on the westerly ROW line of Henion Street (32' ROW) at a point 53.33 feet north of the southeast corner of said Lot 1, being the Point or Place of Beginning; thence

- 1) Westerly, parallel with the south line of said Lot 1, a distance of 100.45 feet to the west line of said Lot 1; thence
  - 2) Northerly, along the west line of said Lot 1 and 2, a distance of 53.33 feet to a point; thence
  - 3) Easterly, parallel with the south line of Lot 1 and 2, a distance of 100.45 feet to the said westerly ROW line of Henion Street; thence
  - 4) Southerly, along said ROW line, a distance of 53.33 feet to the Point or Place of Beginning.
- Subject to covenants, easements or restrictions of record, if any.

Being one of the parcels conveyed to the City of Rochester by a deed dated May 14, 2012, filed in Liber 11120 of Deeds, Page 353, and a deed dated May 28, 2014, filed in Liber 11396 of Deeds, Page 1.

**Partial Parcel (5)**

SOUTH PART OF #25 HENION STREET  
PART OF SBL #120.510-01-031.002

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being the southerly part of Lot 1 of the John B Henion Subdivision, as filed in the Monroe County Clerk's Office in Liber 6 of Maps, Page 100 and being more particularly bounded and described as follows: Beginning at a point on the westerly ROW line of Henion Street (32' ROW) at the southeast corner of said Lot 1, being the Point or Place of Beginning; thence

- 1) Westerly, along the south line of said Lot 1, a distance of 100.45 feet to the southwest corner thereof; thence
- 2) Northerly, along the west line of said Lot 1, a distance of 53.33 feet to a point; thence
- 3) Easterly, parallel with said south line of Lot 1, a distance of 100.45 feet to the said westerly ROW line of Henion Street; thence
- 4) Southerly, along said ROW line, a distance of 53.33 feet to the said southeast corner of Lot 1, being the Point or Place of Beginning.

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

Being one of the parcels conveyed to the City of Rochester by a deed dated October 29, 1998, filed in Liber 9081 of Deeds, Page 307, a deed dated October 12, 2001, filed in Liber 9527 of Deeds, Page 169, and a deed dated May 14, 2012, filed in Liber 11120 of Deeds, Page 353.

Passed by the following vote:

Ayes - Councilmembers Gruber, Harris, Lightfoot, Lupien, Martin, Monroe, Patterson, Smith - 8.

Nays - None - 0.

President Meléndez abstained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-74

Re: Inter-Municipal Agreement - Monroe County, Lead Paint Poisoning Prevention Inspection Services

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing \$310,000 as maximum compensation for an inter-municipal agreement with Monroe County for reimbursement for lead paint poisoning prevention inspection services related to the enforcement of the City's lead-based paint poisoning prevention ordinance. The agreement will cover a reimbursement period of January 1, 2024 through December 31, 2024. The reimbursement is retroactive due to delays in

Monroe County receiving the source grant from New York State. Of the \$310,000 total in reimbursement from this agreement, \$155,000 was previously budgeted and anticipated as revenue in the 2023-24 Budget of the Department of Neighborhood and Business Development (NBD), while \$155,000 will be budgeted and anticipated as revenue in the forthcoming 2024-25 Budget of NBD. The City of Rochester has received \$310,000 annually for the past 10 years.

The funds associated with this agreement provide a reimbursement for City expenses related to the enforcement of the City's Lead-Based Paint Poisoning Prevention Ordinance. These funds are part of the NYS Department of Health Childhood Lead Poisoning Primary Prevention Program grant dollars provided to Monroe County. The \$310,000 covers visual inspections for lead hazards, Lead Dust Wipe Sampling tests and Clerical and IT support provided by the City of Rochester. A version of this agreement has been in place since October 1, 2007.

Respectfully submitted,  
Malik D. Evans  
Mayor

Ordinance No. 2024-74  
(Int. No. 94)

**Authorizing a intermunicipal agreement relating to lead paint poisoning prevention inspection 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 intermunicipal agreement with the County of Monroe for reimbursement to the City for lead paint poisoning prevention inspection services. The agreement shall cover a one-year reimbursement period that extends from January 1, 2024 through December 31, 2024 and a maximum reimbursement of \$310,000.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2024-75  
Re: American Rescue Plan Act – Park Square (Midtown Manor) Phase 2 Project – Funding and Payment In Lieu of Taxes (PILOT) Agreements

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 preservation and rehabilitation of 200 existing apartments in Midtown Manor and the new construction of 40 rental units on the property (the “Project” or “Park Square II”). Conifer Realty, LLC, (Sam Leone, President), located at

1000 University Avenue # 500, Rochester, New York 14607 is developing the Project, known as Park Square II, located at 475 East Broad Street and 495 East Broad Street, Rochester, New York 14607. A map of the site and a rendering of the project are included in Attachment A. This legislation will:

- 1) Appropriate \$500,000 of American Rescue Plan Act funding to the Housing Revolving Loan Fund for purposes of disbursing a loan for the Park Square Phase 2 housing development project. The City of Rochester received a \$202.1 million award from the Coronavirus State and Local Fiscal Recovery Fund established by the American Rescue Plan Act (ARPA). This project is an eligible use of ARPA funding under the Final Rule Expenditure Category 2.15 Long-term Housing Security: Affordable Housing.
- 2) Authorize a loan agreement for a \$500,000 construction/permanent loan with Conifer Realty, LLC, The Tower at Park Square, LLC, The Tower Housing Development Fund Company, Inc., a related entity, or an entity to be formed by Conifer. The loan will be funded by ARPA funds appropriated to the Housing Revolving Loan Fund. The loan will serve initially as a 2% interest loan payable annually during construction. The permanent loan includes a 40-year term, and 2% interest-only, cash-flow dependent payments due annually, with the outstanding principal balance and any accrued interest due at the end of the term;
- 3) Authorize property tax exemptions and payment-in-lieu of taxes agreements for the Project, which will provide a 30-year exemption for an annual in-lieu payment equal to 10% of the project shelter rents (gross rents minus utility costs). The agreement will include 475 and 495 East Broad Street, which are currently owned by the Project. The parcels are listed here:

<b>Street Address</b>	<b>Tax Number/SBL</b>	<b>Lot size (ac)</b>	<b>Current Owner</b>
Portion of 463 East Broad Street	121.33-1-3.1	0.47 ±	Set Housing Housing Development Fund Company, Inc
475 East Broad Street	121.33-1-2	0.47 ±	TheTower Housing Development Fund Company, Inc
495 East Broad Street	121.33-1-7	0.38 ±	TheTower Housing Development Fund Company, Inc

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

The Park Square II project (Project) includes the preservation and rehabilitation of 200 existing affordable rental housing units in Midtown Manor at 475 East Broad Street (SBL #121.33-1-2) and the construction of 40 new affordable rental housing units on the vacant eastern portion of the Southeast Towers property at 463 East Broad Street (SBL #121.33-1-3.001), which portion will be sectioned off and incorporated into the Midtown Manor property (see Attachment A for detail). The Project also includes improvements to the tenants' parking lot located at 495 East Broad Street (SBL #121.33-1-7).

Park Square II is located adjacent to Park Square, formerly known as Southeast Towers (The Savannah and Manhattan Tower), where Conifer recently completed a three-year preservation and rehabilitation project. The site is also proximate to the significant investment made in the Neighborhood of Play and Inner Loop East Infill area in recent years, and Midtown Manor is one of the last significant properties in the area that has yet to be redeveloped.

Conifer purchased the property in April 2023. The City facilitated this process by approving a new

Shelter Rent PILOT agreement (Ord. No. 2022-336 on November 15, 2022) for the existing building and units. Prior to Conifer’s acquisition, Midtown Manor was at risk of losing affordability requirements as the last regulatory agreement was set to expire in 2025. Without intervention by the City and State with a financing plan to extend the property’s use restrictions, the tower, now known as the Tower at Park Square (The Tower) could have become a market-rate property and existing residents could have faced significant rent increases. This acquisition and planned rehabilitation will ensure that this location continues to be an affordable community for its residents in the long-term, deepening the affordability restrictions and keeping them in place for 50 years.

The existing building has 21 floors containing 94 studio apartments and 106 one-bedroom apartments. The new building will have 40 two-bedroom apartment homes, matching the unit mix of the structure demolished in Phase I. As a former Mitchel-Lama development, the Tower is currently subject to a regulatory agreement that limit rents to 80% of Area Median Income (AMI). Park Square II will deepen the property’s affordability by targeting 150 units to households at or below 50% of AMI and 90 units to households at or below 60% of AMI. However, when the project closes and starts construction, 20 of the units will be targeted to households at or below 80% AMI to account for existing residents who may be over the lower income limits. Additionally, 150 project-based vouchers have been awarded to the Project; 120 from NYS Homes and Community Renewal and 30 from the Rochester Housing Authority. This rental assistance is contingent upon rehabilitation of the Tower and allows the property to remain affordable to Extremely Low-Income and Low-Income households. Unit Mix for Park Square Phase II affordable housing development project:

<b>UNIT TYPE</b>	<b># of UNITS</b>	<b>% AMI*</b>	<b>RENT</b>
Studio	25	60%	942
Studio w/PBV	75	50%	923
1BR	25	60%	1,009
1BR w/PBV	75	50%	1,045
2BR	40	60%	1127
<b>TOTAL</b>	<b>240</b>		

*\*All of the 50% Area Median Income (AMI) units have Project-Based Vouchers (PBV). Households earning between 0-50% of AMI are eligible, and each household will pay no more than 30% of their income towards rent.*

Renovation of the Tower will meet the State’s Sustainability guidelines and will include the replacement of the existing electric baseboard heat with heat pumps. Additionally, all the windows will be replaced to create a much more efficient building envelope. The new construction portion of Park Square II will also meet the State’s Sustainability Guidelines and will be an all-electric building utilizing air-source heat pumps. As part of the rehabilitation, ten apartments will be fully adapted for persons with mobility impairments and four apartments will be adapted for persons with hearing and visual impairments. The following items are included in the Project’s rehabilitation scope of work:

- Repair/replacement of major building systems, including plumbing & wastewater piping, domestic hot water heating, and HVAC
- All new finishes in apartments and common areas including paint, flooring, and cabinets
- New energy efficient windows
- All new efficient plumbing and light fixtures
- All new EnergyStar appliances
- Façade and site improvements

The new building will be an L-shaped 4-story structure with two elevators clad in a mix of masonry, composite, and vinyl siding. HVAC will be provided by individual mini-split heat pumps and domestic hot water will be provided via a central electric heat-pump system. Both the renovations and new construction building will follow NYSHCR’s Design and Sustainability Guidelines ensuring that the final project is of the highest quality. The new building will be designed and constructed to meet the

EnergyStar Multifamily New Construction program and the rehabilitation will result in a minimum 20% reduction of energy usage.

Construction closing is anticipated in June 2024. A 30-month construction schedule is expected to complete the renovation of the Tower at Park Square and erect the new building. Conversion to permanent financing is anticipated in December 2026. As the Development moves forward, Conifer will hold ongoing meetings with existing residents of the Tower at Park Square. These meetings will continue throughout the construction process and occur no less than monthly once construction starts.

The Project is consistent with the City of Rochester’s Housing Policy and is in line with the recommendations of the Rochester Housing Quality Task Force and the 2034 Comprehensive Plan, as it includes the production of new high-quality housing that is accessible to people across a range of incomes and focuses development near major investment areas. Funding for the Project includes private equity from the sale of NYS Homes and Community Renewal (HCR) 4% Low-Income Housing Tax Credits, NYS Tax-Exempt Bonds, NYS Housing Finance Agency (HFA) Subsidy, Deferred Developer Fee, and the City of Rochester loan. The sources and uses for the Project are summarized below:

<b>Construction Sources:</b>		<b>Uses:</b>	
Short-Term Bonds (HFA)	47,830,000	Acquisition & Construction	75,144,285
NYS Subsidy (HFA)	14,900,381	Professional Services	9,849,399
City of Rochester	450,000	Financing Costs	13,172,163
Long-Term Bonds (HFA)	6,000,000	Carrying Costs & Cont.	1,387,328
Tax Credit Equity - NYS HCR	41,331,440	Fees & Permits	249,898
Deferred Fee	2,470,595	Developer Fee	11,693,350
<b>Total Construction Sources</b>	<b>112,982,416</b>	Working Cap & Reserves	1,485,993
		<b>Total Uses</b>	<b>112,982,416</b>
<b>Permanent Sources:</b>			
Permanent Bonds (HFA)	6,000,000		
NYS Subsidy (HFA)	62,680,381		
City of Rochester	500,000		
Tax Credit Equity (HCR)	41,331,440		
Deferred Developer Fee	2,470,595		
<b>Total Permanent Sources</b>	<b>112,982,416</b>		

The new PILOT, inclusive of the new construction component of the project, was recommended for approval by the PILOT review committee on March 22, 2024. The Loan and Grants Review Committee recommended the loan for approval on March 25, 2024. The Project will include workforce goals of 6.9% women and 20% minority hours worked, as well as an obligation of 30% M/WBE contracts and a goal of 25% city residents working on the Project. The SEQR review is in process, and an environmental determination will be issued prior to Council Committee meetings. The National Environmental Policy Act (NEPA) review is underway and will be completed prior to entering into any agreements for the project.

Respectfully submitted,  
 Malik D. Evans  
 Mayor

Attachment No. AX-53



**Appropriating funds and authorizing a loan agreement and payment in lieu of taxes agreement for the Park Square Phase II Project**

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

Section 1. The Council hereby appropriates \$500,000 to the Housing Revolving Loan Fund from funds provided to the City by the United States Treasury pursuant to the American Rescue Plan Act of 2021 (ARPA) in order to provide construction and permanent financing for the Park Square Phase II Project comprised of the preservation and rehabilitation of 200 existing affordable rental housing units in Midtown Manor at 475 East Broad Street (SBL #121.33-1-2), now known as the Tower at Park Square, the construction of 40 new affordable rental housing units on the vacant eastern portion of the Southeast Towers property at 463 East Broad Street (SBL #121.33-1-3.1) to be sectioned off of and incorporated into the Park Square Phase II property, and improvements to the tenants' parking lot located at 495 East Broad Street (SBL #121.33-1-7) (collectively, the Project).

Section 2. The Mayor is hereby authorized to enter into a loan agreement with Conifer Realty, LLC, The Tower at Park Square, LLC, The Tower Housing Development Fund Company, Inc., a related entity, or an entity to be formed by Conifer (collectively, the Developer) to provide construction and permanent financing for the above described Project. The loan principal shall be funded from the Housing Revolving Loan Fund as authorized in Section 1 herein. The loan shall have a term that extends to 40 years following completion of Project construction, functioning at first as a 2% construction loan until construction is complete, whereupon it shall convert to permanent financing for 40 years that is subject to an annual interest rate of 2%. The payment of interest shall be due annually if the Developer has sufficient cash flow and repayment of the loan principal and any unpaid interest shall come due at the end of the loan term. The Mayor is hereby authorized to adjust the loan interest rate and other terms and conditions in order to conform to legal and other requirements for the Project.

Section 3. The Mayor is hereby authorized to enter into a payment in lieu of taxes (PILOT) agreement with the Developer for the following parcels in order to effectuate the Project (Project Site):

<b>Street Address</b>	<b>Tax/SBL No.</b>	<b>Lot Size (ac)</b>	<b>Current Owner</b>
Portion of 463 East Broad St	121.33-1-3.1	0.47±	Set Housing Housing Development Fund Company, Inc
475 East Broad St	121.33-1-2	0.47±	The Tower Housing Development Fund Company, Inc.
495 East Broad St	121.33-1-7	0.38±	The Tower Housing Development Fund Company, Inc.

The PILOT agreement shall provide that the Project Site shall remain entitled to a real property tax exemption, provided that the Developer makes annual payments in lieu of taxes to the City of Rochester equal in total to no less than 10% of the Project's annual "shelter rent," a phrase which refers to the amount of gross rents less utility costs. The term of the PILOT agreement shall run for 30 years, provided that said agreement and the associated real property tax exemption shall cease prior to that date if and when the Project Site is no longer operated for the purpose of providing affordable rental housing and accessory elements as described in Section 1 and in accordance with the conditions for maintaining low-income housing tax credits and financing as well as other legal requirements.

Section 4. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate and the Mayor is hereby authorized to execute such other agreements and documents as may be necessary to effectuate these agreements.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-76

Re: New York State Targeted Home Improvement Program (T-HIP)

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 City's acceptance of a grant from the New York State Housing Trust Fund Corporation (NYS HTFC) for the Targeted Home Improvement Program (T-HIP). The City received notice of the funding award from the NYS HTFC on March 14, 2024. This legislation will:

- 1) Authorize a grant agreement with the NYS HTFC for the receipt and use of a \$4,000,000 grant for the Housing Rehabilitation Program. The term of the agreement will be for two years, with the option to extend for one additional year. The funds will be anticipated and included in the 2024-25 and 2025-26 Budgets of Neighborhood and Business Development and Undistributed Expenses; and
- 2) Authorize agreements with property owners to implement the program.

T-HIP is a New York State-funded pilot grant program that assists low- and moderate-income owners to complete critical repairs to their property. Critical repairs include lead-based paint hazards, health and safety risks, code violations, and roof replacements. This grant will allow the City to assist owners in approximately 100 residential units; these are in addition to those owners who are assisted with Community Development Block Grant (CDBG) funds. A lottery process will be used to select recipients from qualified applicants.

To qualify for the T-HIP, the property must be the owner's primary, permanent residence: the homeowner must be up to date with City and Monroe County property taxes, and not be subject to tax or mortgage foreclosure; and must execute a ten-year regulatory agreement that restricts the sale or transfer of the property. The total household income must be at or below 80% of the Housing and Urban Development (HUD) area median Income, which is updated on an annual basis. The funds are available in target zip codes in the City of Rochester. A map outlining the eligible areas is included in Attachment A.

Respectfully submitted,  
Malik D. Evans  
Mayor

Attachment No. AX-54

**Authorizing agreements for the Targeted Home Improvement Program**

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

Section 1. The Mayor is hereby authorized to finalize and submit the City's application and to enter into an agreement with the New York State Housing Trust Fund Corporation (Granter) for the receipt and use of \$4,000,000, which amount is hereby appropriated to implement a Targeted Home Improvement Program to assist low- and moderate-income owners of residential properties to complete critical repairs (Program). The agreement shall have a term of two years, which, with the permission of the Granter, may be extended for an additional year.

Section 2. The Mayor is hereby authorized to enter into an agreement with each benefited property owner to implement the Program, which may include a term restricting the sale or transfer of the property for up to ten years. The Mayor is hereby authorized to execute such other agreements and documents as may be necessary to obtain the grant and effectuate the Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Vice President Harris  
April 24, 2024

To the Council:

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

- |              |  |
|--------------|--|
| Int. No. 96  | Authorizing appropriations and agreements and amending Ordinance No. 2022-343 relating to the 2024 Milling & Resurfacing Project   |
| Int. No. 97  | Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$833,000 Bonds of said City to finance the 2024 Milling & Resurfacing Project   |
| Int. No. 98  | Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$79,000 Bonds of said City to finance water service improvements associated with the 2024 Milling & Resurfacing Project                                   |
| Int. No. 99  | Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$153,000 Bonds of said City to finance improvements to resolve the effects of a water main break at the intersection of St. Paul Street and Bausch Street |
| Int. No. 101 | Authorizing an agreement for the Durand Eastman Park Site Improvements Project   |

- Int. No. 102 Amending ordinances, appropriating Annual Action Plan funds and amending an agreement for the Norton Village Playground project
- Int. No. 103 Amending Ordinance No. 2023-145 relating to the Humboldt Recreation Center Water Park
- Int. No. 104 Amending Ordinance No. 2023-67 relating to the Rochester Police Department Office of Business Intelligence Renovation project
- Int. No. 107 Authorizing agreements for a Transitional Job Training and Placement Program
- Int. No. 108 Authorizing an agreement for professional corrosion engineering and cathodic protection services
- Int. No. 109 Authorizing an amendatory professional services agreement for legal services relating to brownfield properties
- Int. No. 110 Authorizing agreements for the Brownfields Environmental Skills Training Program
- Int. No. 111 Authorizing amendatory agreement for the Youth Growth and Development Program
- Int. No. 113 Authorizing an agreement for team building, culture and climate consulting services
- Int. No. 114 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$566,000 Bonds of said City to finance the Carter Street R-Center Roof Replacement
- Int. No. 130 Authorizing a grant application for the Flower City AmeriCorps program
- Int. No. 131 Authorizing an application and agreement for the Safe Streets and Roads for All grant program

The **PEOPLE, PARKS & PUBLIC WORKS COMMITTEE** recommends for **CONSIDERATION** the following entitled legislation:

- Int. No. 100 Appropriating funds, authorizing agreements and amending the Official Map for the 2024 State Touring Route Milling & Resurfacing Project
- Int. No. 105 Local Improvement Ordinance establishing the operation, installation and maintenance costs of street lighting special assessment districts for 2024-25
- Int. No. 106 Local Improvement Ordinance for the care and embellishment of street malls for 2024-25

The **PEOPLE, PARKS & PUBLIC WORKS COMMITTEE** recommends the following entitled legislation to be **HELD** in committee:

- Int. No. 112 Authorizing an amendatory agreement for improvements to International Plaza

Respectfully submitted,  
LaShay D. Harris  
Willie J. Lightfoot (*absent*)  
Mary Lupien (*absent*)  
Michael A. Patterson  
Miguel A. Meléndez, Jr.  
**PEOPLE, PARKS & PUBLIC WORKS COMMITTEE**

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2024-77  
Ordinance No. 2024-78  
Ordinance No. 2024-79  
Ordinance No. 2024-80

Re: 2024 Milling & Resurfacing Project Park Avenue (Alexander Street to East Avenue), St Paul Street (Lowell Street to Riverbank Place), St Paul Street (Norton Street to Tyler Street)

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to the 2024 Milling & Resurfacing Project. This legislation will:

1. Appropriate \$6,294,569.94 in anticipated reimbursements from the New York State Department of Transportation (NYSDOT) to finance a portion of the construction and resident project representation (RPR) services for the Project; and,
2. Authorize the issuance of street bonds totaling \$833,000 and the appropriation of the proceeds thereof to partially finance the street portion of the construction and RPR services for the Project; and,
3. Authorize the issuance of water bonds totaling \$79,000 and the appropriation of the proceeds thereof to partially finance the water portion of the construction and RPR services for the Project; and,
4. Authorize the issuance of water bonds totaling \$153,000 and the appropriation of the proceeds thereof to finance the construction and RPR services for traffic signal replacement and incidental work related to a water main break at the St Paul Street and Bausch Street intersection as part of the Project; and,
5. Establish \$1,000,000 as maximum compensation for a professional services agreement with Erdman, Anthony and Associates, Inc. (Curt Helman, C.E.O., 145 Culver Road, Rochester, New York) for RPR services for the Project. The cost of the agreement will be funded from the sources outlined in the chart on the following page; and,
6. Authorize the Mayor to enter into an agreement with Rochester Gas and Electric (RG&E) to reimburse the City for design, construction and RPR services for pavement restoration work associated with advanced utility work by RG&E; and,
7. Appropriate \$150,000 in anticipated reimbursements from RG&E to finance a portion of the design, construction and RPR services for design, construction and RPR services for the Project; and,

8. Appropriate \$750,000 in anticipated reimbursements from the Rochester Pure Waters District (RPWD) to partially finance the sewer portion of the construction for the Project in accordance with the agreement between the City and RPWD authorized by Ordinance No. 2010-438; and,
9. Amend Section 1 of Ordinance No. 2022-343, which established funding for an agreement with Barton & Loguidice, D.P.C. to provide design and construction administration services for the Project, by reducing \$3,300 of 2022-23 Cash Capital and replacing those funds with a portion of the anticipated reimbursements from RG&E appropriated herein.

The Project includes, but is not limited to, milling and resurfacing of the pavement, spot curb and hazardous sidewalk replacements, installation or upgrade of sidewalk curb ramps, adjustment and repair of manholes, catch basins, and water valve castings, repair and replacement of street lighting, replacement of traffic pavement markings and the addition of bicycle facilities on St Paul Street. These improvements will enhance the surface drainage and riding quality of the roadway, improve accessibility for all users and expand the useful life of the pavement structure.

The reimbursement agreement is required for pavement restoration work associated with advanced utility work by RG&E. Project limits were extended west to include the segment of Park Avenue from Alexander Street to South Goodman Street, which will allow for the resurfacing of the entire length of Park Avenue.

The Project was designed by Barton & Loguidice, D.P.C. as authorized by Ordinance No. 2022-343.

Bids for construction were received on February 20, 2024. The apparent low bid of \$7,777,000 was submitted by Villager Construction, Inc. (Timothy O Lawless, President, 425 Old Macedon and Center Road, Fairport, New York).

The Project will be funded as follows:

Source of Funds	Design	Construction	Street Lighting	RPR	Contingency	Total
New York State appropriated herein	0	544,596.94	0	854,000	0	\$6,294,570
Bond authorized herein	0	602,696.05	164,000	29,000	37303.95	\$833,000
Water bonds	0	68,307.29	0	9,000	1,692.71	\$79,000.00
Water bonds authorized herein (traffic signal replacement and incidentals)	0	135,037.63	0	17,000	962.37	\$153,000.00
Pure Waters reimbursement appropriated herein	0	750,000	0	0	0	\$750,000.00
pure Waters reimbursement appropriated Ordinance No. 2024-40	0	76,780.90	0	0	0	\$76,780.90
2021-22 Cash Capital	25,000	0	0	0	0	\$25,000.00
2022-23 Cash Capital	521,700	0	0	0	0	\$521,700.00
2023-24 Cash Capital	0	658,637.88	0	85,000	0	\$743,637.88
RG&E	3,300	44,970.31	0	6,000	95,729.69	\$150,000.00
<b>Total</b>	<b>\$550,000</b>	<b>\$7,777,000</b>	<b>\$164,000</b>	<b>\$1,000,000</b>	<b>\$135,688.72</b>	<b>\$9,626,688.72</b>

Construction is anticipated to begin in spring 2024 and be substantially complete in summer 2025. The construction of the Project will result in the creation and/or retention of the equivalent of 99.9 full-time jobs.

The term of the agreement shall be three months after the completion of the two-year guarantee inspection of the Project.

Erdman, Anthony and Associates, Inc. was selected for RPR services through a request for proposal process, which is described in the attached summary.

Respectfully submitted,  
Malik D. Evans  
Mayor

Attachment No. AX- 55

Ordinance No. 2024-77  
(Int. No. 96)

**Authorizing appropriations and agreements and amending Ordinance No. 2022-343 relating to the 2024 Milling & Resurfacing Project**

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

Section 1. The Council hereby appropriates \$6,294,569.94 in anticipated reimbursements from the New York State Department of Transportation (NYSDOT) to fund construction and resident project representation (RPR) services for the 2024 Milling & Resurfacing Project for Park Avenue (Alexander Street to East Avenue), St. Paul Street (Lowell Street to Riverbank Place) and St. Paul Street (Norton Street to Tyler Street) (Project).

Section 2. The Council hereby authorizes the Mayor to enter into an agreement with Rochester Gas & Electric Corporation (RG&E) for the receipt and use of \$150,000, which amount is hereby appropriated to fund design, construction and RPR services for pavement restoration work associated with advance utility work performed by RG&E within the Project area.

Section 3. The Council hereby appropriates \$750,000 in anticipated reimbursements from the Rochester Pure Waters District (RPWD), as authorized by an agreement between the City and RPWD that is authorized in Ordinance No. 2010-438, to fund sewer work associated with the Project.

Section 4. The Mayor is hereby authorized to enter into a professional services agreement with Erdman, Anthony and Associates, Inc. to provide RPR services for the Project. The maximum compensation for the agreement shall be \$1,000,000, which shall be funded in the amounts of \$854,000 from the NYSDOT funds appropriated in Section 1 herein, \$29,000 from the proceeds of street bonds appropriated for the Project in a concurrent ordinance, \$9,000 from the proceeds of water bonds appropriated for the Project in a concurrent ordinance, \$17,000 from the proceeds of water bonds appropriated for incidental repair work related to a water main break at the intersection of St. Paul Street and Bausch Street, \$85,000 from 2023-24 Cash Capital, and \$6,000 in reimbursements from Rochester Gas and Electric Corporation (RG&E) appropriated for the Project in Section 2 herein. The term of the agreement shall continue to three months after the completion of the two-year guarantee inspection of the Project. The agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 5. Ordinance No. 2022-343, authorizing an agreement for the Project, is hereby amended in Section 1 thereof to read as follows:

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Barton & Loguidice, D.P.C. to provide design and construction administration services for the 2024 Milling & Resurfacing Project – Park Avenue (South Goodman Street to East Avenue), St. Paul Street (Lowell Street to Riverbank Place) and St. Paul Street (Norton Street to Tyler Street) (the Project). The maximum compensation shall be \$550,000, which shall be funded in the amounts of ~~\$525,000~~ \$521,700 from 2022-23 Cash Capital, ~~and~~ \$25,000 from 2021-22 Cash Capital, and \$3,300 in reimbursements from RG&E appropriated for the Project in Ordinance No. 2024-77. The term of the agreement shall extend until three months after completion of the two-year guarantee inspection of the Project.

Section 6. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

Ordinance No. 2024-78  
(Int. No. 97)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$833,000 Bonds of said City to finance the 2024 Milling & Resurfacing Project**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the 2024 Milling & Resurfacing Project that includes milling and resurfacing of the pavement, spot curb and hazardous sidewalk replacements, installing or upgrading sidewalk curb ramps, adjustment and repair of manholes and catch basins, repair and replacement of street lighting, replacement of traffic pavement markings, the addition of bicycling facilities and other improvements for the street group comprised of Park Avenue (Alexander Street to East Avenue), St. Paul Street (Lowell Street to Riverbank Place) and St. Paul Street (Norton Street to Tyler Street) (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$9,380,388.72. The plan of financing includes the issuance of \$833,000 bonds of the City, which amount is hereby appropriated for the Project, \$6,294,569.94 in anticipated reimbursements from the New York State Department of Transportation appropriated in a concurrent ordinance, \$750,000 in anticipated reimbursements from the Rochester Pure Waters District (RPWD) appropriated in a concurrent ordinance, \$76,780.90 in anticipated reimbursements from RPWD authorized in Ordinance No. 2024-40 and hereby appropriated to the Project, \$15,000 from 2021-22 Cash Capital, \$517,400 from 2022-23 Cash Capital, \$743,637.88 from 2023-24 Cash Capital, \$150,000 in anticipated reimbursements from Rochester Gas and Electric Corporation appropriated in a concurrent ordinance 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 \$833,000 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 \$833,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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



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

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

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

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

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

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

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

Passed unanimously.

Ordinance No. 2024-79  
(Int. No. 98)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$79,000 Bonds of said City to finance water service improvements associated with the 2024 Milling & Resurfacing Project**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of water service improvements, including repairs or replacement of water valve casings and other improvements to the City's water facilities, associated with 2024 Milling & Resurfacing Project comprised of Park Avenue (Alexander Street to East Avenue), St. Paul Street (Lowell Street to Riverbank Place) and St. Paul Street (Norton Street to Tyler Street) (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$83,950. The plan of financing includes the issuance of \$79,000 bonds of the City, which amount is hereby appropriated for the Project, \$650

in 2021-22 Cash Capital, \$4,300 in 2022-23 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 \$79,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$79,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

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

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

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

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

Passed unanimously.

Ordinance No. 2024-80  
(Int. No. 99)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$153,000 Bonds of said City to finance improvements to resolve the effects of a water main break at the intersection of St. Paul Street and Bausch Street**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of traffic signal replacement and other work incidental to resolving the effects of a water main break at the intersection of St. Paul Street and Bausch Street (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$162,350. The plan of financing includes the issuance of \$153,000 bonds of the City, which amount is hereby appropriated for the Project, \$9,350 in 2021-22 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 \$153,000 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 \$153,000. 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.72 of the Law, is twenty (20) years.

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

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

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

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-81

Re: 2024 State Touring Route Milling & Resurfacing Project West Main Street (West Broad Street to Churchlea Place), South Plymouth Avenue (Ford Street to Genesee Street)

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to the 2024 State Touring Route Milling & Resurfacing Project. This legislation will:

1. Appropriate \$7,875,000 in anticipated reimbursements from the New York State Department of Transportation (NYSDOT) to finance a portion of the construction for the Project; and,
2. Establish \$1,000,000 as maximum compensation for a professional services agreement with Joseph C. Lu Engineering, P.C. (Cletus Ezenwa, C.E.O., 280 East Broad Street, Rochester, New York) for resident project representation (RPR) services for the Project. The cost of the agreement will be funded from the sources outlined in the chart on the following page; and,
3. Authorize an amendatory professional services agreement with Stantec Consulting Services Inc. (James R. Hofmann, Jr., Senior Principal, 61 Commercial Street, Suite 100, Rochester, New York) to provide additional design and construction administration services for the Project. The original agreement for \$640,000 was authorized in Ordinance No. 2022-170. This amendment will increase the compensation by \$100,000 to a maximum total of \$740,000. The cost of the

amendatory agreement will be funded with \$100,000 in New York State funds appropriated herein; and,

4. Amend the Official Map by dedicating the following parcels as public right-of-way for street purposes:

<b>Parcel No</b>	<b>Reputed Owner</b>	<b>Address</b>	<b>Area Square Feet +/-</b>
1	City of Rochester	835-855 West Main Street	357
2	City of Rochester	835-855 West Main Street	1,485

The Official Map Amendment is required to accommodate the pavement width changes and change in direction of traffic flow as approved by City Council on January 23, 2024 (Ordinance No. 2024-14).

The amendatory agreement will provide additional design and construction administration services related to an increase in project limits, additional traffic analysis, traffic signal design, and other additions to the scope of work.

The Project includes, but is not limited to, milling and resurfacing of the pavement, spot curb and hazardous sidewalk replacements, installation or upgrade of sidewalk curb ramps, adjustment and repair of manholes, receiving basins, and water valve castings, replacement of traffic pavement markings and the addition of bicycle facilities. These improvements will enhance the surface drainage and riding quality of the roadway, improve accessibility for all users and expand the useful life of the pavement structure.

The Project was designed by Stantec Consulting Services, Inc. as authorized by Ordinance No. 2022-170.

Bids for construction were received on February 6, 2024. The apparent low bid of \$6,539,896.25 was submitted by Ramsey Constructors, Inc. (Christopher Ramsey, C.E.O., 5711 Gateway Park, Lakeville, New York).

The Project will be funded as follows:

<b>Source of Funds</b>	<b>Design</b>	<b>Construction</b>	<b>Street lighting &amp; Traffic Cameras</b>	<b>RPR</b>	<b>Contingency</b>	<b>Total</b>
New York State appropriated Ordinance No. 2022-170	590,000	0	0	0	0	\$590,000
New York State appropriated herein	100,000	6,539,896.25	226,813	1,000,000	\$8,290.75	\$7,875,000
2021-22 Cash Capital	50,000	0	0	0	0	\$50,000
<b>Total</b>	<b>\$740,000</b>	<b>\$6,539,896.25</b>	<b>\$226,813</b>	<b>\$1,000,000</b>	<b>\$8,290.75</b>	<b>\$8,515,000</b>

Construction is anticipated to begin in spring 2024 be substantially complete in summer 2025. The construction of the Project will result in the creation and/or retention of the equivalent of 84.5 full-time jobs.

The City Planning Commission (CPC), at its February 26, 2024 meeting, recommended approval of this Official Map Amendment by a vote of 6-0-0. The CPC Staff Report and CPC Recommendation are attached.

The term of the agreement shall be three months after completion of the two-year guarantee inspection of the Project.

Joseph C. Lu Engineering, PC was selected for RPR services through a request for proposal process, which is described in the attached summary.

A public hearing for amending the official map is required.

Respectfully submitted,  
Malik D. Evans  
Mayor

Attachment No. AX-56

Ordinance No. 2024-81  
(Int. No. 100)

**Appropriating funds, authorizing agreements and amending the Official Map for the 2024 State Touring Route Milling & Resurfacing Project**

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

Section 1. The Council hereby appropriates \$7,875,000 in anticipated reimbursements from the New York State Department of Transportation (NYSDOT) to construct the 2024 State Touring Route Milling & Resurfacing Project – West Main Street (West Broad Street to Churchlea Place) and South Plymouth Avenue (Ford Street to Genesee Street) (Project).

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with Joseph C. Lu Engineering, P.C. to provide resident project representation services for the Project. The maximum compensation shall be \$1,000,000, which shall be funded from the NYSDOT reimbursements appropriated in Section 1 herein. The term of the agreement shall extend until 3 months after completion of the two-year guarantee inspection of the Project.

Section 3. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Stantec Consulting Services Inc. to provide additional engineering services for the Project. The amendatory agreement shall amend the existing agreement authorized by Ordinance No. 2022-170 to provide additional design and construction administration services for the Project and to increase the maximum compensation by \$100,000 to a new total of \$740,000. The compensation increase shall be funded from the NYSDOT reimbursements appropriated in Section 1 herein

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

Section 5. The Council hereby authorizes the donation of the following two described subparcels of its Bulls Head Plaza property and hereby accepts the donated subparcels for street purposes:

<b>Address</b>	<b>Owner</b>	<b>SBL #</b>
835-855 West Main St	City of Rochester	120.50-2-2.002

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, known and described as part of Town Lots 63 & 170, Township 1, Short Range, and being part of Lot

2 of Bullshead Associates Subdivision as filed in the Monroe County Clerk's Office at Liber 261 of Maps, Page 55, and being more particularly bounded and described as follows:

### **SUBPARCEL 1-WEST MAIN STREET**

Beginning at a point at the intersection of the southerly right of way line of West Main Street (width varies) with the westerly right of way line of Churchlea Place (30' wide); thence

- 1) South 18°10'36" East, along the existing westerly right of way line of said Churchlea Place (30' ROW), a distance of 7.00 feet to point; thence
- 2) South 71°44'25" West, along a line parallel with the south right of way line of West Main Street, a distance of 51.00 feet to an angle point in the southerly right of way line of West Main Street; thence
- 3) North 18°10'36" West, along said right of way of West Main a distance of 7 feet to a point; thence
- 4) North 71°44'25" East, continuing along said southerly right of way line of West Main Street, a distance of 51.00 feet to the Point or Place of Beginning, containing 357 square feet of land, more or less.

### **SUBPARCEL 2-CHURCHLEA PLACE**

Beginning at a point on the existing westerly right of way line of Churchlea Place (30' ROW), at the intersection with the northerly property line of Lot 1 of the aforementioned subdivision; thence

- 1) South 71°49'24" West, along said northerly property line of Lot 1, a distance of 8.00 feet, to a point; thence
- 2) North 18°10'36" West, parallel and 8.00 feet west of said right of way line of Churchlea Place, a distance of 179.04 feet to a point; thence
- 3) North 63°13'06" West, a distance of 7.07 feet to a point; thence
- 4) North 71°44'25" East, along a line parallel to the southerly right of way line of West Main Street, a distance of 13.00 feet to a point on the westerly right of way of Churchlea Place and being 7.00 feet south of the intersection of the existing south right of way line of West Main Street with the westerly right of way line of Churchlea Place; thence,
- 5) South 18°10'36" East along said westerly right of way line, a distance of 184.06 to the Point or Place of Beginning, containing 1485 square feet of land, more or less.

All as shown on a map entitled "Map Of Lands To Be Dedicated For Street Purposes – 835-855 West Main Street", dated December 11, 2023, prepared by John D. Metzger, L.S., City Surveyor.

Section 6. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by adding thereto and dedicating for street purposes the two above described subparcels that are donated and accepted in Section 5 herein.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-82  
Re: Agreement – Ravi Engineering and Land Surveying, P.C., Durand Eastman Park Site Improvements Project

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation establishing \$200,000 as maximum compensation for an agreement with Ravi Engineering and Land Surveying, P.C. (Nagappa Ravindra, President, 2110 South Clinton Ave, Suite 1, Rochester, New York) to provide Resident Project Representation (RPR) services related to the Durand Eastman Park Site Improvements Project. The cost of the agreement will be funded with American Rescue Plan ACT (ARPA) funds as appropriated in Ordinance No. 2022-79 (\$155,000), 2020-21 Cash Capital (\$39,000), and 2022-23 Cash Capital (\$6,000).

The project includes, but is not limited to, removal of existing asphalt pavement and replacement with lawn area; installation of new curb and stormwater system; pavement rehabilitation; shoreline stabilization; selective seeding and plantings to prevent erosion; access stairs and ADA-compliant ramp and walkway installation; and erection of a small pavilion structure with associated concrete pad and furniture.

Construction is anticipated to begin in summer 2024 and be substantially complete in summer 2025.

Ravi Engineering and Land Surveying, P.C. was selected for RPR services through a request for proposal process, which is described in the attached summary.

The term of the agreement shall be three months after completion of the two-year guarantee inspection of the Project.

Respectfully submitted,  
Malik D. Evans  
Mayor

Attachment No. AX-57

Ordinance No. 2024-82  
(Int. No. 101)

**Authorizing an agreement for the Durand Eastman Park Site 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 Ravi Engineering and Land Surveying, P.C. to provide Resident Project Representative services for the Durand Eastman Park Site Improvements Project (Project). The maximum compensation for the agreement shall be \$200,000, which shall be funded in the amounts of \$155,000 from American Rescue Plan Act funds appropriated to the Project in Ordinance No. 2022-79, \$39,000 from 2021-22 Cash Capital and \$6,000 from 2022-23 Cash Capital. The term of the agreement shall continue until three months after completion of the two-year guarantee inspection of the Project.



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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-83

Re: Community Development Block Grant (CDBG), Norton Village Playground

Comprehensive Plan 2034 Initiative Area: Sustaining Green & Active Systems

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

1. Amend Section 1 of Ordinance No. 2021-215 as amended by Ordinance 2023-143 & Ordinance No. 2023-144 to amend the list of Community Development Block Grant (CDBG) assisted projects to include the Norton Village Playground project; and,
2. Authorize the appropriation of \$781,023 of Community Development Block Grant (CDBG) funds from the 2022-23 Annual Action Plan, Project 19 - DRHS Play Apparatus, for construction of the project; and,
3. Amend Section 1 of Ordinance No. 2022-107 as amended by Ordinance 2023-144 to amend the list of Community Development Block Grant (CDBG) assisted projects to include the Norton Village Playground project; and,
4. Authorize an amendatory professional services agreement with Ravi Engineering and Land Surveying, P.C. (Nagappa Ravindra, C.E.O., 2110 S. Clinton Avenue, Suite 1, Rochester, New York) for resident project representation (RPR) services for the Project. The original agreement for \$75,000 was authorized by Ordinance No. 2022-107 and amended by Ordinance No. 2023-144 to a maximum amount of \$160,000. This amendment will add Resident Project Representation (RPR) services to the contract. Funds remaining in the contract will be sufficient to cover this Project.

The project includes, but is not limited to, the installation of tot and pre-teen playsets and swings on poured in place rubberized surfacing with a concrete curb surround. Benches, bike racks, trash receptacles, and shade trees with flexi-pave tree pits will also be installed.

Bids for construction were received on February 20, 2024. The apparent low bid of \$469,500.00 was submitted by Titan Development, Inc. (8534 Seaman Road, Gasport, NY).

Construction of the project is anticipated to begin in summer 2024 with substantial completion in fall 2024.

This proposed legislation has been developed by the Department of Environmental Services (DES) in collaboration with the Department of Recreation and Human Services (DRHS).

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,  
Malik D. Evans  
Mayor

Attachment No. AX-58

Ordinance No. 2024-83  
(Int. No. 102)

**Amending ordinances, appropriating Annual Action Plan funds and amending an agreement for the Norton Village Playground project**

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

Section 1. Section 1 of Ordinance No. 2021-215, appropriating funds and authorizing agreement for infrastructure and playground improvements for the Troup Street, Edgerton and Maplewood playgrounds, is hereby revised to read as follows:

Section 1. The sum of \$1,050,000 is hereby appropriated from the DRYS Play Apparatus allocation of the 2020-21 Annual Action Plan to fund infrastructure and playground improvements at various locations including but not limited to the Troup Street Playground, the Edgerton Playground, ~~and the Maplewood Playground~~ and the Norton Village Playground.

Section 2. The sum of \$781,023 in funds from the Project 19 – DRHS Play Apparatus allocation of the 2022-23 Annual Action Plan is hereby appropriated for the installation of a new Norton Village Playground (Project).

Section 3. Section 1 of Ordinance No. 2022-107, authorizing an appropriation and agreement for Bronson Avenue Playground, as amended by Section 2 of Ordinance No. 2023-144, is hereby revised to read as follows:

Section 1. The Council hereby appropriates \$1,000,400 in Community Development Block Grant (CDBG) funds from the Project No. 17 allocation for DRHS– Play Apparatus in the 2021-22 Annual Action Plan to fund improvements to the Bronson Avenue Playground, ~~and~~ the rubberized resurfacing and concrete curbing of playgrounds at the Carter Street and Gantt R-Centers and the JR Wilson and Grand Avenue Playgrounds and the installation of a new Norton Village Playground (the Project).

Section 4. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Ravi Engineering and Land Surveying, P.C., Inc. regarding the provision of resident project representation services (RPR) for playground projects. The amendatory agreement shall amend the existing agreement authorized by Ordinance No. 2022-107, as amended by Ordinance No. 2023-144, to add RPR services for the Project to the scope of work and to extend the term of the agreement to three months after completion of the two-year guarantee inspection of the Project.

Section 5. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 6. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-84

Re: Amendatory Agreement – Arcadis of New York, Inc., Humboldt Recreation Center Water Park Improvements

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation amending the funding for the professional services agreement with Arcadis of New York, Inc., (John M. McCarthy, C.E.O., 100 Chestnut Street, Suite 1020, Rochester, New York) for resident project representative services (RPR) for the Humboldt Recreation Center Water Park Improvements Project. The original agreement for a maximum total compensation of \$80,000 was authorized in Ordinance No. 2023-145. The cost of the agreement was funded by American Rescue Plan Act (ARPA) funds as appropriated in Ordinance No. 2022-312.

The agreement will now be funded with \$50,000 of American Rescue Plan Act (ARPA) funds as appropriated in Ordinance No 2022-312 and \$30,000 of 2022-23 Cash Capital. This change is being made in order to ensure the ARPA funds are spent in a timely manner. The ARPA funds taken from the agreement will be used for construction of the Project

The Project includes, but is not limited to, improvements to the existing splash pad at the Humboldt Street Recreation Center. The project includes new water lines, spray features, splash pad hardscapes, electrical control systems and a new utility vault. The improvements will significantly upgrade the park's infrastructure and streamline future maintenance efforts.

Construction began in summer 2023 and is anticipated to be substantially complete in spring 2024.

The term of the agreement shall be three months after the completion of the two-year guarantee inspection of the Project.

Respectfully submitted,  
Malik D. Evans  
Mayor

Attachment No. AX-59

Ordinance No. 2024-84  
(Int. No. 103)

**Amending Ordinance No. 2023-145 relating to the Humboldt Recreation Center Water Park**

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

Section 1. Ordinance No. 2023-145, authorizing an agreement relating to the Humboldt Recreation Center Water Park, is hereby amended in Section 1 to change the sources of funding for that agreement as follows:

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Arcadis of New York, Inc. to provide Resident Project Representative services for the Humboldt Recreation Center Water Park Improvements project (the Project). The maximum compensation in the amount of \$80,000 shall be funded in the amounts of \$50,000 from American Rescue Plan Act of 2021 funds appropriated to the Project in Ordinance No. 2022-312 and \$30,000 from 2022-23 Cash Capital. The term of the agreement shall continue to ~~September 30, 2024~~ three months after completion of the two-year guarantee inspection of the Project.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-85

Re: Amendatory Agreement – Edge Architecture, PLLC - Rochester Police Department Office of Business Intelligence Renovation

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Planning for Action

Transmitted herewith for your approval is legislation amending the funding for the professional services agreement with Edge Architecture, PLLC (Allen Rossignol, C.E.O., 277 Alexander Street, Suite 407, Rochester, NY) for the Rochester Police Department Office of Business Intelligence Renovation Project. The original agreement for a maximum total compensation of \$150,000 was authorized in Ordinance No. 2023-67. The cost of the agreement was funded with American Rescue Plan Act (ARPA) funds as appropriated in Ordinance No. 2022-315.

The agreement will now be funded with \$75,000 of American Rescue Plan Act (ARPA) funds as appropriated in Ordinance No. 2022-315 and \$75,000 of 2012-13 Cash Capital. This change is being made in order to ensure that the agreement term can be enforced and the ARPA funds are spent in a timely manner. The ARPA funds taken from the agreement will be used for construction of the Project.

The Project includes renovations to the Office of Business Intelligence, Suite 208 in the Public Safety Building, including new offices, systems furniture, conference room, and mechanical, electrical and plumbing modifications. The agreement provides for architectural and engineering services for program review, design, bid and award and construction administration services for the renovation.

Construction is anticipated to begin in summer 2024 and be substantially complete in late 2024. The terms of the agreement shall remain as three months after the completion of the two-year guarantee inspection of the Project.

Respectfully submitted,  
Malik D. Evans  
Mayor

Ordinance No. 2024-85  
(Int. No. 104)

**Amending Ordinance No. 2023-67 relating to the Rochester Police Department Office of Business Intelligence Renovation project**

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

Section 1. Ordinance No. 2023-67, authorizing an agreement for the Rochester Police Department Office of Business Intelligence Renovation project, is hereby amended in Section 1 to change the sources of funding for that agreement as follows:

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Edge Architecture, PLLC to provide architectural and engineering services for the Rochester Police Department Office of Business Intelligence Renovation (the Project). The maximum compensation for the agreement shall be \$150,000, which shall be funded in the amounts of \$75,000 from a portion of the American Rescue Plan Act of 2021 (ARPA) funds appropriated to the Project in Ordinance No. 2022-315 and \$75,000 from 2012-13 Cash Capital. The term of the agreement shall extend to three months after completion of the two-year guarantee inspection of the Project.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Monroe, Patterson - 6.

Nays - Councilmembers Lupien, Martin, Smith - 3.

TO THE COUNCIL

Ladies and Gentlemen:

Local Improvement Ordinance No. 1807

Re: Local Improvement Ordinance – Street Lighting Enhancement Special Assessment Districts

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation establishing the 2024-25 budgets for Street Lighting Enhancement Special Assessment Districts. The districts and assessments are as follows:

Local Imp. Ord.	District	2024-25	2023-24	Variance	Capital/Operating	Type
1374/1724	Wilson Boulevard	\$914.46	\$585.84	\$328.62	Operating	Street lighting
1429/1727	Cascade Historic	\$1,369.28	\$1,288.48	\$80.80	Operating	Street lighting
1422/1753	Norton Street URD	\$1,972.42	\$1,415.14	\$557.28	Operating	Street lighting
1472/1697	Lake Avenue	\$6,132.14	\$4,200.25	\$1,931.89	Operating	Street lighting
1552/1696	St. Paul Street	\$833.67	\$548.24	\$285.43	Operating	Street lighting
1658/NA	Browncroft Neighborhood	\$9,508.99	\$9,508.99	\$-0-	Capital	Street lighting
1677/NA	Cobbs Hill/Nunda Neighborhood	\$8,449.38	\$8,449.38	\$-0-	Capital	Street lighting

The history and purpose of each district are described in the attached summary.

A public hearing on the assessments for all the districts is required.

Respectfully submitted,  
Malik D. Evans  
Mayor

Attachment No. AX-61

Local Improvement Ordinance No. 1807  
(Int. No. 105)

**Local Improvement Ordinance establishing the operation, installation and maintenance costs of street lighting special assessment districts for 2024-25**

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

Section 1. The following amounts are hereby established and the new assessments shall be allocated and levied against the benefited properties in accordance with the applicable local improvement ordinances (LIOs) for the operation, installation and maintenance of special assessment districts for street lighting enhancements during the 2024-25 fiscal year:

District	2024-25 Assessment	LIO No.	Renewed LIO No.
Wilson Boulevard	\$ 914.46	1374	1724
Cascade Historic	\$1,369.28	1429	1727
Norton Street URD	\$1,972.42	1422	1753
Lake Avenue	\$6,132.14	1472	1697
St. Paul Street	\$ 833.67	1552	1696
Browncroft Neighborhood	\$9,508.99	1658	NA
Cobbs Hill/Nunda Neighborhood	\$8,449.38	1677	NA

\* As amended by Ordinance No. 2015-75 (to assess interest on the construction cost) and LIO

No. 1712 (in 2016 to remove one parcel and correct frontage lengths on other parcels).

Section 2. This ordinance shall take effect on July 1, 2024.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Local Improvement Ordinance No. 1808

Re: Care and Embellishment of Street Malls

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 authorizing the care and embellishment of street malls during 2024-25 and the assessment of the associated costs of \$36,102.24 among the benefitted properties.

Each street mall budget is prepared by a street mall association and is based on actual costs from the previous year and planned maintenance and improvements. Budget items may include: plants (ranging from annual flowering plants to trees and shrubs), mulch, water, grass seed, repair or replacement of decorative signage and spring and fall cleanup. Budgets are reviewed at a neighborhood meeting. Meeting notices are sent by the City to the owners of all affected properties.

The malls and associated levies are summarized below:

<b>Street Mall</b>	<b>Proposed Levy 2024-2025</b>	<b>LIO 1795 2023-2024</b>	<b>Variance</b>	<b>Reason for Variance</b>
Arnold Park	\$3,450	\$6,680	-\$3,230	Using prior year funding
Hazelwood Terrace	\$600	\$600	0	Budgeted amounts are the same
Hillside Avenue	\$6,000	0	0	Used prior year funding, rate increases
Huntington Park	\$4,000	\$4,000	0	Budgeted amounts are the same
Lafayette Park	\$3,000	\$3,000	0	Budgeted amounts are the same
Nunda Boulevard	\$6,426	\$7,652	-\$1,226	Using prior year funding
Oxford Street	\$9,911.24	\$8,135	\$1,596.24	Increase in cost of services (garbage clean up and mowing)
Sibley Place	\$2,715	\$1,236	\$1,479	Increase in cost of services (garbage clean up and mowing)

The Department of Environmental Services Bureau of Buildings and Parks provides mowing and trimming, tree pruning and leaf pickup unless otherwise noted (see Nunda and Oxford).

The costs of the maintenance are apportioned among the benefitted properties on the basis of the specified unit charges for each area. Charges are included on the annual tax bill and are payable in July. Funds are appropriated in the Care & Embellishment Fund. A public hearing on these assessments is required.

Respectfully submitted,  
Malik D. Evans  
Mayor

Attachment No. AX-62

Local Improvement Ordinance No. 1808  
(Int. No. 106)

**Local Improvement Ordinance for the care and embellishment of street malls for 2024-25**

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

Section 1. It is hereby determined that for the fiscal year 2024-25 the street malls on the following streets shall be maintained at least in accordance with minimal standards established by the Department of Environmental Services, to be funded by 2024-25 district assessments in the following amounts:

<b>Street Mall</b>	<b>Assessments</b>
	<b>2024-25</b>
Arnold Park	\$ 3,450
Hazelwood Terrace	600
Hillside Avenue	6,000
Huntington Park	4,000
Lafayette Park	3,000
Nunda Boulevard	6,426
Oxford Street	9,911.24
Sibley Place	2,715
<b>Total</b>	<b>\$36,102.24</b>

For some street malls, the maintenance costs may also be funded from unspent street mall assessments for 2023-24 authorized in Local Improvement Ordinance No. 1795.

Section 2. The district of assessment for each street mall shall consist of all the parcels of property that front on the mall, or on any extension of the street or streets containing the mall up to the next intersecting street. The cost of maintenance of each street mall, in the amount set forth in Section 1, shall be apportioned among the parcels in the district based on each parcel's footage along the street containing the mall.

Section 3. Assessments for the cost of such improvements and work shall be due in one payment and shall be added to the tax rolls for the fiscal year commencing July 1, 2024.

Section 4. The total cost of such improvements and work, estimated \$36,102.24, shall be charged as heretofore described in this ordinance and paid from the Care & Embellishment Fund, and said amount, or so much thereof as may be necessary, is hereby appropriated for the aforesaid purpose.

Section 5. It is hereby determined that it is impracticable to have the work described herein done by competitive contract. Therefore, contracts for the work described herein may be awarded to such qualified persons or neighborhood associations as may be selected from those located in or adjacent to the aforementioned streets and areas.

Section 6. This ordinance shall take effect July 1, 2024.



Passed unanimously.

**TO THE COUNCIL**

Ladies and Gentlemen:

Ordinance No. 2024-86  
Re: Agreements – New York State Department of Corrections and Community Supervision and Center for Employment Opportunities, Inc. - Transitional Job Training and Placement Program

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation related to the Transitional Job Training and Placement Program. This legislation will:

1. Authorize an agreement with the New York State Department of Corrections and Community Supervision (DOCCS) to continue to partner with the City in a transitional job training and placement program; and
2. Authorize a concurrent agreement with the Center for Employment Opportunities (CEO) to continue to provide work crews under the supervision of the DOCCS for the transitional job training and placement programming.

The current agreements with DOCCS and CEO were authorized by Ordinance No. 2018-301 and amended by Ordinance Nos. 2022-217 and 2023-252 and will expire on June 30, 2024.

The agreements will have a term of one year, from July 1, 2024 through June 30, 2025, with the option of four one-year extension periods, and will be funded from the 2024-25 Budget of the Department of Environmental Services (DES) for the first year in the maximum amount of \$436,800, and subsequent DES Budgets for the 2025-26, 2026-27, 2027-28 and 2028-29 extension periods, contingent upon adoption of the 2024-25 DES Budget and the latter budgets.

The maximum compensation for each subsequent extension period shall be as follows:

<b>Fiscal Year</b>	<b>Maximum Compensation</b>
2025-26	\$681,300
2026-27	\$834,900
2027-28	\$860,100
2028-29	\$885,900

CEO is a subcontractor to DOCCS. DOCCS requires the City to enter into an agreement with CEO with respect to the latter's commitment to adhere to the City's living wage requirements and for CEO to meet insurance requirements commensurate with any agreement into which the City enters.

CEO provides employment services to citizens with recent criminal convictions through structured programs that help participants regain the skills needed for successful transition to stable, productive lives. The program supplies laborers to perform hand sweeping and litter collection as weather permits, snow and ice control during the winter months, and other work tasks as determined by the City. CEO is paid directly by DOCCS and the City reimburses DOCCS for the payments they make on the City's behalf.

Funding under the current agreements with DOCCS and CEO allows for two work crews comprised of two supervisors and twelve people for 6.5 hours per day Monday through Thursday, excluding State holidays. A third CEO work crew comprised of one supervisor and six people is fully funded through June 30, 2025 through the ARPA workforce development agreement authorized under Ordinance No. 2022-354. Proposed funding for 2024-25 allows for two work crews comprised of two supervisors and twelve people for 6.5 hours per day Monday through Thursday, excluding State holidays. Anticipated funding for the extension periods allows for three work crews comprised of three supervisors and eighteen people for 6.5 hours per day Monday through Thursday, excluding State holidays.

The agreements will have a term of one year, from July 1, 2024 through June 30, 2025, with the option of four one-year extension periods.

A No RFP justification is attached.

Respectfully submitted,  
Malik D. Evans  
Mayor

Attachment No. AX-63

Ordinance No. 2024-86  
(Int. No. 107)

### **Authorizing agreements for a Transitional Job Training and Placement Program**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Corrections and Community Supervision (DOCCS) to participate in a Transitional Job Training and Placement Program that provides structured training and work opportunities for citizens with recent criminal convictions (Program). The agreement shall have a term of one year, from July 1, 2024 to June 30, 2025 with four one-year extension options. The maximum compensation for the first year shall be \$436,800, which shall be funded from the 2024-25 Budget of the Department of Environmental Services (DES), contingent upon approval. The maximum compensation (and fiscal year DES Budget funding source) for each extension period, if exercised, shall be \$681,300 (2025-26), \$834,900 (2026-27), \$860,100 (2027-28) and \$885,900 (2028-29), contingent upon the approval the future DES Budgets.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Center for Employment Opportunities, Inc. (CEO), who will provide to the City work crews consisting of participants in the Program under the supervision of DOCCS. The City's share of the compensation to be paid to CEO for providing those work crews shall be provided by DOCCS from the City compensation of DOCCS as authorized in Section 1. The agreement shall address the City's Living Wage and insurance requirements. The term of the agreement shall run concurrently with the term of the DOCCS agreement authorized in Section 1 herein.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-87

Re: Agreement – Universal Technical Resource Services, Inc. - Corrosion Engineering Services

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation establishing \$200,000 as maximum compensation for a professional services agreement with Universal Technical Resource Services, Inc. (Albert Zalcmann, President, 950 N. Kings Highway, Suite 208, Cherry Hill, New Jersey), for professional corrosion engineering and cathodic protection services.

The agreement shall have a term of three years with the option of two one-year renewals. The first three years of the agreement will be funded from the Department of Environmental Services (DES) Budget in the maximum amount of \$120,000. The extension periods shall be funded from the DES Budget for a maximum compensation of \$40,000 per extension period, contingent upon approval.

Agreement Period	Maximum Compensation
Original Three Year Term	\$120,000
Extension Year 1	\$40,000
Extension Year 2	\$40,000

Universal Technical Resource Services, Inc. will provide professional corrosion engineering services required for testing, planning, and design of the City’s small and large diameter cast iron, ductile iron, and steel water mains located in the Uplands Transmission System, Domestic Distribution System, and the Holly Fire System.

The agreement shall have a term of three years with the option of two one-year renewals.

Universal Technical Resource Services, Inc. was selected through a request for proposal process, which is described in the attached summary.

Respectfully submitted,  
Malik D. Evans  
Mayor

Attachment No. AX-64

Ordinance No. 2024-87  
(Int. No. 108)

**Authorizing an agreement for professional corrosion engineering and cathodic protection services**

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Universal Technical Resource Services, Inc. to provide corrosion engineering and cathodic protection services. The term of the agreement shall be three years with the option for two one-year

renewals. The maximum annual compensation for the agreement shall be \$40,000 and said amount shall be funded from the 2023-24 and subsequent years' Budgets of Environmental Services (DES) contingent upon approval of future budgets.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-88

Re: Amendatory Agreement – Legal Services Brownfield Properties

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Harter Secrest & Emery LLP (HSE) (1600 Bausch & Lomb Place, Rochester, New York 14604) to provide legal services related to the investigation, remediation, and redevelopment of brownfield properties. The original agreement, authorized by Ordinance No. 2022-249 in August 2022 established maximum compensation at \$70,000 for a term of two years with the option upon mutual consent to extend the term by up to two additional periods of 1 year each. This amendment will increase the compensation by \$100,000, to a maximum total of \$170,000. This additional cost will be funded with 2021-22 Cash Capital.

HSE will continue to assist the City with legal issues related to environmental investigation and remediation of brownfield sites. The City's long-term goal is the remediation of contamination to allow for the successful redevelopment of brownfield properties and fostering community revitalization. HSE will continue to assist the City to meet that goal cost-effectively and in compliance with law, including negotiation of remedial agreements between the City and the New York State Department of Environmental Conservation (NYSDEC) acceptable to all parties, and, where applicable, recovery of environmental investigation and cleanup costs from the parties responsible for site contamination.

Continuation of HSE's legal services is necessary to assist the City in moving brownfield projects forward to remedy selection and remediation, and to continue negotiations with responsible parties toward agreement(s) for financial contribution to the City's environmental costs. Outside counsel is required due to HSE's in-depth familiarity with these matters and expertise in environmental contamination cost recovery.

Respectfully submitted,  
Malik D. Evans  
Mayor

Ordinance No. 2024-88  
(Int. No. 109)

**Authorizing an amendatory professional services agreement for legal services relating to brownfield properties**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Harter Secrest & Emery LLP to provide additional legal services with respect to brownfield properties. The amendatory agreement shall amend the existing agreement authorized in Ordinance No. 2022-249 by providing for more legal services and representation relating to the investigation, remediation, remediation cost recovery and redevelopment of brownfield properties located on and near the former Vacuum Oil site and elsewhere and by increasing the maximum compensation by \$100,000 to a new total of \$170,000. The additional compensation shall be funded from 2021-22 Cash Capital.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-89

Re: USEPA Brownfields Job Training Program Professional Services Agreement – Occupational Health and Safety Training Services

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: More Jobs and Neighborhood Development/Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to the City's Brownfields Job Training (BJT) program funded by the United States Environmental Protection Agency (USEPA).

This legislation will:

1. Establish \$235,000.00 as maximum compensation for an agreement with Yehl Environmental Incorporated, dba Cornerstone Training Institute, (Darren Yehl, President, 460 State Street, Rochester, NY 14608) to provide occupational health and safety training services as part of the City's Brownfields Environmental Skills Training (BEST) Program.
2. Establish \$50,000.00 as maximum compensation for an agreement with WorkFit Medical, LLC (Matt Huntington, Chief Operating Officer, 1160 Chili Avenue, Suite 200, Rochester, NY 14624) to provide occupational health screening services as part of the City's Brownfields Environmental Skills Training (BEST) Program

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

BEST will recruit and train up to 100 unemployed or underemployed City residents in core occupational and environmental areas that provide certifications to work in the asbestos abatement, hazardous waste remediation, and environmental cleanup fields. Cornerstone Training Institute will provide occupational health and safety training and WorkFit Medical, LLC will provide occupational health screening services to all students participating in the BEST program.

The cost of the occupational health and safety training agreement will be financed from \$235,000 in United States Environmental Protection Agency (USEPA) BJT grant funds authorized under Ordinance No. 2023-148. The City issued a request for proposals (RFP) for occupational health and safety training services in December 2023 and received one (1) proposal. Cornerstone Training Institute was selected based on the experience and expertise of the proposed project team, their ability to meet the City's schedule, and the quality and cost of their proposal.

The cost of the occupational health screening services agreement will be financed from \$50,000 United States Environmental Protection Agency (USEPA) BJT grant funds authorized under Ordinance No. 2023-148. The City issued a request for proposals (RFP) for occupational health screening services in December 2023 and received two (2) proposals. WorkFit Medical, LLC was selected based on the experience and expertise of the proposed project team, their ability to meet the City's schedule, and the quality and cost of their proposal.

The proposed agreements will have an initial term of four (4) years with a provision for a one-year extension based on mutual written agreement. It is anticipated that the project will begin in late spring of 2024.

Respectfully submitted,  
Malik D. Evans  
Mayor

Ordinance No. 2024-89  
(Int. No. 110)

### **Authorizing agreements for the Brownfields Environmental Skills Training Program**

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Yehl Environmental Incorporated to provide occupational health and safety training services as part of the Brownfields Environmental Skills Training (BEST) Program. The maximum compensation for the agreement shall be \$235,000, which shall be funded from the United States Environmental Protection Agency (USEPA) Brownfields Job Training grant funds appropriated in Ordinance No. 2023-148. The term of the agreement shall be four years with the option to extend for one additional year upon mutual agreement.

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with WorkFit Medical, LLC to provide occupational health screening services as part of the BEST Program. The maximum compensation for the agreement shall be \$50,000, which shall be funded from the USEPA Brownfields Job Training grant funds appropriated in Ordinance No. 2023-148. The term of the agreement shall be four years with the option to extend for one additional year upon mutual agreement.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-90

Re: Amendatory Agreement: Youth Growth and Development Program

Council Priority: Support the Creation of Effective Educational Systems

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Realizing Others Outstanding Talents, LLC, (Chris Cuby, Owner, 109 South Union Street, Rochester, NY 14607) to provide additional services related to Ready for Roots: Character, Ability and Reputation Building Program. This amendment will increase the compensation by \$59,400, for a maximum total of \$86,067 to be funded by the 2023-24 Budget of the Department of Recreation and Human Services and extend the term two additional years to November 30, 2026. The original agreement was authorized via Ordinance No. 2023-212 and established maximum compensation of \$26,667 for a term of one year and was funded by the 2023-24 Budget of the Department of Recreation and Human Services.

ROOTS will continue to provide services to youth participants in the MBK Scholars program during the summer for four weeks and follow up sessions for Scholars throughout the school year. The programs will focus on building assets and protective factors, strengthening self-esteem, and self-motivation, fostering empathy and encourage youth to dream big. This is done through curricula that addresses the social-emotional, leadership, pre-workforce, and civic engagement skill development of youth in the program. This will be the second consecutive year that ROOTS has worked with MBK Scholars.

Respectfully submitted,  
Malik D. Evans  
Mayor

Ordinance No. 2024-90  
(Int. No. 111)

**Authorizing amendatory agreement for the Youth Growth and Development 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 amendatory professional service agreement with Realizing Others Outstanding Talents, LLC to provide additional services in support of the Youth Growth and Development Program (Program). The amendatory agreement shall amend the existing agreement authorized in Ordinance No. 2023-212 by adding more Program services to the scope of work, extending the term to November 30, 2026, and increasing the maximum compensation by \$59,400 to a new total of \$86,067. The additional compensation shall be funded from the 2023-24 Budget of the Department of Recreation and Human Services.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-91

Re: Agreement – Team Building, Culture, and Climate Consultant

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 \$105,000 as maximum compensation for a professional services agreement with Excelsior Performance Group, LLC (Takiyah Butler, Principal, 620 Park Avenue, Suite 169, Rochester NY 14607) to provide training and professional development services to the staff within the Department of Recreation and Human Services (DRHS). The term of the agreement shall not exceed one year. The cost of the agreement will be funded from the 2023-24 Budget of DRHS, using a portion of the funds authorized by Council via Ordinance No. 2023-375, on December 19, 2023 for Social-Emotional Supports and Programs.

Excelsior Performance Group will conduct an in-depth analysis of DRHS units to understand team dynamics, organizational culture, and work climate. Excelsior will provide recommendations, and facilitate activities to improve the culture and climate addressing diversity, equity, inclusion and belonging. Some of these activities will include team-building and strengthening activities to enable better collaboration and communication, provide guidance to DRHS leadership to shape a more positive culture, and strategies to address challenges to promote a healthy workplace environment.

The consultant was selected through a request for proposals process described in the attached Vendor Selection Form. Ms. Butler has worked with Americorps for three years, and has completed several different projects for other city departments.

Respectfully submitted,  
Malik D. Evans  
Mayor

Attachment No. AX-65

Ordinance No. 2024-91  
(Int. No. 113)

**Authorizing an agreement for team building, culture and climate consulting services**

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

Section 1. The Mayor is authorized to enter into a professional services agreement with Excelsior Performance Group, LLC to provide training and professional development services to staff of the Department of Recreation and Human Services (DRHS) with regard to team building, culture and climate. The term of the agreement shall be up to one year. The maximum compensation for the agreement shall be \$105,000, which shall be funded from the 2023-24 Budget of DRHS.

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



Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-92

Re: Bond Authorization – Carter Street R-Center Roof Replacement

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$567,000 and the appropriation of the proceeds thereof to finance the cost of construction of the Carter Street R-Center Roof Replacement Project.

The Carter Street R-Center roof is original to the building (2002). The existing roof is over 22 years old and has been out of warranty for 12 years. There have been numerous leaks in the past several years. The Project will include installation of a new single-ply membrane insulated roof system, repair of gutters on the gymnasium and insulation of roof drainage systems to address condensation issues. A contingency is included for unforeseen conditions and related work on the roof and building envelope, including painting and sealing, for a weatherproof building envelope.

The Project was designed by MRB Group Engineers, Architecture, and, Surveying, D.P.C. as authorized by Ordinance No. 2022-306.

Bids for construction were received on March 13, 2024. The apparent low bid of \$491,317 base bid and two alternates was submitted by Spring Sheet Metal & Roofing LLC (Eric Warren, O.M., 678 Clinton Ave S. Rochester, NY).

The Project will be funded as follows:

	Design	Construction	Contingency	Total
2022-23 Cash Capital Ordinance No. 2022-306	\$92,000			\$92,000
Bonds authorized herein		\$493,000	\$74,000	\$567,000
<b>Total</b>	<b>\$92,000</b>	<b>\$493,000</b>	<b>\$74,000</b>	<b>\$659,000</b>

This proposed legislation was developed by the Department of Environmental Services (DES) in collaboration with the Department of Recreation and Human Services (DRHS).

Construction is anticipated to begin in spring 2024 and be substantially complete in late 2024. The construction of the Project will result in the creation and/or retention of the equivalent of 6.2 full-time jobs.

Respectfully submitted,  
Malik D. Evans  
Mayor

Ordinance No. 2024-92  
(Int. No. 114)

**Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$566,000 Bonds of said City to finance the Carter Street R-Center Roof Replacement**

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 replacing the roof of the Carter Street R-Center building located at 1175 Norton Street, including the installation of a new single-ply membrane insulated roof system, repair of gutters on the gymnasium, insulating roof drainage systems to mitigate condensation, and incidental work, such as painting, sealing and other measures to create a weatherproof building envelope (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 \$658,000. The plan of financing includes the issuance of \$566,000 bonds which are hereby appropriated therefor, \$92,000 in 2022-23 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 \$566,000 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 \$566,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00.a.12 of the Law, is fifteen (15) years.

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

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

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

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-93

Re: City Grant Match – New York State Office of Children and Family Services New York State AmeriCorps 2024-2025 Formula Pool

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 grant application related to the New York State's Office of Children and Family Services (OCFS)'s New York State AmeriCorps 2024-2025 Formula Pool Request for Proposals which will commit the City to more than \$250,000 in matching funds for the project.

In response to the NYS RFP, the City proposes to continue to operate the Flower City AmeriCorps program from 2024 to 2027 with at least 25 full time and 6 part time members serving in City and not-for-profit organizations. The program's annual budget will be approximately \$700,000, and funds will be used for the AmeriCorps members' living allowance, program supplies, transportation assistance, professional development and coaching, and program administration staffing housed in the Department of Recreation and Human Services. Since this proposal would constitute the ninth, tenth, and eleventh years of running the Flower City AmeriCorps program, per the grant requirements, the City is required to provide 50% of the costs of running the program as a match. These match funds could total up to \$350,000, which is above the \$250,000 threshold needed for Council authorization.

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. Members will engage approximately 800 individuals in youth development, healthy futures, job readiness/training, health and wellness, education, economic opportunity, and community building programming. Oversight of the program will be performed by the equivalent of one and a half full-time DRHS staff.

The grant request for proposals was released on April 2, 2024 and is due April 30, 2024.

Respectfully submitted,  
Malik D. Evans  
Mayor

Ordinance No. 2024-93  
(Int. No. 130)

**Authorizing a grant application 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 submit an application to the New York State Office of Children and Family Services (NYS OCFS) for a grant from the agency's New York State AmeriCorps 2024-2025 Formula Pool to fund the Flower City AmeriCorps program (Program) for three years, subject to a City matching contribution of up to \$350,000 per year. If the application is granted, this authorization does not waive the requirements to obtain subsequent City Council authorizations: for the agreement with NYS OCFS pertaining to the receipt and use of the grant; to appropriate the grant and matching City funds for the Program; and to enter into such professional services agreements as may be necessary to implement the Program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2024-94  
Re: Safe Streets and Road for All Grant application

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Areas: Reinforcing Strong Neighborhoods; Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation related to the United States Department of Transportation's (USDOT) Safe Streets and Roads for All (SS4A) grant program.

This legislation will:

1. Authorize the City to apply for SS4A Implementation grant funds up to \$25 million; and
2. Authorize the Mayor to enter into any necessary agreement with the USDOT Federal Highway Administration Office of Safety for the SS4A grant.

The Bipartisan Infrastructure Law established the SS4A grant program to improve roadway safety by significantly reducing or eliminating roadway fatalities and serious injuries through safety action plan development and refinement, and implementation focused on all road users, including pedestrians, bicyclists, public transportation users, motorists, personal conveyance and micromobility users, and commercial vehicle operators. The Department of Environmental Services (DES) Bureau of Architecture and Engineering submitted an Implementation grant application for the SS4A program in 2023 to advance recommendations of the City's Active Transportation Plan (ATP). The ATP, completed in June 2023, identifies strategies to make City streets safer and more accessible for active transportation, including, but not limited to, people walking, using mobility aids, taking transit and riding bikes.

The City received a partial award in 2023 for planning and demonstration activities only. DES intends to submit a new application for a 2024 SS4A Implementation Grant, based on feedback from the USDOT on how to improve the City's score. The grant application will target enhanced safety improvements to City streets scheduled for milling and resurfacing in the next five years. This approach will enable the City to leverage funds already identified in the City's Capital Improvement Program (CIP) to fund the required 20% local match for the grant. While identification of specific streets is ongoing, the application will target streets in each quadrant of the City that the ATP identified as high-injury or high-crash corridors.

Improvements may include, but are not limited to bike lanes, buffered or protected bike lanes, curb bump-outs, pedestrian refuge islands, rectangular rapid flashing beacons (RRFBs), raised crosswalks or intersections, improved lighting, traffic signal improvements, and/or improved ADA curb ramps, among other interventions. Specific strategies for each street will be assessed during engineering design.

The deadline to apply for 2024 SS4A Implementation grants is May 16, 2024.

Respectfully submitted,  
Malik D. Evans  
Mayor

Ordinance No. 2024-94  
(Int. No. 131)

**Authorizing an application and agreement for the Safe Streets and Roads for All grant program**

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 the United States Department of Transportation (US DOT) for an implementation grant of up to \$25,000,000 from the agency's Safe Streets and Roads for All grant program to improve safety for all users of City streets, including pedestrians, bicyclists, public transportation users, motorists, personal conveyance and micromobility users, and commercial vehicle operators (SS4A Program).

Section 2. The Mayor is hereby authorized to enter into an agreement with the US DOT for the receipt and use of a grant of up to \$25,000,000 to implement the SS4A Program for City streets, contingent upon the City's appropriation of said grant funds and a 20% City match to fund the Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Vice President Harris introduced a motion to discharge Int. No. 112 from Committee;  
2<sup>nd</sup> by Councilmember Patterson  
Motion to discharged passed by the following vote:

Ayes - Councilmembers Gruber, Harris, Lightfoot, Lupien, Martin, Monroe, Patterson, Smith - 8.  
Nays - None - 0.  
President Meléndez abstained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-95  
Re: Amendatory Agreement – Ibero-American Development Corporation, American Rescue Plan Act

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Ibero-American Development Corporation (IADC) (Eugenio Marlin, Executive Director, 214 Clifford Avenue Rochester, NY 14621) for the use of American Rescue Plan Act (ARPA) funds to further develop the International Plaza. This legislation will extend the term of the current agreement until December 31, 2024 to allow for completion of the project.

These funds are designated for the purchase of amenities, fixtures and equipment including but not limited to, outdoor furniture, enhancements to the vending kiosks and other improvements at the site. These improvements will continue to reinforce the Plaza as a community gathering and event space as well as providing additional vending opportunities for small businesses and entrepreneurs.

This agreement was last authorized by City Council on January 18, 2022 via Ordinance No. 2022-28 in the amount of \$75,000.

Respectfully submitted,  
Malik D. Evans  
Mayor

Ordinance No. 2024-95  
(Int. No. 112)

**Authorizing an amendatory agreement for improvements to International Plaza**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with the Ibero-American Development Corporation to acquire and install the improvements to the International Plaza. The amendatory agreement shall amend the existing agreement authorized in Ordinance No. 2022-28 by extending the term to December 31, 2024.

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

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmembers Gruber, Harris, Lightfoot, Lupien, Martin, Monroe, Patterson, Smith - 8.

Nays - None - 0.

President Meléndez abstained due to a professional relationship.

By Councilmember Gruber  
April 24, 2024

To the Council:

The **BUDGET, FINANCE, & GOVERNANCE COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

- Int. No. 115 Authorizing an agreement with the Rochester Philharmonic Orchestra for public music performances
- Int. No. 116 Authorizing an agreement relating to the 2024 Rochester Fringe Festival
- Int. No. 117 Authorizing an agreement for the 2024 Puerto Rican Festival
- Int. No. 118 Authorizing an agreement for the 2024 Rochester International Jazz Festival
- Int. No. 119 Authorizing agreements for Spanish language translation services
- Int. No. 120 Authorizing an agreement with New York State Department of Transportation for reimbursement pursuant to the New York State Intrastate Mutual Aid Program
- Int. No. 121 Approving the commitment of tax relief and retirement reserves
- Int. No. 122 Authorizing an agreement to implement a Mayor's Office of Financial Empowerment estate planning initiative
- Int. No. 123 Authorizing an agreement and accepting grants to support Office of Financial Empowerment programs
- Int. No. 124 Authorizing an amendatory agreement for the Business Starts & Growth Entrepreneur Training Program

Int. No. 125 Authorizing an agreement for real estate title services  
Int. No. 126 Authorizing an agreement to implement an Emergency Financial Empowerment Initiative

Int. No. 127 Authorizing agreements relating to securities litigation

Respectfully submitted,  
Mitch Gruber  
Stanley Martin  
Bridget Monroe  
LaShay D. Harris  
Miguel A. Meléndez, Jr. (*abstained from Int. No. 119*)  
**BUDGET, FINANCE, & GOVERNANCE COMMITTEE**

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2024-96  
Re: Agreement – Rochester Philharmonic Orchestra Inc., Music Performances

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with the Rochester Philharmonic Orchestra Inc. (RPO), 225 East Avenue, Rochester, New York, 14604 for music performances. The term of the agreement is one year, and cost of the agreement will be funded from the 2024-25 Budget of Communications, pending its approval.

The RPO will present “RPO Under the Stars,” a free, full orchestra concert at Parcel 5 that will take place on July 12, 2024. This will be the third year the full orchestra show is being offered in the heart of Downtown at Parcel 5. Last year, more than 4,000 people attended the show. Local food and drink was offered and community organizations interacted with the public. Also continuing this year, the RPO will present its four “Around the Town” ensemble concerts, one in each quadrant of the city. They will also be free and open to the public.

In 2023, the City provided the RPO with the same amount of funding via ordinance 2023-127.

The RPO applied for support through the annual Special Events Funding Application (SEFA) process that provides City sponsorships to events on public spaces that meet defined criteria. The City is enhancing its support of all events receiving SEFA funding with in-kind equipment rental and in-kind public safety services, which will be determined by City staff during the special event permitting and planning process.

Respectfully submitted,  
Malik D. Evans  
Mayor

Attachment No. AX-67

Ordinance No. 2024-96  
(Int. No. 115)



**Authorizing an agreement with the Rochester Philharmonic Orchestra for public music performances**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Philharmonic Orchestra Inc. to provide public music performances. The maximum compensation for the agreement shall be \$50,000, which shall be funded from the 2024-25 Budget of the Bureau of Communications contingent upon approval. The term of the agreement shall be one year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-97

Re: Agreement – Rochester Fringe Festival, Inc., 2024 Rochester Fringe Festival

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$60,000 as maximum compensation for an agreement with the Rochester Fringe Festival, Inc. (Erica Fee, President, P.O. Box 10508, Rochester, NY, 14610), to provide free, family-friendly programming throughout the event. The cost of the agreement will be funded from the 2024-2025 budget of the Bureau of Communications, pending its approval, and the term will be for one year.

The 2024 Rochester Fringe Festival (Fringe) brings together venues, performers and artists to engage diverse audiences through an innovative, entertaining and thought-provoking annual multi-arts festival in Rochester. The festival includes theatre, comedy, family entertainment, music, dance, physical theatre, street theatre, musical theatre, opera, and the spoken word.

The 2024 Fringe will be held September 10-21 and will include hundreds of shows in more than 20 downtown venues, as well as free outdoor entertainment. The City funds appropriated herein will help to defray the costs of a variety of free, family-friendly performances and spaces, including shows at Dr. Martin Luther King, Jr. Park, Parcel 5, and 1 Fringe Place (at the corner of Main and Gibbs Streets).

Last year, a similar agreement for \$60,000 was approved via Council Ordinance 2023-301. In 2023, the Fringe attracted 83,000 attendees.

The Fringe Festival is an event that applied for support through the annual Special Events Funding Application (SEFA) process that provides City sponsorships to events on public spaces that meet defined criteria. The City is enhancing its support of all events receiving SEFA funding with in-kind equipment rental and in-kind public safety services, which will be determined by City staff during the special event permitting and planning process.

Respectfully submitted,  
Malik D. Evans  
Mayor

Attachment No. AX-68

Ordinance No. 2024-97  
(Int. No. 116)

**Authorizing an agreement relating to the 2024 Rochester Fringe Festival**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Rochester Fringe Festival, Inc. to provide free, family-friendly programming for the 2024 Rochester Fringe Festival. The maximum compensation for the agreement shall be \$60,000, which shall be funded from the 2024-25 Budget of the Bureau of Communications, contingent upon approval. The term of the agreement shall be one year.

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

Section 3. This ordinance shall take effect immediately

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2024-98  
Re: Agreement - Puerto Rican Festival, Inc., 2024 Puerto Rican Festival

Council Priority: Creating and Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation establishing \$80,000 as maximum compensation for an agreement with the Puerto Rican Festival, Inc., (Orlando Ortiz, President, P.O. Box 10098, Rochester, NY 14610) for sponsorship of the 2024 Puerto Rican Festival. The cost of the agreement will be funded from the 2024-25 Budget of the Bureau of Communications, contingent on its approval. The term will be for one year.

The Puerto Rican Festival Inc. was established in 1969 for the express purpose of celebrating and recognizing the culture of Puerto Ricans. The Puerto Rican Festival is the longest-running cultural festival in Monroe County. Puerto Ricans continue to be one of the largest growing Hispanic populations in New York State.

In 2023, more than 22,000 people attended the festival at Innovative Field. This year, the 54<sup>th</sup> edition of the festival will be held on August 1-3. Due to construction at the usual festival site, the festival will instead be held at Parcel 5.

The City's support will allow for free admission on Thursday, as well as two hours of free admission on Saturday, the event's busiest day. Otherwise, admission to the festival will remain low-cost at \$10 in advance or \$20 day-of. All 3 days will feature music, food, free children's activities, a vendor fair, and cultural programming. The festival also offers a dominoes tournament, a popular and nostalgic pastime in Puerto Rican culture.

City Council approved the same amount of funding for last year's festival via Ordinance 2023-220. The Puerto Rican Festival is an event that applied for support through the annual Special Events Funding Application (SEFA) process that provides City sponsorships to events on public spaces that meet defined criteria. The City is enhancing its support of all events receiving SEFA funding with in-kind equipment rental and in-kind public safety services, which will be determined by City staff during the special event permitting and planning process.

Respectfully submitted,  
Malik D. Evans  
Mayor

Attachment No. AX-69

Ordinance No. 2024-98  
(Int. No. 117)

**Authorizing an agreement for the 2024 Puerto Rican Festival**

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 Puerto Rican Festival, Inc. for sponsorship of the 2024 Puerto Rican Festival. The maximum compensation for the agreement shall be \$80,000, which shall be funded from the 2024-25 Budget of the Bureau of Communications, contingent upon its approval. The term of the agreement shall be one year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2024-99  
Re: Agreement - Rochester International Jazz Festival LLC, 2024 Rochester International Jazz Festival

Council Priority: Creating and Sustaining a Culture of Vibrancy

Transmitted herewith for your approval is legislation establishing \$243,000 as the annual maximum compensation for an agreement with Rochester International Jazz Festival LLC (Marc Iacona, Principal, 250 East Avenue, Rochester, NY 14604), to designate the City of Rochester as the lead government sponsor of the 2024 Rochester International Jazz Festival (RIJF). The cost of this

agreement will be funded from the 2023-24 Budget of the Bureau of Communications. The term of the agreement is one year.

The 22nd annual festival will be 9 days long, from June 21- June 29 and will include more than 325 shows at 20 diverse indoor and outdoor city venues within walking distance of each other in the East End and Center City. The City's sponsorship will help to underwrite upwards of 60+ free outdoor concerts- 10 of them featuring internationally renowned headliner acts. The Gibbs Street (referred to as the "Jazz Street") stage will present performances by local high schools, continuing education music programs, regional, and national acts. The Parcel 5 stage will feature local, regional, national, and international talent. The East Avenue and Chestnut Street stage will feature free national headliners as well. In addition to these major public free shows, the festival also provides an additional 30 free performances, jam sessions, and jazz workshops, including a free lunch series the Central Library in the heart of Downtown.

The events are designed to attract approximately 15,000-25,000 visitors each night of the festival. Last year, attendance topped 211,000 people.

City Council approved legislation in the same amount for last year's festival via ordinance 2023-128. Agreements in the same amount were approved by Council in the last five years, except in 2021 when the festival did not take place due to the COVID-10 pandemic.

The Jazz Festival is an event that applied for support through the annual Special Events Funding Application (SEFA) process that provides City sponsorships to events on public spaces that meet defined criteria. The City is enhancing its support of all events receiving SEFA funding with in-kind equipment rental and in-kind public safety services, which will be determined by City staff during the special event permitting and planning process.

Respectfully submitted,  
Malik D. Evans  
Mayor

Attachment No. AX-70

Ordinance No. 2024-99  
(Int. No. 118)

### **Authorizing an agreement for the 2024 Rochester International Jazz Festival**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Rochester International Jazz Festival LLC to designate the City as the lead government sponsor for the 2024 Rochester International Jazz Festival. The maximum compensation for the agreement shall be \$243,000 which shall be funded from the 2023-24 Budget of the Bureau of Communications. The term of the agreement shall be one year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-100

Re: Agreements – Ibero American Action League, Inc. And Angel Estrella dba A & R Associates – Spanish Translation Services

Council Priority: Creating and sustaining a culture of vibrancy

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation establishing \$10,500 as maximum overall compensation for agreements with Ibero-American Action League, Inc. (Angelica Perez Delgado, Rochester, NY 14605) and with Angel Estrella dba A & R Associates (Angel Estrella, Rochester, NY 14613) for Spanish Translation services. The cost of the first year of these agreements (\$3,500) will be funded from the 2023-24 Budgets of the Bureau of Communications. Subsequent costs will be funded from the annual budgets of the Communications Bureau, contingent upon approval. The maximum annual fee for Ibero American Action League, Inc. is \$2,500 and the maximum annual fee for Angel Estrella dba A & R Associates is \$1,000.

<b>Year</b>	<b>Ibero</b>	<b>Angel Estrella dba A &amp; R Associates</b>
Year one	\$2,500	\$1,000
Year two	\$2,500	\$1,000
Year three	\$2,500	\$1,000
Three year maximum	\$7,500	\$3,000

The Bureau of Communications utilizes these vendors for written Spanish translation of City literature as well as for in-person or on-camera Spanish speaking talent and/or interpretation. The Bureau has utilized annual contracts for these services with Ibero since 2021 and with A&R Associates since 2009. This legislation is designed to provide the City with more stable and convenient access to these services and eliminate the need for creating one-year contracts while reducing the risk of the contracts expiring.

These firms were selected based on the Bureau of Communications’ prior experience, positive work history, and satisfaction with their services. A full justification for not issuing a request for proposals is attached.

The term of this agreement will be for 3 year(s), with the option of one-(3) three-year renewal.

Respectfully submitted,  
Malik D. Evans  
Mayor

Attachment No. AX-71

Ordinance No. 2024-100  
(Int. No. 119)

**Authorizing agreements for Spanish language translation services**

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Ibero-American Action League, Inc. to provide Spanish language translation services. The term of the agreement shall be 3 years with the option to extend for one additional 3-year period. The maximum annual compensation for the agreement shall be \$2,500, which shall be funded for the first year from the 2023-24 Budget of the Bureau of Communion (Bureau) and from a subsequent year's Budget of the Bureau for each subsequent year, contingent upon the approval of the subsequent years' budgets.

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with Angel Estrella dba A&R Associates to provide Spanish language translation. The term of the agreement shall be 3 years with the option to extend for one additional 3-year period. The maximum annual compensation for the agreement shall be \$1000, which shall be funded for the first year from the 2023-24 Budget of the Bureau of Communion (Bureau) and from a subsequent year's Budget of the Bureau for each subsequent year, contingent upon the approval of the subsequent years' budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmembers Gruber, Harris, Lightfoot, Lupien, Martin, Monroe, Patterson, Smith - 8.

Nays - None - 0.

President Meléndez abstained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-101

Re: Agreement – New York State Department of Transportation (NYSDOT) New York State Intrastate Mutual Aid Program (IMAP)

Council Priority: Deficit Reduction and Long Term Financial Stability

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation authorizing a reimbursement agreement with the New York State Department of Transportation (NYSDOT) for receipt and use of \$98,535.70 through the New York State Intrastate Mutual Aid Program (IMAP) for Mutual Aid assistance to Erie County during the December 2022 Statewide Weather System Buffalo Blizzard event.

The Legislature of the State of New York established an Intrastate Mutual Aid Program ("IMAP") on July 1, 2010, as codified in the Executive Law Section 29-h, which provides for the mutual assistance among the participating local governments in the prevention of, response to, and recovery from, any disaster that results in a formal declaration of an emergency by a participating local government. On December 22, 2022, the Office of the Governor of the State of New York issued Executive Order Number 26, declaring that a disaster was imminent for which the affected local governments were unable to respond adequately and declared a State Disaster Emergency effective on December 23, 2022, and directed the implementation of the State Comprehensive Emergency Management Plan and authorized State agencies to take appropriate action to protect State property and assist affected

local governments and individuals in responding to and recovering from the disaster, and to provide “such other assistance as necessary” to protect the public health and safety. On December 26, 2022, the Department submitted a Mutual Aid request to the State Division of Homeland Security and Emergency Services (DSHES), pursuant to Executive Law Section 24, requesting assistance for Erie County and local municipalities with snow removal operations focusing on the City of Buffalo where many locations within the City were inaccessible and without power.

In response to the Mutual Aid request, the Department of Environmental Services responded as an Assisting Local Jurisdiction and provided snow removal operations to Erie County on December 27, 2022 through December 31, 2022. NYSDOT is required under Executive Law Section 29- h(8)(c) to reimburse the Assisting Local Jurisdiction for any moneys paid for salaries or other compensation and traveling and maintenance expenses incurred from activities performed while rendering assistance. The total amount paid from the 2022-23 Budget includes \$52,718.89 in personnel costs; \$45,411.77 in equipment costs; and \$405.04 in travel costs.

The Agreement covers the reimbursement for the program funding. The term of the agreement is identified by the State as the project commencement date of December 20, 2022 through the project completion date of January 20, 2023.

Respectfully submitted,  
Malik D. Evans  
Mayor

Ordinance No. 2024-101  
(Int. No. 120)

**Authorizing an agreement with New York State Department of Transportation for reimbursement pursuant to the New York State Intrastate Mutual Aid 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 for the City’s receipt and use of \$98,535.70 as reimbursement from the New York State Department of Transportation (NYSDOT) for the costs of personnel, equipment and travel incurred by the City Department of Environmental Service to provide snow removal services in Erie County (the Project) during the December 2022 State Disaster Emergency declared by the Governor in Executive Order No. 26. The agreement shall comply with the terms of the New York State Intrastate Mutual Aid Program (IMAP) established in §29-h of the NYS Executive Law. The term of this agreement shall be designated by NYSDOT based on what it determines to have been the Project’s commencement and completion dates.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-102

Re: Committing Tax Relief and Retirement Reserves

Council Priority: Deficit Reduction and Long Term Financial Stability

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation authorizing the commitment of previously assigned funds for Property Tax Relief and Retirement Costs in accordance with Governmental Accounting Standards Board (GASB) Statement 54 Fund Balance Reporting and Government Fund Type Definitions. Section 6-15 of the City Charter was amended in 2011 to authorize the Director of Finance to assign amounts to be used for specific purposes when allocating General Fund surplus at year end. Council action is required to reclassify these portions of fund balance from assigned to committed.

From the surplus available at the end of fiscal year 2022-23, the Director of Finance, as authorized in the City Charter, assigned \$5,100,000 to Property Tax Relief and \$8,367,000 to Retirement Costs. The commitment of these balances would bring the total General Fund Balance committed for Property Tax Relief to \$29,063,000 and for Retirement Costs to \$40,088,000. These balances are further reduced by the budgeted appropriations of fund balance for 2023-24 which are \$9,000,000 for Property Tax Relief and \$7,300,000 for Retirement Costs.

The committed fund balance classification includes amounts that can be used only for the specific purposes determined by the action of City Council. Specifically, funds committed for Property Tax Relief (formerly the Tax Relief Reserve) can only be used to address future projected budget deficits; and funds committed to Retirement Costs (formerly the Retirement Reserve) will be used to manage future retirement cost increases.

These additional funds are available as a result of favorable 2022-23 year-end revenue variances attributable to higher sales tax distributions as well as favorable expenditure variances resulting from personnel and fringe benefit savings from vacancies and other miscellaneous expense.

Respectfully submitted,  
Malik D. Evans  
Mayor

Ordinance No. 2024-102  
(Int. No. 121)

**Approving the commitment of tax relief and retirement reserves**

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

Section 1. The Council hereby approves the commitment of \$5,100,000 for the purpose of property tax relief to assist in addressing future projected budget deficits. The Council hereby further approves the commitment of \$8,367,000 for the purpose of retirement to assist in managing future retirement costs

Section 2. The funds to be committed shall be funded from the surpluses available from the 2022-23 Budget of the City of Rochester, said funds having previously been assigned to the



purpose of property tax relief and to the purpose of retirement by the Director of Finance pursuant to the authority provided by the City Charter.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-103

Re: Office of Financial Empowerment Grant Agreement US Conference of Mayors

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation authorizing a grant agreement to support programming offered by the Mayor's Office of Financial Empowerment. This legislation will authorize an agreement with The United States Conference of Mayors (USCM) (Tom Cochran, Executive Director, 1620 I St. NW, Washington, D.C. 20006) for receipt and use of a \$10,000 grant to support the Office of Financial Empowerment's new estate planning initiative, "Health of Your Wealth." The term of the agreement will be one year.

The Mayor's Office of Financial Empowerment promotes financial wellness through a variety of programs and initiatives. The USCM grant will support a new pilot program "Health of your Wealth" which will offer free legal aid to low income homeowners for estate planning and education related to home maintenance and weatherization. Health of your Wealth will serve approximately 100 families to ensure wills and estate plans are in place so that these homeowners are positioned to pass on generational wealth to their families. This program will be developed in partnership with the department of Neighborhood and Business Development as well as the Department of Environmental Services. The \$10,000 will be anticipated and included in the '24-'25 Budget of the Office of the Mayor.

Respectfully submitted,  
Malik D. Evans  
Mayor

Ordinance No. 2024-103  
(Int. No. 122)

**Authorizing an agreement to implement a Mayor's Office of Financial Empowerment estate planning initiative**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with The United States Conference of Mayors (USCM) for the receipt and use of a grant in the amount of \$10,000 for the Mayor's Office of Financial Empowerment to implement an estate planning initiative entitled "Health of Your Wealth." The agreement shall have a term of one year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-104

Re: Office of Financial Empowerment Grant Agreements

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation authorizing grant agreements to support programming offered by the Mayor's Office of Financial Empowerment. This legislation will:

- 1) Authorize a grant agreement with ESL Charitable Foundation, Inc (Ajamu Kitwana, Executive Director, 225 Chestnut St, Rochester, NY 14604) for receipt and use of a \$266,212 grant to support the operations of the Financial Empowerment Center. The agreement will have a term of two years.
- 2) Authorize the receipt and use of a \$10,000 grant from the Rochester Economic Development Corporation (Lomax Campbell, Principal, 55 - 57 St. Paul St., Rochester, NY 14604) originating from Five Star Bank for the purpose of supporting the Rochester Financial Empowerment Center. REDCO will retain 3% of the grant funds and the remaining \$9,700 will transfer to the City of Rochester.
- 3) Authorize the receipt and use of a \$2,000 grant from the Cities for Financial Empowerment Fund, Inc (Jonathan Mintz, C.E.O., 44 Wall St # 1050, New York, NY 10005) originating from Canandaigua National Bank for the purpose of supporting the Rochester Financial Empowerment Center.

The Mayor's Office of Financial Empowerment promotes financial wellness through a variety of programs and initiatives. The grants above will support financial counseling services provided by the office's "Financial Empowerment Center" financial counseling program. These grants support the operating expenses of the Financial Empowerment Center, including three full-time certified financial counselors, one program manager, ongoing training and continuing education, marketing, scheduling software, and equipment. The \$277,912 from ESL, REDCO and CFE Fund outlined above will be anticipated and included in the 24-25 Budget of the Office of the Mayor.

Respectfully submitted,  
Malik D. Evans  
Mayor

Ordinance No. 2024-104  
(Int. No. 123)

**Authorizing an agreement and accepting grants to support Office of Financial Empowerment programs**

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

Section 1. The Mayor is authorized to enter into a grant agreement with the ESL Charitable Foundation, Inc. for the receipt and use of \$266,212, which amount is hereby appropriated to support the programs of the Mayor’s Office of Financial Empowerment (OFE). The term of the agreement shall be two years.

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

Section 3. The Council hereby authorizes the receipt and use of \$9,700 from the Rochester Economic Development Corporation (REDCO), serving as a fiscal intermediary for the City’s receipt and use of a \$10,000 grant from Five Star Bank, to support the programs of the OFE. REDCO may retain up to 3% of Five Star’s \$10,000 grant as a fiscal intermediary fee.

Section 4. The Council hereby authorizes the receipt and use of \$2,000 from Cities for Financial Empowerment Fund, Inc., serving as intermediary for a \$2,000 grant from Canandaigua National Bank, which amount is hereby appropriated to support the programs of OFE.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2024-105

Re: Two X Consulting Amendatory Agreement

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Two X Consulting LLC. (Christine Hanson, President, 435 Terrace Avenue, Garden City, New York, 11530), to provide additional services related to the Mayor’s Office of Financial Empowerment’s Entrepreneurial Training Program. The original agreement, authorized in Ordinance No. 2023-383 in December, 2023, established a maximum compensation of \$90,000 for a term of one year with an option to extend one additional year. This amendment will increase the compensation by \$50,000 to a total of \$140,000. This additional cost will be funded from the 2023-24 Budget of the Office of the Mayor. This funding originated from the Living Cities Business Starts & Growth grant, authorized in Ordinance No. 2023-25.

The Mayor’s Office of Financial Empowerment’s Entrepreneurial Program will provide education to up to 50 small businesses and include a \$1,000 incentive to participants for completion of the program. This amendatory agreement will add services to the existing program including tax preparation and accounting education, stress management, and three networking events for the

program participants to meet business contacts, entrepreneurial support organizations, and established businesses in their field.

Respectfully submitted,  
Malik D. Evans  
Mayor

Ordinance No. 2024-105  
(Int. No. 124)

**Authorizing an amendatory agreement for the Business Starts & Growth Entrepreneur Training Program**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Two X Consulting LLC (Consultant) to implement a Business Starts & Growth Entrepreneur Training Program for small businesses (Program). The amendatory agreement shall amend the existing Program agreement authorized in Ordinance No. 2023-383 to provide for additional Program services and to increase the maximum compensation by \$50,000 to a new total of \$140,000. The additional compensation shall be funded from the 2023-24 Budget of the Office of the Mayor.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2024-106  
Re: Agreement - Real Estate Title Services

Transmitted herewith for your approval is legislation authorizing an agreement with Independent Title Agency, LLC (Denise Harbaugh, Manager, 200 Canal View Boulevard, Brighton, NY) for the continued provision of real estate title services, with two annual renewals. The maximum cost of the agreement will be \$250,000 per year. The first year will be funded from the Budget of Undistributed Expense for 2024-2025, and the optional renewals from the 2025-2026 and 2026-2027 Budgets of Undistributed Expenses respectively, contingent upon adoption of those budgets.

Each year, the City requires title services for properties that are involved in tax foreclosure proceedings and real estate transactions. Currently, these services have been provided by Independent under agreements authorized by the City Council in 2002, 2005, 2006, 2009, 2012, 2015, 2018, and 2022. The 2022 agreement was authorized by Ordinance No. 2022-122. On November 27, 2023, the Law Department issued a request for proposals for these services, and received three proposals in response. Ultimately, a committee comprised of Law Department staff determined based on a set of objective criteria that Independent Title Agency's proposal was to be selected.

Under the proposed agreement, Independent Title will provide title services, as well as prepare creditor notification letters for properties in foreclosure, for the following fees per parcel. The price for foreclosure searches has increased over the fees provided in the current agreement, but were still very competitive when compared to competing proposals.

Service	Proposed Fee	Current Fee
Preliminary (10-year) report	\$ 125	\$ 105
Update of prior preliminary report	85	80
Full (60-year) report with prior preliminary search	400	210
Full search without prior preliminary search	300	300
Multiple chains of title. . . added charge per add'l chain	195	175

Respectfully submitted,  
Malik D. Evans  
Mayor

Attachment No. AX-72

Ordinance No. 2024-106  
(Int. No. 125)

### **Authorizing an agreement for real estate title services**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Independent Title Agency, LLC to provide real estate title services for the tax foreclosure proceedings and for the City's other real estate transactions. The term of the agreement shall be one year, with two optional one-year renewals. The maximum annual compensation for the agreement shall be \$250,000, which for the initial term shall be funded from the 2024-25 Budget of Undistributed Expenses, contingent on approval. The \$250,000 annual compensation for each of the first and second optional renewal terms shall be funded from each of 2025-26 and 2026-27 Budgets of Undistributed Expenses, respectively, contingent on approval.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2024-107  
Re: Emergency Financial Empowerment Grant Agreement with Cities for Financial Empowerment Fund, Inc.

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation to authorize an agreement with The Cities for Financial Empowerment Fund, Inc. (CFE) (Jonathan Mintz, C.E.O., 44 Wall St #1050, New York, New York 10005) for receipt and use of a \$150,000 Emergency Financial Empowerment Initiative grant to integrate financial empowerment into emergency management protocols. The agreement will have a term of one year.

The \$150,000 from CFE will be anticipated and included in the 2024-2025 Budget of the Office of the Mayor. The Director of Emergency Management's role is to prepare the City for any kind of emergency, to lessen the impact of emergencies, and to recover from them as quickly as possible. This grant will include six months of technical assistance with a learning community of emergency managers integrating financial empowerment into disaster preparedness. This will be followed by a six-month implementation phase where we will actualize strategies to embed financial education, counseling, or other financial empowerment tactics into emergency management plans.

Respectfully submitted,  
Malik D. Evans  
Mayor

Ordinance No. 2024-107  
(Int. No. 126)

### **Authorizing an agreement to implement an Emergency Financial Empowerment Initiative**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Cities for Financial Empowerment Fund, Inc. (Fund) for the receipt and use of a grant in the amount of \$150,000 to implement an Emergency Financial Empowerment Initiative to integrate financial empowerment into the City's emergency management protocols. The agreement shall have a term of one year.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2024-108  
Re: Agreements for Legal Services Related to Securities Litigation

Transmitted herewith for your approval is legislation to continue the provision of legal services related to securities litigation. The legislation will:

1. Authorize an amendatory professional services agreement with Harter, Secrest & Emery LLP, (Craig Wittlin, Managing Partner, 1600 Bausch and Lomb Place, Rochester, New York 14614) to increase the maximum compensation by the sum of \$63,524.25 to a new maximum total of \$413,524.25; and

2. Authorize a new professional services agreement with Aurelian Law PLLC,(Brian Feldman, Managing Partner, 3445 Winton Place, Suite 228, Rochester, New York 14623) to continue with the securities litigation services provided to date by Harter, Secrest & Emery, in the maximum amount of \$400,000 and a term to extend to the conclusion of said litigation.

The original professional services agreement with Harter Secrest authorized by Ordinance No. 2022-183 provided for legal services for securities litigation for a maximum compensation amount of \$50,000. That agreement was amended pursuant to Ordinance No. 2023-30, which increased the maximum compensation to \$100,000, by 2023-139, which increased it to \$150,000 and again pursuant to Ordinance No. 2023-328, which increased it \$350,000. This legislation will authorize the City to amend that agreement once again, to increase the maximum compensation by an additional \$63,524.25 up to a new maximum total of \$413,524.25, which is the amount that the City will be required to pay to see the agreement through to the conclusion of services. The additional compensation will be funded from the 2023-24 Budget of Undistributed Expenses.

Aurelian Law PLLC (Partner Brian Feldman) was recently founded by the group of attorneys formerly at Harter Secrest who have been providing the City with representation related to the same litigation between the City and the U.S. Securities and Exchange Commission. Accordingly, this agreement will allow for continuity of services provided to the City. The maximum fee of \$400,000 will be funded from the 2023-24 Budget of Undistributed Expenses.

A justification for not issuing a Request for Proposals for the agreement with Aurelian Law PLLC is attached.

Respectfully submitted,  
Malik D. Evans  
Mayor

Attachment No. AX-73

Ordinance No. 2024-108  
(Int. No. 127)

### **Authorizing agreements relating to securities litigation**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Harter Secrest & Emery LLP to continue to provide legal services with regard to securities litigation. The amendatory agreement shall amend the existing agreement, which was authorized by Ordinance No. 2022-183 and amended by Ordinance Nos. 2023-30, 2023-139 and 2023-328, to increase the maximum compensation by \$63,524.25 to a new maximum total of \$413,524.25. The amendatory compensation shall be funded from the 2023-24 Budget of Undistributed Expenses.

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with Aurelian Law PLLC to provide legal services with regard to securities litigation. The term of the agreement shall extend to the conclusion of a pending case. The maximum compensation for the agreement shall be \$400,000, which shall be funded from the 2023-24 Budget of Undistributed Expenses.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Lupien, Monroe, Patterson, Smith - 8.

Nays - Councilmember Martin - 1.

By Councilmember Lightfoot

April 24, 2024

To the Council:

The **PUBLIC SAFETY COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

Int. No. 128 Authorizing in intermunicipal agreement and amending the 2023-24 Budget relating to the U.S. Justice Department's Improve the Criminal Justice Response Grant to address violence against women

Respectfully submitted,

Willie J. Lightfoot

Mitch Gruber

Mary Lupien

Stanley Martin (*voted against Int. No. 128*)

Bridget Monroe

Michael A. Patterson

Kimberly Smith

LaShay D. Harris

Miguel A. Meléndez, Jr.

**PUBLIC SAFETY COMMITTEE**

Received, filed & published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2024-109

Re: Inter-municipal Agreement – Monroe County, Improve the Criminal Justice Response Grant

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to a U.S. Department of Justice's Office on Violence Against Women's Improve the Criminal Justice Response Grant. This legislation will:

1. Authorize an inter-municipal agreement with Monroe County for the receipt and use of \$82,300 related to the U.S. Department of Justice's Office on Violence Against Women's Improve the Criminal Justice Response Grant (ICJR). The term of the agreement is from October 1, 2023 to September 30, 2026.



2. Amend the 2023-24 Budget of Department of Recreation and Human Services (DRHS) by \$13,600 to reflect the first year of funding provided for personnel expenses related to implementation of the project.
3. Amend the 2023-24 Budget of Rochester Police Department (RPD) by \$4,400 for personnel expenses related to implementation of the project.
4. Amend the 2023-24 Budget of Undistributed Expenses by \$4,500 for personnel fringe benefits.

The remaining grant funds will be anticipated and included in future budgets of the Departments of Recreation and Human Services, Police, and Undistributed Expenses.

Monroe County received \$800,000 from the U.S. Department of Justice for the Improve the Criminal Justice Response program to implement a comprehensive collaborative effort among five agencies that work with survivors of domestic violence. For more than ten (10) years, this collaborative, between the Crisis Intervention Services unit (CIS) from DRHS and the Domestic Abuse Response Team (DART) from RPD, seeks to provide the best care and support for survivors of domestic violence and also hold frequent perpetrators of domestic violence accountable for their actions in a coordinated way.

The funding for this project allocated to DRHS will support overtime and fringe costs of the Person in Crisis's (PIC) specialty domestic violence team. Members of this specialty team have received additional training in how to care for survivors of domestic violence while responding to incidences of domestic violence. The specialty team have also been educated on the various community resources for survivors of domestic violence and will provide follow up referral services to survivors as needed.

The DART, comprised of both Police Officers and Supervisors, provides intensive services to homes with multiple domestic violence calls. These activities include, but are not limited to, referrals for victims of domestic violence, warrant service on domestic violence offenders, and assisting with the service of Orders of Protection. The funds from the ICJR grant will go towards overtime and fringe costs of the Officers who participate in the DART.

This agreement was last authorized by City Council on January 18, 2022 via Ordinance No. 2022-30.

Respectfully submitted,  
Malik D. Evans  
Mayor

Ordinance No. 2024-109  
(Int. No. 128)

**Authorizing an intermunicipal agreement and amending the 2023-24 Budget relating to the U.S. Justice Department's Improve the Criminal Justice Response Grant to address violence against women**

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

Section 1. The Mayor is hereby authorized to enter into an intermunicipal agreement with the County of Monroe for receipt and use of \$82,300 from the U.S. Department of Justice's Improve the Criminal Justice Response (ICJR) grant to address violence against women. The agreement shall have a term of October 1, 2023 through September 30, 2026.

Section 2. The Mayor is hereby authorized to execute such other documents as may be necessary for the City to participate in and administer the use of the ICJR grant funds authorized herein. The intermunicipal agreement and such other agreements and documents authorized herein shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. Ordinance No. 2023-228, the 2023-24 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budgets of:

- A. the Department of Recreation and Human Services by \$13,600;
- B the Police Department by \$4,400; and
- C. Undistributed Expenses by \$4,500,

which amounts are hereby appropriated from the ICJR grant funds authorized in Section 1 herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 6:48 pm.

HAZEL L. WASHINGTON  
City Clerk