

**Additional Proposed Legislation for the
April 25, 2023 City Council Meeting -**

*** * Please Note * ***

**For questions regarding the proposed legislation,
call the City Clerk's Office at 585-428-7421**



City of Rochester

City Hall Room 308A, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

**PUBLIC SAFETY
COMMITTEE
INTRODUCTORY NO.**

Malik D. Evans
Mayor

r50

March 31, 2023 MAYOR 40

TO THE COUNCIL

Ladies and Gentlemen:



Re: Authorizing Agreement – Advance Peace

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Reinforcing
Strong Neighborhoods

Transmitted herewith for your approval is legislation establishing \$160,000 as maximum compensation for an agreement with Advance Peace (DeVone Boggan, CEO, Oakland, California) for professional development, technical assistance, and rights to use the Peacemaker Fellowship® program. The term of the agreement will be for 12 months and will be funded from the 2022-23 Budget of the Office of the Mayor. The agreement will have an option to renew for one additional 12-month period for a maximum compensation per period of \$160,000 to be funded by future budgets of the Office of the Mayor, contingent upon approval.

The City's Office of Neighborhood Safety is a unit within OVP to lead the development and implementation of programs to prevent and interrupt violence. Advance Peace will provide technical assistance and professional development to the Office of Neighborhood Safety on all aspects of the Peacemaker Fellowship® model including assessment, operations, and program evaluation.

The Peacemaker Fellowship® model is a transformative mentoring program which enrolls the highest risk individuals into a high-touch, personalized and structured cohort for a 12-month period. The program is monitored and evaluated by University of California, Berkeley. The model has been effective in bridging the gap between anti-violence programming such as outreach and breaking the cycle for the hard to reach populations at the center of violence in urban areas.

Advance Peace was selected based on the program's successful deployment in cities with similar demographics. In addition, the CEO of Advance Peace was the founding Director of the Office of Neighborhood Safety in Richmond, CA. This was last authorized by City Council Ordinance No. 2021-282 and No. 2021-334.

Respectfully Submitted,

Malik D. Evans
Mayor

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150

Ordinance No.

Authorizing an agreement for the Peacemaker Fellowship 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 Advance Peace to provide professional development, technical assistance, and rights to use the Peacemaker Fellowship® program. The term of the agreement shall be 12 months with the option to extend for one additional 12-month period. The maximum annual compensation shall be \$160,000, which shall be funded from the 2022-23 Budget of the Office of the Mayor (Mayor's Budget) for the initial term and from future Mayor's Budgets for the extended term, contingent upon 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.



**PUBLIC SAFETY
COMMITTEE
INTRODUCTORY NO.**

Malik D. Evans
Mayor

151

March 31, 2023 POLICE 41

TO THE COUNCIL

Ladies and Gentlemen:

Re: Grant Agreement – New York State
Division of Criminal Justice Services, Non-
Fatal Shooting Initiative Grant

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

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

1. Authorize an agreement with DCJS for the receipt and use of a Non-Fatal Shooting Initiative grant in the amount of \$134,100 for the term of March 1, 2023 to June 30, 2023; and
2. Amend the 2022-23 Budget of the Police Department by \$92,900 and Undistributed by \$41,200 to reflect the receipt and use of this grant.

This funding will ensure the comprehensive investigation of non-fatal shooting cases, with particular focus on circumstances where victims are uncooperative. DCJS intends to continue this funding in the next fiscal year under the Gun Involved Violence Elimination grant program (last authorized by Ordinance No. 2022-221). Funds will be used for the salary and fringe of two full-time investigators to work on non-fatal shooting cases and overtime in the amount of \$32,900. The grant does not cover fringe benefits on overtime, estimated at \$11,640.

This is the first time the City has received this grant.

Respectfully submitted,

Malik D. Evans
Mayor

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INTRODUCTORY NO.

151

Ordinance No.

Authorizing an agreement and amending the 2022-23 Budget for the Non-Fatal Shooting Initiative Grant

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services (DCJS) for the receipt and use of a Non-Fatal Shooting Initiative Grant in the amount of \$134,100 to fund the comprehensive investigation of shooting cases that do not result in a fatality (Initiative). The term of the agreement shall run from March 1, 2023 to June 30, 2023.

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

Section 3. Ordinance No. 2022-157, the 2022-23 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations of the Budget of the Police Department by \$92,900 and of Undistributed Expense by \$41,200, which amounts are hereby appropriated for the Initiative from the DCJS grant authorized in Section 1.

Section 4. This ordinance shall take effect immediately.



City of Rochester

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Rochester, New York 14614-1290
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**PUBLIC SAFETY
COMMITTEE
INTRODUCTORY NO.**

Malik D. Evans
Mayor

152

March 31, 2023 MAYOR 42

TO THE COUNCIL

Ladies and Gentlemen:



Re: Appropriation, NYS Division of Criminal
Justice Services Grant

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation to authorize an agreement for receipt and use of a \$50,000 grant from the NYS Division of Criminal Justice Services for the Pathways to Peace Anti-Violence Initiative, and to amend the 2022-23 Budget of the Mayor's Office to reflect receipt of these funds. The term of the agreement will be one year.

As the city continues to experience gun violence, Pathways to Peace has expanded its holistic approach to not only aid the primary client, but the direct family members affected as well. This expanded approach has proven to aid in the interruption and reduction of gun violence within the Rochester community. Staff involved in this type of community outreach and intervention work do not always work a typical 9 to 5 schedule and are often called out for overtime when incidents occur overnight. In addition some Pathways to Peace part time street outreach workers have been converted to full time roles to enhance the City's outreach efforts to combat gun violence. This grant funding will offset some of these additional expenses.

The Office of Violence Prevention's re-entry and Peacemaker Fellowship programs continue to work alongside Pathways to Peace to cover all aspects of gun violence, and to interrupt and disrupt the violence seen in our community and schools.

Respectfully submitted,

Malik D. Evans
Mayor

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INTRODUCTORY NO.

152

Ordinance No.

Authorizing an agreement and amending the 2022-23 Budget for the Pathways to Peace Anti-Violence Initiative

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services (DCJS) for the receipt and use of \$50,000 grant to fund the Pathways to Peace Anti-Violence Initiative (Program). The term of the agreement shall be one year.

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

Section 3. Ordinance No. 2022-157, the 2022-23 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations of the Budget of the Office of the Mayor by the amount of \$50,000, which is hereby appropriated for the Program from the DCJS grant authorized in Section 1.

Section 4. This ordinance shall take effect immediately.



FINANCE
INTRODUCTORY NO.

148



March 31, 2023 FINANCE 38

TO THE COUNCIL

Ladies and Gentlemen:

Re: Agreement - GASB 45-75 Actuarial Services

Council Priority: Deficit Reduction and Long Term
Financial Fiscal Stability

Transmitted herewith for your approval is legislation establishing \$28,000 as maximum compensation for an agreement with Risk Strategies Consulting (Principle, Michael L. Frank Boston, MA) (formerly known as Aquarius Capital Solutions, Group LLC) for the provision of actuarial services necessary to comply with financial reporting requirements. The first year of this agreement will be funded from the 2023-24 Budget of the Finance Department. The cost for subsequent years will be funded from the annual budgets of the department, contingent upon their approval. The costs, by year, are summarized below:

2023-24	\$2,000	2026-27	\$11,000
2024-25	\$11,000	2027-28	\$2,000
2025-26	\$2,000		

In order to comply with Generally Accepted Accounting Principles (GAAP), the City's annual financial statements must report the accrued liabilities for other post-employment benefit based on actuarial analysis. Compliance with this regulation under GASB Statement No. 45 and GASB Statement No. 75, requires us to report these liabilities.

The City has worked with Aquarius Capital Solutions Group which is now a division of Risk Strategies Consulting during the past five year period. They have provided timely reporting and services that meet both GAAP and the GASB requirements as well as our annual auditing deadlines.

The proposed five year agreement will provide for the actuarial estimates needed for the June 30, 2023 statements, along with the required biannual updates through June 30, 2027.

Respectfully submitted,

Malik D. Evans
Mayor

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NO RFP JUSTIFICATION STATEMENT

Awarding a Professional Services Agreement Without a Request for Proposals

The Procurement of Professional Services Policy (Ord. No. 2012-318) requires an RFP to be issued under most circumstances. If it is determined that an RFP will not be issued, this form must be completed, signed by the Department Head, and kept on file (electronically or hard copy). It must also be submitted:

1. To City Council as an attachment to the transmittal letter for any PSA that exceeds \$10,000, and
2. To the contract record when entered in Munis.

Department: **Finance** Services(s): **Other Post Employment Benefits (OPEB) Actuarial Services**

Vendor/Consultant selected: **Risk Strategies Consulting (formerly Aquarius Capital Solutions Group, LLC)**

How was the vendor selected? **Previous RFP Process**

Why was no RFP issued for this service?

Risk Strategies Consulting (formerly known as Aquarius Capital Solutions Group, LLC) has been the service provider for the OPEB Actuarial Valuation for the City Since 2018. They were selected through the RFP process over several other vendors. This vendor now has 5 years of knowledge working with the City's data to prepare that annually required actuarial valuation. The vendor knows the City's year-end schedule and they have met our needs each year. They have continued to provide the required report timely and met our deadline each year so as not to delay the completion of our financial statements and our annual audit. Questions regarding the report are answered timely and thoroughly as well as questions from our auditors. Aquarius worked with the City during transition from GASB 45 to GASB 75 requirements which went seamlessly and met our audit needs due to their knowledge and understanding of the changes in the Government Accounting Standard Board (GASB) requirements.

The City's contract for external auditors expires at the same time as the OPEB actuarial services contract. The Finance Department has been working on this RFP with City Council to select new auditors. The new auditors have been selected and will be engaged to audit the City's financial statements beginning with the FY ending 6/30/23. This is the same year ending that a new contract for actuarial services will be in place. With a change of auditors there much time is invested with the new audit firm to bring them up to speed on our financial statements, financial transactions, and documentation of our processes and procedures as we transition from one firm to another. Consistency in how our OPEB report is prepared will alleviate additional time need to understand how a new firm may interpret and convey that information to us. This is a very specialized report and there is detailed required information that must be extracted from the report and included in the footnotes to the financial statements in order to comply with GAAP.

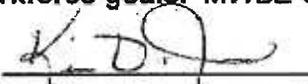
The Finance Department will also be working on implementing the new requirements of the GASB 96 Accounting for Subscription Based IT arrangements which is effective for year ending 6/30/23 while continuing to work on Accounts Receivable Project to replace current mainframe receivable systems. With these activities all occurring during similar timeframes, it would be a stretch of resourced to work through the RFP process for this service at the same time as these other projects.

Compensation

Amount: \$28,000.00

How was this determined? Risk Strategies Consulting having worked well with the City for the duration of the current 5 year contract offered to continue to provide the same services at the same cost per year as the previous contract with no pricing increase.

The MWBE Officer has reviewed the proposed Agreement for MWBE and Workforce goals. MWBE Officer Initials: *anj* Date: *2/13/23*


Signature: Department Head

3/23/23
Date

Form date 1/7/1

148

Ordinance No.

Authorizing an agreement for actuarial 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 Risk Strategies Consulting, Inc. to provide actuarial services necessary to comply with municipal financial reporting standards. The term of the agreement shall be five years. The maximum compensation for the agreement shall be \$28,000, which shall be funded from the following fiscal years' Budgets of the Department of Finance contingent upon approval: \$2,000 in 2023-24; \$11,000 in 2024-25; \$2,000 in 2025-26; \$11,000 in 2026-27; and \$2,000 in 2027-28.

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

Section 3. This ordinance shall take effect immediately.



**FINANCE
INTRODUCTORY NO.**

149

March 31, 2023 FINANCE 39

TO THE COUNCIL

Ladies and Gentlemen:

Re: Workers' Compensation Actuarial Consultant

Council Priority: Deficit Reduction and Long Term
Financial Fiscal Stability

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum compensation for a five-year agreement with Madison Consulting Group, Inc., (John Gleba)Madison, Georgia, for actuarial services related to the City's liability for workers' compensation. The cost will be funded from the annual budgets of the Finance Department, beginning with fiscal year 2023-24. The annual cost will be \$4,000.00 per year.

Actuarial-based estimates will reduce the risk of misstatement of such liabilities in the City's annual financial statements and are consistent with the current estimates that are based on actuarial analysis.

Madison Consulting Group, Inc, which serves clients throughout the country, including Rochester, has demonstrated their ability to produce the desired reports and analysis of our Worker's Compensation liability on a timely basis in accordance with Generally Accepted Accounting Principles (GAAP) and Government Accounting Standards Board (GASB) standards over the past 5 years. They will continue to provide these services to allow the City of Rochester to report our estimated Worker's Compensation liability in accordance with these standards and requirements.

Respectfully submitted,

Malik D. Evans
Mayor

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NO RFP JUSTIFICATION STATEMENT

Awarding a Professional Services Agreement Without a Request for Proposals

The Procurement of Professional Services Policy (Ord. No. 2012-318) requires an RFP to be issued under most circumstances. If it is determined that an RFP will not be issued, this form must be completed, signed by the Department Head, and kept on file (electronically or hard copy). It must also be submitted:

1. To City Council as an attachment to the transmittal letter for any PSA that exceeds \$10,000, and
2. To the contract record when entered in Munis.

Department: **Finance** Services(s): **Worker's Compensation Actuarial Services**

Vendor/Consultant selected: **Madison Consulting Group, Inc.**

How was the vendor selected? **Previous RFP Process**

Why was no RFP issued for this service?

Madison Consulting Group, Inc. has been the service provider for the Worker's Comp Actuarial Valuation for the City Since 2012. They were selected through the RFP process over several other vendors. When the 5 year term expired, the City went through the RFP process, and they were again the chosen vendor. This vendor now has 10 years of knowledge working with the City's data to prepare the annually required actuarial valuation. The vendor knows the City's year end schedule and they have met our needs each year. They have continued to provide the required report timely and met our deadline each year so as not to delay the completion of our financial statements and our annual audit. Questions regarding the report are answered timely and thoroughly as well as questions from our auditors.

The City's contract for external auditors expires at the same time as the Worker's Comp actuarial services contract. A new audit firm has been selected and the Finance Department is currently working with City Council to prepare and execute the new agreement. The new auditors will be engaged to audit the City's financial statements beginning with the FY ending 6/30/23. This is the same year ending that a new contract for actuarial services will be in place. With a change of auditors much time is invested with the new audit firm to bring them up to speed on our financial statements, financial transactions, and documentation of our processes and procedures as we transition from one firm to another. Consistency in how our Worker's Comp report is prepared will alleviate additional time need to understand how a new firm may interpret and convey that information to us. This is a very specialized report and there is detailed required information that must be extracted from the report and included in the footnotes to the financial statements in order to comply with GAAP.

The Finance Department is also working on implementing the new requirements of the GASB 96 Accounting for Subscription Based IT arrangements which is

effective for year ending 6/30/23 while continuing to work on the Accounts Receivable Project to replace current mainframe receivable systems. With these activities all occurring during similar timeframes, it would be a stretch of resources to work through the RFP process for this service at the same time as these other projects.

Compensation

Amount: \$20,000.00

How was this determined? This is a small pricing increase of \$500.00 per year over the previous 5 year contract with Madison Consulting Group Inc., which is reasonable considering there were no increases in pricing over the past 5 years.

The MWBE Officer has reviewed the proposed Agreement for MWBE and Workforce goals. MWBE Officer Initials: *amj* Date: *3/13/23*

K. D. J.

Signature: Department Head

3/23/23

Date

Form date 1/7/1

149

Ordinance No.

Authorizing an agreement for a Workers' Compensation actuarial consultant

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 Madison Consulting Group, Inc. for actuarial services related to the City's workers' compensation obligations. The term of the agreement shall be five years. The maximum compensation shall be \$20,000, which shall be funded at the rate of \$4,000 per fiscal year starting with 2023-24 and continuing with subsequent years' Budgets of the Department of Finance, contingent upon their 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.



City of Rochester

City Hall Room 308A, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

Malik D. Evans
Mayor

**NEIGHBORHOOD &
BUSINESS DEVELOPMENT
INTRODUCTORY NO.**

153, 154



April 3, 2023 NBD 16

TO THE COUNCIL

Ladies and Gentlemen:

Re: Main Street Commons: Acquisition of 170-172 East Main Street, Access Easement, and Seasonal Use License

Council Priority: Creating and Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation related to the establishment of Main Street Commons, a public plaza and gathering space at 170-172 East Main Street. It authorizes the acquisition of the lot to be cleared and redeveloped for the Commons. It also authorizes the City to grant an access easement to the adjoining owner and enter into a seasonal license agreement with the operators of one or more adjoining businesses located 176-182 East Main to establish outdoor seating or dining along a ten-foot wide portion of the Commons. The seasonal license is intended to establish dining or other seating spaces that will complement and add to the enjoyment of the Commons.

Consistent with the Downtown Revitalization Initiative (DRI), the City intends to acquire 170-172 East Main Street and demolish the vacant single-story building. Following the demolition, the City will construct Main Street Commons, a public plaza and gathering space, facilitating pedestrian circulation between East Main Street and Division Street. Main Street Commons is anticipated to feature a landscaped center walkway with public access to the two adjoining properties. This legislation will:

- 1) Authorize acquisition by negotiation of 170-172 East Main Street, owned by Kresge Building LLC (Patrick Dutton, sole proprietor), a vacant commercial building, for \$800,000. The value of the property was established via an appraisal performed by Bruckner, Tillett, Rossi, Cahill and Associates as of October 2022.
- 2) Simultaneously with the acquisition of 170-172 East Main Street, a permanent, nonexclusive access easement will be granted to East Main Realty LLC (Patrick Dutton, sole proprietor) for use by East Main Realty LLC, their guests and invitees over that property, which will serve as the primary access point for the adjoining parcel, 176-182 East Main Street, which is planned to be renovated into a boutique hotel, restaurant, and event space. The value of the easement has been established at \$9,600. The value of the property was established via an appraisal performed by Bruckner, Tillett, Rossi, Cahill and Associates as of February 2023.
- 3) Authorize the City to enter into an agreement establishing a 10-year seasonal license for the operator(s) of first-floor business(es) located in 176-182 East Main Street adjacent to the future Commons to use a 10' wide portion of the Commons for outdoor dining or seating. The agreement will have an initial 5-year term with a 5-year renewal option. The value of the license agreement has been established at \$60.00/month. The value of the use license was

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established by an independent appraisal performed by Bruckner, Tillett, Rossi, Cahill and Associates as of February 2023.

The access easement and use license are being authorized now, well in advance of the establishment of Main Street Commons, in order to encourage the rehabilitation of the adjoining property with a boutique hotel, restaurant, and/or other suitable first floor establishments that would benefit from and contribute to the Commons by providing complementary uses and amenities for a public plaza.

The acquisition and closing costs are estimated to be an amount not to exceed \$880,000 (\$800,000 for the acquisition plus 10% estimate for closing costs). The City intends to fund the \$880,000 in costs as follows: \$133,000 in anticipated repayments and interest from Urban Development Action Grant (UDAG) loans appropriated from the City Development Fund (CDF) for the purpose in Ordinance No. 2019-166, \$40,867.35 in anticipated repayments and interest from UDAG loans appropriated from the CDF for the purpose in Ordinance No. 2020-189, \$281,132.65 from 2019-20 Cash Capital, and \$425,000 from 2022-23 Cash Capital.

Demolition of the current building, as well as design and construction of Main Street Commons, will be funded through State DRI monies to be appropriated at a future date.

Pursuant to the requirements of the New York State Environmental Quality Review Act (SEQRA), this was classified as an Unlisted Action, and a Negative Declaration was issued on January 7, 2023.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'ME', with a long horizontal flourish extending to the right.

Malik D. Evans
Mayor

153

Ordinance No.

Authorizing the acquisition of 170-172 East Main Street to establish Main Street Commons

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

Section 1. The Council hereby authorizes the acquisition by negotiation of the parcel described below for a maximum purchase price of \$800,000 in order to effectuate the development of a public plaza and gathering space to be known as Main Street Commons.

Address	Owner	SBL #
170-172 East Main St	Kresge Building LLC	121.23-2-7

The purchase price as well as necessary closing costs of up to \$80,000 shall be funded as follows: \$133,000 in anticipated repayments and interest from Urban Development Action Grant (UDAG) loans appropriated to the City Development Fund (CDF) in Ordinance No. 2019-166, \$40,867.35 in anticipated UDAG loan repayments and interest appropriated to the CDF in Ordinance No. 2020-189, \$281,132.65 from 2019-20 Cash Capital, and \$425,000 from 2022-23 Cash Capital.

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

Section 3. This ordinance shall take effect immediately.

154

Ordinance No.

Authorizing an access easement through 170-172 East Main Street and licenses for the seasonal use of said premises as elements of the Main Street Commons project

WHEREAS, the City of Rochester in a concurrent ordinance is authorizing the acquisition of 170-172 East Main Street, for the purpose of demolishing the vacant single-story building in order to establish Main Street Commons (Commons), a public plaza and gathering space;

WHEREAS, the owner of the adjoining parcel to the east at 176-182 East Main Street (176-182 EM), seeks a permanent, non-exclusive easement over the Commons for use by 176-182 EM's owner and its successors, guests and invitees to access 176-182 EM;

WHEREAS, an independent appraisal has placed the value of such access easement at \$9,600;

WHEREAS, in addition to the above described access easement, the City has determined that allowing the operators of one or more dining or retail establishments located in the first floor of the 176-182 EM premises to establish seasonal outdoor dining or other public seating along the adjoining 10-foot wide portion of the Commons would complement and add to the public enjoyment of the Commons;

WHEREAS, an independent appraisal has placed the aggregate value of such license(s) at \$60 per month;

WHEREAS, authorizing the City in advance to provide an access easement and enter into one or more seasonal licenses with adjoining establishments at 176-182 EM would encourage the redevelopment of the those premises with a boutique hotel, restaurants, event spaces or other establishments that would complement the public use and enjoyment of the Commons;

WHEREAS, the access easement would be permanent and the use license would be authorized for a term of up to five years with the option to extend the term for an additional period of up to five years; and

WHEREAS, in accordance with Section 21-23 of the Municipal Code, the Council hereby finds that the term of the use license is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the license.

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

Section 1. The Council hereby approves the sale of a permanent, non-exclusive easement over 170-172 East Main Street (SBL No. 121.23-2-7) to East Main Realty Holdings LLC (the Grantee) for use by Grantee, Grantee's guests and invitees to serve as the primary means of access to establishments on the Grantee's premises at 176-

182 East Main Street, SBL No. 121.23-2-8 (176-182 EM). The easement's purchase price shall be \$9,600, it may be conveyed to the Grantee simultaneously with the City's acquisition of 170-172 East Main Street, and it may encompass the entire premises as follows:

Two parcels conveyed by Deed recorded in Monroe County Clerk's Office in Liber 3626 of Deeds, page 524, which together form a single parcel more particularly described as follows:

Commencing at a point in the north line of Main Street East, which point is 316.73 feet east of the intersection of the east line of St. Paul Street and the north line of Main Street East; thence north, making an interior angle with Main Street East of $99^{\circ}41'05''$ and through the center line of a party wall, a distance of 159.01 feet to the south line of Division Street; thence easterly making an interior angle with the last described course of $90^{\circ}13'40''$ and along the south line of Division Street a distance of 32.25 feet; thence south making an interior angle with the last described course of $89^{\circ}46'20''$ a distance of 158.95 feet to the north line of Main Street East; thence westerly making an interior angle with the last described course of $90^{\circ}18'55''$ and along the north line of Main Street, a distance of 32.25 feet to the place of beginning.

Together with and subject to all of the rights and liabilities of the grantor in and under two certain agreements, the one dated June 16, 1904, recorded in Monroe County Clerk's Office in Liber 1357 of Deeds, page 51, and the other dated March 31, 1950, and recorded in Monroe County Clerk's Office in Liber 2604 of Deeds, page 23, the premises herein described being known as 170-172 Main Street East, Rochester, New York and comprised in part of the premises described in said agreement recorded in Liber 2604 of said Deeds, page 23, as 172-174 Main Street East.

Section 2. The City is hereby authorized to enter into a license agreement to allow the seasonal use of a 10-foot wide portion of the Main Street Commons to be established at 170-172 East Main Street (the Commons) by the operator of a restaurant or other establishment located in the first floor of the adjoining 176-182 EM premises to establish outdoor dining, other seating, or other amenity in the Commons, provided that the City determines that the seasonal use will complement and add to the public enjoyment of the Commons. The license agreement shall require the payment of a monthly fee in the aggregate amount of \$60 during the operating season. The length of 10-foot wide licensed area shall be reduced, and the monthly license fee adjusted proportionately, as may be necessary to accommodate the Grantee's access rights under the easement authorized in Section 1 herein. The term of each license agreement shall be up to five years, with the option to extend the term for an additional period of 5 years.

Section 3. The easement transaction and the license agreement authorized herein shall be subject to such additional terms and conditions as the Mayor deems appropriate.

Section 4. This ordinance shall take effect immediately.



City of Rochester

City Hall Room 308A, 30 Church Street
Rochester, New York 14614-1290
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**FINANCE
INTRODUCTORY NO.**

155



Malik D. Evans
Mayor

April 6, 2023 COMMS 24

TO THE COUNCIL

Ladies and Gentlemen:

Re: Agreement: Website Development

Council Priority: Creating and Sustaining a
Culture of Vibrancy

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Transmitted herewith for your approval is legislation establishing \$655,929 as the maximum compensation for an agreement with Promet Source (President: Andrew Kucharski, Chicago, IL) to undertake a complete redevelopment and redesign of the City's www.CityOfRochester.gov website and provide continuing hosting updates and technical support for five years.

The term of the agreement is five years. Year one will be funded from 2021-22 Cash Capital, and years two through five will be funded from the Bureau of Communications, contingent upon future budget approvals.

	Implementation (Website Creation)	Annual Hosting and Tech Support	Yearly Max Total
Year One	\$321,635	\$63,790	\$385,425
Year Two	-	\$65,250	\$65,250
Year Three	-	\$66,782	\$66,782
Year Four	-	\$68,391	\$68,391
Year Five	-	\$70,081	\$70,081
Max Total	\$321,635	\$334,294	\$655,929

The last major website redevelopment took place in 2009, and the website received a minor graphics makeover in 2015. The current operating system software is obsolete and the City will no longer receive technical support for it in less than one year's time. Over time, the site's content and functionality have become less robust for external users, and the process of maintaining the site is cumbersome for all internal users.

Input was sought from internal and external stakeholders. Meetings were held with every department in the City. Public input was collected via an online survey and targeted input meetings. In addition, Communications added a Digital Media Specialist to oversee the implementation of the new website as well as ongoing content governance, technical maintenance, and continued functionality of the City's website.

To determine the best partner to work with the City on this significant undertaking, the Communications Bureau issued an RFP, please see attached RFP Process Summary.

Respectfully submitted,

Malik D. Evans
Mayor



**City Council Transmittal Attachment
Request for Proposal Process Summary**

Project / Service sought:

The City issued an RFP seeking services to reimagine and redesign its website, as well as seeking a new cloud-based platform for hosting and managing the site.

Department: Communications

1. Date RFP issued: 11/16/2022

The RFP was posted to the city website and sent directly to 64 organizations, including 14 M/WBE firms.

2. The RFP was sent directly to:

10up	Ethany Corp.	RLComputing, LLC
Acquia	Evangeline Barbour Designs	Rochester Advertising
Arca Interactive	Flynn Advertising	Federation
Archer Communications	Fuse Ideas	Savior Computing Inc.
Astriata	Granicus - govAccess	Scriptable Solutions
Aten	GRIM Digital Media	Seamless CMS
Atomic Design	Happy Cog	Site Hub
Barking Dog	IDEO	Squarespace Enterprise
Brandmint	itClix, LLC	St John Design Group, LLC
Built by Wordpress	ITX	Stratejus
Cemtrex Labs / CXR Agency	Jay Advertising	TGW Studios
CGI Digital	JD Media Marketing & Planning	Third and Grove
CivicPlus - CivicEngage	LLC	Trellis Marketing, Inc.
Coburn Design, Inc.	Lime Creative, LLC	wdg
Coforma	Mediacurrent	Wix Enterprise
Corporate Communications	Mirus Group	Wordpress
Digital Hyve	Nava	Wordpress VIP
Dixon Schwable	Northern	Zoocha
Drupal	Open Cities	
Dunn & Rice Design	OXD	
Dwaiter Design	Partners & Napier	
Elena Levine	Phu Concepts Inc.	
Envative	Qualtrics	
equaTEK Interactive, Inc	Revize	

3. Proposals received from:

FIRM

Civic Plus

CITY / STATE

Manhattan, KS

Government Content	NY, NY
Granicus	Denver, CO
Justin Mabee	Boston, CT
Planeteria	Santa Rosa, CA
Acuta Digital	Pittsburgh, PA
Aten	Irvine, CA
Cogent	Washington, DC
CXR Agency	Brooklyn, NY
Dunn & Rice	Rochester, NY
Dwaiter	Rochester, NY
Exemplifi	Palo Alto, CA
Goodfolks	McKinney, TX
Interpersonal Frequency	McLean, VA
ITX Corp.	Rochester, NY
JJ Creative	NY, NY
Perficient	St. Louis, MO
PlainSpoken Digital	Washington, DC
Promet	Chicago, IL
SilverTech	Manchester, NH
SiteHub	Rochester, NY
Wix	Tel Aviv, Israel
WordPress VIP	Salt Lake City, UT
Zoocha	Hertford, UK

4. Proposal evaluation criteria:

<u>Criteria</u>	<u>Points Available</u>	<u>Points received by winning proposal</u>
Design - Written Proposal	60	52
Design - Cost	15	13
Design - Demo	40	33
CMS - Written Proposal	25	21
CMS - Cost	25	21
CMS - Demo	40	30
<u>Subtotal</u>	<u>205</u>	<u>170</u>
Bonus Weight		
Local Firm (10%)	20.5	
MWBE Firm (10%)	20.5	
MWBE Subs (5-10%)	20.5	
Workforce Participation (10%)	20.5	17

TOTAL

187

5. Review team included:

- 4 staff members from Communications
- 1 staff member from DRHS
- 4 staff members from IT
- 1 staff member from OMB

6. Follow up interviews were conducted with the following firms:

- Aten
- Interpersonal Frequency
- Perficient
- Promet

7. MWBE Officer has reviewed the recommended firm's proposal for MWBE and Workforce goals.

MWBE Officer Initials:

ajames

Date:

3-29-23

155

Ordinance No.

Authorizing an agreement relating to City website development

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 Promet Solutions Corporation to undertake the redevelopment and redesign of the City's www.CityofRochester.gov website. The term of the agreement shall be five years. The maximum compensation shall be \$655,929, which shall be funded in the amount of \$385,425 from 2021-22 Cash Capital for the first year with the remainder allocated among future years' Budgets of the Bureau of Communications, contingent upon approval.

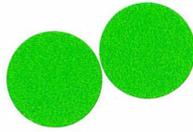
Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.



**FINANCE
INTRODUCTORY NO.**

156



April 11, 2023 LAW 46

TO THE COUNCIL

Ladies and Gentlemen:

Re: Amendatory legal services agreement
with Harter Secrest & Emery LLP for
securities litigation

Transmitted herewith for your approval is legislation increasing the maximum compensation for a professional services agreement with Harter Secrest & Emery LLP related to securities litigation commenced last year by the U.S. Securities and Exchange Commission. This litigation is wholly related to an attempt to hold the City of Rochester and the City's former Finance Director liable for the failure of the Rochester City School District to disclose certain financial information.

The professional services agreement, as authorized last July in Ordinance No. 2022-183 and amended in January by Ordinance No. 2023-30, authorizes maximum compensation in the amount of \$100,000. The legislation would increase the maximum compensation by \$50,000 to a new total of \$150,000, which will be funded from the 2022-23 Budget of Undistributed Expenses.

Respectfully submitted,

Malik D. Evans
Mayor

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2023 APR 11 A 10:25



156

Ordinance No.

Authorizing an amendatory agreement relating to securities litigation services

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with Harter Secrest & Emery LLP to continue to provide legal services with regard to securities litigation. The amendatory agreement shall amend the existing agreement authorized by Ordinance No. 2022-183 and as amended by Ordinance No. 2023-30 to increase the maximum compensation by \$50,000 to a new total of \$150,000. The amendatory compensation shall be funded from the 2022-23 Budget of Undistributed Expenses.

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

Section 3. This ordinance shall take effect immediately.



City of Rochester

City Hall Room 308A, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

Malik D. Evans
Mayor

**PUBLIC SAFETY
COMMITTEE
INTRODUCTORY NO.**

157

April 12, 2023 MAYOR 47

TO THE COUNCIL

Ladies and Gentlemen:

Re: Appointment – Police Accountability Board

Transmitted herewith for your approval is legislation to approve the appointment of William G. Clark to the Police Accountability Board (PAB) as required by the City Charter.

William G. Clark's resume is on file in the City Clerk's Office.

Respectfully submitted,

Malik D. Evans
Mayor

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CLERK/COUNCIL OFFICE
2023 APR 12 P 1:26



INTRODUCTORY NO.

Mayor #__

157

Resolution No.

Approving appointment to the Police Accountability Board

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

Section 1. The Council hereby approves the appointment of William G. Clark to the Police Accountability Board as appointed by the Mayor for a term expiring on June 30, 2026.

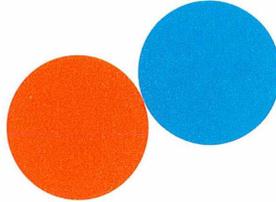
Section 2. This resolution shall take effect immediately.



Jose M. Peo, Northwest District Representative

158

Council 1



April 12, 2023

TO THE COUNCIL

Ladies and Gentlemen:

Re: Amending the Municipal Code with respect to Tethering dogs

Transmitted herewith for your approval is legislation related to the tethering of dogs. This legislation will amend Chapter 31 of the Municipal Code, Animals – Dog Control, to:

1. Insert definitions of hunting dogs, tether or tethering, and working dogs.
2. Add a new section prohibiting the tethering of a dog overnight, with less than 5 feet in length, and/or for more than one hour in certain weather conditions.
3. Establish penalties for any of the above offences in line with the current leash law.

After a thorough analysis, aspects of tethering proposed in other cities are addressed in state cruelty laws and therefore are not included here since they would be duplicative of those state provisions. These amendments will take effect June 1, 2023.

Respectfully submitted,

Jose Peo
Councilmember, Northwest District Representative

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2023 APR 12 P 2:03

158

Ordinance No.

Amending the Municipal Code with respect to the tethering of dogs

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

Section 1. Chapter 31 of the Municipal Code, Animals – Dog Control, as amended, is hereby further amended:

- a. in Section 31-2, Definitions, to insert in alphabetical order the following definitions:

HUNTING DOG

Shall mean any dog that is trained to aid in the taking of wildlife and is actually or has been used for such purposes, consistent with applicable law and regulation, including NYS Environmental Conservation Law Section 11-0923, and any local permitting process.

TETHER OR TETHERING

Shall include the act of leashing, fastening, securing, chaining, tying or otherwise restraining a dog to any object, stationary or otherwise, except when such acts occur as part of the lawful engagement of a hunting dog or a working dog as defined in this section. The area in which the dog is tethered must be clean and the dog must have access to food, potable water, and shelter from the weather. The tether should be at least 5 feet in length.

WORKING DOG

Shall mean any dog that is trained to herd and/or protect livestock, control bird and/or wildlife populations, or is actually or has been used in connection with farming or agricultural purposes.

- b. by inserting a new Section 31-4.1, Tethering, to read as follows:

§ 31-4.1. Tethering

The following shall constitute prohibited conduct:

A. Tethering a dog overnight.

B. Tethering a dog with a tether less than 5 feet in length.

C. Tethering a dog for a period in excess of one hour in a blizzard, heavy rain, thunder and lightning, or a snow storm generating more than 6 inches of accumulation.

c. in § 31-17, Penalties for offences, by modifying Subsection A(2) thereof, to read as follows:

(2) Leash law and tethering violations (§§ 31-4 and 31-4.1).

	Initial Penalty	Penalty upon Default
First offense	\$ 100	\$ 200
Second offense	250	500
Third and subsequent offense	500	1,000

Section 2. This ordinance shall take effect June 1, 2023.

Underlining indicates new text



City of Rochester, NY
Rochester City Council

City Hall Room 301A • 30 Church Street • Rochester, New York 14614-1290

Miguel A. Meléndez, Jr. Council President, Councilmember At-Large

**PUBLIC SAFETY
COMMITTEE
INTRODUCTORY NO.**

159

April 13, 2023

TO THE COUNCIL

Ladies and Gentlemen:

Re: Police Accountability Board Appointments

Transmitted herewith for your approval are two resolutions appointing Reverend Keith Patterson and Mary E. Wambach to the Police Accountability Board for the Police Accountability Board Alliance Seats 1 and 3, respectively. Both candidates were nominated by the Police Accountability Board Alliance (PABA) and interviewed by City Council members.

PABA Seat 1 was vacated by a previous Board member on January 31, 2023, however, that member was sitting in a seat that expired June 30, 2021, and was eligible for a full 3-year term. Therefore, Reverend Patterson will serve the remaining portion of that term, expiring June 30, 2024.

PABA Seat 3 was vacated by a previous Board member on June 10, 2022, and that term expires on June 30, 2023. Ms. Wambach will serve the remaining portion of that term, and then begin a full 3-year term starting July 1, 2023 and expiring June 30, 2026.

City residency was verified and their resumes are on file with the City Clerk.

Respectfully submitted,

Miguel A. Meléndez, Jr.
President

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CITY OF ROCHESTER
CLERK/COUNCIL OFFICE
2023 APR 13 P 3:04

159

Resolution No.

Resolution appointing members for the Police Accountability Board

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

Section 1. The Council hereby appoints Reverend Keith Patterson to the Police Accountability Board to fill a vacancy in the first seat designated for the Police Accountability Board Alliance for a term that expires on June 30, 2024.

Section 2. The Council hereby appoints Mary E. Wambach to the Police Accountability Board to fill a vacancy in the third seat designated for the Police Accountability Board Alliance for the remainder of the current term that expires on June 30, 2023 and for an additional term that expires on June 30, 2026.

Section 3. This resolution shall take effect immediately.