

ROCHESTER CITY COUNCIL

REGULAR MEETING

August 9, 2016

Present - President Scott Councilmembers Clifford, Conklin, Haag, McFadden, Miller, Ortiz, Patterson, Spaul - 9.

Absent - 0

The Council President requested the Council to rise for a Moment of Silence.

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

Recognition Ceremony

Retirement:

FINANCE:

Thomas G. Huonker

NBD:

Katherine Sheets

RFD:

Paul J. Shaffer
Broderick Walker
*Timothy A. Young

RPD:

*Lynda Castelli
*Ada Santiago

Boards and Commissions:

Zoning Board of Appeals

*Dennis O'Brien
Roseanne Khaleel

Special Recognition:

Blake Montel
London Graham

**Did not attend meeting.*

APPROVAL OF THE MINUTES

By Vice President Miller

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RESOLVED, that the minutes of the Regular Meeting of July 12, 2016 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

- Semi-Annual Report –COMIDA PILOT’s and tax abatements for period ending August 2016 -4234-16
- Quarterly Report – NBD Loans and Grants report – 4235-16
- Quarterly Report – Delinquent Receivables report – 4236-16

The Council submits Disclosure of Interest Forms from President Scott on Int. No. 321, Vice President Miller on Int. No. 320 and Int. No. 321, Councilmember Conklin on Int. No. 295, Councilmember Haag on Int. No. 306, Int. No.324 and Int. No. 325, Councilmember McFadden on Int. No. 320

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

Councilmember McFadden presented 28 signatures of persons to amend Rochester Zoning Code. Pet. No.-1728

**REPORTS OF STANDING COMMITTEES
AND ACTION THEREON**

Councilmember Conklin
August 9, 2016

To the Council:

The Finance Committee recommends for Adoption the following entitled legislation:

- | | |
|--------------|---|
| Int. No. 295 | Amending the 2016-17 Budget of the Library and accepting funds for library facility improvements |
| Int. No. 296 | Authorizing an amendatory agreement for expert witness services for the Law Department |
| Int. No. 297 | Authorizing an amendatory agreement for advice and services related to compliance with the Uniform Relocation Act |

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- Int. No. 299 Authorizing an agreement with General Code, LLC to provide enterprise content management system services, as amended
- Int. No. 327 Resolution adopting a policy regarding City boards and commissions
- Int. No. 328 Resolution Amending The Rules of Council

The following entitled legislation is being HELD in committee

- Int. No. 298 Authorizing an agreement for risk management consulting services
- Int. No. 300 Amending Chapter 63 of the Municipal Code with regard to housing discrimination on the basis of source of income

Respectfully submitted,

Carolee A. Conklin
Molly Clifford
Adam C. McFadden
Dana K. Miller
Loretta C. Scott
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-254
Re: Budget Amendment –
 Rochester Public Library

Transmitted herewith for your approval is legislation amending the 2016-17 Budget of the Library to reflect the receipt of New York State Education Department (NYSED) funds (“Bullet Aid” to libraries) in the amount of \$80,000, and authorizing the receipt and use of the Dormitory Authority of the State of New York (DASNY) State and Municipal Facilities program funds in the amount of \$50,000 for the purpose of improvements and to finish upgrades at the Lincoln Branch Library.

The NYSED Bullet Aid to libraries will be used for the following purposes:

- High school equivalency exam tutoring / classwork services for the Lyell Branch and Maplewood Community Library \$15,000
- Literacy enrichment programming at the Douglass and Wheatley Community Libraries and the Arnett Branch Library 30,000
- Materials and labor for construction of a “Books by Bike” trailer 5,000

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Enhancements to public IT equipment and literacy enrichment programming at the Monroe, Sully and Winton Branch Libraries	15,000	
Interior play equipment for the Lincoln Branch Library Toy Library	<u>15,000</u>	
TOTAL		\$80,000

For the fifth year, State Senator Joseph E. Robach has solicited NYSED funds to support branch library adult literacy initiatives (\$15,000), which will expand TASC tutoring in the Lyell and Maplewood Branches. In addition, Senator Robach secured funding for the Lincoln Branch Library and Toy Library, including capital improvements through DASNY's State and Municipal Facilities Program (\$50,000), and Bullet Aid for new play apparatus in the Toy Library (\$15,000). Lincoln Branch Library funding requests were initiated and submitted on behalf of the Library by City Councilmember Michael Patterson.

For the fourth year, State Senator Michael H. Ranzenhofer has solicited NYSED funds for the Douglass, Wheatley and Arnett Branch Libraries (\$30,000). The funds will support the continuation of literacy initiatives, including early childhood, TASC tutoring and afterschool tutoring. In addition, the Wheatley Community Library will receive \$5,000 this year to construct an additional "Books by Bike", a bicycle book-trailer based on the successful Arnett Branch Library prototype.

For the second year, State Senator Rich Funke has solicited NYSED funds (\$15,000) to support the purchase of additional technology equipment, literacy materials and program services for the Monroe, Sully and Winton Branch Libraries.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-254
(Int. No. 295)

Amending the 2016-17 Budget of the Library and accepting funds for library facility improvements

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

Section 1. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations for the 2016-17 Budget of the Library by \$80,000 to reflect receipt of that amount from a New York State Education Department library grant (Bullet Aid).

Section 2. Said \$80,000 in Bullet Aid is hereby appropriated for the following programs:

- \$15,000 for high school equivalency exam tutoring/classwork services for the Lyell Branch and Maplewood Community libraries.
- \$30,000 for literacy enrichment programming at the Douglass and Wheatley community libraries and the Arnett Branch Library.
- \$5,000 for materials and labor to construct a "Books by Bike" trailer.
- \$15,000 for enhancements to public information technology (IT) equipment, and literacy enrichment programming at the Monroe, Sully and Winton branch libraries.
- \$15,000 for interior play equipment for the Toy Library located at the Lincoln Branch Library.

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Section 3. The Library is hereby authorized to accept and use \$50,000 in State and Municipal Facilities program funds from the Dormitory Authority of the State of New York for improvements and upgrades to the Lincoln Branch Library.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes – President Scott, Councilmembers Clifford, Haag, McFadden, Miller, Ortiz, Patterson, Spaul – 8

Nays – None -0

Councilmember Conklin abstained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-255

Re: Amendatory Agreement – Legal Med, LLC,
Expert Witness Services

Transmitted herewith for your approval is legislation establishing \$9,000 as maximum compensation for an amendatory agreement with Legal Med, LLC to provide additional expert witness services necessary to defend the Rochester Police Department (RPD) in a personal injury suit in State court entitled *Edwards v. Wagner*. The amendment will increase total maximum compensation to \$40,000, and will be funded from the 2016-17 Budget of the Law Department.

The agreement, as originally authorized by Council in July (Ord. No. 2016-224), provides up to \$31,000 in compensation for Legal Med to provide the services of expert physicians to assist in the defense of the RPD in a federal civil rights suit entitled *Warr v. Liberatore*.

Since then, the Law Department has ascertained that it will also require the services of an expert orthopedic physician in the *Edwards* case. That physician is needed to review medical records and examine and report on the physical condition of the plaintiff, who was a passenger in a vehicle involved in a collision with a RPD vehicle. The physician's expertise is needed to examine and testify as to the nature, extent and causation of the plaintiff's alleged injuries. The physician will review health records, meet with attorneys, prepare expert reports, and provide testimony at deposition and trial, as needed.

The Law Department anticipates that it may require up to \$9,000 for the physician's services if the *Edwards* case proceeds through to a trial and verdict. This anticipated amount accounts for the fact that a co-defendant, the driver of the vehicle that was carrying the plaintiff, has agreed to share in paying the expert's fee.

The term of the amended agreement may extend until completion of the *Edwards* litigation.

Respectfully submitted,
Lovely Warren
Mayor

Ordinance No. 2016-255

August 9, 2016

(Int. No. 296)

Authorizing an amendatory agreement for expert witness services for the Law Department

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 between the City and Legal Med, LLC to amend the professional services agreement for expert witness services in conjunction with pending litigation that was authorized in Ordinance No. 2016-224 so as to increase the maximum compensation by \$9,000 to a total of \$40,000.

Section 2. The amount of \$9,000 from the 2016-17 Budget of the Law Department is hereby appropriated to fund the amendatory agreement. The term of the amendatory agreement may extend until completion of the court case for which each expert's services is requested.

Section 3. The amendatory agreement shall contain such other 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. 2016-256
Re: Amendatory Agreement- R.K. Hite
& Co., Inc., Uniform Relocation
Act Compliance Services

Council Priority: Rebuilding and Strengthening
Neighborhood Housing; Jobs and
Economic Development

Transmitted herewith for your approval is legislation establishing \$80,000 as maximum compensation for an amendatory agreement with R.K. Hite & Co., Inc. for services needed to comply with the Federal Uniform Relocation Act (URA). The original agreement was authorized in September 2015 (Ord. No. 2015-286) for \$40,000; this amendment brings maximum compensation to a total of \$120,000. The amendatory agreement will be funded from 2016-17 Cash Capital. The term of the agreement, which is one year with the option to renew for up to two additional one-year periods, remains unchanged.

The City is required to comply with the URA when it seeks to acquire real property for redevelopment projects that may be assisted with federal and/or state funds. The demand for URA compliance services has exceeded expectations due to the unexpectedly high number of properties in the City's targeted redevelopment areas that are owned by parties now offering to sell to the City.

Respectfully submitted,
Lovely A. Warren
Mayor

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Ordinance No. 2016-256
(Int. No. 297)

Authorizing an amendatory agreement for advice and services related to compliance with the Uniform Relocation Act

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 between the City and R.K. Hite & Co., Inc. to amend the professional services agreement for advice and services related to compliance with the federal Uniform Relocation Act authorized in Ordinance No. 2015-286 so as to increase the maximum compensation by \$80,000 to a total of \$120,000.

Section 2. The amount of \$80,000 from 2016-17 Cash Capital is hereby appropriated to fund the amendatory agreement. The term of the original agreement, which is one year with the option to renew for up to two additional one-year periods upon the mutual written consent of the parties, shall remain unchanged.

Section 3. The amendatory agreement shall contain such other 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. 2016-257
Re: Agreement – General Code, LLC,
Enterprise Content Management

Transmitted herewith for your approval is legislation establishing \$525,000 as maximum compensation for an agreement with General Code, LLC in Gates, New York, to provide implementation services related to an Enterprise Process and System Solution for Enterprise Content Management. The term of the agreement will be for three years, and the cost will be funded by Prior Years' Cash Capital (\$375,000), and 2016-17, 2017-18 and 2018-19 Budgets of Information Technology (\$50,000 per year), contingent upon approval of future years' budgets.

This agreement provides for the continuation of the Process and System Integration (PSI) program to implement an Enterprise Content Management platform and processes for content management. The solution will also support public information and Freedom of Information Law (FOIL) request management, and enable the retirement of selected legacy document management and FOIL management systems.

General Code, LLC will provide implementation services to include project management, system integration, system configuration, and training.

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The City will utilize Laserfiche software for this implementation. Licenses and maintenance will be purchased from General Code, LLC through the New York State contract and funded from capital funds and potential grant funds, pending approval.

A request for proposals for these services was issued in January 2016 on the City website and sent directly to 36 companies. Responses were received from seven companies and four were invited for two-day scripted demos. A summary of the vendor selection process is attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-145

Ordinance No. 2016-257
(Int. No. 299, as amended)

Authorizing an agreement with General Code, LLC to provide enterprise content management system 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 General Code, LLC to provide implementation services related to the enterprise content management system.

Section 2. The maximum compensation under the agreement is \$525,000 and shall be funded as follows:

<u>Prior Years' 2016-17</u> Cash Capital	\$375,000
2016-17 Budget of Information Technology	50,000
2017-18 Budget of Information Technology	50,000
2018-19 Budget of Information Technology	50,000

Of that amount, \$100,000 shall be contingent upon the approval of future budgets.

Section 3. The agreement shall have a term of three years.

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

Section 5. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2016-22
Re: Resolution establishing guidelines
for City Boards and Commissions

Transmitted herewith for your approval is legislation establishing guidelines for City Boards and Commissions. City Council is granted the power of approval for mayoral appointments and reappointments to City Boards and Commissions. In order to better establish objective standards regarding appointments and to create new service opportunities and fresh perspectives on City Boards and Commissions, the following guidelines are recommended for adoption:

- **Term Limits** – To promote community involvement and engagement, we recommend a maximum of 3 consecutive terms on a single Board or Commission. Former Board or Commission members may serve again after a minimum of two years off of the Board or Commission. An individual remains eligible to serve on a different Board or Commission after completing three consecutive terms. The termed-out member may also be appointed to an alternate position on the same Board or Commission to provide continuity and mentorship to the board and its new members. Exempted from this recommendation are the Examining Board of Plumbers, Board of Stationary Engineers, Electrical Examining Board, Elevator Examining Board, Library Board of Trustees and Board of Ethics, due to the specific requirements for these Boards. However, when possible new members should be sought for these Boards to promote the objectives within this guideline.
- **Minimum Attendance Requirement** – To ensure continued interest of appointees and to effectiveness of Boards and Commissions it is recommended that each member be required to have a *minimum* 50 percent attendance rate prior to being considered for reappointment. Members that fall below 50 percent attendance should be reviewed by Council to determine their reappointment, as Council will take into account instances of excused absences for serious illness or bereavement.
- **Meeting Time Revision** – To ensure that the best potential candidates for Boards and Commissions are able to attend the regularly scheduled meeting times, we recommend a review of all meeting times for Boards and Commissions to ensure they are appropriate for the professions of members and the attendees of the meetings.
- **Increased Marketing and Promotion** – To increase the visibility and knowledge of City Boards and Commissions, and to recruit new talent for these positions, the City should take an active role in promoting and marketing available positions where possible.

The City Administration should perform a periodic review of Boards and Commissions every 2 years. The review of Boards and Commissions will ensure: adequate community involvement - specifically representation throughout the quadrants and with a diversity reflecting the City of Rochester, appropriate activity through attendance, and that the qualifications and representation still meet the goals and needs of the City of Rochester.

Respectfully submitted,
Carolee A. Conklin
Chair, Finance Committee

Matt Haag
Chair, Parks & Public Works Committee

Resolution No. 2016-22
(Int. No. 327)

Resolution adopting a policy regarding City boards and commissions

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

Section 1. The Council hereby adopts the following policy:

Policy Regarding City of Rochester Boards and Commissions

The City Charter gives City Council the power of approval for mayoral appointments and reappointments to City Boards and Commissions. In order to better establish objective standards regarding appointments, to create new service opportunities and to add fresh perspectives to the City Boards and Commissions (collectively, the “Boards”), the Council hereby adopts the following guidelines:

Term Limits. To promote community involvement and engagement:

- Each Board member should be limited to a maximum of three (3) consecutive terms on a single Board. Board members who have reached this limit may serve again but the member’s return should follow a minimum of two (2) years off of the Board.
- An individual who has reached the term limit for one Board remains eligible to serve on another Board.
- In order to provide continuity and mentorship to the Board and its new members, a termed-out member may also be appointed to an alternate position on the same Board where he or she has reached a term limit.
- Due to specific legal requirements, the following Boards are exempted from this term limit guideline: Examining Board of Plumbers, Board of Stationary Engineers, Electrical Examining Board, Elevator Examining Board, Library Board of Trustees and Board of Ethics. Nevertheless, the City should seek out qualified new members for the exempt Boards in order to promote the policy objectives of this guideline.

Minimum Attendance. To ensure continued interest of appointees and the effectiveness of the Boards:

- Each Board member should have a *minimum* 50 percent attendance rate prior to being considered for reappointment.
- However, when deciding whether to deny reappointment to a Board member who has not met this attendance guideline, Council should review the member’s record and take into account instances of excused absences for serious illness or bereavement.

Suitable Meeting Times. To ensure that the best potential candidates for Boards are able to attend the regularly scheduled meeting times, the Council recommends that the City Administration review the meeting times for all Boards to ensure they are appropriate for the professions and occupations of their members and for the attendees of the meetings.

Increased Marketing and Promotion. To increase the visibility and public understanding of City Boards, and to recruit new talent for these positions, the City Administration should take an active role in promoting and marketing available Board positions where possible.

Periodic Review. The City Administration should perform a periodic review of each Board every two (2) years. The review of the Boards will ensure: adequate community involvement, appropriate activity through attendance, and that the qualifications and representation still meet the goals and needs of the City of Rochester.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

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TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2016-23
Re: Resolution – Amending the 2016
Meeting Schedule

Transmitted herewith for your approval is legislation Amending Resolution No. 2016-4, Establishing the 2016 City Council Meeting Schedule.

It has been the practice of the City Council to not hold any Council Meeting on an election day, since our meeting directly conflicts with the time that polls are open. Due to this practice, we are moving the September Meeting to Wednesday, September 14, 2016.

The meeting will still begin at 7:30pm, and Speak to Council will also be moved to this date and start at its regular time of 6:30pm.

Respectfully submitted,
Loretta C. Scott
President

Resolution No. 2016-23
(Int. No. 328)

Resolution Amending The Rules Of Council

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

Section 1. The Council hereby amends the dates of regular meetings of the Council for the year 2016, as adopted by Resolution No. 2016-4, by changing the date of the regular meeting in the month of September, 2016 as follows:

I. REGULAR MEETINGS - Regular meetings of the Council of the City of Rochester shall be held in the Council Chambers, City Hall, at 7:30 P.M., on the following dates in 2016:

January 19
February 16
March 22
April 20
May 17
June 14
July 12
August 9
~~September 13~~
September 14
October 18
November 15
December 20

and also at such other times as the Council may by adjournment to a day certain appoint. The regular meeting schedule for 2017 shall be established in a resolution adopted in 2016. When the date for a regular meeting falls on a legal holiday the meeting shall be held on the following day.

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Section 2. This resolution shall take effect immediately.

Adopted unanimously.

Councilmember Conklin moved to discharge Int. No. 298 from committee.

The motion was seconded by Councilmember McFadden

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-258
Re: Agreement – Freed Maxick CPAs, P.C.,
Risk Management Consulting Services

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum compensation for an agreement with Freed Maxick CPAs, P.C. to assist the Office of Public Integrity (OPI) with the completion of a comprehensive risk assessment. The cost of this agreement shall be funded from 2016-17 Budget of Undistributed Expenses and have a term of one year.

This agreement will allow OPI to obtain the services of certified public accountants (CPAs) with extensive risk assessment and internal audit experience. The accounting firm has agreed to collaborate with OPI auditors to provide the City with the following deliverables:

- A summary of the audit universe;
- The significant business process/auditable areas ranked by inherent risk;
- A detailed assessment of each auditable area against various business risk categories based on probability and impact; and
- An evaluation of residual risk for each auditable area.

The results of the assessment will be comprehensive, and because of the joint approach, replicable in future years by OPI auditors. In addition, the risk assessment will be used to create a risk-based internal audit plan.

Freed Maxick CPAs, P.C. was selected for these services based on their extensive experience in providing risk management consulting services within the government industry and their current and significant knowledge of City systems, programs and operations. A justification statement for not issuing a request for proposals is attached.

Respectfully Submitted,
Lovely A. Warren
Mayor
Attachment No. AP-146

Ordinance No. 2016-258
(Int. No. 298)

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Authorizing an agreement for risk management consulting 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 Freed Maxick CPAs, P.C. for risk management consulting services. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid under the agreement, and shall be funded from the 2016-17 Budget of Undistributed.

Section 2. The agreement shall have a term of one year and 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:

Introductory No.300
Re: Municipal Code Amendment- Prohibition of
Housing Discrimination Based on
Source of Income

Transmitted herewith for your approval is legislation amending Chapter 63 of the Municipal Code with regard to housing discrimination on the basis of source of income. This legislation will expand the definition of discrimination to include the term "Source of Income." Discrimination based on one's "source of income" can include, but is not limited to, Housing Choice Vouchers (formerly Section 8), Social Security, Supplemental Security Income (SSI), unemployment insurance, or veteran's benefits.

Landlords and property managers will be prohibited from discriminating against an individual on the basis of his or her income source by refusing to show, sell, or rent housing based on the individual's actual or perceived source of income. In addition, it will be prohibited to print or circulate any advertisement or publication that contains exclusionary language based on potential source of income. This amendment, however, does not prohibit discrimination based on the amount of income. A landlord still may refuse to lease to an applicant whose income is insufficient to meet the rent.

There are no New York State statutes prohibiting source of income discrimination and only limited federal laws prohibiting source of income discrimination by the recipients of certain housing subsidies. Although New York State does not have a statute, many states do prohibit "source of income discrimination," as do several municipalities in New York State, including Buffalo, Hamburg, Nassau County, New York City and West Seneca.

This statute will be enforced by providing victims of discrimination with the right to sue in State court, and the option first to seek mediation through the City's grievance program which is administered by the Center for Dispute Settlement.

Respectfully submitted,
Lovely A. Warren
Mayor

Adam C. McFadden
South District Member

Introductory No.300

AMENDING CHAPTER 63 OF THE MUNICIPAL CODE WITH REGARD TO HOUSING DISCRIMINATION ON THE BASIS OF SOURCE OF INCOME

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

Section 1. Chapter 63 of the Municipal Code, Human Rights, as amended, is hereby further amended by amending Sections 63-1, 63-2 and 63-5 as follows:

§ 63-1. Legislative findings.

The Council hereby finds and declares that the City has the responsibility to act to assure that every individual within this City is afforded an equal opportunity to enjoy a full and productive life and that the failure to provide such equal opportunity, whether because of discrimination, prejudice or intolerance in employment, housing, public accommodations and financing practices based upon age, race, creed, color, national origin, gender, gender identity or expression, sexual orientation, disability, ~~or~~ marital status or source of income, not only threatens the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state and threatens the peace, order, health, safety and general welfare of the City and its inhabitants.

§ 63-2. Definitions.

When used in this chapter, the following terms shall have the following definitions:

DISCRIMINATION, DISCRIMINATE or DISCRIMINATORY

Any direct or indirect act, policy or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference based on, or the perception of, age, race, creed, color, national origin, gender, gender identity or expression, sexual orientation, disability, ~~or~~ marital status or source of income; or the aiding, abetting, inciting, coercing or compelling thereof.

SOURCE OF INCOME

Payments from a lawful occupation or employment, as well as other payments including, but not limited to, pensions, annuities, public assistance, supplemental security income, social security disability insurance, unemployment benefits, Housing Choice Vouchers (formerly known as Section 8), other housing voucher or subsidy programs, and any other governmental or charitable subsidy.

§ 63-5. Discrimination in housing and commercial space.

- A. It shall be unlawful, due to discrimination, for the owner, lessee, sublessee, assignee, or managing agent of, real estate broker, real estate salesperson or other person having the right to sell, rent or lease real property, housing or commercial space, constructed or to be constructed, or any officer, agent or employee thereof:
- (1) To refuse to show, sell, transfer, rent, lease or refuse to receive and transmit any bona fide offer to buy, sell, rent or lease any real property, housing or commercial space;
 - (2) To discriminate against any person in the terms, conditions or privileges of the sale, rental or lease of any real property, housing or commercial space or in the furnishing of facilities or services in connection therewith; or

- (3) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of real property, housing or commercial space or to make any record or inquiry in connection with the prospective purchase, rental or lease of real property, housing or commercial space which expresses, directly or indirectly, any discrimination or any intent to discriminate, but nothing in this subsection prohibits using a form or making a record or inquiry for the purpose of required government reporting.

B. The provisions of ~~this~~ subsection A shall not apply:

- (1) To the rental of a dwelling unit in a two-family dwelling, if the owner or members of the owner's family reside in one of such dwelling units;
- (2) To the restriction of the rental of all rooms in a dwelling to individuals of the same gender;
- (3) To the rental of a room or rooms in a dwelling if the renter or lessee would share common living areas with the owner or lessor or members of the owner's or lessor's family; or
- (4) Solely with respect to age, to the restriction of the sale, rental or lease of housing exclusively to persons 55 years of age or older.

C. It shall be an unlawful discriminatory practice, based on the actual or perceived source of income, for the owner, lessee, sublessee, assignee, or managing agent of, real estate broker, real estate salesperson or other person having the right to sell, rent or lease housing, constructed or to be constructed, or any officer, agent or employee thereof:

- (1) To refuse to show, sell, transfer, rent, lease or refuse to receive and transmit any bona fide offer to buy, sell, rent or lease any housing;
- (2) To exclude, deny, restrict, limit, segregate, or otherwise differentiate against any person in the terms, conditions or privileges of the sale, rental or lease of any housing or in the furnishing of facilities or services in connection therewith; or
- (3) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of housing or to make any record or inquiry in connection with the prospective purchase, rental or lease of housing which expresses, directly or indirectly, any differentiation or intent to differentiate on the basis of source of income.

D. The following conduct shall not constitute an unlawful discriminatory practice under subsection C:

- (1) An inquiry, required disclosure, or required verification about a person's source of income that is necessitated by a Federal, State, or local law that is generally applicable, applicable to the housing at issue, or applicable to the financing or subsidies necessary to a person's purchase or leasing of such housing.
- (2) A refusal to rent or lease housing to a person due to one or more of the following conditions and such refusal is based on selection criteria that are applied equally to all tenants or prospective tenants or purchaser without regard to the category of income source:

[a] the person's income is insufficient to make the payments over the term of the lease; and/or

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[b] the person is a tenant who has been unable to make timely lease payments in all or part of the preceding 18 months.

(3) A refusal to rent or lease housing to a person whose income is from an illegal source.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Held in committee

By Vice President Miller
August 9, 2016

To the Council:

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

Int. No. 325 Amending Ordinance No. 2016-8 in relation to a loan agreement to fund the
Sibley Building Redevelopment - Phase I

The following entitled legislation is being HELD in committee

Int. No. 321 Authorizing agreements for the 2016-17 Street Liaison program

Respectfully submitted,

Dana K. Miller
Elaine M. Spaul
Loretta C. Scott
BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-259
Re: Sibley Building Redevelopment – Phase 1,
 Loan Terms Amendment

Council Priority: Creating and Sustaining a

August 9, 2016

Culture of Vibrancy; Rebuilding and
Strengthening Neighborhood Housing;
Jobs and Economic Development

Transmitted herewith for your approval is legislation related to Phase 1 of the redevelopment of the Sibley Building (the "Project") located at 228-280 East Main Street. This legislation will:

1. Amend Ordinance No. 2016-8 where the loan of \$1,995,000 to Sibley Affordable LLC, or an affiliated LLC, partnership or housing development fund company to be formed by WinnDevelopment Company Limited Partnership (the "Developer" or "Winn"), will serve as a 2% interest-only construction loan and then, at conversion to permanent financing, will become a 30-year, 2% interest-only loan with principal payment due at the end of the 30-year term. The revised terms are as follows:
 - a. The City loan of \$1,995,000 will be cash-flow dependent with equivalent payments of 2% interest over the 30-year City loan term;
 - b. The City will share in 50% of all surplus cash flow after debt service (defined as permanent debt service payments to The Community Preservation Corporation and to the New York State Housing Trust Fund Corporation);
 - c. In any year where 50% of cash flow does not equal \$39,900 and/or there are outstanding balances of accrued City interest, 50% of Winn's management fee will be subordinated and paid to the City. The subordinated portion of such deferred management fees due to Winn will accrue to be paid after all outstanding balances of accrued City interest are paid;
 - d. Winn will not make the payment of its deferred developer fee senior to the 50/50 cash flow sharing split with the City;
 - e. Winn will submit annual audits performed by a third party certified public accounting firm for Sibley Affordable LLC, for the calculation of the cash flow split with the City and the subordination of 50% of the management fee to the City.
2. Require a Completion Guaranty for Phase 1 from WCredit, LLC, or an acceptable Winn affiliate.
3. Authorize the Mayor to execute such agreements and other documents as may be necessary to effectuate the loans and agreements authorized herein.
4. 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 each phase of the Project.

The Developer wants to substantially redevelop the Sibley Building in three phases:

- 1) Phase 1 involves the development of 72 units of senior housing with an affordability period of 50 years;
- 2) Phase 2 involves the New Markets Tax Credit Program as follows:
 - a) 96 apartments, 21 of which will be affordable to households with incomes under 120% Median Family Income, 39,000 square feet of retail space, and the renovation of the Lifespan Senior Center; and
 - b) 34,000 square feet of office space. The City loan is being provided for the affordable residential units ("Phase 2 City loan"); and
- 3) Phase 3 includes the development of 68,000 square feet of office space for High Tech Rochester.

Approved in January 2016, the agreement authorized via Ordinance No. 2016-8 has not been executed. This amendment, then, is intended to enable construction on Phase 1 of Project. It is anticipated that construction will begin in August 2016, and be completed by November 2017. Construction on Phase 2 of the Project began in May 2016 and is anticipated to be completed by September 2017.

The revised funding sources and uses for Phase 1 of the Project are summarized below:

PHASE 1

Construction Sources:

Bank Construction Loan	\$10,387,143
LIHTC* Equity	4,599,668
Federal HRTC**	1,658,761
NYS HCR*** Loan	8,001,992
City of Rochester	1,795,500
Developer Equity/Note	<u>2,000,000</u>
Total Construction Sources	\$28,443,064

Uses of Funds:

Real Estate Acquisition	\$1,306,368
Construction Costs	21,330,262
Soft Costs	3,212,726
Capitalized Reserves	593,708
Deferred Developer Fee	2,000,000
Total Uses of Funds	<u>\$28,443,064</u>

Permanent Sources:

LIHTC* Equity	\$11,499,170
Federal HRTC**	4,146,902
NYS HCR*** Loan	8,001,992
City of Rochester	1,995,000
Developer Equity/Note	<u>1,000,000</u>
Total Permanent Sources	\$28,443,064

*Low-Income Housing Tax Credits

** Historic Rehabilitation Tax Credit

*** New York State Homes and Community Renewal

WinnCompanies was established in 1971 and is based in Boston, Massachusetts. Winn has a satellite corporate office with over 20 employees at the Sibley Building and regional offices nationwide. To date, Winn has developed over 80 projects and currently manages over 550 properties including 95,000 residential units. The Winn portfolio includes a specialization in historic redevelopment, affordable housing, military base management, mixed-use properties and hotels.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AP 147

Ordinance No. 2016-259
 (Int. No. 325)

Amending Ordinance No. 2016-8 in relation to a loan agreement to fund the Sibley Building Redevelopment – Phase I

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

August 9, 2016

Section 1. Sections 2, 5 and 6 of the Ordinance No. 2016-8, which authorize the Mayor to enter into a \$1,995,000 loan agreement with the developer to finance Phase I of the redevelopment of the Sibley Building located at 228-280 East Main Street (the Project), are hereby amended to read in their entirety as follows:

Section 2. The Mayor is hereby authorized to enter into a loan agreement with the designated developer (the Developer) Sibley Affordable LLC, or an affiliated LLC, partnership or housing development fund company to be formed by WinnDevelopment Company Limited Partnership ~~Winn Development, LLC~~ for construction financing and permanent financing for Phase I of the Project. The loan agreement shall be in the amount of \$1,995,000 at 2% interest with interest only to be paid annually. The loan shall be contingent upon WCredit LLC or another affiliate of WinnDevelopment providing the City with an acceptable Completion Guaranty for Phase I of the Project. When the loan is converted to permanent financing, it shall be in the amount of \$1,995,000 and for a term of 30 years with interest at 2% paid annually. Principal payment shall be deferred to the end of the term of the loan.

The Developer's annual interest-only payments of 2% of the loan principal (\$39,900) shall be subject to the following additional terms:

- a. the payments shall be dependent on the Developer's cash flow, provided that in any year wherein the Developer's cash flow is less than \$39,900 plus any accrued unpaid interest from a prior years (collectively, the Annual Payment), the City shall have recourse to the two funds specified in the following clauses b. and c. in alphabetical order of precedence up to the remaining Annual Payment amount due, and provided that any Annual Payment amount that remains unpaid after recourse to those two funds shall be added to the Annual Payment that Developer will owe for the following year;
- b. when necessary to satisfy the Developer's Annual Payment obligation, the City shall be entitled to up to 50% of all of the Developer's surplus cash flow that remains after its payment of permanent Project debt service owed to The Community Preservation Corporation and to the New York State Housing Trust Fund Corporation;
- c. when necessary to satisfy the Developer's Annual Payment obligation, the City shall be entitled to up to 50% of the Project management fee and the Developer's and/or its affiliate's entitlement to such management fee shall be subordinated to the Developer's Annual Payment obligation; moreover, the amount of the Project management fee that is subordinated and paid to the City pursuant to this clause c shall not accrue to be paid to the Developer or any affiliate until after all outstanding balances of accrued loan interest are paid to the City;
- d. neither the Developer, WinnDevelopment, nor any other affiliate shall require or allow their entitlement to payment of the Project deferred developer fee to be made senior to the City's entitlement to share in the surplus cash flow and Project management funds described in clauses b. and c. above and the deferred developer fee shall not accrue to be paid to the Developer or any affiliate until after all outstanding balances of accrued loan interest are paid to the City;
- e. each year, WinnDevelopment shall submit to the City an annual audit of the Developer that is performed by a third-party certified public accounting firm and that includes a calculation of the Developer's surplus cash flow, management fee and developer fee described in clauses b., c. and d. above.

The loan agreement amount shall be funded as specified below, which funds are hereby appropriated for said purpose:

August 9, 2016

<u>Amount</u>	<u>Year/Source</u>
\$ 115,995.29	2014-15 HOME Program – Affordable Housing Fund allocation of the Housing Development Fund
665,649.00	2015-16 HOME Program -- Affordable Housing Fund allocation of the Housing Development Fund
<u>1,213,355.71</u>	Prior Years' Cash Capital
\$1,995,000.00	Total

Section 5. The Director of Finance shall record all transfers authorized herein and shall have the authority to make adjustments to the amounts set forth which may have changed prior to the adoption of this ordinance and any amendment thereto.

Section 6. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The Mayor is authorized to execute such agreements and other documents as may be necessary to effectuate the loans and agreements authorized or amended herein and to adjust the interest rates and other terms and conditions of the loans in order to conform to legal and other requirements for each phase 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:

Introductory No. 321

Re: Agreements - Action for a Better Community, Inc., Highland Planning LLC, and 19th Ward Community Association, Street Liaisons

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum compensation for Street Liaison agreements for each of four quadrants of the City. The term of the agreements will end on June 30, 2017 and the combined cost of \$80,000 will be funded from the Neighborhood Commercial Assistance Program from the Promote Economic Stability Fund of the 2016-17 Consolidated Community Development Plan, Annual Action Plan, as appropriated via Ordinance No. 2016-192. The agreements are as follows:

<u>Organization</u>	<u>Quadrant</u>	<u>Amount</u>
Action for a Better Community, Inc.	Northeast	\$20,000
Highland Planning LLC	Northwest	20,000
Highland Planning LLC	Southeast	20,000
19 th Ward Community Association	Southwest	<u>20,000</u>
		\$80,000

The mission of the Street Liaison is to provide outreach and assistance to businesses within the targeted commercial corridors found in their respective quadrants. This assistance is expected to result in increased business and community

August 9, 2016

investment, the retention of existing jobs and creation of new jobs. The Street Liaison may also contribute to additional business and community development efforts. A more detailed program description is attached.

The three organizations were selected through a request for proposal process, the summary of which is also attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Introductory No. 321

AUTHORIZING AGREEMENTS FOR THE 2016-17 STREET LIAISON 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 each of the following organizations in the maximum amount of \$20,000 each to provide Street Liaison services for the specified City quadrants as follows:

- | | |
|--|-----------|
| a) Action for a Better Community, Incorporated | Northeast |
| b) Highland Planning LLC | Southeast |
| c) Highland Planning LLC | Northwest |
| d) 19 th Ward Community Association
of Rochester, New York, Inc. | Southwest |

Section 2. The term of said agreements shall extend until June 30, 2017.

Section 3. The amount of \$80,000, or so much thereof as may be necessary for the agreements, shall be funded from the funds appropriated to the Neighborhood Commercial Assistance Program from the Promote Economic Stability fund of the 2016-17 Consolidated Community Development Annual Action Plan in Ordinance No. 2016-192.

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

Section 5. The City will enter into agreements for this program only with organizations that are in compliance with federal regulations.

Section 6. This ordinance shall take effect immediately

Held in committee

By Councilmember Ortiz
August 9, 2016

To the Council:

August 9, 2016

The Neighborhood & Community Development Committee recommends for Adoption the following entitled legislation:

- Int. No. 301 Authorizing the sale of real estate
- Int. No. 303 Authorizing an agreement for the lease of space for Downtown District services
- Int. No. 305 Amending Chapter 90 of the Municipal Code with respect to retail sales
- Int. No. 306 Appropriating funds, authorizing amendatory agreements and amending the 2016-17 Consolidated Community Development Plan for Housing Opportunities for Persons with AIDS
- Int. No. 307 Amending the Municipal Code with respect to parking lots
- Int. No. 308 Appropriating funds for the Helping Elders Law Project

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

- Int. No. 302 Amending Chapter 120 of the Municipal Code with respect to restaurants, bars and accessory outdoor seating and assembly areas in the C-1 Neighborhood Center zoning district
- Int. No. 304 Amending the Zoning Code, Chapter 120 of the Municipal Code, with regard to retail sales and service

Respectfully submitted,

Jacklyn Ortiz
Molly Clifford
Carolee A. Conklin
Dana K. Miller
Loretta C. Scott
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2016-260
 Sale of Real Estate

August 9, 2016

Council Priority: Rebuilding and Strengthening
Neighborhood Housing

Transmitted herewith for your approval is legislation approving the sale of eight properties. City records have been checked to ensure that purchasers (except those buying unbuildable vacant lots) do not own other properties with code violations or delinquent taxes, and have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first four properties are vacant lots sold by negotiated sale to the adjacent owners. The owners will combine the lots with their existing properties and utilize them as green space.

The last four properties are unbuildable vacant lots, being sold for \$1.00 (as per City policy) to their adjacent owners who will combine the respective lots with their existing properties.

The first year projected tax revenue for these eight properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$2,943.

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

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-148

Ordinance No. 2016-260
(Int. No. 301)

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 parcels of vacant land:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>	<u>Purchaser</u>
86-88 Emerson St	105.43-1-34	40 x 102	4,034	\$425	Ezra Kalekristos
466 Hawley St.	120.75-1-69.1	80 x 109	8,783	\$525	Joyce A. Williams
234 Wilkins St, east 1/2	106.24-1-78	20 x 102	2,040	\$225	Rocky Vazquez
234 Wilkins St, west 1/2	106.24-1-78	20 x 102	2,040	\$225	Clara Hunter

Section 2. The Council hereby approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Purchaser</u>
146 Barton St	135.27-3-70	36 x 63	2,280	Dianne Johnson & Darlene Snowden

August 9, 2016

55 Durnan St 091.81-1-21.1 72 x 83 6,078 Joshua Antonetti
119 Evergreen St 106.38-1-25.2 43 x 71 3,094 David Ramos, Jr.
20 Friederich Pk 106.24-2-53.1 72 x 65 4,698 Vera Crumpler

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-261
Re: Zoning Text Amendments – C-1
 Neighborhood Center District

Transmitted herewith for your approval is legislation amending Chapter 120, the Zoning Code of the City of Rochester, relating to the following section: C-1 Neighborhood Center District, list of permitted uses.

This legislation clarifies language added in November 2015 regarding hours of operation for bars and restaurants (Ord. No. 2015-355). The Zoning Text Amendments make it clear that bars and restaurants with alcohol licenses do not have hours restrictions, whereas the outdoor seating and assembly associated with these uses are restricted to the hours between 6:00 am and 11:00 pm daily.

Pursuant to §120-190 of the City's Zoning Code, minor Zoning Text Amendments such as for clarification purposes do not require a recommendation from the Planning Commission.

In accordance with Article 8 of the New York State Conservation Law and Chapter 48 of the Rochester City Code, this project has been classified as a Type II action, requiring no further environmental review.

A public hearing is required for the Zoning Text Amendments.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-261
(Int. No. 302)

Amending Chapter 120 of the Municipal Code with respect to restaurants, bars and accessory outdoor seating and assembly areas in the C-1 Neighborhood Center zoning district

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

Section 1. Chapter 120 of the Municipal Code, Zoning, as amended, is hereby further amended by amending Section 120-34 read in its entirety as follows:

§ 120-34. Permitted uses and structures.

The following uses are permitted in the C-1 District when conducted entirely within an enclosed building:

- A. Attached single-family dwellings.
- B. Dwelling units when part of a mixed-use development with other permitted commercial uses.
- C. Live-work space, subject to the additional requirements for specified uses in § 120-142.1.
- D. Bed-and-breakfast establishments, subject to the additional requirements for specified uses in § 120-132.
- E. Family and group family day-care homes.
- F. Adult family day-care homes.
- G. Day-care centers, subject to the additional requirements for specified uses in § 120-135.
- H. Places of worship.
- I. Convents and rectories.
- J. Public and semipublic uses, except as otherwise listed in § 120-35.
- K. Retail sales and service, full-line food store, low-impact, and specialty, operating between the hours of 6:00 a.m. and 11:00 p.m., subject to the additional requirements for specified uses in §120-146.1.
- L. (Reserved)
- M. (Reserved)
- N. Offices between the hours of 6:00 a.m. and 11:00 p.m.
- O. Restaurants, including outdoor seating and assembly but excluding drive-through facilities, operating between the hours of 6:00 a.m. and 11:00 p.m., ~~including accessory outdoor seating/assembly areas but excluding drive-through facilities.~~
- P. Restaurants licensed by New York State to sell alcoholic beverages for on-premises consumption pursuant to the Alcoholic Beverage Control Law, including accessory outdoor seating/assembly areas but excluding drive-through facilities, provided that the outdoor seating/assembly areas shall operate only between the hours of 6:00 a.m. and 11:00 p.m.
- Q. Bars, including accessory outdoor seating/assembly areas, except that the outdoor seating/assembly areas shall operate only between the hours of 6:00 a.m. and 11:00 p.m.
- R. Mixed uses, as listed in this section, not including industrial uses.
- S. ~~Where accessory outdoor seating/assembly areas are permitted, they shall operate only between the hours of 6:00 a.m. and 11:00 p.m.~~

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Passed unanimously.

August 9, 2016

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-262

Re: Lease Agreement – Salem Evangelical
Church of Rochester, 151 Cumberland Street

Transmitted herewith for your approval is legislation establishing \$14,400 as maximum annual compensation for a lease agreement with Salem Evangelical Church of Rochester for the continued use of 151 Cumberland Street. The City's Department of Environmental Services (DES) has utilized the building's 7,324 square feet as office and storage/warehouse space since 2006 for Downtown District Services. The term of the agreement is for one year with four, one-year renewals and will be funded from the 2016-17 and subsequent budgets of DES, contingent upon approval of the future budgets.

The rental rate of \$1,200 per month was established by an independent appraisal by Kevin Bruckner, MAI, as of June 2016.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-149

Ordinance No. 2016-262
(Int. No. 303)

Authorizing an agreement for the lease of space for Downtown District 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 Salem Evangelical Church of Rochester, NY for the lease of space at 151 Cumberland Street to be used for Downtown District services provided by the Department of Environmental Services. The agreement shall extend for a term of one year, with up to four additional one-year renewal options.

Section 2. The lease agreement shall obligate the City to pay an amount not to exceed \$1,200 in monthly rent. Said amount shall be funded from the 2016-17 and subsequent Operating Budgets of the Department of Environmental Services, conditioned upon approval of said subsequent budgets.

Section 3. The lease agreement

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

August 9, 2016

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-263 and Ordinance No. 2016-264
Re: Municipal Code Amendments-
Chapter 120, Zoning Code, and
Chapter 90, Property Code

Transmitted herewith for your approval is legislation amending various sections of the Zoning Code and the Property Code to accommodate revisions in the regulation of retail sales and services and related business permits. The proposed amendments are described below.

In 2012, the Zoning Code was amended to create several new retail sales and service categories, including High Impact Retail Sales and Service. Currently, High Impact uses are subject to restrictions that do not apply to other retail uses, including being prohibited in some zoning districts, requiring special permit review in other districts, and, in all instances, requiring a minimum 500-foot separation requirement from other High Impact uses as well as from pawnbrokers, schools, libraries and other public and community facilities. The following products and activities put a store into the High Impact category: tobacco and tobacco and vaping paraphernalia, lottery sales, secondhand dealers (other than auto sales), and firearms dealers. The High Impact trigger of alcoholic beverage sales was deleted from the Zoning Code last year due to court rulings holding that the State Liquor Authority licensing rules preempt the ability of localities to place additional restrictions on stores due only to alcohol sales.

Recently, the New York State Gaming Commission provided the City with a legal opinion stating that the City of Rochester can no longer limit the sale of lottery items through zoning restrictions. The elimination of this second category of High Impact use leaves a much smaller subset of High Impact retail uses, which is unsuited to achieving the broad purpose that was intended when High Impact retail was originally enacted in 2012. As a result, it is necessary to propose the following changes to the Zoning Code:

- Eliminate the individual retail sales and service categories (High Impact, Low Impact, Full-Line Food Store, Specialty).
- Eliminate the corresponding distance separation and transparency requirements for these uses (Section 120-146.1). Add the prohibition related to blocking storefront windows with shelving and the like to the design guidelines in Section 120-159.
- Restore the general retail sales and service category.
- Permit office uses in commercially designed buildings in residential districts.
- Prohibit retail sales and service uses in residential districts. However, legally established retail sales and service uses in residential districts will be able to continue operating as long as they do not go vacant for more than nine months. After that, a new retail sales and service use of equal or lesser intensity may be re-established in that location with a Certificate of Nonconformity from the Director of Planning and Zoning and a Special Permit from the Planning Commission.
- Permit secondhand dealers in CCD (Center City District), C-3 (Regional Destination Center Commercial) and M-1 (Industrial) Districts. However, in C-2 (Community Center Commercial) Districts, secondhand dealers will be specially permitted, and in C-1 (Neighborhood Center Commercial Districts), they will be prohibited. (It should be noted that, at the recommendation of the Planning Commission, a prior draft of the proposed amendments which included Secondhand Dealers on the list of prohibited uses in the Center City District, has been removed. Based on written and

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oral public hearing testimony indicating that antique dealers and art galleries dealing in secondhand goods can serve as the impetus for high-quality development in neighborhoods seeking a desirable mixture of commercial and residential uses, the Planning Commission requested the change.)

- Permit pawnbrokers in the C-3 (Regional Destination Center Commercial) and M-1 (Industrial) Districts. However, in CCD (Center City District), C-1 (Neighborhood Center Commercial) and C-2 (Community Center Commercial) Districts, pawnbrokers will be prohibited.

Importantly, these proposed changes impact the business permit process. As a result, the definition of High Impact Retail is being removed from the Property Code, Chapter 90 of the Municipal Code.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the Mayor, as lead agency, has determined that the proposed action will not result in any significant effects and has issued a negative declaration.

The City Planning Commission held an informational meeting on the proposed Zoning Text Amendments on Monday, July 11, 2016. One person spoke in support of the amendment, and five people spoke in opposition. By a vote of 5-0-0, the Planning Commission recommended Approval.

Public hearings on the Code amendments are required.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-150

Ordinance No. 2016-263
(Int. No. 304)

Amending the Zoning Code, Chapter 120 of the Municipal Code, with regard to retail sales and service

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

Section 1. Chapter 120 of the Municipal Code, Zoning, as amended, is hereby further amended by deleting Section 120-146.1, Retail sales and service and pawnbrokers, in its entirety.

Section 2. Chapter 120 of the Municipal Code, Zoning, as amended, is hereby further amended in Section 120-208 thereof to add or delete certain definitions as follows:

RETAIL SALES AND SERVICE

The sale, provision of service or on-premises incidental production or assembly of general merchandise to the general public for direct use or consumption. This shall include carry-out restaurants and the like with six or fewer seats.

RETAIL SALES AND SERVICE, FULL-LINE FOOD STORE

Retail sales and service offering for sale a full selection of food products, including at least a variety of fresh produce, and not offering for sale products from more than one of the following categories:

- ~~A. Tobacco.~~
- ~~B. Lottery.~~

~~RETAIL SALES AND SERVICE, HIGH IMPACT~~

~~Retail sales and service, (excluding full line food store), offering for sale any product or service that is within one or more of the following three categories:~~

- ~~A. Requires an owner, operator or employee to obtain a City of Rochester secondhand dealer's license (excluding vehicle related dealers);~~
- ~~B. Requires an owner, operator or employee to obtain any county or state license or registration for tobacco or lottery and/or a federal firearms dealer's license; or~~
- ~~C. Offering for sale tobacco, tobacco paraphernalia or smoking paraphernalia, including products that contain nicotine, liquid nicotine, vapors or inhalants and/or involve the on-site inhaling or smoking of such products.~~

~~RETAIL SALES AND SERVICE, LOW IMPACT~~

~~Retail sales and service not meeting the definitions of "high impact retail sales and service," "specialty retail," or a "full line food store."~~

~~RETAIL SALES AND SERVICE, SPECIALTY~~

~~Low impact retail sales and service, occupying less than 1,000 square feet, offering for sale only specialized types of foods, products, or services, including, but not limited to, baked goods, candy, health food, antiques, fashion accessories, sporting goods, art objects, art and craft supplies, books, clothing, decorative accessories, flowers and plants, handicrafts, jewelry, toys, specialty foods, meats, seafood, shoe repair, and frame shops, and excluding tattoo parlors. No tobacco or lottery may be included in the inventory of specialty retail sales and service.~~

SECONDHAND DEALER

A business required to be licensed as a secondhand dealer in accordance with Municipal Code Chapter 96, Secondhand Dealers, excluding vehicle related dealers.

Section 3. Chapter 120 of the Municipal Code, Zoning, as amended, is hereby further amended by amending certain portions of the sections thereof that specify the permitted, special permit, limited and prohibited uses within various zoning districts as follows:

§ 120-8. Permitted uses.

The following uses are permitted in the R-1 District:

~~H. Retail sales and service, specialty, when in an existing structure built for a nonresidential use, operating between the hours of 6:00 a.m. and 9:00 p.m., subject to the additional requirements for specified uses in § 120-146.1.~~

I H. Office, when in an existing structure built for a nonresidential use, operating between the hours of 6:00 a.m. and 9:00 p.m.

§ 120-9. Special permit uses.

The following uses are allowed as special permit uses in the R-1 District:

~~G. Retail sales and service, full line food store and low impact, when in an existing structure built for a nonresidential use, operating between the hours of 6:00 a.m. and 9:00 p.m., subject to the additional requirements for specified uses in § 120-146.1.~~

§ 120-17. Permitted uses.

The following uses are permitted in the R-2 District:

~~I. Retail sales and service, specialty, when in an existing structure built for a nonresidential use, operating between the hours of 6:00 a.m. and 9:00 p.m.~~

J I. Office, when in an existing structure built for a nonresidential use, operating between the hours of 6:00 a.m. and 9:00 p.m.

§ 120-18. Special permit uses.

The following uses are allowed as special permit uses in the R-2 District:

~~M. Retail sales and service, full line food store and low impact, when in an existing structure built for a nonresidential use, operating between the hours of 6:00 a.m. and 9:00 p.m., subject to the additional requirements for specified uses in § 120-146.1.~~

§ 120-26. Permitted uses.

The following uses are permitted in the R-3 District:

~~M. Retail sales and service, specialty, when in an existing structure built for a nonresidential use, between the hours of 6:00 a.m. to 9:00 p.m. and subject to the additional requirements for specified uses in § 120-146.1.~~

~~N-M.~~ Office, when in an existing structure built for a nonresidential use, operating between the hours of 6:00 a.m. and 9:00 p.m.

§ 120-27. Special permit uses.

The following uses are allowed as special permit uses in the R-3 District:

~~L. Retail sales and service, full line food store and low impact, when in an existing structure built for a nonresidential use, operating between the hours of 6:00 a.m. and 9:00 p.m., subject to the additional requirements for specified uses in § 120-146.1.~~

§ 120-34. Permitted uses and structures.

The following uses are permitted in the C-1 District when conducted entirely within an enclosed building:

K. Retail sales and service, ~~full line food store, low impact, and specialty~~, operating between the hours of 6:00 a.m. and 11:00 p.m., ~~subject to the additional requirements for specified uses in § 120-146.1~~ provided, however, that retail sales and service establishments licensed by New York State to sell alcoholic beverages pursuant to the Alcoholic Beverage Control Law may operate beyond the hours specified herein to the extent that the alcoholic beverage license so provides.

§ 120-35. Special permit uses.

The following uses are allowed as special permit uses in the C-1 District:

I. Retail sales and services, ~~full line food store, low impact, and specialty~~, operating beyond the hours of 6:00 a.m. to 11:00 p.m. provided, however, that retail sales and service establishments licensed by New York State to sell alcoholic beverages pursuant to the Alcoholic Beverage Control Law shall not be required to obtain a special permit to operate beyond the hours specified herein to the extent that the alcoholic beverage license authorizes the additional operating hours.

§ 120-42. Permitted uses and structures.

The following uses are permitted in the C-2 District, when conducted entirely within an enclosed building and with hours of operation limited to 6:00 a.m. to 2:00 a.m.:

~~M. Retail sales and service, full-line food store, low impact, and specialty, subject to the additional requirements for specified uses in § 120-146.1.~~

§ 120-43. Special permit uses.

The following uses are allowed as special permit uses in the C-2 District:

~~T. Secondhand dealers. Retail sales and service, high impact, limited to the hours of 6:00 a.m. to 2:00 a.m. and subject to the additional requirements for specified uses in § 120-146.1.~~

§ 120-50. Permitted uses and structures.

The following uses are permitted in the C-3 District:

~~K. Retail sales and service, full-line food store, subject to the additional requirements for specified uses in § 120-146.1.~~

~~L. Retail sales and service, high impact, subject to the additional requirements for specified uses in § 120-146.1.~~

~~M. Retail sales and service, low impact, subject to the additional requirements for specified uses in § 120-146.1.~~

~~N. Retail sales and service, specialty, subject to the additional requirements for specified uses in § 120-146.1.~~

~~L. O.~~ Health clubs and similar facilities.

~~M. P.~~ Theaters.

~~N. Q.~~ Amusement center.

~~O. R.~~ Outdoor entertainment.

~~P. S.~~ Office.

~~Q. T.~~ Motels and hotels.

~~R. U.~~ Bars, restaurants and banquet facilities, including outdoor seating/assembly and drive-throughs, subject to the additional requirements for specified uses in § 120-136.

~~S. V.~~ Drive-throughs, subject to the additional requirements for specified uses in § 120-136.

~~T. W.~~ Warehouse and wholesale distribution facilities under 15,000 square feet.

~~U. X.~~ Light industrial services when conducted entirely within a completely enclosed building.

~~V. Y.~~ Research laboratories including testing facilities.

~~W. Z.~~ Automotive-related uses, including car washes, vehicle service stations, vehicle sales, vehicle rental services, vehicle repair stations including commercial vehicle repair, and vehicle sales accessory to vehicle repair stations, subject to the additional requirements for specified uses in Article XVIII.

~~X. AA.~~ Parking lots as a principal use, including ancillary community garages and parking lots, subject to the additional requirements for specified uses in § 120-131.

~~Y. BB.~~ Sexually oriented businesses, subject to the additional requirements for specified uses in § 120-148, including only limited adult retail store, adult retail store and escort agency.

~~Z. Pawnbrokers.~~

~~AA. Secondhand dealers.~~

~~CC. Pawnbrokers, subject to the additional requirements for specified uses in § 120-146.1.~~

§ 120-63. Limited uses.

The following limited uses in the CCD Center City District shall meet the requirements set forth in Article XVIII, Additional Requirements for Specified Uses:

~~F. Retail sales and service, high impact.~~

§ 120-76. PMV Public Market Village District.

A. Permitted uses and structures. The following uses are permitted in the PMV District:

- (10) Retail sales and service, ~~low impact, subject to the additional requirements for specified uses in § 120-146.1.~~
- (11) ~~Retail sales and service, specialty, subject to the additional requirements for specified uses in § 120-146.1.~~
- (12) ~~Retail sales and service, full line food store, subject to the additional requirements for specified uses in § 120-146.1.~~
- (11) (13) Bars, restaurants and the like including outdoor seating/assembly areas, provided that the outdoor areas only operate between the hours of 6:00 a.m. and 11:00 p.m., but excluding drive-through facilities.
- (12) (14) Manufacturing uses when the products are sold as retail for an individual consumer.
- (13) (15) Parks and recreation uses.

§ 120-77. H-V Harbortown Village District.

A. Permitted uses and structures. The following uses are permitted as of right in the H-V Harbortown Village District:

- (7) The following uses are permitted as of right in the H-V Harbortown Village District if located 30 feet or more from the edge of the Genesee River, subject to site plan approval:

- (f) ~~Retail sales and services, specialty.~~
- (g) (f) Retail sales and services, ~~low impact~~, not exceeding 2,500 square feet.

B. Special permit uses. The following uses are allowed as special permit uses in the H-V District:

- (13) ~~Retail sales and service, full line food store, subject to the additional requirements for specified uses in § 120-146.1.~~
- (13) (14) Outdoor storage, subject to the additional requirements set forth in § 120-175.

§ 120-81. Permitted uses and structures.

A. The following uses are permitted in the M-1 District:

- (1) The following uses are permitted when conducted in a fully enclosed building:
 - (n) Retail sales and service, ~~full line food store~~, when in an existing building, ~~subject to the additional requirements for specified uses in § 120-146.1.~~

B. The following uses are permitted in the M-1 District when located in any existing multistory building or a single-story building not originally designed for industrial purposes:

- (3) Retail sales and service, ~~low impact, subject to the additional requirements for specified uses in § 120-146.1.~~
- (4) ~~Retail sales and service, specialty, subject to the additional requirements for specified uses in § 120-146.1.~~
- (4) (5) Offices and clinics.

- ~~(5) (6)~~ Bars, restaurants and banquet facilities.
- ~~(6) (7)~~ Entertainment, subject to the additional requirements for specified uses in § 120-137.
- ~~(7) (8)~~ Public and semipublic uses.
- ~~(8) (9)~~ Day-care centers.
- ~~(9) (10)~~ Funeral parlors and mortuaries.
- ~~(10) (11)~~ Places of worship.
- (11) Pawnbrokers.
- (12) Secondhand dealers.

§ 120-83. Special permit uses.

The following uses are allowed as special permit uses in the M-1 District:

A. The following uses, when located in a single-story building originally designed for industrial purposes or a vacant lot, subject to a marketability analysis as set forth in § 120-192. The Planning Commission may, in approving a special permit, waive or modify the off-street parking requirements if it finds such action is warranted by reason of the nature of the occupancy, location of the property or availability of shared or public parking facilities.

(1) Retail sales and services, ~~high impact low impact and specialty, subject to the additional requirements for specified uses in § 120-146.1.~~

~~(11) Pawnbrokers, subject to the additional requirements for specified uses in § 120-146.1.~~

§ 120-120. Zoning designations and modifications.

L. Brooks Landing Urban Renewal District.

(1) Land use areas. The District is divided into three land use areas which are comparable to zoning districts listed in the Rochester Zoning Code:

The Open Space land use area (O-S) located along the edge of the Genesee River will remain in City ownership as dedicated parkland.

The Neighborhood Commercial land use area (C-1) provides infill development and renovation opportunities on the west side of Genesee Street and nearly two acres of new commercial development opportunities on the east side of Genesee Street north of Brooks Avenue.

The Riverfront Commercial land use area (C-2) on the east side of Genesee Street south of Brooks Avenue will provide unique riverfront development opportunities.

(b) Neighborhood Commercial Land Use. The Neighborhood Commercial land use area is comparable to the C-1 Neighborhood Center District. In the sections of the District designated on the Land Use Map as "C-1," all of the requirements of the C-1 shall apply, except as follows:

[1] Permitted uses. The following uses are permitted in the Neighborhood Commercial land use area when conducted entirely within an enclosed building:

[c] Retail sales and services, ~~full line food stores, low impact and specialty, subject to the additional requirements for specified uses in § 120-146.1.~~

(c) Riverfront Commercial Land Use. The Riverfront Commercial land use area is comparable to the C-2 Neighborhood Center District. In the sections of the

District designated on the Land Use Map as "C-2," all of the requirements of the C-2 shall apply, except as follows:

[1] Permitted uses:

[c] Retail sales and service, ~~full line food stores, low impact and specialty, subject to the additional requirements for specified uses in § 120-146.1,~~ when conducted in an entirely closed building.

M. Erie Canal Urban Renewal District.

(1) Permitted uses:

(d) Retail sales and service, ~~full line food stores, low impact and specialty, subject to the additional requirements for specified uses in § 120-146.1.~~

N. La Marketa North Clinton Avenue Urban Renewal District.

(1) All of the requirements of the C-2 Zoning District shall apply except as follows:
Permitted uses:

(b) Retail sales and service, ~~full line food stores, low impact and specialty, subject to the additional requirements for specified uses in § 120-146.1.~~

(2) Special permit uses:

~~(c) Retail sales and service, high impact, subject to the additional requirements for specified uses in § 120-146.1.~~

Planned Development District No. 9
(Canalside Business Center)

B. Permitted uses and structures.

(1) The following uses are permitted in Sub-Area 1 when located in an enclosed building:

(t) Retail sales and service, ~~full line food store, high impact, low impact and specialty, subject to the additional requirements for specified uses in § 120-146.1.~~

Planned Development District No. 15
Culver Road Armory

B. Permitted uses. The Culver Road Armory Planned Development District is comprised of three separate buildings as depicted on the development concept plan/site plan (Building I, Building II and Building III).

(1) All of the following uses are permitted in Buildings I, II and III. For nonresidential uses, all activities shall occur within a completely enclosed building, and the hours of operation shall be limited to 6:00 a.m. to 2:00 a.m.

(e) Retail sales and services, ~~low impact, specialty and full line food.~~

D. Special permit uses.

- ~~(2) Retail sales and services, high impact, operating between the hours of 6:00 a.m. and 2:00 a.m.~~
- (2) ~~(3)~~ Any temporary use which exceeds five occurrences per calendar year.
- (3) ~~(4)~~ Bars, restaurants and banquet facilities in Building III.
- (4) ~~(5)~~ Entertainment in Building III.

Planned Development District (No. 16)
Century-Strathallan

B. Permitted uses. Permitted uses in PD No. 16 are specified for each of the three subareas comprising the district:

- (3) Subarea 3: 566 East Avenue (main building and carriage house) and 586 East Avenue (parking lot).

(f) Retail sales and services, ~~specialty and low impact.~~

Section 4. Chapter 120 of the Municipal Code, Zoning, as amended, is hereby further amended in Section 120-159, Non-residential and mixed-use building standards, to amend subsections B(6) and B(7) thereof as follows:

B. Windows and transparency.

(6) The installation of any device which obstructs transparency or impacts the architectural design of a window is not permitted. This prohibition includes the blocking of windows with interior shelving or the like, but does not apply to nonpermanent devices such as curtains, blinds, shades and nonopaque roll-down grills.

~~(7) In addition to the standards of this section, new construction and reoccupancy of an existing building with high impact retail sales and service and pawnbrokers are subject to the design standards of § 120-146.1B.~~

Section 5. Chapter 120 of the Municipal Code, Zoning, as amended, is hereby further amended in Section 120-199, Nonconforming use, to amend a subsection G(1) thereof as follows:

G. Abandonment or discontinuance.

(1) When the active operation of all or a portion of a nonconforming use is discontinued or abandoned for a period of nine consecutive months, ~~except for nonconforming high impact retail sales and service, for which the period shall be three consecutive months,~~ regardless of any intent to resume or not to abandon the use, the use or portion thereof shall not be reestablished or resumed. The active operation of a use shall be the typical or normal activities associated with the use. In the case of abandonment or discontinuance of all of a nonconforming use, any subsequent use or occupancy of such land or structure shall comply with the use regulations of the zoning district in which such structure is located. In the case of abandonment or discontinuance of a portion of a nonconforming use, the remaining occupied portion of the nonconforming use may continue subject to the provisions of this subsection.

Section 6. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

Ordinance No. 2016-264
(Int. No. 305)

Amending Chapter 90 of the Municipal Code with respect to retail sales

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

Section 1. Chapter 90, Article II of the Municipal Code, Business Permits, as amended, is hereby further amended by amending Section 90-32, Definitions, to read in its entirety as follows:

As used in this chapter, the following terms shall have the meanings indicated:

AUTOMOBILE SERVICE FACILITY

A premises where motor vehicles are sold, leased, repaired or serviced. This definition shall include gasoline stations and car wash facilities.

BAR

A premises where alcoholic beverages are sold for consumption on the premises; or a premises operated for profit or pecuniary gain or as a place of assembly where alcoholic beverages are provided by the operator of the premises, his or her agents, servants or employees, or are brought onto said premises by persons assembling there.

BUSINESS

An automobile service facility, bar, restaurant, ~~high impact retail store~~ or salon as defined herein.

~~**HIGH IMPACT RETAIL STORE**~~

~~Any business not otherwise covered by this section which is accessible to the public, where food, goods, merchandise or equipment is sold at retail and where tobacco, tobacco paraphernalia, smoking paraphernalia, including products that contain nicotine, liquid nicotine, vapors or inhalants and/or involve the on-site inhaling or smoking of such products, and/or lottery tickets are sold, in a premises with a total floor space of less than 20,000 square feet.~~

RESTAURANT

A premises where food and/or beverages are sold to be consumed on the premises. This definition shall not include a premises where a nonalcoholic beverage or snack is available but is incidental to the conduct of the business at the premises.

SALON

An establishment where a hairdresser, barber or beautician conducts his or her trade, or a body piercing studio or a tattoo studio, other than a home occupation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

August 9, 2016

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-265
Re: Amendment - 2016-17 Consolidated
Community Development Plan, Housing
Opportunities for Persons with AIDS

Council Priority: Rebuilding and Strengthening
Neighborhood Housing

Transmitted herewith for your approval is legislation related to the Housing Opportunities for Persons with AIDS (HOPWA) program as described in the 2016-17 Consolidated Community Development Plan (Con Plan). This legislation will:

1. Appropriate \$31,034 of unallocated of 2016-17 HOPWA funds from the 2016-17 Housing Choice Fund, HOPWA account of the Con Plan for program implementation;
2. Amend agreements authorized via Ordinance No. 2016-151 by increasing the agreement with Trillium Health, Inc. by \$18,621 for a total maximum compensation of \$401,369, and increasing the agreement with Catholic Charities of the Diocese of Rochester d/b/a Catholic Charities Community Services by \$12,413 for a total maximum compensation of \$267,579. Both agreements are for HOPWA program implementation that will be financed from the HOPWA funds appropriated herein;
3. Authorize a technical amendment to the 2016-17 Annual Action Plan to revise HOPWA goals to provide 65 households with Short Term Rent Mortgage Utilities services and 55 households with Tenant-Based Rental Assistance services; and
4. Authorize the Director of Finance to record all transfers herein and to make adjustments to the amounts set forth above which may have changed prior to the date of this ordinance.

If funds are different, not available, or prove to be less than originally advised, the agreement amounts and terms will be adjusted. The agreement terms will be for one year, with option to extend for an additional year if funds remain in the original appropriation.

The City will enter into agreements for this program only with organizations that are in compliance with federal regulations.

HOPWA-related legislation was last authorized on May 17, 2016 via Ordinance No. 2016-151. This legislation supports Section 4 of the City of Rochester Housing Policy: *Promote Housing Choice*.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-265
(Int. No. 306)

Appropriating funds, authorizing amendatory agreements and amending the 2016-17 Consolidated Community Development Plan for Housing Opportunities for Persons with AIDS

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

August 9, 2016

Section 1. The sum of \$31,034 in 2016-17 Housing Opportunities for Persons with AIDS (HOPWA) grant program funds from the Housing Choice fund of the Housing Opportunities for Persons with Aids account of the 2016-17 Consolidated Community Development Plan/Annual Action Plan is hereby appropriated to finance HOPWA program implementation.

Section 2. The Mayor is hereby authorized to enter into amendatory agreements with Trillium Health, Inc., to increase maximum compensation under the existing agreement authorized in Ordinance No. 2016-141 by \$18,621 for a total of \$401,369 and with Catholic Charities of Diocese of Rochester d/b/a Catholic Charities Community Services to increase maximum compensation under the existing agreement authorized in Ordinance No. 2016-151 by \$12,413 for a total of \$267,579. Said amounts shall be funded from the funds appropriated in Section 1. The agreement shall be for one year with an option to extend for an additional year if funds remain in the original appropriation.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City will enter into agreements for this program only with organizations that are in compliance with federal regulations.

Section 4. The Council hereby approves a technical amendment to the 2016-17 Consolidated Community Development Plan/Annual Action Plan adopted in Ordinance No. 2016-151 to revise HOPWA goals to provide 65 households with Short Term Rent Mortgage Utilities services and 55 households with Tenant-Based Rental Assistance services.

Section 5. The Director of Finance is authorized to record all transfers herein and to make adjustments to the amounts set forth herein which may have changed prior to the date of this ordinance.

Section 6. This ordinance shall take effect immediately

Passed by the Following Vote:

Ayes – President Scott, Councilmembers Clifford, Conklin, McFadden, Miller, Ortiz, Patterson, Spaul- 8

Nays – None - 0

Councilmember Haag abstained due to professional reasons.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-266
Re: Municipal Code Amendment-
Deleting Chapter 78, Private
Parking Lot Licensing

Transmitted herewith for your approval is legislation authorizing the deletion of Chapter 78 from the Municipal Code. Originally enacted in 1976, Chapter 78 required an operating licensing for and placed additional regulatory requirements upon private parking lots located within the C-4 Central Business District (CBD) and the Mixed Use Gateway (M-U-G) zoning districts of the City of Rochester. Chapter 78 has been inactive since at least the present Zoning Code went into effect in 2003, as the present Zoning Code does not contain C-4 or M-U-G designations.

The inactive status of Chapter 78 appears to have gone unnoticed for more than a decade because of the absence of significant complaints about private parking lots. The City regulates private parking lots by several means other than Chapter 78, including Zoning Code provisions that regulate off-street parking, ancillary parking lots, signage,

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pavement set-backs, landscaping, Center City District (CCD) parking lot design criteria, and district-specific regulations delineating where parking lots are permitted or specially permitted. Under Municipal Code Chapter 90, the City enforces the State Property Maintenance Code for parking lots, and Municipal Code Chapter 39 requires a City building permit for parking lots for three or more vehicles.

The primary purpose of Chapter 78, as described at Section 78-1, is to preserve “the unique character of the Central Business District as the symbolic focus of the Rochester area and as the regional commercial, office and cultural center.” The Department of Neighborhood and Business Development continues to promote that purpose through its existing zoning and building code enforcement programs without the need of the parking lot licensing program under Chapter 78.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-266
(Int. No. 307)

Amending the Municipal Code with respect to parking lots

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

Section 1. Chapter 78 of the Municipal Code, Parking lots, relating to the regulation of private parking lots in certain zoning districts, is hereby deleted in its entirety.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-267
Re: Agreement- Volunteer Legal Services
Project of Monroe County, Seniors
Program/Legal Services

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum compensation for an agreement with the Volunteer Legal Services Project of Monroe County to administer and manage the Helping Elders Law Project (HELP Project) and appropriating \$30,000 of Community Development Block Grant funds from the 2016-17 Annual Action Plan of the Consolidated Community Development Plan, Seniors Program/Legal Services allocation of the General Community Needs Goal to fund the agreement.

The HELP Project is offered through the pro bono services of a local law firm, Harter Secrest and Emery. The firm will deliver services to elderly Rochester Housing Authority residents on-site, creating wills, healthcare proxies/living wills, powers of attorney and funerary plans.

If funds are different, not available, or are less than anticipated, the agreement amounts and terms will be adjusted accordingly. Agreement terms will be for one year, with the option to extend for an additional year if funds remain in the original appropriation.

August 9, 2016

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-151

Ordinance No. 2016-267
(Int. No.308)

Appropriating funds for the Helping Elders Law 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 agreement with the Volunteer Legal Services Project of Monroe County to implement and manage the Helping Elders Law Project for a maximum compensation of \$30,000.

Section 2. There is hereby appropriated from the Seniors Program/Legal Services allocation of the General Community Needs fund of the 2016-17 Consolidated Community Development Plan – Annual Action Plan, the sum of \$30,000, or so much thereof as may be necessary, to fund the agreement.

Section 3. The agreement shall have a term of one year with the option to extend for an additional year if there are remaining funds from the appropriation in Section 2.

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

Section 5. The City will enter into agreements for this project only with organizations that are in compliance with federal regulations.

Section 6. This ordinance shall be effective immediately.

Passed unanimously.

By Councilmember Haag
August 9, 2016

To the Council:

The Parks & Public Works Committee recommends for Adoption the following entitled legislation:

Int. No. 309 Authorizing an amendatory professional services agreement and appropriating funds for the Mt. Hope Avenue Phase 2 Improvements Project

Int. No. 310 Authorizing an amendatory agreement with Bergmann Associates for planning, design and engineering services, including preparation of an

August 9, 2016

- application for a federal Transportation Investment Generating Economic Recovery grant
- Int. No. 311 Authorizing an amendatory professional services agreement with C&S Engineers, Inc. for the 2015 Preventive Maintenance Contract 1 project
- Int. No. 312 Authorizing a professional services agreement, amendatory agreement, and appropriation of funds related to the 2016 Preventive Maintenance, Group #3 project
- Int. No. 313 Bond Ordinance of the City of Rochester, New York, authorizing the issuance of \$650,000 Bonds of said City to finance the reconstruction of certain portions of North Goodman Street, East Main Street, Allen, Brown and Wilder Streets and Morrie Silver Way related to the 2016 Preventive Maintenance, Group #3 project
- Int. No. 314 Authorizing agreements and appropriating funds for the Driving Park Bridge Preventive Maintenance Project
- Int. No. 315 Authorizing the acquisition by negotiation or condemnation of temporary easements, permanent easement and an uneconomic remainder parcel for the Dewey Avenue and Driving Park Intersection Realignment Project, as amended
- Int. No. 316 Amending the Official Map by dedicating permanent easements to street purposes for the Dewey Avenue and Driving Park Intersection Realignment Project
- Int. No. 322 Authorizing an agreement with Joseph C. Lu Engineering and Land Surveying, P.C. for resident project representation services for the Cornerstone Park Improvement Project

Respectfully submitted,

Matt Haag
Michael A. Patterson
Elaine M. Spaul
Dana K. Miller
Loretta C. Scott
PARKS & PUBLIC WORKS COMMITTEE

Received, filed, and published.

TO THE COUNCIL
Ladies and Gentlemen:

August 9, 2016

Ordinance No. 2016-268
Re: Amendatory Agreement – Bergmann
Associates, Architects, Engineers,
Landscape Architects & Surveyors
D.P.C., Mt. Hope Avenue Phase 2
Improvements Project

Transmitted herewith for your approval is legislation related to the Mt. Hope Avenue Phase 2 Improvements Project. This legislation will:

1. Appropriate \$313,600 in anticipated reimbursements from the Federal Highway Administration (FHWA) to finance a portion of the design services for the project; and
2. Appropriate \$120,000 in anticipated reimbursements from the New York State (NYS) Marchiselli Aid Program to finance a portion of the design services for the project; and
3. Establish \$705,000 as maximum compensation for an amendatory agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors D.P.C., Rochester, New York, for the completion of the design, bid and award of the Mt. Hope Phase 2 Improvements.

The original agreement with Bergmann (\$35,000) was authorized in June 2015 (Ord. No. 2015-198) and amended (\$11,000) in July 2016 (Ord. No. 2016-243). This amendatory amendment will increase maximum compensation to a total of \$751,000. The term of the agreement is six months after completion and acceptance of the construction of the project.

The cost of the agreement will be financed from the \$313,600 in federal funds appropriated above, \$160,800 in federal funds appropriated by City Council in July 2015 (Ord. No. 2015-243), \$93,969.45 in Marchiselli Aid funds appropriated above, \$6,900 in Prior Years' Cash Capital, \$41,204.71 in 2011-12 Cash Capital, \$41,972.21 in 2012-13 Cash Capital, \$35,381.29 in 2013-14 Cash Capital and \$57,172.34 in 2014-15 Cash Capital.

The Mt. Hope Avenue Phase 2 Improvements will reconstruct Mt Hope Avenue from Rossiter Road to the south city line. The project includes street reconstruction, new curbing, sidewalks, water main and services, hydrants, receiving basins, street lighting and tree plantings.

Bergmann had previously performed the planning for Phases 1 and 2 of the Mt. Hope Project, completed the design, bidding, award and construction inspection, and are currently completing the reevaluation statement for Mt. Hope Avenue Phase 2 project corridor. Throughout this work they have acquired a deep knowledge of the roadway and have established a rapport with the surrounding neighborhood.

The design will begin in fall 2016 with completion scheduled for fall 2017. The amendatory agreement will result in the creation and/or retention of the equivalent of 7.7 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-152

Ordinance No. 2016-268
(Int. No. 309)

August 9, 2016

Authorizing an amendatory professional services agreement and appropriating funds for the Mt. Hope Avenue Phase 2 Improvements

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

Section 1. The sum of \$313,600 in anticipated reimbursements from the Federal Highway Administration (FHWA) is hereby appropriated to finance a portion of the design services for the Mt. Hope Avenue Phase 2 Improvements (Project).

Section 2. The sum of \$120,000 in anticipated reimbursements from the New York State Marchiselli Aid Program is hereby appropriated to finance a portion of the design services for the Project.

Section 3. The Mayor is hereby authorized to enter into an amendatory professional services agreement between the City and Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. to complete Project design and the bid and award of Project contracts and to increase the maximum compensation under the agreement authorized in Ordinance No. 2015-198 and amended in Ordinance No. 2016-243 by \$705,000 to a total of \$751,000.

Section 4. Said total amount shall be funded from the Federal funds appropriated in Section 1 (\$313,600), Federal funds appropriated by City Council in Ordinance No. 2015-243 (\$160,800), Marchiselli aid funds appropriated in Section 2 (\$93,969.45), Prior Years' Cash Capital (\$6,900), 2011-12 Cash Capital (\$41,204.71), 2013-14 Cash Capital (\$35,381.29), 2014-15 Cash Capital (\$57,172.34), and 2012-13 Cash Capital (\$41,972.21). The agreement may extend until 6 months after completion and acceptance of the construction of the Project.

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

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-269
Re: Amendatory Agreement- Bergmann
Associates, Architects, Engineers,
Landscape Architects & Surveyors
D.P.C., TIGER Application Preparation

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an amendatory agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors D.P.C., Rochester, New York, for additional planning and design phase services related to the Vacuum Oil Site Remediation. The original agreement with Bergmann Associates established \$725,000 as maximum compensation for planning and engineering services related to the Vacuum Oil/South Genesee River Corridor Brownfield Opportunity Area (BOA) (Ord. No. 2014-253), and the proposed amendatory agreement will increase total maximum compensation to \$775,000. The amendatory agreement will be funded from 2013-14 Cash Capital, and the term remains the same as in the original agreement.

As evidenced by the recent findings of the Rose Fellowship, enhancement of our riverfront is viewed as a crucial component of Rochester's revitalization. Projects such as Genesee Valley Park West, West River Wall, Erie Harbor Park, Garden Aerial, and the Port of Rochester Marina, in addition to the Vacuum Oil BOA, all share the vision of

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enhanced, continuous access to the Genesee River. The City seeks to address the barriers that prevent continuous public access to the riverfront through Downtown. Developing concept-level plans and estimates for this important work is consistent with the ongoing planning efforts Bergmann Associates is leading at the Vacuum Oil BOA. A complete and continuous Riverway Trail will knit these investments together, attracting more visitors to the city, thereby generating further investment and economic opportunity. This additional planning work will position Rochester for upcoming competitive funding opportunities at the State and federal levels.

The amendatory agreement will fund the following services: advancing concept-level planning and engineering for the Transportation Investment Generating Economic Recovery (TIGER) grant application, preliminary cost estimates, public meetings and input opportunities, benefit-cost analysis and preparation of anticipated grant application(s) for design and construction of the recommended alternative(s).

This additional planning work is anticipated to begin in late summer 2016, resulting in a concept plan for implementation in spring 2017. Grant applications for funding design and construction of the recommended alternative(s) are anticipated to be developed in spring/summer 2017. If successful, construction could begin as early as fall 2019. The amendatory agreement will result in the creation and/or retention of the equivalent of 0.5 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-269
(Int. No.310)

Authorizing an amendatory agreement with Bergmann Associates for planning, design and engineering services, including preparation of an application for a federal Transportation Investment Generating Economic Recovery grant

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement between the City and Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. to amend the professional services agreement for environmental services in connection with the Vacuum Oil site remediation that was authorized in Ordinance No. 2014-253. The amendatory agreement shall increase the original agreement's maximum compensation by \$50,000 for a total of \$775,000 and shall provide for planning, design and engineering services for the preparation of an application for a federal Transportation Investment Generating Economic Recovery (TIGER) grant and for implementing the recommended development alternative(s) derived from the planning and application process.

Section 2. The amount of \$50,000 in 2013-14 Cash Capital is hereby appropriated to fund the amendatory agreement. The amendatory agreement shall have an initial term of two years with provisions for up to two additional one-year extensions

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

Section 4. This ordinance shall take effect immediately.
Passed unanimously.

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TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-270
Re: Amendatory Agreement – C & S
Engineers, Inc., 2015 Preventive
Maintenance Contract 1 Project

Transmitted herewith for your approval is legislation establishing \$12,000 as maximum compensation for an amendatory agreement with C & S Engineers, Inc. for design services related to the 2015 Preventive Maintenance Contract 1 Project (Lyell Avenue, Clifford Avenue, Norton Street, and East Ridge Road). The original agreement for \$172,000 was authorized in January 2014 (Ord. No. 2014-10). This amendment will increase maximum compensation by \$12,000 to a total of \$184,000. The term of the amendatory agreement may extend until six months after completion and acceptance of the construction of the Project, and the cost will be funded from 2012-13 Cash Capital.

The 2015 Preventive Maintenance Contract 1 Project is a milling and resurfacing project design by C & S Engineers, Inc. The project includes milling and resurfacing four arterial streets; adjustments to catch basin frames and grates, water valves and sewer castings; spot street base and sidewalk repair; installation of truncated domes at sidewalk ramps; installation of new pavement markings; and replacement of traffic loops.

The project began construction in fall 2015 and will be complete by fall 2016. The amendatory agreement will result in the creation and/or retention of the equivalent of 0.1 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-270
(Int. No. 311)

Authorizing an amendatory professional services agreement with C & S Engineers, Inc. for the 2015 Preventive Maintenance Contract 1 project

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

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement between the City and C & S Engineers, Inc. for design services for the 2015 Preventive Maintenance Contract 1 project (Project). The amendment shall increase the maximum compensation in the agreement authorized in Section 5 of Ordinance No. 2014-10 by \$12,000 to a total of \$184,000. Said amount shall be funded from 2012-13 Cash Capital. The term of the amendatory agreement may extend until six months after completion and acceptance of the construction of the Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

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TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-271 and
Ordinance No. 2016-272
Re: 2016 Preventive Maintenance
Group #3 Project

Council Priority: Jobs and Economic Development

Transmitted herewith for your approval is legislation related to the 2016 Preventive Maintenance Group #3 Project (North Goodman Street, East Main Street, Allen Street, Brown Street, Morrie Silver Way and Wilder Street) as follows:

1. Appropriate \$2,970,400 in anticipated reimbursements from the Federal Highway Administration (FHWA) to finance a portion of the construction and construction inspection services for the Project;
2. Appropriate \$557,000 in anticipated reimbursements from the New York State (NYS) Marchiselli Aid Program to finance a portion of the construction and construction inspection services for the Project;
3. Authorize the issuance of bonds totaling \$650,000 and the appropriation of the proceeds thereof to partially finance the street portion of the Project;
4. Establish \$614,000 as maximum compensation for an agreement with Erdman Anthony and Associates Inc. for resident project representation (RPR) services;
5. Establish \$41,000 as maximum compensation for an amendatory agreement with Erdman Anthony and Associates Inc. for design services. The original agreement for \$289,000 was authorized in December 2014 (Ord. No. 2014-394), the amendment brings total compensation to \$330,000. The term of the amendatory agreement may extend until six months after completion and acceptance of the construction of the Project, and the cost will be funded from 2012-13 Cash Capital (\$37,955) and 2013-14 Cash Capital (\$3,045).

This federal aid project, administered by the City under agreement with the NYS Department of Transportation (DOT) includes seven locations:

- North Goodman Street (Conrail to Garson Avenue);
- East Main Street (North Clinton Avenue to North Goodman Street);
- Allen Street (Brown Street to Morrie Silver Way);
- Brown Street (West Main Street to State Street)
- Morrie Silver Way (Oak Street to State Street);
- Wilder Street (Grape Street to Brown Street)

Additionally, the City has an NYS Multi Modal grant for improvements to the North Goodman and East Main Streets intersection. These funds were appropriated by City Council via Ordinance No. 2014-394.

Bids for construction were received on July 7, 2016. The apparent low bid of \$3,802,000 was submitted by Sealand Contractors Corp., which is 10% more than the engineer's estimate. An additional \$146,659 will be allocated for project contingencies.

Funding for the project is as follows:

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Source	Construction	Contingency	RPR	Total
FHWA	\$2,539,200	0	\$431,200	2,970,400
NYS Marchiselli Aid	476,100	50	80,850	557,000
NYS Multi Modal	174,487	63,515	35,998	274,000
Street Bond	518,199	73,475	58,326	650,000
Prior Years' Cash Capital	6,324	2,672	404	9,400
Monroe County DOT Cash Capital	52,037	0	7,222	59,259
Rochester Pure Waters District (Ord. No. 2016-160)	35,653	6,347	0	42,000
2014-15 Cash Capital	0	600	0	600
Total	\$3,802,000	\$146,659	\$614,000	\$4,562,659

The project will begin construction in summer 2016 and will be substantially complete by fall 2017. The project's construction and RPR services will result in the creation and/or retention of the equivalent of 49.7 full-time jobs.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-153

Ordinance No. 2016-271
(Int. No. 312)

Authorizing a professional services agreement, amendatory agreement, and appropriation of funds related to 2016 Preventive Maintenance, Group #3

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 Erdman Anthony and Associates Inc. for project representation services related to 2016 Preventative Maintenance, Group #3 (Project). Maximum compensation shall be \$614,000, and shall be funded with \$431,200 from the Federal Highway Administration (FHWA) funds appropriated in Section 3; \$80,850 from the New York State Marchiselli Aid appropriated in Section 4; \$35,998 from New York State Multi Modal grant funds appropriated in Ordinance No. 2014-394; \$58,326 to be appropriated by a bond ordinance to fund Project street improvements; \$404 from Prior Years' Cash Capital; and \$7,222 from Monroe County Department of Transportation Cash Capital. The term of the agreement may extend until two years after completion and final acceptance of the Project.

Section 2. The Mayor is hereby authorized to enter into an amendatory agreement with Erdman Anthony and Associates Inc. that amends the agreement authorized in Ordinance No. 2014-394 to increase the maximum compensation by \$41,000, for a total compensation of \$330,000, and to provide for additional design services. The increased amount shall be funded \$37,955 from 2012-13 Cash Capital and \$3,045 from 2013-14 Cash Capital. The term of the amendatory agreement shall extend until six (6) months after completion and final acceptance of the Project.

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

Section 4. \$2,970,400 in anticipated reimbursements from the Federal Highway Administration (FHWA) is hereby appropriated to finance a portion of the construction and inspection services related to the Project.

Section 5. \$557,000 in anticipated reimbursements from the New York State Marchiselli Aid Program is hereby appropriated to finance a portion of the construction and inspection services related to the Project.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2016-272

(Int. No. 313)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$650,000 Bonds of said City to finance the reconstruction of certain portions of North Goodman Street, East Main Street, Allen, Brown and Wilder Streets and Morrie Silver Way related to the 2016 Preventive Maintenance, Group #3 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 milling, resurfacing and reconstruction of certain portions of North Goodman Street (Conrail to Garson Avenue), East Main Street (North Clinton to North Goodman), and portions of Allen Street, Brown Street, Wilder Street and Morrie Silver Way related to the 2016 Preventative Maintenance, Group #3 project in the City, including new curbing, sidewalks, manholes, basins, water valve castings and other roadway improvements (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$4,562,659. The plan of financing includes the issuance of \$650,000 bonds of the City, which amount is hereby appropriated therefor, \$2,970,400 in anticipated reimbursements from the Federal Highway Administration and \$557,000 in NYS Marchiselli Aid Program reimbursements, each authorized contemporaneously herewith, a \$274,000 NYS Multi-Modal Grant (Ordinance 2014-394), \$9,400 in Prior Years' Cash Capital, \$600 in 2014-15 Cash Capital, \$32,150 in 2011-12 Monroe County Department of Transportation Cash Capital, \$27,109 in 2013-14 Monroe County Department of Transportation Cash Capital, \$42,000 from the Rochester Pure Waters District (Ordinance No. 2016-160) 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 \$650,000 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 \$650,000. 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. of the Law, is fifteen (15) years.

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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. 2016-273
Re: Driving Park Bridge Preventive
Maintenance Project

Transmitted herewith for your approval is legislation related to the Driving Park Bridge Preventive Maintenance Project. This legislation will:

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1. Authorize an agreement establishing \$700,000 as maximum compensation for an agreement with LaBella Associates, D.P.C., Rochester, New York, for resident project representation (RPR) services; and
2. Establish \$49,000 as maximum compensation for an amendatory agreement with LaBella Associates, D.P.C. for additional design services related to the Project, increase maximum compensation to a total of \$299,000; and
3. Appropriate \$1,450,400 in anticipated reimbursements from the Federal Highway Administration (FHWA) to finance a portion of the federal share of the construction, RPR services and project administration; and
4. Appropriate \$721,500 in anticipated reimbursements from the New York State Department of Transportation (NYSDOT) Marchiselli Aid Program to finance a portion of the State's share of the construction, RPR services and project administration.

Inspections of the Driving Park Bridge indicate that specific bridge-elements have reached a point of deterioration whereby preventative maintenance activities are warranted to prolong the life of the structure. Included in the project are the following work activities: full removal and replacement of the concrete deck for the main span (span 3), partial and localized deck repairs, removal and resetting of bridge railing, removal and replacement of curbs and sidewalks, structural steel repairs (span 3), expansion joint replacements, bridge washing, scupper cleaning, and localized paint repairs.

The project was initially let for construction in February 2015, however the initial bids exceeded the engineer's estimate and the project budget. The City requested additional federal and State Aid through the Genesee Transportation Council (GTC). On February 26, 2016, the City was notified that additional funding would be included in the State's Transportation Improvement Plan (STIP), thus allowing the project to move forward.

Participation in the project and receipt and use of federal funds were authorized in August 2012 (Ordinance 2012-331). Design services with LaBella Associates, D.P.C. were authorized in September 2012 (Ordinance 2012-370). Ordinance 2015-298 amended the design agreement to supplant \$37,500 in local Cash Capital with State Marchiselli Aid. Federal appropriations for the construction, RPR services and project administration in the amount of \$2,398,400 were previously authorized via Ordinance 2015-43, while the appropriations contained herein increase the total federal appropriations for construction, RPR and project administration to \$3,848,800.

State Marchiselli Aid in the amount of \$721,500 is hereby appropriated to fund 75% of the local share of construction, RPR services and administration. The remaining portion of the local share (25%) and the project betterments are the City's responsibility, and will be funded from bonds previously authorized for the construction, RPR services and project administration via Ordinance Nos. 2015-44 (\$300,000) and 2015-45 (\$600,000).

The original agreement with LaBella Associates, D.P.C. established \$250,000 as maximum compensation for preliminary and final engineering services related to the Driving Park Bridge Preventive Maintenance Project (Ord. No. 2012-370). The proposed amendatory agreement will increase maximum compensation by \$49,000 and will be funded by 2012-13 (\$29,450) and 2014-15 (\$19,550) Cash Capital allocations. Additional services are required to modify contract drawings, revise technical specifications, conduct public outreach and comply with Federal and State procedural clauses.

LaBella Associates, D.P.C. was selected to provide RPR services from the NYSDOT list of pre-approved regional engineering firms, which is described in the attached summary. The agreement is being funded from federal aid appropriations (\$560,000), State Marchiselli Aid (\$105,000) and proceeds for the previously issued bond (\$35,000).

The agreement may extend until two years after final acceptance of the project.

Project finances are summarized as follows:

Driving Park Bridge Preventive Maintenance Project							
Phase	Estimated Cost	Funding Sources					
		Federal	State Aid	Local Bonding	Cash Capital	Operating Budget	Total
Design	\$ 299,000	\$ 200,000	\$ 37,500	0	\$ 61,500	\$ 0	\$ 299,000
Construction	4,400,000	3,276,800	614,400	508,800	\$ 0	\$ 0	4,400,000
RPR Services	700,000	560,000	105,000	35,000	\$ 0	\$ 0	700,000
Contingency	128,550	0	0	128,550	\$ 0	\$ 0	128,550
Admin	25,850	20,800	2,100	0	\$ 0	2,950	25,850
TOTALS	\$ 5,553,400	\$4,057,600	\$759,000	\$ 672,350	\$ 61,500	\$ 2,950	\$ 5,553,400

It is anticipated that construction will begin in December 2016 with scheduled completion in late fall 2017. The Project results in the creation/retention of the equivalent of 62 full-time jobs.

Respectfully submitted,
 Lovely A. Warren
 Mayor

Attachment No. AP-154

Ordinance No. 2016-273
 (Int. No. 314)

Authorizing agreements and appropriating funds for the Driving Park Bridge Preventive Maintenance Project

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with LaBella Associates, D.P.C. for resident project representation (RPR) services for the Driving Park Bridge Preventative Maintenance Project (Project) in a maximum amount of \$700,000. The cost of said agreement shall be funded by portions of the appropriations of federal aid authorized in Section 4 (\$560,000), the State Marchiselli Aid appropriated in Section 5 (\$105,000), and proceeds from the previously issued bond authorized in Ordinance No. 2015-44 (\$35,000). The term of the agreement may extend until two years after final acceptance of the Project.

Section 2. The Mayor is hereby authorized to enter into an amendatory agreement between the City and LaBella Associates, D.P.C. to increase the maximum compensation under the Project design services agreement authorized in Ordinance No. 2012-370 by \$49,000 for a total of \$299,000. The amount of \$49,000 consisting of \$29,450 in 2012-13 Cash Capital and \$19,550 in 2014-15 Cash Capital is hereby appropriated to fund the amendatory

agreement. The amendatory agreement may extend until six months after completion and acceptance of the construction of the Project.

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

Section 4. The sum of \$1,450,400 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration to fund a portion of the federal share of the Project's construction, RPR services and Project administration.

Section 5. The sum of \$721,500 is hereby appropriated from anticipated reimbursements from the New York State Department of Transportation Marchiselli Aid Program to fund a portion of the Project's construction, RPR services and administration costs.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-274 and
Ordinance No. 2016-275

Re: Dewey Avenue and Driving Park
Intersection Realignment Project

Council Priority: Rebuilding and Strengthening
Neighborhood Housing; Jobs and
Economic Development

Transmitted herewith for your approval is legislation related to the Dewey Avenue and Driving Park Intersection Realignment Project. This legislation will authorize the acquisition, by negotiation or condemnation, of 15 properties at the Dewey Avenue and Driving Park Avenue intersection, and approve an Official Map Amendment that dedicates permanent easements from those properties to street and sidewalk purposes.

This project includes consolidating the offset intersection at Dewey Avenue and Driving Park Avenue, enhancing overall mobility for all users, reduce congestion and improve highway safety. Supporters of the project include the Maplewood Neighborhood Association, Department of Environmental Services / Bureau of Architecture and Engineering / Street Design Division, New York State Department of Transportation, and the Monroe County Department of Transportation.

The proposed acquisitions on Dewey Avenue and Driving Park Avenue include permanent easements (P.E.) and temporary easements (T.E.) and an uneconomic remainder that are necessary to realign the intersection. The value of this property was established by an independent appraisal performed by R.K. Hite & Co., Inc.

The total acquisition costs, including closing costs and relocation expenses, will not exceed \$1,213,277 and will be funded with \$713,512 from Federal Highway Administration funds (Ord. No. 2016-158); \$133,784 from New York State Marchiselli Aid (Ord. No. 2016-158); \$120,009 from Dormitory Authority of New York State funds (Ord. No. 2015-120); \$50,972 from Prior Years' Cash Capital; and \$195,000 from 2012-13 Cash Capital.

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Address	Map #	Property Owner	Sq Ft	Value
373-375 Driving Park Ave.	1	ARC PRRCRNY001, LLC	363 P.E. & 1,408 T.E.	\$4,400
380 Driving Park Ave.	2	Thanh Trieu	40 P.E. & 120 T.E.	300
374-376 Driving Park Ave.	3	Scott Ruthven	80 P.E. & 80 T.E.	400
368-370 Driving Park Ave.	4	Joseph M. DiJune	200 P.E. & 192 T.E.	1,000
875 Dewey Ave & 354 Driving Park Ave.	13 & 5	9274 Group, Inc.	16,277 P.E	1,035,500
875 Dewey Ave & 354 Driving Park Ave.	13 & 5	9274 Group, Inc.	17,691 T.E.	15,900
875 Dewey Ave & 354 Driving Park Ave.	13 & 5	9274 Group, Inc	Uneconomic Remainder	64,500
828-830 Dewey Ave.	6	Zhoubu Ni	48 T.E.	100
343 Driving Park Ave.	7	Total Information, Inc.	11 P.E.	100
321-331 Driving Park Ave.	8	321 Driving Park LLC	16 P.E.	100
320 Driving Park Ave.	9	Clinton E. Dixon	1,198 T.E.	2,400
315 Driving Park Ave.	10	Hudson Driving Garson LLC	57 P.E.	1,300
310 Driving Park Ave.	11	Almohanna LLC	84 T.E.	100
308 Driving Park Ave.	12	Michael E. Toombs	84 T.E.	100
877 Dewey Ave.	14	Isaac Benjamin	139 P.E. & 225 T.E.	700
881 Dewey Ave.	15	Tip Top Properties, LLC	78 P.E.	\$1,200

The project is being designed by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors D.P.C. Design of the project will be completed in fall 2016 and construction is scheduled to begin in winter 2016 with substantial completion in fall 2017.

Public outreach included three formal public meetings held at Aquinas Institute on May 19 and June 23, 2014, and July 20, 2015; and an Eminent Domain Procedure Law Hearing was held at City Hall on June 16, 2015. Minutes of these meetings are attached. The pavement, parking, and traffic control changes will be presented for endorsement at the August 2, 2016 Traffic Control Board meeting.

The associated Official Map Amendment was presented to the City Planning Commission during a public information meeting on June 13, 2016 and received a favorable recommendation. The minutes of that meeting are also attached. The legislation provides that the Official Map Amendment will go into effect when the acquisition of the permanent easements is complete.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-155

Ordinance No. 2016-274
(Int. No. 315, as amended)

Authorizing the acquisition by negotiation or condemnation of temporary easements, permanent easement and an uneconomic remainder parcel for the Dewey Avenue and Driving Park Intersection Realignment Project

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

Section 1. The Council hereby approves the acquisition of the following temporary easements (T.E.), permanent easements (P.E.) and an uneconomic remainder parcel for street purposes as a part of the Dewey Avenue and Driving Park Intersection Realignment Project, as depicted in the referenced maps, which are on file with the City Clerk :

Address	Map #	Property Owner	Sq Ft and Type	Value
373-375 Driving Park Ave.	1	ARC PRRCRNY001, LLC	363 P.E. & 1,408 T.E.	\$4,400
380 Driving Park Ave.	2	Thanh Trieu	40 P.E. & 120 T.E.	300
374-376 Driving Park Ave.	3	Scott Ruthven	80 P.E. & 80 T.E.	400
368-370 Driving Park Ave.	4	Joseph M. DiJune	200 P.E. & 192 T.E.	1,000
875 Dewey Ave & 354 Driving Park Ave.	13 & 5	9274 Group, Inc.	16,277 P.E.	1,035,500
875 Dewey Ave & 354 Driving Park Ave.	13 & 5	9274 Group, Inc.	17,691 T.E.	15,900
875 Dewey Ave & 354 Driving Park Ave.	13 & 5	9274 Group, Inc	Uneconomic Remainder	64,500
828-830 Dewey Ave.	6	Zhoubu Ni	48 T.E.	100
343 Driving Park Ave.	7	Total Information, Inc.	11 P.E.	100
321-331 Driving Park Ave.	8	321 Driving Park LLC	16 P.E.	100
320 Driving Park Ave.	9	Clinton E. Dixon	1,198 T.E.	2,400
315 Driving Park Ave.	10	Hudson Driving Garson LLC	57 P.E.	1,300
310 Driving Park Ave.	11	Almohanna LLC	84 T.E.	100
308 Driving Park Ave.	12	Michael E. Toombs	84 T.E.	100
877 Dewey Ave.	14	Isaac Benjamin	139 P.E. & 225 T.E.	700
881 Dewey Ave.	15	Tip Top Properties, LLC	78 P.E.	1,200

Section 2. The total acquisition costs, including closing costs and relocation expenses, in a maximum amount of \$1,213,277 shall be funded with \$713,512 in Federal Highway Administration funds appropriated in Ordinance No. 2016-158; with \$133,784 in New York State Marchiselli Aid funds appropriated in Ordinance No. 2016-158; with \$120,009 ~~in Dormitory Authority of the State of New York funds authorized in Ordinance No. 2015-120~~ from 2014-15 Cash Capital; with \$50,972 from Prior Years' Cash Capital; and with \$195,000 from 2012-13 Cash Capital.

Section 3. In the event that said easements and parcel cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for their acquisition. In the event of condemnation, the amounts set forth herein for the acquisitions shall be the amounts of the offers. Nothing in this ordinance shall be deemed to limit in any way the liability of the City for further claims arising from the acquisition of said easements and parcel pursuant to the Eminent Domain Procedure Law.

Section 4. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined

Ordinance No. 2016-275
(Int. No. 316)

Amending the Official Map by dedicating permanent easements to street purposes for the Dewey Avenue and Driving Park Intersection Realignment Project

August 9, 2016

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

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating to street purposes the permanent easements over certain parcels, which were authorized for acquisition by another ordinance approved contemporaneously herewith, as part of the Dewey Avenue and Driving Park Intersection Realignment Project, as more particularly described in maps on file with the City Clerk, and by adding said dedications to Dewey and Driving Park avenues.

Section 2. The dedications authorized herein shall take effect upon acquisition by the City of the necessary permanent easements.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-276

Re: Cornerstone Park Improvements

Transmitted herewith for your approval is legislation establishing \$84,000 as maximum compensation for an agreement with Joseph C. Lu Engineering and Land Surveying, P.C., Rochester, NY for resident project representation (RPR) services related to the Cornerstone Park Improvement Project. The agreement will be funded from 2015-16 Cash Capital and may extend until three months after completion and acceptance of a two year guarantee inspection of the project.

Cornerstone Park is located at the intersection of Broad and Stone Streets. The project includes the demolition and removal of deteriorated walls, pavements, and amenities; renovation and re-watering of the existing fountain with new mechanical / electrical systems; re-grading for drainage, on-site retention/detention and infiltration of stormwater; replacement of park furnishings including retaining walls, seating, tables, pavement, bicycle parking, signage and lighting; and landscape enhancements.

New York State Water Quality Improvement funds were appropriated for the project via Ordinance No. 2011-37 on February 22, 2011. The project was designed by McCord Landscape Architecture, PLLC, as authorized in September 2013 (Ordinance No. 2013-323). Project bonding was authorized on May 16, 2016 (Ordinance No. 2016-162).

Lu Engineers was selected to provide RPR services through a request for proposals process, which is described in the attached summary.

Construction is underway and substantial completion is expected in the fall 2016.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-156

Ordinance No. 2016-276

(Int. No. 322)

Authorizing an agreement with Joseph C. Lu Engineering and Land Surveying, P.C. for resident project representation services for the Cornerstone Park Improvement 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 Joseph C. Lu Engineering and Land Surveying, P.C., for resident project representation (RPR) services for the Cornerstone Park Improvement Project (Project) in a maximum amount of \$84,000. The cost of said agreement shall be funded from 2015-16 Cash Capital.

Section 2. The agreement may extend until three months after completion and acceptance of a two year guarantee inspection of the Project.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Haag moved to discharge Int. No. 232 from committee.

The motion was seconded by Councilmember Ortiz.

Adopted unanimously.

Introductory No. 232 was introduced June 14, 2016 and appears in its original form with its transmittal letter on page of the current Council Proceedings.

Attachment No. AP-157

Ordinance No. 2016-277
(Int. No. 232, as amended)

Authorizing pavement width changes on Charlotte Street

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

Section 1. The Council hereby authorizes the following pavement width changes on Charlotte Street:

- a) A ~~10-foot~~ 7-foot reduction in pavement width, from 30 feet to ~~20~~ 23 feet on Charlotte Street from Scio Street to 47 feet east of Scio Street; and
- b) A ~~2-foot reduction~~ 1-foot widening in pavement width, from 30 feet to ~~28~~ 31 feet on Charlotte Street from the point above to 87 feet east of Scio Street; and
- c) A ~~10-foot~~ 7-foot reduction in pavement width, from 30 feet to ~~20~~ 23 feet on Charlotte Street from the point above to 154 feet east of Scio Street; and

- d) A ~~2-foot reduction~~ 1-foot widening in pavement width, from 30 feet to ~~28~~ 31 feet on Charlotte Street from the point above to 194 feet east of Scio Street; and
- e) A ~~10-foot~~ 7-foot reduction in pavement width, from 30 feet to ~~29~~ 23 feet on Charlotte Street from the point above to ~~299~~ 315 feet east of Scio Street; and
- f) A ~~2-foot reduction~~ 1-foot widening in pavement width, from 30 feet to ~~28~~ 31 feet on Charlotte Street from the point above to 290 feet west of Pitkin Street; and
- g) A ~~10-foot~~ 7-foot reduction in pavement width, from 30 feet to ~~29~~ 23 feet on Charlotte Street from the point above to 188 feet west of Pitkin Street; and
- h) A ~~2-foot reduction~~ 1-foot widening in pavement width, from 30 feet to ~~28~~ 31 feet on Charlotte Street from the point above to 62 feet west of Pitkin Street; and
- i) A ~~10-foot~~ 7-foot reduction in pavement width, from 30 feet to ~~29~~ 23 feet on Charlotte Street from the point above to Pitkin Street.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously.

By Councilmember McFadden
August 9, 2016

To the Council:

The PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE recommends for ADOPTION the following entitled legislation:

- Int. No. 317 Amending the 2016-17 Budget by increasing the appropriations for the Rochester Police Department to carry over unspent grant funds
- Int. No. 318 Appropriating funds for smoke and carbon monoxide detectors and amending the budget appropriations of State Homeland Security Program funds
- Int. No. 319 Appropriation for the Mural Arts Project
- Int. No. 320 Authorizing an agreement with the Rochester Area Community Foundation for ROC the Future services
- Int. No. 323 Authorizing an intermunicipal agreement and appropriations for the Pathways to Peace program
- Int. No. 324 Authorizing amendatory agreements and funding for the Comprehensive Adolescent Pregnancy Prevention (CAPP) Program
- Int. No. 326 Authorizing an agreement with Big Apple Deli Products, Inc. for the relocation of loading docks related to the Public Market Winter Shed Renovation and Expansion Project

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Respectfully submitted,

Adam C. McFadden
Molly Clifford
Matt Haag
Dana K. Miller
Loretta C. Scott
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed, and published.
TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-278
Re: Amendment- 2016-17 Budget of the
Police Department

Council Priority: Public Safety

Transmitted herewith for your approval is legislation amending the 2016-17 Budget of the Police Department by \$32,000 to reflect the balance of carryover funds from existing grants. The funds are itemized below, and will be used for their original intended purpose.

GRANT	Amount to Carry Over
2015 Bomb Squad Initiative Grant	\$7,300
2015 Explosive Detection Canine Grant	700
MVTIFP	9,500
Petco Grant	3,000
Project Safe Neighborhoods	2,200
Senator Ranzenhofer Grant	6,000
Stop DWI 2016	<u>3,300</u>
Total	\$32,000

The Bomb Squad Initiative Grant has been received for over 10 years and is used to purchase equipment and training necessary for the Bomb Squad's continual improvement to incident responses. This year's grant is purchasing a replacement vehicle that will be used to transport the total containment vessel and incinerator, hand tools, and expenses related to required certifications training, including associated overtime and fringe for backfill, and travel expenses.

The Explosive Detection Canine Grant is funding canine-mounted video cameras, first-aid kits, masks for the teams' officers, and overtime and associated fringe to allow team members to attend training that will continue to enhance their interoperability with the Police Department's other special teams.

The Motor Vehicle Theft and Insurance Fraud Prevention (MVTIFP) grant provides overtime, but not fringe, to support Police Department deployment in high-theft areas and increased investigations of insurance fraud. The grant also provides funds to train police officers in specialized anti-theft techniques and technology.

The Petco Grant is for the preparation and promotion of shelter animals for adoption. The funding is used for fee-waived adoption events and adoption preparation expenses, such as vaccination and sterilization.

The Project Safe Neighborhoods grant was received from RIT with Police as a sub-awardee, and seeks to create safe neighborhoods through the sustained reduction of violent crime associated with gang and gun violence. The funds are

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providing overtime and fringe related to the planning and implementation of a comprehensive dispute intervention/prevention strategy.

The New York State Senate Grant through Senator Ranzenhofer is providing overtime and fringe for community policing patrols in the Police Department's Genesee Section.

The Stop DWI grant is used for enhanced detection and enforcement of driving while intoxicated and related offenses for the 2016 calendar year. Supported activities include expenses for STOP DWI overtime details and associated fringe costs, training, and underage alcohol enforcement.

Respectfully submitted,
Lovely A. Warren

Ordinance No. 2016-278
(Int.No.317)

Amending the 2016-17 Budget by increasing the appropriations for the Rochester Police Department to carry over unspent grant funds

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

Section 1. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$32,000, which amount is hereby appropriated from unspent grant funds appropriated in the 2015-16 budget as shown below. Said funds shall be used for their original purpose.

<u>GRANT</u>	<u>Carry Over Amount</u>
2015 Bomb Squad Initiative Grant	\$7,300
2015 Explosive Detection Canine Grant	700
Motor Vehicle Theft and Insurance Fraud Prevention	9,500
Petco Grant	3,000
Project Safe Neighborhoods	2,200
Senator Ranzenhofer Grant	6,000
Stop DWI 2016	<u>3,300</u>
Total	\$32,000

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-279
Re: Smoke and Carbon Monoxide
Detectors Installation Program and
Amending Ordinance No. 2016-218

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Council Priority: Public Safety

Transmitted herewith for your approval is legislation appropriating \$50,000 from the Fire Department Equipment allocation of the General Community Needs Fund of the 2016-17 Consolidated Community Development Plan, Annual Action Plan, for the purchase of smoke and carbon monoxide detectors and replacement batteries during 2016-17. Also for your approval is a technical amendment to Ordinance No. 2016-218.

The Rochester Fire Department (RFD) provides and installs free smoke and carbon monoxide detectors to low and moderate income families in residential properties. The RFD coordinates and implements fire prevention and education programs to reach at-risk target populations. During fiscal year 2015-16, RFD installed 1,104 smoke detectors, 830 carbon monoxide detectors, and 701 batteries in residential properties throughout the city.

Ordinance No. 2016-218 authorized the receipt and use of 2016 State Homeland Security Program grant funds; however the funding amounts for Fire and Undistributed Expenses were not rounded to the nearest hundred as required by the Office of Management and Budget. The technical amendment corrects this.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-279
(Int. No. 318)

Appropriating funds for smoke and carbon monoxide detectors and amending the budget appropriations of State Homeland Security Program funds

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

Section 1. The sum of \$50,000 is hereby appropriated from the Fire Department Equipment account of the General Community Needs Fund of the 2016-17 Consolidated Community Development Plan – Annual Action Plan to fund the purchase of smoke and carbon monoxide detectors and replacement batteries for the Rochester Fire Department to install in the residences of low and moderate income families.

Section 2. Ordinance No. 2016-218 regarding the State's grant and City appropriations of 2016 State Homeland Security Program (SHSP) funds is hereby revised in Section 3 thereof to read as follows:

Section 3. The 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Fire Department by \$61,800 ~~\$61,776~~ and to the Budget for Undistributed Expenses by \$24,700 ~~\$24,624~~, which amounts are hereby appropriated from the 2016 SHSP grant for the purpose authorized herein.

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed unanimously..

TO THE COUNCIL
Ladies and Gentlemen:

August 9, 2016

Ordinance No. 2016-280
Re: Mural Arts Project

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Transmitted herewith for your approval is legislation related to the Mural Arts Project. This legislation will:

1. Appropriate \$85,000 from the Job Creation/Youth Development allocation of the General Community Needs Fund of the 2016-17 Community Development Block Grant;
2. Amend the 2016-17 Budget of the Department of Recreation and Youth Services (DRYS) by \$70,500; and
3. Amend the 2016-17 Budget of Undistributed Expenses by \$5,400.

The balance of the funds (\$9,100) will be used for supplies, field trips, and artistic training.

Initiated in collaboration with the Department of Neighborhood and Business Development in 2012, this project engages Rochester youth to create, develop and install public arts projects to enhance and improve the community. This current phase of the project will begin in October 2016 and conclude in April 2017. A "Roc Paint Division" mural arts team will be assembled consisting of two lead artists, a staff assistant and eight youth workers. The youth hired for the project will receive training in community art development, leadership and artistic techniques. They will also participate in field trips and in professional development training conducted by the DRYS Bureau of Employment Skills Training and Youth Services.

The team will design and install a number of murals, both small and large scale, interior or exterior, at select R-Centers. The team will determine the designs and locations through consultation with youth and adult R-Center members and with community stakeholders from the surrounding neighborhood. Since the program's inception four years ago, murals have been installed at the Ametek building on North Union Street across from the Public Market; 17 "Words to Live By" murals have been situated in various locations; and four murals of "Rochester Pillars" (Susan B. Anthony, Frederick Douglass, Nathaniel Rochester and Austin Steward) have been placed on the pillar abutments of the underpass at the corner of West Main and Ford Streets. In the most recent program year (2015-16), murals were installed at the Campbell, Flint, and Roxie Ann Sinkler R-Centers.

This program was last approved by Council in November 2015 via Ordinance No. 2015-379.
A project description and budget are attached.

Respectfully submitted,
Lovely A. Warren
Mayor

Attachment No. AP-158

Ordinance No. 2016-280
(Int. No. 319)

Appropriation for the Mural Arts Project

August 9, 2016

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

Section 1. The sum of \$85,000 from the Job Creation/Youth Development allocation of the General Community Needs Fund of the 2016-17 Consolidated Community Development Plan – Annual Action Plan is hereby appropriated for the 2016-17 Mural Arts Project. The Project shall be comprised of the assembling of a “Roc Paint Division” mural arts team consisting of lead artists, a staff assistant, and youth workers to design and install murals at select R-Centers.

Section 2. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations for:

- (a) the 2016-17 Budget of the Department of Recreation and Youth Services (“DRYS”) by \$70,500; and
- (b) the 2016-17 Budget of Undistributed Expenses by \$5,400,

said amounts to be funded from a portion of the funds appropriated in Section 1 herein.

Section 3. The remainder (\$9,100) of the appropriation in Section 1 shall be allocated for Project supplies, field trips, and artistic training.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2016-281
Re: Agreement – Rochester Area
Community Foundation,
ROC the Future

Council Priority: Support the Creation of
Effective Educational Systems

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum annual compensation for an agreement with the Rochester Area Community Foundation to support ROC the Future, a collective impact initiative focusing on educational success for children from birth to adulthood. The term of the agreement will be for one year, with two optional one-year renewals, and will be funded from the 2016-17 and subsequent budgets of Undistributed Expenses, contingent upon approval of the future budgets.

ROC the Future is part of StriveTogether, a national network of communities supporting the success of every child from cradle to career, by focusing on a locally defined common agenda, shared measurements, continuous communication and mutually reinforcing activities, including mobilizing resources to increase equity and achieve collective positive impact. Locally, ROC the Future convenes many Rochester-area organizations, parents and students with a mission to improve the academic achievement of Rochester children through the alignment and focused use of community resources and strategies. ROC the Future publishes an annual report card that documents student and community indicators on school readiness, attendance, expanded learning opportunities, and college and career readiness.

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Under this agreement, the funds will be used to support data collection efforts, and expanded community and parental engagement efforts.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-281
(Int. No.320)

Authorizing an agreement with the Rochester Area Community Foundation for ROC the Future 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 the Rochester Area Community Foundation to support data collection and parent and community engagement efforts for the ROC the Future project.

Section 2. The maximum compensation under the agreement shall not exceed \$15,000, and shall be funded from the 2016-17 Budget of Undistributed Expenses. The term of the agreement shall be one year, with the option to extend the agreement for up to two additional one-year terms at an annual maximum compensation of \$15,000, contingent upon approval of subsequent budgets.

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

Section 4. This ordinance shall be effective immediately.

Passed by the following vote:

Ayes – President Scott, Councilmembers Clifford, Conklin, Haag, McFadden, Ortiz, Patterson, Spaul – 8

Nays – None -0

Vice President Miller abstained due to professional reasons.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-282
Re: Inter-Municipal Agreement - Rochester
City School District's Utilization of
Pathways to Peace

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with the Rochester City School District (RCSD) for the receipt and use of \$108,800 and amending the 2016-17 Budgets of the Department of Recreation and Youth Services (DRYS) by \$103,500 and Undistributed Expenses by \$5,300 by the funds authorized herein to provide intense, targeted intervention services to the highest-need students through the Pathways to Peace (PTP) program. The term of the agreement is will be from September 1, 2016 to June 30, 2017,

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with the option to extend for up to four additional one-year terms, with a maximum annual compensation of \$108,800, contingent upon approval of the future budgets of the City and RCSD.

The RCSD was awarded a five-year Extended School Day/School Violence Prevention grant from the New York State Education Department for July 1, 2016 to June 30, 2021 and is sub-contracting with the City to fund PTP services related to the grant.

Under this agreement, PTP will hire five part-time Youth Intervention Aides to deliver services at elementary and secondary schools identified by the RCSD. Upon the request of RCSD staff, PTP will provide the following services:

1. Student interventions – PTP staff will deliver intense intervention strategies to students impacted by gang violence and those having severe behavioral and personal safety issues as identified by the District.
2. Student mediation - PTP staff will facilitate student mediation sessions with students involved in disputes (and families as needed).
3. Student re-entry services - PTP staff, in conjunction with the school's parent liaison, will develop and implement a safety plan for students re-entering the school after a period of absence due to violence.
4. Support during emergencies at school - PTP staff will respond to emergency situations to assist in preventing or mitigating the risk of violence among students.
5. Support during special events - PTP staff will monitor entry points at special events and activities and will identify potentially violent individuals.

The Board of Education is expected to approve this agreement at their August 25, 2016 meeting.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance 2016-282
(Int. No. 323)

Authorizing an intermunicipal agreement and appropriations for the Pathways to Peace program

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

Section 1. The Mayor is hereby authorized to enter into an intermunicipal agreement with the Rochester City School District (RCSD) for the City to provide youth intervention services to targeted students in RCSD schools through the Department of Recreation and Youth Services' (DRYS') Pathways to Peace program (Program).

Section 2. The agreement shall provide for the City's receipt and use of funding from the RCSD in the amount of \$108,800 for Program services.

Section 3. The term of the agreement shall be from September 1, 2016 to June 30, 2017, with the option to extend for up to four additional one-year terms for an annual compensation of \$108,800, contingent upon the approval of subsequent Budgets of the RCSD and the City.

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

Section 5. Ordinance No. 2016-180, the 2016-17 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to:

- a) the Budget of DRYS by the sum of \$103,500, and
- b) the Budget of Undistributed Expenses by the sum of \$5,300, both of which sums are hereby appropriated from funds to be received by the City under the agreement authorized herein.

Section 6. This ordinance shall take effect immediately..

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-283
 Re: Budget Amendment - Comprehensive
 Adolescent Pregnancy Prevention
 Program

Council Priority: Support the Creation of
 Effective Educational Systems

Transmitted herewith for your approval is legislation related to funding for the Comprehensive Adolescent Pregnancy Prevention (CAPP) Program. This legislation will:

1. Authorize an agreement with the New York State Department of Health (DOH) for the receipt and use of \$33,722 for additional funding for the 2016 CAPP Program. This amount reflects an unanticipated cost of living adjustment (COLA) provided by the DOH.
2. Authorize an inter-municipal agreement with the Rochester City School District (RCSD) for the City’s implementation of evidence-based curricula delivery in RCSD schools. The term of the agreement will be September 6, 2016 to June 30, 2019, contingent upon the approval of future budgets of the Department of Recreation and Youth Services (DRYS).
3. Authorize amendatory agreements with each of the service providers to increase their maximum compensation to reflect the COLA:

	Initial Authorization	COLA 2016	Amended Total
U of R Medical Ctr/Highland Family Planning	\$23,235	\$4,165	\$27,400
YWCA of Rochester and Monroe County	25,280	4,241	29,521
Baden St. Settlement/Metro Council for Teen Potential	31,771	4,483	36,254
Society for the Protection and Care of Children	27,231	3,570	30,801
Family Resource Center	<u>6,287</u>	<u>182</u>	<u>6,469</u>
TOTAL	\$113,804	\$16,641	\$130,445

Each agency will receive funds to provide a COLA to their grant staff wages and purchase additional program supplies, with the exception of the Family Resource Center, which does not receive grant funding for supplies. The goal of the CAPP program is to significantly reduce the rate of pregnancy among teenagers in targeted areas and improve high school graduation rates in the city of Rochester, in part, through the implementation of evidence-based curricula in the RCSD. The RCSD requires all service providers who deliver programming in school buildings to have an agreement with them. The current agreement between the City and RCSD expired June 30, 2016.

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A portion of the remaining COLA funds (\$17,081) will be used to reimburse City personnel costs (\$2,471). This cost was anticipated and included in the 2016-17 Budget of DRYS. The balance (\$14,610) will be included in the City's Teenage Pregnancy Prevention Special Revenue Fund for non-personnel costs including equipment (\$1,197), professional development (\$2,070), two youth events (\$2,100), program supplies (\$2,843), and production costs for a public service announcement (\$6,400).

An amendatory agreement with the DOH was authorized for the receipt and use of \$273,018 in funding to extend the operation of the CAPP program for an additional six months, to December 31, 2016 via Ordinance No. 2016-215. The City was notified by the DOH on June 15, 2016 regarding the COLA, which is based upon a Congressional Budget Office calculation for the State's 2016-17 fiscal year. COLA funds must be expended by December 31, 2016.

The CAPP program was originally authorized via Ordinance No. 2014-359.

Respectfully submitted,
Lovely A. Warren
Mayor

Ordinance No. 2016-283
(Int. No. 324)

Authorizing amendatory agreements and funding for the Comprehensive Adolescent Pregnancy Prevention (CAPP) 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 agreement with the New York State Department of Health (DOH) for receipt and use of \$33,722 in cost of living adjustment (COLA) funds for the Comprehensive Adolescent Pregnancy Prevention Program (Program), which was authorized by Ordinance No. 2014-359 and amended by Ordinance No. 2016-215.

Section 2. The Mayor is hereby authorized to enter into amendatory agreements with the following organizations to increase their maximum compensation as follows:

<u>Organization</u>	<u>Previously Authorized</u>	<u>2016 Increase</u>	<u>Total</u>
U of R Medical Center/Highland Family Planning	\$23,235	\$4,165	\$27,400
YWCA of Rochester and Monroe County	25,280	4,241	29,521
Baden St. Settlement/Metro Council for Teen Potential	31,771	4,483	36,254
Society for the Protection and Care of Children	27,231	3,570	30,801
Family Resource Center	<u>6,287</u>	<u>182</u>	<u>6,469</u>
TOTAL	\$113,804	\$16,641	\$130,445,

August 9, 2016

and \$16,641 is hereby appropriated for the 2016 Increase from the funds received pursuant to the amendatory agreement authorized in Section 1.

Section 3. Grant funds received pursuant to Section 1 are hereby appropriated in the amount of \$14,610 to the Teenage Pregnancy Special Revenue Fund to pay for non-personnel costs to operate the Program.

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

Section 5. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District (RCSD) for implementation of the Program in RCSD schools. The term of such agreement shall be September 6, 2016, to June 30, 2019, contingent upon future budgets.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to amend Int. No. 326.

The motion was second by Councilmember Haag.

The motion was adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2016-284
Re: Agreement – Big Apple Deli
Products, Inc., Loading Dock Relocation
for Public Market Winter Shed
Renovation and Expansion Project

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

Transmitted herewith for your approval is legislation establishing \$105,000 as maximum compensation for Big Apple Deli Products, Inc. to relocate their loading docks to accommodate the Public Market Winter Shed Renovation and Expansion Project. The term of the agreement will be for one year and the cost will be funded from 2013-14 Cash Capital (\$14,170), 2014-15 Cash Capital (\$40,830), and \$50,000 from the 2014-15 Community Development Block Grant ED Financial Assistance Loan and Grant allocation of the Promote Economic Stability Fund.

City Council approved funding for the Project in January 2012 via Ordinance No. 2012-53. The primary elements of the Public Market reconstruction are the demolition of the existing Wintershed and the reconstruction of an expanded shed and new restrooms at approximately the same location within the Public Market. The expanded shed will impact Big Apple Deli Products' access to their current loading docks. This legislation will assist with the cost of constructing two new replacement docks.

Respectfully submitted,
Lovely A. Warren
Mayor

August 9, 2016

Ordinance No. 2016-284
(Int. No. 326, as amended)

Authorizing an agreement with Big Apple Deli Products, Inc. for the relocation of loading docks related to the Public Market Winter Shed Renovation and Expansion 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 agreement with Big Apple Deli Products, Inc. for the relocation of their loading docks due to the Public Market Winter Shed Renovation and Expansion Project. The sum of ~~\$105~~30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid under the agreement, and shall be funded from Prior Years' Cash Capital (\$25,000), 2013-14 Cash Capital (\$14,170), 2014-15 Cash Capital (\$40,830), and Community Development Block Grant 2014-15, ED Financial Assistance Loan and Grant allocation of the Promote Economic Stability Fund (\$50,000).

Section 2. This agreement shall have a term of one year and shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:30 p.m.

HAZEL L. WASHINGTON

City Clerk