



CITY ADMINISTRATION COMMITTEE

Date: November 20, 2019
Time: 6:00 PM
Location: Common Council Chambers,
3rd Floor, City Hall

AGENDA ITEMS

Item	Voting Item?	Presenter(s)	Time Allotted
1. Call to Order	No	Chair, Deb Mohlenhoff	15 Mins*
1.1 Agenda Review			
1.2 Review and Approval of Minutes Approval of October 2019 Minutes	Yes	*Note: We will review the number of cards received at the beginning of each meeting and adjust time if needed.	
1.3 Statements from the Public			
1.4 Council's Response			
2. Consent			
2.1 DPW – Request to Amend Personnel Roster	Yes		5 Min
2.2 DPW – Request to Amend Personnel Roster			
2.3 DPW – Request to Amend 2019 Budget			
2.4 PB&ED – Request to Amend 2019 Budget			
2.5 Finance – Authorization to Cover Red Accounts			
3. Finance, Budget and Appropriations			
3.1 Finance – Amendment to 2019 Budget	Yes	Steve Thayer, City Controller	5 Min
3.2 YB – Request to Amend 2019 Budget	Yes	Steve Thayer, City Controller	5 Min
3.3 IURA – Disbursement of Funds	Yes	Nels Bohn, Director of IURA	5 Min
4. City Administration, Human Resources and Policy			
4.1 DPW – Request to Reallocate Position	Yes	Mike Thorne, Supt of DPW	5 Min
4.2 DPW – Request to Amend Personnel Roster	Yes	Mike Thorne, Supt of DPW	5 Min
4.3 Amendment of City Code Section 181-9F	Yes	Tom Parsons, Fire Chief	10 Min
4.4 Amendment of City Code Chapter 346	Yes	Dan Cogan, Chief of Staff	5 Min
4.5 Trial Permit for Intercity Bus Stop	Yes	Ari Lavine, Attorney	10 Min
4.6 HR – Managerial Compensation Exception	Yes	Schellely Michell-Nunn, HR Dir.	10 Min
4.7 HR – Adjustment to Managerial Compensation Plan	Yes	Schellely Michell-Nunn, HR Dir.	10 Min
5. Discussion			
5.1 Shopping Cart Presentation	No	All	15 Min
6. Budget			
6.1 2020 Budget Wrap-up	No	All	5 Min
7. Meeting Wrap-Up	No	All	5 Min
7.1 Announcements			
7.2 Next Meeting Date: December 18, 2019			
7.3 Review Agenda Items for Next Meeting			
7.4 Adjourn			

If you have a disability that will require special arrangements to be made for you to fully participate in the meeting, please contact the City Clerk at 274-6570 at least 48 hours before the meeting.

Out of consideration for the health of other individuals, please refrain from using perfume/cologne and other scented personal care products at City of Ithaca meetings. Thank you for your cooperation and understanding.

This meeting can viewed via livestream on <https://ithacany.viebit.com/>

2. Consent

.1 DPW - Amendment to Personnel Roster

WHEREAS, the Streets and Facilities Division of DPW has a vacant, funded Light Equipment Operator position and a vacant, unfunded Maintenance Worker position, and

WHEREAS, DPW wishes to fill the vacancy at the Maintenance Worker level, with a long-term goal of training the individual to obtain a Class B Commercial Driver License and eventually become a Light Equipment Operator; now therefore be it

RESOLVED, That the Personnel Roster of the Streets and Facilities Division of the Department of Public Works be amended as follows:

Unfund:	One (1) Light Equipment Operator (Grade 5)
Fund:	One (1) Maintenance Worker (Grade 4)

and be it further

RESOLVED, That the funding for this change shall be derived from existing funds within the Department of Public Works 2019 budget.

2. Consent

.2 DPW - Amendment to Personnel Roster

WHEREAS, the City of Ithaca DPW Water & Sewer Division has need of a larger pool of applicants to meet our hiring needs and goals, and

WHEREAS, the number of applicants for our Laborer position advertised September 2019 was three (3) times that of the number of applicants we typically see for the Light Equipment Operator position; now therefore be it

RESOLVED, That a second Laborer position be added to the City of Ithaca DPW Water & Sewer Division, and be it further

RESOLVED, That the Laborer position will only be filled while another position at a higher level in the DPW unit is left vacant, allowing use of same funding for Laborer position, with the added requirement that if and when the Laborer is promoted, the Laborer position shall remain vacant until another higher level vacancy allows it again to be filled.

MEMORANDUM

CITY OF ITHACA

DPW – WATER & SEWER DIVISION
510 FIRST STREET



Date: 11/12/2019

To: CA

Cc: Mike Thorne, PE, Superintendent of Public Works

From: Erik Whitney, PE, Assistant Superintendent of Public Works, W&S Division

RE: Request for Second Laborer Position on Water & Sewer Roster

Priority: high

Included on page 2 – Proposed Resolution Draft

All,

This is a request for a second Laborer position on the Water & Sewer Division Roster. We are not requesting funding. We have not yet filled two of the higher positions on our 2019 budgeted new/added Crew. Our intent here is to hire on a second Laborer while leaving one of the new Crew positions vacant, using these funds for the second Laborer. We would then train the new Laborer in house to obtain a commercial drivers license (CDL) and promote the Laborer to a Light Equipment Operator (LEO). Upon promotion to LEO the Laborer position will then be left vacant until another LEO position becomes vacant and we hire another Laborer and begin the process over again. The reason for this is that we found the applicant pool for the Laborer position proved to be much bigger than when we advertise for a Light Equipment Operator with a CDL required. We found that we had a greater number of exceptional quality applicants with the expanded pool. This also allows applicants who have little or no DPW experience and do not possess a CDL to enter our workforce at ground level with benefits.

2. Consent

.3 DPW - Amendment to 2019 City Budget

WHEREAS, the Tompkins County Tourism Program has awarded to the City of Ithaca a \$20,000 grant for the purpose of producing the Six Mile Creek Feasibility Study, as described in the accompanying memo dated October 31, 2019, and

WHEREAS, a firm, Penn Trails LLC, has been competitively selected by the City to produce this study, and

WHEREAS, the payment process will involve the County grant funds being transferred to the City and then to the consulting firm, which will briefly constitute a City revenue/expense; now therefore be it

RESOLVED, That Common Council hereby amends the 2019 Authorized budget for the DPW Engineering Office as follows to account for the grant from Tompkins County:

Increase Revenue Account:

A1440-2707 Grants from Local Governments	\$20,000
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Increase Appropriation Account:

A1440-5435 Engineering Contracts	\$20,000
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CITY OF ITHACA

108 East Green Street Ithaca, New York 14850-5690

OFFICE OF THE CITY ENGINEER

Telephone: 607/274-6530 Fax: 607/274-6587

TO: City Administration Committee
FROM: Kent Johnson, Assistant Transportation Engineer
RE: Six Mile Creek Trail Feasibility Study funding
DATE: October 31, 2019

Background

Six Mile Creek Trail is the name of a route of existing and proposed sidewalks and trails along Six Mile Creek in the City of Ithaca between the Six Mile Creek Natural Area and Cayuga Lake. The character along the trail varies considerably from urban sidewalks and the Six Mile Creek Promenade west of Aurora St., to a stone dust trail and natural surface hiking trails east of Aurora Street. The long range vision is to establish a route that travels from the Ithaca Commons westward to the Cayuga Waterfront Trail (which connects to the Black Diamond Trail northward to Taughannock Falls State Park), and from the Ithaca Commons eastward through the Six Mile Creek Gorge to the South Hill Recreation Way (which connects to the future Gateway Trail, Buttermilk Falls State Park, and the Finger Lakes Trail ... which then connects to the 4,600 mile long North Country National Scenic Trail).

Current project

The City of Ithaca is currently working to establish a natural surface hiking trail connection from the existing stone dust trail just east of Aurora St. to the existing trails in the Six Mile Creek Natural Area (this new connecting trail will be just under 1 mile in length). Establishing this trail is complicated due to the steep gorge topography which will require three new bridges to cross the creek three times, as well as a few smaller bridges to span ravines along the gorge. The Six Mile Creek Trail Plan produced in 2016 provides a good overview of this section of trail. A copy of this plan can be viewed at: <https://www.cityofithaca.org/640/Trails>.

In the spring of 2019, the City of Ithaca was awarded funding from the Tompkins County Tourism Program to commission a feasibility study to better understand the soil conditions, creek flow impacts, and other issues associated with developing this trail. Results from this study will allow for the project scope to be clearly defined and will allow for the development of an accurate cost estimate. This information will then be used when seeking future funding for design and construction costs.

Action for the City Administration Committee

The Tompkins County Tourism program has awarded \$20,000 to the City of Ithaca for the creation of the feasibility study. A firm, Penn Trails LLC, has been competitively selected to produce the study for a fee to not exceed \$19,983.00. Though the City of Ithaca is not expected to provide any City funds toward this phase of work, since the County funding will pass through the City to the consultant, the City needs to amend its budget to reflect this brief

revenue/expense. Accordingly, a Resolution has been provided for the City Administration's consideration.

Next steps

It is anticipated that the City of Ithaca will authorize \$10,000 of City funding in the upcoming budget to contribute to the effort of developing the Six Mile Creek Trail. This funding is not intended to contribute to the work covered in the existing scope of work planned for the County-funded feasibility study. Rather, the funding is expected to support follow-up work recommended from the feasibility study such as soil borings or more detailed design work that is beyond the scope allowable in the County-funded study (which is expressly not allowed to fund design or construction work). The funding may also be used for other purposes that support the development of the trail.

After the feasibility study, and possible follow-up work, is concluded, the City will be in a good position to apply for state and/or federal grant funding to design and construct the trail. This grant funding will most likely require a local funding match in the range of around 20% to 50% depending on the type of grant. Funds remaining from the \$10,000 amount could be used to support a local funding match.

2. Consent

.4 Planning, Building and Economic Development – Request to Amend 2019 Budget

WHEREAS, the City received a mini-grant from the Park Foundation, Inc. to bring members of Center for Performance and Civil Practice (CPCP) to Ithaca for a one-day consultation, and

WHEREAS, the services will include community engagement to build civic health, equity and capacity; now therefore, be it

RESOLVED, That Common Council hereby amends the 2019 Authorized Budget for the Planning and Building Department as follows to account for said grant from Park Foundation:

Increase Revenue Account:

A8020-2705	Gifts Donations	\$5,000
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Increase Appropriations Account:

A8020-5435	Planning Contracts	\$5,000
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2. Consent

.5 Finance – Authorization to Cover Red Accounts

RESOLVED, That the City Controller be empowered to make transfers within the 2019 Budget appropriations, as needed, for the remainder of the 2019 Fiscal Year.

3. Finance, Budget and Appropriations

.1 Finance – Amend 2019 Budget to Account for CDBG Program Income Cascade Plaza Loan Payoff

WHEREAS, the City was informed by the Ithaca Urban Renewal Agency (IURA) that unanticipated small cities CDBY Program Income of \$247,737.91 from the Cascade Plaza loan payoff needed to be returned to New York State, and

WHEREAS, the fund needed to be sent from the City of Ithaca as a pass through to the Housing Trust Fund Corporation; now, therefore be it

RESOLVED, That the 2019 Budget be amended as follows to account for the pass through of IURA CDBG Program Income from the Cascade Plaza loan payoff:

Increase Revenue Account:

A8515-4989	Federal and Other Home & Community	\$247,737.91
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Increase Appropriation Account:

A8515-5435	Housing Contracts	\$247,737.91
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3. Finance, Budget and Appropriations

.2 Youth Bureau – Request to Amend 2019 Budget

WHEREAS, On October 27, 2019, the Recreation Support Services (RSS) 15 passenger van (#810) was involved in an accident, and

WHEREAS, the insurance appraiser has deemed the van a total loss, and

WHEREAS, insurance will pay \$14,887, after a \$2,500 deductible and an additional \$15,000 is needed to cover the cost of a new van, which has been estimated at \$32,000, and

WHEREAS, the RSS van is used heavily every week to transport youth and adults to the YB, to program sites such as the YMCA, local parks, Ithaca College and Cornell and then home. RSS provides services to hundreds of youth and adults with developmental disabilities each year. In order to continue to provide programming and meet contractual agreements with funders the RSS van needs to be replaced; therefore, be it

RESOLVED, That Common Council hereby approves the following transfer in an amount not to exceed \$17,113 for the replacement of a 15 passenger van for the Ithaca Youth Bureau, from unrestricted contingency account A1990 to Account A7310-5215 Youth Bureau Vehicles.



Ithaca Youth Bureau
1 James L. Gibbs Drive
Ithaca, New York 14850

Phone: (607) 273-8364

Fax: (607) 273-2817

"Building a foundation for a lifetime."



To: City Administration Committee
From: Liz Klohmann, Director
Re: Request for Contingency Funds
Date: 11/20/19

On October 27, 2019 the Recreation Support Services (RSS) 15 passenger van (#810) was involved in an accident. The insurance appraiser has deemed van 810 a total loss. Insurance will pay \$14,887, after a \$2,500 deductible. An additional \$15,000 is needed to cover the cost of a new van.

The Youth Bureau is requesting the up to \$15,000 plus the \$2,500 deductible, a total of \$17,500 from contingency funds. There is a possibility that some funds will be available in our 2019 budget, but we will not know that until we are closer to the end of the year.

The RSS van is used heavily every week to transport youth and adults to the YB, to program sites like the YMCA, local parks, Ithaca College and Cornell, and then home. RSS provides services to hundreds of youth and adults with disabilities each year. In order to continue to provide programming and meet contractual agreements with funders the RSS van needs to be replaced.

3. Finance, Budget and Appropriations

.3 Community Housing Development Fund, Round #19 — Authorize Disbursement of Funds Pursuant to an Executed MOU

WHEREAS, the Community Housing Development Fund (CHDF) was established in 2009, and renewed in 2015, by Memorandum of Understanding (MOU) among and between the City of Ithaca, Tompkins County and Cornell University to raise and award funds to increase the supply of permanently affordable housing in the County, and

WHEREAS, on an annual basis Cornell University contributes \$200,000 to the CHDF and the City of Ithaca and Tompkins County each contribute \$100,000, and

WHEREAS, the Common Council determined that City contributions to the CHDF should be used solely to assist those projects located within the City of Ithaca, and

WHEREAS, the Program Oversight Committee, which includes three City appointees, reviews and recommends projects for awards, including the amount and funding source, and

WHEREAS, the City of Ithaca Common Council retains authority to approve, modify or reject the POC’s recommendation for use of City funds, and

WHEREAS, action to authorize disbursement of City funds requires prior completion of environmental review for housing projects, and

WHEREAS, recommended round #19 projects for City funding have completed environmental review by the City Planning and Development Board and are ready for Common Council action, and

WHEREAS, the POC recommends the following affordable housing projects for funding:

Community Housing Development Fund							
Round #19 Recommended Funding Awards							
Applicant	Project	# Units	Municipality	Funding (\$1,000s)			
				Corn ell	County	City	Total
Hawkins	622 W. Clinton St..	1 rental	(C) Ithaca	0	0	27.8	27.8
INHS	28 Crystal Drive	1 for-sale	(T) Dryden	38.94	0	0	38.94

Habitat	1932 Slaterville Rd., Part II	2 for-sale	(T) Dryden	0	80	0	80
Totals		4 units		38.94	80	27.8	146.74

and,

WHEREAS, pursuant to the MOU, Tompkins County administers the CHDF, including collection of contributions to the CHDF and distribution of funds to project sponsors, and

WHEREAS, the 622 W. Clinton Street project to rehabilitate an existing single-family dwelling is a type II action under the City of Ithaca Environmental Quality Review Ordinance requiring no further environmental review, and

WHEREAS, annual City contributions to the CHDF are placed in Restricted Contingency; now therefore, be it

RESOLVED, That the Common Council for the City of Ithaca hereby authorizes an expenditure of up to \$27,800 to Tompkins County for the following affordable housing projects to implement the recommended funding award for rounds #19 of the Community Housing Development Fund:

Project Name: 622 W. Clinton Street
Amount: \$27,800
Applicant: Jerame Hawkins
Project Summary: Rehabilitation of a 3-bedroom rental housing unit at 622 W. Clinton Street, Ithaca, NY

and be it further,

RESOLVED, That Common Council hereby appropriates an amount not to exceed \$27,800 from the 2019 CHDF currently located in account A8020-5435 Planning Contracts \$100,000, and be it further,

RESOLVED, That the \$27,800 appropriated, will fund the \$27,800 City portion of the City/County/Cornell Housing Trust for the above listed project, and be it further

RESOLVED, That the Mayor, subject to advice of the City Attorney, is hereby authorized to execute a fiscal agency agreement with Tompkins County to implement this resolution.

4. City Administration, Human Resources and Policy

.1 DPW - Reallocation of Position

WHEREAS, the Streets & Facilities Division of the Department of Public Works has recently added several new highway crew positions, and is also facing the retirements of several key supervisory personnel in the next few years, and

WHEREAS, the Construction Engineer position in the Streets & Facilities Division was created in large part to help with succession planning and transitional periods, and is now also needed to provide additional formal supervision of work crews, and

WHEREAS, the Human Resources Department reviewed the point factor evaluation of the Construction Engineer position and determined that the addition of formal supervisory responsibilities merits an increased point factor rating, which results in the reallocation of the position to a higher salary grade; now, therefore, be it

RESOLVED, That the position of Construction Engineer be reallocated from Grade 8 to Grade 9 of the City Executive Association Compensation Plan, and be it further

RESOLVED, That the funding to cover the resulting salary increase shall be derived from within the approved 2019 departmental budget.

4. City Administration, Human Resources and Policy
.2 DPW - Amendment to Personnel Roster

WHEREAS, the current vacancy in the Director of Parking position has given the Department of Public Works the opportunity to restructure and realign responsibilities to more efficiently carry out its mission, and

WHEREAS, the Department of Public Works wishes to merge responsibility for the planning, operations, maintenance and management of the City's transportation network into one departmental division; now, therefore, be it

RESOLVED, That the Personnel Roster of the Department of Public Works be amended as follows:

Add:	One (1) Director of Transportation and Parking
Delete:	One (1) Director of Parking

and, be it further

RESOLVED, That the position of Director of Transportation and Parking be assigned to the Management Compensation Plan at salary grade 8, and be it further

RESOLVED, That for the sole purpose of determining days worked reportable to the New York State and Local Employees' Retirement System, the standard workday for this position shall be established at eight (8) hours per day (forty (40) hours per week), and be it further

RESOLVED, That the funding for this roster change shall be obtained from within the allocated departmental budget.

4. City Administration, Human Resources and Policy
.3 Amendment of City Code Section 181-9F

WHEREAS, section 181-9 F(1) of the Code of the City of Ithaca states the Fire Chief shall promulgate a fee schedule applicable to the permits authorized under such code; and

WHEREAS, §181-9 F states that fees established in the fee schedule shall reasonably reflect the cost of receiving, investigating, processing, and issuing each of said permits; and

WHEREAS, §181-9 F requires that any schedule and said changes proposed thereto shall be submitted to the Common Council for adoption prior to the collection of such fees; and

WHEREAS, the permit fee schedule is based on the labor costs of performing the inspections and processing the permits, and because of subsequent salary increases and associated cost of fringe benefits, the current fees do not reflect the actual costs of the services being provided; and

WHEREAS, the fees were last adjusted and approved by Common Council on December 6, 2017; and

WHEREAS, a proposal has been prepared and submitted to increase fees generally and as stipulated in the attached schedule, from \$55.00 to \$58.00 per hour, and from \$82.50 to \$87.00 per hour for work performed during non-business hours, which will result in such fees reflecting current costs; and

WHEREAS, the prepared proposal includes the additional permit fees, which are unchanged, for processing and the administration of permits over and above the costs of the actual inspections for issuing such permits; now, therefore be it

RESOLVED, The Common Council of the City of Ithaca does hereby approve the proposed increase in permit fees as proposed, and be it further

RESOLVED, These changes shall be authorized upon adoption of this resolution by Common Council, with an effective date of January 1, 2020.

2020 Fire Prevention Permit and Inspection Fees

Permit Type	Permit or Inspection Fee	Comments
Assembly Occupancy Permit (50-299 occupants)	\$50/building	Issued annually and does not include inspection fees
Assembly Occupancy Permit (>300 occupants)	\$100/building	Issued annually and does not include inspection fees
Elevator Permit	\$60/elevator unit	Issued every 3 years and does not include inspection fees
Lumberyard Occupancy Permit	\$50/building	Issued annually and does not include inspection fees
Hazardous Occupancy Permit	\$50/building	Issued annually and does not include inspection fees
Fireworks Permit	\$50	Per event and does not include inspection fees
Explosives Use	\$50	Per location and does not include inspection fees
Bon Fire Permit	\$50	Per event and includes 1 inspection
Asphalt Kettles	\$50	Per location/month and includes 1 inspection
Temporary Propane Permit	\$50	1 month/venue and includes 1 inspection
Temporary Propane Permit	\$125	6 months/venue and includes up to 2 inspections
Temporary Propane Permit	\$200	12 months/venue and includes up to 4 inspections
Food Truck Permit (includes propane)	\$50	1 month/venue and includes 1 inspection
Food Truck Permit (includes propane)	\$125	6 months/venue and includes up to 2 inspections
Food Truck Permit (includes propane)	\$200	12 months/venue and includes up to 4 inspections
Welding and Cutting Permit	\$50	1 month / firm or business and includes 1 inspection
Welding and Cutting Permit	\$125	6 months / firm or business and includes up to 2 inspections
Welding and Cutting Permit	\$200	12 months / firm or business and includes up to 4 inspections
Parking Garage Permit	\$50/Garage	Issued every year and does not include inspection fees
Emergency Responder Radio System	\$50/System	Issued every 3 years and does not include inspection fees
Inspection Rates	\$58/hour	
Plan Review Rates	\$58/hour	

4. City Administration, Human Resources and Policy
.4 Amendment of Chapter 346 of the City Code

An Ordinance to Amend Chapter 346 entitled “Vehicles and Traffic”, Section 346-69, Schedule XIX entitled “Overnight Parking”

ORDINANCE NO. 2019-

BE IT NOW ORDAINED AND ENACTED by the Common Council of the City of Ithaca that Chapter 346 of the City of Ithaca Municipal Code, entitled "Vehicles and Traffic", Section 346-69, Schedule XIX entitled “Overnight Parking” be amended as follows:

Section 1.

Section 346-69, Schedule XIX entitled "Overnight Parking" is hereby amended to read as follows:

§ 346-69 Schedule XIX: Overnight Parking.

In accordance with the provisions of § **346-26**, all-night parking between ~~2:00 a.m.~~ 7:00 p.m and 6:00 a.m. shall be permitted upon any of the following described streets or parts thereof:

Name of Street	Side	Location
Cayuga Street	East	From South Hill Terrace to Spencer Street
Hillview Place	South	From Turner Place to a point 150 feet east thereof
South Hill Terrace	North	From Turner Place to Hillview Place
South Hill Terrace	South	From Hillview Place to South Cayuga Street
Stewart Avenue	East	600 block

Section 2. Severability clause.

Severability is intended throughout and within the provisions of this ordinance. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective date.

This ordinance shall take effect immediately upon publication as provided in the City Charter.

4. City Administration, Human Resources and Policy

.5 Authorization of a Trial Permit for Use of East Seneca Street as an Intercity Bus Pickup and Dropoff Area

WHEREAS, Section 346-31 of the City Code states that no bus shall operate, stop on or stand on any City street, nor shall such bus pick up or discharge passengers on any such City street or curb, or any other public property, or within 200 feet of any City bus stop in the corporate limits of the City of Ithaca, unless a permit is obtained from the Common Council or its designee, and

WHEREAS, OurBus Inc. wishes to continue its intercity bus operations in Ithaca using curb space proximate to the northeast corner of 130 East Seneca Street, and

WHEREAS, City staff have reviewed the request, and have determined that the space could be suitable for one bus provided the fire hydrant currently located in front of 130 East Seneca Street is moved to a location not obstructed by any intercity bus operation and serving 130 East Seneca Street and any other properties currently served by the existing hydrant, and

WHEREAS, City staff have expressed concerns about how intercity buses and hotel visitors may effectively use competing space, and thus recommend a trial period to determine the suitability of this location as an intercity bus stop, and

WHEREAS, the City has evaluated staff and resource impacts to the City from intercity bus service on City streets, and

WHEREAS, Chapter 170, "Use of City Real Property", authorizes the City to establish permit fees for use of City property and Common Council is interested in establishing a bus permit fee based for the East Seneca Street location on a fair rental value for use of East Seneca Street; now therefore, be it

RESOLVED, In accordance with Section 346-31 and Chapter 170 of the City Code, the Common Council hereby establishes an Intercity Bus Permit fee for use of the East Seneca Street location of \$15 per arrival or departure from East Seneca Street for occupancy of the right of way for the purposes of operating an intercity bus, and be it further

RESOLVED, That the above-established fee shall be multiplied by the number of scheduled trips as submitted to the Transportation Engineer for the permit period, running from December 16, 2019 (or such date thereafter as hydrant relocation is complete) through March 31, 2020, and shall be paid prior to the commencement of each permit term, with additional payment for additional service, and be it further

RESOLVED, Common Council authorizes the Board of Public Works to modify the above-established Intercity Bus Permit fee from time to time, but retains the sole legislative discretion as to issuance of bus permits, and be it further

RESOLVED, That the Common Council hereby authorizes issuance of a trial permit to OurBus Inc. with the following conditions:

1. Execution of a bus permit agreement for the East Seneca location for a trial period ending March 31, 2020, thereafter month to month, and containing the City's usual revocation-without-cause and indemnification terms and conditions;
2. OurBus Inc. provides an audit and full accounting of actual use of the Green Street intercity bus location by OurBus and its contracted carriers, and ceases use of the Green Street location by it or any carrier providing service by contract with OurBus Inc., except as otherwise explicitly permitted in writing by the City;
3. OurBus Inc. pays \$25,000 to the City to account for the need to move the hydrant to accommodate this request from OurBus Inc. in addition to the anticipated permit fee for the East Seneca location;
4. The exact route, locations where passengers may be dropped off and picked up, and times of operation shall be subject to approval by the Superintendent of Public Works or his designee;
5. At all times, the operator(s) of the bus shall remain with the bus and ensure that the bus is not parked in a manner that interferes with the ability of emergency vehicles to move or pass or that interferes with sight distance for pedestrians or motorists;
6. Permittee shall at all times maintain valid liability insurance coverage, and proof of compliance with the Workers' and Disability Compensation coverage requirements, and be it further

RESOLVED, That the Superintendent of Public Works shall have the right to modify the conditions above upon reasonable notice to the Permittee, suspend or revoke this permit due to violation of the terms thereof, or due to any other action or failure to act, on the part of the permittee or his agents, which poses a danger to the health or safety of any members of the public, provided, however, that such suspension or revocation shall be subject to review by Common Council upon written appeal of the permittee, to the Mayor (which appeal, while pending, shall not stay said suspension or revocation).

INTERCITY BUS PERMIT

Permittee: OURBUS, INC.
Permittee's Mailing Address: 79 MADISON AVE, 17TH FLOOR,
NEW YORK, NEW YORK, 10016
Phone Number: 917 939 0495

WHEREAS, the above-named Permittee offers and arranges for intercity commercial passenger bus transportation; and

WHEREAS, Permittee has requested permission from the CITY OF ITHACA, NEW YORK, a municipal corporation having offices at 108 E. Green Street, Ithaca, New York 14850, hereafter referred to as "City," to operate a bus service and stop within the City on a City-owned street, namely, East Seneca Street, in accordance with City Code Section 346-31; and

WHEREAS, on _____ 2019, Common Council approved by resolution the Permittee's request and approved a permit fee of \$15 per arrival, departure, or both provided they occur concurrently; and

WHEREAS, due to the space constraints of the permitted area and intensive use of Seneca Street generally, the following terms and conditions are intended to foster and provide for safe and limited use of Seneca Street as an Inter-City Bus Stop;

NOW THEREFORE, this InterCity Bus Permit authorizes Permittee's operation of a bus service within the City under the following conditions:

1. Permittee may use the curb and shoulder immediately adjacent to the south of 130 Seneca Street, which is comprised of one (1) bus bay, as depicted in the map included as an attachment and incorporated into this Permit as Exhibit A and referred to as the Premises, for passenger pick up and drop off on the days and times for the Permit period as set forth in the approved schedule. The approved schedule is included as an attachment and incorporated into this Permit as "Schedule A."
2. The approved schedule attached as Schedule A is valid for the Permit period. Permittee shall, in advance of advertising, contracting for, or implementing changes and/or additions to the approved schedule ("changes") notify the City Transportation Engineer of changes subject to paragraph 3, below, and subject further to the City's right to reject any such changes at any time.
3. This Bus Permit shall not take effect until fully executed and until the application and use fees set forth below have been received by the City.
 - a. Use Fee: The use fee is established as \$15.00 for each bus arrival, departure or both provided any single bus arrival and departure occurs within the thirty minute period for the applicable permit period. The Use Fee for the initial period of this license (December 16, 2019, until March 31, 2020) is \$10,400.00. This Use Fee represents the estimated fair rental value of the City land in question for the initial permit term.

- b. Deposit: Additionally, Permittee will be required to fund a Deposit Account of no less than 25% of said Use Fee, and to replenish said Deposit Account back to 25% of said Use Fee or any subsequent Use Fee, whichever is larger, upon notice from the City that the Deposit Account has declined to 15% of the Use Fee.
 - c. A check in the amount of the sum of the Use Fee and Deposit Account amount, payable to the City of Ithaca, must be submitted to the City Chamberlain's office by December 12, 2019.
 - d. In the event that this Permit is renewed as provided in paragraph 4 below, the Use Fee for subsequent permit terms may be adjusted by the City (i) by an amount up to the rate of any increase in the consumer price index since the previous year, or (ii) as otherwise provided by Common Council, or its designee.
 - e. Permittee shall be responsible for prospectively reporting additional arrivals or departures, or other changes to Schedule A as indicated in paragraph 2, and for retrospectively submitting on a monthly basis a detailed audit—sworn under penalty of perjury, with accompanying business records documenting the same—of actual bus service under this agreement in excess of the schedule attached as Schedule A, along with a calculation of payment owed based on the applicable rate for such excess service. Said payment owed, as corrected if necessary by the City, will be deducted from the Deposit Account specified above. Failure to timely file said monthly audit, or any misrepresentations contained therein, will result in immediate revocation of this Permit and such other recourse as deemed appropriate by the City.
 - f. Notwithstanding any other provisions herein, the City hereby reserves the right to correct the amount of the Use Fee at any time if Permittee's actual number of arrivals or departures is found to be different from the amount stated in Schedule A and bill for any additional fee owed (or refund due) as a result of the correction. Likewise, in the event that use of the Seneca Street Inter-City Bus stop is reclassified by Tompkins County as taxable, the full amount of assessed taxes shall be incorporated into a corrected Use Fee or invoiced as of the date such taxes become due.
 - g. By Permittee's execution of this Bus Permit, Permittee certifies that it is current on all past permit fees incurred prior to execution of this document, and that upon request, and as to this Bus Permit, Permittee will provide a full accounting and audit of actual use of the Premises and fees paid based on actual use.
4. This Bus Permit shall commence upon execution and expire March 31, 2020. This Bus Permit shall renew automatically thereafter month to month, with the same terms and conditions (except that the amount of the Use Fee may be revised from time to time), provided that Permittee has submitted to the City full advance payment for the Use Fee for the subsequent **six (6)** month period, any required renewal forms, proof of insurance and the full and proper applicable fee for the renewal period, before the commencement of such new term (i.e., before April 1st), and provided that the City has not notified Permittee, within 30 days of the expiration of the current term, of the City's intention not to renew for the following permit term. Late fees for past due payments may be added to amounts past due as provided in the City of Ithaca Municipal Code or may result in immediate termination of the permit.

5. Permittee shall be solely responsible for compliance with any applicable statute, regulation, directive, order, or other provision of law made by the City or any other governmental entity having jurisdiction over Permittee's operations. Failure to comply with any term of this Permit or other applicable statute, regulation, directive, order, or other provision of law will result in assessment of \$250 per violation and/or immediate termination by the City. Permittee's failure to pay any violation shall constitute adequate grounds to terminate and/or not issue a renewal or schedule modification. Permittee acknowledges that failure to timely pay violations as assessed may result in the fees being added to applicable fees for renewal Permit terms plus statutory interest.
6. The following specific terms are conditions on this Permit, and Permittee's failure to adhere to such conditions may constitute grounds for assessment of violations as set forth above and/or revocation of the permit:
 - a. To the extent a tour bus operator is stopped in the area of the Premises, even during a time specified in the schedule attached as Schedule A, Permittee shall instruct drivers to circle until the Premises is available for Permittee passenger boarding or drop off.
 - b. Stopping or standing at the above described Premises shall not exceed fifteen minutes prior to or after Permittee's departure time as referenced in paragraph 1 above. Buses using the Seneca Street Inter City Bus stop must be stopped or standing completely within the bus lane.
 - c. Permittee agrees to provide its patrons with accurate information about loading, drop off, and parking options. Permittee agrees to coordinate services with adjacent businesses for use of facilities.
 - d. Bus operators shall only unload luggage and passengers from the sidewalk side of the bus; in no event, shall any bus operator open or allow passengers to access the cargo area from the street side.
7. If the City requires complete possession of the Premises for any municipal, state and/or federal purpose, then this Permit may be modified or terminated by the City upon fifteen (15) days' written notice to Permittee, except in the case of an emergency, in which case the notice period may be shorter, as necessary. In the event of such modification, Permittee may elect to terminate the Permit upon written notice; in the event of such termination by either party, Permittee shall owe the payment described above only for the days it used the Premises prior to such termination.
8. Either party may terminate this Permit, for any reason, upon at least 30 days' written notice to the other party. In the event of such early termination, Permittee shall be entitled to a pro-rated refund of the applicable Use Fee, for the unused portion of the term, provided that Permittee is in compliance with the provisions of the Permit.
9. The Permittee agrees to assume any and all liability, including defense, indemnification, and holding the City harmless from all such liabilities arising as a result of said use by Permittee and/or its agents, contractors, sub-contractors, or other representatives, and to hold the City harmless and defend against any actions brought against the City arising from or as a result of said use. The Permittee also agrees to obtain and keep in force a liability insurance policy for the benefit of the City of Ithaca and naming the City as an additional

insured in the amounts specified in the attached Schedule B “Insurance Requirements”, to deliver same to the City of Ithaca before use of said Premises and continuously update such certificates as they are renewed or replaced.

10. Permittee agrees to replace, repair, or reimburse according to the City’s specifications for any City property destroyed, lost, or otherwise damaged by Permittee’s use of the Premises. The Permittee agrees to keep the Premises clean and in a safe condition for the said uses.
11. Permittee shall not discriminate against any employee, applicant for employment, contractor or subcontractor, supplier of materials or services, or program participant because of actual or perceived: age; creed; color; disability; domestic violence victim status; ethnicity; familial status; gender; gender identity or expression; height; immigration or citizenship status; marital status; military status; national origin; predisposing genetic characteristics; race; religion; sex; sexual orientation; socioeconomic status; or weight.
12. Workers Compensation and Disability Coverage: A condition for entry into this Permit is the presentation by the Permittee proof that the Permittee either provides the levels of workers compensation and disability coverage required by the State of New York, or that it is not required to provide such coverage.
13. This Permit shall be governed under the Charter and Municipal Code of the City of Ithaca and the laws of the State of New York without regard to, or the application of New York State’s choice of law provisions. The parties further agree that the Supreme Court of the State of New York, held in and for the County of Tompkins shall be the forum to resolve disputes arising out of either this Permit or work performed according thereto, and the parties consent to the jurisdiction of such court.
14. In accordance with the provisions of Section 109 of the New York General Municipal Law, Permittee is hereby prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this agreement to any person or corporation without the prior written consent of the City.
15. This Permit may be executed in two or more counterparts, each of which shall be deemed an original and all of which, taken as a whole, shall constitute one and the same Permit.

PERMITTEE

Name:
Title:

CITY OF ITHACA

Mayor

4. City Administration, Human Resources and Policy

.6 HR - Management Compensation 8% Exception for a Promotion

WHEREAS, in 2017 Common Council passed a resolution establishing an eight (8) percent increase on base salary for promotions into and within the Management Compensation Plan, and

WHEREAS, in that resolution the Mayor is also authorized to offer any new hire a salary at any step of the salary range, and

WHEREAS, the Chief of Police has conducted an interview process for the Deputy Police Chief position and has elected to promote from within, and

WHEREAS, Human Resources may only authorize an 8% increase from the individual's current base salary, but in this instance, 8% would not accurately reflect the salary intention of such increase, because the bargaining unit base salary is at a 2011 salary rate, and

WHEREAS, if the Chief of Police were to hire an external candidate with no Ithaca police experience, that individual could be hired at a higher step, and

WHEREAS, the 8% increase is believed to be a respectable promotional increase for current rates, and since that is not the situation for this promotion, it is recommended that an exception be allowed in this case, now therefore be it

RESOLVED, That Mayor is authorized to establish the Salary for the promotional Deputy Police Chief in accordance with the procedure used for establishing salaries for external candidates.

4. City Administration, Human Resources and Policy

.7 HR - Adjustment of the Managerial Compensation Plan

WHEREAS, on January 1, 2015, the City of Ithaca implemented a new management compensation plan, which sought to address internal equity concerns, the City's ability to attract and retain quality talent, and compression issues that resulted from a lack of salary increases in multiple prior years, and

WHEREAS, it is necessary to periodically update the management compensation plan to ensure that the compensation plan remains competitive and equitable, and

WHEREAS, Common Council authorized funding in the 2020 City budget to update the management compensation plan as recommended by the Human Resources Department, effective December 31, 2020; now therefore be it

RESOLVED, That the current management compensation plan be amended by deleting the entry level (step one) and adding a new step five (5) that produces a 20% spread, effective December 31, 2020, and be it further

RESOLVED, That on December 31, 2020, all managerial staff who were on step 5 of the 2019 Management Compensation Plan on January 1, 2020, shall move to step 5 of the 2020 Management Compensation Plan, and be it further

RESOLVED, That on December 31, 2020, all managerial staff who were below step 5 of the 2019 Management Compensation Plan on January 1, 2020, shall be slotted into the salary step that most closely reflects their current salary, and shall continue to move one salary step annually on their respective anniversary dates, in accordance with the existing procedure, and be it further

RESOLVED, That Common Council hereby directs the City Controller to release funds placed in Restricted Contingency as part of the 2020 Authorized Budget for the management compensation plan adjustments and allocate said funds to various departments as applicable.