City of Pittsburgh

510 City-County Building 414 Grant Street Pittsburgh, PA 15219



MEETING MINUTES

Proceedings of the Council of the City of Pittsburgh

Tuesday, February 8, 2011

10:00 AM

Council Chambers

City Council

ONE-HUNDRED THIRTY-SIXTH COUNCIL

Darlene Harris, President Council Members: Reverend Ricky V. Burgess, Patrick Dowd, Bruce A. Kraus, R. Daniel Lavelle, William Peduto, Natalia Rudiak, Douglas Shields, Theresa Smith

> Linda M. Johnson-Wasler, City Clerk Mary Beth Doheny, Deputy City Clerk

ROLL CALL

Present: 9 - Rev. Burgess, Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. Peduto, Ms. Rudiak, Mr. Shields and Mrs. Smith

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Bill No. <u>2011-1399</u>	NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize the 5th anniversary of Love of Friends and thanks the founders for providing opportunities to celebrate friendship and community; and
	BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare February 8, 2011 "Love of Friends Day" in the City of Pittsburgh. SPONSOR(S): WILLIAM PEDUTO AND ALL MEMBERS
	A motion was made that this matter be Adopted. The motion carried.
Bill No. <u>2011-1400</u>	NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend Charles "Chuck" Austin for the work he continues to do on behalf of the City of Pittsburgh and internationally through his passion for music and preservation of history;
	 BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare February 8, 2011 to be "Charles "Chuck" Austin Day" in the City of Pittsburgh, in the spirit of African American History Month. SPONSOR(S): R. DANIEL LAVELLE AND ALL MEMBERS
	A motion was made that this matter be Adopted. The motion carried.
Bill No. <u>2011-1401</u>	THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh wishes Xante well as he heads off to his life's work of aiding a blind individual in his/her pursuit of a life of independence.
	NOW THEREFORE BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh does, hereby, declare Tuesday, February 8, 2011 to be Xante Day in the City of Pittsburgh.
	SPONSOR(S): BRUCE A. KRAUS AND ALL MEMBERS
	A motion was made that this matter be Adopted. The motion carried.
Bill No. 2011-1402	 NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh hereby commends this functional (and decorative) pillar of Pittsburgh's cultural community, thanks him for serving as Executive Director of The Andy Warhol Museum for 15 years, and declares Tuesday, February 8, 2011, to be "Tom Sokolowski Day" in the City of Pittsburgh. SPONSOR(S): DARLENE HARRIS AND ALL MEMBERS
	A motion was made that this matter be Adopted. The motion carried.

PUBLIC COMMENTS

PRESENTATION OF PAPERS

COUNCILMAN PATRICK DOWD PRESENTS:

Bill No.Resolution providing for the designation and transfer of certain public properties2011-1390within the Morningside and Stanton Heights neighborhoods to become permanent,
public, passive open space under the Greenways for Pittsburgh program.

SPONSOR(S): PATRICK DOWD

Read and referred to Land Use and Economic Development Committee

COUNCILMAN BRUCE KRAUS PRESENTS:

Bill No.Resolution providing for an Agreement or Agreements with a vendor to assist the City2011-1395in the creation of the Hospitality Zone Economic and Public Safety Assessment in an
amount not to exceed \$100,000.00.

SPONSOR(S): BRUCE A. KRAUS

A motion was made that this matter be Waived under Rule 8. The motion carried.

Read and referred to Land Use and Economic Development Committee

COUNCILMAN WILLIAM PEDUTO PRESENTS:

Bill No. 2011-1388	Resolution providing for the issuance of a Sixty Five Thousand Dollar (\$65,000.00) warrant in favor of Carole Lynn Herman c/o Daniel I. Herman, Geer and Herman, P.C., 2100 Wilmington Road, New Castle, PA 16105, in settlement of an action filed in the Court of Common Pleas of Allegheny County, Pennsylvania at GD 04-027465 for personal injuries and damages arising from a pedestrian-automobile accident on or about September 30, 2003, at or near the intersection of Braddock Avenue and Guthrie Street in the City of Pittsburgh, Allegheny County, Pennsylvania. Read and referred to Finance and Law Committee
Bill No. 2011-1389	Resolution authorizing the Mayor and the City Solicitor to enter into an agreement or agreements for the hiring of Blaine Lucas of Babst, Calland, Clements & Zomnir, PC, Two Gateway Center, 603 Stanwix Street, 7th Floor, Pittsburgh, PA 15222 for representation of the City of Pittsburgh in connection with various zoning and land use matters, at a cost not to exceed \$40,127.57 (Forty Thousand One Hundred Twenty-Seven Dollars and Fifty-seven Cents). Read and referred to Finance and Law Committee
Bill No. <u>2011-1396</u>	Ordinance amending the Pittsburgh Code, Title Six Conduct, Article I Regulated Rights and Actions, Chapter 601 Public Order, Section 601.04 Noise Control, Subsection (f) Refuse Collection, by deleting subsection (f) in its entirety. SPONSOR(S): WILLIAM PEDUTO Read and referred to Public Safety Services Committee

Bill No.	Ordinance amending the Pittsburgh Code, Title Seven Business Licensing, Article VII
<u>2011-1397</u>	Service Businesses, Chapter 765 Commercial Hauling of Municipal Waste, Section
	765.05 Collection Practices, Subsection (f), by deleting subsection (f) in its entirety.
	SPONSOR(S): WILLIAM PEDUTO
	Read and referred to Public Safety Services Committee
COUNCIL PR	RESIDENT DARLENE HARRIS PRESENTS:
Bill No.	Resolution amending Resolution 883 of 2010, entitled "Resolution authorizing the
<u>2011-1398</u>	Mayor of the City of Pittsburgh to renegotiate the co-operation agreements between the City of Pittsburgh and the Pittsburgh Public Parking Authority so as to dedicate irrevocably the revenue generated by increased meter rates to the Pittsburgh Comprehensive Municipal Pension Trust Fund" so as to reflect actions of Council taken at the end of 2010.
	SPONSOR(S): DARLENE HARRIS, PATRICK DOWD, WILLIAM PEDUTO AND NATALIA RUDIAK
	A motion was made that this matter be Waived under Rule 8. The motion carried.
	Read and referred to Finance and Law Committee
Bill No.	Communication from David Onorato, Executive Director of the Pittsburgh Parking
<u>2011-1391</u>	Authority, submitting the annual Position and Salary Report for the fiscal years 2010 and 2011.
	A motion was made that this matter be Read, Received and Filed. The motion carried.
Bill No.	Communication from Thomas Palmosina, Acting Executive Director of the Pittsburgh
<u>2011-1392</u>	Water and Sewer Authority, submitting the annual Position and Salary Report for the fiscal years 2009, 2010 and 2011.
	A motion was made that this matter be Read, Received and Filed. The motion carried.
Bill No.	Communication from Mary Conturo, Executive Director of the Sports and Exhibition
<u>2011-1393</u>	Authority, submitting the annual Position and Salary Report for the fiscal years 2009, 2010 and 2011.
	A motion was made that this matter be Read, Received and Filed. The motion carried.
Bill No.	Communication from Rob Stephany, Executive Director of the Urban Redevelopment
<u>2011-1394</u>	Authority, submitting the annual Position and Salary Report for the fiscal years 2009 and 2010.
	A motion was made that this matter be Read, Received and Filed. The motion carried.

UNFINISHED BUSINESS

REPORTS OF COMMITTEE - FINAL ACTION

COUNCILMAN PEDUTO PRESENTS COMMITTEE ON FINANCE AND LAW

Bill No.Report of the Committee on Finance and Law for February 2, 2011 with an2011-1385Affirmative Recommendation.

A motion was made that this matter be Read, Received and Filed. The motion carried.

Bill No.Resolution providing for a professional services agreement or agreements with Maher2011-1301Duessel for the performance of the City's Financial Statement including Single Audit
for the years ending December 31, 2010, December 31, 2011, and December 31, 2012,
at a total cost not to exceed Five Hundred Thirty Four Thousand Seven Hundred
Eighty Dollars (\$534,780.00) over three years, chargeable to and payable from the
Department of Finance Miscellaneous Services Account, Budget Years 2011, 2012,
and 2013.

A motion was made that this matter be Passed Finally. The motion carried by the following vote:

- Votes: Ayes: 8 Rev. Burgess, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. Peduto, Ms. Rudiak, Mr. Shields and Mrs. Smith Noes: 1 - Mr. Dowd Abstentions: 0
- Bill No.Resolution providing for the issuance of a \$4,756.39 warrant in favor of William A. &2011-1333Deobrah K. Barker, c/o Robert B. Woomer, Esquire of Woomer & Hall, LLP, 2945Banksville Road, Suite 200, Pittsburgh, PA 15217-2749, in settlement of a claim for
personal injuries due to a motor vehicle accident that occurred on August 25, 2006 due
to overgrown vegetation on City property.

This Matter was Passed Finally on the Consent Agenda.

Bill No.Resolution providing for the issuance of a Two Hundred Forty-Three Dollar and Sixty2011-1334One Cents (\$243.61) warrant in favor of Treasurer, City of Pittsburgh, for
indebtedness to the City from the settlement of an action filed in the Court of Common
Pleas of Allegheny County, Pennsylvania by William A. & Deborah K. Barker at GD
08-004765 for personal injuries arising from a motor vehicle accident due to
overgrown vegetation on City property on August 25, 2006.

This Matter was Passed Finally on the Consent Agenda.

Bill No.Resolution further amending and supplementing Resolution No. 180, effective April 5,2011-13362000, entitled "Providing for an Agreement or Agreements, or use of existing
Agreements and/or a Contract or Contracts, or use of existing Contracts, and for the
purchase of materials, supplies, equipment, and/or services for various projects in
connection with the Neighborhood Needs Program in Council District 3", by
decreasing "Beltzhoover Neighborhood Council" by \$500 and by adding that amount
to "Beltzhoover Citizens Community Development Corporation" in Council District 3

Neighborhood Needs. Total cost is not to exceed \$1,000,000.

SPONSOR(S): BRUCE A. KRAUS

This Matter was Passed Finally on the Consent Agenda.

Passed The Consent Agenda

A motion was made, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

Votes: Ayes: 9 - Rev. Burgess, Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. Peduto, Ms. Rudiak, Mr. Shields and Mrs. Smith Noes: 0 Abstentions: 0

COUNCILWOMAN SMITH PRESENTS COMMITTEE ON PUBLIC SAFETY SERVICES

Bill No.Report of the Committee on Public Safety Services for February 8, 2011 with an2011-1386Affirmative Recommendation.

A motion was made that this matter be Read, Received and Filed. The motion carried.

Bill No.Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Article I Regulated2011-1350Rights and Actions, Chapter 619 Refuse Collection and Recycling by adding a new
section, entitled, Section 619.18 Refuse Collection Times in Residential Zones.

SPONSOR(S): WILLIAM PEDUTO

A motion was made that this matter be AMENDED. The motion carried.

A motion was made that this matter be Passed Finally, As Amended. The motion carried by the following vote:

Votes: Ayes: 9 - Rev. Burgess, Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. Peduto, Ms. Rudiak, Mr. Shields and Mrs. Smith Noes: 0 Abstentions: 0

COUNCILMAN SHIELDS PRESENTS COMMITTEE ON LAND USE & ECONOMIC DEVELOPMENT

Bill No.Report of the Committee on Land Use and Economic Development for February 8,2011-13872011 with an Affirmative Recommendation.

A motion was made that this matter be Read, Received and Filed. The motion carried.

Bill No.Resolution amending and supplementing Resolution No. 861, effective January 1,2011-13372000, as amended, entitled: "Adopting and approving the 2000 Capital Budget and the
2000 Community Development Block Grant Program; and approving the 2000

through 2005 Capital Improvement Program, by adjusting various line items in conformance with City Council's 2000 Capital Budget amendments" by decreasing "Beltzhoover Neighborhood Council" by \$500 and by adding that amount to "Beltzhoover Citizens Community Development Corporation" in Council District 3 Neighborhood Needs.

SPONSOR(S): BRUCE A. KRAUS

This Matter was Passed Finally on the Consent Agenda.

Bill No. **2011-1338**

Resolution amending Resolution No. 773, effective November 12, 2010 entitled: The Mayor and the Director of the Department of City Planning of the City of Pittsburgh are hereby authorized to enter into an Agreement or Agreements, in a form approved by the City Solicitor, with the following various community organizations, for operational/administrative expenses, maintenance, purchase of equipment and/or rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh and further, authorizing various departments to enter into contract(s) or use existing contract(s) for street paving and other related costs, for the purchase of equipment and/or furniture and installation thereof, at a cost not to exceed \$1,000,000.00 chargeable to and payable from the 2005 Community Development Block Grant Program "City Council" so as to reprogram funds in City Council from the "Uptown Community Action Group" (- \$800.00) and transfer these funds to "Rebuilding Together Pittsburgh" (+ \$800.00).

SPONSOR(S): THERESA SMITH

This Matter was Passed Finally on the Consent Agenda.

Bill No. **2011-1339**

Resolution amending Resolution No. 792, effective November 17, 2010, entitled: Resolution providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 2005 Community Development Block Grant Program; providing for the execution of grant contracts and for the filing of other data providing for required assurances; providing for execution of payment vouchers on letter of credit and for certification of authorized signature; the deposit of the funds in a bank account and providing for the payment of expenses within categories, so as to reprogram funds in City Council from the "Uptown Community Action Group" (-\$800.00); and transfer these funds to "Rebuilding Together Pittsburgh" (+ \$800.00).

SPONSOR(S): THERESA SMITH

This Matter was Passed Finally on the Consent Agenda.

Bill No.Resolution amending Resolution No. 774, effective November 12, 2010, entitled:2011-1340"Resolution providing for an Agreement or Agreements with various community
organizations for operational/administrative expenses, maintenance, purchase of
equipment and/or rehabilitation of neighborhood facilities and the benefit of residents
of the City of Pittsburgh; and further, authorizing various City Departments to enter
into contract or contracts or use existing contract or contracts for street paving, the
purchase of equipment and/or furniture and other related costs at a costs not to exceed
\$948,400.00" so as to reprogram funds from City Council from: "District 2 -

Bill No.

2011-1341

Equipment" (- \$6,500.00) and transfer these fund to "Rebuilding Together Pittsburgh" (+ \$6,500.00).

SPONSOR(S): THERESA SMITH

This Matter was Passed Finally on the Consent Agenda.

Resolution amending Resolution No. 775, effective November 12, 2010, entitled: "Resolution providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 2006 Community Development Block Grant Program; providing for the execution of grant contracts and for the filing of other data providing for required assurances; providing for execution of payment vouchers on letter of credit and for certification of authorized signature; the deposit of the funds in a bank account and providing for the payment of expenses within categories;" so as to reprogram funds from City Council from: "District 2 Equipment" (- \$6,500.00); and transfer these funds to "Rebuilding Together Pittsburgh" (+ \$6,500.00).

SPONSOR(S): THERESA SMITH

This Matter was Passed Finally on the Consent Agenda.

Bill No.

2011-1342

Resolution amending Resolution No. 777, effective November 12, 2010, entitled: "providing for an Agreement or Agreements with various community organizations for operational/administrative expenses, maintenance, purchase of equipment and/or rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh; and further, authorizing various City departments to enter into a contract or contracts or use existing contracts for street paving, the purchase of equipment and/or furniture and other related costs, at a cost not to exceed \$800,000.00, so as to reprogram funds in City Council from: "Carnegie Library - West End Branch" (-\$5,000.00); and from the "Grandview Lions Club" (- \$3,000.00); and from the Southwest PA Athletic Association" (- \$3,000.00) and transfer these funds to "Rebuilding Together Pittsburgh" (+ \$11,000.00.

SPONSOR(S): THERESA SMITH

This Matter was Passed Finally on the Consent Agenda.

Bill No.

2011-1343

Resolution amending Resolution No. 776, effective November 12, 2010 entitled: by providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 2007 Community Development Block Grant Program; providing for the execution of grant contracts and for the filing of other data providing for required assurances; providing for execution of payment vouchers on letter of credit and for certification of authorized signature; the deposit of the funds in a bank account and providing for the payment of expenses within categories; so as to reprogram funds in City Council from: "Carnegie Library-West End Branch" (- \$5,000.00); and from the "Grandview Lions Club" (- \$3,000.00); and from the southwest PA Athletic Association" (- \$3,000.00); and transfer these funds to "Rebuilding together Pittsburgh" (+ \$11,000.00).

SPONSOR(S): THERESA SMITH

This Matter was Passed Finally on the Consent Agenda.

Bill No.

Bill No.

2011-1346

Bill No. Resolution amending Resolution No. 778, effective Nov. 12, 2010, entitled 2011-1344 "Resolution providing for an Agreement or Agreements with various community organizations for operational/administrative expenses, maintenance, purchase of equipment and/or rehabilitation of neighborhood facilities and the benefit of residents of the City of Pittsburgh; and further, authorizing various City Departments to enter into contact or contracts or use existing contract or contracts for street paving, the purchase of equipment and/or furniture and other related costs at a costs not to exceed 800,000.00", so as to reprogram funds in City Council from: the "Esplen Senior Center Assoc." (- \$796.40); and from the "Grandview Lions Club" (- \$3,000.00); and transfer these funds to "Rebuilding Together Pittsburgh" (+ \$796.40); and to the "Ream Recreation Center" (+ \$3,000.00).

THERESA SMITH SPONSOR(S):

This Matter was Passed Finally on the Consent Agenda.

Resolution amending Resolution No. 779, effective November 12, 2010, entitled: Resolution providing for the filing of a Community Development statement by the 2011-1345 City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 2008 Community Development Block Grant Program; providing for the execution of grant contracts and for the filing of other data providing for required assurances; providing for execution of payment vouchers on letter of credit and for certification of authorized signature; the deposit of the funds in a bank account and providing for the payment of expenses within categories, so as to reprogram funds in City Council from: the "Esplen Senior Center Assoc." (- \$796.40); and from the "Grandview Lions Club" (- \$3,000.00); and transferring these funds to "Rebuilding Together Pittsburgh" (+ \$796.40); and to the "Ream Recreation Center" (+\$3,000.00).

THERESA SMITH SPONSOR(S):

This Matter was Passed Finally on the Consent Agenda.

Resolution amending Resolution No. 808, effective December 1, 2010, entitled "providing for an Agreement or Agreements with various community organizations for operational/administrative expenses, maintenance, purchase of equipment: and/or rehabilitation of neighborhood facilities; and for administrative/operational costs, maintenance, purchase of equipment, and/or rehabilitation of neighborhood facilities of various departmental programs/projects for the benefit of residents of the City of Pittsburgh, at a cost not to exceed \$800,000, so as to reallocate funds in City Council from "West Pittsburgh Youth Football" (- \$1,000.00) and transfer these funds to "Rebuilding Together Pittsburgh" (+ \$1,000.00).

SPONSOR(S): THERESA SMITH

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution amending Resolution No. 809, effective December 1, 2010, entitled: providing for the filing of a Community Development statement by the City of 2011-1347 Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 2009 Community Development Block Grant Program;

providing for the execution of grant contracts and for the filing of other data providing for required assurances; providing for execution of payment vouchers on letter of credit and for certification of authorized signature; the deposit of the funds in a bank account and providing for the payment of expenses within categories, so as to reallocate funds in the City Council from "West Pittsburgh Youth Football" (-\$1,000.00); and transfer these funds to the "Rebuilding Together Pittsburgh" (+ \$1,000.00). **THERESA SMITH SPONSOR(S):** This Matter was Passed Finally on the Consent Agenda. Bill No. Resolution amending Resolution No. 781, effective November 12, 2010, entitled: Resolution providing for an Agreement or Agreements with various community 2011-1348 organizations for operational/administrative expenses, maintenance, purchase of equipment; and/or rehabilitation of neighborhood facilities; and for administrative/operational costs, maintenance, purchase of equipment, and/or rehabilitation of neighborhood facilities of various departmental programs/projects for the benefit of residents of the City of Pittsburgh, at a cost not to exceed \$918,650.00; so as to reprogram funds in City Council from "District 2 - Public Works" (-\$10,500.00); and transferring these funds to "MWCDC WILD Arts Trails Festival (+ 1,000.00; and to the "Pittsburgh Musical Theater" (+ 2,500.00); and to the "Western" PA Police Athletic League" (+ 5,000.00); and to the "Ream Recreation Center" (+ \$2,000.00). **THERESA SMITH SPONSOR(S):** This Matter was Passed Finally on the Consent Agenda. Bill No. Resolution amending Resolution No. 780, effective November 12, 2010, entitled:

2011-1349

"Resolution anchaing Resolution No. 786, encentve Rovember 12, 2016, entitled. "Resolution providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of Housing and urban Development for a grant in connection with the 2010 Community Development block Grant Program; providing for the executive of grant contracts and for the filing of other data providing for required assurances; providing for execution of payment vouchers on letter of credit and for certification of authorized signature; the deposit of the funds in a bank account and providing for the payment of expenses within categories, "so as to transfer funds in City Council from "District 2 - Public Works" (- \$10,500.00); and transfer these funds to "MWCDC Wild Art Trails Festival" (+ \$1,000.00); and to the "Pittsburgh Musical Theater" (+\$2,500.00); and to the "Western PA Police Athletic League" (+ \$5,000.00); and to the "Ream Recreation Center" (+ \$2,000.00).

SPONSOR(S): THERESA SMITH

This Matter was Passed Finally on the Consent Agenda.

Passed The Consent Agenda

A motion was made, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote: Votes: Ayes: 9 - Rev. Burgess, Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. Peduto, Ms. Rudiak, Mr. Shields and Mrs. Smith Noes: 0 Abstentions: 0

MOTIONS AND RESOLUTIONS

Bill No.	NOW, THEREFORE, BE IT RESOLVED, that, to help ensure the continued
<u>2011-1403</u>	economic vitality of the Pittsburgh region and the strong filmmaking community, the Council of the City of Pittsburgh hereby urges the legislature of the Commonwealth of
	Pennsylvania and Governor Tom Corbett to continue the film industry tax credits.
	SPONSOR(S): DARLENE HARRIS AND ALL MEMBERS
	A motion was made that this matter be Adopted. The motion carried.
Bill No.	NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh
<u>2011-1404</u>	commends and supports the Council of the City of Buffalo on the passage of their ban on Marcellus Shale drilling. We stand united with Buffalo City Council in the effort to protect the health, the welfare and safety of the people who we represent.
	SPONSOR(S): DOUGLAS SHIELDS AND ALL MEMBERS

APPROVAL OF MINUTES

ADJOURNMENT

LEGISLATION PRESENTED BY SIGN LANGUAGE INTERPRETER