

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, August 5, 2008

10:00 AM

Council Chambers

City Council

**ONE-HUNDRED
THIRTY-FIFTH COUNCIL**

Douglas Shields, President

**Council Members: Reverend Ricky V. Burgess, Dan Deasy, Patrick Dowd, Darlene M. Harris,
Bruce A. Kraus, Jim Motznik, Tonya D. Payne, William Peduto**

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

ROLL CALL

Present: 9 - Mr. Deasy, Rev. Burgess, Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Motznik, Ms. Payne, Mr. Peduto and Mr. Shields

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Bill No. [2008-0666](#) THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh does hereby wish to show its support for this praiseworthy organization, while additionally commending this group of individuals for their dedication and service to the promotion of peace in the City of Pittsburgh.

AND BE IT FURTHER RESOLVED that upon the occasion of their 2nd Annual Community Unity Gathering, the Council of the City of Pittsburgh hereby declares August 16, 2008, "Community Unity Day" in the City of Pittsburgh.

SPONSOR(S): TONYA D. PAYNE AND ALL MEMBERS

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

Bill No. [2008-0667](#) NOW THEREFORE BE IT RESOLVED that the City Council of Pittsburgh does hereby wish to honor Mr. Charley Burley by presenting his family with a key to the city of Pittsburgh for his exemplary career and compassion for youth and declaring today, August 5th, 2008 Charley Burley Day in the City of Pittsburgh.

SPONSOR(S): TONYA D. PAYNE AND ALL MEMBERS

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

Bill No. [2008-0668](#) NOW THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh does hereby commend and recognize the important work of Remembering Hiroshima - Imagining Peace and their advocacy for the need of a reduction of stockpiles and safer handling procedures worldwide.

SPONSOR(S): DOUGLAS SHIELDS AND ALL MEMBERS

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

Bill No. [2008-0669](#) NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize and commend the O'Connor Family - Judy, Heidi and Richard Garth, Father Terry and Corey - and their loyal family and friends for their efforts to return the Cookie Cruise to its place on the Pittsburgh social calendar ; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Tuesday, August 19, 2008, to be "RETURN OF THE COOKIE CRUISE DAY" in the City of Pittsburgh.

SPONSOR(S): DOUGLAS SHIELDS AND ALL MEMBERS

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

Bill No. [2008-0670](#) NOW THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh does hereby commend The Gateway Clipper Fleet for their 50 years of showcasing the spectacular beauty of our Three Rivers and the City of Pittsburgh and wishes them success for another 50 years.

SPONSOR(S): DOUGLAS SHIELDS AND ALL MEMBERS

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

PUBLIC COMMENTS

PRESENTATION OF PAPERS

REV. BURGESS, CHAIRPERSON OF THE COMMITTEE ON LAND USE AND ECONOMIC DEVELOPMENT, PRESENTS

Bill No. [2008-0660](#) Resolution authorizing the Mayor to enter into a grant agreement with the Pennsylvania Department of Community and Economic Development to receive monies to support the City's Business District Improvement program and further providing for legitimate expenditures for payments and agreement or agreements, or contract or contracts for any services required in connection with the execution of said grant agreement. Said agreement or agreements, contract or contracts or expenditures shall not exceed \$625,000.00.

A motion was made that this matter be Read and referred to the Land Use and Economic Development Committee. The motion carried.

Bill No. [2008-0661](#) Resolution authorizing the Department of City Planning to submit an Application for Financial Assistance in the amount of \$300,000 to the Commonwealth of Pennsylvania Department of Community and Economic Development's Land Use Technical Assistance Program.

SPONSOR(S): REVEREND RICKY V. BURGESS

A motion was made that this matter be Read and referred to the Land Use and Economic Development Committee. The motion carried.

MR. DEASY, CHAIRPERSON OF INTERGOVERNMENTAL AFFAIRS COMMITTEE, PRESENTS

Bill No. [2008-0662](#) Resolution Further amending Resolution No. 121 of 2003, effective March 14, 2003 entitled, "Resolution 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 City Council's 2003 Community Needs Program; and providing for the payment of the costs thereof," by adding \$27,205.60 to "McGunnegle Field" and by reducing "WPP West End - Elliott Park Building Equip." by the same amount in Council District 2.

SPONSOR(S): DAN DEASY

A motion was made that this matter be Read and referred to the Finance and Law Committee. The motion carried.

Bill No.

[2008-0663](#)

Resolution further amending Resolution No. 654, effective October 25, 2001, entitled, "Resolution 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 City Council's 2001 Neighborhood Needs Supplement Program; and providing for the payment of the costs thereof," by adding 2,794.40 to McGunnele Field in Council District 2.

SPONSOR(S): DAN DEASY

A motion was made that this matter be Read and referred to the Finance and Law Committee. The motion carried.

Bill No.

[2008-0664](#)

Resolution amending and supplementing Resolution No. 891, effective January 1, 2003, as amended, entitled: "Adopting and approving the 2003 Capital Budget and the 2003 Community Development Block Grant Program; and approving the 2003 through 2008 Capital Improvement Program by adjusting various line items in conformance with City Council's 2003 Capital Budget amendments." by adding \$27,205.60 to "McGunnele Field" and by reducing "WPP West End - Elliott Park Building Equip." by the same amount in Council District 2.

SPONSOR(S): DAN DEASY

A motion was made that this matter be Read and referred to the Land Use and Economic Development Committee. The motion carried.

Bill No.

[2008-0665](#)

Resolution further Amending Resolution No. 424 of 2001, effective June 19, 2001, entitled "Further amending Resolution No. 976 effective January 1, 1996, as amended, Adopting and Approving the 1996 Capital Budget and the 1996 Community Development Block Grant by creating a new line item, City Clerk Office Modernization Project Grant # 2271000 for the purpose of augmenting neighborhood needs programs and/or the District Improvement Fund, and transferring \$1,128,892.00 from Grant/Liberty to City Clerk's Office Modernization" by adding \$2,794.40 to McGunnele Field and by adjusting various projects in Council District 2.

SPONSOR(S): DAN DEASY

A motion was made that this matter be Read and referred to the Land Use and Economic Development Committee. The motion carried.

MRS. HARRIS, CHAIRPERSON OF THE COMMITTEE ON PUBLIC WORKS, PRESENTS

Bill No.

[2008-0659](#)

Resolution authorizing the execution of an Easement Agreement and Temporary Construction License between the City of Pittsburgh, Three PNC Commercial, LLC, Three PNC Garage, LLC and Urban Redevelopment Authority of Pittsburgh in connection with the reconstruction of sidewalks on Fifth Avenue and Market Street in the 2nd Ward. (Council District 6).

A motion was made that this matter be Read and referred to the Public Works Committee. The motion carried.

UNFINISHED BUSINESS

REPORTS OF COMMITTEE - FINAL ACTION

MR. PEDUTO PRESENTS COMMITTEE ON FINANCE AND LAW

Bill No. [2008-0654](#) Report of the Committee on Finance and Law for July 30, 2008 with an Affirmative Recommendation.

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

Bill No. [2008-0617](#) Resolution authorizing the Mayor and the Director of the Department of Finance to enter into a Cooperation Agreement or Agreements with Allegheny County providing that in exchange for a payment of One Million Dollars from the City, the County will take over long-term operation, maintenance, and project responsibilities for the Municipal Courts Building upon its sale to the Commonwealth of Pennsylvania.

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

Votes: Ayes: 8 - Rev. Burgess, Mr. Deasy, Mr. Dowd, Mr. Kraus, Mr. Motznic, Ms. Payne, Mr. Peduto and Mr. Shields
Noes: 1 - Mrs. Harris
Abstentions: 0

Bill No. [2008-0618](#) Resolution authorizing the Mayor and the Director of the Department of Finance to enter into an Agreement or Agreements providing for the sale of the City's Municipal Courts Building to the Commonwealth of Pennsylvania for the sum of Nine Million Dollars.

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

Votes: Ayes: 8 - Rev. Burgess, Mr. Deasy, Mr. Dowd, Mr. Kraus, Mr. Motznic, Ms. Payne, Mr. Peduto and Mr. Shields
Noes: 1 - Mrs. Harris
Abstentions: 0

Bill No. [2008-0623](#) RESOLUTION TO AUTHORIZE AND DIRECT THE INCURRING OF NON-ELECTORAL DEBT THROUGH THE ISSUANCE OF A SERIES OF GENERAL OBLIGATION BONDS OF THE CITY OF PITTSBURGH, PENNSYLVANIA (THE "LOCAL GOVERNMENT UNIT") IN THE AGGREGATE PRINCIPAL AMOUNT OF SIXTY SIX MILLION SEVEN HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$66,775,000)

The bill will be placed back on the Standing Committees Agenda of August 6, 2008 for further discussion.

A motion was made that this matter be RECOMMENDED to the Finance and Law Committee. The motion carried.

MR. KRAUS PRESENTS COMMITTEE ON PUBLIC SAFETY SERVICES

Bill No. Report of the Committee on Public Safety Services for July 30, 2008 with an
[2008-0655](#) Affirmative Recommendation.

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

Bill No. Resolution providing for a Contract or Contracts, Agreement or Agreements, or the
[2008-0619](#) use of existing Contracts for the purchase of Emergency Medical Services equipment and related accessories for the Bureau of Emergency Medical Services at a cost not to exceed One Hundred and Fifty Thousand Dollars (\$150,000.00) and providing for the payment thereof.

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

Votes: Ayes: 9 - Rev. Burgess, Mr. Deasy, Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Motznik, Ms. Payne, Mr. Peduto and Mr. Shields
Noes: 0
Abstentions: 0

MRS. HARRIS PRESENTS COMMITTEE ON PUBLIC WORKS

Bill No. Report of the Committee on Public Works and Environmental Services for July 30,
[2008-0656](#) 2008 with an Affirmative Recommendation.

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

Bill No. Amending the Pittsburgh Code of Ordinances, Title Six: Conduct; Article I:
[2008-0624](#) Regulated Rights and Actions; Chapter 601: Public Order, Section 601.02 by adding a new subsection (b) regulating materials placed in or upon motor vehicles.

SPONSOR(S): BRUCE A. KRAUS

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

Votes: Ayes: 9 - Rev. Burgess, Mr. Deasy, Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Motznik, Ms. Payne, Mr. Peduto and Mr. Shields
Noes: 0
Abstentions: 0

REV. BURGESS PRESENTS COMMITTEE ON LAND USE & ECONOMIC DEVELOPMENT

Bill No. Report of the Committee on Land Use and Economic Development for July 30, 2008
[2008-0657](#) with an Affirmative Recommendation.

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

Bill No. Resolution providing for the designation as a Historic Structure under Title 11 of the
[2008-0405](#) Code of Ordinances that certain structure known as the former Malta Temple building, located at 100 West North Avenue, block and lot number 23-K-411, in the 22nd Ward, City of Pittsburgh.

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

Votes: Ayes: 8 - Mr. Deasy, Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Motznik, Ms. Payne, Mr. Peduto and Mr. Shields
Noes: 1 - Rev. Burgess
Abstentions: 0

Bill No. Amending the Pittsburgh Code of Ordinances, Title Nine, Zoning, Article I,
[2008-0520](#) Introduction and Establishment, Chapter 902, Zoning Districts in General, Section 902.02, Zoning District Hierarchy; Article IV, Planning Districts, Chapter 909, Planned Development Districts, Section 909.01.L Establishment of SP-7 District, and 909.01.M, SP-7, Oakland Planned Unit Development District; and Article VII, Review and Enforcement, Chapter 922, Development Review Procedures; in order to revise site development standards for calculating the maximum permitted density in new Planned Unit Development Districts; to add additional density bonuses; to amend the requirements for determining maximum permitted height; to clarify procedures for approving changes of use; and to establish a LEED Building Trust Fund.

This Matter was Passed Finally on the Consent Agenda.

Bill No. Amending the Pittsburgh Code, Title Nine, Zoning, Article I, Section 902.03 Zoning
[2008-0521](#) Map, by changing from Oakland Public Realm Subdistrict B and RM-VH, Residential Multi-Unit Very High Density District to SP-7, Oakland Area Planned Development District, certain property bounded by North Dithridge St.; Centre Avenue; North Craig St.; Lot No. 102, Block No. 27-D in the Allegheny County Block and Lot System; Chesney Way; and Lot No. 59, Block No. 27-D in the aforesaid system; 4th Ward.

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution approving an Amended Institutional Master Plan under the Pittsburgh
[2008-0575](#) Code, Title Nine, Zoning, Article II, Chapter 905, Section 905.03.D and Article VII, Chapter 922, Section 922.12.G for the University of Pittsburgh entitled "Proposed Institutional Master Plan Update" dated April 7, 2008 on property zoned EMI, Educational/Medical Institution District, 4th and 5th Wards.

This Matter was Passed Finally on the Consent Agenda.

Bill No.

[2008-0576](#)

Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article I, Section 902.03 Zoning Map, by changing from RP, Residential Planned Unit Development District and P, Parks District to EMI, Educational/Medical Institution District, all that certain property identified as Block Number 11 - C, Lot Number 100 - 1 in the Allegheny County Block and Lot System, 5th Ward.

This Matter was Passed Finally on the Consent Agenda.

Bill No. [2008-0625](#) Resolution further amending Resolution No. 296, effective June 9, 2008 entitled: "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 1994 Community Development Block Grant Program" so as to transfer funds in City Council from "District #4" (-5,210.25) to "Washington Heights Athletic Assoc." (+5,210.25).

SPONSOR(S): JIM MOTZNIK

This Matter was Passed Finally on the Consent Agenda.

Bill No. [2008-0626](#) Resolution further amending Resolution No 289, effective June 9, 2008, entitled "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 for the benefit of residents of the City of Pittsburgh, at a cost not to exceed \$1,108,517.10, chargeable to and payable from the 1994 Community Development Block Grant Program" so as to transfer funds from City Council, "District #4"(-5,210.25) to the "Washington Heights Athletic Assoc." (+5,210.25).

SPONSOR(S): JIM MOTZNIK

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. Deasy, Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Motznik, Ms. Payne, Mr. Peduto and Mr. Shields

Noes: 0

Abstentions: 0

MR. MOTZNIK PRESENTS COMMITTEE ON GENERAL & GOVERNMENT SERVICE

Bill No. [2008-0658](#) Report of the Committee on General and Government Services for July 30, 2008 with an Affirmative Recommendation.

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

Bill No. [2008-0545](#) Resolution endorsing the implementation of the Pittsburgh Climate Action Plan prepared by The Green Government Task Force of Pittsburgh and authorizing and instructing the City Solicitor and/or City Clerk to prepare for enactment, adoption and execution any Ordinances, Resolutions, Agreements and other documents necessary for the implementation of The Action Plan.

SPONSOR(S): WILLIAM PEDUTO

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

Votes: Ayes: 9 - Rev. Burgess, Mr. Deasy, Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Motznik, Ms. Payne, Mr. Peduto and Mr. Shields

Noes: 0

Abstentions: 0

MOTIONS AND RESOLUTIONS

APPROVAL OF MINUTES

ADJOURNMENT