

City of Pittsburgh

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



MEETING MINUTES

Proceedings of the Council of the City of Pittsburgh

Monday, December 17, 2012

10:00 AM

Council Chambers

City Council

**ONE-HUNDRED
THIRTY-SEVENTH COUNCIL**

Darlene M. Harris, President

**Council Members: Rev. Ricky V. Burgess, Patrick Dowd, Bruce A. Kraus, R. Daniel Lavelle,
Corey O'Connor, William Peduto, Natalia Rudiak, Theresa Kail-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. O'Connor, Mr. Peduto, Ms. Rudiak and Mrs. Smith

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Bill No. [2012-1034](#) NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh does hereby recognize and honor the important work of the Pittsburgh Public School District STAR Schools, and does hereby declare December 17, 2012, to be "STAR School 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.

Bill No. [2012-1035](#) NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh does hereby congratulate and recognize Kenneth Brannigan, Jr. for his outstanding career and inspirational achievement with the Pittsburgh Cultural Trust and does hereby declare Monday, December 17, 2012 to be "Kenny Brannigan Day" in the City of Pittsburgh.

SPONSOR(S): DARLENE HARRIS AND ALL MEMBERS

This matter was Adopted

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

Bill No. [2012-1036](#) NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby welcome the inaugural Peoples Gas Holiday Market to the City of Pittsburgh and encourages all residents to visit the festivities at Market Square.

SPONSOR(S): R. DANIEL LAVELLE AND ALL MEMBERS

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

Bill No. [2012-1037](#) NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize the Thomas Merton Center's lasting commitment to peace, prosperity, and justice for Pittsburgh and the world; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare December 17, 2012 "Thomas Merton Center 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. [2012-1038](#) NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize Big Brothers Big Sisters of Greater Pittsburgh, who also received the National BBBS Agency of the Year honor in 2012, and their volunteers and supporters for their tireless efforts to help children facing adversity achieve success in life; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare December 17th, 2012 to be “Big Brothers Big Sisters 3rd Annual Celebrate Coalitions 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.

[2012-1039](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize and commend The Pittsburgh Chapter of Jack and Jill of America, Inc. for its endless contribution and dedication to the youth of the City of Pittsburgh; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Saturday, December 29, 2012, to be “Jack and Jill Day” in the City of Pittsburgh.

SPONSOR(S): REVEREND RICKY V. BURGESS AND ALL MEMBERS

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

Bill No.

[2012-1040](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby declare December 15, 2012 to be “Jericho Lodge #20 Day” in the City of Pittsburgh.

SPONSOR(S): R. DANIEL LAVELLE AND ALL MEMBERS

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

PUBLIC COMMENTS

PRESENTATION OF PAPERS

COUNCILMAN REVEREND RICKY V. BURGESS PRESENTS:

Bill No.

[2012-1027](#)

Ordinance amending the Pittsburgh Code, Title Two, Fiscal; Article VII, Business Related Taxes; Chapter 245, Earned Income Tax; Section 245.03, Declaration and Payment of Tax; subsection (e), Interest for 2012, by fixing the rate of interest on delinquent Earned Income Tax for the year 2013.

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.

[2012-1028](#)

Ordinance amending the Pittsburgh Code, Title Two, Fiscal; Article VII, Business Related Taxes; Chapter 246, Home Rule Tax; Section 246.03, Declaration and Payment of Tax; subsection (e), Interest for 2012, by fixing the rate of interest on delinquent Home Rule Tax for the year 2013.

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

Bill No. Ordinance amending the Pittsburgh Code, Title Two, Fiscal; Article VII, Business
[2012-1028](#) Related Taxes; Chapter 246, Home Rule Tax; Section 246.03, Declaration and
Payment of Tax; subsection (e), Interest for 2012, by fixing the rate of interest on
delinquent Home Rule Tax for the year 2013.

Read and referred to Finance and Law Committee

Bill No. Resolution realigning a total of \$1,045,000 between various accounts within the 2012
[2012-1029](#) Operating Budget. This transfer is necessary for the 2012 close in order to meet
expenditures for the remainder of the fiscal year.

**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. Resolution designating Banks and Lending Institutions to act as Depositories for the
[2012-1030](#) year 2013 in accordance with the Pittsburgh Code, Title Two, Fiscal, Article III,
Depositories.

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

Read and referred to Finance and Law Committee

COUNCILMAN BRUCE A. KRAUS PRESENTS:

Bill No. Resolution granting unto the Sports & Exhibition Authority 171 10th Street, 2nd
[2012-1031](#) Floor, Pittsburgh, PA 15222, their own cost and expense a subsurface encroachment to
support a retaining wall ramp on Our Way in the 3rd Ward, 6th Council District of the
City of Pittsburgh.

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

Read and referred to Public Works Committee

Bill No. Resolution granting unto Historical Society of Western PA; Heinz History Center,
[2012-1032](#) 1212 Smallman Street Pittsburgh, PA 15222, their successors and assigns, the
privilege and license to construct, maintain and use at their own cost and expense, a
pedestrian bridge over the right-of-way at Mulberry Way in the 2nd Ward, 6th
Council District of the City of Pittsburgh.

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

Read and referred to Public Works Committee

Bill No. Resolution vacating portions of Magee and Colwell Streets in the 3rd Ward, 6th
[2012-1033](#) Council District of the City of Pittsburgh.

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

Read and referred to Public Works Committee

UNFINISHED BUSINESS

REPORTS OF COMMITTEE - FINAL ACTION

COUNCILMAN REV. RICKY V. BURGESS PRESENTS COMMITTEE ON FINANCE AND LAW

Bill No. [2012-1022](#) Report of the Committee on Finance and Law for December 12, 2012 with an Affirmative Recommendation.

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

Bill No. [2012-0986](#) Resolution authorizing the issuance of a warrant in favor of the Richard S. Caliguiri Amyloidosis Foundation in an amount not to exceed fifteen thousand, nine hundred, twenty one dollars (\$15,921.00), in connection with the 2012 Great Race in the Department of Parks and Recreation, without previous authority of law; 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. Dowd, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. O'Connor, Mr. Peduto, Ms. Rudiak and Mrs. Smith
Noes: 0
Abstentions: 0

Bill No. [2012-0991](#) Resolution making Appropriations to pay the expenses of conducting the Public Business of the City of Pittsburgh and for meeting the debt charges thereof for the Fiscal Year, beginning January 1, 2013

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

Bill No. [2012-0991](#) Resolution making Appropriations to pay the expenses of conducting the Public Business of the City of Pittsburgh and for meeting the debt charges thereof for the Fiscal Year, beginning January 1, 2013

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

Votes: Ayes: 8 - Rev. Burgess, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. O'Connor, Mr. Peduto, Ms. Rudiak and Mrs. Smith
Noes: 1 - Mr. Dowd
Abstentions: 0

Bill No. [2012-0992](#) Resolution fixing the number of officers and employees of the City of Pittsburgh, and the rate of compensation thereof, and setting minimum levels for designated positions.

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

Bill No. Resolution fixing the number of officers and employees of the City of Pittsburgh, and
[2012-0992](#) the rate of compensation thereof, and setting minimum levels for designated positions.

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

Votes: Ayes: 8 - Rev. Burgess, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. O'Connor, Mr. Peduto, Ms. Rudiak and Mrs. Smith
Noes: 1 - Mr. Dowd
Abstentions: 0

Bill No. Resolution adopting and approving the 2013 Capital Budget and the 2013 Community
[2012-0993](#) Development Block Grant Program; and approving the 2013 through 2018 Capital Improvement Program.

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

Bill No. Resolution adopting and approving the 2013 Capital Budget and the 2013 Community
[2012-0993](#) Development Block Grant Program; and approving the 2013 through 2018 Capital Improvement Program.

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

Votes: Ayes: 8 - Rev. Burgess, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. O'Connor, Mr. Peduto, Ms. Rudiak and Mrs. Smith
Noes: 1 - Mr. Dowd
Abstentions: 0

Bill No. Resolution transferring the amount of \$18,000 from City Council 101100.56105,
[2012-0997](#) Budget Year 2012 to Finance 107000.56105, Budget Year 2012. This transfer is necessary to pay for Council postage for 2012.

SPONSOR(S): REVEREND RICKY V. BURGESS

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

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

Bill No. Resolution authorizing the issuance of a warrant in favor of Global Recovery Services,
[2012-1014](#) P.O. Box 105795, Atlanta, GA 30348-9864, in an amount not to exceed Forty-Seven Thousand, Five Hundred Ninety-Eight Dollars and Sixty-Four cents (\$47,598.64), said amount representing payment for deductible amounts due pursuant to policy of insurance covering the G-20 related claims presented; claims No. 683- 328469 and No. 683-327698.

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

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

Bill No.

[2012-1015](#)

Ordinance supplementing the Pittsburgh Code of Ordinances, Title One: Administrative, Article VII: Procedures, Chapter 161: Contracts, by adding a new subsection at §161.16.

SPONSOR(S): REVEREND RICKY V. BURGESS AND 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. Dowd, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. O'Connor, Mr. Peduto, Ms. Rudiak and Mrs. Smith
Noes: 0
Abstentions: 0

COUNCILMAN BRUCE A. KRAUS PRESENTS COMMITTEE ON PUBLIC WORKS

Bill No.

[2012-1023](#)

Report of the Committee on Public Works for December 12, 2012 with an Affirmative Recommendation.

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

Bill No.

[2012-0987](#)

Resolution authorizing the execution of a cooperation agreement or agreements with the Urban Redevelopment Authority of Pittsburgh in which URA will make a grant not to exceed \$100,000 to the City to pay for various survey services to be provided by the City at the request of the URA.

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

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

Bill No.

[2012-0988](#)

Resolution providing for the Lease Agreement with Peter N. & Maria DePasquale, owners; and/or other assignees or transferees for warehouse and office space together with the right to utilize right of way surrounding said property known as 88 Swinburne Road, Pittsburgh, PA 15213. Annual rental amount \$98,000.00, plus annual CPI increase, plus applicable Real Estate Taxes.

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

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

COUNCILMAN WILLIAM PEDUTO PRESENTS COMMITTEE ON HUMAN RESOURCES

Bill No. Report of the Committee on Human Resources for December 12, 2012 with an
[2012-1024](#) Affirmative Recommendation.

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

Bill No. Ordinance supplementing the Pittsburgh Code of Ordinances, Title One:
[2012-0013](#) Administrative, Article XI: Personnel, Chapter 181: General Provisions, by adding a new section, "Ensuring Equal Employment Opportunity For Persons Previously Convicted"

SPONSOR(S): REVEREND RICKY V. BURGESS AND 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. Dowd, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. O'Connor, Mr. Peduto, Ms. Rudiak and Mrs. Smith
Noes: 0
Abstentions: 0

COUNCILMAN R. DANIEL LAVELLE PRESENTS COMMITTEE ON LAND USE & ECONOMIC DEVELOPMENT

Bill No. Report of the Committee on Land Use and Economic Development for December 12,
[2012-1025](#) 2012 with an Affirmative Recommendation.

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

Bill No. An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Chapter 909.01, SP,
[2012-0606](#) Specially Planned District by creating a new district to be identified as "SP-8/Riverfront Landing" including rules and regulations, and by amending the City of Pittsburgh Zoning Map by changing from GT-C, Golden Triangle Subdistrict C and UI, Urban Industrial District to SP-8/Riverfront Landing certain property bounded by the Veterans Bridge, the Allegheny River, Twenty-first Street and Smallman Street; 2nd Ward.

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

Votes: Ayes: 5 - Rev. Burgess, Mrs. Harris, Mr. Lavelle, Mr. O'Connor and Mrs. Smith
Noes: 4 - Mr. Dowd, Mr. Kraus, Mr. Peduto and Ms. Rudiak
Abstentions: 0

Bill No.

[2012-0713](#)

Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article I, Section 902.03 Zoning Map, by changing from NDI, Neighborhood Industrial District; LNC, Local Neighborhood Commercial District; and R1A-H, Residential Single Unit Attached High Density District several areas of property adjacent to the existing UPMC-Mercy Hospital campus and located along Forbes Avenue, Locust Street and the Boulevard of the Allies; all to EMI, Educational/Medical Institution District; 1st Ward.

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

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

Bill No.

[2012-0714](#)

Resolution approving an Institutional Master Plan under the Pittsburgh Code, Title Nine, Zoning, Article II, Chapter 905, Section 905.03.D and Article VII, Chapter 922, Section 922.12 for UPMC Mercy Hospital and for Mercy South Side Outpatient Center entitled "Project Area Master Plan" on property zoned EMI, Educational/Medical Institution District, 1st, 16th and 17th Wards.

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

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

Bill No.

[2012-0738](#)

Resolution approving an Institutional Master Plan under the Pittsburgh Code, Title Nine, Zoning, Article II, Chapter 905, Section 905.03.D and Article VII, Chapter 922, Section 922.12 for UPMC St. Margaret Hospital entitled "Project Area Master Plan" on property zoned EMI, Educational/Medical Institution District, 12th Ward.

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

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

COUNCILMAN COREY O'CONNOR PRESENTS COMMITTEE ON URBAN RECREATION

Bill No. Report of the Committee on Urban Recreation for December 12, 2012 with an
[2012-1026](#) Affirmatiave Recommendation.

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

Bill No. Resolution providing for the acceptance by the City of Pittsburgh from Diane M.
[2012-0989](#) Ranick Estate by her son Bruce Ranick Administrator of the Estate, certain property in the 29th Ward of the City of Pittsburgh being parcel 95-F-233 for public purposes as part of the Phillips Park at no cost to the City of Pittsburgh.

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

Votes: Ayes: 8 - Rev. Burgess, Mr. Dowd, Mrs. Harris, Mr. Lavelle, Mr. O'Connor, Mr. Peduto, Ms. Rudiak and Mrs. Smith
Noes: 0
Abstentions: 0
Out of Room: 1 - Mr. Kraus

Bill No. Resolution providing for the acceptance by the City of Pittsburgh from Rose J.
[2012-0990](#) Williams of certain property in the 2nd Ward of the City of Pittsburgh, being parcel 25-P-87 for public purposes as part of the Bigelow Greenway at no cost to the City of Pittsburgh.

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

Votes: Ayes: 8 - Rev. Burgess, Mr. Dowd, Mrs. Harris, Mr. Lavelle, Mr. O'Connor, Mr. Peduto, Ms. Rudiak and Mrs. Smith
Noes: 0
Abstentions: 0
Out of Room: 1 - Mr. Kraus

MOTIONS AND RESOLUTIONS

Bill No. NOW THEREFORE BE IT RESOLVED, that it is the will of the Council of the City
[2012-1041](#) of Pittsburgh to remember the innocence and honor the bravery of the victims of the shooting at Sandy Hook Elementary in Newtown, Connecticut on Friday, December 14th;

AND, BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does stand in support of President Obama in calling for an open and honest national discourse on the violence plaguing our nation, and that we do this in the hopes of effecting change to save lives and ensure the life, liberty and security of all Americans.

SPONSOR(S): BRUCE A. KRAUS AND ALL MEMBERS

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

APPROVAL OF MINUTES

ADJOURNMENT

LEGISLATION PRESENTED BY SIGN LANGUAGE INTERPRETER