

City of Pittsburgh



City Council

Regular Meeting Agenda

Tuesday, December 30, 2008

10:00 AM

**ONE-HUNDRED
THIRTY-FIFTH COUNCIL**

Douglas Shields, President

Council Members: Reverend Ricky V. Burgess, 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**PLEDGE OF ALLEGIANCE****PROCLAMATIONS****PUBLIC COMMENTS****PRESENTATION OF PAPERS****MR. SHEILDS, CHAIRPERSON OF THE COMMITTEE ON HEARINGS, PRESENTS**

Bill No. Communication from City Controller Michael Lamb submitting a Performance Audit
[2008-1010](#) of Pittsburgh City Council, dated December, 2008.

Legislative History

12/30/08 City Council Read, Received and Filed

UNFINISHED BUSINESS

Bill No. Communication from Mayor Luke Ravenstahl submitting a Veto of Council Bill No.
[2008-1011](#) 962.

Legislative History

12/30/08 City Council Read, Received and Filed

Bill No. Communication from Mayor Luke Ravensthal submitting two line item Vetoes of
[2008-1012](#) Council Bill 2008-0938.

Legislative History

12/30/08 City Council Read, Received and Filed

Bill No. Resolution making Appropriations to pay the expenses of conducting the Public
[2008-0938](#) Business of the City of Pittsburgh and for meeting the debt charges thereof for the
Fiscal Year, beginning January 1, 2009.

Legislative History

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|----------|------------------------------|---|--------|
| 12/2/08 | City Council | Read and referred | |
| 12/10/08 | Finance and Law Committee | AMENDED | Passed |
| 12/10/08 | Finance and Law Committee | Affirmatively Recommended as Amended | Passed |
| 12/16/08 | City Council | AMENDED | Passed |
| 12/16/08 | City Council | Passed Finally, As Amended | Passed |
| 12/29/08 | Mayor | VETOED | |
| 12/30/08 | City Council | Overridden | |

MR. PEDUTO PRESENTS COMMITTEE ON FINANCE AND LAW

Bill No. Report of the Committee on Finance and Law for December 17, 2008 with a
[2008-1002](#) NEGATIVE RECOMMENDATION.

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|--|--|----------|---------------------------|-------------------------------|--------|
| Bill No. <u>2008-0954</u> | Ordinance amending and supplementing the Pittsburgh Code, Title Two, Fiscal; Article VII, Business Related Taxes; Chapter 253, Parking Tax, Section 253.02, Tax Levy and Rate, by decreasing the rate of the tax from 40% to 37.5% effective January 1, 2009. <u>Legislative History</u> | 12/9/08 | City Council | Read and referred | |
| | | 12/17/08 | Finance and Law Committee | Negatively Recommended | |
| Bill No. <u>2008-1003</u> | Report of the Committee on Finance and Law for December 17, 2008, with an Affirmative Recommendation. | | | | |
| Bill No. <u>2008-0951</u> | Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article VII, Business Related Taxes, Chapter 245, Earned Income Tax, by fixing the rate of interest on certain delinquent Earned Income Tax for [2008] 2009. <u>Legislative History</u> | 12/9/08 | City Council | Read and referred | |
| | | 12/17/08 | Finance and Law Committee | Affirmatively Recommended | Passed |
| Bill No. <u>2008-0952</u> | Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article VII, Business Related Taxes, Chapter 246, Home Rule Tax, by fixing the rate of interest on certain delinquent Earned Income and Home Rule Taxes for [2008] 2009. <u>Legislative History</u> | 12/9/08 | City Council | Read and referred | |
| | | 12/17/08 | Finance and Law Committee | Affirmatively Recommended | Passed |
| Bill No. <u>2008-0953</u> | Ordinance amending the Pittsburgh Code, Title Two, Fiscal; Article IX, Property Taxes; Chapter 263, Real Property Tax and Exemption, Section 263.01, Levy and Rate on Lands and Buildings, by fixing the rate of taxation. <u>Legislative History</u> | 12/9/08 | City Council | Read and referred | |
| | | 12/17/08 | Finance and Law Committee | Affirmatively Recommended | Passed |
| Bill No. <u>2008-0957</u> | Resolution designating Banks and Lending Institutions to act as Depositories for the year 2009 in accordance with the Pittsburgh Code, Title Two, Fiscal, Article III, Depositories. <u>Legislative History</u> | 12/9/08 | City Council | Read and referred | |
| | | 12/17/08 | Finance and Law Committee | Affirmatively Recommended | Passed |
| Bill No. <u>2008-0958</u> | Resolution providing for the filing of petitions for the sale of certain properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984. ITEMS A through F. A: 5034 Ampere; B: 7127 Hamilton (DELETED); C: 2041-43 Wyandotte; D: 7051 Hamilton; E: 730 Wills; F: 1356 Lowrie (DELETED). <u>Legislative History</u> | 12/9/08 | City Council | Read and referred | |

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| 12/17/08 | Finance and Law Committee | AMENDED | Passed |
| 12/17/08 | Finance and Law Committee | Affirmatively Recommended as Amended | Passed |

Bill No.

[2008-0959](#)

Resolution providing for the filing of petitions for the sale of certain properties, acquired at tax sales, in accordance with Act No.171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

ITEMS A through C: A: 5011 Kincaid; B: 5016 Kincaid; C: 5013 Jordan.

Legislative History

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|----------|------------------------------|------------------------------|--------|
| 12/9/08 | City Council | Read and referred | |
| 12/17/08 | Finance and Law Committee | Affirmatively Recommended | Passed |

Bill No.

[2008-0961](#)

Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984; having been placed for sale to adjoining property owners in conjunction with the City of Pittsburgh/City Source Associates Sideyard Program. ITEMS A and B. A: 100 Pasadena; B: 610 Uphold.

Legislative History

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|----------|------------------------------|------------------------------|--------|
| 12/9/08 | City Council | Read and referred | |
| 12/17/08 | Finance and Law Committee | Affirmatively Recommended | Passed |

Bill No.

[2008-0973](#)

Resolution further amending and supplementing Resolution No. 258, effective April 26, 2000, as amended, 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; and providing for the payment of the costs thereof," by adjusting various projects in Council District 1. The total amount of all projects is not to exceed \$1,000,000.

SPONSOR(S): DARLENE HARRIS**Legislative History**

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|----------|------------------------------|------------------------------|--------|
| 12/9/08 | City Council | Read and referred | |
| 12/17/08 | Finance and Law Committee | Affirmatively Recommended | Passed |

Bill No.

[2008-0985](#)

Resolution providing for the issuance of a \$2,563.97 warrant in favor of Brian Kelly, 3535 Boulevard the Allies, Pittsburgh, PA 15213, in settlement of a claim for sidewalk damage due to City tree roots on October 7, 2008.

Legislative History

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|----------|------------------------------|------------------------------|--------|
| 12/16/08 | City Council | Waived under Rule 8 | Passed |
| 12/16/08 | City Council | Read and referred | |
| 12/17/08 | Finance and Law Committee | Affirmatively Recommended | Passed |

Bill No.

[2008-0995](#)

Resolution further amending Resolution No. 403, effective June 14, 2000, as amended, 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 6; and providing for the payment

of the costs thereof," by adding several projects and by reducing "District 6 Neighborhood Initiatives" by \$26,750. Total cost of all projects not to exceed \$1,000,000.

SPONSOR(S): TONYA D. PAYNE

Legislative History

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|----------|------------------------------|------------------------------|--------|
| 12/16/08 | City Council | Waived under Rule 8 | Passed |
| 12/16/08 | City Council | Read and referred | |
| 12/17/08 | Finance and Law Committee | Affirmatively Recommended | Passed |

MR. KRAUS PRESENTS COMMITTEE ON PUBLIC SAFETY SERVICES

Bill No. [2008-1004](#) Report of the Committee on Public Safety Services for December 17, 2008 with an Affirmative Recommendation.

Bill No. [2008-0986](#) Resolution authorizing the Department of Public Safety - Bureau of Animal Control to enter into an agreement or agreements or contract or contracts to implement a Spay and Neuter Program for the residents of the City of Pittsburgh and providing for the payment of the cost thereof, not to exceed Fifty Thousand Dollars (\$50,000).

Legislative History

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|----------|-------------------------------------|------------------------------|--------|
| 12/16/08 | City Council | Waived under Rule 8 | Passed |
| 12/16/08 | City Council | Read and referred | |
| 12/17/08 | Public Safety Services Committee | Affirmatively Recommended | Passed |

Bill No. [2008-0987](#) Resolution providing for an Agreement or Agreements for the purchase of Pharmaceutical Services, Supplies, and Medications necessary for the operations of the Bureau of Emergency Medical Services for a period of three years (2009, 2010 and 2011). Total cost for three years not to exceed \$132,400.

Legislative History

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|----------|-------------------------------------|------------------------------|--------|
| 12/16/08 | City Council | Waived under Rule 8 | Passed |
| 12/16/08 | City Council | Read and referred | |
| 12/17/08 | Public Safety Services Committee | Affirmatively Recommended | Passed |

MRS. HARRIS PRESENTS COMMITTEE ON PUBLIC WORKS

Bill No. [2008-1005](#) Report of the Committee on Public Works for December 17, 2008 with an Affirmative Recommendation.

Bill No. [2008-0963](#) Resolution granting unto Downtown Streets Pittsburgh, LP, 400 Southpointe Blvd., Suite 400, Canonsburg, PA 15317, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, awnings and canopies over the sidewalk areas of Fifth Avenue, Forbes Avenue and McMasters Way in the 2nd Ward, 6th Council District of the City of Pittsburgh.

Legislative History

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|----------|---------------------------|------------------------------|--------|
| 12/9/08 | City Council | Read and referred | |
| 12/17/08 | Public Works Committee | Affirmatively Recommended | Passed |

Bill No. [2008-0964](#) Resolution granting unto The Watson Institute, 301 Camp Meeting Road, Sewickley, PA 15143, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a private storm sewer on Ravoux Way for the Craig Academy at 255 South Negley Avenue in the 8th Ward, 9th Council District of the City of Pittsburgh.

Legislative History

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|----------|------------------------|---------------------------|--------|
| 12/9/08 | City Council | Read and referred | |
| 12/17/08 | Public Works Committee | Affirmatively Recommended | Passed |

Bill No. [2008-0965](#) Resolution granting unto Roger Westman and William Stevens, 500 Lloyd Street, Pittsburgh, PA 15208, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, an air conditioning unit, walk, steps and wall on the right-of-way of Edgerton Avenue for 500 Lloyd Street in the 14th Ward, 5th Council District of the City of Pittsburgh.

Legislative History

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|----------|------------------------|---------------------------|--------|
| 12/9/08 | City Council | Read and referred | |
| 12/17/08 | Public Works Committee | Affirmatively Recommended | Passed |

Bill No. [2008-0967](#) Resolution vacating a portion of Ade Way from Alter Street to its terminus in the 28th Ward, 2nd Council District of the City of Pittsburgh.

Legislative History

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|----------|------------------------|---------------------------|--------|
| 12/9/08 | City Council | Read and referred | |
| 12/17/08 | Public Works Committee | Affirmatively Recommended | Passed |

MS. PAYNE PRESENTS COMMITTEE ON HUMAN RESOURCES

Bill No. [2008-1006](#) Report of the Committee on Human Resources for December 17, 2008 with an Affirmative Recommendation.

Bill No. [2008-0968](#) Resolution amending Resolution No. 370, effective July 11, 2008 entitled “ Resolution providing that the City enter into a temporary professional services agreement for the purpose of providing an excess workers' compensation insurance policy, cost not to exceed \$357,488.00” so as to increase the amount by \$33,405.00 from \$357,488 to \$390,893.

Legislative History

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| 12/9/08 | City Council | Read and referred | |
| 12/17/08 | Human Resources Committee | Affirmatively Recommended | Passed |

REV. BURGESS PRESENTS COMMITTEE ON LAND USE & ECONOMIC DEVELOPMENT

Bill No. [2008-1007](#) Report of the Committee on Land Use and Economic Development for December 17, 2008 with a NEGATIVE RECOMMENDATION.

Bill No. Resolution approving a Conditional Use exception under the Pittsburgh Code, Title
[2008-0900](#) Nine, Zoning, Article V, Chapter 911, Section 911.04.A.99 to Najib and Nasra Aboud, property owner, for authorization to occupy an existing structure located at 2126 East Carson Street as a Restaurant with Liquor License, on property zoned "LNC", Local Neighborhood Commercial District, 16th Ward.

Legislative History

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|----------|--|-------------------------------|--------|
| 11/10/08 | City Council | Read and referred | |
| 11/19/08 | Land Use and Economic Development Committee | Held for Public Hearing | Passed |
| 12/15/08 | Hearings Committee | Public Hearing Held | Passed |
| 12/17/08 | Land Use and Economic Development Committee | Negatively Recommended | |

Bill No. Report of the Committee on Land Use and Economic Development for December 17,
[2008-1008](#) 2008, with an NEGATIVE RECOMMENDATION

Bill No. Ordinance providing for the designation as a Historic Structure under Title 11 of the
[2008-0847](#) Code of Ordinances that certain structure known as the former Saint Mary's Academy building, located at 340 46th Street, block and lot number 49-C-114, in the 9th Ward, City of Pittsburgh.

Legislative History

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|----------|--|------------------------------|--------|
| 10/21/08 | City Council | Read and referred | |
| 10/29/08 | Land Use and Economic Development Committee | Held for Public Hearing | Passed |
| 12/9/08 | Hearings Committee | Public Hearing Held | Passed |
| 12/17/08 | Land Use and Economic Development Committee | Affirmatively Recommended | Passed |

Bill No. Resolution amending and supplementing Resolution No. 861, effective January 1,
[2008-0974](#) 2000, as amended, entitled: "Adopting and approving the 2000 Capital; 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 adding Perry Hilltop Citizens Council, \$1,000 and by reducing "District 1 Community Organizational Support" by the same amount in Council District 1 Neighborhood Needs.

SPONSOR(S): DARLENE HARRIS

Legislative History

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|----------|--|------------------------------|--------|
| 12/9/08 | City Council | Read and referred | |
| 12/17/08 | Land Use and Economic Development Committee | Affirmatively Recommended | Passed |

Bill No. [2008-0996](#) Resolution amending and supplementing Resolution No. 861, effective January 1, 2000, 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 adding \$5,000 to YMCA Centre Ave, \$1,000 to Northside Leadership Conference, \$2,500 to Northside Coalition for Fair Housing, \$1,000 to Gist Street Public Art Program, \$5,000 to Beginning with Books, \$1,000 to Perry Hilltop Citizen's Council, \$4,000 to Contact Pittsburgh, and \$2,000 to Tree of Hope, \$2,500 to Dress for Success, and \$2,750 to Angel Place, and by reducing "District 6 Neighborhood Initiatives" by \$26,750.

SPONSOR(S): TONYA D. PAYNE

Legislative History

| | | | |
|----------|--|------------------------------|--------|
| 12/16/08 | City Council | Waived under Rule 8 | Passed |
| 12/16/08 | City Council | Read and referred | |
| 12/17/08 | Land Use and Economic Development Committee | Affirmatively Recommended | Passed |

Bill No. [2008-0988](#) Ordinance amending the provisions of the Pittsburgh City Code, Title Four, Public Places and Property, Chapter 473 Use Regulations, Section 473.03 Traffic, by adding a new subsection (f), Parking lots in City parks.

Legislative History

| | | | |
|----------|-------------------------------|------------------------------|--------|
| 12/16/08 | City Council | Waived under Rule 8 | Passed |
| 12/16/08 | City Council | Read and referred | |
| 12/17/08 | Urban Recreation Committee | Affirmatively Recommended | Passed |

MR. DOWD PRESENTS COMMITTEE ON URBAN RECREATION

Bill No. [2008-0988](#) Ordinance amending the provisions of the Pittsburgh City Code, Title Four, Public Places and Property, Chapter 473 Use Regulations, Section 473.03 Traffic, by adding a new subsection (f), Parking lots in City parks.

Legislative History

| | | | |
|----------|-------------------------------|------------------------------|--------|
| 12/16/08 | City Council | Waived under Rule 8 | Passed |
| 12/16/08 | City Council | Read and referred | |
| 12/17/08 | Urban Recreation Committee | Affirmatively Recommended | Passed |

MOTIONS AND RESOLUTIONS

EXCUSE ABSENT MEMBERS

APPROVAL OF MINUTES

ADJOURNMENT