

# **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, December 30, 2008**

**10:00 AM**

**Council Chambers**

**City Council**

**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

Present: 8 - Rev. Burgess, Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Motznik, Ms. Payne, Mr. Peduto and Mr. Shields

## PLEDGE OF ALLEGIANCE

## PROCLAMATIONS

Bill No.

[2008-1017](#)

NOW, THEREFORE, BE IT RESOLVED, that Council of the City of Pittsburgh strongly supports the development of a global warming strategy in Pennsylvania that will help protect our state's heritage, our citizens' health, and our economy and urges Governor Rendell and the Pennsylvania General Assembly to promptly adopt policies that will create a strong state action plan to cut all heat-trapping gases 25 percent by 2025, and 80 percent by 2050, based on sound science; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be transmitted to Governor Rendell and the Pennsylvania General Assembly.

**SPONSOR(S): WILLIAM PEDUTO AND ALL MEMBERS**

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

Bill No.

[2008-1018](#)

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh does hereby commend the Mayor, the ICA, and the Act 47 Coordinators for their commitment to reducing the City of Pittsburgh's gross bonded debt, and

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh does hereby invite the Mayor, the ICA, the Act 47 Coordinators, the City Controller and the City Solicitor to participate in a City Council Post-Agenda hearing to discuss the "fund in the nature of an irrevocable trust," the draft defeasance agreement, and the nature of oversight in the City of Pittsburgh, and

BE IT FINALLY RESOLVED that the Council of the City of Pittsburgh welcomes the opportunity to work with these elected and appointed officials to build the necessary consensus for one of the most important policy decisions in the City's long path to financial recovery.

**SPONSOR(S): PATRICK DOWD**

**A motion was made that this matter be Held in Council for January 6, 2009. The motion carried.**

## PUBLIC COMMENTS

## PRESENTATION OF PAPERS

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

Bill No. [2008-1013](#) 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**

**Read and referred to Finance and Law Committee**

Bill No. [2008-1014](#) Resolution amending and supplementing Resolution No. 861, effective January 1, 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 Brighton Heights Athletic Association, \$3,000; Observatory Hill Inc. \$5,000; Summer Hill Citizens Council \$5,000; Brighton Heights Citizens Federation, \$5,000; Perry Athletic Association \$3,000 and by adjusting various other projects in Council District 1 Neighborhood Needs.

**SPONSOR(S): DARLENE HARRIS**

**Read and referred to Land Use and Economic Development Committee**

**MR. PEDUTO, CHAIRPERSON OF THE COMMITTEE ON FINANCE AND LAW, PRESENTS**

Bill No. [2008-1015](#) Resolution further amending Resolution No. 231, effective April 19, 2000, 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 8; and providing for the payment of the costs thereof," by adding \$9,000 for "Traffic Study-Inner City Transit Options" and by adjusting various other projects in Council District 8. Total cost of all projects not to exceed \$1,000,000.

**SPONSOR(S): WILLIAM PEDUTO**

**Read and referred to Finance and Law Committee**

Bill No. [2008-1016](#) 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 \$9,000 for "Traffic Study-Inner City Transit Options" and by adjusting various other projects in Council District 8.

**SPONSOR(S): WILLIAM PEDUTO**

**Read and referred to Land Use and Economic Development Committee**

**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.

**Read, Received and Filed**

## UNFINISHED BUSINESS

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

**Read, Received and Filed**

Bill No.                    Resolution directing City Council, the Mayor and Controller to work with the  
[2008-0962](#)                    Intergovernmental Cooperation Authority and the Act 47 Coordinators to develop and  
adopt an amended Act 47 Financial Recovery Plan for the City of Pittsburgh by no  
later than March 25, 2009.

**SPONSOR(S):    REVEREND RICKY V. BURGESS**

*VETO WAS SUSTAINED; BILL WAS DEFEATED.*

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

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

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

**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.

*VETO WAS OVERRIDDEN; BILL PASSED FINALLY.*

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

**Votes:** Ayes: 7 - Rev. Burgess, Mr. Dowd, Mrs. Harris, Mr. Kraus, Ms. Payne, Mr. Peduto  
and Mr. Shields  
Noes: 1 - Mr. Motznik  
Abstentions: 0

## 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.

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

Bill No. Ordinance amending and supplementing the Pittsburgh Code, Title Two, Fiscal;  
[2008-0954](#) 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.

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

**Votes:** Ayes: 5 - Rev. Burgess, Mr. Dowd, Mr. Kraus, Mr. Peduto and Mr. Shields  
Noes: 3 - Mrs. Harris, Mr. Motznic and Ms. Payne  
Abstentions: 0

Bill No. Report of the Committee on Finance and Law for December 17, 2008, with an  
[2008-1003](#) Affirmative Recommendation.

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

Bill No. Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article VII, Business  
[2008-0951](#) Related Taxes, Chapter 245, Earned Income Tax, by fixing the rate of interest on certain delinquent Earned Income Tax for [2008] 2009.

**This Matter was Passed Finally on the Consent Agenda.**

Bill No. Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article VII, Business  
[2008-0952](#) 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.

**This Matter was Passed Finally on the Consent Agenda.**

Bill No. Ordinance amending the Pittsburgh Code, Title Two, Fiscal; Article IX, Property  
[2008-0953](#) Taxes; Chapter 263, Real Property Tax and Exemption, Section 263.01, Levy and Rate on Lands and Buildings, by fixing the rate of taxation.

**This Matter was Passed Finally on the Consent Agenda.**

Bill No. Resolution designating Banks and Lending Institutions to act as Depositories for the  
[2008-0957](#) year 2009 in accordance with the Pittsburgh Code, Title Two, Fiscal, Article III, Depositories.

**This Matter was Passed Finally on the Consent Agenda.**

Bill No. Resolution providing for the filing of petitions for the sale of certain properties,  
[2008-0958](#) 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).

**This Matter was Passed Finally on the Consent Agenda.**

Bill No. 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.  
[2008-0959](#) ITEMS A through C: A: 5011 Kincaid; B: 5016 Kincaid; C: 5013 Jordan.

**This Matter was Passed Finally on the Consent Agenda.**

Bill No. 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.  
[2008-0961](#)

**This Matter was Passed Finally on the Consent Agenda.**

Bill No. 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.  
[2008-0973](#)

**SPONSOR(S): DARLENE HARRIS**

**This Matter was Passed Finally on the Consent Agenda.**

Bill No. 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.  
[2008-0985](#)

**This Matter was Passed Finally on the Consent Agenda.**

Bill No. 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.  
[2008-0995](#)

**SPONSOR(S): TONYA D. PAYNE**

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

### **MR. KRAUS PRESENTS COMMITTEE ON PUBLIC SAFETY SERVICES**

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

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

Bill No. 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).  
[2008-0986](#)

**This Matter was Passed Finally on the Consent Agenda.**

Bill No. 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.  
[2008-0987](#)

**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: 8 - Rev. Burgess, Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Motznic, 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 for December 17, 2008 with an Affirmative Recommendation.  
[2008-1005](#)

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

Bill No. 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.  
[2008-0963](#)

**This Matter was Passed Finally on the Consent Agenda.**

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.

**This Matter was Passed Finally on the Consent Agenda.**

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.

**This Matter was Passed Finally on the Consent Agenda.**

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.

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

### 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.

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

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.

**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. Kraus, Mr. Motznic, Ms. Payne, Mr. Peduto and Mr. Shields  
Noes: 0  
Abstentions: 0

## **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.

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

Bill No. [2008-0900](#) Resolution approving a Conditional Use exception under the Pittsburgh Code, Title 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.

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

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

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

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

Bill No. [2008-0070](#) Ordinance amending and supplementing the Pittsburgh Code, Title Eleven - Historic Preservation, Chapter 1101.03(i)(4), § 1101.03 DESIGNATION OF HISTORIC STRUCTURES, DISTRICTS, SITES AND OBJECTS  
**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: 7 - Rev. Burgess, Mr. Dowd, Mr. Kraus, Mr. Motznic, Ms. Payne, Mr. Peduto and Mr. Shields  
Noes: 1 - Mrs. Harris  
Abstentions: 0

Bill No. [2008-0847](#) Ordinance providing for the designation as a Historic Structure under Title 11 of the 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.

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

**Votes:** Ayes: 6 - Mr. Dowd, Mrs. Harris, Mr. Kraus, Ms. Payne, Mr. Peduto and Mr. Shields  
Noes: 2 - Rev. Burgess and Mr. Motznik  
Abstentions: 0

Bill No.

[2008-0974](#)

Resolution amending and supplementing Resolution No. 861, effective January 1, 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**

**This Matter was Passed Finally on the Consent Agenda.**

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**

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

### **MR. DOWD PRESENTS COMMITTEE ON URBAN RECREATION**

Bill No.

[2008-1009](#)

Report of the Committee on Urban Recreation for December 17, 2008, with an Affirmative Recommendation.

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

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

**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. Kraus, Mr. Motznik, Ms. Payne,  
Mr. Peduto and Mr. Shields  
Noes: 0  
Abstentions: 0

## **MOTIONS AND RESOLUTIONS**

### **APPROVAL OF MINUTES**

**A motion was made to approve the minutes. The motion carried.**

### **ADJOURNMENT**

**A motion was made to adjourn the meeting. The motion carried.**