

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, July 31, 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.
[2012-0661](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby welcome the newest Ben & Jerry's to Downtown Pittsburgh and does hereby commend Life'sWork of Western Pennsylvania for their participation in this project.

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

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

Bill No.
[2012-0662](#)

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 as steps toward a world free of nuclear weapons.

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

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

Bill No.
[2012-0663](#)

NOW, THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh does hereby commend and congratulate Bonnie DiCarlo and Joann Forrester for their long standing and determined efforts to recognize accomplished women in our region through their Celebrate and Share events and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Tuesday, August 28, 2012, to be "CELEBRATE AND SHARE 4TH ANNUAL BREAKFAST DAY" in the City of Pittsburgh.

SPONSOR(S): COREY O'CONNOR AND ALL MEMBERS

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

Bill No.
[2012-0664](#)

THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh honors the years of service the Caruso Family has provided to the neighborhood of Carrick; and

THEREFORE BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh does hereby declare Tuesday, July 31, 2012 to be Caruso's Music Day in the City of Pittsburgh.

SPONSOR(S): NATALIA RUDIAK AND ALL MEMBERS

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

Bill No.
[2012-0665](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby join WAMO's directors, staff, on-air personalities, and listeners in

celebrating their long history of bringing arts and culture to Pittsburgh; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare August 3 through 5, 2012 to be “WAMO Reunion Weekend” 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.

[2012-0666](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby join Joseph H. Smith in celebrating his 90th birthday; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare September 2, 2012 to be “Joseph H. Smith 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.

PUBLIC COMMENTS

PRESENTATION OF PAPERS

COUNCILMAN REVEREND RICKY V. BURGESS PRESENTS:

Bill No.

[2012-0649](#)

Resolution authorizing the issuance of a warrant in the total sum of \$3,714.55 to R. Paul McCauley, Ph.D. FACFE, 4620 Lucerne Road, Indiana, PA, 15701, for witness fees and expenses in connection to civil action filed at 2:10-cv-01335 in the United States District Court for the Western District of Pennsylvania, and arising from an alleged violation of Constitutional Rights in connection to an alleged incident on January 11, 2010 in the City of Pittsburgh.

Waived under Rule 8

Read and referred to Finance and Law Committee

Bill No.

[2012-0650](#)

Resolution authorizing the issuance of a warrant in favor of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., 918 South Pleasantburg Drive (29607), P.O. Box 167, Greenville, South Carolina 29602 in an amount not to exceed Two Thousand Nine Hundred Seventy Three Dollars and Fifty Cents (\$2,973.50) for professional services rendered in connection with the matter Taylor v. City of Pittsburgh.

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.

[2012-0651](#)

Resolution authorizing the issuance of a warrant in the total sum of \$8,083.33 to Bruce A. Wright, MD, LLC, 110 Fort Couch Road, Pittsburgh, PA 15241, for professional services rendered in connection to civil action filed at 2:10-cv-01335 in the United States District Court for the Western District of Pennsylvania, and arising from an alleged violation of Constitutional Rights in connection to an alleged incident on January 11, 2010 in the City of Pittsburgh.

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

Read and referred to Finance and Law Committee

COUNCILMAN PATRICK DOWD PRESENTS:

Bill No. Resolution providing for the execution of a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh for the administration of certain projects and programs, and providing for the payment of the cost thereof, not to exceed \$3,535,000. (Council Districts: All).

[2012-0658](#)

Read and referred to Intergovernmental Affairs Committee

Bill No. Resolution providing for the execution of a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh for the performance of certain work in connection with the 2012-2013 Community Development Block Grant Program, and providing for the payment of the cost thereof, not to exceed \$3,400,000. (Council Districts: All).

[2012-0659](#)

Read and referred to Intergovernmental Affairs Committee

Bill No. Resolution adopting Plan Revision to the City of Pittsburgh's Official Sewage Facilities Plan for Highland Building Renovation, 121 South Highland Avenue, Pittsburgh, PA 15224.

[2012-0660](#)

Read and referred to Intergovernmental Affairs Committee

COUNCILMAN BRUCE A. KRAUS PRESENTS:

Bill No. Resolution providing for the issuance of a warrant in favor of Graciano Corporation, in the amount of \$500,000.00, for emergency work for the protection of pedestrians and vehicles at the perimeter of the City County Building and providing for temporary repairs to the parapet and cornice, and providing for the payment thereof.

[2012-0652](#)

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

Read and referred to Finance and Law Committee

COUNCILMAN R. DANIEL LAVELLE PRESENTS:

Bill No. Resolution amending Resolution No. 710, effective October 17, 2011, as entitled, "Providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of HUD for a grant in connection with the 2000 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 Parks & Recreation to City Planning: "Beechview Recreation & Senior Centers" (-\$84,870.00) and transfer these funds to the "Personnel - City Planning" (+\$84,870.00).

[2012-0653](#)

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

Bill No.

[2012-0654](#)

Resolution amending Resolution No. 712 effective October 17, 2011 entitled: "Resolution providing for the filing of a Community Development statement with the U.S. Department of Housing and Urban Development for a grant in connection with the 2002 CDBG Program; providing for execution of grant contracts, filing of data, execution of payment vouchers and certification of signature; the deposit of funds in a bank account and providing for payment of expenses within categories", so as to reprogram funds from Parks & Recreation to City Planning from; "Beechview Recreation & Senior Center" (-\$60,000.00); and transfer these funds to "Personnel - City Planning" (+\$60,000.00).

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

Bill No.

[2012-0655](#)

Resolution amending Resolution No. 456, effective July 23, 2012, entitled: Amending the Capital Budget and 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 2012 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 Planning to Parks & Recreation from: "Personnel - City Planning" (-\$149,870.00) and transfer (+\$147,870.00) to "Beechview Senior Center" and (+\$2,000) to Elder-Ado Inc.

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

Bill No.

[2012-0656](#)

Resolution amending Resolution No. 217, effective April 27, 2012, 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 behalf of residents of the City of Pittsburgh", so as to reduce City Council's encumbrance: "BACC Beechview Share" (-\$5,000.00).

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

Bill No. [2012-0657](#) Resolution amending Resolution No. 218, effective April 27, 2012, entitled: Amending the Capital Budget and 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 2003 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 to City Planning from: "BACC Beechview Share" (-\$5,000.00) and transfer these funds to "Personnel - City Planning" (+\$5,000.00).

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

UNFINISHED BUSINESS

REPORTS OF COMMITTEE - FINAL ACTION

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

Bill No. [2012-0646](#) Report of the Committee on Finance and Law for July 25, 2012 with an Affirmative Recommendation.

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

Bill No. [2012-0633](#) Resolution providing for an agreement/s, or use of existing agreements and/or a contract/s, or use of existing contracts, and for the purchase of materials, supplies, equipment, and/or services for City Council Neighborhood Needs Program and providing for the payment of the costs thereof by transferring \$1,250 from District 6 Neighborhood Initiative to the Hill Development Corporation in Council District 6 Neighborhood Needs. Total cost of all projects is not to exceed \$130,802.79.

SPONSOR(S): R. DANIEL LAVELLE

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. Report of the Committee on Public Works for July 25, 2012 with an Affirmative
[2012-0647](#) Recommendation.

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

Bill No. Resolution vacating a portion of Leath Way in the 14th, Ward, 5th Council District of
[2012-0605](#) the City of Pittsburgh.

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 July 25, 2012
[2012-0648](#) with an Affirmative Recommendation.

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

Bill No. Resolution authorizing the Mayor and Director of City Planning to execute relevant
[2012-0609](#) agreements to receive grant funding to support the completion of an study of applying overlays to areas that have historic significance and that are threatened by inappropriate building modifications and demolitions, and are not City-Designated Historic Districts and further providing for an agreement and expenditures not to exceed thirty thousand (\$30,000) dollars for this stated purpose.

SPONSOR(S): R. DANIEL LAVELLE

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 further amending Resolution No. 768, effective January 1, 2010, as
[2012-0630](#) amended, entitled "Adopting and approving the 2010 Capital Budget and the 2010 Community Development Block Grant Program; and approving the 2010 through 2015 Capital Improvement Program," by transferring the Deutschtown Development project's department from Public Works to City Planning.

SPONSOR(S): DARLENE HARRIS

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. [2012-0634](#) Resolution further amending and supplementing Resolution No. 855 of 2011, entitled “adopting and approving the 2012 capital budget and the 2012-2017 Capital Improvement Program” by transferring \$1,250 from District 6 Neighborhood Initiative to the Hill Development Corporation in Council District 6 Neighborhood Needs.

SPONSOR(S): R. DANIEL LAVELLE

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

MOTIONS AND RESOLUTIONS

APPROVAL OF MINUTES

ADJOURNMENT

LEGISLATION PRESENTED BY SIGN LANGUAGE INTERPRETER

Interpreter unavailable for this meeting.