

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, September 18, 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

Councilman Lavelle was available for voting via telephone.

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Bill No. [2012-0741](#) NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby declare September 19, 2012 to be "No Text On Board - Pledge 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.

Bill No. [2012-0742](#) NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby declare September to be "Infant Mortality Awareness Month" 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.

Bill No. [2012-0743](#) NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend and honor the Lebanese-American community of Our Lady of Victory Maronite Catholic Church for their service to the community and their faithfulness to their heritage; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Tuesday, September 18, 2012, to be "Lebanese-American Day" in the City of Pittsburgh.

SPONSOR(S): THERESA SMITH AND ALL MEMBERS

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

Bill No. [2012-0744](#) NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh does hereby declare Friday, September 14th to be Children's Sickle Cell Foundation, Incorporated Day in the City of Pittsburgh, in honor of their 10th Anniversary as an organization which has dedicated itself to aiding the children and adults that are waiting for a universal cure for sickle cell disease.

SPONSOR(S): BRUCE A. KRAUS

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

Bill No. [2012-0745](#) NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend Pittsburgh Cares for fostering regional growth and development through volunteerism and amplifying the impact of community non-profit organizations; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare September 21 to be "Pittsburgh Cares Day" in the City of Pittsburgh.

SPONSOR(S): WILLIAM PEDUTO

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

Bill No.

[2012-0746](#)

Now, Therefore, Be It Resolved that the Council of the City of Pittsburgh does hereby recognize and honor the important work of the Aftercare Jail and Prison Ministry for its dedicated efforts in guiding ex-offenders and addicts towards recovery and a more positive future; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby proclaim Saturday, September 22, 2012, to be "Aftercare Jail and Prison Ministry 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.

[2012-0747](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend Mr. Dan Riley for his passion and commitment to the community; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Friday, September 21, 2012, to be "Dan Riley 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.

[2012-0748](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend Bethel A.M.E. Church for hosting the 145th Session of the Pittsburgh Annual Conference of the African Methodist Episcopal Church, 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.

Bill No.

[2012-0749](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend The Saracen Klub Alumni Association of Beta Epsilon Chapter of Kappa Alpha Psi Fraternity on their 75th Anniversary.

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

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

Bill No.

[2012-0750](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby congratulate Ms. Lillian Edith Mitchell for the work she has done on behalf of her community and for her birthday of 100 years.;

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Monday, September 10, 2012 to be "Lillian Edith Mitchell 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.

Bill No.

[2012-0751](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend Robert Wholey & Co. for 100 years of service to the community; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare September 21-23, 2012 “Wholey's Centennial Celebration 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.

[2012-0752](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize Ralph P. Watson and Classic Events! for promoting youth entrepreneurship and business development; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare September 21 to be “Youthpreneur 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.

[2012-0732](#)

Resolution authorizing issuance of warrants in the total sum of \$5,319.40, payable as follows: in the sum of \$5,006.94 in favor of Tonya Session, 1301 Paulson Avenue, Pittsburgh, PA 15206, and \$312.46 in favor of City Treasurer. This is in settlement of a claim for a damaged vehicle due to felled branches from a City tree on or about October 15, 2011.

Read and referred to Finance and Law Committee

Bill No.

[2012-0733](#)

Resolution authorizing the issuance of a warrant in the total sum of \$10,000 to Donald Schutz c/o Michael P. Petro, Esq., 700 Allegheny Building, 429 Forbes Ave., Pittsburgh, PA 15219, in full and final settlement of civil action filed at 2:10-cv-00832 in the United States District Court for the Western District of Pennsylvania, and arising out of an incident that occurred on or about November 3, 2006 in the City of Pittsburgh.

Read and referred to Finance and Law Committee

COUNCILMAN PATRICK DOWD PRESENTS:

Bill No.

[2012-0739](#)

Resolution requesting the approval of an inter-municipal transfer of restaurant liquor license, License No. R-12937, from Nelson O. Lynch - 110 Congress, McKeesport, Pittsburgh, PA 15131 to Applicant 2031 Tortilla LLC - 2031 Penn Ave. Basement, Pittsburgh, PA 15222 into the premises to be known as Reyna's Tortilla Factory, pursuant to amended Pennsylvania Liquor Code, §4-461.

Read and referred to Intergovernmental Affairs Committee

COUNCILMAN BRUCE A. KRAUS PRESENTS:

Bill No. [2012-0735](#) Resolution authorizing the Mayor and/or the Director of the Department of Finance and/or the Director of the Department of Public Works, on behalf of the City of Pittsburgh, to submit a Financial Assistance Application to the Pennsylvania Infrastructure Investment Authority (PENNVEST) for the purpose of receiving grant funds that will be used for the initiation of storm water improvement projects in the Panther Hollow Watershed (Schenley Park) and to thereafter enter into an Agreement or Agreements with PENNVEST to accept any grant funds offered to the City.

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

Read and referred to Public Works Committee

Bill No. [2012-0736](#) Resolution granting to Equitable Gas Company a permanent easement for installation of an above ground gas regulator on a portion of City of Pittsburgh property Parcel 19-G-131 in the 20th Ward.

Read and referred to Public Works Committee

COUNCILMAN KRAUS FOR FOR COUNCILMAN R. DANIEL LAVELLE PRESENTS:

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.

Read and referred to Land Use and Economic Development Committee

COUNCILMAN WILLIAM PEDUTO PRESENTS:

Bill No. [2012-0737](#) Resolution providing that the City of Pittsburgh enter into a Professional Services Agreement(s) and/or Contract(s) with a qualified third party administrator to administer the City of Pittsburgh's liabilities under the Pennsylvania Unemployment Compensation Law. Total cost not to exceed \$24,849.00.

Read and referred to Human Resources Committee

COUNCILWOMAN THERESA KAIL-SMITH PRESENTS:

Bill No. [2012-0734](#) Resolution authorizing the Mayor and the Chief of Emergency Medical Services (EMS) to enter into a grant agreement with the Port of Pittsburgh Commission to receive grant funds for the purchase of seven lighted and weighted marker buoys for deployment at maritime incidents or events. Said agreement or agreements, contract or contracts or expenditures shall not exceed \$6,000.00

Read and referred to Public Safety Services Committee

COUNCIL PRESIDENT DARLENE M. HARRIS PRESENTS:

Bill No. Resolution providing for the issuance of a warrant in favor of Patricia McGrail, LLC, Attorney, 1714 Lincoln Way, Pittsburgh, PA 15131, in the not to exceed \$7,500 in payment of professional legal services for City Council for the sole purpose of filing of an Amicus Brief as it relates to municipal oversight of zoning regulations/Act 13.

[2012-0740](#)

SPONSOR(S): DARLENE HARRIS

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

Read and referred to Finance and Law Committee

UNFINISHED BUSINESS

REPORTS OF COMMITTEE - FINAL ACTION

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

Bill No. Report of the Committee on Finance and Law for September 12, 2012 with an Affirmative Recommendation.

[2012-0729](#)

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

Bill No. Resolution authorizing the Mayor and the City Solicitor to enter into an agreement or agreements with James A. Wymard, Attorney at Law, 220 Grant Street, Pittsburgh, PA 15219 for professional consulting services associated with anticipated or pending litigation, at a cost not to exceed \$70,000.00 (Seventy Thousand Dollars and No Cents).

[2012-0695](#)

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 Mayor and the City Solicitor to enter into an agreement for the hiring of Cycom Data Systems, Inc., to continue maintaining and upgrading CityLaw, the Department of Law's legal case management and administrative support software system at a cost not to exceed \$10,800.00 (Ten Thousand, Eight Hundred Dollars).

[2012-0696](#)

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 initiating the public process for the establishment of the Lawrenceville
[2012-0703](#) Business Improvement District,

SPONSOR(S): PATRICK DOWD

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 September 12, 2012 with an
[2012-0730](#) Affirmative Recommendation.

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

Bill No. Resolution authorizing the Mayor and the Director of the Department of Public Works
[2012-0697](#) and the Department of Parks and Recreation to enter into a License, Loan, and Maintenance Agreement with the Carnegie Institute for Carnegie Museum of Art relating to the restoration, repair, reinstallation, loan and maintenance of sculptures for Allegheny Landing Park.

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 City of Pittsburgh's Department of Public Works to assume
[2012-0698](#) responsibility for the year round maintenance, repair, and future alterations of new Pedestrian Facilities constructed by the Pennsylvania Department of Transportation as part of the Marshall Avenue Interchange Rehabilitation Project.

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 providing for an Agreement or Agreements or for the use of existing
[2012-0699](#) Agreements, providing for a Contract or Contracts or for the use of existing Contracts, and providing for the purchase of materials, supplies and equipment in connection

with the rehabilitation and reconstruction of various park facilities; and further providing for the payment of the costs thereof, not to exceed \$175,000.

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.

[2012-0700](#)

Resolution amending Resolution No. 487, effective July 27, 2011, entitled "Providing for an Agreement or Agreements or for the use of existing Agreements, providing for a Contract or Contracts or for the use of existing Contracts, and providing for the purchase of materials, supplies and equipment in connection with the rehabilitation and reconstruction of various park facilities; and further providing for the payment of the costs thereof," by increasing the line item by \$56,565.00 from \$780,000.00 to \$836,565.00.

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.

[2012-0701](#)

Resolution repealing Resolution No. 397, effective July 9, 2012, entitled "Resolution further amending Resolution No. 703, effective October 17, 2011, as amended, entitled "Adopting and approving the 2011 Capital Budget and the 2011 Community Development Block Grant Program; and approving the 2011 through 2016 Capital Improvement Program," by increasing the "Park Reconstruction" line item by \$56,565.00 from \$780,000.00 to \$836,565.00" by repealing it in its entirety.

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 PATRICK DOWD PRESENTS COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

Bill No.

[2012-0731](#)

Report of the Committee on Intergovernmental Affairs for September 12, 2012 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 execution of a Cooperation Agreement or Agreements
[2012-0658](#) 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).

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

**A motion was made that this matter be Passed Finally, As Amended. 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 providing for the execution of a Cooperation Agreement or Agreements
[2012-0659](#) 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).

**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