

# **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, April 26, 2011**

**10:00 AM**

**Council Chambers**

**City Council**

**ONE-HUNDRED  
THIRTY-SIXTH COUNCIL**

**Darlene Harris, President**

**Council Members: Reverend Ricky V. Burgess, Patrick Dowd, Bruce A. Kraus, R. Daniel Lavelle, William Peduto, Natalia Rudiak, Douglas Shields, Theresa 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. Peduto, Ms. Rudiak, Mr. Shields and Mrs. Smith

## PLEDGE OF ALLEGIANCE

## PROCLAMATIONS

Bill No. [2011-1655](#) NOW THEREFORE BE IT RESOLVED, that Pittsburgh City Council congratulates CAPA on its meritorious achievement of being selected as a finalist in President Obama's Race to the Top Commencement Challenge.

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh does hereby declare Tuesday, April 26, 2011, Pittsburgh CAPA Commencement Challenge Day in the City of Pittsburgh.

**SPONSOR(S): PATRICK DOWD, R. DANIEL LAVELLE, DARLENE HARRIS AND ALL MEMBERS**

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

Bill No. [2011-1656](#) NOW, THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh does hereby commend Amen Corner for its relevant mission and for its ability to bring people of all walks of life together and congratulates Mary Sue Ramsden for becoming President for the 2011 year ; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Thursday, April 28, 2011, to be "AMEN CORNER DAY" in the City of Pittsburgh.

**SPONSOR(S): DOUGLAS SHIELDS AND ALL MEMBERS**

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

Bill No. [2011-1657](#) NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby congratulate Amen Corner for recognizing Michael K. Feeney , Esq. with the first annual Judge James R. McGregor Award for his outstanding contributions to the community and the legal community; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Thursday, April 28, 2011, to be "MICHAEL K. FEENEY, ESQ. DAY" in the City of Pittsburgh.

**SPONSOR(S): DOUGLAS SHIELDS AND ALL MEMBERS**

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

Bill No. [2011-1658](#) NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby congratulate Amen Corner for recognizing Judge Jeffrey A. Manning with the Judge Robert E. Dauer Award for Judicial Leadership and Excellence for his outstanding career and achievement in the field of law and justice; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Thursday, April 28, 2011, to be "JUDGE JEFFREY A. MANNING DAY" in the City of Pittsburgh.

**SPONSOR(S): DOUGLAS SHIELDS AND ALL MEMBERS**

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

Bill No.

[2011-1659](#)

NOW, THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh does hereby commend and congratulate the Pittsburgh Komen Race for the Cure for 18 years of successful advocacy and service to educate, screen, treat and, ultimately, eradicate breast cancer for the women of Southwestern and Central Pennsylvania ; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Sunday, May 8, 2011, to be "PITTSBURGH KOMEN RACE FOR THE CURE" in the City of Pittsburgh.

**SPONSOR(S): DOUGLAS SHIELDS AND ALL MEMBERS**

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

Bill No.

[2011-1660](#)

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh hereby honors Linda Perkins, a happily retired and genuinely sweet woman, for her accomplishment bowling a perfect 300 game, and does finally give her public recognition by declaring April 26, 2011 "Linda Perkins Day" in the City of Pittsburgh.

**SPONSOR(S): DOUGLAS SHIELDS AND ALL MEMBERS**

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

Bill No.

[2011-1661](#)

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh does hereby recognize Ray Mustovic for his years of serving the public, giving most of the men in the neighborhood their first haircuts, and for preserving a piece of Brighton Heights history with his neighborhood sports museum, and does hereby declare April 26, 2011, "Ray Mustovic 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.

[2011-1662](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize the 4th annual Opal Awards recognizing women in the film and television industry in Pittsburgh; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare April 30, 2011 "Women in Film and Media 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.

[2011-1663](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh hereby commends and congratulates Comcast on its 10th Comcast Cares Day, and for its concentrated efforts to help with the improvement of our communities, and proclaims April 30, 2011, to be "Comcast Cares 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.

[2011-1664](#)

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh does hereby recognize that Ruth Ann Dailey has made more than a mark on her community, being the driving force who revitalized the Community Alliance of Spring Garden and East Deutschtown, bringing those passionate about the neighborhood together, garnering nonprofit status, searching out grants and other monies to beautify the neighborhood, purchasing properties for renovation and welcoming new business, and does hereby proclaim April 26, 2011, "Ruth Ann Dailey 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.

[2011-1665](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize and commend the Health and Wellness Ministry of the Sixth Mount Zion Missionary Baptist Church for their efforts to enhance the quality of life for others as they empower communities; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh, does hereby proclaim April 28, 2011, as "Health and Wellness Ministry 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.

[2011-1666](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh, does hereby recognize and commend The Peace Alliance Network and its convener, T. Rashad Byrdson and Community Empowerment Association for taking on the banner of fighting the Epidemic of Gun Violence in the African American Community. Also, for encouraging change via the legislative process in order to make a real impact on those lives most affected by these issues.

Be It Further Resolved, that the Council of the City of Pittsburgh does hereby proclaim Tuesday, April 26, 2011, to be designated, "Day of Remembrance" 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.

[2011-1667](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize and celebrate the 90th birthday of Sarah V. McNamee and commends her for her dedication to her family and her community; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Tuesday, April 26, 2011, to be "Sarah V. McNamee 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.

[2011-1668](#)

NOW, THEREFORE, BE IT RESOLVED, that Council and the City of Pittsburgh commends Honus Wagner, Pie Traynor, the Braunstein family and Harriet and Murray Shapiro for giving this City a destination, a place to meet, a location where everyone knew they could purchase high quality sporting goods and this City will miss Honus Wagner's Sporting Goods.

**SPONSOR(S): DARLENE HARRIS AND ALL MEMBERS**

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

Bill No.

[2011-1669](#)

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh does hereby affectionately torment our beloved Bill Urbanic, who can't get his pension until 2083, on the festive occasion of his 50th birthday, and in honor of his years of dedication and service declares May 1, 2011 to be "Bill Urbanic 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.**

## **PUBLIC COMMENTS**

## **PRESENTATION OF PAPERS**

### **COUNCILMAN WILLIAM PEDUTO PRESENTS:**

Bill No.

[2011-1653](#)

Resolution authorizing the issuance of two warrants in the total sum of \$35,000. One payable to the American Center for Law & Justice 5068 Plymouth Road, P.O. Box 130440, Ann Arbor, MI 48105, in the amount of \$32,000. The second payable to Flaherty Fardo, LLC c/o American Center for Law & Justice, in the amount of \$ 3,000 and the full repeal of Ordinance 601.02, in full and final settlement of an action filed at 2:10-cv-1305 in the United States District Court for the Western District of Pennsylvania, and arising from alleged violation of the Constitutional right to freedom of speech, caused by Ordinance 601.02.

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

### **COUNCILWOMAN THERESA KAIL-SMITH PRESENTS:**

Bill No.

[2011-1654](#)

Resolution authorizing the Director of the Department of Public Safety to enter into a professional services agreement with Innovative Data Solutions for professional services in connection with the purchase of Power DMS Suite software, licenses and 3 years of Upgrade Advantage consisting of four components - policy management, e-training, employee testing and employee surveys which will provide the Department with web-based answer to policy and procedure management, and providing for the

payment of the cost thereof. Cost not to exceed \$70,000.00.

**Read and referred to Public Safety Services Committee**

## **UNFINISHED BUSINESS**

### **REPORTS OF COMMITTEE - FINAL ACTION**

#### **COUNCILMAN PEDUTO PRESENTS COMMITTEE ON FINANCE AND LAW**

Bill No. Report of the Committee on Finance and Law for April 20, 2011 with an Affirmative  
[2011-1650](#) Recommendation.

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

Bill No. Resolution authorizing the issuance of a warrant in the sum of \$10,000 payable to  
[2011-1605](#) Keith Tucci and Cathy L. Brannigan, Esquire his attorney, c/o Paladin Law Offices 10700 Frankstown Road, Suite 305, Pittsburgh, PA 15235-3086, in full and final settlement of an action filed at 10-cv-1010 in the United States District Court for the Western District of Pennsylvania, and arising from alleged violation of Constitutional right to freedom of speech, and violation of equal protection clause of 14th amendment, violation of right to free exercise of religion and violation of right to be free from unreasonable seizure, & malicious prosecution while walking through the buffer zone of the Planned Parenthood Clinic on Liberty Avenue.

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

Bill No. Resolution repealing items in Resolutions approved on various dates, authorizing the  
[2011-1606](#) sale of properties in various wards of the City of Pittsburgh, in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984. Items A and B. A: 1643 & 1645 Alverado; B: 2131 Vodeli.

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

Bill No. Resolution providing for the conveyance by the City of Pittsburgh of certain property,  
[2011-1607](#) 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: 3101 Josephine; B: 1074 Blackadore.

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

Bill No. Resolution providing for the conveyance by the City of Pittsburgh of certain property,  
[2011-1608](#) under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

ITEMS A and B.

A: 1812 Rialto; B: Dunster-Timberland Plan Lot 12.

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

Bill No. [2011-1609](#) 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 J. A: 1714 & 1716 Bedford; B: 549 North Aiken;  
C: 1559 Broadhead; D: 7928 Madiera; E: 930 Lillian; (DELETE F & G) H: 128 Bascom; I: 1412 Preston; J: 3518 Brighton.

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

Bill No. [2011-1614](#) 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 adding \$5,000 to each of the following neighborhood organizations: Brighton Heights Athletic Association, Brighton Heights Citizens Federation, Observatory Hill Inc. and Summer Hill Citizen's Council and \$1,000 to Observatory Hill Newsletter and by changing the name of the "Police Chaplain Program" to read "Bureau of Police - Chaplain Program" in Council District 1. The total amount of all projects is not to exceed \$1,000,000.

**SPONSOR(S): DARLENE HARRIS**

**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: 9 - Rev. Burgess, Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. Peduto, Ms. Rudiak, Mr. Shields and Mrs. Smith

Noes: 0

Abstentions: 0

### **COUNCILMAN KRAUS PRESENTS COMMITTEE ON PUBLIC WORKS**

Bill No. [2011-1651](#) Report of the Committee on Public Works for April 20, 2011 with an Affirmative Recommendation.

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

Bill No. [2011-1610](#) Resolution providing for a three-party cooperation, reimbursement, and maintenance agreement or agreements by and among the City of Pittsburgh, the Stadium Authority of the City of Pittsburgh (the "Stadium Authority"), and the Pennsylvania Department of Transportation, in connection with the North Shore Infrastructure Chuck Noll Way 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. Peduto, Ms. Rudiak, Mr. Shields and Mrs. Smith  
Noes: 0  
Abstentions: 0

## **COUNCILMAN SHIELDS PRESENTS COMMITTEE ON LAND USE & ECONOMIC DEVELOPMENT**

Bill No. Report of the Committee on Land Use and Economic Development for April 20, 2011  
[2011-1652](#) with an Affirmative Recommendation.

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

Bill No. Resolution amending resolution No. 525, effective September 4, 2009, authorizing the  
[2011-1579](#) Mayor and the Director of Public Safety to enter into contracts or agreements to accept assistance in the form of grants, awards, from various United States Departments or Agencies and the Commonwealth of Pennsylvania in connection with the City's hosting of the Group of Twenty (G-20) conference in Pittsburgh the week of September 21-25, 2009; providing for Agreements, or Contracts, and for the purchase of materials, supplies, equipment, insurance and/or services for the G-20 and identifying potential procurement processes available for necessary related purchases should an emergency arise; by reducing the total expenditure authorization from \$16,000,000 to \$12,053,848.71.

**SPONSOR(S): WILLIAM PEDUTO**

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

Bill No. Resolution further amending and supplementing Resolution No.675, effective January  
[2011-1580](#) 1, 2009, as amended, entitled: "Adopting and approving the 2009 Capital Budget and the Community Development Block Grant Program; and approving the 2009 through 2013 Capital Improvement Program," by reducing funding to The Group of Twenty (G-20) Finance Ministers and Central Bank Governors conference in Pittsburgh the week of September 21-25, 2009 in order to close this project.

**SPONSOR(S): WILLIAM PEDUTO**

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

Bill No. Resolution further amending Resolution No.781, effective January 1, 1999, as  
[2011-1581](#) amended, entitled "Adopting and approving the 1999 Capital Budget and Community Development Block Grant Program; and approving the 1999 through 2004 Capital Improvements Program" by adjusting the budget amounts for Building Maintenance Program to \$130,320.27; Elevator Repair & Maintenance to \$84,834.95; Inspection Services to \$149,991.00; Allequippa Terrace to \$670,000.00; Ft Duquesne Blvd. Relocation to \$7,561,496.80; Southside Riverfront Park Improvement to \$26,290.50; Tax Information Systems Modernization to \$1,571,941.41 and West End Improvements to \$222,355.99 in order to close these projects in budget year 1999.

**SPONSOR(S): WILLIAM PEDUTO**



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

Bill No.

[2011-1582](#)

Resolution further amending Resolution No.838, effective January 1, 1998, as amended, entitled “Adopting and approving the 1998 Capital Budget and Community Development Block Grant Program; and approving the 1998 through 2003 Capital Improvements Program” by adjusting the Non-Salary Engineering and Construction line item to \$108,202.08 in order to close this project.

**SPONSOR(S): WILLIAM PEDUTO****This Matter was Passed Finally on the Consent Agenda.**

Bill No.

[2011-1583](#)

Resolution further amending Resolution No.1018, effective January 1, 1997, as amended, entitled “Adopting and approving the 1997 Capital Budget and Community Development Block Grant Program; and approving the 1997 through 2002 Capital Improvements Program” by adjusting the budget amounts of Architectural and Engineering Services to \$248,697.35; Building Maintenance Program to \$48,847.59; City-County Building Renovations to \$247,062.82 and the Enterprise Community Program to \$2,903,496.93 in order to close these projects in budget year 1997.

**SPONSOR(S): WILLIAM PEDUTO****This Matter was Passed Finally on the Consent Agenda.**

Bill No.

[2011-1584](#)

Resolution further amending Resolution No. 976, effective January 1, 1996, as amended, entitled “Adopting and approving the 1996 Capital Budget and Community Development Block Grant Program; and approving the 1996 through 2001 Capital Improvements Program” by adjusting the budget amounts of Building Maintenance Program-DGS to \$220,268.79; Computerized Traffic Control to \$198,345.85; Fort Duquesne BLVD. Relocation to \$809,908.15; Fuel Island Rehabilitation to \$141,307.32 and the Southside Riverfront Improvement to \$91,009.22 in order to close these projects in budget year 1996.

**SPONSOR(S): WILLIAM PEDUTO****This Matter was Passed Finally on the Consent Agenda.**

Bill No.

[2011-1613](#)

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 in conformance with City Council's 2000 Capital Budget amendments,” by adding \$5,000 to each of the following neighborhood organizations: Brighton Heights Athletic Association, Brighton Heights Citizens Federation, Observatory Hill Inc. and Summer Hill Citizen's Council and \$1,000 to Observatory Hill Newsletter and by changing the name of the “Police Chaplain Program” to read “Bureau of Police - Chaplain Program” and by adjusting other projects in Council District 1 Neighborhood Needs.

**SPONSOR(S): DARLENE HARRIS****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: 9 - Rev. Burgess, Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. Peduto, Ms. Rudiak, Mr. Shields and Mrs. Smith

Noes: 0

Abstentions: 0

## MOTIONS AND RESOLUTIONS

Bill No.

[2011-1670](#)

WHEREAS, on November 16, 2010, Pittsburgh City Council unanimously passed an ordinance to ban Marcellus Shale drilling within city limits, making Pittsburgh the first municipality in the state of Pennsylvania to halt Marcellus Shale drilling; and,

WHEREAS, reports and testimony have shown that extracting natural gas from shale by the process of hydraulic fracturing or "fracking," has resulted in the contamination of water wells and drinking water; and,

WHEREAS, municipal governments have a duty to protect the public safety, health, and welfare of their community residents; and,

WHEREAS, municipal governments also have the duty to protect the rights of community residents against corporate activities that clearly jeopardize those rights; and,

WHEREAS, state and federal action against drilling in the Marcellus Shale will only occur if significant numbers of municipal governments follow the lead of the City of Pittsburgh; and,

WHEREAS, a Pittsburgh summit, Stopping Marcellus Shale Gas Drilling AT THE Municipal Level, has been planned for June 11, 2011 by the Community Environmental Legal Defense Fund for municipal officials and community groups to discuss how to ban Marcellus Shale drilling within municipalities in Pennsylvania, West Virginia, New York, Maryland, and Ohio.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh wishes to co-sponsor and endorse that June 11, 2011 conference (without concomitant financial expense) to guarantee the maximum involvement by neighboring municipalities in that conference.

**SPONSOR(S): DOUGLAS SHIELDS 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