

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 15, 2009

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, 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. Motznik, Ms. Payne, Mr. Peduto, Mrs. Smith and Mr. Shields

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Bill No.

[2009-1772](#)

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby wish to commend Willa “Kitty” Chandler for her commitment to the community and the senior citizens that she has and continues to assist; and BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh declares Tuesday September 15, 2009, “Willa “Kitty” Chandler Day” in the City of Pittsburgh and bestows upon her a key to the City of Pittsburgh.

SPONSOR(S): TONYA D. PAYNE AND ALL MEMBERS

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

Bill No.

[2009-1773](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend Cheryl Haggard and Sandy Puc’; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Tuesday, September 15, 2009, to be “The Day We Cherish Life” 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.

[2009-1774](#)

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend the Sisters of Charity for their remarkable works and dedication to our community; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh congratulates the Sisters of Charity upon the joyous celebration of their two hundredth anniversary and declares Saturday, September 19, 2009, to be “Sisters of Charity 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.

[2009-1775](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does

hereby commend the Allderdice Alumni Association for creating a Hall of Fame in which inductees' photos and bios will be displayed in the high school and further congratulates the inductees on lifetime achievements and dedication to Allderdice High School; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby

declare Thursday, September 24, 2009, to be "ALLDERDICE ALUMNI ASSOCIATION HALL OF FAME 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.

[2009-1776](#)

NOW, THEREFORE, BE IT RESOLVED that, the Council of the City of Pittsburgh recognizes the International Day of Peace and thanks its local organizers; and

BE IT FURTHER RESOLVED that, the Council of the City of Pittsburgh hereby declares the week of September 20-26, 2009 as International Week of Peace in the City of Pittsburgh.

SPONSOR(S): WILLIAM PEDUTO AND ALL MEMBERS

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

PRESENTATION OF PAPERS

REV. BURGESS, CHAIRPERSON OF THE COMMITTEE ON LAND USE AND ECONOMIC DEVELOPMENT, PRESENTS

Bill No.

[2009-1768](#)

Resolution providing for the execution of a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh for the sharing of digital geographic information.

Read and referred to Land Use and Economic Development Committee

MR. DOWD, CHAIRPERSON OF THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS, PRESENTS

Bill No.

[2009-1742](#)

Resolution authorizing the Mayor and the Director of the Department of Finance, on behalf of the City of Pittsburgh ("City"), to enter into a cooperation agreement or agreements with the County of Allegheny ("County"), the School District of Pittsburgh ("School District") and the Pittsburgh Water and Sewer Authority ("PWSA") (hereinafter referred to collectively as the "Municipalities") pursuant to the Pennsylvania Intergovernmental Cooperation Act for the purpose of jointly cooperating in the collection of delinquent taxes and municipal claims.

Read and referred to Intergovernmental Affairs Committee

Bill No.

[2009-1770](#)

Resolution amending Resolution No. 36, effective February 9, 2009, entitled "Authorizing a cooperation agreement or agreements with the Urban Redevelopment Authority of Pittsburgh for administration and implementation of a Neighborhood Stabilization Program grant of up to \$20,000,000 from the Pennsylvania Department of Community and Economic Development" by adding the account from which funds will be paid. (Council Districts 1, 2, 3, 4, 6 and 9).

Read and referred to Intergovernmental Affairs Committee

Bill No.

[2009-1771](#)

Resolution directing the President of Pittsburgh City Council to establish a special committee of the council for purposes of fact finding in matters associated with the events surrounding the 2009 G-20 Conference in Pittsburgh.

SPONSOR(S): PATRICK DOWD

Read and referred to Finance and Law Committee

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

Bill No. Resolution authorizing the Mayor and the Department of Finance to enter into an
[2009-1766](#) agreement or agreements with the Foundation For Fair Contracting, Inc., to aid the City of Pittsburgh in investigating non-compliance with City tax ordinances, and the hiring and employment of undocumented workers in the City, at no cost to the City.

Read and referred to Finance and Law Committee

Bill No. Resolution authorizing the Mayor to receives monies from the Urban Redevelopment
[2009-1767](#) Authority to replace existing street lighting along Grandview Avenue with new poles, fixtures and energy efficiency technology and further providing for legitimate expenditures for payments and agreement or agreements, or contract or contracts for any services required in connection with the execution of said grant agreement. Said agreement or agreements, contract or contracts or expenditures shall not exceed \$400,000.00 (Four Hundred Thousand Dollars).

Read and referred to Public Works Committee

**MR. MOTZNIK, CHAIRPERSON OF THE COMMITTEE ON GENERAL AND
GOVERNMENT SERVICES, PRESENTS**

Bill No. Resolution authorizing the Mayor and the Director of City Information Systems to
[2009-1769](#) enter into a grant agreement with the Department of Energy's Energy Efficiency & Conservation Block Grant Program, to receive \$3,403,000 in funding to support the City's Office of Sustainability & Energy Efficiency's programs associated with the execution of said grant agreement.

Read and referred to General and Government Services Committee

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

Bill No. Resolution approving and adopting a schedule of attorney fees in connection with the
[2009-1740](#) collection of filed and unfiled taxes, tax claims, tax liens, municipal claims and municipal liens, pursuant to Act 1 of 1996 and Act 20 of 2003 and approving and adopting a schedule of charges, expenses and fees pursuant to the Act of May 16, 1923, as amended, 53 P.S. §7101, §7103, and §7106, and Act 83 of 2004.

Read and referred to Finance and Law Committee

Bill No. Resolution authorizing the Mayor and the Director of the Department of Finance to
[2009-1741](#) enter into an agreement or agreements with the School District of Pittsburgh, Jordan Tax Service, Inc. and Goehring, Rutter & Boehm, P.C., for the collection of delinquent taxes and municipal claims.

Read and referred to Finance and Law Committee

Bill No. Resolution authorizing the issuance of a warrant in the sum of \$30,000.00 to Michele
[2009-1765](#) T. Pato and Carlos N. Pato c/o Mark J. Homyak, The Homyak Law Firm, 3333 Gulf Tower, Pittsburgh, PA 15219, in full and final settlement of an action filed at GD 07-000247, arising from personal injuries caused by an alleged negligently-designed intersection at the corner of 21st and Smallman Streets.

Read and referred to Finance and Law Committee

UNFINISHED BUSINESS

REPORTS OF COMMITTEE - FINAL ACTION

MR. PEDUTO PRESENTS COMMITTEE ON FINANCE AND LAW

Bill No. Report of the Committee on Finance and Law for September 9, 2009 with an
[2009-1759](#) Affirmative 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;
[2009-1179](#) Article IX, Property Taxes; Chapter 263, Real Property Tax and Exemption; Section 263.20, Definitions; Section 263.21, Property Tax Relief; Section 263.22, Participation in the Property Tax Relief Program; and Section 263.23, City Treasurer Duties, so as to comply with the age restriction appearing in Act 77, to eliminate the requirement of filing an annual application and to define the form of relief available to eligible taxpayers.

SPONSOR(S): PATRICK DOWD, DARLENE HARRIS, THERESA SMITH AND BRUCE A. KRAUS

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

Votes: Ayes: 2 - Rev. Burgess and Mrs. Harris
Noes: 7 - Mr. Dowd, Mr. Motznik, Mr. Kraus, Ms. Payne, Mr. Peduto, Mrs. Smith and Mr. Shields
Abstentions: 0

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

Bill No. Resolution authorizing the City of Pittsburgh to issue quit claim deeds and to grant
[2009-1714](#) underground structure support easements and various other easements for portions of City of Pittsburgh owned parcels in the 24th Ward to the Pennsylvania Department of Transportation for right-of-way expansion and easement improvements to State Route

28, Sections A-09 and A-10.

This Matter was Passed Finally on the Consent Agenda.

Bill No.

[2009-1715](#)

Resolution providing for an Agreement of Sale with Karl L. Gatto for acquisition by the City of Pittsburgh of property located at 804 Woods Run Avenue, Pittsburgh, PA 15212, Block and Lot 76-B-128, City of Pittsburgh, and providing further for certain payments not to exceed \$54,000.00.

This Matter was Passed Finally on the Consent Agenda.

Bill No.

[2009-1716](#)

Resolution appointing individuals from the Department of Finance to represent the City of Pittsburgh as delegates to the Tax Collection Committee to be established for the Allegheny Central Tax Collection District pursuant to the requirements of Act 32 of 2008.

This Matter was Passed Finally on the Consent Agenda.

Bill No.

[2009-1717](#)

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: 2540 Wadsworth; B: 3530 Frazier; C: 3949 Mintwood.

This Matter was Passed Finally on the Consent Agenda.

Bill No.

[2009-1718](#)

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 Q. A: 2907 Stafford; B: 1915, 1917 & 1919 Bedford;

C: 217 Lombard; D: 119 Kenova; E: 121 Kenova; F: 1702 Concordia;

DELETED G & H I: 101 Imogene; J: 7214 Stranahan;

K: 29 Perry; L: 425 Fairywood; M: 514 Fairywood; N: 516 Fairywood;

O: 1464 Kinmount; P: 3623 Colmar; Q: 4255 Bryn Mawr.

This Matter was Passed Finally on the Consent Agenda.

Bill No.

[2009-1719](#)

Resolution providing for 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.

ITEMS A and B: A: 1122 Brabec; B: 916 Oranmore.

(

This Matter was Passed Finally on the Consent Agenda.

Bill No.

[2009-1720](#)

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 through I. A: 57 Acorn; B: 818 Lovitt; C: 812 Lovitt; D: 7632 Mulford;

E: 4904 Yew; F: 705 North Euclid; G: 624 Naylor; H: 2236 Fairland (part);
I: 3405 Iowa.

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

This Matter was Passed Finally, As Amended on the Consent Agenda.

Bill No.

[2009-1746](#)

Resolution further amending Resolution No. 654, effective October 25, 2001, entitled, "Resolution 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 City Council's 2001 Neighborhood Needs Supplement Program; and providing for the payment of the costs thereof," by adding \$2,250.00 to Animal Friends and by reducing the Citiparks line item by the same amount.

SPONSOR(S): BRUCE A. KRAUS

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. Motznik, Mr. Kraus, Ms. Payne, Mr. Peduto, Mrs. Smith and Mr. Shields

Noes: 0

Abstentions: 0

MR. KRAUS PRESENTS COMMITTEE ON PUBLIC SAFETY SERVICES

Bill No.

[2009-1761](#)

Report of the Committee on Public Safety Services for Wednesday, September 9, 2009, with a NEGATIVE RECOMENDATION.

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

Bill No.

[2009-1707](#)

Ordinance amending the Pittsburgh City Code, Title Six: Conduct, Article I: Regulated Rights and Actions, Chapter 601: Public Order, by adding Section 601.19, titled "Concealing Identity."

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 failed by the following vote:

Votes: Ayes: 2 - Rev. Burgess and Mr. Motznik

Noes: 7 - Mr. Dowd, Mrs. Harris, Mr. Kraus, Ms. Payne, Mr. Peduto, Mrs. Smith and Mr. Shields

Abstentions: 0

Bill No.

[2009-1760](#)

Report of the Committee on Public Safety Services for September 9, 2009 with an Affirmative Recommendation.

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

Bill No. Ordinance amending the Pittsburgh City Code, Title VI, Conduct, Article I: Regulated Rights and Actions, by adding Chapter 607A, titled "Prohibitions on Use of Obstruction Equipment and Possession of Certain Items with Intent to Defeat Lawful Dispersal Orders."
[2009-1708](#)

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

A motion was made that this matter be RECOMMENDED to the Public Safety Services Committee. The motion carried by the following vote:

Votes: Ayes: 7 - Rev. Burgess, Mr. Dowd, Mrs. Harris, Mr. Motznik, Mr. Kraus, Ms. Payne and Mrs. Smith
Noes: 2 - Mr. Peduto and Mr. Shields
Abstentions: 0

Bill No. Ordinance supplementing the Pittsburgh Code, Title Six: Conduct; Article I: Regulated Rights and Actions; Chapter 601: Public Order, by adding a new section 601.16 entitled 'Public Urination and Defecation', and by adding a new subsection 601.14 (e) specifying the penalty for violation of the new section 601.16."
[2009-1731](#)

SPONSOR(S): BRUCE A. KRAUS

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

MRS. HARRIS PRESENTS COMMITTEE ON PUBLIC WORKS

Bill No. Report of the Committee on Public Works for September 9, 2009 with an Affirmative Recommendation.
[2009-1762](#)

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

Bill No. Resolution authorizing the Mayor and the Directors of Public Works, and Finance to enter into a Grant Agreement with the Commonwealth of Pennsylvania, Department of Community and Economic Development (DCED C000038997) to receive \$150,000.00 in Grant funding for Equipment Purchases.
[2009-1721](#)

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution amending resolution 228-09, effective May 8, 2009, as amended by resolution 336-09, effective June 16, 2009, regarding the 2009 CDBG Street Resurfacing Program, by increasing the total by \$35,065.00, from \$2,700,000.00, to \$2,735,065.00.
[2009-1722](#)

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. Motznik, Mr. Kraus, Ms. Payne, Mr. Peduto, Mrs. Smith and Mr. Shields

Noes: 0

Abstentions: 0

REV. BURGESS PRESENTS COMMITTEE ON LAND USE & ECONOMIC DEVELOPMENT

Bill No. [2009-1763](#) Report of the Committee on Land Use and Economic Development for September 9, 2009 with an Affirmative Recommendation.

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

Bill No. [2009-1747](#) Resolution further Amending Resolution No. 424 of 2001, effective June 19, 2001, entitled "Further amending Resolution No. 976 effective January 1, 1996, as amended, Adopting and Approving the 1996 Capital Budget and the 1996 Community Development Block Grant by creating a new line item, City Clerk Office Modernization Project Grant # 2271000 for the purpose of augmenting neighborhood needs programs and/or the District Improvement Fund, and transferring \$1,128,892.00 from Grant/Liberty to City Clerk's Office Modernization" by adding \$2,250.00 to Animal Friends and by reducing the Citiparks line item by the same amount.

SPONSOR(S): BRUCE A. KRAUS

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. Motznik, Mr. Kraus, Ms. Payne, Mr. Peduto, Mrs. Smith and Mr. Shields

Noes: 0

Abstentions: 0

MR. MOTZNIK PRESENTS COMMITTEE ON GENERAL & GOVERNMENT SERVICES

Bill No. [2009-1764](#) Report of the Committee on Genral and Government Services for September 9, 2009 with an Affirmative Recommendation.

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

Bill No. [2009-1606](#) Providing for the creation of the Verizon Franchise Trust Fund (VFTF) and directing the Pittsburgh Cable Communications Advisory Committee to work with CIS, PCTV and PPS in the creation of a plan for the strategic use of the resources provided pursuant the Verizon Franchise Agreement

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

Votes: Ayes: 3 - Mrs. Harris, Mr. Peduto and Mr. Shields
Noes: 5 - Rev. Burgess, Mr. Dowd, Mr. Motznik, Ms. Payne and Mrs. Smith
Abstentions: 1 - Mr. Kraus

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. Motznik, Ms. Payne and Mrs. Smith
Noes: 4 - Mrs. Harris, Mr. Kraus, Mr. Peduto and Mr. Shields
Abstentions: 0

Bill No. [2009-1607](#) Resolution authorizing the City of Pittsburgh to enter into a cable television franchise agreement with Verizon Pennsylvania Inc.

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

Votes: Ayes: 9 - Rev. Burgess, Mr. Dowd, Mrs. Harris, Mr. Motznik, Mr. Kraus, Ms. Payne, Mr. Peduto, Mrs. Smith and Mr. Shields
Noes: 0
Abstentions: 0

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

MOTIONS AND RESOLUTIONS

Bill No. [2009-1777](#) Therefore be it resolved: That the Pittsburgh City Council calls upon the City to promote successful high profile events by ensuring:

1. reasonable and prompt action on permit applications for public demonstrations during the events;
2. that decision-making authority for policing public demonstrations remains under the leadership and jurisdiction of local authorities to the greatest extent possible;
3. appropriate training in Constitutional Rights for those policing public demonstrations;
4. access to as well as freedom of movement at public demonstrations;

5. that public demonstrations can take place within sight and sound of the object of the protest;
6. barricades of “protest pens” to confine movement at demonstrations are not used unless absolutely necessary;
7. the dispersal of public assemblages only in the event of an emergency and with the provision of clear orders with reasonable time guidelines; and
8. complete and timely disclosure of information regarding the location and condition of arrestees, including to legal support personnel granted timely access to work with the demonstrators; and

Be it further resolved, that the Pittsburgh City Council calls upon the City to promote a successful public discourse around high profile events by refraining from:

1. use of questionable legal practices, including arrest without just cause, use of pre-emptive arrests, excessive bail, or malicious prosecution of participants engaging in public political expression;
2. use of unnecessary force - including the use of projectile, chemical electronic, experimental or other so-called 'less lethal' weapons - in policing public demonstrations except as absolutely necessitated by legitimate law-enforcement purposes;
3. the use of any force on unarmed, non-violence demonstrators;
4. the use of force purely as a form of intimidation or as a threat of physical harm to gain compliance, including unconstitutional forced dispersal of lawful protest;
5. the use of 'less-lethal' weapons in any way that contradicts manufacturers' instructions;
6. the surveillance, intimidation or harassment of groups planning non-violent, protected forms of public expression, including the harassment of demonstration organizers, disruption to places of assembly, and the destruction of protest materials; and
7. the deliberate distortion of information given to the media or the public, regarding protesters intent, the circumstances of arrest, or the actions of police.

And be it further resolved, that the Pittsburgh City Council acknowledges the serious responsibility of the City of Pittsburgh to continue the City's long tradition upholding the free exercise of First and Fourth Amendment right while protecting both public safety and constitutionally guaranteed civil liberties for all parties during the upcoming high profile, high security events.

SPONSOR(S): DOUGLAS SHIELDS

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

EXCUSE ABSENT MEMBERS

APPROVAL OF MINUTES

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

RECESS

A motion was made to recess the meeting The motion carried.