

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, May 27, 2008

10:00 AM

Council Chambers

City Council

**ONE-HUNDRED
THIRTY-FIFTH COUNCIL**

Douglas Shields, President

**Council Members: Reverend Ricky V. Burgess, Dan Deasy, 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: 7 - Mr. Deasy, Rev. Burgess, Mr. Dowd, Mrs. Harris, Mr. Kraus, Ms. Payne and Mr. Peduto

Absent: 2 - Mr. Motznik and Mr. Shields

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Bill No. [2008-467](#) NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby proclaim May 27, 2008, 2008 as Staunton Farm Foundation Day in the City of Pittsburgh.

SPONSOR(S): BRUCE A. KRAUS AND ALL MEMBERS

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

Bill No. [2008-468](#) NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize Congregation Beth Shalom on the 20th Anniversary of the L. Harold and Mary W. Kirkell Preschool and honors Fern Moscov as its Founding Director and for her years of service and devotion to Preschool; and BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare June 1, 2008, to be "FERN MOSCOV 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. [2008-469](#) NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh, does hereby recognize and commend the George Westinghouse Lady Bulldogs Basketball Team for their hard work and contribution to the City of Pittsburgh.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh, does hereby declare May 27, 2008, "GEORGE WESTINGHOUSE LADY BULLDOGS 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. [2008-470](#) NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh, does hereby recognize and commend Urban League Young Professionals of Greater Pittsburgh, for their efforts to enhance the quality of life for others as they empower communities and change lives.; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh, does hereby proclaim May 2008, as "YOUNG BLACKS GIVE BACK MONTH" 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. [2008-471](#) NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize the Urban Youth Action, Incorporated for its groundbreaking and visionary work to empower young people to become productive and responsible citizens; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Tuesday, June 10, 2008, to be "URBAN YOUTH ACTION, INC. 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.

PUBLIC COMMENTS

PRESENTATION OF PAPERS

MR. DEASY, CHAIRPERSON OF THE COMMITTEE ON INTERGOVERNMENT AFFAIRS, PRESENTS

Bill No. [2008-455](#) Resolution authorizing the Mayor and the Director of the Department of Public Works and the Director of the Department of Finance, on behalf of the City of Pittsburgh, to negotiate and enter into agreements with the Port Authority of Allegheny County and/or with Norfolk Southern Corporation and/or with Eastside Limited Partnership II and/or with the Urban Redevelopment Authority of Pittsburgh, in connection with property interests and rights of way necessary for the construction, use, operation and maintenance of a pedestrian bridge across the Martin Luther King Jr. East Busway and the adjacent railroad tracks; the pedestrian bridge will extend from Ellsworth Avenue to the Eastside Retail Shopping Complex in the Shadyside and East Liberty neighborhoods, respectively, of Pittsburgh.

Read and referred to Intergovernmental Affairs Committee

MR. KRAUS, CHAIRPERSON OF THE COMMITTEE ON PUBLIC SAFETY SERVICES, PRESENTS

Bill No. [2008-452](#) Resolution providing for a Contract or Contracts, or the use of existing Contracts for the purchase of fire hose and SCBA parts for the Fire Bureau at a cost not to exceed One Hundred Thousand dollars (\$100,000.00) and providing for the payment thereof.

Read and referred to Public Safety Services Committee

Bill No. [2008-453](#) Resolution providing for a Contract or Contracts, or the use of existing Contracts for the purchase of power/hand tools, ground ladders and firefighting equipment for the Fire Bureau at a cost not to exceed One Hundred Thousand dollars (\$100,000.00) and providing for the payment thereof.

Read and referred to Public Safety Services Committee

Bill No. [2008-454](#) Resolution providing for a Contract or Contracts, or the use of existing Contracts for the purchase of protective clothing and accessories for the Fire Bureau at a cost not to exceed Three Hundred Thousand dollars (\$300,000.00) and providing for the payment

thereof.

Read and referred to Public Safety Services Committee

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

Bill No.

[2008-465](#)

Resolution amending Resolution No. 452, effective August 16, 2007, entitled, "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 2001 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 in City Council from "Addison Terrace Tennant Council" (-2,000) and "Carrick Main Street Task Force" (-8,000) to the "Beechview Manor" (+10,000).

SPONSOR(S): JIM MOTZNIK

Read and referred to Land Use and Economic Development Committee

Bill No.

[2008-466](#)

Resolution amending Resolution No. 439, effective August 16, 2007, which presently reads as follows: The Mayor and the Director of the Department of City Planning of the City of Pittsburgh are hereby authorized to enter into an Agreement or Agreements, in a form approved by the City Solicitor, with the following various community organizations, for operational/administrative expenses, maintenance, purchase of equipment and/or rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh and further, authorizing various departments to enter into contract(s) or use existing contract(s) for the purchase of equipment and/or furniture and installation thereof, at a cost not to exceed \$1,153,750.00, chargeable to and payable from the 2001 Community Development Block Grant Program "City Council", so as to reprogram funds in City Council from "Addison Terrace Tennant Council" (-2,000) and "Carrick Main Street Task Force" (-8,000) to "Beechview Manor" (+10,000)

SPONSOR(S): JIM MOTZNIK

Read and referred to Land Use and Economic Development Committee

**MS. PAYNE, CHAIRPERSON OF THE COMMITTEE ON HUMAN RESOURCES,
PRESENTS**

Bill No.

[2008-456](#)

Resolution providing for the renewal of a contract with for the purpose of ensuring that on-going medical care is provided to City of Pittsburgh employees who require treatment for service related injuries and/or illness pursuant to the Pennsylvania's Worker's Compensation Act and providing for the payment of the cost thereof, cost not to exceed \$5,119,590.

Read and referred to Human Resources Committee

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

Bill No. Resolution authorizing the issuance of a warrant in the sum of \$15,000.00 to ACLF of Pennsylvania, 313 Atwood Street, Pittsburgh, Pennsylvania 15213, in full and final settlement of an action filed in the United States District Court for the Western District of Pennsylvania to No. 07-1259 CA.

[2008-451](#)

Read and referred to Finance and Law Committee

REV. BURGESS, PRESIDENT PRO TEM PRESENTS COMMITTEE ON HEARINGS

Bill No. Petition from the residents of the City of Pittsburgh requesting a public hearing before City Council relative to the legal status of the Option Agreement between the Stadium Authority and North Shore developers for the Hyatt Place project; Also, regarding the legality of the proposed sale of parcels for the Amphitheatre project.

[2008-457](#)

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

Read and referred to Hearings 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 May 21, 2008 with an Affirmative Recommendation.

[2008-447](#)

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 \$17,500.00 to William D'Amico and Sharon D'Amico c/o Carlyle J. Engel, Law Firm of SPK, One Oxford Centre, Suite 2501, Pittsburgh, PA 15219, in full and final settlement of an action filed at AR 07-013012, arising from personal injuries allegedly caused by a City-owned tree on Christopher Street in the City of Pittsburgh.

[2008-0394](#)

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

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

MR. KRAUS PRESENTS COMMITTEE ON PUBLIC SAFETY SERVICES

Bill No. [2008-448](#) Report of the Committee on Public Safety Services for May 21, 2008 with an Affirmative Recommendation.

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

Bill No. [2008-0407](#) Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Article I, Regulated Rights and Actions, Chapter 616 Damaging, Defacing and Interfering with Property, Section 616.03, Sale of Spray Paint Containers, Indelible Markers and Etching Acid, by adding language relating to the display, storage and signage for graffiti implements sold at retail commercial establishments.

SPONSOR(S): BRUCE A. KRAUS, TONYA D. PAYNE AND DARLENE HARRIS

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. [2008-0408](#) Ordinance amending and supplementing the Pittsburgh Code, Title Six, Conduct, Article I, Regulated Rights and Actions, Chapter 620 Graffiti Abatement, by adopting restrictions on possession of graffiti implements, providing enforcement tools, and increasing penalties for violators.

SPONSOR(S): BRUCE A. KRAUS, TONYA D. PAYNE AND DARLENE HARRIS

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

This Matter was Passed Finally, As Amended 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: 7 - Rev. Burgess, Mr. Deasy, Mr. Dowd, Mrs. Harris, Mr. Kraus, Ms. Payne and Mr. Peduto

Noes: 0

Abstentions: 0

Absent: 2 - Mr. Motznik and Mr. Shields

REV. BURGESS PRESENTS COMMITTEE ON LAND USE & ECONOMIC DEVELOPMENT

Bill No. [2008-449](#) Report of the Committee on Land Use and Economic Development and for May 21, 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 Pittsburgh Code, Title Five, Traffic, Article VI, Parking, Chapter 549 - Residential Parking Permit Program, Sections 549.04, 549.08, 549.13 and 549.14 (b) so as to provide for the financial sustainability of the Residential Parking Permit Program.

[2008-0256](#)

SPONSOR(S): PATRICK DOWD AND BRUCE A. KRAUS

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution further amending and supplementing Resolution No. 704, effective January 1, 2008, as amended, entitled: "Adopting and approving the 2008 Capital Budget and the 2008 Community Development Block Grant Program; and approving the 2008 through 2012 Capital Improvement Program," by adjusting various line-items to reflect additional funding available under the Housing Opportunities for Persons with AIDS program.

[2008-0395](#)

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution 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 2008 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.

[2008-0396](#)

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution amending Resolution No. 254, effective May 9, 2007, entitled; Resolution providing for an Agreement or Agreements or Contract or Contracts, or use of existing Agreements or Contracts, with a Consultant or Consultants, or Vendor or Vendors, for the purpose of conducting planning and management studies, and related activities in support of such studies including the purchase of data and data analysis equipment at a cost not to exceed \$250,000.00, so as to increase the amount funded to 340,000.00".

[2008-0397](#)

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution 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 the benefit of residents of the City of Pittsburgh; and further, authorizing various City Departments to enter into contact or contracts or use existing contract or contracts for street paving, the purchase of equipment and/or furniture and other related costs at a costs not to exceed 800,000.00.

[2008-0398](#)

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution providing for an Agreement or Agreements with the Jewish Healthcare Foundation to provide administration and operating expenses, housing and housing related supportive services to persons with HIV/AIDS and their families, at a total cost not to exceed \$649,000.

[2008-0399](#)

This Matter was Passed Finally on the Consent Agenda.

Bill No.

[2008-0400](#)

Resolution providing for an Agreement or Agreement(s) and to provide administrative/operating expenses, including but not limited to, rehabilitation, maintenance, operation, insurance, utilities, furnishings, homeless prevention and essential services and other miscellaneous expenses associated with the Emergency Shelter Grant funds, at a cost not to exceed \$739,298.

This Matter was Passed Finally on the Consent Agenda.

Bill No.

[2008-0401](#)

Resolution providing for an Agreement or Agreements with Community Based Organizations for community and economic development planning assistance in various neighborhoods in the City and providing operating support for these groups in an amount not to exceed \$700,000.00.

This Matter was Passed Finally on the Consent Agenda.

Bill No.

[2008-0402](#)

Resolution 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 benefit of residents of the City of Pittsburgh, at a cost not to exceed \$555,000.00.

This Matter was Passed Finally on the Consent Agenda.

Bill No.

[2008-0403](#)

Resolution providing for an Agreement(s) and Contract(s) with Consultant(s) and Vendor(s) to assist the City in improving its Citizen Participation Process and providing for the payment of the cost thereof, at a cost not to exceed \$200,000.00.

This Matter was Passed Finally on the Consent Agenda.

Bill No.

[2008-0404](#)

Resolution providing for an Agreement or Agreements with the URBAN LEAGUE OF PGH., for the implementation/administration of the HOUSING COUNSELING PROGRAM, and related costs, in an amount not to exceed \$100,000.00

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: 7 - Rev. Burgess, Mr. Deasy, Mr. Dowd, Mrs. Harris, Mr. Kraus, Ms. Payne and Mr. Peduto

Noes: 0

Abstentions: 0

Absent: 2 - Mr. Motznik and Mr. Shields

MR. DEASY PRESENTS COMMITTEE INTERGOVERNMENTAL AFFAIRS

Bill No. Report of the Committee on Intergovernmental Affairs for (DATE) with an
[2008-450](#) Affirmative Recommendation.

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

Bill No. Resolution authorizing a Cooperation Agreement or Agreements with the Urban
[2008-0406](#) Redevelopment Authority of Pittsburgh designating URA as the City's agent for administration of the 2008 HOME Investments Partnership Program and the American Dream Downpayment Initiative Program. (Council Districts: All)

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution adopting an Official Sewage Facilities Plan for the Majestic Star Casino,
[2008-436](#) PITG Gaming, LLC.

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

MOTIONS AND RESOLUTIONS

REV. BURGESS, PRESIDENT PRO TEM, PRESENTS:

APPOINTMENT INFORMING - DOES NOT REQUIRE CONFIRMATION

Bill No. Resolution informing City Council of the appointment of Howard Stern, 6606
[2008-458](#) Northumberland Avenue, Pittsburgh, PA 15217, as a member of Pittsburgh Allegheny County Thermal Board for a term to expire on May 31, 2011.

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

APPOINMENT AUTHORIZING - REQUIRES COUNCIL CONFIRMATION

Bill No. Resolution authorizing the appointment of Daniel Devinney, 4209 Sherrod Street,
[2008-459](#) Pittsburgh, PA 15201, as a member to the Ethics Hearing Board of the City of Pittsburgh for a term to expire August 1, 2009. Mr. Devinney will be replacing Penny Zacharias.

Held, Pending Interview to Hearings Committee

Bill No. Resolution authorizing the appointment of Jesse Fife, 1006 North Sheridan Avenue, Pittsburgh, PA 15206 , as a member to the Housing Authority Board with a term to expire April 30, 2010. Mr. Fife will replace the seat vacated by Brian Parker.

[2008-460](#)

Held, Pending Interview to Hearings Committee

Bill No. Resolution authorizing the reappointment of Leah Williams-Duncan, 3908 Winshire Street, Pittsburgh, PA 15212, as a member of the Commission on Human Relations for a term to expire on April 1, 2012.

[2008-461](#)

Held, Pending Interview to Hearings Committee

Bill No. Resolution authorizing the reappointment of Anne McCafferty, 828 Jancey Street, Pittsburgh, PA 15206, as a member of the Commission on Human Relations for a term to expire on April 1, 2012.

[2008-462](#)

Held, Pending Interview to Hearings Committee

Bill No. Resolution authorizing the reappointment of Adelaide Smith, 230 North Craig Street, Pittsburgh, PA 15213, as a member of the Commission on Human Relations for a term to expire on April 1, 2012.

[2008-463](#)

Held, Pending Interview to Hearings Committee

Bill No. Resolution authorizing the reappointment of Reverend Tim Smith, 636 Dornbush Street, Pittsburgh, PA 15221, as a member of the Commission on Human Relations for a term to expire on April 1, 2012.

[2008-464](#)

Held, Pending Interview to Hearings Committee

EXCUSE ABSENT MEMBERS

A motion was made to excuse the absent member(s) Mr. Shields and Mr. Motznik. The motion carried.

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.