

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 29, 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: 8 - Rev. Burgess, Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Motznik, Ms. Payne, Mrs. Smith and Mr. Shields
Absent: 1 - Mr. Peduto

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Bill No. [2009-1805](#) NOW, THEREFORE, BE IT RESOLVED that in honor of its twenty years in its current location, the Council of the City of Pittsburgh does hereby declare Tuesday, September 29, 2009, to be "The Academy 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. [2009-1806](#) NOW, THEREFORE, BE IT RESOLVED, that Council of the City of Pittsburgh congratulates the Friendship Development Associates on its upcoming anniversary and thanks the organization for its contributions to the Pittsburgh community; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby declares October 2, 2009, "Friendship Development Associates' Day" in the City of Pittsburgh.

SPONSOR(S): WILLIAM PEDUTO, PATRICK DOWD AND ALL MEMBERS

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

Bill No. [2009-1807](#) NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend The Western Pennsylvania School for the Deaf for 140 years of extraordinary commitment to the Deaf and hard of hearing, growing the WPSD from a small school serving nine pupils at its inception in 1869 to a thriving community asset and congratulates them on their 140th Anniversary; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Saturday, September 26, 2009, to be "THE WESTERN PENNSYLVANIA SCHOOL FOR THE DEAF 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

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

Bill No.

[2009-1796](#)

Resolution amending Resolution No. 134 effective March 27, 2009, entitled: 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 2004 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 the Department Engineering & Construction from "SOUTH MILLVALE AVE. BRIDGE" (-\$32,106.96) to the "McARDLE VIADUCT #1-CONSTRUCTION" (+\$32,106.96).

Read and referred to Land Use and Economic Development Committee

Bill No.

[2009-1797](#)

Resolution amending Resolution No. 298, effective June 9, 2008, entitled: 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 2005 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 Public Works from "SOUTH MILLVALE AVE. BRIDGE" (-35,000), to the "McARDLE VIADUCT #1-CONSTRUCTION" (+35,000)

Read and referred to Land Use and Economic Development Committee

Bill No.

[2009-1798](#)

Resolution amending Resolution No. 625, effective November 21, 2008, entitled: "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 2006 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: "Sheraden Homework & Computer Center" (\$-10,000), from "Onala Club" (\$-500), and transfer these funds to Elliott West End Athletic association" (+3,000); and to the District 2-Equipment" (+\$7,500) and funds in Public Works from "South Millvale Ave. Bridge" (-9,677.95) to the McArdle Viaduct #1-Construction (+9,677.95)

Read and referred to Land Use and Economic Development Committee

Bill No.

[2009-1799](#)

Resolution amending Resolution No. 615, effective November 21, 2008 entitled: "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 contract 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 \$948,400.00” so as to reprogram funds from City Council: “Sherdaden Homework & Computer Center” (\$- 10,000), and from “Onala Club” (\$- 500), and transfer these funds to “ Elliott West End Athletic Association” (\$+3,000); and to the “District 2-Equipment” (+\$7,500).

Read and referred to Land Use and Economic Development Committee

Bill No.

[2009-1800](#)

Resolution amending Resolution No. 463, effective July 27, 2009, entitled: 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, so as to reprogram funds in the Public Works Department from “Bridge Repairs” (-166,674), to the “McArdle Viaduct #1-Construction” (+166,674); and in City Council from “District 6 Initiatives” (-\$4,000) to the “Central Outreach Resource & Referral” (+\$4,000).

Read and referred to Land Use and Economic Development Committee

Bill No.

[2009-1801](#)

Resolution amending Resolution No. 616, effective November 28, 2008 entitled “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”, so as to reprogram funds in City Council from “District #6-Initiatives” (-4,000) to the “Central Outreach Resource & Referral” (+4,000).

Read and referred to Land Use and Economic Development Committee

Bill No.

[2009-1802](#)

Resolution amending Resolution No. 464, effective July 27, 2009, 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 2009 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 reallocate funds in City Council from “District #1-Equipment (-\$2,500) to the “Spring Hill Civic League” (+\$1,000); and to the “Pressley Ridge High Rise (+\$500); and to the “Shine Awards” (+\$1,000) and from the “South Side Chamber of Commerce” (-\$2,000), to the “District #3-Public Works Projects” (+\$2,000); and from “Onala Club” (-\$8,000), “East Carnegie Food Bank” (-\$1,000), “Open Door” (-\$1,000), “Sheraden United Methodist Church” (-\$1,000), and “West Pittsburgh Youth Football” (-\$1,000), to the “Elliott West End Athletic Association” (+\$1,000); and to the “Mount Washington

CDC" (\$+1,000); and to the "West End Elliott Citizens Council" (+\$5,000); and to the "Emanuel United Methodist Preschool" (+\$2,000); and to the "Schafer School Community Day" (+\$1,000); and to the "Salvation Army" (+\$2,000); and from "District 6 Initiatives" (\$-16,500) to the "Central Outreach Resource & Referral" (+\$16,500).

Read and referred to Land Use and Economic Development Committee

Bill No.

[2009-1803](#)

Resolution amending Resolution # 237, effective May 8, 2009, 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 \$800,000.00, so as to Reallocate funds in City Council from "District #1-Equipment (-\$2,500) to the "Spring Hill Civic League" (+\$1,000); and to the "Pressley High Rise" (+\$ 500); and to the "Shine Awards" (+\$1,000); and from the "South Side Chamber of Commerce" (-\$2,000), to the "District #3-Public Works Projects" (+\$2,000); and from "Onala Club" (-\$8,000); East Carnegie Food Bank" (-\$1,000), "Open Door" (-\$1,000), "Sheraden United Methodist Church")-\$1,000), and "West Pittsburgh Youth Football" (-\$1,000), to the "Elliott West End Athletic Association" (+\$1,000); and to the "Mount Washington CDC" (\$+1,000); and to the "West End Elliott Citizens Council" (+\$5,000); and to the "Emanuel United Methodist Preschool" (+\$2,000); and to the "Schafer School Community Day" (+\$ 1,000); and to the "Salvation Army" (+\$2,000); and from "District 6 Initiatives" (\$-16,500) to the "Central Outreach Resource & Referral" (+\$16,500).

Read and referred to Land Use and Economic Development Committee

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

Bill No.

[2009-1791](#)

Resolution providing for an Agreement or Agreements, or the use of existing Agreements; providing for a Contract or Contracts, or the use of existing Contracts; providing for repairs, maintenance, improvements, emergencies and/or the purchase of materials, equipment and supplies in connection with design services for Brookline Boulevard; providing for the payment of the costs thereof; and further providing for a Reimbursement Agreement with the Commonwealth of Pennsylvania, Department of Transportation. Cost not to exceed \$728,000.00.

Read and referred to Public Works Committee

Bill No.

[2009-1792](#)

Resolution providing for a Contract or Contracts, or use of existing Contracts, providing for an Agreement or Agreements, or use of existing Agreements, and providing for the repairs, maintenance, improvements, emergencies and/or the purchase of materials and supplies in connection with the McArdle Roadway Viaduct No. 1 Construction; including Construction Management Services; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation; and providing for the payment of the costs thereof.

Cost not to exceed \$1,110,822.75.

Read and referred to Public Works Committee

Bill No.

[2009-1793](#)

Resolution further amending Resolution No.675, effective December 30, 2008, as amended, entitled “Adopting and approving the 2009 Capital Budget and the 2009 Community Development Block Grant Program; and approving the 2009 through 2013 Capital Improvement Program,” by transferring \$260,000.00 (\$52,000 CITY/\$208,000 FHWA) from the “Brown's Hill Road” line item to and creating the “McArdle Viaduct No. 1 Construction” line item in the amount of \$1,040,000 (\$52,000 CITY/\$832,000 FHWA/\$156,000 SHW).

Read and referred to Public Works Committee

Bill No.

[2009-1794](#)

Resolution providing for a Contract or Contracts, or use of existing Contracts, providing for an Agreement or Agreements, or use of existing Agreements, and providing for the repairs, maintenance, improvements, emergencies and/or the purchase of materials and supplies in connection with the McArdle Roadway Viaduct No. 1 Construction; including Construction Management Services; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation; and providing for the payment of the costs thereof. Cost not to exceed \$7,469,177.57.

Read and referred to Public Works Committee

Bill No.

[2009-1795](#)

Resolution further amending Resolution No.759, effective December 18, 2006, as amended, entitled “Adopting and approving the 2007 Capital Budget and the 2007 Community Development Block Grant Program; and approving the 2007 through 2012 Capital Improvement Program,” by transferring \$70,822.75 (\$3,541.14 CITY, \$56,658.24 FHWA and \$10,623.37 SHW) from the “S. Millvale Avenue Bridge” line item to the “McArdle Viaduct No. 1 Reconstruction” line item.

Read and referred to Public Works Committee

MRS. SMITH, CHAIRPERSON OF THE COMMITTEE ON URBAN RECREATION, PRESENTS

Bill No.

[2009-1790](#)

Resolution authorizing the Mayor and the Directors of the Department of Parks and Recreation and the Department of Public Works to enter into a Project and License Agreement with the Pittsburgh Parks Conservancy in connection with improvements to the Walled Garden in Mellon Park.

Read and referred to Urban Recreation Committee

Bill No.

[2009-1804](#)

Resolution authorizing the Mayor and the Directors of the Department of Parks and Recreation and the Department of Public Works to enter into a Project and License Agreement with the Pittsburgh Parks Conservancy in connection with trail and signage improvements in the City of Pittsburgh's four (4) regional parks.

Read and referred to Urban Recreation 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 22, 2009 with an
[2009-1785](#) Affirmative 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 \$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.

This Matter was Passed Finally on the Consent Agenda.

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. (PRESENTED BY MRS. HARRIS)

This Matter was Passed Finally on the Consent Agenda.

Bill No. Directing the President of Pittsburgh City Council to establish a special committee of
[2009-1771](#) 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

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

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. Dowd, Mrs. Harris, Mr. Kraus, Mr. Motznic, Mrs. Smith and Mr. Shields

Noes: 0

Abstentions: 0

Out of Room: 1 - Ms. Payne

Absent: 1 - Mr. Peduto

MRS. HARRIS PRESENTS COMMITTEE ON PUBLIC WORKS

Bill No. Report of the Committee on Public Works for September 22, 2009 with an
[2009-1786](#) Affirmative Recommendation.

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

Bill No. [2009-1767](#) Resolution authorizing the Mayor to receive monies from the Urban Redevelopment 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).

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

Votes: Ayes: 7 - Rev. Burgess, Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Motznic, Mrs. Smith and Mr. Shields
Noes: 0
Abstentions: 0
Out of Room: 1 - Ms. Payne
Absent: 1 - Mr. Peduto

REV. BURGESS PRESENTS COMMITTEE ON LAND USE & ECONOMIC DEVELOPMENT

Bill No. [2009-1787](#) Report of the Committee on Land Use and Economic Development for September 29, 2009 with an Affirmative Recommendation.

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

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.

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

Votes: Ayes: 7 - Rev. Burgess, Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Motznic, Mrs. Smith and Mr. Shields
Noes: 0
Abstentions: 0
Out of Room: 1 - Ms. Payne
Absent: 1 - Mr. Peduto

MR. MOTZNIK PRESENTS COMMITTEE ON GENERAL & GOVERNMENT SERVICES

Bill No. [2009-1788](#) Report of the Committee on General and Government Services for September 22, 2009 with an Affirmative Recommendation.

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

Bill No.

[2009-1769](#)

Resolution authorizing the Mayor and the Director of City Information Systems to 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.

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

Votes: Ayes: 7 - Rev. Burgess, Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Motznik, Mrs. Smith and Mr. Shields
Noes: 0
Abstentions: 0
Out of Room: 1 - Ms. Payne
Absent: 1 - Mr. Peduto

MR. DOWD PRESENTS COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

Bill No.

[2009-1789](#)

Report of the Committee on Intergovernmental Affairs for September 22, 2009 with an Affirmative Recommendation.

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

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).

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

Votes: Ayes: 7 - Rev. Burgess, Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Motznik, Mrs. Smith and Mr. Shields
Noes: 0
Abstentions: 0
Out of Room: 1 - Ms. Payne
Absent: 1 - Mr. Peduto

MOTIONS AND RESOLUTIONS

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.