

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 28, 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.

[2009-1357](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize the River City Brass Band for its extraordinary contribution to the arts in Pittsburgh and congratulates Denis Colwell, Conductor and Music Director of the River City Brass Band and a Pittsburgh treasure for 15 years of extraordinary leadership of the River City Brass Band ; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Tuesday, April 28, 2009, to be "DENIS COLWELL 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.

[2009-1358](#)

NOW, THEREFORE, BE IT RESOLVED, that Council of the City of Pittsburgh recognizes Israel's 61st Independence Day and Tel Aviv's centennial and thanks the United Jewish Federation for celebrating the anniversaries in Pittsburgh; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby declares April 29, 2009, "Yom Ha'atzmaut 2009 Day" in the City of Pittsburgh.

SPONSOR(S): WILLIAM PEDUTO, DOUGLAS SHIELDS AND ALL MEMBERS

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

Bill No.

[2009-1359](#)

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh welcomes the cast and crew of "Say it in Russian" to the film's Pittsburgh premiere; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby declares May 3, 2009, "Say it in Russian 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.

[2009-1360](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend and congratulate Comcast for its concentrated efforts to help with the improvement of our communities through its eighth annual Comcast Cares Day; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Saturday, April 25, 2009 , to be " COMCAST CARES DAY" and the week

of April 27th, 2009, to be "COMCAST CARES WEEK" 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.

[2009-1361](#)

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh does hereby commend Emmanuel Christian Preschool for its outstanding dedication to preschool children and their families.

SPONSOR(S): THERESA SMITH AND ALL MEMBERS

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

Bill No.

[2009-1362](#)

NOW THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh wishes Alice Marratto a Happy 80th Birthday; and

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh proclaims that Friday, April 24th, 2009 be hereby declared as "Alice Marratto Day" in the City of Pittsburgh.

SPONSOR(S): JIM MOTZNIK AND ALL MEMBERS

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

Bill No.

[2009-1363](#)

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby recognizes Pittsburgh CLO to be a civic and/or service organization within the context of the Pennsylvania Small Games of Chance Act, as amended.

SPONSOR(S): DOUGLAS SHIELDS

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.

[2009-1353](#)

Resolution authorizing the Department of City Planning to enter into an agreement or agreements or contract or contracts to implement a comprehensive Web-based Permitting System for the residents of the City of Pittsburgh and providing for the payment of the cost thereof, not to exceed One Million Three Hundred Thousand Dollars (\$1,300,000.00).

Read and referred to Land Use and Economic Development Committee

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

Bill No.

[2009-1348](#)

Resolution authorizing the Mayor and the Director of the Department of Public Works to enter into an Easement Agreement with the School District of Pittsburgh for a permanent Sidewalk, Bicycle, and Grading Easement on School District property along Penn Avenue in conjunction with the Bakery Square Project in East Liberty

and/or to accept a Deed of Easement from the School District of Pittsburgh for such permanent easement.

Read and referred to Public Works Committee

Bill No. Resolution authorizing the Mayor and the Director of the Department of Finance to grant a temporary construction easement to Bakery Square Holdings, L.P. to facilitate necessary street widening.
[2009-1349](#)

Read and referred to Public Works Committee

Bill No. Resolution authorizing the Mayor and the Director of the Department of Parks and Recreation to enter into an Agreement of Release with the Commonwealth of Pennsylvania, Department of Transportation in connection with the widening of Fifth and Penn Avenues as part of the Bakery Square Project in East Liberty.
[2009-1350](#)

Read and referred to Public Works Committee

Bill No. Resolution declaring that certain City property in Mellon Park shall be dedicated to public right of way use.
[2009-1351](#)

Read and referred to Public Works Committee

Bill No. Resolution authorizing the Mayor and the Director of the Department of Public Works to enter into a Cooperation and License Agreement with Summerset Neighborhood Association to set forth the ownership and maintenance obligations of both entities relating to the public and private improvements thus far completed in the Summerset at Frick Park development and adjacent portions of Frick Park.
[2009-1352](#)

Read and referred to Public Works Committee

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

Bill No. Resolution authorizing the acquisition of the property located at 1230 Arlington Avenue, 18th Ward, Block & Lot No. 14-F-147, from Solaris Holdings, LLC or Urban Redevelopment Authority of Pittsburgh for \$52,000 plus closing costs for use as a parking lot for the new Zone 3 police station. (Council District 3).
[2009-1345](#)

Read and referred to Public Safety Services Committee

Bill No. Resolution providing for a contract or contracts from time to time in connection with demolition and removal of condemned buildings and providing for the payment of the costs thereof. Cost not to exceed \$1,000,000.00.
[2009-1346](#)

Read and referred to Public Safety Services Committee

Bill No. Providing for a contract or contracts from time to time in connection with demolition and removal of condemned buildings and providing for the payment of the costs thereof. Cost not to exceed \$500,000.00.
[2009-1347](#)

Read and referred to Public Safety Services Committee

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

Bill No. Ordinance Amending and Supplementing the Pittsburgh Code, Title Six, Conduct, [2009-1355](#) Article I, Regulated Rights and Actions, Chapter 601 Public Order, to regulate the proliferation of unsolicited news, advertisements, flyers, announcements or sample merchandise on public and private property, to curtail litter in our communities.

SPONSOR(S): JIM MOTZNIK

Read and referred to Public Safety Services Committee

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

Bill No. Resolution amending and supplementing Resolution No. 675, effective January 1, [2009-1344](#) 2009, 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 adjusting various line items to reflect additional funding available from the PWSA for the comprehensive Web-based Permitting system project.

Read and referred to Finance and Law Committee

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

Bill No. Resolution providing for the acceptance by the City of Pittsburgh from Joseph and [2009-1354](#) Catherine O'Toole and J.M. O'Toole, Jr., Executor of the Estate of certain property in the 15th Ward of the City of Pittsburgh, for public purpose as an addition to Schenley Park at no cost to the City of Pittsburgh.

Read and referred to Urban Recreation Committee

MR. SHIELDS, PRESIDENT OF COUNCIL AND CHAIRPERSON OF THE COMMITTEE ON HEARINGS, PRESENTS

Bill No. Resolution authorizing the City to enter into a Grant Agreement with the Pennsylvania [2009-1356](#) Department of Community and Economic Development, in the amount of \$5,000.00 for expenditures related to marketing and promotional activities for the Sister City Program.

SPONSOR(S): DOUGLAS SHIELDS

Read and referred to Land Use and Economic Development 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 April 22, 2009 with an Affirmative [2009-1338](#) Recommendation.

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

Bill No. Resolution providing for the issuance of an \$11,470.00 warrant in favor of Geraldine Black, 10 Rodney Street, Pittsburgh, PA 15212, in settlement of a claim for property damage from water run-off due to improper street resurfacing.

[2008-0984](#)

A motion was made that this matter be RECOMMENDED to the Finance and Law Committee. The motion carried.

Bill No. Resolution authorizing the execution of an Easement Agreement between the City of Pittsburgh, a municipal corporation of the Commonwealth of Pennsylvania and HOLDINGS ACQUISITION CO., L.P., a Delaware limited partnership for real property abutting the north shore of the Ohio River to be made part of the "Casino Property".

[2009-1284](#)

A motion was made that this matter be RECOMMENDED to the Finance and Law Committee. The motion carried.

Bill No. Resolution authorizing the execution of an Easement Agreement between Holdings Acquisition Co., L.P., a Delaware limited partnership and the City of Pittsburgh, a municipal corporation of the Commonwealth of Pennsylvania for real property abutting the north shore of the Ohio River to be made part of a "City Trail".

[2009-1285](#)

A motion was made that this matter be RECOMMENDED to the Finance and Law Committee. The motion carried.

MR. KRAUS PRESENTS COMMITTEE ON PUBLIC SAFETY SERVICES

Bill No. Report of the Committee on Public Safety Services for April 22, 2009 with an Affirmative Recommendation.

[2009-1339](#)

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

Bill No. Resolution providing that the City of Pittsburgh enter into a professional services agreement or agreements with McGann & Chester, LLC for professional services in connection with the administration and provision of towing and storage services on behalf of the City of Pittsburgh at zero cost.

[2009-1262](#)

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

Votes: Ayes: 7 - Rev. Burgess, Mr. Kraus, Mr. Motznik, Ms. Payne, Mr. Peduto, Mrs. Smith and Mr. Shields

Noes: 2 - Mr. Dowd and Mrs. Harris

Abstentions: 0

MRS. HARRIS PRESENTS COMMITTEE ON PUBLIC WORKS

Bill No. Report of the Committee on Public Works for April 22, 2009 with an Affirmative Recommendation.

[2009-1340](#)

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

Bill No.

[2009-1278](#)

Resolution providing for a Contract or Contracts, or the use of existing Contracts for street resurfacing programs to include, hot mix asphalt, crack sealing, equipment purchases, sawing and sealing, asphalt milling, truck rental, brick and blockstone repairs, handicap ramps, concrete slab replacement and parks related asphalt work in CDBG areas throughout the City of Pittsburgh, and providing for the payment of the cost thereof, at a cost not to exceed \$2,500,000.00.

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

Votes: Ayes: 8 - Rev. Burgess, Mrs. Harris, Mr. Kraus, Mr. Motznik, Ms. Payne, Mr. Peduto, Mrs. Smith and Mr. Shields

Noes: 1 - Mr. Dowd

Abstentions: 0

Bill No. [2009-1227](#) Resolution 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, providing for repairs, maintenance, improvements, emergencies and/or the purchase of materials, equipment and supplies in connection with the investigation, design, construction and/or remediation for critical wall and slope failures throughout the City; and providing for the payment of the costs thereof. Cost not to exceed \$200,000.

This Matter was Passed Finally on the Consent Agenda.

Bill No. [2009-1277](#) Resolution providing for a Contract or Contracts, or the use of existing Contracts for Vacant lot cleanup services, beginning on or after April 1, 2009 and providing for the payment of the cost thereof, at a cost not to exceed \$400,000.00.

This Matter was Passed Finally on the Consent Agenda.

Bill No. [2009-1286](#) Resolution granting unto The Carnegie Library of Pittsburgh, 4400 Forbes Avenue, Pittsburgh, PA 15213, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a business identification sign, book drops and a decorative panel on the right-of-way of 1230 Federal Street, Lot and Block 23-L-119, in the 22nd Ward, 6th Council District of the City of Pittsburgh.

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

Noes: 0

Abstentions: 0

REV. BURGESS PRESENTS COMMITTEE ON LAND USE & ECONOMIC DEVELOPMENT

Bill No. [2009-1341](#) Report of the Committee on Land Use and Economic Development for April 22, 2009 with an Affirmative Recommendation.

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

Bill No. [2009-1279](#) 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 \$800,000.00.

This Matter was Passed Finally on the Consent Agenda.

Bill No. [2009-1280](#) 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 \$800,000.00.

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: 8 - Rev. Burgess, Mrs. Harris, Mr. Kraus, Mr. Motznik, Ms. Payne, Mr. Peduto, Mrs. Smith and Mr. Shields
Noes: 1 - Mr. Dowd
Abstentions: 0

Bill No. [2009-1281](#) 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 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.

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

Bill No. [2009-1324](#) Resolution amending Resolution No. 218, approved April 6, 2000 entitled "Resolution amending Resolution No. 984, approved August 20, 1993 entitled "Amending Resolution No. 444, approved May 6, 1982, entitled providing for implementation of Residential Parking Permit Program in portions of Lawrenceville community pursuant to Pittsburgh Code, so as to amend the streets included in Area "A" so as to include paragraph one of section one of Resolution No. 829 approved September 22, 1986 and add two properties by address", to include an additional street.

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

MR. DOWD PRESENTS COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

Bill No. Report of the Committee on Intergovernmental Affairs for April 22, 2009 with a
[2009-1342](#) NEGATIVE RECOMMENDATION.

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

Bill No. Requesting the approval of an inter-municipal transfer of a restaurant liquor license,
[2009-1268](#) License No. R-1813, from Mama L's Pizza, 4536 Melwood Road, Leechburg PA, 15656, to Applicant M3K, Ltd., 3122 Chartiers Avenue, Pittsburgh, PA 15204, for the premises located at 3122 Chartiers Avenue, Pittsburgh, PA 15204, known as M3K, Ltd., t/a-Craig's Cocktails & Cuisine pursuant to amended Pennsylvania Liquor Code, §4-461.

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

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

Bill No. Report of the Committee on Intergovernmental Affairs for April 28, 2009 with an
[2009-1343](#) Affirmative Recommendation.

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

Bill No. Resolution authorizing the execution of an agreement with the Urban Redevelopment
[2009-1282](#) Authority of Pittsburgh in which URA will make a \$72,463.86 grant to the City to pay for sidewalks, poles, streetlights and bike racks to be installed in the Morningside business district. (Council District 7)

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution providing for the execution of a Cooperation Agreement or Agreements
[2009-1287](#) with the Urban Redevelopment Authority of Pittsburgh for the performance of certain work in connection with the Neighborhood Stabilization Program, and providing for the payment of the cost thereof, not to exceed \$1,002,958. (Council Districts: All).

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution providing for the execution of a Cooperation Agreement or Agreements
[2009-1288](#) with the Urban Redevelopment Authority of Pittsburgh for the performance of certain work in connection with the 2009-2010 Community Development Block Grant Program, and providing for the payment of the cost thereof, not to exceed \$4,650,000. (Council Districts: All).

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution providing for the execution of a Cooperation Agreement or Agreements 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 \$1,250,000. (Council Districts: All).

[2009-1289](#)

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution authorizing a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh in connection with URA's application for a Redevelopment Assistance Capital Program grant of up to \$1,000,000 for the Riverview Towers project. (Council District 5)

[2009-1290](#)

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an Application to the Pennsylvania Office of the Budget for a Redevelopment Assistance Capital Program grant of up to \$1,000,000 for the Riverview Towers project. (Council District 5)

[2009-1291](#)

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

Noes: 0

Abstentions: 0

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.