

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, December 14, 2010

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. [2010-1226](#) NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh hereby recognizes Chatham Baroque, on the occasion of their 20th anniversary, as one of America's most dynamic and accomplished classical groups performing today; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Tuesday, December 14, 2010, Chatham Baroque Day in the City of Pittsburgh.

SPONSOR(S): PATRICK DOWD AND ALL MEMBERS

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

Bill No. [2010-1227](#) NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh hereby recognizes the Bloomfield-Garfield Corporation and The Bulletin for thirty-five years of successes and their continued efforts to revitalize and improve the neighborhoods of Bloomfield, Garfield, and Friendship while serving as an inspiration to surrounding communities; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare in the City of Pittsburgh, Tuesday, December 14, 2010, a day to celebrate the Bloomfield-Garfield Corporation and The Bulletin.

SPONSOR(S): PATRICK DOWD, REVEREND RICKY V. BURGESS AND ALL MEMBERS

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

Bill No. [2010-1228](#) NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize the 25th anniversary of the Salvation Army Christmas Day Dinner program and commends the staff and volunteers who generously give their time to provide food and fellowship to others.

SPONSOR(S): WILLIAM PEDUTO AND ALL MEMBERS

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

Bill No. [2010-1229](#) NOW THEREFORE, BE IT RESOLVED THAT the Steel Valley Enterprise Zone Corporation is designated as the agency to prepare appropriate applications to the Pennsylvania Department of Community and Economic Development for Enterprise Zone Designation and Basic Grant Funding on behalf of the cooperating municipalities.

BE IT FURTHER RESOLVED THAT the Council of the City of Pittsburgh does hereby endorse the application of the Corporation to the Pennsylvania Department of

Community and Economic Development for continued Enterprise Zone Designation and Basic Grant Funding and engage the Steel Valley Enterprise Zone Corporation to act for and on behalf of the parties in handling all aspects of the Enterprise Zone Program for activities to be funded in the amount of \$50,000 by the Pennsylvania Department of Community and Economic Development.

SPONSOR(S): DOUGLAS SHIELDS AND ALL MEMBERS

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

PUBLIC COMMENTS

PRESENTATION OF PAPERS

COUNCILMAN REV. RICKY V. BURGESS PRESENTS:

Bill No. Resolution authorizing the Mayor to enter into a Revenue Sharing Services Agreement with and between LAZ Parking, Limited. This Resolution shall be known as the
[2010-1225](#) “Pension Compromise Plan.”

SPONSOR(S): REVEREND RICKY V. BURGESS AND THERESA SMITH

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

Read and referred to Finance and Law Committee

COUNCILMAN PATRICK DOWD PRESENTS:

Bill No. Resolution authorizing a Cooperation Agreement or Agreements with the Urban
[2010-1220](#) Redevelopment Authority of Pittsburgh in connection with URA's application for a Redevelopment Assistance Capital Program grant of up to \$500,000 for the Weinberg Village project. (Council District 5)

Read and referred to Intergovernmental Affairs Committee

Bill No. Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an
[2010-1221](#) Application to the Pennsylvania Office of the Budget for a Redevelopment Assistance Capital Program grant of up to \$500,000 for the Weinberg Village project. (Council District 5)

Read and referred to Intergovernmental Affairs Committee

COUNCILMAN BRUCE A. KRAUS PRESENTS:

Bill No. Ordinance amending the Pittsburgh Code, Title Seven, Business Licensing, Chapter
[2010-1213](#) 719 Vendors and Peddlers, Section 710.10, Lists of Sites Approved by Council, by adding permanent street and sidewalk vending sites for 2011 Licensure Years.

Read and referred to Public Works Committee

Bill No. Resolution providing for an Intergovernmental Cooperation Agreement between the
[2010-1214](#) City of Pittsburgh (“City”) and the Borough of Wilkinsburg (“Borough”) for the collection of a portion of the Borough's municipal waste by the City for a term of five (5) years, commencing January 1, 2011, and ending December 31, 2015.

Read and referred to Public Works Committee

Bill No. Resolution accepting the location of proposed right-of-way for modifications to the
[2010-1215](#) North Shore Infrastructure - Proposed Roadway, (future Chuck Noll Way) on the North Shore, 'in the 22nd Ward, 6th Council District of the City of Pittsburgh.

Read and referred to Public Works Committee

Bill No. Resolution accepting the dedication by Urban Redevelopment Authority of Pittsburgh
[2010-1216](#) of Parcel No. 1A (Technology Drive) in the Pittsburgh Technology Center Plan of Lots No. 2 in the 4th Ward of the City of Pittsburgh for public highway and utility purposes, accepting the grading, paving, street lighting, curbing, traffic signals, establishment of grades and fixing the width and position of roadways and sidewalks thereof. (Council District 6)

Read and referred to Public Works Committee

Bill No. Resolution accepting the dedication by Pittsburgh Economic and Industrial
[2010-1217](#) Development Corporation of Parcel Nos. 1B and 11C (part of Technology Drive) in the Pittsburgh Technology Center Plan of Lots No. 2 in the 4th Ward of the City of Pittsburgh for public highway and utility purposes, accepting the grading, paving, street lighting, curbing, traffic signals, establishment of grades and fixing the width and position of roadways and sidewalks thereof. (Council District 6)

Read and referred to Public Works Committee

Bill No. Resolution granting unto Gregg Caliguiri, 717 Bellefonte Street, Pittsburgh PA 15232,
[2010-1218](#) his successors and assigns, the privilege and license to construct, maintain and use at his own cost and expense private sewer laterals and waterlines at 5469 and 5471 Elmer Street in the 7th Ward, 8th Council District of the City of Pittsburgh.

Read and referred to Public Works Committee

COUNCILMAN R. DANIEL LAVELLE PRESENTS:

Bill No. Resolution authorizing the Mayor and the Directors of the Departments of Public
[2010-1219](#) Works, Finance and Parks and Recreation to enter into a Lease Agreement with C R JRS CHIP, Inc. d/b/a The First Tee of Pittsburgh at the Bob O'Connor Golf Course at Schenley Park.

Read and referred to Urban Recreation Committee

COUNCILMAN WILLIAM PEDUTO PRESENTS:

Bill No. Resolution authorizing the issuance of a Warrant in the sum of \$48,758.84 in favor of
[2010-1210](#) Tammy Sabina and Jay Hornack, her attorney, Healy and Hornack, PC, Koppers Building, 436 7th Avenue, Suite 2901, Pittsburgh, PA 15219; in full and final settlement of an action filed in the United States District Court, Western District of Pennsylvania at Docket Number 10-cv-00550-CB, for an employment related claim.

Read and referred to Finance and Law Committee

Bill No. Resolution providing for the creation of the Other Post-Employment Benefits Trust
[2010-1211](#) Fund and for setting conditions for the deposit and expenditure of such funds.

Read and referred to Finance and Law Committee

COUNCILWOMAN THERESA KAIL-SMITH PRESENTS:

Bill No. Resolution authorizing the Mayor and the Chief of the Bureau of Emergency Medical
[2010-1212](#) Services to enter into an agreement or agreements with QuickMed claims for professional services in connection with the provision of ambulance billing services. The costs associated with performance shall be based on a flat rate of 5.45% dependent upon the amounts collected annually by QuickMed Claims.

Read and referred to Public Safety Services Committee

COUNCILMAN DOUGLAS SHIELDS PRESENTS:

Bill No. Ordinance amending Ordinance No. 8 of 2010, as amended, entitled "An Ordinance
[2010-1224](#) amending the City Code at Title Seven: Chapter 780, Towing Business Licensing" by correcting a numbering sequence to change the placement in the Pittsburgh Code to Article VII, Service Businesses, Chapter 764; changing the effective date for implementation; changing the required size of posted licenses; and specifying the Director of Public Safety as the person in charge of the electronic notification system.

SPONSOR(S): DOUGLAS SHIELDS

Read and referred to Public Safety Services Committee

UNFINISHED BUSINESS

Bill No. Communication from Mayor Luke Ravenstahl submitting a veto of Council Bill No.
[2010-1223](#) 1119 entitled "Resolution providing for a professional services agreement/s and/or contract/s with Behrend and Ernsberger, located at 335 5th Ave., Pittsburgh PA, 15222 to provide independent legal services to City Council in accordance with the Home Rule Charter, Section 310, at a cost not to exceed Seventy Thousand Dollars (\$70,000.00)."

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

Bill No. Resolution providing for a professional services agreement/s and/or contract/s with
[2010-1119](#) Behrend and Ernsberger, located at 335 5th Ave., Pittsburgh PA, 15222 to provide independent legal services to City Council in accordance with the Home Rule Charter, Section 310, at a cost not to exceed Seventy Thousand Dollars (\$70,000.00).

SPONSOR(S): DARLENE HARRIS, BRUCE A. KRAUS, NATALIA RUDIAK AND DOUGLAS SHIELDS

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

Votes: Ayes: 5 - Mrs. Harris, Mr. Kraus, Mr. Peduto, Ms. Rudiak and Mr. Shields
Noes: 4 - Rev. Burgess, Mr. Dowd, Mr. Lavelle and Mrs. Smith
Abstentions: 0

The Veto was sustained. A motion to override requires a 2/3 majority vote.

Bill No. [2010-1222](#) Communication from Mayor Luke Ravenstahl submitting a veto of Council Bill 2010-1118 entitled "Resolution transferring a total of \$60,000 from Law Department salaries to City Clerk miscellaneous services for the purpose of entering into a professional services agreement with outside counsel."

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

Bill No. [2010-1118](#) Resolution transferring a total of \$60,000 from Law Department salaries to City Clerk miscellaneous services for the purpose of entering into a professional services agreement with outside counsel.

SPONSOR(S): DARLENE HARRIS, BRUCE A. KRAUS, NATALIA RUDIAK AND DOUGLAS SHIELDS

A motion was made to Sustain the Veto. The motion carried by the following vote:

Votes: Ayes: 4 - Rev. Burgess, Mr. Dowd, Mr. Lavelle and Mrs. Smith
Noes: 5 - Mrs. Harris, Mr. Kraus, Mr. Peduto, Ms. Rudiak and Mr. Shields
Abstentions: 0

The Veto was sustained. An override requires a 2/3 majority vote.

REPORTS OF COMMITTEE - FINAL ACTION

COUNCILMAN PEDUTO PRESENTS COMMITTEE ON FINANCE AND LAW

Bill No. [2010-1206](#) Report of the Committee on Finance and Law for December 8, 2010 with an Affirmative Recommendation.

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

Bill No. [2010-1162](#) Resolution realigning a total of \$5,622,704.47 \$5,682,704,47 between various accounts within the 2010 Operating Budget. This transfer is necessary for the 2010 close in order to meet expenditures for the remainder of the fiscal year.

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

Votes: Ayes: 8 - Rev. Burgess, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. Peduto, Ms. Rudiak, Mr. Shields and Mrs. Smith
Noes: 0
Abstentions: 1 - Mr. Dowd

Bill No. [2010-1162](#) Resolution realigning a total of \$5,622,704.47 \$5,682,704,47 between various accounts within the 2010 Operating Budget. This transfer is necessary for the 2010 close in order to meet expenditures for the remainder of the fiscal year.

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

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

Noes: 0

Abstentions: 1 - Mr. Dowd

Bill No.

[2010-1140](#)

Ordinance supplementing the Pittsburgh Code, Title I-Administrative, Article VII, Procedures, Chapter 161-Contracts, by adding a new section 161.40 entitled, Veteran-Owned Small Business.

SPONSOR(S): THERESA SMITH, REVEREND RICKY V. BURGESS, PATRICK DOWD, DARLENE HARRIS, BRUCE A. KRAUS, R. DANIEL LAVELLE, WILLIAM PEDUTO, NATALIA RUDIAK AND DOUGLAS SHIELDS

This Matter was Passed Finally on the Consent Agenda.

Bill No.

[2010-1159](#)

Resolution authorizing and directing the City Controller to create a special trust fund, to be designated as the Emergency Medical Services Hazardous Materials Trust Fund (EMSHMTF), for the deposit of funds received from Allegheny County (LEPC) and income generated as a result of direct billing of responsible parties as recoverable for hazardous materials responses. Funds would be utilized for the purchase of equipment, supplies, training and unrecoverable hazardous material clean up cost authorizing the use of monies deposited therein by the Department of Public Safety, Bureau of Emergency Medical Services, only.

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 SHIELDS PRESENTS COMMITTEE ON LAND USE & ECONOMIC DEVELOPMENT

Bill No.

[2010-1207](#)

Report of the Committee on Land Use and economic Development for December 8, 2010 with an Affirmative Recommendation.

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

Bill No.

[2010-0926](#)

Ordinance amending the Pittsburgh Zoning Code, Title Nine, Article One, Chapter 902 Section 902.03, Zoning Map, by changing various zoning district classifications in the Westwood neighborhood in accord with Map Pittsburgh: Zoning for your Neighborhood, the city's zoning re-mapping project relative to the city's new Urban Zoning Code.

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

COUNCILWOMAN RUDIAK PRESENTS COMMITTEE ON PERFORMANCE AND ASSET MANAGEMENT

Bill No. Report of the Committee on Performance and Asset Management for December 8, 2010 with an Affirmative Recommendation.
[2010-1208](#)

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

Bill No. Resolution providing for a Agreement or Agreements, or the use of existing Agreements, or Contract or Contract, or the use of existing Contracts, for the purchase, implementation, hosting and support of a financial reporting Enterprise Resource Planning system, and providing for the payment of the cost thereof, at a cost not to exceed \$10,000,000.00 (Ten Million Dollars).
[2010-1163](#)

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 DOWD PRESENTS COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

Bill No. Report of the Committee on Intergovernmental Affairs for December 14, 2010 with an Affirmative Recommendation.
[2010-1209](#)

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

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 \$500,000 for the Duquesne University Center - School of Pharmacy Expansion - Phase II project. (Council District 6)
[2010-1149](#)

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 \$500,000 for the Duquesne University Center - School of Pharmacy Expansion - Phase II project. (Council
[2010-1150](#)

District 6)

This Matter was Passed Finally on the Consent Agenda.

Bill No.

[2010-1151](#)

Resolution further amending Resolution No. 187, effective April 23, 2009 entitled "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 in the amount of \$500,000 for the Steamfitters Local 449 Training Facility project" by increasing the grant to \$750,000. (Council District 2)

This Matter was Passed Finally on the Consent Agenda.

Bill No.

[2010-1152](#)

Resolution further amending Resolution No. 180, effective April 23, 2009 entitled "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 \$250,000 for the Steamfitters Local 449 Training Facility project" by increasing the amount of the grant to \$750,000. (Council District 2)

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an
[2010-1153](#) Application to the Pennsylvania Office of the Budget for a Redevelopment Assistance
Capital Program grant of up to \$250,000 for the Beechview Business District
Redevelopment Project - Grocery Store project. (Council District 4)

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution authorizing a Cooperation Agreement or Agreements with the Urban
[2010-1154](#) Redevelopment Authority of Pittsburgh in connection with URA's application for a
Redevelopment Assistance Capital Program grant of up to \$250,000 for the
Beechview Business District Redevelopment Project - Grocery Store. (Council
District 4)

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an
[2010-1155](#) Application to the Pennsylvania Office of the Budget for a Redevelopment Assistance
Capital Program grant of up to \$250,000 for the Point State Park Trail System a/k/a
Mon Wharf Switchback. (Council Districts 2 & 3)

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution authorizing a Cooperation Agreement or Agreements with the Urban
[2010-1156](#) Redevelopment Authority of Pittsburgh in connection with URA's application for a
Redevelopment Assistance Capital Program grant of up to \$250,000 for the Point State
Park Trail System a/k/a Mon Wharf Switchback. (Council Districts 2 & 3)

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an
[2010-1157](#) Application to the Pennsylvania Office of the Budget for a Redevelopment Assistance
Capital Program grant of up to \$500,000 for the Schenley Place project. (Council
District 8)

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution authorizing a Cooperation Agreement or Agreements with the Urban
[2010-1158](#) Redevelopment Authority of Pittsburgh in connection with URA's application for a
Redevelopment Assistance Capital Program grant of up to \$500,000 for the Schenley
Place project. (Council District 8)

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

APPROVAL OF MINUTES

ADJOURNMENT

LEGISLATION PRESENTED BY SIGN LANGUAGE INTERPRETER