

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, July 29, 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: 9 - Mr. Deasy, Rev. Burgess, Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Motznik, Ms. Payne, Mr. Peduto and Mr. Shields

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Bill No. [2008-0648](#) NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh is pleased to host these international visitors as they travel through our City,

AND BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby recognize and welcome Mayor Reszka of Bloni and Mayor Gargano of Coreno Ausonio.

SPONSOR(S): PATRICK DOWD AND ALL MEMBERS

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

Bill No. [2008-0649](#) NOW THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh does hereby wish to honor Mr. Robert Penny by presenting the Penny Family with a key to the City of Pittsburgh for his commitment to social activism, dedication to encouraging youth, and contributions to the greater Hill District community and declaring today, July 29, 2008, Robert Penny Day in 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. [2008-0650](#) NOW THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh does hereby commend the City of Pittsburgh Firefighters for their efforts on behalf of the Muscular Dystrophy Association.

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh does hereby proclaim the month of August 2008 to be "CITY OF PITTSBURGH FIRE FIGHTER APPRECIATION MONTH" 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. [2008-0651](#) NOW, THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh shall rename Coast Avenue, at the intersection of Broadway Avenue, "Dick Frank Way" in honor of his commitment to the community; and,

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh, in recognition of his contribution to the neighborhood of Beechview and the City of Pittsburgh, does hereby proclaim Saturday, July 26, 2008 as "Dick Frank Day" in the City of Pittsburgh.

SPONSOR(S): JIM MOTZNIK

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

Bill No. [2008-0652](#) NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh does hereby commend and celebrate the outstanding achievements of Zachary Taylor Fatla and Zachary Robert Elsesser and congratulates them on their advancement to the rank of Eagle Scouts.

SPONSOR(S): DARLENE HARRIS AND ALL MEMBERS

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

Bill No. [2008-0653](#) NOW THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh does hereby wish to commend the efforts of the Center for Organ Recovery and Education for its ongoing efforts to promote organ donation and increase public awareness regarding transplantation within the Western Pennsylvania region; and

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh does hereby also wish to proclaim August 1, 2008, as National Minority Donor Awareness Day in the City of Pittsburgh.

SPONSOR(S): TONYA D. PAYNE 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. [2008-0643](#) Resolution amending Resolution No. 450, effective August 16, 2007 entitled: "Resolution providing for the filing of a Community Development statement with the U.S. Department of Housing and Urban Development for a grant in connection with the 2002 CDBG Program; providing for execution of grant contracts, filing of data, execution of payment vouchers and certification of signature; the deposit of funds in a bank account and providing for payment of expenses", so as to reprogram funds from the Mayor's Office - "West End Project" (-81,958.70) and transfer these funds to the Department of Public Works - "Saw Mill Run" (+81,958.70

Read and referred to Land Use and Economic Development Committee

Bill No. [2008-0644](#) Resolution amending Resolution No. 111 effective March 14, 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 in Public Works from "Slope Remediation" (-9,055.23) to "Saw Mill Run" (+9,055.23

Read and referred to Land Use and Economic Development Committee

Bill No. [2008-0645](#) Resolution amending Resolution No. 390, effective July 24, 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 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 Public Works from “McArdle Viaduct #1” (-322,500) to “Bridge Repairs” (+312,500) and to the “West Ohio Street Bridge (10,000).

Read and referred to Land Use and Economic Development Committee

Bill No. [2008-0646](#) Resolution amending Resolution No. 374, effective July 11, 2008 entitled: by 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 2007 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 “Slope Failure Remediation” (-131,486.07) to “Saw Mill Run” (+131,486.07).

Read and referred to Land Use and Economic Development Committee

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

Bill No. [2008-0634](#) Resolution 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 2013 Capital Improvement Program,” by adjusting various projects within the Department of Public Works, Bureau of Engineering.

Read and referred to Public Works Committee

Bill No. [2008-0635](#) Resolution amending Resolution No. 69, effective February 20, 2008, entitled “Providing for an Agreement or Agreements, or the use of existing Agreements; providing for a Contract or Contracts, or the use of existing Contracts, for Construction Management and Construction Inspection Services on various City projects, and providing for the payment of the costs thereof,” by increasing the City allocation by \$100,000.00 from \$100,000.00 to \$200,000.00 and eliminating the Federal and State allocations.

Read and referred to Public Works Committee

Bill No. [2008-0636](#) Resolution amending Resolution No. 229, effective May 14, 2008, entitled “Providing for a Contract or Contracts or for the use of existing Contracts, providing for an Agreement or Agreements or for the use of existing Agreements, and providing for the purchase of materials and supplies in connection with the Bridge Repairs program; and

further providing for the payment of the cost thereof” by increasing the project allocation by \$652,500.00 from \$200,000.00 to \$852,500.00.

Read and referred to Public Works Committee

Bill No.

[2008-0637](#)

Resolution providing for an Intergovernmental Agreement with the Army Corp of Engineers to provide 100% of the City's share of the additional costs for the construction of the Lower Saw Mill Run Flood Remediation Project

Read and referred to Public Works Committee

Bill No.

[2008-0638](#)

Resolution providing for an Agreement or Agreements or for the use of existing Agreements with a Consultant or Consultants, for engineering services in connection with the West Ohio Street Bridge; including Project Management Services; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation; and further providing for the payment of the costs thereof.

Read and referred to Public Works Committee

Bill No.

[2008-0639](#)

Resolution providing for engineering and design services in connection with the rehabilitation of the McArde Viaduct No. 1; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation; and further providing for the payment of the costs thereof. Cost not to exceed \$250,000.

Read and referred to Public Works Committee

Bill No.

[2008-0640](#)

Resolution granting unto, Trek Development Group, 4415 5th Avenue, Pittsburgh, PA 15213, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, three (3) business identification signs over the sidewalk area at 1505-1507 E. Carson Street in the 17th Ward, 3rd Council District of the City of Pittsburgh.

Read and referred to Public Works Committee

Bill No.

[2008-0641](#)

Resolution granting unto, PNC Bank Corp., 225 5th Avenue, Pittsburgh, PA 15222, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a subsurface parking garage at Market Street in the 2nd Ward, 6th Council District of the City of Pittsburgh.

Read and referred to Public Works Committee

Bill No.

[2008-0642](#)

Resolution accepting the dedication of a parcel of land at Market Street between Fifth Avenue and Liberty Avenue, for street widening purposes, in the 1st Ward, 6th Council District.

Read and referred to Public Works Committee

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

Bill No.

[2008-0633](#)

Resolution providing for the issuance of a \$3,137.00 warrant in favor of Albert R. Volovic, 401 Niagara Drive, North Huntingdon, PA 15642, in settlement of a claim for a damaged vehicle due to a City ES truck on June 2, 2008.

Read and referred to Finance and Law Committee**MR. SHEILDS, CHAIRPERSON OF THE COMMITTEE ON HEARINGS, PRESENTS**

Bill No. [2008-0647](#) Petition from the residents of the City of Pittsburgh requesting a Public Hearing relative to the Re-Instatement of Parking Spaces located at 812 Grandview Avenue, Marmont Residence. They believe their physical safety and the value of their homes are jeopardized by the elimination of those space.

Read and referred to Hearings Committee

UNFINISHED BUSINESS**REPORTS OF COMMITTEE - FINAL ACTION****MR. PEDUTO PRESENTS COMMITTEE ON FINANCE AND LAW**

Bill No. [2008-0629](#) Report of the Committee on Finance and Law for July 23, 2008 with an Affirmative Recommendation.

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

Bill No. [2008-0592](#) Resolution providing for the issuance of a warrant in favor of the Department of Records in the amount of Four Thousand, Seven Hundred Fifty Dollars (\$4,750.00) for the LIDAR related cases being appealed.

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

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

MRS. HARRIS PRESENTS COMMITTEE ON PUBLIC WORKS

Bill No. [2008-0630](#) Report of the Committee on Public Works for July 23, 2008 with an Affirmative Recommendation.

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

Bill No. [2008-0595](#) Resolution providing for a Contract or Contracts, or the use of existing Contracts for the purchase of Five (5) pickup trucks, and all related accessories, and three (3) Tractors, and all related accessories for the Department of Public Works, Bureau of Operations, ARAD, and provide for the payment thereof and/or the transfer of all required funding to the Equipment Leasing Authority, at a cost not to exceed \$355,000.00.

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

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

MS. PAYNE PRESENTS COMMITTEE ON HUMAN RESOURCES COMMITTEE

Bill No. Report of the Committee on Human Resources for July 23, 2008 with an Affirmative
[2008-0631](#) Recommendation.

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

Bill No. Resolution providing for an agreement to enter into a contract with an individual
[2008-0596](#) attorney or law firm to provide legal representation as the solicitor of the Commission on Human Relations, and providing for the payment of the costs thereof. Cost not to exceed \$9,000.00.

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

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

REV. BURGESS PRESENTS COMMITTEE ON LAND USE & ECONOMIC DEVELOPMENT

Bill No. Report of the Committee on Land Use and Economic Development for July 23, 2008
[2008-0632](#) with an Affirmative Recommendation.

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

Bill No. Resolution amending Resolution No. 295 effective June 9, 2008, entitled: Amending
[2008-0597](#) the Capital Budget and 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 2003 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 - "District 1 - Initiatives" (-2,000) and reprogram these funds to "New Hope for Neighborhood Renewal/Café 'N Creamery" (+2,000).

SPONSOR(S): DARLENE HARRIS

This Matter was Passed Finally on the Consent Agenda.

Bill No.

[2008-0598](#)

Resolution amending Resolution No. 288, effective, June 9, 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 for the benefit of residents of the City of Pittsburgh and further, authorizing various departments to enter into contract or contracts or use existing contract or contracts for the purchase of equipment and/or furniture at a cost not to exceed \$1,115,000.00, so as to reprogram funds in City Council from "District - 1 Initiatives" (-2,000) to "New Hope for Neighborhood Renewal/Café 'N Creamery" (+2,000).

SPONSOR(S): DARLENE HARRIS

This Matter was Passed Finally on the Consent Agenda.

Bill No.

[2008-0599](#)

Resolution amending Resolution No. 293, 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 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 from District #1 in City Council (-3,000) (and made administrative corrections to Resolution No. 292, as required); and transfer these funds to "New Hope for Neighborhood Renewal/Café 'N Creamery" (+3,000).

SPONSOR(S): DARLENE HARRIS

This Matter was Passed Finally on the Consent Agenda.

Bill No.

[2008-0600](#)

Resolution amending Resolution No. 292, effective June 9, 2008, entitled: Providing for an Agreement or Agreements with 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 or contracts or use existing contract or contracts for street paving and other related costs the purchase of equipment and/or furniture at a cost not to exceed \$972,000.00; so as to reprogram funds from District #1 in City Council (-3,000) (and made administrative corrections to Resolution No. 292, as required); and transfer these funds to "New Hope for Neighborhood Renewal/Café 'N Creamery" (+3,000).

SPONSOR(S): DARLENE HARRIS

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. Deasy, Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Motznik,
Ms. Payne, Mr. Peduto and Mr. Shields
Noes: 0
Abstentions: 0

MOTIONS AND RESOLUTIONS

APPROVAL OF MINUTES

ADJOURNMENT